

NATIONWIDE PERMIT REGIONAL CONDITIONS FOR SOUTH CAROLINA

The following Regional Conditions have been implemented by the Charleston District for the nationwide permits (NWP) published in the January 15, 2002 Federal Register as authorized under General Condition #6. Regional conditions are authorized to modify NWP's 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.

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 streams and wetland areas. 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.
2. Necessary measures must be taken to prevent oil, tar, trash, debris and other pollutants from entering the adjacent waters or wetlands.
3. Any excess excavated materials not utilized as authorized back fill must be placed and contained on high land well away from waters of the U.S., including wetlands. Such material must be permanently stabilized to prevent erosion.
4. Placement and/or stockpiling (double handling) of excavated material in waters of the U.S, including wetlands, is prohibited unless specifically authorized by the nationwide permit verification. Should double handling be authorized, the material must be placed in such a manner to allow for adequate circulation of water and not be dispersed by currents or other erosive forces.
5. 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 surrounding environment.
6. The permittee must notify the Corps of Engineers, Charleston District in the event archaeological or paleontological remains are found during the course of work. Archaeological 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. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusks, bone, or entire skeletons.
7. Use of nationwide permits does not obviate requirements to obtain other Federal, State, county, or local government authorizations.
8. With the exception of NWP 38, no NWP is authorized in areas of known or suspected sediment contamination.

For Specific Nationwide Permits:

9. **NWP's 16, 17, 21, and 34** are currently not being used in the state of South Carolina due to the denial of Section 401 Water Quality Certification and finding of inconsistency with the Coastal Zone Management Program. Individual Water Quality Certifications and Coastal Zone Consistency Determinations are required prior to use of these NWPs.
10. **NWP's 23, 24, 28, 35, 42, and 43** are currently not being used in areas of South Carolina defined as the Coastal Management Zone, of the South Carolina Coastal Management Program, due to the finding of inconsistency with the program. The Coastal Management Zone consists of the eight coastal counties as follows: Jasper, Beaufort, Colleton, Dorchester, Charleston, Berkeley,

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Georgetown, and Horry. Individual Coastal Zone Consistency Determinations are required prior to any use of these NWP's.

11. For **NWP's 12, 14, 18, 27, 29, 38, 39, 40, 42, 43,** and **44** a discharge cannot cause the loss of greater than 300 linear feet of *streambed*.
12. For **NWP's 1, 5, 7, 8, 10, 11, 12, 13, 14, 15, and 36**, a notification must be submitted for any activity that would be located adjacent to an authorized Federal Navigation project. These Federal navigation areas include Adams Creek, Savannah River, Jeremy and Town Creek at McClellanville, Village Creek at Beaufort, the Charleston Harbor Navigation Project (to include the federal navigation channels in Shipyard River, Wando River, Town Creek, and channels at the Naval Weapons Station), Georgetown Harbor, Little River Inlet, Murrells Inlet, Main Creek at Murrells Inlet, Port Royal Harbor, Waccamaw River, Shem Creek, and the Atlantic Intracoastal Waterway.
13. For **NWP 3**, excavation of accumulated sediment or other material is not authorized in areas adjacent to existing private or commercial dock facilities, piers, canals dug for boating access, marinas, or boat slips.
14. For **NWP 3**, the permittee must notify the District Engineer in accordance with General Condition 13, if the discharge of dredged or fill material causes the loss of greater than 1/10-acre of waters of the U.S. or there is a discharge in a special aquatic site, including wetlands and riffle pool complexes.
15. For **NWP's 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 must be limited to ≤ 0.5 ft/sec.
16. For **NWP 7**, activities related to the construction of outfall structures must occur in the immediate vicinity of the outfall, and must be necessary for the overall construction or operation of the outfall (e.g. pump equipment, rip-rap). Authorization does not include 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.
17. **NWP's 12, 14, and/or 43** will not be used in conjunction with **NWP 39** for a *single and complete project*.
18. For **NWP's 12, 14, and 39**, wetland/stream crossings must be aligned and designed to minimize the *loss of waters of the U.S.*
19. For **NWP 12**, 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, etc., must be kept viable and replaced at the surface of the excavated site. Impacted wetlands will be allowed to naturally re-vegetate from replaced substrate and/or be replanted with native wetland species.
20. For **NWP 12**, stream banks that are cleared of vegetation will be stabilized using bioengineering techniques and/ or the planting of deep-rooted native species.
21. For **NWP 12**, each individual wetland/stream crossing will be stabilized immediately following completion of utility line construction/installation at that crossing.
22. For **NWP 12**, construction techniques to prevent draining, such as anti-seep collars, will be required for utility lines buried in wetlands, when necessary. If no construction techniques to prevent draining are proposed, the applicant must provide appropriate documentation that such techniques are not required to prevent wetland drainage.
23. For **NWP 12**, all notifications must include:
 - specifications of how pre-construction contours will be re-established and verified after construction;

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- a justification for the required width of all maintained utility crossings impacting waters of the U.S.;
 - a justification for the *loss of waters of the U.S.* impacted by above grade access roads; permanent access roads constructed of impervious materials, and utility line sub-stations.
 - the acreage of impacts to waters of the U.S indefinitely converted from a forested wetland to a herbaceous wetland and a compensatory mitigation proposal.
24. For **NWP 13**, a notification must be submitted for activities greater than 300 linear feet that occur in *perennial* and *intermittent streams*.
25. **NWP 13** does not authorize *stream channelization*, and the authorized activities must not cause more than minimal changes to the hydraulic flow characteristics of the stream, increase flooding, or cause more than minimal degradation of water quality of any stream.
26. For **NWP 14 and 39**, all notifications must include appropriately sized and located culverts for crossings of waters of the U.S. that meet the requirements of General Conditions 4, 21 and 26.
27. For **NWP's 14 and 39**, stream crossings are required to accommodate bankfull* flows by maintaining the existing bankfull channel cross sectional area. Flows that exceed bankfull flow must be accommodated by placement of additional culverts above the bankfull elevation.
28. Notifications for stream and wetland *restoration* activities authorized by **NWP 27** 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.
29. For **NWP 36**, the width of the boat ramp will be limited to 12 feet, only one boat ramp may be constructed on a single lot or tract of land (e.g. each lot within a subdivision), and the ramp must be limited to single family recreational uses or non-commercial, non-profit, recreational uses.
30. For **NWP 38**, notifications require the following information:
- 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;
 - 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;
 - a plan for the monitoring, operation, or maintenance of the restored area.
31. For **NWP 39**, the discharges of dredged or fill material for the construction of *stormwater management facilities* in *perennial streams* are not authorized.
32. For **NWP 39**, channel relocations are limited to man-made drainage ditches.
33. For **NWP 41**, notification must be submitted for projects that require mechanized land clearing in waters of the U.S., including wetlands, in order to access or perform reshaping activities.
34. **NWP 41** is prohibited in channalized streams or stream relocation projects that exhibit natural stream characteristics and/or perform natural stream functions.

*Bankfull corresponds to the discharge at which channel-forming processes, such as forming or removing bars or meanders, is most effective. It is typically associated with the 1.5-year storm event, the "ordinary high water mark", and the elevation on the stream bank where flooding begins in a stable stream system. It can often be identified in the field by the elevation of the highest depositional feature (e.g. point bars), a recognizable floodplain, or a break in perennial vegetation.