



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

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

Effective Date: October 1, 2021
Expiration Date: September 30, 2026

AUTHORITY:

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), the Mobile District, U.S. Army Corps of Engineers (Mobile District) hereby revises and issues the following Alabama General Permits (ALGP) for a period of five (5) years. In an effort to eliminate unnecessary duplication of efforts among agencies and to streamline the permitting process for routine projects with only minimal impact, the Mobile District will regulate minor structures and activities in waters of the United States, in the State of Alabama, within the regulatory boundaries of the Mobile District under the Regional General Permits identified herein. These permits supersede the previous Alabama General Permits which expire on October 1, 2021.

| ALABAMA GENERAL PERMITS SUMMARY | |
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| Permit | Activity |
| ALGP-01 | Excavated Boat Slips |
| <i>ALGP-02</i> | <i>RESERVED (Previously: Maintenance Dredging) *See Note 1</i> |
| ALGP-03 | Dredging |
| ALGP-04 | Debris Removal |
| ALGP-05 | Piers and Pile-Supported Structures |
| ALGP-07 | Boat Ramps and Marine Ways |
| <i>ALGP-10</i> | <i>RESERVED (Previously: Living Shorelines) *See Note 2</i> |
| ALGP-11 | Shoreline and Bank Stabilization and Protection |
| ALGP-13 | Filling of Previously Dredged Areas |
| <i>ALGP-24</i> | <i>RESERVED (Previously: Piers and Pile-Supported Structures Located in Weeks Bay)</i> <i>*See Note 3</i> |

** Note 1: Activities previously covered under permit ALGP-02 are now covered under ALGP-03.*

** Note 2: Activities previously covered under permit ALGP-10 are now covered under ALGP-11 and Nationwide Permit 54.*

** Note 3: Activities previously covered under permit ALGP-24 are now covered under ALGP-05.*

GEOGRAPHIC APPLICABILITY:

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

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



ADMINISTRATION:

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

For projects in South Alabama Branch Counties:

**U.S. Army Corps of Engineers, Mobile District
Regulatory Division, South AL Branch (RD-A)**

**Post Office Box 2288
Mobile, Alabama 36628-0001
Telephone (251) 690-2658**

**Email PCN submittals to: [CESAM-
RD@sam.usace.army.mil](mailto:CESAM-RD@sam.usace.army.mil)**

For projects located in North Branch Counties:

**U.S. Army Corps of Engineers, Mobile District
Regulatory Division, North Branch (RD-N)**

**600 Vestavia Parkway, Suite 203, Shelby Building
Vestavia Hills, Alabama 35216
Telephone (251) 690-2658**

**Email PCN submittals to: [CESAM-
RD@sam.usace.army.mil](mailto:CESAM-RD@sam.usace.army.mil)**

If a proposed activity is located on one of the following U.S. Army Corps of Engineers' lakes in the State of Alabama, the plans must be reviewed and approved by the local Resource Manager. Additionally, the Resource Manager in some cases may issue a verification of authorization in lieu of the Regulatory Division. Each project management office will submit quarterly reports to the Mobile District, Regulatory Division listing all activities verified under these Regional General Permits.

**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**

**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**

**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**

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

**U.S. Army Corps of Engineers
Holt Resource Office
11911 Holt Lock & Dam Road
Cottondale, AL 35453
(205) 553-9373**

**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**

**Walter F. George Lake:
U.S. Army Corps of Engineers
Natural Resource Management Office
427 Eufala Road
Fort Gaines, GA 39851
(229) 768-2516**

**West Point Lake:
U.S. Army Corps of Engineers
West Point Project Management Office
500 Resource Management Drive
West Point, GA 31833
(706) 645-2937**

If the proposed activity is located on a lake managed by a power company, or similar entity with a shoreline management plan, permit requests may be directed through them. NOTE: Check with the Resource Manager to see if the specific lake qualifies for this alternative review procedure.

PRE-CONSTRUCTION NOTIFICATION (PCN):

The prospective permittee is required to submit a PCN for their project, unless otherwise noted in the conditions of the applicable permit. It is recommended to submit the PCN as early as possible, at least 60 days prior to the planned start of their proposed project. Please note that reviews of projects that have potential to affect cultural resources or threatened and endangered species may take longer than 60 days to complete. The PCN must include a completed Alabama Joint Application Form, which can be accessed at USACE, Mobile District, Regulatory Division's website at:

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

or

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

The following information is required for a complete PCN and verification of coverage under the Alabama General Permits (unless noted as optional):

- ☐ A. An Alabama Joint Application form with all applicable portions completed, and signed by the applicant (may be an original or digital signature)
- ☐ B. Applicant name, address, telephone number, and email address (if available)
- ☐ C. If an agent is used, all agent contact information and applicant's signature authorizing the agent
- ☐ D. Exact location information for proposed project, including street address, latitude and longitude (in "Decimal Degree" format), and parcel number of property
- ☐ E. Full project description, including all proposed dimensions of structures and/or activity
- ☐ F. (Optional) Photographs (or description of existing conditions) of project area
- ☐ G. Statement of purpose and need for project
- ☐ H. Vicinity map on full 8.5"x 11" sheet (NOTE: The map must be legible and reproducible)
- ☐ I. Overall plan view drawing of entire property and proposed project on 8.5"x 11" sheet (NOTE: All drawings must be legible and reproducible)
- ☐ J. Cross-section or profile view drawing of proposed structure, or areas of dredge/fill, on 8.5"x 11" sheet (NOTE: All drawings must be legible and reproducible)
- ☐ K. Names and addresses of adjoining property owners
- ☐ L. If Applicable: A delineation of any wetlands (including any emergent marsh and fringe wetlands), submerged aquatic vegetation (SAV), and/or submersed grassbeds that are present on the project parcel and/or adjacent riparian area

Note: ADEM requires a copy of the PCN. Applications for projects located in Baldwin, Mobile, and Washington Counties should be emailed to: coastal@adem.alabama.gov, or mailed to: Coastal Section-Mobile Branch, Field Operations Division, ADEM, 3664 Dauphin Street, Suite B, Mobile, AL 36608; Applications for projects in all other counties should be emailed to: fieldmail@adem.alabama.gov, or mailed to: Field Operations Division, ADEM, P.O. Box 301463, Montgomery, AL 36110

Note: ADCNR requires a copy of the PCN, along with a completed ADCNR-SLD Notice of Intent to Impact State Owned Submerged Lands form. Applications should be emailed to: dcnr.coastal@dcnr.alabama.gov, or mailed to: ADCNR, State Lands Division, Coastal Section, 31115 Five Rivers Boulevard, Spanish Fort, Alabama 36527.

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

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT: The Alabama Department of Environmental Management (ADEM) has reviewed these regional general permits and issued a conditional water quality certification (WQC) letter pursuant to Section 401(a)(1) of the Clean Water Act. The WQC letter included nineteen (19) conditions which the ADEM requested to be incorporated into each permit. The ADEM's certification of these regional general permits will expire on September 30, 2026.

Pursuant to the Coastal Zone Management Act, the ADEM has also issued a conditional letter of concurrence certifying that activities authorized by these regional general permits and located within Alabama's Coastal Zone Management Area are consistent with the Alabama Coastal Area Management Program (ACAMP). The ADEM's consistency determination included a request for specific conditions to be incorporated within each permit that apply to authorized activities located in the Alabama Coastal Zone Management area. The ADEM's consistency determination for these regional general permits will expire on September 30, 2026.

CULTURAL RESOURCES: The Mobile District will review each PCN and make a determination of the potential effects of the proposed project on any type of cultural resources listed, or potentially eligible for listing, in the NRHP. If the Mobile District determines that the project will have any potential to cause effects to a cultural resource (i.e. determinations of "no effect," "no adverse effect," or "adverse effect"), the determination will be coordinated with the SHPO pursuant to requirements under Section 106 of the National Historic Preservation Act (NHPA) and 33 CFR part 325, Appendix C. Reference General Conditions GC-7 and GC-8 pertaining to cultural and tribal resource issues.

If the Mobile District determines that the project may affect cultural resources to which any federally recognized Indian Tribe attaches religious and cultural significance, then (in addition to the SHPO) the Mobile District will also contact the appropriate Indian Tribe(s) in a manner suitable to initiate staff-level coordination or government-to-government consultation, as appropriate. The Mobile District is responsible for making the effects determination for each project, and after written notification of the determination is made to the SHPO, the Mobile District will provide the SHPO thirty (30) days to respond. In the cases of projects for which the Mobile District has made a determination that a project may affect tribal cultural resources, the Mobile District will, after initiating coordination or government to government consultation, also provide the consulting Indian Tribe thirty (30) days to respond. Verifications cannot be issued until all required consultation pursuant to Section 106 of the NHPA and 33 CFR part 325, Appendix C is complete.

THREATENED AND ENDANGERED SPECIES: No activity is authorized by these regional general permits that is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. The Mobile District will review each individual PCN and make a determination of the potential effect of the proposed project on threatened or endangered species, or critical habitat. No activity which "may affect" a listed species or critical habitat is verified for coverage under these regional general permits unless consultation pursuant to Section 7 of the ESA has been completed for the project. Reference General Condition GC-6 pertaining to threatened and endangered species, and critical habitat.

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES – STATE LANDS DIVISION: Public Trust Land, i.e., submerged property below mean high tide and the bottoms of navigable rivers and creeks are the property of the State of Alabama and managed by the State Lands Division (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 may require a separate permit, approval, easement and/or lease from the State Lands Division. Notification to the ADCNR-SLD is made by the applicant submitting a completed ADCNR-SLD Notice of Intent to Impact State Owned Submerged Lands form, along with a completed copy of the Alabama Joint Permit Application to the ADCNR-SLD. Applications should be emailed to dcnr.coastal@dcnr.alabama.gov or mailed to: ADCNR, State Lands Division, Coastal Section, 31115

Five Rivers Boulevard, Spanish Fort, Alabama 36527. The State Lands Division will then notify the applicant if the activity requires a separate approval, dredge permit, easement and/or lease from the ADCNR, or if additional information is required by the State Lands Division to complete its review. Applicants may contact SLD by phone at (251) 621-1238 for additional guidance.

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

- (1) **Application Form:** Permit applicants must submit a completed ADCNR-SLD Notice of Intent to Impact State Owned Submerged Lands form.
- (2) **Ownership:** Permit applicants must provide evidence of riparian ownership with an affirmation of accuracy as part of their application package to the ADCNR.
- (3) **Riparian Rights Area:** All structures and other activities must be within the riparian rights area of the applicant and must be designed in a manner that will not restrict or otherwise infringe upon the riparian right of adjacent upland riparian owners. Configuration, location or design of the structure may neither physically preclude nor have the effect of precluding public access to public waters adjacent to the upland. The ADCNR recommends the structure be centered on the applicant's property and will require that all activities meet certain setback requirements. The burden of locating riparian lines is the responsibility of the riparian landowner. ADCNR may require applicants to provide a riparian area survey.

Project coordination with the ADCNR State Lands Division is the permittee's responsibility. The U.S. Army Corps of Engineers, Mobile District does not enforce ADCNR-SLD requirements.

DEPARTMENT OF THE ARMY, MOBILE DISTRICT - FURTHER INFORMATION:

a. Limits of Authorization:

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

b. Limits of Liability: In issuing these authorizations, neither the Federal Government, the State of Alabama, nor any designated resource agency; their staff or employees, assume any liability.

c. Reliance on Applicant's Data: In part, each individual determination by the Mobile District that verification of permit authorization is not contrary to the public interest is made with reliance on the information provided by the applicant.

d. Re-evaluation of Permit Decision: The Mobile District may re-evaluate any permit verification decision at any time the circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to, the following:

- (1) Failure to comply with the terms and conditions of the verification letter or the permit.
- (2) The information provided in support of the PCN proves to have been false, incomplete, or inaccurate (See c. above.)
- (3) Significant new information surfaces which we did not consider in reaching the original public interest decision. Such a re-evaluation may result in a determination that it is appropriate to use the suspension, modification, or revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement

procedures provide for the issuance of an administrative order requiring the permittee to comply with the terms and conditions of the verification letter and permit, and for the initiation of legal action where appropriate. The applicant/permittee will be required to pay for any corrective measures ordered by this office and for failure to comply with such directives, and this office may, in certain situations (such as those specified in 33 CFR 209.170), accomplish the corrective measures by contract or otherwise and request restitution.

- e. **Expiration or Suspension of this Regional General Permit Program:** These regional general permits will be valid for a five-year period or until suspended or revoked. They may be suspended or revoked, in whole or in part, if it is determined that the cumulative effects of any activities pursuant to them adversely affect water quality, navigation, or other public interest factors. Such suspension shall be effective upon issuance of a public notice which shall indicate a date periodically to determine if continuation of these permits is in the overall public interest.

These regional general permits will be re-advertised via public notice every five (5) years as part of a public interest review. The Mobile District will periodically review each of the permits within the Alabama General Permit program and their conditions and will decide to modify, reissue, or revoke the permits. If a permit is not modified or reissued within five years of its effective date, it automatically expires and becomes null and void. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon an authorized General Permit will remain authorized provided the activity is completed within twelve months of the date of the permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.7. Activities completed under the authorization of these permits which were in effect at the time the activities were completed continue to be authorized by these permits unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.7.

- f. **Time Extensions:** Authorization under these regional general permits is valid until their scheduled expiration date of September 30, 2026. However, if a permittee has commenced or is under contract to commence the permitted activity before September 30, 2026, the permittee will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2021 Alabama General Permits. In the event the permittee has not commenced or completed the project by this date, a new PCN will be required.
- g. Failure to secure verification of authorization under these regional general permits as specified herein or failure to comply with conditions of any regional general permit or any verification issued for these permits may result in enforcement actions by the Mobile District, Alabama Department of Environmental Management, or the Alabama Department of Conservation and Natural Resources.

JEREMY J. CHAPMAN
Colonel, U.S. Army
District Commander

BY: _____
CRAIG J. LITTEKEN, PMP
Chief, Regulatory Division



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

DEPARTMENT OF THE ARMY PERMIT

ALGP-01 – EXCAVATED BOAT SLIPS
SAM-2021-00490-DCH

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

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

PERMIT AUTHORITY: Section 10 and Section 404

PRE-CONSTRUCTION NOTIFICATION: PCN is required for all activities under this permit

SPECIAL CONDITIONS:

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

- verification. Marked boundaries must include a 10-foot buffer, and shall remain in place until all excavation or dredging activities are completed.
- SP-8 A minimum 10-foot buffer shall be maintained between the excavated boat slip and any SAV, submersed grassbeds, natural shellfish beds, or any wetlands located waterward of the MHW line or OHW mark, unless the work meets the requirements of SP-10 below. Use of a turbidity/sediment curtain is required for any excavation or dredging activities abutting the 10-foot buffer.
- SP-9 Dredged or excavated material shall not be placed in adjacent waters or wetlands unless specifically authorized. The dredged/excavated material shall be deposited in an approved upland area and properly contained to prevent reentering the waterway or adjacent wetlands. Applications must include adequate plans for containment of dredged/excavated material.
- SP-10 Excavation or dredging in wetlands is authorized only in previously permitted, man-made canals, where the creation of an excavated boat slip is necessary to avoid causing an obstruction to navigation. Excavation or dredging in these areas is limited to a maximum 500 square feet of wetland impacts. Applicants must demonstrate avoidance and minimization of wetland impacts to the maximum extent practicable and provide a compensatory mitigation proposal in the PCN. Compensatory mitigation may not be required for excavation or dredging resulting in less than or equal to 30 square feet of wetland impacts.

MOBILE DISTRICT
U. S. ARMY CORPS OF ENGINEERS



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

DEPARTMENT OF THE ARMY PERMIT

ALGP-03 –DREDGING
SAM-2021-00491-DCH

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

This permit authorizes dredging of new open water channels and maintenance dredging of previously authorized and dredged areas, for the purpose of navigation. This permit also authorizes minor shallow dredging of offshore areas to supply clean sand fill material for living shoreline or shoreline protection projects.

PERMIT AUTHORITY: Section 10

PRE-CONSTRUCTION NOTIFICATION: PCN is required for all activities authorized under this permit

SPECIAL CONDITIONS:

- SP-1 This permit does not authorize dredging or the placement of dredged material in wetlands, submerged aquatic vegetation (SAV), submersed grassbeds, or natural shellfish beds. This condition may be waived by the Mobile District for dredging of invasive or noxious vegetation in man-made waterbodies or if the material is utilized as fill for an authorized living shoreline or shoreline protection project.
- SP-2 When SAV, submersed grassbeds, wetlands, or natural shellfish beds are present near any proposed project, those resources must be surveyed and clearly marked with small diameter PVC pipe (or other pre-approved marking techniques) by the applicant or a representative prior to permit authorization. Marked boundaries must include a 10-foot buffer, and shall remain in place until all dredging activities are completed.
- SP-3 A minimum buffer distance of 10 feet must be maintained between the limits of dredging and any wetlands, SAV, submersed grassbeds or natural shellfish beds. Use of a turbidity/sediment curtain is required for any dredging activities abutting the 10-foot buffer. This condition may be waived by the Mobile District for projects where existing shoreline protection such as a bulkhead or riprap is located between the dredging activity and in-shore wetlands.
- SP-4 Dredged material must be placed in an approved upland area and properly contained to prevent any material re-entering the waterway or entering any other waters of the United States, including wetlands (treated return water discharging from approved upland treatment areas is authorized under *Nationwide Permit 16 - Return Water from Upland Contained Disposal Areas*). However, dredged material may be utilized as fill in waters of the United States if specifically authorized by a separate Department of the Army permit.
- SP-5 Dredged material de-watering areas must be designed such that return water discharge will not erode down-gradient soils and cause deposition of sediment into waters of the United States, including

wetlands. Applications for projects with dredged material containment areas must include design plans which adequately demonstrate return water discharge will be treated to dissipate discharge energy and protect areas receiving the discharges.

- SP-6 Pre-dredging and post-dredging hydrographic surveys and/or surveys for submerged aquatic vegetation (SAV), submersed grassbeds or natural shellfish beds may be required if deemed necessary by the Mobile District.
- SP-7 The dredged area must not interfere with the lateral movement of sediments such that shorelines located adjacent to the project are negatively impacted (i.e. sediment starved). The applicant may be required to submit a study by a qualified professional engineer which demonstrates dredged areas will not cause adjacent shorelines to erode by intercepting and/or interrupting the natural migration of sediment along the shoreline.

CONDITIONS SPECIFIC TO NEW CHANNEL DREDGING:

- SP-8 New channel dredging must be located in an existing open water area and must result in an open water navigable channel.
- SP-9 New channel dredging must be a single and complete project and is limited to the removal of no more than 1,000 cubic yards of material.
- SP-10 The depth of the new channel dredging must not exceed -6 feet mean low water (MLW) in tidal areas or ordinary high water (OHW) in non-tidal areas, or the controlling navigational depth of the adjacent waters, whichever is less.

CONDITIONS SPECIFIC TO MAINTENANCE DREDGING:

- SP-11 Maintenance dredging must be associated with navigation and must be located either within an existing boat slip and/or existing navigation channel.
- SP-12 Maintenance dredging must be a single and complete project, and shall be limited to the removal of no more than 500 cubic yards of material.
- SP-13 Maintenance dredging is limited to previously authorized dimensions and must not exceed the controlling navigational depth of the adjacent waters. The depth of any new maintenance dredging in areas not previously dredged must not exceed -6 feet MLW or OHW, or the controlling navigational depth of the adjacent waters, whichever is less.

CONDITIONS SPECIFIC TO DREDGING TO OBTAIN FILL FOR LIVING SHORELINES OR SHORELINE PROTECTION PROJECTS:

- SP-14 The dredging activity must be directly associated with a living shoreline or shoreline protection project authorized by a separate Department of the Army permit.
- SP-15 Dredging to obtain fill material for living shoreline or shoreline protection projects shall be limited to the removal of no more than 500 cubic yards of material.
- SP-16 Dredging to obtain fill material for living shoreline or shoreline protection projects must be located in water depths of at least -3 feet MLW or OHW, in an existing open water area (not within a canal

or navigational channel), and may impact no more than 0.25 acre of waterbottom.

- SP-17 The depth of the dredging used to obtain fill material for living shoreline or shoreline protection projects must not exceed -3 feet below the existing waterbottom.
- SP-18 The applicant must demonstrate that material to be dredged to obtain fill material for living shoreline or shoreline protection projects will be the appropriate composition needed for the proposed project.
- SP-19 Dredged material obtained for living shoreline or shoreline protection projects may not be utilized for the construction, repair, replacement, or rehabilitation of bulkheads or seawalls.

CONDITIONS SPECIFIC TO WEEKS BAY:

- SP-20 This permit does not authorize any dredging activity, prop dredging, or any other similar bottom disturbance in waters of Weeks Bay. This condition does not apply to the minimum bottom disturbance which occurs during the installation of support or mooring pilings outside of wetland areas.

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DEPARTMENT OF THE ARMY PERMIT

ALGP-04 – DEBRIS REMOVAL
SAM-2021-00492-DCH

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

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

PERMIT AUTHORITY: Section 10 and Section 404

PRE-CONSTRUCTION NOTIFICATION: PCN is required for all activities authorized under this permit

SPECIAL CONDITIONS:

- SP-1 Removal of debris must be for navigational or drainage purposes only.
- SP-2 Trees and/or woody vegetation which are rooted or embedded in waterbottoms must remain in place or be cut off above ground elevation before removal, so that the root mass or buried portion remains intact.
- SP-3 All removed debris must be placed in an upland disposal site. Non-landfill disposal or open burning of debris should be coordinated with the Alabama Department of Environmental Management (ADEM) at (334) 271-7700.
- SP-4 Removal of debris shall be accomplished by use of the shortest access distance through waters of the United States, except in cases where less environmental harm can be demonstrated, or health and safety may be compromised.
- SP-5 This permit does not authorize the dredging of gravel, sand, soil, silt, wetlands, natural shellfish beds, submerged aquatic vegetation (SAV), or submersed grassbeds.
- SP-6 This permit does not authorize the removal of hazardous materials or hazardous waste.
- SP-7 This permit does not authorize the dredging of new navigation channels for facilitation of debris removal.

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DEPARTMENT OF THE ARMY PERMIT

ALGP-05 – PIERS AND PILE-SUPPORTED STRUCTURES
SAM-2021-00493-DCH

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

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

PERMIT AUTHORITY: Section 10

PRE-CONSTRUCTION NOTIFICATION: PCN required, with exceptions (see SP-10 and SP-11 below)

SPECIAL CONDITIONS:

- SP-1 This permit authorizes structures that are of sufficient length to reach navigational depths adequate for the proposed use, to the extent that a hazard to navigation will not be created, as determined by the controlling authority. The length of the structure(s) should be generally consistent with other neighboring structures in the waterway. In no case shall the length of the structure(s) extend greater than 25 percent of the overall width of the waterway, as measured from the mean high water (MHW) line or ordinary high water (OHW) mark (see SP-12 for additional length restrictions for structures located in Weeks Bay).
- SP-2 A limit of three (3) boat berthing areas per project site are authorized under this permit, with the exception of structures located in Weeks Bay (see SP-13 below).
- SP-3 Structures constructed over emergent wetlands, or constructed over areas with submerged aquatic vegetation (SAV) or submersed grassbeds, must be uncovered, constructed no more than five (5) feet wide, and constructed at a height at least equal to the width of the structure. Height will be measured from the ground surface or mud line when over emergent wetlands, and from the plane of MHW or OHW (when waterward of the MHW line or OHW mark), up to the bottom of the decking. This condition may be waived on a case-by-case basis if the applicant can demonstrate construction methods and/or materials that allow for equivalent light penetration to affected wetlands.
- SP-4 The decking of structures constructed over emergent wetlands or submersed grassbeds must feature spaces of at least 0.75-inch width between decking boards. This condition may be waived on a case-by-case basis if the applicant can demonstrate construction methods and/or materials that allow for equivalent light penetration to waters located below the structure.
- SP-5 Boat shelters or any other type of roofed structures shall not be constructed within 10 feet of emergent wetlands, areas with SAV, or submersed grassbeds.

- SP-6 Structures that are designed to moor vessels shall not be constructed in a way where the moored vessel will shade or otherwise cause adverse impacts (such as prop wash, etc.) to emergent wetlands, areas with SAV, or submersed grassbeds.
- SP-7 When installing authorized pilings, emergent wetlands, SAV, and submersed grassbeds shall be avoided where practicable. If these areas cannot be avoided, then pilings must be installed in a manner (e.g. mechanical driving) that will not result in the formation of sedimentary deposits (i.e. “donuts” or “halos”) around the installed pilings.
- SP-8 This permit does not authorize the operation of heavy equipment (i.e. wheeled or tracked vehicles) in wetlands or other waters of the United States unless detailed plans are submitted that: 1) Provide for the use of temporary mats or equivalent protective measures sufficient to prevent rutting and compaction of wetland soils or waterbottoms; 2) Provide for the return of all affected areas to pre-construction elevations, and the full restoration of any wetland or emergent vegetation impacted by the activity; and 3) Demonstrate avoidance of all SAVs and submersed grassbeds.
- SP-9 Structures shall not be constructed within 100 feet of a federally maintained navigation channel. This condition may be waived by the Mobile District where circumstances warrant.
- SP-10 Activities limited to the addition or replacement of a boat hoist on an existing boat shelter or boat slip, and that do not require the installation of pilings or increase the number of boat slips, are authorized by this permit and do not require a pre-construction notification (PCN) prior to commencing the activity. This condition does not apply to work on structures greater than 50 years of age. All other conditions contained in this permit apply to the activity.
- SP-11 Activities limited to the addition of a single-story roof or covering structure on an existing open-deck pier that do not require the installation of pilings are authorized by this permit and do not require a PCN prior to commencing the activity. This condition does not apply to existing decks that are located over, or within 10 feet of, emergent wetlands, SAVs, or submersed grassbeds. This condition does not apply to work on structures greater than 50 years of age. Addition of a roof or covering on an existing structure in Weeks Bay must comply with SP-14 below. All other conditions contained in this permit apply to the activity.

CONDITIONS SPECIFIC TO PIERS AND PILE-SUPPORTED STRUCTURES IN WEEKS BAY:

- SP-12 Structure(s) in Weeks Bay may not exceed 300 feet in length, as measured from the MHW or OHW shoreline.
- SP-13 A limit of two (2) boat berthing areas per project site are authorized under this permit in Weeks Bay.
- SP-14 In Weeks Bay, terminal structures such as decks and boat berthing areas, and any associated roofs or coverings, must not exceed a combined total footprint of 620 square feet and may be covered and feature screened enclosures, but not solid walls.

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



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

DEPARTMENT OF THE ARMY PERMIT

ALGP-07 – BOAT RAMPS AND MARINE WAYS
SAM-2021-00494-DCH

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

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

PERMIT AUTHORITY: Section 10 and Section 404

PRE-CONSTRUCTION NOTIFICATION: PCN is required for all activities authorized under this permit

SPECIAL CONDITIONS:

- SP-1 This permit authorizes the dredging or filling of up to 250 cubic yards of material below the plane of mean high water (MHW) or ordinary high water (OHW).
- SP-2 This permit does not authorize any type of jetty or groin structure, or any structure that causes the accretion or erosion of adjacent or nearby shorelines.
- SP-3 For boat ramps designed for public access, the applicant must demonstrate that there is adequate upland parking to support the anticipated use.
- SP-4 Dredged material shall be placed in an approved upland area and properly contained to prevent reentering the waterway or adjacent wetlands. Dredged materials shall not be placed in adjacent waters or wetlands unless the activity is specifically authorized by a separate Department of the Army permit.
- SP-5 This permit does not authorize dredging or filling in wetlands, areas with submerged aquatic vegetation (SAV), submersed grassbeds, or natural shellfish beds.
- SP-6 This permit does not authorize construction of boat ramps and/or marine ways directly adjacent to SAV, submersed grassbeds, or natural shellfish beds, where the construction or normal use of the ramp would cause adverse impacts to these resources.

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

DEPARTMENT OF THE ARMY PERMIT

ALGP-11 – SHORELINE AND BANK STABILIZATION AND PROTECTION
SAM-2021-00495-DCH

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

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

To the maximum extent possible, shoreline stabilization and protection should be accomplished by the establishment of appropriate native vegetation. Bulkhead or seawall structures should only be considered for those areas when there are no feasible alternatives available. These alternatives include, but are not limited to, shoreline restoration/re-vegetation, preservation and restoration of wetlands, riprap armoring, or restoration of submerged aquatic vegetation (SAV) and submersed grassbeds.

Activities authorized by this permit should take into consideration the dynamic and variable characteristics of different shorelines (i.e. slope, fetch, rate of erosion, predominant wind/wave patterns, offshore water depth and bottom character, and natural vegetative coverage). Structures should be appropriately sized, and provide adequate protection needed for the energy level of the particular environment without causing adverse impacts to surrounding properties or resources.

PERMIT AUTHORITY: Section 10 and Section 404

PRE-CONSTRUCTION NOTIFICATION: PCN is required for all activities authorized under this permit

SPECIAL CONDITIONS:

- SP-1 Stabilization and protection structures may be installed adjacent to wetland areas as long as the wetlands are not adversely impacted. If any portion of the protected area is a wetland, then: 1) No fill will be placed in wetland areas (unless allowable as a de minimis impact, per SP-6); and 2) The shoreline/bank protection must be designed to allow the normal hydrologic regime to be maintained in the wetland areas. This permit does not authorize dredging or the placement of fill within areas with SAV, submersed grassbeds, or natural shellfish beds.
- SP-2 All structural materials utilized must be adequately anchored, of sufficient weight, and/or installed in a manner that prevents settlement, relocation, and loss of sediment or fill material under expected environmental conditions. Effective use of geotextile or filter fabric material is required for all new bank/shoreline stabilization and protection projects.
- SP-3 To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each project authorized under this permit. This permit does not authorize stream channelization activity.

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

- SP-4 The placement of new riprap or other armoring systems (such as gabions, interlocking brick/concrete systems, etc.) is limited to no more than 500 linear feet of shoreline or bank, except for projects where armoring systems are utilized to augment existing bulkheads or seawalls. For augmentation of existing bulkheads or seawalls, placement of riprap or other armoring systems is limited to a total length of 1,000 linear feet.
- SP-5 Placement of riprap, bank dressing, or other armoring type fill below the plane of mean high water (MHW) or ordinary high water (OHW) is limited to one (1) cubic yard per linear foot of treated shoreline or bank.

CONDITIONS SPECIFIC TO BULKHEAD AND SEAWALL INSTALLATION:

- SP-6 Bulkhead or seawall structures installed to replace existing, previously permitted bulkheads or seawalls are limited to a total length of 1,000 linear feet, and the waterward edge of the new structure shall not extend more than 24 inches waterward from the base of the existing bulkhead or seawall. De minimis wetland fill not exceeding 30 square feet per single and complete project is authorized in cases where minor areas of wetland vegetation have developed as a result of bulkhead deterioration.
- SP-7 New bulkhead or seawall structures are limited to a total length of 500 linear feet and must be installed along the existing shoreline or bank at or above the MHW line or OHW mark. If adjacent wetlands are present, new bulkhead or seawall structures must be installed landward of all jurisdictional wetlands and must not separate the wetlands from contact with open waters.
- SP-8 Any wetlands located adjacent to and waterward of a new bulkhead or seawall must be protected by implementation of effective additional structural measures designed to prevent gradual scour and erosion by expected wave conditions at the site. The measures can include, but are not limited to, the installation of edging, sill structures, or breakwaters.

CONDITIONS SPECIFIC TO BREAKWATER INSTALLATION:

- SP-9 Breakwater structures and any associated fill shall not extend more than thirty (30) feet waterward from the pre-existing shoreline (as defined by the MHW line or OHW mark) and are limited to a total shore-parallel length of 500 linear feet, including spacing between structures. The crest height of headland and offshore breakwater structures is limited to no higher than +1.0 feet above the plane of MHW or OHW. The crest height of low-profile sills is limited to no higher than -0.5 feet below the plane of MHW or OHW.
- SP-10 Breakwater and sill structures shall be designed to ensure adequate circulation/tidal flushing and shoreline habitat access for aquatic and terrestrial organisms.
- SP-11 Interior angles of headland breakwaters should be 45 degrees or less relative to the prevailing shoreline (as determined by examining the orientation of adjacent shorelines a minimum of 100 feet on either side of the project).
- SP-12 At project sites where scarping of the shoreline has occurred due to scour or scalloping, fill discharges shall be limited to the minimum volume necessary to achieve equivalent elevation to adjacent undisturbed land and provide for adequate stable shoreline slope.



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

DEPARTMENT OF THE ARMY PERMIT

ALGP-13 – FILLING OF PREVIOUSLY DREDGED AREAS
SAM-2021-00496-DCH

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

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

PERMIT AUTHORITY: Section 10 and Section 404

PRE-CONSTRUCTION NOTIFICATION: PCN is required for all activities authorized under this permit

SPECIAL CONDITIONS:

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

MOBILE DISTRICT
U. S. ARMY CORPS OF ENGINEERS

GENERAL CONDITIONS:

NOTE: The term "you" and its derivatives, means the permittee or any future transferee. The above-described structures and activities may be authorized under these General Permits subject to the following conditions:

- GC-1 Verification of coverage under the Alabama General Permit program may not be issued for your project if you have been found by this office to be in noncompliance with any prior U.S. Army Corps of Engineers permit, or have been cited for unauthorized work, until the non-compliance or violation has been resolved.
- GC-2 This permit does not authorize structures and activities that are found to be hazardous to navigation, and does not authorize the interference with any existing or proposed federal project. If future operations by the United States require the removal, relocation, or other alteration of the structure or work authorized by this permit, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- GC-3 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit, unless otherwise excluded by the permit Special Conditions.
- GC-4 Authorization under this permit does not obviate any obligation or responsibility for compliance with FEMA-approved state or local floodplain ordinances or floodplain management requirements. The permittee should contact the officials responsible for the local community's FEMA-approved floodplain requirements if the project verified for authorization under this permit includes the placement of fill or structures within any portion of the 100-Year Floodplain.
- GC-5 For projects located in areas which may support submerged aquatic vegetation (SAV) or submersed grassbeds, an SAV survey may be required (recommended survey dates from June 1 through September 30).
- GC-6 No activity is authorized under this permit which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under this permit which "may affect" a listed species or critical habitat, unless consultation pursuant to Section 7 of the ESA addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the permitted activity. Indirect effects are those effects on listed species and critical habitat that are caused by the permitted activity and are later in time, but still are reasonably certain to occur.
- GC-7 No activity is authorized under this permit which has the potential to cause effects to any cultural resources or historic properties determined to be listed, or potentially eligible for listing, in the National Register of Historic Places (NRHP) until the requirements of Section 106 of the National Historic Preservation Act (NHPA) and 33 CFR part 325, Appendix C have been satisfied. In cases where the Mobile District has determined a proposed activity may adversely affect cultural resources

- listed in or deemed eligible for listing in the NRHP, or considered significant to a federally-recognized American Indian Tribe, the activity must avoid or minimize impacts to such resources to the maximum extent practicable.
- GC-8 If any previously unknown historic, archeological, or human remains are discovered while accomplishing an activity authorized by this permit, all work in the area of discovery must cease, and the Mobile District must be immediately notified of what has been found. The Mobile District will initiate the federal, state, and tribal coordination required to determine if the site warrants recovery efforts or if it is potentially eligible for listing in the NRHP.
- GC-9 The permittee shall comply with all terms and conditions of the Alabama Department of Environmental Management 401 Water Quality Certification, dated August 4, 2021.
- GC-10 The permittee shall comply with all terms and conditions of the Alabama Department of Environmental Management Coastal Zone Consistency determination, dated August 3, 2021.
- GC-11 Verification of permit authorization will not be issued for activities located within state or National Wild and Scenic streams, rivers, or components thereof, or other areas provided special protection unless the administering agency concurs.
- GC-12 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-13 If an activity is verified for permit authorization, a “Notice of Authorization” card will be provided to the permittee along with a verification of permit authorization letter. The card must be posted at the site during construction of the permitted activity.
- GC-14 It is the permittee’s responsibility to ensure that all contractors working on the permitted project are aware of all general and special conditions of the permit and the verification letter.
- GC-15 Activities authorized under this permit must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows.
- GC-16 The authorized activity must be maintained in good condition and in conformance with the terms and conditions of the permit and verification letter. You are not relieved of this requirement if you abandon the authorized activity.
- GC-17 You must allow federal and state resource agency representatives to inspect the verified activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of the authorization.
- GC-18 Pursuant to 33 U.S.C. 408, any activity that requires permission from the USACE that will alter or temporarily or permanently occupy or use a USACE federally authorized Civil Works project is not authorized by this permit unless the Mobile District first issues Section 408 permission to alter, occupy, or use the USACE project. The applicant may be required to submit additional information in order to complete the Section 408 review process. Section 408 permission must be issued for the activity prior to verification of authorization under this permit.

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



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

August 3, 2021

Craig J. Litteken, PMP
Chief, Regulatory Division
Mobile District
U. S. Army Corps of Engineers
P.O. Box 2288
Mobile, AL 36628-0001

AUG 09 2021

RE: U. S. Army Corps of Engineers 2021 Proposed Regional General Permits for Minor Structures and Activities within the State of Alabama (ALGP) Program
SPECIAL PUBLIC NOTICE NUMBERS:
SAM-2021-00490-DCH; ALGP-01 – Excavated Boat Slips
SAM-2021-00491-DCH; ALGP-03 – Dredging
SAM-2021-00492-DCH; ALGP-04 – Debris Removal
SAM-2021-00493-DCH; ALGP-05 – Piers and Pile-Supported Structures
SAM-2021-00494-DCH; ALGP-07 – Boat Ramps and Marine Ways
SAM-2021-00495-DCH; ALGP-11 – Shoreline and Bank Stabilization and Protection
SAM-2021-00496-DCH; ALGP-13 – Filling of Previously Dredged Areas
ADEM Tracking Code: ACAMP-2021-350-FC-FAA-COE

Dear Chief Litteken:

The listed ALGPs have been determined by the ADEM, based on their scope or nature, not to have a significant impact on coastal resources when implemented in accordance with the specific conditions prescribed herein. Therefore, and pursuant to ADEM Administrative Code 335-8-1-.03(4), these ALGPs are categorically certified to be consistent with the ACAMP.

SAM-2021-00490-DCH: ALGP-01 - Excavated Boat Slips

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

CZM-1 ALGP-01 must not authorize any activities or structures on property or parcels fronting the Gulf of Mexico, Pelican Bay, or Weeks Bay.

CZM-2 ALGP-01 must not authorize new excavated boat slips unless it has been demonstrated that construction of piers, docks, and/or boat shelters, reaching navigational depth adequate for the proposed use, would create a navigation hazard for mariners.

CZM-3 The depth of any new boat slip is to be no greater than the controlling navigational depth of the receiving waters. The maximum length of excavation, measured from the shoreline to the interior extent, must not exceed 50 linear feet. The length of excavation, measured from the shoreline to the interior extent, must be no greater than twice the length of shoreline excavated.

CZM-4 ALGP-01 must not authorize ancillary structures which would have the effect of interfering with natural sediment transport along the shoreline or bank (i.e. wingwalls, groins, jetties, or other solid structures roughly perpendicular to the shore or bank).



CZM-5 ALGP-01 must not authorize construction of new canals or expansions of existing canals for the purpose or effect of creating new waterfront property.

SAM-2021-00491-DCH: ALGP-03 - Dredging

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

CZM-1 ALGP-03 must not authorize any dredging within areas fronting the Gulf of Mexico, Pelican Bay, or Weeks Bay.

CZM-2 ALGP-03 must not authorize new work channel dredging associated with the use and/or construction of new piers, docks, and/or boat shelters unless it has been demonstrated that construction of piers, docks, and/or boat shelters, reaching navigational depth adequate for the proposed use, would create a navigation hazard for mariners.

SAM-2021-00492-DCH; ALGP-04 – Debris Removal

No additional conditions.

SAM-2021-00493-DCH; ALGP-05 – Piers and Pile-Supported Structures

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

CZM-1 ALGP-05 must not authorize any structures on property or parcels fronting the Gulf of Mexico or Pelican Bay.

CZM-2 ALGP-05 must not authorize any structures in areas colonized with natural shellfish beds without prior authorization from the Alabama Department of Conservation and Natural Resources – Marine Resources Division (ADCNR-MRD).

CZM-3 ALGP-05 must not authorize the following activities: (a) structures for the permanent mooring of houseboats, (b) fueling facilities, (c) toilets or activities that produce “gray water,” (d) habitable structures (defined by the ADEM as “any structure which, by virtue of its design, size or appurtenances, is suitable for occupation as a residence on a temporary or permanent basis, or any similar structure used for commercial purposes”), (e) new marinas, or (f) the expansion of an existing marina beyond the existing authorized footprint.

CZM-4 ALGP-05 must not authorize platforms, decks, “T”s, “L”s, boat berthing areas, gazebos, or other similar structures to be located anywhere except at the waterward end of the access pier; and must not authorize platforms, decks, “T”s, “L”s, boat berthing areas, gazebos, or other similar structures to be located over wetlands, submersed vegetation, or submersed grassbeds.

SAM-2021-00494-DCH; ALGP-07 – Boat Ramps and Marine Ways

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

CZM-1 ALGP-07 must not authorize any activities or structures on property or parcels fronting the waters of the Gulf of Mexico, Pelican Bay, or Weeks Bay.

CZM-2 All stormwater runoff from boat ramp approaches and parking areas must be directed away from the boat ramp. Site plans for proposed boat ramps must feature design elements which will accomplish this diversion.

SAM-2021-00495-DCH; ALGP-11 – Shoreline and Bank Stabilization and Protection

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - COASTAL ZONE

MANAGEMENT CERTIFICATION CONDITIONS:

CZM-1 ALGP-11 must not authorize any activities or structures on property or parcels fronting the waters of the Gulf of Mexico, Pelican Bay, Weeks Bay, or the man-made canals on Ono Island.

CZM-2 ALGP-11 must only authorize structures, materials, or bank dressings when it has been determined by the Army Corps of Engineers that no feasible non-structural alternatives are available including, but not limited to, preservation & restoration of dunes, beaches, wetlands, submersed grassbeds, shoreline restoration & nourishment, retreat, or abandonment. Applicant preference and/or aesthetics must not be construed as a valid justification for not implementing non-structural alternatives wherever feasible.

SAM-2021-00496-DCH; ALGP-13 – Filling of Previously Dredged Areas

No additional conditions.

Call, write, or email the Mobile-Coastal office anytime with questions. Always include the ADEM tracking code above when corresponding on this matter. The ADEM contact for this and other coastal zone management issues is J. Scott Brown. He may be reached by telephone at 251. 304.1176 or via e-mail (jsb@adem.alabama.gov).

Sincerely,



A. Scott Hughes, Chief
Field Operations Division

cc: ADCNR-SLD (DCNR.Coastal@dcnr.alabama.gov)
USACE | Mobile District, S. Brad Crosson - (steven.b.crosson@usace.army.mil)



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

August 4, 2021

Colonel Sebastien P. Joly
Commander, Mobile District
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, AL 36628-0001

RE: Clean Water Act (CWA) Section 401 Water Quality Certification (WQC), U.S. Army Corps of Engineers (COE) 2021 Proposed Issuance of Alabama General Permits (ALGPs) For Activities Within the State of Alabama

Dear Colonel Joly:

This office has completed a review of the above-referenced notice and all associated materials submitted related to the proposed ALGPs. Any comments made during the public notice period have also been forwarded to the Department for review.

ALGP-01 Excavated Boat Slips
ALGP-03 Dredging
ALGP-04 Debris Removal
ALGP-05 Piers and Pile-Supported Structures
ALGP-07 Boat Ramps and Marine Ways
ALGP-11 Shoreline and Bank Stabilization and Protection
ALGP-13 Filling of Previously Dredged Areas

Because action pertinent to WQC is required by Section 401(a)(1) of the CWA, 33 U.S.C. Section 1251, et seq., we hereby issue certification that there is reasonable assurance that the discharge resulting from the proposed activities as submitted will not violate applicable water quality standards established under Section 303 of the CWA and Title 22, Section 22-22-9(g), Code of Alabama, 1975, provided the applicant acts in accordance with the following conditions as specified. We further certify that there are no applicable effluent limitations under Sections 301 and 302 nor applicable standards under Sections 306 and 307 of the CWA in regard to the activities specified. This certification shall expire at the same time as the expiration date for the above-referenced Alabama Nationwide Permits for activities within the State of Alabama.

To minimize adverse impacts to State waters, by copy of this letter we are requesting the Mobile District Corps of Engineers to incorporate the following as special conditions as appropriate to the type, location, scope, duration, and potential impact of each activity in Alabama authorized by the COE ALGPs:

1. During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM. Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
2. ADEM permit coverage may be required prior to commencing and/or continuing certain activities/operations relating to or resulting from the project. If an applicant has any questions regarding ADEM regulated activity or the need for NPDES permit coverage, the applicant can contact ADEM's Water Division at (334) 271-7823. If an applicant has any questions regarding



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

3. Upon the loss or failure of any treatment facility, Best Management Practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
4. The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide ADEM with a copy of any record/information required to be retained by this paragraph.
5. The applicant shall conduct or have conducted, at a minimum, weekly comprehensive site inspections until completion of the proposed activity to ensure that effective BMPs are properly designed, implemented, and regularly maintained (i.e., repair, replace, add to, improve, implement more effective practice, etc.) to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality.
6. The applicant shall implement a project-specific or a detailed general BMP Plan prepared by an ADEM recognized qualified credentialed professional (QCP) applicable to and commensurate with activities of the type proposed. Effective BMPs shall be implemented and continually maintained for the prevention and control of turbidity, sediment, and other sources of pollutants, including measures to ensure permanent revegetation or cover of all disturbed areas, during and after project implementation.
7. The applicant shall implement a Spill Prevention Control and Countermeasures (SPCC) Plan for all temporary and permanent onsite fuel or chemical storage tanks or facilities consistent with the requirements of ADEM Admin. Code R. 335-6-6-.12(r), Section 311 of the Federal Water Pollution Control Act, and 40 CFR Part 112. The applicant shall maintain onsite or have readily available sufficient oil & 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.
8. Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the Alabama 303(d)

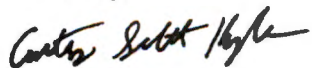
list, a total maximum daily load (TMDL) has been finalized for the waterbody, and/or the waterbody is otherwise considered a Tier 1 water pursuant to ADEM Admin. Code Ch. 335-6-10]. The applicant shall inspect all BMPs as often as is necessary (daily if needed) for effectiveness, need for maintenance, and the need to implement additional, effective BMPs. Additional effective BMPs shall immediately be implemented as needed to ensure full compliance with ADEM requirements and the protection of water quality in the impaired waterbody.

9. All construction and worker debris (e.g., trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for 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.
10. All materials used as fill, or materials used for construction of structures in a waterbody, must be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris. This requirement does not preclude the use of construction materials authorized by the COE that are typically utilized in marine or other aquatic applications.
11. The applicant shall implement appropriate measures to minimize the potential for a decrease of instream dissolved oxygen concentrations as a result of project implementation. In addition, the applicant shall ensure that the activities authorized by this certification do not significantly contribute to or cause a violation of applicable water quality standards for instream dissolved oxygen.
12. The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.
13. The applicant shall evaluate, characterize, and as necessary, conduct regular analysis of any material proposed to be 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.
14. If upland disposal areas are utilized, the applicant shall be responsible for the condition of the disposal area, including the structural integrity of any embankments, until the disposal area is permanently reclaimed or adequately stabilized, to ensure that sediment and/or turbidity in the return water and/or stormwater runoff 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.
15. For proposed activities associated with new or updated docks, marinas, multiple boat slips, floating docks, large or multiple piers, etc. or that increase the number of berthing areas, the applicant shall ensure that these facilities are equipped with appurtenances (i.e., trash receptacles, receptacles for fish offal and carcasses, SPCC for fueling facilities, and a sewage pump out system where appropriate) as needed to protect water quality.

16. The applicant is encouraged to consider additional pollution prevention practices, low impact development (LID), and other alternatives to assist in complying with applicable regulatory requirements and possible reduction/elimination of pollutant discharges. LID is an approach to land development or re-development that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. There are many practices that have been used to implement these sustainable ideas such as bio-retention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed.
17. The applicant is encouraged to consider and implement a site design plan/strategy for post-construction hydrology to mimic pre-construction hydrology to the extent feasible, and for post-construction stormwater runoff peak flows and total stormwater volume to minimize potential downstream channel and stream bank erosion.
18. 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. 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 may be considered violations of this certification.
19. 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. 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.

Please feel free to contact me at 334-394-4304 in the event you have any questions.

Sincerely,



Anthony Scott Hughes, Chief
Field Operations Division

File: WQ401

c: Nashville District COE & EPA Region IV