



REPLY TO
ATTENTION OF

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

OCTOBER 08 2014

Regulatory Division
SAS-1995-11750

PUBLIC NOTICE
Savannah District/State of Georgia
For the Re-issuance of a Regional Permit
For Minor Work and Structures
Within Lake Blackshear

The Savannah District, U.S. Army Corps of Engineers (Corps), by means of this notice announces the re-issue of Department of the Army Programmatic General Permit 58 (PGP 58) 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), for a period of five years, with revised Terms and Conditions.

PGP 58 authorizes minor work and structures in or affecting waters of the United States (U.S.) within the limits to Lake Blackshear on the Flint River. This project is operated by the Crisp County Power Commission as Federal Energy Regulatory Commission Project No. 659, in Crisp, Dooly, Sumter, Lee, and Worth Counties, Georgia.

Activities authorized by this PGP are also subject to additional regulation by other laws which may be administered through officials of other local, State, or Federal agencies (see permit conditions and further information at the end of this document).

Location: Work authorized under this PGP will 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.

Scope: The scope of this PGP includes only those activities which are considered to be minor in nature and cause only minimal individual and cumulative impacts. 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, has certified this programmatic general permit on October 4, 2013 in accordance with the provision of Section 401 of the Clear Water Act, which is required by an applicant for a Federal Permit to conduct an activity in, on, or adjacent to the water of the State of Georgia.

State-owned Property and Resources: Persons intending to perform work under authority of PGP 58 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 COPGPS OF ENGINEERS

The Savannah District must consider the past, present and future impacts of the work that may be proposed for authorization under PGP 58, prior to a decision on the issuance of the PGP.

Cultural Resource Assessment: Special Condition Numbers 16 and 17 of the PGP states that “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”; and “that 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.” Therefore, if any National Register listed or eligible for listing cultural resource is located within a proposed project’s potential area of affect, the Corps would conduct consultation pursuant to Section 106 of the National Historic Preservation Act. 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 this PGP.

Endangered Species: Special Condition Numbers 19 and 20 of the PGP state that “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”; and that “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 PGP, 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.”

If you have any further questions concerning this matter, please contact Mr. Terry Kobs, Project Manager, Coastal Branch at 229-430-8567.

Enclosures:

1. Location Map
2. Site Map
3. Programmatic General Permit

CESAS-RD
SAS- 9500-11750

SUBJECT: Programmatic General Permit No. 0058 (PGP 58)

Effective Date: December 12, 2013

Expiration Date: December 12, 2018

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 verification by the Crisp County Power Commission (CCPC), to persons, firms and corporations, to construct minor structures and/or perform activities identified herein 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.

I. ELIGIBLE STRUCTURES AND ACTIVITIES:

1. 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.

2. 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.

3. Dredging to obtain noncommercial access to or use of navigable water of the United States. Dredging of less than 100 cubic yards of material from below ordinary high water to a depth no greater than the waters leading to the access. Dredged material shall 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" is specifically excluded.

4. Maintenance dredging of existing boat slips, canals or navigation channels in navigable waters of the United States. Maintenance dredging of less than 100 cubic yards of material to a depth no greater than the design depths and the depth of the waters 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" is specifically excluded.

5. 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.

6. 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.

7. Construction of fish attractors.

8. Construction of noncommercial intake structures.

9. Aerial transmission lines and submerged utility lines.

10. 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.

11 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 Crisp County Power Commission (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 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, 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 waters of the United States 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 Federal Energy Regulatory Commission 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 CCPC 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 Commander 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 Corps.

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 may 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 December 12, 2013, when the Federal official, designated to act in behalf of the Secretary of the Army, has signed below.



Thomas J. Tickner
Colonel, US Army
Commanding

12/12/13
Date

3 Encls

- 1. Site Map (2)
- 2. Location Map





