



MARK WILLIAMS  
COMMISSIONER

A.G. 'SPUD' WOODWARD  
DIRECTOR

March 13, 2012

USACE Savannah District Regulatory  
Attn: Mr. Russell Kaiser, Chief  
100 West Oglethorpe Avenue  
Savannah, Georgia 31401-3640

RE: Consistency Determination Conditional Concurrence for Reauthorization of Nationwide Permits in Georgia, February 21, 2012 Federal Register Notice, # SAS-2011-00130

Dear Mr. Kaiser:

Staff of the Georgia Coastal Management Program has reviewed your January 23, 2012 request for federal consistency determination concurrence under the Coastal Zone Management Act for reauthorization of the use of Nationwide Permits (NWP) in Georgia as described in the February 21, 2012 Federal Register notice and draft Savannah District Regional Conditions.

The Program concurs with your consistency determination with the condition that all Savannah District Regional Conditions are satisfied, including the Regional Condition A: Georgia Department of Natural Resources Notification. Regional Condition A requires submission of a Pre-Construction Notification (PCN) and project plans to the Georgia Department of Natural Resources' Coastal Resources Division (GaDNR/CRD) for use of some NWPs and requires submission of a GaDNR Notification Form to GaDNR/CRD for the use of other NWPs prior to beginning work, on any and all NWP-authorized project that are located anywhere in Bryan, Brantley, Camden, Charlton, Chatham, Effingham, Glynn, Liberty, Long, McIntosh or Wayne counties.

The Georgia Coastal Management Program concurs with your federal consistency determination for reauthorization of NWPs in Georgia under the following conditions:

- 1) A PCN and project plan must be submitted to GaDNR/CRD when in the 11-county coastal area for use of any NWP within 2,000 feet of a National Wildlife Refuge, any National Park Service Property, a National Estuarine Research Reserve, a Georgia State Park, or an approved mitigation bank.
- 2) A PCN and project plan must be submitted to GaDNR/CRD when in the 11-county coastal area for use of NWP 3(a)<sup>i</sup> 3(b), 3(c)<sup>ii</sup>, 5<sup>iii</sup>, 6<sup>iv</sup>, 7, 8, 11, 12, 13<sup>v</sup>, 14, 15, 17, 18<sup>vi</sup>, 21, 22<sup>vii</sup>, 23, 27, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41<sup>viii</sup>, 42, 43, 44, 45, 46, 48, 49, 50, 51, and 52.
- 3) If the project is not located within 2,000 feet of a National Wildlife Refuge, National Park Service Property, National Estuarine Research Reserve, Georgia State Park, or approved mitigation bank, a GaDNR Notification Form must be submitted to

GaDNR/CRD when in the 11-county coastal area for use of NWP 1, 2, 3(a)<sup>ix</sup>, 3(c)<sup>x</sup>, 4,  
5<sup>xi</sup>, 6<sup>xii</sup>, 9, 10, 13<sup>xiii</sup>, 16, 18<sup>xiv</sup>, 19<sup>xv</sup>, 20, 22<sup>xvi</sup>, 24, 25, 28, 30, and 41<sup>xvii</sup>.

Conditional concurrence with this federal consistency determination does not relieve users of a Nationwide Permit from any obligation or responsibility for complying with provisions of any other laws or regulations of other federal, state, or local authorities. A Coastal Marshlands Protection Act Permit, Revocable License Agreement, or other State permission may be required before an NWP-authorized activity may commence in the 11-county coastal area. Please feel free to contact Brad Gane or me if we can be of further assistance.

Sincerely,



A.G. "Spud" Woodward  
Director

SW/km

---

<sup>i</sup> For impacts to 0.1 acre or more of wetlands/open water and/or 100 linear feet or more of stream.

<sup>ii</sup> For impacts to 0.1 acre or more of wetlands/open water and/or 100 linear feet or more of stream.

<sup>iii</sup> For impacts to 0.1 acre or more of wetlands/open water and/or 100 linear feet or more of stream.

<sup>iv</sup> For impacts to 0.1 acre or more of wetlands/open water and/or 100 linear feet or more of stream.

<sup>v</sup> When in a perennial stream; for impacts to 0.1 acre or more of wetlands/open water and/or 100 linear feet or more of stream; when it involves discharges into special aquatic sites; or when it is in excess of 500 feet in length or will involve discharge of greater than an average of one cubic yard per running foot along the bank below the plane of the ordinary high water mark or high tide line.

<sup>vi</sup> When the discharge or the volume of area excavated exceeds 10 cubic yards below the plane of the ordinary high water mark or the high tide line, or the discharge is in a special aquatic site, including wetlands.

<sup>vii</sup> When the vessel is listed or eligible for listing in the National Register of Historic Places, or the activity is conducted in a special aquatic site, including coral reefs and wetlands.

<sup>viii</sup> For impacts to 0.1 acre or more of wetlands/open water and/or 100 linear feet or more of stream or when more than 500 linear feet of drainage ditch will be reshaped.

<sup>ix</sup> For impacts to less than 0.1 acre of wetlands/open water and less than 100 linear feet of stream.

<sup>x</sup> For impacts to less than 0.1 acre of wetlands/open water and less than 100 linear feet of stream.

<sup>xi</sup> For impacts to less than 0.1 acre of wetlands/open water and less than 100 linear feet of stream.

<sup>xii</sup> For impacts to less than 0.1 acre of wetlands/open water and less than 100 linear feet of stream.

<sup>xiii</sup> When not in a perennial stream; for impacts to less than 0.1 acre of wetlands/open water and less than 100 linear feet of stream; when it does not involve discharges into special aquatic sites; and when it is less than 500 feet in length and will not involve discharge of more than an average of one cubic yard per running foot along the bank below the plane of the ordinary high water mark or high tide line.

<sup>xiv</sup> When the discharge or the volume of area excavated does not exceed 10 cubic yards below the plane of the ordinary high water mark or the high tide line and the discharge is not in a special aquatic site, including wetlands.

<sup>xv</sup> For impacts to less than 0.1 acre of wetlands/open water and/or less than 100 linear feet of stream.

<sup>xvi</sup> When the vessel is not listed or eligible for listing in the National Register of Historic Places and the activity is not conducted in a special aquatic site, including coral reefs and wetlands.

<sup>xvii</sup> For impacts to less than 0.1 acre of wetlands/open water and less than 100 linear feet of stream and when less than 500 linear feet of drainage ditch will be reshaped.