

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
150 Executive Center Drive, Suite 205
Greenville, South Carolina 29615

and

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Water Quality Certification and Wetlands Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION

Refer to: P/N SAC-2016-00094 through 00106

January 26, 2021

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. 1341), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the South Carolina Department of Health and Environmental Control by

NOTICE

is hereby given that the District Engineer, Charleston District proposes to issue a General Permit to the General Public to authorize the construction, repair and maintenance of private, non-commercial docks and boat lifts, bank stabilization, excavation, fish attractors, reefs, fishery enhancement, and aquaculture activities, utilities, debris removal, dock anchors, scientific measuring devices and surveys, piles and pile supported structures, construction and maintenance of boat ramps, buoys & signs, modifications to existing marinas, and recreational swimming, beaches, by the adjacent shoreline property owners, lessees or governmental agencies in the following lakes along the Savannah River:

HARTWELL, RICHARD B. RUSSELL, AND J. STROM THURMOND

In Anderson, Oconee, Pickens, Abbeville, and
McCormick Counties, South Carolina.

***NOTE: A copy of the draft General Permit is attached to this Public Notice and contains the general and special conditions of the authorization.**

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by the **Corps** until

15 Days from the Date of this Notice,

and **SCDHEC** will receive written statements regarding the proposed work until

30 Days from the Date of this Notice

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

NOTE: This public notice and associated plans 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. 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 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 freshwater habitat upstream of 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.

The District Engineer has consulted the most recently available information and has determined that the General Permit will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. Provisions have been made in the form of general conditions to the General Permit, which should prevent any effect to Federally endangered, threatened, proposed species, or their critical habitat that the District Engineer is not aware of or may have overlooked. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

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 evaluated the proposed General Permit regarding its potential to affect cultural resources including registered properties or properties listed as being eligible for inclusion in the National Register. Provisions have been made in the form of general conditions to the General Permit, which should prevent any adverse effect to cultural resources 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. This public notice serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

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.

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.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the 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.

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. When providing comments, please reference the project number and provide written comments to the following address (email comments is the preferred method):

SAC.RD.Greenville@usace.army.mil

or mail to:

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
150 Executive Center Drive, Suite 205
Greenville, South Carolina 29615**

If there are any questions concerning this public notice, please contact Kristin B. Andrade, Team Leader, at (864) 609-4324, or by email at Kristin.B.Andrade@usace.army.mil.

General Permit No. SAC-2016-00094 through 00106
Name of Applicant: General Public
Effective Date: _____
Expiration Date: _____

DEPARTMENT OF THE ARMY
REGIONAL GENERAL PERMIT
FOR MINOR ACTIVITIES ON CORPS LAKES ON THE SAVANNAH RIVER
SOUTH CAROLINA

A General Permit for work or structures in or affecting navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act of March 3, 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, is hereby issued by 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 the construction, repair and maintenance of private, non-commercial docks and boat lifts, bank stabilization, excavation, fish attractors, reefs, fishery enhancement, and aquaculture activities, utilities, debris removal, dock anchors, scientific measuring devices and surveys, piles and pile supported structures, construction and maintenance of boat ramps, buoys & signs, modifications to existing marinas, and recreational swimming, beaches, by the adjacent shoreline property owners, lessees or governmental agencies in the following lakes along the Savannah River:

HARTWELL, RICHARD B. RUSSELL, AND J. STROM THURMOND

In Anderson, Oconee, Pickens, Abbeville, and
McCormick Counties, South Carolina.

In an effort to eliminate unnecessary duplication of regulatory efforts and to streamline the permitting process for routine projects with only minimal impacts, this Regional General Permit (RGP) is issued for a period of 5 years. Prior to commencing work authorized by the RGP, project specific authorization must be obtained in writing through the U.S. Army Corps of Engineers (USACE) Operations Project Manager, or his designated representative, for the appropriate USACE Lake. For the purposes of this RGP, the term Operations Project Manager or his designated representative includes both Park Rangers and Park Managers. The following activities are authorized by the RGP on the South Carolina side of the aforementioned Lakes, provided they comply with the listed Special and General Conditions.

I. AUTHORIZED ACTIVITIES AND SPECIAL CONDITIONS:

Docks and Boat Lifts (SAC-2016-00094):

- a) Authorized dock and boat lift activities include non-commercial docks, whether permanent, floating or a combination of both may not exceed the square footage or length allowed in the current Shoreline Management Plan (SMP) or extend 1/3 the distance across the affected waterway, whichever is less provided that they do not interfere with navigation, or ingress or egress to any adjoining property/existing docks. In some locations, such as narrow coves, the maximum size may not be permitted, or structures may not be permitted at all.

- b) Common use structures between adjacent property owners are encouraged. A copy of the written agreement between participating property owners must be furnished to the Operations Project Manager.
- c) All fixed pier decking (not including handrails) will be built at least one vertical foot above the referenced full pond of each lake.
- d) Hand railings are permissible provided that the sides of docks are not enclosed to obscure cross-vision.
- e) Structures built within the Project Boundaries 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 lake.
- f) Flotation for all facilities and boat mooring buoys shall be of materials manufactured for marine use. Materials must not lose significant buoyancy if punctured, must not generally be subject to damage by animals, and must resist breaking apart under a broad range of wave energies. The uncoated, beaded polystyrene will not be permitted for any new construction or as replacement for existing facilities. Reuse of plastic, metal, or other previously used drums or containers for encasement or flotation purposes is prohibited. Existing approved flotation is authorized until it has severely deteriorated and is no longer serviceable, at which time it must be replaced with approved flotation.
- g) Docks, boat houses, and boat shelters must be single-story structures. They may be roofed to allow second story use (e.g. sundecks); however, the second story must not be roofed creating a two-story roofed structure.
- h) Docks used to moor houseboats for habitation are not allowed by this General Permit.
- i) Boat lifts and lifts for personal watercraft are permissible, provided that they do not block cross-vision. No more than two (2) jet ski lifts or jet docks per project-front lot will be allowed, provided the overall dock size, including the jet ski lift, does not exceed the maximum dock size authorized in the respective SMP.

Bank Stabilization (SAC-2016-00095):

- 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 1,000 feet in length along the bank.
- 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.
- 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, wetland, or stream. Any materials used must be approved by the Operations Project Manager.

- f) No material shall be of the type, or placed in any location, or in any manner, that would impair surface water flow into or out of any water of the United States.
- g) No material shall be placed in a manner that would be eroded by normal or expected high flows or wave action.

Excavation (SAC-2016-00096):

- a) Authorized excavation within Richard B. Russell Lake and J. Strom Thurmond Lake includes the removal of accumulated silt from the lake bottom for the purposes of navigation.
- b) Excavation or dredging is **not** authorized under this RGP within Hartwell Lake. Project specific authorization for excavation or dredging in Hartwell Lake must be obtained through the USACE Charleston District, Regulatory Division.
- c) 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.
- d) Only accumulations of silt shall be removed. Excavation shall not extend into the original, hardpan, hard clay bottom, or natural bottom contour of the lake.
- e) A maximum of 5,000 cubic yards of material per year per individual applicant (adjacent property owner or lessee) is authorized. However, at the discretion of the Operations Project Manager, up to 20,000 cubic yards of material may be authorized for "multiple-applicant" projects. Multiple-applicant projects are those designed to provide navigational access for multiple adjoining or adjacent properties under one permit.
- f) For each single and complete project (Including multiple-applicant projects), access to the lake with heavy machinery and excavation equipment is limited to one point of ingress and egress.
- g) 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.
- h) This permit authorizes a one-time excavation event per project site. Continual maintenance dredging/excavation is not authorized.
- i) Excavation of special aquatic sites, including wetlands is not authorized. Exceptions may be made for noxious or nuisance species.
- j) 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, or public property. All disposal sites must be authorized by the Operations Project Manager.
- k) Excavated material shall not be deposited on public lands unless specifically authorized by the Operations Project Manager. If the proposal includes the placement of excavated

material on public lands, such as placement behind bulkheads or retaining walls or for temporary stockpiling and dewatering, such use shall be clearly indicated in the information submitted for approval. No material shall be stockpiled below full pool elevation.

- l) At the discretion of the Operations Project Manager, sediment testing may be required for any proposed excavation project.

Fish Attractors, Reefs, and Fishery Enhancement Activities (SAC-2016-00097):

- a) Authorized activities include placement of fish attractants and habitat structures, spawning bed renovation, benthic barriers for aquatic weed control, and non-native aquatic vegetation removal.
- b) Only clean material, free of pollutants may be placed in the waterway. Typical structures authorized for fish habitat include recycled Christmas trees, cinder blocks, root wads, gravel and PVC structures.
- c) Structures shall not pose a hazard to navigation. Certain clearances, as specified by the Operation Project Manager, may be required over structures placed on the lake bottom.

Utilities (SAC-2016-00098):

- a) Authorized utility activities include utility lines, pipes, and poles installed below full pool and necessary for power lines, water lines, telephone lines, etc.
- b) Lines and pipes may be suspended, directionally bored, trenched in, attached to existing structures, or laid on the lake bottom.
- c) Utility activities shall not pose a hazard to navigation or the environment.
- d) Aerial utility lines shall be of sufficient height, as specified by the Operations Project Manager, so as not to hinder navigation.
- e) Minimum depths, as specified by the Operations Project Manager, may be required for lines buried beneath the substrate.
- f) Trenching shall only occur in the dry. During installation excavated material may be temporarily side cast above the current lake pool elevation before backfilling the trench. Any excess excavated material shall be properly disposed in upland areas off public lands. 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, or public property. All disposal sites must be authorized by the Operations Project Manager.
- g) Special aquatic sites such as wetlands shall not be impacted.

Debris Removal (SAC-2016-00099):

- a) Authorized debris removal includes, but is not limited to, the removal of stumps, tree limbs, appliances, lumber, and metal objects, from any waterway for navigational or drainage purposes.
- b) All debris must be properly disposed. Disposal sites on public land for natural debris may be

authorized on a case-by-case basis by the Operation Project Manager. Otherwise, disposal may not occur on public lands.

- 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. Proposed excavation must comply with Section b. above for authorization under this RGP.
- e) Stump removal is authorized only for safe ingress/egress to an existing moorage facility. Any area of stump removal must be approved by the Operations Project Manager.

Dock Anchors (SAC-2016-00100):

- a) Authorized activities include the use of anchors on the lake bottom to secure large docks and docking facilities for safety purposes.
- b) Dock anchors shall not hinder or pose a hazard to navigation.
- c) Dock anchors must be constructed of durable materials as specified by the Operations Project Manager.

Scientific Measuring Devices and Surveys (SAC-2016-00101):

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

Piles and Pile Supported Structures (SAC-2016-00102):

- a) Authorized activities include the installation and maintenance of piles and pile supported structures or the use of spud poles for Federal, state, and local agencies/government bodies or lessees.
- b) Structures shall not hinder or pose a hazard to navigation.
- c) Special aquatic sites, including wetlands, shall not be impacted.

Construction and maintenance of boat ramps (SAC-2016-00103):

- a) Authorized activities include the construction and modification of boat ramps by Federal, state, and local agencies/government bodies or lessees and the maintenance of existing boat ramps.
- b) Discharges below full pool elevation shall not exceed 100 cubic yards of material.
- c) Only acceptable materials, as determined by the Operations Project Manager, 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 and off public property. 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, or public property. The disposed material shall not affect cultural or historic resources or threatened or endangered species. All disposal sites must be authorized by the Operations Project Manager.
- g) Special aquatic sites, including wetlands, shall not be impacted.
- h) Maintenance of existing boat ramps by private property owners may be authorized provided the width and capacity of the ramp are not modified. Minor deviations in the structures configuration necessary to make repair, protect, and ensure the integrity of the structure are authorized. At the discretion of the Operations Project Manager, 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.

The following require individual approval from the Charleston District, Regulatory Program:

- i) Jetties associated with an existing boat ramp or new boat ramp can be constructed for sediment and wave control. The jetty cannot extend beyond the boat ramp. Jetties require reporting and written approval from USACE Charleston District, Regulatory Division prior to construction.*
- j) Jetties associated with boat ramps must be clearly marked for navigational purposes.*

Buoys and Signs (SAC-2016-00104):

- a) Buoys and signs for the purpose of public information or safety may be authorized for Federal, state, or local agencies/government bodies or lessees.
- b) Buoys and signs shall not hinder or pose a hazard to navigation.

Modifications to Existing Marinas (SAC-2016-00105):

- a) Authorized modifications include reconfiguration of the existing dock facilities and excavation of accumulated silt by Federal, state, or local agencies/government bodies or lessees.
- b) Excavation of accumulated silt is limited to the existing footprint of the marina including the docks, access to the marina, and the immediately surrounding area. A maximum of 20,000 cubic yards of material may be removed.
- c) Only accumulations of silt shall be removed. Excavation shall not extend into the original, hard pan, hard clay bottom, or natural bottom contour of the lake.
- d) All work shall be performed "in the dry" (above the lake pool elevation). Dredging or

excavation at or below lake pool elevation ("in the wet") is not authorized. 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) 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.
- g) This permit authorizes a one-time excavation event per project site. Continual maintenance excavation is not authorized.
- h) Excavation of special aquatic sites, including wetlands is not authorized. Exceptions may be made for noxious or nuisance species.
- i) 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, or public property. All disposal sites must be authorized by the Operations Project Manager.
- j) Excavated material shall not be deposited on public lands unless specifically authorized by the Operations Project Manager. If the proposal includes the placement of excavated material on public lands, such as placement behind bulkheads or retaining walls or for temporary stockpiling and dewatering, such use shall be clearly indicated in the information submitted for approval. No material shall be temporarily stockpiled below full pool elevation.
- k) At the discretion of the Operations Project Manager, sediment testing may be required for any proposed excavation project.
- l) Excavation or dredging in Hartwell Lake is not authorized by this RGP. Project specific authorization must be obtained through the USACE Charleston District, Regulatory Division for all excavation or dredging within Lake Hartwell.
- m) Additional slips may be added to existing authorized docks that will not increase the total new slips or mooring beyond five. In addition to the PCN requirements stated in General Condition b, the following must be submitted for marina expansions:
 - 1) Drawing showing the dimensions of the slips;
 - 2) Distances from the most waterward point of the new structure to adjacent shoreline or other dock; and
 - 3) Description of how the proposed activity will not affect navigation. If new slips will extend the overall length of an existing dock, then water depths will be required beyond the proposed slips additions to ensure navigation will not be impacted.

Recreational Swimming Beaches (SAC-2016-00106):

- a) Authorized activities include the placement of material at or below full pool elevation for the construction and maintenance of recreational beaches by Federal, state, or local agencies/government bodies or lessees and the maintenance of existing beaches by private property owners.
- b) Materials must be non-polluting and shall not be placed in any special aquatic site, wetland, or stream.

- c) No material shall be of the type, or placed in any location, or in any manner, that would impair surface water flow into or out of any water of the United States.
- d) Expansion of existing beaches is not authorized. Maintenance of existing beaches is limited to the previously authorized or "grandfathered" dimensions.

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

- a) All work must comply with the terms and conditions of the appropriate lake's Shoreline Management Plan, as administered by the Operations Project Manager. Prior to commencing any work authorized herein, the permittee must obtain project specific authorization from the appropriate Operations Project Manager or his designated representative. Project plans and proposals may be submitted to the appropriate Operations Project Manager at the following addresses:

Hartwell Lake and Dam
Attention: Shoreline Section
5625 Anderson Highway
Hartwell, GA 30643-5259
1-888-893-0678

Richard B. Russell Dam and Lake
U.S. Army Corps of Engineers
4144 Russell Dam Dr.
Elberton, GA 30635-9271
1-706-213-3400

J. Strom Thurmond Project
Attention: Shoreline Section
510 Clarks Hill Highway
Clarks Hill, SC 29821
1-800-533-3478

- b) For projects that require reporting and approval from the Regulatory Division prior to work, the applicant must submit the following information to the appropriate office of the USACE Charleston District, Regulatory Division*:
 - i. Joint Federal and State Application Form.
 - ii. Written approval from the Lake Office.
 - iii. Plans of the proposed work (on 8 ½" x 11" sized pages), showing all pertinent structures, elevations, clearances, dimensions, and types and quantities of materials. This includes plan view and cross section drawings of all structures and the impoundment.
 - iv. Approximate commencement and completion dates.
 - v. Description of the proposed activity which includes, but is not limited to the following information:
 - Existing site conditions.
 - The purpose of the proposed activity.
 - A description of impacts to waters of the U.S. including the amount of impacts.
 - Methods to be used for construction.
 - Photographs of the area if available.
 - vi. Avoidance and minimization of proposed project impacts.
 - vii. A compensatory mitigation (if required).

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

- c) This Regional General Permit authorizes only those activities specifically addressed herein. Any regulated activity not authorized in the RGP, or which exceeds the limitations of the RGP, requires specific authorization through the appropriate office of the USACE, Charleston District, Regulatory Division:

SAC.RD.Columbia@usace.army.mil
SAC.RD.Greenville@usace.army.mil

- d) Based on potential impacts to navigation, the environment, human health and welfare, public interest, or other concerns, the Operations Project Manager has the discretion, on a case-by-case basis, to elevate any proposal otherwise authorized by this RGP to the USACE, Charleston District, Regulatory Division for standard individual permit processing.
- e) All activities identified and authorized herein shall be consistent with the terms and conditions of this General Permit; any variance not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension, or revocation of the authorization, as set forth more specifically in General Condition m. below and in the institution of such legal proceedings as the United States Government may consider appropriate.
- f) Access across public property to the work site shall be identified in the application and coordinated and approved by the Operations Project Manager. Every effort shall be made to identify and utilize the route least damaging to shoreline vegetation and property.
- f) All structures authorized by this General Permit shall be designed, located, and/or operated to allow the full and free use by the public of all navigable waters.
- g) No wetland or stream shall be adversely impacted. No surface water flowing into or out of any wetland or stream shall be adversely impacted. The activity must be designed to maintain preconstruction downstream flow conditions. The activity must not permanently restrict or impede the passage of normal or expected high flows and the structure or discharge of dredged or fill material must withstand expected high flows.
- h) 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.
- i) 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.
- j) A complete copy of this permit, written authorization from the Operations Project Manager, including drawings, special conditions, and any amendments shall be maintained at the work site whenever work is being performed. The permittee shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the permit terms and conditions.
- k) The permittee shall allow the District Engineer, Operations Project Manager, or their authorized representative(s) to make periodic inspections of the authorized work at any

time deemed necessary in order to ensure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

- l) This General Permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations, nor does it obviate the requirement to obtain other Federal, State, or local assent or to comply with any applicable standards required by ordinance for the activities authorized herein. Other Federal, State, and/or local agencies are not limited by this document and may impose more stringent requirements than those stated herein as they see fit.
- m) Authorization of a specific work or structure authorized herein may be summarily suspended in whole or in part upon a finding by the District Engineer that immediate suspension would be in the general public interest or there has been a violation of any terms and conditions of this permit. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by a permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. A permittee shall take immediate action to comply with the provisions of this notice. Within ten (10) days following the receipt of this notice of suspension, the permittee may request a meeting with the District Engineer or a public hearing to present information relevant to a decision whether his permit should be reinstated, modified, or revoked. If a public hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the public hearing or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the authorization of the specific work or structure will be reinstated, modified, or revoked. Any modification, suspension, or revocation of authorization under this General Permit shall not be the basis for any claim for damages against the United States.
- n) Any activity that may adversely affect any federally listed threatened or endangered species, a species proposed for listing, or designated critical habitat is NOT authorized by this General Permit. These activities will be evaluated under the individual permit review process as specified in 33 CFR Part 325.
- o) 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 PCN must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the

National Register of Historic Places. Based on the information submitted and these efforts, the District Engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the District Engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

4. The District Engineer will notify the prospective permittee whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties.
 5. Prospective permittees of this General Permit should be aware that Section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.
- p) If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this General Permit, you must immediately notify the District Engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The District Engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. Archeological remains consist of any materials made or altered by man, which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures, or non-recent (i.e., older than 100 years) vessel ruins.
 - q) The permittee must notify the South Carolina Institute of Archaeology and Anthropology in accordance with the South Carolina Underwater Antiquities Act of 1991 (Article 5, Chapter 7, Title 54 Code of Laws of South Carolina, 1976) in the event archaeological or paleontological remains are found during the course of the work. Archaeological remains consist of any materials made or altered by man which remains from the past historic or prehistoric times (i.e. older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools human, burials, historic docks, structures or non-recent (i.e. older than 100 years) vessel ruins. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusk, bone or entire skeletons.
 - r) 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.

- s) 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.
- t) 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.
- u) 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.
- v) Authorizations will not be issued under these RGPs which will adversely affect nesting bald eagles. If the Operations Project Manager 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.
- w) 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 Operations Project Manager. Upon a request by the appropriate Operations Project Manager, the applicant shall provide a delineation of waters of the U.S. performed by a qualified environmental consultant in accordance with the 1987 Corps of Engineers Wetland Delineation Manual and verified by USAGE Charleston District, Regulatory Division.
- x) 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.
- y) All steps necessary must be taken to prevent oil, tar, trash, debris, and other pollutants from entering adjacent wetlands and/or waterways.
- z) 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.
- aa) 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 environments, and in accordance with standards established by the evaluation reports issued by the International Code Council Evaluation Service.

III. PROHIBITED ACTIVITIES:

All work that exceeds the terms and conditions specified herein is prohibited unless an Individual or Nationwide Department of the Army Permit has been obtained from the appropriate Corps of Engineers District Office. All work for purposes other than those specified herein is expressly not authorized by this document.

IV. REQUIRED AUTHORIZATIONS:

- a) Prior to performing any work authorized herein within the prescribed geographical limits of this General Permit, the permittee must also obtain authorization from the appropriate Operations Project Manager.
- b) Prior to performing any work authorized herein that entails discharges of dredged or fill material into navigable waters, the permittee must obtain a Permit to Construct in Navigable Waters from the South Carolina Department of Health and Environmental Control pursuant to R. 19-450.et. Seq., 1976 S.C. Code of Laws, as amended.

V. REQUIRED REPORTING:

The Operations Project Managers at each Lake office agreed to furnish a quarterly tabulation with pertinent information of all work or activities authorized under this RGP to the following:

- USACE Charleston District
- US Fish Wildlife Service
- South Carolina Department of Natural Resources
- South Carolina Department of Health and Environmental Control

VI. PENALTIES FOR VIOLATIONS:

Authorization obtained under this General Permit limits the size, length and use of structures. Any deviation from the specifications, or other terms or conditions of the General Permit shall constitute a violation of the Section 10 of the River and Harbors Act of 1899 and/or Section 404 of the Clean Water Act, and may result in the District Engineer seeking judicial relief to have the permittee remove the structure or work and/or restore the project area to its former condition, as well as the imposition of penalties as provided by law.

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. REVOCAION OF THE GENERAL PERMIT:

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

IX. DURATION OF THE GENERAL PERMIT:

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

This permit shall become effective on the date of the District Engineer's signature.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Rachel Honderd
Lieutenant Colonel, U.S. Army
Commander and District Engineer

Date

or her Designee
Travis G. Hughes
Chief, Regulatory Division