



Commonwealth of Massachusetts  
Executive Office of Energy and Environmental Affairs

## Department of Environmental Protection

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**PUBLIC NOTICE OF OPPORTUNITY FOR COMMENT**  
**APPLICATION FOR MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION**  
**OF THE PROPOSED ISSUANCE OF DEPARTMENT OF THE ARMY REGIONAL GENERAL**  
**PERMITS PROPOSED FOR IMPLEMENTATION IN**  
**THE COMMONWEALTH OF MASSACHUSETTS**

Notice is hereby given of an opportunity for public comment on the application by the U.S. Army Corps of Engineers (USACE) to the Massachusetts Department of Environmental Protection (MassDEP) for a Water Quality Certification (WQC) pursuant to Section 401 of the Clean Water Act, 33 U.S.C. § 1341(a)(1). The USACE proposes to issue three Regional General Permits (RGPs) for use in New England. These RGPs will be issued by the USACE to authorize under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 categories of activities that have no more than minimal individual and cumulative adverse environmental effects. The USACE New England District, 696 Virginia Road, Concord, MA 01742-2751, seeks certification of the proposed RGPs by MassDEP. This public notice of that request for certification is being issued, along with USACE newspaper publication of public notices, in accordance with 33 U.S.C. § 1341(a)(1) and 314 CMR 9.05(3).

### **Regional General Permits**

The proposed RGPs will provide authorization pursuant to the above-referenced statutes of certain activities subject to the USACE jurisdiction in waters of the U.S. within the boundaries of, and off the coast of, the Commonwealth of Massachusetts:

- A. Regional General Permit : Boat Ramps
- B. Regional General Permit: Dredging, Placement of Dredged Material, Beach Nourishment, Rock Relocation, Rock and Debris Removal, and Recreational Beach Grading and Raking
- C. Regional General Permit: Structures and Moorings

These three RGPs are proposed to be issued with a start date in late 2026 or early 2027 and an expiration date five years later.

These proposed RGPs are similar to existing Massachusetts RGPs 3, 4, 5 and 7 issued by the USACE in 2023. Those four existing RGPs are currently included in the subcategory of 2023 USACE Massachusetts RGPs (listed below) remaining in use by the USACE New England District after issuance of the USACE Nationwide Permits in March 2026. The USACE New England District has informed MassDEP that it is phasing out use of these remaining 2023 RGPs, and that once the three currently proposed RGPs are final and in effect, it will no longer be using 2023 RGPs 3, 4, 5, and 7.

The 2023 RGPs currently still available for use but intended for phaseout are:

- GP 3: Moorings
- GP 4: Structures in Navigable Waters of the U.S.
- GP 5: Boat Ramps and Marine Railways
- GP 6: Utility Lines, Oil or Natural Gas Pipelines, Outfall or Intake Structures and Appurtenant Features
- GP 7: Dredging, Disposal of Dredged Material, Beach Nourishment, Rock Removal and Rock Relocation
- GP 10: Aquatic Habitat Restoration, Enhancement, and Establishment Activities (for dam removals)
- GP 22: Reshaping Existing Drainage Ditches, Construction of New Ditches, and Mosquito Management

Information on the USACE three proposed Regional General Permits is available on [the US Army Corps of Engineers New England District Website](https://www.nae.usace.army.mil/Missions/Regulatory/PublicNotices/Article/4515618/nae-2026-00009/) (<https://www.nae.usace.army.mil/Missions/Regulatory/PublicNotices/Article/4515618/nae-2026-00009/>)

Comments on the RGPs can be sent to: [cenae-r-ma@usace.army.mil](mailto:cenae-r-ma@usace.army.mil)

### **Section 401 Water Quality Certification**

Section 401 of the federal Clean Water Act requires any applicant for a Federal license or permit seeking to conduct an activity that may result in a discharge of a pollutant into waters of the U.S. in Massachusetts to obtain a Water Quality Certification (WQC) from the appropriate state agency. The WQC certifies that the discharge will comply with the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, and other appropriate requirements of state law. The USACE has therefore requested that MassDEP determine whether to issue, issue with conditions, deny or waive a WQC for these three proposed RGPs. MassDEP will make this determination pursuant to its regulations at 314 CMR 9.00.

Please send written comments on the WQC of these three proposed RGPs by 5:00pm on **DATE** to: Lisa Rhodes, MassDEP Wetlands Program, at [lisa.rhodes@mass.gov](mailto:lisa.rhodes@mass.gov) (preferred) or by mail to 100 Cambridge Street, Suite 900, Boston, MA 02114. Additional information may also be obtained by request from Ms. Rhodes. Please note that any ten persons of the Commonwealth, any aggrieved person, or any governmental body or private organization with a mandate to protect the environment that has submitted written comments may also appeal the Department's WQC and that failure to submit comments before the end of the public comment period may result in the waiver of any right to an adjudicatory hearing.