DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
100 W. OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3640

REPLY TO
ATTENTION OF

MARCH 0 6 2013

Regulatory Division
SAS-2012-00797

JOINT PUBLIC NOTICE
REVISION AND REISSUANCE OF
REGIONAL GENERAL PERMIT 96
FOR MAINTENANCE, WIDENING AND / OR
IMPROVEMENTS OF EXISTING ROADS
AND BRIDGES OR CULVERT REPLACEMENT
WITHIN THE GEOGRAPHIC LIMITS OF GEORGIA
SAVANNAH DISTRICT

The Savannah District, U.S. Army Corps of Engineers, by means of this notice announces a proposal to revise and reissue Regional General Permit (RP) Number 96, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and/or Section 404 of the Clean Water Act (33 U.S.C. 1344), for a period of five years. RP-96 would authorize the discharge of 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 impacts to waters of the United States associated with a single road crossing are limited to the permanent loss of 3 acres of wetland, 1,500 linear feet of intermittent stream and/or 1,000 linear feet of perennial stream. This RP would also authorize temporary impacts associated with structures, fills, and work necessary as part of a linear transportation project. Within the geographic limits of a single 8-digit Hydrologic Unit Code, cumulative impacts to waters of the United States associated with all the single road crossings that comprise an overall linear transportation project are limited to the cumulative loss of 10 acres of wetland and 2,000 linear feet of intermittent and/or perennial stream. The use of RP-96 is not authorized in tidal waters. A copy of the Draft RP is enclosed.

Scope: The scope of this RP includes only those activities which are considered to be minor in nature and would cause only minimal individual environmental impacts; cumulative impacts should also be minor. Uses of the RP would be excluded in tidal waters, including tidal wetlands. This RP is not considered to 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.

Background: The current RP-96 was issued on July 25, 2008, and is scheduled to expire on July 25, 2013. The RP-96 authorizes wetland and stream impacts specifically associated with Georgia Department of Transportation Bridge or Culvert Replacements and Maintenance

Projects. The permitted wetland and/or stream impact threshold under the current RP is no more than 3 acres of wetlands or 500 linear feet of intermittent or perennial stream at any one site/crossing or for linear projects that would impact no more than 5 acres of wetlands or 1,500 linear feet of stream over multiple crossings. To date a total of fifteen (15) GDOT linear transportation projects were authorized under RP-96, with permitted impacts totaling 13.98 acres of wetlands and 450 linear feet of stream. Permitted impacts were mitigated through the purchase of credits from approved mitigation banks.

Individual Permits: Activities which are not specified in these RPs or which exceed the limitations of the permit require Individual Department of the Army authorization from the Corps, before work is started. The District Engineer may also require individual authorization, on a case-by-case basis, if he determines authorization under the RP for a specific project is contrary to the public interest.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this RP at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required for a Federal Permit to conduct activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can be reviewed in the Regulatory Division, Savannah District, U.S. Army Corps of Engineers, 100 W. Oglethorpe Avenue Savannah, Georgia 31401-3640.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia, which may be in the form of a license, easement, lease, permit or other appropriate instrument.

Georgia Coastal Management Program: Prior to the Corps making a final permit decision on this application, the project must be certified by the Georgia Department of Natural Resources, Coastal Resources Division, to be consistent with applicable provisions of the State of Georgia Coastal Management Program (15 CFR 930). Anyone wishing to comment on Coastal Management Program certification of this project should submit comments in writing within 30 days of the date of this notice to the Federal Consistency Coordinator, Ecological Services Section, Coastal Resources Division, Georgia Department of Natural Resources, One Conservation Way, Brunswick, Georgia 31523-8600 (Telephone 912-264-7218).

U.S. ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request from the U.S. Department of the Interior, U.S. Fish and Wildlife Service and the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information on whether any species listed or proposed for listing may be present in the areas to be covered by this Regional Permit (Refer to Part II Special Condition 28 of the draft RP).

Cultural Resources Assessment: Due to the area covered by this RP, it is possible that registered properties or properties listed as eligible for inclusion in the National Register of Historic Places may be located in the areas to be covered or in areas that may be effected by any proposed work. Presently unknown archaeological, scientific, prehistorical, or historical sites may be located in the areas to be covered and that could be affected by the work (Refer to Part II Special Condition 29 of the draft RP).

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The Corps is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comment Period: Anyone wishing to comment on the proposed issuance of this RP should submit comments in writing to the Commander, Savannah District,
U.S. Army Corps of Engineers, Attention: Stanley J. Knight, 100 W. Oglethorpe Avenue, Savannah, Georgia 31401-3640, no later than 30 days from the date of this notice. Please refer to the applicant's name and the application number in your comments.

If you have any further questions concerning this matter, please contact Stanley J. Knight, Project Manager, Coastal Branch at 912-652-5348.

Encl

1. Draft Regional Permit

Regulatory Division
SAS-2012-00797

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

SUBJECT: Regional Permit No. 96

Effective Date:

Expiration Date:

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 impacts to waters of the United States associated with a single road crossing are limited to the permanent loss of 3 acres of wetland, 1,500 linear feet of intermittent stream and/or 1,000 linear feet of perennial stream. This RP would also authorize temporary impacts associated with structures, fills, and work necessary as part of a linear transportation project. Within the geographic limits of a single 8-digit Hydrologic Unit Code, cumulative impacts to waters of the United States associated with all the single road crossings that comprise an overall linear transportation project are limited to the cumulative loss of 10 acres of wetland and 2,000 linear feet of intermittent and/or perennial stream. The use of RP-96 is not authorized in tidal waters. The use of RP-96 is not authorized in tidal waters.

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 the limitations of the RP would require prior authorization under a Department of the Army individual permit from the Savannah District, U.S. Army Corps of Engineers. The District Commander may also require individual permit authorization, on a case-by-case basis, if he determines 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/regulatory/index.html.

3. All activities identified and authorized herein shall be consistent with the terms and conditions of RP-96; and that 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 RP-96, in whole or in part, as set forth more specifically in General Conditions "4" or "5" hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not the permit has been previously modified, suspended, or revoked in whole or in part.

4. RP-96 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 reasons 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. A permittee shall take immediate action to comply with the provisions of this notice. Within 10 days following receipt of this 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. RP-96, or an individual activity authorized under the RP, may be either modified, suspended, or revoked, in whole or in part, pursuant to the procedures under 33 CFR 325.7. In issuing authorizations under RP-96, the United States Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of an authorization under the RP, such information and data prove to have been false, incomplete, or inaccurate, the authorization may be modified, suspended, or revoked, in whole or in part, and/or the United States Government may, in addition, institute appropriate legal proceedings

6. That the permittee agrees to make every reasonable effort to prosecute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife, and natural environmental values.

7. 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.

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

9. 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.

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

11. 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 authorized by RP-96 must be funded by a Federal, state or local governing body.

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. 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)].

4. 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.

5. 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.

6. 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.

7. 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.

8. Activities in breeding areas for migratory bird species must be avoided.

9. No activity may occur in a State designated primary or secondary trout stream.

10. 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.

11. No activity or its operation may impede reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

12. 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.

13. 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.

14. No dredged or fill material will be discharged into waterways designated by the Georgia Department of Natural Resources (Georgia DNR) as "Drinking Water Supplies," "Wild Rivers," or "Scenic Rivers," or which are actively being studied for possible inclusion in the Wild and Scenic Rivers system.

15. The proposed work shall conform to existing land use plans and/or zoning.

16. 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.

17. Use of this RP 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.

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

19. 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.

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

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

22. 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.

23. 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.

24. 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.

25. 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.

26. The permittee shall obtain a stream buffer variance, if required. Variances are issued by the Director of the Georgia Environmental Protection Division, as defined in the Georgia Erosion and Sedimentation Control Act of 1975, as amended.

27. Mitigation:

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

b. As stated in the 2008 Final Compensatory Mitigation Rule, the preferred method of compensatory mitigation for impacts to waters of the United States is the purchase of credits from an approved commercial mitigation bank. Documentation of use of the Savannah District "Bank Credit Purchase Guide" is required for RP-96 projects involving the purchase of mitigation bank credits. Credits purchased prior to approval by the Corps may not be recognized as compensatory mitigation for authorized impacts.

c. The use of in-lieu-fee mitigation as compensation for RP-96 authorized impacts may only be proposed if proof is provided that there is no approved commercial mitigation bank with available credits and a service area that include the project site. 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 a temporary and/or permanent impact to and/or the loss of 0.1 acre or more of wetlands and/or 100 linear feet or more of stream. Exceeding either threshold will result in the need for a mitigation plan to compensate for both wetland and stream impacts regardless of size of impact.

28. Endangered Species.

a. The applicant shall conduct an endangered species survey of the entire permit area in accordance with Section 7 of the Endangered Species Act (ESA) and the Fish and Wildlife Coordination Act 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 Lead Federal Agency, the Corps or the Federal Highway Administration (FHWA), it is determined that the project may affect a listed species, the Corps or FHWA as the Lead Federal Agency will complete all coordination required by the ESA prior to a final permit decision.

b. Authorization of an activity by RP-96 does not authorize the "take" of threatened or endangered species as defined under 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 and/or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act. 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://athens.fws.gov/endangered/ counties_endangered.html and http://www.nmfs.noaa.gov/prot_res/eashome.html, respectively.

29. Cultural Resources:

a. Prior to submittal of a PCN for use of RP-96, the applicant shall conduct a Phase I Survey of the project site in accordance with Section 106 of the National 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 Lead Federal Agency, the Corps or FHWA will complete all coordination required by the (NHPA) prior to making a decision as to whether the project can proceed under the RP.

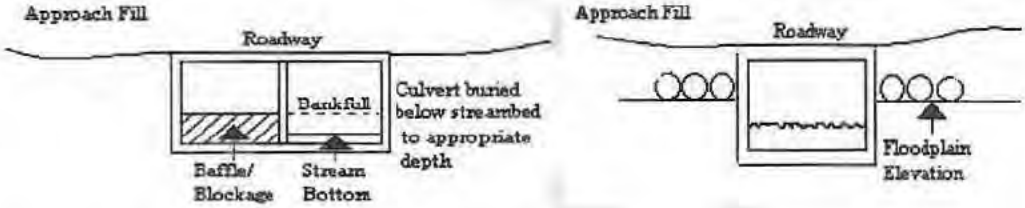
b. No activity which may affect historic properties, listed or eligible for listing, in the NRHP is authorized, until the District Commander has complied with the requirements of Section 106 of the NHPA. The prospective permittee must notify the District Commander if the authorized activity may affect any historic properties listed, determined to be eligible for listing, 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 in, 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.

c. 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. The 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.

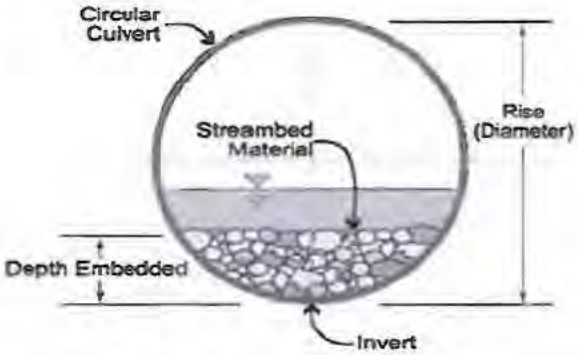
30. Culvert Restrictions for Perennial Streams:

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 encourage 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 PCN package to the Corps, requesting confirmation that the proposed project would qualify for authorization under the terms and conditions of RP-96. Within 30 days of receipt of a RP-96 PCN, the Corps will determine if the PCN is complete, and request any additional information necessary to make the PCN complete, if required. 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 would qualify for authorization under RP-96. An applicant shall not begin work on a proposed project until receipt of written notification from the Corps that the activity may precede under authority of RP-96.

2. The applicant shall submit a Pre-Construction Notification 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 and more or less information may be required to complete the PCN Form and application 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, "Pre-Construction Notification Form."

b. 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;

c. Documentation on any proposed borrow pit sites with a location map.

d. For linear projects, a discussion of the logical termini.

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 with the public notice published March 4, 2009, for Characterization of Jurisdictional Determinations: Purpose, Application, and Documentation Requirements as Defined by the Savannah District, U.S. Army Corps of Engineers. The permittee also has the option of requesting an approved Jurisdictional Determination however there may be some delay if an approved Jurisdictional Determination is requested.

g. A report providing the results of the endangered species survey conducted in accordance with Section 7 of the Endangered Species Act;

h. A report providing the results of the Phase I Cultural Resources Survey conducted in accordance with Section 106 of the National Historic Preservation Act;

i. 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.

j. 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 determinations and finalization of Section 7 and Section 106.

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 2008 Mitigation Rule. 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.

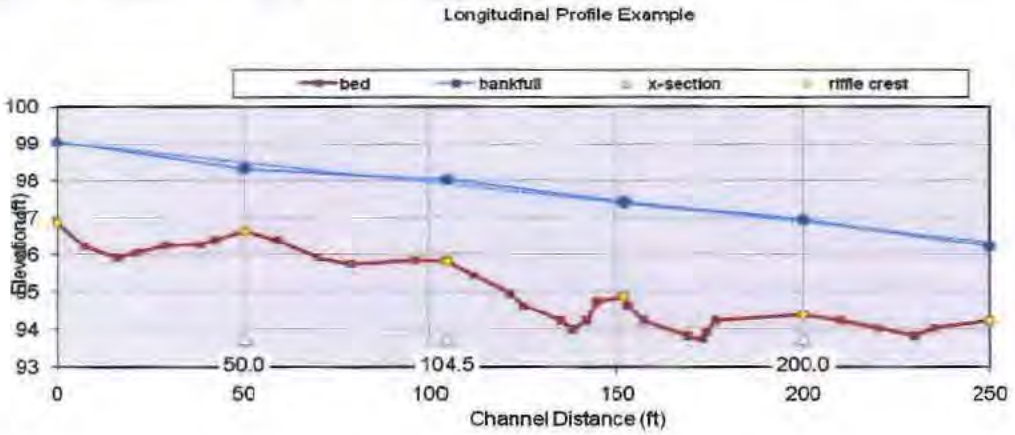
p. For projects with a culverted crossing of a perennial stream:

(1). Culvert type and size.

(2). Depth the culvert inlet and outlet culvert will be embedded in the stream bottom.

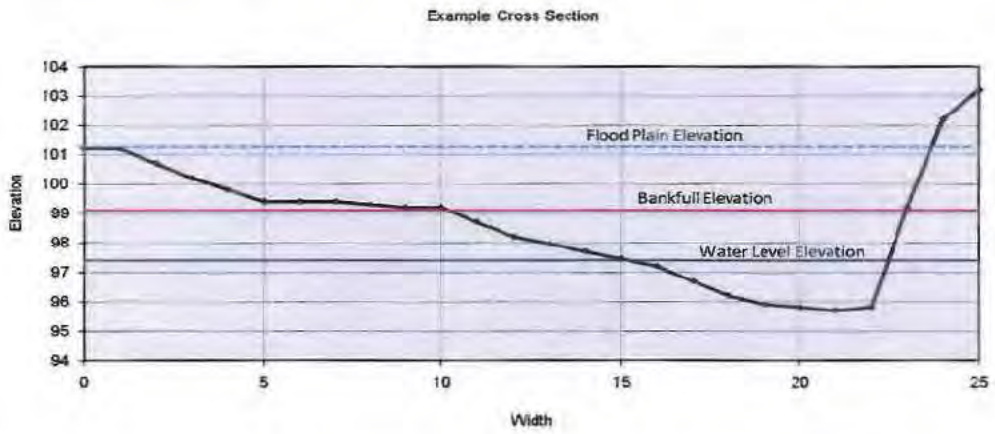
(3). Designed culvert slope along the stream channel.

(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.

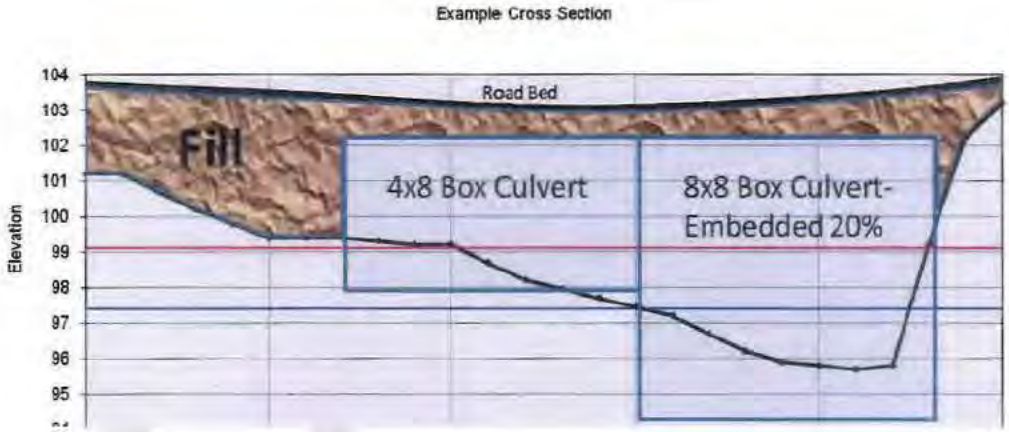


(5). Three cross-sectional scale diagrams of the stream channel and banks measured at the beginning, middle, and end of the proposed culvert location. The cross-sections shall depict the stream width and height at the current water elevation, bank-full elevation and flood-plain

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: DATE
Jeffrey M. Hall
Colonel, US Army
Commanding

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 (NWPs) 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/.)

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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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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.

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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? Yes _____ No _____
http://www.epa.gov/region4/water/watersheds/priority.html)

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 Ebeneezer, 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. Ohoopee River from its confluence with the Altamaha River to the US 319 bridge near Wrightsville, including portions of Rocky and Pendleton Creeks, and Little Ohoopee 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.