



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT
69A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107

FINAL REGIONAL CONDITIONS FOR THE 2026 NATIONWIDE PERMITS IN CHARLESTON DISTRICT (SAC)

Effective Date for Regional Conditions: March 15, 2026
Expiration Date for Regional Conditions: March 15, 2031

A. BACKGROUND

1. The following Regional Conditions have been approved by the Charleston District and the South Atlantic Division for the Nationwide Permits (NWP) published in the January 8, 2026, Federal Register. As specified under NWP General Condition 27, Regional and Case-By-Case Conditions: The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its Section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.
2. Note: The acronym "PCN" used throughout this document refers to Pre-Construction Notification as further defined in NWP General Condition 32.

B. EXCLUDED WATERS AND/OR AREAS

Not Applicable

C. REGIONAL CONDITIONS APPLICABLE TO ALL NWPs

1. **Stream Bed Loss Limitations:** NWPs may not be used for activities that cause the loss of greater than 0.05 acre of stream bed, except for NWP 32.
2. **Stream Bed Loss Notification:** PCN required for all stream loss exceeding 0.005 acre. The prospective permittee must submit a PCN to the District Engineer in accordance with General Condition #32, for activities that involve the loss of greater than 0.005 acre of stream bed.
3. **Stream Bed Loss and Compensatory Mitigation:** For activities that involve the loss of greater than 0.005 acre of stream bed, compensatory mitigation will be required and the PCN should include a compensatory mitigation plan. A waiver from compensatory mitigation requirements in this condition may be requested, in writing, by the permittee and issued by the Corps if determined appropriate. The waiver request must be specific as to the reason(s) for the request.
4. **Permanent Conversion:** NWPs requiring a PCN and when the activity involves the discharge of dredged or fill material into waters of the U.S. associated with

2026 NWP REGIONAL CONDITIONS FOR CHARLESTON DISTRICT (SAC)

mechanized land clearing that results in the permanent conversion of forested or scrub-shrub wetlands to herbaceous wetlands, the PCN should include the following information: (1) a written description and/or drawings of the proposed conversion activity and (2) acreage of the permanent conversion. Single and complete projects that involve permanent conversion of 0.1 acre of wetlands or greater should include a compensatory mitigation plan.

5. Culvert Placement in Streams: For all NWPs that involve new or replacement crossings within streams, the following conditions will apply:

a. Bottomless or Arch-Span Culverts: If there are any impacts to aquatic resources, the overall width of a bottomless or arch-span culvert shall be approximately equal to, but not narrower than, the typical bankfull width of the stream channel. Additional pipes or culverts may be used to receive flows exceeding bankfull, but the inlet(s) shall be baffled to or sit at the stream's bankfull elevation.

b. Box Culverts: The overall width of a single or multi-barrel box culvert shall be approximately equal to, but not narrower than, the typical bankfull width of the stream channel. Additional pipes or culverts may be used to receive flows exceeding bankfull, but the inlet(s) shall be baffled to or sit at the stream's bankfull elevation.

c. Circular Pipes/Culverts: The overall width of a circular pipe/culvert shall be approximately equal to, but not narrower than, the typical bankfull width of the stream channel. Multiple circular pipes/culverts may not be used to accommodate flows at bankfull width except in scenarios where a culvert replacement would result in additional impacts to waters. Additional circular pipes/culverts may be used to receive flows exceeding bankfull but shall sit at the stream's bankfull elevation.

d. Culvert Embedding: The upstream and downstream invert of culverts (except bottomless or arch-span culverts) shall be buried/embedded to a depth of 20 percent of the culvert height to allow natural substrate to colonize the structure's bottom. Additional culverts used to receive flows exceeding bankfull are not required to be embedded. A waiver from the depth specifications in this condition may be requested, in writing, by the permittee and issued by the Corps if determined appropriate. The waiver request must be specific as to the reason(s) for the request. The waiver will be issued if it can be demonstrated that the proposed design would result in less impacts to the aquatic environment.

e. Culvert Slope: The culvert slope shall be set within 25 percent of the streambed slope (e.g., if streambed slope is 2 percent, the designed slope of the culvert shall be between 1.5 percent and 2.5 percent). In situations where culvert slope exceeds 4 percent, interior baffles on the bottom of the culvert or other measures shall be used to allow for sediment colonization and/or velocity

2026 NWP REGIONAL CONDITIONS FOR CHARLESTON DISTRICT (SAC)

attenuation. A waiver from the slope specifications in this condition may be requested, in writing, by the permittee and issued by the Corps if determined appropriate. The waiver request must be specific as to the reason(s) for the request.

6. **Aquatic Passage:** For all NWPs that involve fill that would divide a wetland or wetland system, culverts or pipes shall be installed to promote the safe passage of aquatic organisms and ensure that natural hydrology of the system is maintained and to adequately accommodate high water and flood conditions.
7. **Utility Lines:** The prospective permittee must submit a PCN to the District Engineer in accordance with General Condition #32 for the repair, rehabilitation or replacement of existing utility lines, which include electric lines, pipelines, and/or telecommunication lines, constructed in, under, or over navigable waters of the United States (i.e., Section 10 waters), even if no discharge of dredged or fill material occurs. For activities that involve horizontal directional drilling beneath navigable waters of the United States (i.e., Section 10 waters), the PCN should include a proposed remediation plan (i.e., frac-out plan).

Anti-seep collars, or other structures designed to prevent under-draining, will be installed on all buried utility lines in wetlands. If no anti-seep/drain devices are proposed, the applicant must provide information documenting why such a device is not required to prevent wetland drainage.

8. **Temporary Fills:** All temporary structures, fills, and/or work, including the use of temporary mats, are authorized for the minimum amount of time necessary to accomplish the work, which shall not exceed a period of 180 days without additional Corps approval. Temporary sidelaying of fill material cannot ever exceed a period of 180 days. The temporary structures, fills, and/or work, including the use of temporary mats, shall be removed as soon as the work is complete and the disturbed areas be restored to pre-construction contours and conditions. The temporary mats include timber mats, metal, synthetic and/or artificial mats, or other materials that may serve the purpose of mats.

For activities that require PCNs and when the activity involves temporary structures, fills, and/or work, including the use of temporary mats, the PCN should include the following information: (1) a written description and/or drawings of the proposed temporary activities that will be used during project construction, (2) the timeframe that the proposed temporary activities will be in place, and (3) specifications of how pre-construction contours will be reestablished and verified after construction.

The prospective permittee must submit a PCN to the District Engineer, in accordance with General Condition #32, for temporary construction, access, and dewatering activities that impact greater than 0.1 acre of non-tidal waters of the

2026 NWP REGIONAL CONDITIONS FOR CHARLESTON DISTRICT (SAC)

United States, including wetlands. In addition, the PCN should include a restoration plan.

- 9. Federal Projects:** The prospective permittee must submit a PCN to the District Engineer in accordance with General Conditions 31 and 32, for any activity that would be located in or adjacent to an authorized USACE Civil Works project, including Federal Navigation projects.

USACE Civil Works Projects:

(County: Project Name)

Aiken: North Edisto River
Beaufort: Hunting Island Beach, wastewater treatment plant and water line
Berkeley: Pinopolis Dam
Berkeley: Pompion Hill Chapel along the Cooper River
Berkeley: Sawmill Branch
Charleston: Battery Pringle
Charleston: Folly Beach
Charleston: Cape Marsh Management area (Santee Coastal Reserve) in Murphy Island
Charleston: Castle Pinckney
Charleston: Charleston Peninsula Coastal Storm Risk Management Project
Charleston: Crab Bank
Charleston: Drayton Hall
Charleston: Edisto Island Beach
Charleston: Morris Island Lighthouse
Cherokee: Blue Branch Bridge at Fortanberry Road in Gaffney
Chesterfield: Wilson Branch
Clarendon: Pocotaligo River and Swamp
Dorchester: Edisto River
Dorchester: Eagle Creek
Dorchester: Polk Swamp
Dorchester: Sawmill Branch
Georgetown: Miller Corner Disposal area Phragmites Control
Georgetown: Myrtle Beach
Georgetown: Pawleys Island Beach
Greenville: Saluda River (North, South, and Middle Fork)
Horry: Buck Creek
Horry: Cowpen Swamp at Simpson Creek
Horry: Crabtree Swamp
Horry: Myrtle Beach
Horry: Simpson Creek
Horry: Singleton Swash at Shore Drive
Horry: Socastee Creek
Horry: Todd Swamp
Lancaster: Turkey Creek Bridge at Pineview Drive
Newberry: Scotts Creek

2026 NWP REGIONAL CONDITIONS FOR CHARLESTON DISTRICT (SAC)

Orangeburg: Edisto River
Orangeburg: Cow Castle Creek (Bowman)
Orangeburg: Indian Bluff
Orangeburg: North Edisto River
Spartanburg: Glenn Creek Bridge at Sulphur Springs Road
Sumter: Pocolaligo River and Swamp
Sumter: Shot Pouch Creek
Sumter: Turkey Creek
Williamsburg: Kingstree Branch
York: Big Dutchman Creek Bridge at West Oak Drive in Rock Hill

Defined Federal Navigation projects:

For all proposed activities that would be located in or adjacent to an authorized Defined Federal Navigation project, the project drawings must include the following information: (1) State Plane Coordinates (NAD 1983) for a minimum of two most waterward corners of each project area (structure, fill, dredge) closest to the Federal channel, (2) the distance from the watermost edge of the proposed structure, Fill, or dredge area to the nearest edge of the Federal channel; and (3) Mean Low Water line and the Mean High Water line

Ashley River (0.5 miles east of Hwy 7 bridge downstream to the Atlantic Intracoastal Waterway (AIWW))
Atlantic Intracoastal Waterway ((AIWW) GA/SC line to SC/NC line)
Brookgreen Garden Canal
Calabash Creek
Charleston Harbor (including the Cooper River, Town Creek, Shem Creek to Coleman Blvd and Mount Pleasant Channel)
Folly River
Georgetown Harbor (Winyah Bay, Sampit River and Bypass Channel)
Jeremy Creek
Little River Inlet
Murrells Inlet (Main Creek)
Port Royal Harbor
Shipyard River
Savannah River (Below Augusta)
Town Creek McClellanville (i.e., Five Fathoms Creek, AIWW to Bulls Bay).

Undefined Federal Navigation projects:

For all proposed activities that would be located in or adjacent to an authorized Undefined Federal Navigation project, the project drawings must include the following information: (1) State Plane Coordinates (NAD 1983) for a minimum of two most waterward corners of each structure, fill or dredge, (2) Mean Low Water line and the Mean High Water line.

2026 NWP REGIONAL CONDITIONS FOR CHARLESTON DISTRICT (SAC)

Adams Creek

Archers Creek (From intersection with Beaufort River for 2 miles)

Edisto River (River mile 0.00 to 175.0)

Great Pee Dee River (Waccamaw River via Bull Creek to Smith Mills, to Cheraw)

Lynches River/Clark Creek (Clark Creek to Lynches River, River Mile 0.0 to 56.0)

Mingo Creek (to Hemmingway Bridge)

Salkehatchie River (5 miles above Toby's Bluff to Hickory Hill, River mile 20.4 to 62.3)

Santee River (Closed to navigation at mile 87 (Santee Dam))

Waccamaw River (river mile 0.0 to 90 (state line))

Wateree River (Mouth to Camden)

Village Creek (Morgan River to Porpoise Fish Co., 2.2 miles).

10. Contaminated Sediment: NWP activities are not authorized in areas known or suspected to have sediment contamination, with the exception of the following: (1) activities authorized by NWP 38, (2) activities authorized by NWP 53 when used in combination with NWP 38, (3) sediment sampling for dredging projects authorized by NWP 6, and (4) activities authorized by NWP 20.

11. Intake Structures: For activities that involve intake structures, the associated intake structure must be screened to prevent entrainment of juvenile and larval organisms, and the inflow velocity of the associated intake structures cannot exceed 0.5 feet/second.

12. Stormwater Management: Discharges of dredged or fill material for the construction of new stormwater management facilities in perennial streams is not authorized.

The prospective permittee must submit a PCN to the District Engineer in accordance with General Condition 32, for maintenance activities related to stormwater management that would occur in tidal waters, including tidal wetlands.

D. REGIONAL CONDITIONS APPLICABLE TO SPECIFIC NWPs

- 1. NWP 48:** For existing NWP 48 activities that involve changing from bottom culture to floating or suspended culture OR proposed NWP 48 activities that involve floating or suspended culture, the prospective permittee must submit a PCN to the District Engineer in accordance with General Condition #32.
- 2. NWP 48, 55:** For proposed NWP 48 activities involving floating or suspended culture and/or proposed NWPs 55 activities that will occur adjacent to property that is not owned by the prospective permittee, the PCN should include the following information:

2026 NWP REGIONAL CONDITIONS FOR CHARLESTON DISTRICT (SAC)

- a. A map or depiction that shows the adjacent property(ies) and adjacent property owners' contact information. Note: This information may be obtained online from the applicable county's tax information pages.
 - b. A signed letter(s) of "no objection" to the proposed mariculture activity from each of the adjacent property owner(s). Each letter shall include the name, mailing address, property address, property Tax Map Parcel (TMS) number, and signature of the property owner. Or, if the prospective permittee is unable to obtain a letter(s) of "no objection", the Corps will notify the adjacent property owner(s) of the proposed project by letter wherein the adjacent property owner will be given 15 days to provide comments.
3. **NWP 53:** The PCN should include a Tier I evaluation, in accordance with the Inland Testing Manual, for the project area immediately upstream of the low-head dam. If the Tier I evaluation indicates contaminated sediments are present, a Tier II evaluation may be required.

E. ACTIVITY SPECIFIC REGIONAL CONDITIONS

Not applicable

F. SECTION 401 WATER QUALITY CERTIFICATION AND/OR COASTAL ZONE MANAGEMENT ACT CONSISTENCY DETERMINATION CONDITIONS

General Regional Condition applicable to all NWPs for which a CZC has been issued. These NWPs are: 1-11, 13, 15, 18-20, 22, 25, 27, 30-33, 36-38, 40, 41, 43, 45, 48, 52, and 53. All others will require individual consistency concurrence.

The Department has direct permit authority for activities which will utilize or alter the Critical Areas (as defined in 48-39-10, R.30-1(D), and R.30-10).

- a. For those activities which require a direct critical area permit, the issued permit will serve as the consistency determination.
 - b. For those activities that do not require a direct critical area permit, the subsequent coastal zone consistency conditions for each specific Federal NWP authorization will serve as the consistency determination.
1. **NWP 27:** Thin layer placement is not authorized by this NWP. [This is a 401 WQC Condition]
 2. **NWP 27:** Thin layer placement is not authorized for this NWP within the coastal zone. [This is a CZC Condition]
 3. **NWP 43:** Activities authorized by this certification are limited to maintenance of existing facilities, such as stormwater ponds, detention and retention basins, water control structures, outfall structures, emergency spillways, and existing ponds that

2026 NWP REGIONAL CONDITIONS FOR CHARLESTON DISTRICT (SAC)

are proposed for use as water quantity or volume control. This NWP cannot be used for existing ponds that are proposed to be converted into water quality treatment facilities such as sediment basins, sediment traps, or other similar structures.

- 4. NWP 51, 52:** This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.