

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343
<https://www.sad.usace.army.mil/Missions/Regulatory/North-Carolina/>

General Permit No. SAW-2025-01007; RGP 07
Name of Permittee: General Public (including federal, state, or local agencies)
Effective Date: September 10, 2026
Expiration Date: 5 years from issuance

**DEPARTMENT OF THE ARMY
GENERAL (REGIONAL) PERMIT**

A general permit to perform work in or affecting navigable waters of the United States and waters of the United States, upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344), is hereby issued by authority of the Secretary of the Army by the

District Engineer
U.S. Army Engineer District, Wilmington
Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

TO AUTHORIZE DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES (U.S), INCLUDING WETLANDS, AND/OR WORK OR STRUCTURES IN NAVIGABLE WATERS OF THE UNITED STATES FOR NECESSARY REPAIR AND PROTECTION MEASURES ASSOCIATED WITH AN EMERGENCY SITUATION (See "Emergency Situation" under Detailed Descriptions/Terms).

THRESHOLDS: The maximum impacts allowed under this RGP for projects that are single and complete with independent utility and purpose are:

- 1) Permanent impacts that result in the loss of waters* of the U.S. must be less than or equal to 1 acre of wetlands.
- 2) Permanent impacts that result in the loss of open waters* of the U.S. must be less than or equal to 3 acres. (Open waters includes, unvegetated tidal waters, lakes, ponds, and jurisdictional ditches. Open waters do not include tributary streams (e.g., natural tributaries, tributaries with riffle/pool complexes, relocated tributaries, etc.,).
- 3) Permanent loss of up to 0.05 acre of stream bed and/or including permanent stream impacts of up to 3,000 linear feet that do not result in a loss of waters*.

* See the definition of ‘Loss of WOTUS’ in Appendix C.

**For streambank stabilization activities associated with the 3,000 linear foot limit, the threshold applies to the length of the stabilization activity along each bank, not the length of the stream segment. If both stream banks along a stream segment are filled for bank stabilization (and the stream bed will not be completely filled), calculate the lengths of fill along both stream banks by adding them together.

As noted above thresholds are cumulative for a single and complete project (a permit verification can include up to 1 acre loss of wetlands, 3 acres loss of open water, 0.05 acre of stream loss and/or 3000 linear feet of permanent stream impact without a loss). Any proposal that exceeds these thresholds may require authorization under a different permitting mechanism.

AUTHORIZED ACTIVITIES: See Appendix A for the specific authorized activities (Category 1 and Category 2).

- All Category 1 and Category 2 activities are subject to all the General Conditions listed in Appendix B.
- All activities require the Initial Notification (See NOTIFICATION AND APPROVAL PROCEDURES below).
- Some activities will also require a Pre-Construction Notification (PCN). The PCN consists of all the information listed in the Initial Notification and additional requirements listed in the PRE-CONSTRUCTION NOTIFICATION section below.

Detailed Description/Terms

EMERGENCY SITUATION: An “emergency” situation, as defined in 33 CFR 325.2(e)(4), is “a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures.”

These are very serious situations that could result in the loss of life, the loss of property, and/or a significant economic hardship if steps to remedy the situation are not immediately pursued. This may include emergencies due to a natural disaster (e.g., flood, hurricane, etc.) or a catastrophic (sudden and complete) failure of a facility due to an external cause (e.g., wrecks, explosions, ruptures, spills of hazardous or other materials). Regarding the timeframe for applicability, there is no prescribed post-event deadline for using this RGP, however, to be eligible, the proposed work must have a clear and direct nexus to a recent emergency event, intended either to remedy the immediate situation or to prevent further imminent damage.

LOCATION: This permit is applicable in the state of North Carolina. This also includes, but is not limited to, critical habitat for species protected by the Endangered Species

Act, Wild and Scenic Rivers, and/or special aquatic sites in tidal and non-tidal aquatic resources. Project specific considerations may apply regarding applicable locations and are described below.

AUTHORITY AND SCOPE OF WORK: This Regional General Permit (RGP) is issued upon the recommendation of the Chief of Engineers pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403) and Section 404 of the Clean Water Act (33 U.S.C. § 1344). This RGP contains provisions intended to protect the environment, endangered species, and historic properties and to ensure activities authorized by this RGP will cause no more than minimal individual and cumulative environmental impacts. The attached Special and General Conditions describe the criteria which must be met for work to be accomplished under this RGP, and the terms and conditions contained within this permit apply to this RGP only. Work that does not comply with these provisions is not authorized by this RGP and may require Department of the Army (DA) authorization by other available permit types.

NOTIFICATION AND APPROVAL PROCEDURES

A. Initial Notification: All parties proposing work under RGP 07 must contact the appropriate Wilmington District Office/Branch (See Appendix D for Field Office/Branch contact information and Areas of Responsibility) to determine if the project meets the definition for an Emergency Situation as defined in Federal Regulation [33 CFR 325.2\(e\)\(2\)](#). The Corps may not consider a proposed action as an emergency action if the applicant had previous knowledge of or was aware of dilapidation of any structure, feature, or property prior to the unforeseen hardship event and has not made reasonable attempts to secure appropriate permits and conduct timely repairs.

The following information, to the extent practicable during the emergency situation, is the minimum required for initial reporting. If the Corps determines that the project meets the definition of an Emergency Situation under this RGP, additional information may be required with a Pre-construction Notification (PCN). See Appendix A – Authorized Activities to determine if the project requires a PCN.

1. Contacts: The name, address, telephone number and email address (if available) of the applicant, landowner (if different), and any designated agent, including contractors.

2. Location: The location of the proposed activity.

i. For specific project sites, provide the site address and latitude and longitude (decimal degrees).

ii. For linear projects, provide the latitude and longitude (decimal degrees) for start and end points. This should include identification of the affected water(s).

3. Nature of Emergency: A description of the nature of the imminent threat to life or property and the purpose and need for the proposed activity.

4. Description of Work Needed: A description of the work proposed to rectify the emergency situation. This should include a complete description of each single and complete project and include all the information listed in a-h, below.

(a) The description of work must include an explanation of the nature and circumstance of the emergency and why the proposed actions are necessary to control the immediate impacts of the emergency.

(b) The project description must include all proposed new work, and any work completed and/or begun without prior written authorization from the Corps.

(c) Dredging: Provide area (square feet or acreage) to be dredged and estimated cubic yards of material to be dredged. Provide location of disposal area and retention method of dredged material.

(d) Filling of Wetlands: Provide area (square feet or acreage) to be filled, type of wetlands, and estimated cubic yards of material that will be placed in wetlands. Provide type and source of fill material and retention method. This includes both temporary and permanent impacts.

(e) Filling in Streams: Provide area (square feet or acreage) of area to be filled, type of stream and estimated cubic yards of material to be placed in the stream(s). Any impacts to streams must also include the length and width of the proposed impacts/fill. This includes both temporary and permanent impacts.

(f) Filling in Open Waters: Provide area (square feet or acreage) to be filled, type of waters, and estimated cubic yards of material that will be placed in the waters. Provide type and source of fill material and retention method. This included both temporary and permanent impacts.

(g) Legible Site Plan showing proposed work area. Construction drawings, if available, are to be provided. Sketches should be provided when necessary to show that the activity complies with the terms of the RGP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans).

(h) Vicinity Map showing the work area: street address, city, county, state, include Section, Township, and Range, river mile (if applicable), etc.

5. Statement from applicant acknowledging the following:

(a) All mitigation, as required by the Corps, would be performed.

(b) The work would be performed in a manner that would avoid and minimize impact to waters of the US, including wetland to the maximum extent practicable.

(c) Should historic or cultural resources be discovered during the work, all work would immediately cease, and the Corps and State Historic Preservation Officer (SHPO) would be immediately notified.

(d) The work would be completed in an expeditious manner.

B. Pre-Construction Notification

1. Timing: Where required by the terms of this RGP (see Appendix A, under each specific activity), the permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 3 business days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 3 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete.

2. Contents of a PCN:

(a) All 5 items listed under Initial Notification above (Contact, Location, Nature of Emergency, Description of Work Needed, and Statement from the applicant).

(b) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters.

(c) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 2/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(d) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or

threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For RGP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act.

(e) For non-federal permittees, if the RGP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For RGP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act.

(f) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river”.

C. Agency Coordination: Upon receipt of a notification, the DE will immediately provide (i.e., by electronic mail, overnight mail or other expeditious manner) a copy of the notification, including any proposed plans/drawings, to the offices of all pertinent State and Federal agencies, and applicable Federally recognized Tribal offices. The Corps will request that agencies provide a response to the appropriate Corps Regulatory Project Manager within 2 business days by e-mail or telephone, if they have substantive, site-specific comments regarding the proposed project.

The DE will fully consider any comments received within the specified timeframe concerning the proposed activity’s compliance with the conditions of the agency’s authority and the need to adopt mitigative measures to the maximum extent practicable or impose terms and conditions to ensure the projects adverse environmental effects are no more than minimal. The DE will indicate the results of that consideration in the administrative record associated with the notification and will provide an informal response to the commenting agency by electronic mail, or other means.

D. Notification to Proceed: Authorization under this RGP may be granted upon initial contact with the Corps provided the requester can present sufficient information on the location, nature, and extent of the work to establish that the safety or environmental hazard exists. The Corps will respond in writing (email, letter, etc.), that the proposed action may move forward. In extreme circumstances, and as determined by the district, immediate verbal authorization may be granted to perform the work. Otherwise, a written request describing the need for the work would be needed to initially establish that the project qualifies for authorization under the provisions of this general permit.

All proposals requiring a PCN must receive written verification from the Corps that the

proposed work complies with this RGP prior to commencing any activity authorized by this RGP.

E. Post Project Report: The permittee must submit a notice to the Corps within 60 working days following the completion of work and/or to request remediation measures for impacts. The notice shall include a location and summary of activities that occurred. See Appendix C, General Condition #29. Complete the attached "Self-Certification Statement of Compliance" form and submit it to this office. The Self-Certification shall include proof of compliance of appropriate general conditions (i.e., no erosion/sloughing into adjacent waters and wetlands, proper installation of hydrologic passage and natural drainage patterns, use of native plants in reseeding). Proof of compliance can include written statements and/or photographs of the completed work.

FURTHER INFORMATION

A. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

B. Limits of this Authorization.

1. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
2. This permit does not grant any property rights or exclusive privileges.
3. This permit does not authorize any injury to the property or rights of others.
4. This permit does not authorize interference with any existing or proposed Federal project.

C. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

1. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
2. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
3. Damages to any persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
4. Design or construction deficiencies associated with the permitted work.

5. Damage claims associated with any future modification, suspension, or revocation of this permit.

D. Reliance on Applicant's Data. The determination of this office that verification of this permit is not contrary to the public interest was made with reliance on the information you provided.

E. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of the RGP.
- b. The information provided by you in support of a permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces that the Corps did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the modification, suspension and 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 permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and, if you fail to comply with such directive, this office 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.

F. Appendices

1. Appendix A Authorized Activities
2. Appendix B General Conditions
3. Appendix C Definitions
4. Appendix D Wilmington District Office Locations and Areas of Responsibility

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

FOR THE DISTRICT COMMANDER:



KENNETH M. PORTER
Lieutenant Colonel, U.S. Army
Commanding

Appendix A Authorized Activities

PCN required: If any Category 1 or Category 2 activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE project”), the prospective permittee must submit a PCN. An activity that requires section 408 permission and/or review is not authorized by an RGP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written RGP verification.

CATEGORY 1 ACTIVITIES - Temporary Emergency Repairs and Activities:

Temporary work, structures, and/or the temporary discharge of dredged or fill material associated with emergency conditions and is restricted to those activities necessary to prevent the loss of life, significant property loss and significant economic hardship during the emergency. These activities will occur to restore, repair, and/or stabilize features that have been damaged, destroyed, or are in imminent danger of failing. The activity shall be the minimum necessary to alleviate the immediate emergency, unless this office determines that additional work would result in no more than minimal effects to WOTUS and is necessary to reduce the potential for future failure or loss of the structure or site.

Work and discharges authorized under Category 1 are considered temporary. After the immediate situation has been addressed and/or the emergency has ended, the applicant must either restore the site to its pre-project conditions by removing all structures and/or material placed, or you must apply for a separate permit to maintain the work, or portions of work initially authorized under this category. Permit applications to maintain work initially authorized under this category will be processed in the appropriate manner, to potentially include, if needed, an agency or public notice; water quality certification; consultation for endangered species, critical habitat, historic resources, or tribal resources; and mitigation measures (avoidance, minimization, and/or compensation).

All discharges authorized under Category 1 shall be **removed and restored to pre-construction conditions**, unless the district engineer waives this criterion.

Temporary fills associated with utilities such as electricity, water, sewer, natural gas, or other transmission lines (i.e., sidestepping into jurisdictional waters from a trench to install a below-ground pipeline or utility line), must be removed within 180 days. All other temporary fills must be removed as soon as practicable after work in the permitted waters has occurred.

Activities in Category 1 include:

1.a. Repair, Construction, or Re-Construction of Linear Transportation Features:

These activities are to provide temporary access needed to perform other actions listed

below, or to restore vehicle passage or access to homes, businesses, etc. until the emergency has passed or until a more permanent solution can be designed. Activities include, but are not limited to, culvert or fills associated with bridge replacements or repairs; restoration of road prism at the original site or in a new temporary location; placement of rock or other structures to protect transportation features; or construction of temporary roads and temporary fill required to facilitate the completion of emergency activities.

Pre-Construction Notification: The permittee must submit a PCN to the district engineer prior to commencing the activity if the activity occurs in a new location.

1.b. Protection, Repair, and/or Replacement of Utility Structures: This activity would be proposed to protect or re-establish utilities such as electricity, water, sewer, natural gas, or other transmission lines. Temporary utilities may be needed until more permanent solutions can be constructed. These activities can involve excavation and trenching, backfilling, armoring with rock or other suitable material, placement of utility poles and aerial transmission lines. This activity can also include dredging and/or the temporary deposition of material for emergency pipeline anomaly repairs and temporary access routes.

1.c. Debris, Sediment, or Vegetation Removal or Dredging: This activity includes the removal of accumulated debris, sediment, or vegetation from the immediate area around bridges, culverts, or other transportation features where it is threatening the stability of the transportation feature. It also includes the excavation and removal of accumulated sediment, debris or vegetation from existing channels, ditches, inlets, pipes, trash racks, and other structures to restore flow during drought conditions or remove blockages during flooding. Additionally, the removal of other debris such as, but not limited to derelict vessels, residential structures and associated debris, or vehicles displaced by flooding, hurricanes, or similar natural disasters is authorized by this permit. Removal activities are limited to restoring flow conveyance and/or channel geometry to pre-event dimensions. Dredging to establish depths or width greater than that which existed prior to the blockage is not authorized under this category.

Pre-Construction Notification: The permittee must submit a PCN to the district engineer prior to commencing the activity if any of the proposed work or fill is associated with drought conditions.

1.d. Temporary Levee Construction: This activity would be proposed to protect homes, businesses, and public infrastructure. These levees must be removed, and the land restored as close to pre-emergency conditions as soon as possible once the emergency has passed. Levees will be constructed of suitable materials and sloped and/or armored with rock or other stabilizing material to prevent erosion and failure until the material is removed and the site restored, to include revegetation of the area.

1.e. Temporary Placement of Suitable Material for Bank Stabilization or Revetment Repair: This activity would occur to stop erosion and to protect private

property and public infrastructure. Large rock or other suitable clean fill material may be temporarily placed in the amount needed to stop erosion and to protect property or public infrastructure in or along rivers, streams or other tributaries, lakeshores, and tidal waters until permanent repairs can occur. This RGP does not authorize permanent discharges in wetlands associated with bank stabilization or revetment repair activities.

1.f. Construction of Temporary Drainage Ditches: This activity allows for the temporary discharge of dredged or fill material associated with the construction of temporary drainage ditches that are needed to aid in the removal of flood waters from private property or from public infrastructure.

1.g. Temporary Structures or Fills for Reinforcement, Flood Control Barriers, Staging, Access, Dewatering, and/or Retention of Water: This activity allows for the installation and use of devices such as sandbags, water gates, water barrier socks, water inflated devices, concrete blocks/barriers, water bladders, timber mats, piling, sheet pile, and/or the discharge of dredged or fill material for purpose of temporarily reinforcing structures and preventing flooding impacts; use as cofferdams to temporarily dewater a work site; consolidate low flow, raise water levels, or retain water in a confined area such as an intake inlet in response to drought or other low-flow conditions; construction of temporary sedimentation basins; construction of temporary access roads; etc.

(1) The temporary devices and fills must be removed as mentioned above. All temporary fill material removed must be deposited in a contained upland location such that it cannot reenter WOTUS, including wetlands.

(2) All temporary material placed in the waterway to raise water levels or retain water in a defined area will be removed when stream flow increases to a non-emergency situation level and prior to anticipated high flows that could wash low-flow consolidation measures away or cause flow to go around them.

Pre-Construction Notification: The permittee must submit a PCN to the district engineer prior to commencing the activity if any of the proposed work or fill is associated with drought conditions.

1.h. Construction of Temporary Debris/Sediment Catchment Facilities: This activity would be proposed to prevent debris flows and runoff of materials such as sediment (i.e., mud, silt, sand, soil, and rock), dislodged vegetation, trash, waste materials, or hazardous materials using temporary structures or barriers intended to capture debris and sediments

CATEGORY 2 ACTIVITIES - Permanent Emergency Work and Activities (All Category 2 Activities Require a Pre-Construction Notification (PCN)):

NOTE: If the proposed work involves any activity included in the following categories you must provide a pre-construction notification (PCN) to the District Office, prior to completing any of the listed work. Any work authorized by this RGP must be the minimum necessary to remediate damages caused by the emergency. Minor upgrades to existing structures or fills may be authorized if resulting from necessary changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards on a case-by-case basis. This RGP may not be used to upgrade an existing structure to current standards when that activity would result in more than minimal adverse effects on aquatic resources, except in limited circumstances as approved in writing by the district engineer.

***** This RGP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct permanent activities identified in this category. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of suitable materials placed in a manner that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations as described above, unless the district engineer waives this criterion in writing. The areas affected by temporary fills must be revegetated, as appropriate.

Activities in Category 2 include:

2.a. Channel Restoration and Repair: The restoration and protection of stream bed and banks, and canals damaged by a natural disaster (e.g., hurricane, flooding, fire). Restoration of stream channels and/or canals not damaged by flooding or other natural disaster is not authorized under this RGP. Channel restoration activities may include re-establishment of the stream and/or canal banks, restoration or establishment of stream meanders, and the restoration or establishment of riparian areas or floodplain benches. All channel restoration activities must restore the area to pre-event/disaster conditions and must meet the following three criteria unless the district engineer waives these criteria by making a written determination concluding that the proposed project results in a net increase in aquatic resource functions and services and the discharge will result in no more than minimal adverse environmental effects:

(1) The restored area must not extend waterward of the original ordinary highwater mark, mean high water, high tide line, or previous contours that existed prior to the damage (i.e., the restoration must not narrow the width of the waterbody as it existed prior to the damage).

(2) The slope of the restored area below the ordinary highwater mark must not exceed the slope that existed prior to the damage (i.e., banks may be laid back to

reduce the slope but cannot be steeper than what existed prior to the damage).

(3) The bottom elevation of the restored area must not deviate from the bottom elevation that existed prior to the damage (i.e., the restored area must not result in an increase or decrease in the depth of the waterbody that existed prior to the damage).

Pre-Construction Notification: The permittee must submit a PCN to the district engineer prior to commencing any Category 2a activities.

2.b. Maintenance Dredging: The emergency removal of silt, sand, gravel, rocks, boulders, or other materials deposited during natural disasters or unexpected high flows, where such blockages close or constrict previously existing inlets, waterways, or drainageways or restrict access to a structure, by either mechanical or hydraulic methods, provided the activity meets all of the following criteria:

(1) The total amount of dredged material would not exceed 5,000 cubic yards, unless expressly waived, in writing, by the District Engineer.

(2) The total surface area to be dredged would not exceed 0.5 acre (21,780 square feet) unless expressly waived, in writing, by the District Engineer.

(3) Removal does not include enlarging or extending the dimensions of, or changing the bottom elevations of, the affected waterway as it existed prior to the formation of the blockage.

(4) No dredging of wetlands or vegetated shallows/submerged aquatic vegetation is authorized.

(5) The discharge or redeposit of dredged material is authorized with this RGP provided you demonstrates to the satisfaction of USACE that:

- i. The discharge of dredged material associated with the method of dredging is unavoidable.
- ii. Woody debris, rock, gravel, sand, or sediment remaining in place would be of environmental benefit to the system.
- iii. The discharge of dredged material associated with the method of dredging would be minimized to the maximum extent practicable (See Appendix B-General Condition 30: Soil Erosion and Sediment Controls).
- iv. Meets requirements of Appendix B General Condition #18 Clean Fill.

Pre-Construction Notification: The permittee must submit a PCN to the district engineer prior to commencing any Category 2b activities.

2.c. New Bank Stabilization or Revetment Repair: Activities to stop erosion and to

protect private property and public infrastructure along river or stream banks and shorelines of other water bodies. Bank stabilization activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, or combinations of bank stabilization techniques, provided the activity meets all of the following criteria:

- (1) No material is placed in excess of the minimum needed for erosion protection.
- (2) The activity is no more than 3,000 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects.
- (3) The activity will not exceed an average of one cubic yard per running foot, as measured along the length of the treated bank, below the plane of the ordinary highwater mark, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects.
- (4) The activity does not involve discharges of dredged or fill material into special aquatic sites (i.e., wetlands or riffle and pool complexes), unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects.
- (5) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored native trees and treetops may be used in low energy areas).
- (6) Bio-engineering materials, such as vegetation, are encouraged whenever possible for bank stabilization activities. Native plants appropriate for current site conditions must be used for bioengineering or vegetative bank stabilization.
- (7) The activity is not a stream channelization activity.
- (8) The activity must comply with Appendix B (General Conditions) Condition 18: Clean Fill.

Pre-Construction Notification: The permittee must submit a PCN to the district engineer prior to commencing any Category 2c activities.

2.d. Levee and Dam Repair, including Breach Closures: This activity involves repairs to prevent erosion and potential failure of an existing levee or dam, or to stop scour, allow the closing of breaches, and impacts to the levee prism including the discharge or placement of rock or other suitable material.

Pre-Construction Notification: The permittee must submit a PCN to the district engineer prior to commencing any Category 2d activities.

2.e. Repair, Replacement, or Rehabilitation of Previously Authorized Structures or

Fills: Minor deviations in the structure or fill area, including upgrades to previously authorized structures or fills are authorized due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards.

Pre-Construction Notification: The permittee must submit a PCN to the district engineer prior to commencing any Category 2e activities.

2.f. Restoration and Cleanup of Mud/Rockslides: Restoration of sites damaged by mud/rockslides caused by discrete weather events. Sites must be constructed to pre-disturbance elevations and revegetated as appropriate.

Pre-Construction Notification: The permittee must submit a PCN to the district engineer prior to commencing any Category 2f activities.

Appendix B - RGP 07 General Conditions

1. AGENCY COORDINATION: Even in an emergency, reasonable efforts will be made to receive comments from interested federal, state, and local agencies and the affected public. Agencies may include, but are not limited to, the U.S. Fish and Wildlife Service (USFWS), Environmental Protection Agency (EPA), State/Tribal Historic Preservation Officer (SHPO/THPO), Advisory Council on Historic Preservation (ACHP), Federally recognized Tribes, state environmental agencies, such as, but not limited to the Division of Water Resources, the Division of Coastal Management, Wildlife Resources Commission, Division of Coastal Management, etc. Where necessary, comments must be received from the appropriate U.S. Army Corps of Engineers, Divisions/Branches concerning Section 408 review, etc.

a. The Permittee shall adhere to any North Carolina Wildlife Resources Commission and/or Division of Marine Fisheries recommendations for the protection of aquatic species of concern as provided to the USACE during agency coordination and included as special conditions of the authorization. This may include design recommendations, species surveys, relocations, monitoring, and/or construction moratoriums. Coordination with these agencies shall be documented in writing.

2. AUTHORIZED WORK: Any work authorized by this RGP must be the minimum necessary to alleviate the immediate emergency, unless complete reconstruction results in no more than minor additional impacts to aquatic resources.

3. AVOIDANCE AND MINIMIZATION: The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to aquatic resources to the maximum extent practicable at the project site (i.e., on-site).

4. MITIGATION: The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

a. The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

b. Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

c. Compensatory Mitigation.

(1) For Wetlands:

Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification,

unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate, or the adverse environmental effects of the proposed activity are no more than minimal and provides an activity-specific waiver of this requirement.

(2) For Stream Bed:

Compensatory mitigation at a minimum of one-for-one ratio will be required for all stream bed losses that exceed 0.02 acres of stream bed and require a pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate, or the adverse environmental effects of the proposed activity are no more than minimal and provides an activity-specific waiver of this requirement.

(3) Within 60 days of start of work within jurisdictional waters, the permittee must provide a mitigation proposal to compensate for more than minimal individual and cumulative adverse impacts to the aquatic environment, unless the District Engineer grants a written extension.

(4) General Compensatory Mitigation Requirements: When considering options for successfully providing the required compensatory mitigation, the district engineer shall consider the type and location options in the order presented in paragraphs 33 CFR 332.3 (b)(2) through (b)(6) of the 2008 Compensatory Mitigation for Losses of Aquatic Resource Rule. This rule establishes a preference hierarchy for mitigation options. The most preferred option is mitigation bank credits. In-lieu fee program credits are second in the preference hierarchy. Permittee responsible mitigation is the third option, with three possible circumstances: (a) conducted under a watershed approach, (b) on-site and in kind, and (c) off-site/out of kind.

5. DISTRICT ENGINEER'S DECISION: In reviewing the notification for the proposed activity, the DE will determine whether the activity would likely result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public's interest. The applicant may, as an option, submit a proposed mitigation plan with the notification to expedite the process and the DE will consider any mitigation (See General Condition 4. above.) the applicant has included in the proposal in determining whether the net adverse environmental effects for the proposed work are minimal. If the DE determines the activity complies with the terms and conditions of this RGP and the adverse effects are minimal, this office will notify the applicant and include any situation-specific conditions deemed necessary. If the applicant elects to submit a mitigation plan as part of the proposed project, the DE will expeditiously review the proposed plan also. However, the DE may approve the mitigation proposal after the work is approved and project work has commenced. If the DE determines the adverse effects of the proposed work are more than minimal, the DE will notify the applicant either:

- a. That the project does not qualify for authorization under this RGP and instruct the

applicant on the procedures to seek authorization under an individual permit or another general permit, or

- b. That the project is authorized under this RGP subject to the applicant submitting a mitigation proposal that would reduce the adverse effects to the minimal level.

6. PERMIT EXPIRATION: This RGP, if issued, will be effective for a period of five (5) years. Authorized activities which have commenced or are under contract to commence prior to this date shall remain authorized provided work within waters of the U.S. is completed within 60 days following expiration of this RGP, unless the District Engineer's discretionary authority is exercised on a case-by-case basis to modify, suspend, or revoke the authorization.

7. START WORK DATE: Any projects authorized under this RGP must be initiated within twenty-one (21) days of receiving authorization to proceed. If the project start time can be delayed for more than three weeks, the imminent threat of impending loss may have diminished in magnitude, as well as immediacy, and generally would not meet the definition of an "emergency." However, there may be limited circumstances where, after notice to and input by the agencies, logistical considerations necessitate an extension beyond 21 days. Further, this RGP cannot be used to authorize long-planned-for projects, nor shall it be used for projects that are likely to have been known to the applicant but for which an application was not submitted in a timely manner. That is, the Corps and other agencies are not obligated to authorize work for a self-described emergency situation unless we agree that the situation qualifies as an emergency as defined on page 1.

8. COMPLETION WORK DATE: Authorized work under this RGP shall be completed within 180 days of the verification date. If it is anticipated that work will not be completed prior to the expiration of the verification, the Applicant shall request an extension at least thirty (30) days prior to the expiration date. The request shall include justification for the extension.

9. PROPER MAINTENANCE: You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 10 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

10. TRANSFER OF PERMIT: If the permittee sells the property associated with this permit, the permittee must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

(Transferee)

(Date)

11. TRIBAL RIGHTS: No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

12. DISCOVERY OF PREVIOUSLY UNKNOWN CULTURAL OR ARCHEOLOGICAL REMAINS: If cultural or archeological remains that were not the subject of a previous archaeological investigation or cultural resources assessment survey are encountered during the construction of the authorized activity, all ground-disturbing activities shall immediately cease in the area of the discovery, and the permittee shall contact the appropriate District office. Cultural or archaeological remains may include, but are not limited to, pottery, ceramics, stone tools, metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with native cultures or early colonial settlement. Upon notification, the Corps shall notify the appropriate Tribal Historic Preservation Officer (THPO) and State Historic Preservation Officer (SHPO). The District Engineer will initiate the State, Tribal, and/or Federal coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. Based on the circumstances of the discovery, equity to all parties, and consideration of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. After such notification, project activities on federal lands shall not resume without written authorization from the Corps.

13. DISCOVERY OF HUMAN REMAINS: If unmarked human remains are identified on non-federal lands; they will be treated in accordance with North Carolina General Statute (NCGS) § 70-29 *Discovery of remains and notification of authorities*. All work and ground disturbing activities within a 100-foot (approx. 30 meters) diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner as stipulated in NCGS § 70-29, as well as notification of the appropriate Corps District office and the State Archaeologist within the same business day (8-hours). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the SHPO and from the Corps.

14. HISTORIC PROPERTIES: The applicant must submit a statement to the Corps regarding the activity's potential to cause effects to any historic properties (i.e. any prehistoric or historic district, site, building, structure, or object) listed in, or determined to be eligible for listing on, the National Register of Historic Places, including previously unidentified properties. The statement must say which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the

historic properties or the potential for the presence of historic properties. Assistance regarding information on the location or potential for the presence of historic resources can be sought from the North Carolina State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places. Where the applicant has identified historic properties which the proposed activity may have the potential to cause effects and so notified the Wilmington District, the applicant shall not begin the activity until notified by the Wilmington District that the activity has no potential to cause effects, or that consultation under Section 106 of the NHPA has been completed, or that notification and coordination under the provisions of 33 CFR § 325, Appendix C.14 and 36 CFR 800.12(b)(2) is completed. The applicant should be aware that Section 110(k) of the NHPA (16 U.S.C. § 470(h)-2(k)) prevents the Corps from granting a permit or other assistance to anyone who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effects. If circumstances justify granting the assistance, the Wilmington District is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the SHPO, Tribal Historic Preservation Officer, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have legitimate interest in the impacts to the permitted activity on historic properties.

15. WATER QUALITY CERTIFICATION: If a conditioned water quality certification (WQC) has been issued for the activity authorized by this RGP, you must comply with the conditions specified in the certification as special conditions to this permit.

16. SITE INSPECTION: You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

17. MANAGEMENT OF WATER FLOWS. To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

18. CLEAN FILL: No activity may use unsuitable material (e.g., trash, debris, car

bodies, asphalt, etc.). The material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

19. STABILIZATION: All exposed fills (including side slopes) and disturbed areas shall be stabilized immediately after construction to prevent erosion. Re-vegetation of the disturbed areas shall begin as soon as site conditions allow. Species to be used for seeding and planting shall follow this order of preference:

- a. Species native to the site.
- b. Species native to the area.
- c. Species native to the state.

Active sloughing, increased water turbidity and sediment in drainage ditches, streams, sloughs, and/or adjacent wetlands will be considered evidence of insufficient stabilization.

20. SEDIMENT STORAGE: Temporary storage of excavated and/or excess material on-site must be managed to prevent sediment from being carried into adjacent wetlands and waters, and to prevent leachate from causing degradation of water quality. Unusable or excess material must be disposed of in uplands or at a location approved by this office.

21. FLOODPLAIN: Floodplain integrity and connectivity shall be maintained at floodplain crossings by installing properly sized culvert(s) and/or bridges that allow high water in the floodplain to pass with minimal backwater impoundment upstream and minimal diversion of high water from the floodplain downstream. Fills within the 100-year floodplain must comply with applicable FEMA approved state or local floodplain management requirements.

22. Permittees are advised that development activities in or near a floodway may be subject to the National Flood Insurance Program that prohibits any development, including fill, within a floodway that results in any increase in base flood elevations. This general permit does not authorize any activity prohibited by the National Flood Insurance Program.

23. ENDANGERED SPECIES: No activity is authorized which: (a) is likely to jeopardize the continued existence of any threatened or endangered species or threatened species, or species proposed for such designation, as identified under the Endangered Species Act of 1973, or which will result in the destruction or adverse modification of designated critical habitat of such species; (b) "May affect" a listed species or critical habitat, unless Section 7 (Federal Endangered Species Act) consultation addressing the effects of the proposed activity has been completed, or emergency measures defined by RGP-07 have been authorized in accordance with emergency consultation procedures in 50 CFR 402.05; or (c) involves the "take" of a threatened or endangered species as defined under the ESA without separate authorization (e.g., a Biological Opinion with "incidental take" provisions) from the U.S. Fish and Wildlife Service or the

National Marine Fisheries Service. The applicant shall include, in their permit applications, information regarding the presence of any federally listed threatened or endangered species or designated critical habitat in the vicinity of the project site that might be affected by the proposed work.

24. As a result of formal or informal consultation with the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS), the District Engineer may add species-specific endangered species conditions to the RGP verification letter for a project.

25. If the permittee discovers or observes any live, damaged, injured or dead individual of an endangered or threatened species during construction, the permittee shall immediately notify the Wilmington District Engineer so that required coordination can be initiated with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

26. ESSENTIAL FISH HABITAT: The Essential Fish Habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act require federal agencies to consult with NMFS on proposed actions that may adversely affect EFH. NMFS's EFH consultation regulations at 50 CFR § 600.920(a)(1) state: "Consultation is required for emergency Federal actions that may adversely affect EFH, such as hazardous material clean-up, response to natural disasters, or actions to protect public safety. Federal agencies should contact NMFS early in emergency response planning but may consult after-the-fact if consultation on an expedited basis is not practicable before taking the action."

27. COASTAL ZONE MANAGEMENT (CZMA): If General CZMA consistency determination is received: Activities covered under this RGP have received a general CZMA determination. Please reference attached CZMA conditions/requirements. If the permittee cannot comply with all of the conditions found in the state's previously issued coastal zone management consistency concurrence, the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by this RGP. **If General CZMA consistency determination is not received:** This RGP has not received a state coastal zone management consistency concurrence, and an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

28. MIGRATORY Birds and Bald and Golden Eagles:

The permittee is responsible for ensuring that an action authorized by this RGP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether

“incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

29. SELF-CERTIFICATION: Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached “Self-Certification Statement of Compliance” form and submit it to this office. The Self-Certification shall include proof of compliance of appropriate general conditions (i.e., no erosion/sloughing into adjacent waters and wetlands, proper installation of hydrologic passage and natural drainage patterns, use of native plants in reseeding).

30. Soil Erosion and Sediment Controls: Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

31. The permittee shall remove all sediment and erosion control measures placed in waters and/or wetlands, and shall restore natural grades on those areas, prior to project completion.

32. Aquatic Life Movements: No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity’s primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

33. Federal Navigation Channel Setbacks: Authorized structures and fills located in or adjacent to Federally authorized waterways must be constructed in accordance with the latest setback criteria established by the Wilmington District Engineer. You may review the setback policy at

<http://www.saw.usace.army.mil/Missions/Navigation/Setbacks.aspx>. This RGP permit does not authorize the construction of hardened or permanently fixed structures within the Federally Authorized Channel Setback, unless the activity is approved by the Corps.

34. The activities authorized by this RGP must not interfere with the public’s right to free navigation on all navigable waters of the U.S. No attempt will be made by the permittee to prevent the full and free use by the public of all navigable waters at, or adjacent to, the authorized work for a reason other than safety.

35. The permittee understands and agrees that if future operations by the U.S. require the removal, relocation, or other alteration, of the structure or work herein authorized, 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 Corps, to

remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

36. This RGP does not authorize any activity that would conflict with a federal project's congressionally authorized purposes, established limitations or restrictions, or limit an agency's ability to conduct necessary operation and maintenance functions. Per Section 14 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. 408), no project that has the potential to take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, or obstruct a federally constructed work or project, including, but not limited to, levees, dams, jetties, navigation channels, borrow areas, dredged material disposal sites, flood control projects, etc., shall be permitted unless the project has been reviewed and approved by the appropriate Corps approval authority. Permittees shall not begin the activity authorized by this RGP until notified by the Corps that the activity may proceed.

37. The permittee shall obtain a Consent to Cross Government Easement from the appropriate Corps District's Land Use Coordinator prior to any crossing of a Corps easement and/or prior to commencing construction of any structures, authorized dredging, or other work within the right-of-way of, or in proximity to, a federally designated disposal area.

38. The permittee shall ensure that the construction design plans do not deviate from the permit plans referenced in the RGP verification notification issued for a specific project. Any modification to the permit plans referenced in the RGP verification letter for a specific project must be approved by the Corps prior to any active construction in waters or wetlands.

39. Except as authorized by an RGP verification letter issued for a specific project and the supporting plans referenced that verification letter, or any Corps approved modification to an RGP verification letter for a specific project, no excavation, fill or mechanized land-clearing activities shall take place within waters or wetlands, at any time during construction or maintenance of the project. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with the project.

40. The permittee shall require its contractors and/or agents to comply with (1) the terms and conditions of this permit and (2) all conditions in the RGP verification letter for that project. The permittee shall provide each of its contractors and/or agents associated with the construction or maintenance of a specific project with a copy of this permit and the RGP verification letter. A copy of this permit and the RGP verification letter, including all conditions, drawings/plans and attachments shall be available at the project site during the construction and maintenance of any project authorized by an RGP verification letter.

41. Temporary stream crossings will be used to access the opposite sides of stream channels. All temporary diversion channels and stream crossings will be constructed of non-erodible materials.

42. Authorization under this RGP does not obviate the need to obtain other federal, state, or local authorizations.

43. Except as authorized by this general permit or any Corps approved modification to this general permit, all fill material placed in waters or wetlands shall be generated from an upland source and will be clean and free of any pollutants except in trace quantities. Metal products, organic materials (including debris from land clearing activities), or unsightly debris will not be used.

44. Except as authorized by this general permit or any Corps approved modification to this general permit, all excavated material will be disposed of in approved upland disposal areas.

45. Unless authorization to fill those specific wetlands or mudflats has been issued by the Corps, heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

46. Wild and Scenic Rivers: (a) The RGP activity may not occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed RGP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the RGP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed RGP activity will not adversely affect the Wild and Scenic River designation or study status. (c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

Appendix C - Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term “discharge” means any discharge of dredged or fill material into waters of the United States.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s) but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water’s surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance but are still reasonably foreseeable.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Nontidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: An open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high-water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include lakes and ponds.

Ordinary High-Water Mark: The term ordinary high-water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other

appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year-round during a typical year.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Reestablishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. The purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: Reestablishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point,

which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in a General Permit authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stream bed: The substrate of the stream channel between the ordinary high-water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high-water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized jurisdictional stream remains a water of the United States. **Structure:** An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: (1) Held in trust by the United States for

the benefit of any Indian tribe or individual; or (2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: A waterbody is a “water of the United States.” If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).

Appendix D Wilmington District Office Locations and Area of Responsibility

ASHEVILLE REGULATORY FIELD OFFICE

US Army Corps of Engineers
151 Patton Avenue, Room 208
Asheville, North Carolina 28801-5006
General Number: (828) 271-7980
Fax Number: (828) 281-8120

CHARLOTTE REGULATORY FIELD OFFICE

US Army Corps of Engineers
8430 University Executive Park Drive, Suite 615
Charlotte, North Carolina 28262
General Number: (704) 510-1441

RALEIGH REGULATORY FIELD OFFICE

US Army Corps of Engineers
3331 Heritage Trade Drive, Suite 105
Wake Forest, North Carolina 27587
General Number: (919) 554-4884
Fax Number: (919) 562-0421

WASHINGTON REGULATORY FIELD OFFICE

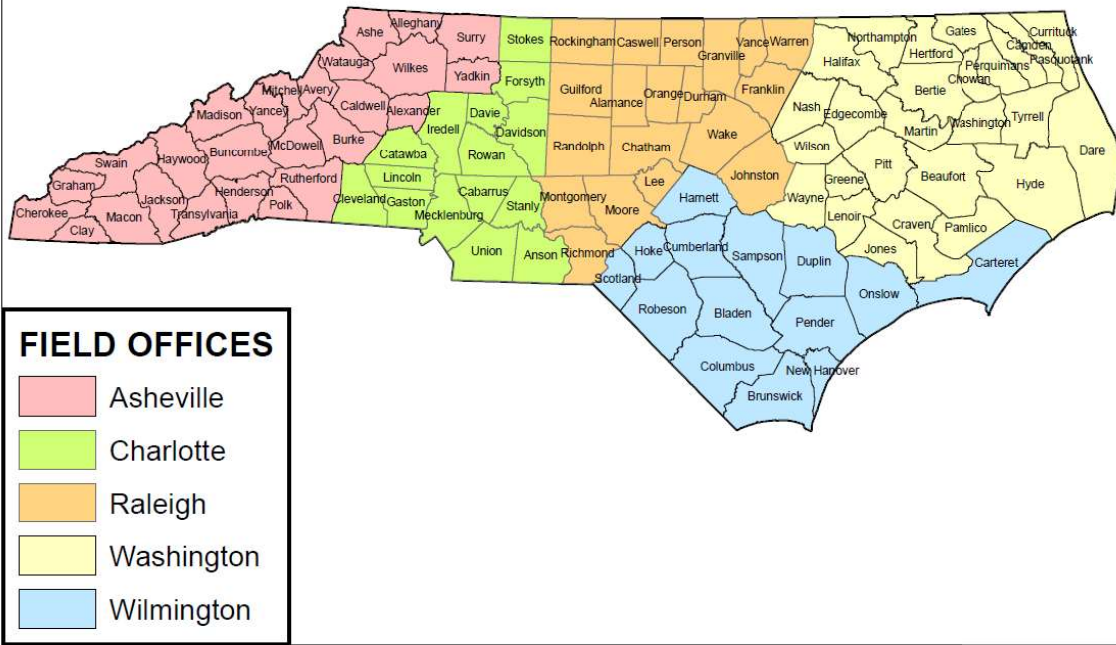
US Army Corps of Engineers
2407 West Fifth Street Washington, NC 27889
General Number: (910) 251-4610
Fax Number: (252) 975-1399

WILMINGTON REGULATORY FIELD OFFICE

US Army Corps of Engineers
69 Darlington Avenue
Wilmington, NC 28403
General Number: 910-251-4170
Fax Number: (910) 251-4025

Email for all Offices: NCPermit-Wetlands@usace.army.mil.

Wilmington District, Corps of Engineers, Regulatory Areas of Responsibility



Corresponding Water Quality Certification

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER RESOURCES**

WATER QUALITY GENERAL CERTIFICATION NO. 9051

**GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR US ARMY CORPS OF ENGINEERS
REGIONAL PERMIT NUMBER 2025010007 (STATEWIDE NATURAL DISASTER MITIGATION &
EMERGENCY-RELATED ACTIVITIES IN THE WILMINGTON DISTRICT)**

Water Quality General Certification Number 9051 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Regulations in 15A NCAC 02H .0500 and 15A NCAC 02B .0200 for the discharge of fill material to surface waters and wetland areas as described in the US Army Corps of Engineers Wilmington District's Regional General Permit 2025010007.

The State of North Carolina certifies that the specified category of activity will comply with water quality requirements and applicable portions of Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

Effective date: August 1, 2026

Signed this day: July 2, 2026

By

Signed by:

B2B16AD426A64B6...

Richard E. Rogers, Jr.
Director

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GENERAL CERTIFICATION COVERAGE:

Activities that are eligible for US Army Corps of Engineers Wilmington District Regional General Permit 2025010007 (RGP07) qualify for coverage under this General Certification unless they meet one of the thresholds listed below. Activities meeting any one (1) of the thresholds or circumstances listed below are not eligible for coverage under this General Certification and therefore require an Individual 401 Water Quality Certification from the Division of Water Resources (DWR).

- a) If any of the conditions of this General Certification cannot be met; or
- b) Any project proposing to satisfy compensatory mitigation through Permittee Responsible Mitigation; or
- c) Any temporary and/or permanent impacts to SAV or shellfish resources as identified by the (DMF); or
- d) Any temporary and/or permanent impacts to Unique Wetlands (UWL) [15A NCAC 02B .0231], see the [NC Surface Water Classifications Map](#) or 15A NCAC 02B .300 subsections for classified UWLs

For the purposes of the thresholds (a-d) above, the Permittee shall account for all impacts from the Single and Complete Project (e.g. impacts from dedicated borrow and waste sites, impacts from associated infrastructure/utilities) as determined by the US Army Corps of Engineers, and all secondary indirect impacts resulting from the proposed activities.

I. NOTIFICATION AND REQUIREMENTS FOR CERTIFICATE OF COVERAGE:

Activities that require Pre-Construction Notification (PCN) pursuant to RGP07, must obtain a Certificate of Coverage from DWR prior to initiation of any activities covered by this General Certification.

II. ACTIVITY SPECIFIC CONDITIONS

1. Stream stabilization activities shall not result in a reduction or increase in the average stream width that exists above and below the project limits. In-stream point bars, side bars, or lateral bars may be relocated to the opposite side of the stream channel but in no case may the channel bed be lowered or dredged as part of the stabilization project. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200*

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2. Where a proposed design proposes placement of in-stream structure material within large stream channels without isolation of the work area (when isolation is not feasible because of stream channel size), the work shall occur during low water conditions. The Permittee shall take all reasonable measures to construct in-stream structures while keeping heavy equipment out of the stream channel. Only equipment that is being used to install structures may enter the stream channel. Equipment shall access the stream at the closest point possible to reduce impacts to the stream bed. The majority of stream flow shall be diverted around work areas along the stream banks such as toe protection and bank sloping. All reasonable steps must be taken to limit the amount of disturbance in the channel and to therefore reduce downstream turbidity during construction. The use of equipment within the stream channel is prohibited for any other purpose such as a haul road, access, streambank reshaping etc. The project shall maintain compliance with stream standards as indicated in 15A NCAC 02B. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200*
3. Disturbed streambanks shall be stabilized at the end of each working day to ensure downstream water quality standards are maintained throughout construction. Streambanks shall be permanently stabilized with native riparian vegetation when practical. Temporary vegetation utilized for immediate stabilization and erosion control shall consist of native vegetation or annual vegetation such that it will not compete with permanent vegetation. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
4. In-stream structures installed to mimic natural channel geomorphology such as cross-vanes, sills, step-pool structures, etc. shall be designed and installed in such a manner that allow for continued aquatic life movement. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
5. The permittee shall provide on-site supervision of stability work including, but not limited to bank re-sloping, culvert installation, in-stream structure placement, and riparian zone re-establishment, by an appropriately trained individual. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
6. Visual monitoring of the stabilization project shall be conducted at a minimum of quarterly for the first year or two bankfull events (whichever is longer), and then annually until the site is stable (particularly after storm events) and vegetation is successful. Visual monitoring shall include photographic documentation of site conditions. Photographs shall be furnished to the DWR upon request. Any failures of structures to direct flow as designed, dislodged structures, erosion or sloughing of stream banks, or vegetation success of less than 80% of the streambanks require notification to the DWR Regional Office within 15 business days of discovery. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

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7. For stabilization projects that occur along any streams or waterbodies that are subject to State Regulated Riparian Buffer Rules in Chapter 2B of Title 15A in the North Carolina Administrative Code the Permittee shall restore all disturbed buffer areas to pre-construction topographic and hydrologic conditions, and shall replant the disturbed areas with native plant species that are appropriate for the ecoregion and landscape position) within two months of when construction is complete except that tree planting may occur during the first dormant season. At the end of five years from the planting date, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 02B .0295(n)(2)(B).
8. All activities shall be in compliance with any applicable State Regulated Riparian Buffer Rules in Chapter 2B of Title 15A in the North Carolina Administrative Code. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
9. The receiving stream shall be visually monitored for turbidity and sedimentation on a daily basis while in-stream activities are under construction for the duration of the project. If water quality standards are contravened, activities shall be immediately ceased, and the applicant shall contact the appropriate DWR Regional Office. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0211*

If this Water Quality Certification is used for performing maintenance dredging on canals or boat basins, then the following Activity Specific Conditions shall apply to those impacts.

10. When performing maintenance dredging on canals or boat basins they shall not be dredged beyond their original depth and width. The area shall not be dredged to a depth deeper than the receiving water. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
11. All dredge and/or fill material shall be placed on high ground and the effluent water from the dredge spoil shall not be released into open shellfish waters unless Shellfish Sanitation (252-515-5656, ext. 0) and the DWR Washington (252-946-6481) or Wilmington (910-796-7215) Regional Office, as applicable, are notified and provide approval prior to the release. Open shellfish waters may be viewed on the [NC DEQ Shellfish Sanitation Closure Public Viewer map](#). *Citation: 15A NCAC 02B .0221; 15A NCAC 02H .0507(c)*
12. The terminal end of the pipeline from the dredge into the spoil or dredge retention area shall be positioned at a maximum distance from spillways to allow adequate settling of suspended solids and a sufficient distance from any part of the dike so as to preclude dike erosion by the pipeline discharge. Effluent shall be released waterward of emergent marsh or tidal flats when located within these systems. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
13. A water control structure shall be installed at the intake end of the effluent leading from any spoil or dredge retention area in order to ensure maximum settling of suspended solids and control of discharge volumes. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

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14. The flow from any diked spoil or dredge retention area shall be contained by pipe, metal or wooden trough, or similar device to a point waterward of any emergent vegetation along the shoreline unless it can be clearly shown by the permittee that a different design will result in less environmental impact. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
15. Sufficient freeboard shall be maintained within the diked spoil or dredge disposal area during the dredging operation to assure the integrity of the dike structure and the containment of the dredged material. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
16. Hydraulic dredging which utilize an upland diked disposal basin with a return pipe for the return water shall utilize the "two basin" design. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
17. The appropriate turbidity water quality standard shall not be exceeded or be above natural background conditions as stipulated in 15A NCAC 02B .0211(21) or 02B .0220(19). *Citation: 15A NCAC 02H .0507(c); 15A NCAC 02B .0200*
18. Disposal area dikes shall be stabilized with vegetative cover within one (1) day after construction to minimize erosion. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

If this Water Quality Certification is used for utility-related impacts, then the following Activity Specific Conditions shall apply to those impacts.

19. Any new construction corridor that is parallel to a stream or open water shall not be closer than 10 feet to the top of bank or ordinary high-water mark. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
20. Where there are temporary or permanent impacts from stream crossings, underground utility lines shall cross the stream channel at a near-perpendicular direction (i.e., between 75 degrees and 105 degrees to the stream bank). Utility line replacements within existing easements or alignments may follow the existing alignments. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
21. Construction corridors in wetlands and/or across stream channels shall be minimized to the maximum extent practicable and shall not exceed 40 feet wide.

For construction corridors in wetlands and across stream channels, stumps shall be grubbed only as needed to install the utility line, and remaining stumps shall be cut off at grade level. The general stripping of topsoil within wetlands along the construction corridor is prohibited. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

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22. Permanent maintained access corridors in wetlands and across stream channels shall be restricted to the minimum width practicable and shall not exceed 30 feet wide for underground utilities. For parallel adjacent lines with less than 20 feet between them, the permanent maintained corridor shall be restricted to the minimum width practicable not to exceed 15 feet from the edge of the outer most lines. Parallel adjacent lines with 20 feet or more between them shall be treated as individual lines with the access corridor the minimum width practicable not to exceed 30 feet wide for each line. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

23. For all sewer lines constructed within wetlands, an anti-seep collar shall be placed at the downstream (utility line gradient) wetland boundary and every 150 feet up the gradient until the utility exits the wetland. Anti-seep collars may be constructed with class B concrete, compacted clay, PVC pipe, or metal collars. Wetland crossings that are directionally drilled, and perpendicular wetland crossings that are open cut and less than 150 feet long do not require anti-seep collars. The compacted clay shall have a specific infiltration of 1×10^{-5} cm/sec or less. A section and plan view diagram is attached for the anti-seep collars.

The following specifications shall apply to class B concrete:

- i. Minimum cement content, sacks per cubic yard with rounded coarse aggregate 5.0
- ii. Minimum cement content, sacks per cubic yard with angular coarse aggregate 5.5
- iii. Maximum water-cement ratio gallons per sack 6.8
- iv. Slump range 2" to 4"
- v. Minimum strength - 28-day psi 2,500

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

24. The permittee shall restore any temporarily disturbed wetland contours to pre-construction conditions. Any excess material will be removed to a high ground disposal area.

The mixing of topsoil and subsoils within the wetlands along utility corridors shall be minimized to the greatest extent practical. During excavation, the soils shall be placed on fabric to minimize impacts whenever possible. Topsoil excavated from utility trenches will be piled separately from subsoils and will be backfilled into the trench only after the subsoils have been placed and compacted. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

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III. GENERAL CONDITIONS

1. For all activities that require a Certificate of Coverage under Section I of this General Certification: The Certificate of Coverage is issued specifically for the plans, specifications, and associated application materials for the proposed project approved by DWR by the issuance of the COC. Any final construction plans for a project must include or reference the application and plans submitted to the DWR and US Army Corps of Engineers. The Permittee must evaluate all other acquired permits to ensure that they are consistent with the plans submitted to the DWR, and all relative impacts are accounted for and shown on the final construction plans. Any modifications or additional impacts to streams and/or wetlands within the project require the permittee to notify the DWR and may require submission of a new application package with the appropriate fee to redetermine eligibility under this General Certification. *Citation: 15A NCAC 02H .0506(b)(2) and (3); 15A NCAC 02H .0507(c)*
2. If the property is sold, the Permittee shall provide the new owner with a copy of this General Certification and all plans and specifications incorporated by reference for all activities that require a Certificate of Coverage under Section I of this General Certification. The Permittee may transfer a certificate of coverage issued under this General Certification to the new owner by submitting a letter to the Division with the following statement: *"At the time the property is transferred, the terms and conditions of this 401 Individual Water Quality General Certification, including the responsibility to ensure compliance, are binding on the new owner(s) of the property."* The letter shall be signed and dated by both the transferee and the new owner. *Citation: 15A NCAC 02H .0507(d)(2)*
3. For all projects that include multiple parcels and/or lots, including transportation and/or utility-related projects installed as infrastructure for multiple parcels and/or lots, deed notifications or similar mechanisms shall be placed on all lots/parcels that include jurisdictional wetlands, streams, open waters, and state-regulated riparian buffers within the overall project boundaries. These mechanisms shall be put in place at the time of recording of the property or individual parcels, whichever is appropriate. *Citation: 15A NCAC 02H .0502(a); 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
4. The Permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), upon the presentation of credentials and other documents as may be required by law, to: *Citation: 15A NCAC 02H .0502(e); 15A NCAC 02H .0507(c)*
 - a. Enter, at reasonable times, upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this certificate;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this certificate;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this certificate; and

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- d. Sample or monitor at reasonable times, for the purposes of assuring certificate compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location
5. In accordance with 15A NCAC 02H .0506(c) and Session Law 2017-10, compensatory mitigation is required for losses from the entire single and complete project of greater than or equal to 300 linear feet of perennial streams and/or greater than or equal to 0.10 acre of wetlands. For linear publicly owned and maintained transportation projects that have not been determined to be part of a larger common plan of development, the stream mitigation threshold is applied per perennial stream. A Statement of Availability (SOA) for mitigation credits shall be acquired from a mitigation provider and provided to DWR prior to **any** impacts occurring. If the Mitigation Provider specified in the SOA changes after issuance of the Certificate of Coverage, then the Permittee shall provide an updated SOA to the DWR prior to conducting any impacts. The Compensatory Mitigation Responsibility Transfer (CMRT) Form(s) attached to the Certificate of Coverage shall be completed and provided to the DWR within 60 days of start of work. *Citation: 15A NCAC 02H .0506(c); 15A NCAC 02H .0507(c)*
6. For High Density Development projects subject to a State, or State approved Local Government Delegated Program, the Permittee shall secure an *approved* stormwater management plan (SMP) from the appropriate agency **before any** impacts authorized in this Certification occur. Before any permanent building or other permanent structure is occupied at the site the permanent stormwater management control measures or devices for the building and/or structures shall be constructed and operational. If any Erosion and Sediment Control devices share locations with any of the Stormwater Control Measures, the area must be restored to the approved stormwater design condition within 30 days of close-out of the Erosion and Sediment Control Plan. *Citation: 15A NCAC 02H .0506(b)(2) and (3); 15A NCAC 02H .0507(c)*
7. All wetlands, streams, and surface waters located within the limits of disturbance and within 50 feet of the limits of disturbance/construction area on the project site shall be clearly marked (example- orange fabric fencing) prior to any land disturbing activities. The marking/fencing shall be maintained until the project or project phase is completed. Impacts to areas within the marked area/fencing are prohibited unless otherwise authorized by this certification. *Citation: 15A NCAC 02H .0506(b)(2); 15A NCAC 02H .0507(c)*
8. When requested by DWR, the Permittee and/or authorized agent shall schedule a pre-construction meeting with DWR, shall contact the appropriate DWR Regional Office upon project commencement of construction, shall submit a Certificate of Completion and/or shall provide as-built documentation. *Citation: 15A NCAC 02H .0502(e); 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

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9. For projects that include draining a pond or lake, appropriate erosion and sediment control measures shall be utilized while draining the pond or lake to ensure limited impact to downstream waters as well as to native aquatic species. Such measures shall also be utilized to avoid any sediment release into downstream waters as a result of pond or lake draining. The permittee shall observe any natural channel re-establishment, or utilize natural channel construction techniques, to ensure that the jurisdictional stream channel above and below the drained pond or lake remain stable, and that no additional impacts occur within the natural stream channel as a result of draining the pond or lake. The Permittee shall consult with NCWRC prior to the relocation or release of any aquatic species during pond or lake draining or dam removal activities. During pond or lake refill, sufficient flow shall be continually released to the receiving stream to ensure aquatic life survival and maintenance of biological integrity. *Citation: 15A NCAC 02H .0506(b)(2); 15A NCAC 02H .0507(c)*
10. The permittee shall report to the appropriate DWR Regional Office any noncompliance with, and/or any violation of, stream or wetland standards [15A NCAC 02B .0200], including but not limited to sediment impacts to streams or wetlands. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the permittee became aware of the non-compliance circumstances. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
11. A copy of this General Certification, and when applicable, the Certificate of Coverage, shall be retained on site during the construction and maintenance of this project, or with the project manager, and be available for inspection at all times. The Permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this General Certification. If the Permittee becomes aware of any inability to comply with any of the conditions of this General Certification, they must notify the appropriate Regional Office within 24 hours (or the next business day if a weekend or holiday) from the time the Permittee becomes aware of the circumstances. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
12. No additional temporary or permanent impacts from waste, spoil, solids, fill, excavation, or staging of equipment, shall occur in wetlands or waters beyond the footprint of the impacts (including temporary impacts) identified in a Certificate of Coverage; or for projects that do not require a Certificate of Coverage; beyond the thresholds established for use of this General Certification. *Citation: 15A NCAC 02H .0506; 15A NCAC 02H .0507(c)*
13. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sedimentation Pollution Control Act of 1973). Regardless of applicability of the Sedimentation Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur.

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Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Erosion and Sediment Control Planning and Design Manual*, or the *North Carolina Department of Transportation Erosion and Sediment Control Design and Construction Manual*.

Appropriate measures should be installed prior to any land clearing activities to protect wetlands, streams, and/or buffers from turbidity and/or sedimentation. These measures should be routinely inspected and properly maintained, and excavated materials should be contained outside wetland, stream, and/or buffer boundaries.

For installation of bridges that involve driving or drilling activities within stream channels, open waters, or along streambanks turbidity curtains shall be installed within the surface water.

All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNAs), SA, WS-I, WS-II, High Quality Waters (HQW), or Outstanding Resource Waters (ORW), then the sedimentation and erosion control designs shall comply with the requirements set forth in 15A NCAC 04B .0124, *Design Standards in Sensitive Watersheds*. Citation: 15A NCAC 02H .0506(b)(2); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

14. Sediment and Erosion Control Measures (S&EC) in wetlands or waters should be avoided to the maximum extent possible and any S&EC occurring in wetlands or waters shall be restored to pre-existing conditions upon completion of the project. The Permittee shall utilize sediment and erosion control measures that avoid and minimize the need for the placement of silt fence along streams at the normal water level. Where measures are placed within authorized impact areas then placement of such measures shall not be conducted in a manner that results in a loss of function of any wetlands, streambeds, or streambanks. Any erosion control measures, including silt fence, installed within wetlands shall be removed from wetlands and the natural grade restored and revegetated within two (2) months of the date the appropriate sediment and erosion control program has released the specific area within the project to ensure wetland standards are maintained upon completion of the project. Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

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15. Erosion control matting shall not be placed within a stream bed. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within wetlands. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
16. If the project is covered by NPDES Construction Stormwater Permit Number NCG010000 or NPDES Construction Stormwater Permit Number NCG250000, full compliance with permit conditions including the erosion and sedimentation control plan, inspections and maintenance, self-monitoring, record keeping and reporting requirements is required. *15A NCAC 02H .0506(b) and (c); 15A NCAC 02H .0507(c)*
17. The North Carolina Department of Transportation (NCDOT) shall maintain full compliance with the conditions related to construction activities and post construction stormwater design, construction and maintenance, within the most recent version of their Individual NPDES Stormwater Permit Number NCS000250. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231*
18. For projects impacting waters classified by the NC Environmental Management Commission as High Quality Waters (HQW), including Water Supply I or II (WSI, WSII) and/or as Outstanding Resources Waters (ORW) post construction stormwater shall be managed in accordance with 15A NCAC 02B .0224(d) or .0225 as applicable.
19. All work in or adjacent to streams, ponds, lakes, and reservoirs shall be conducted so that the work area is isolated from surface waters. Approved best management practices from the most current version of the DEMLR [NC Erosion and Sediment Control Planning and Design Manual](#), or the *NC Department of Transportation Best Management Practices For Construction and Maintenance Activities Manual*, such as sandbags, rock berms, cofferdams, pump-arounds, and other diversion structures shall be used to minimize excavation in flowing water. Water that comes in contact with the work area shall be treated through an appropriate sediment/erosion control measure (sediment basin, filter bag, etc) prior to discharging to a surface water. All temporarily disturbed areas for the purpose of isolation/dewatering shall be restored to original grade, including each stream's original cross-sectional dimensions, planform pattern, and longitudinal bed profile. All temporarily impacted sites shall be restored and stabilized with native vegetation as practicable. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200*
20. For all activities that require a Certificate of Coverage under Section I of this General Certification: *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 04B .0125*

The Permittee shall allow NCWRC and/or DMF to implement pre-construction species surveys and relocations. The Permittee shall adhere to NCWRC and/or DMF recommended moratoria. If NCWRC and/or DMF provides recommended design modifications to protect federally/state listed aquatic species, the permittee shall implement these to the degree possible. If the recommended conditions cannot be met, a project proponent may apply for coverage under an individual 401 water quality certification.

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For all other activities:

Work within a designated trout watershed as identified by the NC Wildlife Resource Commission (WRC) and represented on the [Wilmington District of the US Army Corps of Engineers maps](#) or work within identified state or federal endangered or threatened species habitat shall be coordinated with NCWRC and/or DMF prior to initiating of project activities.

The Permittee shall adhere to NCWRC and/or DMF recommended moratoria. Exceptions to this condition require written approval by the resource agency responsible for the given moratorium. If activities must occur during periods of high biological activity of aquatic species (e.g. sea turtle nesting, fish spawning, or bird nesting) all biological surveys, relocations, and/or monitoring requested by the state agency must be conducted.

21. Culverts shall be designed and installed in such a manner that the original stream profiles are not altered and allows for aquatic life movement during low flows. The dimension, pattern, and profile of the stream above and below a pipe or culvert shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed culvert shall be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. If the width of the culvert is wider than the stream channel, the culvert shall include multiple boxes/pipes, baffles, benches and/or sills to maintain the natural width of the stream channel. If multiple culverts/pipes/barrels are used, low flows shall be accommodated in one culvert/pipe and additional culverts/pipes shall be installed such that they receive only flows above bankfull.

Placement of culverts and other structures in streams shall also meet one of the following requirements:

- a. For structures less than 72" in diameter/width and in area where topographic constraints dictate culvert slopes will be greater than 2.5%, culverts shall be installed "at grade" such that low flow conditions in the stream are maintained provided that all alternative options for flattening the slope have been investigated and aquatic life movement/connectivity has been provided when possible (e.g. rock ladders, cross-vanes, sills, baffles etc.); or
- b. When bedrock is present in culvert locations, culvert burial is not required, provided that there is documentation of the presence of bedrock.
- c. For all other culverts:
 - i. Culverts with a diameter greater than 48 inches shall be below the elevation of the streambed by one foot
 - ii. Culverts with diameter less than or equal to 48 inches shall be below the streambed by 20% of the culvert diameter

If a culvert outlet is submerged within a pool or scour hole and designed to provide for aquatic passage, then culvert burial into the streambed is not required.

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Documentation such as a location map of the culvert, culvert profile drawings, slope calculations, geotechnical reports, photographs, etc. shall be provided to DWR upon written request.

For culvert replacements within the same location/footprint, and of similar length, culverts shall be designed and installed to meet the above requirements of this Condition unless prohibited by existing conditions on site, such as existing infrastructure or topographic constraints.

Installation of culverts in wetlands shall ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions. When roadways, causeways, or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges shall be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in destabilization of streams or wetlands.

The establishment of native woody vegetation and other soft stream bank stabilization techniques shall be used where practicable instead of rip-rap or other bank hardening methods. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

22. Bridge piles and bents shall be constructed using driven piles (hammer or vibratory) or drilled shaft construction methods. More specifically, jetting or other methods of pile driving are prohibited under this General Certification. *15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200*
23. Unless already approved by an NPDES permit, bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means to the maximum extent practicable (e.g. grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. This condition may be waived with prior written approval from the NCDWR. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
24. Application of fertilizer to establish planted/seeded vegetation within disturbed riparian areas and/or wetlands shall be conducted at agronomic rates and shall comply with all other Federal, State and Local regulations. Fertilizer application shall be accomplished in a manner that minimizes the risk of contact between the fertilizer and surface waters. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0231*
25. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in, or adjacent to, surface waters is prohibited. *Citation: 15A NCAC 02H.0506(b)*

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26. If concrete is used during construction (including bulkhead components, such as deadman anchors, tie-back systems and concrete caps), then all necessary measures shall be taken to isolate the concrete from waters of the state by maintaining a dry work area to prevent direct contact between curing concrete and surface waters. Drill slurry and water that inadvertently contacts uncured concrete shall not be discharged to waters of the state. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills. Any water that contacts uncured concrete shall be captured, treated, and disposed of properly. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231*
27. All temporary pipes, culverts, rip-rap pads etc. in streams shall be installed so as not to restrict stream flow or installed in such a manner that restricts aquatic life movement during low flow conditions. All temporary pipes and/or culverts shall be installed as outlined in the most recent edition of the *North Carolina Erosion and Sediment Control Planning and Design Manual* or the *North Carolina Surface Mining Manual* or the *North Carolina Department of Transportation Best Management Practices for Construction and Maintenance Activities*. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
28. All temporary fill and temporary culverts shall be removed, and the impacted area shall be returned to natural conditions, within 60 calendar days after the temporary impact is no longer necessary. The impacted areas shall be restored to original grade, including each stream's original cross-sectional dimensions, planform pattern, and longitudinal bed profile. All temporarily impacted sites shall be restored and stabilized with native vegetation when practicable. For all areas where wetlands are impacted by temporary roads constructed by temporary fill material, the Permittee shall remove the fill material and conduct activities necessary to restore preconstruction hydrology by addressing soil compaction. When temporary fill has been added to wetlands, or heavy equipment has been placed within a wetland, the Permittee shall ensure restoration of preconstruction soil conditions when restoring wetland areas. Upon restoration of the wetland, the Permittee shall inspect the area quarterly for a minimum of two years to document successful restoration. The Permittee shall provide documentation of inspections to DWR when requested. The monitoring requirement can be relieved with review and written approval by DWR. If the area is not restored to preconstruction conditions the impacts shall be considered permanent, and the Permittee shall request a modified Certificate of Coverage from DWR. With prior written approval from DWR, removal of temporary fill and temporary culverts and restoration of the impacted area may be postponed to accommodate moratorium periods. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
29. Demolition of existing structures, such as culvert or bridge removal, shall be conducted to ensure water quality standards are maintained. NCDOT activities shall adhere to NCDOT's *Best Management Practices for Construction and Maintenance Activities*. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200*

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30. Any rip-rap or other armoring materials required for proper culvert placement, stream stabilization, or restoration of temporarily disturbed areas shall be restricted to the area directly impacted by the construction activity covered by this General Certification. All rip-rap or other non-natural armoring material placed in streams shall be placed such that the original streambed elevation and streambank contours are restored, and that the finished elevation of the rip rap shall not exceed that of the original stream bed. All rip-rap or other armoring materials shall consist of clean rock or masonry material free of debris or toxic pollutants. Placement of rip-rap or other armoring materials shall not result in destabilization of the stream bed or banks upstream or downstream of the area or be installed in a manner that precludes aquatic life passage. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*
31. Any rip-rap or other non-natural armoring material (i.e. gabion baskets, revetments, bulkheads, seawalls, retaining walls) used for stream or shoreline stabilization shall be of a size and density to prevent movement by wave, current action, or stream flows, and shall consist of clean rock or masonry material free of debris or toxic pollutants. Rip-rap or other armoring materials shall not be installed in the streambed except in specific areas required for velocity control and to ensure structural integrity of bank stabilization measures. Any rip-rap or other armoring materials placed in the streambed shall be such that the finished elevation of the rip rap or other armoring materials shall not exceed that of the original stream bed. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0201*
32. Rip-rap groins proposed in accordance with 15A NCAC 07H .1401 (NC Division of Coastal Management General Permit for construction of Wooden and Rip-rap Groins in Estuarine and Public Trust Waters) shall meet all the specific conditions for design and construction specified in 15A NCAC 07H .1405. *Citation: 15A NCAC 02H .0507(c); 15A NCAC 07H .1400*
33. All mechanized equipment operated near surface waters shall be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication, and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200*
34. Heavy equipment working in wetlands shall be placed on mats or non-impact equipment shall be used to ensure no disturbance and/or compaction of soil from equipment except within the footprint of the impacts covered by this Certification. Heavy equipment necessary for in stream activities shall be operated from the banks to the maximum extent practical and in no cases shall cause unstable stream banks or a violation of water quality standards. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0231*

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35. In accordance with G.S. 143-215.85(b), the Permittee shall report any petroleum spill of 25 gallons or more; any spill regardless of amount that causes a sheen on surface waters; any petroleum spill regardless of amount occurring within 100 feet of surface waters; and any petroleum spill less than 25 gallons that cannot be cleaned up within 24 hours. *Citation: 15A NCAC 02H .0507(c); N.C.G.S 143-215.85(b)*
36. For all dam removal projects meeting the definition under G.S. 143-215.25 and requirements under G.S. 143-215.27 of a professionally supervised dam removal, the applicant shall provide documentation that any sediment that may be released has similar or lower level of contamination than sediment sampled from downstream of the dam in accordance with Session Law 2017-145. *Citation: 15A NCAC 02H .0502; 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC02B .0200; S.L. 2017-145;*
37. The Permittee and their authorized agents shall conduct all activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act), and any other appropriate requirements of State and Federal Law. *Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

IV. DEFINITIONS

Temporary Impacts: Any impact that temporarily disturbs a stream, wetland, or open water and returns the disturbed area to pre-construction conditions, form and function or improved form and function within a duration that will ensure minimal disturbance to ecological function, including biological transport, migration, and reproduction.

Permanent Impacts: Any impact that modifies the form or function of a stream, wetland, or open water in a permanent manner, or for a duration that is sufficiently long to disrupt natural processes within the surface water. Examples include culverts, fill, riprap, streambank or shoreline stabilization, dredging, relocations, restoration. Permanent impacts may (1) improve the function of surface waters, such as stream and wetland restorations, (2) be neutral to the function of the surface waters, or (3) cause a reduction or loss of function of surface waters.

Secondary Indirect Impacts – Effects that are caused by the activity and are later in time or farther removed in distance but are still reasonably foreseeable. Secondary indirect impacts may (1) improve the function of surface waters, such as stream and wetland restorations, (2) be neutral to the function of the surface waters, or (3) cause a reduction or loss of function of surface waters.

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Stream Restoration - the process of converting an unstable, altered, or degraded stream corridor, including adjacent riparian zone and flood-prone areas, to its natural or referenced stable conditions considering recent and future watershed conditions. This process also includes restoring the geomorphic dimension, pattern, and profile as well as biological and chemical integrity, including transport of water and sediment produced by the stream's watershed in order to achieve dynamic equilibrium. 'Reference' or 'reference reach' means a stable stream that is in dynamic equilibrium with its valley and contributing watershed. A reference reach can be used to develop natural channel design criteria for stream restoration projects.

Stream Relocation - Stream relocation is when a stream is moved laterally to a new location to allow a project, or part of a project, to be constructed in the stream's former location. For permitting purposes, stream relocations may be considered a loss of function pursuant to 15A NCAC 2H .0506(c) depending on the documented condition and location of the existing stream and the proposed design and success of the relocated stream.

Construction Corridor – area temporarily impacted during project construction and returned to pre-construction conditions after construction concludes.

Utility Corridor – maintained area (vegetation clearing only) used to access and maintain utility infrastructure post-construction

V. ADMINISTRATIVE PROVISIONS

In accordance with 15A NCAC 02H .0506(b), the Director of the North Carolina Division of Water Resources may require submission of an application for an Individual Certification for any project if, based on the unique characteristics of the project, it is determined by the Director that the conditions in this general certification will not ensure that the proposed activity will comply with state water quality standards, which includes designated uses, numeric criteria, narrative criteria and the state's antidegradation policy.

This General Certification does not relieve the permittee of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, Division of Coastal Management and Trout Buffer regulations.

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This General Certification, and any associated certificates of coverage, neither grants nor affirms any property right, license, or privilege in any waters, or any right of use in any waters. This General Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and does not create any prescriptive right or any right of priority regarding any usage of water. This General Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this General Certification to possess any prescriptive or other right of priority with respect to any other consumptive user regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded.

This General Certification shall expire on the same day as the expiration date of the corresponding Nationwide Permit. The conditions in effect on the date of issuance of Certification for a specific project shall remain in effect for the life of the project, regardless of the expiration date of this General Certification. For purposes of this paragraph for projects that do not require issuance of a certificate of coverage, the date of issuance shall be deemed to be the date that activities covered by this General Certification were initiated. This General Certification is rescinded when the US Army Corps of Engineers reauthorizes the corresponding Nationwide Permit or when deemed appropriate by the Director of the Division of Water Resources, consistent with the provisions of 15A NCAC 2H .0507.

Non-compliance with or violation of the conditions herein set forth by a specific project may result in revocation of any Certificate of Coverage issued under this General Certification for the project and may also result in criminal and/or civil penalties.