General Permit No.: 2002-14-001

Name of Applicant: THE GENERAL PUBLIC

Effective Date: SEPTEMBER 16, 2002

Expiration Date: SEPTEMBER 16, 2007

DEPARTMENT OF THE ARMY

GENERAL PERMIT

A General Permit to perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (PL 92-500, 33 U.S.C. 1344), is hereby issued by 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 the construction, repair and maintenance of private, non-commercial docks, boat ramps, marine railways for dry storage, seawalls, retainer walls, riprap for erosion control, intake pipes for irrigation, minor excavation, subaqueous utility lines, and overhead powerlines

within the boundaries of LAKE MURRAY

in Richland, Lexington, Saluda and Newberry Counties, South Carolina

I. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit and may result in the modification, suspension, or revocation of authorization, in whole or in part, as set forth more specifically in General Condition h. below and in the institution of such legal proceedings as the United States Government may consider appropriate.

b. That the permittee agrees to make every reasonable effort to perform the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and environmental resources.

c. That the permittee must perform the work authorized herein in a manner so as to minimize any degradation of water quality.

d. That the permittee shall allow the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

e. That the permittee shall maintain the work or structure authorized herein in good condition.

f. That this General Permit does 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 or Federal Energy Regulatory Commission regulations, nor does it obviate the requirement to obtain other Federal, State, local or South Carolina Electric & Gas Company (SCE&G) assent or to comply with any applicable standards required by ordinance for work authorized herein. Other Federal, State, or local agencies, and/or SCE&G are not limited by this document and may impose more stringent requirements than those identified in this document.

g. That structures authorized by this General Permit shall be designed, located, and/or operated to allow the full and free use by the public of all navigable waters adjacent to the work authorized by this permit.

h. 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 this General Permit shall not be the basis for any claim for damages against the United States.

i. That if the display of lights and signals on any structure authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

j. That if and when a permittee desires to abandon an authorized work, 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.

k. That the permittee recognizes the possibility that works or structures authorized herein may be subject to damage by wave wash from passing vessels. The issuance of this General

Permit 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.

l. That the permittee, upon receipt of a notice from the District Engineer of failure to comply with the terms, conditions, or standards of this General Permit shall within sixty (60) days without expense to the United States and in such manner as the Secretary of the Army or his authorized representative(s) may direct, effect compliance with terms, conditions, and standards or remove the structure.

m. 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 and the South Carolina Department of Archives and History may be conducted.

n. That if a work authorized by this General Permit impacts a site potentially eligible for inclusion in the National Register of Historic Places, continued work on the proposed structure is not authorized until the procedures for the protection of cultural resources (Appendix C to 33 CFR 325) have been completed.

o. That this General Permit does not authorize work or structures within areas that are mapped as "environmentally sensitive areas" (ESA) or any other areas that meet the ESA criteria as defined by South Carolina Electric and Gas in the Shoreline Management Plan for Lake Murray.

p. That the term "permittee" means the individual authorized by the District Engineer to accomplish work under this General Permit. The majority of activities authorized under this General Permit are limited to private, non-commercial use. However, subaqueous utility lines and overhead powerlines are typically constructed and/or maintained by corporations or other commercial entities. Therefore, the term "permittee" for these specific activities may include corporations or other commercial entities.

s. That if the District Engineer determines federally listed threatened or endangered species and/or designated critical habitat are known to exist in the project area and that such species may be adversely affected by the proposed work, then that specific work is not authorized by this General Permit.

t. That a variance in the dimensions or locations of the activities authorized herein may be granted in instances where conformity with existing structures would be practical and in cases where exceptions would be desirable due to curvature and/or slope of the shoreline. This variance will be considered authorized upon approval by SCE&G. However, the District Engineer reserves the right to deny such variance if effects on navigation and the aesthetic values of the surrounding area are deemed significant.

u. That this permit does not authorize any activities located in areas of known or significant sediment contamination.

v. The permitee 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.

II. Special Conditions:

a. Docks

(1) Private docks and common courtesy docks for homeowners associations, whether permanent, floating or a combination of both may generally be up to 750 square feet in overall size (surface area) and 75 feet in length provided they do not interfere with navigation, ingress or egress to adjoining property or are in any manner hazardous. In some locations, such as narrow coves, the maximum size may not be permitted or docks may not be permitted at all. Floating docks or platforms attached to permanent docks, may be shifted out during periods of low water, provided they are secured by steel cables to anchors or adjacent uplands and they are returned to the authorized location once the water level rises.

(2) Docks should be located a minimum of fifteen (15) feet from adjacent property lines and should not encroach across the imaginary lakeward extension of said property lines. Common use docks, between adjacent property owners, are encouraged. The 15-foot setback from adjacent property lines will be waived for existing or proposed common use docks. A copy of the written agreement to construct a common use dock will be furnished to SCE&G by the participating property owners.

(3) All permanent docks must be built horizontally between the elevation of 360-foot and 362-foot contour.

(4) Handrailings and roofs on docks are permissible, provided that the sides of the docks are not enclosed so as to obscure cross-vision. Roofs will not exceed 120 square feet in area.

(5) No sinks, toilets, showers, etc., or any type of equipment or construction which will create or cause any liquid or solid waste to be discharged into the waters of the lake will be permitted.

(6) Flotation devices on floating docks shall be encased or encapsulated. Styrofoam billets, barrels or similar devices are not permitted.

(7) Houseboats used for habitation may not be permanently moored at private docks. Permanent mooring must be at marinas with waste pumping and treatment facilities.

b. Boat Ramps and Marine Railways

(1) Boat ramps will be constructed of concrete. Use of asphalt compounds or petroleum products are not authorized under this General Permit.

(2) 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. A copy of the written agreement will be furnished to the SCE&G by the participating property owners.

(3) Boat ramps may be up to twelve (12) feet wide and the minimum length required to be functional. Private, non-commercial boat ramps are authorized. However, public and semi-public boat ramps (e.g. for common access by Homeowners Associations) may be granted a variance. A variance will be considered approved for purposes of this General Permit upon approval by SCE&G without controversy.

(4) Marine railways constructed for access to the lake from dry storage facilities located above the 360-foot contour are permitted. Railways constructed below the 360-foot contour are restricted to 2 foot elevation above the natural lake basin.

c. Erosion Control

(1) Rip-rapping. Rip-rapping for erosion control at the 360-foot contour and below is permitted provided it is placed against the existing erosional scarp, it is aesthetically acceptable, and the materials used have received prior approval by SCE&G.

(2) Seawalls or retainer walls. Seawalls or retainer walls for erosion control are permitted provided they are constructed on/or above the 360-foot contour. Earthen fills below the 360-foot contour are not authorized under this General Permit.

d. Intake Pipes

(1) Intake pipes for irrigation associated with a single-family residence may be placed along the bottom of Lake Murray provided that they do not interfere with navigation, ingress or egress to adjoining properties, or are in any manner hazardous .

(2) Intake pipes must be two (2) inches or smaller in diameter and should be buried below the land surface of the lake bottom or anchored to prevent them from floating to the surface. The intake pipe should be located greater than three (3) feet below the surface of the water where practicable.

(3) Intake pipes may not be installed in "environmentally sensitive areas" such as vegetated shallows.

e. Excavation

(1) Only excavation that removes accumulated sediments is authorized under this General Permit. No excavation that exceeds the original reservoir bottom is allowed. A variance to this stipulation may be granted in certain instances where additional depth is needed for advanced maintenance or deeper depths due to boat drafts. The variance will be considered approved for the purposes of this General Permit upon approval by the South Carolina Electric and Gas Company.

(2) The quantity of soil to be excavated shall not exceed 150 cubic yards for each single and complete project.

(3) All excavation must be conducted directly in front of the individual's lot and will be approximately perpendicular to the existing shoreline.

(4) No excavation will be permitted when the excavation site is covered with water.

(5) All excavated soil must be placed in uplands located above the 360-foot contour and must be stabilized to prevent erosion and re-entry into the lake.

(6) Dimensions of the excavation cannot exceed a 10-foot bottom width with a resultant 4:1 maximum side slope allowed in the excavated area.

(7) No excavation of vegetated areas shall be performed.

(8) Connection of canals excavated above the 360-foot contour with main body of lake is not authorized by this General Permit.

f. Subaqueous Utility Lines.

(1) A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquefiable, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone and telegraph messages, and radio and television communication. The term "utility line" does not include activities which drain a water of the United States, such as drainage tile, however, it does apply to pipes conveying drainage from another area.

(2) Utility line crossings, including discharges of material for backfill or bedding, are authorized provided the land surface is restored to the pre-construction contours.

(3) All buried utility lines must be installed a minimum of four (4) feet below the bottom elevation of the lake.

(4) Material resulting from trench excavation may be temporarily sidecast (up to three months) into waters of the United States provided that the material is placed in such a manner that it is not dispersed by currents or other forces.

(5) The area of waters of the United States that is disturbed must be limited to the minimum necessary to construct the utility line.

(6) In wetlands, the top six (6) to twelve (12) inches of the trench should be backfilled with topsoil from the trench excavation whenever practicable.

(7) Upon completion of construction, excess material must be immediately removed to upland areas above the 360 foot contour and stabilized.

(8) Any exposed slopes and steambanks must be stabilized immediately upon completion of the utility line.

(9) Alignments which traverse shallow vegetated coves are not authorized by this General Permit.

g. Overhead Powerlines and Communication Lines.

For overhead power and communications lines, refer to Department of the Army Regulations ER 1110-2-4401 dated 30 May 97. 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.

(1) Power line clearances shall be calculated with 15,850mm (52 feet) Reference Vessel Height (see note C below) substituted for Reference Components in the National Electric Safety Code (NESC), Table A-2a.

(2) Low voltage communication lines, as defined in Section 2 of the NESC, shall have a minimum vertical clearance of 15,850mm (52 feet)

Notes:

A) For those crossings that are located at the end of a cove or within other areas of the Lake Murray Project area that may not be suitable for sail boating authorized work may not be required to meet the minimum clearance requirements if other appropriate clearances and safeguards are

determined to be adequate. To ensure that proposed clearances are determined to be adequate, applicants must notify SCE&G and the Corps of Engineers and provide detailed plans of the proposed work. Approval from the Corps of Engineers must be granted prior to commencement of work.

B) All existing overhead lines that do not comply with this criteria will be required to come into compliance by meeting the above requirements at such time upgrades are requested by the Utility Company. Upgrades consist of underbuilds, increased voltage, and general maintenance and repairs.

C) The term Reference Vessel Height, as used in Category 1 above, is the vessels total height above the water including mast and all appurtenances. It is based upon a vessel height of 14,630mm (48 feet), including mast plus a 1,220mm (4 foot) antenna or other appurtenances to the mast, and it shall replace each Water areas-sailboats Reference Component of Rule 232 in Table A-2a of Appendix A of NESC.

III. Prohibited Activities:

All work that exceeds the terms and conditions specified herein is prohibited unless an Individual or Nationwide Department of the Army Permit has been obtained from the Corps of Engineers. All work for purposes other than those specified herein is expressly not authorized by this document.

IV. Required Authorizations:

(a) Prior to performing the work authorized herein within the prescribed geographical limits of this General Permit, the permittee must also obtain authorization from SCE&G.

(b) SCE&G has agreed to furnish the Corps of Engineers with a monthly tabulation and pertinent information on all work or activities authorized under this General Permit.

V. Penalties for Violations:

Authorization obtained under this General Permit limits the size, length and use of structures. Any deviation from the specifications, or other terms or conditions of the General Permit shall constitute a violation 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 structures and/or restore the project area to its former condition as well as the imposition of penalties as provided by law.

VI. Revocation of the General Permit:

This permit may be revoked by issuance of a public notice at any time the District Engineer determines that the cumulative effects of the activities authorized herein have an adverse effect on the public interest. Following such revocation, any future activities in areas covered by this General Permit will be processed as Individual or Nationwide Permits.

VII. Duration of the General Permit.

This General Permit will cover activities started within five (5) years and completed within six (6) years after the date of issuance unless this permit is revoked in the interim. Revoking the General Permit will not affect work performed in accordance with the conditions stated herein. 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 this General Permit to determine if significant cumulative impacts have resulted. If the District Engineer determines revocation of this permit, in whole or in part, may be in order due to cumulative impacts, a public notice of the intention will be issued and after a review of all additional data submitted, action will be taken to amend, modify or revoke this permit as appropriate.

This permit shall become effective on the date of the District Engineer's signature.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

9-26-02

Peter W. Mueller
LTC, Corps of Engineers
District Engineer

Date

or his Designee

Robert H. Riggs
Chief, Regulatory Division