



US Army Corps
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PUBLIC NOTICE

Proposed Issuance of Regional
General Permit SAW-2025-
01007

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Wilmington District Proposed Issuance of Regional General Permit SAW-2025-01007 Emergency Activities

The DISTRICT ENGINEER, WILMINGTON DISTRICT, 69 Darlington Avenue, Wilmington North Carolina 28403, hereby proposes to issue **Regional General Permit SAW-2025-01007 (RGP 07)** pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and/or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). This general permit (RGP 07) would authorize the discharge of dredged or fill material into waters of the U.S, including wetlands, and work or structures in navigable waters of the U.S. for necessary repair and protection measures for an emergency associated with a natural or environmental disaster that would cause only minimal individual and cumulative adverse environmental effects, as described below. The permit would simplify and expedite processing of Department of the Army permits for minor, substantially similar activities, during emergency situations.

Title 33, Code of Federal Regulations (CFR), Paragraph 325, authorizes issuance of general (regional) permits for activities, which are substantially similar in nature and cause minimal individual and cumulative environmental impacts.

Activities that would be authorized by this permit are:

CATEGORY 1 ACTIVITIES - Temporary Emergency Repairs and Activities

Activities in Category 1 include:

- 1.a. Repair, Construction, or Re-Construction of Linear Transportation Features
- 1.b. Protection, Repair, and/or Replacement of Utility Structures
- 1.c. Debris, Sediment, or Vegetation Removal or Dredging
- 1.d. Temporary Levee Construction
- 1.e. Temporary Placement of Suitable Material for Bank Stabilization or Revetment Repair
- 1.f. Construction of Temporary Drainage Ditches
- 1.g. Temporary Structures or Fills for Reinforcement, Flood Control Barriers, Staging, Access, Dewatering, and/or Retention of Water
- 1.h. Construction of Temporary Debris/Sediment Catchment Facilities

CATEGORY 2 ACTIVITIES - Permanent Emergency Work and Activities (All Category 2 Activities Require a Pre-Construction Notification (PCN):

- 2.a. Channel Restoration and Repair

- 2.b. Maintenance Dredging
- 2.c. New Bank Stabilization or Revetment Repair
- 2.d. Levee and Dam Repair, including Breach Closures
- 2.f. Restoration and Cleanup of Mud/Rockslides

These activities would occur within waters of the U.S., including navigable waters of the United States in North Carolina, not including geographic exclusion areas listed in the permit or areas otherwise excluded by the terms and conditions of the permit.

Note that the proposed/draft RGP 07 is shown in the attached document.

Please contact the Corps by email, telephone, or mail if you wish to receive a hard copy of the proposed general permit. Contact information is listed at the end of this public notice.

This proposal will be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certificate under Section 401 of the Clean Water Act by the North Carolina Division of Water Resources (NCDWR).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by North Carolina Division of Coastal Management (NCDCM).
- c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the NCDCM or their delegates.
- d. The issuance of an easement to fill or otherwise occupy State-owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. The approval of an Erosion and Sedimentation Control Plan by the Land Quality Section, North Carolina Division of Energy, Minerals and Land Resources, Land Quality Section (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 A-50-66).

Background:

An “emergency” situation, as defined in [33 CFR 325.2\(e\)\(4\)](#), is “*a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures.*”

These are very serious situations that could result in the loss of life, the loss of property, and/or a significant economic hardship if steps to remedy the situation are not immediately pursued. This may include emergencies due to a natural disaster (e.g.,

flood, hurricane, etc.) or a catastrophic (sudden and complete) failure of a facility due to an external cause (e.g., wrecks, explosions, ruptures, spills of hazardous or other materials).

The Corps anticipates utilization of the SAW-2025-01007 to address future requests for minor emergency response and protection activities within the authorized geographic area. This RGP would improve efficiencies for the review and verification of minor activities, thus improving service to the regulated public. This RGP will be coordinated with Federal and State resource agencies to address federal laws such as the National Historic Preservation Act and the Fish and Wildlife Coordination Act.

The term “General Permit” means a Department of the Army authorization that is issued on a nationwide or regional (District) basis for a category of activities when: those activities are substantially similar in nature and cause only minimal individual and cumulative impacts. General permits reduce the burden of the regulatory program on the public and ensure timely issuance of permits while effectively administering the laws and regulations which establish and govern the program. General permits are reviewed every five years. After five years, general permits may be reissued, suspended, or revoked.

An assessment of the cumulative impacts of work authorized under a general permit is performed prior to authorization. In most instances, projects which comply with the conditions of a general permit can receive project specific authorization. Projects that do not comply with the conditions of a general permit may still receive authorization via an individual permit, but the application must be individually evaluated and coordinated with third parties, including the federal and state resource agencies. Review of an application for an individual permit takes additional time to complete as conflict resolution may be required.

Avoidance and Minimization:

The proposed RGP 07 would authorize activities that are minor and commonplace. The proposed terms and conditions of RGP 07 require activities proposed for authorization to be minimal in nature and avoid aquatic resources to the maximum extent. The proposed general condition #4 would require the activity be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

Compensatory Mitigation:

The proposed RGP 07 would require compensatory mitigation for losses of jurisdictional wetlands and streambeds over specified thresholds as noted below:

For Wetlands:

Compensatory mitigation at a minimum one-for-one ratio would be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless

the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate, or the adverse environmental effects of the proposed activity are no more than minimal and provides an activity-specific waiver of this requirement.

For Streambeds:

Compensatory mitigation at a minimum of one-for-one ratio would be required for all stream bed losses that exceed 0.02 acres of stream bed and require a pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate, or the adverse environmental effects of the proposed activity are no more than minimal and provides an activity-specific waiver of this requirement.

Cultural Resources:

For each activity proposed for authorization under the SAW RGP-07, the Corps will conduct an individual evaluation of the activity's potential effects to historic properties and Tribal resources, in accordance with Section 106 of the NHPA and Tribal Trust responsibilities. If the proposed activity has the potential to cause effects, the proposed activity cannot be authorized under this RGP until consultation under Section 106 of the NHPA has been completed OR until notification and coordination under the provisions of 33 CFR § 325, Appendix C.14 and 36 CFR 800.12(b)(2) is completed (please see General Condition 14 in Appendix B of the proposed RGP 07 for further details).

Endangered Species:

Any activity proposed for authorization under the SAW RGP-07 that may affect any federally listed threatened or endangered species, or federally designated critical habitat, protected by the Endangered Species Act, cannot be verified until the appropriate consultation with USFWS/NMFS is complete OR emergency measures defined by RGP-07 have been authorized in accordance with emergency consultation procedures in 50 CFR 402.05 (please see General Condition 23 in Appendix B of the proposed RGP 07 for further details).

In the event that the Corps determines an activity proposed under this general permit may affect those resources, the Corps will initiate consultation with the USFWS or NMFS pursuant to Section 7 of the Endangered Species Act, unless another federal agency is lead federal agency for a particular project and is in the process or has completed Section 7 consultation with the USFWS and/or the NMFS.

For each activity proposed for authorization under the RGP-07, the Corps would confirm whether the activity could be evaluated using any of the current applicable programmatic agreements/Standard Local Operating Procedures for Endangered Species (SLOPES).

Essential Fish Habitat:

This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act of 1996. Our initial determination is that the issuance of the RGP-07 and subsequent activities to be authorized under the RGP 07 would not have a substantial adverse impact on EFH or Federally managed fisheries in North Carolina given the proposed conditions of the RGP 07 which limit the use of the RGP 07 to activities which do not result in direct or indirect substantial adverse impacts to EFH. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

Section 408:

An activity that requires section 408 permission and/or review would not be authorized by RGP 07 until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written RGP verification. Proposed conditions of the RGP would require that authorized structures and fills located in or adjacent to Federally authorized waterways must be constructed in accordance with the latest setback criteria established by the Wilmington District Engineer. This RGP permit would not authorize the construction of hardened or permanently fixed structures within the Federally Authorized Channel Setback, unless the activity was approved by the Corps.

Water Quality Certification:

The Corps is requesting general water quality certification from the certifying authorities located within the Wilmington District's area of responsibility (NCDWR and EBCI). Water Quality Certification requests will be sent to the certifying authorities under separate letter from the District Engineer. See additional information regarding the requested Water Quality Certification below under "Commenting Information".

Coastal Zone Management Consistency:

The Corps is requesting general coastal zone consistency concurrence from the North Carolina Division of Coastal Management (NCDCM).

Impact on Natural Resources:

Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

Evaluation:

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, permits will be granted unless the District Engineer decides that they would be contrary to the public interest.

Commenting Information:

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue a permit for this proposal. 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 (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing. Generally, the decision whether to issue Department of the Army (DA) permits will not be made until the NCDWR issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWR considers whether the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act.

Additional information regarding the Clean Water Act certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Branch, 512 North Salisbury Street, Suite 942-E, Raleigh, North Carolina 27604. All persons desiring to make comments regarding the application for the Clean Water Act certification should do so in writing, within 30 days of the issue date of this public notice by emailing comments to publiccomment@deq.nc.gov with the subject line of "401 Water Quality Certification", or by mail to:

NCDWR Central Office Attention: Stephanie Goss, 401 Buffer and Permitting Branch (USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

-OR-

(Physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposal to issue RGP 07, as outlined above, until 5pm, October 4, 2025. Written comments should be submitted via the Regulatory Request System public notice module at <https://rrs.usace.army.mil/rrs/public-notices>. Alternatively, you may submit written comments to Andrew Williams, Regulatory Project Manager, Technical Branch, by either email or mail:

By email: andrew.e.williams2@usace.army.mil

By mail: Raleigh Regulatory Field Office
Attention: Andrew Williams
3331 Heritage Trade Drive, Suite 105
Wake Forest, North Carolina 27587

Phone: 919-440-0119