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

Regulatory Division
200900170

JOINT PUBLIC NOTICE
Savannah District
Regional General Permits 105, 106, 107 and 108
For
Publically Funded Projects

The US Army Corps of Engineers, Savannah District (USACE), by means of this notice announces the issuance of Regional General Permits (RGPs) Number 105, Number 106, Number 107 and Number 108 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 (33 U.S.C. 1344). The permits may authorize up to 5 acres of wetland impact and/or 1,000 linear feet of intermittent or perennial stream impact for an individual publically funded project. In addition, the permits may authorize up to a cumulative total of 10 acres of wetland impact and/or 2,000 linear feet of intermittent or perennial stream impact for multiple publically funded projects within a single watershed (8-digit Hydrologic Unit Code). However, certain watersheds have more restrictive individual project and cumulative wetland and stream impact limits, detailed in the General Conditions of the attached RGPs. Uses of these RGPs are excluded in tidal waters, including tidal wetlands. Activities authorized under these RGPs are described below:

a. RGP 105: Widening or improvement of existing transportation projects. Authorized under this regional permit, the entirety of the proposed work in waters of the United States (US) must be located within 100 feet of the right of way of the transportation project being improved; unless the project requires a new alignment section to straighten a portion of the road for safety reasons. In the later cases, the new alignment section can be no more than 1 mile in length unless the District Engineer grants a waiver.

b. RGP 106: Bridge replacement projects.

c. RGP 107: Construction of institutional facilities such as governmental offices, schools, libraries, and museums.

d. RGP 108: Construction of infrastructure projects such as water treatment facilities and storm water management facilities.

These RGPs are not to supersede or otherwise modify applicable Nationwide Permits published in the March 12, 2007, Federal Register, Vol. 72, No. 47, Pages 11092-11198 (72 FR) or other types of currently authorized General Permits. A copy of the RGPs is enclosed and they are also available at http://www.sas.usace.army.mil/Permits.htm.

By letter dated January 12, 2010 (Encl 2), the Georgia Department of Natural Resources, Environmental Protection Division (GAEPD) denied Water Quality Certification for all of the RGPs, pursuant to Section 401 of the Clean Water Act.

By letter dated January 15, 2010 (Encl 3), the Georgia Department of Natural Resources, Coastal Resources Division (GACRD) denied Federal Consistency for all of the RGPs, pursuant to the Georgia Coastal Management Program (GCMP). The GCMP area includes Bryan, Brantley, Camden, Charlton, Chatham, Effingham, Glynn, Liberty, Long, McIntosh and Wayne Counties.

The denial of Water Quality Certification and CMP Consistency Determination by the Georgia Department of Natural Resources (Georgia DNR) pertains to any future projects that may qualify for authorization under the RGPs. For any project that the USACE determines to qualify for authorization under the RGPs, a provisional permit would be issued. A permittee with a provisional RGP would be required to obtain project specific Water Quality Certification from GADNR, and for a project located within the 11 coastal Georgia counties, project specific GCMP Certification from GACRD. Only after project specific Water Quality Certification was issued, and if required, project specific CMP Consistency Determination was issued, would a provisional USACE RGP permit be valid.

3 Encls
1. Regional General Permits (RGPs) 105, 106, 107 and 108
2. Ltr, Georgia DNR, January 12, 2010
3. Ltr, Georgia CRD, January 15, 2010