

PUBLIC NOTICE

**CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

REGULATORY DIVISION

21 NOVEMBER 2008

Refer to: GENERAL PERMIT # SAC-2008-1694

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), the Charleston District Engineer proposes to issue General Permit # SAC-2008-1694. This permit would be issued to the General Public and would authorize the construction, repair and maintenance of piers, docks, boat lifts, boat ramps, bulkheads, retainer walls, riprap, and minor excavation and fill within the following lakes on the Savannah River:

HARTWELL, RICHARD B. RUSSELL, AND J. STROM THURMOND

within the regulatory jurisdiction of the Charleston District, within the State of South Carolina.

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed issuance of the above referenced General Permit will be received by this office until

12 O'CLOCK NOON, MONDAY, DECEMBER 22, 2008

This General Permit, if issued, will be effective for a period of five (5) years.

The District Engineer has consulted the most recently available information and has determined that the proposed General Permit is not likely to adversely affect any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination or any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be affected by the proposed General Permit, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

In accordance with the National Historic Preservation Act (NHPA), the District Engineer has evaluated the proposed General Permit regarding its potential to affect cultural resources including registered properties or properties listed as being eligible for inclusion in the National Register. Provisions have been made in the form of general conditions to the proposed General Permit, which should prevent any adverse effect to cultural resources that the District Engineer is not aware of are not overlooked; this public notice also serves as a request to the State Historic Preservation Officer to provide any information it may have with regard to impacts this General Permit may have in historic and cultural resources.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If you have any questions concerning this matter, please contact Colt Bowles at 803-253-3400.

General Permit No. SAC-2008-1694
Name of Applicant: General Public
Effective Date: _____
Expiration Date: _____

DEPARTMENT OF THE ARMY
PROGRAMMATIC GENERAL PERMIT
FOR MINOR ACTIVITIES ON CORPS LAKES ON THE SAVANNAH RIVER,
SOUTH CAROLINA

A General Permit to perform work in or affecting waters of the United States, both navigable and non-navigable, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the River and Harbors Act of 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 the authority of the Secretary of the Army by the

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

to authorize, where such authorizations are required, the construction, repair and maintenance of piers, docks, boat lifts, boat ramps, bulkheads, retainer walls, riprap, and minor excavation and fill by the adjacent shoreline property owners or lessees in the following lakes along the Savannah River:

HARTWELL, RICHARD B. RUSSELL, AND J. STROM THURMOND

in Anderson, Oconee, Pickens, Abbeville, and
McCormick Counties, South Carolina.

In an effort to eliminate unnecessary duplication of regulatory efforts and to streamline the permitting process for routine projects with only minimal impacts, this Programmatic General Permit (PGP) is issued for a period of 5 years. Prior to commencing work authorized by the PGP, project-specific authorization must be obtained in writing through the U.S. Army Corps of Engineers (USACE) Operations Project Manager, or his designated representative, for the appropriate USACE Lake. For the purposes of this PGP, the term Operations Project Manager or his designated representative includes both Park Rangers and Park Managers. The following activities are authorized by the PGP provided they comply with the listed Special and General Conditions.

I. AUTHORIZED ACTIVITIES AND SPECIAL CONDITIONS:

a. Bank Stabilization Authorized bank stabilization activities include the placement of bulkheads, armoring systems (riprap), bioengineering, and other standard bank stabilization/protection devices roughly paralleling and at the bank or shoreline.

(1) Bio-engineering materials, such as vegetation, are encouraged whenever possible for bank stabilization activities.

(2) No material shall be placed in excess of the minimum needed for erosion protection. The activity will not exceed an average of 1 cubic yard of material per running foot placed along the bank below full pool elevation.

(3) The activity shall not exceed 1,000 feet in length along the bank.

(4) Materials must be non-polluting and shall not be placed in any special aquatic site, wetland, or stream.

(5) 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.

(6) No material shall be placed in a manner that would be eroded by normal or expected high flows or wave action.

b. Excavation Authorized excavation includes the removal of accumulated silt from the lake bottom for the purposes of navigation.

(1) Excavation or dredging in the 12 Mile Creek arm of Hartwell Lake upstream of the Highway 123 Bridge is not authorized by this PGP. Project specific authorization must be obtained through the USACE Charleston District, Regulatory Division for proposals upstream of the Highway 123 Bridge.

(2) All work shall be performed "in the dry" (above the current lake pool elevation). Dredging or excavation at or below lake pool elevation ("in the wet") is not authorized. 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.

(3) Only accumulations of silt shall be removed. Excavation shall not extend into the original, hard pan, hard clay bottom, or natural bottom contour of the lake.

(4) A maximum of 5,000 cubic yards of material per year per individual applicant (adjacent property owner or lessee) is authorized. However, at the discretion of the Operations Project Manager, up to 20,000 cubic yards of material may be authorized for "multiple-applicant" projects. Multiple-applicant projects are those designed to provide navigational access for multiple adjoining or adjacent properties under one permit.

(5) 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.

(6) Excavated areas shall be contoured such that ponding of water does not occur during times of low lake levels. No sinks or sumps shall be created.

(7) This permit authorizes a one-time excavation event per project site. Continual maintenance dredging/excavation is not authorized.

(8) Excavation of special aquatic sites, including wetlands is not authorized. Exceptions may be made for noxious or nuisance species.

(9) 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 Operations Project Manager.

(10) Excavated material shall not be deposited on public lands unless specifically authorized by the Operations Project 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. No material shall be stockpiled below full pool elevation.

(11) At the discretion of the Operations Project Manager, sediment testing may be required for any proposed excavation project.

c. Fish Attractors, Reefs, Fishery Enhancement, and Aquaculture Activities.

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

(1) Only clean material, free of pollutants may be placed in the waterway. Typical structures authorized for fish habitat include recycled Christmas trees, cinder blocks, and PVC structures.

(2) Structures shall not pose a hazard to navigation. Certain clearances, as specified by the Operation Project Manager, may be required over structures placed on the lake bottom.

d. Subaqueous Utility Lines

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.

(1) Lines and pipes may be suspended, directionally bored, trenched in, attached to existing structures, or laid on the lake bottom.

(2) Utility activities shall not pose a hazard to navigation or the environment.

(3) Any exposed areas must be stabilized immediately upon completion of the utility line.

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

(5) Trenching shall only occur in the dry. 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 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 Operations Project Manager.

(6) Special aquatic sites such as wetlands shall not be impacted.

e. 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)

(3) For those crossings that are located at the end of a cove or within other areas of the Corps Lakes Project area that may not be suitable for sailboating 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 the Corps of Engineers and provide detailed plans of the proposed work. **Written approval from the Corps of Engineers must be granted prior to commencement of work.**

(4) 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.

(5) 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.

f. Debris Removal. Authorized debris removal includes the removal of debris such as stumps, tree limbs, appliances, lumber, and metal objects, from any waterway for navigational or drainage purposes.

(1) All debris must be properly disposed. Disposal sites on public land for natural debris may be authorized on a case-by-case basis by the Operation Project Manager. Otherwise, disposal may not occur on public lands.

(2) Living vegetation securely attached to the substrate is not considered debris and is not authorized for removal.

(3) Debris removal does not include the dredging or excavation of gravel, sand, silt, or clay. Proposed excavation must comply with Section b. above for authorization under this PGP.

g. Dock Anchors. Authorized activities include the use of anchors on the lake bottom to secure large docks and docking facilities for safety purposes.

(1) Dock anchors shall not hinder or pose a hazard to navigation.

(2) Dock anchors must be constructed of durable materials as specified by the Operations Project Manager.

h. Scientific Measuring Devices and Surveys. 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.

(1) Authorized activities shall not hinder or pose a hazard to navigation.

i. Piles and Pile Supported Structures. Authorized activities include the installation and maintenance of piles and pile supported structures or the use of spud poles for Federal, state, and local agencies/government bodies or lessees.

(1) Structures shall not hinder or pose a hazard to navigation.

(2) Wood treated with creosote or chromated copper arsenate (CCA) may not

be used in the construction.

(3) Special aquatic sites, including wetlands, shall not be impacted.

J. Construction and maintenance of boat ramps. Authorized activities include the construction and modification of boat ramps by Federal, state, and local agencies/government bodies or lessees and the maintenance of existing boat ramps.

(1) Discharges below full pool elevation shall not exceed 100 cubic yards of material.

(2) Only acceptable materials, as determined by the Operations Project Manager, shall be used in ramp construction. Use of asphalt compounds or petroleum products is not authorized. Only non-polluting, stable material may be used.

(3) No material shall be placed in a manner that would be eroded by normal or expected high flows or wave action. Best management practices must be employed to stabilize material and prevent erosion of material off site.

(4) Boat ramps shall be sited such that it would not impair surface water flow into or out of any water of the United States.

(5) Excavation is limited to the minimum necessary for site preparation. Excavated material must be properly disposed of 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 or threatened or endangered species. All disposal sites must be authorized by the Operations Project Manager.

(6) Special aquatic sites, including wetlands, shall not be impacted.

(7) 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 structures configuration necessary to make repair, protect, and ensure the integrity of the structure are authorized. At the discretion of the Operations Project 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.

k. Buoys and Signs. Buoys and signs for the purpose of public information or safety may be authorized for Federal, state, or local agencies/government bodies or lessees.

(1) Buoys and signs shall not hinder or pose a hazard to navigation.

l. Modifications to Existing Marinas. Authorized modifications include reconfiguration of the existing dock facilities and excavation of accumulated silt by Federal, state, or local agencies/government bodies or lessees.

(1) Expansion of the marina is not authorized. Reconfiguration of the docks must remain within the footprint of the existing facility.

(2) 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. A maximum of 20,000 cubic yards of material may be removed.

(3) Only accumulations of silt shall be removed. Excavation shall not extend into the original, hard pan, hard clay bottom, or natural bottom contour of the lake.

(4) All work shall be performed "in the dry" (above the lake pool elevation). Dredging or excavation at or below lake pool elevation ("in the wet") is not authorized. 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.

(5) Excavated areas shall be contoured such that ponding of water does not occur during times of low lake levels. No sinks or sumps shall be created.

(6) This permit authorizes a one-time excavation event per project site. Continual maintenance excavation is not authorized.

(7) Excavation of special aquatic sites, including wetlands is not authorized. Exceptions may be made for noxious or nuisance species.

(8) 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 Operations Project Manager.

(9) Excavated material shall not be deposited on public lands unless specifically authorized by the Operations Project 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. No material shall be temporarily stockpiled below full pool elevation.

(10) At the discretion of the Operations Project Manager, sediment testing may be required for any proposed excavation project.

(11) Excavation or dredging in the 12 Mile Creek arm of Hartwell Lake upstream of the Highway 123 Bridge is not authorized by this PGP. Project specific authorization must be obtained through the USACE Charleston District, Regulatory Division for proposals upstream of the Highway 123 Bridge.

m. Recreational Swimming Beaches. 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.

(1) Materials must be non-polluting and shall not be placed in any special aquatic site, wetland, or stream.

(2) 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.

(3) Expansion of existing beaches is not authorized. Maintenance of existing beaches is limited to the previously authorized or "grandfathered" dimensions.

II. GENERAL CONDITIONS: The above described structures and activities may be authorized by this PGP subject to the following General Conditions:

a. All work must comply with the terms and conditions of the appropriate lake's Shoreline Management Plan as administered by the Operations Project Manager. **Prior to commencing any work authorized herein, the permittee must obtain project-specific authorization from the appropriate Operations Project Manager or his designated representative.** Project plans and proposals may be submitted to the appropriate Operations Project Manager at the following addresses:

**Hartwell Lake and Dam
Attention: Shoreline Section
5625 Anderson Highway
Hartwell, GA 30643-5259
1-888-893-0678**

**Richard B. Russell Dam and Lake
U.S. Army Corps of Engineers
4144 Russell Dam Dr.
Elberton, GA 30635-9271
1-706-213-3400**

**J. Strom Thurmond Project
Attention: Shoreline Section
510 Clarks Hill Highway
Clarks Hill, SC 29821
1-800-533-3478**

b. This Programmatic General Permit authorizes only those activities specifically addressed herein. Any jurisdictional activity not authorized in the PGP, or which exceeds the limitations of the PGP, requires specific authorization through USACE, Charleston District, Regulatory Division:

**U.S. Army Corps of Engineers
Columbia Regulatory Office
Strom Thurmond Federal Bldg.
1835 Assembly Street, Rm. 865 B-1
Columbia, SC 29201
(803) 253-3444**

c. Based on potential impacts to navigation, the environment, human health and welfare, public interest, or other concerns, the Operations Project Manager has the discretion, on a case-by-case basis, to elevate any proposal otherwise authorized by this PGP to USACE, Charleston District, Regulatory Division for standard permit processing.

d. All activities identified and authorized herein shall be consistent with the terms and conditions of this General Permit; 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.

e. Access across public property to the work site shall be identified in the application and coordinated and approved by the Operations Project Manager. Every effort shall be made to identify and utilize the route least damaging to shoreline vegetation and property.

f. All 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.

g. No wetland or stream shall be adversely impacted. No surface water flowing into or out of any wetland or stream shall be adversely impacted.

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 Operations Project Manager, 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, Operations Project 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. 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, 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. 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.

n. The prospective permittee must notify the Operations Project Manager if the proposed activity may affect any federally listed threatened or endangered species, a species proposed for listing, or designated critical habitat. The activity is not authorized until the District Engineer determines that the requirements of the Endangered Species Act have been satisfied. If the District Engineer determines that federally listed threatened or endangered species may be adversely affected by the proposed work, then that specific work is not authorized by this PGP.

o. The prospective permittee must notify the Operations Project Manager if the proposed activity may affect any historic properties or cultural resources listed on, or which may be eligible for listing on, the National Register of Historic Places. Should the USACE determine the proposed activity has the potential to affect cultural resources, including archaeological, scientific, prehistoric, or historic sites or data, the project must be coordinated through USACE, Charleston District, Regulatory Division. The activity is not authorized until the procedures for the protection of cultural resources (Appendix C to 33 CFR 325) have been completed, including coordination with the State Historic Preservation Officer and/or the appropriate Tribal Historic Preservation Officer.

p. 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 permittee agrees to cease work and contact the District Engineer, so that further coordination with appropriate agencies may be conducted.

q. 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.

r. The permittee recognizes the possibility that works or structures authorized herein may be subject to damage by wave wash from passing vessels and wind-driven waves. 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.

s. Upon receipt of a notice from the District Engineer for failure to comply with the terms, conditions, or standards of this General Permit, 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.

t. 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.

u. Authorizations will not be issued under these PGP's which will adversely affect nesting bald eagles. If the Operations Project 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 with the District Wildlife Biologist will be required to determine if restrictions are necessary.

v. Should the proposal potentially have an adverse affect on any vegetation, that vegetation must be clearly identified (species and location) in the information submitted for approval by the Operations Project Manager. Upon a request by the appropriate Operations Project Manager, the applicant shall 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 USACE Charleston District, Regulatory Division.

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 appropriate Corps of Engineers District Office. All work for purposes other than those specified herein is expressly not authorized by this document.

IV. REQUIRED AUTHORIZATIONS:

a. Prior to performing any work authorized herein within the prescribed geographical limits of this General Permit, the permittee must also obtain authorization from the appropriate Operations Project Manager.

b. Prior to performing any work authorized herein that entails discharges of dredged or fill material into navigable waters, the permittee must obtain a Permit to Construct in Navigable Waters from the South Carolina Department of Health and Environmental Control

pursuant to R. 19-450. et. Seq., 1976 S.C. Code of Laws, as amended.

c. The Operations Project Managers have agreed to furnish USACE, Charleston District, Regulatory Division with a quarterly tabulation and pertinent information on all work or activities authorized under this PGP.

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 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.

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. Revocation of the 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 provisions contained herein.

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

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

J. Richard Jordan, III
LTC, Corps of Engineers
District Commander

Date

or his Designee

Tina B. Hadden
Chief, Regulatory Division