



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
4751 BEST ROAD, SUITE 140
COLLEGE PARK, GEORGIA 30337-5600

May 1, 2023

Regulatory Division
SAS-2018-00375

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

PROPOSAL TO REISSUE PROGRAMMATIC GENERAL PERMITS
02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, and 14
Authorizing Work and Activities in the
Savannah River Lakes
Savannah District/State of Georgia

The Savannah District, U.S. Army Corps of Engineers (Corps) proposes to reissue Programmatic General Permits (PGP) 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 (copy of draft permits attached) for a period of five (5) years, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), to authorize minor structures and work in waters of the United States.

Scope: PGP are used by the Corps to avoid unnecessary duplication of regulatory control over activities that are regulated by another Federal, state, or local agency. The PGP would authorize activities that are substantially similar in nature and cause only minimal individual and cumulative environmental impacts (33 CFR Parts 322.2(1), 325.2(e) and 330).

Location: The PGP authorize minor work and activities in waters of the United States, located within the portions of J. Strom Thurmond, Richard B. Russell, and Hartwell Lakes that are within the geographic limits of the State of Georgia.

Purpose: Authority is delegated to the Savannah District, Operations Project Managers (OPMs) at the above listed Corps' lakes, to verify whether proposed work and activities in waters of the United States would meet the terms and conditions for authorization by these PGPs. Prior to performing work, an adjacent property owner to a Corps' lake must submit an application to the OPM and receive written OPM verification that a proposed project meets the terms and conditions for authorization under a PGP.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify PGP 02-14 in accordance with the provisions of Section 401 of the Clean Water Act, which is required for a Federal Permit

to conduct activity in, on, or adjacent to the waters of the State of Georgia. The proposed PGP are enclosed with this Joint Public Notice. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the date of this notice and state the reasons or basis of objections or request for a hearing. Comments, objections, or requests for a public hearing should be sent to the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 7 Martin Luther King Jr. Drive, Suite 450, Atlanta, Georgia 30334.

State-owned Property and Resources: Persons intending to perform work under authority of the PGP may also require assent from the State of Georgia, which may be in the form of a license, easement, lease, permit or another appropriate instrument.

US ARMY CORPS OF ENGINEERS

Background: PGP 02-14 are due to expire on June 8, 2023. Hartwell, Richard B. Russell, and J. Strom Thurmond Reservoirs are man-made flood control and hydropower production reservoirs owned and operated by the Corps and support a wide range of uses. The Corps has developed active Shoreline Management programs at each lake to manage these varied uses. As the use of these lakes grows, so does the need for an expedited permit process that would allow adjacent property owners to perform certain minor activities on government property.

Cultural Resources Assessment: The proposed PGP would not authorize activities which would adversely affect properties registered or listed as eligible for inclusion in the National Register of Historic Places. Presently unknown archaeological, scientific, prehistorical, or historical data may be located within the areas of consideration and could be affected by the proposed work.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), there are no known federally listed threatened or endangered species, or critical habitat present in the vicinity of the areas on Hartwell, Richard B. Russell, and J. Strom Thurmond Reservoirs, where work would be authorized by PGP 02-14. Additionally, no dredging will be performed during the annual fish spawning window which occurs around 15 March to 15 June. All work and activities authorized under the PGPs would be performed in and immediately adjacent to the shorelines of Hartwell, J. Strom Thurmond, and Richard B. Russell Reservoirs. Therefore, the Corps has determined that reissuance of PGP 02-14, and the structures and work that would be authorized by these General Permits would have no effect on threatened or endangered species. By this Joint Public Notice, the Corps is requesting concurrence of its no effect determination from the U.S. Department of the Interior, Fish and Wildlife Service.

Public Interest Review: The decision whether to reissue PGP 02-14 will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The Corps is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties to consider and evaluate the impacts of PGP 02-14. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or not reissue these General Permits. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Application of Section 404(b)(1) Guidelines: Certain activities that would be authorized by PGP 02-14 could involve the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the reissuance of PGP 02-14. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed PGP.

Comment Period: Anyone wishing to comment on the proposed reissuance of PGP 02-14 should submit comments in writing to: Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Blake Brannon, 4751 Best Road, Suite 140, College Park, Georgia 30337-5600, no later than **30 days** from the date of this notice. Submittal of comments via email, to the address listed below, is also acceptable.

If you have any further questions concerning this public notice, please contact Blake Brannon, Project Manager, Piedmont Branch at 678-422-6570, or steven.b.brannon@usace.army.mil.

Enclosures

CESAS-RD
SAS-2018-00375

Programmatic General Permits 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, and 14

Effective Date:
Expiration Date:

DEPARTMENT OF THE ARMY
PROGRAMMATIC GENERAL PERMITS 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 these Programmatic General Permits (PGP) to conduct the below listed minor activities in navigable waters of the United States within portions of Hartwell, Richard B. Russell and J. Strom Thurmond lakes, in Georgia, upon written authorization from the appropriate U.S. Army Corps of Engineers, Operations Project Manager (OPM) or a designated representative. For the purposes of these PGPs, the term OPM or a designated representative shall include both Park Rangers and Park Managers.

AUTHORITIES: On the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbor Act of March 3, 1899 (33 U.S.C. 403), authority is hereby given to the OPMs located at Hartwell, Richard B. Russell and J. Strom Thurmond lakes to administer these PGPs. As administrator of these PGPs, the OPM has the discretion to verify whether proposed activities meet the terms and conditions for authorization under these PGPs, or to refer the proposed action to the Savannah District, Regulatory Branch for review.

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

OTHER AUTHORIZATIONS: Any activity not authorized by these PGPs, or which exceeds the limitations of the PGPs, would require project-specific authorization through the Savannah District, Regulatory Branch. 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.

LOCATIONS FOR AUTHORIZED WORK AND ACTIVITIES: Work and activities are authorized in and adjacent to the portions of Hartwell, J. Strom Thurmond, and Richard B. Russell Lakes, located in Columbia, Elbert, Franklin, Hart, Lincoln, Stephens, and Wilkes Counties, within the State of Georgia.

AUTHORIZED WORK AND ACTIVITIES: For private landowners, Federal, State or local agencies/government bodies with property located adjacent to Corps' public lands, or for lessees of Corps public land, the following activities are authorized:

PGP 02 - 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 whenever 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 U.S. Army Corps of Engineers, OPM.

PGP 03 - Dredging: Maintenance dredging of accumulated sediment is limited to a maximum of 5,000 cubic yards of material for a single and complete project. Only accumulated sediment shall be dredged; no dredging shall extend below the original lake-bottom contour, or into the hard pan, clay lake-bottom. Dredged material shall be deposited in an upland area, off public property. Dredged material shall be properly confined to prevent re-entry into the waterway or interference with natural drainage. All dredging shall only be performed in accordance with all dredging special conditions.

PGP 04 - Fish Attractors, Reefs, Fishery Enhancement, and Aquaculture Activities: Installation of fish attractant and habitat structures, spawning bed renovation, and non-native aquatic vegetation removal.

PGP 05 - Utilities: Installation of poles and pipes necessary for power lines, water lines, telephone lines, which are installed below the lake full pool elevation by a Federal, state or local agency, other government body, or lessee.

PGP 06 - Debris Removal: Removal of debris from any lake or waterway, for navigational or drainage purposes. Debris includes, but is not limited to stumps, tree limbs, appliances, lumber, and metal objects. Living vegetation securely attached to the substrate is not considered debris. All man-made debris must be properly disposed of off public property. Natural woody debris may be approved for disposal on public property by the OPM, on a case-by-case basis.

PGP 07 - Dock Anchors: Installation of dock anchors for a Federal, state or local agency, or other government body or lessee, or community dock projects; provided the anchors do not obstruct navigation and are constructed of a durable material, as determined by the OPM.

PGP 08 - Scientific Measuring Devices and Surveys: Installation of devices and work by a Federal, state or local agency, or other government body, for the purpose of measuring or recording scientific data and survey activities, including core sampling, bore holes, soil survey, sampling, and historic research surveys; provided the device or work does not obstruct navigation.

PGP 09 - Piles and Pile Supported Structures: Installation and maintenance of piles and pile supported structures or the use of spud poles by a Federal, state or local agency or other government body or lessee; provided the work or structure does not obstruct navigation.

PGP 10 - Construction and Maintenance of Boat Ramps: Construction and maintenance of boat ramps by a Federal, state or local agency, other government body or lessee. Discharges below full pool elevation may not exceed 100 cubic yards of material. Materials used for ramp construction must be non-polluting, stable and in-character with surroundings, and determined acceptable by the OPM. Excavation is limited to the minimum necessary for site preparation. Improvements to and increases in the size of existing boat ramps are authorized, and may be approved by the OPM on a case-by-case basis. Modification of existing boat ramps protected by Public Law 99-662 will lose public law protection and must be removed upon transfer of ownership. Existing boat ramps protected by Public Law 99-662 may be repaired and maintained provided the dimensions of the ramp are not altered.

PGP 11 - Buoys and Signs: Installation of buoys and signs for the purpose of public information or safety by a Federal, state or local agency, or other government body; provided buoy or sign does not obstruct navigation.

PGP 12 - Modification of Existing Marinas: Reconfiguration of dock facilities by a Federal, state or local agency, other government body or lessees within the footprint of an existing authorized marina. Channel-ward, upstream, or downstream marina expansion is not authorized.

PGP 13 - Recreational Swim Beaches: Construction and maintenance of recreation swim beaches by a Federal, state or local agency, other government body or lessees.

PGP 14 - Temporary Structures and Materials: Installation of temporary auger-type anchors for private dock facilities during periods of low lake levels. Anchors shall extend no more than 3 inches above the lake bed and shall be removed as the lake level rises and returns to normal full pool elevation. Temporary placement of walkway materials on the lake bed (e.g., filter fabric, stepping stones, wood, mulch, etc.) to provide safe access to docks, during periods of low lake levels. No material shall be placed in a stream or wetland, or placed in any location that would impair surface water flows into or out of streams or wetlands. Temporary walkways shall not exceed 4 feet in width or three inches in height. Walkways shall be constructed of non-polluting

materials and shall be removed prior to lake level returning to normal full pool elevation. All temporary surface walkway locations and materials will be reviewed and approved by the OPM on a case-by-case basis.

GENERAL CONDITIONS:

1. For the purposes of these PGPs, the Applicant is any owner of private property that adjoins public property, lessee of public property, or Federal, state, or local government agency that submits an application to an OPM for verification that proposed work or activities are authorized by the PGPs. The Permittee is any owner of private property that adjoins public property, lessee of public property, or Federal, state, or local government agency that obtains written verification from an OPM that proposed work or activities are authorized by these PGPs.

2. 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.

3. 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.

4. 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 OPM, the Permittee must restore the area to a condition satisfactory to the OPM or his authorized representative.

5. There shall be no unreasonable or long term interference with navigation by the existence or use of the activity authorized herein.

6. 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.

7. 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 a PGP is in accordance with the terms and conditions prescribed herein.

8. The Permittee shall maintain any structure or work authorized herein in good condition.

9. 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, 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.

10. These PGPs do not convey any property rights, either in real estate or material (except in relation to dredge material itself, if applicable), 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.

SPECAIL CONDITIONS:

1. No work shall be performed under authority of these PGPs until the Applicant submits an application to the appropriate OPM and the Permittee receives written approval from the OPM to proceed with the authorized project, in accordance with the terms and conditions of the PGPs. An application with a project description, plans and drawing must be submitted to the appropriate OPM, at one of the following addresses:

Hartwell Operations Project Manager
U.S. Army Corps of Engineers
5625 Anderson Highway
Hartwell, Georgia 30643-0278

Russell Operations Project Manager
U.S. Army Corps of Engineers
4144 Russell Dam Drive
Elberton, Georgia 30635-9271

Thurmond Operations Project Manager
U.S. Army Corps of Engineers
510 Clarks Hill Highway
Clarks Hill, South Carolina 29821

2. Project-specific verifications that proposed work and activities meet the terms and conditions for authorization by these PGPs expire three years from the date of the OPMs written verification. The Permittee must submit a request for extension of a project-specific authorization to the OPM at least 30 days prior expiration.

3. The proposed access route across public property to the work site shall be shown in the application drawings and coordinated for approval by the appropriate OPM. The Applicant shall identify an access route that minimizes damage to vegetation on public property. Upon completion of the authorized work, the Permittee shall restore the access route and other affected public property to a condition satisfactory to the OPM or his authorized representative.

4. For proposed projects that would adversely affect any vegetation, the vegetation must be clearly identified by species and location in the application submitted to the OPM for approval. Upon a request by the OPM, the Applicant shall provide a delineation of waters of the U.S. in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, and other applicable requirements for the identification and delineation of jurisdictional wetlands, streams and other waters. The delineation shall be performed by a qualified environmental consultant at the Applicant's expense, and be prepared to the OPM's approval.

5. The OPM 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.

6. Projects authorized under PGPs 02, 06, 10 and 13 may require a variance from the Georgia Environmental Protection Division (EPD) prior to conducting land disturbing activities or placement of materials within the State-mandated buffer, per O.C.G.A. § 12-

7-6(b)(15) of The Erosion and Sedimentation Act (E&S Act) of 1975. Please visit EPD's website, <http://www.gaepd.org>, or contact the Nonpoint Source Program of EPD at (404) 675-6240, for further guidance on buffer determinations and variances. Construction of a shoreline stabilization project within the buffer and without a buffer variance, except for minor land disturbing activities, is in violation of O.C.G.A. 12-7-6(b)(15) or (16) in the E&S Act. Failure to maintain a stream buffer may require the issuance of a stop work order (O.C.G.A. 12-7-12(d)). For additional information on the E&S Act, what constitutes a minor land disturbing activity, and the process of obtaining a buffer variance from EPD, please call or visit EPD's website. Applicants may also refer to EPD's "Streambank and Shoreline Stabilization Guidance," available on EPD's website, for further information on methods of shoreline stabilization in Georgia.

7. Each OPM will keep records of verification that projects authorized under authority of the PGPs were determined to be within the scope of a PGPs, and met all applicable terms and condition. OPMs will permanently retain a file for all projects verified to comply with the PGPs by permit number. The file will include copies of applications submitted to the OPMs requesting verification of use of the PGPs. All files will be available upon request.

8. Within fifteen days of the end of each quarter of the calendar year (i.e., March, June, September and December), the OPMs will provide the Savannah District, Regulatory Branch with a "Quarterly Report," listing all projects authorized by the PGPs during the preceding quarter.

9. Within fifteen days of the end of each quarter of the calendar year, each OPM will provide the U.S. Army Corps of Engineers, Savannah District, Regulatory Branch with "Quarterly Compliance Inspection Reports," documenting any inspection(s) performed on completed projects for the preceding quarter. These reports will include the following minimum information: the permit number (tracking number) assigned to the project; the date of the inspection; and whether each project was found to be in compliance with the terms and conditions of the PGP(s).

10. The Permittee shall notify the appropriate OPM of the time the activity authorized will commence, as far in advance as required by the OPM. 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.

11. A complete copy of this permit, written authorization from the appropriate OPM, 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.

12. Failure to comply with the terms and 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.

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

14. Any damages to public lands associated with an authorized project, shall be restored to the satisfaction of the appropriate OPM 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.

15. 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 from the Director of the Georgia Environmental Protection Division, if required. 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 OPM, at the Permittee's expense.

16. The Applicant is advised that all required State and local authorizations must be obtained before work is commenced.

17. Authorizations will not be issued under these PGPs which will adversely affect nesting bald eagles. If the OPM 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 OPM will be required to determine if restrictions are necessary.

18. These PGPs cannot be used to accomplish work or activities that will impact, affect, or otherwise degrade cultural resources such as archaeological, scientific, prehistoric, or historic sites or data. Should the Corps determine that a proposed work or activity would affect cultural resources; the Corps will be required to make an effects determination prior to accomplishment of the work or activity. Such an effects determination would require coordination between the Corps and the Georgia Department of Natural Resources, Historic Preservation Division. The Applicant is responsible for performing a cultural resource survey, if required. 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 OPM, no work or activities shall be performed under

authority of these PGPs until 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 OPM and made a part of such authorization.

19. All dredging work authorized by PGP 03 shall comply with the following:

a. Contaminates are known to be present in areas of Lake Hartwell. Dredging, bank stabilization, or any other activity proposed in an area determined by the Hartwell OPM to have a potential to release contaminants is not authorized under this PGP. An adjacent property owner may submit an application the Savannah District, Regulatory Branch for proposed work in such an area, after coordinating with the Hartwell OPM.

b. An application submitted by an individual Applicant for a single and complete project is limited to dredging a maximum of 5,000 cubic yards of material per year.

c. An application submitted by multiple Applicants for a project involving maintenance dredging at two or more adjacent properties shall not to exceed 20,000 cubic yards. The OPM will determine the maximum volume of material that can be dredged for a multiple Applicant project, on a case-by-case basis. For multiple Applicant dredging projects, access across public project to the lake shall be gained from a single entry point, thereby limiting potential adverse impacts to vegetation and public property. Multiple Applicant dredging projects exceeding 20,000 cubic yards are not authorized by this PGP.

d. Piecemeal dredging projects that exceed the limits of this PGP are not authorized.

e. Verifications issued to Permittees by the OPM to perform dredging in navigable waters of the United States under authority of this PGP are for one-time dredging events. Any subsequent dredging not specifically authorized by the OPM would require issuance of a separate authorization under this PGP, or other Department of the Army authorization.

f. Dredging is not authorized during the annual fish spawn. The specific dates of the annual fish spawn will be determined by the OPMs, and normally occurs between approximately 15 March and 15 June of each year.

g. Dredging to deepen below the original lake bottom will is not authorized in areas adjacent to private property. No dredging shall extend into the original, hard pan, hard clay bottom or natural bottom contour of the lake.

h. No dredged material shall be permanently disposed of on public property. All dredged material shall be permanently disposed of on an appropriate upland area, and shall be stabilized or contained to prevent re-entry of material on public property or into surface waters, wetlands, vegetated shallows, streams or other waters of the United States.

i. Beneficial use of dredged material as backfill for bulkhead or retaining wall projects on public property may be approved by the appropriate OPM, on a case-by-case basis.

j. Temporary placement or stockpiling of dredge material on public property for the purpose of dewatering prior to removal may be approved by the appropriate OPM, on a case-by-case basis. No dredged material shall be temporarily stock-piled on public property in locations near the shoreline or on the lake bottom, below full pool elevation.

k. Dredging accumulated sediment from the lake bottom shall only be performed in areas between the shoreline and surface of the lake, when the lake is well below full pool elevation; referred to as dredging in the dry. No dredging is authorized in open-waters, when the lake is not well below full pool elevation; referred to as dredging in the wet. For dredging under the authority of this PGP, lake full pool elevations are as follows: 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.

l. 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.

m. Dredging projects shall be designed and completed in such a manner to prevent erosion of the adjacent lake bottom and shoreline.

n. After a dredging project has been completed, the final lake bottom contours shall not create or allow areas of standing water during times of low lake levels.

o. On a case-by-case basis, additional site-specific special conditions may be required by the OPM or his representative.

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 PGPs do not obviate the need to obtain other federal, state, or local authorizations required by law.
- b. These PGPs do not grant any property rights or exclusive privileges.
- c. These PGPs do not authorize any injury to the property or rights of others.
- d. These PGPs do not authorize interference with any existing or proposed federal project.

3. Limits of Federal Liability. In issuing these PGPs, the Federal Government does not assume any liability for the following:

- a. Damages to the project authorized by these PGPs or uses thereof as a result of other permitted or un-permitted activities, or from natural causes.
- b. Damages to the project authorized by these PGPs 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 these PGPs.
- d. Design or construction deficiencies associated with the work authorized by these PGPs.
- e. Damage claims associated with any future modification, suspension, or revocation of these PGPS.

4. Re-evaluation of Permit Decision. The Corps may re-evaluate its decision on an activity authorized by a PGP 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 PGP.
- b. The information provided by the Applicant in support of his PGP application proves to have been false, incomplete, or inaccurate.
- c. Significant new information surfaces which the Corps 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 Corps, and if the Permittee fails to comply with such directive, the Corps 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 PGPs 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 Joesph R. Geary, PhD, PE
Colonel, U.S. Army
Commanding

(Date)