



REPLY TO
ATTENTION OF

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

MARCH 06 2013

Regulatory Division
SAS-2013-00077

**JOINT PUBLIC NOTICE
REVISION AND REISSUANCE OF REGIONAL GENERAL PERMIT 01
FOR MINOR DISCHARGES FOR THE CONSTRUCTION OF ROADS AND BRIDGES
WITHIN THE GEOGRAPHIC LIMITS OF THE STATE OF GEORGIA
SAVANNAH DISTRICT**

The US Army Corps of Engineers, Savannah District, by means of this notice announces a proposal to revise and reissue Regional General Permit (RP) Number 01 (formerly SAS-2007-00116), 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. This permit would authorize Federal, State, City, County, and municipal road building authorities to discharge dredged and/or fill material incidental to roadway and bridge construction conducted in waters of the United States, resulting in a loss of no more than 1 acre of wetland and/or 300 linear feet of ephemeral, intermittent and/or perennial stream at any one site or crossing. Each project must have logical termini. A copy of the Draft RP 01 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. Use of this RP would be prohibited in tidal waters, including tidal wetlands. This RP would not be considered to supersede or otherwise modify applicable Nationwide Permits published in the February 21, 2012, Federal Register, Vol. 77, No. 34, Pages 10184-10290 or other types of currently authorized General Permits.

Individual Permits: Activities which are not specified in this RP or which exceed the limitations of the RP would require individual Department of the Army authorization from the US Army Corps of Engineers, Savannah District, before work is started. The District Engineer may 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 project 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 copy 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 Savannah District, US Army Corps of Engineers, Regulatory Division, 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 Savannah District Corps of Engineers 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).

US 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.

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 data may be located in the areas to be covered and that could be affected by the work (Refer to Special Condition 33 of the draft RP).

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 US Department of the Interior, Fish and Wildlife Service and the US 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 Special Condition 32 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 US Army Corps of Engineers 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 US Army Corps of Engineers 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 this application for a Department of the Army Permit should submit comments in writing to the US Army Corps of Engineers, Savannah District, Attention: Kathrine M. Freas, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777, no later than 30 days from the date of this notice. Please refer to the application number in your comments.

If you have any further questions concerning this matter, please contact Kathrine M. Freas, Project Manager, Piedmont Branch at 678-804-5226.

Encls

1. Draft Regional Permit

CESAS-RD
SAS-2013-00077

DEPARTMENT OF THE ARMY
REGIONAL PERMIT FOR
MINOR DISCHARGES FOR THE CONSTRUCTION OF ROADS AND BRIDGES
WITHIN THE GEOGRAPHIC LIMITS OF GEORGIA
SAVANNAH DISTRICT

SUBJECT: Regional Permit No. 1

Effective Date: XXXXXXXXXX

Expiration Date: XXXXXXXXXX

DESCRIPTION OF THE REGIONAL PERMIT: 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), a Regional Permit (RP) as outlined herein is hereby given to Federal, State, City, County, and municipal road-building authorities within the geographic limits of the State of Georgia. Use of this RP is prohibited in tidal waters. To potentially qualify for this RP, the proposed discharge of dredged and fill material incidental to roadway and bridge construction must result in the loss of not more than 1 acre of waters of the US and/or 300 linear feet of ephemeral, intermittent, or perennial stream, per crossing.

I. GENERAL CONDITIONS

1. RP 1 does not supersede or otherwise modify applicable Nationwide Permits published in the February 21, 2012, Federal Register, Vol. 77, No. 34, Pages 10184-10290 or other types of currently authorized General Permits.
2. Activities which are not specified in RP 1 or which exceed the limitations of the RP 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 1 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 the permit(s); 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 Conditions "4" or "5" hereto, and in the institution of such legal proceedings as the US government may consider appropriate, whether or not the permit has been previously modified, suspended, or revoked in whole or in part.

4. 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. RP 1, 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 1, the Corps 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 Corps may, in addition, initiate appropriate legal proceedings.

6. 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 1 does not convey any property rights, either in real estate or material, or any exclusive privileges; nor does RP 1 authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

8. RP 1 does not obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

9. RP 1 does not authorize 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 result from existing or future operations undertaken by the US in the public interest.

10. Any modification, suspension, or revocation of RP 1 shall not be the basis for any claim for damages against the US.

11. If and/or 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 his interests herein to a third party, he must restore the area to a condition satisfactory to the District Commander.

II. SPECIAL CONDITIONS

1. Projects authorized by RP 1 must be funded by a Federal, State or Local governing body.

2. RP 1 may only be used to authorize a single and complete project. RP 1 cannot be used in combination with other RPs, Nationwide Permits, Standard Permits or Letters of Permission for the authorization of a single and complete project.

3. This RP can only be used to fill a maximum of 1 acre of wetland and/or 300 linear feet of ephemeral, intermittent, or perennial stream for each crossing between the project's logical, natural high ground termini (all wetland and stream crossings must extend between previously existing natural high ground locations).

4. Authorizations for construction under this RP are valid for a period of 5 years from the date of approval of the specific project.

5. Projects authorized under this RP, but not commenced or under contract to commence, before the expiration date, must be re-coordinated.

6. The permittee should request a permit extension at least one month prior to the expiration date for projects that need additional time to complete the authorized activity,.

7. The use of RP 1 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 could be authorized in other areas within Georgia's 11 county coastal zone boundary, provided it is 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 elevation information is not submitted, or if a topographic map indicates that the project lies below the 6-

foot or 2-meter contour, the applicant will be required to obtain an individual Coastal Zone Management (CZM) certification, as required under Subpart D of the federal consistency regulations [15 CFR 930.62 (a)].

8. The applicant shall perform no work under authority of RP 1 until notified in writing by the Corps that the proposed project has been reviewed and approved.

9. Unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) is not permitted for construction of any activity and 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.

10. Activities located less than 0.25 mile upstream of spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavation, fill, alteration, or smothering of downstream areas by substantial turbidity) of an important spawning area are not authorized.

11. 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.

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

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

14. No activity may occur within 2000 feet of a National Wildlife Refuge.

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

16. Any temporary 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 US for no more than three months. The District Commander may extend the period of temporary placement for no more than a total of 180 days, where appropriate.

17. Ditches and medians associated with road crossings must be designed and constructed to maintain the normal hydrologic condition of the waters of the US being crossed, and final road elevations cannot be lower than surrounding wetlands.

18. No dredged or fill material will be discharged into waterways designated by the Georgia Department of Natural Resources 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.

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

20. RP 1 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.

21. Use of this RP is prohibited in waters of the US 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 Attachment 2, and include adjacent and tributary waters located within 1000 feet of these identified waters. Exemption from this condition may be considered on a case-by-case basis, in coordination with the US Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). An exemption may be granted by the District Commander if it is determined that the project would have minimal impact on anadromous fish or their restoration.

22. Any discharge permitted herein must be located at least 0.25 mile from any public water supply intake.

23. Borrow sites or sites for stockpiling fill dirt are prohibited within 200 feet of stream banks or in any other area of the project site where storm water runoff would likely result in increased stream sedimentation.

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

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

26. 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.

27. 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, but are not limited to, the following: mulching, grassing, slope drains, check dams with silt control gates, and limiting areas of exposed soil.

28. 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 floodways. If this cannot be provided during the Corps' review, a condition would be placed on any permit issued, requiring submittal of this confirmation prior to construction of the project.

29. Bridges proposed for construction in or over navigable waters of the US are subject to the jurisdiction of the US Coast Guard, pursuant to Section 9 of the Rivers and Harbors Act. Prior to submitting a PCN to the Corps for a project that includes a bridge over navigable waters, the applicant must obtain written approval or waiver from the US Coast Guard.

30. 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.

31. Mitigation:

a. Compensatory mitigation plans for proposed projects must be in accordance with: the most recent 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 Final Compensatory Mitigation Rule, the preferred method of compensatory mitigation for impacts to waters of the US is the purchase of credits from an approved commercial mitigation bank. Documentation of use of the Savannah District's "Bank Credit Purchase Guide" is required for RP 1 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 1 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 1 for a project that would result in an adverse impact to and/or the loss of 0.1 acre or more of wetlands and/or 100 linear feet or more of stream.

32. 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 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 this RP.

b. Authorization of an activity by RP 1 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://athens.fws.gov/endangered/counties_endangered.html and http://www.nmfs.noaa.gov/prot_res/eashome.html, respectively.

c. 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.

33. Cultural Resources.

a. Prior to submittal of a PCN for use of any of RP 1, the applicant shall conduct a Phase I Survey of the project site in accordance with Section 106 of the Historic Preservation Act. 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 the National Historic Preservation Act prior to making a decision as to whether the project can proceed under this RP.

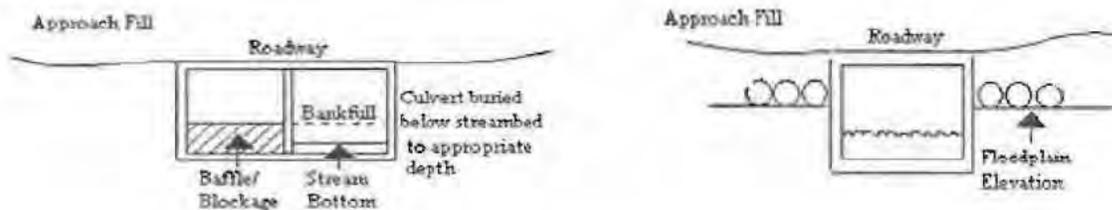
b. No activity which may affect historic properties listed, or eligible for listing, in the NRHP is authorized, until the District Commander has complied with the requirements of Section 106 of the Historic Preservation Act. The prospective permittee must notify the District Commander if the authorized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

c. If any previously unknown historic or archeological remains are discovered while accomplishing the activity authorized by RP 1, 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.

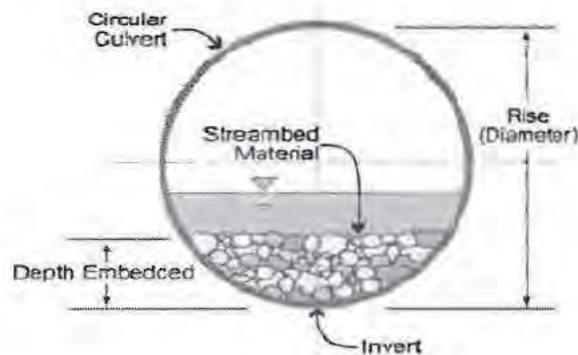
34. Culvert Restrictions for Perennial Streams:

a. The width of the base flow culvert(s) shall be approximately equal to the average channel width. Culvert(s) shall not permanently widen or constrict the channel or reduce or 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 culverts 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 1. Within 30 days of receipt of an RP 1 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 state and Federal resource agencies for a period of 10 calendar days. Within 45 days of receipt of a complete PCN package, the Corps will determine whether a proposed project would qualify for authorization under RP 1. The applicant will be notified in writing by the Corps of its final determination. An applicant may not begin work on a proposed project until written notification is received from the Corps that the activity may proceed under authority of RP 1.

2. 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.

3. Contents of a Complete PCN:

a. A completed copy of Enclosure 1, "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. For linear projects, a discussion of the logical termini.

d. A statement concerning whether the project is part of a larger project.

e. A request for Expanded Preliminary Jurisdictional Determination, including a delineation of affected waters of the US (wetlands, streams, open water areas, etc.). Information must be prepared in accordance with the public notice published March 4, 2009, "Characterization of Jurisdictional Determinations: Purpose, Application, and Documentation Requirements as Defined by the Savannah, District US Army Corps of Engineers." The applicant also has the option of requesting an approved Jurisdictional Determination and/or the Savannah District to delineate the waters on the site. There may be some delay if an approved Jurisdictional Determination is requested and/or the District does the delineation;

f. A report providing the results of the endangered species survey conducted in accordance with Section 7 of the ESA;

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

h. Plan and section view drawings of the project showing the dimensions of the project, the acreage of wetlands that would 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;

i. 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 to the aquatic ecosystem is not practicable;

j. 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;

k. A proposal for how compensatory mitigation will be provided, in accordance with the SOP, the Credit Purchase Guidance and the New Mitigation Rule. This proposal must document how the mitigation would compensate for all wetland and/or stream impacts. Adverse impacts to waters of the US 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 US includes all filled areas and areas permanently adversely affected by flooding, excavation or drainage (e.g., installation of a culvert or 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 US.

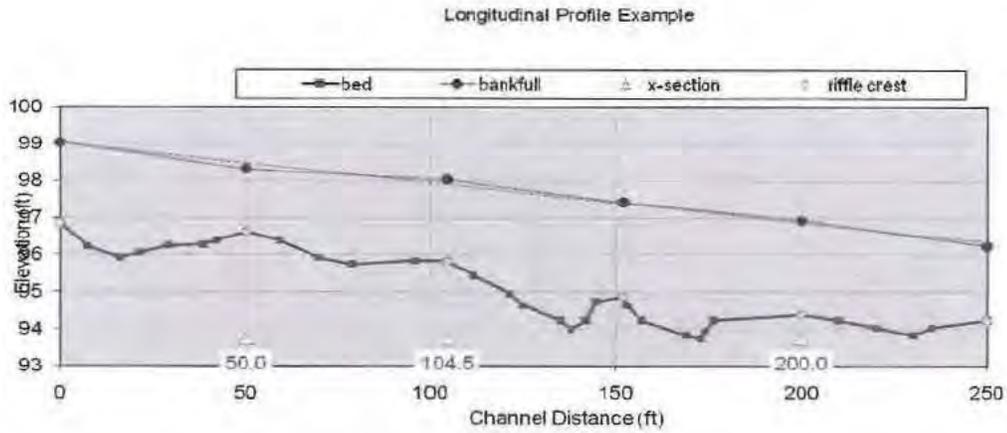
4. For projects with a culverted crossing of a perennial stream:

a. Culvert type and size.

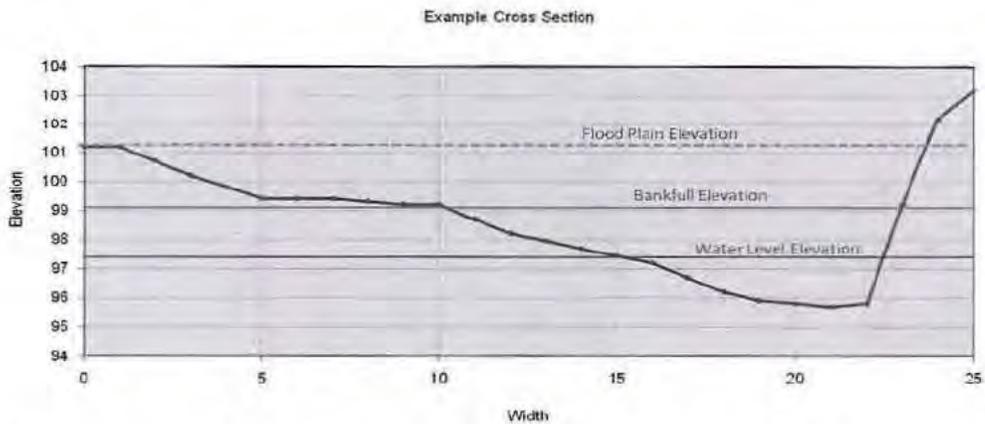
b. Depth the culvert inlet and outlet culvert will be embedded in the stream bottom.

c. Designed culvert slope along the stream channel.

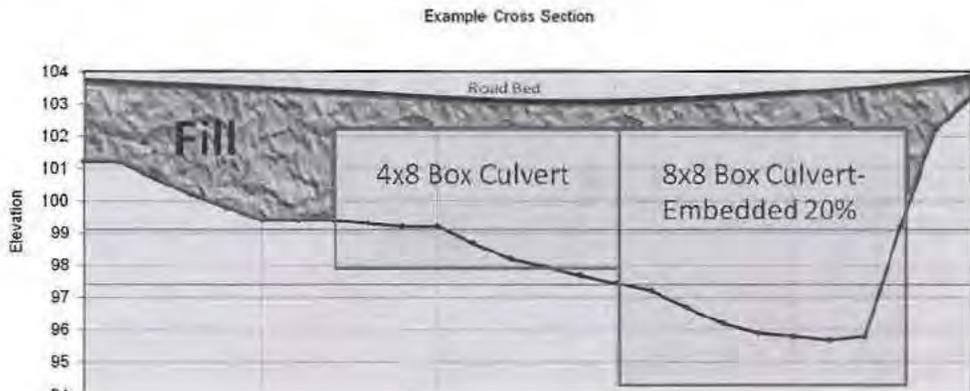
d. A profile of the stream bottom (longitudinal profile) beginning at least 50 feet upstream of the culvert inlet and continuing at least 50 feet downstream of the culvert outlet. Profile measurements shall begin at the head of a riffle and end at the head of a riffle. The change in elevation from head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



e. 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.



f. 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-sections.



IV. AGENCY COORDINATION

For a proposed project that would impact more than 1/10 acre of wetland, 100 feet of intermittent or ephemeral stream, or any length of perennial stream, upon receipt of a complete PCN package, the Corps will provide a copy of the PCN coordination sheet to the appropriate offices of the US Fish and Wildlife Service, the Georgia Department of Natural Resources, the US Environmental Protection Agency and the National Marine Fisheries Service via email. These agencies will then have 10 calendar days from the date the material is transmitted to notify the Corps that they intend to provide substantive, project-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 1 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 the administrative record associated with each notification that the resource agencies' concerns were considered.

V. 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 US Army Corps of Engineers, Savannah District, may reevaluate its decision on any activity authorized by an RGP 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 US Army Corps of Engineers, Savannah District, 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 US Army Corps of Engineers, Savannah District, and if the permittee fails to comply with such a directive, the US Army Corps of Engineers, Savannah District, 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 on behalf of:

Jeffrey M. Hall
Colonel, US Army
Commanding

DATE

Enclosures

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