



REPLY TO  
ATTENTION OF:

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

CESAM-RD  
Special Project Number AL05-02708-J

**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**

**GENERAL PERMIT FOR WORK IN OUTER CONTINENTAL SHELF WATERS**  
**OFF THE COAST OF ALABAMA**

**AUTHORITY**

Pursuant to Section 10 of the River and Harbor 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 regulatory boundaries of the Mobile District, U.S. Army Corps of Engineers.

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 Admin. Code Div. 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 Admin. Code Div. 335-8.

Public Trust Land, i.e., submersed 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, 23210 US Highway 98, Suite B-1, Fairhope, Alabama 36532, telephone number (251) 929-0900. 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. *For further information see "f" on page number 23.*

Properties listed in or eligible for the National Register could be affected by work proposed under ALG01, ALD03, ALG07, ALG18 and/or ALG19. (*Refer to Permit Summary on pages 2-3.*) The National Register of Historic Places will be consulted on projects that would disturb or excavate uplands. 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 SP7 on page number 15 and General Condition GC3 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 SP6 on page number 15.*

**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 the Regulatory Website: <http://www.sam.usace.army.mil/RD/reg>. For additional information, please contact the U.S. Army Corps of Engineers, Post Office Box 2288, Mobile, Alabama 36628-0001. Attention: Regulatory Division, you may call the Corps at (251) 690-2658.

<b>ALABAMA GENERAL PERMITS SUMMARY</b>		
<b>Permit</b>	<b>Activity</b>	<b>Page Number</b>
ALG01-2006	Construction or Modification of Boat Slips	3-4
ALG02-2006	Maintenance Dredging	4
ALG03-2006	New Work Channel Dredging	4-5
ALG04-2006	Debris Removal	5
ALG05-2006	Construction and Modification of Piers, Wharves, and their Normal Appurtenances such as Stairways and Walkways	5-6
ALG06-2006	Construction and Modification of Boat Shelters, Gazebos, Hoists, etc.	6-7
ALG07-2006	Construction and Modification of Boat Ramps or Marine Ways	7
ALG08-2006	Mooring Pilings, Dolphins and Single-Pile Structures	7
ALG09-2006	Oyster Reefs	7-8
ALG10-2006	Armoring Systems (Riprap), Bulkheads, River Training Structures, Bioengineering, and other Standard Shoreline Protection/Stabilization Devices roughly paralleling, and at the Existing Shoreline or Bank	8
ALG11-2006	Maintenance Dredging of Man-made Ditches	8-9

ALG12-2006	Filling of Previously Dredged Areas (such as Boat Slips, Man-made ditches, etc.)	9
ALG13-ALG16	Reserved.	
<b>GENERAL PERMITS FOR WILDLIFE MANAGEMENT AREAS, REFUGES AND PARKS</b>		
<b>Permit</b>	<b>Activity</b>	<b>Page Number</b>
ALG17-2006	Creation and Maintenance of Firebreaks	9
ALG18-2006	Clear Areas for Wildlife Management	9
ALG19-2006	Agricultural Type Activities for the Creation of Habitat or Food Plots	10
ALG20-2006	Water Management	10
ALG21-ALG23	Reserved.	
<b>GENERAL PERMITS FOR WEEKS BAY NATIONAL ESTUARINE RESEARCH RESERVE</b>		
<b>Permit</b>	<b>Activity</b>	<b>Page Number</b>
ALG24-2006	Construction and Modification of Piers, Decks, and their Normal Appurtenances such as Stairways and Walkways	11
ALG25-2006	Construction/Installation of Mooring Pilings and/or Boat Hoists	11
ALG26-2006	Shoreline / Bank Protection	11-12

### **ALABAMA GENERAL PERMITS**

**ALG01-2006 - 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.

- **Slip Specifications (ALG01):** The depth of the boat slip shall be no greater than the controlling navigational depth, the length may not exceed 50 feet, and the length may not exceed twice the width, i.e., a 50-foot-long boat slip will 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 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 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 wetland 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, adjacent wetlands, or bottomland hardwoods.
- All dredging waterward of mean high tide or ordinary high water to reach the controlling navigational depth of the receiving waters will have to be authorized by ALG03-2006 – New Work Channel Dredging.
- Special ADEM Conditions (ALG01): In the coastal area, the excavation of new boat slips may be authorized only 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. They 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-SLD is the permittee's responsibility. Please refer to page 1 for ADCNR's contact information.*
- Excluded Activities (ALG01): This permit does not authorize dredging in (1) wetlands, (2) submersed aquatic vegetation, (3) natural shellfish beds, or (4) 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.

**ALG02-2006 - 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 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 reentering the waterway, adjacent wetlands, or bottomland hardwoods.
  - Dredged materials shall not be placed in adjacent waters, wetlands or bottomland hardwoods 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 may require a separate permit and fee for removal of dredged material from State water bottoms. They 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 is the permittee's responsibility. Please refer to page 1 for ADCNR's contact information.*
- Excluded Areas (ALG02): This permit does not authorize dredging or disposal of dredged material in (1) wetlands, (2) submersed aquatic vegetation, (3) natural shellfish beds and (4) areas fronting the waters of Weeks Bay.

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

**ALG03-2006 - 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. 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 area and properly contained to prevent reentering the waterway, adjacent wetlands, or bottomland hardwoods.
  - Dredged materials shall not be placed in adjacent waters, wetlands or bottomland hardwoods 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 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 may require a separate permit and fee for removal of dredged material from State water bottoms. They 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. Please refer to page 1 for ADCNR's contact information.*
- Excluded Areas (ALG03): This permit does not authorize dredging or disposal of dredged material in (1) wetlands, (2) submersed aquatic vegetation, (3) natural shellfish beds, or (4) areas fronting the Gulf of Mexico, Pelican Bay, and Weeks Bay.

**ALG04-2006 - 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 stumps, tree limbs, appliances, lumber, metal objects, etc. Trees embedded in a bank may be cut off above ground.

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, and the removal of hazardous materials, etc.; or (2) snagging of dead or living trees from a stream bank or a stream bed.

**ALG05-2006 - CONSTRUCTION AND MODIFICATION OF PIERS, WHARVES, AND THEIR NORMAL APPURTENANCES SUCH AS STAIRWAYS AND WALKWAYS** (Authority: Section 10).

- ❖ Residential-Use: A limit of 3 residential-use boat berthing areas per project site, including berthing for personal watercraft, can 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 submersed aquatic vegetation (ALG05):
  - A pier, wharf, or walkway over emergent non-forested wetlands or water with submersed aquatic vegetation shall be no more than 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 5-foot-wide walkway/pier would be constructed at a 5-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 submersed aquatic vegetation, 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 of the pier or dock to the extent that a hazard to navigation will not be created as determined by the Corps.
- **ADCNR 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 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. Please refer to page 1 for ADCNR's contact information.*
- **Coordination with ADCNR (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. Please refer to page 1 for ADCNR's contact information.*
- **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 (as determined by ADEM) 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.

**ALG06-2006 - 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.

- **ADCNR 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 for guidance regarding the location of the riparian area boundaries. Please refer to page 1 for ADCNR's contact information.*
  - 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 (ALG06):** 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. Please refer to page 1 for ADCNR's contact information.*

- Excluded structures (ALG06): This permit does not authorize: (1) structures for the permanent mooring of houseboats, (2) fueling facilities, (3) toilets, (4) habitable structures (as determined by ADEM) over navigable waters of the United States, (5) structures in/over emergent non-forested wetlands, submersed aquatic vegetation or natural shellfish beds.
- Excluded Areas (ALG06): Areas fronting the waters of the Gulf of Mexico, Pelican Bay, and Weeks Bay.

**ALG07-2006 - 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. Refer to ALG10 for bank stabilization.

- Dredged Material Disposal (ALG07):
  - Dredged materials shall not be placed in adjacent waters or wetlands (including bottomland hardwoods) 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, adjacent wetlands, or bottomland hardwoods.
  - 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. Please refer to page 1 for ADCNR's contact information.*
- Coordination with ADCNR (ALG07): ADCNR-State Lands Division may require a separate permit and fee for removal of dredged material from State water bottoms. They 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. Please refer to page 1 for ADCNR's contact information.*
- 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 (including bottomland hardwoods), submersed aquatic vegetation, or natural shellfish beds; and (3) boat ramps and/or marine ways where adverse impacts to submersed aquatic vegetation 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.

**ALG08-2006 - 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. *Contact ADCNR for guidance regarding the location of the riparian area boundaries. Please refer to page 1 for ADCNR's contact information.*

- 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. Please refer to page 1 for ADCNR's contact information.*
- Exclusions (ALG08): This permit does not authorize: (1) structures for the permanent mooring of houseboats, and/or (2) adverse impact to submersed aquatic vegetation or natural shellfish beds.
- Excluded Areas (ALG08): Areas fronting the waters of the Gulf of Mexico and Pelican Bay.

**ALG09-2006 - OYSTER REEFS** (Authority: Sections 10 and 404): All oyster reef creation and renovation projects must have prior written approval by the Alabama Department of Conservation and Natural Resources – Marine Resources Division (ADCNR-MRD) and the State of Alabama Department of Public Health. Proposed harvesting plans must be included with the application. *Please contact ADCNR-MRD at*

their Dauphin Island Office, telephone number (251) 861-2882 or their Gulf Shores Office; telephone number (251) 968-7576.

**ALG10 -2006 - 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):

- **Protection Location (ALG10):** 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 (including bottomland hardwoods) at the time of construction, unless otherwise specifically authorized.
- **Protection fronting Wetlands (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: (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 (ALG10):** 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 (ALG10):** 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 side. There is no limit to the linear foot 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, would have to be specifically authorized.
- **Coordination with ADCNR (ALG10):** 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. Please refer to page 1 for ADCNR's contact information.*
- **Exclusions (ALG10):** This permit does not authorize (1) placement of fill in wetlands which includes bottomland hardwoods; (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 (ALG10):** Areas fronting the waters of the Gulf of Mexico, Pelican Bay and the man-made canals on Ono Island.

**ALG11-2006 - MAINTENANCE DREDGING OF MAN-MADE DITCHES** (Authority: Section 10).

Maintenance is limited to the original bottom depth, width, and length of the existing ditch. Wetland and aquatic vegetation which has invaded previously dredged area may be removed during maintenance operations.

- **Dredged Material Disposal (ALG11):**

- 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, adjacent wetlands, or bottomland hardwoods.

**ALG12-2006 - 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 (ALG12):** 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. Please refer to page 1 for ADCNR's contact information.*
- **Excluded Activities (ALG12):** This permit does not authorize filling of (1) wetlands, (2) submersed aquatic vegetation, (3) natural streams, (4) natural channels, or (5) areas providing mitigation, enhancement, or flushing of an aquatic system.

---

**ALG13-2006 through ALG16-2006 - Reserved.**

---

## **GENERAL PERMITS FOR WILDLIFE MANAGEMENT AREAS, REFUGES AND PARKS**

Wildlife management projects must be designed to improve wetland values for target species pursuant to an approved management plan. These permits may be used to create and maintain artificial wetlands. All activities authorized pursuant to these General Permits must be in conformance with an approved management plan.

- **Management Plan:** All applications for General Permits numbers ALG17-2006 through ALG20-2006 must be submitted to the Corps, Mobile District, with a management plan and written approval of the plan from the Alabama Department of Conservation and Natural Resources, Game and Fish Division, 64 Union Street, Montgomery, Alabama 36130, telephone number (334) 242-4320.
- **Excluded Activities (ALG17 through ALG20):** These Permits DO NOT authorize: (1) dredging to create ponds and/or lakes in existing wetlands; (2) construction of dams to permanently inundate wetlands; and (3) roadway construction through wetland areas.

**ALG17-2006 - Creation and Maintenance of Firebreaks** (Authority: Section 404). This General Permit may be used in conjunction with silviculture and other areas requiring fire protection.

- **Excluded Activities (ALG17):** This permit does not authorize any change in soil surface elevations which would result in changes to the hydrology of a wetland area.

**ALG18-2006 - Clear Areas for Wildlife Management** (Authority: Section 404). Areas may be drum chopped, cleared with a raised blade, bushhogged, etc. The incidental movement of trivial amounts of soil is allowed.

- Excluded Activities (ALG18): Wetlands may not be permanently drained; converted to uplands; or prepared for any human use other than hunting under this permit.
- Excluded Areas (ALG18): This activity is specifically excluded from use within the coastal area.

**ALG19-2006 - Agricultural Type Activities for the Creation of Habitat or Food Plots** (Authority Section 404). This Permit allows areas to be cleared, plowed, grazed, etc., to provide food or habitat for target species pursuant to a management plan.

- NOTE: "Agricultural" use will not qualify an area as a "prior converted wetland."
- Excluded Activities: This permit does not authorize: (1) any impacts to bottomland hardwood wetlands by the creation of food plots; or (2) draining of wetland areas.
- Excluded Areas: This activity is specifically excluded from use within the coastal area.

**ALG20-2006 - Water Management** (Authority: Sections 10 and 404). Ditches may be plugged and weirs constructed to seasonally manage hydrology, e.g., greentree reservoirs or previously drained wetlands.

- Excluded Activities: This General Permit may not be used to impound tidally influenced waters.
- Excluded Areas: This activity is specifically excluded from use within the coastal area.

---

**ALG21-2006 through ALG23-2006 – Reserved.**

---

## **GENERAL PERMITS** **for the** **WEEKS BAY NATIONAL ESTUARINE RESEARCH RESERVE**

Permits ALG24 through ALG26 are specifically for activities within the Weeks Bay National Estuarine Research Reserve (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 the 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); and the Turkey Branch tract (20 acres)

The water bottoms within the Reserve, up to mean high tide, are 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 a Geographic Area of Particular Concern (GAPC) in the Alabama Coastal Area Management Plan (ACAMP).

**ALG24-2006 - 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 3-foot contour line or a depth of 3 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 5 feet and the height of the pier must be at least 5 feet above MHT.
  - If the property is fronted by wetlands, the maximum width of the walkway shall be limited to 5 feet and the height of the walkway must be at least 5 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 ALG24-2006, 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 (as determined by ADEM) over the waters of the Reserve.

**ALG25-2006 - CONSTRUCTION / INSTALLATION OF MOORING PILINGS AND/OR BOAT HOISTS:**

- A limit of 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 2-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. Please refer to page 1 for ADCNR's contact information.*
- 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 (as determined by ADEM) over the waters of the Reserve.

**ALG26-2006 - 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 (including bottomland hardwoods) 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 which includes bottomland hardwoods; (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 WEEKS BAY 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. (Please refer to pages 14 through 23.) 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. Please refer to page 1 for ADCNR's contact information.

**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 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.

**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 Aquatic Vegetation:** A survey for submersed aquatic vegetation 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 aquatic vegetation.

**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. Please refer to page 1 for ADCNR's contact information.*

**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. *Please refer to Page 1 for ADCNR's contact information.*

---

## 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  
P.O. 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 [10 March 2006]. 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:

**CZM-1:** Tear-sheet general permits may not be issued within Mobile and Baldwin counties in Alabama.

**CZM-2:** A copy of all general permit authorization 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 coastal consistency certification resulting in suspension of State certification to the permittee's individual general permit authorization.

### **III. ADEM CONDITIONS FOR WATER QUALITY CERTIFICATION (WQ-1 through WQ-39):**

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., ADEM issued program certification for a period **not to exceed five (5) years** from the date of issuance [10 March 2006] of the Corps general permits referenced herein, unless extended in writing by ADEM, that there is reasonable assurance that the discharge resulting from the proposed general permit activities will not violate applicable water quality standards established under Section 303 of the Clean Water Act and Title 22, Section 22-22-9(g), Code of Alabama 1975, provided the applicant acts in accordance with the following conditions as specified as they are applicable to each activity authorized under the general permits. ADEM further certifies that there are no applicable effluent limitations under Section 301 and 302 nor applicable standards under Section 306 and 307 of the Clean Water Act in regard to the activities specified.

**WQ-1.** Pursuant to ADEM Admin. Code Ch. 335-6-12, the operator/owner/applicant is required to register for and maintain valid National Pollutant Discharge Elimination System (NPDES) coverage for stormwater discharges prior to beginning construction or land disturbance (1) above the Ordinary High Water Mark, (2) for any non-dredge/fill operations below the Ordinary High Water Mark, (3) construction of associated upland dredge disposal sites that will equal or exceed one (1) acre in size, and/or (4) recovery, removal, re-mining, processing, etc. of material from disposal areas or other sites/areas regardless of size. The regulations also require NPDES registration for disturbance activities less than one (1) acre that are part of, adjacent to, or associated with a larger common plan of development or sale, that may eventually equal or exceed one (1) acre, or if less than one (1) acre in size if stormwater discharges have reasonable potential to be a significant contributor of pollutants to a water of the State or have reasonable potential to cause or contribute to a violation of applicable Alabama water quality standards as determined by ADEM. The regulated construction disturbance also includes, but is not limited to, associated areas utilized for support activities such as vehicle parking, equipment or supply storage areas, staging areas, disposal areas, material stockpiles, temporary office areas, and access roads, and pre-construction activities performed in advance or in support of construction such as logging, clearing, and dewatering. Please be advised that a registrant, operator/owner, contractor, or other responsible entity, separately or collectively, must retain NPDES registration coverage for phased developments until all disturbance activity, including phased construction, is complete. Information regarding registration under ADEM Admin. Code Ch. 335-6-12 for discharge of treated stormwater from regulated construction, construction materials management, small non-metallic, non-coal mining, processing and related activity can be viewed/downloaded from the ADEM WebPage at [www.adem.state.al.us](http://www.adem.state.al.us)

**WQ-2.** All terms, conditions, and requirements of any NPDES permit coverage in effect for the site/activity is required to be followed and maintained. Failure to comply with NPDES permit coverage may constitute a violation of this certification.

**WQ-3.** Valid NPDES individual or general permit coverage for stormwater discharges resulting from the operation of a service dock, commercial/private marina, transportation/transloading facility, port/docks facility, landfills, or industrial/manufacturing facilities may be required. If you have any questions regarding the requirement for NPDES permit coverage, please contact ADEM's Water Division at (334) 271-7700.

**WQ-4.** Valid NPDES permit coverage for stormwater discharges is required prior to commencement of operation of an aggregate, crushed stone, or other ore or mineral mining, borrow, pit, transloading, storage, screening, or barge loading facility to supply material for or in support of general permit activities. If you have

any questions regarding the need for stormwater permit coverage or would like to request application forms/information, please contact ADEM's Field Operations Division, Mining and Nonpoint Source Section at (334) 271-7700.

**WQ-5.** The owner/operator shall ensure that fill material sources and/or associated borrow/mining sites have obtained appropriate NPDES permit coverage. If you have any questions regarding the need for the applicant to obtain stormwater permit coverage, to determine if the contractor has obtained stormwater permit coverage, or would like to request application forms/information, please contact ADEM's Field Operations Division, Mining and Nonpoint Source Section at (334) 271-7700.

**WQ-6.** The owner/operator shall ensure that the proposed activities are in compliance with ADEM Land Division regulations for the permitting, management/removal/remediation or use of any hazardous, toxic, and/or solid waste on the site. Please contact the ADEM Land Division at (334) 271-7700 if you have any questions, or to request additional information.

**WQ-7.** ADEM air permit may be required for certain barge loading/unloading operations. If you have any questions regarding the requirement for ADEM air permit coverage, please contact ADEM's Air Division at (334) 271-7700.

**WQ-8.** The applicant shall implement the project in accordance with all plans, designs, specifications, descriptions, drawings, schedules, maps, and other information submitted relative to the proposed project for approval of general permit coverage.

**WQ-9.** 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-10.** The applicant shall retain records adequate to document activities authorized by this certification including but not limited to, inspection reports, monitoring information, copies of any reports and all data used to complete the above reports or the application for this certification, for a period of at least three (3) 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-11.** The applicant shall implement and maintain a comprehensive BMP plan for prevention of nonpoint sources of pollutants during and after project implementation, including measures that will be taken to ensure permanent revegetation or cover of all disturbed areas during and after project implementation that was submitted as part of the application or required by this certification.

**WQ-12.** The applicant shall implement and maintain appropriate, effective BMPs for prevention and control of nonpoint sources of pollutants during and after project implementation. The applicant, at a minimum, must implement applicable effective BMPs as provided in the *Alabama Handbook For Erosion Control, Sediment Control, And Stormwater Management On Construction Sites And Urban Areas*, as amended, Alabama Soil and Water Conservation Committee (ASWCC). A copy of the Handbook can be obtained at [http://swcc.state.al.us/erosion\\_handbook.htm](http://swcc.state.al.us/erosion_handbook.htm). Immediately after completion of the project, the applicant is required to implement and maintain effective measures to ensure permanent revegetation or cover of all disturbed areas.

**WQ-13.** The applicant shall implement Spill Prevention Control and Countermeasures (SPCC) for all temporary and permanent onsite fuel or chemical storage tanks or facilities consistent with the ADEM Admin.

Code R. 335-6-6-.129 (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 & grease absorbing material and flotation booms to contain and clean-up fuel or chemical spills and leaks. The applicant shall immediately notify ADEM after becoming aware of a 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 the name, address and telephone number of person reporting spill, the exact location of the spill, the company name and location, the material spilled, the estimated quantity, the source of 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-14.** Until the project is complete, the applicant shall conduct, at a minimum, weekly comprehensive site inspections to ensure that effective BMPs are properly designed, implemented, and regularly maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) utilizing good technical practices to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality. The inspections shall be conducted by a qualified credentialed professional (QCP), qualified personnel under the direct supervision of a QCP, or an ADEM recognized qualified credentialed inspector (QCI), until completion of the proposed activity.

**WQ-15.** 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 or other stream segment that have the potential to be impact a State water currently considered impaired [waterbody is identified on the Alabama 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 (ADEM Admin. Code Ch. 335-6-10)]. The applicant shall inspect all BMPs as often as is 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 and may include but are not limited to sediment retention basins, greater capacity in sediment retention structures, hydroseeding with application of non-toxic tackifiers, grass sodding, non-toxic chemical treatment, erosion control blankets, other effective innovative technologies, etc. to ensure full compliance with ADEM requirements and the protection of water quality in the impaired waterbody.

**WQ-16.** 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 collection and control of onsite worker toilet wastes or gray waste 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-17.** Appropriate measures must be taken to prevent the deposition of airborne pollutants such as spray paint, herbicides, excessive road dust, etc. from entering the waterbody.

**WQ-18.** Appropriate measures must be taken to prevent the disposal, minimize to the maximum extent practicable the deposition, and remove as necessary, any material, debris, or liquids resulting from building or other construction and/or maintenance such as waste concrete/cement, wash water, surfactants, sand blasting particles, paint, etc., from entering any waterbody.

**WQ-19.** Surface drainage patterns should be designed, constructed, and maintained to the extent practicable with swales or other methods to minimize direct runoff into the waterbody and to prevent/minimize the introduction of pollutants. Diversion structures (berms, ditches, etc.) created in order to re-route

upgradient stormwater runoff from the proposed project location shall be constructed, stabilized, and vegetated as necessary, prior to commencement of disturbance activities.

**WQ-20.** 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-21.** The applicant shall implement appropriate measures to minimize the potential for a decrease of waterbody 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 waterbody dissolved oxygen.

**WQ-22.** Dredged or fill material shall not be sidecast or otherwise placed in adjacent waters or wetlands outside the permitted project area.

**WQ-23.** The applicant shall conduct the proposed operation in a timely manner with all due diligence utilizing good engineering practices in order to reduce potential environmental impacts created by the project to the maximum extent practicable. The applicant shall conduct the proposed activity in an expedient time frame in order to reduce the amount of time to the maximum extent practicable in which turbid water is produced.

**WQ-24.** 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.

**WQ-25.** To ensure the protection of water quality, the applicant shall evaluate, characterize, and as necessary, conduct analysis of any material dredged/removed/disturbed in order to ensure that potential pollutants are not present in concentrations that could cause or contribute to a violation of applicable water quality standards. Information regarding the evaluation, characterization, or detailed results of any analyses shall be made available to ADEM upon request.

**WQ-26.** If upland disposal areas are utilized, the applicant shall be responsible for the condition of the spoil disposal area, including the structural integrity of any embankments, for the life of the dredging and disposal activity and until the disposal area is reclaimed or adequately stabilized, and for pumping and discharge rates, to ensure settling of suspended solids within the confines of the spoil disposal area sufficient to ensure that turbidity in the return water will not cause substantial visible contrast with the receiving waters, or result in an increase of 50 NTUs above background turbidity levels in the receiving waters. Unless specifically authorized in writing by ADEM, subsequent recovery, removal, re-mining, processing, trans-loading, etc. of material from upland disposal areas is not authorized by this certification, and appropriate NPDES permit coverage [ADEM Admin. Code Ch. 335-6-12 and/or ADEM Admin. Code Ch. 335-6-9] is required to be obtained from ADEM prior to commencing and/or continuing recovery, removal, re-mining, processing, trans-loading, etc. of material from upland disposal areas or other sites/areas. If you have any questions regarding NPDES permit requirements for material mining, re-mining, recovery, removal, borrow sites, or would like to request application forms/information, please contact ADEM's Field Operations Division, Mining & Nonpoint Source Section by email at (334) 271-7700.

**WQ-27.** New, modified, or updated marinas, multiple boat slips, floating docks, large or multiple piers, etc. shall be equipped with all facilities and appurtenances (i.e. trash receptacles, receptacles for fish offal and carcasses, and accepted spill prevention control and countermeasures (SPCC) plan for fueling facilities,

and a sewage pump out system where appropriate) for activities that are allowed or conducted at the new or updated facility as appropriate.

**WQ-28.** No rubbish, trash, garbage, or other such materials shall be discharged overboard into waters of the State of Alabama. Litter and refuse from vessels or a marina shall be disposed in a manner consistent with State and local regulations.

**WQ-29.** Bilge or ballast water pumped from ships or boats (e.g. dredge or construction barges, tugboats, fishing boats, pleasure craft, etc.) shall not be discharged to waters of the State of Alabama without removal of solids, oils, fuel, petroleum by-products and toxic compounds. Toilet wastes, domestic wastewater, and other domestic wastes must be pumped out to an approved onsite sewage system or municipal sewer, or must be treated by an approved marine sanitation device prior to discharge to waters of the State of Alabama.

**WQ-30.** Any proposed temporary channel, pipe, conduit, or other management measures implemented to temporarily divert stream flow to accommodate culvert construction, stream crossings, pipelines, or other within-bank stream work shall be constructed and maintained at all times to ensure that water quality is not adversely impacted. The measures to protect water quality during the construction of the temporary diversion channel may include but is not limited to, temporarily blocking/impounding and pumping water around the construction area, construction of a temporary channel lined with plastic or rip-rap, temporary installation of a properly sized pipe, etc.

**WQ-31.** Any modified waterbody channel should duplicate the old waterbody channel or a natural waterbody channel in regard to pools, riffle areas, riparian vegetation, depth, gradient, and length to the maximum extent practicable so that the new/modified waterbody channel maintains its dimension, pattern, and profile while neither degrading nor aggrading to ensure that water temperature, pH, turbidity, and dissolved oxygen concentrations are not adversely impacted, and are improved to the extent possible, after the project is completed.

**WQ-32.** Permanent or temporary raised waterbody crossings must be constructed with pipe(s) to safely pass expected mean water flow of the waterbody for the time of year and length of time that they are installed, unless a properly designed and constructed low-water crossing is installed that provides for unobstructed stream flow over the low-water structure. The crossing must be inspected on a regular basis and any significant debris or blockage removed and properly disposed to ensure unobstructed flow of water. Placement of raised rock-fill or other fill without pipe(s) for passage of water is not acceptable. Each raised waterbody crossing must be designed and maintained to ensure structure integrity and stability for safe passage of water flow generated by expected precipitation events while the structure is in place.

**WQ-33.** The bottom of any proposed new or modified, temporary or permanent waterbody channel, culvert, ditch, or pipe should be V-notched, sloped, concave in shape, or otherwise constructed with a base flow channel or configuration, to ensure adequate concentrated and unobstructed flow of water during periods of low flow. Alternatively, the bottom of the culvert/structure can be buried at a sufficient depth considering the hydraulic gradient of the existing channel to provide for a stable sediment streambed through the culvert/structure, or a bottomless culvert can be installed where the stream bottom is bedrock or as otherwise determined suitable by the design engineer.

**WQ-34.** Design features, such as protection of existing waterbody trees or planting of new shade trees or other appropriate measures, should be implemented to the maximum extent practicable in order to minimize temperature extremes in any modified permanent waterbody channel. Modified or impacted waterbody bottoms and banks shall be returned to original contours to the extent possible and all disturbed areas stabilized and filly reclaimed.

**WQ-35.** Please be advised that (A) ADEM Admin Code R. 335-6-6-.03(aaa) [NPDES Rules] defines "Waters of the state" as all waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce, (B) ADEM Admin Code R. 335-6-9-.02(i) [Surface Mining Rules] defines "stream" as any body of water having a drainage area in excess of one square mile [640 acres] (C) Pursuant to ADEM Admin. Code R. 335-6-12-2-.12(10) [Construction Stormwater Rules], the installation or use of instream or within-bank sediment storage traps or deposition areas, or other sediment storage/detention BMPs, in waters of the State to control/treat stormwater runoff from construction / activity, is not authorized, and (D) ADEM Admin. Code R.335-6-12-.21(2)(b)3 [Construction Stormwater Rules], requires proper cleanup/removal or effective stabilization of sediment deposited offsite, in the event of such an occurrence, and effective remediation of sediment or other pollutant instream impacts to the maximum extent practicable.

**WQ-36.** In recognition that projects are site specific in nature and conditions can change during project implementation, ADEM reserves the right to require the submission of additional information or require additional management measures to be implemented, as necessary on a case by case basis, in order to ensure the protection of water quality.

**WQ-37.** Liability and responsibility for compliance with this certification are not delegable by contract or otherwise. The applicant shall ensure that any agent, contractor, subcontractor, or other person employed by, under contract, or paid a salary by the applicant complies with this certification. Any violations resulting from the actions of such person shall be considered violations of this certification and may subject the applicant to enforcement action.

**WQ-38.** ADEM certification decisions are predicated on current regulatory requirements, established engineering standards and technical considerations, best management practices information, and formal administrative procedures in conformance with ADEM regulations and applicable Alabama law. Issuance of a certification by ADEM neither precludes nor negates an operator/owner's responsibility or liability to apply for, obtain, or comply with other ADEM, federal, state, or local government permits, certifications, licenses, or other approvals.

**WQ-39.** This certification does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations, and in no way purports to vest in the applicant title to lands now owned by the State of Alabama nor shall it be construed as acquiescence by the State of Alabama of lands owned by the State of Alabama that may be in the applicant's possession.

---

**IV. GENERAL CONDITIONS (GC-1 through GC-5):** 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-39) above, the following General Conditions (GC-1 through GC-5) 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.** 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-3.** 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-4.** 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-5.** 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 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. Reevaluation of Permit Decision:** We may reevaluate our decision on an authorization at any time the circumstances warrant. Circumstance that could require a reevaluation 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 reevaluation 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 10 March 2011.

**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 Director of the State Lands Division for further information. The State Lands Division may be reached at: ADCNR, State Lands Division, 23210 US Highway 98, Suite B-1, Fairhope, Alabama 36532, telephone (251) 929-0900.

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.

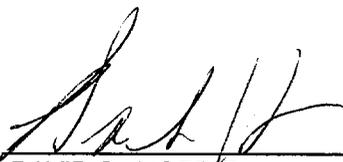
(2) **Lateral Riparian Lines:** The burden of locating riparian lines is the responsibility of the riparian owner.

(2) **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.

**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.

FOR THE COMMANDER:

PETER F. TAYLOR, JR  
COLONEL, CORPS OF ENGINEERS  
(DISTRICT COMMANDER )

BY:   
\_\_\_\_\_  
DAVID S. HOBBIÉ  
CHIEF, REGULATORY BRANCH

DATE: 20 MARCH 2006