OPNAV 5216/144A (Rev. 8-81)
S/N 0107-LF-052-2320

DEPARTMENT OF THE NAVY

Memorandum

6280/5
FAC

DATE: 03 JUN 1986

FROM: Assistant Chief of Staff, Facilities, Marine Corps Base, Camp Lejeune

TO: Public Works Officer

SUBJ: U. S. CORPS OF ENGINEERS PERMIT APPROVAL

Ref: (a) Contract No's. 86-B-5504 and 5505: Cable Crossings to Onslow Beach 404

(b) Contract No 84-B-7900, Salt Water Pumping System, Courthouse Bay 405

Encl: (1) U.S. Corps of Engineers ltr, SAWCO-EP, dtd 20 May 86, w/encl
(2) U.S. Corps of Engineers ltr, SAWCO-EP, dtd 15 May 86

1. Request the conditions of the subject approval shown on the enclosures be incorporated into referenced construction projects. Please refer any difficulties encountered in meeting the conditions of the approved permit to Mr. Bob Alexander, MCB Environmental Engineer at extension 3034/35.

T. J. Dalzell

T. J. DALZELL

Copy to:
BMO
CEO
NREAD
EnvEngr

☆U.S. GOVERNMENT PRINTING OFFICE: 1985 — 505-012/18049

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

IN REPLY REFER TO

SAWCO-EP

15 May 1986

SUBJECT: General Permit No. SAWC078-N-019-0056

Commanding General
Marine Corps Base
Camp Lejeune, NC 28542-5001

1. Thank you for your inquiry of 5 May 1986 regarding your plans to construct a 60-foot-long, 6-foot-wide pile-supported pier off Courthouse Bay at the Utilities Instruction Facility in Camp Lejeune, Onslow County, North Carolina.

2. On 24 June 1982, we issued general permit No. SAWC078-N-019-0056 (enclosed) that authorizes the maintenance, repair, construction, and installation of piers, docks, boathouses, mooring pilings, and wooden jetties in North Carolina.

3. Your proposed work is authorized if you can comply with all permit conditions. Please read the enclosed permit to prevent an unintentional violation of Federal law. As this Department of the Army general permit does not relieve you of the responsibility to obtain any other required approvals, you should contact appropriate State and local agencies before beginning work.

4. If you have questions, contact Mr. Hugh Heine, Regulatory Branch, telephone (919) 343-4725, FTS 671-4725.

FOR THE COMMANDER:

Clifford Bruinsma
for CHARLES W. HOLLIS
Chief, Regulatory Branch

Encl

CF (wo/encl):
Mr. John Parker
Division of Coastal Management
North Carolina Department of Natural
Resources and Community Development
Post Office Box 27687
Raleigh, NC 28557

Mr. James Mercer
Morehead City Regional Office
North Carolina Division
of Coastal Management
Post Office Box 769
Morehead City, NC 28557

Application No. SAWC078-N-019-0056
Name of Applicant: General Permit
Effective Date: 24 June 1982
Expiration Date: 31 December 1987

DEPARTMENT OF THE ARMY
GENERAL PERMIT

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

District Engineer
US Army Engineer District, Wilmington
Corps of Engineers
PO Box 1890
Wilmington, NC 28402

TO MAINTAIN, REPAIR, CONSTRUCT, AND INSTALL PIERS, DOCKS, BOATHOUSES, MOORING PILINGS AND WOODEN JETTIES IN THE WILMINGTON, NORTH CAROLINA, US ARMY ENGINEER DISTRICT.

I. General Conditions

a. Structures authorized by the general permit shall be simple piers, docks, boathouses, mooring pilings or wooden jetties conforming to the standards contained herein. The piers, docks, and boathouses herein authorized shall be open pile or floating facilities. Jetties herein authorized must be constructed of wood. Other construction activities of any kind including excavation or filling are not authorized.

b. Individuals must agree to make every reasonable effort to prosecute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife and natural environmental values.

c. Individuals must agree to prosecute the work authorized herein in a manner so as to minimize any degradation of water quality.

d. Individuals shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.

e. A structure owner shall maintain the pier, dock, boathouse, mooring pilings or wooden jetties authorized herein in a condition such that it does not present a hazard to navigation.

f. This general permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of Federal, State or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

g. This general permit does not authorize the interference with any existing or proposed Federal project and the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

h. This general permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative(s) determines that such action would be in the best public interest. Unless subject to modification, suspension or revocation, the term of this general permit shall be 5 years.

i. Any modifications, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

j. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

k. If the display of lights and signals on any structure authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the structure owner.

l. There shall be no unreasonable interference with navigation by the existence or use of piers, docks, boathouses, mooring pilings, or wooden jetties authorized herein.

m. If and when a structure owner desires to abandon an authorized pier, dock, boathouse, mooring piling, or wooden jetties unless such abandonment is part of a transfer procedure by which the individual is transferring ownership of the structure, he may be required to remove the structure so as to eliminate any hazard to navigation.

n. Structure owners are advised of the possibility that piers, docks, boathouses, mooring pilings, and wooden jetties may be subject to wave wash from passing vessels. The issuance of this general permit does not relieve structure owners from taking all proper steps to insure the integrity of their structure permitted hereby and the safety of boats moored thereto from damage by wave wash and the structure owners shall not hold the United States liable for any such damage.

o. A structure owner upon receipt of a notice from the District Engineer of failure to comply with the terms, conditions, or standards of this general permit shall, within 60 days without expense to the United States and in such manner as the Secretary of the Army or his authorized representative(s) may direct, effect compliance with terms, conditions, and standards or remove his structure.

p. This general permit relates only to simple docks, boathouses, mooring pilings, and wooden jetties and does not convey the right to place any closed structure or structures for any nonwater-related use on or adjacent to the pier, dock, boathouse, mooring piling, or wooden jetty without prior Federal authorization. The location of fueling facilities on piers, docks, boathouses, mooring pilings, or wooden jetties is not authorized by this general permit.

q. Portions of the area covered by the general permit are on lands subject to an easement in favor of the United States for the operation, maintenance, improvement, and enlargement of the Atlantic Intracoastal Waterway. Accordingly, as a condition of this permit, the permittee having property within the easement understands and agrees that he will be required to remove any structure and improvements at his own expense in the event that, in the judgment of the US Army Corps of Engineers acting on behalf of the United States, said lands are needed at any time for any purpose within the scope of said easement.

r. This general permit will not be applicable to proposed construction when the District Engineer believes that authorization may be warranted but that the proposed activity might significantly affect the quality of the human environment.

s. This general permit will not be applicable to proposed construction when the District Engineer determines after any necessary investigations that the proposed activity would adversely affect areas which possess historic, cultural, scenic, conservation, or recreational values. Application of this exemption applies to:

(1) Rivers named in Section 3 of the Wild and Scenic Rivers Act (15 U.S.C. 1273), those proposed for inclusion as provided by Sections 4 and 5 of the Act, and wild, scenic, and recreational rivers established by State and local entities.

(2) Historic, cultural, or archeological sites listed in or eligible for inclusion in the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 and its codified regulations and in the National Historic Preservation Amendments Act of 1980.

(3) Sites included in or determined eligible for listing in the National Registry of Natural Landmarks.

(4) Endangered or threatened species or habitat of such species as determined by the Secretaries of the Interior or Commerce and conserved in accordance with the Endangered Species Act (16 U.S.C. 1531).

t. At his discretion, the District Engineer may determine that this general permit will not be applicable to a specific construction proposal. In such case, the procedure for processing an individual permit in accordance with 33 CFR 325 will be available.

II. Special Conditions

a. Decking of piers, docks, and boathouses must be of adequate construction to accommodate loads of 50 pounds per square foot of floor area.

b. Wood used in construction of structures must be creosoted or pressure-treated (this condition is not applicable to those portions of boathouses protected from weather).

c. Metal pilings or beams which may be used shall have a minimum section thickness of 3/16 inch.

d. Boathouses shall have open sides and cover a maximum floor area of 500 square feet.

e. For all new or replacement floating facilities, flotation units shall be constructed of material which will not become waterlogged or sink when punctured.

f. Each floating platform must be safely and securely fastened in such a manner as to not break loose and to adequately accommodate for fluctuations of the water level.

g. Piers, docks, boathouses, and mooring pilings authorized by this general permit may extend or be located up to 400 feet from the mean high water contour line or to the minus 4-foot mean low water (MLW) contour line of the waterbody, whichever is closer to shore (distance in relation to average waterline (AWL) in non-tidal areas). Wooden jetties shall not extend farther than 100 feet waterward of the mean high water contour line or the average waterline.

h. The width of a pier or dock will not exceed 6 feet. Any "L" or "T" sections constructed as part of a pier or dock shall not cover a total area greater than 500 square feet.

i. Piers, docks, boathouses, mooring pilings, and wooden jetties are to be constructed or installed no closer than 85 feet to the near bottom edge of any federally maintained navigation channel.

j. Piers, docks, boathouses, mooring pilings, and wooden jetties shall not be constructed or installed across or into any natural or manmade channel or waterbody so as to adversely affect the use of the area by the public.

k. This general permit is not applicable on ocean beaches.

l. This general permit does not apply to structures intended or used for the docking of commercial fishing vessels or other large commercial use vessels.

m. This general permit does not apply to structures within existing or proposed marinas as defined by N.C. Administrative Code, Title 15, Subchapter 7H.0208(b)(5).

for ROBERT K. HUGHES
Colonel, Corps of Engineers
District Engineer

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

IN REPLY REFER TO
SAWCO-EP

20 May 1986

SUBJECT: General Permit No. SAWC081-N-000-0049 and File No. SAWC086-N-067-0302

Commanding General
Marine Corps Base
Camp Lejeune, NC 29542-5001

1. Thank you for your inquiry of 12 May 1986 regarding your plans to replace two underground cables across the Atlantic Intracoastal Waterway at Onslow Beach, Camp Lejeune, Onslow, County, North Carolina.

2. On 2 December 1985 we issued general permit No. SAWC081-N-000-0049 (enclosure 1) that authorizes the installation of aerial and subaqueous utility lines with attendant structures to span navigable waters of the United States in North Carolina.

3. Your proposed work is authorized if you can comply with all permit conditions. Special attention should be given to conditions q. and r. which states:

q. This general permit does not authorize the stockpiling of excavated materials, bedding materials or road fills in navigable water of the United States. Materials excavated from a subaqueous trench in navigable waters of the United States must be stockpiled on an adequate barge or removed to high ground by an acceptable means.

r. Subaqueous utility lines will be installed at a minimum depth of 6 feet below the authorized depth where such lines cross federally authorized channels. In other areas where subaqueous lines are subject to interfer with navigation, they will be installed at a minimum of 2 feet below the bottom contour.

4. Please read the enclosed permit to prevent an unintentional violation of Federal law. As this Department of the Army general permit does not relieve you of the responsibility to obtain any other required approvals, you should contact appropriate State and local agencies before beginning work.

SAWCO-EP
SUBJECT: General permit No. SAWC081-N-000-0049 and File No. SAWC086-N-067-0302

5. If you have questions, contact Mr. Hugh Heine, Regulatory Branch, telephone (919) 343-4725.

FOR THE COMMANDER:

Clifford Wenfordum

Encl

CHARLES W. HOLLIS
Chief, Regulatory Branch

CF (w/o encl):

Mr. James Mercer
Morehead City Regional Office
North Carolina Division
of Coastal Management
Post Office Box 769
Morehead City, NC 28557

CF (w/cy of plans):

NOAA
National Ocean Survey
Marine Chart Branch
N/CG 2222
Rockville, MD 20852

Director, Atlantic Marine Center
National Ocean Survey, NOAA
439 West York Street
ATTN: CAM04
Norfolk, VA 23510

Application No. SAWC081-N-000-0049
Name of Applicant: General Permit
Effective Date: 2 December 1982
Expiration Date: 31 December 1987

DEPARTMENT OF THE ARMY
GENERAL PERMIT

A general permit to perform work in or affecting navigable waters and waters of the United States upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 3 March 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
US Army Engineer District, Wilmington
Corps of Engineers
PO Box 1890
Wilmington, NC 28402

to authorize the INSTALLATION OF AERIAL AND SUBAQUEOUS UTILITY LINES WITH ATTENDANT STRUCTURES TO SPAN NAVIGABL WATERS OF THE UNITED STATES (SECTION 10) AND THE DISCHARGE OF EXCAVATED OR FILL MATERIALS INTO A CONSTRUCTION CORRIDOR ASSOCIATED WITH UTILITY LINE INSTALLATION WITHIN WATERS OF THE UNITED STATES (SECTION 404) IN THE U.S. Army Engineer District, Wilmington.

Utility lines for the purpose of this general permit are any pipes or pipelines for the transportation of any gaseous, liquid, liquifiable or slurry substance, for any purpose, and any cable, line or wire for the transmission, for any purpose, of electrical energy, telephone telegraph messages, and radio and television communication. A construction corridor is an area not to exceed 20 feet wide along or within which a utility line is to be installed. Authorized fills in this area are temporary and include materials excavated from trenches or footings, backfill or bedding materials and materials for access or construction roads.

I. Conditions:

a. All activities identified and authorized by this general permit must be consistent with the terms and conditions of this authorization. Any activity accomplished but not specifically identified and authorized herein, may constitute a violation of Federal statute and result in legal proceedings as may be considered appropriate by the United States Government.

b. To install a utility line under the authority of this general permit, one must submit a written description of work with appropriate drawings to the District Engineer. When received, it will immediately be assigned an identification number and its receipt will be acknowledged. The District Engineer will examine the application to determine the applicability of this general permit. If the proposal satisfies general permit requirements, the District Engineer will so inform the permittee by letter which may contain specific conditions as to reasonably assure that the work will will cause minimal impacts on resources in the area. A copy of such letter with approved drawings will be furnished to the Atlantic Marine Center, National Ocean Survey, NOAA, Norfolk, Virginia.

c. This general permit authorizes the necessary excavation and the placement of dredged or fill material as backfill or bedding for utility lines in navigable waters of the United States subject to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and the temporary placement of materials in wetlands resulting from trench excavation, stockpiling of backfill and/or bedding, and/or work road construction subject to

Section 404 of the Clean Water Act (33 U.S.C. 1344). The discharge of dredged or fill material as backfill or bedding for utility line crossings, as regulated by Section 404 of the Clean Water Act, (33 U.S.C. 1344) has been permitted by regulation, 33 CFR 323.4-3(a)(1). Authorization provided by that regulation and that available under this general permit are subject to the following conditions.

(1) There must be no resultant change in preconstruction bottom contours in open water areas or preconstruction natural ground elevation in other wetlands. Authorized fill includes only the material temporarily placed in wetlands as a result of trench excavation, the material used to construct a temporary work road, and/or that necessary to backfill or bed the utility line. Any excess material must be removed to an upland disposal area.

(2) The utility line crossing will not adversely affect a public water supply intake.

(3) The utility line route will avoid areas of concentrated shellfish production and submerged beds of vascular aquatic vegetation.

(4) The utility line route or construction methods will not destroy threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

(5) The utility line route or construction method will not disrupt the movement of those species of aquatic life indigenous to the waterbody.

(6) Bedding, backfill, and roadway fill will consist of suitable material free from toxic pollutants in other than trace quantities.

(7) Utility line crossings will not occur in a component of the National Wild and Scenic River System or in a component of a State wild and scenic river system.

(8) Material placed in wetlands will:

(a) be confined within a maximum corridor width of 20 feet.

(b) be maintained for a minimum period of time to commence immediately preceeding line installation and to be removed immediately following completion of installation. Total time in place will not exceed 6 months.

(c) be stabilized by silt curtains or other appropriate erosion control measures to prevent movement of material into adjacent waters or wetlands.

d. Every reasonable effort must be made to prosecute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife, and natural environmental values.

e. The work authorized herein must be accomplished in a manner so as to minimize any degradation of water quality.

f. The District Engineer or his representative shall be permitted to make periodic inspections at any time deemed necessary in order to assure that the activity is being performed in strict accordance with the terms and conditons of this general permit.

g. Any structure authorized by this general permit will be maintained in good condition and in accordance with approved plans and drawings.

h. This general permit does not convey any rights, either in real estate or material, or any exlusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of Federal, State or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

i. Authorization provided by this general permit may be either modified, suspended, or revoked in whole or in part if the District Engineer, acting on behalf of the Secretary of the Army, determines that such action would be in the best public interest. Unless subject to modification, suspension, or revocation, the term of this general permit shall be 5 years. Any modification, suspension, or revocation of authorization shall not be the basis for any claim for damages against the US Government.

j. If subsequent to performance of the work should any information and/or data furnished by the applicant prove to be false, incomplete, or inaccurate, the authorization may be modified, suspended, or revoked in whole or in part, and/or the US Government may institute appropriate legal proceedings.

k. There will be no unreasonable interference with navigation or the right of the public to riparian access by the existence or use of the activities authorized by this general permit.

l. Upon receipt of written notice from the District Engineer of failure to comply with the terms and conditions of this general permit, the owner of the utility line shall, within 60 days, without expense to the US Government and in such manner as the District Engineer may direct, effect compliance with the terms and conditons or return the worksite to a prework condition.

m. This general permit does not authorize the interference with any existing or proposed Federal project and the permittee shall not be entitiled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

n. All activities authorized by this general permit shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, pretreatment standards, and management practices established pursuant to the Clean Water Act (33 U.S.C. 1344), the Marine Protection, Research Sanctuaries Act (33 U.S.C. 1413), and pursuant to applicable State and local laws. To assure preservation of water quality, the permittee, if required to do so, must apply for and obtain a Water Quality Certification from the N.C. Division of Environmental Management in accordance with Section 401 of the Clean Water Act.

o. Work sited in or adjacent to shrimp nursery areas or areas subject to anadromous fish spawning runs will not be accomplished under the authority of this general permit without the approval of the NC Division of Marine Fisheries.

p. Equipment operating in navigable waters of the United States must work from a floating barge or wooden mats. Fill roadways and excavated barge canals adjacent to or extending waterward of the mean or normal high water elevation contour are not authorized by this general permit. An individual permit would have to be obtained to authorize such work.

q. This general permit does not authorize the stockpiling of excavated materials, bedding materials, or road fills in navigable waters of the United States or in designated trout waters of the State of North Carolina. Materials excavated from a subaqueous trench in navigable waters of the United States must be stockpiled on an adequate barge or removed to high ground by an acceptable means. In open water areas other than navigable waters of the United States or designated trout waters:

(1) Road fills must be constructed of nonerodable materials.

(2) Road fills must not span more than one-half of open water area at any one time.

r. Subaqueous utility lines will be installed at a minimum depth of 6 feet below the authorized depth where such lines cross Federally authorized channels. In other areas where subaqueous lines are subject to interfere with navigation, they will be installed at a minimum depth of 2 feet below the bottom contour.

s. The minimum clearance for aerial communication lines, or any lines not transmitting electrical power, will be 10 feet above the clearance required for bridges in the vicinity as established by the U.S. Coast Guard.

t. The minimum clearance for aerial electrical power transmission lines will be governed by the system voltage as shown below.

Nominal System Voltage, Kilovolt	Minimum Clearance Above Bridge Clearance (As Established by U.S. Coast Guard)
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750 to 765	45

u. The clearances for aerial lines are based on the low point of the line under conditions which produce the greatest sag, taking into consideration temperature, load, wind, length or span, and the type of supports.

v. The District Engineer reserves the right to require that subaqueous utility lines be placed at greater depths and aerial lines be placed at greater heights if the public interest so indicates.

w. This general permit does not apply to utility lines that are a part of a water power project. Federal authorization for such lines must be obtained from the U.S. Department of Energy.

2. Exemptions:

a. This general permit will not be applicable to proposed construction when the District Engineer beleives that authorization may be warranted but that the proposed activity would significantly affect the quality of the human environment and determines that an Environmental Impact Statement (EIS) must be prepared.

b. This general permit will not be applicable to proposed construction when the District Engineer determines that the proposed activity would adversely affect areas which possess recognized historic, cultural, scenic, conservation, or recreational values. Application of this exemption applies to:

(1) Rivers named in Section 3 of the Wild and Scenic Rivers Act (15 U.S.C. 1273), those proposed for inclusion as provided by Sections 4 and 5 of the Act, and wild, scenic, and recreational rivers established by State and local entities.

(2) Historic, cultural, or archaeological sites listed in or eligible for inclusion in the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 and its codified regulations.

(3) Sites included in or determined eligible for listing in the National Registry of Natural Landmarks.

(4) Endangered or threatened species or habitat of such species as determined by the Secretaries of Interior or Commerce and conserved in accordance with the Endangered Species Act (16 U.S.C. 1531).

(5) This general permit will not be applicable to construction when the District Engineer determines that alternative alignments, not involving wetland filling, are both available and practicable.

(6) At his discretion, the District Engineer may determine that this general permit will not be applicable to a specific proposal. In such case, the procedure for processing an individual permit in accordance with 33 CFR 325 will be required.

BY AUTHORITY OF THE SECRETARY OF THE ARMY

A. A. KOPCSAK
LTC, CE
DEP DIST ENGR

ROBERT K. HUGHES
Colonel, Corps of Engineers
District Engineer