



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
100 W. OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31402-0889

JULY 01 2008

Regulatory Division
SAS-1995-11750

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

The Savannah District proposes to re-issue, for a period of 5 years, Programmatic General Permit No. 58 (PGP 58) for minor work and structures in or affecting waters of the United States within the limits to Lake Blackshear on the Flint River.

Location: Work authorized under PGP 58 would be performed in waters of the U.S located within the limits of Lake Blackshear on the Flint River, in Crisp, Dooly, Sumter, Lee, and Worth Counties, Georgia.

Authority: The Savannah District proposes the issuance of PGP58 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). Regional Permits are authorized by the District Commander for activities which are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; and would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State, or local agency provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal (see 33 C.F.R. Parts 322.2 (f), 325.2 (e), and 330).

Scope: The scope of PGP 58 includes only those activities which are considered to be minor in nature and cause only minimal individual and cumulative impacts. Areas eligible for PGP 58 are those waters of the U.S located within the limits of Lake Blackshear on the Flint River, in Crisp, Dooly, Sumter, Lee, and Worth Counties, Georgia. All proposals would have to be consistent with the guidelines and limitations set forth in the conditions of the PGP.

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 PGP and supporting documents relative 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 date of this notice and state the reasons or basis of

objections or request for a hearing. The proposed PGP and supporting documents can be reviewed in the Savannah District, U.S. Army Corps of Engineers, Regulatory Division, 100 West Oglethorpe Avenue, Savannah, Georgia 31401.

State-owned Property and Resources: The work authorized by the PGP 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.

US ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the proposed work, prior to a decision on re-issuance of PGP 58.

Cultural Resources Assessment: Only work or activities determined to have no adverse effect on National Register listed, or eligible for listing cultural resources would be eligible for authorization under the PGP.

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 information from the US Department of the Interior, Fish and Wildlife Service, the U.S. Department of Commerce, the National Oceanic and Atmospheric Administration, and the National Marine Fisheries Service; or, any other interested party, on whether any species listed or proposed for listing may be present in the area. Based on available information, the Corps has determined that issuance of PGP 58 and the work that may be performed under this PGP would have no effect on any other federally listed threatened or endangered species.

Public Interest Review: The decision whether to re-issue PGP 58 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 the re-issuance of PGP 58. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or not re-issue the PGP. 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.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army Permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Commander, US Army Corps of Engineers, Savannah District, Attention: Mr. Terry C. Kobs, 1104 North Westover, Unit 9, Albany, Georgia 31707, 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 Mr. Terry C. Kobs, Regulatory Specialist, Coastal Branch at (229) 430-8567.

****Encls**

1. Location Map
2. Site Map (1 and 2)
3. Draft Regional Permit

CESAS-RD
SAS- 9500-11750

SUBJECT: Programmatic General Permit No. PGP0058

Effective Date: Draft

Expiration Date: Draft

DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, US ARMY CORPS OF ENGINEERS
PROGRAMMATIC GENERAL PERMIT 58
FOR MINOR STRUCTURES AND ACTIVITIES WITHIN
FEDERAL ENERGY REGULATORY COMMISSION
PROJECT NO. 659 - LAKE BLACKSHEAR
(CRISP, DOOLY, SUMTER, LEE, AND WORTH COUNTIES)

DESCRIPTION OF THE PROGRAMMATIC GENERAL PERMIT 58 (PGP-58): On the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), authorization is hereby given by the US Army Corps of Engineers (Corps), subject to concurrence by the Crisp County Power Commission (CCPC), to persons, firms and corporations, to construct and/or perform the herein-identified minor structures and activities within the boundaries of Lake Blackshear, Federal Energy Regulatory Commission (FERC) Project No. 659, in Crisp, Dooly, Sumter, Lee, and Worth Counties, in the State of Georgia. The terms and provisions stated herein shall not restrict, prohibit or disqualify any activity or structure which existed prior to September 1, 1981, which is in compliance with the Lake Blackshear Shoreline Management Plan, as amended, the Pier and Dock Policy and for which no enforcement or legal action has been initiated (Note: See special condition III.h.).

I. ELIGIBLE STRUCTURES AND ACTIVITIES:

A. Construction and maintenance of noncommercial piers, docks and normal appurtenances such as boat shelters, hoists and gazebos; sundecks; marine railways; stairways. No discharge of fill or other direct adverse impact to wetlands is authorized under authority of the PGP.

B. Construction of noncommercial boat slips. Eligible activities must involve dredging of less than 100 cubic yards of material from below ordinary high water (236.95' Mean Sea Level or 531 Lake Blackshear Relative Elevation) in navigable waters of the United States. The depth of the boat slip shall be no greater than the depth of the water leading to the slip. Dredged material shall not be deposited in a confined upland area in such a manner that no sediment is allowed to

reenter the waterway or interfere with natural drainage. No dredged material shall be placed in adjacent waters or wetlands. Dredging to obtain fill material (borrow) is specifically excluded from this authorization. The activity must be a single and complete project; “Piecemeal Dredging” activities are specifically excluded.

C. Dredging to obtain noncommercial access to or use of navigable water of the United States. Eligible activities must involve dredging of less than 100 cubic yards of material from below ordinary high water, and the depth shall be no greater than the depth of the waters leading to the access. Dredged material shall not be deposited in a confined upland area in such a manner that no sediment is allowed to reenter the waterway or interfere with natural drainage. No dredged material shall be placed in adjacent waters or wetlands. Dredging to obtain fill material (borrow) is specifically excluded from this authorization. The activity must be a single and complete project; “Piecemeal Dredging” activities are specifically excluded.

D. Maintenance dredging of existing boat slips, canals or navigation channels in navigable waters of the United States. Eligible activities must involve the maintenance dredging of less than 100 cubic yards of material. The depth shall be no greater than the design depths and the depth of the water leading to the area to be maintained. Dredged material shall not be deposited in a confined upland area in such a manner that no sediment is allowed to reenter the waterway or interfere with natural drainage. No dredged material shall be placed in adjacent waters or wetlands. Dredging to obtain fill material (borrow) is specifically excluded from this authorization. The activity must be a single and complete project; “Piecemeal Dredging” activities are specifically excluded.

E. Construction and/or maintenance of noncommercial boat ramps requiring less than 100 cubic yards of excavation or dredging below ordinary high water in navigable water of the United States in order to establish proper slopes. Deposition of fill material will be limited to that necessary to establish appropriate slope or foundation for the ramp. Excavated material must be deposited on a non-wetland (upland) site and properly confined.

F. Construction and maintenance of ski ramps fixed by temporary mooring devices such as retrievable, conventional anchors. Ski ramps that require dredge or fill activity are specifically excluded from authorization under this PGP.

G. Installation of noncommercial mooring pilings or dolphins.

H. Installation of navigation aids and buoys.

I. Construction of fish attractors.

J. Construction of noncommercial intake structures.

K. Aerial transmission lines and submerged utility lines.

L. Maintenance of existing beaches. The excavation, discharge or redistribution of less than 500 cubic yards of material below ordinary high water in navigable waters of the United States in order to maintain existing public beaches managed by public agencies. Excess material must be deposited on an upland site and properly contained.

M. Normal operation and maintenance activities associated with FERC Project No. 659: as established under the terms and conditions of the August 14, 1980 license, as amended from time to time. No new work is authorized under authority of this PGP.

II. GENERAL CONDITIONS

1. The term "applicant" as contained herein shall mean any person, firm or corporation which makes application to the CCPC for approval to engage in any activity covered herein, and the term "permittee" shall mean any person, firm or corporation obtaining such approval from the CCPC while meeting the specifications and conditions described in this PGP.

2. Unless specifically exempted by 33 CFR 323.4 or otherwise authorized by Nationwide Permit (33 CFR 330, Appendix A) or by an Individual Permit; any dredging or filling activities not specifically identified and authorized under this PGP constitutes a violation of the terms and conditions. Such activities may result in the modification, suspension or revocation of authorization under this PGP, and such legal proceedings as the United States Government may consider appropriate. For additional information on the Savannah District's Regulatory Program, please visit <http://www.sas.usace.army.mil/regulatory/index.html>.

3. All activities authorized under this PGP involving a discharge or deposit into navigable waters or groundwaters will at all times be consistent with applicable water quality standards, effluent limitations, and standards of performance established in the Clean Water Act, or pursuant to applicable State and local laws or regulations.

4. If the authorized activity involves discharge or deposit of dredged or fill material into navigable waters and applicable water quality standards are revised or modified during the term of this Permit, the authorized activity shall be modified, if necessary, to conform to the new standard within 6 months of the effective date of the revised or modified water quality standards. In some cases the modifications may be in accordance with an implementation plan contained in the revised or modified approved by the District Commander, in consultation with the Regional Administrator of the Environmental Protection Agency and the Director of the Georgia Water Quality Certification Agency.

5. The permittee shall allow the District Commander or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of the PGP is in accordance with the terms and conditions prescribed herein.

6. The permittee shall maintain the structure or work authorized herein in good condition and in accordance with the conditions of this PGP.

7. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable water at or adjacent to the activity authorized under this PGP.

8. This PGP does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

9. If and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to procedures established by the CCPC, permittee must restore the area to a condition satisfactory to the CCPC and/or the District Commander. Such transfers of interests to a third part shall be included in the monthly listing of PGP Activity Verification Reports prepared by the CCPC.

10. 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.

11. That any modification, suspension, or revocation of this PGP shall not be the basis for any claim for damages against the United States.

12. That this PGP 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.

III. SPECIAL CONDITIONS

1. The applicant is advised that all State and local authorizations must be obtained before work is commenced.

2. No work will be performed under authority of the PGP until an application is submitted to the CCPC and the applicant receives approval from the CCPC to proceed with the proposed project. Applications are to be mailed to:

The Office of Resource Management
Crisp County Power Commission
Post Office Box 1218
Cordele, Georgia 31015

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

4. All work shall be performed according to the specifications and conditions of this PGP, and in accordance with the Lake Blackshear Shoreline Management Plan; and any subsequent amendments thereto approved by the FERC and administered by the CCPC.

5. Record keeping and reporting will be the responsibility of CCPC. The CCPC will keep records of verification letters sent to permit applicants, concerning whether a proposed project is within the scope of the PGP and approved under the Lake Blackshear Shoreline Management Plan. Within fifteen days of the end of each quarter of the calendar year (i.e. March, June, September and December), the CCPC will provide the Corps with "Quarterly Verification Reports," confirming all projects verified for the preceding quarter. These reports will include the following minimum information: a brief description of the project; the CCPC permit number (tracking number) assigned to the project; and result of any compliance inspection at that site.

6. The CCP will keep records of compliance inspections conducted on verified PGP projects. Within fifteen days of the end of each quarter of the calendar year, the CCPC will provide the Corps with "Quarterly Compliance Inspection Reports," documenting any inspection(s) performed on completed projects for the preceding quarter. These reports will include the following minimum information: the CCPC permit number; the dates of the inspection; and whether each project was found to be in compliance with the terms and conditions of the PGP.

7. The CCPC will retain a permanent file reflective of all projects verified to comply with a PGP(s), by lot number and permit number, and subsequent compliance inspections. The file will include written authorization requests made to the CCPC, project/activity plans and drawings, CCPC field inspections verification (if applicable), lease agreements and any other lot related information. All files will be available upon request.

8. Structures and activities that may be hazardous to navigation, or may produce adverse effects on water quality, by permanent destruction or alteration of wetlands, or discharges of pollutants into waters or wetlands, are not authorized under this PGP. The term "wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions.

9. Conformance with descriptions and quantities contained herein does not necessarily guarantee authorization under this PGP if the District Engineer determines it is in the public's interest to assert discretionary authority, or in the opinion of the Crisp County Power Commission, the activity is detrimental to the scenic, environmental or recreational qualities of Lake Blackshear. In such a case, an individual permit application may be submitted to the Corps for separate consideration.

10. Projects authorized by this PGP will not be assessed a processing fee by the US Army Corps of Engineers.

11. This PGP may be suspended, revoked, in whole or part, if it is determined that the cumulative effects of the activities pursuant to its adversely affect the public's interest or water quality. Such suspension shall be effective upon issuance of a public notice thereof, which shall indicate (1) the extent of the suspension, (2) the reasons for the action and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Commander to abate imminent hazards to the general public's interest or to correct violations of water quality conditions. The permittee shall take immediate action to comply with the provisions of this notice. Following suspension or revocation, any future request for authorization previously granted by this PGP will be processed as an individual application through the Corps.

12. This PGP will be valid for a five (5) year period or until suspended or revoked. Periodic reviews will be conducted to determine if continuation of the permit is in the overall public's interest.

13. Authorization for activities under this PGP does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

14. No habitable structures, fueling or storage facilities over navigable waters of the United States are authorized under this PGP. This provision does not apply to any activity or structure that existed prior to September 1, 1981, if otherwise determined acceptable by the CCPC or the District Commander.

15. If the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the US Coast Guard shall be installed and maintained by and at the expense of the permittee.

16. No authorization shall be issued under this PGP which would impact, affect, or otherwise degrade any cultural resources which are listed in or nominated for listing in the National Register of Historic Places. This includes any future sites that become listed or nominated

17. If the permittee or the permittee's contractors discover any previously unknown historic or archaeological remains while accomplishing work or activities authorized by this PGP, the permittee shall immediately notify the Corps to determine requirements for further action

18. This PGP does not authorize activities located within the environmentally sensitive areas identified in the Wild and Scenic Rivers Act (16 USC 1371, et. seq.).

19. Work and activities authorized by this PGP will not jeopardize a threatened or endangered species as identified under the Endangered Species Act, or destroy or adversely modify the critical habitat of such species.

20. If the permittee or the permittee's contractors discover any federally listed threatened or endangered species and/or their habitat while accomplishing work or activities authorized by this RP, the permittee shall immediately notify the Corps. The Corps will initiate the Federal and state coordination required to determine if the species and/or habitat warrant further consultation with the US Fish and Wildlife Service.

21. That floatation units of floating facilities shall be constructed of material that will not become waterlogged or sink when punctured.

22. That discharges will not contain unacceptable levels of pathogenic organisms or hazardous or radioactive substances in areas used for sports involving physical contact with the water.

23. All work performed during construction will be done in a manner so as not to violate applicable water quality standards.

24. No oils, grease, materials or other pollutants will be discharged from the construction activities which reach public waters.

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 (33 USC 403) and 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 projects.

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. Re-evaluation of Permit Decision. The US Army Corps of Engineers may reevaluate its decision on any activity authorized by a PGP 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 a Permit application proves to be false, incomplete or inaccurate.
- c. Significant new information surfaces which the US Army Corps of Engineers did not consider in reaching the original public interest decision.

Such a re-evaluation 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 his 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, and if the permittee fails to comply with such a directive, the US Army Corps of Engineers 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 PGP becomes effective on _____, when the Federal official, designated to act in behalf of the Secretary of the Army, has signed below.

Jeffrey M. Hall
Colonel, US Army
District Engineer

Date

3 Encls

1. Site Map (2)
2. Location Map

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