



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

APR 23 2008

Regulatory Division
200600840

JOINT PUBLIC NOTICE
Issuance of Programmatic General Permits
Lakes Hartwell, Richard B. Russell and J. Strom Thurmond
Savannah District/State of Georgia

The US Army Corps of Engineers, Savannah District, by means of this notice announces the issuance of Programmatic General Permits (PGPs) 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403) and/or Section 404 of the Clean Water Act (33 USC 1344), for a period of five years, for Federal, State, and local agencies/government bodies, private landowners adjacent to public property, or lessees to conduct minor activities in navigable waters of the United States within the boundaries of Lake Hartwell, Richard B. Russell and J. Strom Thurmond, and within the State of Georgia. These proposed PGPs have been assigned USACE file SAS-200600840 by Savannah District. Please refer to this number in any future correspondence.

Background: A Joint Public Notice (JPN) proposing the issuance of these PGPs was issued on January 8, 2008. As a result of the comments received, the draft was modified and the final version is now being issued. Georgia Water Quality Certification was issued on March 25, 2008. These PGPs shall expire on April 2, 2013.

Scope: The scope of the Regional Permit 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. All proposals would have to be in accordance with the guidelines and limitations set forth in the conditions of the Regional Permit.

Other Authorizations: Any jurisdictional activity not authorized in a PGP, or which exceeds the limitations of a PGP, would require specific authorization through the USACE Regulatory Division. For questions regarding authorizations beyond the limitations of these PGPs, after coordinating with the appropriate Operations Project Manager, call the Regulatory Division at (800) 448-2402. The District Engineer may also require individual authorization on a case-by-case basis if it is determined that authorization under a PGP for a specific project is not in the public interest.

State-owned Property and Resources: Work authorized under these PGPs may also require assent from the State of Georgia.

U.S. ARMY CORPS OF ENGINEERS

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

Cultural Resources Assessment: Certain activities have a higher probability of affecting cultural resources than others. Typically, only silt material shall be dredged and dredging would not extend into the original bottom of the lake. Therefore, no cultural resources should be affected. However, cultural resource surveys have been conducted across some of these public lands. Should the proposed dredging take place in an area which is determined by the Hartwell/Russell/Thurmond Lake Office to likely contain cultural resources; a cultural resources affects determination shall be required by the Savannah District Regulatory Division and coordinated through the Georgia Department of Natural Resources, Historic Preservation Division office prior to beginning any work. Presently unknown archaeological, scientific, prehistoric, or historic data may be located at a proposed site and could be affected by the proposed work. If during the execution of the authorized work, the permittee encounters a previously unidentified archeological or other cultural resource that might be eligible for the National Register of Historic Places; he shall cease work and immediately notify the appropriate Operations Project Manager.

Endangered Species: The Savannah District has made a determination that the PGPs would not affect any Federally listed threatened or endangered species that are under the purview of US Department of the Interior, Fish and Wildlife Service (FWS) pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). If, in the future, the USACE determines that work authorized under one or more of the PGPs may affect a federally listed species, the District Engineer may determine that consultation pursuant to Section 7 of the Endangered Species Act is necessary. As a result of formal or informal consultation with the US Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS), the District Engineer may add species-specific regional endangered species conditions to these PGPs.

If you have any further questions concerning this matter, please contact Jason O'Kane at (912) 652-5349.

Enclosure

1. PGPs

CESAS-RD-C
200600840

SUBJECT: Programmatic General Permits 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13
USACE file 200600840, Savannah District

Effective Date: April 2, 2008

Expiration Date: April 2, 2013

DEPARTMENT OF THE ARMY
PROGRAMMATIC GENERAL PERMITS (PGPs) FOR
MINOR ACTIVITIES WITHIN HARTWELL, RICHARD B. RUSSELL AND
J. STROM THURMOND LAKES, GEORGIA

On the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 United States Code (U.S.C.) 403) and Section 404 of the Clean Water Act (CWA, 33 U.S.C. 1344), authorization is hereby given through this Programmatic General Permit (PGP) to conduct the following minor activities in navigable waters of the United States within Hartwell, Richard B. Russell and J. Strom Thurmond lakes, in Georgia, **upon written authorization from the appropriate US Army Corps of Engineers (USACE), Operations Project Manager or his designated representative.** For the purposes of these PGPs, the term Operations Project Manager or the term Operations Project Manager or his designated representative shall include both USACE Park Rangers and Park Managers. Contact should be made with the appropriate Operations Project Manager prior to any application for these activities.

Scope: The scope of these PGPs includes only those activities which are considered to be minor in nature and would cause only minimal individual and cumulative environmental impacts. All proposals would have to be in accordance with the guidelines and limitations set forth in the conditions of these PGPs.

Other Authorizations: Any jurisdictional activity not authorized in a PGP, or which exceeds the limitations of a PGP, would require specific authorization through the US Army Corps of Engineer, Regulatory Division. For questions regarding authorizations beyond the limitations of these PGPs, after coordinating with the appropriate Operations Project Manager, call the USACE, Savannah District, Regulatory Division at (800) 448-2402. The District Commander may also require individual authorization on a case-by-case basis if it is determined that authorization under a PGP for a specific project is not in the public interest.

The following activities may be authorized for private landowners, Federal, State or local agencies/government bodies with property adjacent to public property or lessees or public land:

PGP 2 - Bank Stabilization: Bank stabilization necessary for erosion control will not exceed an average of one cubic yard of backfill material per running foot placed along the bank below full pool elevation. Materials must be non-polluting. Bio-engineering materials, such as vegetation, are encouraged when ever possible. No material is to be placed in a manner that will be eroded by normal or expected flows and wave action. No material will be placed in any wetland or stream. No material will be placed in any location, or in any manner, to impair surface water flows into or out of any wetland or stream. Each single and complete project shall not exceed 1,000 linear feet in length. The need and the length of bank stabilization necessary for a project will be approved by, and at the discretion of, the appropriate Operations Project Manager.

PGP 3 - Dredging: Maintenance dredging projects are limited to a maximum of 5,000 cubic yards of material. Only accumulations of silt shall be dredged. The dredged material shall be deposited in an upland area, off public land and properly confined in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. Dredging shall only be performed in the dry. The activity must be a single and complete project. See additional Dredging Special Conditions below.

PGP 4 - Fish Attractors, Reefs, Fishery Enhancement, and Aquaculture Activities: These include fish attractants and habitat structures, spawning bed renovation, non-native aquatic vegetation removal, etc.

PGP 5 - Utilities: These include poles and pipes necessary for power lines, water lines, telephone lines, etc., installed below full pool.

PGP 6 - Debris Removal: Debris may only be removed from any waterway for navigational or drainage purposes. Debris includes but is not limited to stumps, tree limbs, appliances, lumber, metal objects, etc. Living vegetation securely attached to the substrate would not be considered debris. All debris must be properly disposed of off public land. Disposal sites on public land for natural debris may be authorized on a case-by-case basis by the Operations Project Manager.

The following activities may be authorized for Federal, State or local agencies/government bodies with property adjacent to public property or lessees. These activities would typically **not be authorized for private landowners** adjacent to public property:

PGP - 7 Dock Anchors: Dock anchors may be authorized under the PGP provided they do not obstruct navigation and are constructed of a durable material as determined by the Operations Project Manager.

PGP - 8 Scientific Measuring Devices and Surveys: Devices, whose purpose is to measure and record scientific data, and survey activities, including core sampling, bore holes, soil survey,

sampling, and historic research surveys, may be authorized by the PGP provided they do not obstruct navigation.

PGP 9 - Piles and Pile Supported Structures: The installation and maintenance of piles, pile supported structures or the use of spud poles may be authorized by this PGP provided they do not obstruct navigation.

PGP 10 - Construction and Maintenance of Boat Ramps: The construction of boat ramps, including increasing the dimensions of an existing boat ramps, may be authorized by this PGP. Discharges below full pool elevation may not exceed 100 cubic yards of material. Materials that can be used for ramp construction are limited to those considered acceptable (non-polluting, stable, in-character with surroundings, etc.) as determined by the Operations Project Manager. Excavation is limited to the minimum necessary for site preparation.

PGP 11 - Buoys and Signs: Buoys and Signs for the purpose of public information or safety may be authorized under the PGP provided they do not obstruct navigation.

PGP 12 - Modification of Existing Marinas: Reconfiguration of existing dock facilities within an authorized marina area is authorized. No channelward, upstream or downstream marina expansion is authorized by this PGP.

PGP 13 – Recreational Swim Beaches: Construction, or maintenance activities necessary for the construction, of recreation swim beaches.

I. GENERAL CONDITIONS. The above described structures and activities may be authorized under these PGPs subject to the following conditions:

a. Project plans and proposals must be submitted to the appropriate Operations Project Manager. **No work shall proceed at the site until written authorization is received from the appropriate Operations Project Manager.** The addresses are, for Hartwell Lake: Hartwell Operations Project Manager, US Army Corps of Engineers, 5625 Anderson Highway, Hartwell, Georgia 30643-0278; for Russell Lake: Russell Operations Project Manager, US Army Corps of Engineers, 4144 Russell Dam Drive, Elberton, GA 30635-9271; and for Thurmond Lake: Thurmond Operations Project Manager, US Army Corps of Engineers, 510 Clarks Hill Highway, Clarks Hill, South Carolina 29821. The Operations Project Manager will administer these PGPs under the authorities for shoreline use permits and leases as specified in Title 36 CFR, Part 327.30. All work within the authorization of these PGPs must also comply with the terms and conditions of the Shoreline Use Permit or lease and Title 36 CFR, Part 327. The Operations Project Manager will furnish a quarterly listing of all such authorizations to the Regulatory Division, Savannah District, Regulatory Division, as appropriate. Information will include the PGP number, permittee's name, date authorized and the county the activity was authorized to occur in.

b. Access across public property to the work site shall be shown in the application drawings and coordinated and approved by the appropriate Operations Project Manager. Every

effort shall be made to find the most conservative route to minimize damage to shoreline vegetation.

c. The permittee shall notify the appropriate Operations Project Manager of the time the activity authorized will commence, as far in advance as required by the Operations Project Manager. Additional notification will be made upon any suspension of work if for a period of more than one week, resumption of work, and completion of work.

d. A complete copy of this permit, written authorization from the appropriate Operations Project Manager, including drawings, special conditions and any amendments shall be maintained at the work site whenever work is being performed. The permittee shall assure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the permit's terms and conditions.

e. Failure to comply with the conditions of these PGPs may result in the revocation, in part or in whole, of any shoreline use permit associated with said work and/or the issuance of a citation under Title 36, CFR.

f. No wetland or stream will be adversely impacted. No surface water flowing into or out of any wetland or stream will be adversely impacted.

g. Contaminates are known to be present in areas of Lake Harwell. Dredging, bank stabilization, or any other activity, proposed in an area determined to have a potential to release contaminants by the Hartwell Operations Project Manager, will not be permitted under these PGPs. An adjacent property owner in this/these area/s may apply to the Corps of Engineers, Regulatory Division office, to conduct work not permitted under these PGPs after coordinating with the Hartwell Operations Project Manager.

h. That these PGPs may be summarily suspended, in whole or in part, upon a finding by the District Commander, or his authorized representative, 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: (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by a permittee which are deemed necessary by the District Commander, or his authorized representative, to abate imminent hazards to the general public interest. A permittee shall take immediate action to comply with the provisions of this notice. Within 10 days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified, or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified, or revoked.

i. Work authorized by any PGP for an individual project may be suspended or the authorization for the individual project revoked if the Secretary of the Army or his/her authorized

representative determines that there has been a violation of the terms and conditions of the PGP. Work underway at the time of suspension will be evaluated on an individual basis to ascertain if the work should be allowed to continue to its completion under the authority of these PGPs. In those instances where it is determined that the work has an adverse effect on the public interest or to project guidelines, the authorization of these PGPs for that particular project may be revoked. A full public review will be made of the project to ascertain if a Department of the Army permit for the project should be issued to allow completion of the project. Any modification, suspension, or revocation of these PGPs shall not be the basis for any claim for damages against the United States.

j. Provided prior notification is given as specified in General Condition C. above, specific individual project authorizations under these PGPs, if not previously revoked or specifically extended, shall expire after three years from the date of verification by the appropriate Operations Project Manager.

k. If work authorized through a specific PGP is commenced, or is under contract to commence, before the date that these PGPs expire, the permittee will have an additional twelve months from the date of the expiration of these PGPs to complete the work under the present terms and conditions of the PGP.

l. These PGPs shall automatically expire 5 years from the date of issuance if not previously revoked or specifically extended.

m. That if and when a permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which a permittee is transferring his/her interests herein to a third party and which it is agreed to in writing by the Operations Project Manager, the permittee must restore the area to a condition satisfactory to the Operations Project Manager or his authorized representative.

n. That there shall be no unreasonable or long term interference with navigation by the existence or use of the activity authorized herein.

o. That these PGPs do not authorize the interference with any existing or proposed Federal project and the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

p. That the permittee shall allow the District Commander, or his/her 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 this permit is in accordance with the terms and conditions prescribed herein.

q. This permit shall become effective on the date of the District Commanders' signatures, or his/her authorized representatives' signatures.

r. That the permittee shall maintain any structure or work authorized herein in good condition.

s. That the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

t. Should the proposal potentially have an adverse affect on any vegetation, that vegetation must be clearly identified (species and location) in the information submitted for approval by the Operations Project Manager. Upon a request by the appropriate Operations Project Manager, the applicant shall provide a waters of the US delineation in accordance with the 1987 Corps of Engineers Wetland Delineation Manual that identifies any wetlands or streams. The delineation shall be performed by a qualified environmental consultant at the applicant's expense and be prepared to the Operations Project Manager's satisfaction.

u. Any damages to public lands associated with an authorized project, shall be restored to the satisfaction of the appropriate Operations Project Manager at the permittee's expense. Any modification, suspension, or revocation of any authorizations issued shall not be the basis for any claim for damages against the United States.

v. For activities in Georgia, all work conducted under this permit 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. This includes obtaining a Stream Buffer Variance, if required. Variances are issued by the Director of the Georgia Environmental Protection Division. Details regarding these requirements can be found at <http://www.gaepd.org/>. The permittee shall install and properly maintain any additional sediment and erosion or turbidity control measures that may be required by the Operations Project Manager at the permittee's expense.

w. For determining applicability through these PGPs, Hartwell Lake full pool elevation is 660 mean feet above sea-level, Russell Lake full pool elevation is 475 mean feet above sea-level and Thurmond Lake full pool elevation is 330 mean feet above sea-level.

x. That if the permittee during the execution of the work authorized herein encounters a previously unidentified archeological or other cultural resource that might be eligible for the National Register of Historic Places, he shall cease work and immediately notify the appropriate Operations Project Manager for the appropriate action.

y. Authorizations will not be issued under these PGPs which will impact, affect, or otherwise degrade cultural resources such as archaeological, scientific, prehistoric, or historic sites or data. Should the USACE determine that the proposed activity affect cultural resources, a

cultural resources affects determination shall be required with the Savannah District Regulatory office prior to beginning any work. This effects determination will require additional coordination with the Georgia Department of Natural Resources, Historic Preservation Division, which has been designated by the State of Georgia as having review authority over cultural resource matters and may also require a cultural resource survey. The prospective permittee is responsible for any required cultural resource survey performed. Archaeological or other cultural resources, which might be eligible for the National Register of Historic Places, that are located within the area subject to Department of the Army jurisdiction, shall be identified prior to the beginning of the work authorized herein, by the performance of the referenced survey. All cultural resource surveys shall be performed by a qualified archaeologist as specified under the Secretary of the Interior's Guidelines. If required by the appropriate Operations Project Manager, no authorizations under this PGP can be issued until this cultural resource coordination has been completed. All measures specified by the reviewing offices which are deemed necessary by them to mitigate impacts to any cultural resources will be incorporated into any authorizations issued by the appropriate Operations Project Manager and made a part of such authorization.

z. That this PGP does not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

aa. That this PGP does not convey any property rights, either in real estate or material (except in relation to dredge material itself), or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of federal, state, or local laws or regulations.

dd. Authorizations will not be issued under these PGPs which will adversely affect nesting bald eagles. If the Operations Project Manager determines that the proposed activity is within one-mile of an active eagle nest and the activity will occur during the nesting season (October – May), further coordination with the District Wildlife Biologist will be required to determine if restrictions are necessary.

II. DREDGING SPECIAL CONDITIONS: Any authorizations under PGP 3 are also subject to the following conditions:

a. Maintenance dredging is limited to a maximum of 5,000 cubic yards of material per year for an individual applicant (adjacent property owner or lessee).

b. For multiple applicant projects (maintenance dredging adjacent to multiple adjoining or adjacent properties), the Operations Project Manager has discretion to determine the maximum cumulative dredged material cubic yardage total, not to exceed 20,000 cubic yards. For multiple applicant dredging projects, access to the lake must be gained from a single entry point, thereby limiting potential adverse impacts to government property.

c. Dredging to deepen below the original lake bottom will typically not be authorized in areas adjacent to private property, and will only be considered on a case-by-case basis. No dredging shall extend into the original, hard pan, hard clay bottom of the

lake unless clearly shown in the application drawings and only if prior written authorization is received from the appropriate Operations Project Manager.

e. All dredged material shall be deposited on an appropriate high ground site off public land, as stipulated in this permit, and be properly stabilized or contained so as to preclude any entry into any surface waters, wetlands, vegetated shallows, streams or any other waters of the United States, or public property. Should the proposal include the temporary and/or permanent placement of any dredge material on public land, that placement must be clearly shown in the information submitted for approval by the appropriate Operations Project Manager. Examples include placing dredge material behind a bulkhead or retaining wall or temporary placement or stockpiling for dewatering.

f. After dredging is complete, final contours shall not allow for the ponding of water in the area dredged during times of low lake levels, if this was not a pre-existing condition.

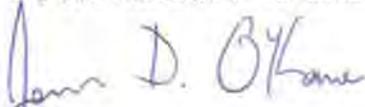
g. Dredging will only be performed in areas above lake pool elevation (in the dry). No dredging shall be performed at or below lake elevation (in the wet).

h. Should the permittee experience any ground water saturation in the areas which dredge material is being removed from, the permittee shall conduct the remaining dredging work from the highest area to be dredged towards lowest, thereby reducing water turbidity and sedimentation into the lake as much as possible.

i. Each authorization issued under these PGPs is for a one-time dredge event. Any subsequent dredging at the site would require issuance of a separate authorization under these PGPs or other Department of the Army authorization.

j. No dredging will occur during the annual fish spawning window as determined by the Operations Project Manager. Typically, this window is approximately 15 March to 15 June.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


for EDWARD J. KERTIS
Colonel, US Army
District Engineer