



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

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

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

AUTHORITY:

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) 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, 2016.

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

* Note 1: Activities previously covered under permits ALG06-2011 and ALG08-2011 are now covered under ALGP-05.

* Note 2: This permit is placed under reserved status pending further review and coordination by the Mobile District. Should this permit be re-authorized, a Public Notice announcement will then be issued.

* Note 3: Activities previously covered under permit ALG25-2011 are now covered under ALGP-24.

* Note 4: Activities previously covered under permit ALG26-2011 are now covered under ALGP-10.

GEOGRAPHIC APPLICABILITY:

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

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



ADMINISTRATION:

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

For projects in South Alabama Branch Counties:

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

For projects located in North Branch Counties:

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

If a proposed activity is located on one of the following U.S. Army Corps of Engineers' lakes in the State of Alabama, the plans must be reviewed and approved by the local Resource Manager. Additionally, the Resource Manager in some cases may issue 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
Post Office Box 295
Peterson, AL 35478
(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: Not all lakes which meet these criteria have entered into agreements with the Mobile District which would allow this. Check with the Resource Manager to see if they qualify.

PRE-CONSTRUCTION NOTIFICATION (PCN):

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

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

or

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

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

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

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

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT: The 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 October 1, 2021.

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 October 1, 2021.

CULTURAL RESOURCES: The Mobile District has determined that the permits included in the 2016 Alabama General Permit Program will have no potential to cause effects to cultural, historical, or tribal resources or properties listed in or eligible for the National Register of Historic Places (NRHP), provided that the following review procedures are followed: 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. The NRHP will be reviewed for all projects covered under the 2016 Alabama General Permits. The NRHP and the Alabama Archeological Site Files will be reviewed for all projects which include substantial ground or waterbottom disturbance in previously undisturbed areas. 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.

If the Mobile District determines that the project may affect historic properties 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 government-to-government consultation. 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 historic tribal properties, the Mobile District will, after initiating 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. Reference also General Conditions GC-8 and GC-9, which pertain to cultural resource issues.

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 will be 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-7 for each regional general permit.

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. For applicants in Baldwin and Mobile Counties, applications should be sent to: ADCNR State Lands Division, Coastal Section, 31115 Five Rivers Boulevard, Spanish Fort, Alabama 36527 (Telephone number (251) 621-1238); and for applicants in all other counties, applications should be sent to: ADCNR State Lands Division, Montgomery, 64 North Union Street, Montgomery, Alabama 36130 (334-242-3484). The State Lands Division will then notify the applicant if the activity requires a separate approval, easement and/or lease from the ADCNR, or if additional information is required by the State Lands Division to complete their review.

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

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

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) You fail to comply with the terms and conditions of your verification letter or the permit.

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

JAMES A. DELAPP
Colonel, U.S. Army
District Commander

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

DATE: 9/30/16



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
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DEPARTMENT OF THE ARMY PERMIT

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

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

This permit authorizes the excavation or dredging of material from 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

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 -- New Work Channel Dredging or ALGP-02 -- Maintenance Dredging. If an existing slip is being modified (enlarged) the total volume dredged originally, plus that being proposed to be dredged, cannot exceed 500 cubic yards of material below 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 for areas other than the interior of the boat slip.
- SP-4 For an excavated boat slip which will have no man-made shoreline protection (such as a bulkhead, riprap, etc.), a 10-foot-wide buffer shall be maintained between the proposed work and any wetlands located inland of the 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.
- 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. A 3:1 (horizontal : vertical) or flatter slope shall also be maintained between any dredged/excavated areas and any SAV, submersed grassbeds, natural shellfish beds, or any wetlands located waterward of the MHW line or OHW mark.
- SP-9 Dredged or excavated materials shall not be placed in adjacent waters or wetlands unless specifically authorized. The dredged/excavated material shall be deposited in an approved upland area and properly contained to prevent reentering the waterway or adjacent wetlands. Applications must include adequate plans for containment of spoil material.

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program 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 noncompliance 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 This permit does not authorize structures and activities that may produce adverse effects on the chemical, physical, or biological integrity of waters of the United States.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, state or federal authority. This permit authorization does not grant any property rights or exclusive privileges. This permit authorization does not authorize any injury to the property or rights of others.
- GC-6 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. Projects verified for authorization under this permit that include the placement of fill or structures within any portion of the 100-Year Floodplain should contact the officials responsible for the local community's FEMA-approved floodplain requirements.
- GC-7 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-8 Verifications of permit authorization will not be issued for projects which may affect any cultural resources 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.
- GC-9 If any previously unknown historic or archeological 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-10 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-11 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-12 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-13 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-14 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-15 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-16 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-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.

GC-19 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

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

Pursuant to the Coastal Zone Management (CZM) Act, and to ensure that activities authorized by this regional general permit and conducted within the CZM Area of Alabama are consistent with the Alabama Coastal Area Management Program (ACAMP), the Mobile District requested action by the Alabama Department of Environmental Management (ADEM) pertinent to a CZM consistency certification. The ADEM completed a review and issued a letter of concurrence certifying that this permit is consistent with the ACAMP, conditional upon continued compliance with the ACAMP and with adherence to the relevant conditions prescribed within this permit. The ADEM's coastal consistency certification for this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate into this permit the following Coastal Zone Management Conditions, which apply to activities authorized by this permit that are located within the Alabama CZM Area:

- CZM-1 This permit shall not authorize activities in areas fronting the waters of the Gulf of Mexico, Pelican Bay, Weeks Bay, or the man-made canals on Ono Island.
- CZM-2 The excavation of new boat slips may only be authorized in areas where it is demonstrated that the construction of a pier and dock will obstruct navigation.
- CZM-3 Unless this condition is waived by the ADEM, the depth of the boat slip shall be no greater than the controlling navigational depth of the receiving waters, the length may not exceed 50 feet, and the length may not exceed twice the width (i.e., a 50-foot-long boat slip must have a minimum width of 25 feet). Length is defined as the measurement perpendicular to the bank or shoreline.
- CZM-4 This permit does not authorize ancillary structures which would have the effect of interfering with natural sediment transport along the shoreline or bank (i.e. wingwalls, groins, jetties, or other solid structures roughly perpendicular to the shore or bank).
- CZM-5 A copy of the PCN and corresponding permit verification letter for projects located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.
- CZM-6 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee's individual verification of authorization under this permit.
- CZM-7 Tear sheet General Permits may not be issued within Mobile and Baldwin Counties in Alabama.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WATER QUALITY CERTIFICATION CONDITIONS:

Pursuant to Section 401(a)(1) of the Clean Water Act and 33 U.S.C. Section 1251, et seq., the Mobile District requested action by the ADEM pertinent to water quality certification (WQC) for this regional general permit. Subsequent to this request, the ADEM completed a review and issued a conditional certification that discharges resulting from activities authorized by this permit will not violate applicable water quality standards established under Section 303 of the Clean Water Act and Title 22, Section 22-22-9(g), Code of Alabama, 1975, provided that each applicant act in accordance with the Nineteen (19) Water Quality Conditions specified below. The ADEM has also certified that there are no applicable effluent limitations under Section 301 and 302 nor applicable standards under Section 306 and 307 of the Clean Water Act in regard to this permit. The ADEM's certification of this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate the following Water Quality Conditions within this permit:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 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.
- WQ-3 Upon the loss or failure of any treatment facility, Best Management Practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall 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.
- WQ-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.

- WQ-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.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 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.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collection and control of onsite worker toilet wastes or gray waste waters (i.e. port-o-let, shower washdown, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-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 U.S. Army Corps of Engineers that are typically utilized in marine or other aquatic applications.
- WQ-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.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant

must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.

- WQ-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.
- WQ-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.
- WQ-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 plan for fueling facilities, and a sewage pump out system where appropriate) as needed to protect water quality.
- WQ-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 bioretention 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.
- WQ-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.
- WQ-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, 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.
- WQ-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.

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

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

- A minimum distance of 10 feet shall be maintained between an authorized structure and the adjacent upland property lines and adjacent riparian lines.
- The ADCNR State Lands Division may require a separate permit and fee for removal of dredged material from water bottoms owned by the State of Alabama.

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-State Lands Division requirements.

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



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

DEPARTMENT OF THE ARMY PERMIT

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

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

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

PERMIT AUTHORITY: Section 10 and Section 404

SPECIAL CONDITIONS:

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

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

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program 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 noncompliance 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 This permit does not authorize structures and activities that may produce adverse effects on the chemical, physical, or biological integrity of waters of the United States.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.

- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, state or federal authority. This permit authorization does not grant any property rights or exclusive privileges. This permit authorization does not authorize any injury to the property or rights of others.
- GC-6 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. Projects verified for authorization under this permit that include the placement of fill or structures within any portion of the 100-Year Floodplain should contact the officials responsible for the local community's FEMA-approved floodplain requirements.
- GC-7 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-8 Verifications of permit authorization will not be issued for projects which may affect any cultural resources 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.
- GC-9 If any previously unknown historic or archeological 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-10 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-11 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-12 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-13 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-14 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-15 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-16 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-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.
- GC-19 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

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

Pursuant to the Coastal Zone Management (CZM) Act, and to ensure that activities authorized by this regional general permit and conducted within the CZM Area of Alabama are consistent with the Alabama Coastal Area Management Program (ACAMP), the Mobile District requested action by the Alabama Department of Environmental Management (ADEM) pertinent to a CZM consistency certification. The ADEM completed a review and issued a letter of concurrence certifying that this permit is consistent with the ACAMP, conditional upon continued compliance with the ACAMP and with adherence to the relevant conditions prescribed within this permit. The ADEM's coastal consistency certification for this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate into this permit the following Coastal Zone Management Conditions, which apply to activities authorized by this permit that are located within the Alabama CZM Area:

- CZM-1 This permit does not authorize dredging within Weeks Bay.
- CZM-2 A copy of the PCN and corresponding permit verification letter for projects located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.
- CZM-3 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee's individual authorization under this permit.
- CZM-4 Tear sheet General Permits may not be issued within Mobile and Baldwin Counties in Alabama.

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

Pursuant to Section 401(a)(1) of the Clean Water Act and 33 U.S.C. Section 1251, et seq., the Mobile District requested action by the ADEM pertinent to water quality certification (WQC) for this regional general permit. Subsequent to this request, the ADEM completed a review and issued a conditional certification that discharges resulting from activities authorized by this permit will not violate applicable water quality standards established under Section 303 of the Clean Water Act and Title 22, Section 22-22-9(g), Code of Alabama, 1975, provided that each applicant act in accordance with the Nineteen (19) Water Quality Conditions specified below. The ADEM has also certified that there are no applicable effluent limitations under Section 301 and 302 nor applicable standards under Section 306 and 307 of the Clean Water Act in regard to this permit. The ADEM's certification of this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate the following Water Quality Conditions within this permit:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 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.
- WQ-3 Upon the loss or failure of any treatment facility, Best Management Practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall 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.
- WQ-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.

- WQ-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.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 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.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collection and control of onsite worker toilet wastes or gray waste waters (i.e. port-o-let, shower washdown, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-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 U.S. Army Corps of Engineers that are typically utilized in marine or other aquatic applications.
- WQ-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.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background

turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.

- WQ-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.
- WQ-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.
- WQ-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 plan for fueling facilities, and a sewage pump out system where appropriate) as needed to protect water quality.
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- WQ-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.
- WQ-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, 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.
- WQ-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.

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

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

- A minimum distance of 10 feet shall be maintained between an authorized structure or activity and the adjacent upland property lines and adjacent riparian lines.
- The ADCNR State Lands Division may require a separate permit and fee for removal of dredged material from State water bottoms.

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-State Lands Division requirements.

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



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

DEPARTMENT OF THE ARMY PERMIT

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

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

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

PERMIT AUTHORITY: Section 10

SPECIAL CONDITIONS:

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

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

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program 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 noncompliance 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 This permit does not authorize structures and activities that may produce adverse effects on the chemical, physical, or biological integrity of waters of the United States.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, state or federal authority. This permit authorization does not grant any property rights or exclusive privileges. This permit

- authorization does not authorize any injury to the property or rights of others.
- GC-6 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. Projects verified for authorization under this permit that include the placement of fill or structures within any portion of the 100-Year Floodplain should contact the officials responsible for the local community's FEMA-approved floodplain requirements.
- GC-7 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-8 Verifications of permit authorization will not be issued for projects which may affect any cultural resources 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.
- GC-9 If any previously unknown historic or archeological 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-10 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-11 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-12 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-13 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-14 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-15 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-16 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District

to validate the transfer.

- GC-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.
- GC-19 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

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

Pursuant to the Coastal Zone Management (CZM) Act, and to ensure that activities authorized by this regional general permit and conducted within the CZM Area of Alabama are consistent with the Alabama Coastal Area Management Program (ACAMP), the Mobile District requested action by the Alabama Department of Environmental Management (ADEM) pertinent to a CZM consistency certification. The ADEM completed a review and issued a letter of concurrence certifying that this permit is consistent with the ACAMP, conditional upon continued compliance with the ACAMP and with adherence to the relevant conditions prescribed within this permit. The ADEM's coastal consistency certification for this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate into this permit the following Coastal Zone Management Conditions, which apply to activities authorized by this permit that are located within the Alabama CZM Area:

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

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

Pursuant to Section 401(a)(1) of the Clean Water Act and 33 U.S.C. Section 1251, et seq., the Mobile District requested action by the ADEM pertinent to water quality certification (WQC) for this regional general permit. Subsequent to this request, the ADEM completed a review and issued a conditional certification that discharges resulting from activities authorized by this permit will not violate applicable water quality standards established under Section 303 of the Clean Water Act and Title 22, Section 22-22-9(g), Code of Alabama, 1975, provided that each applicant act in accordance with the Nineteen (19) Water Quality Conditions specified below. The ADEM has also certified that there are no applicable effluent limitations under Section 301 and 302 nor applicable standards under Section 306 and 307 of the Clean Water Act in regard to this permit. The ADEM's certification of this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate the following Water Quality Conditions within this permit:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 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.
- WQ-3 Upon the loss or failure of any treatment facility, Best Management Practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall 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.
- WQ-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.

- WQ-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.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 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.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collection and control of onsite worker toilet wastes or gray waste waters (i.e. port-o-let, shower washdown, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-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 U.S. Army Corps of Engineers that are typically utilized in marine or other aquatic applications.
- WQ-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.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background

turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.

- WQ-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.
- WQ-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.
- WQ-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 plan for fueling facilities, and a sewage pump out system where appropriate) as needed to protect water quality.
- WQ-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 bioretention 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.
- WQ-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.
- WQ-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, 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.
- WQ-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.

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

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

- A minimum distance of 10 feet shall be maintained between an authorized structure or activity and the adjacent upland property lines and adjacent riparian lines.
- The ADCNR State Lands Division may require a separate permit and fee for removal of dredged material from water bottoms owned by the State of Alabama.

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-State Lands Division requirements.

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



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

DEPARTMENT OF THE ARMY PERMIT

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

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

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

PERMIT AUTHORITY: Section 10 and Section 404

SPECIAL CONDITIONS:

- SP-1 Removal of debris must be for navigational or drainage purposes only.
- SP-2 Trees and other woody vegetation which are still rooted or imbedded in a bank must remain in place or be cut off above ground elevation before removal. Tree and/or other woody vegetation root mass cannot be removed from a bank or stream bed. Trees and/or woody vegetation may be removed provided they are not rooted or have been cut above ground elevation so that the root mass remains intact.
- SP-3 All debris must be properly placed in an approved landfill. Alternative disposal sites for woody debris may be authorized on a case-by-case basis, but only after full coordination with the Mobile District. Any proposed open burning shall be coordinated with the Alabama Department of Environmental Management (ADEM), Air Division. *Please contact the ADEM's Air Division at (334) 271-7700.*
- SP-4 All removal of debris shall be accomplished by use of the shortest access distance through waters of the United States, except in cases where less environmental harm can be demonstrated or health and safety may be compromised.
- SP-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.

GENERAL 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 noncompliance 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 This permit does not authorize structures and activities that may produce adverse effects on the chemical, physical, or biological integrity of waters of the United States.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, state or federal authority. This permit authorization does not grant any property rights or exclusive privileges. This permit authorization does not authorize any injury to the property or rights of others.
- GC-6 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. Projects verified for authorization under this permit that include the placement of fill or structures within any portion of the 100-Year Floodplain should contact the officials responsible for the local community's FEMA-approved floodplain requirements.
- GC-7 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-8 Verifications of permit authorization will not be issued for projects which may affect any cultural resources 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.
- GC-9 If any previously unknown historic or archeological 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-10 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-11 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-12 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-13 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-14 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-15 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-16 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-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.
- GC-19 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

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

Pursuant to the Coastal Zone Management (CZM) Act, and to ensure that activities authorized by this regional general permit and conducted within the CZM Area of Alabama are consistent with the Alabama Coastal Area Management Program (ACAMP), the Mobile District requested action by the Alabama Department of Environmental Management (ADEM) pertinent to a CZM consistency certification. The ADEM completed a review and issued a letter of concurrence certifying that this permit is consistent with

the ACAMP, conditional upon continued compliance with the ACAMP and with adherence to the relevant conditions prescribed within this permit. The ADEM's coastal consistency certification for this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate into this permit the following Coastal Zone Management Conditions, which apply to activities authorized by this permit that are located within the Alabama CZM Area:

- CZM-1 A copy of the PCN and corresponding permit verification letter for projects located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.
- CZM-2 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee's individual authorization under this permit.
- CZM-3 Tear sheet General Permits may not be issued within Mobile and Baldwin Counties in Alabama.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WATER QUALITY CERTIFICATION CONDITIONS:

Pursuant to Section 401(a)(1) of the Clean Water Act and 33 U.S.C. Section 1251, et seq., the Mobile District requested action by the ADEM pertinent to water quality certification (WQC) for this regional general permit. Subsequent to this request, the ADEM completed a review and issued a conditional certification that discharges resulting from activities authorized by this permit will not violate applicable water quality standards established under Section 303 of the Clean Water Act and Title 22, Section 22-22-9(g), Code of Alabama, 1975, provided that each applicant act in accordance with the Nineteen (19) Water Quality Conditions specified below. The ADEM has also certified that there are no applicable effluent limitations under Section 301 and 302 nor applicable standards under Section 306 and 307 of the Clean Water Act in regard to this permit. The ADEM's certification of this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate the following Water Quality Conditions within this permit:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 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.
- WQ-3 Upon the loss or failure of any treatment facility, Best Management Practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective

treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.

- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall 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.
- WQ-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.
- WQ-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.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 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.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collection and control of onsite worker toilet wastes or gray waste waters (i.e. port-o-let, shower washdown, etc.) must be implemented and maintained. Soil contaminated by paint or

- chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-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 U.S. Army Corps of Engineers that are typically utilized in marine or other aquatic applications.
- WQ-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.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.
- WQ-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.
- WQ-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 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.
- WQ-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 plan for fueling facilities, and a sewage pump out system where appropriate) as needed to protect water quality.
- WQ-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 bioretention 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.
- WQ-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.

- WQ-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, 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.
- WQ-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.

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

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

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

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



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

DEPARTMENT OF THE ARMY PERMIT

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

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

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

PERMIT AUTHORITY: Section 10

SPECIAL CONDITIONS:

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

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

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program 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 noncompliance 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 This permit does not authorize structures and activities that may produce adverse effects on the

- chemical, physical, or biological integrity of waters of the United States.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, state or federal authority. This permit authorization does not grant any property rights or exclusive privileges. This permit authorization does not authorize any injury to the property or rights of others.
- GC-6 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. Projects verified for authorization under this permit that include the placement of fill or structures within any portion of the 100-Year Floodplain should contact the officials responsible for the local community's FEMA-approved floodplain requirements.
- GC-7 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-8 Verifications of permit authorization will not be issued for projects which may affect any cultural resources 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.
- GC-9 If any previously unknown historic or archeological 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-10 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-11 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-12 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-13 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-14 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-15 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-16 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-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.
- GC-19 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

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

Pursuant to the Coastal Zone Management (CZM) Act, and to ensure that activities authorized by this regional general permit and conducted within the CZM Area of Alabama are consistent with the Alabama Coastal Area Management Program (ACAMP), the Mobile District requested action by the Alabama Department of Environmental Management (ADEM) pertinent to a CZM consistency certification. The ADEM completed a review and issued a letter of concurrence certifying that this permit is consistent with the ACAMP, conditional upon continued compliance with the ACAMP and with adherence to the relevant conditions prescribed within this permit. The ADEM's coastal consistency certification for this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate into this permit the following Coastal Zone Management Conditions, which apply to activities authorized by this permit that are located within the Alabama CZM Area:

- CZM-1 This permit shall not authorize any structures in areas fronting the waters of the Gulf of Mexico, Pelican Bay, or Weeks Bay.
- CZM-2 In areas with natural shellfish beds, the applicant shall coordinate their proposed project with the Alabama Department of Conservation and Natural Resources – Marine Resources Division

(ADCNR-MRD) prior to submitting their application to the USACE, Mobile District for project authorization. Contact information for the ADCNR-MRD is as follows: Dauphin Island Office: (251) 861-2882 / Gulf Shores Office: (251) 968-7576. The recommendation of the ADCNR-MRD must be included with the applicant's Joint Application.

- CZM-3 This permit shall not authorize the following activities: (1) structures for the permanent mooring of houseboats, (2) fueling facilities, (3) toilets or activities that produce "gray water," (4) habitable structures (defined by the ADEM as "any structure which, by virtue of its design, size or appurtenances, is suitable for occupation as a residence on a temporary or permanent basis, or any similar structure used for commercial purposes") over navigable waters of the United States, (5) new marinas, or (6) the expansion of an existing marina beyond the existing authorized footprint.
- CZM-4 This permit shall only authorize the emplacement of platforms, decks, "T"s, "L"s, boat berthing areas, gazebos, or other similar structures at the waterward end of any access pier; and shall not authorize those structures over wetlands, SAV, or submersed grassbeds.
- CZM-5 A copy of the PCN and corresponding permit verification letter for projects located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.
- CZM-6 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee's individual authorization under this permit.
- CZM-7 Tear sheet General Permits may not be issued within Mobile and Baldwin Counties in Alabama.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WATER QUALITY CERTIFICATION CONDITIONS:

Pursuant to Section 401(a)(1) of the Clean Water Act and 33 U.S.C. Section 1251, et seq., the Mobile District requested action by the ADEM pertinent to water quality certification (WQC) for this regional general permit. Subsequent to this request, the ADEM completed a review and issued a conditional certification that discharges resulting from activities authorized by this permit will not violate applicable water quality standards established under Section 303 of the Clean Water Act and Title 22, Section 22-22-9(g), Code of Alabama, 1975, provided that each applicant act in accordance with the Nineteen (19) Water Quality Conditions specified below. The ADEM has also certified that there are no applicable effluent limitations under Section 301 and 302 nor applicable standards under Section 306 and 307 of the Clean Water Act in regard to this permit. The ADEM's certification of this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate the following Water Quality Conditions within this permit:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 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.
- WQ-3 Upon the loss or failure of any treatment facility, Best Management Practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall 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.
- WQ-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.
- WQ-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.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 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.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collection and control of onsite worker toilet wastes or gray waste waters (i.e. port-toilet, shower washdown, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-10 All materials used as fill, or materials used for construction of structures in a waterbody, must be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris. This requirement does not preclude the use of construction materials authorized by the U.S. Army Corps of Engineers that are typically utilized in marine or other aquatic applications.
- WQ-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.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.
- WQ-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.
- WQ-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.
- WQ-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 plan for fueling facilities, and a sewage pump out system where appropriate) as needed to protect water quality.
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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 bioretention 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.

- WQ-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.
- WQ-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, 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.
- WQ-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.

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

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

- A minimum distance of 10 feet shall be maintained between an authorized structure and the adjacent upland property lines and adjacent riparian lines.
- All structures may not extend greater than 25 percent of the waterway.
- The ADCNR State Lands Division may require a separate approval, riparian easement, and/or fee for the proposed activity.

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-State Lands Division requirements.

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



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

DEPARTMENT OF THE ARMY PERMIT

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

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

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

PERMIT AUTHORITY: Section 10 and Section 404

SPECIAL CONDITIONS:

- SP-1 This permit authorizes the dredging or filling of up to 250 cubic yards of material below the plane of mean high 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 Only suitable material (e.g. free of trash, debris, asphalt, waste, rebar/metal products, organic materials, etc.) may be utilized as fill material for the construction of the boat ramp. This includes the ramp surface and any fill used for site preparation.
- SP-5 Dredged material shall be placed in an approved upland area and properly contained to prevent reentering the waterway or adjacent wetlands. Dredged materials shall not be placed in adjacent waters or wetlands unless the activity is specifically authorized by a separate Department of the Army permit.
- SP-6 This permit does not authorize dredging or filling in wetlands, areas with submerged aquatic vegetation (SAV), submersed grassbeds, or natural shellfish beds.
- SP-7 This permit does not authorize construction of boat ramps and/or marine ways where adverse impacts to SAV, submersed grassbeds, or natural shellfish beds would occur as a result of the structure's construction or normal use.

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program 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 noncompliance 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 This permit does not authorize structures and activities that may produce adverse effects on the chemical, physical, or biological integrity of waters of the United States.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, state or federal authority. This permit authorization does not grant any property rights or exclusive privileges. This permit authorization does not authorize any injury to the property or rights of others.
- GC-6 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. Projects verified for authorization under this permit that include the placement of fill or structures within any portion of the 100-Year Floodplain should contact the officials responsible for the local community's FEMA-approved floodplain requirements.
- GC-7 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-8 Verifications of permit authorization will not be issued for projects which may affect any cultural resources 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.
- GC-9 If any previously unknown historic or archeological 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-10 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-11 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-12 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-13 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-14 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-15 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-16 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-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.
- GC-19 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

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

Pursuant to the Coastal Zone Management (CZM) Act, and to ensure that activities authorized by this regional general permit and conducted within the CZM Area of Alabama are consistent with the Alabama Coastal Area Management Program (ACAMP), the Mobile District requested action by the Alabama Department of Environmental Management (ADEM) pertinent to a CZM consistency certification. The ADEM completed a review and issued a letter of concurrence certifying that this permit is consistent with the ACAMP, conditional upon continued compliance with the ACAMP and with adherence to the relevant

conditions prescribed within this permit. The ADEM's coastal consistency certification for this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate into this permit the following Coastal Zone Management Conditions, which apply to activities authorized by this permit that are located within the Alabama CZM Area:

- CZM-1 This permit shall not authorize structures in areas fronting the waters of the Gulf of Mexico, Pelican Bay, or Weeks Bay.
- CZM-2 All stormwater runoff from boat ramp approaches and parking areas shall be directed away from the boat ramp. Site plans for proposed boat ramps must feature design elements which will accomplish this diversion.
- CZM-3 A copy of the PCN and corresponding permit verification letter for projects located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.
- CZM-4 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee's individual authorization under this permit.
- CZM-5 Tear sheet General Permits may not be issued within Mobile and Baldwin Counties in Alabama.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WATER QUALITY CERTIFICATION CONDITIONS:

Pursuant to Section 401(a)(1) of the Clean Water Act and 33 U.S.C. Section 1251, et seq., the Mobile District requested action by the ADEM pertinent to water quality certification (WQC) for this regional general permit. Subsequent to this request, the ADEM completed a review and issued a conditional certification that discharges resulting from activities authorized by this permit will not violate applicable water quality standards established under Section 303 of the Clean Water Act and Title 22, Section 22-22-9(g), Code of Alabama, 1975, provided that each applicant act in accordance with the Nineteen (19) Water Quality Conditions specified below. The ADEM has also certified that there are no applicable effluent limitations under Section 301 and 302 nor applicable standards under Section 306 and 307 of the Clean Water Act in regard to this permit. The ADEM's certification of this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate the following Water Quality Conditions within this permit:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 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.

- WQ-3 Upon the loss or failure of any treatment facility, Best Management Practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall 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.
- WQ-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.
- WQ-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.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 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.

- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collection and control of onsite worker toilet wastes or gray waste waters (i.e. port-o-let, shower washdown, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-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 U.S. Army Corps of Engineers that are typically utilized in marine or other aquatic applications.
- WQ-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.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.
- WQ-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.
- WQ-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.
- WQ-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 plan for fueling facilities, and a sewage pump out system where appropriate) as needed to protect water quality.
- WQ-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 bioretention 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.

- WQ-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.
- WQ-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, 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.
- WQ-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.

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

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

- A minimum distance of 10 feet shall be maintained between an authorized structure and the adjacent upland property lines and adjacent riparian lines.
- The ADCNR State Lands Division may require a separate approval, riparian easement, and/or fee for the structures located on water bottoms owned by the State of Alabama.
- ADCNR State Lands Division may require a separate permit and fee for removal of dredged material from water bottoms owned by the State of Alabama.

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-State Lands Division requirements.

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



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

DEPARTMENT OF THE ARMY PERMIT

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

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

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

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

In appropriate shoreline environments (such as shorelines with higher wave energy, etc.), edging, sills, and/or breakwater structural components may be used in conjunction with “softer” living shoreline techniques to encourage shoreline protection, enhancement or restoration. Structures should be appropriately sized, and provide adequate protection needed for the energy level of the particular environment without causing adverse impacts to surrounding properties or resources. For some projects, pre- and post-project bathymetric and topographic surveys may be required to ascertain changes in shoreline or waterbottom conditions within and adjacent to a project area.

Types of structures and techniques potentially authorized by this permit:

- Marsh Creation or Vegetative Enhancement: “Softer” living shoreline stabilization technique that may be appropriate for lower-energy shorelines or when incorporated along with “hard” structural components in higher energy environments. Planting of vegetation shall be limited to appropriate, non-invasive species. Any associated fill shall be limited to minimum amount necessary for successful establishment of vegetation along the subject shoreline. Marsh creation may not be appropriate in areas without historical record of marsh habitat.
- Coir/Bio Log Edging, Timber Breakwaters, or Low Profile Sills: For shorelines with too much wave energy for use of vegetation alone. These structures may be placed parallel to the shoreline and backfilled with sand to create a higher marsh platform. Geotextile material should be placed beneath rock sills. The tops of low profile sill structures should rise no higher than mean low water.

- Shoreline Slope Grading and Sand Fill / Beach Nourishment: Techniques used to reduce slope steepness of shoreline and dissipate wave energy. May be used in conjunction with vegetative enhancement and other methods. Projects with a sand fill component may be required to demonstrate adequate design capability to retain fill material under expected wave action and water flow conditions.
- Rock or Wood Headland Breakwaters: Technique typically used on sandy shorelines with no marsh vegetation. Headland breakwaters promote refraction and diffraction of wave energy and encourage formation of pocket beaches or other shelter features. Headland breakwaters can be constructed of riprap, treated timber, or other acceptable materials, and should be designed to remain in place during expected water flow conditions and storm events. Portions of structures located waterward of the mean high water line or ordinary high water mark should be appropriately angled relative to the shoreline and not perpendicular. Design angles of headland breakwater structures should be dependent upon the predominant wind and wave patterns for each project location.
- Segmented Offshore Reefs and Breakwaters: Techniques used for higher-energy shorelines, where various types of structural materials can be placed offshore and parallel to the shoreline in order to diffract and attenuate wave energy and allow for sediment accumulation between the structures and the shoreline. Breakwater structures may utilize, but are not limited to, materials described below.
- Oyster Shell and Oyster Shell Support Structures: Oyster shell quantity and placement shall be limited to the minimum amount necessary to achieve shoreline stabilization. Oyster shell shall be placed in a manner to prevent its migration to surrounding areas (i.e., bagged oyster shell, gabion-type barriers, reef balls, and reef cradles) and should be placed on a stable substrate to maintain established profile.
- Concrete: Cured concrete used in fabricated units specifically designed for artificial reefs or rubble razed from buildings, sidewalks, roadways and bridges may be used in reef construction provided it is clean of solid waste and other construction debris (e.g. asphalt, trash, plastic, or exposed rebar). “Green” or uncured concrete is not authorized as it may be toxic to some aquatic organisms.
- Natural Materials: Natural materials, including downed trees, root wads, limbs, and/or brush may be used in low energy areas to provide short-term shoreline protection, provided it is not placed in a way to cause adverse impacts to surrounding properties or resources. Chemically treated, processed lumber is not authorized for use in this application.
- Riprap: Only natural rock or clean concrete rubble riprap material that is free of exposed rebar, asphalt, plastic, soil, etc., may be used. Riprap may be authorized by this permit for construction of headland breakwaters, reefs, offshore breakwaters, or augmentation of other living shoreline protection methods. Use of riprap should be the minimum necessary for the establishment and maintenance of a living shoreline project.
- Other: Other shoreline protection devices and reef construction materials shall be evaluated on a case-by-case basis prior to being authorized for use. For the most recent information regarding various Living Shoreline construction techniques and materials, please contact the Mobile District Regulatory Division office, or visit the Mobile District Regulatory Division website at:

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

SPECIAL CONDITIONS:

- SP-1 Protective structures installed (or fill placed) for living shorelines may extend waterward from the high tide line (HTL) or ordinary high water (OHW) mark. Allowable extent of structures or fill to waterward is dependent on various factors, including specific site conditions and navigational safety. However, no structure or fill shall extend waterward greater than thirty (30) feet from the outermost extent of the project shoreline (as defined by the mean high water (MHW) line or OHW mark).
- SP-2 Authorizations for “hard” structural components, including construction of breakwaters, reefs, edging, and sills, are dependent upon site conditions, project purpose, and appropriate coordination and authorization from other jurisdictional agencies. Use of riprap for revetment structures on shorelines or banks is not authorized by this permit.
- SP-3 If riprap or other “hard” structural components are incorporated as part of a Living Shorelines project, the length of the project is limited to 500 linear feet of shoreline.
- SP-4 This permit authorizes a maximum of up to one-half (½) acre (21,780 square feet) of total impacts to waters of the United States.
- SP-5 All structural materials utilized must be adequately anchored, of sufficient weight, or installed in a manner that prevents relocation in most wave action and expected water flow conditions.
- SP-6 This permit does not authorize the placement of fill in wetlands, in areas with SAV, or in submersed grassbeds; except for vegetative enhancement of existing marsh wetlands where SAV or submersed grassbeds are not impacted.
- SP-7 Protective structures constructed or installed for protection of wetland areas must be designed to allow for maintenance of the wetland’s normal hydrologic regime and must not adversely impact the wetland area.
- SP-8 At project sites where scarping of the shoreline has occurred due to scour or scalloping, fill discharges shall be limited to the minimum volume necessary to achieve equivalent elevation to adjacent undisturbed land and provide for adequate shoreline slope. The applicant must demonstrate capability of the completed project to retain the fill material under expected wave action and water flow conditions.
- SP-9 Any detached breakwater structures proposed for installation should be designed with an appropriate number and size of gaps in order to ensure adequate circulation/tidal flushing and shoreline habitat access for aquatic and terrestrial organisms.
- SP-10 Projects located within areas with conditions which may support SAV or submersed grassbeds (or areas where they have been previously documented) may be subject to an SAV/submersed grassbeds survey. With the exception of rhizome cross-sectional surveys, SAV/submersed grassbed surveys must be conducted not earlier than the first of June or later than the end of September.
- SP-11 The project area shall be inspected for the presence of invasive or undesirable plant species prior to beginning the project. Any of those species found shall be removed and the area replanted with appropriate target-community vegetation in order to discourage future re-infestation. Continued monitoring of the project site for the presence of any invasive or undesirable plant species (and their prompt removal) is encouraged for the life of the project.

- SP-12 This permit does not authorize any structure that causes the accretion or erosion of adjacent or nearby shorelines.
- SP-13 This permit does not authorize any activity which creates a hazard to navigation.
- SP-14 Projects with constructed shorelines, breakwaters, reef complexes, and other “hard” structural components should be reviewed by the United States Coast Guard for navigational safety, and may be required to display proper signage, markers, and /or lighting to inform waterway users of their presence. If required for specific project, these must be installed in accordance with United States Coast Guard requirements and recommendations.
- SP-15 Loose or bagged oyster shell can only be used in areas classified as “Conditionally Approved” by the Alabama Department of Public Health.
- SP-16 If project activities will result in the reclamation or accretion of land from state-owned waterbottoms, the applicant will be required to provide proof of consent for the activity from the Alabama Department of Conservation and Natural Resources (ADCNR), State Lands Division prior to obtaining Department of the Army authorization. Proof of ADCNR, State Lands Division consent should be submitted no later than 30 days after application for Department of the Army authorization.
- SP-17 Projects authorized under this permit must be properly maintained as a living shoreline, which may require the repair of damaged project components, and replanting of vegetation after severe storms or erosion events.
- SP-18 For authorization by this permit, projects located in front of existing bulkheads or seawalls must:
a) have existing intertidal habitat present; or, b) be designed to insure that sand or sediment fill placed in front of existing bulkheads or seawalls will feature adequate vegetative cover, and be sufficiently confined with protective structures (i.e. low water sills, reefs, or breakwater structures, etc.).

GENERAL 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 noncompliance 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 This permit does not authorize structures and activities that may produce adverse effects on the chemical, physical, or biological integrity of waters of the United States.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from

the Mobile District prior to proceeding with the activity authorized by this permit.

- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, state or federal authority. This permit authorization does not grant any property rights or exclusive privileges. This permit authorization does not authorize any injury to the property or rights of others.
- GC-6 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. Projects verified for authorization under this permit that include the placement of fill or structures within any portion of the 100-Year Floodplain should contact the officials responsible for the local community's FEMA-approved floodplain requirements.
- GC-7 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-8 Verifications of permit authorization will not be issued for projects which may affect any cultural resources 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.
- GC-9 If any previously unknown historic or archeological 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-10 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-11 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-12 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-13 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-14 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-15 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-16 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-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.
- GC-19 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

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

Pursuant to the Coastal Zone Management (CZM) Act, and to ensure that activities authorized by this regional general permit and conducted within the CZM Area of Alabama are consistent with the Alabama Coastal Area Management Program (ACAMP), the Mobile District requested action by the Alabama Department of Environmental Management (ADEM) pertinent to a CZM consistency certification. The ADEM completed a review and issued a letter of concurrence certifying that this permit is consistent with the ACAMP, conditional upon continued compliance with the ACAMP and with adherence to the relevant conditions prescribed within this permit. The ADEM's coastal consistency certification for this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate into this permit the following Coastal Zone Management Conditions, which apply to activities authorized by this permit that are located within the Alabama CZM Area:

- CZM-1 For activities to be conducted in Mobile and Baldwin Counties the applicant shall provide copies to the ADEM Coastal Program Office of any wetland delineations, hydrographic surveys, submerged grassbed surveys and/or rhizome cross-sectional surveys required by the Mobile District as part of the PCN.
- CZM-2 A copy of the PCN and corresponding permit verification letter for projects located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.
- CZM-3 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state

certification for the permittee's individual authorization under this permit.

CZM-4 Tear sheet General Permits may not be issued within Mobile and Baldwin Counties in Alabama.

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

Pursuant to Section 401(a)(1) of the Clean Water Act and 33 U.S.C. Section 1251, et seq., the Mobile District requested action by the ADEM pertinent to water quality certification (WQC) for this regional general permit. Subsequent to this request, the ADEM completed a review and issued a conditional certification that discharges resulting from activities authorized by this permit will not violate applicable water quality standards established under Section 303 of the Clean Water Act and Title 22, Section 22-22-9(g), Code of Alabama, 1975, provided that each applicant act in accordance with the Nineteen (19) Water Quality Conditions specified below. The ADEM has also certified that there are no applicable effluent limitations under Section 301 and 302 nor applicable standards under Section 306 and 307 of the Clean Water Act in regard to this permit. The ADEM's certification of this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate the following Water Quality Conditions within this permit:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 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.
- WQ-3 Upon the loss or failure of any treatment facility, Best Management Practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall 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.

- WQ-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.
- WQ-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.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 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.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collection and control of onsite worker toilet wastes or gray waste waters (i.e. port-o-let, shower washdown, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-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 U.S. Army Corps of Engineers that are typically utilized in marine or other aquatic applications.
- WQ-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.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by

more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.

- WQ-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.
- WQ-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.
- WQ-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 plan for fueling facilities, and a sewage pump out system where appropriate) as needed to protect water quality.
- WQ-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 bioretention 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.
- WQ-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.
- WQ-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, 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.
- WQ-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.

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

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

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

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-State Lands Division requirements.

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



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

DEPARTMENT OF THE ARMY PERMIT

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

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

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

Note: Due to Alabama Department of Environmental Management (ADEM) conditions for this permit in Alabama Coastal Zone Management areas, 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. To the maximum extent possible, shoreline stabilization and protection should be accomplished by the establishment of appropriate native vegetation.

PERMIT AUTHORITY: Section 10 and Section 404

SPECIAL CONDITIONS:

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

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

- SP-5 The installation of riprap or other armoring systems (such as riprap, 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.
- SP-6 Where not prohibited by ADEM Coastal Zone Management Certification Conditions, riprap and other armoring systems (such as riprap, gabions, interlocking brick/concrete systems, etc.) may be authorized to augment other protection methods. Projects utilizing armoring systems for augmentation of existing bulkheads or seawalls are limited to 1,000 linear feet under this authorization.
- SP-7 Placement of riprap or other armoring type fill below the plane of the OHW mark or the MHW line is limited to one (1) cubic yard per linear foot of shoreline, or of individual banks of rivers and channels.
- SP-8 Only clean riprap material, free of exposed rebar, asphalt, plastic, soil, etc., may be used.
- SP-9 Effective use of filter fabric is required for use on all armored slopes.

CONDITIONS SPECIFIC TO BULKHEAD AND SEAWALL INSTALLATION:

- SP-10 New bulkhead or seawall installation is limited to a total project length of 500 linear feet.
- SP-11 Bulkhead or seawall structures installed to replace existing, previously permitted bulkheads or seawalls are limited to a project 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.
- SP-12 New bulkheads or seawalls must be installed along the existing shoreline or bank at or above the MHW line or the OHW mark. However, 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-13 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 erosion by expected wave energy at the site, as well as scouring by most storm events. The measures can include, but are not limited to, the installation of edging, sill structures, or breakwaters.
- SP-14 Effective use of filter fabric is required for use with new bulkhead or seawall installation.
- SP-15 Only clean material free of waste, metal and organic trash, unsightly debris, etc., may be used as backfill. This permit specifically excludes the use of solid waste for backfill or riprap material.
- SP-16 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.

GENERAL 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 noncompliance 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 This permit does not authorize structures and activities that may produce adverse effects on the chemical, physical, or biological integrity of waters of the United States.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, state or federal authority. This permit authorization does not grant any property rights or exclusive privileges. This permit authorization does not authorize any injury to the property or rights of others.
- GC-6 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. Projects verified for authorization under this permit that include the placement of fill or structures within any portion of the 100-Year Floodplain should contact the officials responsible for the local community's FEMA-approved floodplain requirements.
- GC-7 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-8 Verifications of permit authorization will not be issued for projects which may affect any cultural resources 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.

- GC-9 If any previously unknown historic or archeological 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-10 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-11 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-12 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-13 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-14 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-15 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-16 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-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.
- GC-19 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

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

Pursuant to the Coastal Zone Management (CZM) Act, and to ensure that activities authorized by this regional general permit and conducted within the CZM Area of Alabama are consistent with the Alabama Coastal Area Management Program (ACAMP), the Mobile District requested action by the Alabama Department of Environmental Management (ADEM) pertinent to a CZM consistency certification. The ADEM completed a review and issued a letter of concurrence certifying that this permit is consistent with the ACAMP, conditional upon continued compliance with the ACAMP and with adherence to the relevant conditions prescribed within this permit. The ADEM's coastal consistency certification for this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate into this permit the following Coastal Zone Management Conditions, which apply to activities that are authorized by this permit and located within the Alabama CZM Area:

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

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WATER QUALITY CERTIFICATION CONDITIONS:

Pursuant to Section 401(a)(1) of the Clean Water Act and 33 U.S.C. Section 1251, et seq., the Mobile District requested action by the ADEM pertinent to water quality certification (WQC) for this regional general permit. Subsequent to this request, the ADEM completed a review and issued a conditional certification that discharges resulting from activities authorized by this permit will not violate applicable

water quality standards established under Section 303 of the Clean Water Act and Title 22, Section 22-22-9(g), Code of Alabama, 1975, provided that each applicant act in accordance with the Nineteen (19) Water Quality Conditions specified below. The ADEM has also certified that there are no applicable effluent limitations under Section 301 and 302 nor applicable standards under Section 306 and 307 of the Clean Water Act in regard to this permit. The ADEM's certification of this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate the following Water Quality Conditions within this permit:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 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.
- WQ-3 Upon the loss or failure of any treatment facility, Best Management Practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall 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.
- WQ-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.
- WQ-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.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 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.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collection and control of onsite worker toilet wastes or gray waste waters (i.e. port-o-let, shower washdown, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-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 U.S. Army Corps of Engineers that are typically utilized in marine or other aquatic applications.
- WQ-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.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.
- WQ-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.

- WQ-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.
- WQ-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 plan for fueling facilities, and a sewage pump out system where appropriate) as needed to protect water quality.
- WQ-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 bioretention 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.
- WQ-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.
- WQ-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, 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.
- WQ-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.

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

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

- This permit should not authorize any activity to regain land lost to erosion or to otherwise accrete land.
- The ADCNR State Lands Division may require a separate approval, riparian easement, and/or fee for the proposed activity.
- Permitted activities undertaken by use of the general permit will not result in a change in property boundaries.
- Projects shall be designed and sited to minimize impacts to state owned submerged lands and adjacent riparian use areas.

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-State Lands Division requirements.

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



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

DEPARTMENT OF THE ARMY PERMIT

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

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

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

PERMIT AUTHORITY: Section 10 and Section 404

SPECIAL CONDITIONS:

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

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program 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 noncompliance 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 This permit does not authorize structures and activities that may produce adverse effects on the chemical, physical, or biological integrity of waters of the United States.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, state or federal authority. This permit authorization does not grant any property rights or exclusive privileges. This permit authorization does not authorize any injury to the property or rights of others.
- GC-6 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. Projects verified for authorization under this permit that include the placement of fill or structures within any portion of the 100-Year Floodplain should contact the officials responsible for the local community's FEMA-approved floodplain requirements.
- GC-7 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-8 Verifications of permit authorization will not be issued for projects which may affect any cultural resources 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.
- GC-9 If any previously unknown historic or archeological 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-10 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-11 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-12 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-13 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-14 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-15 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-16 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-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.
- GC-19 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

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

Pursuant to the Coastal Zone Management (CZM) Act, and to ensure that activities authorized by this regional general permit and conducted within the CZM Area of Alabama are consistent with the Alabama Coastal Area Management Program (ACAMP), the Mobile District requested action by the Alabama Department of Environmental Management (ADEM) pertinent to a CZM consistency certification. The ADEM completed a review and issued a letter of concurrence certifying that this permit is consistent with the ACAMP, conditional upon continued compliance with the ACAMP and with adherence to the relevant conditions prescribed within this permit. The ADEM's coastal consistency certification for this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate into this permit the following Coastal Zone Management Conditions, which apply to activities authorized by this permit that are located within the Alabama CZM Area:

- CZM-1 A copy of the PCN and corresponding permit verification letter for projects located in Mobile and

Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.

CZM-2 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee's individual authorization under this permit.

CZM-3 Tear sheet General Permits may not be issued within Mobile and Baldwin Counties in Alabama.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WATER QUALITY CERTIFICATION CONDITIONS:

Pursuant to Section 401(a)(1) of the Clean Water Act and 33 U.S.C. Section 1251, et seq., the Mobile District requested action by the ADEM pertinent to water quality certification (WQC) for this regional general permit. Subsequent to this request, the ADEM completed a review and issued a conditional certification that discharges resulting from activities authorized by this permit will not violate applicable water quality standards established under Section 303 of the Clean Water Act and Title 22, Section 22-22-9(g), Code of Alabama, 1975, provided that each applicant act in accordance with the Nineteen (19) Water Quality Conditions specified below. The ADEM has also certified that there are no applicable effluent limitations under Section 301 and 302 nor applicable standards under Section 306 and 307 of the Clean Water Act in regard to this permit. The ADEM's certification of this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate the following Water Quality Conditions within this permit:

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

WQ-2 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.

WQ-3 Upon the loss or failure of any treatment facility, Best Management Practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.

WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide ADEM with a copy of any record/information required to be retained by this paragraph.

- WQ-5 The applicant shall 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.
- WQ-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.
- WQ-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.
- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 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.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collection and control of onsite worker toilet wastes or gray waste waters (i.e. port-o-let, shower washdown, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-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 U.S. Army Corps of Engineers that are typically utilized in marine or other aquatic applications.
- WQ-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.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.
- WQ-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.
- WQ-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.
- WQ-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 plan for fueling facilities, and a sewage pump out system where appropriate) as needed to protect water quality.
- WQ-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 bioretention 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.
- WQ-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.
- WQ-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, 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.

WQ-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.

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

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

- The ADCNR State Lands Division may require a separate approval, riparian easement and/or fee for the proposed activity.
- Applicants must demonstrate that the proposed area to be filled is not dedicated for public use or has a history of use by the general public, such as a man-made canal providing navigational access to more than one property owner.

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-State Lands Division requirements.

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



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

DEPARTMENT OF THE ARMY PERMIT

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

REGIONAL GENERAL PERMIT FOR WORK WITHIN THE STATE OF ALABAMA

PERMIT DESCRIPTION:

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

PERMIT AUTHORITY: Section 10

SPECIAL CONDITIONS:

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

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

GENERAL CONDITIONS:

- GC-1 Verification of coverage under the Alabama General Permit program 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 noncompliance 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 This permit does not authorize structures and activities that may produce adverse effects on the chemical, physical, or biological integrity of waters of the United States.
- GC-4 The prospective permittee must submit a complete written pre-construction notification (PCN) with all required information, and must receive subsequent verification of permit authorization in writing from the Mobile District prior to proceeding with the activity authorized by this permit.
- GC-5 Authorization under this permit does not obviate any obligation or responsibility for compliance with the provisions of any other law or regulation of any local, state or federal authority. This permit authorization does not grant any property rights or exclusive privileges. This permit authorization does not authorize any injury to the property or rights of others.
- GC-6 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. Projects verified for authorization under this permit that include the placement of fill or structures within any portion of the 100-Year Floodplain should contact the officials responsible for the local community's FEMA-approved floodplain requirements.
- GC-7 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-8 Verifications of permit authorization will not be issued for projects which may affect any cultural resources 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.

- GC-9 If any previously unknown historic or archeological 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-10 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-11 The Mobile District must be notified of the commencement and completion of the authorized work.
- GC-12 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-13 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-14 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-15 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-16 If you transfer the property associated with a verified authorization, you must obtain the signature of the new owner at the bottom of the verification letter and forward a copy of it to the Mobile District to validate the transfer.
- GC-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.
- GC-19 Authorization under this permit is valid until the scheduled expiration date of October 1, 2021. However, if you have commenced or are under contract to commence the permitted activity before October 1, 2021, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2016 Alabama General Permits. In the event you have not commenced or completed your project by this date, a new PCN will be required.

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

Pursuant to the Coastal Zone Management (CZM) Act, and to ensure that activities authorized by this regional general permit and conducted within the CZM Area of Alabama are consistent with the Alabama Coastal Area Management Program (ACAMP), the Mobile District requested action by the Alabama Department of Environmental Management (ADEM) pertinent to a CZM consistency certification. The ADEM completed a review and issued a letter of concurrence certifying that this permit is consistent with the ACAMP, conditional upon continued compliance with the ACAMP and with adherence to the relevant conditions prescribed within this permit. The ADEM's coastal consistency certification for this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate into this permit the following Coastal Zone Management Conditions, which apply to activities authorized by this permit that are located within the Alabama CZM Area:

- CZM-1 This permit shall not authorize the following activities: (1) structures for the permanent mooring of houseboats, (2) fueling facilities, (3) toilets or activities that produce "gray water," (4) habitable structures (defined by the ADEM as "any structure which, by virtue of its design, size or appurtenances, is suitable for occupation as a residence on a temporary or permanent basis, or any similar structure used for commercial purposes") over navigable waters of the United States.
- CZM-2 This permit shall only authorize the emplacement of platforms, decks, "T"s, "L"s, boat berthing areas, gazebos, or other similar structures at the waterward end of any access pier; and shall not authorize those structures over wetlands, SAV, or submersed grassbeds.
- CZM-3 A copy of the PCN and corresponding permit verification letter for projects located in Mobile and Baldwin Counties must be provided to the ADEM Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.
- CZM-4 Failure by the permittee to comply with applicable water quality certification conditions may constitute a violation of the coastal consistency certification resulting in suspension of state certification for the permittee's individual authorization under this permit.
- CZM-5 Tear sheet General Permits may not be issued within Mobile and Baldwin Counties in Alabama.

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

Pursuant to Section 401(a)(1) of the Clean Water Act and 33 U.S.C. Section 1251, et seq., the Mobile District requested action by the ADEM pertinent to water quality certification (WQC) for this regional general permit. Subsequent to this request, the ADEM completed a review and issued a conditional certification that discharges resulting from activities authorized by this permit will not violate applicable water quality standards established under Section 303 of the Clean Water Act and Title 22, Section 22-22-9(g), Code of Alabama, 1975, provided that each applicant act in accordance with the Nineteen (19) Water Quality Conditions specified below. The ADEM has also certified that there are no applicable effluent limitations under Section 301 and 302 nor applicable standards under Section 306 and 307 of the Clean Water Act in regard to this permit. The ADEM's certification of this permit expires on October 1, 2021.

The ADEM has requested that the Mobile District incorporate the following Water Quality Conditions within this permit:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 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.
- WQ-3 Upon the loss or failure of any treatment facility, Best Management Practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall 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.
- WQ-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.
- WQ-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.

- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the 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.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collection and control of onsite worker toilet wastes or gray waste waters (i.e. port-o-let, shower washdown, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-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 U.S. Army Corps of Engineers that are typically utilized in marine or other aquatic applications.
- WQ-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.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.
- WQ-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.
- WQ-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.
- WQ-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 plan for fueling facilities, and a sewage pump out system where appropriate) as needed to protect water quality.
- WQ-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 bioretention 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.
- WQ-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.
- WQ-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, 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.
- WQ-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.

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

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

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

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

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

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

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

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

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

The ADCNR State Lands Division may require a separate approval, riparian easement, and/or fee for the proposed activity.

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-State Lands Division requirements.

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