



**Cube Hydro Carolinas LLC**

Highway 740

PO Box 575

Badin, NC 28009-0575

**NOTIFICATION OF DRAWDOWN HIGH ROCK RESERVOIR  
DECEMBER 1, 2022 – DECEMBER 14, 2022**

September 23, 2022

Dear Permittee:

Cube Hydro Carolinas (Cube Hydro) has scheduled a two-week drawdown of High Rock Lake for December 1, 2022 – December 14, 2022 (weather dependent). The lake will be drawn down over a period of days to a maximum of 8 feet below the full pool elevation provided there are no unforeseen circumstances such as heavy rains, flooding, etc. Real-time lake levels can be monitored on our website at [www.cubecarolinas.com/lake-levels](http://www.cubecarolinas.com/lake-levels) as the date draws near and throughout the draw down period.

The drawdown will provide permittees the opportunity to perform work at private recreational facilities with written permission from Cube Yadkin if the permittee has met all other eligibility requirements as outlined in Cube Hydro's Shoreline Management Plan (SMP).

The drawdown will provide permittees with the opportunity to excavate (in the dry) to obtain the required 6 feet of water depth for private recreational facilities if all other eligibility requirements are met. **Written permission** from Cube Hydro must be obtained before any excavation can be performed. If you wish to apply for an Excavation Permit, please follow the instructions below.

- Read the Department of the Army, Wilmington District, Corps of Engineers (USACOE), General Permit No. 198200030 (GP #30) to ensure the proposed activity meets the activities covered under GP #30 (Enclosed). If not, you will also need to apply for a permit from the USACOE.
- Read the North Carolina Division of Water Resources (NCDWR) 401 Water Quality General Certification #4502 (GC4502) to ensure the proposed activity meets the activities covered under GP #30 and NC GC4502 (Enclosed). If not, you will also need to apply for a permit from the NCDWR.
- Complete and sign the Cube Hydro "Application for Activity Permit for Reservoir and Shoreline Alteration (Excavation)" (Enclosed).
- Submit the completed Cube Hydro application, along with a diagram of the proposed excavation project and the \$200 application processing fee (check made payable to Cube Yadkin Generation) to me at: Cube Hydro, P O Box 575, Badin NC 28009.

Upon receipt of the completed application package, Cube Hydro will review and contact you to schedule an on-site, pre-construction meeting prior to issuing an Excavation Activity Permit. Applications for excavation will be processed in the order received and we ask that all applications be submitted by **November 17, 2022**.

Anyone wishing to perform pier repairs, modifications, or rebuilds during this time may do so by completing the “Application for Modification, Replacement or Repair of Private Recreation Facility” located on our website at [www.cubecarolinas.com/shoreline-management/](http://www.cubecarolinas.com/shoreline-management/) and submitting it with a diagram of proposed work and the appropriate application processing fee (check made payable to Cube Yadkin Generation) to me at: Cube Hydro, PO Box 575, Badin NC 28009.

Please contact me at 704-422-5525 or [karen.baldwin@eaglecreekre.com](mailto:karen.baldwin@eaglecreekre.com) if you have any questions.

Karen Baldwin  
Property Compliance Supervisor

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. 198200030  
Name of Permittee: General Public  
Effective Date: January 1, 2022  
Expiration Date: December 31, 2026

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

A RGP to perform work in or affecting navigable waters of the U.S. and waters of the U.S., 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 renewed and modified by authority of the Secretary of the Army by the

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

TO AUTHORIZE MAINTENANCE, REPAIR AND CONSTRUCTION ACTIVITIES IN LAKES AND RESERVOIRS OWNED, OPERATED AND/OR REGULATED BY PUBLIC UTILITY COMPANIES, THE TENNESSEE VALLEY AUTHORITY (TVA), AND LOCAL GOVERNMENTS IN THE STATE OF NORTH CAROLINA.

These lakes and reservoirs were constructed and exist primarily for the purposes of generating hydroelectric power and/or providing water supply. They were constructed and are operated by public utility companies, local governments, or under laws and regulations administered by the TVA. Activities within these waters are the primary concern of, and should be regulated by, these parties. This RGP applies to all waters on or within lands owned or under flowage easement to public utility companies and the TVA. Users of this RGP should coordinate with the appropriate public utility company, local government, or TVA to determine if the planned work meets the guidelines or requirements of the shoreline management program or reservoir management program for the lake where the activity is proposed. Activities authorized are:

1. Construction of piers, floating boat docks, boat shelters, boat houses, boat ramps, jetties and breakwater structures and installation of dolphins, pilings, and buoys, using commonly acceptable materials such as pressure treated lumber, unsinkable flotation materials, and confined concrete.

2. Excavation and maintenance of recreational boat basins and canals/channels including return water discharge where excavated material is placed and retained on high ground.

3. Stabilization of eroding shorelines utilizing appropriate bioengineering techniques, construction and backfill of bulkheads, and the placement of riprap material.

4. Installation of submerged and aerial utility lines provided U.S. Coast Guard requirements for aerial lines are met and pre-project elevation contours are restored.

5. Maintenance of existing water intake and outfall structures provided all State and Federal required authorizations have been obtained. Construction of new water intake and outfall structures is not authorized under this RGP.

### Special Conditions

a. For lakes listed in Table 1, written confirmation that the proposed work complies with this RGP must be received from the Wilmington District Corps of Engineers (Corps) prior to the commencement of the following activities: (i) any excavation or dredging activity greater than 1/10 (0.1) acre occurring in a previously un-dredged area of open water; (ii) construction of more than 10 boat slips; (iii) construction of boat ramps exceeding 20 feet in width; or, (iv) installation of fueling facilities on authorized structures. For these activities, the proponent should submit to the Corps detailed plans, location maps, and an explanation of the nature and scope of the work. While written confirmation for the activities listed in this special condition is required by the Corps prior to the commencement of these activities, written confirmation from the Corps is not required for all other activities described above in 1-5.

b. For all lakes covered by this RGP and not listed in Table 1, written confirmation that the proposed work complies with this RGP must be received from the Wilmington District Corps of Engineers prior to the commencement of any work. For this purpose, the proponent should submit to the Corps, detailed plans, location maps, and other supplemental information explaining the nature and scope of the work.

c. Maintenance excavation must not exceed the original dimensions as defined by the original permit or as clearly shown or otherwise defined by existing conditions of the ditches, basins, canals, or channels. Maintenance excavation is allowed only for facilities that are currently serviceable.

d. To be authorized by this RGP, all piers, docks, boathouses, and boat shelters shall be pile-supported or floating structures. Piles, dolphins, jetties, and breakwater structures may be of wood, metal, or precast concrete. Breakwater structures will be designed to provide for adequate water circulation landward of the structures.

e. This RGP does not authorize construction across or into any natural or manmade channel or water body in any manner that may adversely affect navigation by the general public.

f. On natural waterways 30-foot wide or greater that have been designated as navigable waters of the U.S. pursuant to Section 10 of the Rivers and Harbors Act of 1899, this RGP does not authorize placement of any pier segment or structure further waterward than one-third the width of the water body. For navigable water bodies less than 30 feet wide, pier requests will be evaluated on a case-by-case basis and may be restricted to less than one-third the width of the water body.

g. Docks or piers and adjoining platforms, decks, boathouses, boat shelters, docks, and "L" and "T" sections will not cumulatively exceed the maximum allowable size of such structures identified in the lake's shoreline or reservoir management plan. Docks and piers extending over wetlands will be elevated sufficiently (minimum of 4 feet above the wetland substrate) to prevent total shading of vegetation, substrate, or other elements of the aquatic environment.

h. Floating docks, boathouses and boat shelters will not be constructed over wetlands.

i. Wooden jetties will not extend farther than 100 feet waterward of the NWL elevation contours.

j. Wood must be pressure-treated except in areas of boathouses or boat shelters protected from the weather.

k. Floating structures will be supported by material that will not become waterlogged or sink when punctured and will be installed to provide for fluctuations of water elevation.

l. If the display of lights and signals on the authorized structure is not otherwise provided for by law, such lights and signals as may be prescribed by the U.S. Coast Guard will be installed and maintained by and at the expense of the Permittee.

m. This RGP does not authorize any habitable structure or associated facility for non-water related use.

n. This RGP authorizes the construction of up to 10 boat slips without PCN (i.e., application) to the Corps. This RGP can be used to authorize the construction of more than 10 slips, but PCN is required for proposals of greater than 10 slips. Included in the PCN, the applicant must provide documentation from the lake's public utility company, local government, or TVA verifying whether or not the proposed number of boat slips could be allowed under the lake's shoreline or reservoir management program. If the proposed number of slips would not be allowed under the shoreline or reservoir management program, the applicant will be required to revise the proposed project to

reduce the number of slips to those allowed by the public utility company, local government, or TVA. If the proposed number of slips could be allowed under the shoreline or reservoir management program, the Corps will determine on a case-by-case basis if construction of greater than 10 slips can be authorized under this RGP or if an Individual Permit will be required.

o. This RGP authorizes the construction of boat ramps that do not exceed 20 feet in width without PCN (i.e., application) to the Corps. This RGP can be used to authorize the construction of boat ramps up to 30 feet in width, but PCN is required for all proposals for boat ramps that exceed 20 feet in width. Included in the PCN, the applicant must provide documentation from the lake's public utility company, local government or TVA verifying whether or not the proposed boat ramp width could be allowed under the lake's shoreline or reservoir management program. If the proposed width would not be allowed under the shoreline or reservoir management program, the applicant will be required to revise the proposed project to reduce the boat ramp width to that allowed by the public utility company, local government, or TVA. If the proposed width could be allowed under the shoreline or reservoir management program, the Corps will determine on a case-by-case basis if construction of the ramp can be authorized under this RGP or if an Individual Permit will be required. During boat ramp construction and maintenance, no fill or construction material may be placed in wetlands.

p. Excavation associated with boat ramp construction or maintenance is limited to the area necessary for site preparation and all excavated material must be removed to uplands.

q. This RGP can be used to authorize the construction of fueling facilities on authorized structures, but PCN (i.e., application) is required for all proposals. Included in the PCN, the applicant must provide documentation from the lake's public utility company, local government or TVA verifying whether or not the proposed fueling facilities could be allowed under the lake's shoreline or reservoir management program. If the proposed fueling facilities would not be allowed under the shoreline or reservoir management program, the applicant will be required to revise the proposed project to remove the proposed fueling facilities from the authorized structure. If the fueling facilities could be allowed under the shoreline or reservoir management program, the Corps will determine on a case-by-case if construction of the fueling facilities could be authorized under this RGP or if an Individual Permit is required.

r. Where wetlands are present along a shoreline, all shoreline stabilization activities (bio-engineering techniques, construction and backfill of bulkheads, and the placement of riprap material) must be undertaken landward of the wetlands. This RGP does not authorize the discharge of dredged or fill material within wetlands.

s. Bulkhead and riprap alignments, or shoreline stabilization structures will not extend farther waterward than an average distance of two (2) feet, maximum distance of five (5) feet from the normal pool elevation contour and may not extend more than 500 feet along a shoreline.

t. Placement of riprap should be limited to only that which is necessary to protect existing/new bulkheads. In general, riprap will be placed at the base of all bulkheads and will extend a maximum of three (3) feet waterward on a 2:1 slope. However, in cases of steep slopes, a maximum of six (6) feet waterward on a 2:1 slope is authorized provided it complies with the applicable shoreline or reservoir management program. All other fill material will be confined landward of bulkheads.

u. Material placed for shoreline stabilization will not exceed an average of one cubic yard per running foot placed below the plane of the ordinary high water mark. Material should only be placed where shoreline is actively eroding and no material should be placed in excess of the minimum needed for erosion protection.

v. Excavation for the removal of accumulated sediment from existing basins, access channels and boats slips must not exceed the lesser of the previously authorized depths or controlling depths for ingress/egress.

w. To avoid potential impacts to fish spawning areas, excavation activities will not occur during the months of March, April, May, or June of any year.

x. Dredging will be limited to channel ward of the normal pool elevation. Finished depths will not exceed the depth of the receiving waters channel ward of the work.

y. All excavated material will be placed landward of the normal pool elevation contour on high ground and confined by adequate dikes or other retaining structures to prevent erosion and sedimentation into adjacent waters or wetlands. The temporary placement or double handling of excavated or fill material waterward of the normal pool elevation is not authorized.

z. Return water from upland, contained disposal areas must comply with the terms and conditions of the applicable Clean Water Act Section 401 Water Quality Certifications for this RGP and NWP 16 issued by the North Carolina Division of Water Resources.

aa. If an easement to fill or cross utility company, State or Federal property is required, such easement must be obtained prior to commencement of work.

bb. Utility Line Work:

1. Utility lines consisting of aerial electric power transmission and communications lines crossing navigable waters of the U.S. (which are defined at 33 CFR part 329) must comply with the applicable minimum clearances specified in 33 CFR 322.5(i).

2. The work area authorized by this permit, including temporary and/or permanent fills, will be minimized to the greatest extent practicable. Justification for work corridors exceeding forty (40) feet in width is required and will be based on

pipeline diameter and length, size of equipment required to construct the utility line, and other construction information deemed necessary to support the request. The Permittee is required to provide this information to the Corps with the PCN package.

3. A plan to restore and re-vegetate wetland areas cleared for construction must be submitted with the required PCN. Cleared wetland areas shall be re-vegetated, as appropriate, with species of canopy, shrub, and herbaceous species. The Permittee shall not use fescue grass or any other species identified as invasive or exotic species by the NC Native Plant Society (NCNPS):  
<https://ncwildflower.org/invasive-exotic-species-list/>

4. Any permanently maintained corridor along the utility right of way within forested wetlands shall be considered a loss of aquatic function. A compensatory mitigation plan will be required for all such impacts associated with the requested activity if the activity requires a PCN and the cumulative total of permanent conversion of forested wetlands exceeds 0.1 acres, unless the District Engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal.

Where permanently maintained corridor within forested wetlands is 0.1 acres or less, the District Engineer may determine, on a case-by-case basis, that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment.

5. When directional boring or horizontal directional drilling (HDD) under waters of the U.S., including wetlands, Permittees shall closely monitor the project for hydraulic fracturing or "fracking." Any discharge from hydraulic fracturing or "fracking" into waters of the U.S., including wetlands, shall be reported to the appropriate Corps Regulatory Field Office within 48 hours. Restoration and/or compensatory mitigation may be required as a result of any unintended discharges.

cc. The Permittee shall submit a PCN to the District Engineer prior to commencing the activity if the activity will involve the discharge of dredged or fill material into more than 0.1 acres of wetlands or waters for the construction of temporary access fills and/or fills for temporary work pads. The PCN must include a restoration plan that thoroughly describes how all temporary fills will be removed, how pre-project conditions will be restored, and include a timetable for all restoration activities.

#### **General Conditions.**

a. Except as authorized by this RGP or any Corps approved modification to this RGP, no excavation, fill or mechanized land-clearing activities shall take place within waters or wetlands, at any time in the construction or maintenance of this project. This RGP does not authorize temporary placement or double handling of excavated or fill



material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.

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

c. All work authorized by this RGP must comply with the terms and conditions of the applicable Clean Water Act Section 401 Water Quality Certification for this RGP issued by the North Carolina Division of Water Resources.

d. The Permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).

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

f. The Permittee understands and agrees that, if future operations by the US require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his/her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the US. No claim shall be made against the US on account of any such removal or alteration.

g. The Permittee, upon receipt of a notice of revocation of this RGP for the verified individual activity, may apply for an individual permit, or will, without expense to the US and in such time and manner as the Secretary of the Army or his/her authorized representative may direct, restore the affected water of the US to its former conditions.

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

unless the project has been reviewed and approved by the appropriate Corps approval authority. If the proposed activity has the potential to modify or conflict with a federally authorized project, the Permittee must submit the information described in Special Condition "a". Permittees shall not begin the activity until notified by the Corps that the activity may proceed under the RGP.

i. The Permittee shall obtain a Consent to Cross Government Easement from the Wilmington District's Land Use Coordinator prior to any crossing of the Corps easement and/or prior to commencing construction of any structures, authorized dredging, or other work within the right-of-way of, or in proximity to, a federally designated disposal area. The Land Use Coordinator may be contacted at: CESA W-OP-N, 69 Darlington Avenue, Wilmington, North Carolina 28403-1343, email: [SAWWeb-NAV@usace.army.mil](mailto:SAWWeb-NAV@usace.army.mil).

j. The Permittee will allow the Wilmington District Engineer or his/her representative to inspect the authorized activity at any time deemed necessary to assure that the activity is being performed or maintained in strict accordance with the Special and General Conditions of this RGP.

k. This RGP does not grant any property rights or exclusive privileges.

l. This RGP does not authorize any injury to the property or rights of others.

m. This RGP does not authorize the interference with any existing or proposed federal project.

n. In issuing this RGP, the Federal Government does not assume any liability for the following:

(1) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

(2) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the US in the public interest.

(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this RGP.

(4) Design or construction deficiencies associated with the permitted work.

(5) Damage claims associated with any future modification, suspension, or revocation of this RGP.

o. Authorization provided by this RGP may be modified, suspended, or revoked in whole or in part if the Wilmington District Engineer, acting for the Secretary of the Army, determines that such action would be in the best public interest. The term of this RGP shall be five (5) years unless subject to modification, suspension, or

revocation. Any modification, suspension or revocation of this authorization will not be the basis for any claim for damages against the US Government.

p. No activity may occur in a component of the National Wild and Scenic Rivers System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or "study river" (e.g., National Park Service, U.S. Forest Service, etc.)

q. In cases where the Wilmington District Engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places and its codified regulations, the National Historic Preservation Amendment Acts of 1980 and 1992, the Abandoned Shipwreck Act of 1987 and the Native American Graves Protection and Repatriation Act, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. If any properties subject to the above criteria may be affected by the proposed project, Permittees must submit the information described in Special Condition "a". The Permittee may not begin work until notified by the Corps that the requirements of the NHPA have been satisfied and that the activity is authorized.

r. If you discover any previously unknown historic, cultural, or archeological remains and artifacts while accomplishing the activity authorized by this RGP, you must immediately notify the Wilmington District Engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The Wilmington District Engineer will initiate the Federal, tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

s. No activity is authorized under this RGP which is likely to jeopardize the continued existence of a threatened or endangered species directly or indirectly or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any RGP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed. Information on threatened and endangered species and their critical habitat can be obtained directly from the Corps field offices, the USFWS field offices or at the following web addresses: <http://www.fws.gov/> or <http://www.fws.gov/ipac/> or <http://www.noaa.gov/fisheries.html>. If any listed species or designated critical habitat may be affected by the proposed project, Permittees must submit the information described in Special Condition "a". Permittees shall not begin work until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is authorized.

t. The Wilmington District, U.S. Army Corps of Engineers has consulted with the US Fish and Wildlife Service (USFWS) in regard to the threatened Northern long-eared bat (NLEB) (*Myotis septentrionalis*) and Standard Local Operating Procedures for Endangered Species (SLOPES) have been approved by the Corps and the USFWS. This condition concerns effects to the NLEB only and does not address effects to other federally listed species and/or federally designated critical habitat.

A. Procedures when the Corps is the lead federal\* agency for a project:

The Permittee must comply with (1) and (2) below when:

- the project is located in the western 41 counties of North Carolina, to include non-federal aid North Carolina Department of Transportation (NCDOT) projects, OR;
- the project is located in the 59 eastern counties of North Carolina and is a non-NCDOT project.

\*Generally, if a project is located on private property or on non-federal land, and the project is not being funded by a federal entity, the Corps will be the lead federal agency due to the requirement to obtain Department of the Army authorization to impact waters of the U.S. If the project is located on federal land, contact the Corps to determine the lead federal agency.

(1) A Permittee using an RGP must check to see if their project is located in the range of the NLEB by using the following website:  
<http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>. If the project is within the range of the NLEB, or if the project includes percussive activities (e.g., blasting, pile driving, etc.), the Permittee is then required to check the appropriate website in the paragraph below to discover if their project:

- is located in a 12-digit Hydrologic Unit Code area ("red HUC" - shown as red areas on the map), AND/OR;
- involves percussive activities within 0.25 mile of a red HUC.

Red HUC maps - for the western 41 counties in NC (covered by the Asheville Ecological Services Field Office), check the project location against the electronic maps found at:

[http://www.fws.gov/asheville/htmls/project\\_review/NLEB\\_in\\_WNC.html](http://www.fws.gov/asheville/htmls/project_review/NLEB_in_WNC.html). For the eastern 59 counties in NC (covered by the Raleigh Ecological Services Field Office), check the project location against the electronic maps found at:  
[https://www.fws.gov/raleigh/NLEB\\_RFO.html](https://www.fws.gov/raleigh/NLEB_RFO.html).

(2) A Permittee must submit a PCN to the District Engineer, and receive written verification from the District Engineer, prior to commencing the activity, if the activity will involve any of the following:

- tree clearing/removal and/or, construction/installation of wind turbines in a red HUC, AND/OR;
- bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, (applies anywhere in the range of the NLEB), AND/OR;
- percussive activities in a red HUC, or within 0.25 mile of a red HUC.

The Permittee may proceed with the activity without submitting a PCN to either the Corps or the USFWS, provided the activity complies with all applicable RGP conditions, if the Permittee's review under A.(1) and A.(2) above shows that the project is:

- located outside of a red HUC (and there are no percussive activities), and the activity will NOT include bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, OR;
- located outside of a red HUC and there are percussive activities, but the percussive activities will not occur within 0.25-mile of a red HUC boundary, and the activity will NOT include bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, OR;
- located in a red HUC, but the activity will NOT include tree clearing/removal; construction/installation of wind turbines; bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, and/or; any percussive activities.

B. Procedures when the USACE is not the lead federal agency:

For projects where another federal agency is the lead federal agency - if that other federal agency has completed project-specific ESA Section 7(a)(2) consultation for the NLEB, and has (1) determined that the project would not cause prohibited incidental take of the NLEB, and (2) completed coordination/consultation that is required by the USFWS (per the directions on the respective USFWS office's website), that project may proceed without PCN to either the USACE or the USFWS, provided all permit conditions are met.

The NLEB SLOPES can be viewed on the USACE website at:

<http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/ESA/>. Permittees who do not have internet access may contact the USACE at (910) 251-4633.

u. The Wilmington District, USFWS, NCDOT, and the FHWA have conducted programmatic Section 7(a)(2) consultation for a number of federally listed species and

designated critical habitat (DCH), and programmatic consultation concerning other federally listed species and/or DCH may occur in the future. The result of completed programmatic consultation is a Programmatic Biological Opinion (PBO) issued by the USFWS. These PBOs contain mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" of whichever species or critical habitat is covered by a specific PBO. Authorization under RGPs is conditional upon the Permittee's compliance with all the mandatory terms and conditions associated with incidental take of the applicable PBO (or PBOs), which are incorporated by reference in the RGPs. Failure to comply with the terms and conditions associated with incidental take of an applicable PBO, where a take of the federally listed species occurs, would constitute an unauthorized take by the Permittee, and would also constitute Permittee non-compliance with the authorization under the RGPs. If the terms and conditions of a specific PBO (or PBOs) apply to a project, the Corps will include this/these requirements in any RGP verification that may be issued for a project. For an activity/project that does not require a PCN, the terms and conditions of the applicable PBO(s) also apply to that non-notifying activity/project. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its PBO and the ESA. All PBOs can be found on our website at: <https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/ESA/>.

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

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

x. The Permittee must install and maintain, at his/her expense, any signal lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on authorized facilities. For further information, the Permittee should contact Coast Guard Sector North Carolina at (910) 772-2191 or email Coast Guard Fifth District at [cgd5waterways@uscg.mil](mailto:cgd5waterways@uscg.mil).

y. The Permittee must maintain any structure or work authorized by this RGP in good condition and in conformance with the terms and conditions of this RGP. The Permittee is not relieved of this requirement if the Permittee abandons the structure or work. Transfer in fee simple of the work authorized by this RGP will automatically transfer this RGP to the property's new owner, with all of the rights and responsibilities enumerated herein. The Permittee must inform any subsequent owner of all activities

undertaken under the authority of this RGP and provide the subsequent owner with a copy of the terms and conditions of this RGP.

z. At his sole discretion, any time during the processing cycle, the Wilmington District Engineer may determine that this RGP will not be applicable to a specific proposal. In such case, the procedures for processing an individual permit in accordance with 33 CFR 325 will be available.

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

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

cc. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this RGP, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

dd. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon this RGP will remain authorized provided the activity is completed within twelve months of the date of the RGP's expiration, modification, or revocation. Activities completed under the authorization of this RGP that were in effect at the time the activity was completed continue to be authorized by the RGP.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


  
Benjamin A. Bennett  
Colonel, U.S. Army  
District Commander

Table 1: List of Reservoirs subject to Special Condition "a"

Utility Company / Operator	
<b>Duke Energy</b>	<b>Brookfield Smoky Mtn. Hydropower</b>
Belews Lake	Cheoah Reservoir
Bear Creek Reservoir	Lake Santeetlah
Blcwett Falls Lake	Calderwood Reservoir*
Cedar Cliff Reservoir	
Hycó Reservoir**	<b>NC Power (Dominion)</b>
Lake Glenville	Lake Gaston*
Lake Hickory	Roanoke-Rapids Lake
Lake James	
Lake Jocassee*	<b>Northbrook Power</b>
Lake Julian	Lake Ela
Lake Norman	Lake Emory
Lake Rhodhiss	Mission Lake
Lake Tillery	Lake Summit
Lake Wylie*	
Lookout Shoals	<b>Other (Municipal Owned / Operated)</b>
Mountain Island Lake	Beetree Reservoir
Nantahala Lake	Burnett Reservoir
Queens Creek	Kings Mtn. Reservoir (Moss Lake)
Tanasee Creek Lake	Lake Adger
Tuckasegee Reservoir	Lake Lure
Waterville Lake	Lake Sequoyah
Wolf Creek Reservoir	
	<b>Tennessee Valley Authority (TVA)</b>
<b>Alcoa Power Generating, Inc.</b>	Apalachia Lake
Badin Lake	Chatuge Lake*
High Rock Lake	Fontana Lake
Tuckertown Reservoir	Hiwassee Lake

\*This RGP is not applicable in portions located outside North Carolina.

\*\*Person-Caswell Lake Authority (PCLA) implements the lake use permitting program under the terms of PCLA's lease with Duke Energy



GC4502

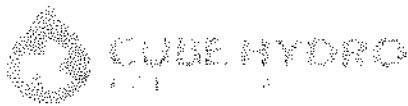
**GENERAL CERTIFICATION COVERAGE:**

**Activities that are eligible for US Army Corps of Engineers Wilmington District's Regional General Permit 198200030 qualify for coverage under this General Certification unless they meet one of the thresholds listed below.**

**Activities meeting any one (1) of the thresholds or circumstances listed below shall provide notification to the Division of Water Resources (DWR) by submitting a Shoreline Stabilization Application Form and shall receive confirmation from the Division that the project is eligible for coverage under this General Certification prior to initiating the activities:**

- a) If any of the Conditions of this General Certification cannot be met; or
- b) Maintenance dredging activities of more than 0.5 acre of open water; or
- c) Activities which disturb more than 0.1 acres of wetlands; or
- d) Installation of any new non-vegetation materials (e.g. riprap, boulders, seawall, bulkhead) for the purpose of shoreline stabilization; or
- e) Maintenance of existing shoreline stabilization areas when maintenance activities include the complete removal of existing materials re-grading or rebuilding the shoreline prior to replacement of the materials, or replacement with a different type of stabilization (e.g. replacing riprap with bulkhead); or
- f) Any permanent impacts to shorelines, waters, or to wetlands adjacent to waters, designated as: ORW (including SAV), HQW (including PNA), SA, WS-I, WS-II, Trout, or North Carolina or National Wild and Scenic River; or
- g) Any permanent impacts to coastal wetlands [15A NCAC 07H .0205], or Unique Wetlands (UWL); or
- h) Any impacts to subject water bodies and/or state regulated riparian buffers along subject water bodies in the Neuse, Tar-Pamlico, or Catawba River Basins or in the Randleman Lake, Jordan Lake or Goose Creek Watersheds (or any other basin or watershed with State Regulated Riparian Area Protection Rules in Chapter 2B of Title 15A in the North Carolina Administrative Code in effect at the time of application) *unless:*
  - i. The activities are listed as "EXEMPT" or "DEEMED ALLOWABLE" from these rules; or
  - ii. A Buffer Authorization Certificate is issued by the NC Division of Coastal Management (DCM); or
  - iii. A Buffer Authorization Certificate, Certificate with Exception, or a Minor Variance is issued by a delegated or designated local government implementing a state riparian buffer program pursuant to 143-214.23.

In accordance with 15A NCAC 02H .0503(f), the Director of the North Carolina Division of Water Resources may require submission of a formal application for Individual Certification for any project if it is deemed in the public's best interest or determined that the project is likely to



**Application for Activity Permit for Reservoir and Shoreline Alteration  
(Excavation, Dredge, and Fill)**

Print or type all information below and return to Cube Hydro Carolinas, PO Box 575 Badin, NC-28009-0575

**SECTION ONE – BACKGROUND INFORMATION (to be completed by the applicant)**

1. Full Name (adjoining property owner): \_\_\_\_\_
2. Permanent Mailing Address: \_\_\_\_\_
3. Local Address (if different): \_\_\_\_\_
4. Telephone (Business): \_\_\_\_\_ (Permanent): \_\_\_\_\_ (Local): \_\_\_\_\_
5. Fax No. and E-mail (optional): \_\_\_\_\_
6. Reservoir: \_\_\_\_\_ 7. Township: \_\_\_\_\_ 8. County: \_\_\_\_\_
9. Subdivision: \_\_\_\_\_ 10. Section: \_\_\_\_\_
11. Lot No.: \_\_\_\_\_ 12. Tax Map No.: \_\_\_\_\_
13. Directions to property (if necessary, use the enclosed drawing sheet to provide us a map to the site): \_\_\_\_\_

14. Is the shoreline along the property described above designated as a "High Cultural Probability Zone" in Cube's Shoreline Management Plan (leave blank if you do not know): Yes  No

**SECTION TWO—INFORMATION FOR RESERVOIR AND SHORELINE ALTERATION (attach the following to the application)**

1. Map of the reservoir area where the excavation is proposed - applicant must attach a map of the area of the reservoir and adjoining shoreline property owned by the applicant where excavation is proposed. The map must clearly exhibit the area of the proposed excavation and to what depth (contour elevation) the excavation is proposed.
2. Description of the planned excavation - applicant must attach a written description of the planned excavation including an estimate of the reservoir bottom to be modified and the amount of material to be removed from the reservoir.
3. Plan for disposal of excavated material - applicant must attach a written description of their plans for disposing of the excavated sediment. No sediment may be disposed of within the FERC project boundary (655 foot contour Cube Datum), or on property owned or managed by Cube.
4. Resource impacts assessment - applicant must attach a brief written description of the potential impacts of the proposed excavation activity on surrounding reservoir resources, including impacts to water quality and fish habitat. If there is any vegetation growing in or around the area of proposed excavation, it should be noted and the areas of vegetation should be photographed, and photos included with application.
5. Schedule for conducting the proposed excavation - applicant must attach a written schedule for completing the proposed excavation.
6. Agency Approvals - applicant must attach copies of written concurrence with the proposed excavation from the following agencies (refer to *Instructions for Application for Activity Permit for Reservoir and Shoreline Excavation*):
  - U.S. Army Corps of Engineers
  - North Carolina Division of Water Quality
  - North Carolina Department of Cultural Resources (required in "High Cultural Probability Zones")
7. Non-refundable permitting fee - applicant must include a check or money order made payable to Cube Hydro Carolinas in the amount of \$200

**SECTION THREE (to be completed by the applicant)**

I hereby apply for a permit to perform the above-described shoreline alteration at High Rock Reservoir. I agree to abide by all applicable requirements of Cube's Shoreline Management Plan, the conditions of the *Activity Permit for Reservoir and Shoreline Alteration (Excavation, Dredge, and Fill)* and other Cube procedures and requirements. I also agree that no work will begin until I receive an *Activity Permit* signed by Cube.

Applicant's Signature \_\_\_\_\_

Date \_\_\_\_\_

# Instructions for Application for Activity Permit for Reservoir and Shoreline Excavation (Excavation, Dredge, and Fill)

## Instructions

To be considered for an Activity Permit for Reservoir or Shoreline Alteration (Excavation, Dredge, and Fill), the adjoining property owner (or a duly authorized representative) must return to Cube a fully completed application, letters of concurrence from the appropriate agencies if necessary, and a check made out to Cube Hyrdo Carolinas for the proper application fee. Please consult Cube's Shoreline Management Plan and Shoreline Stewardship Policy for detailed information regarding Cube's procedures and requirements governing activities in the reservoirs, along the shoreline, or in the Cube-managed buffer.

Cube will sign and return to you the Activity Permit for Reservoir and Shoreline Alteration after Cube has reviewed the documents to ensure that the proposed activity will be in compliance with the Shoreline Management Plan, the Shoreline Stewardship Policy, and all other applicable Cube policies, procedures and requirements. You (the adjoining property owner) may not commence work until such time as you have received from Cube the Activity Permit for Reservoir and Shoreline Alteration.

## Requirements

1. Alteration of the existing reservoir bottom or shoreline, such as removal, addition, or fill (other than Cube-approved stabilization measures), or modification of rocks, soil, sand, and sediment (including dredging and excavation), is prohibited on Narrows, Tuckertown, and Falls reservoirs.
2. On High Rock Reservoir, in recognition of the high rate of sedimentation that occurs, Cube may permit excavation of reservoir sediments to maintain or create recreational boat access to private piers. Excavation at High Rock Reservoir is by written permit only in accordance with the following standards.
3. All excavation must have prior written approval from the U.S. Army Corps of Engineers and the North Carolina Division of Water Quality (NCDWQ). For further information regarding these approvals, you should contact these agencies directly at the following addresses:

### Army Corps of Engineers

<b>Davidson County</b> U.S. Army Corps of Engineers Mr. John Thomas, Program Manager 6508 Falls of the Neuse Road Suite 120 Raleigh, NC 28615	<b>Montgomery County</b> U.S. Army Corps of Engineers Mr. Allen S. Davis, Program Manager Post Office Box 1890 Wilmington, NC 28402-1890	<b>Rowan or Stanly County</b> U.S. Corps of Engineers Mr. Steve Chaplin, Program Manager 151 Patton Avenue, Room 143 Asheville, NC 28801-5006
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### North Carolina Division of Water Quality

<b>Davidson County</b> Ms. Cindi Bell 4401 Reedy Creek Road Raleigh, NC 27607	<b>Rowan County</b> Mr. Todd St. John 4401 Reedy Creek Road Raleigh, NC 27607
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4. Excavation of the reservoir in areas adjacent to shoreline that has been designated as a "High Cultural Probability Zone" in Cube's Shoreline Management Plan requires prior written approval from the North Carolina Department of Cultural Resources (NCD CR). For further information regarding this approval, you may contact the NCD CR at the following address:
 

NC Department of Cultural Resources  
 Office of State Archaeology  
 Dr. Billy Oliver, Archaeologist  
 109 East Jones Street  
 Raleigh, NC 27601-2807
5. Only excavation in the dry is permitted and must be performed when the reservoir is drawn down sufficiently to access the excavation site. No dredging (in the wet) is permitted in conjunction with the construction or maintenance of private piers.
6. The excavation must not alter the reservoir shoreline at normal full-pool elevation (655 feet at High Rock Reservoir).
7. No excavation is allowed in areas of wetland vegetation.
8. Excavation may not occur during the months of March through June because of potential impacts to fish spawning.
9. The shape and depth of the excavation must be such that water will drain freely from the excavation when the reservoir level drops below the level of the excavation.
10. All excavation must be placed landward of the normal full-pool elevation (655 feet at High Rock Reservoir).
11. Individuals conducting the excavation are responsible for disposing excavated materials in compliance with North Carolina Department of Environment and Natural Resources (NCDENR). For further information regarding the disposal of excavated materials, you may contact NCDENR at (704) 663-1699.
12. Cube reserves the right to require prior testing of sediment in the area to be excavated and reserves the right to deny permission for excavation based on the test results.