



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

CESAM-RD-A

May 9, 2016

SPECIAL PUBLIC NOTICE

**PROPOSED REGIONAL GENERAL PERMITS FOR MINOR STRUCTURES AND ACTIVITIES
WITHIN THE STATE OF ALABAMA,
LOCATED WITHIN THE REGULATORY BOUNDARIES OF THE
MOBILE DISTRICT, U.S. ARMY CORPS OF ENGINEERS**

SPECIAL PUBLIC NOTICE NUMBERS:

**SAM-2016-00232-SBC; ALGP-01 – EXCAVATED BOAT SLIPS
SAM-2016-00234-SBC; ALGP-02 – MAINTENANCE DREDGING
SAM-2016-00235-SBC; ALGP-03 – NEW WORK CHANNEL DREDGING
SAM-2016-00236-SBC; ALGP-04 – DEBRIS REMOVAL
SAM-2016-00237-SBC; ALGP-05 – PIERS, PILE-SUPPORTED STRUCTURES, AND DOLPHINS
SAM-2016-00239-SBC; ALGP-07 – BOAT RAMPS AND MARINE WAYS
SAM-2016-00240-SBC; ALGP-10 – LIVING SHORELINES
SAM-2016-00241-SBC; ALGP-11 – SHORELINE AND BANK STABILIZATION AND PROTECTION
SAM-2016-00243-SBC; ALGP-13 – FILLING OF PREVIOUSLY DREDGED AREAS
SAM-2016-00244-SBC; ALGP-24 – PIERS, DECKS, AND PILE-SUPPORTED STRUCTURES
LOCATED IN WEEKS BAY**

TO ALL CONCERNED: The U.S. Army Corps of Engineers, Mobile District (hereinafter, Mobile District), proposes authorization, re-issuance, and/or revision to the above-listed Alabama General Permits (ALGPs) for minor structures and activities located in waters of the United States, within the Regulatory boundaries of the Mobile District, subject to Section 10 of the Rivers and Harbors Act of 1899 (33 USC403), Section 404 of the Clean Water Act (33 USC 1344), and/or Section 4(e) of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 463; 43 USC 1333 (e)). The term "general permit" means a Department of the Army authorization that is issued on a nationwide or regional basis for a category or categories of activities when:

- a. Those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or
- b. The general permit would result in avoiding unnecessary duplication of the regulatory control exercised by another federal, state or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. General permits are a way to reduce the burden of the regulatory program on the public and ensure timely issuance of permits while effectively administering the laws and regulations that establish and govern the program. In an effort to eliminate unnecessary duplication of efforts between agencies and to streamline the permitting process for routine projects resulting in only minimal impacts, the above-listed ALGPs are

proposed for authorization, renewal, and/or revision. The activities proposed for authorization under the ALGPs include minor structures and activities that have minimal individual and cumulative adverse effects on the aquatic environment. These structures and activities are located within the overlapping regulatory jurisdictions of the Mobile District, the Alabama Department of Environmental Management (ADEM) and the Alabama Department of Conservation and Natural Resources – State Lands Division (ADCNR-SLD). Project specific verification of authorization under the ALGPs may be issued by the Mobile District in consultation with the ADEM and the ADCNR-SLD.

Department of the Army regulations require that all general permits be reviewed every five (5) years. The ALGPs contain general, specific, and state conditions intended to protect the aquatic environment and natural and cultural resources. Conformance with conditions contained in the ALGPs does not necessarily guarantee coverage under the ALGPs. In most instances, a proposed project complying with the conditions of a particular ALGP will qualify for ALGP authorization. Any proposed project not complying with one or more conditions of a particular ALGP may be evaluated as a Letter of Permission or Standard Permit and be individually coordinated with third parties, including federal and state resource agencies.

WATER QUALITY / COASTAL ZONE MANAGEMENT: The Mobile District will apply for a certification of water quality from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act; and upon completion of the required advertising and review, a determination relative to water quality certification will be made by the ADEM. Also, in order to insure that all proposed activities shall comply with and be conducted in a manner that is consistent with the state's Coastal Zone Management (CZM) program, the Mobile District will request that the ADEM review the proposed ALGPs and provide a determination relative to the ALGPs' consistency with the state CZM program.

HISTORIC PROPERTIES/CULTURAL RESOURCES: The State Historic Preservation Officer (SHPO) will be contacted regarding the proposed reissuance of these ALGPs. The Mobile District has determined that work proposed under these general permits will have no effect on properties listed in or eligible for the National Register of Historic Places (NRHP), provided that: 1) The NRHP is consulted for all projects covered under all these general permits; and 2) The NRHP and the Alabama Archeological Site Files are consulted for all projects which include substantial ground or waterbottom disturbance in previously undisturbed areas. These two levels of review will constitute the full extent of cultural resources investigations unless a site is identified which may be affected by authorized work, or information is developed that adequately documents that a potential exists for significant sites or properties within the area. Copies of this notice have been sent to the Office of the State Historic Preservation Officer (SHPO) and the U.S. Department of the Interior, National Park Service; Division of Archeological Services.

Tribal Historic Preservation Officers (THPO) with known interests within the Mobile District's regulatory boundaries will also be contacted regarding the proposed reissuance of these ALGPs. Preliminary review of these general permits indicates that work proposed under these general permits will have no effect on any cultural or tribal resources, provided that: 1) The NRHP is consulted for all projects

covered under all these general permits; and 2) The NRHP and the Alabama Archeological Site Files are consulted for all projects which include substantial ground or waterbottom disturbance in previously undisturbed areas. These two levels of review will constitute the full extent of cultural and tribal resources investigations unless a site is identified which may be affected by authorized work, or information is developed that adequately documents that a potential exists for significant sites or properties within the area. Copies of this notice have been sent to all federally recognized tribes with known interests within the Mobile District's regulatory boundaries.

ENDANGERED SPECIES: The Mobile District will coordinate all proposed activities with the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants regarding listed endangered or threatened species or their critical habitat. No activity shall be authorized by these regional general permits which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species, 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. Preliminary review of these regional general permits indicates that the proposed activities will not adversely affect listed endangered or threatened species, or their critical habitat. However the potential exists that a given proposal will impact a listed species. Each project will be reviewed with this in mind; and no activity which "may affect" a listed species or critical habitat will be verified for coverage under these regional general permits unless Section 7 consultation addressing the effects of the proposed activity has been completed.

PUBLIC REVIEW: This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the Mobile District can be based. For accuracy and completeness of the record, all data in support of or in opposition to the renewal of the ALGPs should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to reissue the ALGPs 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 benefit which reasonably may be expected to accrue from the proposed activities must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the ALGPs will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

The Mobile District is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to evaluate the impacts of the proposed activities. Any comments received will be considered by the Mobile District to determine whether to re-issue, modify, condition, or deny any or all of these regional general permits. 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 and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Evaluation of the probable impacts involving deposits of dredged or fill material into "waters of the United States" will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

Comments will also be 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 proposed activity. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

A copy of the proposed Alabama General Permits can be accessed at our website at: www.sam.usace.army.mil/Missions/Regulatory/PublicNotices.aspx, or at your request, a paper copy will be provided to you.

Any correspondence concerning this notice should **refer to: "2016 AL General Permit Renewal"** and should be directed to the U.S. Army Engineer District, Mobile, Regulatory Division (RD-A), Attention: Mr. S. Brad Crosson, Post Office Box 2288, Mobile, Alabama 36628-0001, with a copy to the Alabama Department of Environmental Management, Coastal Section, 3664 Dauphin Street, Suite B, Mobile Alabama 36608.

All comments should be received **no later than 30 days** from the date of issuance of this public notice. If you have any questions concerning this publication, you may contact the project manager, **Mr. S. Brad Crosson**, at steven.b.crosson@usace.army.mil or at **(251) 694-3664**. For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

REGIONAL GENERAL PERMITS FOR MINOR STRUCTURES AND ACTIVITIES
WITHIN THE STATE OF ALABAMA
U.S. ARMY CORPS OF ENGINEERS

Effective Date: October 1, 2016
Expiration Date: October 1, 2021

AUTHORITY:

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC 1344), and Section 4(e) of the Outer Continental Shelf Lands Act of 1953 (67 stat. 463: 433 USC 1333(e)), the Mobile District, U.S. Army Corps of Engineers (Mobile District) hereby revises and issues the following Alabama General Permits (ALGP) for a period of five (5) years. In an effort to eliminate unnecessary duplication of efforts among agencies and to streamline the permitting process for routine projects with only minimal impact, the Mobile District will regulate minor structures and activities in waters of the United States, in the State of Alabama, within the regulatory boundaries of the Mobile District under the Regional General Permits identified herein. These permits supersede the Alabama General Permits issued on October 1, 2011.

ALABAMA GENERAL PERMITS SUMMARY	
Permit	Activity
ALGP-01	Excavated Boat Slips
ALGP-02	Maintenance Dredging
ALGP-03	New Work Channel Dredging
ALGP-04	Debris Removal
ALGP-05	Piers, Pile-Supported Structures, and Dolphins
<i>ALGP-06</i>	<i>RESERVED *See Note 1</i>
ALGP-07	Boat Ramps and Marine Ways
<i>ALGP-08</i>	<i>RESERVED *See Note 1</i>
<i>ALGP-09</i>	<i>RESERVED</i>
ALGP-10	Living Shorelines
ALGP-11	Shoreline and Bank Stabilization and Protection
<i>ALGP-12</i>	<i>RESERVED (Previously: Maintenance Dredging of Man-made Ditches) * See Note 2</i>
ALGP-13	Filling of Previously Dredged Areas
<i>ALGP 14 thru 23</i>	<i>RESERVED</i>
ALGP-24	Piers and Pile-Supported Structures Located in Weeks Bay
<i>ALGP-25</i>	<i>RESERVED * See Note 3</i>
<i>ALGP-26</i>	<i>RESERVED * See Note 4</i>

* Note 1: Activities previously covered under permits ALG06-2011 and ALG08-2011 are now covered under ALGP-05.
 * Note 2: This permit is placed under reserved status pending further review and coordination by the Mobile District. Should this permit be re-authorized, a Public Notice announcement will then be issued.
 * Note 3: Activities previously covered under permit ALG25-2011 are now covered under ALGP-24.
 * Note 4: Activities previously covered under permit ALG26-2011 are now covered under ALGP-10.

GEOGRAPHIC APPLICABILITY:

These regional general permits are applicable in waters of the United States within the regulatory boundaries of the Mobile District which are shown in the shaded area on the map below. The Mobile District regulatory boundaries encompass all of the State of Alabama that is south of the Tennessee River Valley. For a site specific determination of applicability, please contact the Mobile District Regulatory Division office at (251) 690-2658, or go to the website:

<http://www.sam.usace.army.mil/Missions/Regulatory/MobileRegulatoryOffices.aspx>



ADMINISTRATION:

Unless specifically stated in the special conditions of the permit, a project-specific verification must be obtained for all activities covered under the Alabama General Permits **prior** to the start of regulated activities in waters of the United States. A pre-construction notification (PCN) for verification of permit coverage under the Alabama General Permits may be submitted to and verification letters issued by the following:

For projects located in South Alabama Branch
Counties:

**U.S. Army Corps of Engineers
Attention: Regulatory Division
Post Office Box 2288
Mobile, Alabama 36628-0001
Telephone (251) 690-2658**

For projects located in North Branch Counties:

**U.S. Army Corps of Engineers
North Branch
218 Summit Parkway
Birmingham, Alabama 35209
Telephone (205) 290-7874**

If a proposed activity is located on one of the following U.S. Army Corps of Engineers' lakes in the State of Alabama, the plans **must** be reviewed and approved by the local Resource Manager. Additionally, the Resource Manager in some cases may issue an authorization in lieu of the Regulatory Division.

**Black Warrior – Tombigbee River Lakes
(Coffeeville, Demopolis, Warrior Lakes):**

**U.S. Army Corps of Engineers
Demopolis Site Office
384 Resource Management Drive
Demopolis, AL 36732-1546
(334) 289-3540**

**Black Warrior – Tombigbee River Lakes
(Oliver, Holt, Bankhead Lakes):**

**U.S. Army Corps of Engineers
Holt Resource Office
Post Office Box 295
Peterson, AL 35478
(205) 553-9373**

Alabama River Lakes

(Woodruff Lake):

**U.S. Army Corps of Engineers
Alabama River Lakes Site Office
8493 U.S. Highway 80 West
Hayneville, AL 36040-2934
(334) 872-9554**

Alabama River Lakes

(Dannelly, Claiborne Lakes):

**U.S. Army Corps of Engineers
Millers Ferry Resource Office
1226 Powerhouse Road
Camden, AL 36726-9109
(334) 682-4244**

**Tennessee – Tombigbee Waterway
(Gainesville & portions of Aliceville Lake):**

**U.S. Army Corps of Engineers
Tenn – Tom Project Management Office
3606 West Plymouth Road
Columbus, MS 39701-9504
(662) 327-2142**

If the proposed activity is located on a lake managed by a power company, or similar entity with a shoreline management plan, permit requests may be directed through them. NOTE: Not all lakes which meet these criteria have entered into agreements with the Mobile District which would allow this. Check with the Resource Manager to see if they qualify.

PRE-CONSTRUCTION NOTIFICATION (PCN):

The prospective permittee is required to submit a PCN as early as possible for their project. The PCN must include a completed **Joint Application and Notification, U.S. Department of Army, Corps of Engineers, Alabama Department of Environmental Management** form. This form (commonly referred to as the Alabama Joint Application Form) can be accessed at USACE, Mobile District, Regulatory Division's website at:

www.sam.usace.army.mil/Missions/Regulatory.aspx

or

www.adem.alabama.gov/DeptForms/Form166.pdf

The following information is required for a complete PCN and verification of coverage under the Alabama General Permits:

- A. An Alabama Joint Application form with all applicable portions completed, and signed by the applicant (must be an original signature and not a copy)
- B. Applicant name, address, telephone number, and email address (if available)
- C. If an agent is used, all agent contact information and applicant's original signature authorizing the agent
- D. Exact location information for proposed project, including street address, latitude and longitude (in "Decimal Degree" format), and parcel number of property
- E. Full project description, including all proposed dimensions of structures and/or activity
- F. (Optional) Photographs (or description of existing conditions) of project area if possible
- G. Purpose and need for project
- H. Vicinity map on full 8.5"x 11" sheet (NOTE: The map should reproduce clearly on a black and white copier)
- I. Overall plan view drawing of entire property and proposed project on 8.5"x 11" sheet (NOTE: All drawings should be in black and white, should be drawn with a straight edge or ruler, and should reproduce clearly on a black and white copier)
- J. Cross-section or profile view drawing of proposed structure, or areas of dredge/fill, on 8.5"x 11" sheet (NOTE: All drawings should be in black and white, should be drawn with a straight edge or ruler, and should reproduce clearly on a black and white copier)
- K. Names and addresses of adjoining property owners
- L. If Applicable: A delineation of any wetlands (including any emergent marsh and fringe wetlands), submerged aquatic vegetation (SAV) / submersed grassbeds that are present on the project parcel and/or adjacent riparian area
- M. A copy of every application must be sent to the ADEM: Applications located in Baldwin, Mobile, and Washington Counties should be sent to: ADEM, Mobile Branch / Coastal Section, 3664 Dauphin Street, Suite B, Mobile, AL 36608; Applications from all other counties should be sent to: ADEM, Office of Field Services, P.O. Box 301463, Montgomery, AL 36130

For additional information or assistance with the PCN, you may contact personnel with the U.S. Army Corps of Engineers, Mobile District, Regulatory Division at (251) 690-2658.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT:

The Mobile District is requesting that the Alabama Department of Environmental Management (ADEM) issue Water Quality Certification (WQC) for these regional general permits, in accordance with Section 401(a)(1) of the Clean Water Act (CWA).

The Mobile District is also requesting that ADEM issue Alabama Coastal Zone Management (CZM) Program consistency for these regional general permits in accordance with the ADEM Administrative Code R.335-8.

CULTURAL RESOURCES:**STATE HISTORIC PRESERVATION OFFICER (SHPO):**

The Mobile District has determined that work proposed under these general permits will have no effect on properties listed in or eligible for the National Register of Historic Places (NRHP), provided that: 1) The NRHP is consulted for all projects covered under all these general permits; and 2) The NRHP and the Alabama Archeological Site Files are consulted for all projects which include substantial ground or waterbottom disturbance in previously undisturbed areas. These two levels of review will constitute the full extent of cultural resources investigations unless a site is identified which may be affected by authorized work, or information is developed that adequately documents that a potential exists for significant sites or properties within the area. Please note General Condition GC-7, which pertains to cultural resource issues. Copies of this notice have been sent to the Office of the State Historic Preservation Officer (SHPO) and the U.S. Department of the Interior, National Park Service; Division of Archeological Services.

TRIBAL HISTORIC PRESERVATION OFFICERS (THPO):

Preliminary review of these general permits indicates that work proposed under these general permits will have no effect on any cultural or tribal resources, provided that: 1) The NRHP is consulted for all projects covered under all these general permits; and 2) The NRHP and the Alabama Archeological Site Files are consulted for all projects which include substantial ground or waterbottom disturbance in previously undisturbed areas. These two levels of review will constitute the full extent of cultural and tribal resources investigations unless a site is identified which may be affected by authorized work, or information is developed that adequately documents that a potential exists for significant sites or properties within the area. Please note General Condition GC-7, which pertains to cultural and tribal resource issues. Copies of this notice have been sent to all federally recognized tribes with known interests within the Mobile District's regulatory boundaries.

THREATENED AND ENDANGERED SPECIES:

No activity shall be authorized by these regional general permits which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species, 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. Preliminary review of these regional general permits indicates that the proposed activities will not adversely affect listed endangered or threatened species, or their critical habitat. However the potential exists that a given proposal will impact a listed species. Each PCN will be reviewed with this in mind; and no activity which "may affect" a listed species or critical habitat will be verified for coverage under these regional general permits unless Section 7 consultation addressing the effects of the proposed activity has been completed. Please note *General Condition GC-6*.

**ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES –
STATE LANDS DIVISION:**

Public Trust Land, i.e., submerged property below mean high tide and the bottoms of navigable rivers and creeks are the property of the State of Alabama and managed by the State Lands Division of the Alabama Department of Conservation and Natural Resources (ADCNR) for the proprietary interest of the citizens of Alabama. Any activities adjacent to these properties require review of the proposed activities and may require a separate permit and/or lease from the State Lands Division. Notification to the ADCNR State Lands Division is made by the applicant forwarding a completed copy of the Alabama Joint Permit Application to the ADCNR State Lands Division. For applicants in Baldwin and Mobile Counties, applications should be sent to: ADCNR State Lands Division, Coastal Section, 31115 Five Rivers Boulevard, Spanish Fort, Alabama 36527 (Telephone number (251) 621-1238); and for applicants in all other counties, applications should be sent to: ADCNR State Lands Division, Montgomery, 64 North Union Street, Montgomery, Alabama 36130. The State Lands Division will then notify the applicant if the activity requires a separate permit and/or lease from the ADCNR, or if additional information is required by the State Lands Division to complete their review.

For all activities impacting public submerged lands, the following information is required by the ADCNR State Lands Division:

- (1) **Ownership**: Permit applicants must provide evidence of riparian ownership with an affirmation of accuracy as part of their application package to the ADCNR.
- (2) **Lateral Riparian Lines**: The burden of locating riparian lines is the responsibility of the riparian owner.
- (3) **Riparian Rights Area**: All structures and other activities must be within the riparian rights area of the applicant and must be designed in a manner that will not restrict or otherwise infringe upon the riparian right of adjacent upland riparian owners. Configuration, location or design of the structure may neither physically preclude nor have the effect of precluding public access to public waters adjacent to the upland. The ADCNR recommends that the structure be centered on the applicant's property.

DEPARTMENT OF THE ARMY, MOBILE DISTRICT - FURTHER INFORMATION:**a. Limits of Authorization:**

- (1) These permits do not obviate the need to obtain other federal, state, or local authorizations required by law.
- (2) These permits do not grant any property rights or exclusive privileges.
- (3) These permits do not authorize any injury to the property or rights of others.
- (4) These permits do not authorize interference with any existing or proposed federal project.

b. Limits of Liability: In issuing these authorizations, neither the Federal Government, the State of Alabama, nor any designated resource agency; their staff or employees, assume any liability.**c. Reliance on Applicant's Data:** In part, each individual determination by the Mobile District that verification of permit authorization is not contrary to the public interest is made with reliance on the information provided by the applicant.**d. Re-evaluation of Permit Decision:** The Mobile District may re-evaluate any permit verification decision at any time the circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to, the following:

- (1) You fail to comply with the terms and conditions of your verification letter or the permit.
 - (2) The information provided by you in support of your PCN proves to have been false, incomplete, or inaccurate (See c. above.)
 - (3) Significant new information surfaces which we did not consider in reaching the original public interest decision. Such a re-evaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your verification letter and permit, and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by us and if you fail to comply with such directives, we may, in certain situations (such as those specified in 33 CFR 209.170), accomplish the corrective measures by contract or otherwise, and bill you for the cost.
- e. **Expiration or Suspension of this Regional General Permit Program:** These regional general permits will be valid for a five-year period or until suspended, or revoked. They may be suspended or revoked, in whole or in part, if it is determined that the cumulative effects of any activities pursuant to them adversely affect water quality, navigation, or other public interest factors. Such suspension shall be effective upon issuance of a public notice which shall indicate a date periodically to determine if continuation of these permits is in the overall public interest.
- These regional general permits will be re-advertised via public notice every five years as part of a public interest review. The Mobile District will periodically review each of the permits within the Alabama General Permit program and their conditions and will decide to modify, reissue, or revoke the permits. If a permit is not modified or reissued within five years of its effective date, it automatically expires and becomes null and void. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon an authorized General Permit will remain authorized provided the activity is completed within twelve months of the date of the permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.7. Activities completed under the authorization of these permits which were in effect at the time the activities were completed continue to be authorized by these permits unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.7.
- f. **Time Extensions:** Authorization under these Alabama General Permits is valid until their scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.
- g. Failure to secure verification as specified herein or failure to comply with conditions of any regional general permit or any verification issued for these permits may result in enforcement actions by the Mobile District, Alabama Department of Environmental Management, or the Alabama Department of Conservation and Natural Resources.



DEPARTMENT OF THE ARMY
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DEPARTMENT OF THE ARMY PERMIT

ALGP-01 – EXCAVATED BOAT SLIPS
SAM-2016-00232-SBC

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

This permit authorizes the excavation or dredging of material from riparian areas for the purpose of construction or modification of boat slips and boat berths. This permit also authorizes the stabilization of shoreline areas within the excavated boat slips, using sheet pile or other approved stabilization material.

PERMIT AUTHORITY: Section 10 and Section 404

SPECIAL CONDITIONS:

- SP-1 Dredge volume cannot exceed 500 cubic yards of material from below the plane of mean high tide (MHT) or ordinary high water (OHW). All dredging waterward of the MHT line or the OHW mark to reach the controlling navigational depth of the receiving waters may be authorized under ALGP-03 -- New Work Channel Dredging or ALGP-02 -- Maintenance Dredging. If an existing slip is being modified (enlarged) the total volume dredged originally, plus that being proposed to be dredged, cannot exceed 500 cubic yards of material below MHT or OHW.
- SP-2 A limit of three (3) residential-use boat berthing areas per project site are authorized under this permit.
- SP-3 This permit does not authorize bank and/or shoreline stabilization for areas other than the interior of the boat slip.
- SP-4 For an excavated boat slip which will have no man-made shoreline protection (such as a bulkhead, riprap, etc.), a 10-foot-wide buffer shall be maintained between the proposed work and any wetlands located inland of the MHT line or OHW mark. A 3:1 (horizontal : vertical) or flatter side slope shall be maintained for any excavated slopes which feature no shoreline protection.
- SP-5 This permit does not authorize dredging, or disposal of dredged material, in submerged aquatic vegetation (SAV), submersed grassbeds, or natural shellfish beds.
- SP-6 This permit does not authorize excavation or dredging in wetlands.
- SP-7 When SAV, submersed grassbeds, wetlands, or natural shellfish beds are present near any proposed project, those resources must be surveyed and clearly marked with small diameter PVC pipe (or other pre-approved marking techniques) by the applicant or a representative prior to permit authorization. Marked boundaries must include a 10-foot buffer, and shall remain in place until all excavation or dredging activities are completed.

- SP-8 A minimum 10-foot buffer shall be maintained between the excavated boat slip and any SAV, submersed grassbeds, natural shellfish beds, or any wetlands located waterward of the MHT line or OHW mark. A 3:1 (horizontal : vertical) or flatter slope shall also be maintained between any dredged/excavated areas and any SAV, submersed grassbeds, natural shellfish beds, or any wetlands located waterward of the MHT line or OHW mark.
- SP-9 Dredged or excavated materials shall not be placed in adjacent waters or wetlands unless specifically authorized. The dredged/excavated material shall be deposited in an approved upland area and properly contained to prevent reentering the waterway or adjacent wetlands. Applications must include adequate plans for containment of spoil material.

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program will not be issued for your project if you have been found by this office to be in noncompliance with any prior U.S. Army Corps of Engineers permit, or have been cited for unauthorized work, until the noncompliance or violation has been resolved.
- GC-2 If future operations by the United States require the removal, relocation, or other alteration, of the structure or work authorized by this permit, 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 U.S. Army 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.
- GC-3 Verifications will not be issued for structures and activities that are found to be hazardous to navigation, or may produce adverse effects on the chemical, physical, or biological integrity of water bodies.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, State or Federal authority.
- GC-6 Activities which will adversely impact threatened or endangered species, or their critical habitat are not authorized by this permit.
- GC-7 Activities which will impact, affect, or otherwise degrade cultural resources such as archaeological, scientific, prehistoric, or historic sites or data are not authorized by this permit. In cases where the Mobile District determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, verification of permit authorization for the activity will not be issued until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. If any previously unknown historic or archeological remains are discovered while accomplishing an authorized activity, all work in the area of discovery must cease, and the Mobile District must be immediately notified of what has been found. The Mobile District will initiate the federal, state, and tribal coordination required to determine if the site warrants recovery efforts or if it is eligible for listing in the National Register of Historic Places.

- GC-8 Verification of permit authorization will not be issued for activities located within state or National Wild and Scenic streams, rivers, or components thereof, or other areas provided special protection unless the administering agency concurs.
- GC-9 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-10 If an activity is verified for permit authorization, a “Notice of Authorization” card will be provided to the permittee along with a verification of permit authorization letter. The card must be posted at the site during construction of the permitted activity.
- GC-11 It is the permittee’s responsibility to ensure that all contractors working on the permitted project are aware of all general and special conditions of the permit and the verification letter.
- GC-12 Activities completed under the authorization of this permit which was in effect at the time the activity was completed continue to be authorized by this permit unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the permit authorization in accordance with 33 CFR 325.7.
- GC-13 The authorized activity must be maintained in good condition and in conformance with the terms and conditions of the permit and verification letter. You are not relieved of this requirement if you abandon the authorized activity.
- GC-14 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-15 You must allow federal and state resource agency representatives to inspect the proposed and/or verified activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your authorization.
- GC-16 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - COASTAL ZONE
MANAGEMENT CERTIFICATION CONDITIONS:**

To ensure that activities that are authorized by this regional general permit and conducted within the Coastal Zone Management Area of Alabama are consistent with the Alabama Coastal Area Management Program, the Mobile District has requested the Alabama Department of Environmental Management (ADEM) to review this proposed permit and provide a Coastal Zone Consistency determination. The ADEM has performed an initial review and has proposed that the following conditions apply to this permit within the Alabama Coastal Zone Management Area:

- CZM-1 This permit shall not authorize activities in areas fronting the waters of the Gulf of Mexico, Pelican Bay, Weeks Bay, or the man-made canals on Ono Island.

- CZM-2 The excavation of new boat slips may only be authorized in areas where it is demonstrated that the construction of a pier and dock will obstruct navigation.
- CZM-3 Unless this condition is waived by the ADEM, the depth of the boat slip shall be no greater than the controlling navigational depth of the receiving waters, the length may not exceed 50 feet, and the length may not exceed twice the width (i.e., a 50-foot-long boat slip must have a minimum width of 25 feet). Length is defined as the measurement perpendicular to the bank or shoreline.
- CZM-4 It is the responsibility of the permittee to comply with Water Quality conditions listed below, as well as all other conditions of this Regional General Permit Program.
- CZM-5 This permit does not authorize ancillary structures which would have the effect of interfering with natural sediment transport along the shoreline or bank (i.e. wingwalls, groins, jetties, or other solid structures roughly perpendicular to the shore or bank).
- CZM-6 A copy of the permit verification letter and corresponding PCN for project located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.
- CZM-7 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee's individual authorization under this permit.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WATER QUALITY CERTIFICATION CONDITIONS:

To ensure that activities located within the State of Alabama which are authorized by this permit will have minimal impacts to water quality, the Mobile District has requested the ADEM to review this proposed permit and issue a Water Quality Certification in accordance with Section 401(a)(1) of the Clean Water Act. Based on their initial review, the ADEM has proposed the following statewide conditions for all of the Alabama General Permits:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 Please be advised that ADEM permit coverage may be required prior to commencing and/or continuing certain activities/operations relating to or resulting from the project. If you have any questions regarding ADEM regulated activity, or the need for NPDES permit coverage, please contact the ADEM's Water Division at (334) 271-7823. If you have any questions regarding ADEM regulated activity or the need for air permit coverage, please contact the ADEM's Air Division at (334) 271-7869. If you have any questions regarding ADEM regulated activity or the need for hazardous, toxic, and/or solid waste permit coverage, please contact the ADEM's Land Division at (334) 271-7730.
- WQ-3 Upon the loss or failure of any treatment facility, best management practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification,

suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.

- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide the ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall prepare a detailed Best Management Practice (BMP) Plan. Effective BMPs shall be implemented and continually maintained for the prevention and control of sediment and other sources of pollutants, including measures to ensure permanent revegetation or cover of all of disturbed areas, during and after project completion.
- WQ-6 The applicant shall implement a Spill Prevention Control and Countermeasures (SPCC) Plan for all temporary or permanent onsite fuel or chemical storage tanks or facilities consistent with the requirements of ADEM Admin. Code R. 335-6-6-.12(r), Section 311 of the Federal Water Pollution Control Act, and 40 CFR Part 112. The applicant shall maintain onsite or have readily available sufficient oil and grease absorbing material and floatation booms to contain and clean-up fuel or chemical spills and leaks. The applicant shall immediately notify the ADEM after becoming aware of significant visible oil sheen in the vicinity of the proposed activity. In the event of a spill with the potential to impact groundwater or other waters of the State, the applicant should immediately call the National Response Center at 1-800-424-8802 and the Alabama Emergency Management Agency at 1-800-843-0699. The caller should be prepared to report name, address and telephone number of person reporting spill, the exact location of the spill, the cause of the spill, the nearest downstream water with the potential to receive the spill, and the actions taken for containment and cleanup.
- WQ-7 The applicant shall conduct or have conducted, at a minimum, weekly comprehensive site inspections until completion of the proposed activity to ensure that effective Best Management Practices (BMPs) are properly designed, implemented, and regularly maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 303(d) list, a total maximum daily load (TMDL) has been finalized for the waterbody, and/or the waterbody is otherwise considered a Tier 1 water pursuant to ADEM Admin. Code Ch. 335-6-10]. The applicant shall inspect all BMPs as often as necessary (daily if needed) for effectiveness, need for maintenance, and the need to implement additional, effective BMPs. Additional effective BMPs shall immediately be implemented as needed to ensure full compliance with the ADEM requirements and the protection of water quality in the impaired waterbody.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collections and control of onsite worker toilet wastes or gray waters (i.e. port-o-let,

shower wash-down, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.

- WQ-10 All materials used as fill, or materials used for construction of structures in a waterbody, must be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris.
- WQ-11 The applicant shall implement appropriate measures to minimize the potential for a decrease in in-stream dissolved oxygen concentrations as a result of project implementation. In addition, the applicant shall ensure that the activities authorized by this certification do not significantly contribute to or cause a violation of applicable water quality standards for in-stream dissolved oxygen.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES - STATE LANDS DIVISION:

The ADCNR State Lands Division has the following requirements for certain activities located on water bottoms owned by the State of Alabama:

- A minimum distance of 10 feet shall be maintained between an authorized structure and the adjacent upland property lines and adjacent riparian lines. Contact the ADCNR State Lands Division for guidance regarding the location of the riparian area boundaries.
- The ADCNR State Lands Division may require a separate permit and fee for removal of dredged material from water bottoms owned by the State of Alabama. The ADCNR State Lands Division will determine if the dredged material consists primarily of sands, specifically beach quality sands and, if so, whether the dredged material can be used as fill.

Project coordination with the ADCNR State Lands Division is the permittee's responsibility.

**MOBILE DISTRICT
U. S. ARMY CORPS OF ENGINEERS**



**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001**

DEPARTMENT OF THE ARMY PERMIT

**ALGP-02 – MAINTENANCE DREDGING
SAM-2016-00234-SBC**

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

This permit authorizes maintenance dredging of previously authorized and dredged areas for the purpose of navigation.

PERMIT AUTHORITY: Section 10

SPECIAL CONDITIONS:

- SP-1 The maintenance dredging must be associated with navigation and must be located either within an existing boat slip and/or existing navigation channel.
- SP-2 The maintenance dredging must be a single and complete project, and shall be limited to the removal of no more than 500 cubic yards of material.
- SP-3 The maintenance dredging is limited to previously dredged and/or authorized dimensions.
- SP-4 The depth of the maintenance dredging must not exceed the controlling navigational depth of the adjacent waters.
- SP-5 Pre-dredging and post-dredging hydrographic surveys and/or surveys for submerged aquatic vegetation (SAV), submersed grassbeds or natural shellfish beds may be required if deemed necessary by the Mobile District.
- SP-6 This permit does not authorize dredging or the placement of dredge spoil material in wetlands, areas with SAV, submersed grassbeds, or natural shellfish beds. This condition may be waived by the Mobile District for dredging of invasive or noxious vegetation in man-made waterbodies.
- SP-7 When SAV, submersed grassbeds, wetlands, or natural shellfish beds are present near any proposed project, those resources must be surveyed and clearly marked with small diameter PVC pipe (or other pre-approved marking techniques) by the applicant or a representative prior to permit authorization. Marked boundaries must include a 10-foot buffer, and shall remain in place until all dredging activities are completed.
- SP-8 A 10-foot buffer must be maintained between the limits of dredging and any wetlands, SAV, submersed grassbeds or natural shellfish beds; and a 3:1 (horizontal : vertical) or flatter side slope must be maintained for all dredged slopes located adjacent to these areas. This condition may be waived by the Mobile District for projects where man-made shoreline protection such as bulkheads or riprap is located between the dredging activity and in-shore wetlands.

- SP-9 This permit does not authorize dredging for the purpose of obtaining fill material; however, use of dredged material as fill is not prohibited if specifically authorized by a separate Department of the Army permit.
- SP-10 The dredged material shall be placed in an approved upland area and properly contained to prevent any material re-entering the waterway or entering any other waters of the United States, including wetlands (treated return water discharging from approved upland treatment areas is authorized under Nationwide Permit 16 - Return Water from Upland Contained Disposal Areas). Alternatively, dredged material may be placed in an area specifically authorized by a separate Department of the Army permit.
- SP-11 For activities that include mechanical dredging methods, the applicant must submit spoil disposal design plans that will adequately contain and treat the dredged spoil material.
- SP-12 For activities that include hydraulic dredging methods, the applicant must submit spoil disposal design plans that will adequately contain the large volumes of water produced by this type of method, and will adequately de-water and treat the dredged spoil material.
- SP-13 Dredge spoil containment areas must be designed such that return water discharge will not erode down-gradient soils and cause deposition of sediment into waters of the United States, including wetlands. Applications for projects with spoil containment areas must include design plans which adequately demonstrate that return water discharge will be treated to dissipate discharge energy and protect areas receiving the discharges.

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program will not be issued for your project if you have been found by this office to be in noncompliance with any prior U.S. Army Corps of Engineers permit, or have been cited for unauthorized work, until the noncompliance or violation has been resolved.
- GC-2 If future operations by the United States require the removal, relocation, or other alteration, of the structure or work authorized by this permit, 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 U.S. Army 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.
- GC-3 Verifications will not be issued for structures and activities that are found to be hazardous to navigation, or may produce adverse effects on the chemical, physical, or biological integrity of water bodies.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, State or Federal authority.

- GC-6 Activities which will adversely impact threatened or endangered species, or their critical habitat are not authorized by this permit.
- GC-7 Activities which will impact, affect, or otherwise degrade cultural resources such as archaeological, scientific, prehistoric, or historic sites or data are not authorized by this permit. In cases where the Mobile District determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, verification of permit authorization for the activity will not be issued until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. If any previously unknown historic or archeological remains are discovered while accomplishing an authorized activity, all work in the area of discovery must cease, and the Mobile District must be immediately notified of what has been found. The Mobile District will initiate the federal, state, and tribal coordination required to determine if the site warrants recovery efforts or if it is eligible for listing in the National Register of Historic Places.
- GC-8 Verification of permit authorization will not be issued for activities located within state or National Wild and Scenic streams, rivers, or components thereof, or other areas provided special protection unless the administering agency concurs.
- GC-9 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-10 If an activity is verified for permit authorization, a “Notice of Authorization” card will be provided to the permittee along with a verification of permit authorization letter. The card must be posted at the site during construction of the permitted activity.
- GC-11 It is the permittee’s responsibility to ensure that all contractors working on the permitted project are aware of all general and special conditions of the permit and the verification letter.
- GC-12 Activities completed under the authorization of this permit which was in effect at the time the activity was completed continue to be authorized by this permit unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the permit authorization in accordance with 33 CFR 325.7.
- GC-13 The authorized activity must be maintained in good condition and in conformance with the terms and conditions of the permit and verification letter. You are not relieved of this requirement if you abandon the authorized activity.
- GC-14 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-15 You must allow federal and state resource agency representatives to inspect the proposed and/or verified activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your authorization.
- GC-16 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - COASTAL ZONE
MANAGEMENT CERTIFICATION CONDITIONS:**

To ensure that activities that are authorized by this regional general permit and conducted within the Coastal Zone Management Area of Alabama are consistent with the Alabama Coastal Area Management Program, the Mobile District has requested the Alabama Department of Environmental Management (ADEM) to review this proposed permit and provide a Coastal Zone Consistency determination. The ADEM has performed an initial review and has proposed that the following conditions apply to this permit within the Alabama Coastal Zone Management Area:

- CZM-1 This permit does not authorize dredging within Weeks Bay.
- CZM-2 It is the responsibility of the permittee to comply with Water Quality conditions listed below, as well as all other conditions of this Regional General Permit Program.
- CZM-3 A copy of the permit verification letter and corresponding PCN for project located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.
- CZM-4 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee's individual authorization under this permit.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WATER QUALITY
CERTIFICATION CONDITIONS:**

To ensure that activities located within the State of Alabama which are authorized by this permit will have minimal impacts to water quality, the Mobile District has requested the ADEM to review this proposed permit and issue a Water Quality Certification in accordance with Section 401(a)(1) of the Clean Water Act. Based on their initial review, the ADEM has proposed the following statewide conditions for all of the Alabama General Permits:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 Please be advised that ADEM permit coverage may be required prior to commencing and/or continuing certain activities/operations relating to or resulting from the project. If you have any questions regarding ADEM regulated activity, or the need for NPDES permit coverage, please contact the ADEM's Water Division at (334) 271-7823. If you have any questions regarding ADEM regulated activity or the need for air permit coverage, please contact the ADEM's Air Division at (334) 271-7869. If you have any questions regarding ADEM regulated activity or the need for hazardous, toxic, and/or solid waste permit coverage, please contact the ADEM's Land Division at (334) 271-7730.
- WQ-3 Upon the loss or failure of any treatment facility, best management practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would

have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.

- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide the ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall prepare a detailed Best Management Practice (BMP) Plan. Effective BMPs shall be implemented and continually maintained for the prevention and control of sediment and other sources of pollutants, including measures to ensure permanent revegetation or cover of all of disturbed areas, during and after project completion.
- WQ-6 The applicant shall implement a Spill Prevention Control and Countermeasures (SPCC) Plan for all temporary or permanent onsite fuel or chemical storage tanks or facilities consistent with the requirements of ADEM Admin. Code R. 335-6-6-.12(r), Section 311 of the Federal Water Pollution Control Act, and 40 CFR Part 112. The applicant shall maintain onsite or have readily available sufficient oil and grease absorbing material and floatation booms to contain and clean-up fuel or chemical spills and leaks. The applicant shall immediately notify the ADEM after becoming aware of significant visible oil sheen in the vicinity of the proposed activity. In the event of a spill with the potential to impact groundwater or other waters of the State, the applicant should immediately call the National Response Center at 1-800-424-8802 and the Alabama Emergency Management Agency at 1-800-843-0699. The caller should be prepared to report name, address and telephone number of person reporting spill, the exact location of the spill, the cause of the spill, the nearest downstream water with the potential to receive the spill, and the actions taken for containment and cleanup.
- WQ-7 The applicant shall conduct or have conducted, at a minimum, weekly comprehensive site inspections until completion of the proposed activity to ensure that effective Best Management Practices (BMPs) are properly designed, implemented, and regularly maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 303(d) list, a total maximum daily load (TMDL) has been finalized for the waterbody, and/or the waterbody is otherwise considered a Tier 1 water pursuant to ADEM Admin. Code Ch. 335-6-10]. The applicant shall inspect all BMPs as often as necessary (daily if needed) for effectiveness, need for maintenance, and the need to implement additional, effective BMPs. Additional effective BMPs shall immediately be implemented as needed to ensure full compliance with the ADEM requirements and the protection of water quality in the impaired waterbody.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collections and control of onsite worker toilet wastes or gray waters (i.e. port-o-let, shower wash-down, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an

approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.

WQ-10 All materials used as fill, or materials used for construction of structures in a waterbody, must be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris.

WQ-11 The applicant shall implement appropriate measures to minimize the potential for a decrease in in-stream dissolved oxygen concentrations as a result of project implementation. In addition, the applicant shall ensure that the activities authorized by this certification do not significantly contribute to or cause a violation of applicable water quality standards for in-stream dissolved oxygen.

WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES - STATE LANDS DIVISION:

The ADCNR State Lands Division has the following requirements for certain activities located on water bottoms owned by the State of Alabama:

- A minimum distance of 10 feet shall be maintained between an authorized structure or activity and the adjacent upland property lines and adjacent riparian lines. Contact the ADCNR-State Lands Division for guidance regarding the location of the riparian area boundaries.
- The ADCNR State Lands Division may require a separate permit and fee for removal of dredged material from State water bottoms. The ADCNR State Lands Division will determine if the dredged material consists primarily of sands, specifically beach quality sands and, if so, whether the dredged material can be used as fill.

Project coordination with the ADCNR State Lands Division is the permittee's responsibility.

**MOBILE DISTRICT
U. S. ARMY CORPS OF ENGINEERS**



**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001**

DEPARTMENT OF THE ARMY PERMIT

**ALGP-03 – NEW WORK CHANNEL DREDGING
SAM-2016-00235-SBC**

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

This permit authorizes dredging of new open water channels for the purpose of navigation.

PERMIT AUTHORITY: Section 10

SPECIAL CONDITIONS:

- SP-1 The dredging must be associated with navigation; must be located in an existing open water area; and the activity must result in an open water navigable channel.
- SP-2 The dredging must be a single and complete project, and shall be limited to the removal of no more than 1,000 cubic yards of material.
- SP-3 The depth of the dredging must not exceed the controlling navigational depth of the adjacent waters.
- SP-4 Pre-dredging and post-dredging hydrographic surveys and/or surveys for submerged aquatic vegetation (SAV), submersed grassbeds or natural shellfish beds may be required if deemed necessary by the Mobile District.
- SP-5 The dredged area must not interfere with the lateral movement of sediments such that shorelines located adjacent to the project are negatively impacted (i.e. sediment starved). The applicant may be required to submit a study by a qualified professional engineer which demonstrates that construction of the new channel will not cause adjacent shorelines to erode by intercepting and/or interrupting the natural migration of sediment along the shoreline.
- SP-6 This permit does not authorize dredging or the placement of dredge spoil material in wetlands, areas with SAV, submersed grassbeds, or natural shellfish beds. This condition may be waived by the Mobile District for dredging of invasive or noxious vegetation in man-made waterbodies.
- SP-7 When SAV, submersed grassbeds, wetlands, or natural shellfish beds are present near any proposed project, those resources must be surveyed and clearly marked with small diameter PVC pipe (or other pre-approved marking techniques) by the applicant or a representative prior to permit authorization. Marked boundaries must include a 10-foot buffer, and shall remain in place until all dredging activities are completed.
- SP-8 A 10-foot buffer must be maintained between the limits of dredging and any wetlands, SAV, submersed grassbeds or natural shellfish beds; and a 3:1 (horizontal : vertical) or flatter side slope

- must be maintained for all dredged slopes located adjacent to these areas. This condition may be waived by the Mobile District for projects where man-made shoreline protection such as bulkheads or riprap is located between the dredging activity and in-shore wetlands.
- SP-9 Dredging for the purpose of obtaining fill material is not authorized by this permit; however, use of dredged material as fill is not prohibited if specifically authorized by a separate Department of the Army permit.
- SP-10 The dredged material shall be placed in an approved upland area and properly contained to prevent any material re-entering the waterway or entering any other waters of the United States, including wetlands (treated return water discharging from approved upland treatment areas is authorized under Nationwide Permit 16 - Return Water from Upland Contained Disposal Areas). Alternatively, dredged material may be placed in an area specifically authorized by a separate Department of the Army permit.
- SP-11 For activities that include mechanical dredging methods, the applicant must submit spoil disposal design plans that will adequately contain and treat the dredged spoil material.
- SP-12 For activities that include hydraulic dredging methods, the applicant must submit spoil disposal design plans that will adequately contain the large volumes of water produced by this type of method, and will adequately de-water and treat the dredged spoil material.
- SP-13 Dredge spoil containment areas must be designed such that return water discharge will not erode down-gradient soils and cause deposition of sediment into waters of the United States, including wetlands. Applications for projects with spoil containment areas must include design plans which adequately demonstrate that return water discharge will be treated to dissipate discharge energy and protect areas receiving the discharges.

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program will not be issued for your project if you have been found by this office to be in noncompliance with any prior U.S. Army Corps of Engineers permit, or have been cited for unauthorized work, until the noncompliance or violation has been resolved.
- GC-2 If future operations by the United States require the removal, relocation, or other alteration, of the structure or work authorized by this permit, 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 U.S. Army 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.
- GC-3 Verifications will not be issued for structures and activities that are found to be hazardous to navigation, or may produce adverse effects on the chemical, physical, or biological integrity of water bodies.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.

- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, State or Federal authority.
- GC-6 Activities which will adversely impact threatened or endangered species, or their critical habitat are not authorized by this permit.
- GC-7 Activities which will impact, affect, or otherwise degrade cultural resources such as archaeological, scientific, prehistoric, or historic sites or data are not authorized by this permit. In cases where the Mobile District determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, verification of permit authorization for the activity will not be issued until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. If any previously unknown historic or archeological remains are discovered while accomplishing an authorized activity, all work in the area of discovery must cease, and the Mobile District must be immediately notified of what has been found. The Mobile District will initiate the federal, state, and tribal coordination required to determine if the site warrants recovery efforts or if it is eligible for listing in the National Register of Historic Places.
- GC-8 Verification of permit authorization will not be issued for activities located within state or National Wild and Scenic streams, rivers, or components thereof, or other areas provided special protection unless the administering agency concurs.
- GC-9 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-10 If an activity is verified for permit authorization, a “Notice of Authorization” card will be provided to the permittee along with a verification of permit authorization letter. The card must be posted at the site during construction of the permitted activity.
- GC-11 It is the permittee’s responsibility to ensure that all contractors working on the permitted project are aware of all general and special conditions of the permit and the verification letter.
- GC-12 Activities completed under the authorization of this permit which was in effect at the time the activity was completed continue to be authorized by this permit unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the permit authorization in accordance with 33 CFR 325.7.
- GC-13 The authorized activity must be maintained in good condition and in conformance with the terms and conditions of the permit and verification letter. You are not relieved of this requirement if you abandon the authorized activity.
- GC-14 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-15 You must allow federal and state resource agency representatives to inspect the proposed and/or verified activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your authorization.
- GC-16 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before

October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - COASTAL ZONE
MANAGEMENT CERTIFICATION CONDITIONS:**

To ensure that activities that are authorized by this regional general permit and conducted within the Coastal Zone Management Area of Alabama are consistent with the Alabama Coastal Area Management Program, the Mobile District has requested the Alabama Department of Environmental Management (ADEM) to review this proposed permit and provide a Coastal Zone Consistency determination. The ADEM has performed an initial review and has proposed that the following conditions apply to this permit within the Alabama Coastal Zone Management Area:

- CZM-1 This permit shall not authorize dredging within areas fronting the Gulf of Mexico, Pelican Bay, or Weeks Bay.
- CZM-2 In the coastal area, new work channel dredging may not be used in association with the construction of new piers and docks unless it can be demonstrated that a hazard to navigation would be created by extending the pier to navigational depths.
- CZM-3 It is the responsibility of the permittee to comply with Water Quality conditions listed below, as well as all other conditions of this Regional General Permit Program.
- CZM-4 A copy of the permit verification letter and corresponding PCN for project located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.
- CZM-5 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee's individual authorization under this permit.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WATER QUALITY
CERTIFICATION CONDITIONS:**

To ensure that activities located within the State of Alabama which are authorized by this permit will have minimal impacts to water quality, the Mobile District has requested the ADEM to review this proposed permit and issue a Water Quality Certification in accordance with Section 401(a)(1) of the Clean Water Act. Based on their initial review, the ADEM has proposed the following statewide conditions for all of the Alabama General Permits:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 Please be advised that ADEM permit coverage may be required prior to commencing and/or continuing certain activities/operations relating to or resulting from the project. If you have any questions regarding ADEM regulated activity, or the need for NPDES permit coverage, please

contact the ADEM's Water Division at (334) 271-7823. If you have any questions regarding ADEM regulated activity or the need for air permit coverage, please contact the ADEM's Air Division at (334) 271-7869. If you have any questions regarding ADEM regulated activity or the need for hazardous, toxic, and/or solid waste permit coverage, please contact the ADEM's Land Division at (334) 271-7730.

- WQ-3 Upon the loss or failure of any treatment facility, best management practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide the ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall prepare a detailed Best Management Practice (BMP) Plan. Effective BMPs shall be implemented and continually maintained for the prevention and control of sediment and other sources of pollutants, including measures to ensure permanent revegetation or cover of all of disturbed areas, during and after project completion.
- WQ-6 The applicant shall implement a Spill Prevention Control and Countermeasures (SPCC) Plan for all temporary or permanent onsite fuel or chemical storage tanks or facilities consistent with the requirements of ADEM Admin. Code R. 335-6-6-.12(r), Section 311 of the Federal Water Pollution Control Act, and 40 CFR Part 112. The applicant shall maintain onsite or have readily available sufficient oil and grease absorbing material and floatation booms to contain and clean-up fuel or chemical spills and leaks. The applicant shall immediately notify the ADEM after becoming aware of significant visible oil sheen in the vicinity of the proposed activity. In the event of a spill with the potential to impact groundwater or other waters of the State, the applicant should immediately call the National Response Center at 1-800-424-8802 and the Alabama Emergency Management Agency at 1-800-843-0699. The caller should be prepared to report name, address and telephone number of person reporting spill, the exact location of the spill, the cause of the spill, the nearest downstream water with the potential to receive the spill, and the actions taken for containment and cleanup.
- WQ-7 The applicant shall conduct or have conducted, at a minimum, weekly comprehensive site inspections until completion of the proposed activity to ensure that effective Best Management Practices (BMPs) are properly designed, implemented, and regularly maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 303(d) list, a total maximum daily load (TMDL) has been finalized for the waterbody, and/or the waterbody is otherwise considered a Tier 1 water pursuant to ADEM Admin. Code Ch. 335-6-10].

The applicant shall inspect all BMPs as often as necessary (daily if needed) for effectiveness, need for maintenance, and the need to implement additional, effective BMPs. Additional effective BMPs shall immediately be implemented as needed to ensure full compliance with the ADEM requirements and the protection of water quality in the impaired waterbody.

- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collections and control of onsite worker toilet wastes or gray waters (i.e. port-o-let, shower wash-down, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-10 All materials used as fill, or materials used for construction of structures in a waterbody, must be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris.
- WQ-11 The applicant shall implement appropriate measures to minimize the potential for a decrease in in-stream dissolved oxygen concentrations as a result of project implementation. In addition, the applicant shall ensure that the activities authorized by this certification do not significantly contribute to or cause a violation of applicable water quality standards for in-stream dissolved oxygen.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES - STATE LANDS DIVISION:

The ADCNR State Lands Division has the following requirements for certain activities located on water bottoms owned by the State of Alabama:

- A minimum distance of 10 feet shall be maintained between an authorized structure or activity and the adjacent upland property lines and adjacent riparian lines. Contact the ADCNR-State Lands Division for guidance regarding the location of the riparian area boundaries.
- The ADCNR State Lands Division may require a separate permit and fee for removal of dredged material from water bottoms owned by the State of Alabama. The ADCNR State Lands Division will determine if the dredged material consists primarily of sands, specifically beach quality sands and, if so, whether the dredged material can be used as fill.

Project coordination with the ADCNR State Lands Division is the permittee's responsibility.

**MOBILE DISTRICT
U. S. ARMY CORPS OF ENGINEERS**



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

DEPARTMENT OF THE ARMY PERMIT

ALGP-04 – DEBRIS REMOVAL
SAM-2016-00236-SBC

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

This permit authorizes removal of debris from any waterway for the purposes of navigation or drainage. Debris includes, but is not limited to, fallen trees and limbs, appliances, lumber, and metal objects.

PERMIT AUTHORITY: Section 10 and Section 404

SPECIAL CONDITIONS:

- SP-1 Removal of debris must be for navigational or drainage purposes only.
- SP-2 The debris removal work must front the applicant's property unless the removal activity is performed with the written approval of the affected neighboring property owners; or unless the removal activity is performed by a municipal, state, or federal agency.
- SP-3 Trees and other woody vegetation which are still rooted or imbedded in a bank must remain in place or be cut off above ground elevation before removal. Tree and/or other woody vegetation root mass cannot be removed from a bank or stream bed. Trees and/or woody vegetation may be removed provided they are not rooted or have been cut above ground elevation so that the root mass remains intact.
- SP-4 All debris must be properly placed in an approved landfill. Alternative disposal sites for woody debris may be authorized on a case-by-case basis, but only after full coordination with the Mobile District. Any proposed open burning shall be coordinated with the Alabama Department of Environmental Management (ADEM), Air Division. *Please contact the ADEM's Air Division at (334) 271-7700.*
- SP-5 All removal of debris shall be accomplished by use of the shortest access distance through waters of the United States, except in cases where less environmental harm can be demonstrated or health and safety may be compromised.
- SP-6 This permit does not authorize the dredging of gravel, sand, soil, silt, wetlands, natural shellfish beds, submerged aquatic vegetation (SAV), or submersed grassbeds.
- SP-7 This permit does not authorize the removal of hazardous materials or hazardous waste.
- SP-8 This permit does not authorize the dredging of new navigation channels for facilitation of debris removal.

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program will not be issued for your project if you have been found by this office to be in noncompliance with any prior U.S. Army Corps of Engineers permit, or have been cited for unauthorized work, until the noncompliance or violation has been resolved.
- GC-2 If future operations by the United States require the removal, relocation, or other alteration, of the structure or work authorized by this permit, 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 U.S. Army 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.
- GC-3 Verifications will not be issued for structures and activities that are found to be hazardous to navigation, or may produce adverse effects on the chemical, physical, or biological integrity of water bodies.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, State or Federal authority.
- GC-6 Activities which will adversely impact threatened or endangered species, or their critical habitat are not authorized by this permit.
- GC-7 Activities which will impact, affect, or otherwise degrade cultural resources such as archaeological, scientific, prehistoric, or historic sites or data are not authorized by this permit. In cases where the Mobile District determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, verification of permit authorization for the activity will not be issued until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. If any previously unknown historic or archeological remains are discovered while accomplishing an authorized activity, all work in the area of discovery must cease, and the Mobile District must be immediately notified of what has been found. The Mobile District will initiate the federal, state, and tribal coordination required to determine if the site warrants recovery efforts or if it is eligible for listing in the National Register of Historic Places.
- GC-8 Verification of permit authorization will not be issued for activities located within state or National Wild and Scenic streams, rivers, or components thereof, or other areas provided special protection unless the administering agency concurs.
- GC-9 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-10 If an activity is verified for permit authorization, a “Notice of Authorization” card will be provided to the permittee along with a verification of permit authorization letter. The card must be posted at the site during construction of the permitted activity.

- GC-11 It is the permittee's responsibility to ensure that all contractors working on the permitted project are aware of all general and special conditions of the permit and the verification letter.
- GC-12 Activities completed under the authorization of this permit which was in effect at the time the activity was completed continue to be authorized by this permit unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the permit authorization in accordance with 33 CFR 325.7.
- GC-13 The authorized activity must be maintained in good condition and in conformance with the terms and conditions of the permit and verification letter. You are not relieved of this requirement if you abandon the authorized activity.
- GC-14 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-15 You must allow federal and state resource agency representatives to inspect the proposed and/or verified activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your authorization.
- GC-16 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - COASTAL ZONE
MANAGEMENT CERTIFICATION CONDITIONS:**

To ensure that activities that are authorized by this regional general permit and conducted within the Coastal Zone Management Area of Alabama are consistent with the Alabama Coastal Area Management Program, the Mobile District has requested the Alabama Department of Environmental Management (ADEM) to review this proposed permit and provide a Coastal Zone Consistency determination. The ADEM has performed an initial review and has proposed that the following conditions apply to this permit within the Alabama Coastal Zone Management Area:

- CZM-1 It is the responsibility of the permittee to comply with Water Quality conditions listed below, as well as all other conditions of this Regional General Permit Program.
- CZM-2 A copy of the permit verification letter and corresponding PCN for project located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.
- CZM-3 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee's individual authorization under this permit.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WATER QUALITY
CERTIFICATION CONDITIONS:**

To ensure that activities located within the State of Alabama which are authorized by this permit will have minimal impacts to water quality, the Mobile District has requested the ADEM to review this proposed permit and issue a Water Quality Certification in accordance with Section 401(a)(1) of the Clean Water Act. Based on their initial review, the ADEM has proposed the following statewide conditions for all of the Alabama General Permits:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 Please be advised that ADEM permit coverage may be required prior to commencing and/or continuing certain activities/operations relating to or resulting from the project. If you have any questions regarding ADEM regulated activity, or the need for NPDES permit coverage, please contact the ADEM's Water Division at (334) 271-7823. If you have any questions regarding ADEM regulated activity or the need for air permit coverage, please contact the ADEM's Air Division at (334) 271-7869. If you have any questions regarding ADEM regulated activity or the need for hazardous, toxic, and/or solid waste permit coverage, please contact the ADEM's Land Division at (334) 271-7730.
- WQ-3 Upon the loss or failure of any treatment facility, best management practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide the ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall prepare a detailed Best Management Practice (BMP) Plan. Effective BMPs shall be implemented and continually maintained for the prevention and control of sediment and other sources of pollutants, including measures to ensure permanent revegetation or cover of all of disturbed areas, during and after project completion.
- WQ-6 The applicant shall implement a Spill Prevention Control and Countermeasures (SPCC) Plan for all temporary or permanent onsite fuel or chemical storage tanks or facilities consistent with the requirements of ADEM Admin. Code R. 335-6-6-.12(r), Section 311 of the Federal Water Pollution Control Act, and 40 CFR Part 112. The applicant shall maintain onsite or have readily available sufficient oil and grease absorbing material and floatation booms to contain and clean-up fuel or chemical spills and leaks. The applicant shall immediately notify the ADEM after becoming aware of significant visible oil sheen in the vicinity of the proposed activity. In the event of a spill with the potential to impact groundwater or other waters of the State, the applicant should immediately call the National Response Center at 1-800-424-8802 and the Alabama Emergency Management

Agency at 1-800-843-0699. The caller should be prepared to report name, address and telephone number of person reporting spill, the exact location of the spill, the cause of the spill, the nearest downstream water with the potential to receive the spill, and the actions taken for containment and cleanup.

- WQ-7 The applicant shall conduct or have conducted, at a minimum, weekly comprehensive site inspections until completion of the proposed activity to ensure that effective Best Management Practices (BMPs) are properly designed, implemented, and regularly maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 303(d) list, a total maximum daily load (TMDL) has been finalized for the waterbody, and/or the waterbody is otherwise considered a Tier 1 water pursuant to ADEM Admin. Code Ch. 335-6-10]. The applicant shall inspect all BMPs as often as necessary (daily if needed) for effectiveness, need for maintenance, and the need to implement additional, effective BMPs. Additional effective BMPs shall immediately be implemented as needed to ensure full compliance with the ADEM requirements and the protection of water quality in the impaired waterbody.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collections and control of onsite worker toilet wastes or gray waters (i.e. port-o-let, shower wash-down, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-10 All materials used as fill, or materials used for construction of structures in a waterbody, must be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris.
- WQ-11 The applicant shall implement appropriate measures to minimize the potential for a decrease in in-stream dissolved oxygen concentrations as a result of project implementation. In addition, the applicant shall ensure that the activities authorized by this certification do not significantly contribute to or cause a violation of applicable water quality standards for in-stream dissolved oxygen.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.

**ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES - STATE
LANDS DIVISION:**

The ADCNR State Lands Division has submitted no specific requirements for activities authorized by this permit and located on water bottoms owned by the State of Alabama

Project coordination with the ADCNR State Lands Division is the permittee's responsibility.

**MOBILE DISTRICT
U. S. ARMY CORPS OF ENGINEERS**



**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001**

DEPARTMENT OF THE ARMY PERMIT

**ALGP-05 – PIERS, PILE-SUPPORTED STRUCTURES, AND DOLPHINS
SAM-2016-00237-SBC**

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

This permit authorizes the construction or modification of the following structures: piers; wharves; open decks; mooring pilings; dolphins; single-pile structures; and covered, open-sided structures such as boat shelters, gazebos, and covered decks;. This permit also authorizes any normal appurtenances associated with the above structures, such as boat hoists, stairways, and walkways.

PERMIT AUTHORITY: Section 10

SPECIAL CONDITIONS:

- SP-1 This permit authorizes pile-supported or floating structures.
- SP-2 The permit authorizes structures that are of sufficient length to reach navigational depths adequate for the proposed use, to the extent that a hazard to navigation will not be created, as determined by the controlling authority.
- SP-3 A limit of three (3) boat berthing areas per project site are authorized under this permit.
- SP-4 Structures constructed over emergent wetlands, or constructed over areas with submerged aquatic vegetation (SAV) or submersed grassbeds, must be uncovered, constructed no more than five (5) feet wide, and constructed at a height at least equal to the width of the structure. Height will be measured from the ground surface or mud line when over emergent wetlands, and from the plane of mean high tide (MHT) or ordinary high water (OHW) (when waterward of the MHT line or OHW mark), up to the bottom of the decking. This condition may be waived on a case-by-case basis if the applicant can demonstrate construction methods and/or materials that allow for equivalent light penetration to affected wetlands.
- SP-5 The decking of structures constructed over emergent wetlands or submersed grassbeds must feature spaces of at least 0.75 inch width between decking boards. This condition may be waived on a case-by-case basis if the applicant can demonstrate construction methods and/or materials that allow for equivalent light penetration to waters located below the structure.
- SP-6 Boat shelters or any other type of roofed structures shall not be constructed within 10 feet of emergent wetlands, areas with SAV, or submersed grassbeds.
- SP-7 Structures that are designed to moor vessels shall not be constructed in a way where the moored vessel will shade or otherwise cause adverse impacts (such as prop wash, etc.) to emergent wetlands, areas with SAV, or submersed grassbeds.

- SP-8 When installing authorized pilings, emergent wetlands, SAV, and submersed grassbeds shall be avoided where practicable. If these areas cannot be avoided, then pilings must be installed in a manner that will not result in the formation of sedimentary deposits (i.e. “donuts” or “halos”) around the installed pilings. Mechanical driving of the piles is the preferred method, but other methods may be utilized if approved by the Mobile District and specified in the special conditions of the permit verification letter.
- SP-9 This permit does not authorize the operation of heavy equipment (i.e. wheeled or tracked vehicles) in wetlands or other waters of the United States.
- SP-10 This permit does not authorize structures that pose a hazard to navigation.
- SP-11 Structures shall not be constructed within 100 feet of a federally maintained navigation channel. This condition may be waived by the Mobile District where circumstances warrant.
- SP-12 Activities limited to the addition or replacement of a boat hoist on an existing boat shelter or boat slip, and that do not require the installation of pilings or increase the number of boat slips, are authorized by this permit and do not require a pre-construction notification (PCN) prior to commencing the activity. This condition does not apply to work on structures greater than 50 years of age. All other conditions contained in this permit apply to the activity.
- SP-13 Activities limited to the addition of a single-story roof or covering structure on an existing open-deck pier that do not require the installation of pilings are authorized by this permit and do not require a PCN prior to commencing the activity. This condition does not apply to existing decks that are located over, or in close proximity to, emergent wetlands, SAVs, or submersed grassbeds. This condition does not apply to work on structures greater than 50 years of age. All other conditions contained in this permit apply to the activity.

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program will not be issued for your project if you have been found by this office to be in noncompliance with any prior U.S. Army Corps of Engineers permit, or have been cited for unauthorized work, until the noncompliance or violation has been resolved.
- GC-2 If future operations by the United States require the removal, relocation, or other alteration, of the structure or work authorized by this permit, 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 U.S. Army 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.
- GC-3 Verifications will not be issued for structures and activities that are found to be hazardous to navigation, or may produce adverse effects on the chemical, physical, or biological integrity of water bodies.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with

- all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, State or Federal authority.
- GC-6 Activities which will adversely impact threatened or endangered species, or their critical habitat are not authorized by this permit.
- GC-7 Activities which will impact, affect, or otherwise degrade cultural resources such as archaeological, scientific, prehistoric, or historic sites or data are not authorized by this permit. In cases where the Mobile District determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, verification of permit authorization for the activity will not be issued until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. If any previously unknown historic or archeological remains are discovered while accomplishing an authorized activity, all work in the area of discovery must cease, and the Mobile District must be immediately notified of what has been found. The Mobile District will initiate the federal, state, and tribal coordination required to determine if the site warrants recovery efforts or if it is eligible for listing in the National Register of Historic Places.
- GC-8 Verification of permit authorization will not be issued for activities located within state or National Wild and Scenic streams, rivers, or components thereof, or other areas provided special protection unless the administering agency concurs.
- GC-9 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-10 If an activity is verified for permit authorization, a "Notice of Authorization" card will be provided to the permittee along with a verification of permit authorization letter. The card must be posted at the site during construction of the permitted activity.
- GC-11 It is the permittee's responsibility to ensure that all contractors working on the permitted project are aware of all general and special conditions of the permit and the verification letter.
- GC-12 Activities completed under the authorization of this permit which was in effect at the time the activity was completed continue to be authorized by this permit unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the permit authorization in accordance with 33 CFR 325.7.
- GC-13 The authorized activity must be maintained in good condition and in conformance with the terms and conditions of the permit and verification letter. You are not relieved of this requirement if you abandon the authorized activity.
- GC-14 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-15 You must allow federal and state resource agency representatives to inspect the proposed and/or verified activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your authorization.

GC-16 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - COASTAL ZONE
MANAGEMENT CERTIFICATION CONDITIONS:**

To ensure that activities that are authorized by this regional general permit and conducted within the Coastal Zone Management Area of Alabama are consistent with the Alabama Coastal Area Management Program, the Mobile District has requested the Alabama Department of Environmental Management (ADEM) to review this proposed permit and provide a Coastal Zone Consistency determination. The ADEM has performed an initial review and has proposed that the following conditions apply to this permit within the Alabama Coastal Zone Management Area:

- CZM-1 This permit shall not authorize any structures in areas fronting the waters of the Gulf of Mexico, Pelican Bay, or Weeks Bay.
- CZM-2 In areas with natural shellfish beds, the applicant shall coordinate their proposed project with the Alabama Department of Conservation and Natural Resources – Marine Resources Division (ADCNR-MRD) prior to submitting their application to the USACE, Mobile District for project authorization. Contact information for the ADCNR-MRD is as follows: Dauphin Island Office: (251) 861-2882 / Gulf Shores Office: (251) 968-7576. The recommendation of the ADCNR-MRD must be included with the applicant’s Joint Application.
- CZM-3 This permit shall not authorize the following activities: (1) structures for the permanent mooring of houseboats, (2) fueling facilities, (3) toilets or activities that produce “gray water,” (4) habitable structures (defined by the ADEM as “any structure which, by virtue of its design, size or appurtenances, is suitable for occupation as a residence on a temporary or permanent basis, or any similar structure used for commercial purposes”) over navigable waters of the United States, (5) new marinas, or (6) the expansion of an existing marina beyond the existing authorized footprint.
- CZM-4 This permit shall only authorize the emplacement of platforms, decks, “T”s, “L”s, boat berthing areas, gazebos, or other similar structures at the waterward end of any access pier; and shall not authorize those structures over wetlands, SAV, or submersed grassbeds.
- CZM-5 It is the responsibility of the permittee to comply with Water Quality conditions listed below, as well as all other conditions of this Regional General Permit Program.
- CZM-6 A copy of the permit verification letter and corresponding PCN for project located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.
- CZM-7 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee’s individual authorization under this permit.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WATER QUALITY CERTIFICATION CONDITIONS:

To ensure that activities located within the State of Alabama which are authorized by this permit will have minimal impacts to water quality, the Mobile District has requested the ADEM to review this proposed permit and issue a Water Quality Certification in accordance with Section 401(a)(1) of the Clean Water Act. Based on their initial review, the ADEM has proposed the following statewide conditions for all of the Alabama General Permits:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 Please be advised that ADEM permit coverage may be required prior to commencing and/or continuing certain activities/operations relating to or resulting from the project. If you have any questions regarding ADEM regulated activity, or the need for NPDES permit coverage, please contact the ADEM's Water Division at (334) 271-7823. If you have any questions regarding ADEM regulated activity or the need for air permit coverage, please contact the ADEM's Air Division at (334) 271-7869. If you have any questions regarding ADEM regulated activity or the need for hazardous, toxic, and/or solid waste permit coverage, please contact the ADEM's Land Division at (334) 271-7730.
- WQ-3 Upon the loss or failure of any treatment facility, best management practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide the ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall prepare a detailed Best Management Practice (BMP) Plan. Effective BMPs shall be implemented and continually maintained for the prevention and control of sediment and other sources of pollutants, including measures to ensure permanent revegetation or cover of all of disturbed areas, during and after project completion.
- WQ-6 The applicant shall implement a Spill Prevention Control and Countermeasures (SPCC) Plan for all temporary or permanent onsite fuel or chemical storage tanks or facilities consistent with the requirements of ADEM Admin. Code R. 335-6-6-.12(r), Section 311 of the Federal Water Pollution Control Act, and 40 CFR Part 112. The applicant shall maintain onsite or have readily available sufficient oil and grease absorbing material and floatation booms to contain and clean-up fuel or chemical spills and leaks. The applicant shall immediately notify the ADEM after becoming aware of significant visible oil sheen in the vicinity of the proposed activity. In the event of a spill with the potential to impact groundwater or other waters of the State, the applicant should immediately call the National Response Center at 1-800-424-8802 and the Alabama Emergency Management

Agency at 1-800-843-0699. The caller should be prepared to report name, address and telephone number of person reporting spill, the exact location of the spill, the cause of the spill, the nearest downstream water with the potential to receive the spill, and the actions taken for containment and cleanup.

- WQ-7 The applicant shall conduct or have conducted, at a minimum, weekly comprehensive site inspections until completion of the proposed activity to ensure that effective Best Management Practices (BMPs) are properly designed, implemented, and regularly maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 303(d) list, a total maximum daily load (TMDL) has been finalized for the waterbody, and/or the waterbody is otherwise considered a Tier 1 water pursuant to ADEM Admin. Code Ch. 335-6-10]. The applicant shall inspect all BMPs as often as necessary (daily if needed) for effectiveness, need for maintenance, and the need to implement additional, effective BMPs. Additional effective BMPs shall immediately be implemented as needed to ensure full compliance with the ADEM requirements and the protection of water quality in the impaired waterbody.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collections and control of onsite worker toilet wastes or gray waters (i.e. port-o-let, shower wash-down, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-10 All materials used as fill, or materials used for construction of structures in a waterbody, must be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris.
- WQ-11 The applicant shall implement appropriate measures to minimize the potential for a decrease in in-stream dissolved oxygen concentrations as a result of project implementation. In addition, the applicant shall ensure that the activities authorized by this certification do not significantly contribute to or cause a violation of applicable water quality standards for in-stream dissolved oxygen.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES - STATE LANDS DIVISION:

The ADCNR State Lands Division has the following requirements for certain activities located on water bottoms owned by the State of Alabama:

- A minimum distance of 10 feet shall be maintained between an authorized structure and the adjacent upland property lines and adjacent riparian lines. Contact the ADCNR-State Lands Division for guidance regarding the location of the riparian area boundaries.
- All structures may not extend greater than 25-percent of the waterway, must not extend closer than 100 feet to a federally-maintained navigation channel, and may be further restricted by the Alabama Marine Police.
- The ADCNR State Lands Division may require a separate permit, riparian easement, and/or fee for the proposed activity. If the area of the structure exceeds 10 square feet for every linear foot of shoreline or if the permit application is for other than single-family residential use, a riparian easement from the ADCNR, State Lands Division may be required.

Project coordination with the ADCNR State Lands Division is the permittee's responsibility.

**MOBILE DISTRICT
U. S. ARMY CORPS OF ENGINEERS**



**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001**

DEPARTMENT OF THE ARMY PERMIT

**ALGP-07 – BOAT RAMPS AND MARINE WAYS
SAM-2016-00239-SBC**

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

This permit authorizes the construction or modification of boat ramps and marine ways.

PERMIT AUTHORITY: Section 10 and Section 404

SPECIAL CONDITIONS:

- SP-1 This permit authorizes the dredging or filling of up to 250 cubic yards of material below the plane of mean high tide (MHT) or ordinary high water (OHW).
- SP-2 Structures that cause erosion of adjacent banks, or that will interrupt the natural movement of sediment along the shoreline are not authorized by this permit. Should it be determined that the proposed structure has the potential to act as a jetty/groin, the applicant may be required to provide a study by a qualified professional engineer demonstrating that construction of the boat ramp will not interfere with the lateral movement of sediments, and will not contribute to accretion or erosion of nearby shorelines.
- SP-3 The applicant must demonstrate that there is adequate upland parking to support the anticipated use of the boat ramp and/or marine way.
- SP-4 Only suitable material (e.g. free of trash, debris, asphalt, waste, rebar/metal products, organic materials, etc.) may be utilized as fill material for the construction of the boat ramp. This includes the ramp surface and any fill used for site preparation.
- SP-5 Dredged material shall be placed in an approved upland area and properly contained to prevent reentering the waterway or adjacent wetlands. Dredged materials shall not be placed in adjacent waters or wetlands unless the activity is specifically authorized by a separate Department of the Army permit.
- SP-6 This permit does not authorize dredging or filling in wetlands, areas with submerged aquatic vegetation (SAV), submersed grassbeds, or natural shellfish beds.
- SP-7 This permit does not authorize construction of boat ramps and/or marine ways where adverse impacts to SAV, submersed grassbeds, or natural shellfish beds would occur as a result of the structure's construction or normal use.

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program will not be issued for your project if you have been found by this office to be in noncompliance with any prior U.S. Army Corps of Engineers permit, or have been cited for unauthorized work, until the noncompliance or violation has been resolved.
- GC-2 If future operations by the United States require the removal, relocation, or other alteration, of the structure or work authorized by this permit, 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 U.S. Army 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.
- GC-3 Verifications will not be issued for structures and activities that are found to be hazardous to navigation, or may produce adverse effects on the chemical, physical, or biological integrity of water bodies.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, State or Federal authority.
- GC-6 Activities which will adversely impact threatened or endangered species, or their critical habitat are not authorized by this permit.
- GC-7 Activities which will impact, affect, or otherwise degrade cultural resources such as archaeological, scientific, prehistoric, or historic sites or data are not authorized by this permit. In cases where the Mobile District determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, verification of permit authorization for the activity will not be issued until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. If any previously unknown historic or archeological remains are discovered while accomplishing an authorized activity, all work in the area of discovery must cease, and the Mobile District must be immediately notified of what has been found. The Mobile District will initiate the federal, state, and tribal coordination required to determine if the site warrants recovery efforts or if it is eligible for listing in the National Register of Historic Places.
- GC-8 Verification of permit authorization will not be issued for activities located within state or National Wild and Scenic streams, rivers, or components thereof, or other areas provided special protection unless the administering agency concurs.
- GC-9 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-10 If an activity is verified for permit authorization, a “Notice of Authorization” card will be provided to the permittee along with a verification of permit authorization letter. The card must be posted at the site during construction of the permitted activity.

- GC-11 It is the permittee's responsibility to ensure that all contractors working on the permitted project are aware of all general and special conditions of the permit and the verification letter.
- GC-12 Activities completed under the authorization of this permit which was in effect at the time the activity was completed continue to be authorized by this permit unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the permit authorization in accordance with 33 CFR 325.7.
- GC-13 The authorized activity must be maintained in good condition and in conformance with the terms and conditions of the permit and verification letter. You are not relieved of this requirement if you abandon the authorized activity.
- GC-14 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-15 You must allow federal and state resource agency representatives to inspect the proposed and/or verified activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your authorization.
- GC-16 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - COASTAL ZONE
MANAGEMENT CERTIFICATION CONDITIONS:**

To ensure that activities that are authorized by this regional general permit and conducted within the Coastal Zone Management Area of Alabama are consistent with the Alabama Coastal Area Management Program, the Mobile District has requested the Alabama Department of Environmental Management (ADEM) to review this proposed permit and provide a Coastal Zone Consistency determination. The ADEM has performed an initial review and has proposed that the following conditions apply to this permit within the Alabama Coastal Zone Management Area:

- CZM-1 This permit shall not authorize structures in areas fronting the waters of the Gulf of Mexico, Pelican Bay, or Weeks Bay.
- CZM-2 All stormwater runoff from boat ramp approaches and parking areas shall be directed away from the boat ramp. Site plans for proposed boat ramps must feature design elements which will accomplish this diversion.
- CZM-3 It is the responsibility of the permittee to comply with Water Quality conditions listed below, as well as all other conditions of this Regional General Permit Program.
- CZM-4 A copy of the permit verification letter and corresponding PCN for project located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.

CZM-5 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee's individual authorization under this permit.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WATER QUALITY CERTIFICATION CONDITIONS:

To ensure that activities located within the State of Alabama which are authorized by this permit will have minimal impacts to water quality, the Mobile District has requested the ADEM to review this proposed permit and issue a Water Quality Certification in accordance with Section 401(a)(1) of the Clean Water Act. Based on their initial review, the ADEM has proposed the following statewide conditions for all of the Alabama General Permits:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 Please be advised that ADEM permit coverage may be required prior to commencing and/or continuing certain activities/operations relating to or resulting from the project. If you have any questions regarding ADEM regulated activity, or the need for NPDES permit coverage, please contact the ADEM's Water Division at (334) 271-7823. If you have any questions regarding ADEM regulated activity or the need for air permit coverage, please contact the ADEM's Air Division at (334) 271-7869. If you have any questions regarding ADEM regulated activity or the need for hazardous, toxic, and/or solid waste permit coverage, please contact the ADEM's Land Division at (334) 271-7730.
- WQ-3 Upon the loss or failure of any treatment facility, best management practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide the ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall prepare a detailed Best Management Practice (BMP) Plan. Effective BMPs shall be implemented and continually maintained for the prevention and control of sediment and other sources of pollutants, including measures to ensure permanent revegetation or cover of all of disturbed areas, during and after project completion.
- WQ-6 The applicant shall implement a Spill Prevention Control and Countermeasures (SPCC) Plan for all temporary or permanent onsite fuel or chemical storage tanks or facilities consistent with the requirements of ADEM Admin. Code R. 335-6-6-.12(r), Section 311 of the Federal Water Pollution Control Act, and 40 CFR Part 112. The applicant shall maintain onsite or have readily available sufficient oil and grease absorbing material and floatation booms to contain and clean-up fuel or

- chemical spills and leaks. The applicant shall immediately notify the ADEM after becoming aware of significant visible oil sheen in the vicinity of the proposed activity. In the event of a spill with the potential to impact groundwater or other waters of the State, the applicant should immediately call the National Response Center at 1-800-424-8802 and the Alabama Emergency Management Agency at 1-800-843-0699. The caller should be prepared to report name, address and telephone number of person reporting spill, the exact location of the spill, the cause of the spill, the nearest downstream water with the potential to receive the spill, and the actions taken for containment and cleanup.
- WQ-7 The applicant shall conduct or have conducted, at a minimum, weekly comprehensive site inspections until completion of the proposed activity to ensure that effective Best Management Practices (BMPs) are properly designed, implemented, and regularly maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 303(d) list, a total maximum daily load (TMDL) has been finalized for the waterbody, and/or the waterbody is otherwise considered a Tier 1 water pursuant to ADEM Admin. Code Ch. 335-6-10]. The applicant shall inspect all BMPs as often as necessary (daily if needed) for effectiveness, need for maintenance, and the need to implement additional, effective BMPs. Additional effective BMPs shall immediately be implemented as needed to ensure full compliance with the ADEM requirements and the protection of water quality in the impaired waterbody.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collections and control of onsite worker toilet wastes or gray waters (i.e. port-o-let, shower wash-down, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-10 All materials used as fill, or materials used for construction of structures in a waterbody, must be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris.
- WQ-11 The applicant shall implement appropriate measures to minimize the potential for a decrease in in-stream dissolved oxygen concentrations as a result of project implementation. In addition, the applicant shall ensure that the activities authorized by this certification do not significantly contribute to or cause a violation of applicable water quality standards for in-stream dissolved oxygen.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.

**ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES - STATE
LANDS DIVISION:**

The ADCNR State Lands Division has the following requirements for certain activities located on water bottoms owned by the State of Alabama:

- A minimum distance of 10 feet shall be maintained between an authorized structure and the adjacent upland property lines and adjacent riparian lines. Contact the ADCNR-State Lands Division for guidance regarding the location of the riparian area boundaries.
- The ADCNR State Lands Division may require a separate permit, riparian easement, and/or fee for the structures located on water bottoms owned by the State of Alabama.
- ADCNR State Lands Division may require a separate permit and fee for removal of dredged material from water bottoms owned by the State of Alabama. The ADCNR State Lands Division will determine if the dredged material consists of primarily of sands, specifically beach quality sands and, if so, whether the dredged material can be used as fill.

Project coordination with the ADCNR State Lands Division is the permittee's responsibility.

**MOBILE DISTRICT
U. S. ARMY CORPS OF ENGINEERS**



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

DEPARTMENT OF THE ARMY PERMIT

ALGP-10 – LIVING SHORELINES
SAM-2016-00240-SBC

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

Living shoreline is broad term that encompasses a range of shoreline stabilization techniques along coastal, lake, and tributary shorelines. A living shoreline project should typically be made up of native material. It may incorporate vegetation or other natural “soft” elements alone or in combination with some other type of “harder” shoreline structure (i.e. edging, low-profile sill structures, or breakwater structures) for added stability in higher wave energy areas. Living shorelines maintain continuity of the natural land-water interface and reduce erosion while providing habitat and enhancing shoreline protection.

This permit authorizes living shoreline techniques and hybrid techniques that are appropriate to the project location and provide for any or all of the following goals: the protection, restoration and nourishment of shoreline areas; the preservation and restoration of dunes, beaches, wetlands, submerged aquatic vegetation (SAV), and submersed grassbeds; and the protection, enhancement, and propagation of near-shore essential fish habitat. Activities authorized by this permit should take into consideration the dynamic and variable characteristics of different shorelines (i.e. slope, fetch, rate of erosion, wave energy levels, offshore water depth and bottom character, salinity, and natural vegetative coverage). Projects authorized by this permit should accomplish the goals listed above by establishing and/or enhancing vegetative communities where possible, and limit use of fill and “hard” structural components to the minimum necessary.

In appropriate shoreline environments (such as shorelines with higher wave energy, etc.), edging, sills, and/or breakwater structural components may be used in conjunction with “softer” living shoreline techniques to encourage shoreline protection, enhancement or restoration. Structures should be appropriately sized, and provide adequate protection needed for the energy level of the particular environment without causing adverse impacts to surrounding properties or resources. In certain cases, engineering studies such as hydraulic / wave energy studies, sediment transport studies, etc. may be required prior to permit issuance.

Types of structures and techniques potentially authorized by this permit:

- Marsh Creation or Vegetative Enhancement: “Softer” living shoreline stabilization technique that may be appropriate for lower-energy shorelines or when incorporated along with “hard” structural components in higher energy environments. Planting of vegetation shall be limited to appropriate, non-invasive species. Any associated fill shall be limited to minimum amount necessary for successful establishment of vegetation along the subject shoreline. Marsh creation may not be appropriate in areas without historical record of marsh habitat.
- Coir/Bio Log Edging, Timber Breakwaters, or Low Profile Sills: For shorelines with too much wave energy for use of vegetation alone. These structures may be placed parallel to the shoreline and backfilled with sand to create a higher marsh platform. Geotextile material should be placed beneath rock sills.

- Shoreline Slope Grading and Sand Fill / Beach Nourishment: Techniques used to reduce slope steepness of shoreline and dissipate wave energy. May be used in conjunction with vegetative enhancement and other methods.
- Rock Headland Breakwaters: Technique used on sandy shorelines with no marsh vegetation, where rock structures are placed strategically to diffract wave energy and create “pocket beaches” between the structures. Rocks utilized for these structures should be large enough to remain in place during storm events. Structures should be designed so as not to interrupt longshore natural sediment transport.
- Segmented Offshore Reefs and Breakwaters: Techniques used for higher-energy shorelines, where various types of structural materials can be placed offshore and parallel to the shoreline in order to attenuate wave energy and allow for sediment accumulation between the structures and the shoreline. Breakwater structures may utilize, but are not limited to, materials described below. Structures should be designed so as not to interrupt longshore natural sediment transport.
- Oyster Shell and Oyster Shell Support Structures: Oyster shell quantity and placement shall be limited to the minimum amount necessary to achieve shoreline stabilization. Oyster shell shall be placed in a manner to prevent its migration to surrounding areas (i.e., bagged oyster shell, gabion-type barriers, reef balls, and reef cradles) and should be placed on a stable substrate to maintain established profile.
- Concrete: Cured concrete used in fabricated units specifically designed for artificial reefs or rubble razed from buildings, sidewalks, roadways and bridges may be used in reef construction provided it is clean of solid waste and other construction debris (e.g. asphalt, trash, plastic, or exposed rebar). “Green” or uncured concrete is not authorized as it may be toxic to some aquatic organisms.
- Natural Materials: Natural materials, including downed trees, root wads, limbs, and/or brush may be used in low energy areas to provide short-term shoreline protection, provided it is not placed in a way to cause adverse impacts to surrounding properties or resources. Chemically treated, processed lumber is not authorized for use in this application.
- Riprap: Only clean riprap material that is free of exposed rebar, asphalt, plastic, soil, etc., may be used. Riprap may be authorized to augment other protection methods. Note: If riprap is utilized, the backfill is limited to one (1) cubic yard per linear foot of shoreline or bank. No more than 1,000 linear feet of shoreline or bank that may be protected by installation of riprap or other “hard” structural component. Effective use of appropriate filter fabric is required.
- Other: Other shoreline protection devices and reef construction materials shall be evaluated on a case-by-case basis prior to being authorized for use. For the most recent information regarding various Living Shoreline construction techniques and materials, please contact the Mobile District Regulatory Division office, or visit the Mobile District Regulatory Division website at:

<http://www.sam.usace.army.mil/Missions/Regulatory/MobileRegulatoryOffices.aspx>

SPECIAL CONDITIONS:

- SP-1 Protective structures installed for living shorelines may extend from the existing shoreline at the high tide line (HTL) or the ordinary high water (OHW) mark and extend waterward. Allowable extent of structures to waterward is dependent on various factors, including specific site conditions and navigational safety.
- SP-2 Authorizations for “hard” structural components, including construction of breakwaters, reefs, edging, and sills, are dependent upon site conditions, project purpose, and appropriate coordination and authorization from other jurisdictional agencies.
- SP-3 This permit authorizes the use of riprap or other “hard” structural components for up to 1,000 linear feet of shoreline or bank.
- SP-4 This permit authorizes a maximum of up to ½ acre (21,780 square feet) of total impacts to waters of the United States.
- SP-5 This permit does not authorize the placement of fill in wetlands, in areas with SAV, or in submersed grassbeds; except for vegetative enhancement of existing marsh wetlands where SAV or submersed grassbeds are not impacted.
- SP-6 Protective structures constructed or installed for protection of wetland areas must be designed to allow for maintenance of the wetland’s normal hydrologic regime and must not adversely impact the wetland area.
- SP-7 At project sites where scarping of the shoreline has occurred due to scour or scalloping, fill discharges shall be limited to the minimum volume necessary to achieve equivalent elevation to adjacent undisturbed land and provide for adequate shoreline slope (approximately 10:1 horizontal:vertical slope).
- SP-8 Any detached breakwater or sill structures proposed for installation should contain an appropriate number of gaps to ensure adequate tidal flushing and shoreline habitat access for marine and terrestrial organisms.
- SP-9 Projects located within areas with conditions which may support SAV or submersed grassbeds (or areas where they have been previously documented) may be subject to an SAV/submersed grassbeds survey. With the exception of rhizome cross-sectional surveys, SAV/submersed grassbed surveys must be conducted not earlier than the first of June or later than the end of September.
- SP-10 The project area shall be inspected for the presence of invasive or undesirable plant species prior to beginning the project. Any of those species found shall be removed and the area replanted with appropriate target-community vegetation in order to discourage future re-infestation. Continued monitoring of the project site for the presence of any invasive or undesirable plant species (and their prompt removal) is encouraged for the life of the project.
- SP-11 This permit does not authorize any projects that would have the effect of interfering with natural sediment transport and movement along the shoreline. If a project includes land reclamation or accretion components that have the potential to extend the reach of a shoreline outward from neighboring shorelines, then the applicant may be required to submit a study by a qualified professional engineer which demonstrates that construction of the project will not cause adjacent

shorelines to erode by intercepting and/or interrupting the natural migration of sediment along the shoreline.

- SP-12 This permit does not authorize any activity which creates a hazard to navigation.
- SP-13 Projects with constructed shorelines, breakwaters, reef complexes, and other “hard” structural components should be reviewed by the United States Coast Guard for navigational safety, and may be required to display proper signage, markers, and /or lighting to inform waterway users of their presence. If required for specific project, these must be installed in accordance with United States Coast Guard requirements and recommendations.
- SP-14 Loose or bagged oyster shell can only be used in areas classified as “Conditionally Approved” by the Alabama Department of Public Health.
- SP-15 If project activities will result in the reclamation or accretion of land from state-owned waterbottoms, the applicant will be required to provide proof of consent for the activity from the Alabama Department of Conservation and Natural Resources (ADCNR), State Lands Division prior to obtaining Department of the Army authorization. Proof of ADCNR, State Lands Division consent should be submitted no later than 30 days after application for Department of the Army authorization.

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program will not be issued for your project if you have been found by this office to be in noncompliance with any prior U.S. Army Corps of Engineers permit, or have been cited for unauthorized work, until the noncompliance or violation has been resolved.
- GC-2 If future operations by the United States require the removal, relocation, or other alteration, of the structure or work authorized by this permit, 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 U.S. Army 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.
- GC-3 Verifications will not be issued for structures and activities that are found to be hazardous to navigation, or may produce adverse effects on the chemical, physical, or biological integrity of water bodies.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, State or Federal authority.
- GC-6 Activities which will adversely impact threatened or endangered species, or their critical habitat are not authorized by this permit.

- GC-7 Activities which will impact, affect, or otherwise degrade cultural resources such as archaeological, scientific, prehistoric, or historic sites or data are not authorized by this permit. In cases where the Mobile District determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, verification of permit authorization for the activity will not be issued until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. If any previously unknown historic or archeological remains are discovered while accomplishing an authorized activity, all work in the area of discovery must cease, and the Mobile District must be immediately notified of what has been found. The Mobile District will initiate the federal, state, and tribal coordination required to determine if the site warrants recovery efforts or if it is eligible for listing in the National Register of Historic Places.
- GC-8 Verification of permit authorization will not be issued for activities located within state or National Wild and Scenic streams, rivers, or components thereof, or other areas provided special protection unless the administering agency concurs.
- GC-9 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-10 If an activity is verified for permit authorization, a “Notice of Authorization” card will be provided to the permittee along with a verification of permit authorization letter. The card must be posted at the site during construction of the permitted activity.
- GC-11 It is the permittee’s responsibility to ensure that all contractors working on the permitted project are aware of all general and special conditions of the permit and the verification letter.
- GC-12 Activities completed under the authorization of this permit which was in effect at the time the activity was completed continue to be authorized by this permit unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the permit authorization in accordance with 33 CFR 325.7.
- GC-13 The authorized activity must be maintained in good condition and in conformance with the terms and conditions of the permit and verification letter. You are not relieved of this requirement if you abandon the authorized activity.
- GC-14 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-15 You must allow federal and state resource agency representatives to inspect the proposed and/or verified activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your authorization.
- GC-16 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - COASTAL ZONE MANAGEMENT CERTIFICATION CONDITIONS:

To ensure that activities that are authorized by this regional general permit and conducted within the Coastal Zone Management Area of Alabama are consistent with the Alabama Coastal Area Management Program, the Mobile District has requested the Alabama Department of Environmental Management (ADEM) to review this proposed permit and provide a Coastal Zone Consistency determination. The ADEM has performed an initial review and has proposed that the following conditions apply to this permit within the Alabama Coastal Zone Management Area:

- CZM-1 It is the responsibility of the permittee to comply with Water Quality conditions listed below, as well as all other conditions of this Regional General Permit Program.
- CZM-2 A copy of the permit verification letter and corresponding PCN for project located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.
- CZM-3 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee's individual authorization under this permit.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WATER QUALITY CERTIFICATION CONDITIONS:

To ensure that activities located within the State of Alabama which are authorized by this permit will have minimal impacts to water quality, the Mobile District has requested the ADEM to review this proposed permit and issue a Water Quality Certification in accordance with Section 401(a)(1) of the Clean Water Act. Based on their initial review, the ADEM has proposed the following statewide conditions for all of the Alabama General Permits:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 Please be advised that ADEM permit coverage may be required prior to commencing and/or continuing certain activities/operations relating to or resulting from the project. If you have any questions regarding ADEM regulated activity, or the need for NPDES permit coverage, please contact the ADEM's Water Division at (334) 271-7823. If you have any questions regarding ADEM regulated activity or the need for air permit coverage, please contact the ADEM's Air Division at (334) 271-7869. If you have any questions regarding ADEM regulated activity or the need for hazardous, toxic, and/or solid waste permit coverage, please contact the ADEM's Land Division at (334) 271-7730.
- WQ-3 Upon the loss or failure of any treatment facility, best management practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.

- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide the ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall prepare a detailed Best Management Practice (BMP) Plan. Effective BMPs shall be implemented and continually maintained for the prevention and control of sediment and other sources of pollutants, including measures to ensure permanent revegetation or cover of all of disturbed areas, during and after project completion.
- WQ-6 The applicant shall implement a Spill Prevention Control and Countermeasures (SPCC) Plan for all temporary or permanent onsite fuel or chemical storage tanks or facilities consistent with the requirements of ADEM Admin. Code R. 335-6-6-.12(r), Section 311 of the Federal Water Pollution Control Act, and 40 CFR Part 112. The applicant shall maintain onsite or have readily available sufficient oil and grease absorbing material and floatation booms to contain and clean-up fuel or chemical spills and leaks. The applicant shall immediately notify the ADEM after becoming aware of significant visible oil sheen in the vicinity of the proposed activity. In the event of a spill with the potential to impact groundwater or other waters of the State, the applicant should immediately call the National Response Center at 1-800-424-8802 and the Alabama Emergency Management Agency at 1-800-843-0699. The caller should be prepared to report name, address and telephone number of person reporting spill, the exact location of the spill, the cause of the spill, the nearest downstream water with the potential to receive the spill, and the actions taken for containment and cleanup.
- WQ-7 The applicant shall conduct or have conducted, at a minimum, weekly comprehensive site inspections until completion of the proposed activity to ensure that effective Best Management Practices (BMPs) are properly designed, implemented, and regularly maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 303(d) list, a total maximum daily load (TMDL) has been finalized for the waterbody, and/or the waterbody is otherwise considered a Tier 1 water pursuant to ADEM Admin. Code Ch. 335-6-10]. The applicant shall inspect all BMPs as often as necessary (daily if needed) for effectiveness, need for maintenance, and the need to implement additional, effective BMPs. Additional effective BMPs shall immediately be implemented as needed to ensure full compliance with the ADEM requirements and the protection of water quality in the impaired waterbody.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collections and control of onsite worker toilet wastes or gray waters (i.e. port-o-let, shower wash-down, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.

- WQ-10 All materials used as fill, or materials used for construction of structures in a waterbody, must be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris.
- WQ-11 The applicant shall implement appropriate measures to minimize the potential for a decrease in in-stream dissolved oxygen concentrations as a result of project implementation. In addition, the applicant shall ensure that the activities authorized by this certification do not significantly contribute to or cause a violation of applicable water quality standards for in-stream dissolved oxygen.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES - STATE LANDS DIVISION:

The ADCNR State Lands Division has the following requirements for certain activities located on water bottoms owned by the State of Alabama:

- Any project with the purpose of land reclamation or accretion, or any project which may result in land reclamation or accretion, must obtain consent for the reclamation activity from the ADCNR State Lands Division prior to obtaining a Department of the Army authorization.
- Shoreline accretion resulting from permitted activities undertaken by use of the general permit may not result in a change in property boundaries.
- A minimum distance of 10 feet shall be maintained between an authorized structure and the adjacent upland property lines and adjacent riparian lines. Contact the ADCNR-State Lands Division for guidance regarding the location of the riparian area boundaries.
- The ADCNR State Lands Division may require a separate permit, riparian easement, and/or fee for the proposed activity.

Project coordination with the ADCNR State Lands Division is the permittee's responsibility.

**MOBILE DISTRICT
U. S. ARMY CORPS OF ENGINEERS**



**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001**

DEPARTMENT OF THE ARMY PERMIT

**ALGP-11 –SHORELINE AND BANK STABILIZATION AND PROTECTION
SAM-2016-00241-SBC**

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

This permit authorizes the installation of shoreline/bank protection and stabilization structures at existing shorelines or banks. Authorized structures include, but are not limited to filter mats, root wad revetments, crib walls, river training structures, armoring systems (such as riprap, gabions, interlocking brick/concrete systems, etc.), and bulkheads.

Note: Due to Alabama Department of Environmental Management (ADEM) conditions for this permit in Alabama Coastal Zone Management areas, bulkhead structures should only be considered for those areas when there are no feasible alternatives available. These alternative include, but are not limited to, shoreline restoration/re-vegetation, preservation and restoration of wetlands, riprap armoring, or restoration of submerged aquatic vegetation (SAV) and submersed grassbeds. To the maximum extent possible, shoreline stabilization and protection should be accomplished by the establishment of appropriate native vegetation.

PERMIT AUTHORITY: Section 10 and Section 404

SPECIAL CONDITIONS:

- SP-1 This permit does not authorize the filling or dredging of wetlands. Protection may be installed adjacent to wetland areas as long as the wetlands are not adversely impacted. If any portion of the protected area is a wetland, then: (1) no fill will be placed in wetland areas; and (2) the shoreline/bank protection must be designed to allow the normal hydrologic regime to be maintained in the wetland areas.
- SP-2 For any stabilization/protection measures requiring placement of dressing or other material on a shoreline or bank, the amount of material placed below the plane of ordinary high water (OHW) or the plane of high tide may not exceed an average of one (1) cubic yard per linear foot of shoreline or bank being protected (Note: For projects located within the coastal zone area, see ADEM Coastal Zone Management Certification Condition CZM-2).
- SP-3 This permit does not authorize dredging or the placement of fill within areas with SAV or submersed grassbeds.
- SP-4 This permit does not authorize ancillary structures which would have the effect of interfering with natural sediment transport along the shoreline or bank (i.e. wingwalls, groins, jetties, or other solid structures roughly perpendicular to the shore or bank).

SPECIAL CONDITIONS SPECIFIC TO RIPRAP AND OTHER ARMORING SYSTEMS USED FOR STABILIZATION/PROTECTION:

- SP-5 Where not prohibited by ADEM Coastal Zone Management Certification Conditions, riprap and other armoring systems may be authorized to augment other protection methods.
- SP-6 Only clean riprap material, free of exposed rebar, asphalt, plastic, soil, etc., may be used.
- SP-7 Effective use of filter fabric is required for use on all armored slopes.
- SP-8 Placement of riprap or other armoring type fill below the plane of OHW or the plane of high tide is limited to one (1) cubic yard per linear foot of shoreline, or of individual banks of rivers and channels (Note: For projects located within the coastal zone area, see ADEM Coastal Zone Management Certification Condition CZM-2).
- SP-9 The installation of riprap or other armoring systems is limited to no more than 1,000 linear feet of shoreline or bank.

CONDITIONS SPECIFIC TO BULKHEAD INSTALLATION:

- SP-10 Bulkhead installation is limited to a total project length of 1,000 linear feet.
- SP-11 Bulkhead structures installed to replace existing failed bulkheads shall not extend more than 24 inches waterward from the base of the existing bulkhead.
- SP-12 New bulkheads must be installed along the existing shoreline or bank at the high tide line (HTL) or OHW mark (or inland from those lines). However, if adjacent wetlands are present, new bulkhead structures must be installed landward of all jurisdictional wetlands, and must not separate the wetlands from contact with open waters.
- SP-13 Effective use of filter fabric is required for use with new bulkhead installation.
- SP-14 Only clean material free of waste, metal and organic trash, unsightly debris, etc., may be used as backfill. This permit specifically excludes the use of solid waste for backfill or riprap material.

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program will not be issued for your project if you have been found by this office to be in noncompliance with any prior U.S. Army Corps of Engineers permit, or have been cited for unauthorized work, until the noncompliance or violation has been resolved.
- GC-2 If future operations by the United States require the removal, relocation, or other alteration, of the structure or work authorized by this permit, 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 U.S. Army 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.

- GC-3 Verifications will not be issued for structures and activities that are found to be hazardous to navigation, or may produce adverse effects on the chemical, physical, or biological integrity of water bodies.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, State or Federal authority.
- GC-6 Activities which will adversely impact threatened or endangered species, or their critical habitat are not authorized by this permit.
- GC-7 Activities which will impact, affect, or otherwise degrade cultural resources such as archaeological, scientific, prehistoric, or historic sites or data are not authorized by this permit. In cases where the Mobile District determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, verification of permit authorization for the activity will not be issued until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. If any previously unknown historic or archeological remains are discovered while accomplishing an authorized activity, all work in the area of discovery must cease, and the Mobile District must be immediately notified of what has been found. The Mobile District will initiate the federal, state, and tribal coordination required to determine if the site warrants recovery efforts or if it is eligible for listing in the National Register of Historic Places.
- GC-8 Verification of permit authorization will not be issued for activities located within state or National Wild and Scenic streams, rivers, or components thereof, or other areas provided special protection unless the administering agency concurs.
- GC-9 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-10 If an activity is verified for permit authorization, a “Notice of Authorization” card will be provided to the permittee along with a verification of permit authorization letter. The card must be posted at the site during construction of the permitted activity.
- GC-11 It is the permittee’s responsibility to ensure that all contractors working on the permitted project are aware of all general and special conditions of the permit and the verification letter.
- GC-12 Activities completed under the authorization of this permit which was in effect at the time the activity was completed continue to be authorized by this permit unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the permit authorization in accordance with 33 CFR 325.7.
- GC-13 The authorized activity must be maintained in good condition and in conformance with the terms and conditions of the permit and verification letter. You are not relieved of this requirement if you abandon the authorized activity.
- GC-14 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.

- GC-15 You must allow federal and state resource agency representatives to inspect the proposed and/or verified activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your authorization.
- GC-16 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - COASTAL ZONE
MANAGEMENT CERTIFICATION CONDITIONS:**

To ensure that activities that are authorized by this regional general permit and conducted within the Coastal Zone Management Area of Alabama are consistent with the Alabama Coastal Area Management Program, the Mobile District has requested the Alabama Department of Environmental Management (ADEM) to review this proposed permit and provide a Coastal Zone Consistency determination. The ADEM has performed an initial review and has proposed that the following conditions apply to this permit within the Alabama Coastal Zone Management Area:

- CZM-1 This permit shall not authorize projects located in areas fronting the waters of the Gulf of Mexico, Pelican Bay, Weeks Bay, and the man-made canals on Ono Island.
- CZM-2 For any new shoreline stabilization or protection measures authorized by this permit within the coastal zone of Alabama, all dressings and other materials utilized in support of the main structure (i.e. riprap, etc.) must be placed at or above the plane of mean high tide (MHT).
- CZM-3 Bulkhead structures typically cause greater direct and indirect impacts to near-shore habitat than any other form of shoreline or bank protection, and are suitable for only certain applications. These structures should be utilized only when it is demonstrated that no other means of protection is appropriate. The applicant shall provide written justification for the necessity of bulkhead structures in their permit application. Aesthetic concerns are not considered to be a valid justification for installation of a bulkhead.
- CZM-4 Bulkheads shall not be constructed within close proximity to existing SAV or submersed grassbeds. Applications for bulkhead structures may require that a SAV / submersed grassbed survey be submitted.
- CZM-5 It is the responsibility of the permittee to comply with Water Quality conditions listed below, as well as all other conditions of this Regional General Permit Program.
- CZM-6 A copy of the permit verification letter and corresponding PCN for project located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.
- CZM-7 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee's individual authorization under this permit.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WATER QUALITY CERTIFICATION CONDITIONS:

To ensure that activities located within the State of Alabama which are authorized by this permit will have minimal impacts to water quality, the Mobile District has requested the ADEM to review this proposed permit and issue a Water Quality Certification in accordance with Section 401(a)(1) of the Clean Water Act. Based on their initial review, the ADEM has proposed the following statewide conditions for all of the Alabama General Permits:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 Please be advised that ADEM permit coverage may be required prior to commencing and/or continuing certain activities/operations relating to or resulting from the project. If you have any questions regarding ADEM regulated activity, or the need for NPDES permit coverage, please contact the ADEM's Water Division at (334) 271-7823. If you have any questions regarding ADEM regulated activity or the need for air permit coverage, please contact the ADEM's Air Division at (334) 271-7869. If you have any questions regarding ADEM regulated activity or the need for hazardous, toxic, and/or solid waste permit coverage, please contact the ADEM's Land Division at (334) 271-7730.
- WQ-3 Upon the loss or failure of any treatment facility, best management practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide the ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall prepare a detailed Best Management Practice (BMP) Plan. Effective BMPs shall be implemented and continually maintained for the prevention and control of sediment and other sources of pollutants, including measures to ensure permanent revegetation or cover of all of disturbed areas, during and after project completion.
- WQ-6 The applicant shall implement a Spill Prevention Control and Countermeasures (SPCC) Plan for all temporary or permanent onsite fuel or chemical storage tanks or facilities consistent with the requirements of ADEM Admin. Code R. 335-6-6-.12(r), Section 311 of the Federal Water Pollution Control Act, and 40 CFR Part 112. The applicant shall maintain onsite or have readily available sufficient oil and grease absorbing material and floatation booms to contain and clean-up fuel or chemical spills and leaks. The applicant shall immediately notify the ADEM after becoming aware of significant visible oil sheen in the vicinity of the proposed activity. In the event of a spill with the potential to impact groundwater or other waters of the State, the applicant should immediately call the National Response Center at 1-800-424-8802 and the Alabama Emergency Management Agency at 1-800-843-0699. The caller should be prepared to report name, address and telephone number of person reporting spill, the exact location of the spill, the cause of the spill, the nearest

downstream water with the potential to receive the spill, and the actions taken for containment and cleanup.

- WQ-7 The applicant shall conduct or have conducted, at a minimum, weekly comprehensive site inspections until completion of the proposed activity to ensure that effective Best Management Practices (BMPs) are properly designed, implemented, and regularly maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 303(d) list, a total maximum daily load (TMDL) has been finalized for the waterbody, and/or the waterbody is otherwise considered a Tier 1 water pursuant to ADEM Admin. Code Ch. 335-6-10]. The applicant shall inspect all BMPs as often as necessary (daily if needed) for effectiveness, need for maintenance, and the need to implement additional, effective BMPs. Additional effective BMPs shall immediately be implemented as needed to ensure full compliance with the ADEM requirements and the protection of water quality in the impaired waterbody.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collections and control of onsite worker toilet wastes or gray waters (i.e. port-o-let, shower wash-down, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-10 All materials used as fill, or materials used for construction of structures in a waterbody, must be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris.
- WQ-11 The applicant shall implement appropriate measures to minimize the potential for a decrease in in-stream dissolved oxygen concentrations as a result of project implementation. In addition, the applicant shall ensure that the activities authorized by this certification do not significantly contribute to or cause a violation of applicable water quality standards for in-stream dissolved oxygen.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES - STATE LANDS DIVISION:

The ADCNR State Lands Division has the following requirements for certain activities located on water bottoms owned by the State of Alabama:

- This permit should not authorize any activity to regain land lost to erosion or to otherwise accrete land.
- The ADCNR State Lands Division may require a separate permit, riparian easement, and/or fee for the proposed activity.

Project coordination with the ADCNR State Lands Division is the permittee's responsibility.

**MOBILE DISTRICT
U. S. ARMY CORPS OF ENGINEERS**



**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001**

DEPARTMENT OF THE ARMY PERMIT

**ALGP-13 – FILLING OF PREVIOUSLY DREDGED AREAS
SAM-2016-00243-SBC**

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

This permit authorizes the filling of previously dredged areas such as boat slips and man-made ditches.

PERMIT AUTHORITY: Section 10 and Section 404

SPECIAL CONDITIONS:

- SP-1 Only suitable material free of trash, debris, asphalt, waste, rebar/metal products, organic materials, etc. may be used as fill.
- SP-2 In areas invaded by noxious or invasive aquatic vegetation, authorization to fill will be determined on a case-by-case basis.
- SP-3 If the area to be filled was originally a wetland or natural channel, the fill may not exceed the elevations and dimensions of the area as it was prior to the original excavation or dredging.
- SP-4 This permit does not authorize the filling of wetlands, areas with submerged aquatic vegetation (SAV), submersed grassbeds, natural streams, or natural channels.
- SP-5 This permit does not authorize the filling of areas providing mitigation, enhancement, or flushing of an aquatic system.

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program will not be issued for your project if you have been found by this office to be in noncompliance with any prior U.S. Army Corps of Engineers permit, or have been cited for unauthorized work, until the noncompliance or violation has been resolved.
- GC-2 If future operations by the United States require the removal, relocation, or other alteration, of the structure or work authorized by this permit, 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 U.S. Army 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.

- GC-3 Verifications will not be issued for structures and activities that are found to be hazardous to navigation, or may produce adverse effects on the chemical, physical, or biological integrity of water bodies.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, State or Federal authority.
- GC-6 Activities which will adversely impact threatened or endangered species, or their critical habitat are not authorized by this permit.
- GC-7 Activities which will impact, affect, or otherwise degrade cultural resources such as archaeological, scientific, prehistoric, or historic sites or data are not authorized by this permit. In cases where the Mobile District determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, verification of permit authorization for the activity will not be issued until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. If any previously unknown historic or archeological remains are discovered while accomplishing an authorized activity, all work in the area of discovery must cease, and the Mobile District must be immediately notified of what has been found. The Mobile District will initiate the federal, state, and tribal coordination required to determine if the site warrants recovery efforts or if it is eligible for listing in the National Register of Historic Places.
- GC-8 Verification of permit authorization will not be issued for activities located within state or National Wild and Scenic streams, rivers, or components thereof, or other areas provided special protection unless the administering agency concurs.
- GC-9 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-10 If an activity is verified for permit authorization, a “Notice of Authorization” card will be provided to the permittee along with a verification of permit authorization letter. The card must be posted at the site during construction of the permitted activity.
- GC-11 It is the permittee’s responsibility to ensure that all contractors working on the permitted project are aware of all general and special conditions of the permit and the verification letter.
- GC-12 Activities completed under the authorization of this permit which was in effect at the time the activity was completed continue to be authorized by this permit unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the permit authorization in accordance with 33 CFR 325.7.
- GC-13 The authorized activity must be maintained in good condition and in conformance with the terms and conditions of the permit and verification letter. You are not relieved of this requirement if you abandon the authorized activity.
- GC-14 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.

GC-15 You must allow federal and state resource agency representatives to inspect the proposed and/or verified activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your authorization.

GC-16 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - COASTAL ZONE
MANAGEMENT CERTIFICATION CONDITIONS:**

To ensure that activities that are authorized by this regional general permit and conducted within the Coastal Zone Management Area of Alabama are consistent with the Alabama Coastal Area Management Program, the Mobile District has requested the Alabama Department of Environmental Management (ADEM) to review this proposed permit and provide a Coastal Zone Consistency determination. The ADEM has performed an initial review and has proposed that the following conditions apply to this permit within the Alabama Coastal Zone Management Area:

CZM-1 It is the responsibility of the permittee to comply with Water Quality conditions listed below, as well as all other conditions of this Regional General Permit Program.

CZM-2 A copy of the permit verification letter and corresponding PCN for project located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.

CZM-3 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee's individual authorization under this permit.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WATER QUALITY
CERTIFICATION CONDITIONS:**

To ensure that activities located within the State of Alabama which are authorized by this permit will have minimal impacts to water quality, the Mobile District has requested the ADEM to review this proposed permit and issue a Water Quality Certification in accordance with Section 401(a)(1) of the Clean Water Act. Based on their initial review, the ADEM has proposed the following statewide conditions for all of the Alabama General Permits:

WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).

WQ-2 Please be advised that ADEM permit coverage may be required prior to commencing and/or continuing certain activities/operations relating to or resulting from the project. If you have any questions regarding ADEM regulated activity, or the need for NPDES permit coverage, please

contact the ADEM's Water Division at (334) 271-7823. If you have any questions regarding ADEM regulated activity or the need for air permit coverage, please contact the ADEM's Air Division at (334) 271-7869. If you have any questions regarding ADEM regulated activity or the need for hazardous, toxic, and/or solid waste permit coverage, please contact the ADEM's Land Division at (334) 271-7730.

- WQ-3 Upon the loss or failure of any treatment facility, best management practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide the ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall prepare a detailed Best Management Practice (BMP) Plan. Effective BMPs shall be implemented and continually maintained for the prevention and control of sediment and other sources of pollutants, including measures to ensure permanent revegetation or cover of all of disturbed areas, during and after project completion.
- WQ-6 The applicant shall implement a Spill Prevention Control and Countermeasures (SPCC) Plan for all temporary or permanent onsite fuel or chemical storage tanks or facilities consistent with the requirements of ADEM Admin. Code R. 335-6-6-.12(r), Section 311 of the Federal Water Pollution Control Act, and 40 CFR Part 112. The applicant shall maintain onsite or have readily available sufficient oil and grease absorbing material and floatation booms to contain and clean-up fuel or chemical spills and leaks. The applicant shall immediately notify the ADEM after becoming aware of significant visible oil sheen in the vicinity of the proposed activity. In the event of a spill with the potential to impact groundwater or other waters of the State, the applicant should immediately call the National Response Center at 1-800-424-8802 and the Alabama Emergency Management Agency at 1-800-843-0699. The caller should be prepared to report name, address and telephone number of person reporting spill, the exact location of the spill, the cause of the spill, the nearest downstream water with the potential to receive the spill, and the actions taken for containment and cleanup.
- WQ-7 The applicant shall conduct or have conducted, at a minimum, weekly comprehensive site inspections until completion of the proposed activity to ensure that effective Best Management Practices (BMPs) are properly designed, implemented, and regularly maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 303(d) list, a total maximum daily load (TMDL) has been finalized for the waterbody, and/or the waterbody is otherwise considered a Tier 1 water pursuant to ADEM Admin. Code Ch. 335-6-10].

The applicant shall inspect all BMPs as often as necessary (daily if needed) for effectiveness, need for maintenance, and the need to implement additional, effective BMPs. Additional effective BMPs shall immediately be implemented as needed to ensure full compliance with the ADEM requirements and the protection of water quality in the impaired waterbody.

- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collections and control of onsite worker toilet wastes or gray waters (i.e. port-o-let, shower wash-down, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-10 All materials used as fill, or materials used for construction of structures in a waterbody, must be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris.
- WQ-11 The applicant shall implement appropriate measures to minimize the potential for a decrease in in-stream dissolved oxygen concentrations as a result of project implementation. In addition, the applicant shall ensure that the activities authorized by this certification do not significantly contribute to or cause a violation of applicable water quality standards for in-stream dissolved oxygen.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES - STATE LANDS DIVISION:

The ADCNR State Lands Division has the following requirements for certain activities located on water bottoms owned by the State of Alabama:

- The ADCNR State Lands Division may require a separate permit, riparian easement and/or fee for the proposed activity, and to insure that the proposed area for impact is not dedicated for public use or has a history of use by the general public.

Project coordination with the ADCNR State Lands Division is the permittee's responsibility.

**MOBILE DISTRICT
U. S. ARMY CORPS OF ENGINEERS**



**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001**

DEPARTMENT OF THE ARMY PERMIT

**ALGP-24 – PIERS, DECKS, AND PILE-SUPPORTED STRUCTURES
LOCATED IN WEEKS BAY
SAM-2016-00244-SBC**

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

This permit authorizes the construction or modification of the following structures: piers; open decks; mooring pilings; uncovered residential boat berthing areas; covered, open-sided gazebos; and covered, screened-in decks. This permit also authorizes any normal appurtenances associated with the above structures, such as boat hoists, stairways, and walkways.

PERMIT AUTHORITY: Section 10

SPECIAL CONDITIONS:

- SP-1 This permit authorizes pile-supported or floating structures.
- SP-2 This permit authorizes structures that may extend from the high tide line (HTL) to the three-foot contour line, or to the point where there is depth of at least three feet at mean low tide (MLT) plus 20 feet waterward, or 300 feet waterward of the HTL; whichever distance is shorter.
- SP-3 All access piers shall be uncovered, constructed no more than five (5) feet wide, and constructed at a height of at least five (5) feet above MHT and at least five (5) feet above any emergent wetlands. Height will be measured from the ground surface or mud line when over emergent wetlands, and from the plane of MHT (when waterward of the MHT line), up to the bottom of the decking. This condition may be waived on a case-by-case basis if the applicant can demonstrate construction methods and/or materials that allow for equivalent light penetration to affected wetlands.
- SP-4 The decking of all structures shall feature spaces of at least 0.75 inch width between decking boards, or must otherwise must be constructed in a manner that allows for equivalent light penetration (i.e. metal grating). Decking boards shall be no wider than 12 inches. This condition may be waived on a case-by-case basis if the applicant can demonstrate construction methods and/or materials that allow for equivalent light penetration to affected wetlands.
- SP-5 There shall be no more than one deck area per single project. Dimensions of the deck shall be no larger than 10 feet by 10 feet (100 square feet), including the pier width. The deck may be covered (roofed) and have screened walls (but shall have no enclosed or solid walls).
- SP-6 Structures shall be limited to two (2) residential boat berthing areas per project site. The boat berthing area(s) may be constructed with dimensions up to 20 feet by 26 feet. The berthing areas must be uncovered and non-enclosed.

- SP-7 A total of six (6) mooring pilings may be installed. Mooring pilings shall be installed parallel to, and a maximum of, 20 feet waterward of the pier/deck/access dock.
- SP-8 One two-foot-wide by 10-foot-long boat access dock may be constructed per berthing area. The access dock(s) may be constructed lower than the primary pier decking. This condition may be waived (with regard to maximum access dock width) on a case-by-case basis if the applicant can demonstrate construction methods and/or materials that allow for equivalent light penetration to waters below the structure.
- SP-9 Berthed vessels should neither physically preclude nor have the effect of precluding public access to public waters adjacent to the upland.
- SP-10 Authorized structures that are designed to moor vessels shall not be constructed in a way where the moored vessel will shade or otherwise cause adverse impacts (such as prop wash, etc.) to emergent wetlands, areas with submerged aquatic vegetation (SAV) or submersed grassbeds.
- SP-11 When installing authorized pilings, emergent wetlands, SAV, and submersed grassbeds shall be avoided where practicable. Support pilings for the access piers crossing wetlands shall be installed by hand, with no heavy machinery operating in wetland areas. Excess material excavated for installation of the pilings must be removed from the wetland area so that the existing elevation remains unaltered.
- SP-12 This permit does not authorize the operation of heavy equipment (i.e. wheeled or tracked vehicles) in wetlands or other waters of the United States.
- SP-13 This permit does not authorize any dredging activity or any other similar bottom disturbance. Prop dredging is strictly prohibited in waters of Weeks Bay. This condition does not apply to the minimum bottom disturbance which occurs during the installation of support or mooring pilings outside of wetland areas.
- SP-14 A survey for SAV and submersed grassbeds may be required prior to final evaluation of a pre-construction notification (PCN). With the exception of rhizome cross-sectional surveys, SAV/submersed grassbed surveys must be conducted not earlier than the first of June or later than the end of September.
- SP-15 Communal areas which share riparian ownership may construct a "community pier" to provide riparian access. The number of riparian owners involved in the project may allow for consideration concerning some limits in the above conditions.
- SP-16 Activities limited to the addition or replacement of a boat hoist on an existing boat shelter or boat slip, and that do not require the installation of pilings or increase the number of boat slips, are authorized by this permit and do not require a PCN prior to commencing the activity. This condition does not apply to work on structures greater than 50 years of age. All other conditions contained in this permit apply to the activity.
- SP-17 Activities limited to the addition of a single-story roof or covering structure on an existing open-deck pier that do not require the installation of pilings are authorized by this permit and do not require a PCN prior to commencing the activity. This condition does not apply to existing decks that are located over, or in close proximity to, emergent wetlands, SAVs, or submersed grassbeds. This condition does not apply to work on structures greater than 50 years of age. All other

conditions contained in this permit apply to the activity.

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program will not be issued for your project if you have been found by this office to be in noncompliance with any prior U.S. Army Corps of Engineers permit, or have been cited for unauthorized work, until the noncompliance or violation has been resolved.
- GC-2 If future operations by the United States require the removal, relocation, or other alteration, of the structure or work authorized by this permit, 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 U.S. Army 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.
- GC-3 Verifications will not be issued for structures and activities that are found to be hazardous to navigation, or may produce adverse effects on the chemical, physical, or biological integrity of water bodies.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, State or Federal authority.
- GC-6 Activities which will adversely impact threatened or endangered species, or their critical habitat are not authorized by this permit.
- GC-7 Activities which will impact, affect, or otherwise degrade cultural resources such as archaeological, scientific, prehistoric, or historic sites or data are not authorized by this permit. In cases where the Mobile District determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, verification of permit authorization for the activity will not be issued until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. If any previously unknown historic or archeological remains are discovered while accomplishing an authorized activity, all work in the area of discovery must cease, and the Mobile District must be immediately notified of what has been found. The Mobile District will initiate the federal, state, and tribal coordination required to determine if the site warrants recovery efforts or if it is eligible for listing in the National Register of Historic Places.
- GC-8 Verification of permit authorization will not be issued for activities located within state or National Wild and Scenic streams, rivers, or components thereof, or other areas provided special protection unless the administering agency concurs.
- GC-9 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-10 If an activity is verified for permit authorization, a "Notice of Authorization" card will be provided

to the permittee along with a verification of permit authorization letter. The card must be posted at the site during construction of the permitted activity.

- GC-11 It is the permittee's responsibility to ensure that all contractors working on the permitted project are aware of all general and special conditions of the permit and the verification letter.
- GC-12 Activities completed under the authorization of this permit which was in effect at the time the activity was completed continue to be authorized by this permit unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the permit authorization in accordance with 33 CFR 325.7.
- GC-13 The authorized activity must be maintained in good condition and in conformance with the terms and conditions of the permit and verification letter. You are not relieved of this requirement if you abandon the authorized activity.
- GC-14 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-15 You must allow federal and state resource agency representatives to inspect the proposed and/or verified activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your authorization.
- GC-16 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - COASTAL ZONE
MANAGEMENT CERTIFICATION CONDITIONS:**

To ensure that activities that are authorized by this regional general permit and conducted within the Coastal Zone Management Area of Alabama are consistent with the Alabama Coastal Area Management Program, the Mobile District has requested the Alabama Department of Environmental Management (ADEM) to review this proposed permit and provide a Coastal Zone Consistency determination. The ADEM has performed an initial review and has proposed that the following conditions apply to this permit within the Alabama Coastal Zone Management Area:

- CZM-1 This permit shall not authorize the following activities: (1) structures for the permanent mooring of houseboats, (2) fueling facilities, (3) toilets or activities that produce "gray water," (4) habitable structures (defined by the ADEM as "any structure which, by virtue of its design, size or appurtenances, is suitable for occupation as a residence on a temporary or permanent basis, or any similar structure used for commercial purposes") over navigable waters of the United States.
- CZM-2 This permit shall only authorize the emplacement of platforms, decks, "T"s, "L"s, boat berthing areas, gazebos, or other similar structures at the waterward end of any access pier; and shall not authorize those structures over wetlands, SAV, or submersed grassbeds.

- CZM-3 It is the responsibility of the permittee to comply with Water Quality conditions listed below, as well as all other conditions of this Regional General Permit Program.
- CZM-4 A copy of the permit verification letter and corresponding PCN for project located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.
- CZM-5 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee's individual authorization under this permit.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WATER QUALITY CERTIFICATION CONDITIONS:

To ensure that activities located within the State of Alabama which are authorized by this permit will have minimal impacts to water quality, the Mobile District has requested the ADEM to review this proposed permit and issue a Water Quality Certification in accordance with Section 401(a)(1) of the Clean Water Act. Based on their initial review, the ADEM has proposed the following statewide conditions for all of the Alabama General Permits:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 Please be advised that ADEM permit coverage may be required prior to commencing and/or continuing certain activities/operations relating to or resulting from the project. If you have any questions regarding ADEM regulated activity, or the need for NPDES permit coverage, please contact the ADEM's Water Division at (334) 271-7823. If you have any questions regarding ADEM regulated activity or the need for air permit coverage, please contact the ADEM's Air Division at (334) 271-7869. If you have any questions regarding ADEM regulated activity or the need for hazardous, toxic, and/or solid waste permit coverage, please contact the ADEM's Land Division at (334) 271-7730.
- WQ-3 Upon the loss or failure of any treatment facility, best management practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide the ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall prepare a detailed Best Management Practice (BMP) Plan. Effective BMPs shall be implemented and continually maintained for the prevention and control of sediment and other sources of pollutants, including measures to ensure permanent revegetation or cover of all of

disturbed areas, during and after project completion.

- WQ-6 The applicant shall implement a Spill Prevention Control and Countermeasures (SPCC) Plan for all temporary or permanent onsite fuel or chemical storage tanks or facilities consistent with the requirements of ADEM Admin. Code R. 335-6-6-.12(r), Section 311 of the Federal Water Pollution Control Act, and 40 CFR Part 112. The applicant shall maintain onsite or have readily available sufficient oil and grease absorbing material and floatation booms to contain and clean-up fuel or chemical spills and leaks. The applicant shall immediately notify the ADEM after becoming aware of significant visible oil sheen in the vicinity of the proposed activity. In the event of a spill with the potential to impact groundwater or other waters of the State, the applicant should immediately call the National Response Center at 1-800-424-8802 and the Alabama Emergency Management Agency at 1-800-843-0699. The caller should be prepared to report name, address and telephone number of person reporting spill, the exact location of the spill, the cause of the spill, the nearest downstream water with the potential to receive the spill, and the actions taken for containment and cleanup.
- WQ-7 The applicant shall conduct or have conducted, at a minimum, weekly comprehensive site inspections until completion of the proposed activity to ensure that effective Best Management Practices (BMPs) are properly designed, implemented, and regularly maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 303(d) list, a total maximum daily load (TMDL) has been finalized for the waterbody, and/or the waterbody is otherwise considered a Tier 1 water pursuant to ADEM Admin. Code Ch. 335-6-10]. The applicant shall inspect all BMPs as often as necessary (daily if needed) for effectiveness, need for maintenance, and the need to implement additional, effective BMPs. Additional effective BMPs shall immediately be implemented as needed to ensure full compliance with the ADEM requirements and the protection of water quality in the impaired waterbody.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collections and control of onsite worker toilet wastes or gray waters (i.e. port-o-let, shower wash-down, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-10 All materials used as fill, or materials used for construction of structures in a waterbody, must be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris.
- WQ-11 The applicant shall implement appropriate measures to minimize the potential for a decrease in in-stream dissolved oxygen concentrations as a result of project implementation. In addition, the applicant shall ensure that the activities authorized by this certification do not significantly contribute to or cause a violation of applicable water quality standards for in-stream dissolved oxygen.

WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES - STATE LANDS DIVISION:

The ADCNR State Lands Division has the following requirements for projects located on the waters of Weeks Bay:

Ownership: Permit applicants must provide evidence of riparian ownership with an affirmation of accuracy as part of the application package.

Lateral Riparian Lines: The burden of locating riparian lines is the responsibility of the riparian owner.

Riparian Rights Area: All structures and other activities must be within the riparian rights area of the applicant and must be designated in a manner that will not restrict or otherwise infringe upon the riparian right of adjacent upland riparian owners. Configuration, location or design of the structure may not neither physically preclude nor have the effect of precluding public access to public waters adjacent to the upland. It is recommended that the structure be centered on the applicant's property.

Setback: All structures shall be setback a minimum of twenty-five (25) feet from the applicant's lateral riparian rights line. However, a 10-foot setback from the applicant's lateral riparian rights line may be approved should the applicant's riparian area be inadequate to maintain a 25-foot setback for each riparian rights line.

Submerged Grassbeds: A survey for submerged grassbeds may be required prior to final evaluation of a permit application. Pier construction shall be done in such a way as to prevent damage to any submerged grassbeds.

Lease Requirement: Facilities and activities which constitute exclusive use of state-owned submerged land, or have the effect of precluding public access to those lands, may require an appropriate lease from the ADCNR State Lands Division, who may require a separate permit, riparian easement and/or fee for the proposed activity. *Project coordination with ADCNR is the permittee's responsibility.*

State and Local Requirements: It is the permittee's responsibility to comply with all State and local requirements applicable to the permittee's activity. This permit DOES NOT supersede any other mandated requirements.

Dredging: No dredging to create channels, or any other similar bottom disturbance, is authorized by this General Permit. Prop dredging is strictly prohibited. *This condition does not apply to the minimum bottom disturbance which occurs during the installation of support or mooring pilings.*

Community Piers: Communal areas which share riparian ownership may construct a “community pier” to provide riparian access. Permits will take into consideration the number of riparian owners involved in the project. Joint projects *must be coordinated* with the ADCNR-SLD.

Project coordination with the ADCNR State Lands Division is the permittee’s responsibility.

**MOBILE DISTRICT
U. S. ARMY CORPS OF ENGINEERS**