



Regulatory Division
200323580

DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 889
SAVANNAH, GEORGIA 31402-0889

MAR 03 2010

PUBLIC NOTICE
Savannah District/State of Georgia

REISSUANCE OF REGIONAL PERMITS RP0040, RP0041, RP0042, RP0043, RP0044, RP0045, RP0046, RP0047, RP0049, RP0052, RP0056, RP0057, RP0059, RP0060, RP0061, RP0062.

FOR
MINOR STRUCTURES AND ACTIVITIES
AT
US ARMY CORPS OF ENGINEERS
MOBILE DISTRICT
OPERATED LAKES WITHIN THE STATE OF GEORGIA,
SAVANNAH DISTRICT

The Savannah District Engineer has reissued Regional General Permits 41-47, 49, 52, 56, 57, and 59-62. These permits are valid for 5 years and authorize construction and maintenance activities located within the normal pool elevation of Walter F. George Lake, George Andrews Lake, West Pointe Lake, Carters Lake, Lake Allatoona, and Lake Sidney Lanier.

Regional Permits are authorized by the District Engineer for activities which are:

- (1) substantially similar in nature and cause only minimal individual and cumulative environmental impacts; and
- (2) 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).

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers:
These Regional Permits would be issued 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) to authorize maintenance of existing beaches; the maintenance dredging of existing boat slips; the maintenance dredging of existing canals; the maintenance dredging of existing docking or berthing areas; the maintenance dredging of existing navigation channels; the construction and /or maintenance of piers, wharves, and their normal appurtenances; the construction and/or maintenance of boat shelters, gazebos, hoists, and

shelters; the construction and maintenance of boat ramps, moorings, pilings, and dolphins; the installation of submersed cables in navigable waters of the United States; the installation of intake structures in navigable waters of the United States; the installation of rip-rap, bulkheads, and cross-over walks; initial dredging activities; the removal of debris; the installation of jetties and breakwater structures; and the installation of submerged irrigation lines in navigable waters of the United States. The terms and conditions of these regional permits are set forth in the Final Regional Permits enclosed with this notice.

Exclusions: These Regional Permits include a number of exclusions; among these are:

a. That no more than 1,000 cubic yards of material can be either excavated, discharged, or redistributed below ordinary high water in the maintenance of existing public beaches.

b. That "maintenance" dredging activities involve only the removal of deposited silt and sand to the original contour prior to impoundment of the area being maintained.

c. That "maintenance" dredging activities be limited to the original design depths and the depth of the waters leading to the area to be maintained.

d. That no "piecemeal" dredging activities will be permitted.

e. That no fueling facilities, toilets or permanent living quarters will be permitted over navigable waters of the United States.

f. That no work or structures will be permitted that may affect any existing or future sites listed in or nominated for listing in the National Register of Historic Places.

g. That inhabited houseboats or other inhabited vessels cannot be permanently moored to mooring pilings and dolphins.

h. That no more than two (2) cubic yards of riprap or bulkhead backfill material, per running foot of bluff, can be used for bank stabilization activities.

If you have any further questions concerning this matter, please contact Mr. Justin Hammonds at (770) 904-2536.

Enclosure:

1. Final Regional Permits, dated February 25, 2010 (12 pages)

Permit Number: 200323580

To include the following Regional Permits: RP0040, RP0041, RP0042, RP0043, RP0044, RP0045, RP0046, RP0047, RP0049, RP0052, RP0056, RP0057, RP0059, RP0060, RP0061, RP0062.

Effective Date: February 25, 2010

Expiration Date: February 24, 2015

DEPARTMENT OF THE ARMY
REGIONAL PERMITS FOR
MINOR STRUCTURES AND ACTIVITIES
AT
US ARMY CORPS OF ENGINEERS
MOBILE DISTRICT
OPERATED LAKES WITHIN THE STATE OF GEORGIA
SAVANNAH DISTRICT

Upon recommendation of the Chief of Engineers or his authorized representative, 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 of 1977 (33 U.S.C. 1344), the US Army Corps of Engineers, Savannah District, issues the following Regional Permits for the herein-identified minor structures and activities in waters of the United States within the State of Georgia in:

Walter F. George and
George W. Andrews Lakes
US Army Corps of Engineers
Resource Management Office
Route 1, Box 176
Fort Gaines, Georgia 31751-9722
(normal pool elevation 190 MSL)

Allatoona Lake
US Army Corps of Engineers
Resource Management Office
P.O. Box 487
Cartersville, Georgia 30120-0487
(normal pool elevation 840 MSL)

Lake Sidney Lanier
US Army Corps of Engineers
Resource Management Office
P.O. Box 567
Buford, Georgia 31518-0567
(normal pool elevation 1071 MSL)

West Point Lake
US Army Corps of Engineers
Resource Management Office
500 Resource Management Drive
West Point, Georgia 31833-9517
(normal pool elevation 635 MSL)

Carters Lake
US Army Corps of Engineers
Resource Management Office
P.O. Box 96
Oakman, Georgia 30732-9999
(normal pool elevation 1072 MSL)

Authorization under the Regional Permits is only valid if the appropriate Operations Manager has been notified prior to beginning the work and the applicant receives written notification from the Operations Manager that the work is within the scope of the Regional Permit(s) and is permitted pursuant to other laws administered through the Operations Manager.

Activities authorized by these Regional Permits pursuant to the above authorities are also subject to additional regulation by any other laws which may be administered through the Operations Manager or officials of other local, state, or federal agencies (see permit conditions and further information at the end of this document).

RP0040 - Maintenance of existing beaches. This must involve the excavation, discharge, or redistribution of less than 1,000 cubic yards of material below normal pool elevation when work is performed during low water conditions (in the dry); and 500 cubic yards of material below normal pool elevation when work is performed during normal pool conditions in order to maintain existing public beaches managed by public agencies. Only clean, inert material shall be used for any discharge. Excess material must be deposited on an upland site and properly confined (Section 10 and Section 404).

RP0041 - Maintenance dredging of existing boat slips. This must involve the maintenance dredging of less than 5,000 cubic yards of material. Dredging is only to include the removal of deposited silt and sand to the original contour prior to impoundment of the area being maintained. The depth shall be no greater than the design depths and the depth of the waters leading to the area to be maintained. The dredged material must not be placed in adjacent waters or wetlands. The dredged material shall be deposited in an upland area and properly confined in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage (Section 10).

RP0042 - Maintenance dredging of existing canals. This must involve the dredging of less than 5,000 cubic yards of material. The depth shall be no greater than the design depths and the depth of the waters leading to the area to be maintained. The dredged material shall not be placed in adjacent waters or wetlands. The dredged material shall be deposited in an upland area and properly confined in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. All work must be performed within that portion of the waterway (canal) fronting the applicant's property. The activity must be a single and complete project. "Piecemeal dredging" activities are specifically excluded from this authorization (Section 10).

RP0043 - Maintenance dredging of existing docking or berthing areas. This must involve the dredging of less than 5,000 cubic yards of material. The depth shall be no greater than the design depths and the depth of the waters leading to the area to be maintained. The dredged material shall not be placed in adjacent waters or wetlands. The dredged material shall be deposited in an upland area and properly confined in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. The activity must be a single and complete project. "Piecemeal Dredging" activities are specifically excluded from this authorization (Section 10).

RP0044 - Maintenance dredging of existing navigation channels. This must involve the dredging of less than 5,000 cubic yards of material. The depth shall be no greater than the design depths and the depth of the waters leading to the area to be maintained. The dredged material shall not be placed in adjacent waters or wetlands. The dredged material shall be deposited in an upland area and properly confined in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. The activity must be a single and complete project. "Piecemeal Dredging" activities are specifically excluded from this authorization (Section 10).

RP0045 - Construction and/or maintenance of piers, wharves, and their normal appurtenances, such as stairways and walkways. Fueling facilities, living quarters, and toilets over navigable waters of the United States are specifically excluded from this authorization (Section 10).

RP0046 - Construction and/or maintenance of boat shelters, gazebos, hoists, and shelters. Fueling facilities, toilets, and living quarters over navigable waters of the United States are specifically excluded from this authorization (Section 10).

RP0047 - Construction and maintenance of boat ramps. This must involve the excavation, redistribution, or discharge of less than 1,000 cubic yards of material below normal pool elevation when work is performed during low water conditions (in the dry); and 200 cubic yards of material below normal pool elevation when work is performed during normal pool conditions. Only clean, inert material shall be used for any discharge. Excess material must be deposited on an upland site and properly confined (Section 10 and Section 404).

RP0049 - Mooring pilings and dolphins. The permanent mooring of inhabited houseboats or other inhabited vessels is specifically excluded from this authorization (Section 10).

RP0052 - Submersed cables in navigable waters of the United States. Cables must be buried -4 feet below the natural ground elevation. Excavated trenches shall be backfilled after installation. Disturbed soil surfaces must be restored to pre-existing contours. Discharge of dredged or fill material must comply with the requirements of the Nationwide Permit found at Part B(12) of our Nationwide Permit Program, published in the January 15, 2002, Federal Register, Vol. 67, No. 10, Pages 2020-2095 (67 FR), as amended on February 13 and 25, 2002 (Section 10 and Section 404).

RP0056 - Intake structures in navigable waters of the United States. A letter of concurrence from local and/or State water management agency must be submitted with the application (Section 10 and Section 404).

RP0057 - Riprap, bulkheads, and cross-over walks. For rip-rap and bulkheads, this Regional Permit authorizes the discharge of one (1) cubic yard per linear foot of dredged or fill material in addition to that authorized by Nationwide Permit 13 as described in Part B (13) of our Nationwide Permit Program, published in the January 15, 2002, Federal Register, Vol. 67, No. 10, Pages 2020-2095 (67 FR), as amended on February 13 and 25, 2002, for an average total of

two (2) cubic yards per running foot below normal pool elevation. All other conditions and limitations of the Nationwide Permit apply including the following: the bank stabilization activity is limited to less than 1,000 feet in length when work is performed during low water conditions (in the dry); and 500 feet in length when work is performed during normal pool conditions; the activity must be necessary for erosion prevention; no material is placed in excess of the minimum needed for erosion protection; no material is placed in any wetland area; no material is placed in any location or in any manner so as to impair surface water flow into or out of any wetland area; only clean inert material free of waste metal products, organic materials, unsightly debris, etc. is used; and the activity is a single and complete project. The activity would also be subject to the conditions placed on all Nationwide Permits found at Part C of our Nationwide Permit Program. Any excess dredged material must be deposited on an upland site and properly confined (Section 10 and Section 404).

RP0059 - Initial dredging. This must involve the dredging of less than 1,000 cubic yards of material below normal pool elevation when work is performed during low water conditions (in the dry); and 500 cubic yards of material below normal pool elevation when work is performed during normal pool conditions. The depth shall be no greater than the approved design depths and in no case shall the water depth at normal pool elevation exceed 6 feet. The dredged material shall not be placed in US Army Corps of Engineers managed lands, waters, or adjacent wetlands without the expressed consent of the Operations Manager. Upland disposal sites for the initial dredging must be identified and approved by the US Army Corps of Engineers prior to the commencement of work. The dredged material placed into an approved upland area must be properly confined in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. The activity shall not be used for the channelization of creeks. The activity must be a single and complete project. "Piecemeal Dredging" activities are specifically excluded from this authorization. All work must be performed within that portion of the waterway adjacent to the applicant's property (Section 10 and Section 404).

RP0060 - Debris Removal. Debris may be removed from any waterway for navigational or drainage purposes only. Debris includes, but is not limited to, uprooted stumps, tree limbs, appliances, lumber, metal objects, etc. Dredging of gravel, sand, silt, etc., is not authorized under this permit. All debris must be placed in an approved landfill. Alternative sites for woody debris may be authorized on a case-by-case basis, but only after full coordination with the US Army Corps of Engineers and the US Fish and Wildlife Service. Snagging of stumps and dead or living trees from a bank may not be authorized under this Regional Permit. Trees embedded in a bank may be cut off above ground (Section 10).

RP0061 - Jetties/Breakwater. Jetties are structures which are oriented perpendicular to the shoreline. A breakwater is a structure located parallel to the shoreline. This must involve less than 1,000 cubic yards of non-erosive material when work is performed during low water conditions (in the dry); and 500 cubic yards of non-erosive material when work is performed during normal pool conditions (Section 10 and Section 404).

RP0062 - Submerged irrigation lines in Navigable Waters of the United States. Irrigation lines must be buried -4 feet below the mud line. Excavated trenches shall be backfilled after installation. Disturbed soil surfaces must be restored to preexisting contours. Discharge of dredged or fill material must comply with requirements of the Nationwide Permit found at Part B (12) of the enclosed excerpt from our Nationwide Permit Program, published in the January 15, 2002, Federal Register, Vol. 67, No. 10, Pages 2020-2095 (67 FR), as amended on February 13 and 25, 2002 (Section 10 and Section 404).

PERMIT CONDITIONS

1: General 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 for the specific Federal Projects are the following: Walter F. George and George W. Andrews Lakes, US Army Corps of Engineers, Resource Management Office, Route 1, Box 176, Fort Gaines, Georgia , 31751-9722; West Point Lake, US Army Corps of Engineers, Resource Management Office, 500 Resource Management Drive, West Point, Georgia, 31833-9517; Carters Lake, US Army Corps of Engineers, Resource Management Office, Post Office Box 96, Oakman, Georgia, 30732-9999; Allatoona Lake, US Army Corps of Engineers, Resource Management Office, Post Office Box 487, Cartersville, Georgia, 30120-0487; and, Lake Sidney Lanier, US Army Corps of Engineers, Resource Management Office, Post Office Box 567, Buford, Georgia 31518-0567. The Operations Project Manager will administer these RPs under the authorities for Shoreline Use Permits and leases as specified in **Title 36 CFR, Part 325.2 (f) and 33 CFR 323.3 (n)**. All work within the authorization of these RPs 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 RP number, permittee's name, date authorized and the location of the authorized activity.

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 authorized activity will commence and be completed, as far in advance as required by the Operations Project Manager. The time limit for completing the work authorized will be specified by the Operation Manager, normally one (1) year not to exceed three (3) years from the date of obtaining authorization. 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 this RPs 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. Dredging, bank stabilization, or any other activity, proposed in an area determined to have a potential to release contaminants, will not be permitted under these RPs. 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 this RPs after coordinating with the appropriate Operations Project Manager.

h. The RPs may be summarily suspended, in whole or in part, upon a finding by the District Engineer, 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 Engineer, 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 RP 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 RP. 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 this RPs. 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 RPs 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 RPs 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 RPs, 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 RP is commenced, or is under contract to commence, before the date that these RPs expire, the permittee will have an additional twelve months from the date of the expiration of these RPs to complete the work under the present terms and conditions of the RP.

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

m. If 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. There shall be no unreasonable or long term interference with navigation by the existence or use of the activities authorized herein.

o. These RPs 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 Engineer, 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. These permits shall become effective on the date of the District Engineers' signature, or his/her authorized representatives' signature.

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

s. 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 wetland vegetation, the vegetative community must be clearly identified (species composition 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 delineation of waters of the US in accordance with the 1987 Corps of Engineers Wetland Delineation Manual. 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. These RPs are applicable to the Federal Projects listed herein and specifically for work at or below the appropriate normal pool elevation. The following list identifies the normal pool elevation for each of the Federal Projects: Walter F. George and George W. Andrews Lake's normal pool elevation is 190 mean feet above sea-level (MSL); West Point Lake's normal pool elevation is 632 MSL; Carters Lake's normal pool elevation is 1072 MSL; Allatoona Lake's normal pool elevation is 840 MSL; and, Lake Sidney Lanier's normal pool level is 1071 MSL.

x. 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/she shall cease work and immediately notify the appropriate Operations Project Manager for the appropriate action.

y. Authorizations will not be issued under these RPs 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 may affect cultural resources, a cultural resources affects determination shall be required with the Savannah District, Regulatory Division 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 the expense of any required cultural resource survey. 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 a cultural resource survey is required by the appropriate Operations Project Manager, no authorizations under this RP 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 as special conditions.

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

aa. This RP 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.

bb. Authorizations will not be issued under these RPs 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.

cc. All work performed under these RPs must comply with the conditions outlined within the 401 Water Quality Certification issued by the Georgia Environmental Protection Division on December 1, 2009. Specifically, the certification is contingent upon the following conditions: 1) All work performed during construction will be done in a manner so as not to violate applicable water quality standards; and, 2) No oils, grease, materials or other pollutants will be discharged from the construction activities which reach public waters.

2. Dredging Special Conditions: Any authorizations under RP 0042-0044, RP 47, and RP 0059 are also subject to the following conditions:

a. Maintenance dredging is limited to a maximum of 5,000 cubic yards (with the exception of activities outlined in RP 0047 and RP 0059).

b. All dredged material shall be deposited on an appropriate upland site off public land, as stipulated in this permit, and be properly stabilized or contained so as to preclude any re-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.

c. Any discharge of dredged or fill material shall consist of suitable material free from toxic pollutants in toxic amounts. All material, used as fill or for construction purposes, shall be obtained from non-contaminated upland sources which have little or no organic content, non-acid forming, and free of solid waster or other debris (with the exception of placing dredge material behind a bulkhead or retaining wall).

d. 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.

e. If dredging will only be performed in the wet, the permittee must use turbidity curtains to minimize turbidity.

f. If the permittee is dredging in the dry and experiences any ground water saturation in the areas where 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.

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

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

FURTHER INFORMATION

1. Congressional Authorities: Authorization to undertake the activities described above are issued 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).

2. Limits of this authorization.

a. These permits do not obviate the need to obtain other federal, state, or local authorizations required by law.

b. These permits do not grant any property rights or exclusive privileges.

c. These permits do not authorize any injury to the property or rights of others.

d. These permits do not authorize interference with any existing or proposed federal project.

3. Limits of Federal Liability. In issuing these permits, 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 un-permitted 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 interest.
- c. Damages to persons, property, other permitted or un-permitted 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.

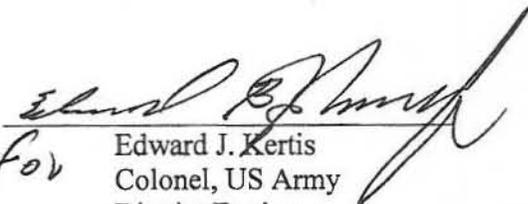
4. Re-evaluation of Permit Decision. The US Army Corps of Engineers may re-evaluate its decision on an activity authorized by a Regional Permit at any time the circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to, the following:

- 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 have been 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.

5. 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 such as those contained 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 authorization 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 directive, the US Army Corps of Engineers may in certain situations (such as those specified in 33 CFR 209.170) accomplished the corrective measures by contract or otherwise and bill the permittee for the cost.

6. These Regional Permits become 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

for 
Edward J. Kertis
Colonel, US Army
District Engineer

February 25, 2010
(Date)