

General Permit No. SAC-RGP 24 through 26  
Name of Applicant: General Public  
Effective Date: July 8, 2022  
Expiration Date: July 8, 2027

DEPARTMENT OF THE ARMY  
REGIONAL GENERAL PERMIT  
FOR CERTAIN PRIVATE RECREATIONAL PONDS,  
WATERFOWL IMPOUNDMENTS, AND GREENTREE RESERVOIRS  
WITHIN SOUTH CAROLINA

General Permits to authorize the discharge of dredged or fill material into waters of the United States pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344), is hereby issued by the authority of the Secretary of the Army by the

District Engineer  
U.S. Army Engineer District, Charleston  
Corps of Engineers  
69-A Hagood Avenue  
Charleston, South Carolina 29403-5107

for the construction and maintenance of: (1) private, recreational ponds; (2) waterfowl impoundments; and/or (3) greentree reservoirs.

**SPECIAL NOTES FOR USE OF THIS REGIONAL GENERAL PERMIT:**

- A Pre-Construction Notification (PCN) is required for all activities authorized by these RGPs. After submitting a PCN to the U.S. Army Corps of Engineers, Charleston District (Corps), project-specific written permission must be received from the Corps for all activities authorized by these Regional General Permit (RGPs) prior to commencement of work.
- Throughout the document, the terms impoundment and pond are used interchangeably.
- These RGPs do not authorize the construction of aesthetic ponds for residential or commercial development, stormwater management ponds, sediment ponds, wastewater treatment ponds, waste disposal ponds, commercial aquaculture ponds, irrigation ponds, managed tidal impoundments or work on existing managed tidal impoundments and/or the discharge of dredged and/or fill material into waters of the United States for any purpose beyond what is prescribed in Section I of this RGP.
- These RGPs do not authorize construction of multiple ponds, waterfowl impoundments, and/or greentree reservoirs on a single property or on a property where these features already exist.
- These RGPs reference several documents from the South Carolina Department of Natural Resources (SCDNR) and Interagency documents. These are separate documents that are included to provide reference for use, but are not part of the RGPs. These documents can be used for possible reduction in compensatory mitigation. These documents can be found on SCDNR website at the following locations:

<https://www.dnr.sc.gov/environmental/docs/private-ponds.pdf>  
<https://www.dnr.sc.gov/environmental/docs/impoundments.pdf>  
<https://www.dnr.sc.gov/environmental/docs/greentree.pdf>

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

### **SAC-RGP 24: Private Recreational Ponds**

Private Recreational Ponds authorized by this RGP are limited to non-commercial, recreational ponds with a full pool surface area of less than **five (5) acres**.

- a. **Impacts shall not exceed 1,000 linear feet of tributaries and/or 2 acres of wetlands and other jurisdictional waters of the U.S.** Impacts include, but are not limited to, mechanized land clearing, dam construction, placement of water control structures and spillways, and flooding.
- b. A compensatory mitigation plan is required for private recreational ponds that would result in impacts **greater than 0.1 acre of wetlands and/or greater than 0.005 acre of tributaries**. The mitigation plan should be prepared in accordance with the "Guidelines for Preparing a Compensatory Mitigation Plan", or the most current mitigation requirements, which can be found at <https://www.sac.usace.army.mil/Missions/Regulatory/Compensatory-Mitigation/>.

**Compensatory Mitigation Reduction:** Reduction in compensatory mitigation can be achieved by following the most recent SCDNR version of the *Guidelines for Private Recreational Ponds*. If requesting a reduction in compensatory mitigation, please provide specific information on how the proposed pond will meet each condition in the guidelines. If it will not meet one of the guidelines, please provide justification why.

### **SAC-RGP 25: Waterfowl Impoundments**

Waterfowl Impoundments authorized by this RGP are limited to those impoundments that are constructed and maintained primarily to improve conditions for waterfowl conservation and/or hunting activities. (NOTE: Waterfowl impoundments constructed for commercial purposes are not authorized under this RGP).

- a. **Impacts are limited to 1,000 linear feet of stream and/or 2 acres of wetlands and other jurisdictional waters of the U.S.** Impacts include, but are not limited to, mechanized land clearing, dam construction, placement of water control structures and spillways, and flooding.
- b. A compensatory mitigation plan is required for waterfowl impoundments that would result in impacts **greater than 0.1 acre of wetlands and/or greater than 0.005 acre of tributaries**. The mitigation plan should be prepared in accordance with the "Guidelines for Preparing a Compensatory Mitigation Plan", or the most current mitigation requirements, which can be found at <https://www.sac.usace.army.mil/Missions/Regulatory/Compensatory-Mitigation/>.

**Compensatory Mitigation Reduction:** Reduction in compensatory mitigation can be achieved by following the most recent SCDNR version of the *Guidelines for Private Shallow Water Impoundments for Waterfowl*. If requesting a reduction in compensatory mitigation, please provide specific information on how the proposed pond will meet each condition in the guidelines. If it will not meet one of the guidelines, please provide justification why.

### **SAC-RGP 26: Greentree Reservoirs**

Greentree Reservoirs authorized by this RGP are limited to private, seasonally flooded systems that enhance feeding and foraging habitat for wildlife. (NOTE: Greentree reservoirs are managed forested wetland systems that promote seasonal flooding cycles).

- a. **Impacts are limited to 1,000 linear feet of tributaries and/or 2 acres of wetlands and other**

**jurisdictional waters of the U.S.** Impacts include, but are not limited to, mechanized land clearing, dam construction, placement of water control structures and spillways, and flooding.

- b. The permittee should demonstrate compliance with the most recent *Interagency Guidelines for Greentree Reservoirs*.
- c. A compensatory mitigation plan should be prepared in accordance with the “Guidelines for Preparing a Compensatory Mitigation Plan”, or the most current mitigation requirements, which can be found at <https://www.sac.usace.army.mil/Missions/Regulatory/Compensatory-Mitigation/>. Compensatory mitigation will be evaluated on a case by case basis and may be reduced (or waived) where the permittee proposes to follow the most recent “*Interagency Guidelines for Greentree Reservoirs*”.

**II. NOTIFICATION AND APPROVAL PROCEDURES:** The applicant must submit a PCN to the Corps prior to commencement of work. Work cannot proceed until the Corps has provided written approval to the applicant. The permittee must submit the following information to the appropriate Corps Office:

- 1) **APPLICATION:** Joint Federal and State Application Form For Activities Affecting Waters of the United States Or Critical Areas of the State of South Carolina.
- 2) **PROJECT PLANS:** Plans of the proposed work (on 8 ½” x 11” sized pages), showing all pertinent structures, elevations, clearances, dimensions, and types and quantities of materials. This includes plan view and cross section drawings of all structures and the impoundment. (NOTE: To ensure that all impoundment structures are safely designed, the District Engineer may require applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The District Engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.)
- 3) **SCHEDULE:** Approximate commencement and expected completion dates.
- 4) **PROJECT DESCRIPTION:** Description of the proposed activity which includes, but is not limited to, the following information:
  - Existing site conditions.
  - The purpose of the proposed activity.
  - A description of impacts to waters of the U.S. including the amount of impacts.
  - Methods to be used for construction.
  - A drawing showing the distance to the adjacent property and full pool elevation.
  - Photographs of the area if available.
- 5) **WATERS:** A delineation of waters within the project area that includes documentation to support the delineation in accordance with the current methods required by the Charleston District. This should also include documentation showing the project site is not located on a State Navigable Water or Trout Water.
- 6) **MITIGATION PLAN:** A mitigation plan to include the avoidance and minimization measures, alternatives, and compensatory mitigation (if required).
- 7) **SCDNR GUIDANCE COMPLIANCE:** Documentation that the project meets the terms and conditions of the SCDNR guidance and if not, which conditions would not be met and why (if

applicable).

***\*Additional information may be required on a case by case basis.***

**SUBMITALS:** To determine the appropriate Corps office to submit application, please visit our website for a map identifying the specific counties served by each Corps Regulatory office: is located on our website at <https://www.sac.usace.army.mil/Missions/Regulatory.aspx>

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

**U.S. Army Corps of Engineers  
Charleston Office  
[SAC.RD.Charleston@usace.army.mil](mailto:SAC.RD.Charleston@usace.army.mil)  
(843) 329-8044**

**U.S. Army Corps of Engineers  
Conway Office  
[SAC.RD.Conway@usace.army.mil](mailto:SAC.RD.Conway@usace.army.mil)  
(843) 365-4239**

**U.S. Army Corps of Engineers  
Columbia Office  
[SAC.RD.Columbia@usace.army.mil](mailto:SAC.RD.Columbia@usace.army.mil)  
(803) 253-3444**

**U.S. Army Corps of Engineers  
Greenville Office  
[SAC.RD.Greenville@usace.army.mil](mailto:SAC.RD.Greenville@usace.army.mil)  
(864) 609-4326**

**If you are unable to submit the PCN and supporting information electronically, please contact the appropriate Corps Regulatory office for additional instructions.**

III. **GENERAL CONDITIONS:** To qualify for RGP authorization, the prospective permittee must comply with the following general conditions (GC), in addition to any regional or case specific conditions:

- a. That the term "permittee" means the individual authorized by the District Engineer to accomplish work under this General Permit. The activities authorized under this permit are for private use.
- b. The permittee cannot begin work until notified in writing by the Corps that the proposed work is authorized by this RGP.
- c. A complete copy of this permit, verification letter, 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.
- d. This RGP authorizes work subject to Section 404 of the CWA and does not authorize work in or affecting Navigable Waters of the U.S. subject to Section 10 of the Rivers and Harbors Act (RHA). This RGP does not authorize work in tidal waters or other navigable waters subject to Section 10 of the RHA.
- e. This RGP does not authorize work in State Navigable Waters or designated Trout Waters.
- f. This RGP authorizes only those activities specifically addressed herein. Any work or activity in waters of the U.S. not specifically authorized in this RGP, or any work or activity which exceeds the limitations of the RGP, will require separate authorization by the Corps.

- g. The proposed activity must be a single and complete project. The same RGP cannot be used more than once for the same single and complete project.
- h. The use of more than one RGP for a single and complete project is prohibited, except when the acreage or linear footage of impacts to waters of the U.S. authorized by the RGP does not exceed the limits of the RGP.
- i. This RGP cannot be used in conjunction with any other Department of the Army authorization to enlarge a pond size beyond the limits stated within the RGP.
- j. The District Engineer, at his/her discretion, may determine that this General Permit will not be applicable to a specific construction proposal. In such case the procedure for processing an individual permit in accordance with 33 CFR 325 will be available.
- k. All activities identified and authorized herein shall be consistent with the terms and conditions of this RGP; 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 I. below, and in the institution of such legal proceedings as the United States Government may consider appropriate.
- l. 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.
- m. The permittee must be the property owner or have the requisite property interests to undertake the proposed project. The requisite property interests extend to the 100-year floodplain. No activity authorized by this permit will cause flooding or ponding of water on property in which the permittee does not have this necessary property interest.
- n. This RGP 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.

- o. The permittee must comply with all FEMA regulations and requirements. The permittee is advised that the National Flood Insurance Program (NFIP) prohibits any development within a designated floodway within the FEMA Special Flood Hazard Area (SFHA), including placement of fill, without a "No Impact Certification" approved by the local NFIP flood plain manager. The permittee is further advised that development activities in a designated FEMA Special Flood Hazard Area (SFHA) are subject to the floodplain management regulations of the National Flood Insurance Program (NFIP). If the proposed action is located in a designated FEMA SFHA (e.g., 100-year flood plain), the permittee must coordinate with the local NFIP flood plain manager and comply with FEMA requirements prior to initiating construction. A list of NFIP floodplain managers may be found at: <http://www.dnr.sc.gov/water/flood/index.html>.
- p. The permittee should coordinate with the SC Department of Health and Environmental Control Dam Safety to determine if a dam safety permit is required.
- q. To ensure that all impoundment structures are safely designed, the District Engineer may require applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The District Engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.
- r. The activity must be designed to maintain to the greatest extent practicable preconstruction downstream flow conditions. The activity must not permanently restrict or impede the passage of normal or expected high flows and the structure or discharge of dredged or fill material must withstand expected high flows.
- s. 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.
- t. 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.
- u. The permittee shall allow the District Engineer 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.
- v. Any activity that may adversely affect any federally listed threatened or endangered species, a species proposed for listing, or designated critical habitat is NOT authorized by this General Permit. These activities will be evaluated under the individual permit review process as specified in 33 CFR Part 325.
- w. Historic Properties:



1. In cases where the District Engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.
  2. Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the District Engineer with the appropriate documentation to demonstrate compliance with those requirements. The District Engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the proposed activity, or whether additional section 106 consultation is necessary.
  3. The pre-construction notification (PCN) must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places. Based on the information submitted and these efforts, the District Engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the District Engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.
  4. The District Engineer will notify the prospective permittee whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties.
  5. Prospective permittees of this General Permit should be aware that Section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.
- x. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this General 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.

- y. The permittee must notify the South Carolina Institute of Archaeology and Anthropology in accordance with the South Carolina Underwater Antiquities Act of 1991 (Article 5, Chapter 7, Title 54 Code of Laws of South Carolina, 1976) in the event archaeological or paleontological remains are found during the course of the work. Archaeological remains consist of any materials made or altered by man which remains from the 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, tusk, bone or entire skeletons.
- z. 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.
- aa. Prior to the beginning of any construction activities, appropriate erosion control measures, such as silt fences, silt barriers or other suitable devices must be placed between the construction area and affected waterways (wetlands) and maintained in a functioning capacity until the area is permanently stabilized upon completion of the project.
- bb. All steps necessary must be taken to prevent oil, tar, trash, debris, and other pollutants from entering adjacent wetlands and/or waterways.
- cc. Each permittee who receives a verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the District Engineer.

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

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

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

Prior to performing any of the work authorized herein, the permittee shall obtain the necessary state permits from the South Carolina Department of Health and Environmental Control and any other required Federal, State or local authorizations.

#### **VI. PENALTIES FOR VIOLATIONS:**

Any deviation from the specifications, or other terms or conditions of the Regional General Permits shall constitute a violation of the Section 404 of the CWA 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.



**VII. LIMITS OF FEDERAL LIABILITY:**

In issuing these Regional General Permits, the Federal Government does not assume any liability for the following:

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

**VIII. REVOCAION OF THE REGIONAL GENERAL PERMITS:**

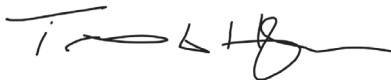
These permits may be revoked by issuance of a public notice at any time the District Engineer determines that the cumulative effects of the activities authorized herein have an adverse effect on the public interest. Following such revocation, any future activities in areas covered by these General Permits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

**IX. DURATION OF THE REGIONAL GENERAL PERMITS:**

These Regional General Permits will cover activities started within five (5) years and completed within six (6) years of the date of issuance unless this permit is revoked in the interim. At the end of the first year and every succeeding year, the Corps 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 a General Permit will not affect the work that had been authorized when the General Permit was in effect if such work is in accordance with the applicable 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:



8 July 2022

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Andrew C. Johannes, PhD PE PMP  
Lieutenant Colonel, U.S. Army  
Commander and District Engineer

or an authorized Designee

Travis G. Hughes  
Chief, Regulatory Division