

PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, SC 29403-5107

REGULATORY DIVISION

Refer to: General Permit # SAC-2022-00583

25 July 2022

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), the South Carolina Coastal Zone Management Act (48-39-10 et. seq.), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended)

NOTICE

is hereby given that the District Engineer, Charleston District proposes to issue a General Permit to the public authorizing certain activities, described herein, **within currently functioning impoundments** that are currently managed for wildlife and/or rice production, and, further, that have all necessary embankments and structures in place to allow for the manipulation of water levels. Furthermore, this RGP requires that: (1) the impoundment be tidally influenced and located in navigable waters of the United States (i.e., Section 10 Waters); **OR** (2) (if not tidally influenced) the impoundment be located in waters of the United States (i.e., Section 404) and adjacent to other tidal impoundments that rely on the outgoing tide to drain. The geographic use of this RGP is limited to the Coastal Zone area of Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, and Jasper Counties in South Carolina.

A copy of the proposed General Permit, SAC-2022-00583, is attached to this Public Notice.

The purpose of this notice is to give all interested parties an opportunity to express their views on the proposed issuance of the above referenced General Permit before action is taken.

Written statements regarding the proposed issuance of the General Permit will be received by the Corps until

August 25, 2022

from those interested in the activity and whose interests may be affected by the proposed General Permit.

Please note that this proposed General Permit, SAC-2022-00583, will replace the existing General Permit, SAC-2017-00835, that expires on August 31, 2022.

NOTE: This public notice and proposed General Permit are available on the Corps' website at: <http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> .

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project

will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. This Public Notice will serve as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact estuarine substrates and emergent wetlands utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). The District Engineer's final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Endangered Species

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the proposed General Permit, which would be used in the Coastal Zone area of Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, and Jasper Counties in South Carolina, is not likely to adversely affect the American wood stork, red knot, piping plover, West Indian manatee, and eastern black rail or result in the destruction or adverse modification of designated or proposed critical habitat. The proposed General Permit would have no effect on the remaining species that may be present in the above listed counties. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

Cultural Resources

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

In accordance with Section 106 of the NHPA, the District Engineer has consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(1)(1)), and has initially determined that historic properties, are present; moreover, these historic properties may be affected by the undertaking. This public notice serves to notify the State Historic Preservation Office that the Corps plans to initiate Section 106 consultation on these historic properties. Individuals or groups who would like to be consulting parties for the purposes of the NHPA should make such a request to the Corps in writing within 30 days of this public notice. To ensure that other historic properties that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office and other interested parties to provide any information they may have with regard to

historic properties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

Corps' Evaluation

The decision whether to issue the permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps cannot undertake to adjudicate rival claims.

Solicitation of Public Comment

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

Please submit comments in writing, identifying the project of interest by public notice/file number (SAC-2022-00583), to Tracy.d.sanders@usace.army.mil or the following address:

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403**

If there are any questions concerning this public notice, please contact Tracy Sanders, Project Manager, at (843) 329-8190, toll free at 1-866-329-8187, or by email at Tracy.d.sanders@usace.army.mil.

General Permit No. SAC-RGP-XX (SAC-2022-00583)
Name of Permittee: GENERAL PUBLIC
Effective Date:
Expiration Date:

**DEPARTMENT OF THE ARMY
REGIONAL GENERAL PERMIT**

A Regional General Permit (RGP) to authorize the discharge of dredged or fill material into waters of the United States pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and/or to place structures or perform work in or affecting navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act (33 U.S.C. 403), is hereby issued by the authority of the Secretary of the Army by the

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

The geographic use of this RGP is limited to the Coastal Zone area of Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, and Jasper Counties in South Carolina.

This RGP authorizes certain activities, described herein, **within currently functioning impoundments** that are currently managed for wildlife and/or rice production, and, further, that have all necessary embankments and structures in place to allow for the manipulation of water levels.

Furthermore, this RGP requires that: (1) the impoundment be tidally influenced and located in navigable waters of the United States (i.e., Section 10 Waters); **OR** (2) (if not tidally influenced) the impoundment be located in waters of the United States (i.e., Section 404) and adjacent to other tidal impoundments that rely on the outgoing tide to drain.

NOTE 1: Prior to use of this RGP, the Corps must determine that the subject impoundment(s) is qualified for use of this RGP. The prospective permittee must submit a Qualification Request to the Corps. Refer to Section V of this RGP for Qualification Procedures. Please note that previously issued "Eligibility Letters" for use of RGP SAC-2011-01157 and previously issued "Qualification Letters" for use of RGP SAC-2017-00835 are not valid for use of this RGP (SAC-RGP-XX). Issuance of a new Qualification Letter specific to this RGP is required.

NOTE 2: After receipt of a Qualification Letter from the Corps for use of this RGP, and prior to conducting any work, the prospective permittee must submit a Pre-Construction Notification (PCN) to the Corps for each activity included in Sections I and II of this RGP, with the exception of emergency construction and repair activities. Refer to Section III of this RGP for Emergency Notification Procedures and refer to Section VI of this RGP for PCN requirements.

NOTE 3: Written verification from the Corps is required prior to conducting work in an impoundment determined to be qualified for use of this RGP.

NOTE 4: The term "impoundment" used throughout this RGP refers specifically to "managed tidal impoundments."

I. ACTIVITIES AUTHORIZED WITHIN IMPOUNDMENTS:

This RGP authorizes the excavation of material, the discharge of dredged or fill material, and/or the installation of structures within an impoundment determined to be qualified for use of this RGP that are associated with the following activities:

- A. Installation of new water controls structures (WCS), relocation or replacement of existing WCS;
- B. Installation of bulkheads, splash aprons and wingwalls;
- C. Replacement of existing culverts with water control structures; including excavation of material and discharge of dredged or fill material necessary for the work;
- D. Removal or abandonment of existing WCS, including excavation of material and discharge of dredged or fill material necessary for the work;
- E. Installation of new and maintenance of existing inlet canals associated with new or existing WCS;
- F. Installation of new and/or maintenance of existing quarter drains and interior field drains;
- G. Construction of new and maintenance of existing bank stabilization structures and fills;
- H. Re-topping field-dikes,
- I. Constructing or re-establishing berms;
- J. Sidecasting and/or thin layer placement of excavated material;
- K. Construction of new interior embankments and rehabilitation of remnant interior embankments to subdivide impoundment into smaller units or fields;
- L. Non-Emergency construction of new set-back and/or contraction embankments to replace failing perimeter and interior embankments;
- M. Excavation of material from the area between a breached/failed or lost perimeter embankment and the new setback or contraction embankment to be used as fill material for the construction of a new setback and/or contraction embankment;
- N. Construction of road crossings across interior canals or drains;
- O. Moist Soil Management activities;
- P. The removal and/or destruction of invasive and/or non-native plant species;
- Q. Temporary structures, fills and work, such as cofferdams, that are necessary for construction of activities authorized in Section I of this RGP, provided all temporary dredged and/or fill materials are obtained from an upland source and/or from within the impoundment;

R. Emergency activities including the excavation of material, the discharge of dredged or fill material, and/or the installation of structures necessary for the immediate construction and/or repair of structures and fills that are necessary to restore and/or maintain water management capabilities of impoundments that may have been lost, or where the loss is imminent, as a result of events and situations such as, but not limited to, storms, strong currents, unusually high tides, or wildlife activity. Emergency construction and repairs may include, but are not limited to, the construction of setback and/or contraction embankments, repairs to and reconstruction of failed or damaged perimeter embankments and replacement of failed or lost water control structures. Refer to Section III of this RGP for Emergency Procedures.

NOTE 5: Excavation associated with the activities included in Section I of this RGP are only authorized to occur within an impoundment that is determined to be qualified for use of this RGP.

II. ACTIVITIES AUTHORIZED TO THE OUTSIDE OF IMPOUNDMENTS:

This RGP authorizes the excavation of material, the discharge of dredged or fill material, and the installation of structures outside of an impoundment determined to be qualified for use of this RGP that are associated with following activities:

A. The excavation of new and/or the maintenance excavation of existing inlet canals to the outside of perimeter embankments that are associated with new and/or existing WCS. The Corps will coordinate all excavation activities that occur in emergent vegetated wetlands and/or that exceed 40 cubic yards of excavation with the National Marine Fisheries Service (NMFS). The excavated material must be disposed of in an upland location OR may be used as fill material associated with activities included in Sections I and/or II of this RGP. Disposal of the excavated material shall not occur in wetlands or waters of the U.S. located to the outside of the perimeter embankment.

B. The construction of new and/or the maintenance of existing stabilization structures or fills to the outside of perimeter embankments. Stabilization structures and/or fills include, but are not limited to, bulkheads, wingwalls and riprap.

C. Temporary structures, fills and work, such as cofferdams, that are necessary for construction of activities authorized in Section II of this RGP, provided all temporary fill materials are obtained from an upland source and/or from within the impoundment.

III. EMERGENCY NOTIFICATION PROCEDURES:

The emergency activities described above in Section I.R. of this RGP are authorized in an impoundment determined to be qualified for use of this RGP, provided the below notification procedures are followed. **Failure to comply with the following notification procedures will be considered a violation of the Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act and may result in an enforcement action:**

A. The responsible party must email the Corps within 72 hours of the onset of emergency repairs OR on the first business day after emergency construction activities have commenced. The email notification should include the Qualification Letter project number (SAC # on letter), property name, contact person name, phone number and email address,

a brief statement of work, and date emergency work began. If email is unavailable, the responsible party may call the number listed below and should include the above information.

Charleston District Regulatory Division
General Email Address: SAC.RD.Charleston@usace.army.mil
Phone: (843) 329-8044

B. A Pre-Construction Notice must be submitted to the Corps within 14 days of initial notification. In addition to the PCN information described in Section V of this RGP, the PCN must also include the date the Corps was notified, a copy of the emailed notification (if applicable), and pre- and ongoing/post-repair photographs of the emergency activities. Refer to Appendix A for the Pre-Construction Notification and Checklist.

IV. ACTIVITIES NOT AUTHORIZED:

This RGP does NOT authorize the following activities:

- A. The construction of a new impoundment and/or a new field located outside of an impoundment determined to be qualified for use of this RGP;
- B. The restoration of remnant embankments outside of an impoundment determined to be qualified for use of this RGP;
- C. The restoration of a historic or former impoundment that was determined not qualified for use of this RGP;
- D. The conversion of forested wetlands to non-forested wetlands inside an impoundment determined qualified for use of this RGP;
- E. Work outside of the existing perimeter embankments, with the exception of the activities included in Section II of this RGP.

V. QUALIFICATION DETERMINATION PROCESS:

In order for the Corps to determine if an impoundment is qualified for use of this RGP, the applicant must submit a Qualification Request Form with the required information listed below, to the Corps prior to or concurrently with submittal of a PCN. The Qualification Request Form can be found in Appendix B of this RGP.

The Corps will provide a copy of the Qualification Request to the U.S. Fish and Wildlife Service (USFWS) for a 15-day comment period. The Corps will review the Qualification Request submittal and will make an effects determination in accordance with Section 106 of the National Historic Preservation Act, which may require consultation with State Historic Preservation Office (SHPO).

After review, the Corps will provide the applicant with a Qualification Letter which will indicate if an impoundment is qualified for use of this RGP.

Receipt of a Qualification Letter for use of this RGP is generally only necessary once, and such qualification will generally remain valid for the 5-year life of this RGP (SAC-RGP-XX), unless this RGP is modified, suspended, or revoked. If a project review area or property is sold or transferred to others, the new property owner should submit a letter of ownership change to the Corps that includes the name, phone number, mailing address and email address (if available) of the new owner(s). The Qualification Letter for use of this RGP will automatically transfer to the new owner once this documentation has been provided to the Corps.

The Qualification Request submittal must include the following information:

A. Managed Tidal Impoundment (MTI-RGP) Qualification Request Form;

B. Location map of overall property. Map should include road names;

C. USGS Quad topographic or aerial photograph map(s) of area with property boundaries marked;

D. A list of the impoundment, including smaller units or fields within the impoundment, as appropriate, that is subject to this Qualification Request;

E. A map or drawing that shows the impoundment, including smaller units or fields within the impoundment, as appropriate, that is subject to this Qualification Request. The map or drawing should include the following details:

1. Each impoundment and each existing water control structure must be shown on the map/drawing;

2. Each impoundment and the fields as well as the water control structure must be identified by name or number; and

3. The type of water control structure should also be noted. River and creek names should be labeled on the map/drawing.

F. Ground level and aerial photographs of the impoundment, including smaller units or fields within the impoundment, as appropriate. Locations and directions of ground-level photos should be marked and labeled on the map/drawing of the impoundment and fields prepared for E. above. Photos should be labeled with the corresponding impoundment and/or field name or number;

G. A written description of the existing site conditions for an impoundment, including smaller units or fields within the impoundment, as appropriate, that is being included in the Qualification Request. The description should include the vegetation present, water regime (tidal or non-tidal), average water depth, and acreage of each Impoundment and/or field;

H. A management plan or description of current management practices for each impoundment, including smaller units or fields within the impoundment, as appropriate;

I. To ensure compliance with Section 7 of the Endangered Species Act, the name(s) of endangered or threatened species that may be present in the impoundment, may be affected by the proposed work and/or are in the vicinity of the impoundments should be provided, if known.

J. To ensure compliance with Section 106 of the National Historic Preservation Act, the following information must be provided:

1. A statement addressing which historic properties may be affected by the proposed work and a map with the Section 106 Review Area clearly defined. The Section 106 Review Area includes the impoundment including smaller units or fields within the impoundment, as appropriate, where the proposed work will occur AND the immediately adjacent uplands within **500 feet** of the subject impoundment and/or fields. In situations when the 500-foot Section 106 Review Area extends beyond the property line, the property line will serve as the limits of the Section 106 Review Area. Refer to Appendix C for an example;

2. The location of any known historic structures and archaeological sites within the defined 500-foot Section 106 Review Area must be clearly labeled on the map. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the Subscriber View Map of SC ArchSite, the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places. The Watershed Resources Registry and the "Rice Fields and Section 106: SHPO Guidance for Federal Agencies and Applicants" document should also be consulted. This Guidance document can be found at <https://scdah.sc.gov/sites/default/files/Documents/Images/Rice%20Fields%20and%20Section%20106.pdf>

3. Photographs of any known historic structures and archaeological sites, keyed to the map/drawing(s) of the impoundments and fields prepared for J.2 5 above.

VI. PRE-CONSTRUCTION NOTIFICATION (PCN) REQUIRED INFORMATION:

NOTE 6: The submittal of one PCN may be used for multiple projects requiring PCNs that: 1) ARE DEPENDENT on each other; AND 2) will occur EITHER in one impoundment (and/or smaller units or fields within one impoundment) OR in directly adjoining impoundments or fields. Please refer to Appendix D of this RGP for examples.

NOTE 7: Refer to Charleston District's website, <https://www.sac.usace.army.mil/Missions/Regulatory/> for information about Electronic Submittals.

The following information is required as part of the PCN submittal:

A. [Completed Pre-Construction](#) Notification and Checklist. Refer to Appendix A of this RGP. The following information is required:

1. A location map of overall property, with the project title, property boundary and road names shown.

2. A location map of the impoundment, including smaller units or fields within the impoundment, as appropriate, where the work is proposed.
3. Plan view and cross-section drawings of existing conditions and proposed work. All drawings must be drawn to specified scale or with dimensions noted. Each drawing sheet must have a title block.
4. Copy of the Corps' issued Qualification Letter (OR a Qualification Request Form and required information if submitting a Qualification Request and PCN concurrently). Refer to Section V of this RGP.
5. A compensatory mitigation plan, or a statement addressing why compensatory mitigation should not be required, must be included with each PCN. Please note that compensatory mitigation may be required.
7. List of adjacent property owners;
8. For activities that occur to the outside of an impoundment, as described in Section II of this RGP, that are located adjacent to a Federal Navigation project listed below in Note 8 of this RGP, the project drawings must include the following information:
 - i. State Plane Coordinates (NAD 1983) for a minimum of two corners of each structure or fill where it is closest to the Federal channel;
 - ii. The distance from the watermost edge of the proposed structure or fill to the nearest edge of the Federal channel; and
 - iii. Mean Low Water line and the Mean High Water line.

NOTE 8: Defined Federal Navigation projects include the following: Ashley River (0.5 miles east of Hwy 7 bridge downstream to the Atlantic Intracoastal Waterway (AIWW)), Atlantic Intracoastal Waterway ((AIWW) GA/SC line to SC/NC line), 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) and Town Creek McClellanville (i.e., Five Fathoms Creek, AIWW to Bulls Bay).

VII. USE OF THE REGIONAL GENERAL PERMIT:

Use of this RGP to authorize activities described herein is dependent upon: 1) issuance of a Qualification Letter wherein the subject impoundment, including smaller units or fields within the impoundment, has been determined to be qualified for use of the RGP; 2) submittal of a PCN for each activity that would be conducted; AND 3) written verification from the Corps authorizing the activity in accordance with the RGP.

Failure to obtain a Qualification Letter **AND** a Verification Letter from the Corps prior to performing any work in waters of the U.S. in accordance with this RGP will be considered a violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act and may result in an enforcement action.

For any impoundment determined NOT to be qualified, this RGP CANNOT be used to authorize work within that impoundment, regardless of the qualification status of other impoundments within the same review area.

VIII. DEFINITIONS:

Contraction Embankment: A contraction embankment is a relatively short, new embankment built to replace a section of failed or failing outer/perimeter embankment of a managed tidal impoundment. The contraction embankment is typically constructed to the interior of the failed or failing outer/perimeter embankment with the same height and width of the original and connecting embankments. (Refer to Appendix A)

Embankment: An embankment is an earthen mound constructed to hold back water. For the purpose of this RGP, an embankment in managed tidal impoundments consists of three parts: a **field-dike**, which is the elevated portion of the embankment constructed above the water level; a **berm**, or maintenance shelf that is located to the interior of the field-dike, which helps to stabilize the field-dike; and a **canal**, which is located to the interior of the field-dike and berm, that provides for water circulation. (Refer to Appendix A)

Emergency Activities: For the purpose of this RGP, emergency activities include the excavation of material, the discharge of dredged or fill material, and/or the installation of structures necessary for the immediate construction of and/or repair of structures and fills that are necessary to restore and/or maintain water management capabilities of impoundments that may have been lost, OR where the loss is imminent, as a result of events and situations such as, but not limited to, storms, strong currents, unusually high tides, or wildlife activity. Emergency activities may include, but are not limited to, the construction of setback and/or contraction embankments, repairs to and reconstruction of failed or damaged perimeter embankments and replacement of failed or lost water control structures. Refer to Section III of this RGP for Emergency Procedures.

Field: For the purpose of this RGP, a field is a smaller unit located within a larger impoundment that can be individually managed. Typically, a series of fields make up an impoundment.

Forested: For the purpose of this RGP, an area is considered to be forested if the area has 5% or more tree cover. Refer to the definition *Tree Stratum*. (Consistent with the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0)*)

Inlet Canal: An inlet canal is an excavated canal that directs water from the exterior of the impoundment directly into a field through a water control structure, and from the interior of a field through a water control structure to the exterior of the impoundment. An inlet canal differs from the canal that is associated with the embankment. Refer to the definition of embankment.

Interior embankment: An interior embankment is an embankment having the three parts as described above that is constructed interior of the perimeter embankment. For the purposes of this RGP, an interior embankment is constructed to subdivide an existing, impoundment into smaller units or fields, where the subdivision typically occurs along differences in elevational or salinity gradients for the purpose of enhanced wetland management and water quality.

Interior Field Drains: For the purpose of this RGP, interior field drains are canals within an impoundment that are typically located between interior fields. Interior field drains allow water to flow to-and- from quarter drains and can vary greatly in width and depth. Refer to definition of quarter drains.

Invasive or non-native species: A species that is not native to Managed Tidal Impoundments, and introduction of which causes or is likely to cause environmental harm.

Managed Tidal Impoundments (MTIs): Managed Tidal Impoundments are impounded tidal wetlands and waters that have a system of functioning embankments, canals, and water control structures that create a series of fields where the water regimes of the fields are currently being manipulated for wildlife management and/or where the fields have ALL of the necessary embankments and structures in place to allow for the manipulation of the water regimes for wildlife management.

Perimeter Embankment:-A perimeter embankment is an embankment having the three parts as described above that is located along the perimeter/river side of the managed tidal impoundment.

Quarter Drains: For the purpose of this RGP, quarter drains are linear ditches located within the interior fields that facilitate field drainage and/or the circulation of water throughout the fields. Most managed tidal impoundments have numerous quarter drains.

Set-back embankment: A set-back embankment is an embankment having the three parts as described above that is constructed parallel and interior of the perimeter embankment. For the purposes of this RGP, a set-back embankment is constructed to replace an existing perimeter embankment that has failed, is failing in mass and/or will be abandoned from future maintenance.

Splash-apron: For the purpose of this RGP, a splash-apron is a horizontal platform located at the openings of a water control structure to prevent erosion. The splash apron may consist of a wooden platform, rip rap or other material.

Tree stratum: A tree stratum consists of woody plants, excluding woody vines, approximately 20 feet (6 m) or more in height and 3 inches (7.6 cm) or larger DBH (diameter at breast height, consistent with the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0)*)

Water Control Structure (WCS): For the purpose of this RGP, a water control structure is a structure in a managed tidal impoundment or adjacent field that conveys water, controls the direction or rate of flow, and maintains a water surface elevation. WCS in managed tidal impoundments typically consist of trunks, culverts and/or spillway boxes. (Refer to Appendix E)

Wing-wall: For the purpose of this RGP, a wing-wall is a vertical bulkhead extending laterally from the ends of the water control structure to help prevent erosion of the field-dike at the water control structure. (Refer to Appendix E)

IX. SPECIAL CONDITIONS:

A. This RGP only authorizes activities within the perimeter embankments of existing functional managed tidal impoundments with the exception of the construction of inlet canals associated with water control structures, stabilization of the perimeter embankment for erosion control, and excavation of material from the area between a breached/failed or lost perimeter embankment and the new setback/contraction embankment for the emergency construction of the new setback/contraction embankment.

B. All work conducted in accordance with this RGP must be the minimum necessary to accomplish the authorized work.

C. The permittee shall submit the Compliance Certification within 30 days following completion of the authorized work.

D. The permittee must implement best management practices during and after all construction to minimize erosion and migration of sediments off site. These practices may include use of devices capable of preventing erosion and migration of sediments in waters of the United States, including wetlands. These devices must be maintained in a functioning capacity until the area is permanently stabilized. All disturbed land surfaces must be stabilized upon project completion. Stabilization refers to the minimization of erosion and migration of sediments off site.

E. Once project construction is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to aquatic resources and the surrounding environment.

F. Use of this RGP does not obviate requirements to obtain all other applicable Federal, State, county, and local government authorizations.

G. No activity is authorized by this RGP that will cause flooding or ponding of water on property in which the permittee does not have the necessary real estate interest.

H. The permittee must comply with all FEMA regulations and requirements. The permittee is advised that the National Flood Insurance Program (NFIP) prohibits any development within a designated floodway within the FEMA Special Flood Hazard Area (SFHA), including placement of fill, without a "No Impact Certification" approved by the local NFIP flood plain manager. The permittee is further advised that development activities in a designated FEMA Special Flood Hazard Area (SFHA) are subject to the floodplain management regulations of the National Flood Insurance Program (NFIP). If the proposed action is located in a designated FEMA SFHA (e.g., 100 year flood plain), the permittee must coordinate with the local NFIP flood plain manager and comply with FEMA requirements prior to initiating construction. A list of NFIP floodplain managers may be found at: <http://www.dnr.sc.gov/water/flood/index.html>.

I. In order to ensure protection and reduce potential construction-related impacts to West Indian manatees that may be present in vicinity of the project area during construction activities performed outside the winter months, to discountable and insignificant levels, the permittee will comply with the following for all projects affecting the coastal waters of South Carolina:

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 1 - November 15. Construction personnel are requested to monitor outside of that timeframe as manatees may be in the area before or after the above dates.
2. Any collision with and/or injury to a manatee shall be reported immediately to the U.S. Fish and Wildlife Service contacts: Melanie Olds, South Carolina Manatee Lead, Charleston Field Office, at 843-727-4707 ext. 205; or Terri Calleson, Manatee Recovery Coordinator, North Florida Field Office, at 904-731-3286.

J. In order to ensure protection of any threatened or endangered species, and designated critical habitat that may be present in the vicinity of the project area during construction activities, the permittee will comply with the following:

1. The permittee shall instruct all personnel associated with the project of the potential presence of and the need to avoid collisions with protected species, which may include but is not limited to West Indian manatees, Atlantic sturgeon, shortnose sturgeon, sea turtles, wood stork, blue whale, fin whale, North Atlantic right whale, sei whale and sperm whale.
2. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing protected species, to include manatee(s), which are protected under the Marine Mammal Protection Act of 1972 and/or the Endangered Species Act of 1973.
3. Any siltation barriers used during the project shall be made of material in which protected species, to include manatee(s), cannot become entangled and must be properly secured, and regularly monitored to avoid protected species entrapment.
4. All vessels associated with the project shall 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 protected species, to include manatee(s), are seen within 100 yards of the active construction area all appropriate precautions shall be implemented to ensure protection of the protected species, to include manatee(s). These precautions shall include the operation of all moving equipment no closer than 50 feet to a protected species, to include manatee(s). Operation of any equipment closer than 50 feet to a protected species, to include manatee(s), shall necessitate immediate shutdown of that equipment. Activities will not resume until the protected species, to include manatee(s), has departed the project area of its own volition.
6. Incidents where any individuals of sea turtles, Atlantic sturgeon, shortnose sturgeon, blue whale, fin whale, North Atlantic right whale, sei whale and sperm whale listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as

a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this DA permit shall be reported to NOAA Fisheries, Office of Protected Species at (727) 824-5312, the SCDNR Hotline at 1-800-922-5431, and the Regulatory Office of the Charleston District of the U.S. Army Corps of Engineers at (843) 329-8044. The finder should leave the animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure, or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

7. The permittee understands and agrees that all in-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water. Where appropriate, in water wires should be fitted with PVC sleeve from the surface to the bottom to prevent any potential scraping of the passing manatees.

X. GENERAL CONDITIONS:

The activities authorized by this RGP must comply with ALL of the following general conditions:

- A. This RGP authorizes only those activities specifically addressed above in Sections I and II of this RGP. The permittee must obtain Department of the Army authorization, such as an individual permit, for all other activities that are regulated pursuant to 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act.
- B. All activities identified and authorized herein shall be consistent with the terms and conditions of this RGP; any variance not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit and may result in the modification, suspension, or revocation of the RGP, as set forth more specifically in General Condition F. below and in the institution of such legal proceedings as the United States Government may consider appropriate.
- C. 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.
- D. The permittee must make every reasonable effort to conduct the work authorized herein in a manner so as to avoid and minimize degradation of water quality.

E. The permittee shall allow the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this RGP is in accordance with the terms and conditions prescribed herein.

F. Authorization of a specific work or structure authorized herein may be summarily suspended in whole or in part upon finding by the District Engineer that immediate suspension would be in the general public interest or there has been violation of any terms or 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 public hearing to present information relevant to a decision whether their 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 under this General Permit shall not be the basis for any claim for damages against the United States.

G. Upon receipt of a notice from the District Engineer for failure to comply with the terms, conditions, or standards of this RGP, the project owner must within sixty (60) days without expense to the United States and in such a manner as directed by the District Engineer of his authorized representative(s), effect compliance with the terms, conditions, and standards or remove the previously authorized work or structure.

H. This RGP does not convey any property rights, either in real estate or material, or any exclusive privileges; it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws, 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, or local agencies are not limited by this document and may impose more stringent requirements than those stated herein.

I. Any activity that may adversely affect any federally listed threatened or endangered species, a species for proposed listing, or designated critical habitat is NOT authorized by this General Permit. These activities will be evaluated under the individual permit review process as specified in 33 CFR Part 325.

J. Historic Properties.

1. In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

2. Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the District Engineer with the appropriate documentation to demonstrate compliance with those requirements. The District Engineer will review the documentation and determine whether it is sufficient to address Section 106 compliance for the proposed activity, or whether additional Section 106 consultation is necessary.

3. The District Engineer will notify the prospective permittee at the Qualification Letter review stage 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.

4. Prospective permittees of this RGP 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.

K. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this RGP, you must immediately notify the State Historic Preservation Office and the district engineer of what you have found, and to the maximum extent *practicable*, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. Archeological remains consist of any materials made or altered by man, which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, *structures*, or non-recent (i.e., older than 100 years) vessel ruins.

L. The permittee must notify the South Carolina Institute of Archaeology and Anthropology-Maritime Research Division (MRD). in accordance with the South Carolina Underwater Antiquities Act of 1991 (Article 5, Chapter 7, Title 54 Code of Laws of South Carolina, 1976) in the event archaeological or paleontological remains are found during the course of the work. MRD may be contacted at 803-576-6565. Archaeological remains consist of any materials made or altered by man which remains from the past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures or non-

recent (i.e., older than 100 years) vessel ruins. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusk, bone or entire skeletons.

M. The District Engineer, at his discretion, may determine that this RGP 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.

N. A copy of the project-specific authorization and drawings must be available at the site of the permitted activity during construction.

O. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

P. 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 their 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.

Q. Use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the U.S.

XI. PROHIBITED ACTIVITIES:

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

XII. REQUIRED AUTHORIZATIONS:

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

XIII. PENALTIES FOR VIOLATIONS:

Any deviation from the specifications, or other terms or conditions, of the RGP shall constitute a violation of Section 10 of the Rivers 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.

XIV. LIMITS OF FEDERAL LIABILITY:

In issuing this RGP, 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.

XV. REVOCATION OF THE REGIONAL GENERAL PERMIT:

This RGP 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 RGP would be processed as Individual or Nationwide Permits.

XVI. DURATION OF THE REGIONAL GENERAL PERMIT:

This RGP will cover activities started within five (5) years and completed within six (6) years of the date of issuance unless this permit is revoked in the interim. At the end of the first year and every succeeding year, the Corps and the Federal and State regulatory and resource agencies will jointly review activities authorized by this General Permit to determine if significant cumulative impacts have resulted. If the District Engineer determines revocation of this permit, in whole or in part, may be in order due to cumulative impacts, a public notice of the intention will be issued and after a review of all additional data submitted, action will be taken to amend, modify or revoke this permit, as appropriate. Revocation of a General Permit will not affect the work that had been authorized when the General Permit was in effect if such work is in accordance with the applicable provisions contained herein

This RGP becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

This permit 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

or an authorized Designee

Travis G. Hughes
Chief, Regulatory Division

Appendix A

Managed Tidal Impoundment Regional General Permit Pre-Construction Notification and Checklist

Managed Tidal Impoundment Regional General Permit (RGP-XX) Pre-Construction Notification and Checklist

Project SAC # _____
(Provide the SAC # referenced in the Qualification Letter)

1. Project Name: _____ **2. Date:** _____

3. Applicant Name: _____

4. Applicant Address: _____

5. Phone: _____ **6. Email:** _____

7. Project Location Address: _____

8. Latitude/Longitude of Activity: (If multiple activities are included, provide Lat/Long for each activity. Add attachments as necessary)

9. Description of Activity: (If multiple activities are included, provide description for each. Description may include references to the applicable sections of the RGP. Add attachments as necessary)

10. Impacts: Provide impacts to all waters of the U. S. for the proposed activity. (If multiple activities are included, provide impacts for each activity. Add attachments as necessary).

Discharge of Dredged or Fill Material: _____ cubic yards _____ acres

Excavation: _____ cubic yards _____ acres

11. Temporary work and impacts: Describe the type of temporary work (i.e. cofferdam) and impacts. (If multiple activities are included, provide description and impact for each activity. Add attachments as necessary).

Discharge of Dredged or Fill Material: _____ cubic yards _____ acres

Excavation: _____ cubic yards _____ acres

12. Compensatory mitigation plan or statement why compensatory mitigation should not be required.

13. List of Adjacent Property Owners, including mailing addresses

Managed Tidal Impoundment Regional General Permit (RGP-XX) Pre-Construction Notification and Checklist

Checklist

1. A location map of overall property, with the project title, property boundary and road names shown. _____
2. A location map of the impoundment, including smaller units or fields within the impoundment, as appropriate, where the work is proposed. _____
3. Plan view and cross-section drawings of existing conditions and the proposed work. All drawings must be to scale or with dimensions noted. Each drawing must have a title block. _____
4. Copy of the Corps' issued Qualification Letter (OR a Qualification Request Form and required information if submitting a Qualification Request and PCN concurrently). _____
5. For activities that occur to the outside of an impoundment, as described in Section II of this RGP, that are located adjacent to a Civil Works project and/or a Federal Navigation project listed in Notes 7 and 8 in this RGP, the project drawings must include the following information: _____
 - i. State Plane Coordinates (NAD 1983) for a minimum of two corners of each structure or fill where is closest to the Federal channel; _____
 - ii. The distance from the watermost edge of the proposed structure or fill to the nearest edge of the Federal channel; _____
 - iii. Mean Low Water line and the Mean High Water line. _____

**This PCN and Checklist should be submitted electronically to the Corps at
SAC.RD.Charleston@usace.army.mil or SAC.RD.Conway@usace.army.mil**

Please refer to our website for instructions on submitting electronic files to the Corps of Engineers
(<https://www.sac.usace.army.mil/Missions/Regulatory>).

Appendix B

Managed Tidal Impoundment Regional General Permit

Qualification Request Form

Managed Tidal Impoundment Regional General Permit RGP-XXX Qualification Request Form

Property Name: _____ **Date:** _____

Property Address: _____

Impoundment Acreage: _____ **County of Property:** _____

Latitude/Longitude of Impoundment: _____

Applicant Name: _____ **Email Address:** _____

Mailing Address: _____

Phone Number: _____

Agent Name: _____ **Email Address:** _____

Mailing Address: _____

Phone Number: _____

Information Required:

- A. Managed Tidal Impoundment (MTI-RGP) Qualification Request Form;
- B. Location map of overall property. Map should include road names;
- C. USGS Quad topographic or aerial photograph map(s) of area with property boundaries marked;
- D. A list of the impoundment, including smaller units or fields within the impoundment, as appropriate, that is subject to this Qualification Request;
- E. A map or drawing that shows the impoundment, including smaller units or fields within the impoundment, as appropriate, that is subject to this Qualification Request. The map or drawing should include the following details:
 - 1. Each impoundment and each existing water control structure must be shown on the map/drawing;
 - 2. Each impoundment and the fields as well as the water control structure must be identified by name or number; and
 - 3. The type of water control structure should also be noted. River and creek names should be labeled on the map/drawing.
- F. Ground level and aerial photographs of the impoundment, including smaller units or fields within the impoundment, as appropriate. Locations and directions of ground-level photos should be marked and labeled on the map/drawing of the impoundment and fields prepared for E. above. Photos should be labeled with the corresponding impoundment and/or field name or number;
- G. A written description of the existing site conditions for an impoundment, including smaller units or fields within the impoundment, as appropriate, that is being included in the Qualification Request. The description should include the vegetation present, water regime (tidal or non-tidal), average water depth, and acreage of each Impoundment and/or field;

Managed Tidal Impoundment Regional General Permit RGP-XXX Qualification Request Form

Information Required Continued:

H. A management plan or description of current management practices for each impoundment, including smaller units or fields within the impoundment, as appropriate;

I. To ensure compliance with Section 7 of the Endangered Species Act, the name(s) of endangered or threatened species that may be present in the impoundment, may be affected by the proposed work and/or are in the vicinity of the impoundments should be provided, if known.

J. To ensure compliance with Section 106 of the National Historic Preservation Act, the following information must be provided:

1. A statement addressing which historic properties may be affected by the proposed work and a map with the Section 106 Review Area clearly defined. The Section 106 Review Area includes the impoundment including smaller units or fields within the impoundment, as appropriate, where the proposed work will occur AND the immediately adjacent uplands within **500 feet** of the subject impoundment and/or fields. In situations when the 500-foot Section 106 Review Area extends beyond the property line, the property line will serve as the limits of the Section 106 Review Area. Refer to Appendix C for an example;

2. The location of any known historic structures and archaeological sites within the defined 500-foot Section 106 Review Area must be clearly labeled on the map. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the Subscriber View Map of SC ArchSite, the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places. The Watershed Resources Registry and the “Rice Fields and Section 106: SHPO Guidance for Federal Agencies and Applicants” document should also be consulted. This Guidance document can be found at

<https://scdah.sc.gov/sites/default/files/Documents/Images/Rice%20Fields%20and%20Section%20106.pdf>

3. Photographs of any known historic structures and archaeological sites, keyed to the map/drawing(s) of the impoundments and fields prepared for J.2 above.

By signing below, I am indicating that I have the authority, or am acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant U.S. Army Corps of Engineers personnel right of entry to legally access the property(ies) subject to this request for the purposes of conducting on-site investigations. I acknowledge that my signature is an affirmation that I possess the requisite property rights to make this request.

Mailing Address

Property Address/ TMS #

Email Address

Phone Number

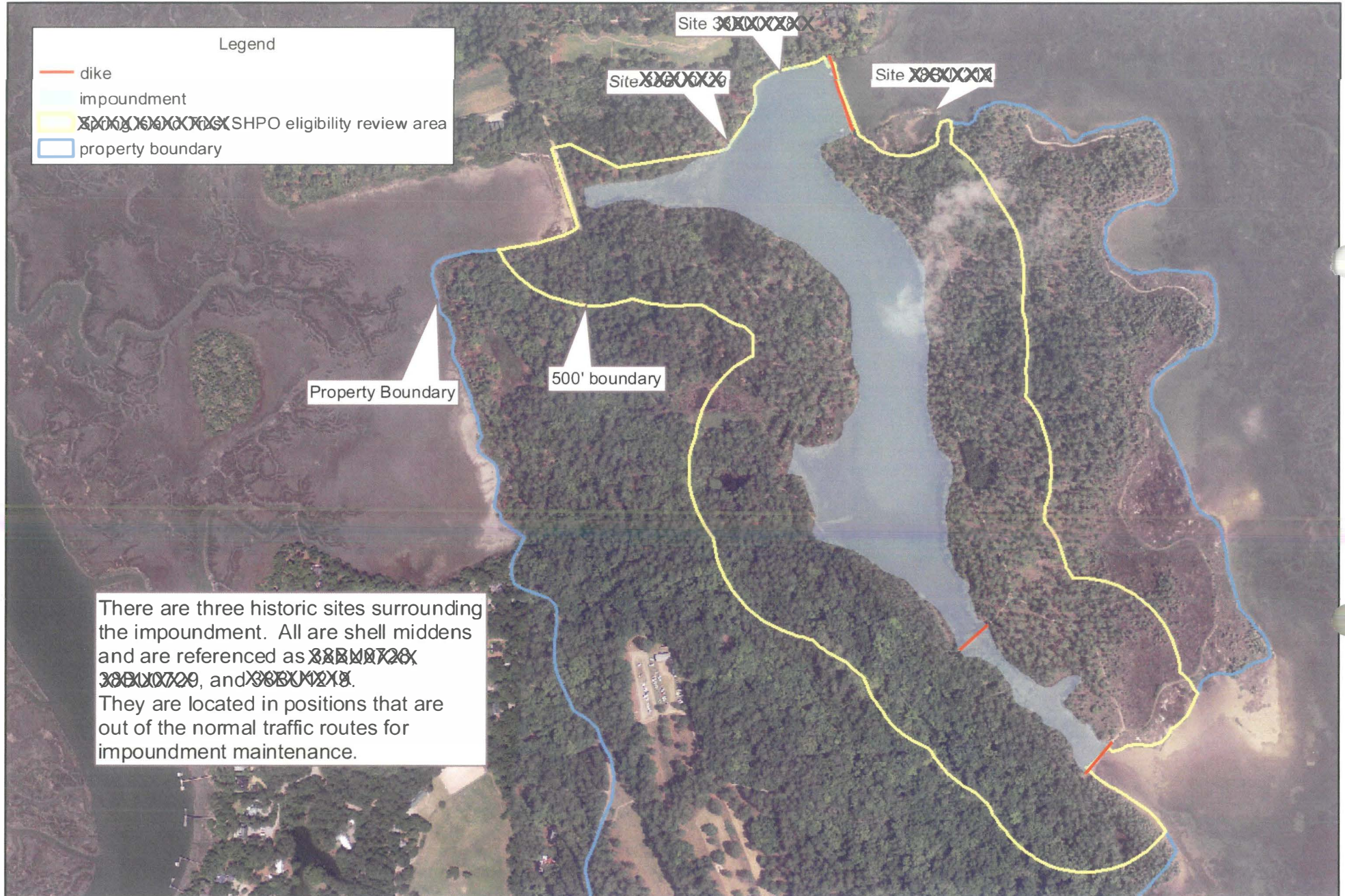
Signature

Printed Name and Date

Appendix C

SHPO Eligibility Review Area Example

Example - SHPO Eligibility Review Area



Appendix D

PCN Submittal Example

PCN Submittal Example

Example 1

Activity 1 – Replacement of existing trunk in Field 1

Activity 2 - Re-establish a berm and canal excavation in Field 1

Multiple proposed activities located in one impoundment/field, regardless of whether one activity is dependent on the other, **can** be included together in one PCN. In this example, the proposed Activity 1 and Activity 2 **can** be included in one PCN.

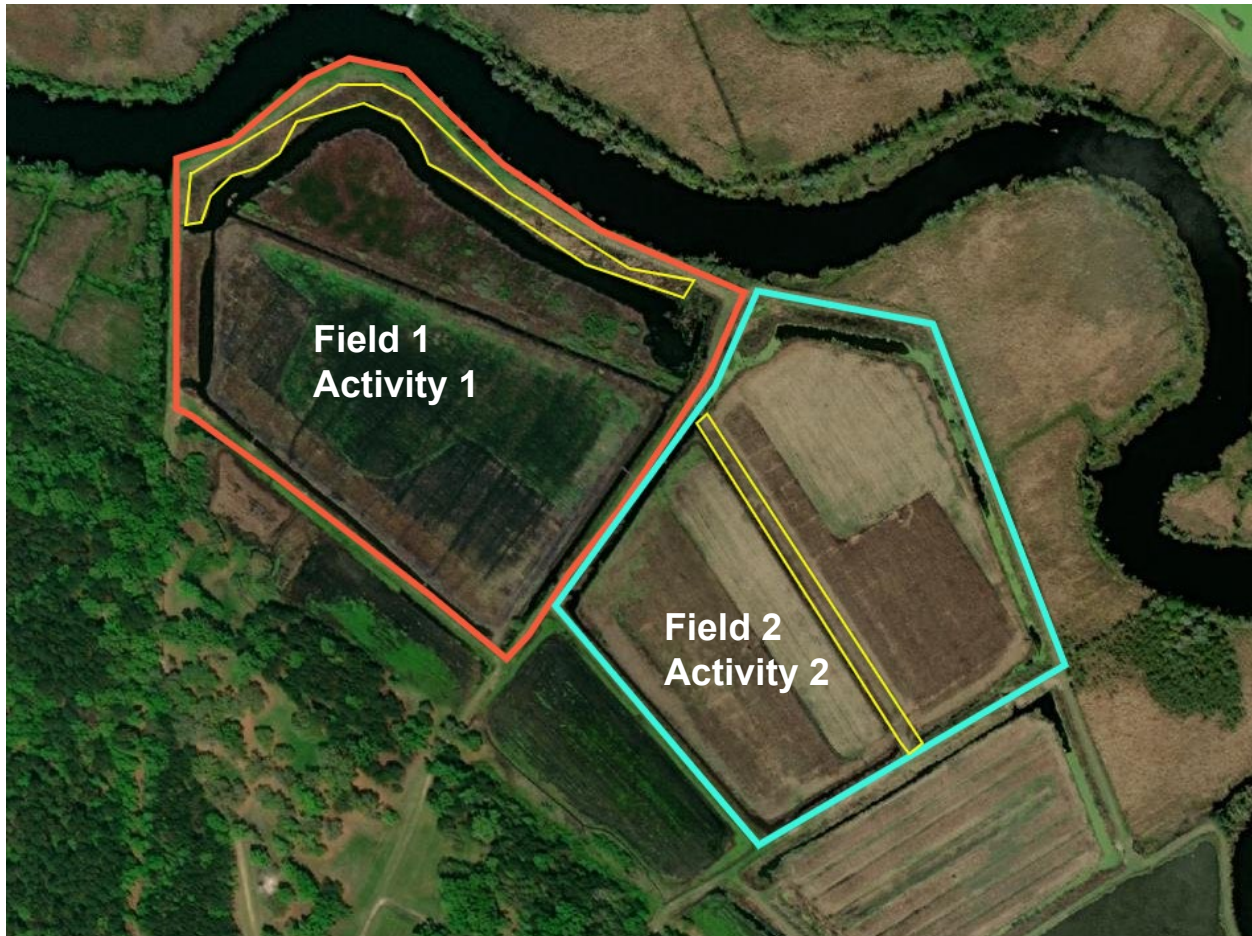


Example 2

Activity 1 – Re-establish a berm and canal excavation in Field 1

Activity 2 – Construction of interior embankment in Field 2

Multiple proposed activities located in adjoining in smaller impoundment/fields **can** be included together in one PCN. In this example, the proposed Activity 1 and Activity 2 **can** be included in one PCN.

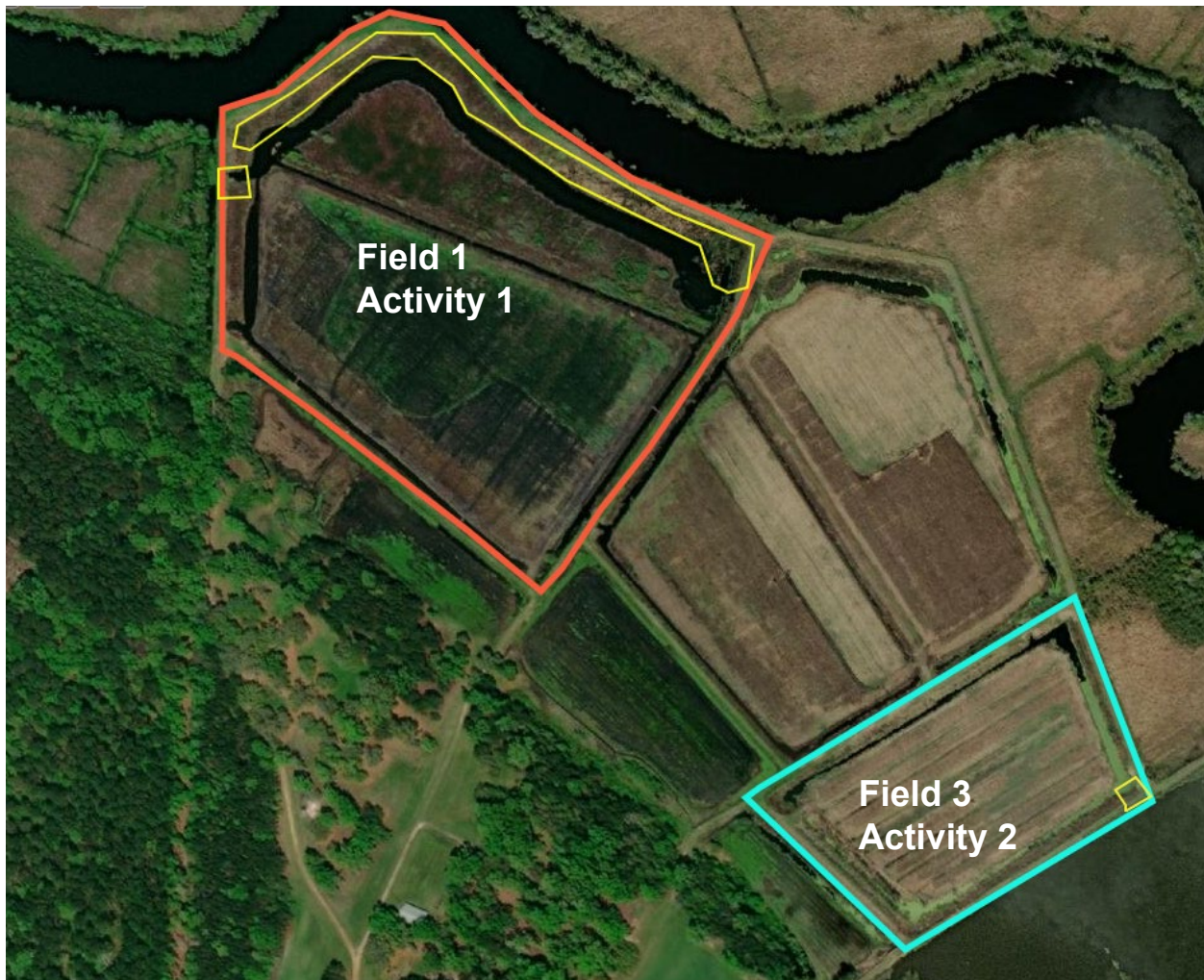


Example 3

Activity 1 – Installation of new trunk and Re-establish a berm and canal excavation in Field 1

Activity 2 – Installation of a new trunk in Field 3

Multiple proposed activities located in non-adjoining smaller impoundment units or fields **cannot** be included in one PCN. In this example, two separate PCNs would be required.



Appendix E

Structure Examples

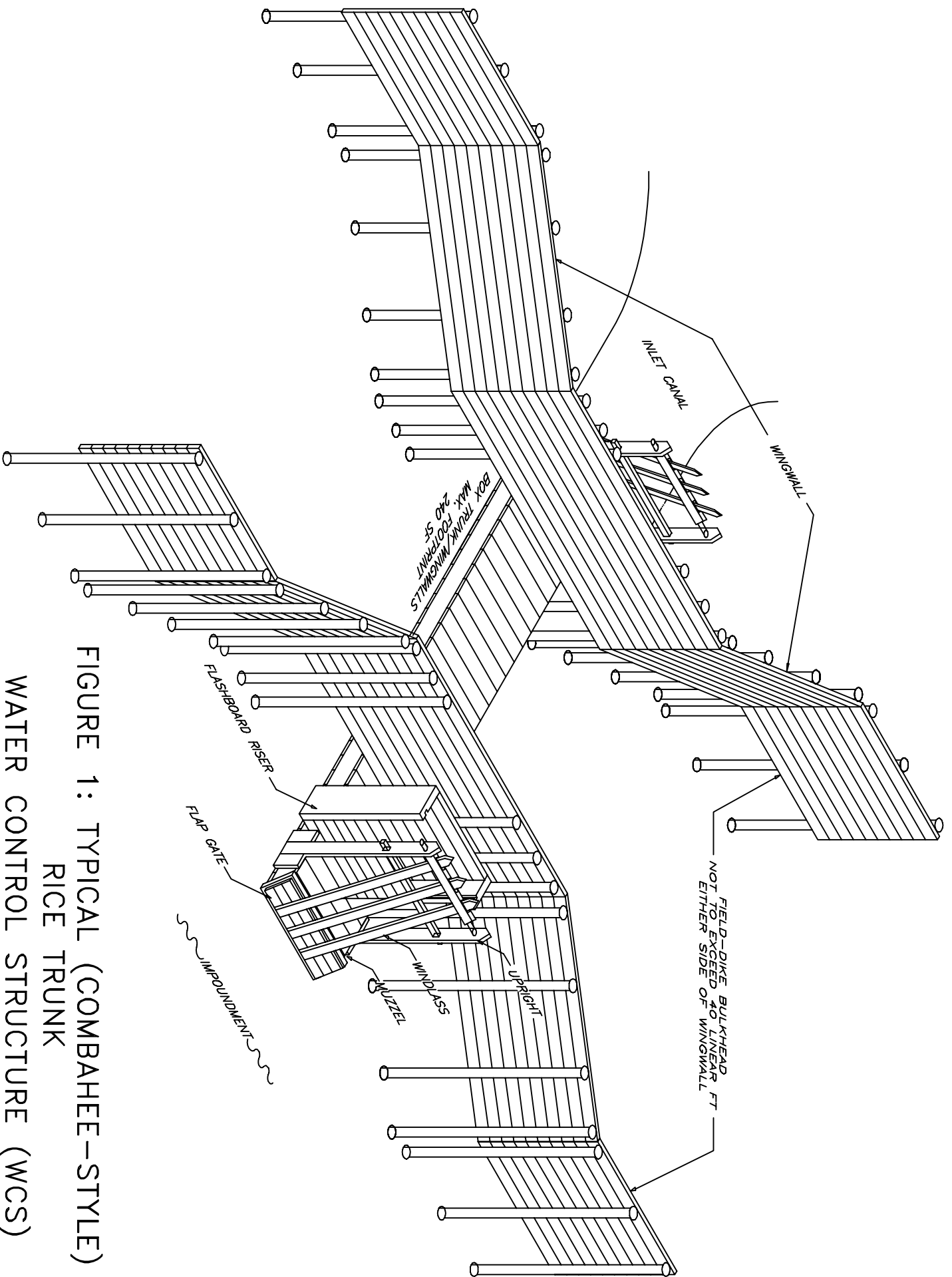


FIGURE 1: TYPICAL (COMBAHEE-STYLE)
RICE TRUNK
WATER CONTROL STRUCTURE (WCS)

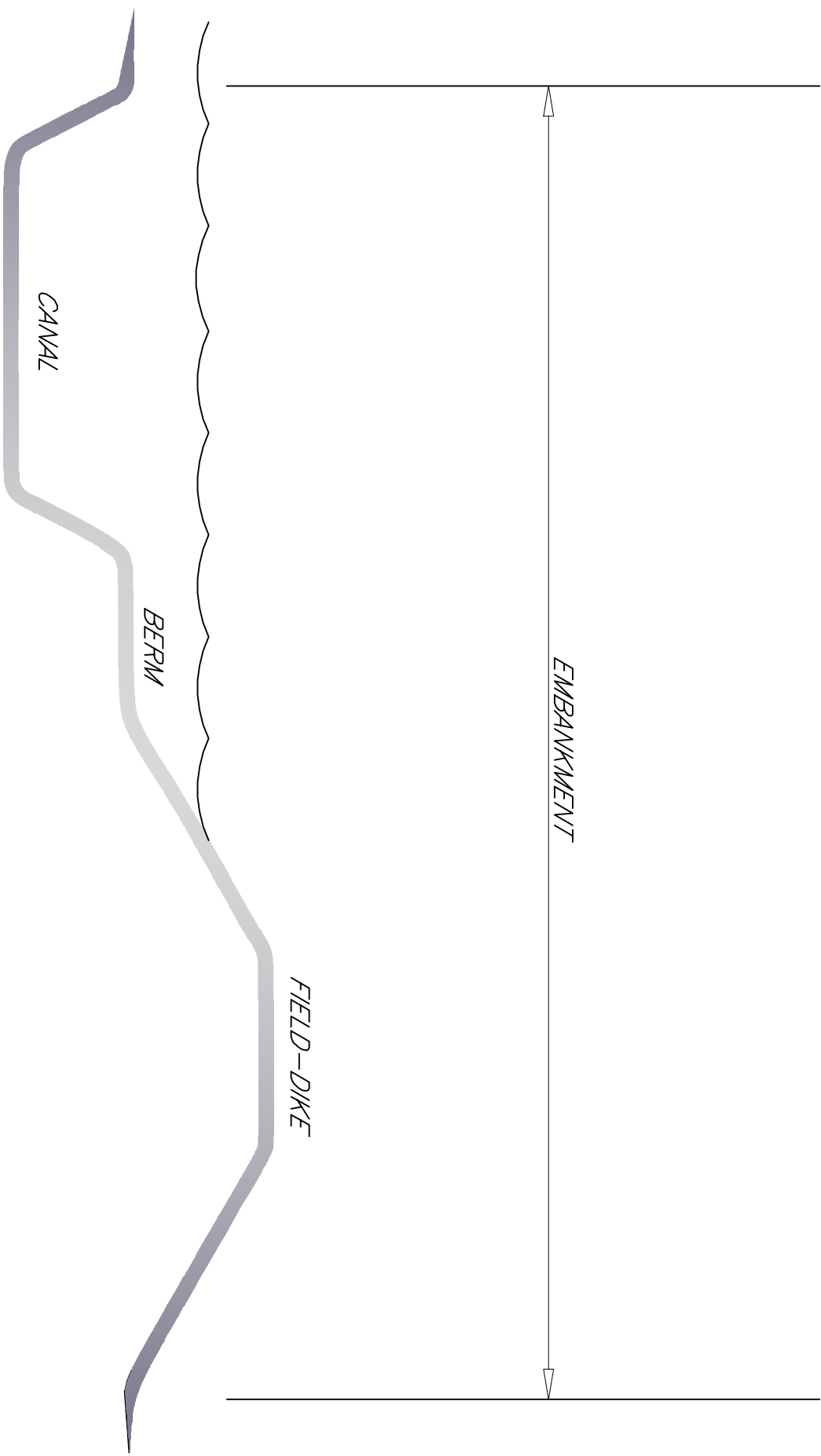


FIGURE 2: TYPICAL EMBANKMENT
CROSS-SECTION

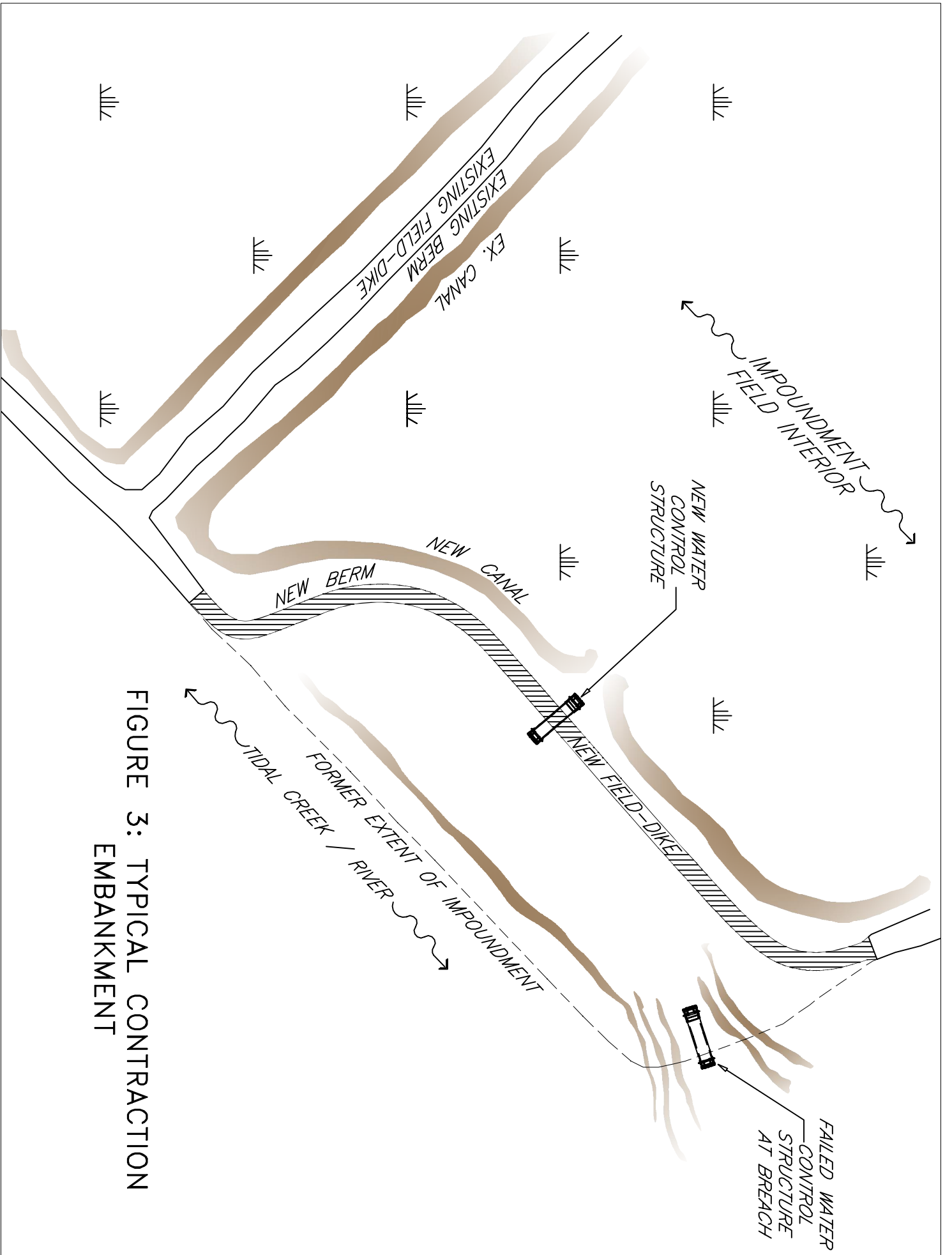


FIGURE 3: TYPICAL CONTRACTION EMBANKMENT