

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

General Permit No. 198200079
Name of Permittee: General Public
Effective Date: July 24, 2000
Expiration Date: December 31, 2004

**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
Post Office Box 1890
Wilmington, North Carolina 28402-1890

TO AUTHORIZE WORK RECEIVING PRIOR APPROVAL FROM THE OPERATIONS MANAGERS, U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT, IN THE LAKES AND RESERVOIRS OF WILMINGTON DISTRICT, U.S. ARMY CORPS OF ENGINEERS: JOHN H. KERR DAM AND RESERVOIR, FALLS LAKE, B. EVERETT JORDAN DAM AND LAKE, AND W. KERR SCOTT DAM AND RESERVOIR, NORTH CAROLINA.

Activities authorized are:

- a. Construction of piers, docks, jetties, breakwater structures and boat ramps, and installation of mooring piles and dolphins, using commonly acceptable materials such as pressure treated lumber and pilings, unsinkable flotation materials, and confined concrete.
- b. Excavation and maintenance of channels, canals and basins for recreational boating, with all excavated materials placed and retained on high ground.
- c. Excavation of accumulated sediments, when lake drawdown allows, with all excavated

materials placed and retained on high ground.

d. Stabilization of eroding shorelines utilizing appropriate bio-engineering techniques, construction and backfill of bulkheads, and the placement of riprap material.

e. Installation of submerged and aerial utility lines where U.S. Coast Guard requirements for aerial lines are met and preproject elevation contours are restored.

f. Construction of intake and outfall structures where all State and Federal required authorizations have been obtained.

1. Special Conditions.

a. Anyone wishing to accomplish work under the authority of this general permit must submit a written description of the proposal with detailed plans, location maps, and other supplemental information explaining the nature and scope of the work to the Operations Manager at the lake or reservoir in which the work is to occur.

b. Prior to the commencement of any work, the permittee must receive written approval from the Operations Manager. The Operations Manager may include any additional conditions and/or restrictions that he or she determines to be appropriate. Failure to comply with the Special and General Conditions contained herein or any conditions and/or restrictions stipulated by the Operations Manager could result in a violation of Federal law and appropriate action by the Office of the U.S. Attorney.

c. All piers or docks will be pile-supported or floating structures, as specifically authorized or restricted by each individual reservoir's shoreline management plan, and designed to accommodate loads not less than 50 pounds per square foot. Floating structures will be supported by material that will not become waterlogged (not over 1-1/2 percent by volume ASTM), will not sink or contaminate the water if punctured, and will be installed to provide for fluctuations of water elevation and not break away. Mooring piles may be of pressure treated wood, metal or precast concrete. Metal pilings or beams will have a minimum section thickness of 3/16 inch.

d. Piers or docks shall not extend or any other structure be placed further waterward than one-third the width of a 30-foot wide or greater natural water body designated as navigable pursuant to Section 10 of the Rivers and Harbors Act of 1899 (i.e., for navigable waterbodies 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 waterbody). 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 reservoir's shoreline management plan. Docks and piers extending over vegetated 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. Floating docks, boathouses and boat shelters will not be constructed over vegetated wetlands.

e. Boat ramps will not exceed 20 feet in width. The discharge of concrete (into forms or as pre-cast slabs), rock, crushed stone or gravel below the normal pool elevation will not exceed 50 cubic yards. No material for construction will be placed in wetlands at any time. Excavation is limited to the area necessary for site preparation; all excavated material must be placed and retained on high ground above the flood pool elevation.

f. Breakwater structures will be designed to provide for adequate water circulation landward of the structures.

g. 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.

h. The temporary placement or double-handling of excavated or fill material within waters or vegetated wetlands is not authorized.

i. Authorization for the utilization of appropriate bioengineering techniques, installation of bulkheads and the placement of riprap material is applicable only along eroding shorelines which are void of wetland vegetation or where construction is accomplished landward of such vegetation. This general permit does not authorize the discharge of dredged or fill material in marsh or wooded wetlands.

j. Bulkhead and riprap alignments will not extend farther than an average distance of 2 feet waterward, 5 feet maximum, from the normal pool elevation contour and may not extend more than 500 feet along an eroding shoreline. Riprap placed at the base of bulkheads, if required by the Operations Manager, can extend a maximum of three (3) feet waterward of the bulkhead on a 2:1 slope.

k. Not more than an average of one (1) cubic yard of confined or non-erodible fill material per running foot of eroding shoreline will be placed within waters of the United States

l. All backfill material will be obtained from an upland source and confined landward of the permitted bulkhead.

m. All fill material, including riprap material, discharged into waters of the United States must be free from pollutants in toxic amounts. The use of metal products, organic materials, petroleum base materials or unsightly debris is prohibited.

n. Fill material will only be placed landward of bulkheads or riprap structures that are fully installed and that are impervious through structural tightness or the use of a suitable filter cloth.

o. 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
750-765	45

Clearances are based on the low point of the line under conditions which produce the maximum sag considering temperature, load, wind, length, span and type of supports. Clearances for communication lines, stream gaging 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 special conditions of general (regional) permit No. 198100049.

p. Intake structures will be designed so that withdrawal of water will be from the horizontal plane and the rate of withdrawal will not exceed 0.5 feet per second. Screens, with spacing not exceeding 4.0 millimeters in width, will be placed on all intake structures. Intake screens will be inspected by the permittee at least once every twelve (12) months and damaged or otherwise defective screens will be immediately repaired or replaced.

q. This general permit does not authorize construction across or into any natural or manmade channel or water body so as to adversely affect navigation by the general public.

r. This general permit does not authorize the installation of fueling facilities on authorized structures.

s. This general permit does not authorize excavation or the discharge of dredged or fill material in vegetated wetlands. In addition, excavation or fill activities (with the exception of riprap placement/bulkhead construction along eroding shorelines) may not occur during the period of March 1 through June 30 of any year within any area of lake/reservoir bottom inundated by 3 feet or less of water because of potential adverse impacts to fish spawning areas.

t. The permittee will maintain the authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the permitted structure without having it transferred to a third party.

u. It is possible that the authorized structure may be damaged by wavewash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to

ensure the integrity of the permitted structure and the safety of moored boats. The permittee will not hold the United States liable for any such damage.

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

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

x. If the permitted work is on lands subject to an easement in favor of the United States for the maintenance and operation of a Federal lake or reservoir, the permittee will remove such structure and improvements at his own expense in the event that, in the judgement of the U.S. Army Corps of Engineers acting on behalf of the United States, the lands are needed at any time for any purpose within the scope of the easement. All construction within the easement, either temporary or permanent, must be in compliance with the terms and conditions of the applicable easement estate.

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

z. This general permit does not apply to structures within existing or proposed marinas. A marina is defined as any publicly or privately owned dock, basin or wet boat storage facility constructed to accommodate more than 10 boats.

aa. All work will comply with Water Quality Certification No. 3280, issued by the North Carolina Division of Water Quality (NCDWQ) on June 1, 2000.

2. General Conditions.

a. All activities authorized by this general permit that involve the discharge of dredged or fill material in waters of the United States will be consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pre-treatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1344) and applicable State and local law. If the proposed activity involves the discharge of dredged or fill material in waters of the United States, prior to the commencement of any work, the applicant will satisfy the North Carolina Division of Water Quality (NCDWQ) regarding the need for a Water Quality Certification pursuant to Section 401 of the Clean Water Act.

b. There will be no unreasonable interference with navigation or the right of the public to riparian access by the existence or use of activities authorized by this general permit.

c. 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.

d. A permittee, upon receipt of written notice from the Wilmington District Engineer of failure to comply with the terms or conditions of this general permit, will, within 60 days, without expense to the U.S. Government, and in such manner as the Wilmington District Engineer may direct, affect compliance with the terms and conditions or return the worksite to a pre-work condition.

e. The permittee must make every reasonable effort to perform the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife and natural environmental values.

f. The permittee must perform the work authorized herein in a manner so as to minimize any degradation of water quality. Appropriate sediment and erosion control practices which exceed or equal those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" (available from the Division of Land Resources in the DENR Regional or Central Offices) shall be utilized to prevent exceedances of the appropriate turbidity water quality standard (50 NTU's in all fresh water streams and rivers not designated as trout waters, 25 NTU's in all lakes and reservoirs, and all saltwater classes; and 10 NTU's in trout waters).

g. The permittee will permit the Wilmington District Engineer or his representative to make periodic inspections at any time deemed necessary in order to assure that the activity is being performed or maintained in strict accordance with the Special and General Conditions of this permit.

h. This general permit does not convey any 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 State or local assent required by law for the activity authorized herein. These may include, but are not necessarily limited to, a Dredge and/or Fill Permit (N.C.G.S. 113-229), a Coastal Area Management Act (CAMA) Permit (N.C.G.S. 113A-118), an Easement to Fill (N.C.G.S. 146-12) and a Water Quality Certification pursuant to Section 401 of the Clean Water Act.

i. Authorization provided by this general permit may be either modified, suspended or revoked in whole or in part if the Wilmington District Engineer, acting on behalf of the Secretary of the Army, determines that such action would be in the best public interest. Unless subject to modification, suspension or revocation, the term of this general permit shall be five years. Any modification, suspension or revocation of this authorization will not be the basis for any claim for damages against the U.S. Government.

j. This general permit does not authorize the interference with any existing or proposed Federal project and the permittee will not be entitled to compensation for damages or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

k. This general permit will not be applicable to proposed construction when the Wilmington District Engineer determines that the proposed activity would significantly affect the quality of the human environment and determines that an Environmental Impact Statement (EIS) must be prepared.

l. This general permit will not be applicable to proposed construction when the Wilmington District Engineer determines, after any necessary investigations, that the proposed activity would adversely affect areas which possess historic, cultural, scenic, conservation or recreational values. Application of this exemption applies to:

(1) 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.

(2) 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.

(3) Sites included in or determined eligible for listing in the National Registry of Natural Landmarks.

(4) Endangered or threatened species or habitat of such species as determined by the Secretaries of Interior or Commerce and conserved in accordance with the Endangered Species Act (16 U.S.C. 1531).

m. Permittees are advised that development activities in or near a floodway may be subject to the National Flood Insurance Program which prohibits any development, including fill, within a floodway that results in any increase in base flood elevations.

n. At his discretion, the Wilmington District Engineer may determine that this general permit will not be applicable to a specific construction proposal. In such case, the procedure for processing an individual permit in accordance with 33 CFR 325 will be available.

o. The permittee or the permittee's successors will maintain the authorized work in good

condition and in conformance with the terms and conditions of the general permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

James W. DeLony
Colonel, Corps of Engineers
District Engineer