

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

General Permit No. 202400930
Name of Permittee: General Public
Effective Date: Issue date
Expiration Date: 5 years after issue date

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

A RGP to perform work in or affecting navigable waters of the United States (U.S.) 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 Commander
U.S. Army Engineer District, Wilmington
Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

TO AUTHORIZE EXISTING FLOATING CABINS AND ASSOCIATED MAINTENANCE IN CERTAIN TENNESSEE VALLEY AUTHORITY (TVA) RESERVOIRS FOR WHICH THE APPLICANT HAS OBTAINED A VALID TVA 26(a) PERMIT WITHIN THE STATE OF NORTH CAROLINA.

The Tennessee Valley Authority (TVA) manages reservoir shoreline construction activities along or in the Fontana and Hiwassee Reservoirs through issuance of Section 26a permits, which regulate the construction of shoreline structures and other related activities. Section 26a of the TVA Act (16 U.S.C. §§ 831, et seq., as amended) requires that TVA approval be obtained prior to construction, operation or maintenance of any dam, appurtenant works, or other obstruction affecting navigation, flood control, public lands, or reservations across, along or in the Tennessee River or any of its tributaries. TVA administers its Section 26a authority under Part 1304 of Title 18 of the Code of Federal Regulations (C.F.R.). This RGP is designed to avoid duplication with the TVA Section 26a regulatory program.

RGP202400930 authorizes existing floating cabins and associated maintenance activities to said structures which are considered to be minor in nature and would cause only minimal individual and cumulative environmental impacts. All proposals must be in accordance with the guidelines and limitations set forth in the conditions of RGP202400930. Activities not authorized by RGP202400930 and activities that exceed the limitations of the RGP require individual review by the Corps and authorization under another general permit or an individual permit. In addition,

on a case-by-case basis that the concerns for the aquatic environment so indicate, the Wilmington District Commander may exercise discretionary authority to override the RGP and require an individual application and review.

Prior to conducting work under the authority of RGP202400930, a Section 26a permit must first be obtained from TVA.

Activities meeting the terms and conditions of this RGP do not require Notification.

Activities Not Requiring Notification: When TVA completes review of a proposed activity and issues a Section 26a permit for existing floating cabins¹ and associated maintenance on the Fontana and Hiwassee Reservoirs, then the activity is automatically authorized by the Corps pursuant to Section 10 and Section 404 under the authority of RGP202400930.

This RGP authorizes the following work in or affecting navigable waters of the United States and discharges of dredge or fill material into waters of the United States. After work is authorized by this RGP, a Department of the Army individual or general permit must approve any proposed modifications beyond the limitations of the original authorization. Additionally, for any proposal to modify an existing structure to receive authorization under this RGP, both the existing and proposed work must meet the conditions of this RGP.

1. Existing Floating Cabins. Existing Floating Cabins² that are in compliance with TVA regulation 26(a) requirements³ (18 CFR Part 1304 Subpart B) and have obtained a Section 26a permit from TVA. (SECTION 10)
2. Maintenance. The repair and rehabilitation of previously authorized, currently serviceable existing floating cabins⁴. By way of example, these activities may include painting, changing the internal walls within the existing enclosed space, replacing the shingles, siding, electrical wiring, or plumbing, or adding new flotation in compliance with 18 CFR § 1304.400. Repair and maintenance activities shall not modify the dimensions (length, width, and height) of the floating cabin, any external walls, or the enclosed or open space (18 CFR 1304.101(h)(1))⁵. (SECTION 10)
3. This RGP does not authorize dredging or excavation, or the discharge of dredged, excavated, or fill material within Waters of the United States, except for the anchorage of existing floating cabins. All other maintenance, repair, and construction activities within TVA managed reservoirs require authorization under another general permit or individual permit.

¹ Existing floating cabin is defined at 18 CFR § 1304.412, and means a floating cabin that was located or moored on the Tennessee River System as of December 16, 2016.

² Existing floating cabin is defined at 18 CFR § 1304.412, and means a floating cabin that was located or moored on the Tennessee River System as of December 16, 2016.

³ <https://www.tva.com/environment/shoreline-construction-permits/section-26a-regulations>

⁴ Existing floating cabin is defined at 18 CFR § 1304.412, and means a floating cabin that was located or moored on the Tennessee River System as of December 16, 2016.

⁵ [https://www.ecfr.gov/current/title-18/part-1304#p-1304.101\(h\)](https://www.ecfr.gov/current/title-18/part-1304#p-1304.101(h))

Special Conditions

- a. No work shall be performed under the authority of RGP202400930 until the Permittee has received a TVA-issued Section 26a permit for authorized activities. The TVA Section 26a permit application and processing instructions are available on the TVA website, <https://www.tva.gov/Environment/Shoreline-Construction/26a-How-to-Apply>.
- b. The work authorized under this RGP must not cause an adverse impact to navigation and must not interfere with the public's right to free navigation on all navigable waters of the U.S.
- c. Structures may be subject to damage by wave wash from passing vessels. This RGP does not relieve the Permittee from responsibility for taking all proper steps to ensure the integrity of the structures and the safety of boats moored thereto from damage by wave wash. The Permittee shall not hold the United States liable for any such damage.
- d. Authorized work must be completed by the expiration date of the RGP. Work that is authorized by RGP202400930, but that is not completed prior to the expiration date of the RGP, may be authorized by subsequent re-issuance of the RGP, if and when the RGP is re-authorized by the Corps. Permits from other State and Federal agencies may have different expiration dates.
- e. No work or activity is authorized by RGP202400930 that would impact, affect, or otherwise degrade any cultural resources that are listed in or nominated for listing in the National Register of Historic Places. This includes any future sites that become listed or nominated.
- f. If the Permittee or the Permittee's contractors discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by the RGP, the Corps shall be immediately notified. The Permittee is also responsible for compliance with the applicable terms and conditions of the TVA-issued Section 26a permit regarding cultural resources.
- g. The activities authorized by this RGP will not jeopardize a threatened or endangered species as identified under the Endangered Species Act or destroy or adversely modify the critical habitat of such species. If the Permittee or the Permittee's contractors discover any federally listed threatened or endangered species or their habitat while accomplishing work or activities authorized by RGP202400930, the Corps shall be immediately notified. The Permittee is also responsible for compliance with applicable terms and conditions of the TVA-issued Section 26a permit regarding federally listed endangered species. The Permittee agrees to make every reasonable effort to execute the work authorized by RGP202400930 in a manner that minimizes any adverse impact on fish, wildlife, and natural environmental values.
- h. The Permittee shall obtain and comply with all appropriate Federal, State, and local authorizations required for the type of activity authorized by RGP202400930.
- i. The Permittee shall ensure that contractors, subcontractors, and other personnel performing permitted work are aware of the terms and conditions of RGP202400930.
- j. You must install and maintain, at your expense, any safety lights and signals prescribed by the

United States Coast Guard and/or the North Carolina Wildlife Resources Commission, through regulations or otherwise, on your authorized facilities.

k. No structures authorized by this RGP may extend into a federal navigational channel or be used to moor vessels within a federal navigational channel.

l. Section 401 Water Quality Certification: Where a Certifying Agency has determined a Clean Water Act Section 401 water quality certification is required for the activities authorized by this RGP, the RGP authorization is not valid until a project proponent obtains a Clean Water Act Section 401 water quality certification (401 certification) or waiver from the appropriate water quality certifying agency.

m. This RGP 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.

General Conditions

a. The Permittee must maintain the facilities or activities authorized by this RGP in good condition and in compliance with the terms and conditions of this RGP. This RGP may be revoked with written notice if: (a) the structure is not completed in accordance with approved plans; (b) in the Corps' judgment, the structure is not maintained as provided herein or the structure is abandoned; or (c) TVA notifies the Corps that they have revoked Section 26a approval for any reason. If this RGP is revoked, the Permittee may be required to remove the structure within 30 days, at the Permittee's expense.

b. Modification, suspension, or revocation of this RGP shall not be the basis for any claim for damages against the United States.

c. Representatives of the Corps must be allowed to inspect the authorized activity at any time deemed necessary to ensure the work is accomplished in accordance with the terms and conditions of the RGP. It is the Permittee's responsibility to obtain other federal, state, or local approvals required for the work.

d. No attempt shall be made by a Permittee to prevent the full and free use by the public of all navigable waters at or adjacent to an activity authorized by this RGP.

e. If and when a Permittee desires to abandon the activity authorized by this RGP, the Permittee must restore the area to the original condition or a condition satisfactory to the Corps. Other state or federal permitting agencies may have additional restoration requirements.

f. The Permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by waves from passing vessels. The issuance of this RGP does not relieve the Permittee from responsibility for taking all proper steps to ensure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash, and the

Permittee shall not hold the United States liable for such damage.

g. Activities not specified in this RGP or which exceed the limitations of this RGP require prior authorization under a Department of the Army general permit or individual permit from the Corps. In addition, on a case-by-case basis that the concerns for the aquatic environment so indicate, the Wilmington District Engineer may exercise discretionary authority to override the regional permit and require an individual application and review.

h. The District Engineer may, by following the procedures outlined in Corps regulations (33 C.F.R. § 325.7), modify, suspend, or revoke this RGP for an individual activity, a category of activities, or a geographic area if the District Engineer determines it to be in the public interest. The general public would be notified of such action by public notice.

i. If the Secretary of the Army or an authorized representative of the Secretary of the Army determines there has been a violation of the terms and conditions of this RGP, he or she may suspend or revoke the authorization for an individual project under this RGP. In addition, failure to comply with the terms and conditions of this RGP may result in removal of the structures, restoration of the waterway, and imposition of penalties, as provided by law.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Brad A. Morgan, P.E.
Colonel, U.S. Army
District Commander