

Modifications to the Managed Tidal Impoundment General Permit (MTIGP)

1) In Section I of the modified MTIGP, #3 and #4 were added as new items to the original MTIGP and are as follows:

#3- USGS Quad topographic map(s) of area with property boundaries marked.

#4- A list of all managed tidal impoundments and/or fields for which you are requesting an eligibility determination.

2) In Section I of the modified MTIGP, #5 was #3 in the original MTIGP but was renumbered to account for addition of items in the section. In addition, the content of #3 of the original MTIGP was revised. The new #5 in the modified MTIGP is as follows:

#5- A map/drawing that shows all of the managed tidal impoundments and/or the fields for which you are requesting an eligibility determination. Each existing water control structure and field must be shown on the map/drawing and identified by name or number. The type of water control structure should be noted. River and creek names should be labeled on the map/drawing. (Refer to Section IV. Definitions)

3) In Section I of the modified MTIGP, #6 was #4 in the original MTIGP but was renumbered to account for the addition of items to the section. In addition, “tidal or non-tidal” was added to the content of #4 of the original MTIGP. The new #6 in the modified MTIGP is as follows:

#6- A description of the existing site conditions for each field that is being considered for use of the General Permit. The description should include the vegetation present, water regime (tidal or non-tidal), and acreage of each field.

4) In Section I of the modified MTIGP, #9 was #6 in the original MTIGP but was renumbered to account for the addition of items to the section. In addition, “in situations when the 500-foot Eligibility Review Area extends beyond the property line, the property line will serve as the limits of the Eligibility Review Area” was added to the content of #6.a. in the original MTIGP. The new #9.a. in the modified MTIGP is as follows:

*#9.a.- A map with the Eligibility Review Area clearly defined. An Eligibility Review Area includes the managed tidal impoundments and other eligible fields and the immediately adjacent uplands within **500 feet** of the tidal impoundments or other eligible fields. In situations when the 500-foot Eligibility Review Area extends beyond the property line, the property line will serve as the limits of the Eligibility Review Area.*

5) In Section I of the modified MTIGP, #10 was #8 in the original MTIGP but was renumbered to account for the addition of items to the section. In addition, the content was revised and “ground-level and aerial photographs of fields included,” “ground-level photos,” and “photos should be labeled with the corresponding field number/name” were added to #8 in the original MTIGP. The new #10 in the modified MTIGP is as follows:

10- Ground level and aerial photographs of fields included in the Eligibility Determination request. Locations and directions of ground-level photos should be marked and labeled on the map/drawing of the managed tidal impoundment and fields prepared for #3 above. Photos should be labeled with the corresponding field number/name.

6) In Section II of the modified MTIGP, the content of #2 in the original MTIGP was revised to include “with project title, property boundaries and road names shown (A county road map or USGS Topographic Quadrangle maps may be used).” The new #2 in the modified MTIGP is as follows:

#2- A location map of overall property, with the project title, property boundaries and road names shown. (A county road map or USGS Topographic Quadrangle maps may be used).

7) In Section II of the original MTIGP, #7 was deleted and is not included in the modified MTIGP. The deleted #7 from the original MTIGP was as follows:

#7- If any listed threatened or endangered species or critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work. (See the US Fish and Wildlife Service website at www.usfws.gov for a current list of threatened and endangered species and critical habitat by county).

8) In Section IV of the modified MTIGP, the definition of Emergency Repair was revised from the original MTIGP to include “associated water control structure(s).” The revised definition of Emergency Repair in the modified MTIGP is as follows:

Emergency Repair: For the purpose of this General Permit, the term emergency repair refers to actions taken in response to situations or events that are unforeseen, such as a storm event, unusually high tides, or wildlife activity, which require immediate repair or reconstruction of an outer/perimeter embankment and the associated water control structure(s) to either prevent the imminent collapse or failure of the embankment and associated water control structure(s), or to repair or reconstruct the embankment and associated water control structure(s) that have already collapsed or failed as a result of the unforeseen event and situation.

9) In Section IV of the modified MTIGP, the definition of Inlet Canal was revised from the original MTIGP to include “directly” and “and from the interior of a field through a water control structure to the exterior of the managed tidal impoundment.” The revised definition of Inlet Canal in the modified MTIGP is as follows:

Inlet Canal: An inlet canal is an excavated canal that directs water from the exterior of the managed tidal 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 managed tidal impoundment. An inlet canal differs from the canal that is associated with the embankment. Refer to the definition of embankment.

10) In Section IV of the modified MTIGP, Quarter Drains and Interior Field Drains appear as two separate and distinct definitions while in the original MTIGP, they were listed as Quarter/Interior Field Drains with one shared definition. The revised definitions of Interior Field Drains and Quarter Drains in the modified MTIGP are as follows:

Interior Field Drains: For the purpose of this General Permit, 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.

Quarter Drains: For the purpose of this General permit, quarter drains are linear ditches located within the interior fields that facilitate field drainage and/or the circulation of water throughout the fields. Quarter drains are typically 2 feet wide x 2 feet deep (2' X 2'). Most managed tidal impoundments have numerous quarter drains.

11) Section V A. in the original MTIGP was expanded and reorganized. Section V.A. in the original MTIGP consisted of V. A. 1. and 2, and V.B.1. and 2. The new Section V. A in the modified MTIGP consists of V. A. 1. a. and b., V. A. 2. a, b, and c., and V.A.3. In addition, in Section V.A.1 of the modified MTIGP, “contraction embankment” was added to the heading of this section of the original MTIGP, “CWS, ie: trunks, riser-box structures” and “and/or authorized contraction embankments” were added to the body of V.A. 1., and “including” was added to V.A.1.a. Section V. A. 2. in the modified MTIGP is a new activity not previously authorized in the original MTIGP. Section V.A.3 in the modified MTIGP is a new section; however, the activity was authorized in the original MTIGP but was previously included as a “Note” under Section V. A. The reorganized Section V.A. and above revisions and additions in the modified MTIGP are as follows:

A. Water Control Structures: (Refer to Appendix A, Fig. 1)

1. Water Control Structures in Existing Embankments and/or Contraction Embankments

This General Permit authorizes the replacement, relocation, and/or installation of Water Control Structures (WCS, ie: trunks, riser-box structures), including the construction of associated splash-aprons and wing-walls, in existing embankments and/or authorized contraction embankments, provided the following conditions are met:

a) The footprint of a WCS, including any associated splash-aprons and wing-walls, that do NOT exceed 240 square feet in size are authorized by this General Permit. Activities that exceed 240 square feet are not authorized by this General Permit. (The construction of an inlet canal and/or bulkhead beyond the wing-walls is not counted towards the 240 sf threshold. Details of constructing an inlet canal and/or bulkhead can be found in Sections V. B. and C. of the General Permit.)

and

b) No PCN is required for the installation of one (1) WCS per every 60 acres of field.

or

c) A PCN is required for more than one (1) WCS per every 60 acres of field.

2. Replacement of Culverts with Water Control Structures

This General Permit authorizes the replacement of culverts with manageable WCSs in existing embankments/roads provided the following conditions are met:

a) The embankment/road is existing and functioning and would normally impound water if not for the culvert.

and

b) The area to be indirectly impacted by flooding after installation of the new manageable WCS and the embankment/road are within a larger managed tidal impoundment that has previously been determined eligible for use of this General Permit and thus the impacted area has also been previously determined eligible for use of this General Permit.

and

c) *The new WCS meets the requirements of WCSs as described in Section V. A. 1. of this General Permit.*

3. Removed or Abandoned Water Control Structures

If a WCS is removed or abandoned-in-place, this General Permit authorizes the placement of fill material to close the resulting breach in the field-dike and/or to fill-in the abandoned structure in place, as long as the fill material remains within the existing footprint of the field-dike. Material for this activity may be excavated from the adjacent interior embankment canal provided that the conditions described in Section V. D. 2 of this General Permit are met.

12) In Section V. B. 1. of the modified MTIGP, “an” and “on either side (interior and exterior) of the WCS (total 80 cubic yards). Single inlet canal excavation that exceeds 40 cubic yards of material is not authorized by this General Permit” were added to the original MTIGP. References to Section “V.A.1.” were also added to Sections V.B.3 and V.B.4. of the original MTIGP. The revised Sections V. B. 1, V. B. 3, and V.B.4. in the modified MTIGP are as follows:

1. The excavation of an inlet canal (new and/or maintenance) will NOT exceed 40 cubic yards of material per inlet canal on either side (interior and exterior) of the WCS (total 80 cubic yards). Single inlet canal excavation that exceeds 40 cubic yards of material is not authorized by this General Permit.

and

3. No PCN is required for the excavation of one (1) inlet canal per every 60 acres of field (one WCS per 60 acres of field as described in Section V.A.1.).

or

4. A PCN is required for the excavation of more than one (1) inlet canal per every 60 acres of field (more than one WCS per 60 acres of field as described in Section V. A.1.).

16) Sections V. D. and V. E in the original MTIGP were combined into one Section V. D. in the modified MTIGP. The newly combined Section V. D. in the modified MTIGP is as follows:

D. Re-topping Procedures on Existing and Functional Field-Dikes:

1) Retopping of Field-Dikes

This General Permit authorizes the re-topping of existing and functional field-dikes provided the following conditions are met:

a) No Permit is required from the Corps if the re-topping material is obtained from adjacent upland sources and is placed within the footprint of the existing and functional field-dike, and above the high-tide line in tidal fields and ordinary-high-water mark in non-tidal fields.

or

b) A PCN is required if re-topping material is placed outside of the footprint of the existing functional field-dike AND below the high tide line in tidal fields and the ordinary high water mark in non-tidal fields. A maximum of 2 cubic yards of fill material per linear foot of field-dike AND less than a total of 0.1 acre of impacts to waters of the U.S., including wetlands, are authorized. Impacts exceeding 2 cubic yards per linear foot and a total of 0.1 acre or more are NOT authorized by this General Permit.

2) Excavation of Interior Canal for Fill Material in Re-topping Activity:

This General Permit authorizes the excavation of material from the adjacent interior embankment canal for purposes of re-topping existing and functional field-dikes. No PCN is required for the excavation of re-topping material provided the following conditions are met:

a) The excavation of material is limited to the existing interior canal immediately adjacent to the field-dike that is to be re-topped. There is no limit to the amount of material excavated so long as the purpose of the excavation is to obtain material for re-topping of an existing field-dike (refer to the Section II. definition of embankment and Appendix A, Figure 2.

and

b) The excavated material may be temporarily side-cast onto the adjacent interior berm until the material sufficiently dries and is suitable for use in re-topping.

and

c) Once the side-cast material has sufficiently dried, it must be transferred from the interior berm to the embankment top, and the berm area restored to pre-disturbance conditions.

and

d) The excavation of material from the canal and temporary side-casting of material onto the adjacent interior berm is authorized only after the subject field has been dewatered or drawn down to bed-level.

17) Section V. E. in the modified MTIGP was previously Section V. F in the original MTIGP. The combining of Sections V. D and E into one Section V. D. resulted in re-lettering the remaining sections of the MTIGP. Section V. E. in the modified MTIGP remains the same as in the original MTIGP with the exception of the addition of “OR” and “or” were added to V. E. 2. The revised Section V. E. 2 in the modified MTIGP is as follows:

2) A PCN is required if the bulkhead exceeds 500 linear feet total on either side of the field-dike (more than 1000 linear feet total for the activity) OR the associated backfill exceeds an average of one cubic yard per linear foot placed along the bank below the high-tide line in tidal fields or ordinary- high-water mark in non-tidal fields.

18) Section V. G. in the modified MTIGP was previously Section V. H in the original MTIGP. The combining of Sections V. D and E of the original MTIGP into one Section V. D. in the modified MTIGP resulted in re-lettering the remaining sections of the MTIGP. In the body of Section V. G in the modified MTIGP, “and installation of Water Control Structures (WCS) directly associated with the non-emergency contraction embankment” was added. In Section V. G. 1. of the modified MTIGP, “footprint” was added. In Section V. G. 3. of the modified MTIGP, “Material to construct cofferdams may be obtained by excavating within a *managed tidal impoundment*. Excavation of tidal waters and wetlands outside of a managed tidal impoundment to obtain material for construction of cofferdams is not authorized by this General Permit” was revised from the wording in the original MTIGP. The revised Section V. G., V. G. 1, V. G. 3, and V. G. 4 in the modified MTIP are as follows:

G. Non-Emergency Contraction Embankment:

This General Permit authorizes the construction of non-emergency contraction embankments and installation of Water Control Structures (WCS) directly associated with the non-emergency contraction embankment. Refer to Appendix A, Figure 3. For the purpose of this General Permit, the term non-emergency repair refers to routine and normal maintenance and repair activities that are foreseen and can be planned for in advance. Contraction embankments not meeting the below conditions will require a Standard Permit. The construction of non-emergency contraction embankments will require submittal of a PCN and are authorized provided that the following conditions are met:

1) The contraction embankment is limited to a maximum footprint impact of 0.75 acre and 1100 linear feet.

and

3) *Temporary cofferdams are authorized during the construction of contraction embankments provided that the cofferdams are removed once construction is completed and the area restored to pre-disturbance conditions. Material to construct cofferdams may be obtained by excavating within a managed tidal impoundment. Excavation of tidal waters and wetlands outside of a managed tidal impoundment to obtain material for construction of cofferdams is not authorized by this General Permit.*

and

4) *The installation of new WCSs directly associated with the construction of non-emergency contraction embankments is authorized provided the WCSs meet the conditions described in Section V.1.1. of this General Permit.*

19) Section V. H. in the modified MTIGP was previously Section V. I in the original MTIGP. The combining of Sections V. D and E of the original MTIGP into one Section V. D. in the modified MTIGP resulted in re-lettering the remaining sections of the MTIGP. In addition, this Section V. I in the original MTIGP covered both Quarter/Interior Field Drains. As previously discussed in # 10 above, the term Quarter/Interior Field Drains were separated and definitions revised. The revision to the definition resulted in the separation of activities authorized by the MTIGP. Section V. H. was split into Sections V. H. 1 and V. H. 2 for Quarter Drains and Interior Field Drains, respectively. The details of the activities authorized were revised slightly to account for the separation of Quarter Drains and Inter Field Drain terminology and revision to their definitions. Although some of the wording was revised from the Section V. I of the original MTIGP for Quarter/Inter Field Drains, the activities and conditions of the activities remain nearly the same in the modified MTIGP. Section V. H. 1 and V. H. 2. in the modified MTIGP are as follows:

H. Quarter Drain and Interior Field Drain Construction & Maintenance:

This General Permit authorizes construction and/or maintenance of quarter drains and interior field drains to improve field drainage, provided the following conditions are met:

1) *Quarter Drains*

a) All excavated material may be disposed of in upland areas (including the maintenance topping of field-dikes, refer to Section V.D), OR spread thinly across the interior of the subject field in a manner that does not alter existing grade, OR side-cast within the interior of the subject field in a manner that does not impede water flow. Any excavated material disposed of outside of the managed tidal impoundment must be placed in an upland area and stabilized.

and

b) No PCN is required and there is no limit to the amount of material that can be excavated during maintenance excavation of existing quarter drains if the maintenance activities result in drain dimensions and patterns consistent with their original dimensions and locations.

and/or

c) No PCN is required if the excavation of new quarter drains total less than 500 linear feet, are a maximum of 2 feet deep by 2 feet wide (2' X 2'), AND have less than 0.02 acres of excavation impacts per 60 acres of field.

or

d) A PCN is required for the excavation of new quarter drains total between 500-1000 linear feet, are a maximum of 2 feet wide by 2 feet deep (2' X 2'), and have less than 0.04 acre of excavation impacts per 60 acres of field. Construction of new quarter drains and/or interior field drains that exceed these thresholds are NOT authorized by this General Permit.

2) Interior Field Drains

a) All excavated material may be disposed of in upland areas (including the maintenance topping of field-dikes, refer to Section V.D), OR spread thinly across the interior of the subject field in a manner that does not alter existing grade, OR side-cast within the interior of the subject field in a manner that does not impede water flow. Any excavated material disposed of outside of the managed tidal impoundment must be placed in an upland area and stabilized.

and

b) No PCN is required and there is no limit to the amount of material that can be excavated during maintenance excavation of existing interior field drains if the maintenance activities result in drain dimensions and patterns consistent with their original dimensions and locations.

and/or

c) Excavation of new and/or relocated interior field drains are NOT authorized by this General Permit.

20) Section V. I. in the modified MTIGP was previously Section V. J in the original MTIGP. The combining of Sections V. D and E of the original MTIGP into one Section V. D. in the modified MTIGP resulted in re-lettering the remaining sections of the MTIGP. In addition, "adequately" was added to Section V. I. 2. of the modified MTIGP and is as follows:

2) A PCN is required for road crossings between 0.1-0.3 acre per crossing. All road crossings must be adequately culverted or designed so as not to impede flow. Road crossings that exceed 0.3 acre of impacts are not authorized by this General Permit.

21) Section V. J. in the modified MTIGP was previously Section V. K. in the original MTIGP. The combining of Sections V. D and E of the original MTIGP into one Section V. D. in the modified MTIGP resulted in re-lettering the remaining sections of the MTIGP. In addition,

“moist-soil agricultural,” “specific to the management,” and “for” were added to Section V. J. 2. of the modified MTIGP and is as follows:

2) Moist-soil agricultural practices in fields specific to the management of feeding and habitat areas for wildlife, are authorized as long as the activities do not alter existing surface elevations.

22) In Section VI of the modified MTIGP, “immediate,” “when a perimeter embankment collapse or failure has occurred or is imminent”, “this work may include temporary stabilization measures to...”, “prevent additional loss of and/or damage to the remaining perimeter embankment fill, WCS, and/or hydrologic control,” and “and the associated water control structure(s)” were added to the original MTIGP. The revised Section VI. in the modified MTIGP is as follows:

This General Permit authorizes the immediate construction of contraction embankments in emergency situations when a perimeter embankment collapse or failure has occurred or is imminent, provided that specific notification procedures and conditions are followed. This work may include temporary stabilization measures to prevent additional loss of and/or damage to the remaining perimeter embankment fill, WCS, and/or hydrologic control. For the purpose of this General Permit, the term emergency repair refers to actions taken in response to situations or events that are unforeseen, such as a storm event, unusually high tides, or wildlife activity, which require immediate repair or reconstruction of an outer/perimeter embankment and the associated water control structure(s) to either prevent the imminent collapse or failure of the embankment and associated water control structure(s), or to repair or reconstruct the embankment and associated water control structure(s) that have already collapsed or failed as a result of the unforeseen event and situation. These emergency activities and procedures are not intended to be used for normal embankment maintenance activities. This General Permit authorizes the construction of emergency contraction embankments provided the conditions in the following Sections A. AND B. are met.

23) In Section VI. A. of the modified MTIGP, “associated water control structures” and “temporary stabilization measures” were added to the original MTIGP. In Section VI. A.1 of the modified MTIGP, “footprint” was added to the original MTIGP. Also in Section VI.A. of the modified MTIGP, a new #4 that includes authorization of replacement Water Control Structures was added to the original MTIGP. The revised Sections VI.A., VI.A.1, and VI.A.4 in the modified MTIGP are as follows:

A. Emergency Construction of Contraction Embankments:

This General Permit authorizes the construction of contraction embankments, associated water control structures and temporary stabilization measures provided the following conditions are met:

1) Emergency contraction embankments are limited to a footprint impact of 0.75 acre AND a maximum of 1100 linear feet per emergency repair.

and

4) Replacement of Water Control Structures (WCS) associated with the failed embankment(s) and/or installation of new WCSs in contraction embankments are authorized by this General Permit, provided the replacement and/or new WCS meets the requirements of WCSs described in Section V. A. 1. of this General Permit.

24) In Section VI.B.1. of the modified MTIGP, the contact information for OCRM was added to the original MTIGP. In Section VI.B.2. of the modified MTIGP, “ongoing” was added to the original MTIGP. The revised Sections VI.B.1 and VI.B.2 in the modified MTIGP are as follows:

1) The permittee must call AND fax the Corps within 72 hours of the onset of emergency repairs OR on the first business day after emergency construction activities have commenced. The fax and phone notification should include property name, contact person name and phone number, brief statement of work, and date emergency work began. The permittee must also speak to the Branch Chief, Watershed Manager, or designee of the respective watershed whenever possible.

Permittees must also notify the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management for State authorization.

*Contact: Charleston District Regulatory at:
phone: (843) 329-8044, or toll free at 1- (866) 329-8187 Fax: (843) 329-2332*

*SC DHEC Division of Ocean and Coastal Resource Management
Attn: Wetland Section Permit Coordinator
Phone: 843-953-0232 Fax: 843-953-0201*

2) The permittee must submit a PCN to the Corps within 14 days of initial notification. The application must also include pre and ongoing/post repair photographs of the area. Refer to Section II. of the General Permit for PCN notification requirements.