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

REPLY TO
ATTENTION OF:

CESAM-RD

GENERAL PERMITS FOR MINOR STRUCTURES AND ACTIVITIES IN WATERS OF THE UNITED STATES, LOCATED WITHIN THE STATE OF ALABAMA AND IN OUTER CONTINENTAL SHELF WATERS OFF THE COAST OF ALABAMA

U.S. ARMY CORPS OF ENGINEERS

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 (Corps) will regulate activities via the herein-identified general permits for minor structures and activities in waters of the United States, located within the State of Alabama.

The Alabama Department of Environmental Management (ADEM) has issued Water Quality Certification (WQC) conditions, which are included herein, in accordance with Section 401(a)(1) of the Clean Water Act (CWA). ADEM has determined that the proposed activities, if conducted in accordance with the ADEM proposed WQC conditions and the requirements of the Corps general permits, will comply with the requirements of CWA Section 401(a)(1).

ADEM has issued Alabama Coastal Zone Management (CZM) Program consistency with conditions, which are included herein, in accordance with ADEM Administrative Code R.335-8. ADEM has determined that the proposed activities, if conducted in accordance with the ADEM CZM Program conditions and the requirements of the Corps general permits, will comply with the requirements of ADEM Administrative Code R.335-8.

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 (SLD) 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 SLD. Notification to SLD is made by the applicant forwarding a completed copy of the Joint Permit Application to the ADCNR State Lands Division, 31115 Five Rivers Boulevard, Spanish Fort Alabama 36527, telephone number (251) 621-1238. The SLD will then notify the applicant if the activity requires a separate permit and/or lease from ADCNR or if additional information is required by the SLD to complete their review.

Properties listed in or eligible for the National Register of Historic Places (NRHP) may be affected by work proposed under ALG01-2011, ALG03-2011, ALG07-2011, ALG09-2011, ALG11-2011 and/or ALG26-2011. The National Register of Historic Places and the Alabama Archeological Site File will be consulted on these projects which may affect listed or eligible cultural resources. This 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 Special Condition SP-7 on page number 19 and General Condition GC-4 on page number 22.* 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.

Preliminary review of these 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 application for authorization will be reviewed with this in mind. Please note *Special Condition SP-6 on page number 19.*

Applicants are required to provide a completed Joint Application and Notification U.S. Department of Army, Corps of Engineers, Alabama Department of Environmental Management. The application must include a vicinity map, a complete description of the proposed activity including necessary drawings, sketches, or plans sufficient for project evaluation. Information to be provided also includes, in part, the purpose and need for the proposed activity; scheduling of the activity; and the names and addresses of adjoining property owners.

A copy of the Joint Application, additional information about the Regulatory program and/or the Alabama General Permit program may be found at http://www.sam.usace.army.mil/RD/reg, the Regulatory Division's Website. For additional information, please contact the U.S. Army Corps of Engineers, Attention: Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628-0001. You may call the Corps at (251) 690-2658.

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** This permit is placed under Reserved status pending further review and coordination by the U.S. Army Corps of Engineers, Mobile District. Should this permit be re-authorized, a Public Notice announcement will then be issued.*

SAM-2010-1470-DEM

ALG01-2011 - CONSTRUCTION OR MODIFICATION OF BOAT SLIPS (Authority: Sections 10 and 404). The project (new work) must involve the dredging of less than 500 cubic yards of material from below mean high tide or below ordinary high water. All dredging water ward of mean high tide or ordinary high water to reach the controlling navigational depth of the receiving waters must be authorized under ALG03-2011-New Work Channel Dredging or ALG02-2011-Maintenance Dredging.

- Residential-Use: A limit of three (3) residential-use boat berthing areas per project site, including berthing for personal watercraft, can be authorized under this Permit.
- Slip Specifications (ALG01): 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.
- Side Stabilization (ALG01): The installation of sheet pile or other approved stabilization material may be authorized within the boat slip under ALG01. However, ALG01 does not authorize bank and/or shoreline stabilization for areas other than the sides and terminal end of the boat slip.
- Modification of an Existing Slip (ALG01): 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 mean high tide or ordinary high water. The modified slip must meet all conditions of ALG01.
- Shoreline Buffer (ALG01): In waterbodies which 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 and/or submerged grassbeds; and a 3:1 (horizontal: vertical) side slope or flatter shall be maintained.

- Dredge Material Disposal (ALG01):
    - Dredged materials shall not be placed in adjacent waters or wetlands unless specifically authorized under other General Permits, Nationwide Permits, Exemptions, or Individual Permits.
    - The dredged material shall be deposited in an approved upland area and properly contained to prevent reentering the waterway or adjacent wetlands.
- Special ADEM Conditions (ALG01): In the coastal area, 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.
- ADCNR requirements for dredging of State water bottoms (ALG01):
    - A minimum distance of 10 feet shall be maintained between the authorized structure and the adjacent upland property lines and adjacent riparian lines. Contact ADCNR-State Lands Division (SLD) for guidance regarding the location of the riparian area boundaries.
    - ADCNR-SLD may require a separate permit and fee for removal of dredged material from State water bottoms. The ADCNR-SLD 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 ADCNR-SLD is the permittee's responsibility.*
- Excluded Activities (ALG01): This permit does not authorize (1) dredging in or disposal of dredged material in (a) wetlands, (b) submerged grassbeds, (c) natural shellfish beds; or (2) the construction of ancillary shoreline stabilization structures such as wing walls, groins, jetties, or any solid structures roughly perpendicular to the shore or bank.
- Excluded Areas (ALG01): Areas fronting the waters of the Gulf of Mexico, Pelican Bay, Weeks Bay and the man-made canals on Ono Island.

SAM-2010-1471-DEM

ALG02-2011 - MAINTENANCE DREDGING (Authority: Sections 10 and 404). Maintenance dredging of up to 500 cubic yards of material may be authorized. The dredging must be a single and complete project, associated with navigation, and is limited to previously authorized and dredged dimensions. Before and after hydrographic surveys may be required.

- Maintenance Dredging (ALG02): Maintenance dredging must be associated with navigation and must be located within a valid boat/mooring slip and/or existing navigation channel.
- Maintenance Dredging of Residential Boat Slips (ALG02): Maintenance dredging in a residential boat slip is limited to 500 cubic yards of material.
- Dredged Material Disposal (ALG02):
    - The dredged material shall be placed in an approved upland area and properly contained to prevent re-entering the waterway or adjacent wetlands.
    - Dredged materials shall not be placed in adjacent waters or wetlands unless specifically authorized under other General Permits, Nationwide Permits, Exemptions, or Individual Permits.
- ADCNR requirements for dredging of State water bottoms (ALG02): ADCNR-State Lands Division (SLD) may require a separate permit and fee for removal of dredged material from State water bottoms. The ADCNR-SLD 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 ADCNR-SLD is the permittee's responsibility.*
- Excluded Areas (ALG02): This permit does not authorize (1) dredging or disposal of dredged material in (a) wetlands, (b) submerged grassbeds, (c) natural shellfish beds; or (2) areas fronting the waters of Weeks Bay.

NOTE: Exceptions to the above may be made for dredging of noxious vegetation in man-made waterbodies.

SAM-2010-1472-DEM

ALG03-2011 - NEW WORK CHANNEL DREDGING (Authority: Sections 10 and 404). Dredging of up to 1,000 cubic yards of material may be authorized. Authorization under this permit is limited to open water channels for navigation access and must be a single and complete project. Dredging depth is limited to the controlling navigational depth of the receiving waters. The applicant may be required to submit a study by a qualified professional engineer that will demonstrate that construction of a new channel will not interfere with the lateral movement of sediments such that adjacent up- and downstream shorelines are negatively impacted, i.e. sediment starved. Before and after hydrographic surveys may be required. Dredging for fill material shall not be authorized; however, navigation projects may use the dredged material for fill in an approved disposal area.

- Dredged Material Disposal (ALG03):
    - The dredged material shall be placed in an approved upland disposal area and properly contained to prevent reentering the waterway or adjacent wetlands.
    - Dredged materials shall not be placed in adjacent waters or wetlands unless specifically authorized under other General Permits, Nationwide Permits, Exemptions, or Individual Permits.
- Shoreline Buffer (ALG03): In waterbodies which have no man-made shoreline protection such as a bulkhead, riprap, etc., a 10-foot buffer shall be maintained from wetlands and/or submerged grassbeds; and a 3:1 (horizontal: vertical) or flatter side slope shall be maintained.
- Special ADEM Conditions (ALG03):
    - 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.
    - It is the responsibility of the permittee to comply with Water Quality conditions as specified in Conditions, Section III and all other conditions of this General Permit Program.
- ADCNR requirements for dredging of State water bottoms (ALG03): ADCNR-State Lands Division (SLD) may require a separate permit and fee for removal of dredged material from State water bottoms. ADCNR-SLD 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 ADCNR-SLD is the permittee's responsibility.*
- Excluded Areas (ALG03): This permit does not authorize (1) dredging within or the disposal of dredged material in (1) wetlands, (2) submerged grassbeds, (3) natural shellfish beds or (4) areas fronting the waters of the Gulf of Mexico, Pelican Bay, and Weeks Bay.

SAM-2010-1473-DEM

ALG04-2011 - DEBRIS REMOVAL (Authority: Sections 10 and 404). Debris may be removed from any waterway for navigational or drainage purposes only. The work must front the applicant's property. Debris includes but is not limited to fallen trees / woody debris, appliances, lumber, metal objects, etc. Trees embedded in a bank may be cut off above ground.

- Trees and other woody vegetation which are still rooted in the 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 the bank or a stream bed. Trees and/or wood vegetation may be removed provided they are (1) not rooted, or (2) have been cut above ground elevation so that the root mass remains

intact.

- Debris Disposal (ALG04): 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 Corps and the U.S. Fish and Wildlife Service. Any proposed open burning shall be coordinated with the ADEM Air Division. *Please contact ADEM's Air Division at (334) 271-7700.*
- Excluded Activities (ALG04): This permit does not authorize: (1) dredging of gravel, sand, silt, or (2) the removal of hazardous materials, etc.

SAM-2010-1474-DEM

ALG05-2011 - CONSTRUCTION AND MODIFICATION OF PIERS, WHARVES, AND THEIR NORMAL APPURTENANCES SUCH AS STAIRWAYS AND WALKWAYS (Authority: Section 10). Authorized structures shall be of sufficient length to reach navigational depths adequate for the proposed use to the extent that a hazard to navigation, as determined by the controlling authority, will not be created. Structures shall be designed and constructed such that impacts to wetlands and submerged grassbeds are minimized.

- Residential-Use: A limit of three (3) residential-use boat berthing areas per project site, including berthing for personal watercraft, may be authorized under this Permit.
- Existing Marinas: Within the authorized footprint of an existing marina, alterations to pier configurations and/or berthing spaces may be permitted.
- Special conditions for structures spanning emergent non-forested wetlands or submerged grassbeds (ALG05):
    - A pier, wharf, or walkway over emergent non-forested wetlands or water with submerged grassbeds shall be no more than five (5) feet wide and the height of the structure above ground surface over wetland or the water surface at mean high tide or ordinary high water must at least equal its width (i.e., a five-foot-wide walkway/pier would be constructed at a five foot elevation).
    - The minimum space between the finished decking boards must be no less than 0.75-inch to allow for light penetration.
    - In areas vegetated with submerged grassbeds, pilings should be driven. Jetting may be restricted in such areas.
    - Operation of heavy equipment in wetlands is strictly prohibited.
- Natural Shellfish Beds (ALG05): In areas of natural shellfish beds, the applicant must coordinate the activity with the Department of Conservation and Natural Resources - Marine Resources Division (ADCNR-MRD), (*Dauphin Island Office at telephone number (251) 861-2882 or the Gulf Shores Office at telephone number (251) 968-7576).* The recommendation of the ADCNR-MRD must be included with the applicant's Joint Application to the Corps for project authorization.
- Pier Length (ADEM Condition) (ALG05): In the coastal area, new piers and docks shall be of sufficient length to reach navigational depths adequate for the proposed use unless the structure creates a hazard to navigation as determined by the Corps.
- ADCNR-SLD Riparian-Use requirements for activities in State water bottoms (ALG05):
    - A minimum distance of 10 feet shall be maintained between the authorized structure, including any moored vessels, and the adjacent upland property lines and adjacent riparian lines. *Contact ADCNR-SLD 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.

- 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 (ADCNR-SLD) may be required. *Contact ADCNR-SLD for guidance regarding the location of the riparian area boundaries.*

- Coordination with ADCNR-SLD (ALG05): ADCNR-SLD may require a separate permit, riparian easement and/or fee for the proposed activity. *Project coordination with ADCNR is the permittee's responsibility.*
- Excluded Structures (ALG05): This permit does not authorize the following activities: (1) structures for the permanent mooring of houseboats, (2) fueling facilities, (3) toilets, (4) habitable structures (defined by 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, and (6) the expansion of an existing marina beyond the existing authorized footprint.
- Excluded Areas (ALG05): Areas fronting the waters of the Gulf of Mexico, Pelican Bay, and Weeks Bay.
- Note: Please refer to ALG24-2011 for activity within Weeks Bay.

SAM-2010-1475-DEM

ALG06-2011 - CONSTRUCTION AND MODIFICATION OF BOAT SHELTERS, GAZEBOS, HOISTS, ETC. (Authority: Section 10).

Structures under this permit include covered, open-sided structures such as boat shelters, boat hoists, gazebos and covered decks.

- Residential-Use: A limit of three (3) residential-use boat berthing areas per project site, including berthing for personal watercraft, may be authorized under this Permit.
- ADCNR-SLD Riparian-Use requirements for activities in State water bottoms (ALG06):
  - A minimum distance of 10 feet shall be maintained between the authorized structure, including any moored vessels, and the adjacent upland property lines and adjacent riparian lines. *Contact ADCNR-SLD 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.
  - 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.
- Coordination with ADCNR-SLD (ALG06): ADCNR-SLD may require a separate permit, riparian easement and/or fee for the proposed activity. *Project coordination with ADCNR-SLD is the permittee's responsibility.*
- Excluded structures (ALG06): This permit does not authorize: (1) structures for the permanent mooring of houseboats, (2) fueling facilities, (3) toilets, (4) habitable structures (defined by 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) structures in/over emergent non-forested wetlands, submerged grassbeds or natural shellfish beds.
- Excluded Areas (ALG06): Areas fronting the waters of the Gulf of Mexico, Pelican Bay, and Weeks Bay.
- Note: Please refer to ALG25-2011 for activity within Weeks Bay.

SAM-2010-1476-DEM

ALG07-2011 - CONSTRUCTION AND MODIFICATION OF BOAT RAMPS OR MARINE WAYS (Authority: Sections 10 and 404). Dredging/filling of less than 250 cubic yards of material below mean high tide or ordinary high water may be authorized. Care should be taken in the placement of boat ramps to avoid interrupting the natural movement of sediments. Storm water runoff from boat ramp approaches and parking areas should be directed away from the boat ramp. Care should be taken to prevent erosion of side banks.

- Should it be determined that the boat ramp has the potential to act as a jetty/groin, the applicant may be required to provide a study by a qualified professional engineer that will demonstrate that construction of boat ramp will not interfere with the lateral movement of sediments such that adjacent up- and downstream shorelines are negatively impacted, i.e. sediment starved.
- The applicant must demonstrate that there is adequate upland parking to support the anticipated use of the boat ramp and/or marine way.
- Only clean fill material, pursuant to State guidelines, can be used for the construction of the boat ramp. This includes the ramp surface and any fill used for site preparation.
- Dredged Material Disposal (ALG07):
  - Dredged materials shall not be placed in adjacent waters or wetlands unless specifically authorized under other General Permits, Nationwide Permits, Exemptions, or Individual Permits.
  - The dredged material shall be placed in an approved upland area and properly contained to prevent reentering the waterway or adjacent wetlands.
- ADCNR Riparian-Use requirements for activities in State water bottoms (ALG07): A minimum distance of 10 feet shall be maintained between the authorized structure and the adjacent upland property lines and adjacent riparian lines. *Contact ADCNR for guidance regarding the location of the riparian area boundaries.*
- Coordination with ADCNR (ALG07): ADCNR-State Lands Division (SLD) may require a separate permit and fee for removal of dredged material from State water bottoms. The ADCNR-SLD 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 ADCNR is the permittee's responsibility.*
- Exclusions (ALG07): This permit does not authorize: (1) ancillary structures such as wing walls, groins, jetties, or any solid structures roughly perpendicular to the shore or bank; (2) dredging in wetlands, submerged grassbeds, or natural shellfish beds; and (3) boat ramps and/or marine ways where adverse impacts to submerged grassbeds or natural shellfish beds would occur as a result of normal use.
- Excluded Areas (ALG07): Areas fronting the waters of the Gulf of Mexico, Pelican Bay, and Weeks Bay.

SAM-2010-1477-DEM

ALG08-2011 - MOORING PILINGS, DOLPHINS AND SINGLE-PILE STRUCTURES (Authority: Section 10): A minimum distance of 10 feet shall be maintained between the authorized structure, including any moored vessel, and the adjacent upland property lines and adjacent riparian lines.

- Coordination with ADCNR (ALG08): ADCNR-State Lands Division may require a separate permit, riparian easement and/or fee for the proposed activity. *Project coordination with ADCNR is the permittee's responsibility.*

- Residential-Use: A limit of three (3) residential-use boat berthing areas per project site, including berthing for personal watercraft, can be authorized. This would include any berthing authorized under ALG06-2011.
- Exclusions (ALG08): This permit does not authorize: (1) structures for the permanent mooring of houseboats, and/or (2) adverse impact to submerged grassbeds or natural shellfish beds. For projects that are near submerged grassbeds, the structures would have to be driven to prevent any sedimentation on nearby submerged grassbeds. The applicant must demonstrate that the vessel mooring would not shade or otherwise cause adverse impacts to submerged grassbeds (such as prop wash, etc).
- Excluded Areas (ALG08): Areas fronting the waters of the Gulf of Mexico and Pelican Bay.

SAM-2010-1478-DEM

ALG09-2011 - OYSTER REEFS - RESERVED

ALG10-2011 - LIVING SHORELINES GENERAL PERMIT (Authority: Sections 10 and 404): This general permit provides for the preservation and restoration of dunes, beaches, wetlands, submerged grassbeds, protection and propagation of essential fish habitat, shoreline restoration and nourishment. Due to the dynamic and variable nature of various shoreline types, to the maximum extent possible, shoreline stabilization shall be accomplished by the establishment of vegetation communities representative of the targeted habitat. Some situations may be adequately stabilized using established vegetation, such that, additional amendments may not be warranted. Reef and/or breakwater construction, when used in conjunction with living shorelines principals or other means to encourage shoreline enhancement or restoration, shall incorporate construction design(s) to address natural sediment transport and promote low wave energy abatement and shall not create a navigational hazard. Structures should be limited in size but provide adequate protection needed in high energy environments without causing adverse impacts to surrounding properties or resources. In some cases, hydrologic studies may be required prior to permit issuance. This general permit does not authorize land reclamation activities.

- Protection Location (ALG10): Protection locations for living shorelines may extend from the existing shoreline at MHW and extend water-ward. Authorizations for project locations, including reef construction, are dependent upon site conditions, project purpose and appropriate coordination and authorization from other jurisdictional agencies.
- Protection fronting Wetlands and Sensitive Habitats (ALG10): No wetlands shall be filled, although protection may be provided for wetland areas as long as the wetlands are not otherwise adversely impacted. If the area or any portion to be protected is a wetland:
  - No fill will be placed in wetland areas;
  - The shore protection device must be designed to allow the normal hydrologic regime to be maintained in wetland areas; and
  - If scarping has occurred due to scour or scalloping, fill discharges shall be limited to the minimum yardage necessary to achieve adjacent wetland elevation. Detached breakwaters should contain an appropriate number of gaps to ensure adequate tidal flushing and shoreline habitat access for marine and terrestrial organisms.
- Types of Protection (ALG10):
  - Oyster Shell and Oyster Shell Support Structures: Oyster shell quantity and placement shall be limited to the minimum amount necessary to achieve stabilization. Oyster shell shall be placed in a manner to prevent its migration to surrounding areas (i.e., bagged oyster shell, Hesco barriers, reef balls, and reef cradles) and should be placed on a stable substrate to avoid sinking.

Reef profile should be high enough to avoid siltation of shells.

- 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. "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, brush, may be used in low velocity areas to provide short-term shoreline protection during marsh restoration and enhancement activities 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 free of exposed rebar, asphalt, plastic, soil, etc., may be used. Riprap may be authorized to augment other protection methods. Note: If a channel is being protected by riprap, the backfill is limited to one (1) cubic yard per linear foot for each side. There is no limit to the linear feet of shoreline or bank that may be protected by installation of riprap. Use of appropriate filter fabric is required. Riprap materials, pervious interlocking brick systems, filter mats, and other similar stabilization methods should be utilized in lieu of vertical seawalls and bulkheads wherever feasible.
- Other: Other shoreline protection devices and reef construction materials shall evaluated on a case-by-case basis prior to being authorized for use.

- Submerged Grassbeds: Prior to permit issuance and/or placement of structures, project locations within areas with conditions which may support submerged grassbeds or areas where submerged grassbeds have historically been known to occupy may be subject to an submerged grassbeds survey. With the exception of rhizome cross-sectional surveys, submerged grassbed surveys must be conducted not earlier than the first of June or later than the end of September.
- Invasive Species (ALG10): The shoreline shall be monitored for presence of invasive or undesirable species for the life of the project. These species shall be removed upon discovery and the area replanted with desired target community vegetation to discourage future re-infestation.
- Coordination with ADCNR (ALG10): Authorization from the ADCNR is required for land reclamation activities. In some cases, ADCNR-State Lands Division may require a separate permit, riparian easement and/or fees for the proposed activity. Shoreline accretion resulting from permitted activities undertaken by use of the general permit may not result in a change in property boundaries. *Project coordination with ADCNR is the permittee's responsibility.*
- Coordination with SHPO (ALG10): Coordination with the Alabama Historical Commission is required to ensure no impacts will occur to historic entities or other items which may be of historic significance.
- Markers and Signage (ALG10): All constructed shorelines and reef complexes must display proper signage, markers and/or lighting to inform waterway users of their presence and in accordance with the United States Coast Guard.
- Exclusions (ALG10): This permit does not authorize (1) placement of fill in wetlands; (2) ancillary structures such as wing walls, groins, jetties, or any solid structures roughly perpendicular to the shore or bank; (3) activities which result in land reclamation; (4) activities constructed for the purpose of land reclamation; (5) an activity which creates a hazard to navigation; and (6) loose or bagged oyster shell can only be used in areas classified as "Conditionally Approved" by the Alabama Department of Public Health.

SAM-2010-1479-DEM

ALG11-2011 - ARMORING SYSTEMS (RIPRAP), BULKHEADS, RIVER TRAINING STRUCTURES, Bioengineering, and other Standard Shoreline Protection/Stabilization Devices

roughly paralleling, and at the Existing Shoreline or Bank (Authority: Sections 10 and 404): This permit is only applicable where it is demonstrated to the satisfaction of the Corps that there are no feasible non-structural alternatives available including, but not limited to, preservation and restoration of wetlands, submerged grassbeds, shoreline restoration and/or nourishment.

- Protection Location (ALG11): Protection must be along the existing shoreline at the plane of ordinary high tide, the plane of ordinary high water or landward of all jurisdictional wetlands at the time of construction, unless otherwise specifically authorized.
- Protection Fronting Wetlands (ALG11): No wetlands shall be filled, although protection may be provided for wetland areas as long as the wetlands are not otherwise adversely impacted. If the area or any portion to be protected is a wetland: (1) no fill will be placed in wetland areas; and (2) the shore protection device must be designed to allow the normal hydrologic regime to be maintained in wetland areas.
- Bank Dressing (ALG11): Should the shore, bank or channel require dressing, the bedding placed below the plane of ordinary high water or the plane of ordinary high tide may not exceed an average of one (1) cubic yard per linear foot of shoreline being protected.
- Types of Protection (ALG11): To the maximum extent possible, shoreline stabilization should be accomplished by the establishment of appropriate native vegetation. Riprap materials, pervious interlocking brick systems, filter mats, and other similar stabilization methods should be utilized in lieu of vertical seawalls and bulkheads wherever feasible.
    - Riprap: Only clean riprap material free of exposed rebar, asphalt, plastic, soil, etc., may be used. Riprap may be authorized to augment other protection methods. NOTE: If a channel is being protected by riprap, the backfill is limited to one (1) cubic yard per linear foot for each bank. There is no limit to the linear feet of shoreline or bank that may be protected by installation of riprap. Use of appropriate filter fabric is required.
    - Bulkheads: Bulkhead placement is limited to a total project length of 1,000 linear feet. Vertical face structures intended to replace failed erosion control structures shall not extend more than 24-inches waterward from the base of the failed structure. Use of appropriate filter fabric is required. Only clean material free of waste, metal and organic trash, unsightly debris, etc., may be used as backfill. The use of solid waste is specifically excluded from use as backfill or riprap material. NOTE: Bulkhead installation is specifically excluded from areas fronting the waters of Weeks Bay and Ono Island man-made canals.
    - Other: Shoreline protection devices, other than bulkhead or riprap installation, will have to be specifically authorized.
- Coordination with ADCNR (ALG11): ADCNR-State Lands Division may require a separate permit, riparian easement and/or fee for the proposed activity. *Project coordination with ADCNR is the permittee's responsibility.*
- Exclusions (ALG11): This permit does not authorize (1) placement of fill in wetlands or submerged grassbeds; (2) ancillary structures such as wing walls, groins, jetties, or any solid structures roughly perpendicular to the shore or bank; or (3) any activity to regain land lost to erosion, or otherwise accrete land.
- Excluded Areas (ALG11): Areas fronting the waters of the Gulf of Mexico, Pelican Bay, Weeks Bay and the man-made canals on Ono Island.
- Note: Please refer to ALG26-2011 for activity within Weeks Bay.

SAM-2010-1480-DEM

ALG12-2011 - MAINTENANCE DREDGING OF MAN-MADE DITCHES (Authority: Section 10). Maintenance is limited to the original bottom depth, width, and length of an existing, currently serviceable ditch. Wetland and aquatic vegetation which has invaded previously dredged area may be

removed during maintenance operations.

- Dredged Material Disposal (ALG12):
  - Dredged material shall not be placed in adjacent waters or wetlands unless specifically authorized under other General Permits, Nationwide Permits, Exemptions, or Individual Permits.
  - The dredged material shall be deposited in an approved upland area and contained so as not to reenter the waterway or adjacent wetlands.
  - The dredged material shall be deposited in an approved upland area and contained so as not to re-enter the waterway or adjacent wetlands.

SAM-2010-1481-DEM

ALG13-2011 - FILLING OF PREVIOUSLY DREDGED AREAS (such as Boat Slips, Man-made Ditches, etc.) (Authority: Sections 10 and 404). Only clean material free of waste, metal products, organic materials, unsightly debris, etc. may be used as fill. In areas invaded by noxious or invasive aquatic vegetation, authorization to fill will be determined on a case-by-case basis. If the area to be filled had previously been a wetland or natural channel, the fill may not exceed the original elevations or dimensions of the previously dredged area.

- Coordination with ADCNR (ALG13): 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 ADCNR is the permittee's responsibility.*
- Excluded Activities (ALG13): This permit does not authorize filling of (1) wetlands, (2) submerged grassbeds, (3) natural streams, (4) natural channels, or (5) areas providing mitigation, enhancement, or flushing of an aquatic system.

ALG14-2011 through ALG16-2011 – Reserved.

GENERAL PERMITS FOR WILDLIFE MANAGEMENT AREAS, REFUGES AND PARKS

SAM-2010-1483-DEM

ALG17-2011 - CREATION AND MAINTENANCE OF FIREBREAKS

* This permit is placed under Reserved status pending further review and coordination by the Corps of Engineers, Mobile District. Should this permit be re-authorized, a Public Notice announcement will then be issued.

SAM-2010-1484-DEM

ALG18-2011 - CLEAR AREAS FOR WILDLIFE MANAGEMENT

* This permit is placed under Reserved status pending further review and coordination by the Corps of Engineers, Mobile District. Should this permit be re-authorized, a Public Notice announcement will then be issued.

SAM-2010-1485-DEM

ALG19-2011 - AGRICULTURAL TYPE ACTIVITIES FOR THE CREATION OF HABITAT OR FOOD PLOTS

* This permit is placed under Reserved status pending further review and coordination by the Corps of Engineers, Mobile District. Should this permit be re-authorized, a Public Notice announcement will then be issued.

SAM-2010-1486-DEM

ALG20-2011 - WATER MANAGEMENT

* This permit is placed under Reserved status pending further review and coordination by the Corps of Engineers, Mobile District. Should this permit be re-authorized, a Public Notice announcement will then be issued.

ALG21-2011 through ALG23-2011 – Reserved.

GENERAL PERMITS FOR WATERS OF WEEKS BAY LOCATED WITHIN THE WEEKS BAY NATIONAL ESTUARINE RESEARCH RESERVE

Permits ALG24 through ALG26 are specifically for activities within Weeks Bay which is located within the recognized boundaries of the Weeks Bay National Estuarine Research Reserve (the Reserve). General Permits ALG24 through ALG26 are not applicable to waters of the Fish and Magnolia Rivers. *Note: Activities for the Fish and Magnolia Rivers will be evaluated through the General Permits for Minor Structures and Activities in Waters of the United States, Located within the State of Alabama and In Outer Continental Shelf Waters off the Coast of Alabama outlined above.*

General Information on the Reserve: The Reserve establishes those areas dedicated to education, research and resource protection and subject to the policies, management strategies and rules of the Reserve as set forth in their management plan and as agreed upon by ADCNR, ADEM, and other applicable agencies.

The Reserve encompasses those properties currently owned by the State of Alabama dedicated to the Reserve and currently includes those lands brought into the Reserve since it was established in 1985. The Reserve includes: the water bottoms (submerged lands) up to the mean high tide line of Weeks Bay; the water bottoms of Fish and Magnolia Rivers, and their tributaries, up to the termination of tidal influence; the water bottoms of Bon Secour Bay adjacent to the Swift tract and north across the mouth of Weeks Bay; the Foley tract (178 acres); the Ogburn tract (157 acres); the Swift tract (615 acres); View Point Park (2 acres); the Damson tract (360 acres); the Fish River Marina tract (22 acres); the Riverlands tract (90 acres); the Worcester tract (49 acres); the Harris tract (64 acres); the Turkey Branch tract (20 acres), the Meador tract, the Lott tract, and the Safe Harbor Tract.

The water bottoms within the Reserve, up to mean high tide, is considered to be the core areas of critical habitat where no disturbance should occur that would affect the integrity of that area. All other lands within the Reserve boundary should serve as a buffer to protect the core and provide additional protection for estuarine-dependent species.

The Weeks Bay Coastal Area is delineated as that portion of the Alabama coastal area surrounding Weeks Bay extending from the mouth of the Bon Secour River to Bryant Landing at the intersection of US Highway 98 and County Road 1. The Weeks Bay Coastal Area as delineated above is designated as a Geographic Area of Particular Concern (GAPC) in the Alabama Coastal Area Management Plan (ACAMP).

SAM-2010-1487-DEM

ALG24-2011 - CONSTRUCTION AND MODIFICATION OF PIERS, DECKS, AND THEIR NORMAL APPURTENANCES SUCH AS STAIRWAYS AND WALKWAYS.

- Pier Length (ALG24): For structures fronting Weeks Bay, the entire structure may extend from mean high tide (MHT) to the three-foot contour line or a depth of three feet at mean low tide (MLT) plus 20 feet waterward, or 300 feet waterward of MHT, whichever distance is shorter. For structures fronting riverine or canal areas, the distance waterward will be determined on a case-by-case basis.
- Pier and/or Walkway Specifications (ALG24): The maximum width of the pier shall be limited to five feet and the height of the pier must be at least five feet above MHT.
    - If the property is fronted by wetlands, the maximum width of the walkway shall be limited to five feet and the height of the walkway must be a least five feet above wetlands elevation.
    - The spacing between the decking boards of the walkway over wetlands and of the pier must be no less than 0.75-inch when finished to allow for light penetration. Light penetration may also be achieved by the use of metal grating.
    - Decking boards shall be no wider than 12-inches.
    - *NOTE: for ALG24-2011, the term "wetlands" or "wetland area" applies to a non-forested wetland, a marsh or a marsh fringe. This condition does not apply to forested wetlands.*
- Deck (ALG24): There shall be no more than one deck area per single project. 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 (no enclosed or solid walls).
- Conditions (ALG24):
    - Adverse impacts to the wetlands area must be avoided during construction and future use.
    - Support pilings for the walkway crossing wetlands shall be installed by hand with no heavy machinery operating in the wetland area.
    - Excess material excavated for installation of the pilings shall be removed from the wetland area so that the existing elevation remains unaltered.
- Excluded Activities (ALG24): This permit does not authorize: (1) fueling facilities, (2) plumbing (toilets, water lines, etc.) and/or (3) habitable structures (defined by 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 the waters of the Reserve.

SAM-2010-1488-DEM

ALG25-2011 - CONSTRUCTION / INSTALLATION OF MOORING PILINGS AND/OR BOAT

HOISTS:

- A limit of two (2) residential-use boat berthing areas, including berthing for personal watercraft, can be authorized under this Permit. The boat berthing area(s) may be up to 20 feet by 26 feet. The berthing areas will be uncovered and non-enclosed.
- A total of six (6) mooring pilings may be installed. The mooring pilings will be installed parallel to and a maximum of 20 feet waterward of the pier/deck/access dock.
- 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 pier decking.
- Boats berthed at permitted structures must be a minimum of ten feet inside the lateral riparian line. *Contact ADCNR for guidance regarding the location of the riparian area boundaries.*
- Berthed vessels should not neither physically preclude nor have the effect of precluding public access to public waters adjacent to the upland.
- Excluded Activities (ALG25): This permit does not authorize: (1) fueling facilities, (2) plumbing (toilets, water lines, etc.) and/or (3) habitable structures (defined by 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 the waters of the Reserve.

SAM-2010-1489-DEM

ALG26-2011 - SHORELINE / BANK PROTECTION: Shoreline protection shall only be considered in those areas where the riparian vegetation proves inadequate in preventing erosion. The shoreline protection is LIMITED TO the placement of riprap.

- Protection must be along the existing shoreline at the plane of ordinary high tide, or landward of all jurisdictional wetlands at the time of construction, unless otherwise specifically authorized.
- The activity shall not exceed one cubic yard per linear foot placed along the bank below the mean high tide line. Only clean material, free of exposed rebar, asphalt, plastic, soil, etc., may be used. Use of filter cloth is required.
- Protection fronting wetlands (ALG26): No wetlands shall be filled, although protection may be provided for wetland areas as long as the wetlands are not otherwise adversely impacted. If the area or any portion to be protected is wetlands, no fill will be placed on the wetlands and the shoreline protection must be designed to allow the normal hydrologic regime to be maintained in wetland areas.
- Bank Dressing (ALG26): Should the shore or bank require dressing, the bedding placed below the plane of mean high tide may not exceed an average of one (1) cubic yard per linear foot of shoreline being protected, unless otherwise specifically authorized.
- Excluded Activities (ALG26): This permit does not authorize (1) filling of wetlands or submerged grassbeds; (2) the construction of ancillary structures such as wing walls, groins, jetties, or any solid structures roughly perpendicular to the shore or bank; or (3) any activity to regain land lost to erosion, or otherwise accrete land.

CONDITIONS FOR GENERAL PERMITS WITHIN THE RECOGNIZED BOUNDARIES OF THE WEEKS BAY NATIONAL ESTUARINE RESEARCH RESERVE (WB-1 THROUGH WB-9): All Special and General Conditions, including all ADEM Water Quality Certification and Coastal Zone Management Consistency conditions are applicable in the Reserve. In addition, the following nine conditions (prefixed by WB) apply to the areas fronting the waters of the Reserve:

Riparian area boundaries and other riparian information: *Contact the Alabama Department of Conservation and Natural Resources – State Lands Division (ADCNR-SLD) for guidance regarding the*

location of the riparian area boundaries.

WB-1. Ownership: Permit applicants must provide evidence of riparian ownership with an affirmation of accuracy as part of the application package.

WB-2. Lateral Riparian Lines: The burden of locating riparian lines is the responsibility of the riparian owner.

WB-3. 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 either 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.

WB-4. 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.

WB-5. 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.

WB-6. 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-SLD, who may require a separate permit, riparian easement and/or fee for the proposed activity. *Project coordination with ADCNR is the permittee's responsibility.*

WB-7. 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.

WB-8. 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.*

WB-9. 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.

ADMINISTRATION

Applications may be made to and authorizations issued by the following:

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

b. 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 Resource Manager. Additionally, the Resource Manager in some cases may issue an authorization in lieu of the Mobile District Office.

(1) 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

(2) 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

(3) 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

(4) 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

(5) 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 lakeshore use 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.

CONDITIONS

NOTE: The term "you" and its derivations, means the permittee or any future transferee. The term

"district" or "we" or "us" refers to the Mobile District, U.S. Army Corps of Engineers, and/or resource agencies which administers the general permits within the area of their management.

I. SPECIAL CONDITIONS (SP-1 through SP-9): The above-described structures and/or activities may be authorized under these general permits subject to the following conditions:

SP-1. An authorization will not be issued if you have been found by this office to be in noncompliance with any prior Corps permit, or have been cited for unauthorized work, until the noncompliance or violation has been resolved.

SP-2. Authorizations 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 such as dredging or filling of wetland areas. The term "wetland' means those areas that are inundated or saturated by surface or ground water at a frequently and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Such areas serve important purposes relating to water quality, fish and wildlife, recreation, and other elements in the general public interest. As environmentally vital areas, they constitute productive and valuable public resources, the unnecessary alteration or destruction of which are contrary to the public interest. Activities which would result in the alteration or destruction of bottom land hardwoods may not be authorized unless full coordination with the U.S. Fish and Wildlife Service is performed.

SP-3. You must submit a complete Joint Application and satisfactory plans. You are advised that all State and local permits must be obtained before work can be initiated. *A copy of the Joint Application may be found at the Regulatory Website: http://www.sam.usace.army.mil/RD/reg.*

SP-4. Conformance with descriptions and qualities contained herein does not necessarily guarantee consideration and/or subsequent authorizations. Additionally, you must have the requisite property rights to perform the requested work.

SP-5. These general permits will be valid for a five-year period or until suspended, revoked, or extended. 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 the date periodically to determine if continuation of these permits is in the overall public interest. These general permits will be re-advertised via public notice every five years as part of a public interest review.

SP-6. Authorizations will not be issued which will adversely impact threatened or endangered species, or their critical habitat.

SP-7. Authorizations will not be issued which will impact, affect, or otherwise degrade cultural resources such as archaeological, scientific, prehistoric, or historic sites or data. Activities which will impact cultural resources will be evaluated as individual permits. If you discover any previously unknown historic or archeological remains while accomplishing an authorized activity, you must immediately notify the Mobile District, U.S. Army Corps of Engineers of what you have found. We will initiate the Federal and State coordination required to determine if the site warrants recovery efforts or if it is eligible for listing in the National Register of Historic Places.

SP-8. Authorizations will not be issued for activities located in State or National Wild and Scenic streams, rivers, or components thereof, or other areas provided special protection unless the

administering agency concurs.

SP-9. Authorization will be suspended if State water quality and/or coastal consistency standards are not met.

II. ADEM CONDITIONS FOR COASTAL ZONE MANAGEMENT CERTIFICATION: Pursuant the Alabama Coastal Area Management Program, ADEM issued project consistency for a period not to exceed five (5) years from the date of issuance **[1 October 2016]**. ADEM reserves the right to suspend or revoke any general permit which may be determined to have a significant impact on coastal resources or which is found to be inconsistent with the management program. To ensure that activities which are conducted within the coastal area of Alabama and authorized by the general permits are in compliance with the Alabama Coastal Area Management Program, the consistency determination was conditioned as follows:

NOTE: Special condition CZM-4 only pertains to the Alabama General Permit ALG10-2011 - Living Shorelines.

CZM-1. Tear sheet General Permits may not be issued within Mobile and Baldwin Counties in Alabama.

CZM-2. A copy of the General Permit authorization and corresponding joint application for Mobile and Baldwin Counties must be provided to the ADEM Coastal/Facility Section, 4171 Commanders Drive, Mobile, Alabama 36615.

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

CZM-4. Applicable to ALG10-2011 - Living Shorelines only. For activities to be conducted in Mobile and Baldwin Counties the applicant shall provide copies to the ADEM Coastal Program Office of any/all wetland delineations, hydrographic surveys, submerged grassbed surveys and/or rhizome cross-sectional surveys required by the Corps of Engineers as part of the application.

III. ADEM CONDITIONS FOR WATER QUALITY CERTIFICATION (WQ-1 through WQ-12): Because action pertinent to water quality certification is required by Section 401(a)(1) of the Clean Water Act, 33 U.S.C. Section 1251, et. seq., and the Alabama Coastal Area Management Program, the ADEM issued official project certification for a period not to exceed five (5) years from the date of issuance, **1 October 2016,** of the Corps general permits referenced herein, unless extended in writing by ADEM. ADEM stated that if the project is conducted in accordance with the prescribed conditions, that there is reasonable assurance that the discharge resulting from the proposed activities as submitted will not violate applicable water quality standards established under Section 303 of the Clean Water Act and Section 22-22-9(g), Code of Alabama (1975). ADEM certified that there are no applicable limitations under Sections 301 and 302 nor applicable standards under Sections 306 and 307 of the Clean Water Act in regard to the activities specified. However, regulations promulgated by EPA requiring discharge permits for stormwater runoff from individual and commercial facilities may be applicable. The ADEM certification does not address the requirements of those regulations. The ADEM certification contains the below listed twelve (12) special conditions (WQ-1 through WQ-12):

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 ADEM's Water Division at (334) 271-7823. If you have any questions regarding ADEMs regulated activity or the need for air permit coverage, please contact 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 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 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 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 washdown, 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 instream 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 instream 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.

IV. GENERAL CONDITIONS (GC-1 through GC-6): In addition to Special Conditions (SP-1 through SP-9), conditions of Coastal Zone Management certification above, and conditions of Water Quality certification (WQ-1 through WQ-12) above, the following General Conditions (GC-1 through GC-6) will apply:

GC-1. The time limit for completing an authorized activity ends three (3) years from the date of the authorization. If you need more time to complete the authorized activity, submit your request for a time extension to us for consideration at least one month before the expiration date.

GC-2. Expiration of the General Permit Program. The Chief of Engineers will periodically review each of the permits within the General Permit Program and their conditions and will decide to modify, reissue, or revoke the permits. If a General 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 individual 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 a General Permit which was in effect at the time the activity was completed continue to be authorized by that General Permit.

GC-3. You must maintain the authorized activity in good condition and in conformance with the terms and conditions of your authorization. You are not relieved of this requirement if you abandon the authorized activity.

GC-4. If you discover any previously unknown historic or archeological remains while accomplishing the authorized activity, you must immediately notify the Corps, Mobile District, of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

GC-5. If you sell the property associated with an authorization, you must obtain the signature of the new owner at the bottom of the authorization and forward a copy of it to us to validate the transfer.

GC-6. You must allow Federal and State resource agency representatives to inspect the proposed an/or authorized 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.

FURTHER INFORMATION:

a. Limits of this Authorization:

(1) An authorization does not obviate the need to obtain other Federal, State, or local authorization required by law.

(2) An authorization does not grant any property rights or exclusive privileges.

(3) An authorization does not authorize any injury to the property of rights of others.

(4) An authorization does not authorize interference with any existing proposed Federal Project.

b. Limits of Liability: In issuing an authorization, 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, the determination by us that issuance of an authorization is not contrary to the public interest was made in reliance on the information you provided.
NOTE: You must have the requisite property rights to do any work pursuant to any of these permits.

d. Re-evaluation of Permit Decision: We may re-evaluate our decision on an authorization 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 authorization.

(2) The information provided by you in support of your application 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 is appropriate to use the suspension, modification, and relocation 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 authorization 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. Time Extensions: General Condition (GC-1) establishes a time limit for the completion of the authorized activity. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, we will normally give favorable consideration to a request for an extension of this time limit, provided it does not exceed the expiration date of the Program. Also, refer to GC-2 regarding expiration of the Program.

f. Additional Coordination with the State Lands Division: Certain activities may require additional coordination with the Alabama Department of Conservation and Natural Resources (ADCNR), State Lands Division, regarding state property rights pertaining to the proposed activity. Please contact the State Lands Division for further information. The State Lands Division may be reached at: ADCNR, State Lands Division, 31115 Five Rivers Boulevard, Spanish Fort, Alabama 36527, or by telephone at (251) 621-1238.

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

(1) Ownership: Permit applicants must provide evidence of riparian ownership with an affirmation of accuracy as part of their application package to 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 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 either 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.

g. Failure to secure authorization as specified herein or failure to comply with conditions of any authorizations issued under these general permits may result in enforcement actions by the U.S. Army Corps of Engineers, Alabama Department of Environmental Management or the Alabama Department of Conservation and Natural Resources.

APPROVED BY: Craig J. Litteken

STEVEN J. ROEMHILDT, P.E.
Colonel, Corps of Engineers
District Commander

CRAIG J. LITTEKEN
Chief, Regulatory Division
Mobile District

DATE: 11/20/2012