

General Permit No. SAC-2017-00756 through 00770  
Name of Applicant: SC Department of Natural Resources (SCDNR)  
Effective Date: March 6, 2018  
Expiration Date: March 6, 2023

DEPARTMENT OF THE ARMY  
REGIONAL GENERAL PERMIT  
FOR MINOR ACTIVITIES BY SC DEPARTMENT OF NATURAL RESOURCES (SCDNR)  
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 activities in waters of the US, including wetlands, that are similar in nature and cause only minimal individual and cumulative impacts, for specific activities undertaken by the South Carolina Department of Natural Resources (SCDNR) or their designated entities through a SCDNR approved and signed partnership agreement within the State of 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 Regional General Permit (RGP) is issued for a period of 5 years. Prior to commencing work authorized by the RGP, SCDNR project-specific authorization must be obtained in writing by the designated representative for the waterbody when applicable, such as a lake manager.

This Regional General Permit is for use on public structures, the benefit of the public, or SCDNR managed or owned property pursuant to the mission of SCDNR. All work must be performed by SCDNR or their designated entity through a SCDNR approved and signed partnership agreement within the State of South Carolina. A summary of each Regional General Permit is below and includes the limits and reporting requirements.

<b>RGP #</b>	<b>Activity</b>	<b>Authority</b>	<b>Limits</b>	<b>Reporting</b>
SAC 2017-00756	Docks, Fishing Piers, and Boat Lifts	10/404	Docks-1600 sq ft Fishing Piers-2400 sq ft Boat Lifts-600 sq ft	Size exceptions for ADA Guidelines Impacts to special aquatic sites Size exceptions for SMP
SAC 2017-00757	Bank Stabilization	404	Artificial-1500 ft Bioengineering-3000 ft	1,000 ft or more
SAC 2017-00758	Excavation	10	20,000 CY per year/per waterbody	5,000 CY or more per waterbody Impacts to special aquatic sites
SAC 2017-00759	Fisheries Habitat	10/404	Open Water Structures Inshore Structures Staging Areas	All work
SAC 2017-00760	Debris Removal	10		Impacts to special aquatic sites Removal of non-native or invasive vegetation
SAC 2017-00761	Piles and Pile Supported Structures	10/404		
SAC 2017-00762	Construction and Maintenance of Boat Ramps	10/404	Max 75 CY for each lane Max 20 ft wide per lane Max 6 lanes	Two lanes or more Impacts to special aquatic sites
SAC 2017-00763	Buoys and Signs	10		Impacts to special aquatic sites
SAC 2017-00764	Wetland and Stream Restoration and Enhancement Activities	10/404	5 acres or 3,000 linear feet	All work
SAC 2017-00765	Minor Discharge and Excavation	10/404	50 CY	Discharges over 25 CY Impacts to special aquatic sites
SAC 2017-00766	Scientific Measuring Devices	10/404		Impacts to special aquatic sites
SAC 2017-00767	Mooring Structures	10/404		Impacts to special aquatic sites
SAC 2017-00768	Removal of Vessels	10/404		Impacts to special aquatic sites
SAC 2017-00769	Water Control Structures	10/404		All work
SAC 2017-00770	Maintenance	10/404		Impacts to special aquatic sites Minor deviations to structures

**Special aquatic sites include sanctuaries and refuges, wetlands, mud flats, vegetated shallows, coral reefs, and riffle-pool complexes.**

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

### **Docks, Fishing Piers and Boat Lifts (SAC-2017-00756):**

- a) Authorized dock and boat lift activities include public docks, whether fixed, floating or a combination of both may not exceed the square footage or length allowed in an approved Shoreline Management Plan (SMP) or extend 1/3 the distance across the affected waterway, whichever is less provided that they do not interfere with navigation, or ingress or egress to any adjoining property/existing docks. In some locations, such as narrow coves, the maximum size may not be permitted or structures may not be permitted at all. Exceptions to the measurements allowed in an SMP can be made under this General Permit with prior approval from the Corps and the lake manager (if applicable). Docks on tributaries are limited to ¼ the width of the stream.
- b) Authorization includes for the construction and modification of docks, fishing piers or boat lifts and the associated appurtenances. Fishing piers shall not exceed 2400 square feet and docks shall not exceed 1600 square feet. Gangways to the fixed pier or floating dock may not exceed 8 feet wide outside the critical area. Inside the critical area, gangways may not exceed 6 feet wide. Boat lifts shall not exceed 600 square feet. Exceptions to exceed the maximum square footage can be made under this General Permit with prior approval from the Corps in order to comply with the Americans with Disability Act Accessibility Guidelines.
- c) All fixed pier decking (not including handrails) will be built at least three vertical feet above the referenced full pond of the lake or Ordinary High Water Mark or Mean High Water of the water body.
- d) Hand railings are permissible provided that the sides of docks are not enclosed or screened to obscure cross-vision.
- e) Structures built must not contain sinks, toilets, showers, or any other type of device, which could cause any liquid or solid waste to be discharged into the waterbody.
- f) Storage compartments are permissible but will not exceed 14 inches in width, 30 inches in height and 8 feet in length.
- g) Flotation for all facilities and boat mooring buoys shall be of materials manufactured for marine use. Materials must not lose significant buoyancy if punctured, must not generally be subject to damage by animals, and must resist breaking apart under a broad range of wave energies. The uncoated, beaded polystyrene will not be permitted for any new construction or as replacement for existing facilities. Reuse of plastic, metal, or other previously used drums or containers for encasement or flotation purposes is prohibited. Existing approved flotation is authorized until it has severely deteriorated and is no longer serviceable, at which time it must be replaced with approved flotation.
- h) Docks and fishing piers must be single-story structures. These structures may have a roof, but the roof cannot be utilized as a second story. Dock cover roofs may be gabled or monosloped. Gabled roofs will not exceed fifteen (15) feet in height from the top of the gable to the pier flooring. Monosloped roofs will not exceed twelve (12) feet in height from the top of the slope to the pier flooring. If the height is restricted by MHW, and the dock is built more than 3 feet above, then there is reduced clearance/space under the roof.
- i) Floating docks shall be located in areas of adequate depth to ensure that clearance between the float and the bottom is maintained at all times. In areas where the depth is not adequate to

maintain clearance, floating docks shall be fitted with structures (i.e. float stops) that prevent the float from contacting the bottom.

- j) The number of pilings shall be restricted to the least amount possible and distance between pilings should be maximized to the greatest extent practicable.
- k) Docks used to moor houseboats for habitation are not allowed by this General Permit.
- l) That the permittee understands and agrees that pilings will be installed using a water jet or vibratory hammer. In the event standard pile driving (impact hammer) is utilized, the permittee understands and agrees that a soft-strike procedure (three strikes at 40%-60% energy level once a minute for 3 minutes) must be conducted prior to beginning pile driving activities and after any pile driving interruptions of more than 30 minutes.
- m) That the permittee understands and agrees that pile driving activities must be limited to 12 hours per day with a 12-hour rest period between pile driving activities to avoid potential cumulative noise impacts to Federally-listed Threatened and Endangered (T&E) species.

**Bank Stabilization (SAC-2017-00757):**

- a) 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.
- b) The activity shall not exceed 1,500 feet in length for artificial bank stabilization methods and 3,000 feet in length for bioengineering.
- a) 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, ordinary high water mark, or above mean high in tidal waters.
- b) Bio-engineering materials, such as vegetation, are encouraged whenever possible for bank stabilization activities.
- c) Materials must be non-polluting and shall not be placed in any special aquatic site or wetland.
- d) 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.
- e) No material shall be placed in a manner that would be eroded by normal or expected high flows or wave action.
- f) All impacts over 1,000 linear feet must be reported to the Corps before work can begin.

**Excavation (SAC-2017-00758):**

- a) Authorized excavation includes the removal of accumulated silt from a lake bottom for the purposes of navigation.
- b) Excavation is not authorized under the RGP within Lake Hartwell without specific authorization through the Corps.

- c) Excavation is only authorized on lakes or impoundments. It is not authorized on rivers or tributaries.
- d) 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 under this RGP. 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.
- e) Excavation shall not extend into the original, hardpan, hard clay bottom, or natural bottom contour of the lake.
- f) A maximum of 20,000 cubic yards of material per year per waterbody is authorized.
- g) For each single and complete project, access to the lake with heavy machinery and excavation equipment is limited to one point of ingress and egress.
- h) 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.
- i) This permit authorizes a one-time excavation event per single and complete project. Continual maintenance dredging/excavation is not authorized.
- j) Excavation of special aquatic sites, including wetlands is not authorized. Exceptions may be made for noxious or nuisance species.
- k) 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.
- l) Impacts over 5,000 cubic yards per waterbody per year must be reported to the Corps before work can begin.

**Fisheries Habitat (SAC-2017-00759):**

- a) All activities authorized under this RGP must be reported to the Corps before work can begin. This General Permit is only for freshwater systems.
- b) Authorized activities include the placement of fish attractors and habitat structures, spawning bed renovation and installation, benthic barriers for aquatic weed control and non-native aquatic vegetation removal.
- c) Only clean material, free of pollutants may be placed in the waterway. Typical structures authorized for fish habitat include, but are not limited to, large woody debris or recycled Christmas trees, cinder blocks, root wads, gravel beds, rock berms, PVC structures, fish canopy or shade structures, concrete structures, wood pallets, concrete weighted bamboo structures, commercially available attractor units such as those manufactured under the brand of Porcupine, Honey hole/Pond King and Mossback.
- d) There will be signage and buoys advising anglers and boaters of enhancement structures in the area. Appropriate marker buoys will be located around habitat structures. Buoy markers

and informational signage locations will be coordinated closely with the U.S. Army Corps of Engineers. Structures in general shall not pose a hazard to navigation. However, some structures may become hazards due to extreme water level fluctuations or in the case of drought. If and when those situations arise, reservoir rule curves will be taken into account and these coves will be marked as habitat coves with the necessary navigational buoys. Appropriate warning and marking devices will be installed and/or downloadable GPS data maintained for all enhancement structures. Structures will be designed and constructed to maintain adequate navigation clearance at normal low water elevations.

- e) Notification for all proposed DNR Fisheries Habitat Projects will be reviewed by the appropriate lake manager and the Corps prior to implementation. Fisheries Habitat Project Proposals may include the types of habitat enhancement structures used, a detailed description of the habitat structure with photographs when applicable, a map marking the locations of the structures and their approximate depths, a map marking the staging areas when applicable, a detailed description of how the staging area will be constructed when applicable, a map marking the signage and any navigational buoys, and a summary of the benefits of the habitat project to the aquatic resource and public and any potential temporary or permanent negative impacts. DNR Project Leaders will receive written notification via email or letter that states approval from the appropriate lake manager and the Corps.
- f) DNR will coordinate with the appropriate agency, such as the South Carolina State Park (SCSP), South Carolina Forestry Commission (SCFC), U.S. Forest Service (USFS), U.S. Fish and Wildlife Service (USFWS), and/or the appropriate county entity when habitat enhancements occur inside or in the vicinity of acquisition boundaries, owned or leased lands by these entities. Coordination shall occur prior to the work. DNR shall document all coordination that occurs and maintain a copy for the record of each applicable project site.
- g) Open Water Structures: Open water is defined as deep water areas away from shorelines. Ideal areas for open water structures exist in deep water absent of aquatic vegetation or topographical depressions that may provide fish habitat.
  - a. Structures must be placed at a minimum of 6 feet below the shoreline or mean low water level.
  - b. Structures may be placed near public fishing piers to increase fishing success.
  - c. Project sites must be constructed, monitored, and managed by SCDNR.
  - d. Only clean and environmentally safe materials can be used. SCDNR will record the site number, date, type and volume of material, profile height, and the GPS coordinates for the location where materials are placed.
  - e. Artificial fish attractors may be constructed out of PVC, corrugated and/or concrete pipe, concrete products and/or bamboo or consist of recycled coniferous trees and other woody debris with concrete block anchors.
  - f. Rock jetties and rock stump fields may be constructed in open water. Rock jetties may be constructed of large stone (rip-rap size or larger). Rock/stump field will be placed out from spawning areas to provide cover for pre- and post-spawn fish.
- h) Inshore Structures: Inshore is defined as shallow water areas along shorelines and within coves. Ideal areas for inshore structures exist in areas with little to no human habitation, docks, piers or boat landings.

- a. Structures must be placed at a minimum of 3 feet below the shoreline or mean low water with the exception of felled or hinged trees.
  - b. Project sites must be constructed, monitored, and managed by SCDNR.
  - c. Only clean and environmentally safe materials can be used. SCDNR will record the site number, date, type and volume of material, profile height, and the GPS coordinates for the location where materials are placed.
  - d. Fell trees on shoreline and cable them to the stump (or artificial anchors) for fish habitat structure near the shore or hinge cut trees, dropping the tree along the shoreline and leaving the tree partially attached to the stump. Proposed trees will be flagged by SCDNR personnel and approved by lake managers prior to felling. While hardwood trees are more desirable for this habitat enhancement, a mixture of hardwood and pine species will likely be utilized based on availability to strategic sites. This activity will only be conducted in accordance with existing shoreline management plans.
  - e. Gravel spawning beds may be constructed with different dimensions at varying lake depths based on site specific characteristics such as bathymetry. These spawning areas will also have varying amount of cover structure (log/trees/stumps) and gravel depth (1-4 inches). Gravel will be appropriately sized. Bathymetry and historical lake elevations during spawning periods will be utilized to select optimal gravel bed elevations and geographical locations and dimensions. During periods of low water levels, exposed lake bottoms may be re-contoured to excavate a shallow depression in which to hold gravel for spawning beds.
  - f. Shallow water rock mound/stump field may be constructed at the backs of coves.
  - g. Aquatic vegetation plantings such as, but not limited to, maidencane, button bush, switch grass, water willow may be utilized in areas to enhance fish habitat. Temporary structures, such as tubing, may be utilized to protect plantings from predation until established.
  - h. Shading structures may be in 8' to 10' water depths.
  - i. Spawning benches may be created utilizing a 4 to 6 foot piece of log sawed lengthwise in half and attached to cinder blocks on each end. Some reservoirs may have natural benches in place that require the addition of substrates such as gravel.
- i) Staging Areas:
- a. Designated staging areas will be used at existing lake access areas if applicable. Best Management Practices will be incorporated throughout the use of these areas for project access to staging. The proposed materials may be transported by boat or barge to a site from the designated staging area and placed. In some lakes, a mini-excavator and a skid-loader (or similar equipment) may be used to load and off-load the material to and from the barge.
  - b. Excavation may be required in order for habitat barges to reach staging areas for load of material. Excavation is limited to the minimum necessary for access to temporary staging areas. Excavated material must be properly disposed of on an upland site. 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. The disposed material shall not affect cultural or historic resources or threatened or endangered species. All disposal sites must be authorized by the lake manager.

- c. Material outlined above (ex. large rock, logs, gravel) may be used to form a temporary ramp or nosing area to load material onto boat or barge from the staging area. Stabilization of the shoreline using a rock loading ramp will prevent gouging and shoreline erosion during construction. Temporary matting may also be used where applicable. When appropriate the materials in the loading/nosing area will be removed, though some residual material may be left in place as bank stabilization and/or habitat enhancement (i.e. gravel beds) where applicable. SCDNR will construct, monitor, and manage the proposed project sites, including staging areas. This includes the procurement and transport of clean and environmentally safe materials. The materials used will be recorded by site number, date, type and volume of material, profile height and the GPS coordinates for the location where the materials are placed.

**Debris Removal (SAC-2017-00760):**

- a) 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.
- b) All debris must be properly disposed on high ground in either approved landfills or on high ground outside of wetlands and other environmentally sensitive areas.
- c) Living vegetation securely attached to the substrate is not considered debris and is not authorized for removal. Removal of non-native or invasive vegetation may be authorized on a case-by-case basis.
- d) Debris removal does not include the dredging or excavation of gravel, sand, silt, or clay.

**Piles and Pile Supported Structures (SAC-2017-00761):**

- a) 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.
- b) Structures shall not hinder or pose a hazard to navigation.
- c) That the permittee understands and agrees that pilings will be installed using a water jet or vibratory hammer. In the event standard pile driving (impact hammer) is utilized, the permittee understands and agrees that a soft-strike procedure (three strikes at 40%-60% energy level once a minute for 3 minutes) must be conducted prior to beginning pile driving activities and after any pile driving interruptions of more than 30 minutes.
- d) That the permittee understands and agrees that pile driving activities must be limited to 12 hours per day with a 12-hour rest period between pile driving activities to avoid potential cumulative noise impacts to Federally-listed Threatened and Endangered (T&E) species.
- e) Special aquatic sites, including wetlands, shall not be impacted.

**Construction and Maintenance of Boat Ramps (SAC-2017-00762):**



- a) Authorized activities include the construction and modification of boat ramps and the maintenance of existing boat ramps. A single ramp may be up to 20 feet wide, two lane ramp 40 feet wide, four lane ramp 60 feet wide and a six lane ramp 120 feet wide. The maximum amount of fill associated with each lane would be 75 cubic yards.
- b) All impacts over two lanes must be reported to the Corps before work can begin.
- c) Only acceptable materials shall be used in ramp construction. Use of asphalt compounds or petroleum products is not authorized. Only non-polluting, stable material may be used.
- d) 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.
- e) Boat ramps shall be sited such that it would not impair surface water flow into or out of any water of the United States.
- f) Excavation is limited to the minimum necessary for site preparation. Excavated material must be properly disposed of on uplands. 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. The disposed material shall not affect cultural or historic resources or threatened or endangered species.
- g) Special aquatic sites, including wetlands must be avoided to the maximum extent practicable. If a proposed boat ramp would affect a special aquatic site, reporting to the Corps is required before construction. If more than 500 square feet of vegetated wetlands may be affected, review and concurrence of the U.S. Fish and Wildlife Service is required.
- h) Maintenance of existing boat ramps 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 Corps, 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.

**Buoys and Signs (SAC-2017-00763):**

- a) Buoys and signs for the purpose of public information or safety.
- b) Buoys and signs shall not hinder or pose a hazard to navigation.

**Wetland & Stream Restoration & Enhancement Activities (SAC-2017-00764)**

- a) The activities authorized under this RGP include wetland and stream restoration activities.
- b) All activities must be reported to the Corps before work can begin.
- c) The activities authorized under this RGP must not exceed impacts of 5 acres or 3,000 linear feet to waters of the U.S.
- d) The activities authorized under this RGP must not be associated with another Corps action or associated with permittee-responsible mitigation.

#### **Minor Discharge and Excavation (SAC-2017-00765)**

- a) Minor discharges of dredged or fill materials into waters of the United States is authorized.
- b) The quantity of discharged material and the volume of area excavated does not exceed 50 cubic yards below the full pool, ordinary high water mark, or mean high tide in tidal waters.
- c) All discharges over 25 cubic yards must be reported to the Corps before work can begin.

#### **Scientific Measuring Devices (SAC-2017-00766)**

- a) Authorized activities include use of devices whose purpose is to measure and record scientific data, water quality monitoring stations, survey activities including core sampling, bore holes, soil samples and historic research surveys.
- b) Authorized activities shall not hinder or pose a hazard to navigation.

#### **Mooring Structures (SAC-2017-00767)**

- a) Authorized activities include the installation of and maintenance of mooring structures
- b) Mooring structures must be placed in association with piers and docks and shall not be located to impede the full and free use by the public of all navigable waters or create a navigational hazard.
- c) Mooring structures must be well marked in accordance with U.S. Coast Guard regulations.
- d) Mooring structures must be temporary and removed within 120 days of installation. The area must be restored to pre-construction conditions.
- e) Material used for the mooring structures must not be any structure that is not considered temporary.

#### **Removal of Vessels (SAC-2017-00768)**

- a) Temporary structures or minor discharges of dredged or fill material required for the removal of wrecked, abandoned or disabled vessels or the removal of man-made obstructions to navigation.
- b) All temporary structures will be removed within 120 days of installation and the area restored to pre-construction conditions.

#### **Water Control Structure Renovations (SAC-2017-00769)**

- a) Authorized activities include the removal, maintenance and replacement of water control structures. This Regional General Permit is not for use on Managed Tidal Impoundments.
- b) Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or

replacement are authorized. The overall footprint of the water control structure should not exceed 240 square feet. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project or within the boundaries of the structure or fill, not to exceed 50 linear feet on either side of the structure. This General Permit also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage.

- c) The removal of accumulated sediments and debris in the vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.) and/or the placement of new or additional riprap to protect the structure is authorized. The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. The placement of new or additional riprap must be the minimum necessary to protect the structure or to ensure the safety of the structure.
- d) Temporary structures, fills, and work necessary to conduct the maintenance activity are allowed. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.
- e) All temporary structures and fills must be removed within 120 days and the area restored to pre-project conditions.
- f) Prior approval to construction activity, notification must be sent to the Corps.

#### **Maintenance (SAC-2017-00770)**

- a) The repair, rehabilitation, or replacement of a structure owned by SCDNR, operated by SCDNR, or in partnership with SCDNR.
- b) Minor deviations to the structure for safety standards, current requirements, or construction codes are authorized. Minor deviations will be pre-approved by the Corps and/or the appropriate lake manager.
- c) Temporary structures must be removed within 120 days and the area restored to pre-project conditions.

#### **II. GENERAL CONDITIONS for all RGPs:** The above described structures and activities may be authorized by this RGP subject to the following General Conditions in addition the specific conditions for each RGP:

- a) All work authorized by this RGP must have SCDNR as a sponsor, applicant, or participant, and, thus, have an agency approved and signed partnership agreement.

- b) Several RGPs authorized by this permit have reporting requirements. Prior to construction SCDNR must submit the following to the Corps:
- Plans of the proposed work (on 8 ½ x 11 paper), showing all pertinent structures, elevations, clearances, dimensions, and types and quantities of materials.
  - Approximate commencement and completion dates.
  - Description of site conditions.
  - Methods to be used.
  - Nature of Activity.
  - Documentation of DNR partnership or agreement, when applicable.
  - Documentation on the benefit to the public or public resource.
- c) All work on a lake or impoundment must comply with the terms and conditions of the appropriate lake's Shoreline Management Plan, if one exists, and must have permission from the lake manager or designated representative. Prior to commencing any work authorized herein, the permittee must obtain project- specific authorization from the lake manager or the designated representative.
- d) All impacts to special aquatic sites must be reported to the Corps before work can begin.
- e) This Regional General Permit authorizes only those activities specifically addressed herein. Any jurisdictional activity not authorized in the RGP, or which exceeds the limitations of the RGP, requires specific authorization through USACE, Charleston District, Regulatory Division. Please submit your application to the office that covers your area:

**U.S. Army Corps of Engineers  
Charleston Office  
69A Hagood Avenue  
Charleston, SC 29403  
(843) 329-8044**

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

**U.S. Army Corps of Engineers  
Conway Field Office  
1949 Industrial Park Rd, Rm 140  
Conway, SC 29526  
(843) 365-4239**

- f) Based on potential impacts to navigation, the environment, human health and welfare, public interest, or other concerns, the Corps or lake manager has the discretion, on a case-by-case basis, to elevate any proposal otherwise authorized by this RGP for standard permit processing.
- g) 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.
- h) Access across public property to the work site shall be identified in the reporting information to the Corps and approved by the appropriate entity, such as the lake manager, property manager, or property owner. Every effort shall be made to identify and utilize the route least damaging to

shoreline vegetation and property.

- i) 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.
- j) No wetland or stream shall be adversely impacted. No surface water flowing into or out of any wetland or stream shall be adversely impacted. The activity must be designed to maintain 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.
- k) 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.
- l) 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.
- m) A complete copy of this permit, documentation of partnership with SCDNR, 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.
- n) The permittee shall allow the District Engineer, SCDNR, lake 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.
- o) 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.
- p) 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.

- q) SCDNR or the designated representative must notify the Corps if the proposed activity may affect any federally listed threatened or endangered species, a species proposed for listing, or designated critical habitat.
1. No activity is authorized which:
    - (i) Is likely to jeopardize the continuing existence of a threatened or endangered species, or species proposed for such designation, as identified under the Endangered Species Act, or which will destroy or adversely modify the critical habitat of such species
    - (ii) "May affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.
    - (iii) Involves the "take" of a threatened or endangered species as defined under the ESA without separate authorization (e.g., a Biological Opinion with "incidental take" provisions) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service.
  2. Applicants shall include, in their permit applications, information regarding the presence of any federally listed threatened or endangered species or designated critical habitat in the vicinity of the project site that might be affected by the proposed work.
- r) SCDNR or the designated representative must notify the Corps 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, and 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.
- s) 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.
- t) 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.
- u) 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.
- v) 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.

- w) 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.
- x) Authorizations will not be issued under these RGP's which will adversely affect nesting bald eagles. If the lake manager or SCDNR 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.
- y) Should the proposal potentially have an adverse effect on any vegetation, that vegetation must be clearly identified (species and location) in the information submitted for approval by the lake manager or other appropriate party. Upon a request by the appropriate party, 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 USAGE Charleston District, Regulatory Division.
- z) 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.
- aa) All steps necessary must be taken to prevent oil, tar, trash, debris, and other pollutants from entering adjacent wetlands and/or waterways.
- bb) No activity is authorized by this permit that will cause flooding or ponding of water on property in which permittee does not have the necessary real estate interest.
- cc) All wooden structures (including wood piles and wooden exterior pile supported structures) must be pressure-treated with wood preservatives in strict compliance with the Registration/Re-registration Documents issued by the US Environmental Protection Agency under Federal Insecticide, Fungicide and Rodenticide Act for use in or above fresh water or marine environments, and in accordance with standards established by the evaluation reports issued by the International Code Council Evaluation Service.

**The following General Conditions are for ALL projects on or adjacent to Federal Channels:**

- dd) Federal channels include all or portions of the following waterways:

- Adams Creek
- Atlantic Intracoastal Waterway (AIWW)
- Ashley River
- Brookgreen Garden Canal
- Calabash Creek
- Charleston Harbor (including the Cooper River and Town Creek)
- Folly River
- Georgetown Harbor (Winyah Bay, Sampit River, and Bypass Channel)
- Jeremy Creek
- Little River Inlet

Murrells Inlet (Main Creek)  
Port Royal Harbor  
Shem Creek (including Hog Island Channel & Mount Pleasant Channel)  
Shipyard Creek  
Village Creek

ee) Prior to any work being done, written permission must be obtained from the Corps of Engineers for all activities located on or adjacent to a federally authorized waterway prior to commencement of work. In order to receive this written permission, a Pre-Construction Notification (PCN) is required. Failure to provide this PCN and obtain written permission prior to commencement of work will be considered a violation of federal law and appropriate legal action may be taken. The following information shall be submitted to the Charleston District Engineer in order to fulfill the requirements of the PCN (copies must be submitted to the SCDHEC OCRM and Bureau of Water):

- Completed "Joint Federal and State Application Form For Activities Affecting Waters Of The United States Or Critical Areas Of The State Of South Carolina",
- Plans of the proposed work (8.5 X 11" black and white drawings showing all proposed structures) in tidal areas relative to the mean high water (MHW) and mean low water (MLW) or in non-tidal areas relative to the mean sea level (MSL). Distance to the federal channel must be included. Plan view and cross-section diagrams are both required (all diagrams must be drawn to scale or include dimensions of all proposed structures).
- A survey completed by a registered land surveyor showing the proposed structure, including State Plane Coordinates(NAD 1983) for a minimum of two corners on each structure where it is closest to the federal channel. The survey shall also identify the distance of the proposed structure from the federal channel.
- Statement that the work will be conducted in compliance with the terms and conditions of this General Permit.

ff) A signed compliance certification will be submitted to the Charleston District Engineer within 60 days following completion of the authorized work and shall include the following:

- A statement that the authorized work was done in accordance with this General Permit,
- The signature of the permittee certifying the completion of the work,
- As-built drawings which indicate all dimensions of the structure as well as the distance between the centerline of the federal channel and the waterward edge of the authorized structure. These drawings must be prepared by a registered land surveyor including State Plane Coordinates(NAD 1983) for a minimum of two corners on each structure where it is closest to the federal channel.

gg) Structures located on or adjacent to federally authorized waterways shall extend no closer than eighty feet (80') from the federal channel, unless a variance has been granted by the Charleston District Engineer. If located on the Charleston Harbor, Georgetown Harbor, or Port Royal Harbor, the existing setback is 125'. A copy of the appropriate Federal Project Channel map can be obtained from our website (<http://www.sac.usace.army.mil>) or by writing to:

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

**The following General Conditions are for all projects located in the coastal counties:**

hh) Coastal Counties include the following:

Beaufort  
Berkeley



Charleston  
Colleton  
Dorchester  
Horry  
Georgetown  
Jasper

- ii) All projects within the coastal counties require reporting before work can begin.
- jj) In order to insure protection and reduce potential construction-related impacts to West Indian manatees that may enter the project area during construction activities, to discountable and insignificant levels, the permittee will comply with the following USFWS Standard Manatee Construction Conditions:
  - 1. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel must monitor water-related activities for the presence of manatee(s) during May 15 – October 15.
  - 2. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.
  - 3. Siltation barriers must be made of material in which manatees cannot become entangled, are properly secured, and regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.
  - 4. All vessels associated with the construction project must operate at “no wake/idle” speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
  - 5. If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions must be implemented to ensure protection of the manatee. These precautions must include the operation of all moving equipment no closer than 50 feet to a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.
  - 6. Any collision with and/or injury to a manatee shall be reported immediately to the Mr. Jim Valade of the U.S. Fish and Wildlife Service, North Florida Field Office, at (904) 731-3116 and to the S.C. Department of Natural Resources at (800)-922-5431.
- kk) The channelward extension of the structure shall not exceed the lesser of: one-third of the width of the waterbody, or the minimum length necessary to accomplish the project purpose provided there is no undue interference with navigation.
- ll) In situations where the navigable depth is not located in the center of the waterbody, the structure shall not extend further than one-third of the width of the navigable channel.

**The following General Conditions are for projects located on Federal Channels and in coastal areas:**

- mm) 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.

- nn) The Charleston District Engineer, at his 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.
- oo) This General Permit authorizes certain structures to be constructed on/or adjacent to areas subject to a prism and/or disposal easement held by the United States in perpetuity in conjunction with a Congressionally authorized project for the maintenance and improvement of the federal channel. This General Permit does not convey any property rights either in real estate or material or any exclusive use privileges, nor does it relinquish any right the United States has for the use of its easement or the maintenance and future widening or deepening of the federal channel pursuant to its easement rights.
- pp) If the District Engineer determines this structure shall in any way in the future conflict with the improvement, operation, maintenance and widening or deepening of the federal channel, the owners themselves, their heirs, successors and assigns will remove said structure within 45 days from the date that written notice is given by the District Engineer, and there shall be no entitlement to compensation from the United States for damage or injury,
- qq) No permanent structures will be placed on the prism easement or on any adjacent disposal easement without written approval of the District Engineer.
- rr) Any activity that may affect shellfish aggregations and reefs are NOT authorized by this General Permit. These activities will be evaluated under the individual permit review process as specified in 33 CFR 325.

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

- a) 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 Lake Manager or designee, when applicable.
- b) Prior to performing any work authorized herein, the permittee must obtain any applicable state and local permits.

### **V. PENALTIES FOR VIOLATIONS:**

- a) 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. REVOCAION OF THE GENERAL PERMIT:**

- a) 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:**

- a) 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:



**Jeffrey S. Palazzini**  
**Lieutenant Colonel, U.S. Army**  
Commander and District Engineer

3/6/12  
Date

or his Designee

**Travis G. Hughes**  
**Chief, Regulatory Division**