

Nationwide Permit 401 and CZC Specific Conditions
Certified May 11, 2007

Nationwide Permit Number 12: Utility Line Activities

Conditions of the 401 Water Quality Certification:

1. If the project involves more than 10 aquatic site crossings (not including directionally bored crossings), the project will not be certified under this NWP and will require separate approval through SCDHEC's individual certification process.
2. Utility lines must cross perpendicular (to the extent practicable) to the aquatic site area.
3. Access to the project site must be attained from highland when practicable. When this is not practicable, access must be attained by floating barges, low-ground pressure vehicles/equipment, mats, or similar means, instead of barge canals or causeways.
4. All excavated material must be side cast away from streams and other open channels. If the excavated material is temporarily placed in wetlands, it must be placed at intervals to allow for the adequate circulation in the adjacent waters, including wetlands. All excess excavated materials that are hauled off site or placed on high land must be properly contained and permanently stabilized to prevent erosion.
5. Impacts to aquatic sites associated with the construction of temporary, permanent, and maintenance easements must be limited to a total width of 50' (including filling, excavation, and clearing), except where required for safety reasons.
6. For certification under this NWP, the maximum amount of area per project allowed to be permanently filled (not including the area backfilled for pipe placement) is 0.10 acre or 500 linear feet, including pump station and access road, if required.

Regional Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification, plus the following condition, are included as Regional Conditions, the NWP will be consistent with the S.C. Coastal Zone Management Program.

1. The use of multiple NWPs on one tract or land parcel is not approved in the coastal zone without SCDHEC-OCRM concurrence.
2. For all projects, the applicant must provide a Wetland Master Plan (WMP) consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. **WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants.** The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

Nationwide Permit Number 14: Linear Transportation Projects

Conditions of the 401 Water Quality Certification:

1. A compensatory mitigation plan must be submitted and approved by the SCDHEC for projects with impacts exceeding 0.10-acre or 300 linear feet.
2. Linear transportation projects must cross perpendicular (to the extent practicable) to the aquatic site area. Impacts certified under this NWP must be limited to three crossings per single and complete project (as defined in the General Conditions) and must be in non-tidal wetlands only.
3. Impacts certified under this NWP may not exceed 500 linear feet of stream.
4. All crossings must be culverted, bridged or otherwise designed to prevent the restriction of, and to withstand, expected high flows and tidal flows, to maintain flows through the floodplain during flow events exceeding bank full, and to prevent the restriction of low flows and the movement of aquatic organisms. All culverts must be adequately sized, designed, installed and maintained to prevent erosion and to provide adequate passage for aquatic life and anadromous fishes occurring naturally in the vicinity of the culvert.
5. For all new private roads or widening projects of existing private roads, the top width will be limited to a maximum of 16', except in the case of roadways associated with multiple lot residential developments where the maximum top width may be 24'.
6. Access to the project site must be attained from high ground, from the portion of the bridge already

completed (“end on end” construction) or from floating barges or mats (instead of canals or causeways).

7. In order to properly assess cumulative impacts, projects accessing large tracts under single ownership must include a description of all related project impacts that may result from the road construction and provide an overall project plan. The plan must include an identification of all water resource impacts/activities, drainage patterns, conceptual development plans, and a compensation plan, if required in the above conditions.

Regional Conditions for the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification, plus the following conditions, are included as Regional Conditions, the NWP will be consistent with the S.C. Coastal Zone Management Program.

1. The use of multiple NWPs on one tract or land parcel is not approved in the coastal zone without SCDHEC-OCRM concurrence.
2. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. **WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants.** The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.
3. A one-day newspaper notice in accordance with the provisions of the S.C. Coastal Zone Management Program, Chapter V C. 1. A., Notice of Certification must be included.

Nationwide Permit Number 23: Approved Categorical Exclusions

Conditions for the 401 Water Quality Certification:

1. This NWP is not applicable for impacts in special aquatic sites, including wetlands.

Nationwide Permit Number 29: Residential Developments

Conditions for the 401 Water Quality Certification:

1. The impounding of water and creating of lakes or ponds is not authorized by this NWP.
2. On-site disposal systems, if necessary, must be permitted by SCDHEC prior to any construction of a residence in a wetland area.
3. The placement of fill in waters of the US for a single residence must be limited to 0.10 acre or 60 linear feet.
4. A compensatory mitigation plan must be submitted and approved by the SCDHEC for projects with impacts exceeding 0.10-acre or 300 linear feet.
5. If the 300 linear feet limitation is waived by District Engineer, impacts to intermittent and ephemeral stream authorized under this NWP may not exceed 500 linear.

Regional Conditions for the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification, plus the following conditions, are included as Regional Conditions, the NWP will be consistent with the S.C. Coastal Zone Management Program.

1. The use of this NWP for individual lots that are not part of a larger common plan is limited to adjacent wetlands lacking a surface connection to other waters of the US (i.e. isolated wetlands less than 1 acre in size).
2. The use of multiple NWPs on one tract or land parcel is not approved in the coastal zone without SCDHEC-OCRM concurrence.
3. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. **WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants.** The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.
4. A one-day newspaper notice in accordance with the provisions of the S.C. Coastal Zone Management Program, Chapter V C. 1. A., Notice of Certification must be included.

Nationwide Permit Number 30: Moist Soil Management for Wildlife

Conditions for the 401 Water Quality Certification:

1. All alterations must take place on the dikes or water control structures, etc., or within an existing functional impoundment or the activity must be undertaken to construct firebreaks for wildfire control and management.

Nationwide Permit Number 37: Emergency Watershed Protection and Rehabilitation

Conditions for the 401 Water Quality Certification:

1. Within 30 days of initiation of the activity, the permittee must submit a restoration/mitigation plan and schedule for all impacts to special aquatic sites, including wetlands.

Nationwide Permit Number 39: Commercial, and Institutional Developments

Conditions for the 401 Water Quality Certification:

1. A compensatory mitigation plan must be submitted and approved by the SCDHEC for projects with impacts exceeding 0.10-acre or 300 linear feet.
2. In order to properly assess cumulative impacts, projects accessing large tracts under single ownership must include a description of all related project impacts that may result from the road construction and provide an overall project plan. The plan must include an identification of all water resource impacts/activities, drainage patterns, conceptual development plans, and a compensation plan, if required in the above conditions.
3. Stream channelization or use of the permit in perennial streams is not certified under this NWP and will require separate approval through SCDHEC's individual certification process.
4. Sedimentation/sediment ponds in special aquatic sites, including wetlands, are not certified under this NWP.
5. If the 300 linear feet limitation is waived by District Engineer, impacts to intermittent and ephemeral stream authorized under this NWP may not exceed 500 linear.

Regional Conditions of the Coastal Zone Consistency Certification:

Provided all the conditions of the 401 Water Quality Certification, plus the following conditions, are included as Regional Conditions, the NWP will be consistent with the S.C. Coastal Zone Management Program.

1. The use of multiple NWPs on one tract or land parcel is not approved in the coastal zone without SCDHEC-OCRM concurrence.
2. For all projects, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. **WMP policies also include the preservation of all wetlands not proposed to be impacted through approved restrictive covenants.** The plan must include an identification of all wetlands, all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.
3. A one-day newspaper notice in accordance with the provisions of the S.C. Coastal Zone Management Program, Chapter V C. 1. A., Notice of Certification must be included.

Nationwide Permit Number 42: Recreational Facilities

Conditions for the 401 Water Quality Certification:

1. This NWP must be limited to nature trails/horse trails, bike paths, and small bridges or walkways. These activities must be a maximum of 8' wide and involve hand clearing only. Golf courses, ski areas, buildings, and campgrounds are not approved.
2. If the 300 linear feet limitation is waived by District Engineer, impacts to intermittent and ephemeral stream authorized under this NWP may not exceed 500 linear.

Nationwide Permit Number 43 Stormwater Management Facilities

Conditions for the 401 Water Quality Certification:

1. A compensatory mitigation plan must be submitted and approved by the SCDHEC for projects with impacts

exceeding 0.10-acre or 300 linear feet.

2. Activities authorized by this certification are limited to maintenance of existing facilities, such as stormwater ponds, detention and retention basins, water control structures, outfall structures, emergency spillways, and existing ponds that are proposed for use as water quantity or volume control. This NWP cannot be used for existing ponds that are proposed to be converted into water quality treatment facilities such as sediment basins, sediment traps, or other similar structures.

3. Impacts for the repair, maintenance, or conversion of existing ponds for use as quantity or volume control can be permitted under this NWP.

4. If the 300 linear feet limitation is waived by District Engineer, impacts to intermittent and ephemeral stream authorized under this NWP may not exceed 500 linear.

Nationwide Permit Number 44: Mining Activities

Conditions for the 401 Water Quality Certification:

1. If the project involves fill in greater than 500 linear feet of stream, the project will not be certified under this NWP and will require separate approval through SCDHEC's individual certification process.

2. An applicant may relocate up to 500 linear feet of a stream provided the channel profile and sinuosity of the relocated stream approximates the original profile.

3. A compensatory mitigation plan must be submitted and approved by the SCDHEC for projects with impacts exceeding 0.10-acre or 300 linear feet.