

Regulatory Division
SAS-2012-00797

DEPARTMENT OF THE ARMY
REGIONAL PERMIT 96
FOR MAINTENANCE, WIDENING AND IMPROVEMENT OF EXISTING ROADS
AND REPLACEMENT OF BRIDGES AND CULVERTS
WITHIN THE GEOGRAPHIC LIMITS OF GEORGIA
SAVANNAH DISTRICT

SUBJECT: Regional Permit No. 96

Effective Date: October 9, 2013
Expiration Date: October 9, 2018

DESCRIPTION OF REGIONAL PERMIT 96 (RP 96): On the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344), authority is hereby given to Federal, state, and local governments within the geographic limits of the State of Georgia to discharge dredged and/or fill material into non-tidal waters of the United States associated with the following activities: maintenance, widening and/or improvement of existing roads; replacement of bridges, with bridges; and the replacement of culverts with a culvert or bridge. Permanent loss of waters of the United States resulting from a single road crossing are limited to 3 acres of wetland, 1,500 linear feet of intermittent stream and/or 1,000 linear feet of perennial stream. Within the geographic limits of a single 8-digit Hydrologic Unit Code, cumulative losses of waters of the United States resulting from all single road crossings that comprise an overall linear transportation project are limited to 10 acres of wetland and 2,000 linear feet of intermittent and/or perennial stream. Temporary impacts to wetlands and streams that are necessary for the construction of a linear transportation project are also authorized; however, temporary impacts are not included in the above cumulative impact limits.

I. GENERAL CONDITIONS

1. RP 96 does not supersede or otherwise modify applicable Nationwide Permits published in the February 12, 2012, Federal Register, Vol. 77, No. 34, Pages 10184-10290 (77 FR) or other types of currently authorized General Permits.
2. Activities which are not specified in RP 96 or which exceed its limitations would require authorization under a Department of the Army individual permit from the Savannah District, US Army Corps of Engineers (Corps). The District Commander may also require Department of the Army individual permit authorization on a case-by-case basis if it is determined that authorization under RP 96 for a specific project might be contrary to the public interest. For additional information on permits, please visit <http://www.sas.usace.army.mil/Missions/Regulatory.aspx>.

3. All activities identified and authorized herein shall be consistent with the terms and conditions of RP 96; any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of the applicable permit(s) which may result in the modification, suspension, or revocation of the permit(s), in whole or in part, as set forth more specifically in General Condition "5" hereto, and in the institution of such legal proceedings as the U.S. government may consider appropriate, whether or not the permit has been previously modified, suspended, or revoked in whole or in part.

4. In issuing a verification of authorization for use of RP 96 for a specific project, the Corps relies on the information and data which the permittee provides in connection with a Pre-Construction Notification (PCN). If, subsequent to the issuance of a verification of authorization under RP 1 such information and data are determined to be false, incomplete, or inaccurate, the verification of authorization may be modified, suspended, or revoked, in whole or in part, and/or the Corps may, in addition, initiate appropriate legal proceedings. Furthermore, RP 1 may be summarily suspended, in whole or in part, upon a finding by the District Commander that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by a permittee of a written notice thereof which shall indicate (a) the extent of the suspension, (b) the reason(s) for this action, and (c) any corrective or preventative measures to be taken by a permittee which are deemed necessary by the District Commander to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of such notice. Within 10 days following receipt of notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified, or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee, if no hearing is requested, the permit will either be reinstated, modified or revoked.

5. Any modification, suspension, or revocation of RP 96 shall not be the basis for any claim for damages against the United States.

6. RP 96 does not convey any property rights, either in real estate or material, or any exclusive privileges; and that they do not authorize any injury to property or invasion of rights or any infringement of Federal, state, or local laws or regulations.

7. RP 96 does not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

8. RP 96 does not authorize the interference with any existing or proposed Federal project and the permittee shall not be entitled to compensation for damage or injury to the structures or works authorized herein which may be caused by or results from existing or future operations undertaken by the United States in the public interest.

9. If and when a permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which a permittee is transferring their interests herein to a third party, they must restore the area to a condition satisfactory to the District Commander.

II. SPECIAL CONDITIONS

1. Projects that are proposed for authorization under RP 96 must be funded by a federal, state or local government. The government body (applicant) must submit a complete PCN form to the Corps. Detailed information regarding submission of PCNs is located below at Section III.

2. RP 96 can only be used to authorize a single and complete project. RP 96 cannot be used in combination with other Regional Permits, Nationwide Permits, Standard Permits or Letters of Permission for the authorization of a single and complete project.

3. For each individual crossing of waters of the U.S., RP 96 can be used to fill a maximum of 3 acres of wetland, 1,500 linear feet of intermittent stream and/or 1,000 linear feet of perennial stream. Cumulative losses of waters of the United States resulting from all single road crossings that comprise an overall linear transportation project are limited to 10 acres of wetland and 2,000 linear feet of intermittent and/or perennial stream within the geographic limits of a single 8-digit Hydrologic Unit Code.

4. A Corps' letter verifying that a project is authorized by RP 96 is valid for a period of five years from the date of the verification letter, or until the expiration of RP 96, whichever occurs first. Extensions shall not be issued for RP 96 authorized projects. If an authorized project is not completed prior to expiration of RP 96, the permittee must submit a new application and receive a new verification letter from the Corps, under the terms and conditions of any subsequently re-issued RP 96.

5. The use of RP 96 is not allowed in waters regulated by the Georgia Department of Natural Resources, Coastal Resources Division (Georgia CRD), within the 11 coastal counties of Georgia. Tidal waters regulated by Georgia CRD are specified to be the estuarine areas lying within a tide range of 5.6 feet above mean tide level (MTL) and below. Where applicable, use of the RP would be authorized in other areas within Georgia's 11 county coastal zone boundary, provided it can be established that a project lies at an elevation above 5.6 feet MTL. For projects proposed in the eleven coastal counties, applicants should provide a standard topographic map that illustrates a project is located above the 6-foot or 2-meter contour and a statement that impacts will be limited to areas located above the 6-foot or 2-meter contour. If based on USGS topographic map information the project lies below the 6-foot or 2-meter contour, the applicant will be required to obtain a project specific Coastal Zone Management (CZM) certification, as required under Subpart D of the federal consistency regulations [15 CFR 930.62 (a)].

6. The applicant shall perform no work under authority of RP 96 until notified in writing by the Corps that the proposed project has been reviewed and approved.
7. Unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) is not permitted for construction of any activity. Material used for construction or discharge must be free of toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act) and cultural resources.
8. Activities to be conducted less than 0.25 miles upstream of spawning areas, during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, alter, or smother downstream areas by substantial turbidity) of an important spawning area are not authorized.
9. Adverse effects on aquatic systems caused by the accelerated passage of water and/or the restriction of its flow shall be minimized by use of proper management practices.
10. Activities in breeding areas for migratory bird species must be avoided.
11. No activity may occur in a State designated primary or secondary trout stream.
12. No activity may occur within 2000 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.
13. No activity or its operation may impede reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
14. Any temporary structures and/or fills must be removed in their entirety and the affected areas returned to their pre-existing elevation, flow regime, and vegetative condition. Temporary fills may remain in place in waters of the United States for no more than three months. The District Engineer may extend the period of temporary placement for no more than a total of 180 days, where appropriate.
15. Ditches and medians associated with road crossings must be designed and constructed to maintain the normal hydrologic condition in the waters of the United States being crossed, and final road elevations cannot be lower than surrounding wetlands.
16. RP 96 authorized projects shall conform to existing land use plans and/or zoning,
17. RP 96 may not be used to authorize projects that would impact compensatory mitigation sites or an approved compensatory mitigation bank, unless that project's purpose is to enhance the mitigation site or bank. An individual permit application is required for these projects.

18. Use of this RP-96 is prohibited in waters of the United States that support anadromous fish, or in those waters that previously supported such fish and where restoration of fish migrations and populations is possible. The established limits for these waters are identified in Enclosure 3, and include adjacent and tributary waters located within 1,000 feet of these identified waters. Exemption from this condition will be considered on a case-by-case basis, in coordination with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). An exemption may be granted by the District Commander when it is determined that the project would have minimal impact on anadromous fish or their restoration.

19. No dredged or fill material will be discharged into waterways designated by the Georgia Department of Natural Resources as "Drinking Water," "Wild," or "Scenic" Rivers under Georgia's water quality control rules, 391-3-6-.03(14), or which are actively being studied for possible inclusion in the Wild and Scenic Rivers system. For information on Georgia's water quality control rules, please visit <http://rules.sos.state.ga.us/docs/391/3/6/03.pdf>.

20. The discharge may not be located within 0.25 mile of a public water supply intake.

21. Borrow sites or fill dirt stockpile sites are prohibited within 200 feet of a stream, or in any other area of the project site where storm water runoff would likely result in increased stream sedimentation.

22. The permittee shall execute the work authorized herein in a manner so as to minimize impacts on water quality.

23. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.

24. Projects shall be located, outlined, designed, constructed and operated in accordance with the minimal requirements as contained in the Georgia Erosion and Sedimentation Control Act of 1975, as amended. Utilization of plans and specifications as contained in "Manual for Erosion and Sediment Control (Latest Edition)" published by the Georgia Soil and Water Conservation Commission or their equivalent will aid in achieving compliance with the aforementioned minimal requirements.

25. Projects shall be located, outlined, designed, constructed and operated according to standards that will minimize erosion and sediment damage to the highways and adjacent properties and prevent pollution of surface and ground water resources. Measures to minimize erosion include the following: mulching, grassing, slope drains, check dams with silt control gates, and limiting areas of exposed soil.

26. If fill material is to be placed within the 100-year floodplain, the applicant shall provide written confirmation from the Federal Emergency Management Agency (FEMA), or other appropriate agency, that the proposed work will be performed in compliance with all applicable regulations/requirements of FEMA pertaining to construction activities in designated floodplains or flood ways. If this cannot be provided during our review, a condition will be placed on any permit issued, requiring submittal of this confirmation prior to construction of the project.

27. Bridges proposed for construction in or over navigable waters of the United States are subject to the jurisdiction of the U.S. Coast Guard, pursuant to Section 9 of the Rivers and Harbors Act. Prior to submitting a Pre-Construction Notification (PCN) to the Corps for a project that includes a bridge over navigable waters; the applicant would be required to obtain written approval or a waiver from the U.S. Coast Guard.

28. The permittee shall obtain a buffer variance, if required, prior to conducting land disturbing activities or placement of materials within the State-mandated buffer. Variances are issued by the Director of the Georgia Environmental Protection Division (EPD), as defined in the Georgia Erosion and Sedimentation Control Act of 1975, as amended. Please visit EPD's website, <http://www.gaepd.org>, or contact the Non-Point Source Program of EPD at (404) 675-6240, for further guidance on buffer determinations and variances.

29. Mitigation:

a. Compensatory mitigation plans for proposed projects must be in accordance with: (1) the most recent version of the Savannah District Standard Operating Procedure, Compensatory Mitigation, Wetlands, Openwater & Streams (SOP); and (2) the 2008 Final Compensatory Mitigation Rule (33 CFR Parts 325 and 332).

b. As stated in the Final Compensatory Mitigation Rule, the preferred method of compensatory mitigation for impacts to waters of the U.S. is the purchase of credits from an approved commercial mitigation bank. Documentation of use of the Savannah District's most recent "Bank Credit Purchase Guide" is required for RP 96 projects involving the purchase of mitigation bank credits. Credits purchased without prior Corps approval may not be recognized as compensatory mitigation for RP 96 authorized impacts.

c. The use of in-lieu-fee mitigation as compensation for RP 96 authorized impacts may only be proposed if no primary or secondary commercial mitigation bank credits are available for the permit area for the proposed project. The applicant shall obtain written approval from the Corps prior to the purchase of in-lieu fee mitigation.

d. A compensatory mitigation plan will be required for the use of RP 96 for a project that would result in an adverse impact to and/or the loss of 0.1 acre or more of waters of the U.S. and/or 100 linear feet or more of stream.

30. Endangered Species:

a. For the purposes of compliance with Section 7 of the Endangered Species Act (ESA), the Federal Highway Administration (FHWA) will serve as the lead federal agency for federally funded projects, and the Corps will serve as the lead federal agency for state and local funded projects.

b. The applicant shall conduct an endangered species survey of the entire permit area and, in flowing streams, in downstream reaches that might be impacted by project construction (sedimentation, increased stormwater, etc.) in accordance with Section 7 of the Endangered Species Act (ESA) and submit the results with their PCN. Applicants should request approval of their scope of work prior to initiation of the survey. If, based on the review of this information by the Corps, it is determined that the project may affect a listed species, the Corps will complete all coordination required by the ESA prior to making a decision as to whether the project can proceed under RP 96.

c. Authorization of an activity by RP 96 does not authorize the "take" of threatened or endangered species as defined in the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS on their web pages, <http://ecos.fws.gov/ipac/> and http://www.nmfs.noaa.gov/prot_res/eashome.html, respectively.

d. If the permittee, during the prosecution of the work authorized herein, encounters a threatened or endangered species, he shall immediately stop work and notify the District Commander and other appropriate Federal agencies.

31. Cultural Resources.

a. For the purposes of compliance with Section 106 of the National Historic Preservation Act (NHPA), the Federal Highway Administration (FHWA) will sever at the lead federal agency for federally funded projects, and the Corps will serve as the lead federal agency for state and local funded projects.

b. Prior to submittal of a PCN for use of any of RP 96, the applicant shall conduct a Phase I Survey of the project site in accordance with Section 106 of the Historic Preservation Act (NHPA). This survey shall be provided as an attachment to the required PCN. Applicants should request approval of their scope of work prior to initiation of the survey. If, based on the review of this information by the Corps, it is determined that the project has the potential to impact a property that is listed or is eligible for listing on the National Register of Historic Places (NRHP), the Corps will complete all coordination required by Section 106 of the NHPA prior to making a decision as to whether the project can proceed under RP 96.

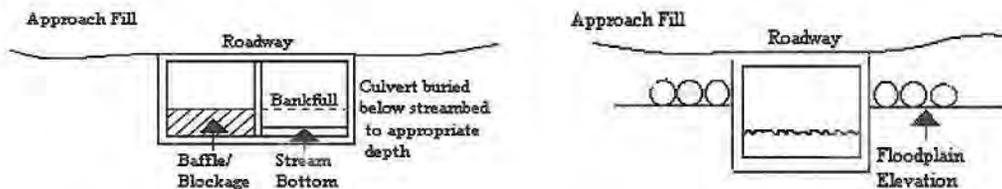
c. No activity which may affect historic properties listed, or eligible for listing, in the NRHP is authorized, until the District Commander has complied with the requirements of Section 106 of the NHPA. The prospective permittee must notify the District Commander if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the NRHP, and shall not begin the activity until notified by the District Commander that the requirements of the NHPA have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the NRHP (see 33 CFR 330.4(g)). For activities that may affect historic properties listed, or eligible for listing, in the NRHP, the notification must state which historic property may be affected by the proposed work and include a vicinity map indicating the location of the historic property.

d. If any previously unknown historic or archeological remains are discovered while accomplishing the activity authorized by RP 96, the permittee must immediately notify the issuing office. Federal and state coordination will be initiated to determine if the remains warrant a recovery effort or if the site is eligible for listing in the NRHP.

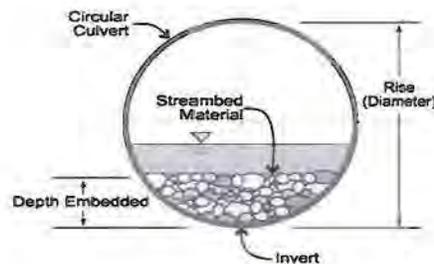
31. Culvert Restrictions for Perennial Streams:

a. The width of the base flow culvert(s) shall be approximately equal to the average channel width. Culvert(s) shall not permanently widen/constrict the channel or reduce/increase stream depth. Multiple pipe culverts may not be used to receive base flows.

b. Bank-full flows shall be accommodated through maintenance of the existing bank-full cross-sectional area.



c. The upstream and downstream invert of culverts (except bottomless culverts) installed in perennial streams will be buried/embedded to a depth of 20% of the culvert height to allow natural substrate to colonize the structure's bottom and fish movement.



d. Culvert slope shall be consistent with average stream segment slope, but shall not exceed 4 percent.

e. Culverts shall be of adequate size to accommodate flooding and sheet flow in a manner that does not cause flooding of associated uplands or disruption of hydrologic characteristics that support aquatic sites on either side of the culvert.

f. Where adjacent floodplain is available, flows exceeding bankfull shall be accommodated by installing an equalizer culvert at the floodplain elevation.

g. Unless specifically described in the PCN, use of undersized culvert to attain stormwater management or waste treatment is not authorized.

III. PRE-CONSTRUCTION NOTIFICATION REQUIREMENTS

1. The applicant shall submit a complete Pre-Construction Notification (PCN) package to the Corps, requesting verification that a proposed project is authorized under the terms and conditions of RP 96. Within 30 days of receipt of a PCN the Corps will review it for completeness and request any additional information, if needed. Once a PCN is determined complete by the Corps, the proposed project will be coordinated with appropriate Federal and state resource agencies for a period of 15 days. The Corps will complete its review within 45 days of receipt of a complete PCN, and determine whether a proposed project is authorized by RP 96. An applicant shall not begin work on a proposed project until receipt of written verification from the Corps that the activity may precede under authority of RP 96.

2. The applicant shall submit a PCN Check List (Enclosure 1). This checklist is to assist the applicant in submitting complete and proper information. Please note that this is not an exhaustive list and that each project has unique components; more or less information may be required to complete a PCN Form for any given project.

3. The applicant shall also submit a copy of the complete PCN package to the Georgia Environmental Protection Division, Attention: Wetland Management Unit, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354-3902.

4. Contents of a Complete PCN:

a. A completed copy of Enclosure 2, "PCN Form."

b. Documentation to support that the project is federally, state or locally funded.

c. A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any Nationwide Permit(s), other regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity.

- d. Documentation on any proposed borrow pit sites with a location map.
- e. A statement concerning whether the project is part of a larger project.
- f. A request for Expanded Preliminary Jurisdictional Determination, which includes a delineation of affected waters of the United States including wetlands, streams, open water areas, etc. Information must be prepared in accordance and pursuant to our March 4, 2009, Public Notice entitled, "Characterization of Jurisdictional Determinations: Purpose, Application and Documentation Requirements as Defined by the Savannah District, US Army Corps of Engineers."
- g. A statement as to whether the Federal Highway Administration, will be the lead federal agency, for Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act of 1966.
- h. If the Federal Highway Administration is not the lead federal agency, a report providing the results of the endangered species survey conducted in accordance with Section 7 of the Endangered Species Act.
- i. If the Federal Highway Administration is not the lead federal agency, a report providing the results of the Phase I Cultural Resources Survey conducted in accordance with Section 106 of the National Historic Preservation Act.
- j. If the Federal Highway Administration, is the lead federal agency, a statement that all coordination / consultation required under Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act of 1966 has been completed (include date completed, and Section 7 and Section 106 determinations).
- k. Plan and section view drawings of the project showing the dimensions of the project, the acreage of wetlands to be impacted and the linear feet of stream that would be impacted. Plans should also include an illustration of the existing stream dimensions at any proposed crossing.
- l. A detailed discussion of all off-site and on-site alternatives considered indicating why the proposed alternative was chosen and detailing why further reduction of impacts on the aquatic ecosystem is not practicable.
- m. A detailed discussion of how impacts were avoided and minimized from the initial phase of the project plans to the project plan that is currently being proposed.
- n. A proposal for how compensatory mitigation will be provided, in accordance with the current version of the Savannah District, Corps of Engineers, Standard Operating Procedures for Compensatory Mitigation (SOP), the Bank Credit Purchase Guide and the Final Rule for Compensatory Mitigation as published in the April 10, 2008, Federal Register, Vol. 73, No. 70, Pages 19594-19705, (33 CFR Parts 325 and 332). This

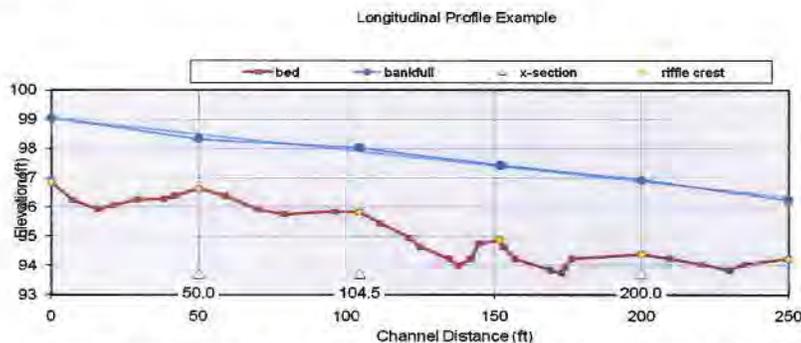
proposal must document how the mitigation would compensate for all wetland/stream impacts. Adverse impacts to waters of the United States include activities that result in a temporary loss in function and do not result in permanent conversion of one aquatic resource type to another (e.g., placement of rip-rap on a stream bank; or construction of a buried utility line in all types of wetland, where the wetland is restored to its preconstruction contours). A loss of waters of the United States includes all filled areas and areas permanently adversely affected by flooding, excavation or drainage (e.g., installation of a culvert/pipe in a stream). The Corps has discretion to determine if work would result in an impact to or a loss of waters of the United States.

o. Where the proposed work involves discharges of dredged or fill material into waters of the United States resulting in permanent, above-grade fills within 100-year floodplains (as identified on FEMA Flood Insurance Rate Maps or FEMA-approved local floodplain maps), the notification must include documentation demonstrating that the proposed work complies with the appropriate FEMA or FEMA-approved local floodplain construction requirements.

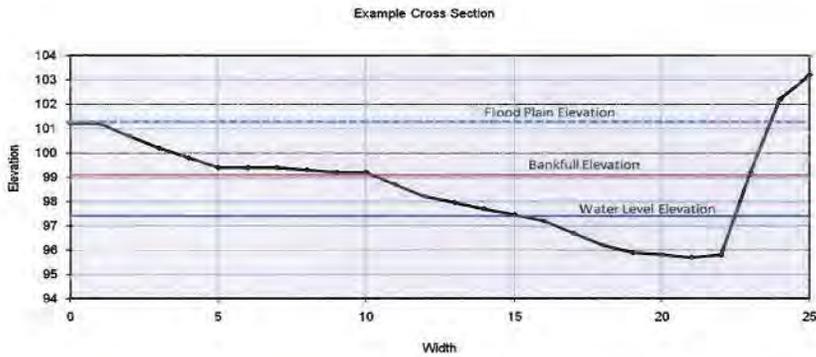
p. For projects with a culverted crossing of a perennial stream:

- (1). Culvert type and size.
- (2). Depth the culvert inlet and outlet will be embedded in the stream bottom.
- (3). Designed culvert slope along the stream channel.

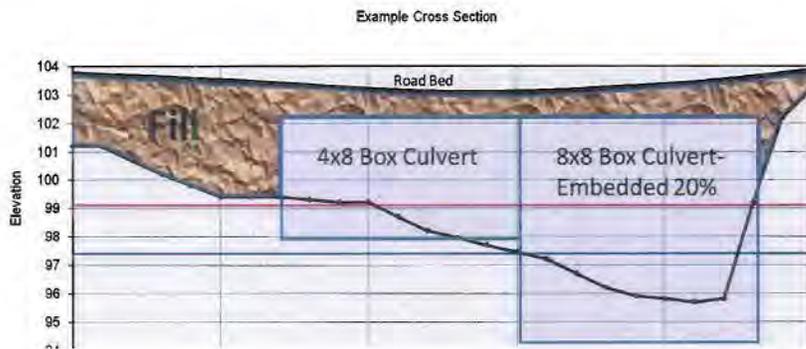
(4). A profile of the stream bottom (longitudinal profile) beginning at least 50 feet upstream of the culvert inlet and continuing at least 50 feet downstream of the culvert outlet. Profile measurements shall begin at the head of a riffle and end at the head of a riffle. The change in elevation from head of riffle to head of riffle can be used for the designed slope.



(5). Three cross-sectional scale diagrams of the stream channel and banks measured at the beginning, middle, and end of the proposed culvert location. The cross-sections shall depict the stream width and height at the current water elevation, bank-full elevation and flood-plain elevation. Calculate bank-full cross-sectional area at all 3 cross-sections.



(6). Scale cross-sectional diagram showing proposed as-built conditions, including location of the culvert in the channel, channel bottom elevation, road surface and areas of cut and fill. This diagram shall represent the beginning and end cross-section.



IV. AGENCY COORDINATION

Upon receipt of a complete PCN for a proposed project, the Corps will coordinate with the appropriate Federal and states agencies. These agencies will then have 15 calendar days from the date the material is transmitted to notify the Corps that they intend to provide substantive, site-specific comments. If so contacted by a resource agency, the Corps will wait an additional 15 calendar days before making a final determination on the use of RP 96 for authorization of a proposed project. The Corps will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency. The Corps will document in the administrative record associated with each notification that the resource agencies' concerns were considered.

IV. FURTHER INFORMATION

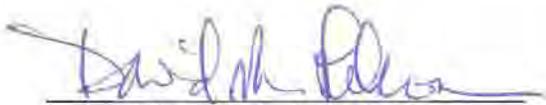
1. Congressional Authorities: Authorization to undertake the activities described above are pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act (33 USC 1344).
2. Limits of this authorization:
 - a. This Permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
 - b. This Permit does not grant any property rights or exclusive privileges.
 - c. This Permit does not authorize injury to the property or rights of others.
 - d. This Permit does no authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this Permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public's interest.
 - c. Damages to person, property or to other permitted or unpermitted activities or structures caused by the activity authorized by this Permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension or revocation of this Permit.
4. Reevaluation of Permit Decision. The Corps may reevaluate its decision on any activity authorized by an RP at any time the circumstances warrant. Circumstances that would require a reevaluation include, but are not limited to, the following:
 - a. The permittee's failure to comply with the terms and conditions of the Permit.
 - b. The information provided by the permittee in support of his Permit application proves to be false, incomplete or inaccurate.

c. Substantial new information surfaces which the Corps, did not consider in reaching the original public's interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification and revocation procedures contained in 33 CFR 325.7 or enforcement procedures provided in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring the permittee to comply with the terms and conditions of the permit authorizations and for the initiation of legal action where appropriate. The permittee will be required to pay for any corrective measures ordered by the Corps and if the permittee fails to comply with such a directive, the Corps, may in certain situations (such as those specified in 33 CFR 209.170), accomplish the corrective measures by contract or otherwise and bill the permittee for the cost.

This RP becomes effective when the Federal official designated to act for the Secretary of the Army has signed below.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



Issued for and in behalf of:
Thomas J. Tickner
Colonel, U.S. Army
Commanding

10/9/13
DATE

Enclosures

1. Pre-Construction Notification Checklist
2. Pre-Construction Notification Form (Latest Edition)
3. Description of Rivers Supporting Anadromous Fish Habitat (Latest Edition)

US ARMY CORPS OF ENGINEERS (USACE), SAVANNAH DISTRICT
 PRE-CONSTRUCTION NOTIFICATION (PCN) CHECKLIST
 FOR NATIONWIDE PERMITS (NWP) AND REGIONAL GENERAL PERMITS (RGP)
 FOR GDOT PROJECTS

This checklist is to assist you in submitting complete and proper information. Please keep in mind that this is not an exhaustive list. Each project has unique components and **more or less information may be required** to complete the PCN Form and application for any given project. However, this list contains information typically necessary for this office to verify a NWP or RGP. We appreciate your cooperation in providing this information at the time of your request. Failure to provide this information may delay our response to you.

THIS CHECK LIST WILL BE PROVIDED WITH ALL PCN SUBMITTALS.

1. **A completed Pre-Construction Notification (PCN) Form**, which should include the following information:

- a. **Use of NWP #'s** (out of NWPs 1-50, which permits are being requested at this time?)
- b. **Applicant's** complete contact information.
- c. **Agent/Consultant's** complete contact information.
- d. **Project location information** (coordinate information should be provided in decimal degrees format).
- e. **Project description** (Describe current site conditions; types of waters of the US; proposed plans; type(s) of equipment utilized; type(s) of fill material being used; methods/techniques to perform proposed work; compensatory mitigation proposal; restoration plan (for temporary impacts); alternative site plans; avoidance/minimization measures; use and types of culverts; etc. Use additional pages, if necessary.)
- f. **Information on project area and impacts to waters of the US:**

	(SAMPLE) PROJECT AREA		(SAMPLE) IMPACTS TO US WATERS	
	ACRES	LINEAR FEET	ACRES	LINEAR FEET
TOTAL PROJECT AREA	75	N/A	N/A	N/A
UPLAND	70	N/A	N/A	N/A
WETLAND	3.5	N/A	0.5	N/A
OPEN WATER	0.53	N/A	0	N/A
PERENNIAL STREAM	0.57	250	0.17	75
INTERMITTENT STREAM	0.23	100	0.05	25
EPHEMERAL STREAM	0.11	50	0	0
MAN-MADE DITCHES	0.06	25	0	0

- g. **Wetland/Stream Impact Avoidance/Minimization** (A discussion of why further measures to avoid/minimize impacts to the aquatic ecosystem are not practicable.)
- h. **Water Quality Management Plan Statement** (A statement regarding whether the city, county or state requires a water quality management plan for the project site prior to construction.)
- i. **Floodplain Management Statement** (A statement that the project would comply with any applicable Federal Emergency Management Administration-approved state or local floodplain management requirements. Information regarding this floodplain management can be found at: www.fema.gov/.)

US ARMY CORPS OF ENGINEERS (USACE), SAVANNAH DISTRICT
PRE-CONSTRUCTION NOTIFICATION (PCN) CHECKLIST
FOR NATIONWIDE PERMITS (NWP)s AND REGIONAL GENERAL PERMITS (RGP)
FOR GDOT PROJECTS

- j. ___ **Maps, Drawings and Other Supplemental Information Regarding the Proposed Project** (Maps/Drawings of the project site, which should clearly identify the limits of the property and/or project boundaries. At a minimum, the application should include the following supplemental information.) **Maps and drawings will be 8 ½ X 11-inch size; we encourage that 11 X 17-inch size also be provided if the maps/drawings are busy. When we archive the project file, all documents and maps have to be on 8 ½ X 11-inch paper.**

- ___ **Topo Location map**, depicting nearby major landmarks (i.e., intersection or roadway)
- ___ **Topo Map of wetlands or other waters on the subject property**
- ___ **Impacts to waters of the US map.** Impact areas should be annotated in sequential order to simplify the identification of specific waters (for example: Wetlands 1, 2, 3, etc.; or Stream A, Wetland B, Stream C, etc.). Impact amounts should also be provided on this map, with wetlands in acreages & streams in linear feet. Temporary vs. permanent impacts should be specified on the drawings.
- ___ **USDA/NRCS County soils map**
- ___ **USGS 7.5-minute topographic map**

- j. ___ **Continued:**

- ___ **National wetlands inventory map**
- ___ **Aerial photography**
- ___ **Plan-view drawings & cross-section drawings of the proposed work**
- ___ **Conceptual site plans, showing proposed placement of fill material and associated infrastructure**
- ___ **Information regarding proposed temporary impacts & a restoration plan, discussing timeframes for replacement of fill material**
- ___ **Request for Jurisdictional Determination (JD) For Property Within the State of Georgia Form, if applicable, and a JD of on-site waters for NWPs 7, 12, 14, 18, 21, 27, 29, 31, 34, 38, 39, 41, 42, and 43**

2. ___ **A completed copy of the State of Georgia Revocable License Request (if applicable).** A revocable license is required if the project would be located within State-regulated tidal waters. Otherwise, our office should be provided with confirmation from the Georgia Department of Natural Resources, Coastal Resources Division (GACRD) that a revocable license is not required.

3. ___ **Is a Georgia Stream Buffer Variance required for this project?** Attach a copy of your Stream Buffer Variance application **form and a copy of your cover letter** being sent to the Georgia Department of Natural Resources, Environmental Protection Division (Georgia EPD). **DO NOT send the entire package.**

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4. **Are federally protected species present on the project area?** A statement regarding the presence of endangered species should be included with your PCN Form (your narrative should include the name of the website checked, a website printout, and/or a survey report). Information regarding federally protected species can be reviewed at the following website:
http://athens.fws.gov/endangered/counties_endangered.html.

[Any and all correspondence from the USFWS will be included in the PCN application. You should also include any correspondence from the Georgia DNR, Wildlife Protection Division.](#)

5. **Are cultural resources located on or near the project area?** A statement regarding the presence of cultural resources should be included with your PCN Form (your narrative should include the name of the website checked, a website printout, and/or a survey report). Information regarding cultural resources can be reviewed at the following websites: <http://www.nr.nps.gov/>, <http://www.nationalregisterofhistoricplaces.com/state.html>, or <https://www.itos.uga.edu/nahrgis/>.

[Any and all correspondence from Georgia HPD will be included in the PCN application. On a project by project basis, if FHWA is the lead federal agency for Section 106, we may still request copies of the cultural resources survey reports for our review under the Section 404 Program.](#)

6. **Is compensatory mitigation required?** If the proposed impacts would result in the loss of greater than 0.10-acre of wetlands and/or 100 linear feet of stream channel, compensatory mitigation would be required. [In accordance with the Final Rule, effective July 8, 2008, the name of the mitigation bank\(s\) you propose to use must be included with your application.](#) Information and worksheets regarding compensatory mitigation can be reviewed at the following website:
<http://www.sas.usace.army.mil/regulatory/compensatory.html>.

7. **Is the project area located in a 303(D) listed stream?** The name of the 303(D) listed stream should be provided. Information regarding 303(D) listed stream channels can be reviewed at the following website: www.epa.gov/surf/.

8. **Is the project area located in a trout stream?** The name of the trout stream should be provided. Information regarding trout streams can be reviewed at the following website: www.dnr.state.ga.us.

9. **Are culverts proposed in streams and/or wetlands?** The following information on culverts should be provided in your project description, as well as on all drawings provided. Culverts will not widen the intermittent or perennial stream that flows through them. NOTE: For any crossing of a perennial stream where the use of a culvert is proposed, an alternatives analysis must be prepared and submitted with the PCN form. The analysis must document why the use of an arch-span, bottomless culvert or bridging would not be

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FOR NATIONWIDE PERMITS (NWP) AND REGIONAL GENERAL PERMITS (RGP)
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a practicable alternative. If use of a multi-barrel pipe culvert is proposed, the analysis must also provide an explanation as to why a single box culvert cannot be used. At a minimum, please provide the following information with your submittal:

- a. ___ Culvert type;
- b. ___ Culvert size;
- c. ___ Depth to which culvert will be embedded;
- d. ___ Cross-section drawing(s) of culvert(s) design; and
- e. ___ Culverts placed in floodplains for storm event overflows, if used, are required.

9. ___ **Any in-stream/wetland storm water management?** The following information should be provided:

- a. ___ A clear statement of the basic (primary) purpose of the detention/retention facility.
- b. ___ A description of the upland-based facility/system that will be utilized to pre-treat storm water prior to discharge into the in-stream/wetland detention/retention facility.
- c. ___ A detailed alternatives analysis pursuant to the Section 404(b)(1) Guidelines of the Clean Water Act. This analysis must demonstrate that all other available stormwater and sediment/erosion treatment controls will be implemented and that in-stream detention/retention is the available practicable alternative available that would meet the basic project purpose. This analysis should also include all project site specific factors that may render other stormwater detention/retention measures impractical, such as: steep slopes; rock substrate; narrow floodplain; and pre-existing development.

If proposing to place an in-stream storm water management facility in a perennial stream, a Standard Permit may be required.

10. ___ **Will the project be phased (additional wetland/stream impacts in the future)?**
11. ___ **Have authorized wetland/stream impacts all ready occurred in the project area?**
12. ___ **Have unauthorized wetland/stream impacts occurred in the project area?**
13. ___ **Is a request for waiver of the 300-foot stream impact limit included?**
14. ___ **Is the project area located within 5 miles of the airport?**
15. ___ **Is the project area in a USEPA Priority Watershed?** Information regarding Priority Watersheds can be found at the following website: www.epa.gov/region4/water/watersheds/priority.htm#FL.

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SUPPLEMENTAL AND/OR ADDITIONAL INFORMATION
FOR GDOT PROJECTS

1. ___ A signed copy of the Categorical Exclusion Environmental Evaluation Check List (all pages) for the Original Ecology Report and the most current Environmental Reevaluation Report. We will accept an email from FHWA for the most current Environmental Reevaluation Report but a signed copy of the reevaluation will be a special condition in any permit that may be verified for the project.
2. ___ A need and purpose statement for the project (recommend using the one that is in the Concept Report for the project).
3. ___ Sequence of documents in the PCN application:
 - a. ___ Cover Letter
 - b. ___ PCN Form
 - c. ___ Supplemental Information on Questions 1 through 15 as applicable
 - d. ___ Request for a JD for Property within the State of Georgia Form
 - e. ___ An expanded or approved JD request has to show waters on surveyed engineer drawings or GPS points located on a USGS topo map
 - f. ___ Categorical Exclusion Environmental Evaluation or Reevaluation Check List (or FHWA email) for most current Ecology Report or Addendum to the Ecology Report
 - g. ___ Most current addendum to the Ecology Report and then past reports (i.e. 2011 addendum, 2009 addendum, 2006 ecology report)
 - h. ___ Tables of wetlands and/or streams will include all waters of US in the project corridor/area. All waters in the project corridor/area are considered jurisdictional if requesting a preliminary or expanded JD. NOTE: Be careful about stating that an ephemeral channel is non-jurisdictional and using terms such as "bed and bank" in describing it.

**US ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
2012 PRE-CONSTRUCTION NOTIFICATION (PCN) FORM
FOR USE OF CERTAIN NATIONWIDE PERMITS (NWP)**

USE OF NWP NUMBER(s) _____ Date _____

APPLICANT/PROPERTY OWNER _____

Phone(hm/bus) _____ FAX _____ E-Mail _____

Address _____ City _____ State _____ Zip Code _____

AGENT/CONSULTANT _____

Phone(hm/bus) _____ FAX _____ E-Mail _____

Address _____ City _____ State _____ Zip Code _____

PROJECT LOCATION/ADDRESS _____

City _____ County _____ Subdivision _____ Lot _____

Latitude _____ Longitude _____ Hydrologic Map Cataloging Unit _____

Nearest Named Stream, River or Other Waterbody _____

PROJECT DESCRIPTION _____

PROJECT AREA AND IMPACT INFORMATION

	PROJECT AREA		IMPACTS TO US WATERS	
	ACRES	LINEAR FEET	ACRES	LINEAR FEET
TOTAL PROJECT AREA		N/A	N/A	N/A
UPLAND		N/A	N/A	N/A
WETLAND		N/A		N/A
OPEN WATER		N/A		N/A
PERENNIAL STREAM				
INTERMITTENT STREAM				
EPHEMERAL STREAM				
MAN-MADE DITCHES				

WETLAND/STREAM IMPACT AVOIDANCE/MINIMIZATION (RC C.3)

WATER QUALITY MANAGEMENT PLAN STATEMENT (RC C.7) _____

FLOODPLAIN MANAGEMENT STATEMENT (RC C.8) _____

MAPS, DRAWINGS AND OTHER SUPPLEMENTAL INFORMATION. For the following questions include information with the PCN necessary to adequately comply with the referenced RC or explain/address the answer provided.

1. PCN submitted to the Georgia EPD? (RC A and Appendix A) Yes _____ No _____
2. PCN submitted to the Georgia CRD? (RC A and Appendix A) Yes _____ No _____ N/A _____
3. Has Georgia EPD or the appropriate Local Issuing Authority (LIA) determined whether or not a buffer variance is required for the project? (RC A and Appendix A) Yes _____ No _____
4. Are federally protected species present on the project area? (RC C.4) Yes _____ No _____
5. Will EFH be impacted by the project? (RC C.5) Yes _____ No _____
6. Are cultural resources located on or near the project area? (RC C.6) Yes _____ No _____
7. Is the project area located in, adjacent to, or upstream and within 10 linear miles of a 303(d) listed water? (RC C.9) Yes _____ No _____
8. Is the project area located in or adjacent to a trout stream? (RC C.10) Yes _____ No _____
9. Is compensatory mitigation required? (RCs C.11 and F.1-9) Yes _____ No _____
10. Are culverts proposed in streams and/or wetlands? (RC C.12 and E.1-8) Yes _____ No _____
11. In-stream/wetland storm water management proposed? (RC C.13) Yes _____ No _____
12. Will the project be phased (additional wetland/stream impacts in the future)? Yes _____ No _____
13. Have authorized wetland/stream impacts occurred in the project area? Yes _____ No _____
14. Have unauthorized wetland/stream impacts occurred in the project area? Yes _____ No _____
15. Is the project area located within 5 miles of an airport? Yes _____ No _____
16. Is the project area in a USEPA Priority Watershed?
<http://www.epa.gov/region4/water/watersheds/priorityv.html> Yes _____ No _____

IMPORTANT NOTES:

1. Refer to Section "C" of the Savannah District 2012 Nationwide Permit Regional Conditions for a complete list of all information that must be submitted as an attachment to this PCN.
2. All maps and drawings that are attached to this PCN must be submitted on 8 ½ X 11-inch paper. Supplemental maps and drawings larger than 8 ½ X 11 may also be submitted for clarity.

Anadromous Fish Waters in Georgia

1. Savannah River from the Atlantic Ocean to the Augusta Diversion Dam, including portions of Ebenezer, Brier and Butler Creeks. Anadromous fish restoration is in progress on the Savannah River and the limit of anadromous fish waters may be extended to include Stevens Creek and the Savannah River to Thurmond Dam. Currently there is limited upstream passage through the lock chamber at New Savannah Bluff Lock and Dam.
2. Ogeechee River from Ossabaw Sound to the I-20 Bridge, including portions of Black, Mill, Ogeechee, Horse, Williamson Swamp and Rocky Comfort Creeks.
3. Canoochee River from its confluence with the Ogeechee River and its upper branches, including Lotts and Little Lotts Creeks above the I-16 Bridge.
4. Medway River from St. Catherines Sound including Mt. Hope Creek.
5. North Newport River from St. Catherines Sound, including lower portions of Peacock Creek.
6. South Newport River from Sapelo Sound to the Long-McIntosh County line.
7. Darien River from Doboy Sound to include Cathead Creek.
8. Altamaha River from the Atlantic Ocean to its confluence with the Oconee and Ocmulgee Rivers, including portions of Doctor, Penholoway, Beards, Tenmile and Cobb Creeks.
9. Ohoopsee River from its confluence with the Altamaha River to the US 319 bridge near Wrightsville, including portions of Rocky and Pendleton Creeks, and Little Ohoopsee River to the US 319 Bridge.
10. Oconee River from its with the Altamaha River to the Lake Sinclair Dam, including portions of Turkey, Rocky, Big Sandy, Commissioner and Buffalo Creeks.
11. Ocmulgee River from its with the Altamaha and Oconee rivers to the East Juliette hydropower dam, including portions of Horse/Alligator, House, Cedar, Bluff, Big, Big Indian, Echeconnee and Tobesofkee Creeks.
12. Little Ocmulgee River from its confluence with the Ocmulgee River to the dam at Little Ocmulgee Lake in McRae, including portions of Sugar and Alligator Creeks.
13. Brunswick River from St. Simons Sound, including portions of Turtle and Buffalo Rivers.
14. Satilla River from St. Andrew Sound to the GA 158 Bridge west of Douglas, including portions the Alabaha River and White Oak, Buffalo, Big Satilla, Little Satilla, Colemans, Bishop, Little Hurricane, Hog, Seventeen Mile, Red Bluff and Pudding Creeks.
15. Little Satilla River from Jekyll Sound to the US 17 bridge.
16. St. Marys River from the Atlantic Ocean to near the Florida/Georgia border at the Highway 2/94 bridge, including portions of South Prong and Middle Prong.
17. Chattahoochee River from Lake Seminole to George W. Andrews Lock and Dam.