

**PUBLIC NOTICE**  
**ANNOUNCING THE APPROVED 2017 NATIONWIDE PERMIT REGIONAL**  
**CONDITIONS FOR SOUTH CAROLINA**

**March 16, 2017**

On January 6, 2017, the U.S. Army Corps of Engineers (Corps) published the notice in the *Federal Register* announcing the reissuance of 50 existing nationwide permits (NWP), general conditions, and definitions with some modifications. The Corps also issued two new NWPs and one new general condition. The NWPs become effective on March 19, 2017, and will expire on March 18, 2022.

Division engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or state. Regional conditions are important mechanisms to ensure that impacts to the aquatic environment authorized by the NWPs are minimal, both individually and cumulatively. The Charleston District's proposal to add regional conditions was noticed on December 1, 2016.

Enclosed with today's public notice are the regional conditions (Enclosure 1) which were approved by the South Atlantic Division Commander on March 15, 2017. These regional conditions become effective on March 19, 2017, and are applicable throughout the entire Charleston District, which includes the State of South Carolina.

The Corps received the Section 401 Water Quality Certification (WQC) and the Coastal Zone Management Act (CZMA) consistency determination from the State of South Carolina on March 7, 2017 (Enclosure 2).

Nationwide Permit information, including the General Conditions, Regional Conditions, and Checklists are available on the Charleston District website at <http://www.sac.usace.army.mil/Missions/Regulatory/Permitting-Process/>.

**2017 APPROVED  
NATIONWIDE PERMIT REGIONAL GENERAL CONDITIONS  
FOR SOUTH CAROLINA**

**(Enclosure 1)**

The following Regional Conditions have been approved by the Charleston District for the Nationwide Permits (NWP) published in the January 6, 2017, Federal Register as authorized under General Condition #27. Regional conditions are authorized to modify NWPs by adding conditions on a generic basis applicable to certain activities or specific geographic areas. Certain terminologies used in the following conditions are identified in *italics* and are defined in the above referenced Federal Register under Definitions.

**Note:** The acronym “PCN” used throughout the Regional Conditions refers to *Pre-Construction Notification*.

**For All Nationwide Permits:**

1. The applicant must implement *best management practices* during and after all construction to minimize erosion and migration of sediments off site. These practices may include use of devices capable of preventing erosion and migration of sediments in waters of the United States., including wetlands. These devices must be maintained in a functioning capacity until the area is permanently stabilized. All disturbed land surfaces must be stabilized upon project completion. Stabilization refers to the minimization of erosion and migration of sediments off site.
2. All wetland and stream crossings must be stabilized immediately following completion of construction/installation and must be aligned and designed to minimize the *loss of waters of the United States*.
3. Necessary measures must be taken to prevent oil, tar, trash, debris and other pollutants from entering waters of the United States, including wetlands that are adjacent to the authorized activity.
4. Any excess excavated materials not utilized as authorized back fill must be placed and contained on uplands and permanently stabilized to prevent erosion into waters of the United States, including wetlands.
5. Placement and/or stockpiling (double handling) of excavated material in waters of the United States, including wetlands, is prohibited unless specifically authorized in the nationwide permit verification. Should double handling be authorized, the material must be placed in a manner that does not impede circulation of water and will not be dispersed by currents or other erosive forces.
6. Once project construction is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to aquatic resources and the surrounding environment.

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7. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent *practicable*, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. Archeological remains consist of any materials made or altered by man, which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, *structures*, or non-recent (i.e., older than 100 years) vessel ruins.
8. Use of nationwide permits does not obviate requirements to obtain all other applicable Federal, State, county, and local government authorizations.
9. No NWP is authorized in areas known or suspected to have sediment contamination, with the exception of NWP 38, and NWP 53 when used in combination with NWP 38.
10. In accordance with General Condition #31, “Activities Affecting *Structures* or Works Built by the United States,” a *PCN* must be submitted if a NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE” project”). See General Condition #32 for *PCN* content and timing requirements and particularly paragraph (b)(10) for an activity that requires permission from the Corps pursuant to 33 U.S.C. 408. An activity in South Carolina that requires section 408 permission is not authorized by a NWP until the Charleston District issues the section 408 permission to alter, occupy, or use the USACE project, and the District Engineer issues a written NWP verification.
11. For all proposed activities that would be located in or adjacent to an authorized Federal Navigation project, as listed in Regional Condition #18, the *PCN* must include project drawings that have the following information: a) location of the edges of the Federal channel; b) setback distances from the edge of the channel; c) the distance from watermost edge of the proposed *structure* or fill to the nearest edge of the channel and the Mean High and Mean Low water lines; and d) coordinates of both ends of the watermost edge of the proposed *structure* or fill (NAD 83 State Plane Coordinates in decimal degrees). This notification requirement is in addition to the *PCN* requirements listed in General Condition #32.
12. For all proposed activities that would be located in waters that are designated critical habitat under section 7 of the Endangered Species Act, and waters that are proposed critical habitat, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32. Refer to the following National Oceanic and Atmospheric Administration (NOAA) Fisheries website for the most up-to-date information regarding Critical Habitat designations under the jurisdiction of the National Marine Fisheries

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Service (NMFS):

[http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/threatened\\_endangered/](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/)

13. For all proposed activities that would be located within a FEMA designated floodway, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32.
14. For all proposed activities that would be located within a FEMA designated floodway, the *PCN* should include a “No Rise” letter from the National Flood Insurance Program (NFIP) coordinator. If a “No Rise” letter is not obtainable, additional information will be required in order to determine if the *PCN* may be processed as a Nationwide Permit.
15. For all proposed activities that require a *PCN* and are located within a FEMA designated Special Flood Hazard Area (SFHA), the *PCN* must include documentation from the NFIP coordinator that the proposed activity meets all Federal, state and local requirements.

**For Specific Nationwide Permits:**

16. **For NWP**s 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51 and 52, in accordance with General Condition # 22(a), Designated Critical Resource Waters, the discharges of dredged or fill material into waters of the United States within, or directly affecting, critical resource waters, including wetlands adjacent to such waters, are NOT authorized by these NWP's. Note: The ACE Basin National Estuarine Research Reserve and the North Inlet Winyah Bay National Estuarine Research Reserve are Designated Critical Resource Waters.
17. **For NWP**s 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38 and 54, in accordance with General Condition # 22(b), Designated Critical Resource Waters, a *PCN* is required for any activity proposed in designated critical resource waters including wetlands adjacent to those waters. Refer to General Condition #32 for *PCN* requirements. Note: The ACE Basin National Estuarine Research Reserve and the North Inlet Winyah Bay National Estuarine Research Reserve are Designated Critical Resource Waters.
18. **For NWP**s 1, 3, 5, 7, 8, 10, 11, 12, 13, 14, 15, 19 and 36, the prospective permittee must submit a *PCN* to the District Engineer for any activity that would be located in or adjacent to an authorized Federal Navigation project. These Federal navigation areas include Adams Creek, Atlantic Intracoastal Waterway (AIWW), Ashley River, Brookgreen Garden Canal, Calabash Creek Charleston Harbor (including the Cooper River and Town Creek), Folly River, Georgetown Harbor (Winyah Bay, Sampit River, and Bypass Canal), Jeremy Creek, Little River Inlet, Murrells Inlet (Main Creek), Port Royal Harbor, Savannah River, Shem Creek (including Hog Island Channel & Mount Pleasant Channel), Shipyard Creek, Village Creek and the Wando River.

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19. **For NWPs 3, 11, 12, 13, 14, 15, 20, 22 and 33**, temporary *structures*, fills, and/or work, including the use of temporary mats, are only authorized for a period of 90 days per temporary impact area and/or phase of the overall project. The permittee may submit a written request at least 15 days prior to the expiration of the original period of 90 days requesting an extension of up to an additional 90 days. The Charleston District Engineer may extend the 90-day period up to an additional 90 days, not to exceed more than a total of 180 days, where appropriate. After expiration of the authorized period (i.e., initial 90 days or up to an additional 90 days), all temporary *structures*, fills, and/or work, including the use of temporary mats, for the temporary impact area and/or phase of the overall project must be removed and the disturbed areas restored to pre-disturbance conditions. Activities that require the use of temporary *structures*, fills, and/or work, including the use of temporary mats, in excess of 180 days will require Individual Permit authorization from the Corps prior to construction.
20. **For NWPs 3, 11, 12, 13, 14, 15, 20, 22 and 33**, that require *PCNs* and that involve temporary *structures*, fills, and/or work, including the use of temporary mats, the *PCN* must include a written description and/or drawings of the proposed temporary activities that will be used during project construction. This requirement is in addition to the *PCN* requirements listed in General Condition #32.
21. **For NWPs 29, 39, 40, 42, 43, 44, 51 and 52**, impacts to stream beds\*\* must be provided in both linear feet and acreage.
22. **NWPs 12, 14, 29, 39, 43, 51 and 52**, will not be used in conjunction with one another for an activity that is considered a *single and complete project*.
23. **For NWPs 12, 14, 29, 39, 46, 51 and 52**, all *PCNs* must include appropriately sized and positioned culverts that meet the requirements of General Conditions #2, #9 and #10 for each individual crossing of waters of the United States. This requirement is in addition to the *PCN* requirements listed in General Condition #32.
24. **For NWPs 12, 14, 29, 39, 46, 51 and 52**, that include the new construction and/or replacement of culverted road crossings, at a minimum, the width of the base flow culvert(s) shall be approximately equal to the average channel width and will not reduce or increase stream depth. This is a minimum requirement that does not replace local and State requirements for roadway design.
25. **For NWPs 12, 14, 18 and 27**, the *discharge* must not cause the *loss* of more than 300 linear feet of stream bed\*\*, unless for *intermittent* and *ephemeral* stream beds the District Engineer waives the 300 linear foot limit by making a written determination concluding that the *discharge* will result in no more than minimal adverse environmental effects.
26. **For NWPs 12, 14, 18 and 27**, the *discharge* cannot cause the *loss* of more than 300 linear feet of *perennial stream beds*\*\*.

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27. **For NWPs 12, 14, and 18**, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32, prior to commencing the activity if the proposed *discharge* will impact more than 25 linear feet of streambed. This notification requirement is in addition to the *PCN* requirements listed in General Condition #32.
28. **For NWP 3**, paragraph (a) and (c) activities, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition # 32, if the proposed *discharge* of dredged or fill material will cause the loss of greater than 1/10-acre of waters of the United States or if the proposed *discharge* of dredged or fill material will be located within a special aquatic site, which includes but is not limited to, wetlands, mudflats, vegetated shallows, *riffle and pool complexes*, sanctuaries, and refuges.
29. **For NWP 3**, paragraph (a) activities, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition # 32, for the repair, rehabilitation or replacement of existing utility lines constructed over *navigable waters* of the United States (i.e., Section 10 waters) and existing utility lines routed in or under *navigable waters* of the United States (i.e., Section 10 waters), even if no *discharge* of dredged or fill material occurs.
30. **For NWP 3**, paragraph (b) activities, excavation of accumulated sediment or other material is not authorized in areas within the immediate vicinity of existing *structures* (e.g., private or commercial dock facilities, piers, canals dug for boating access, marinas, boat slips, etc.).
31. **For NWPs 7 and 12**, the associated intake *structure* must be screened to prevent entrainment of juvenile and larval organisms, and the inflow velocity of the associated intake *structures* cannot exceed 0.5 feet/second.
32. Activities authorized by **NWP 7** must occur in the immediate vicinity of the outfall, and must be necessary for the overall construction or modification of the outfall. **NWP 7** shall not be used to authorize ancillary activities such as construction of access roads, installation of utility lines leading to or from the outfall or intake *structures*, construction of buildings, distant activities, etc.
33. **For utility line activities authorized by NWP 12 (as well as utility lines associated with projects authorized by NWP 29 and 39)** that involve horizontal directional drilling beneath *navigable waters* of the United States (i.e., section 10 waters), the *PCN* must include a proposed remediation plan (i.e., frac-out plan). This requirement is in addition to the *PCN* requirements listed in General Condition #32.
34. **For utility line activities authorized by NWP 12 (as well as utility lines associated with projects authorized by NWP 29 and 39)**, excavated material shall be returned to the trench and any remaining material shall be relocated and retained on an upland disposal site. Substrate containing roots, rhizomes, seeds, and other natural material must be kept viable and replaced at the surface of the excavated site. Impacted wetlands will be replanted with native wetland species or allowed to naturally re-vegetate from the replaced substrate, as long as the resulting vegetation is native.

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35. **For utility line activities authorized by NWP 12 (as well as utility lines associated with projects authorized by NWP 29 and 39),** stream banks that are cleared of vegetation will be stabilized using bioengineering techniques and/ or the planting of deep-rooted native species.
36. **For utility line activities authorized by NWP 12 (as well as utility lines associated with projects authorized by NWP 29 and 39),** construction techniques to prevent draining, such as anti-seep collars, will be required for utility lines buried in waters of the United States when necessary. If no construction techniques to prevent draining are proposed, the prospective permittee must provide appropriate documentation to support that such techniques are not required to prevent drainage of waters of the United States.
37. **For NWP 12,** the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32 prior to commencing the activity if the activity will involve temporary *structures*, fills, and/or work. To be complete, the *PCN* must also include the specifications of how pre-construction contours will be re-established and verified after construction. This notification requirement is in addition to the notification criteria listed for this NWP.
38. **For utility line activities authorized by NWP 12, (as well as utility lines associated with projects authorized by NWP 29 and 39),** the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32, prior to commencing the activity if the activity will involve maintained utility crossings. To be complete, the *PCN* must also include a justification for the required width of the maintained crossing that impacts waters of the United States. This notification requirement is in addition to the notification criteria listed for this NWP.
39. **For NWP 12,** the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32 prior to commencing the activity if the activity will involve the construction of a sub-station in waters of the United States. To be complete, the *PCN* must also include a statement of avoidance and minimization for the *loss of waters of the United States* impacted by the utility line sub-station. This requirement is in addition to the *PCN* requirements listed in General Condition #32.
40. **For NWP 12,** the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32 prior to commencing the activity if the activity will involve the permanent conversion of forested wetlands to herbaceous wetlands. To be complete, the *PCN* must also include the acreage of conversion impacts of waters of the United States and a *compensatory mitigation* proposal or a statement of why *compensatory mitigation* should not be required. This requirement is in addition to the *PCN* requirements listed in General Condition #32.

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41. **For NWP 13 activities, NWP 54 activities, and living shoreline projects authorized by NWP 27** that require submittal of a *PCN*, the *PCN* must include the following information:

- a. Habitat type along the shoreline;
- b. The presence of stabilization *structures* in the vicinity of the project;
- c. Cause/s, extent, and approximate rate of erosion (if known);
- d. Site specific information which may include: shoreline orientation, slope, bank height, tidal range, nearshore bathymetry, fetch, substrate stability, etc.;
- e. Rationale for selecting the preferred stabilization technique;
- f. A statement that structural materials toxic to aquatic organisms will not be used and if stone is proposed, a statement that only clean stone, free of exposed rebar, asphalt, plastic, soil, etc., will be used; and
- g. A statement that filter fabric will be used as appropriate when stone or other heavy material is proposed.

These requirements are in addition to the *PCN* requirements listed in General Condition #32.

42. Projects qualifying for **NWP 27 and/or NWP 54** will require coordination with appropriate Federal, State, and local agencies. The coordination activity will be conducted by the Corps of Engineers. Agencies will generally be granted 15 days to review and provide comments unless the District Engineer determines that an extension of the coordination period is reasonable and prudent.

43. **For NWP 29**, the *loss of waters of the United States* is limited to a maximum of ¼-acre for a single family residence.

44. **For NWPs 29 and 39**, the *discharges* of dredged or fill material for the construction of *stormwater management facilities* in *perennial streams* are not authorized.

45. **For NWP 33**, the prospective permittee must submit a *PCN* to the District Engineer in accordance with General Condition #32, for temporary construction, access, and dewatering activities that occur in non-tidal waters of the United States, including wetlands. In addition, the *PCN* shall include a restoration plan.

46. **For NWP 36**, only one boat ramp may be constructed on a single lot or tract of land (e.g., each lot within a subdivision).

47. **For NWP 38**, the *PCN* must contain the following information:

- a. documentation that the specific activities are required to effect the containment, stabilization, or removal of hazardous or toxic waste materials as performed, ordered, or sponsored by a government agency with established legal or regulatory authority;
- b. a narrative description indicating the size and location of the areas to be restored, the work involved and a description of the anticipated results from the restoration; and



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c. a plan for the monitoring, operation, or maintenance of the restored area.

This requirement is in addition to the *PCN* requirements listed in General Condition #32.

48. **For NWP 41**, a *PCN* must be submitted to the District Engineer for projects that require mechanized land clearing in waters of the United States, including wetlands, in order to access or perform reshaping activities.
49. **NWP 41** is prohibited in channelized streams or stream relocation projects that exhibit natural stream characteristics and/or perform natural stream functions.
50. **For NWP 48**, changing from bottom culture to floating or suspended culture will require submittal of a *PCN* to the District Engineer. Additionally, new aquaculture activities involving suspended or floating culture will require submittal of a *PCN* to the District Engineer. Refer to the *PCN* requirements listed in General Condition #32. Note: If the District Engineer determines that the proposed floating or suspended culture will result in more than minimal adverse environmental effects, an Individual Permit will be required for the proposed activity.
51. **For NWP 48**, when a new commercial shellfish aquaculture activity will occur adjacent to property that is not owned by the prospective permittee, the activity will require submittal of a *PCN* to the District Engineer. The *PCN* must include the following information in addition to the *PCN* requirements listed in General Condition #32:
  - a. A map or depiction that shows the adjacent property(ies) and adjacent property owners' contact information. Note: This information may be obtained online from the applicable county's tax information pages.
  - b. A signed letter(s) of "no objection" to the proposed commercial shellfish activity from each of the adjacent property owner(s). Each letter shall include the name, mailing address, property address, property Tax Map Parcel (TMS) number, and signature of the property owner.
52. **For NWP 53**, the *PCN* must include a Tier I evaluation, in accordance with the Inland Testing Manual, for the project area immediately upstream of the low-head dam. If the Tier I evaluation indicates contaminated sediments are present, a Tier II evaluation may be required.
53. **For NWP 54 projects and living shoreline and/or oyster restoration projects authorized by NWP 27**, the *PCN* must include the following information in addition to the *PCN* requirements listed in General Condition #32:
  - a. A plan view project sketch that shows the proposed project footprint; the Mean High Water (MHW) Line; the Mean Low Water (MLW) Line; marsh line (if applicable); shoreline; width of the waterway at the project location; location of adjacent *structures*, such as docks and boat ramps (if applicable); distance of the project footprint from the

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MHW line; distance of the project footprint from adjacent *structures*; and proposed location of informational or navigation markers. Refer to c. and d. below, if applicable. Note: Refer to Regional Condition #11 if the proposed project is located in or adjacent to an authorized Federal Navigation project for the additional information that will be required.

b. A cross-section sketch that shows the height of the proposed project above substrate and the water depth at MHW Line and MLW Line in relation to the proposed project.

c. For projects that are 18 inches or less in height above substrate AND consist of hard *structures* or fill material, such as, but not limited to, riprap, oyster castles, bagged oyster shell and wooden sills, informational signs to alert boaters to the presence of the project area will be required. The *PCN* must include a depiction and description of proposed informational signs. The signs must be made of reflective material or must include reflective tape on the sign or sign post. The signs must be located at each end of the project area and at 100-foot increments along the project area, if applicable. Note 1: Projects that include ONLY the use of loose shell will not require the installation of informational or navigational signs. Note 2: The prospective permittee shall be made aware that the U.S. Coast Guard (USCG) may require the project area to be marked. Prior to commencing work, the permittee shall contact the USCG at U. S. Coast Guard Charleston District Seven, Waterways Management Branch, 909 SE 1st Ave, Suite 406, Miami, FL 33131, or by phone at 305-415-6755 or 305-415-6750, regarding possible markers and/or lighting requirements. The permittee shall install all markers and/or lighting as required by the USCG. In the event that the USCG does not require markers or lighting, the permittee shall mark the project area with Corps approved informational signs as described above. Note 3: These requirements will be added to the NWP verification as special conditions.

d. For projects that are 18 inches or more in height above substrate AND consist of hard *structures* or fill material, such as, but not limited to, riprap, oyster castles, bagged oyster shell, and wooden sills, the prospective permittee must mark the project area with diamond-shaped white day markers with orange border and black print stating "Danger Obstruction". The signs shall be located at each end of the project area and at 100-foot increments along the project area, if applicable. Note 1: Projects that include ONLY the use of loose shell will not require the installation of informational or navigational signs. Note 2: Prior to commencing work, the permittee shall contact the USCG at U. S. Coast Guard Charleston District Seven, Waterways Management Branch, 909 SE 1st Ave, Suite 406, Miami, FL 33131, or by phone at 305-415-6755 or 305-415-6750, regarding potential project specific approval of the markers. The permittee shall install all markers and/or lighting as required by the USCG. In the event the USCG does not require these or other markers and/or lighting, the "Danger Obstruction" markers are still required by the Corps. Note 3: These requirements will be added to the NWP verification as special conditions.

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Note: For the purpose of these regional conditions, bankfull is defined as the top-of-bank to top-of bank of the channel in a cross-sectional view.

\*\* For the purpose of these regional conditions, the term “stream bed” also includes features determined to be a “tributary” and a “relatively permanent water.”



March 7, 2017

Lieutenant Colonel Matthew W. Luzzatto, P.E., PMP  
 U.S. Army Corps of Engineers  
 69AHagood Avenue  
 Charleston, SC 29403-5107

Re: Certification in Accordance with Section 401 of the Clean Water Act, as amended.  
 Certification of Consistency with the S.C. Coastal Zone Management Program

Dear Lieutenant Colonel Luzzatto:

**Certification and Finding of Consistency**

The South Carolina Department of Health and Environmental Control’s (Department) Bureau of Water and Office of Ocean and Coastal Resource Management have reviewed the U.S. Army Corps of Engineers’ proposal to amend the Nationwide Permit program regulations. In accordance with agency procedures, the Department issued a Notice of Department Decision on February 17, 2017, taking action on these Nationwide Permits. Department staff determined that provided the proposed actions listed below (and in the attached table) are implemented and the proposed conditions outlined in the February 17, 2017 Notice of Department Decision are adhered to, there is a reasonable assurance that work authorized will be conducted in a manner consistent with the certification requirements of Section 401 of the Federal Clean Water Act (CWA), as amended, and the Coastal Zone Management Act (48-39-10 et.seq.).

In accordance with the provisions of Section 401, we certify that the indicated Nationwide Permits, subject to the provided conditions, are consistent with applicable provisions of Section 303 of the CWA, as amended. We also hereby certify that there are no applicable effluent limitations under Sections 301(b) and 302, and that there are no applicable standards under Sections 306 and 307 of the CWA. The attached general conditions apply to all Nationwide Permits.

401 Water Quality Certification issued without conditions	Coastal Zone Consistency Certification issued without conditions
3. Maintenance 4. Fish & Wildlife Harvesting, Enhance, Attract Devices, & Act. 5. Scientific Measurement Devices 6. Survey Activities 7. Outfall Structures and Associated Intake Structures 13. Bank Stabilization 15. U.S. Coast Guard Approved Bridges 18. Minor Discharges 19. Minor Dredging 20. Oil Spill Cleanup 22. Removal of Vessels 25. Structural Discharges 27. Aquatic Habitat Restoration, Establishment & Enhancement Act. 30. Moist Soil Management for Wildlife 31. Maintenance of Existing Flood Control Facilities 32. Completed Enforcement Activities 33. Temporary Construction, Access, and Dewatering 37. Emergency Watershed Protection and Rehabilitation	1. Aids to Navigation 2. Structures in Artificial Canals 3. Maintenance 4. Fish & Wildlife Harvesting, Enhance, Attract Devices, & Act 5. Scientific Measurement Devices 6. Survey Activities 7. Outfall Structures and Associated Intake Structures 8. Oil and Gas Structures on the Continental Shelf 9. Structures in Fleeting and Anchorage Areas 10. Mooring Buoys 11. Temporary Recreational Structures 13. Bank Stabilization 15. U.S. Coast Guard Approved Bridges 18. Minor Discharges 19. Minor Dredging 20. Oil Spill Cleanup 22. Removal of Vessels 25. Structural Discharges

- 38. Cleanup of Hazardous and Toxic Wastes
- 40. Agricultural Activities
- 41. Reshaping Existing Drainage Ditches
- 45. Repair of Uplands Damaged by Discrete Events
- 48. Existing Commercial Shellfish Aquaculture Activities

- 27. Aquatic Habitat Restoration, Estabmt& Enhancement Act
- 28. Modifications of Existing Marinas
- 30. Moist Soil Management for Wildlife
- 31. Maintenance of Existing Flood Control Facilities
- 32. Completed Enforcement Activities
- 33. Temporary Construction, Access, and Dewatering
- 36. Boat Ramps
- 37. Emergency Watershed Protection and Rehabilitation
- 38. Cleanup of Hazardous and Toxic Wastes
- 40. Agricultural Activities
- 41. Reshaping Existing Drainage Ditches
- 45. Repair of Uplands Damaged by Discrete Events
- 48. Existing Commercial Shellfish Aquaculture Activities

**401 Water Quality Certification issued with conditions**

- 12. Utility Line Activities
- 14. Linear Transportation Projects
- 23. Approved Categorical Exclusions
- 29. Residential Developments
- 36. Boat Ramps
- 39. Commercial and Institutional Development
- 42. Recreational Facilities
- 43. Stormwater Management Facilities
- 44. Mining Activities
- 46. Discharge in Ditches

**Coastal Zone Consistency Certification issued with conditions**

- 12. Utility Line Activities
- 14. Linear Transportation Projects
- 23. Approved Categorical Exclusions
- 29. Residential Developments
- 39. Commercial and Institutional Development
- 42. Recreational Facilities
- 44. Mining Activities
- 46. Discharge in Ditches

**Denial and Finding of Inconsistency**

The Department has determined that there is not a reasonable assurance that work authorized by the following Nationwide Permits will be conducted in a manner consistent with the certification requirements of Section 401 of the CWA, as amended, or the Coastal Zone Management Act (48-39-10 et seq.). In accordance with the provisions of Section 401 and the S.C. Coastal Zone Management Program, we deny 401 Water Quality Certification and Coastal Zone Consistency Certification for these Nationwide Permits.

**401 Water Quality Certification denied**

- 16. Return Water From Upland Cont. Disposal Areas
- 17. Hydropower Projects
- 21. Surface Coal Mining Activities
- 34. Cranberry Production
- 49. Coal Remining Activities
- 50. Underground coal Mining Activities
- 51. Land-Based Renewable Energy Generation Facilities
- 52. Land-Based Renewable Energy Generation Pilot Projects
- 53. Removal of Low-Head Dams
- 54. Living Shorelines

**Coastal Zone Consistency Certification denied**

- 16. Return Water From Upland Cont. Disposal Areas
- 17. Hydropower Projects
- 21. Surface Coal Mining Activities
- 24. Indian Tribe or State Administered Section 404 Programs
- 34. Cranberry Production Activities
- 35. Maintenance Dredging of Existing Basins
- 43. Stormwater Management Facilities
- 49. Coal Remining Activities
- 50. Underground coal Mining Activities
- 51. Land-Based Renewable Energy Generation Facilities
- 52. Land-Based Renewable Energy Generation Pilot Projects
- 53. Removal of Low-Head Dams
- 54. Living Shorelines

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March 7, 2017

If you have any questions, please contact Heather Preston at (803) 898-3105 or [prestohs@dhec.sc.gov](mailto:prestohs@dhec.sc.gov) or Rheta Geddings DiNovo at (843) 953-0256 or [dinovorg@dhec.sc.gov](mailto:dinovorg@dhec.sc.gov).

Sincerely,



Heather S. Preston, Director  
Division of Water Quality  
Bureau of Water  
Environmental Quality Control



Rheta Geddings DiNovo, Director  
Regulatory Division  
Office of Ocean and Coastal Resource Management

<b>2017 Nationwide Permit Number &amp; Topic</b>	<b>401 Cert Action</b>	<b>CZC Cert Action (Outside of Direct Critical Area)</b>
1. Aids to Navigation	N/A	Issue
2. Structures in Artificial Canals	N/A	Issue
3. Maintenance	Issue	Issue
4. Fish & Wildlife Harvesting, Enhancement, & Attraction Devices & Activ.	Issue	Issue
5. Scientific Measurement Devices	Issue	Issue
6. Survey Activities	Issue	Issue
7. Outfall Structures and Associated Intake Structures	Issue	Issue
8. Oil and Gas Structures on the Outer Continental Shelf	N/A	Issue
9. Structures in Fleeting and Anchorage Areas	N/A	Issue
10. Mooring Buoys	N/A	Issue
11. Temporary Recreational Structures	N/A	Issue
12. Utility Line Activities	Issue w/ Cond	Issue w/ Cond
13. Bank Stabilization	Issue	Issue
14. Linear Transportation Projects	Issue w/ Cond	Issue w/ Cond
15. U.S. Coast Guard Approved Bridges	Issue	Issue
16. Return Water From Upland Contained Disposal Areas	Deny	Deny
17. Hydropower Projects	Deny	Deny
18. Minor Discharges	Issue	Issue
19. Minor Dredging	Issue	Issue
20. Oil Spill Cleanup	Issue	Issue
21. Surface Coal Mining Operations	Deny	Deny
22. Removal of Vessels	Issue	Issue
23. Approved Categorical Exclusions	Issue w/ Cond	Issue w/Cond
24. Indian Tribe or State Administered Section 404 Programs	N/A	Deny
25. Structural Discharges	Issue	Issue
26. [Reserved]	N/A	N/A
27. Aquatic Habitat Restoration, Establishment & Enhancement Activities	Issue	Issue
28. Modifications of Existing Marinas	N/A	Issue
29. Residential Developments	Issue w/ Cond	Issue w/ Cond
30. Moist Soil Management for Wildlife	Issue	Issue
31. Maintenance of Existing Flood Control Facilities	Issue	Issue
32. Completed Enforcement Actions	Issue	Issue
33. Temporary Construction, Access and Dewatering	Issue	Issue
34. Cranberry Production Activities	Deny	Deny
35. Maintenance Dredging of Existing Basins	N/A	Deny
36. Boat Ramps	Issue w/ Cond	Issue
37. Emergency Watershed Protection and Rehabilitation	Issue	Issue
38. Cleanup of Hazardous and Toxic Waste	Issue	Issue
39. Commercial and Institutional Developments	Issue w/ Cond	Issue w/ Cond

40. Agricultural Activities	Issue	Issue
41. Reshaping Existing Drainage Ditches	Issue	Issue
42. Recreational Facilities	Issue w/ Cond	Issue w/Cond
43. Stormwater Management Facilities	Issue w/ Cond	Deny
44. Mining Activities	Issue w/ Cond	Issue w/ Cond
45. Repair of Uplands Damaged by Discrete Events	Issue	Issue
46. Discharges in Ditches	Issue w/Cond	Issue w/Cond
47. [Reserved]	N/A	N/A
48. Existing Commercial Shellfish Aquaculture Activities	Issue	Issue
49. Coal Remining Activities	Deny	Deny
50. Underground Coal Mining Activities	Deny	Deny
51. Land-Based Renewable Energy Generation Facilities	Deny	Deny
52. Water-Based Renewable Energy Generation Pilot Projects	Deny	Deny
53. Removal of Low-Head Dams	Deny	Deny
54. Living Shorelines	Deny	Deny