

PUBLIC NOTICE

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

REGULATORY DIVISION

Refer to: Revised 2017 Approved Regional Conditions

May 17, 2017

The 2017 Approved Nationwide Regional General Conditions For South Carolina were approved by the South Atlantic Division Commander on March 15, 2017, and went into effect on March 19, 2017. The Charleston District is proposing changes to regional conditions #14, #15, and #53 as described below.

1) Regional conditions #14 and #15

Approved regional condition #14 currently states:

“For all proposed activities that would be located within a FEMA designated floodway, the *PCN* should include a “No Rise” letter from the National Flood Insurance Program (NFIP) coordinator. If a “No Rise” letter is not obtainable, additional information will be required in order to determine if the *PCN* may be processed as a Nationwide Permit.”

Approved regional condition #15 currently states:

“For all proposed activities that require a *PCN* and are located within a FEMA designated Special Flood Hazard Area (SFHA), the *PCN* must include documentation from the NFIP coordinator that the proposed activity meets all Federal, state and local requirements.”

The Charleston District is proposing to revise regional conditions #14 and #15.

The proposed revised regional condition #14 will state:

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 Special Flood Hazard Area (SFHA), including placement of fill, without a “No Impact Certification” approved by the local NFIP flood plain manager. A list of NFIP floodplain managers may be found at: <http://www.dnr.sc.gov/water/flood/index.html>.

The proposed revised regional condition #15 will state:

The permittee must comply with all FEMA regulations and requirements. The permittee is 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) found at 44CFR. 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>.

Rationale: The Charleston District is proposing the revised condition #14 and #15 to ensure that applicable coordination with state and local entities occurs while still meeting required timeframes for issuance of Nationwide Permits (NWP).

2) Regional condition #53 (d)

Approved regional condition #53 (d) currently states:

“For projects that are **18 inches or more** in height above substrate AND consist of hard structures or fill material, such as, but not limited to, riprap, oyster castles, bagged oyster shell, and wooden sills, the prospective permittee must mark the project area with diamond-shaped white day markers with orange border and black print stating “Danger Obstruction”. The signs shall be located at each end of the project area and at 100-foot increments along the project area, if applicable. Note 1: Projects that include ONLY the use of loose shell will not require the installation of informational or navigational signs. Note 2: Prior to commencing work, the permittee shall contact the USCG at U. S. Coast Guard Charleston District Seven, Waterways Management Branch, 909 SE 1st Ave, Suite 406, Miami, FL 33131, or by phone at 305-415-6755 or 305-415-6750, regarding potential project specific approval of the markers. The permittee shall install all markers and/or lighting as required by the USCG. In the event the USCG does not require these or other markers and/or lighting, the “Danger Obstruction” markers are still required by the Corps. Note 3: These requirements will be added to the NWP verification as special conditions.”

The proposed revised regional condition #53 (d) will state:

“For projects that are **more than 18 inches** in height above substrate AND consist of hard structures or fill material, such as, but not limited to, riprap, oyster castles, bagged oyster shell, and wooden sills, the prospective permittee must mark the project area with diamond-shaped white day markers with orange border and black print stating “Danger Obstruction”. The signs shall be located at each end of the project area and at 100-foot increments along the project area, if applicable. Note 1: Projects that include ONLY the use of loose shell will not require the installation of informational or navigational signs. Note 2: Prior to commencing work, the permittee shall contact the USCG at U. S. Coast Guard Charleston District Seven, Waterways Management Branch, 909 SE 1st Ave, Suite 406, Miami, FL 33131, or by phone at 305-415-6755 or 305-415-6750, regarding potential project specific approval of the markers. The permittee shall install all markers and/or lighting as required by the USCG. In the event the USCG does not require these or other markers and/or lighting, the “Danger Obstruction” markers are still required by the Corps. Note 3: These requirements will be added to the NWP verification as special conditions.”

Rationale: The purpose of this revision is to clarify the requirements for projects that are 18 inches in height. Regional Condition #53(c) will apply to projects that are 18 inches or less in height. Regional Condition #53(d), as listed above, will apply to projects that are greater than 18 inches in height.

The Charleston District is seeking written comments on the proposed revisions to the Approved regional conditions #14, #15 and #53 (d) as described above. Comments on regional issues relating to the revised proposed regional conditions should be sent to **Charleston District, 69-A Hagood Avenue, Charleston, South Carolina 29403, ATTN: Tracy Sanders, 843-329-8044.** Comments relating to regional conditions are due by **June 2, 2017.**

If there are any questions concerning this public notice, please contact Tracy D. Sanders, Project Manager, at 843-329-8190 or toll free at 1-866-329-8187.