

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>
<http://www.saw.usace.army.mil/WETLANDS/index.html>

General Permit No. 198200030
Name of Permittee: General Public
Effective Date: January 1, 2017
Expiration Date: December 31, 2021

**DEPARTMENT OF THE ARMY
GENERAL (REGIONAL) PERMIT**

A general permit to perform work in or affecting navigable waters of the United States and waters of the United States, upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344), is hereby renewed and modified by authority of the Secretary of the Army by the

District Engineer
U.S. Army Engineer District, Wilmington
Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

TO AUTHORIZE MAINTENANCE, REPAIR AND CONSTRUCTION ACTIVITIES IN LAKES AND RESERVOIRS OWNED, OPERATED AND/OR REGULATED BY PUBLIC UTILITY COMPANIES, THE TENNESSEE VALLEY AUTHORITY (TVA), AND LOCAL GOVERNMENTS IN THE STATE OF NORTH CAROLINA.

These lakes and reservoirs were constructed and exist primarily for the purposes of generating hydroelectric power and/or providing water supply. They were constructed and are operated by public utility companies, local governments, or under laws and regulations administered by the TVA. Activities within these waters are the primary concern of, and should be regulated by, these parties. This general permit applies to all waters on or within lands owned or under flowage easement to public utility companies and the TVA. Users of this General Permit should coordinate with the appropriate public utility company, local government, or TVA to determine if the planned work meets the guidelines or requirements of the shoreline management program or reservoir management program for the lake where the activity is proposed. Activities authorized are:

1. Construction of piers, floating boat docks, boat shelters, boat houses, boat ramps, jetties and breakwater structures and installation of dolphins, pilings and buoys, using commonly acceptable materials such as pressure treated lumber, unsinkable flotation materials, and confined concrete.

2. Excavation and maintenance of recreational boat basins and canals/channels including return water discharge where excavated material is placed and retained on high ground.

3. Stabilization of eroding shorelines utilizing appropriate bioengineering techniques, construction and backfill of bulkheads, and the placement of riprap material.

4. Installation of submerged and aerial utility lines provided U.S. Coast Guard requirements for aerial lines are met and pre-project elevation contours are restored.

5. Maintenance of existing water intake and outfall structures provided all State and Federal required authorizations have been obtained. Construction of new water intake and outfall structures is not authorized under this general permit.

Special Conditions

a. For lakes listed in Table 1, written confirmation that the proposed work complies with this general permit must be received from the Wilmington District Corps of Engineers (Corps) prior to the commencement of the following activities: (i) any excavation or dredging activity greater than 1/10 (0.1) acre occurring in a previously undredged area of open water; ~~;(ii) for the construction of more than 10 boat slips;~~ ~~;(iii) for the construction of boat ramps exceeding 20 feet in width;~~ or, (iv) and for the installation of fueling facilities on authorized structures. For these activities, the proponent should submit to the Corps detailed plans, location maps, and other supplemental information detailed in special conditions “p”, “q”, and/or “s”, and explain the nature and scope of the work. While written confirmation for the activities listed in this special condition is required by the Corps prior to the commencement of these activities, written confirmation from the Corps is not required for all other activities described above in 1-5.

b. For all lakes covered by this General Permit and not listed in Table 1, written confirmation that the proposed work complies with this general permit must be received from the Wilmington District Corps of Engineers prior to the commencement of any work. For this purpose, the proponent should submit to the Corps, detailed plans, location maps, and other supplemental information explaining the nature and scope of the work.

c. Maintenance excavation must not exceed the original dimensions as defined by the original permit or as clearly shown or otherwise defined by existing conditions of the ditches, basins, canals, or channels. Maintenance excavation is allowed only for facilities that are currently serviceable.

d. To be authorized by this permit, all piers, docks, boathouses and boat shelters shall be pile-supported or floating structures. Piles, dolphins, jetties and breakwater structures may be of wood, metal or precast concrete. Breakwater structures will be designed to provide for adequate water circulation landward of the structures.

e. This general permit does not authorize construction across or into any natural or manmade channel or water body in any manner that may adversely affect navigation by the general public.

f. On natural waterways 30-foot wide or greater that have been designated as navigable waters of the US pursuant to Section 10 of the Rivers and Harbors Act of 1899, this permit does not authorize placement of any pier segment or structure further waterward than one-third the width of the water body. For navigable water bodies less than 30 feet wide, pier requests will be evaluated on a case-by-case basis and may be restricted to less than one-third the width of the water body.

g. Docks or piers and adjoining platforms, decks, boathouses, boat shelters, docks, and "L" and "T" sections will not cumulatively exceed the maximum allowable size of such structures identified in the lake reservoir's shoreline or reservoir management plan. Docks and piers extending over wetlands will be elevated sufficiently (minimum of 4 feet above the wetland substrate) to prevent total shading of vegetation, substrate, or other elements of the aquatic environment.

h. Floating docks, boathouses and boat shelters will not be constructed over wetlands.

i. Wooden jetties will not extend farther than 100 feet waterward of the NWL elevation contours.

j. Wood must be pressure-treated except in areas of boathouses or boat shelters protected from the weather.

k. Floating structures will be supported by material that will not become waterlogged or sink when punctured and will be installed to provide for fluctuations of water elevation.

l. If the display of lights and signals on the authorized structure is not otherwise provided for by law, such lights and signals as may be prescribed by the U.S. Coast Guard will be installed and maintained by and at the expense of the permittee.

m. This general permit does not authorize any habitable structure or associated facility for nonwater-related use.

n. This general permit authorizes the construction of up to 10 boat slips without pre-construction notification (i.e. application) to the Corps. This general permit can be used to authorize the construction of more than 10 slips, but pre-construction notification

is required for proposals of greater than 10 slips. Included in the pre-construction notification, the applicant must provide documentation from the lake's public utility company, local government, or TVA verifying whether or not the proposed number of boat slips could be allowed under the lake's shoreline or reservoir -management program. If the proposed number of slips would not be allowed under the shoreline or reservoir management program, the applicant will be required to revise the proposed project to reduce the number of slips to those allowed by the public utility company, local government or TVA. If the proposed number of slips could be allowed under the shoreline or reservoir management program, the Corps will determine on a case-by-case basis if construction of greater than 10 slips can be authorized under this general permit or if an Individual Permit will be required. Any request for more than 10 slips must comply with all requirements of the North Carolina State Environmental Policy Act (SEPA) and documentation of this compliance should be submitted with the pre-construction notification.

o. This general permit authorizes the construction of boat ramps that do not exceed 20 feet in width without pre-construction notification (i.e. application) to the Corps. This general permit can be used to authorize the construction of boat ramps up to 30 feet in width, but pre-construction notification is required for all proposals for boat ramps that exceed 20 feet in width. Included in the pre-construction notification, the applicant must provide documentation from the lake's public utility company, local government or TVA verifying whether or not the proposed boat ramp width could be allowed under the lake's shoreline or reservoir management program. If the proposed width would not be allowed under the shoreline or reservoir management program, the applicant will be required to revise the proposed project to reduce the boat ramp width to that allowed by the public utility company, local government, or TVA. If the proposed width could be allowed under the shoreline or reservoir management program, the Corps will determine on a case-by-case basis if construction of the ramp can be authorized under this general permit or if an Individual Permit will be required. During boat ramp construction and maintenance, no fill or construction material may be placed in wetlands.

p. Excavation associated with boat ramp construction or maintenance is limited to the area necessary for site preparation and all excavated material must be removed to uplands.

q. This general permit can be used to authorize the construction of fueling facilities on authorized structures, but pre-construction notification (i.e. application) is required for all proposals. Included in the pre-construction notification, the applicant must provide documentation from the lake's public utility company, local government or TVA verifying whether or not the proposed fueling facilities could be allowed under the lake's shoreline or reservoir management program. If the proposed fueling facilities would not be allowed under the shoreline or reservoir management program, the applicant will be required to revise the proposed project to remove the proposed fueling facilities from the authorized structure. If the fueling facilities could be allowed under the shoreline or reservoir management program, the Corps will determine on a case-by-case if

construction of the fueling facilities could be authorized under this general permit or if an Individual Permit is required.

r. Where wetlands are present along a shoreline, all shoreline stabilization activities (bio-engineering techniques, construction and backfill of bulkheads, and the placement of riprap material) must be undertaken landward of the wetlands. This general permit does not authorize the excavation or discharge of dredged or fill material within wetlands.

s. ~~Bulkhead and riprap~~Bulkhead, riprap alignments, or shoreline stabilization structures will not extend farther waterward than an average distance of two (2) feet, maximum distance of five (5) feet from the normal pool elevation contour and may not extend more than 500 feet along a shoreline.

t. Placement of riprap should be limited to only that which is necessary to protect existing/new bulkheads. In general, riprap will be placed at the base of all bulkheads and will extend a maximum of three (3) feet waterward on a 2:1 slope. However, in cases of steep slopes, a maximum of six (6) feet waterward on a 2:1 slope is authorized provided it complies with the applicable shoreline or reservoir management program. All other fill material will be confined landward of bulkheads.

u. Material placed for shoreline stabilization will not exceed an average of one cubic yard per running foot placed below the plane of the ordinary high water mark. Material should only be placed where shoreline is actively eroding and no material should be placed in excess of the minimum needed for erosion protection.

v. Excavation for the removal of accumulated sediment from existing basins, access channels and boats slips must not exceed the lesser of the previously authorized depths or controlling depths for ingress/egress.

w. To avoid potential impacts to fish spawning areas, excavation activities will not occur during the months of March, April, May, or June of any year.

x. Dredging will be limited to channelward of the normal pool elevation. Finished depths will not exceed the depth of the receiving waters channelward of the work.

y. All excavated material will be placed landward of the normal pool elevation contour on high ground and confined by adequate dikes or other retaining structures to prevent erosion and sedimentation into adjacent waters or wetlands. The temporary placement or double handling of excavated or fill material waterward of the normal pool elevation is not authorized.

y-z. Return water from upland, contained disposal areas must comply with Water Quality Certification No. 3888, issued by the North Carolina Division of Water Resources (NCDWR) on March 19, 2012 or the current Water Quality Certification applicable to return water from upland disposal facilities.

~~z.aa.~~ If an easement to fill or cross utility company, State or Federal property is required, such easement must be obtained prior to commencement of work.

~~aa.bb.~~ The minimum clearance for aerial power lines will be governed by system voltage as shown below:

Nominal System Voltage, Kilovolts	Minimum Clearance (ft) Above Bridge Clearances
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750 to 765	45

Clearances are based on the low point of the line under conditions that produce the maximum sag considering temperature, load, wind, length, span and type of supports. Clearances for communication lines, stream gauging cables, ferry cables and other aerial crossings will be a minimum of ten (10) feet above clearances for bridges. Installation of utility lines will conform to the [conditions of Nationwide Permit 12. special conditions of general \(regional\) permit No. 198100049.](#)

General Conditions.

- a. Except as authorized by this general permit or any USACE approved modification to this general permit, no excavation, fill or mechanized land-clearing activities shall take place within waters or wetlands, at any time in the construction or maintenance of this project. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.
- b. Authorization under this general permit does not obviate the need to obtain other federal, state, or local authorizations.
- c. All work authorized by this general permit must comply with the terms and conditions of the applicable Clean Water Act Section 401 Water Quality Certification for this general permit issued by the North Carolina Division of Water [Quality Resources](#).
- d. The permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. This shall include, but is not limited to, the immediate

installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).

e. The activities authorized by this general permit must not interfere with the public's right to free navigation on all navigable waters of the United States. No attempt will be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work for a reason other than safety.

f. 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.

g. The permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the affected water of the United States to its former conditions.

h. This General Permit does not authorize any activity that would conflict with a federal project's congressionally authorized purposes, established limitations or restrictions, or limit an agency's ability to conduct necessary operation and maintenance functions. Per Section 14 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. 408), no project that has the potential to take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, or obstruct a federally constructed work or project, including, but not limited to, levees, dams, jettys, navigation channels, borrow areas, dredged material disposal sites, flood control projects, etc., shall be permitted unless the project has been reviewed and approved by the appropriate Corps approval authority. If the proposed activity has the potential to modify or conflict with a federally authorized project, the permittee must submit detailed plans, location maps, other supplemental information detailed in special conditions "p", "q", and/or "s", and explain the nature and scope of the work to the Corps for review. Permittees shall not begin the activity until notified by the Corps that the activity may proceed under the general permit.

i. The permittee shall obtain a Consent to Cross Government Easement from the Wilmington District's Land Use Coordinator prior to any crossing of the Corps easement and/or prior to commencing construction of any structures, authorized dredging or other work within the right-of-way of, or in proximity to, a federally designated disposal area.

[The Land Use Coordinator may be contacted at: CESAW-OP-N, 69 Darlington Avenue, Wilmington, North Carolina 28403-1343, email: SAWWeb-NAV@usace.army.mil.](#)²

j. The permittee will allow the Wilmington District Engineer or his representative to inspect the authorized activity at any time deemed necessary to assure that the activity is being performed or maintained in strict accordance with the Special and General Conditions of this permit.

k. This general permit does not grant any property rights or exclusive privileges.

l. This permit does not authorize any injury to the property or rights of others.

m. This general permit does not authorize the interference with any existing or proposed federal project.

n. In issuing this permit, the Federal Government does not assume any liability for the following:

(1) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

(2) 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.

(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

(4) Design or construction deficiencies associated with the permitted work.

(5) Damage claims associated with any future modification, suspension, or revocation of this permit.

o. Authorization provided by this general permit may be modified, suspended or revoked in whole or in part if the Wilmington District Engineer, acting for the Secretary of the Army, determines that such action would be in the best public interest. The term of this general permit shall be five (5) years unless subject to modification, suspension or revocation. Any modification, suspension or revocation of this authorization will not be the basis for any claim for damages against the United States Government.

p. This general permit does not authorize any activity that would adversely affect a component of the National Wild and Scenic Rivers System. No activity may occur in a component of the National Wild and Scenic Rivers System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed

activity will not adversely affect the Wild and Scenic designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or “study river” (e.g., National Park Service, U.S. Forest Service, etc.)

~~a. This general permit does not authorize any activity, which the District Engineer determines, after any necessary investigations, would adversely affect:~~

~~i. Rivers named in Section 3 of the Wild and Scenic Rivers Act (15 U.S.C. 1273), those proposed for inclusion as provided by Sections 4 and 5 of the Act and wild, scenic and recreational rivers established by state and local entities.~~

~~ii. Historic, cultural or archeological sites listed in or eligible for inclusion in the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 and its codified regulations, the National Historic Preservation Amendment Acts of 1980 and 1992, the Abandoned Shipwreck Act of 1987 and the Native American Graves Protection and Repatriation Act.~~

~~iii. Sites included in or determined eligible for listing in the National Registry of Natural Landmarks.~~

q. In cases where the Wilmington District Engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places and its codified regulations, the National Historic Preservation Amendment Acts of 1980 and 1992, the Abandoned Shipwreck Act of 1987 and the Native American Graves Protection and Repatriation Act, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. If any properties subject to the above criteria may be affected by the proposed project, permittees must submit detailed plans, location maps, other supplemental information detailed in special conditions “p”, “q”, and/or “s”, and explain the nature and scope of the work to the Corps for review. The permittee may not begin work until notified by the Corps that the requirements of the NHPA have been satisfied and that the activity is authorized.

r. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the Wilmington 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 Wilmington 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.

s. No activity is authorized under this general permit which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species

or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed. Information on threatened and endangered species and their critical habitat can be obtained directly from the Corps field offices, the USFWS field offices or at the following web addresses: <http://www.fws.gov/> or <http://www.fws.gov/ipac/> or <http://www.noaa.gov/fisheries.html>. If any listed species or designated critical habitat may be affected by the proposed project, permittees must submit detailed plans, location maps, other supplemental information detailed in special conditions “p”, “q”, and/or “s”, and explain the nature and scope of the work to the Corps for review. Permittees shall not begin work until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is authorized.

~~This general permit does not authorize any activity that will adversely affect any threatened or endangered species or a species proposed for such designation, or their designated critical habitat as identified under the Federal Endangered Species Act (16 U.S.C. 1531). Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the Corps field offices or at the following internet address: <http://www.nenhp.org/Pages/heritagedata.html>. Permittees should notify the Corps if any listed species or designated critical habitat might be affected by the proposed project and may not begin work until notified by the Corps that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.~~

t. If the permittee discovers or observes any live, damaged, injured or dead individual of an endangered or threatened species during construction, the permittee shall immediately notify the Wilmington District Engineer so that required coordination can be initiated with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

u. Permittees are advised that development activities in or near a floodway may be subject to the National Flood Insurance Program that prohibits any development, including fill, within a floodway that results in any increase in base flood elevations. This general permit does not authorize any activity prohibited by the National Flood Insurance Program.

v. The permittee must install and maintain, at his expense, any signal lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on authorized facilities. For further information, the permittee should contact the U.S. Coast Guard Marine Safety Office at (910) 772-2191.

w. The permittee must maintain any structure or work authorized by this permit in good condition and in conformance with the terms and conditions of this permit. The Permittee is not relieved of this requirement if the Permittee abandons the structure or work. Transfer in fee simple of the work authorized by this permit will automatically transfer this permit to the property's new owner, with all of the rights and responsibilities enumerated herein. The permittee must inform any subsequent owner of all activities undertaken under the authority of this permit and provide the subsequent owner with a copy of the terms and conditions of this permit.

x. At his sole discretion, any time during the processing cycle, the Wilmington District Engineer may determine that this general permit will not be applicable to a specific proposal. In such case, the procedures for processing an individual permit in accordance with 33 CFR 325 will be available.

y. Except as authorized by this general permit or any USACE approved modification to this general permit, all fill material placed in waters or wetlands shall be generated from an upland source and will be clean and free of any pollutants except in trace quantities. ~~All fill material placed in waters or wetlands shall be generated from an upland source and will be clean and free of any pollutants except in trace quantities.~~ Metal products, organic materials (including debris from land clearing activities), or unsightly debris will not be used.

z. Except as authorized by this general permit or any USACE approved modification to this general permit, all excavated material will be disposed of in approved upland disposal areas.

aa. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

bb. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon this general permit will remain authorized provided the activity is completed within twelve months of the date of the general permit's expiration, modification, or revocation. Activities completed under the authorization of this general permit that were in effect at the time the activity was completed continue to be authorized by the general permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

~~Jefferson M. Ryseavage~~ Kevin P. Landers Sr.
Colonel, U.S. Army
District Commander

Table 1: List of Reservoirs subject to Special Condition “a”

Utility Company / Operator	
Duke Power <u>Energy</u>	<u>Brookfield Smoky Mtn. Hydropower</u> <u>Progress Energy</u>
<u>Badin Lake</u>	<u>Cheoah Reservoir</u>
Belews Lake	<u>Lake Santeetlah</u> -Blewett Falls
Bear Creek Reservoir	-Lake Tillery
<u>Blewett Falls Lake</u>	
Cedar Cliff Reservoir	<u>NC Power (Dominion)</u>
<u>High Rock Lake</u>	<u>Lake Gaston*</u>
Lake Ela	<u>Roanoke Rapids Lake</u> NC Power (Dominion)
<u>Lake Emory</u>	
Lake Glenville	— Lake Gaston*
Lake Hickory	— Roanoke Rapids Lake
Lake James	<u>Other (Municipal Owned / Operated)</u>
Lake Jocassee*	<u>Beetree Reservoir</u>
<u>Lake Julian</u>	<u>Burnett Reservoir</u>
Lake Norman	<u>Hyco Reservoir</u> Other (Municipal Owned / Operated)
Lake Rhodhiss	-Kings Mtn. Reservoir (Moss Lake) <u>Hyco Reservoir</u>
Lake Summit	<u>Lake Adger</u> Lake Lure

<u>Lake Tillery</u>	<u>Lake Lure</u>
Lake Wylie*	<u>Lake Sequoyah</u>
Lookout Shoals	Tennessee Valley Authority (TVA)
Queens Creek	Chatuge Lake*
Mission Lake	Fontana Lake
Mountain Island Lake	Hiwassee Lake
Nantahala Lake	
<u>Tanasee Creek Lake</u>	Tennessee Valley Authority (TVA)
Tennessee Creek Reservoir	<u>Apalachia Lake</u>
Tuckasegee Reservoir	<u>Chatuge Lake*</u>
<u>Tuckertown Reservoir</u>	<u>Fontana Lake</u>
<u>Waterville Lake</u>	<u>Hiwassee Lake</u>
Wolf Creek Reservoir	

*This General Permit is not applicable in portions located outside North Carolina.