



REPLY TO  
ATTENTION OF:

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

**CESAM-RD**

**March 16, 2017**

**SPECIAL PUBLIC NOTICE FOR FEDERAL REGISTER NOTICE  
ANNOUNCING THE REISSUANCE OF THE NATIONWIDE PERMITS**

On January 6, 2017, the U.S. Army Corps of Engineers (Corps) published the notice in the Federal Register announcing the reissuance of all 50 existing nationwide permits (NWP), general conditions, and definitions with some modifications. The Corps also issued two new NWPs, one new general condition, and five new definitions. The 2017 NWPs will go into effect on March 19, 2017, and will expire on March 18, 2022.

With the publication of this Federal Register notice, Corps districts were directed to begin finalizing any regional conditions needed to provide additional protection for the aquatic environment and help ensure that the NWP's authorize only those activities with no more than minimal adverse environmental effects. After careful consideration, the South Atlantic Division and the Great Lakes and Ohio River Division Engineers have concluded that regional conditions are not necessary to ensure the NWP's authorize activities that will result in no more than minimal individual or cumulative adverse environmental effects within the State of Alabama.

The publication of this Federal Register notice began the 60-day period for the Alabama Department of Environmental Management (ADEM) to complete their water quality certification (WQC) processes for the NWPs. This Federal Register notice also began the 90-day period for the ADEM, Alabama Coastal Area Management Program (ACAMP), to complete their Coastal Zone Management Act (CZMA) consistency determination processes.

On January 30, 2017, the ADEM issued their conditioned WQC in accordance with the provisions of Section 401 of the Federal Clean Water Act, as amended. On March 6, 2017, the ADEM, Alabama Coastal Area Management Program (ACAMP) issued their conditioned CZMA concurrence with the Mobile District's consistency determination. A copy of the WQC certification and CZM concurrence are attached.

The January 6, 2017, Federal Register notice is available for viewing at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx>. As an alternative, interested parties can access the January 6, 2017, final rule that was published in the Federal Register through the U.S. Government Printing Office at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>.

The Corps Headquarters has issued final decision documents for the reissued and new NWPs. These documents are available at [www.regulations.gov](http://www.regulations.gov) at docket number COE-2015-0017. The national NWP decision documents have been supplemented by the Division Engineers' decision documents which conclude that regional conditions are not necessary to ensure the NWP's authorize activities that will result in no more than minimal individual or cumulative adverse environmental effects within the State of Alabama.

Enclosures

**MOBILE DISTRICT**  
**U.S. Army Corps of Engineers**



Alabama Department of Environmental Management  
adem.alabama.gov

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

January 30, 2017

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

RE: Clean Water Act (CWA) Section 401 Water Quality Certification (WQC), U.S. Army Corps of Engineers (COE) Proposed 2017 Reissuance of Alabama Nationwide Permits (ALNWP) For Activities Within the State of Alabama With Minimal Individual And Cumulative Adverse Impacts On The Aquatic Environment, January 6, 2017 CESAM-RD, SAM-2016-00407-MBM

Dear Colonel DeLapp:

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

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
8. Oil and Gas Structures on the Outer Continental Shelf
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Response Operations for Oil or Hazardous Substances
21. Surface Coal Mining Activities
22. Removal of Vessels
23. Approved Categorical Exclusions
24. Indian Tribe or State Administered Section 404 Programs
25. Structural Discharges
26. [Reserved]
27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities



28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities
32. Completed Enforcement Actions
33. Temporary Construction, Access, and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities
45. Repair of Uplands Damaged by Discrete Events
46. Discharges in Ditches
47. [Reserved]
48. Commercial Shellfish Aquaculture Activities
49. Coal Remining Activities
50. Underground Coal Mining Activities
51. Land-Based Renewable Energy Generation Facilities
52. Water-Based Renewable Energy Generation Pilot Projects
53. Removal of Low-Head Dams
54. Living Shorelines

Because action pertinent to WQC is required by Section 401(a)(1) of the CWA, 33 U.S.C. Section 1251, et seq., we hereby issue certification until **March 18, 2022**, that there is reasonable assurance that the discharge resulting from the proposed activities as submitted will not violate applicable water quality standards established under Section 303 of the CWA and Title 22, Section 22-22-9(g), Code of Alabama, 1975, provided the applicant acts in accordance with the following conditions as specified. We further certify that there are no applicable effluent limitations under Sections 301 and 302 nor applicable standards under Sections 306 and 307 of the CWA in regard to the activities specified.

To minimize adverse impacts to State waters, by copy of this letter we are requesting the Mobile District Corps of Engineers to incorporate the following as special conditions appropriate to each activity in Alabama authorized by the COE NWP:

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

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

3. Upon the loss or failure of any treatment facility, Best Management Practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
4. The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide ADEM with a copy of any record/information required to be retained by this paragraph.
5. The applicant shall conduct or have conducted, at a minimum, weekly comprehensive site inspections until completion of the proposed activity to ensure that effective BMPs are properly designed, implemented, and regularly maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality.
6. The applicant shall implement a project-specific or a detailed general BMP Plan prepared by an ADEM recognized qualified credentialed professional (QCP) applicable to and commensurate with activities of the type proposed. Effective BMPs shall be implemented and continually maintained for the prevention and control of turbidity, sediment, and other sources of pollutants, including measures to ensure permanent revegetation or cover of all disturbed areas, during and after project implementation.
7. The applicant shall implement a Spill Prevention Control and Countermeasures (SPCC) Plan for all temporary and permanent onsite fuel or chemical storage tanks or facilities consistent with the requirements of ADEM Admin. Code R. 335-6-6-.12(r), Section 311 of the Federal Water Pollution Control Act, and 40 CFR Part 112. The applicant shall maintain onsite or have readily available sufficient oil & grease absorbing material and flotation booms to contain and clean-up fuel or chemical spills and leaks. The applicant shall immediately notify ADEM after becoming aware of a significant visible oil sheen in the vicinity of the proposed activity. In the event of a spill with the potential to impact groundwater or other waters of the State, the applicant should immediately call the National Response Center at 1-800-424-8802 and the Alabama Emergency Management Agency at 1-800-843-0699. The caller should be prepared to report the name, address and telephone number of person reporting spill, the exact location of the spill, the company name and location, the material spilled, the estimated quantity, the source of spill, the cause of the spill, the nearest downstream water with the potential to receive the spill, and the actions taken for containment and cleanup.
8. Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the Alabama 303(d) list, a total maximum daily load (TMDL) has been finalized for the waterbody, and/or the waterbody is otherwise considered a Tier 1 water pursuant to ADEM Admin. Code Ch. 335-6-10]. The applicant

shall inspect all BMPs as often as is necessary (daily if needed) for effectiveness, need for maintenance, and the need to implement additional, effective BMPs. Additional effective BMPs shall immediately be implemented as needed to ensure full compliance with ADEM requirements and the protection of water quality in the impaired waterbody.

9. All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collection and control of onsite worker toilet wastes or gray waste waters (i.e. port-o-let, shower washdown, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
10. All materials used as fill, or materials used for construction of structures in a waterbody, must be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris. This requirement does not preclude the use of construction materials authorized by the COE that are typically utilized in marine or other aquatic applications.
11. The applicant shall implement appropriate measures to minimize the potential for a decrease of instream dissolved oxygen concentrations as a result of project implementation. In addition, the applicant shall ensure that the activities authorized by this certification do not significantly contribute to or cause a violation of applicable water quality standards for instream dissolved oxygen.
12. The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.
13. The applicant shall evaluate, characterize, and as necessary, conduct regular analysis of any material proposed to be dredged/removed/disturbed in order to ensure that potential pollutants are not present in concentrations that could cause or contribute to a violation of applicable water quality standards. Information regarding the evaluation, characterization, or detailed results of any analyses shall be made available to ADEM upon request.
14. If upland disposal areas are utilized, the applicant shall be responsible for the condition of the disposal area, including the structural integrity of any embankments, until the disposal area is permanently reclaimed or adequately stabilized, to ensure that sediment and/or turbidity in the return water and/or stormwater runoff will not cause substantial visible contrast with the receiving waters, or result in an increase of 50 NTUs above background turbidity levels in the receiving waters.
15. For proposed activities associated with new or updated docks, marinas, multiple boat slips, floating docks, large or multiple piers, etc. or that increase the number of berthing areas, the applicant shall ensure that these facilities are equipped with appurtenances (i.e. trash receptacles, receptacles for fish offal and carcasses, SPCC for fueling facilities, and a sewage pump out system where appropriate) as needed to protect water quality.
16. The applicant is encouraged to consider additional pollution prevention practices, low impact development (LID), and other alternatives to assist in complying with applicable regulatory

requirements and possible reduction/elimination of pollutant discharges. LID is an approach to land development or re-development that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. There are many practices that have been used to implement these sustainable ideas such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed.

17. The applicant is encouraged to consider and implement a site design plan/strategy for post-construction hydrology to mimic pre-construction hydrology to the extent feasible, and for post-construction stormwater runoff peak flows and total stormwater volume to minimize potential downstream channel and stream bank erosion.
18. In recognition that projects are site specific in nature and conditions can change during project implementation, ADEM reserves the right to require the submission of additional information or require additional management measures to be implemented, as necessary on a case-by-case basis, in order to ensure the protection of water quality. Liability and responsibility for compliance with this certification are not delegable by contract or otherwise. The applicant shall ensure that any agent, contractor, subcontractor, or other person employed by, under contract, or paid a salary by the applicant complies with this certification. Any violations resulting from the actions of such person may be considered violations of this certification.
19. Issuance of a certification by ADEM neither precludes nor negates an operator/owner's responsibility or liability to apply for, obtain, or comply with other ADEM, federal, state, or local government permits, certifications, licenses, or other approvals. This certification does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations, and in no way purports to vest in the applicant title to lands now owned by the State of Alabama, nor shall it be construed as acquiescence by the State of Alabama of lands owned by the State of Alabama that may be in the applicant's possession.

Should you have any questions on this or related matters, please do not hesitate to contact Richard Hulcher, Office of Field Services, by email at [rjh@adem.alabama.gov](mailto:rjh@adem.alabama.gov) or by phone at 334-394-4311.

Sincerely,



Anthony Scott Hughes, Chief  
Field Operations Division

File: WQ401

c: Nashville District COE  
EPA Region IV





Alabama Department of Environmental Management  
adem.alabama.gov

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March 6, 2017

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

RE: U. S. Army Corps of Engineers 2017 Nationwide Permits (NWP) Program  
Mobile District Notice: SAM-2016-00407-MBM  
ADEM Tracking Code: 2016-301-FC-FAA-COE

Dear Colonel DeLapp:

The Alabama Coastal Area Management Program (ACAMP) was developed by the state of Alabama in accordance with the passage and codification of the 1976 Alabama Coastal Area Act (Act No. 534) in order to manage certain land and water activities within the Alabama Coastal Area (Coastal Area). The ACAMP derives authority from Act No. 534 and the 1982 Alabama Environmental Management Act (Act No. 82-612) for the purpose of promoting, improving, and safeguarding the lands and waters located in the Coastal Area of the state through a comprehensive and cooperative program designed to preserve, enhance, and develop such valuable resources for the present and future well-being and general welfare of the citizens of the state. Act No. 534 adheres to the federal rules and regulations established by the Coastal Zone Management Act of 1972, as amended and as such, the ACAMP is a federally-approved coastal program and receives financial benefits in the form of federal grants for its implementation, (*USC 16 §§1451-1466*). The Coastal Area is defined as the area that lies between the continuous 10-foot contour in Mobile and Baldwin counties seaward to the outer limits of the United States territorial sea (*Code of Alabama 1975 §9-7-10(1)*). The 10-foot contour refers to a continuous line on a map joining points of equal elevation above mean sea level.

The ACAMP is implemented by two state agencies: the Alabama Department of Conservation & Natural Resources (ADCNR) and the Alabama Department of Environmental Management (ADEM). ADCNR is responsible for administration, planning, and public engagement functions, while ADEM is responsible for permitting, monitoring, and regulatory functions. Under its regulatory authority, the ADEM reviewed - for consistency with the ACAMP - each of the above referenced new, modified, and reissued NWPs which were advertised in the 06 January 2017 publication of the Federal Register. As a part of its review, the ADEM considered all materials submitted and associated with 2017 NWP program proposal, including comments submitted by the public.

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

**1. Aids to Navigation**

No additional coastal consistency conditions.

**2. Structures in Artificial Canals**

The permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources – State Lands Division (ADCNR-SLD) prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.



**3. Maintenance**

- A. Activities authorized under Nationwide Permit 3 shall not be located in close proximity to existing wetlands, submersed grassbeds, or natural oyster reefs and shall not result in adverse impacts to those resources.
- B. The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.

**4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities**

The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.

**5. Scientific Measurement Devices**

- A. Activities authorized under Nationwide Permit 5 shall not be located in close proximity to existing wetlands, submersed grassbeds, or natural oyster reefs and shall not result in adverse impacts to those resources.
- B. The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.

**6. Survey Activities**

No additional coastal consistency conditions.

**7. Outfall Structures and Associated Intake Structures**

- A. Activities authorized under Nationwide Permit 7 shall not be located in close proximity to existing wetlands, submersed grassbeds, or natural oyster reefs and shall not result in adverse impacts to those resources.
- B. There shall be no placement of new riprap in previously unarmored areas.
- C. There shall be no construction of new outfall and/or intake structures on properties fronting the Gulf of Mexico, Pelican Bay, Weeks Bay, Dauphin Island Audubon Sanctuary, or the Point aux Pines wetland system owned by the Board of Trustees of the University of Alabama.
- D. The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.

**8. Oil and Gas Structures on the Outer Continental Shelf**

No additional coastal consistency conditions.

**9. Structures in Fleeting and Anchorage Areas**

The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.

**11. Temporary Recreational Structures**

The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.

**12. Utility Line Activities**

- A. The permittee shall submit a copy of the Pre-Construction Notification (PCN) required by the Corps to the ADEM Mobile-Coastal office.
- B. Activities authorized under Nationwide Permit 12 shall not be located in close proximity to existing submersed grassbeds or natural oyster reefs and shall not result in adverse impacts to those resources.
- C. The permittee must demonstrate avoidance and minimization of wetland impacts to the maximum extent practicable. Wetland impacts may be considered only after utilization of all available uplands.
- D. The permittee shall undertake restoration of any wetland areas or State waterbottoms temporarily impacted as a result of activities authorized under Nationwide Permit 12. Disturbed areas must be returned to preproject elevations and wetland areas must be revegetated.



- E. The permittee shall provide compensatory mitigation for any authorized permanent wetland impacts and shall submit supporting documentation (e.g. certificate of credit purchase) to the ADEM Mobile-Coastal office for verification.
  - F. The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.
- 14. Linear Transportation Crossings**
- A. The permittee shall submit a copy of the PCN required by the Corps to the ADEM Mobile-Coastal office.
  - B. There shall be no placement of permanent fill in wetlands as part of new construction or expansions of multiple unit residential, commercial, or institutional developments.
  - C. The permittee must demonstrate avoidance and minimization of wetland impacts to the maximum extent practicable. Wetland impacts may be considered only after utilization of all available uplands.
  - D. The permittee shall provide compensatory mitigation for any authorized permanent wetland impacts and shall submit supporting documentation (e.g. certificate of credit purchase) to the ADEM Mobile-Coastal office for verification.
  - E. The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.
- 15. U.S. Coast Guard Approved Bridges**
- The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.
- 16. Return Water from Upland Contained Disposal Areas**
- A. The permittee shall ensure the salinity of return waters from dredge disposal sites is similar to the salinity of the receiving waters.
  - B. The discharge from the upland contained disposal area(s) shall not cause a violation of State water quality standards or applicable conditions of the State Clean Water Act Section 401 Water Quality Certification.
- 17. Hydropower Projects**
- No additional coastal consistency conditions.
- 18. Minor Discharges**
- A. The permittee shall submit a copy of the PCN required by the Corps to the ADEM Mobile-Coastal office. The PCN must include a copy of the legal plat.
  - B. There shall be no dredging or filling of wetlands, except on legally platted lots or parcels in existence on or before 14 August 1979.
  - C. Activities authorized under Nationwide Permit 18 shall not be located in close proximity to existing submersed grassbeds or natural oyster reefs and shall not result in adverse impacts to those resources.
  - D. The permittee must demonstrate avoidance and minimization of wetland impacts to the maximum extent practicable. Wetland impacts may be considered only after utilization of all available uplands.
  - E. The permittee shall provide compensatory mitigation for any authorized permanent wetland impacts and shall submit supporting documentation (e.g. certificate of credit purchase) to the ADEM Mobile-Coastal office for verification.
  - F. The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.
- 19. Minor Dredging**
- A. Activities authorized under Nationwide Permit 19 shall not be located in close proximity to existing wetlands, submersed grassbeds, or natural oyster reefs and shall not result in adverse impacts to those resources.
  - B. Dredging is prohibited in the Gulf of Mexico or Pelican Bay in an area from the ADEM Construction Control Line to a point 1,500 feet seaward of Mean High Tide.

- C. Dredging is prohibited in the Gulf of Mexico in an area from the City of Gulf Shores Construction Control Line to a point 1,500 feet seaward of Mean High Tide.
  - D. Dredged material shall be placed in an upland disposal area and properly contained to prevent re-entering the waterway or wetlands unless specifically authorized by other approved permits or exemptions.
  - E. The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.
- 20. Response Operations for Oil and Hazardous Substances**  
The permittee shall undertake restoration of any wetland areas or State waterbottoms temporarily impacted as a result of activities authorized under Nationwide Permit 20. Disturbed areas must be returned to preproject elevations and wetland areas must be revegetated.
- 22. Removal of Vessels**  
A. The permittee shall undertake restoration of any wetland areas or State waterbottoms temporarily impacted as a result of activities authorized under Nationwide Permit 22. Disturbed areas must be returned to preproject elevations and wetland areas must be revegetated.  
B. Vessel removal related to a catastrophic natural disaster (e.g. hurricane, discrete flooding event, etc.) is not authorized during the time an applicable Temporary State/Regional General Permit for Emergency Vessel Removal related to the natural disaster recovery is in effect.
- 23. Approved Categorical Exclusions**  
No additional coastal consistency conditions.
- 25. Structural Discharges**  
A. Activities authorized under Nationwide Permit 25 shall not be located in close proximity to existing submersed grassbeds or natural oyster reefs and shall not result in adverse impacts to those resources.  
B. The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.
- 27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities**  
A. The permittee shall submit a copy of the PCN required by the Corps to the ADEM Mobile-Coastal office.  
B. There shall be no construction of open water areas in existing wetlands unless the impacted wetland acreage is replaced elsewhere within the restoration, establishment, and/or enhancement project area.  
C. The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.
- 28. Modifications of Existing Marinas**  
A. The permittee shall submit notification to the ADEM Mobile-Coastal office prior to reconfiguration of existing docking facilities at marinas having 10 or more wet slips.  
B. The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.
- 31. Maintenance of Existing Flood Control Facilities**  
No additional coastal consistency conditions.
- 32. Completed Enforcement Actions**  
No additional coastal consistency conditions.
- 33. Temporary Construction, Access and Dewatering**  
No additional coastal consistency conditions.
- 35. Maintenance Dredging of Existing Basins**



- A. Dredged material shall be placed in an upland disposal area and properly contained to prevent re-entering the waterway or wetlands unless specifically authorized by other approved permits or exemptions.
- B. The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.

**36. Boat Ramps**

- A. Activities authorized under Nationwide Permit 36 shall not be located in close proximity to existing wetlands, submersed grassbeds, or natural oyster reefs and shall not result in adverse impacts to those resources.
- B. There shall be no construction of boat ramps on properties fronting the Gulf of Mexico, Pelican Bay, Weeks Bay, Dauphin Island Audubon Sanctuary, or the Point aux Pines wetland system owned by the Board of Trustees of the University of Alabama.
- C. The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.

**37. Emergency Watershed Protection and Rehabilitation**

No additional coastal consistency conditions.

**38. Cleanup of Hazardous and Toxic Waste**

No additional coastal consistency conditions.

**45. Repair of Uplands Damaged by Discrete Events**

- A. Activities authorized under Nationwide Permit 45 shall not be located in close proximity to existing wetlands, submersed grassbeds, or natural oyster reefs and shall not result in adverse impacts to those resources.
- B. The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.

**46. Discharges in Ditches and Canals**

No additional coastal consistency conditions.

**48. Commercial Shellfish Aquaculture Activities**

- A. The permittee shall submit a copy of the PCN required by the Corps to the ADEM Mobile-Coastal office, ADCNR Marine Resources Division, and the ADCNR-SLD.
- B. Activities structures authorized under Nationwide Permit 48 shall not be located in close proximity to existing wetlands, submersed grassbeds, or natural oyster reefs and shall not result in adverse impacts to those resources. The permittee may be required to submit a submersed grassbed survey to the ADEM Mobile-Coastal office prior to commencement of work.
- C. There shall be no placement or addition of fill onto State-Owned Submerged Lands.
- D. The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.

**53. Removal of Low-Head Dams**

- A. The permittee shall submit a copy of the PCN required by the Corps to the ADEM Mobile-Coastal office.
- B. The permittee shall undertake the restoration of any wetland areas or State waterbottoms temporarily impacted as a result of activities authorized under Nationwide Permit 53. Disturbed areas must be restored to preproject elevations and wetland areas must be revegetated.
- C. The permittee shall obtain all appropriate authorizations required by the ADCNR-SLD prior to commencement of activities that would impact or be located over State-Owned Submerged Lands.

Recognizing that projects are site specific in nature and scope and that conditions may change during project implementation, the ADEM reserves the right to require a permittee to submit additional information or require additional management measures to be implemented, as necessary on a case-by-case basis, in order to ensure that

activities authorized under one or more NWP's are being conducted in a manner that protects water quality and coastal resources.

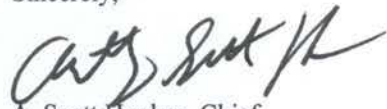
This categorical certification addresses activities which are regulated under the enforceable policies of the ACAMP as codified in ADEM Admin. Code R. 335-8 and does not, in any way, imply that those activities would therefore comply with the requirements of any other jurisdictional entity. This categorical certification does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations, and in no way purport to vest in any applicant title to lands now owned by the State of Alabama nor shall it be construed as acquiescence by the State of Alabama of lands owned by the State that may be in an applicant's possession.

The following NWP's have been found to be inconsistent with the ACAMP and are not authorized for use within the coastal area of Alabama without individual review of the applicant's certification of coastal consistency.

- 10. Mooring Bouys
- 13. Bank Stabilization
- 21. Surface Coal Mining Activities
- 24. Indian Tribe or State Administered Section 404 Programs
- 26. Reserved
- 29. Residential Developments
- 30. Moist Soil Management for Wildlife
- 34. Cranberry Production Activities
- 39. Commercial and Institutional Developments
- 40. Agricultural Activities
- 41. Reshaping Existing Drainage Ditches
- 42. Recreational Facilities
- 43. Stormwater Management Facilities
- 44. Mining Activities
- 47. Reserved
- 49. Coal Remining Activities
- 50. Underground Coal Mining Activities
- 51. Land-Based Renewable Energy Generation Facilities
- 52. Water-Based Renewable Energy Generation Pilot Projects
- 54. Living Shorelines

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

Sincerely,



A. Scott Hughes, Chief  
Field Operations Division

ASH/jsb

cc: Joy Earp, USACE (Sent Via Email Only: [Joy.B.Earp@usace.army.mil](mailto:Joy.B.Earp@usace.army.mil))  
Phillip Hinesley, ADCNR (Sent Via Email Only: [Phillip.Hinesley@dcnr.alabama.gov](mailto:Phillip.Hinesley@dcnr.alabama.gov))