

General Permit No.	<u>SAC-RGP-28 through 42</u>
Name of Applicant:	<u>SC Department of Natural Resources (SCDNR)</u>
Effective Date:	<u>March 6, 2023</u>
Expiration Date:	<u>March 5, 2028</u>

DEPARTMENT OF THE ARMY
REGIONAL GENERAL PERMITS
FOR MINOR ACTIVITIES INVOLVING
THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES (SCDNR)
IN SOUTH CAROLINA

General Permits for work or structures in or affecting navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and discharges of dredged or fill material in waters of the United States pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), upon the recommendation of the Chief of Engineers, are hereby issued under the authority of the Secretary of the Army by the

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

to authorize certain categories of activities performed, sponsored, or otherwise carried out in conjunction with an executed South Carolina Department of Natural Resources (SCDNR) partnership agreement, where each category of activities is similar in nature and will cause only minimal adverse individual and cumulative impacts.

I. SUMMARY OF REGIONAL GENERAL PERMIT (RGP) LIMITS AND REPORTING REQUIREMENTS

SAC-RGP #	Activity	Authority	Limits	Reporting & Corps Approval Required
28	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
29	Bank Stabilization	404	Artificial-1500 ft Bioengineering-3000 ft	1,000 ft or more
30	Excavation	10	20,000 CY per year/per waterbody	5,000 CY or more per waterbody Impacts to special aquatic sites

SAC-RGP #	Activity	Authority	Limits	Reporting
31	Fisheries Habitat	10/404	Open Water Structures Inshore Structures Staging Areas	All work
32	Debris Removal	10		Impacts to special aquatic sites Removal of non-native or invasive vegetation
33	Piles and Pile Supported Structures	10/404		
34	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
35	Buoys and Signs	10		Impacts to special aquatic sites
36	Wetland and Stream Restoration and Enhancement Activities	10/404	5 acres or 3,000 linear feet	All work
37	Minor Discharge and Excavation	10/404	50 CY	Discharges over 25 CY Impacts to special aquatic sites
38	Scientific Measuring Devices	10/404		Impacts to special aquatic sites
39	Mooring Structures	10/404		Impacts to special aquatic sites
40	Removal of Vessels	10/404		Impacts to special aquatic sites
41	Water Control Structures	10/404		All work
42	Maintenance	10/404		Impacts to special aquatic sites Minor deviations to structures

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

II. AUTHORIZED ACTIVITIES AND SPECIAL CONDITIONS:

SAC-RGP-28 Docks, Fishing Piers and Boat Lifts:

- a) Authorized dock and boat lift activities include public docks, whether fixed, floating or a combination of both, which do not exceed the square footage or length allowed in an approved Shoreline Management Plan (SMP) or extend more than 1/3 the distance across the affected waterway, whichever is less, and 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 be limited, or structures may not be authorized at all. **Exceptions to the measurements allowed in an SMP may be made with prior written approval from the U.S. Army Corps of Engineers, Charleston District (Corps) and the lake manager (if applicable) after submission of a Pre-**

Construction Notification (PCN). Docks on tributaries are limited to 1/4 the width of the stream.

- b) Authorization includes the initial 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 may be made under this General Permit with prior written approval from the Corps after submission of a PCN where necessary to comply with the Americans with Disabilities 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 waterbody.
- d) Hand railings are permissible provided that the sides of docks are not enclosed or screened to obscure cross-vision.
- e) Structures 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. Uncoated, beaded polystyrene or similar material 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 15 feet in height from the top of the gable to the pier flooring. Monosloped roofs will not exceed 12 feet in height from the top of the slope to the pier flooring. This assumes that the pier flooring is no more than 3 feet above MHW. If the dock is built more than 3 feet above MHW, that will necessarily result in a proportionate reduction in authorized clearance/space under the roof and roof height.
- 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 practicable, and distance between pilings should be maximized to the greatest extent practicable.
- k) Structures used to moor houseboats for habitation are not allowed by this General Permit.

- l) Pilings shall 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) 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.

SAC-RGP-29 Bank Stabilization:

- 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.
- c) 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.
- d) Bio-engineering materials, such as vegetation, are encouraged whenever possible for bank stabilization activities.
- e) Materials must be non-polluting and shall not be placed in any special aquatic site or wetland.
- f) Material type, location, or manner of placement shall not impair surface water flow into or out of any water of the United States.
- g) No material shall be placed in a manner that would be eroded by normal or expected high flows or wave action.
- h) **All impacts over 1,000 linear feet require a PCN to the Corps.**

SAC-RGP-30 Excavation:

- 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.
- 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 (single and complete project) per year. 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 where prior written approval is obtained from the Corps after submission of a PCN.**
- 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 via PCN.**

SAC-RGP-31 Fisheries Habitat:

- a) **All activities to be authorized must be reported to the Corps via PCN before work can begin. This authorization 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 or 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 Corps. 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 to warn boaters. 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) **PCNs for all proposed SCDNR Fisheries Habitat Projects will be reviewed by the appropriate lake manager and the Corps for suitability 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. SCDNR Project Leaders will receive written notification via email or letter that states approval from the appropriate lake manager and the Corps.
- f) SCDNR will coordinate with the appropriate agency, such as the South Carolina Department of Parks, Recreation & Tourism (SCPRT), 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, lands owned or leased by these entities. Coordination shall occur prior to the work. SCDNR 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.
1. Structures must be placed at a minimum of 6 feet below the shoreline or mean low water level.
 2. Structures may be placed near public fishing piers to increase fishing success.
 3. Project sites must be constructed, monitored, and managed by SCDNR.
 4. 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.
 5. 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.
 6. 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.
1. 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.
 2. Project sites must be constructed, monitored, and managed by SCDNR.
 3. 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.

4. 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.
 5. 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.
 6. Shallow water rock mound/stump field may be constructed at the backs of coves.
 7. 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.
 8. Shading structures may be in 8' to 10' water depths.
 9. 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:
1. 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 (based upon coordination with the lake manager or licensee(s), where applicable), 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.
 2. 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.
 3. 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.

SAC-RGP-32 Debris Removal:

- 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.

SAC-RGP-33 Piles and Pile Supported Structures:

- 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. This is intended to authorize structures not covered under the SAC RGP for Docks, Fishing Piers and Boat Lifts (above).
- 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.

SAC-RGP-34 Construction and Maintenance of Boat Ramps:

- a) Authorized activities include the construction, modification, and maintenance of boat ramps. Each ramp lane may be up to 20 feet wide, not to exceed a six-lane ramp and a total of 120 feet wide. The maximum amount of fill associated with each lane is limited to 75 cubic yards.
- b) **All impacts over two lanes must be reported to the Corps via PCN.**
- 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 via PCN is required.** 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, to protect, and to 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.

SAC-RGP-35 Buoys and Signs:

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

SAC-RGP-36 Wetland & Stream Restoration & Enhancement Activities

- a) The activities authorized include wetland and stream restoration activities.
- b) **All activities must be reported to the Corps via PCN.**
- c) The activities authorized must not exceed impacts of 5 acres or 3,000 linear feet to waters of the United States.
- d) The activities authorized do not include those associated with another Corps action or with permittee-responsible mitigation.

SAC-RGP-37 Minor Discharge and Excavation

- 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 via PCN.**

SAC-RGP-38 Scientific Measuring Devices

- 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.

SAC-RGP-39 Mooring Structures

- 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.

SAC-RGP-40 Removal of Vessels

- 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 for removal activities will themselves be removed within 120 days of installation and the area restored to pre-construction conditions.

SAC-RGP-41 Water Control Structure Renovations

- a) Authorized activities include the removal, maintenance, repair, and replacement of previously authorized water control structures. This authorization does not include 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. The repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events is also authorized, 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) **This activity requires submission of a PCN to the Corps, including without limitation, a justification for the scope or volume of proposed dredging or excavation.**

SAC-RGP-42 Maintenance

- 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.

III. GENERAL CONDITIONS: The above-described structures and activities may be authorized provided they adhere to the following General Conditions in addition to the special conditions for each RGP:

- a. All work authorized by this RGP must have SCDNR as a sponsor, applicant, or participant, and, thus, have a SCDNR approved and signed partnership agreement.
- b. Several RGPs authorized by this permit require a Pre-Construction Notification (PCN). Prior to construction, SCDNR (or designee) must submit to the Corps at least the following information for each PCN:
 - Identify the applicable RGP # and activity title from the table in Section I.

- 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.
 - Any information concerning threatened or endangered species or historic properties.
 - Identification of any adjacent Federal channel.
- c. Please submit your PCN (or your application for specific authorization for structures and activities outside the scope of these RGPs) to the office that covers your area of South Carolina. You can find information on Regulatory office coverage here <https://www.sac.usace.army.mil/Missions/Regulatory.aspx>.

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

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

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

**U.S. Army Corps of Engineers
Greenville Office**
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.

- d. **Work may not commence under an RGP requiring a PCN until the applicant has received written verification from the Corps.**
- e. 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. Documented, project-specific permission must be obtained from the lake manager or designated representative prior to commencing any work otherwise authorized herein.
- f. **If not otherwise noted in a particular RGP, all impacts to special aquatic sites must be reported to the Corps via PCN.**
- g. Only those activities specifically addressed herein are authorized. Any regulated activity not authorized in one or more of these RGPs, or which exceeds the limitations of these

RGP, requires specific authorization by the Corps.

- h. 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 these RGPs for standard permit processing.
- i. All activities identified and authorized herein shall be consistent with the terms and conditions of these RGPs; any variance from the special and general conditions of the applicable RGP(s) which may result in the modification, suspension, or revocation of the authorization, as set forth more specifically in General Condition m. below, and/or in the institution of such legal proceedings as the United States Government may consider appropriate for unauthorized structures or activities.
- j. 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.
- k. All structures authorized by these RGPs shall be designed, located, and/or operated to allow the full and free use by the public of all navigable waters.
- l. Except as expressly authorized herein, no wetland or stream shall be adversely impacted, and 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.
- m. 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.
- n. 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.
- o. A complete copy of this permit document, any PCN, documentation of partnership with SCDNR, drawings, and any additional authorizations 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 applicable RGP terms and conditions.
- p. 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 is in accordance with the terms and conditions prescribed for the applicable RGP.
- q. These RGPs do 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.

- r. Specific activities or structures otherwise 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 that there has been a violation of any terms and conditions of applicable RGP. 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 a notice of suspension, the permittee may request a meeting with the District Engineer to present information relevant to a decision whether his authorization should be reinstated, modified, or revoked. After a reasonable time after issuance of the suspension notice to the permittee, the authorization of the specific work or structure will be reinstated, modified, or revoked by the District Engineer, without right of appeal. Any modification, suspension, or revocation of authorization shall not be the basis for any claim for damages against the United States.
- s. 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 PCN 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.
- t. Historic Properties.
 - 1. SCDNR or the designated representative must submit a PCN to the District Engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the 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 by using the Subscriber View Map of the SCArchSite website or from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places. Additionally, the South Carolina Institute of Archaeology and Anthropology (SCIAA) and/or the Maritime Research Division at SCIAA can be contacted for assistance in determining the location of or potential for archaeological sites or submerged cultural resources. 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.

2. The District Engineer will notify the prospective permittee within 60 days of receipt of a complete PCN 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. If NHPA section 106 consultation is required and will occur, the District Engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 60 days, the applicant must still wait for notification from the Corps.
3. 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.
 - u. 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.
 - v. 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.
 - w. 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.
 - x. 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.
 - y. 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.

- z. Authorizations will not be issued under these RGPs 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.
- aa. 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 United States 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.
- bb. 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.
- cc. All steps necessary must be taken to prevent oil, tar, trash, debris, and other pollutants from entering adjacent wetlands and/or waterways.
- dd. 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.
- ee. 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 American Wood Protection Association or 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:

- ff. Federal channels include all or portions of the following waterways:

Atlantic Intracoastal Waterway (AIWW) (GA/SC line to SC/NC line)
Ashley River (0.5 miles east of Hwy 7 bridge downstream to the AIWW)
Brookgreen Garden Canal
Calabash Creek
Charleston Harbor (including the Cooper River, Town Creek, Shem Creek to Coleman Blvd and Mount Pleasant Channel)
Folly River
Georgetown Harbor (Winyah Bay, Sampit River, and Bypass Channel)
Jeremy Creek
Little River Inlet
Murrells Inlet (Main Creek)

Port Royal Harbor
Shipyard River
Savannah River (Below Augusta)
Town Creek McClellanville (Five Fathoms Creek, AIWW to Bulls Bay)

gg. **Prior to any work being done, a PCN must be submitted, and written permission must be obtained from the Corps of Engineers for all activities located on or adjacent to a federally authorized waterway.** Failure to provide a 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. In addition to the information required for all PCNs under this RGP, the following information should be submitted for projects that are located on or adjacent to a federally authorized waterway:

- 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, as well as the governing setback from the edge of the federal channel for the particular location and waterway (see gg, below).

hh. 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 near edge 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.

ii. Structures located on or adjacent to federally authorized navigation channels are generally subject to setback requirements. Structures to be located on the AIWW shall generally extend no closer than eighty feet (80') from the edge of 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' from the edge of the channel. For all other federal channels, contact should be made with the Regulatory office that covers your area of South Carolina to determine the appropriate setback prior to submitting the PCN. A copy of the appropriate Federal Project Channel map can be obtained from our website (<https://www.sac.usace.army.mil/Missions/Navigation>) 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:

jj. Coastal Counties include the following:

- Beaufort
- Berkeley
- Charleston
- Colleton
- Dorchester

- Horry
- Georgetown
- Jasper

kk. All projects within the coastal counties require reporting before work can begin.

- ll. In order to ensure 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.
- mm. 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.
- nn. 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:

- oo. 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.

- pp. 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.
- qq. 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.
- rr. 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,
- ss. No permanent structures will be placed on the prism easement or on any adjacent disposal easement without written approval of the District Engineer.
- tt. 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.

IV. PROHIBITED ACTIVITIES:

- a. All work that exceeds the terms and conditions specified herein is prohibited unless another Department of the Army authorization 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.

V. REQUIRED AUTHORIZATIONS:

- a. Prior to performing any work authorized, the permittee must also obtain authorization from the appropriate Lake Manager or designee, when applicable.
- b. Certain activities and/or impacts (as identified in Section II and General Condition f., and as summarized in Section I above) also require reporting and written approval by the Corps before work can begin.
- c. Prior to performing any work authorized herein, the permittee must obtain any applicable state and local permits.

VI. PENALTIES FOR VIOLATIONS:

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.

VII. LIMITS OF FEDERAL LIABILITY:

In issuing this General Permit, 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. DURATION AND REVOCATION OF THE REGIONAL GENERAL PERMITS:

These General Permits will cover activities for five (5) years until the General Permits expire on March 5, 2028, unless the District Engineer modifies, suspends, or revokes these General Permits in the interim. 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 these General Permits to determine if significant cumulative impacts have resulted. If the District Engineer determines that revocation of these permits, in whole or in part, may be in order due to cumulative impacts, a public notice will be issued and after a review of all additional data submitted, action will be taken to amend, modify or revoke these permits, 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 conditions contained herein. Following revocation, applications for future activities in areas covered by the regional permit shall be processed as applications for individual or Nationwide permits.

These Regional General Permits shall become effective on the date of the District Engineer's signature.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



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

March 6, 2023

Date

or an authorized Designee

Amanda L. Heath
Chief, Regulatory Division