



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-RD-C-A

January 19, 2011

SPECIAL PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

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

SPECIAL PUBLIC NOTICE NUMBERS:

- SAM-2010-1470-DEM; ALG01 for CONSTRUCTION OR MODIFICATION OF BOAT SLIPS
- SAM-2010-1471-DEM; ALG02 for MAINTENANCE DREDGING
- SAM-2010-1472-DEM; ALG03 for NEW WORK CHANNEL DREDGING
- SAM-2010-1473-DEM; ALG04 for DEBRIS REMOVAL
- SAM-2010-1474-DEM; ALG05 for CONSTRUCTION AND MODIFICATION OF PIERS, WHARVES, AND THEIR NORMAL APPURTENANCES SUCH AS STAIRWAYS AND WALKWAYS
- SAM-2010-1475-DEM; ALG06 for CONSTRUCTION AND MODIFICATION OF BOAT SHELTERS, GAZEBOS, HOISTS, ETC.
- SAM-2010-1476-DEM; ALG07 for CONSTRUCTION AND MODIFICATION OF BOAT RAMPS OR MARINE WAYS
- SAM-2010-1477-DEM; ALG08 for MOORING PILINGS, DOLPHINS AND SINGLE-PILE STRUCTURES
- SAM-2010-1478-DEM; ALG09 for OYSTER REEFS
- SAM-2010-1479-DEM; ALG11 for ARMORING SYSTEMS (RIPRAP), BULKHEADS, RIVER TRAINING STRUCTURES, BIOENGINEERING, AND OTHER STANDARD SHORELINE PROTECTION/STABILIZATION DEVICES ROUGHLY PARALLELING, AND AT THE EXISTING SHORELINE OR BANK
- SAM-2010-1480-DEM; ALG12 for MAINTENANCE DREDGING OF MAN-MADE DITCHES
- SAM-2010-1481-DEM; ALG13 for FILLING OF PREVIOUSLY DREDGED AREAS (SUCH AS BOAT SLIPS, MAN-MADE DITCHES, ETC.)

GENERAL PERMITS FOR WILDLIFE MANAGEMENT AREAS, REFUGES AND PARKS

- SAM-2010-1483-DEM; ALG17 for CREATION AND MAINTENANCE OF FIREBREAKS
- SAM-2010-1484-DEM; ALG18 for CLEAR AREAS FOR WILDLIFE MANAGEMENT
- SAM-2010-1485-DEM; ALG19 for AGRICULTURAL TYPE ACTIVITIES FOR THE CREATION OF HABITAT OR FOOD PLOTS
- SAM-2010-1486-DEM; ALG20 for WATER MANAGEMENT

GENERAL PERMITS FOR WEEKS BAY NATIONAL ESTUARINE RESEARCH RESERVE

- SAM-2010-1487-DEM; ALG24 for CONSTRUCTION AND MODIFICATION OF PIERS, WHARVES, AND THEIR NORMAL APPURTENANCES SUCH AS STAIRWAYS AND WALKWAYS
- SAM-2010-1488-DEM; ALG25 for CONSTRUCTION / INSTALLATION OF MOORING PILINGS AND/OR BOAT HOISTS
- SAM-2010-1489-DEM; ALG26 for SHORELINE / BANK PROTECTION

TO WHOM IT MAY CONCERN:

The U.S. Army Corps of Engineers, (Corps) Mobile District, proposes authorization, re-issuance, and/or revision to the following Alabama General Permits (ALG) for minor structures and activities located in waters of the United States, within the two coastal counties (Mobile and Baldwin) of the State of Alabama and outer continental shelf waters off the coast of Alabama, within the Regulatory boundaries of the Mobile District, subject to Section 10 of

the Rivers and Harbors Act of 1899 (33 USC403), Section 404 of the Clean Water Act (33 USC 1344), and/or Section 4(e) of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 463; 43 USC 1333 (e)).

The term "general permit" means a Department of the Army authorization that is issued on a nationwide or regional basis for a category or categories of activities when:

a.. Those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or

b. The general permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State or local agency provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal.

General permits area a way to reduce the burden of the regulatory program on the public and ensure timely issuance of permits while effectively administering the laws and regulations that establish and govern the program. In an effort to eliminate unnecessary duplication of efforts between agencies and to streamline the permitting process for routine projects resulting in only minimal impacts, the following ALG are proposed for authorization, renewal, and/or revision. The activities proposed as ALG include minor structures and activities within the overlapping regulatory jurisdictions of the Corps and the Alabama Department of Environmental Management (ADEM) and the Alabama Department of Conservation and Natural Resources – State Lands Division (SLD). Project specific authorizations under the ALG may be issued by the Corps or ADEM or SLD. The Corps will apply for certification from the State (1) in accordance with Section 401(a)(1) of the Clean Water Act, and upon completion of the required advertising, a determination relative to certification will be made by the ADEM; and (2) to insure that all proposed activities shall comply with and will be conducted in a manner that is consistent with the State Coastal Zone Management Program. A determination relative to consistency will be made by the ADEM.

General permits are reviewed every 5 years. The ALG contain certain limitations intended to protect the aquatic environment and natural and cultural resources. Conformance with the conditions contained in the ALG does not necessarily guarantee authorization under the General Permit. In most instances, a proposed project complying with the conditions of the ALG can receive specific authorization. Any proposed project not complying with the conditions of a General Permit will be evaluated as a Letter of Permission or Standard Permit and will be individually coordinated with third parties, including the Federal and State resource agencies.

For project specific authorization under the ALG, applicants are required to provide a completed Joint Application and Notification, U.S. Department of the Army Corps of Engineers, Alabama Department of Environmental Management form. The application form can be accessed at our website, www.sam.usace.army.mil/rd/reg. The following information is typically required for authorization under the ALG:

- a. Joint Application and Notification Form completed in its entirety;
- b. Applicant name, address, and contact information;
- c. Agent name, address, and contact information as well as an agent authorization statement from the applicant;
- d. Location of the proposed project including street address and latitude and longitude;
- e. Project description, purpose, and need;
- f. 8½" x 11" vicinity map indicating project location;
- g. 8½" x 11" diagrams and plan views of the entire property and the proposed project;
- h. 8½" x 11" cross-section diagrams of the proposed structures and/or areas of dredge and fill;
- i. Delineation of wetlands and/or submerged aquatic vegetation;
- j. Distance across the waterway; and
- k. Notification of any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places located on the subject property or would be affected by the proposed activity.

Drafts of the ALG proposed for issuance are attached as Attachment 1. The special conditions included are applicable to all proposed ALG.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the Corps can be based. For accuracy and completeness of the record, all data in support of or in opposition to the renewal of the general permit program should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to reissue the general permit program will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources.

The benefit which reasonably may be expected to accrue from the proposed activities must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the general permit will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the Corps to determine whether to re-issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the proposed activity. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

Evaluation of the probable impacts involving deposits of dredged or fill material into "waters of the United States" will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

The State Historic Preservation Officer (SHPO) will be contacted regarding the proposed reissuance of this General Permit. The Corps would coordinate all proposed activities with the SHPO regarding any properties listed in or eligible for the National Register which might be affected by the proposed work. This review would constitute the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

The Corps would coordinate all proposed activities with the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants regarding listed endangered or threatened species or their critical habitat.

Permit specific comments should refer to the applicable Public Notice Number and should be directed to the District Commander, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Regulatory Division, with a copy to the Alabama Department of Environmental Management, Attention: Mr. Scott Brown, 4171 Commanders Drive, Mobile Alabama 36615, in time to be received not later than Monday, **February 19, 2011**.

If you have any questions concerning this publication, you may contact the Regulatory Division project manager, **Mr. Donald E. Mroczko**, via e-mail at donald.e.mroczko@usace.army.mil or telephone number **(251) 690-3185**. Please refer to the specific permit and its applicable Public Notice Number.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



REPLY TO
ATTENTION OF:

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

January 19, 2011

DRAFT 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 Corps has requested Water Quality Certification (WQC) from the Alabama Department of Environmental Management (ADEM) in accordance with Section 401(a)(1) of the Clean Water Act (CWA).

The Corps has requested Alabama Coastal Zone Management (CZM) Program consistency from the ADEM in accordance with 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, 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 could be affected by work proposed under ALG01, ALG03, ALG07, ALG18 and/or ALG19. 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. 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.

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.

ALABAMA GENERAL PERMITS SUMMARY		
Permit	Activity	Page Number
ALG01-2011	Construction or Modification of Boat Slips	
ALG02-2011	Maintenance Dredging	
ALG03-2011	New Work Channel Dredging	
ALG04-2011	Debris Removal	
ALG05-2011	Construction and Modification of Piers, Wharves, and their Normal Appurtenances such as Stairways and Walkways	
ALG06-2011	Construction and Modification of Boat Shelters, Gazebos, Hoists, etc.	
ALG07-2011	Construction and Modification of Boat Ramps or Marine Ways	
ALG08-2011	Mooring Pilings, Dolphins and Single-Pile Structures	
ALG09-2011	Oyster Reefs	
ALG10-2011	Reserved	
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	
ALG12-2011	Maintenance Dredging of Man-made Ditches	
ALG13-2011	Filling of Previously Dredged Areas (such as Boat Slips, Man-made ditches, etc.)	
ALG14 thru 16	Reserved	
GENERAL PERMITS FOR WILDLIFE MANAGEMENT AREAS, REFUGES AND PARKS		
Permit	Activity	Page Number
ALG17-2011	Creation and Maintenance of Firebreaks	

ALG18-2011	Clear Areas for Wildlife Management	
ALG19-2011	Agricultural Type Activities for the Creation of Habitat or Food Plots	
ALG20-2011	Water Management	
ALG21-ALG23	Reserved.	
GENERAL PERMITS FOR WEEKS BAY NATIONAL ESTUARINE RESEARCH RESERVE		
Permit	Activity	Page Number
ALG24-2011	Construction and Modification of Piers, Decks, and their Normal Appurtenances such as Stairways and Walkways	
ALG25-2011	Construction/Installation of Mooring Pilings and/or Boat Hoists	
ALG26-2011	Shoreline / Bank Protection	

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.

- 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.
- 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 width 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/or submersed 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, 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 ALG03-2011 – 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.*
 - Excluded Activities (ALG01): This permit does not authorize dredging in (1) wetlands, (2) submersed grassbeds, (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, the recognized boundaries of the Weeks Bay National Estuarine Research Reserve 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 reentering the waterway, adjacent wetlands, submersed grassbeds, or bottomland hardwoods.
 - Dredged materials shall not be placed in adjacent waters, wetlands, submersed grassbeds, 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.*
- Excluded Areas (ALG02): This permit does not authorize dredging or disposal of dredged material in (1) wetlands, (2) submersed grassbeds, (3) natural shellfish beds and (4) the recognized boundaries of the Weeks Bay National Estuarine Research Reserve.
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. Demonstration that construction of a new channel will not interfere with the lateral movement of sediments such that adjacent shorelines are negatively impacted, i.e. sand starved, may be required. 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/or submersed 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 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.*
 - **Excluded Areas (ALG03):** This permit does not authorize dredging or disposal of dredged material in (1) wetlands, (2) submersed grassbeds, (3) natural shellfish beds, or (4) areas fronting the Gulf of Mexico, Pelican Bay, and the recognized boundaries of the Weeks Bay National Estuarine Research Reserve.
-

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 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.
-

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 submersed grassbeds are minimized.

- ❖ 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 grassbeds (ALG05):
 - A pier, wharf, or walkway over emergent non-forested wetlands or water with submersed grassbeds 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 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 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.*
- 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.*
- 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 the recognized boundaries of the Weeks Bay National Estuarine Research Reserve.
-

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 3 residential-use boat berthing areas per project site, including berthing for personal watercraft, can be authorized under this Permit.
 - 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.*
 - 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, submersed grassbeds or natural shellfish beds.
 - Excluded Areas (ALG06): Areas fronting the waters of the Gulf of Mexico, Pelican Bay, and the recognized boundaries of the Weeks Bay National Estuarine Research Reserve.
-

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.

- 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.*
 - 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.*
 - 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 grassbeds, or natural shellfish beds; and (3) boat ramps and/or marine ways where adverse impacts to submersed 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 the recognized boundaries of the Weeks Bay National Estuarine Research Reserve.
-

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. *Contact ADCNR for guidance regarding the location of the riparian area boundaries.*

- 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.*
 - Exclusions (ALG08): This permit does not authorize: (1) structures for the permanent mooring of houseboats, and/or (2) adverse impact to submersed grassbeds or natural shellfish beds.
 - Excluded Areas (ALG08): Areas fronting the waters of the Gulf of Mexico and Pelican Bay.
-

SAM-2010-1478-DEM

ALG09-2011 - 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.*

ALG10-2011 – RESERVED

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 Agency that there are no feasible non-structural alternatives available including, but not limited to, preservation and restoration of wetlands, submersed 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 (including bottomland hardwoods) 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 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 (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 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 (ALG11):** Areas fronting the waters of the Gulf of Mexico, Pelican Bay and the man-made canals on Ono Island.
-

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 the existing 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, adjacent wetlands, or bottomland hardwoods.
-

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) submersed 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

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.
-

SAM-2010-1483-DEM

ALG17-2011 - 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.
-

SAM-2010-1484-DEM

ALG18-2011 - 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.
-

SAM-2010-1485-DEM

ALG19-2011 - 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.
-

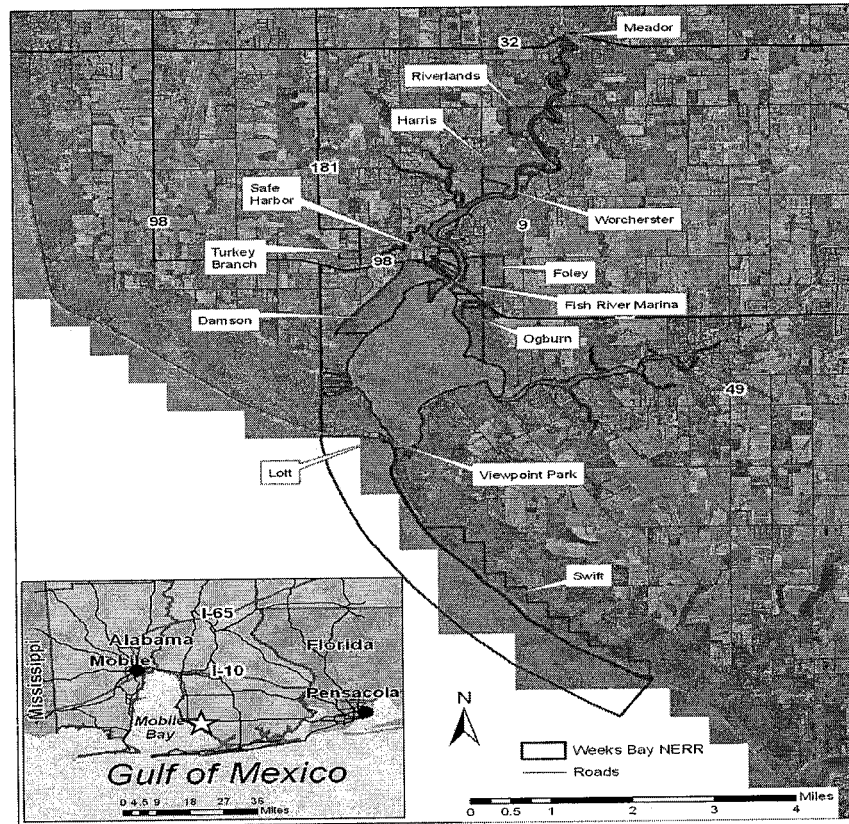
SAM-2010-1486-DEM

ALG20-2011 - 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.
-

ALG21-2011 through ALG23-2011 – Reserved.

GENERAL PERMITS
FOR THE
WEEKS BAY NATIONAL ESTUARINE RESEARCH RESERVE



Permits ALG24 through ALG26 are specifically for activities within the recognized boundaries of 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 Worcesterster 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, 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).

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 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 ALG24-2011, 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 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.*
 - 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 (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.

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 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 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.

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: The Corps has requested CZM Consistency.

III. ADEM CONDITIONS FOR WATER QUALITY CERTIFICATION: The Corps has requested 401 Water Quality Certification.

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. *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 either 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 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. Circumstances 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 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 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.

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

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

FIRST-CLASS MAIL
U.S. POSTAGE
PAID
MOBILE, AL
PERMIT NO. 283

CESAM-RD-C

DEM

