

General Permit No.	SAC-RGP 43-57
Name of Applicant:	General Public
Effective Date:	November 21, 2023
Expiration Date:	November 20, 2028

DEPARTMENT OF THE ARMY  
REGIONAL GENERAL PERMIT  
FOR MINOR ACTIVITIES ON LAKES IN  
SOUTH CAROLINA

Regional General Permits for work or structures in or affecting navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403) and discharges of dredged or fill material in waters of the United States pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), upon the recommendation of the Chief of Engineers, is hereby issued by the authority of the Secretary of the Army by the

District Engineer  
U.S. Army Corps of Engineers, Charleston District  
69A Hagood Avenue  
Charleston, South Carolina 29403

to authorize, where allowed by the applicable Shoreline Management Plan (SMP), the construction, repair and maintenance of private, non-commercial docks and boat lifts, boat houses and boat shelters, existing and new marine railways, bank stabilization, bulkheads or retainer walls, excavation, fish attractors, reefs, fishery enhancement, utility lines, structures associated with heat exchange coils, geothermal use, dry hydrants, debris removal, dock anchors, mooring structures, scientific measuring devices and surveys, piles and pile supported structures, construction and maintenance of boat ramps, buoys & signs, modifications to existing marinas, intake pipes for residential irrigation, intake structures and recreational swimming beaches by the adjacent shoreline property owners, lessees or governmental agencies in the following lakes:

**RESERVOIRS AND LAKE MANAGER/OPERATOR**

**Duke Energy:** Wylie, Fishing Creek, Great Falls, Rocky Creek, Wateree, Keowee, Ninety-Nine Islands, Robinson

**Dominion Energy:** Lake Murray

**Santee Cooper:** Lake Moultrie, Lake Marion

**US Army Corps of Engineers:** Thurmond, Russell, Hartwell

In an effort to eliminate unnecessary duplication of regulatory efforts and to streamline the permitting process for routine projects with only minimal impacts, this Regional General Permit (RGP) is issued for a period of 5 years. Prior to commencing work authorized by the RGP, project specific authorization must be obtained in writing through the lake manager, or designated representative, for the appropriate Lake. The following activities are authorized by the RGP on the South Carolina waterways of the aforementioned Lakes, provided they comply with the listed Special and General Conditions.

All activities authorized within these RGPs must meet the SMP of the lake where the work is to take place. No activity listed in this RGP can commence without prior authorization from the lake manager. Some activities may be included in this RGP that do not conform to the SMP for a particular lake; in such cases, they are not authorized under this RGP. If an activity does not meet the terms and conditions outlined in this RGP, or if the RGP mandates approval from the Corps of Engineers Regulatory Office (Corps), a Pre-Construction Notification (PCN) must be submitted to the local Corps Office for review and approval before work can begin. Details regarding PCN requirements can be found in the General Conditions.

## **RGP Summary Table**

For complete terms and conditions, please refer to the relevant RGP, which includes both General Conditions and any applicable Special Conditions.

**\* Certain activities under these RGPs also require PCN reporting and written approval by the Corps before work can begin.**

**NOTE: Any activities that do not otherwise specifically require a PCN (see table below) prior to conducting work, may still be subject to a PCN by General Condition r.**

<b>SAC-RGP#</b>	<b>Activity</b>	<b>RGP Limits (MUST MEET LAKE SMP)</b>	<b>Written Approval Requirements:</b>
43	Docks and Boat Lifts *	SMP, not to exceed: Docks-1600 square feet Additional moorage-600 square feet Structures cannot extend more than 1/3 distance across cove/waterway	Lake Manager AND Corps for certain activities
44	Bank Stabilization	SMP, not to exceed 1,000 linear feet	Lake Manager
45	Excavation	SMP, One-time event, not to exceed: Individual-5,000 cubic yards Multiple Applicants -20,000 cubic yards <i>Excavation not allowed on Lake Hartwell under this RGP</i>	Lake Manager
46	Fish Attractors, Reef, and Fishery Enhancement Activities	SMP, not to exceed 25 cubic yards per structure	Lake Manager
47	Utilities *	SMP	Lake Manager AND Corps
48	Debris Removal	SMP Only structures necessary for navigational or drainage purposes.	Lake Manager
49	Scientific Measuring Devices and Surveys	SMP	Lake Manager
50	Piles and Pile Supported Structures/Mooring Structures	SMP Does not allow for new fishing piers or jetties	Lake Manager
51	Boat Ramps and Marine Railways *	SMP, not to exceed: Boat ramps-100 cubic yards, 20 feet in width, a total of 6 lanes	Lake Manager AND Corps for certain activities

SAC-RGP#	Activity	RGP Limits (MUST MEET LAKE SMP)	Written Approval Requirements:
		Marine Railways-75 feet from full pool <i>All new jetties require written approval from the Corps</i>	
52	Buoys and Signs	SMP	Lake Manager
53	Modifications to Existing Marinas *	SMP, not to exceed: 20,000 cubic yards of material removed Cannot increase total new slips or mooring beyond 5	Lake Manager AND Corps
54	Recreational Swimming Beaches *	SMP	Lake Manager AND Corps
55	Intake Pipes	SMP	Lake Manager
56	Heat Exchange Coils for Heat Pumps	SMP	Lake Manager
57	Removal of Vessels	SMP	Lake Manager
Multiple RGP Use	Two or more RGPs are used on Project site for separate and complete projects *	When more than one RGP is used for a Project site, Corps authorization is also required.	Lake Manager AND Corps

#### **I. AUTHORIZED ACTIVITIES AND SPECIAL CONDITIONS:**

As noted above, all activities authorized within these RGPs must meet the SMP and have lake manager approval before work can begin.

As noted above, certain activities under this RGP also require reporting and written approval by the Corps before work can begin (either due to the specific activity or by General Condition r.

These RGPs authorize the following activities:

#### **SAC-RGP #43 Docks and Boat Lifts:**

- a) Authorized non-commercial docks and boat moorage features, whether fixed, floating, or a combination of both. The following is the maximum sizes allowed under this RGP:
  - **Docks:** The maximum allowable size is 1600 square feet.
  - **Moorage features:** Such as boat lifts, boat ports, PWC docks, etc., must not exceed 600 square feet.
  - **Length:** Docks and any associated moorage shall not extend more than 1/3 the width of the affected waterway and should not impede safe navigation or obstruct ingress and egress to adjacent properties or existing docks. In certain situations, like narrow coves, the lake manager and/or the Corps may restrict maximum size or prohibit structures entirely at their discretion.
  - **Shoreline Management Plan (SMP):** In all cases, the dimensions of docks and related features must comply with the current SMP regulations for the lake; no exceptions will be granted.

- b) Collaborative structures shared by adjacent property owners are encouraged. Applicants must provide a copy of a written agreement signed by all participating property owners or an application containing the signatures of all involved parties to the lake manager use structures between adjacent property owners are encouraged.
- c) Floating structures must use flotation units constructed of materials that remain buoyant when punctured and do not become waterlogged or sink. Encapsulation of materials like polystyrene foam billets or equivalent is mandatory. The use of barrels or similar devices is strictly prohibited.
- d) Dock anchors on the lake bottom are allowed for safety purposes. These anchors must not create navigation hazards and must be constructed from durable materials as specified by the lake manager.
- e) All docks and moorage facilities must be designed for individual, dingle-family use. In cases where docs or moorage facilities are intended for use by individual homeowners, but built by other entities (e.g., developers and owners of multiple project-front lots) also require written approval by the Corps before work can begin.

**Corps Preconstruction Notification Required: All facilities built by other entities with the purpose being private/recreational. The remaining activities do not require a PCN prior to conducting work unless a PCN is required by General Condition r.**

**SAC-RGP #44 Bank Stabilization:**

- a) Authorized bank stabilization activities encompass the placement of bank protection structures, including bulkheads, armoring systems like riprap, bioengineering solutions, and other conventional bank stabilization devices generally aligned parallel to the bank or shoreline.
- b) The length of bank stabilization shall not exceed 1,000 feet along the bank or the maximum amount allowed under the current Shoreline Management Plan (SMP), whichever is less.
- c) The use of materials for erosion protection shall be limited to the minimum necessary. The activity should not involve more than an average of 1 cubic yard of material per linear foot placed along the bank below the full pool elevation.
- d) Whenever feasible, the use of bioengineering materials, such as vegetation, is encouraged for bank stabilization projects. Ideally, stabilization materials should consist of 100% biodegradable non-plastic materials like jute, sisal, or coir fiber.
- e) All materials employed must be environmentally non-polluting and should not be deposited in any special aquatic sites, wetlands, or streams without prior approval from the lake manager.
- f) No material shall be of the type, or placed in any location, or in any manner, that would impair surface water flow into or out of any water of the United States.
- g) No material shall be placed in a manner that would be eroded by normal or expected high flows or wave action.
- h) No material shall be placed in other waters of the U.S. outside the boundary of the lake's full pool elevation or allowed by the SMP.
- i) This General Permit does not authorize the construction of retainer walls/bulkheads which create developable uplands or the recapture of land.
- j) Bulkheads or retaining walls must be constructed against the existing erosional scarp and landward of any wetland vegetation to prevent the loss of wetlands.
- k) The backfilled area, when applicable, should be stabilized with native vegetative cover after

construction to minimize erosion.

**Corps Preconstruction Notification Required: These activities do not require a PCN prior to conducting work unless a PCN is required by General Condition r.**

**SAC-RGP #45 Excavation:**

- a) All work shall be performed "in the dry" (above the current lake pool elevation) for the purposes of improved navigation if possible. If groundwater saturation is encountered during excavation, the remaining work shall be completed from the highest areas towards the lowest areas so as to reduce potential increases in turbidity and sedimentation in the lake.
- b) Excavation or dredging activities are not authorized under this RGP within Hartwell Lake.
- c) Only the removal of accumulated silt is permitted. Excavation shall not extend into the original, hardpan, hard clay bottom, or natural bottom contour of the lake.
- d) Each individual applicant (adjacent property owner or lessee) is authorized to remove a maximum of 5,000 cubic yards of material. However, at the discretion of the lake manager, up to 20,000 cubic yards of material may be authorized for "multiple-applicant" projects. Multiple-applicant projects are those intended to provide navigational access for multiple adjoining or adjacent properties under a single permit. Excavation amounts must not exceed the limits specified in the SMP.
- e) For each single and complete project, including multiple-applicant projects, access to the lake with heavy machinery and excavation equipment is limited to one point of ingress and egress.
- f) Excavated areas shall be contoured such that ponding of water does not occur during times of low lake levels. The required slope is determined by the SMP and lake manager.
- g) This permit authorizes a one-time excavation event per project site. Ongoing maintenance dredging/excavation is not authorized.
- h) Excavation of special aquatic sites, including wetlands is not authorized. Exceptions may be made for noxious or nuisance species as approved by the lake manager.
- i) All excavated material shall be deposited in upland areas. The disposed material shall not affect cultural or historic resources or threatened or endangered species. All disposed material shall be properly stabilized or contained so as to preclude entry into any surface waters, wetlands, streams or any other waters of the United States, or public property. All disposal sites must be authorized by the lake manager.
- j) Excavated material shall not be deposited on public lands unless specifically authorized by the lake manager. If the proposal includes the placement of excavated material on public lands, such as placement behind bulkheads or retaining walls or for temporary stockpiling and dewatering, such use shall be clearly indicated in the information submitted for approval to the lake manager. No material shall be stockpiled below full pool elevation.
- k) At the discretion of the lake manager, sediment testing may be required for any proposed excavation project.

**Corps Preconstruction Notification Required: These activities do not require a PCN prior to conducting work unless a PCN is required by General Condition r.**

**SAC-RGP #46 Fish Attractors, Reefs, and Fishery Enhancement Activities:**

- a) Authorized activities include placement and maintenance of fish attractants and habitat structures, spawning bed renovation, benthic barriers for aquatic weed control, and non-native aquatic vegetation

removal. Individual structures cannot exceed 25 cubic yards.

- b) Only clean material, free of pollutants may be placed in the waterway. Typical structures authorized for fish habitat include recycled Christmas trees, cinder blocks, root wads, gravel and PVC structures.
- c) Structures shall not pose a hazard to navigation. Certain clearances, as specified by the lake manager, may be required over structures placed on the lake bottom.

**Corps Preconstruction Notification Required: These activities do not require a PCN prior to conducting work unless a PCN is required by General Condition r.**

**SAC-RGP #47 Utilities:**

- a) Authorized utility activities include utility lines, pipes, and poles installed below full pool or within other waters of the US within the project boundary and necessary for power lines, water lines, communication lines, gas lines, telephone lines, etc.
- b) Utility lines and pipes may be installed through various methods, including suspension, directional boring, trenching, attachment to existing structures, or placement on the lake.
- c) Utility activities shall not pose a hazard to navigation or the environment.
- d) For utility lines buried beneath the substrate, minimum depths, as specified by the lake manager or SMP may be required.
- e) Trenching should be conducted in dry conditions whenever feasible. During installation excavated material may be temporarily side cast above the current lake pool elevation before backfilling the trench. Any excess excavated material shall be properly disposed in upland areas off public lands. The disposed material shall not affect cultural or historic resources, threatened or endangered species and all disposed material must be properly stabilized or contained so as to preclude entry into any surface waters, wetlands, streams or any other waters of the United States, or public property. All disposal sites must be authorized by the lake manager.
- f) Special aquatic sites, including wetlands, must not be impacted by utility activities.
- g) Any exposed slopes and streambanks must be stabilized immediately upon completion of the utility line.
- h) Aerial utility lines shall be of sufficient height so as not to hinder navigation. The following are requirements of aerial utility lines:
  - 1. For overhead power and communications lines on USACE lakes and reservoirs, refer to Department of the Army Regulations ER 1110-2-4401 dated 28 February 2021. This regulation defines the minimum vertical clearances to be provided when relocating or replacing existing power and communication lines or when constructing new power and communication lines over waters of reservoir projects. Minimum vertical clearances over lake or reservoir areas, where sailboats are commonly operated, shall be not less than the following.
  - 2. All new overhead powerlines must follow the National Electrical Safety Code for clearance requirements, as required by 33 CFR 322.5(i).
  - 3. All existing overhead lines that do not comply with the above criteria will be required to come into compliance by meeting the above requirements at such as time upgrades are requested by the Utility Company. Upgrades consist of underbuilds, increased voltage, and general maintenance and repairs.

4. **New overhead electric utility lines and telecommunication lines require written approval by the Corps before work can begin.** The Corps will provide the verification to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

**Corps Preconstruction Notification Required: All new overhead lines. The remaining activities do not require a PCN prior to conducting work unless a PCN is required by General Condition r.**

**SAC-RGP #48 Debris Removal:**

- a) Authorized debris removal includes, but is not limited to, the removal of stumps, tree limbs, appliances, lumber, and metal objects, and any man-made debris from any waterway for navigational or drainage purposes.
- b) All debris must be properly disposed at an approved upland area or land fill. Disposal sites on public land for natural debris may be authorized on a case-by-case basis by the lake manager. Otherwise, disposal may not occur on public lands. The disposed material shall not affect cultural or historic resources, threatened or endangered species, and all disposed material must be properly stabilized or contained so as to preclude entry into any surface waters, wetlands, streams or any other waters of the United States, or public property. All disposal sites must be authorized by the lake manager.
- c) Living vegetation securely attached to the substrate is not considered debris and is not authorized for removal. Removal of non-native or invasive vegetation may be authorized on a case-by-case basis by the lake manager.
- d) Debris removal does not include the dredging or excavation of gravel, sand, silt, or clay.
- e) Stump removal is authorized only for safe ingress/egress to an existing moorage facility. Any area of stump removal must be approved by the lake manager.

**Corps Preconstruction Notification Required: These activities do not require a PCN prior to conducting work unless a PCN is required by General Condition r.**

**SAC-RGP #49 Scientific Measuring Devices and Surveys:**

- a) Authorized activities include use of devices whose purpose is to measure and record scientific data, water quality monitoring stations, and survey activities including core sampling, bore holes, soil surveys, and historic research surveys by Federal, state, or local agencies/government bodies or lessees.
- b) Authorized activities must not hinder or pose a hazard to navigation.

**Corps Preconstruction Notification Required: These activities do not require a PCN prior to conducting work unless a PCN is required by General Condition r.**

**SAC-RGP #50 Piles and Pile Supported Structures/Mooring Structures:**

- a) Authorized activities include the installation and maintenance of piles and pile supported structures and mooring structures or the use of spud poles for Federal, state, and local agencies/government bodies or lessees. The purpose of these structures is for mooring. This RGP does not approve new fishing piers or jetties.
- b) Structures and vessels secured to the structures shall not hinder or pose a hazard to navigation.
- c) Special aquatic sites, including wetlands, shall not be impacted.

**Corps Preconstruction Notification Required:** These activities do not require a PCN prior to conducting work unless a PCN is required by General Condition r.

**SAC-RGP #51 Boat Ramps and Marine Railways:**

- a) Authorized activities include the construction and modification of boat ramps and marine railways related to recreation activities.
- b) Discharges below full pool elevation shall not exceed 100 cubic yards of material or the requirements in the SMP. Boat ramps must not exceed 20 feet in width or a total of 6 lanes.
- c) Only materials deemed acceptable by the lake manager shall be used in ramp construction. The use of asphalt compounds or petroleum products is not authorized. Only non-polluting, stable material may be used. Concrete ramps shall be poured "in the dry". No wet cement may be poured into the water.
- d) Material placement must be done in a manner that prevents erosion by normal or anticipated high flows or wave action. Best management practices must be employed to stabilize material and prevent erosion of material off site.
- e) Boat ramps shall be sited such that it would not impair surface water flow into or out of any water of the United States.
- f) Excavation is limited to the minimum necessary for site preparation. Excavated material must be properly disposed of on uplands and off public property. All disposed material shall be properly stabilized or contained so as to preclude entry into any surface waters, wetlands, streams or any other waters of the United States, or public property. The disposed material shall not affect cultural or historic resources, threatened or endangered species, and all disposed material must be properly stabilized or contained so as to preclude entry into any surface waters, wetlands, streams or any other waters of the United States, or public property. All excavation for site preparation and disposal sites must be authorized by the lake manager.
- g) Special aquatic sites, including wetlands, shall not be impacted.
- h) Maintenance of existing boat ramps by private property owners may be authorized provided the width and capacity of the ramp are not modified. Minor deviations in the configuration necessary to make repair, protect, and ensure the integrity of the structure are authorized. At the discretion of the lake manager, the length of the boat ramp may be extended, if necessary for full utilization of the ramp and provided the extension would not hinder navigation.
- i) All boat ramps should be located so as not to interfere with neighboring property owners' access unless adjoining property owners agree to common use of the ramp.
- j) Generally, marine railways providing launch and retrieval access to the lake from facilities located above the normal pool may be permitted unless prohibited by the SMP. Marine railways may not extend more than 75 feet beyond the full pool.
- k) Jetties associated with an existing boat ramp or new boat ramp can be constructed for sediment and wave control, if allowed by the SMP. The jetty cannot extend beyond the boat ramp. Jetties require written approval by Corps before work can begin.
- l) Jetties associated with boat ramps must be clearly marked for navigational purposes.
- m) All boat ramps that will ultimately be used by owners of project-front property with individual, single, family type dwellings, but which are built by other entities (e.g., developers and owners of multiple project-front lots) also require written approval by the Corps before work can begin.



**Corps Preconstruction Notification Required:** All jetties and boat ramps built by other entities. The remaining activities do not require a PCN prior to conducting work unless a PCN is required by General Condition r.

**SAC-RGP #52 Buoys and Signs:**

- a) Buoys and signs for the purpose of public information or safety may be authorized, if approved by the lake manager.
- b) Buoys and signs shall not hinder or pose a hazard to navigation.

**Corps Preconstruction Notification Required:** These activities do not require a PCN prior to conducting work unless a PCN is required by General Condition r.

**SAC-RGP #53 Modifications to Existing Marinas:**

- a) Authorized modifications include reconfiguration of the existing dock facilities and excavation of accumulated silt by Federal, state, or local agencies/government bodies or lessees, including concessionaires.
- b) Excavation of accumulated silt is limited to the existing footprint of the marina including the docks, access to the marina, and the immediately surrounding area. Only accumulations of silt shall be removed, not to exceed 20,000 cubic yards. Excavation shall not extend into the original, hard pan, hard clay bottom, or natural bottom contour of the lake and must follow the requirements of the excavation activities defined in this RGP.
- c) Additional slips may be added to existing authorized docks that will not increase the total new slips or mooring beyond five, if allowed by the applicable SMP.
- d) Modifications to existing marinas require written approval by the Corps before work can begin. In addition to the requirements stated in General Condition b, the following must be submitted for marina expansions:
  - 1) Drawing showing the dimensions of the slips;
  - 2) Distances from the most waterward point of the new structure to adjacent shoreline or other dock;
  - 3) Description of how the proposed activity will not affect navigation. If new slips will extend the overall length of an existing dock, then water depths will be required beyond the proposed slip additions to ensure navigation will not be impacted.
- e) Changing the dock locations or adding additional slips must not result in any dock extending more than 1/3 the distance across the affected waterbody.

**Corps Preconstruction Notification Required:** Modifications to existing marinas. The remaining activities do not require a PCN prior to conducting work unless a PCN is required by General Condition r.

**SAC-RGP #54 Recreational Swimming Beaches:**

- a) Authorized activities include the placement of material at or below full pool elevation for the construction and maintenance of recreational beaches by Federal, state, or local agencies/government bodies or lessees and the maintenance of existing beaches by private property owners, if allowed by the applicable SMP.
- b) Materials must be non-polluting and shall not be placed in any special aquatic site, wetland, or stream.
- c) No material shall be of the type, or placed in any location, or in any manner, that would impair surface

water flow into or out of any water of the United States.

- d) Expansion of existing private beaches is not authorized. Maintenance of existing beaches is limited to the previously authorized or "grandfathered" dimensions.
- e) New recreational swimming beaches require written approval by the Corps before work can begin.

**Corps Preconstruction Notification Required:** All new recreational swim beaches. The remaining activities do not require a PCN prior to conducting work unless a PCN is required by General Condition r.

#### **SAC-RGP-#55 Intake Pipes**

- a) Intake pipes for irrigation associated with a single-family residence may be placed along the bottom of the lake provided that they do not interfere with navigation, ingress or egress to adjoining properties, or are in any manner hazardous, if allowed by the SMP.
- b) Preventative measures must be employed to prevent entrainment of fish and wildlife. Screen guards attached to intakes should have openings no larger than one centimeter.
- c) In order to minimize larval fish entrainment, water intake velocities must not exceed 0.5 feet/second.
- d) Material excavated to install irrigation pipes that is not used as backfill material within the excavated trench must be disposed properly in uplands.
- e) All debris must be properly disposed at an approved upland area or land fill. Disposal sites on public land for natural debris may be authorized on a case-by-case basis by the lake manager. Otherwise, disposal may not occur on public lands. The disposed material shall not affect cultural or historic resources or threatened or endangered species. All disposed material shall be properly stabilized or contained so as to preclude entry into any surface waters, wetlands, streams or any other waters of the United States, or public property. All disposal sites must be authorized by the lake manager.

**Corps Preconstruction Notification Required:** These activities do not require a PCN prior to conducting work unless a PCN is required by General Condition r.

#### **SAC-RGP #56 Heat Exchange Coils for Heat Pumps**

- a) The structures must not adversely affect navigation.
- b) The heating/coolant medium used within the supply piping must be water.
- c) The exposed portions of the coils must be anchored to the lake bottom or suspended under the footprint of an approved dock or structure.
- d) Material excavated to install heat exchange coils that is not used as backfill material within the excavated trench must be disposed properly in uplands.
- e) All debris must be properly disposed at an approved upland area or land fill. Disposal sites on public land for natural debris may be authorized on a case-by-case basis by the lake manager. Otherwise, disposal may not occur on public lands. The disposed material shall not affect cultural or historic resources or threatened or endangered species. All disposed material shall be properly stabilized or contained so as to preclude entry into any surface waters, wetlands, streams or any other waters of the United States, or public property. All disposal sites must be authorized by the lake manager.

**Corps Preconstruction Notification Required:** These activities do not require a PCN prior to

**conducting work unless a PCN is required by General Condition r.**

**SAC-RGP #57 Removal of Vessels**

- a) Temporary structures or minor discharges of dredged or fill material required for the removal of wrecked, abandoned, or disabled vessels, or the removal of man-made obstructions to navigation are authorized, provided the temporary structures or minor discharges are removed within 180 days and the area is restored to pre-project conditions.
- b) All work associated with the removal of a vessel must be coordinated with the lake manager before work can begin and at the completion of the work.

**Corps Preconstruction Notification Required: These activities do not require a PCN prior to conducting work unless a PCN is required by General Condition r.**

**II. SPECIAL REQUIREMENTS:**

- a) All work must comply with the terms and conditions of the appropriate lake's Shoreline Management Plan (SMP). Please coordinate with the local lake manager on the requirements and details of the SMP. **In addition to any PCN requirements, and prior to commencing any work authorized herein, the permittee must obtain project specific authorization from the appropriate lake manager or designated representative.**
- b) Activities regulated by the U.S. Army Corps of Engineers on Lake Keowee, Ninety-Nine Islands, and Robinson are subject to Section 404 of the Clean Water Act only; activities on these lakes are not subject to the Corps' regulatory authority under Section 10 of the Rivers and Harbors Act of 1899.
- c) The intake canal of Lake Marion extending to the St. Stephen Powerhouse, is a Federal Project. Work located along the adjacent banks or in the waters of the intake canal of Lake Marion extending to the St. Stephen Powerhouse requires a PCN.

**III. GENERAL CONDITIONS for all RGPs:** The above-described structures and activities may be authorized by this RGP subject to the following General Conditions in addition the specific conditions for each RGP:

- a) **When more than one RGP is proposed to be used at a project site the applicant must get approval from the Corps and the lake manager before beginning any work.**
- b) RGP APPROVAL: For projects that require written approval by the Corps prior to beginning work, the applicant must submit the following Pre-Construction Notification (PCN) and relevant information to the appropriate Corps office:
  - Joint Federal and State Application Form.
  - Written approval from the lake manager.
  - Plans of the proposed work showing all pertinent structures, elevations, clearances, dimensions, and types and quantities of materials. This includes plan view and cross section drawings of all structures and the impoundment.
  - Approximate commencement and completion dates.
  - Description of the proposed activity which includes, but is not limited to the following information:
    - Existing site conditions.
    - The purpose of the proposed activity.
    - A description of impacts to waters of the U.S. including the amount of impacts (acreage and/or linear feet).
    - Methods to be used for construction.
    - Photographs of the area if available.

- A mitigation plan/statement that includes avoidance and minimization of proposed project impacts and a compensatory mitigation plan (if required)
- **Additional information may be required on a case-by-case basis.**

To determine the appropriate Corps Regulatory office to submit a PCN, please visit our website for a map identifying the specific counties served by each Corps Regulatory office.

<https://www.sac.usace.army.mil/Missions/Regulatory.aspx>

Please submit your PCN package electronically to appropriate Corps Office where the project is located.

<b>Charleston Office:</b>	<a href="mailto:SAC.RD.Charleston@usace.army.mil">SAC.RD.Charleston@usace.army.mil</a>
<b>Conway Office:</b>	<a href="mailto:SAC.RD.Conway@usace.army.mil">SAC.RD.Conway@usace.army.mil</a>
<b>Midlands Office:</b>	<a href="mailto:SAC.RD.Columbia@usace.army.mil">SAC.RD.Columbia@usace.army.mil</a>
<b>Upstate Office:</b>	<a href="mailto:SAC.RD.Greenville@usace.army.mil">SAC.RD.Greenville@usace.army.mil</a>

- c) These RGPs authorize only those activities specifically addressed herein. Any regulated activity not authorized in the RGP, or which exceeds the limitations of the RGP, requires specific authorization by the Corps.
- d) Based on potential impacts to navigation, the environment, human health and welfare, public interest, or other concerns, the lake manager has the discretion, on a case-by-case basis, to recommend any proposal otherwise authorized by these RGPs to the Corps for standard individual permit processing.
- e) All activities identified and authorized herein shall be consistent with the terms and conditions of these RGPs; any variance not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension, or revocation of the authorization, as set forth more specifically in General Condition m. below and in the institution of such legal proceedings as the United States Government may consider appropriate.
- f) Access across public property to the work site shall be identified in the application and coordinated and approved by the lake manager. Every effort shall be made to identify and utilize the route least damaging to shoreline vegetation and property.
- g) All structures authorized by these RGPs shall be designed, located, and/or operated to allow the full and free use by the public of all navigable waters.
- h) The permittee must make every reasonable effort to conduct the work authorized herein in a manner so as to minimize any adverse impact to fish, wildlife, and other environmental resources.
- i) The permittee must make every reasonable effort to conduct the work authorized herein in a manner so as to minimize any degradation of water quality.
- j) A complete copy of this permit, written authorization from the lake manager and the Corps (as applicable), including drawings, special conditions, and any amendments shall be maintained at the work site whenever work is being performed. The permittee shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the permit terms and conditions.
- k) The permittee shall allow the District Engineer, lake manager, or their authorized representative(s) to make periodic inspections of the authorized work at any time deemed necessary in order to ensure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
- l) These RGPs do not convey any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of

Federal, State, or local laws or regulations, nor does it obviate the requirement to obtain other Federal, State, or local assent or to comply with any applicable standards required by ordinance for the activities authorized herein. Other Federal, State, and/or local agencies are not limited by this document and may impose more stringent requirements than those stated herein as they see fit.

- m) That authorization of a specific work or structure authorized herein may be summarily suspended in whole or in part upon a finding by the District Engineer that immediate suspension would be in the general public interest or there has been a violation of any terms and conditions of this permit. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by a permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. A permittee shall take immediate action to comply with the provisions of this notice. Within ten (10) days following the receipt of this notice of suspension, the permittee may request a meeting with the District Engineer or a public hearing to present information relevant to a decision whether his permit should be reinstated, modified, or revoked. If a public hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the public hearing or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the authorization of the specific work or structure will be reinstated, modified, or revoked. Any modification, suspension, or revocation of authorization under these RGPs shall not be the basis for any claim for damages against the United States.
- n) Any activity that may adversely affect any federally listed threatened or endangered species, a species proposed for listing, or designated critical habitat is NOT authorized by this Regional General Permit. These activities will be evaluated under the individual permit review process as specified in 33 CFR Part 325. Further, no activity is authorized which:
  - (i) Is likely to jeopardize the continued existence of a threatened or endangered species, or species proposed for such designation, as identified under the Endangered Species Act, or which will destroy or adversely modify the critical habitat of such species
  - (ii) Involves the "take" of a threatened or endangered species as defined under the ESA without separate authorization (e.g., a Biological Opinion with "incidental take" provisions) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.
- o) The permittee must notify the Corps if the proposed activity may affect any federally listed threatened or endangered species, a species proposed for listing, or designated critical habitat.
- p) That in order to ensure protection of threatened and endangered species, the permittee must comply with the following conditions on Lake Marion and Lake Moultrie:
  - 1. That the permittee shall instruct all personnel associated with the project of the potential presence of and the need to avoid collisions with protected species, which may include but is not limited to West Indian manatees, Atlantic sturgeon, and shortnose sturgeon.
  - 2. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing protected species which are protected under the Marine Mammal Protection Act of 1972 and/or the Endangered Species Act of 1973.
  - 3. Any siltation barriers used during the project shall be made of material in which protected species cannot become entangled and must be properly secured, and regularly monitored to avoid protected species entrapment.
  - 4. All vessels associated with the project shall be operated at "no wake/idle" speeds at all times while in the construction area and while in water there the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

5. If protected species are seen within 100 yards of the active construction area all appropriate precautions shall be implemented to ensure protection of the protected species. These precautions shall include the operation of all moving equipment no closer than 50 feet to a protected species. Operation of any equipment closer than 50 feet to a protected species shall necessitate immediate shutdown of that equipment. Activities will not resume until the protected species has departed the project area of its own volition.
  6. Incidents where any individuals of Atlantic sturgeon, shortnose sturgeon listed by NOAA fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this DA permit shall be reported to NOAA Fisheries, Office of Protected Species at (727) 824-5312, the SCDNR Hotlines at 1-800-922-5431, and the Regulatory Office of the Charleston District of the Corps of Engineers at (843) 329-8044. The finder should leave the animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved, and if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure, or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.
  7. The permittee understands and agrees that pilings will be installed using a water jet or vibratory hammer. In the event standard pile driving (impact hammer) is utilized, the permittee understands and agrees that a soft-strike procedure (three strikes at 40%-60% energy level once a minute for 3 minutes) must be conducted prior to beginning pile driving activities and after any pile driving interruptions of more than 30 minutes.
  8. That the permittee understands and agrees that pile driving activities must be limited to 12 hours per day with a 12-hour rest period between pile driving activities.
  9. \*West Indian Manatee should not be spotted in Lake Marion or Lake Moultrie. Any manatee sighting should be reported to the USFWS, South Carolina Field office at (843)727-4707 and the SCDNR hotline at 1-800-922-5431 immediately.
- q) Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
- r) Historic Properties.
1. Prospective permittees of these Regional General Permits must submit a Pre-Construction Notification (PCN) to the District Engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the PCN must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought by using the Subscriber View Map of the SCArchSite website or from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places. Additionally, the South Carolina Institute of Archaeology and Anthropology (SCIAA) and/or the Maritime Research Division at SCIAA can be contacted for assistance in determining the location of or potential for archaeological sites or submerged cultural resources. Based on the information submitted and these efforts, the District Engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the

Corps, the non-Federal applicant shall not begin the activity until notified by the District Engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

2. The District Engineer will notify the prospective permittee within 60 days of receipt of a complete PCN whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties. If NHPA section 106 consultation is required and will occur, the District Engineer will notify the non- Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 60 days, the applicant must still wait for notification from the Corps.
  3. Prospective permittees of these RGPs should be aware that Section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.
- s) That if the permittee, prior to or during the performance of the work authorized herein, encounters previously unidentified archeological remains or cultural resources within the area subject to Department of the Army authorization, the applicant agrees to cease work and contact the District Engineer, so that further coordination with the South Carolina Institute of Archaeology and Anthropology, the South Carolina Department of Archives and History, and the Tribal Historic Preservation Office may be conducted.
  - t) The permittee shall maintain the work or structure authorized herein in good condition. If and when a permittee desires to abandon an authorized structure, unless such abandonment is part of a transfer procedure by which the individual is transferring ownership of the structure, the permittee may be required to remove the structure.
  - u) The permittee recognizes the possibility that work, or structures authorized herein may be subject to damage by wave wash from passing vessels and wind-driven waves. The issuance of these RGPs does not relieve the permittee from taking all proper steps to ensure the integrity of works permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.
  - v) Upon receipt of a notice from the District Engineer for failure to comply with the terms, conditions, or standards of these RGPs, the permittee shall, without expense to the United States and in such manner as directed by the District Engineer or his authorized representative(s), effect compliance with the terms, conditions, and standards or remove the structure.
  - w) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby , without expense to the United States. No claim shall be made against

the United States on account of any such removal or alteration.

- x) Authorizations will not be issued under these RGPs which will adversely affect nesting bald eagles. If the lake manager determines that the proposed activity is within 660 feet of an active eagle nest and the activity will occur during the nesting season (October - May), further coordination will be required to determine if restrictions are necessary.
- y) Construction activities must avoid and minimize, to the greatest extent practicable, disturbance of woody shoreline vegetation within the project area. Removal of vegetation should be limited to only what is necessary for construction of the proposed structure.
- z) Should the proposal potentially have an adverse effect on any vegetation, that vegetation must be clearly identified (species and location) in the information submitted for approval by the lake manager. Upon a request, the applicant may have to provide a delineation of waters of the U.S. performed by a qualified environmental consultant in accordance with the 1987 Corps of Engineers Wetland Delineation Manual and verified by the Corps (if applicable).
- aa) Prior to the beginning of any construction activities, appropriate erosion control measures, such as silt fences, silt barriers or other suitable devices, must be placed between the construction area and affected waterways (wetlands); and maintained in a functioning capacity until the area is permanently stabilized upon completion of the project.
- bb) All steps necessary must be taken to prevent oil, tar, trash, debris, and other pollutants from entering adjacent wetlands and/or waterways.
- cc) No activity is authorized by this permit that will cause flooding or ponding of water on property in which permittee does not have the necessary real estate interest.
- dd) That the permittee agrees that all property owners who wish to perform work in or affecting waters of the United States, both navigable and non-navigable must obtain a floodplain construction permit for any project that lies within a Special Flood Hazard Area.
- ee) All wooden structures (including wood piles and wooden exterior pile supported structures) must be pressure-treated with wood preservatives in strict compliance with the Registration/Re-registration Documents issued by the US Environmental Protection Agency under Federal Insecticide, Fungicide and Rodenticide Act for use in or above freshwater environments, and in accordance with standards established by the American Wood Protection Association or the evaluation reports issued by the International Code Council Evaluation Service.
- ff) These RGPs do not authorize the permanent deployment of physical weed suppression barriers (e.g., LakeMats, MuckMats, or similar structures).
- gg) Except as expressly authorized herein, no wetland or stream shall be adversely impacted, and no surface water flowing into or out of any wetland or stream shall be adversely impacted. The activity must be designed to maintain preconstruction downstream flow conditions. The activity must not permanently restrict or impede the passage of normal or expected high flows and the structure or discharge of dredged or fill material must withstand expected high flows.

#### **IV. PROHIBITED ACTIVITIES:**

All work that exceeds the terms and conditions specified herein is prohibited unless another Department of the Army authorization has been obtained from the Corps of Engineers. All work for purposes other than those specified herein is expressly not authorized by these RGPs.

#### **V. REQUIRED AUTHORIZATIONS:**



- a) Prior to performing any work authorized herein within the prescribed geographical limits of these Regional General Permits, the permittee must obtain authorization from the appropriate lake manager.
- b) Certain activities (as identified in Section I above) also require reporting and written approval by the Corps before work can begin.
- c) Prior to performing any work authorized herein that entails discharges of dredged or fill material into navigable waters, the permittee must obtain all required state certifications and/or authorizations. This could include a Permit to Construct in Navigable Waters, Coastal Zone Management Act concurrence, etc.

#### **VI. REQUIRED REPORTING:**

The lake managers shall submit monthly tabulations with pertinent information of all work or activities authorized under these Regional General Permits to the Corps of Engineers, Regulatory Division. The reports must include the name of the applicant, applicant address location of the work (including latitude and longitude in decimal degrees), date approval issued, type of construction/work, impact area (acreage and or linear feet), waterbody name and RGP number. The reports are due by the 25<sup>th</sup> day of the following month. Example of preferred method of reporting is included below.

#### **VII. PENALTIES FOR VIOLATIONS:**

Any deviation from the specifications, or other terms or conditions of the General Permit shall constitute a violation of the Section 10 of the River and Harbors Act of 1899 and/or Section 404 of the Clean Water Act and may result in the District Engineer seeking judicial relief to have the permittee remove the structure or work and/or restore the project area to its former condition, as well as the imposition of penalties as provided by law.

#### **VIII. LIMITS OF FEDERAL LIABILITY:**

In issuing this General Permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

#### **IX. DURATION AND REVOCATION OF THE REGIONAL GENERAL PERMITS:**

These General Permits will cover activities for five (5) years until the General Permits expire on November 20, 2028, unless the District Engineer modifies, suspends, or revokes these General Permits in the interim. At the end of the first year and every succeeding year, the Corps of Engineers and the Federal and State regulatory and resource agencies will jointly review activities authorized by these General Permits to determine if significant cumulative impacts have resulted. If the District Engineer determines that revocation of these permits, in whole or in part, may be in order due to cumulative impacts, a public notice will be issued and after a review of all additional data submitted,

action will be taken to amend, modify or revoke these permits, as appropriate. Revocation of a General Permit will not affect the work that had been authorized when the General Permit was in effect if such work is in accordance with the applicable conditions contained herein. Following revocation, applications for future activities in areas covered by the regional permit shall be processed as applications for individual or Nationwide permits.

These Regional General Permits shall become effective on the date of the District Engineer's (or an authorized designee's) signature.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



Robert W. Nahabedian  
Lieutenant Colonel, U.S. Army  
Commander and District Engineer

11/20/23

Date

or an authorized Designee

Brice McKoy  
Acting Chief, Regulatory Division