DEPARTMENT OF THE ARMY PERMIT

PERMITTEE: Mr. William McHugh, Jr., Sea Island Acquisition, LLC

PERMIT NUMBER: SAS-2015-00742

ISSUING OFFICE:

Savannah District U.S. Army Corps of Engineers 100 West Oglethorpe Avenue Savannah, Georgia 31401

NOTE: The term "you" and its derivatives used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate District or Division office of the U.S. Army Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

PROJECT DESCRIPTION: To construct and maintain a new T-head groin south of the existing southern groin and place sand along approximately 17,000 linear feet (LF) of beach located between an existing north groin, and the new T-head groin. A hydraulic cutter-head dredge will pump between 1,315,000 to 2,500,000 cubic yards (CY) of sand from the offshore source, to various locations along the beach. Temporary sand-training dikes will be constructed on the beach, and used to contain the discharge of sand and water, parallel to the shore. Once it is dewatered, bulldozers and other equipment will be used to move the sand up and down the beach, to shape the beach to the design template. Following completion of beach renourishment, sand fencing and/or native vegetation will be installed in strategic locations in the dunes in accordance with a Georgia Department of Natural Resources (DNR)-approved vegetation plan.

The project will consist of the following four reaches: Reach 1 extends 1,200' south of the southern groin (i.e. to the new groin); Reach A extends 4,000 LF north of the southern groin to approximately East 9th Street; Reach B extends 9,000 LF from East 9th Street to East 34th Street; and Reach C extends 3,500 LF from East 34th Street to the northern groin. Subsequent sand recycling activities would be accomplished with excavators, dump trucks, and other heavy equipment. Recycling activities will occur during/for the following times/reasons: (1) up to once per year outside of turtle nesting season to maintain the project; (2) at any time to correct unusual erosion rates or to correct damage caused by discrete events, upon notice to the Corps, Georgia Department of Natural Resource, Coastal Resources Division (Georgia CRD); and (3)

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in the event of an approaching storm, to shape dunes to raise low lying areas for upland protection, upon notice to the Corps and Georgia CRD. Material for recycling activities would be obtained from any location above mean lower low water from Reach A or Reach C.

PROJECT LOCATION: The project site is located within the surf zone of the Atlantic Ocean, along the Sea Island shoreline, in Glynn County, Georgia (Latitude: 31.1833, Longitude: 81.3310). The proposed 255-acre sand borrow area is located in the Atlantic Ocean, approximately 4 miles east/southeast of the Sea Island project area.

1. PERMIT CONDITIONS:

a. General Conditions.

- (1) The time limit for completing the work authorized by this Individual Permit ends on September 5, 2023. If you find that you need more time to complete the authorized activity, you must submit a request for your permit extension at least one month prior to the above date.
- (2) You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
- (3) If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
- (4) If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
- (5) If a conditioned Water Quality Certification has been issued for your project, you must comply with conditions specified in the certification as Special Conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
- (6) You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

(7) 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 U.S. Army 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 because of any such removal or alteration.

b. Special Conditions.

- (1) To ensure that the project would not adversely affect any threatened and endangered species, the Permittee shall comply with the following special conditions:
- a. All work shall be completed outside of the prescribed sea turtle nesting season (i.e. construction between November 1st and April 30th).
- b. Following construction, the Permittee shall cross-till the project from the high tide wave rush to the seaward toe of the constructed dune feature. The dune feature should also be tested for compaction prior to the planting of vegetation or sand fence construction. If compaction readings are greater than 500 CPU at any of the test depths (6 inches, 12 inches, 18 inches) for two consecutive stations, the dune feature will be tilled.
- c. Annual surveys for compaction will be completed in February for 5 years following completion of the project. Sand compaction should be measured at a maximum of 500 foot intervals along the fill area. Compaction will be measured at 3 stations along three transects corresponding to the landward, middle and seaward portion of the fill berm. An additional measurement should be taken from the dune feature. At each measurement station, a cone penetrometer will be pushed to depths of 6, 12, and 18 inches three times (3 replicates) and the compaction readings will be averaged to produce a final reading at each depth for each station. If the average value for any depth exceeds 500 CPU for any 2 or more adjacent stations (including the dune feature), that area will be tilled prior to May 1. Tilling will be completed to a depth of 36 inches. A representative from Georgia DR shall be present during the compaction testing (contact: Mark Dodd, 912-264-7218).
- d. An annual summary of compaction surveys and the actions taken will be submitted to the Corps. A report on the results of compaction monitoring will be submitted to the Corps prior to any tilling actions being taken. This condition will be evaluated annually and may be modified if necessary to address sand compaction problems identified during the previous year.

- e. Visual surveys for escarpments along the beach fill area will be made after construction and completed in February for five years following completion of the project. Escarpments in excess of 18 inches extending more than 100 feet will be mechanically leveled to natural beach contour prior to April 1st.
- f. Visual surveys for escarpments along the beach fill area will be made weekly, and after storm events, from April 1st through October 31st. Escarpments that interfere with marine turtle nesting or that exceed 18 inches in height for a distance of 100 feet or more will be graded to the natural beach contour with guidance from the Georgia Department of Natural Resources and the U.S. Fish and Wildlife Service.
- g. The Permittee shall participate in the Right Whale Early Warning System. Dredging within right whale critical habitat from December through March must follow the protocol established within the Early Warning System.
- h. Full-time NMFS-certified endangered species observer(s) shall be present on the dredge to document visible sea turtle activity, monitor any sea turtle takes, and watch for and alert the dredge operator of manatees or whales (especially right whales or humpbacks) in the area.
- i. All project personnel shall follow NMFS marine mammal stranding report procedures.
- j. The Permittee shall comply with the "Savannah District Standard Manatee Special Conditions for Aquatic Construction." (Enclosed).
- k. The Permittee shall utilize one of the following materials to secure the buoy to the pipeline: (1) Light weight chain; (2) Non-looping wire rope; or (3) Plastic sheathing around nylon rope to prevent looping.
- (2) To ensure that unsuitable material is not placed onto the beach, the Permittee shall comply with the following special conditions:
- a. Prior to any placement of beach fill, the Permittee shall construct temporary sand training dikes on the beach. The slurry from the offshore borrow site shall be pumped behind the sand training dike and the sand shall be allowed to dewater prior to placement on the beach.
- b. While the material is being pumped into the dewatering area (i.e. behind the sand training dike), the Permittee shall have qualified personnel under the direction of a Georgia-registered professional engineer or a professional geologist monitoring the slurry discharge and correlating it with the borrow area conditions. Specifically, personnel shall monitor the slurry discharge as well as the dewatering area to determine whether the discharge/sand contains unsuitable material (i.e. clay balls, mud rollers, etc.)

- c. During construction of the beach fill, samples of the beach fill will be obtained at 200 foot intervals and compared to the native and borrow area samples. Samples will be taken along one shore-perpendicular transect and will be combined into one physical composite and sent to the laboratory for grain-size analysis. Samples will be analyzed as soon as possible but not more than five (5) days after collection. Sediment test results will be submitted monthly to the USFWS and GADNR for review.
- d. Upon completion of construction, the Permittee shall resample the project area and obtain representative samples of the beach fill using the same stations as the preproject samples. Results will be compared with pre-project beach samples and borrow area sediment test results. Data will be submitted to the USFWS and GADNR in a comprehensive final report.
- e. The Permittee shall immediately (i.e. within 24 hours) notify the Corps, GADNR and USFWS if non-compatible material is encountered in the borrow area. The dredge will be relocated to other subareas within the permitted borrow area if the following conditions are encountered:
- 1. Evidence of high concentrations of mud persisting for more than 30 minutes in the slurry based on visual observation at the discharge pipe and monitoring of specific gravity of the slurry at the dredge.
- 2. Evidence of high concentrations of non-shell gravel such as chunks of limestone, marl, or similar cemented sediments which persist for more than 30 minutes in the slurry based on visual observation at the discharge pipe and monitoring of specific gravity of the slurry at the dredge.
- 3. Evidence of high concentrations of coarse shell material exceeding pebble-sized clasts (i.e. oyster shells, quahogs, etc.) which persist for more than 30 minutes in the slurry, based on visual observations at the discharge pipe and monitoring of specific gravity of the slurry at the dredge.
- g. Because of the lag time between excavations in the borrow area and pump-out onto the beach, accumulations of mud rollers and coarse gravel material may occur before the dredge can be relocated. If such accumulations exceed the equivalent of one 15 cubic yard dump truck per 100 linear feet of beach, the Permittee shall pick up the coarse material using hand labor or a beach-sweeping device as soon as practicable upon completion of the section or upon completion of the project. To the extent practicable, such accumulations will be raked into stockpiles above the high-tide line.
- (3) Prior to any maintenance/sand recycling event, the Permittee shall sample the proposed borrow area to ensure the borrow site has the required amount of beach quality sand to complete the event. The samples should be taken as individual cores and be an adequate amount to represent the borrow area.

- (4) The Permittee shall perform beach profile surveys. The surveys shall establish a fixed, repeatable baseline along the shore with perpendicular transects extending 2,400 feet south and 1,200 feet north of the new groin, with stations and transects at 100-foot intervals. Data points shall be surveyed along the above transects to a water depth of 6 feet.
- (5) The beach profile surveys shall be performed at the following times:
 (a) pre-construction; (b) post-construction; (c) 6 months, 1 year, 2 years, 3 years, 4 years, and 5 years after the post-construction survey; and (d) more frequently after storm events, if warranted.
- (6) The preconstruction (baseline) survey shall be performed between 7-30 days prior to the start of construction. The preconstruction survey data and drawings shall be submitted to the Corps in a preliminary report within 20 days after the field work is complete, with a final report to be submitted no later than 120 days after the field work for the survey is completed.
- (7) Monitoring surveys shall be completed between January 1st-March 31st. Preliminary results will be submitted within 20 days, with final monitoring reports submitted no later than 60 days after the field work for the survey is completed.
- (8) Monitoring reports shall include at a minimum the following and along with any other information provided by the applicant will be used to determine if sand-bypassing or other corrective action is required:
- a. The transects and survey data shall be plotted on a plan view drawing (or multiple drawings) of the entire survey area. Drawings must be clearly legible on 8.5" x 11" paper and include a scale bar and north arrow.
 - b. All elevation data shall be reported relative to the NAVD88.
- c. The Permittee shall provide a table detailing the data obtained from each sample point along each transect. This data shall be compared to the initial post-construction survey data at each transect.
- d. The Permittee shall provide verifiable estimates of the net change in sand volume at each transect, and within the survey area as a whole. The net change in sand volume shall be calculated as the difference between the volume obtained in the initial post-construction survey and subsequent volumes documented in surveys at the required intervals specified in Special Condition (5). The Corps will evaluate the Permittees' volume estimates and determine if a corrective action plan is required.

- e. Should the Corps determine that the groin is causing negative impacts to the sand-sharing system, the Permittee shall submit a corrective action plan (i.e. sand bypass, adjustment/removal of the new groin, etc.) to the Corps and GADNR for review and approval.
- f. Existing site conditions shall be photographed during each survey. Photographs shall be plotted on a photo location map, including the location and direction of each photograph. Photographs shall be representative of the entire survey area and shall be taken at the same approximate location during each survey.
- (9) All work will be performed in accordance with the following attached plans and drawings which are incorporated in and made part of the permit:
 - a. Vicinity Map, dated March 2, 2018.
 - b. Project Plan, Reach A, Sta 95+00 to 135+00 Map, dated March 2, 2018.
 - c. Project Plan, Reach B, Sta 135+00 to 180+00 Map, dated March 2, 2018.
 - d. Project Plan, Reach B, Sta 180+00 to 225+00 Map, dated March 2, 2018.
 - e. Project Plan, Reach C, Sta 225+00 to 260+00 Map, dated March 2, 2018.
 - f. Proposed Fill Sections, Sta 110+00 to 140+00 Map, dated March 2, 2018.
 - g. Proposed Fill Sections, Sta 150+00 to 180+00 Map, dated March 2, 2018.
 - h. Proposed Fill Sections, Sta 190+00 to 220+00 Map, dated March 2, 2018.
 - i. Proposed Fill Sections, Sta 230+00 to 240+00 Map, dated March 2, 2018.
 - j. Area Bathymetry, NOAA Map 11502, dated March 2, 2018.
 - k. Borrow Area Bathymetry & Geotechnical Data, dated March 2, 2018.
 - I. Proposed Borrow Area Excavation Sections, dated March 2, 2018.
 - m. Geotechnical Data Grain Size Distributions, dated March 2, 2018.
- n. Reserve at Sea Island, Beach Renourishment & Groin, Sheets 1-13 dated September 10, 2015.

2. FURTHER INFORMATION:

- a. Congressional Authorities: You have been authorized to undertake the activity described above 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).
 - b. Limits of this Authorization.
- (1) This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.
 - (2) This permit does not grant any property rights or exclusive privileges.
 - (3) This permit does not authorize any injury to the property or rights of others.
- (4) This permit does not authorize interference with any existing or proposed federal projects.
- c. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- (1) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- (2) 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.
- (3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - (4) Design or construction deficiencies associated with the permitted work.
- (5) Damage claims associated with any future modification, suspension, or revocation of this permit.
- d. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- e. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require reevaluation include, but are not limited to, the following:
 - (1) You fail to comply with the terms and conditions of this permit.

- (2) The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- (3) Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 Code of Federal Regulations (C.F.R.) § 325.7, or enforcement procedures such as those contained in 33 C.F.R. § 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order, which requires you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate.
- (4) You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 C.F.R. § 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
- f. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the U.S. Army Corps of Engineers will normally consider a request for an extension of time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

SEA Island Acquisgrow, LLC

Authorized Signatory

9.12.18 (DATE)

This permit becomes effective when the federal official, designated to act for the Secretary of the Army, has signed below.

Issued for and in behalf of:

Daniel H. Hibner, P.M.P.

Colonel, U.S. Army

Commanding

the property is transferred, the terms an binding on the new owner(s) of the prop	by this permit are still in existence at the time d conditions of this permit will continue to be serty. To validate the transfer of this permit and e with its terms and conditions, have the
(TRANSFEREE)	(DATE)
the property is transferred, the terms an binding on the new owner(s) of the prop	by this permit are still in existence at the time of conditions of this permit will continue to be perty. To request the transfer of this permit and the with its terms and conditions, the permittee w.
(PERMITTEE-Printed Name)	
	,
(PERMITTEE-Signature)	(DATE)
(TRANSFERREE-Printed Name)	
(TRANSFERREE-Signature)	(DATE)

By signature below, the U.S. Army Corps of Engineers hereby validates the transfer of the permit from the permittee named above to the transferee named above.		
Issued for and in behalf of: Daniel H. Hibner, P.M.P. Colonel, U.S. Army Commanding	(DATE)	

CERTIFICATION OF COMPLIANCE WITH DEPARTMENT OF THE ARMY SAS-2015-00742

PERMIT FILE NUMBER: SAS-2015-00742

PERMITTEE ADDRESS: Mr. William McHugh., Sea Island Acquisition, LLC, 351 Sea Island Road, St Simons Island, Georgia 31522

LOCATION OF WORK: The project site is located within the surf zone of the Atlantic Ocean, along the Sea Island shoreline, in Glynn County, Georgia (Latitude: 31.1833, Longitude: 81.3310). The proposed 255-acre sand borrow area is located in the Atlantic Ocean, approximately 4 miles east/southeast of the Sea Island project area.

PROJECT DESCRIPTION: To construct and maintain a new T-head groin south of the existing southern groin and place sand along approximately 17,000 linear feet (LF) of beach located between an existing north groin, and the new T-head groin. A hydraulic cutter-head dredge will pump between 1,315,000 to 2,500,000 cubic yards (CY) of sand from the offshore source, to various locations along the beach. Temporary sand-training dikes will be constructed on the beach, and used to contain the discharge of sand and water, parallel to the shore. Once it is dewatered, bulldozers and other equipment will be used to move the sand up and down the beach, to shape the beach to the design template. Following completion of beach renourishment, sand fencing and/or native vegetation will be installed in strategic locations in the dunes in accordance with a Georgia Department of Natural Resources (DNR)-approved vegetation plan.

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ACRES AND/OR LINEAR FEET OF WATERS OF THE UNITED STATES IMPACTED: 250 acres of open water

DATE WORK IN WATERS OF THE UNITED STATES COMPLETED:

COMPENSATORY MITIGATION REQUIRED: N/A

DATE MITIGATION COMPLETED OR PURCHASED (include bank name): N/A

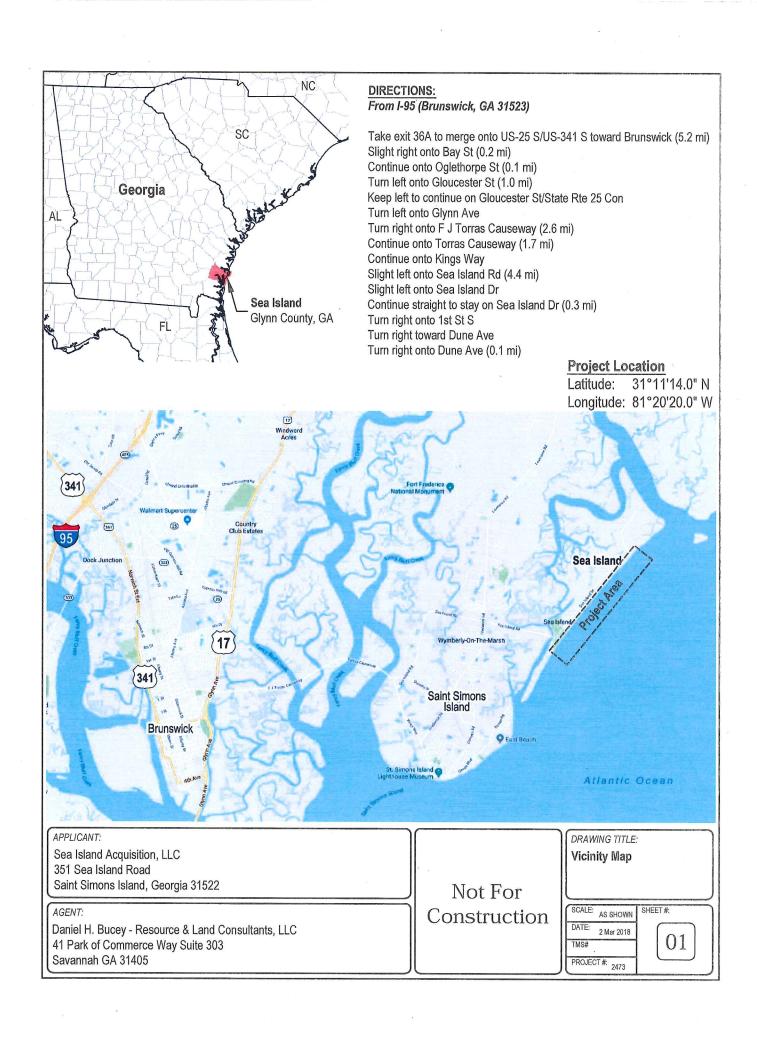
Within 30 days of completion of the activity authorized by this permit, sign this certification and return it to the following address:

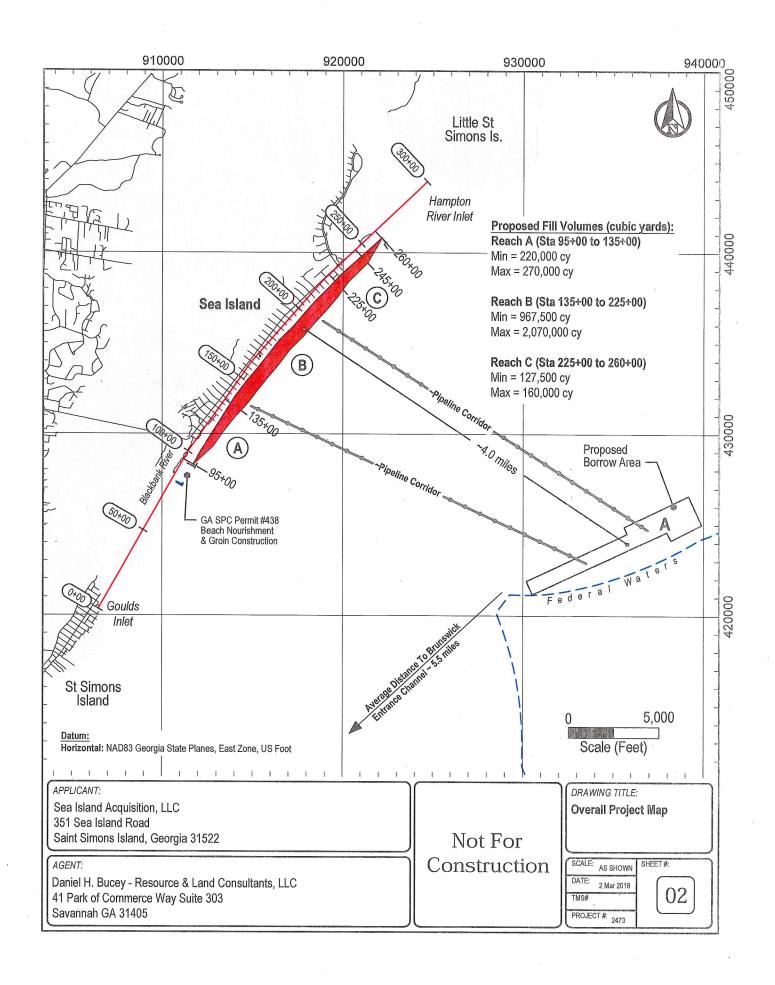
Commander U.S. Army Engineer District, Savannah Attention: Regulatory Branch 100 West Oglethorpe Avenue Savannah, Georgia 31401

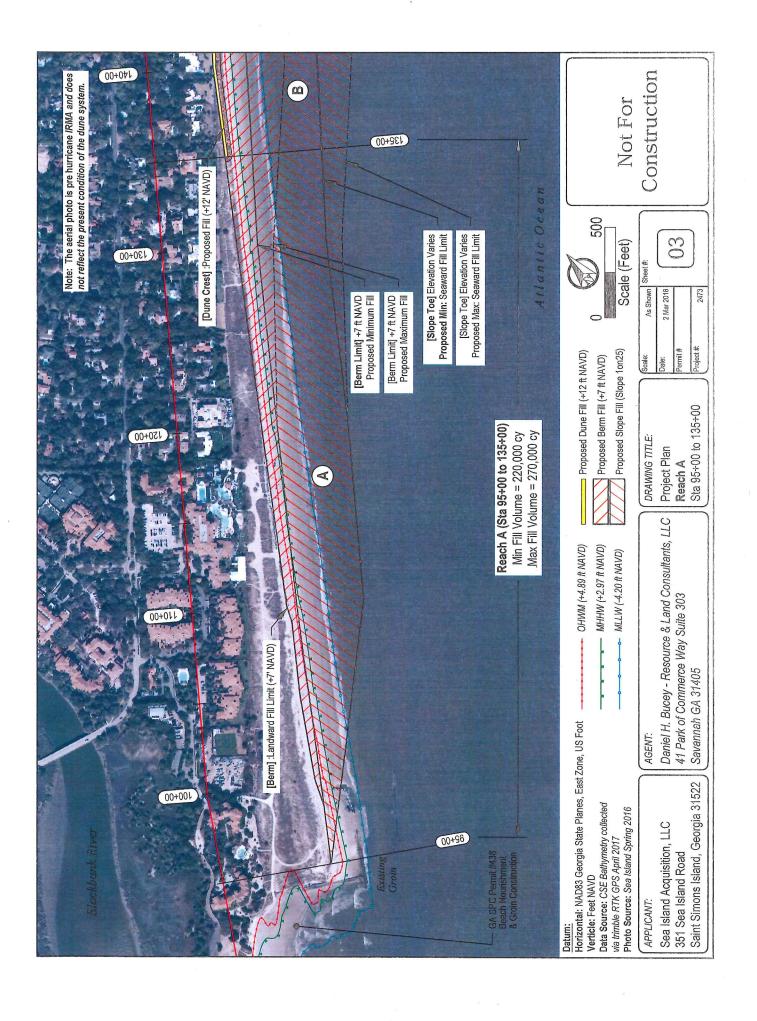
Please note that your permitted activity is subject to compliance inspection by an U.S. Army Corps of Engineers' representative. If you fail to comply with the permit conditions, it may be subject to suspension, modification or revocation.

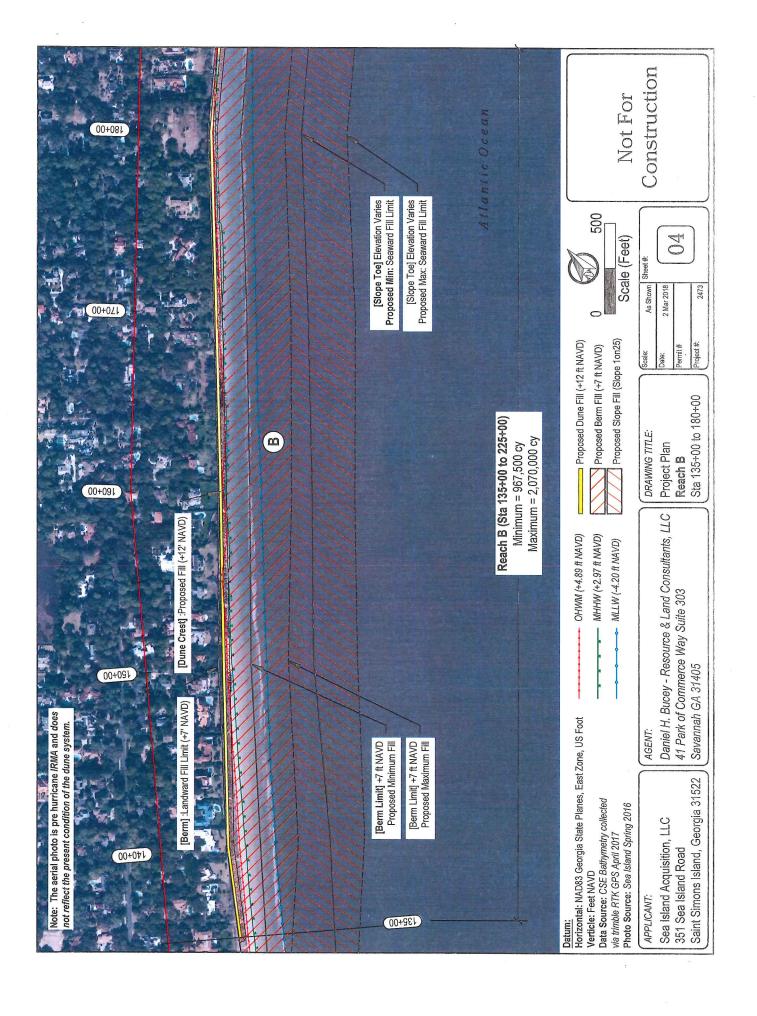
I hereby certify that the work authorized by the above referenced permit as well as any required mitigation (if applicable) has been completed in accordance with the terms and conditions of the said permit.

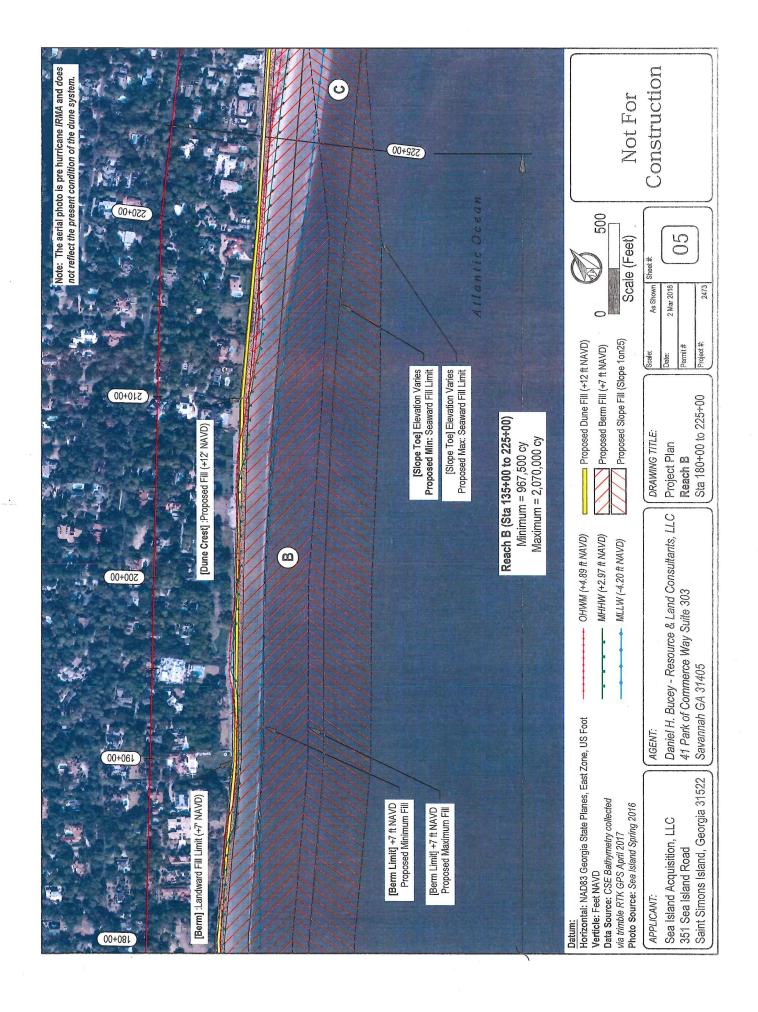
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Signature of Permittee	Date

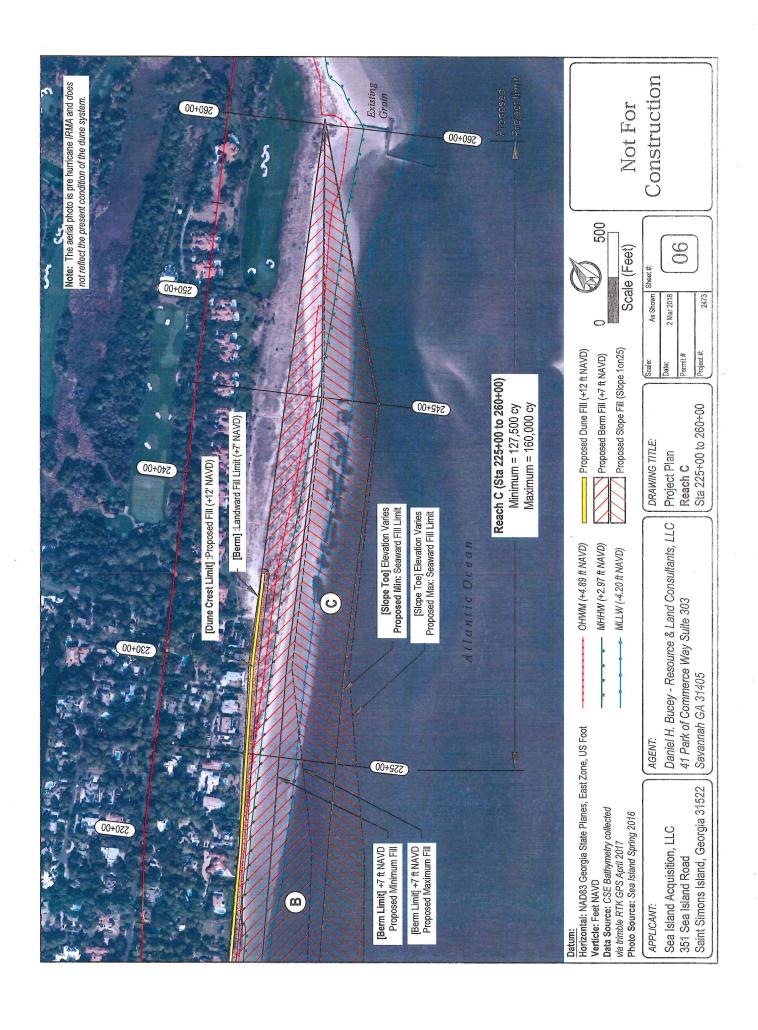


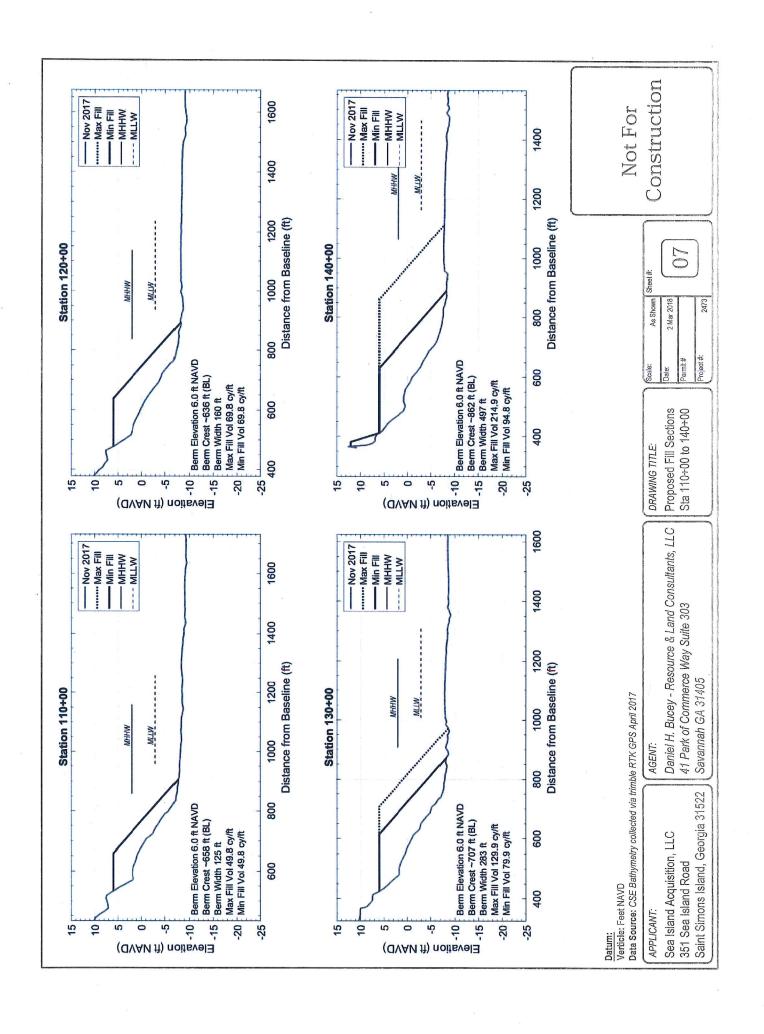


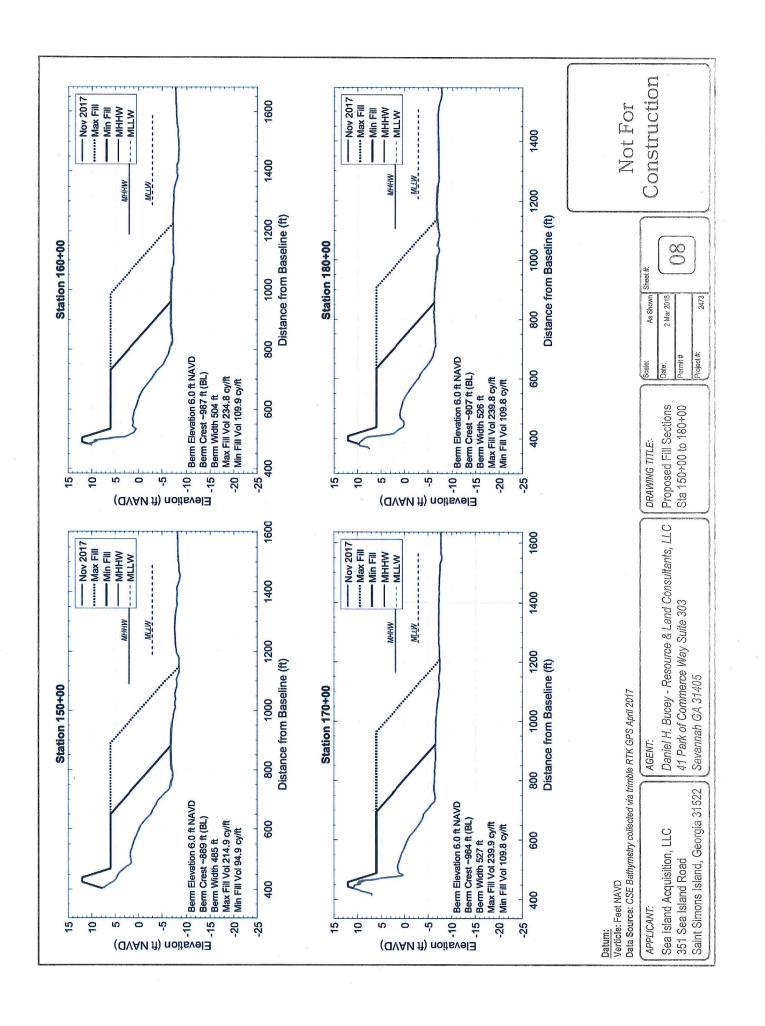


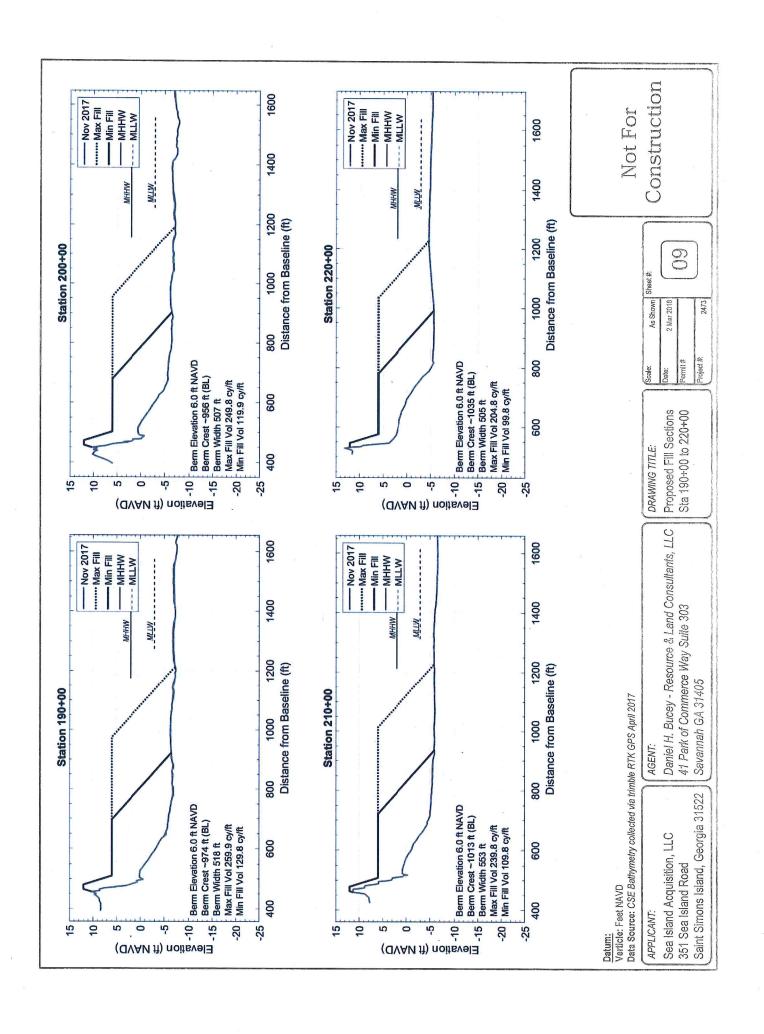


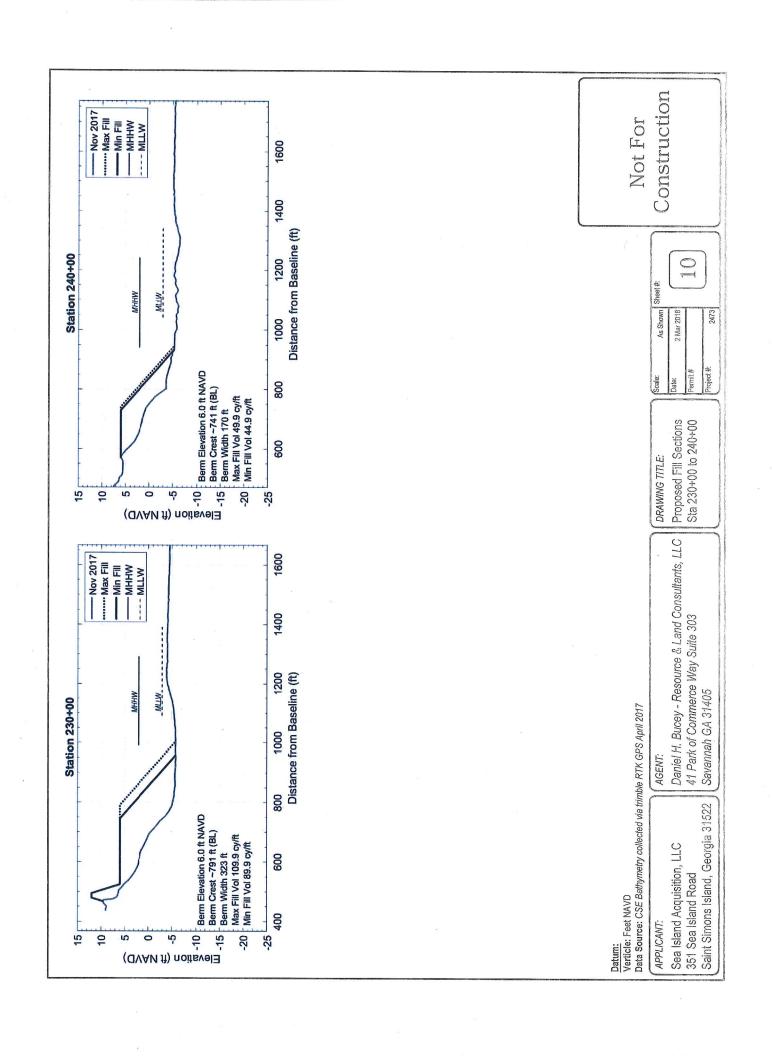


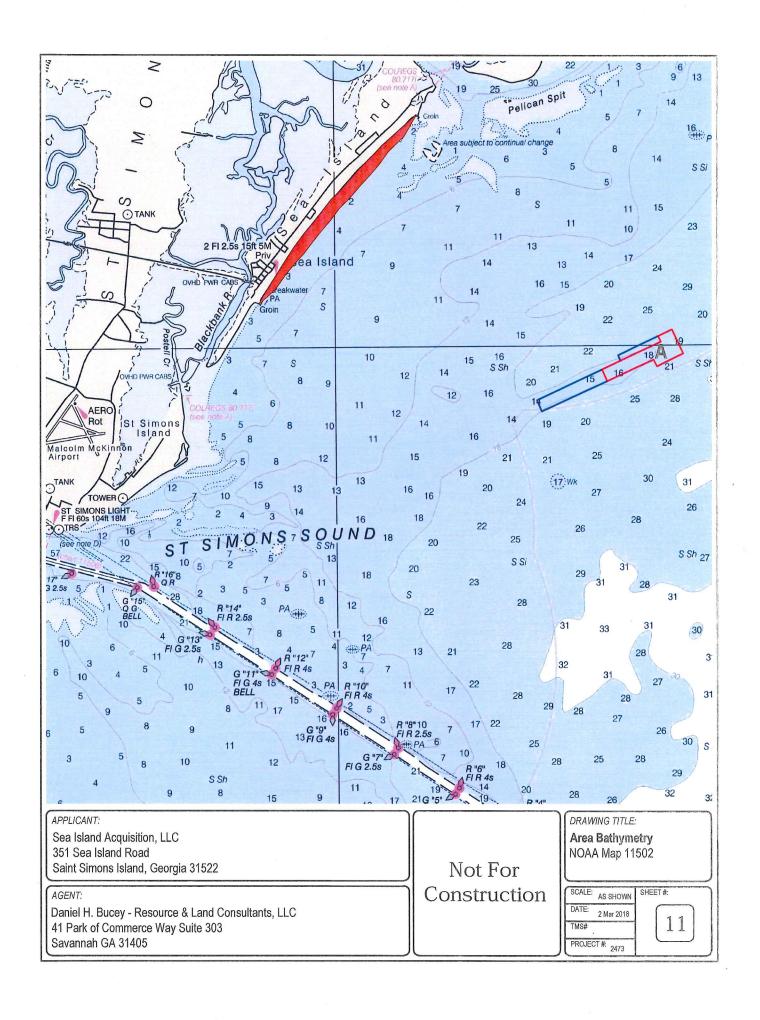


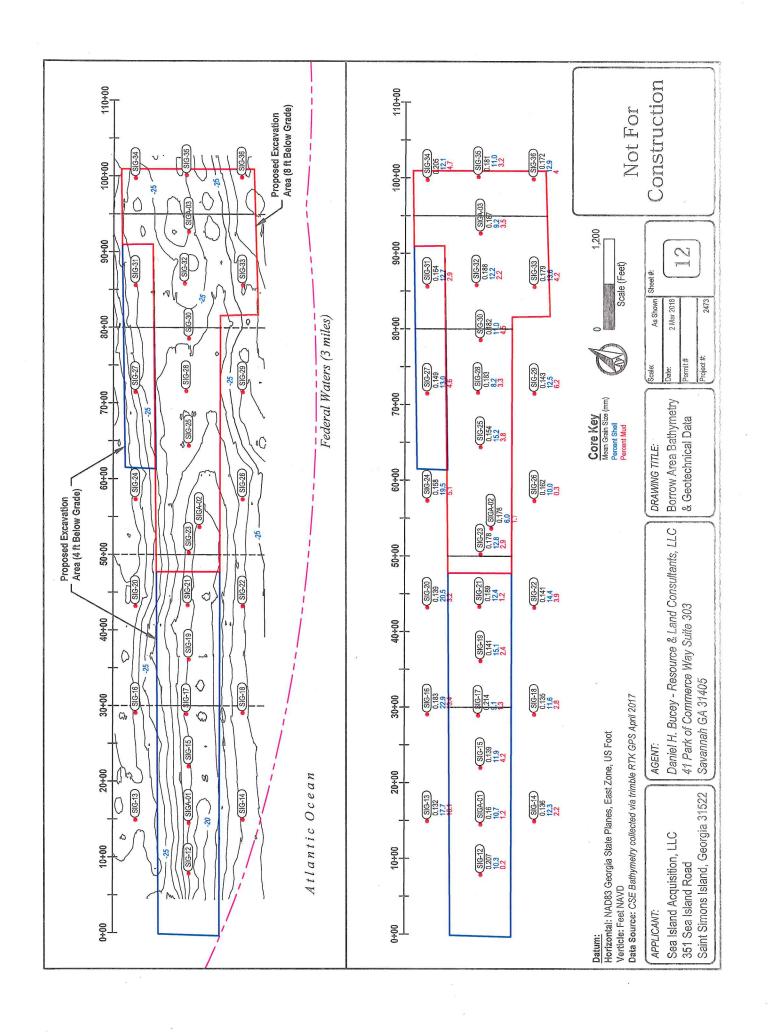


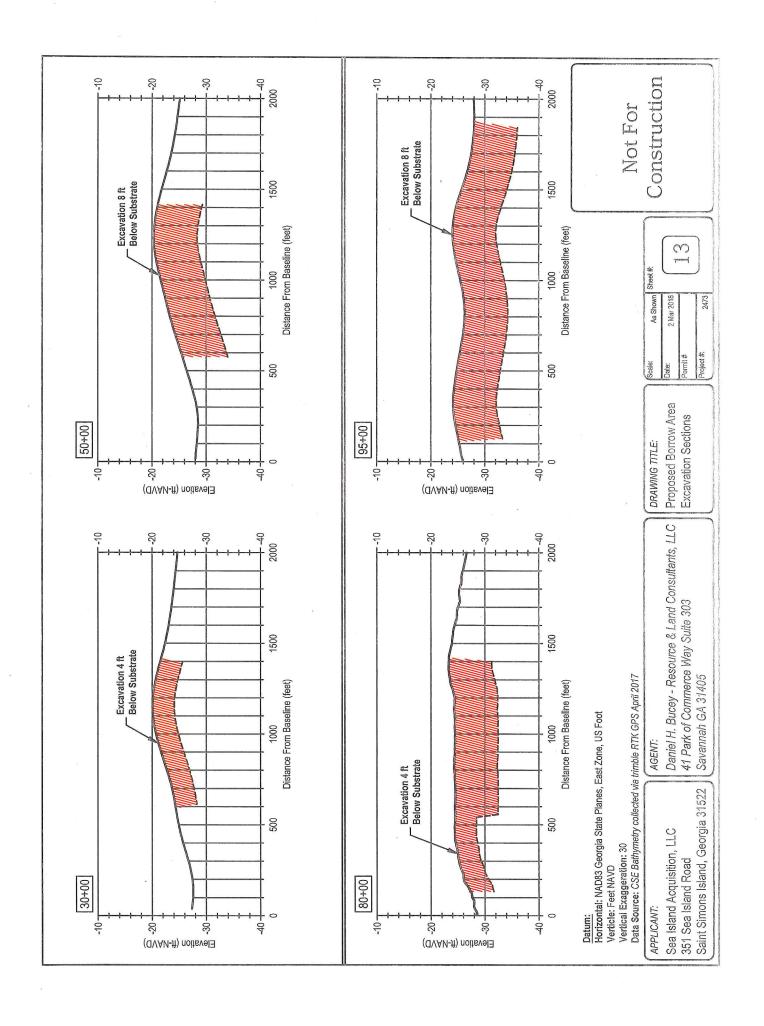


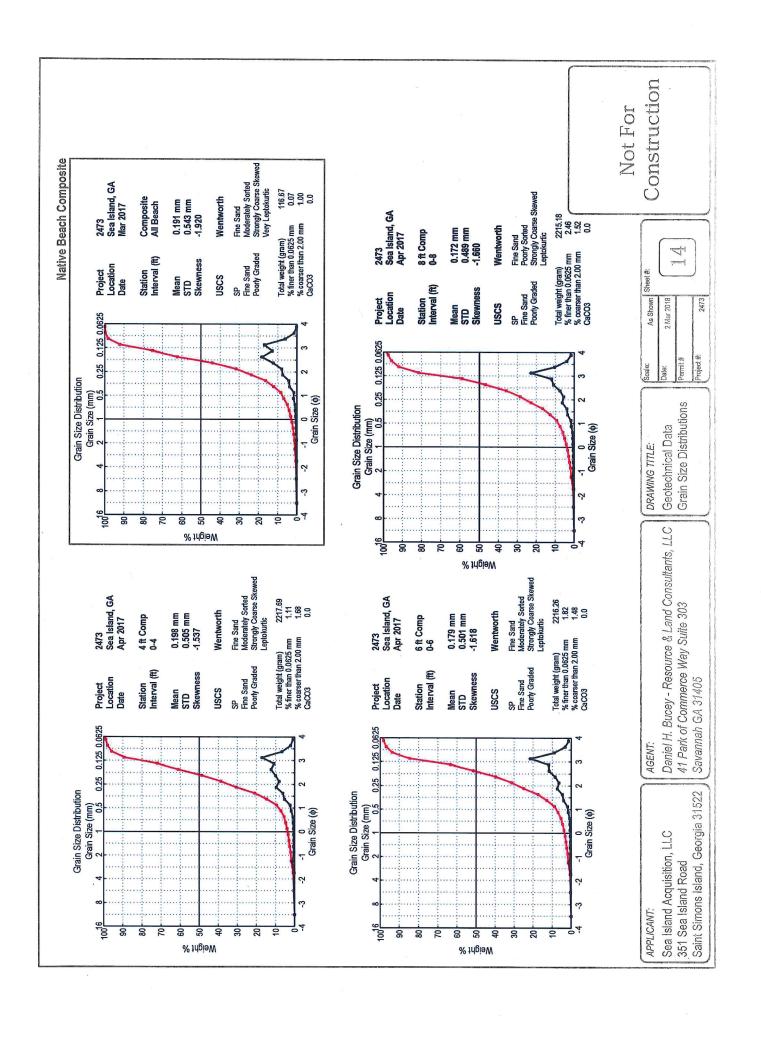


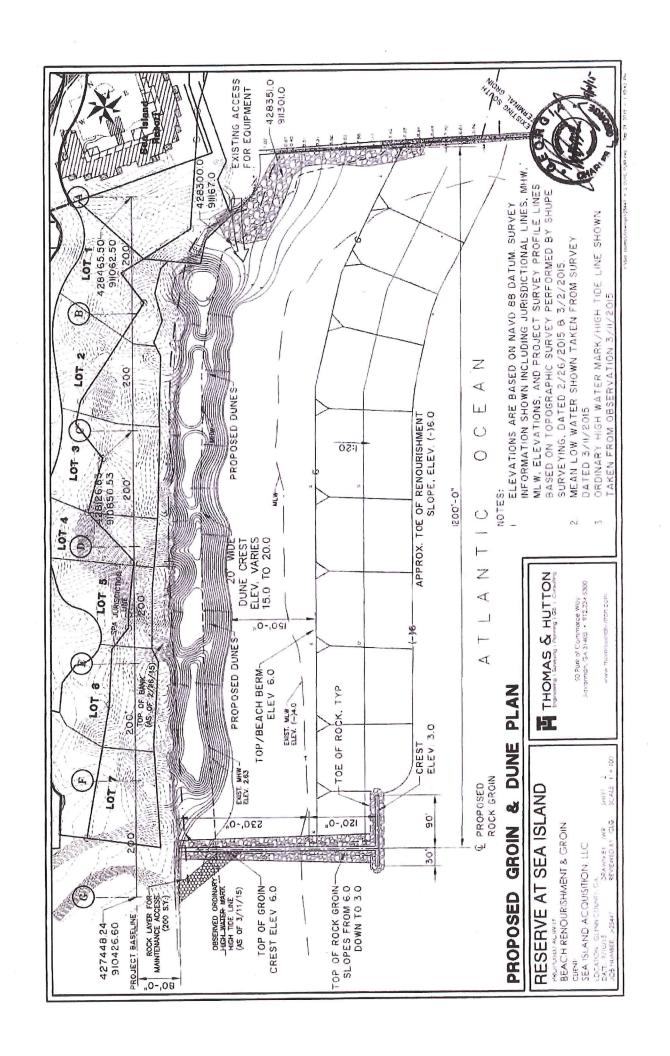


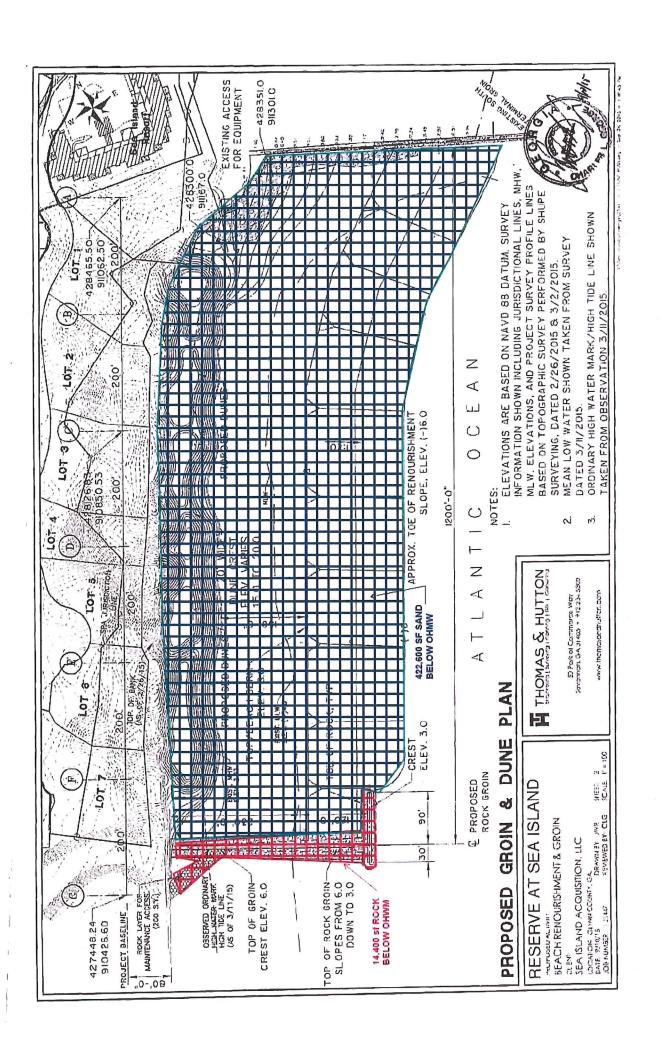


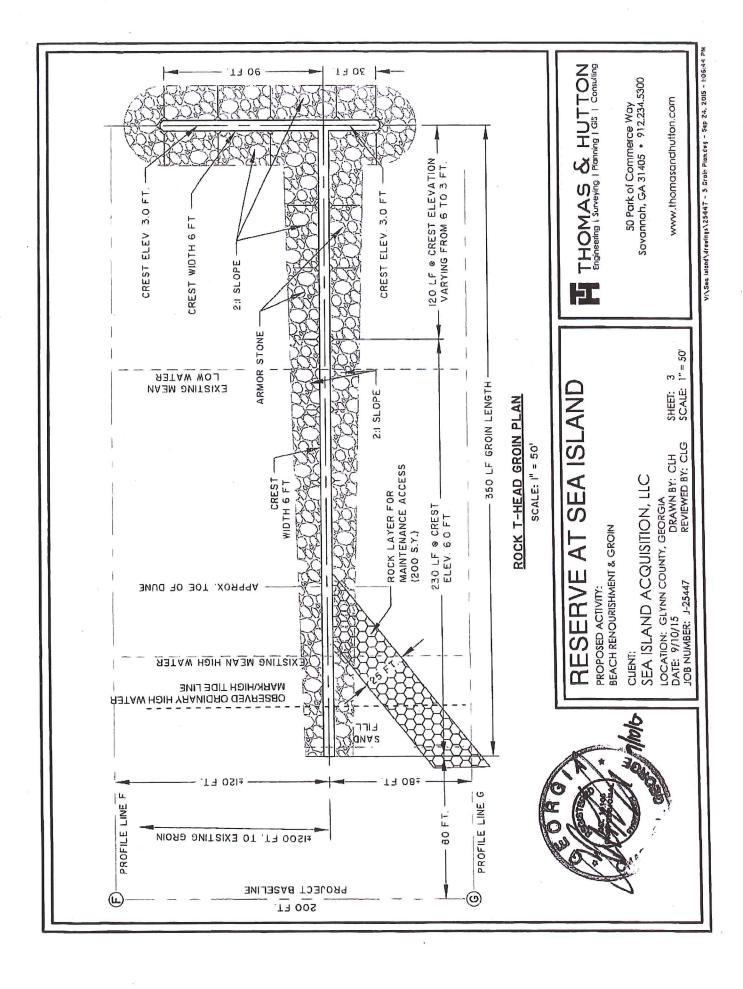


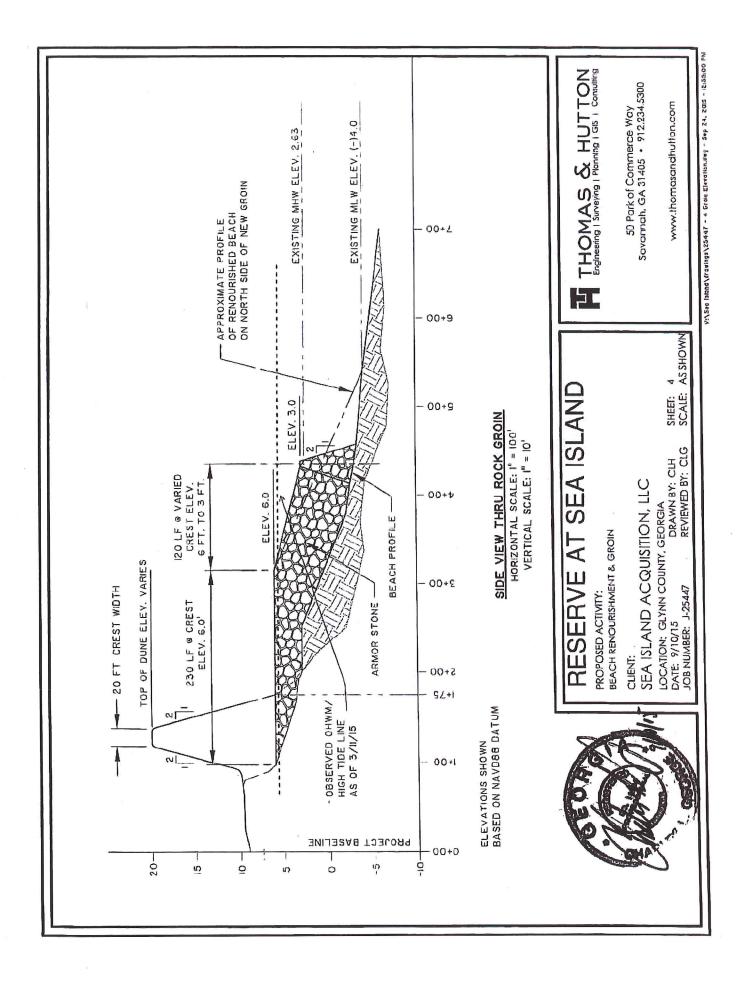


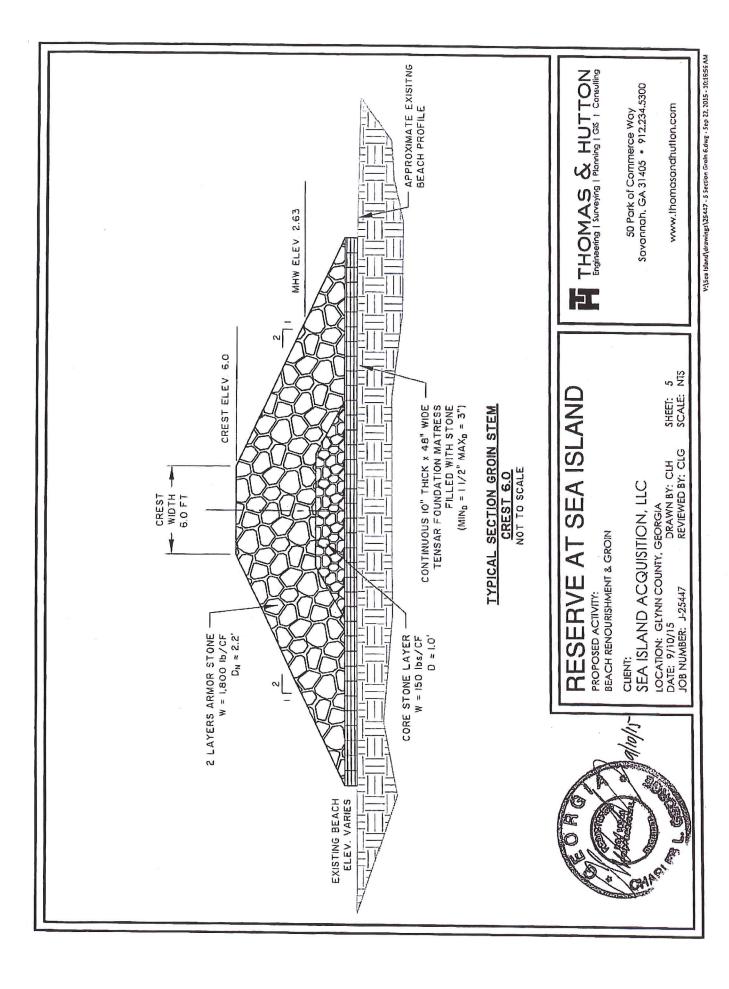


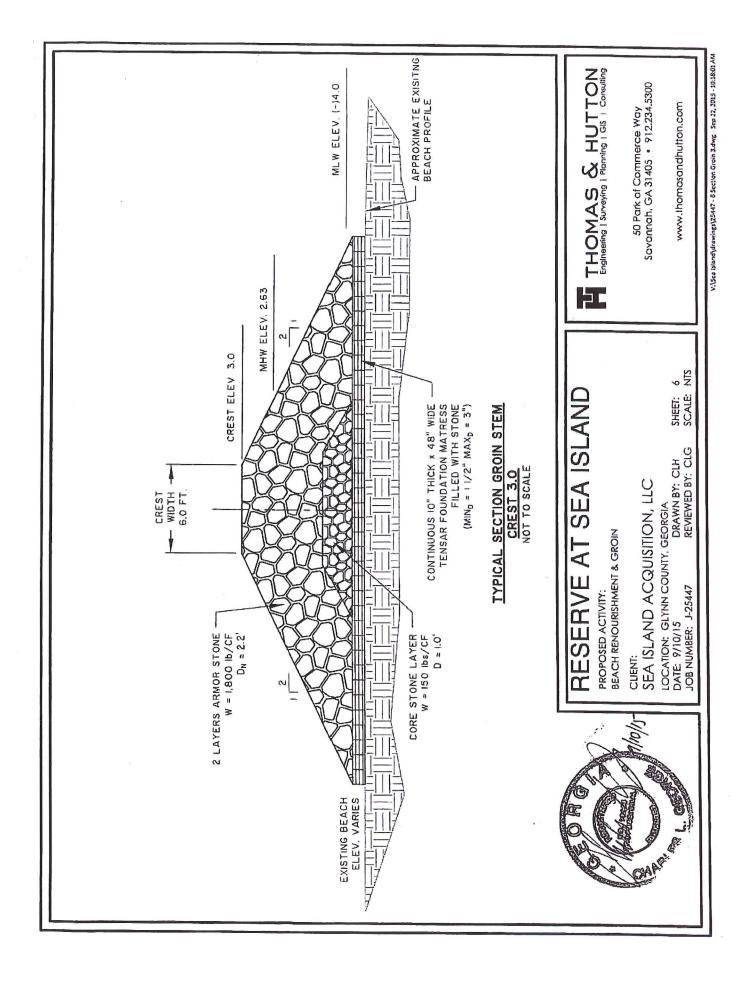


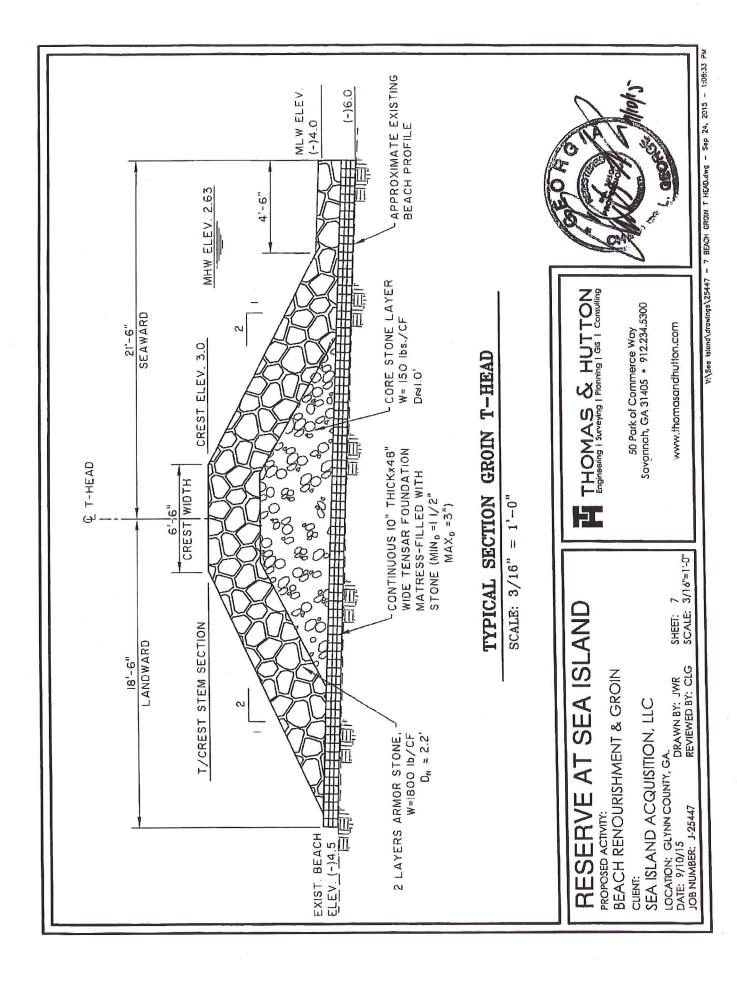












Programmatic Agreement U.S. Army Corps of Engineers U.S. Fish and Wildlife Service Section 7 of the Endangered Species Act Manatee Consultation Procedures Dock and Marina Facilities in Coastal Georgia Waters

The U.S. Army Corps of Engineers, Savannah District, and the U.S. Fish and Wildlife Service, Georgia Ecological Services (FWS) agree to the consultation procedures outlined in this Programmatic Agreement (PA), pursuant to Section 7 of the Endangered Species Act, concerning effects on the West Indian Manatee (Trichechus manatus) (manatee), from construction, modification, maintenance and use of dock and marina facilities, in Brantley, Bryan, Camden, Charlton, Chatham, Effingham, Glynn, Liberty, Long, McIntosh and Wayne Counties, Georgia.

CONSULATION PROCEDURES:

- 1. The Corps will coordinate permit actions with FWS, as follows:
- a. <u>Individual Permits (IP)</u>: The Corps will include the following statement in joint public notices advertising Department of the Army IP applications for proposed dock and marina facilities, "Any permit that may be issued by the Corps for the proposed project will include the applicable manatee special permit conditions: (1) for single and multi-family private recreational docks, special conditions a thru j; or (2) for private community docks and commercial marinas, special conditions a thru p. The facility types will follow the definitions the Georgia Department of Natural Resources (Georgia DNR) uses in their facility permitting. With inclusion of the applicable special conditions in the permit, and with the requirement for the permittee to implement and adhere to these conditions, the Corps has determined that the project may affect, but is not likely to adversely affect the manatee."
- b. Letters of Permission (LOP): The Corps will include the following statement in the agency coordination email for all LOP for proposed dock and marina facilities, "Any permit that may be issued by the Corps for the proposed project will include the applicable manatee special permit conditions: (1) for single and multi-family private recreational docks, special conditions a thru j; or (2) for private community docks and commercial marinas, special conditions a thru p. With inclusion of the applicable special conditions the permit, and with the requirement for the permittee to implement and adhere to these conditions, the Corps has determined that the project may affect, but is not likely to adversely affect the manatee."
- c. Nationwide Permit 3(a) (NWP 3(a)): The Corps will include the following statement in agency coordination email for all Pre-Construction Notifications proposing use of NWP 3(a) to repair, rehabilitate or replace a previously authorized, currently serviceable dock or marina facility, "Any verification for use of NWP 3(a) that may be

issued by the Corps for the proposed project will include the applicable manatee special permit conditions: (1) for single and multi-family private recreational docks, special conditions a thru j; or (2) for private community docks and commercial marinas, special conditions a thru p. With inclusion of the applicable special conditions in the NWP 3(a) verification letter, and with the requirement for the permittee to implement and adhere to these conditions, the Corps has determined that the project may affect, but is not likely to adversely affect the manatee."

- d. Programmatic General Permit 83 (PGP 83): PGP 83 authorizes the construction, maintenance and modification of certain private recreational dock facilities in the tidal waters of Georgia. The Corps has delegated authority to the Georgia Department of Natural Resources, Coastal Resources Division (Georgia CRD) to review PGP 83 applications, and verify whether proposed dock facilities comply with the terms and conditions for authorization under the PGP. All dock facilities authorized by PGP 83 must comply with manatee special permit conditions a thru j. With inclusion of these special conditions in PGP 83 verifications issued by Georgia CRD, and with the requirement for the permittee to implement and adhere to these conditions, the Corps has determined that private single family docks authorized by PGP 83 may affect, but are not likely to adversely affect the manatee.
- 2. FWS: For IP, LOP and NWP 3.a, the FWS will respond in writing (letter or email) to the Corps' public notice or email notification during the specified comment period when there is a project specific issue that would preclude FWS' concurrence with the Corps' may affect but not likely adversely affect determination for the project. The Corps will initiate Section 7 consultation with the FWS for such a project. However, if FWS does not disagree in writing with the Corps' determination within the specified comment period; the FWS is thereby concurring with the Corps' determination for the project. For private recreational dock facilities authorized by PGP 83, the FWS concurs with the Corps' may affect but not likely adversely affect determination.

MANATEE SPECIAL PERMIT CONDITIONS:

- 1. Single and multi-family private recreational docks, conditions a thru j.
- 2. Private community docks and commercial marinas, conditions a thru p.
- 3. Special Permit Conditions:
- a. The permittee shall ensure that all personnel associated with construction of the authorized dock facility are informed of the civil and criminal penalties for harming, harassing or killing manatees, which are protected under the Endangered Species Act of 1973 (ESA) and the Marine Mammal Protection Act of 1972. The permittee and the permittee's contractor(s) (contractor) will be held responsible for any manatee harmed, harassed or killed as a result of construction activities.

- b. The use of siltation barriers in waters of the United States, below the high tide line, is not allowed in association with the construction of the authorized dock facility.
- c. All vessels associated with project construction shall operate at "no wake/idle" speeds at all times while in the project area. All vessels will follow routes of deep water when entering or exiting the project area, and while operating in the project area, whenever possible. For the purposes of compliance with manatee conditions, the project area is defined as all areas of shoreline, marsh and open waters within 100 feet of the outermost perimeter of the authorized dock facility.
- d. All contractors and other on-site personnel are responsible for observing for the presence of manatees in or near the project area. All in-water construction activities shall cease upon sighting of a manatee within 50 feet of any ongoing work in the marsh or open waters. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Extreme care shall be taken when lowering equipment and materials below the water surface and/or to the water bottom. Equipment and materials include, but are not limited to: piles; sheet piles; casings for drilled shaft construction; spuds; pile templates; and anchors. All such equipment/material shall be lowered as slow as possible, to avoid injury to any manatee that may have entered the project area undetected.
- f. In the event of injury to or mortality of a manatee in the project area, the permittee or contractor shall immediately notify the Georgia Department of Natural Resources (Georgia DNR) at 912-264-7218 or 1-800-272-8363 on weekdays between 8:00 a.m. to 4:30 p.m., or 1-800-241-4113 on nights and weekends. Within one hour of a manatee injury or mortality the permittee or contractor shall notify the Corps at 1-800-448-2402 and the US Fish and Wildlife Service, Georgia Ecological Services Field Office at 912-832-8739. Any dead manatee found in the project area shall be secured to a stable object to prevent the carcass from moving with the current. In the event of a manatee injury or mortality, all open water construction activity shall cease pending completion of consultation between the Corps and the FWS, pursuant to Section 7 of the ESA.
- g. The permittee shall ensure that the contractor keeps a log of sightings, collisions or injury to manatees that occur during construction of the dock facility.
- h. Within 30 days of project completion, the permittee shall submit a report summarizing manatee sightings or incidents that occurred during project construction, to the FWS, Ecological Services Field Office, Coastal Georgia Sub-Office, 4980 Wildlife Drive NE, Townsend, Georgia 31331. Submission of a negative report is not required.
- i. All temporary or unused construction materials shall be removed from the project area upon completion of the work, and any impacted area of salt marsh shall be restored. No construction debris or trash is to be discarded in project area.

- j. The permittee shall regularly inspect and maintain all hoses, faucets, and other potential sources of freshwater, to ensure that any freshwater leak is stopped and immediately repaired. Manatees are attracted to freshwater leaking from dock facilities, where boats are concentrated and there is an increased risk for manatee collisions.
- k. Prior to initiating authorized construction activities, the permittee shall contact Georgia DNR at 912-264-7218 for assistance with development of temporary manatee awareness sign plan for the project area. The plan will include the types and number of signs; and locations where signs will be installed to be prominently visible to contractors entering the project area from uplands and from the water. The permittee shall install temporary manatee awareness signs in accordance with the Georgia DNR approved plan. See attached Appendix A for information about the size and appearance of temporary manatee awareness signs. Within 30 days of project completion, the permittee shall remove all temporary manatee signs.
- I. Once construction activities are completed, and prior to use of the facility, the permittee shall contact Georgia DNR at 912-264-7218 for assistance with development of permanent manatee awareness sign plan. The plan will include the types and number of signs; and locations where signs will be installed to be prominently visible to all facility users entering the project area from uplands and from the water. The permittee shall install permanent manatee awareness signs in accordance with the Georgia DNR approved plan. See attached Appendix A for information about the size and appearance of permanent manatee awareness signs.
- m. Within 30 days of installation, the permittee shall submit a notarized letter to the Corps confirming that required permanent manatee signs have been installed in compliance with the Georgia DNR approved plan. The permittee shall maintain all permanent manatee signs in a clearly visible condition for the life of the facility.
- n. The permittee shall utilize the Georgia DNR video, "Georgia Wildlife Sharing the Coast Manatee" as a manatee education awareness program; available at www.youtube.com/watch?v=whD8KX4PBNA. This video program focuses on educating boaters on manatee biology, how watercraft can adversely affect the manatee, and detail actions that boaters can take to avoid impacts to the manatee. The permittee shall insure that all boat operators view this video before using the permitted facility. The permittee shall continue a manatee education awareness program for the life of the facility. The permittee may develop and use a comparable manatee education awareness program upon approval by the Corps, FWS, and Georgia DNR.
- o. After project completion, the permittee shall identify the individual, facility operator or homeowner's association representative to be responsible for reporting manatee sightings, boat strikes or other manatee concerns to the FWS and Georgia DNR.
- p. For facilities with oil/gas pumps and/or sewage pump-out equipment, the permittee shall develop and maintain spill contingency plans in accordance with the requirements of the Georgia DNR, Coastal Resources Division.