



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
SAVANNAH DISTRICT
1104 NORTH WESTOVER BOULEVARD
ALBANY, GEORGIA 31707

November 1, 2018

Regulatory Branch
SAS-1995-11750

JOINT PUBLIC NOTICE

Savannah District/State of Georgia

Re-issuance of Programmatic General Permit 58
For Minor Structures and Activities within
Federal Energy Regulatory Commission
Project No. 659 – Lake Blackshear
(Crisp, Dooly, Sumter, Lee, and Worth Counties)

The Savannah District, U.S. Army Corps of Engineers (Corps), by means of this notice, hereby announces a proposal to re-issue Department of the Army Programmatic General Permit 58 (PGP 58) pursuant to Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) with alterations, for a period of five years.

Scope: Programmatic General Permits (PGP) are a type of General Permit, which may be issued by the District Commander to authorize activities which are substantially similar in nature and cause only minimal individual and cumulative environmental impacts (33 C.F.R. Parts 322.2(f), 325.2(e), and 330). The scope of the PGP would result in minimal individual and cumulative environmental impacts.

Purpose: The proposed PGP will consolidate review and permitting of minor activities within Lake Blackshear which are currently authorized by: Nationwide Permits, existing PGP 58, and Individual Permits (IP). Consolidation of NWP, existing PGP, and IPs under one PGP will provide a more consistent and predictable process for the regulated public. The PGP would provide a uniform set of general and special permit conditions that are applicable to projects within Lake Blackshear.

Description of Activities Proposed for Authorization: The proposed PGP would authorize persons, firms and corporations, to construct minor structures and/or perform activities identified within PGP 58, within the boundaries of Lake Blackshear, Federal Energy Regulatory Commission (FERC) Project No. 659, which require impacts to open waters of the U.S. See the enclosed draft revised PGP 58 for a complete description of activities proposed for authorization, and the proposed terms and conditions for use of the PGP.

Other Authorizations: Any jurisdictional activity not authorized by this PGP, or that would exceed the limitations of the PGP, would require project specific authorization from the Corps in the form of an IP. The District Commander may also require an IP on a case-by-case basis if it is determined that authorization under the proposed PGP, for a specific project, would be contrary to the public interest.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this PGP at the end of 30 days 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 is enclosed with this Joint Public Notice and there are no additional supporting documents at this time. 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, 2 MLK Jr. Drive, Suite 418, 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 other appropriate instrument.

U.S. ARMY CORPS OF ENGINEERS

The Savannah District must consider the past, present and future impacts of the work that may be proposed for authorization under PGP 58, prior to a decision on the reissuance of the PGP.

Cultural Resource Assessment: Special Condition Numbers 15 and 16 of the PGP state that, "No authorization shall be issued under this PGP which would impact, affect, or otherwise degrade any cultural resources which are listed in or nominated for listing in the National Register of Historic Places. This includes any future sites that become listed or nominated." and "If the permittee or the permittee's contractors discover any previously unknown historic or archaeological remains while accomplishing work or activities authorized by this PGP, the permittee shall immediately notify the Corps to determine requirements for further action." Therefore, if any National Register listed or eligible for listing cultural resource is located within a proposed project's potential area of affect, the Corps would conduct consultation pursuant to Section 106 of the National Historic Preservation Act. Only work or activities determined to have no adverse effect on National Register listed, or eligible for listing cultural resources would be eligible for authorization under this PGP.

Endangered Species: Special Condition Numbers 18 and 19 of the PGP state that, "Work and activities authorized by this PGP will not jeopardize a threatened or endangered species as identified under the Endangered Species Act, or destroy or adversely modify the critical habitat of such species." And that "If the permittee or the permittee's contractors discover any federally listed threatened or endangered species and/or their habitat while accomplishing work or activities authorized by this

PGP, the permittee shall immediately notify the Corps. The Corps will initiate the Federal and state coordination required to determine if the species and/or habitat warrant further consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.”

Public Interest Review: The decision whether to issue the PGP will be based on an evaluation of the probable impact, including cumulative impacts, of the projects that would likely be authorized by the PGP. 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, 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; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the PGP. Any comments received will be considered by the Corps to determine whether to issue the PGP. 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 proposal.

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 proposed issuance of the PGP. 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 Commander, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposal.

Comment Period: Anyone wishing to comment on the proposed issuance of the PGP should submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Regulatory Branch, 1104 North Westover Blvd, Albany, Georgia 31707, no later than 30 days from the date of this notice. Please refer to the issuance of Proposed Lake Blackshear PGP and File Number SAS-1995-11750 in your comments. Information is available upon request concerning the Corps' provisional determination that the activities proposed for authorization by this PGP comply with the requirements for issuance of General Permits (33 C.F.R. § 325.3(b)).

If you have any further questions concerning this matter, please contact Mr. Terry Kobs, Project Manager, Albany Field Office at 229-430-8567.

Enclosures:

1. Location Map
2. Existing PGP 58
2. Draft Revised PGP 58

CESAS-RD
SAS- 9500-11750

SUBJECT: Programmatic General Permit No. 0058 (PGP 58)

Effective Date: December 12, 2013

Expiration Date: December 12, 2018

DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, US ARMY CORPS OF ENGINEERS
PROGRAMMATIC GENERAL PERMIT 58
FOR MINOR STRUCTURES AND ACTIVITIES WITHIN
FEDERAL ENERGY REGULATORY COMMISSION
PROJECT NO. 659 - LAKE BLACKSHEAR
(CRISP, DOOLY, SUMTER, LEE, AND WORTH COUNTIES)

DESCRIPTION OF THE PROGRAMMATIC GENERAL PERMIT 58 (PGP-58): On the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), authorization is hereby given by the US Army Corps of Engineers (Corps), subject to verification by the Crisp County Power Commission (CCPC), to persons, firms and corporations, to construct minor structures and/or perform activities identified herein within the boundaries of Lake Blackshear, Federal Energy Regulatory Commission (FERC) Project No. 659, in Crisp, Dooly, Sumter, Lee and Worth Counties, in the State of Georgia. The terms and provisions stated herein shall not restrict, prohibit or disqualify any activity or structure which existed prior to September 1, 1981, which is in compliance with the Lake Blackshear Shoreline Management Plan, as amended, the Pier and Dock Policy and for which no enforcement or legal action has been initiated.

I. ELIGIBLE STRUCTURES AND ACTIVITIES:

1. Construction and maintenance of noncommercial piers, docks and normal appurtenances such as boat shelters, hoists and gazebos; sundecks; marine railways; stairways. No discharge of fill or other direct adverse impact to wetlands is authorized under authority of the PGP.

2. Construction of noncommercial boat slips. Eligible activities must involve dredging of less than 100 cubic yards of material from below ordinary high water (236.95' Mean Sea Level or 531 Lake Blackshear Relative Elevation) in navigable waters of the United States. The depth of the boat slip shall be no greater than the depth of the water leading to the slip. Dredged material shall not be deposited in a confined upland area in such a manner that no sediment is allowed to reenter the waterway or interfere with natural drainage. No dredged material shall be placed in adjacent waters or wetlands.

Dredging to obtain fill material (borrow) is specifically excluded from this authorization. The activity must be a single and complete project; "Piecemeal Dredging" activities are specifically excluded.

3. Dredging to obtain noncommercial access to or use of navigable water of the United States. Dredging of less than 100 cubic yards of material from below ordinary high water to a depth no greater than the waters leading to the access. Dredged material shall be deposited in a confined upland area in such a manner that no sediment is allowed to reenter the waterway or interfere with natural drainage. No dredged material shall be placed in adjacent waters or wetlands. Dredging to obtain fill material (borrow) is specifically excluded from this authorization. The activity must be a single and complete project; "Piecemeal Dredging" is specifically excluded.

4. Maintenance dredging of existing boat slips, canals or navigation channels in navigable waters of the United States. Maintenance dredging of less than 100 cubic yards of material to a depth no greater than the design depths and the depth of the waters leading to the area to be maintained. Dredged material shall not be deposited in a confined upland area in such a manner that no sediment is allowed to reenter the waterway or interfere with natural drainage. No dredged material shall be placed in adjacent waters or wetlands. Dredging to obtain fill material (borrow) is specifically excluded from this authorization. The activity must be a single and complete project; "Piecemeal Dredging" is specifically excluded.

5. Construction and/or maintenance of noncommercial boat ramps requiring less than 100 cubic yards of excavation or dredging below ordinary high water in navigable water of the United States in order to establish proper slopes. Deposition of fill material will be limited to that necessary to establish appropriate slope or foundation for the ramp. Excavated material must be deposited on a non-wetland (upland) site and properly confined.

6. Construction and maintenance of ski ramps fixed by temporary mooring devices such as retrievable, conventional anchors. Ski ramps that require dredge or fill activity are specifically excluded from authorization under this PGP.

7. Construction of fish attractors.

8. Construction of noncommercial intake structures.

9. Aerial transmission lines and submerged utility lines.

10. Maintenance of existing beaches. The excavation, discharge or redistribution of less than 500 cubic yards of material below ordinary high water in navigable waters of the United States in order to maintain existing public beaches managed by public agencies. Excess material must be deposited on an upland site and properly contained.

11 Normal operation and maintenance activities associated with FERC Project No. 659; as established under the terms and conditions of the August 14, 1980 license, as amended from time to time. No new work is authorized under authority of this PGP.

II. GENERAL CONDITIONS

1. The term "applicant" as contained herein shall mean any person, firm or corporation which makes application to the Crisp County Power Commission (CCPC) for approval to engage in any activity covered herein, and the term "permittee" shall mean any person, firm or corporation obtaining such approval from the CCPC while meeting the specifications and conditions described in this PGP.
2. Unless specifically exempted by 33 CFR 323.4 or otherwise authorized by Nationwide Permit or by an Individual Permit; any dredging or filling activities not specifically identified and authorized under this PGP constitutes a violation of the terms and conditions. Such activities may result in the modification, suspension or revocation of authorization under this PGP, and such legal proceedings as the United States Government may consider appropriate. For additional information on the Savannah District's Regulatory Program, visit <http://www.sas.usace.army.mil/regulatory/index.html>.
3. All activities authorized under this PGP involving a discharge or deposit into navigable waters or waters of the United States will at all times be consistent with applicable water quality standards, effluent limitations, and standards of performance established in the Clean Water Act, or pursuant to applicable State and local laws or regulations.
4. If the authorized activity involves discharge or deposit of dredged or fill material into navigable waters and applicable water quality standards are revised or modified during the term of this Permit, the authorized activity shall be modified, if necessary, to conform to the new standard within 6 months of the effective date of the revised or modified water quality standards. In some cases the modifications may be in accordance with an implementation plan contained in the revised or modified approved by the District Commander, in consultation with the Regional Administrator of the Environmental Protection Agency and the Director of the Georgia Water Quality Certification Agency.
5. The permittee shall allow the District Commander or his 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 the PGP is in accordance with the terms and conditions prescribed herein.
6. The permittee shall maintain the structure or work authorized herein in good condition and in accordance with the conditions of this PGP.
7. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable water at or adjacent to the activity authorized under this PGP.

8. This PGP does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

9. If and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to procedures established by the CCPC, permittee must restore the area to a condition satisfactory to the CCPC and/or the District Commander. Such transfers of interests to a third part shall be included in the monthly listing of PGP Activity Verification Reports prepared by the CCPC.

10. That the permittee agrees to make every reasonable effort to prosecute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife, and natural environmental values.

11. That any modification, suspension, or revocation of this PGP shall not be the basis for any claim for damages against the United States.

12. That this PGP does not convey any property rights, either in real estate or material, or any exclusive privileges; and that they do not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

III. SPECIAL CONDITIONS

1. The applicant is advised that all State and local authorizations must be obtained before work is commenced.

2. No work will be performed under authority of the PGP until an application is submitted to the CCPC and the applicant receives approval from the CCPC to proceed with the proposed project. Applications are to be mailed to: The Office of Resource Management, Crisp County Power Commission, Post Office Box 1218, Cordele, Georgia 31015

3. The applicant shall submit a complete copy of the application to the Georgia Environmental Protection Division. Applications shall be mailed to: Georgia Environmental Protection Division, Attention: Wetland Management Unit, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354-3902

4. All work shall be performed according to the specifications and conditions of this PGP, and in accordance with the Lake Blackshear Shoreline Management Plan; and any subsequent amendments thereto approved by the Federal Energy Regulatory Commission and administered by the CCPC.

5. Record keeping and reporting will be the responsibility of CCPC. The CCPC will keep records of verification letters sent to permit applicants, concerning whether a proposed project is within the scope of the PGP and approved under the Lake

Blackshear Shoreline Management Plan. Within fifteen days of the end of each quarter of the calendar year (i.e. March, June, September and December), the CCPC will provide the Corps with "Quarterly Verification Reports," confirming all projects verified for the preceding quarter. These reports will include the following minimum information: a brief description of the project; the CCPC permit number (tracking number) assigned to the project; and result of any compliance inspection at that site.

6. The CCCP will keep records of compliance inspections conducted on verified PGP projects. Within fifteen days of the end of each quarter of the calendar year, the CCPC will provide the Corps 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 CCPC permit number; the dates of the inspection; and whether each project was found to be in compliance with the terms and conditions of the PGP.

7. The CCPC will retain a permanent file reflective of all projects verified to comply with a PGP(s), by lot number and permit number, and subsequent compliance inspections. The file will include written authorization requests made to the CCPC, project/activity plans and drawings, CCPC field inspections verification (if applicable), lease agreements and any other lot related information. All files will be available upon request.

8. Structures and activities that may be hazardous to navigation, or may produce adverse effects on water quality, by permanent destruction or alteration of wetlands, or discharges of pollutants into waters or wetlands, are not authorized under this PGP. The term "wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions.

9. Conformance with descriptions and quantities contained herein does not necessarily guarantee authorization under this PGP if the District Commander determines it is in the public's interest to assert discretionary authority, or in the opinion of the Crisp County Power Commission, the activity is detrimental to the scenic, environmental or recreational qualities of Lake Blackshear. In such a case, an individual permit application may be submitted to the Corps for separate consideration.

10. Projects authorized by this PGP will not be assessed a processing fee by the Corps.

11. This PGP may be suspended, revoked, in whole or part, if it is determined that the cumulative effects of the activities pursuant to its adversely affect the public's interest or water quality. Such suspension shall be effective upon issuance of a public notice thereof, which shall indicate (1) the extent of the suspension, (2) the reasons for the action and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Commander to abate imminent hazards to

the general public's interest or to correct violations of water quality conditions. The permittee shall take immediate action to comply with the provisions of this notice. Following suspension or revocation, any future request for authorization previously granted by this PGP will be processed as an individual application through the Corps.

12. This PGP will be valid for a five (5) year period or until suspended or revoked. Periodic reviews may be conducted to determine if continuation of the permit is in the overall public's interest.

13. Authorization for activities under this PGP does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

14. No habitable structures, fueling or storage facilities over navigable waters of the United States are authorized under this PGP. This provision does not apply to any activity or structure that existed prior to September 1, 1981, if otherwise determined acceptable by the CCPC or the District Commander.

15. If the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the US Coast Guard shall be installed and maintained by and at the expense of the permittee.

16. No authorization shall be issued under this PGP which would impact, affect, or otherwise degrade any cultural resources which are listed in or nominated for listing in the National Register of Historic Places. This includes any future sites that become listed or nominated

17. If the permittee or the permittee's contractors discover any previously unknown historic or archaeological remains while accomplishing work or activities authorized by this PGP, the permittee shall immediately notify the Corps to determine requirements for further action

18. This PGP does not authorize activities located within the environmentally sensitive areas identified in the Wild and Scenic Rivers Act (16 USC 1371, et. seq.).

19. Work and activities authorized by this PGP will not jeopardize a threatened or endangered species as identified under the Endangered Species Act, or destroy or adversely modify the critical habitat of such species.

20. If the permittee or the permittee's contractors discover any federally listed threatened or endangered species and/or their habitat while accomplishing work or activities authorized by this RP, the permittee shall immediately notify the Corps. The Corps will initiate the Federal and state coordination required to determine if the species and/or habitat warrant further consultation with the US Fish and Wildlife Service.

21. That floatation units of floating facilities shall be constructed of material that will not become waterlogged or sink when punctured.

22. That discharges will not contain unacceptable levels of pathogenic organisms or hazardous or radioactive substances in areas used for sports involving physical contact with the water.

23. All work performed during construction will be done in a manner so as not to violate applicable water quality standards.

24. No oils, grease, materials or other pollutants will be discharged from the construction activities which reach public waters.

IV. FURTHER INFORMATION

1. Congressional Authorities: Authorization to undertake the activities described above are pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

2. Limits of this authorization:

a. This Permit does not obviate the need to obtain other Federal, State or local authorizations required by law.

b. This Permit does not grant any property rights or exclusive privileges.

c. This Permit does not authorize injury to the property or rights of others.

d. This Permit does no authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this Permit, 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 unpermitted 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's interest.

c. Damages to person, property or to other permitted or unpermitted 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 reevaluate its decision on any activity authorized by a PGP at any time the circumstances warrant. Circumstances that would require a reevaluation 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 a Permit application proves to be 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.

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

This PGP becomes effective on December 12, 2013, when the Federal official, designated to act in behalf of the Secretary of the Army, has signed below.

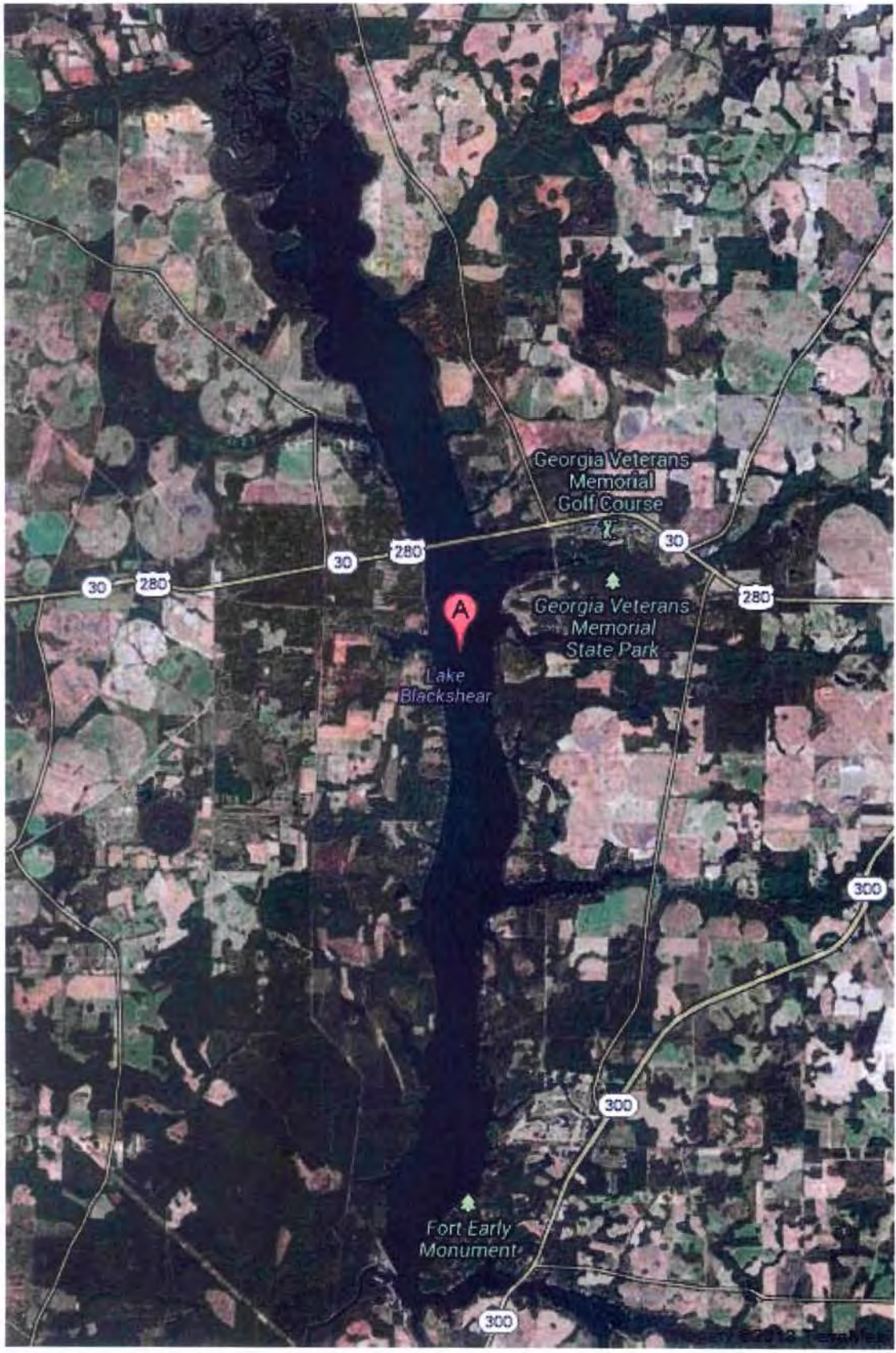


Thomas J. Tickner
Colonel, US Army
Commanding

12/12/13
Date

3 Encls

- 1. Site Map (2)
- 2. Location Map



Georgia Veterans
Memorial
Golf Course

Georgia Veterans
Memorial
State Park

Lake
Blackshear

Fort Early
Monument

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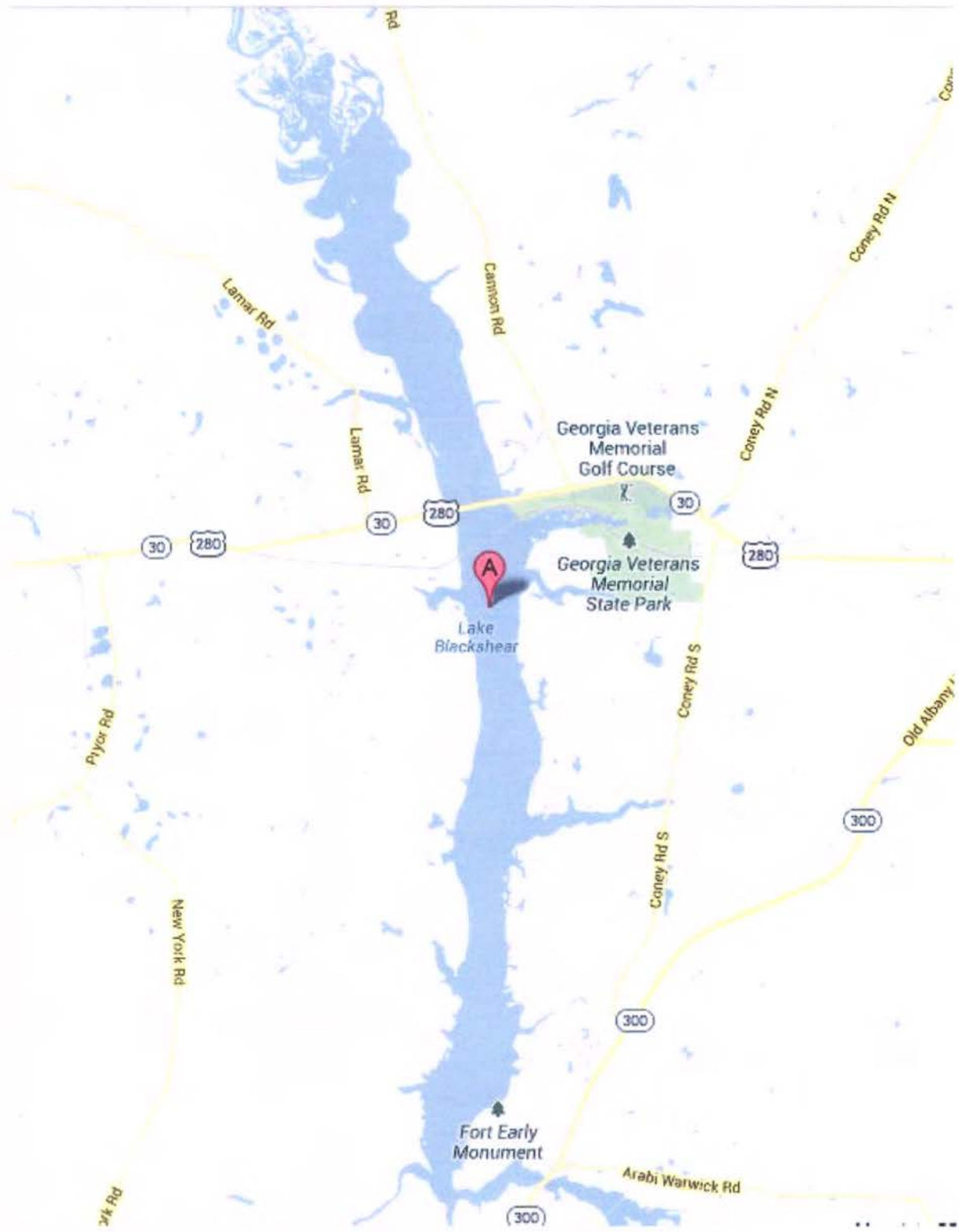
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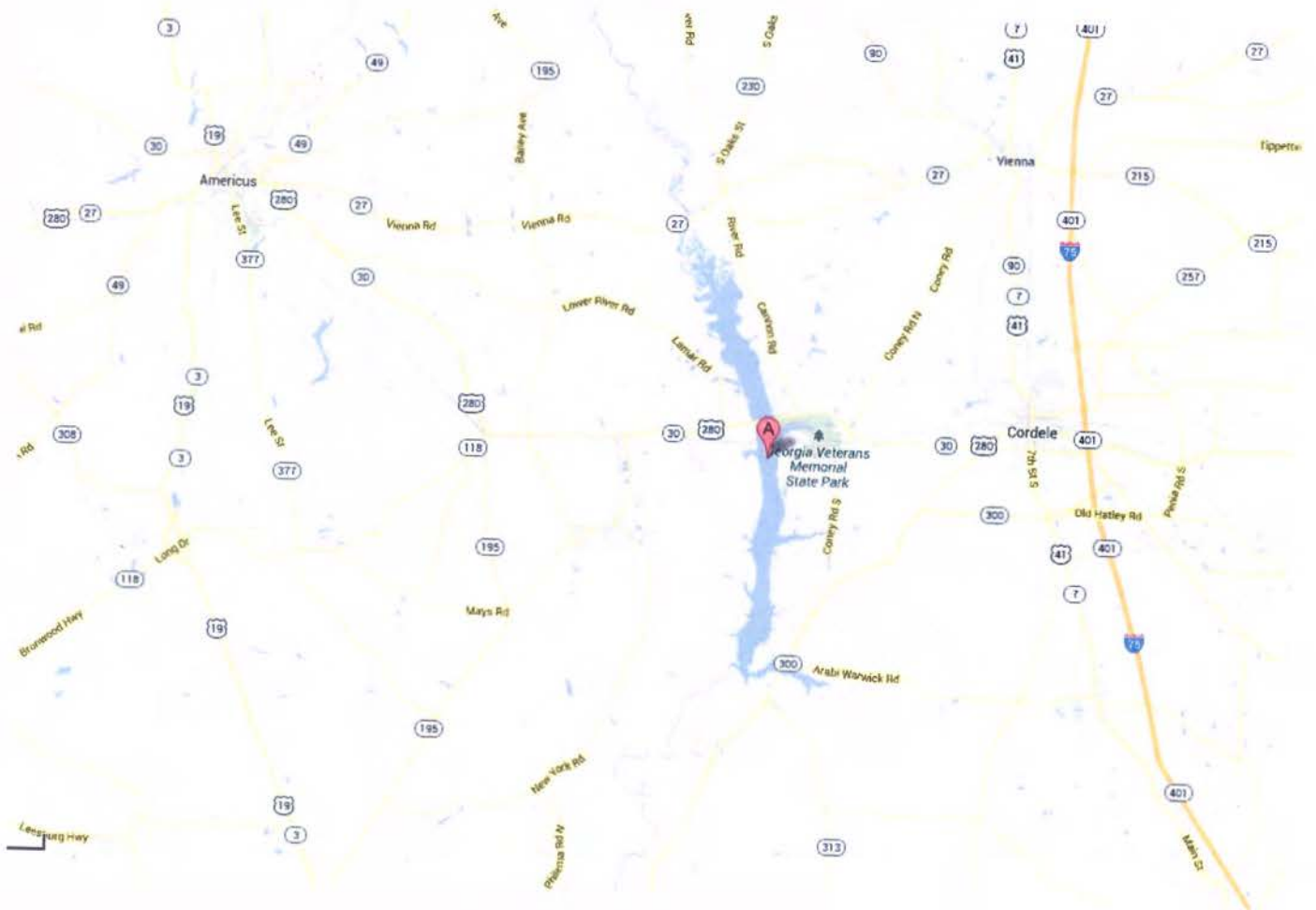
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CESAS-OP-F
SAS-1995-11750

SUBJECT: Programmatic General Permit No. 0058 (PGP 58)

Effective Date:

Expiration Date:

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
PROGRAMMATIC GENERAL PERMIT 58
FOR MINOR STRUCTURES AND ACTIVITIES WITHIN
FEDERAL ENERGY REGULATORY COMMISSION
PROJECT NO. 659 – LAKE BLACKSHEAR
(CRISP, DOOLY, SUMTER, LEE AND WORTH COUNTIES)

DESCRIPTION OF THE PROGRAMMATIC GENERAL PERMIT 58 (PGP-58): On the recommendation of the Chief of Engineers, 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), authorization is hereby given by the U.S. Army Corps of Engineers (Corps), subject to verification in writing by the Crisp County Power Commission (CCPC) in accordance with CCPC's Lake Blackshear Shoreline Management Plan for Lake Blackshear Project No. 659 licensed under the Federal Power Act (16 U.S.C. 791 *et seq.*), to persons, firms and corporations, to construct minor structures and/or perform activities identified herein within the boundaries of Lake Blackshear, Federal Energy Regulatory Commission (FERC) Project No. 659, in Crisp, Dooly, Sumter, Lee and Worth Counties, in the State of Georgia. The terms and provisions stated herein shall not restrict, prohibit or disqualify any activity or structure which existed prior to September 1, 1981, which is in compliance with the Lake Blackshear Shoreline Management Plan, as amended, the Pier and Dock Policy and for which no enforcement or legal action has been initiated. The applicant must receive written verification from CCPC that proposed work is within the scope of PGP 58, and is permitted pursuant to the Lake Blackshear Shoreline Management Plan.

I. ELIGIBLE STRUCTURES AND ACTIVITIES:

1. Construction and/or maintenance of fixed structures. Construction and maintenance of non-commercial piers, docks, wharves, boat shelters, boat houses, boat slips, hoists, gazebos, sun decks, marine railways, stairways and walkways involving no fill in wetlands. Floating docks, boat houses and boat shelters shall not be constructed over wetlands. Stationary docks and piers extending over wetlands should be elevated a minimum of 4 feet above the wetland substrate to prevent total shading of vegetation, substrate, or other elements of the aquatic environment. (Section 10)

2. Construction of non-commercial boat slips. Dredging of less than 500 cubic yards of material from below the ordinary high water mark. The depth of the boat slip shall be no greater than the depth of the water leading to the slip. Dredged material shall not be placed in adjacent waters, bottomland hardwoods or wetlands but shall be deposited in a confined upland area in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. (Sections 10 and 404)

3. Construction and modification of boat ramps or marine ways. Dredging and/or filling of less than 250 cubic yards below the ordinary high water mark. No wetlands may be filled. Dredged material shall not be placed in adjacent waters, bottomland hardwoods or wetlands, but shall be deposited in a confined upland area in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. Should dredging and filling both be performed, the cumulative total material for both activities would be used to determine if the activity involved less than 250 cubic yards. (Sections 10 and 404)

4. Riprap for shoreline, bank, and channel protection. No vegetated wetland may be filled. Should the shore, bank or channel require dressing, the bedding fill below the ordinary high water mark may not exceed an average of one (1) cubic yard per linear foot of area being protected; however, there is no limit to the amount of riprap which may be placed above the ordinary high water mark. Note: If a channel is being protected by riprap, the backfill is limited to one (1) cubic yard per linear foot for each side. Use of appropriate filter fabric shall be considered, and may be required by the local authorities. Stream channelization projects are not authorized by this PGP. Groins, jetties, or solid structures perpendicular to the shore or bank are not authorized under this permit. Maintenance of existing shoreline, bank and channel protection is permitted, maintenance may not exceed the original elevations or dimensions. (Sections 10 and 404)

5. Bulkheads and other standard shoreline protection/stabilization devices roughly paralleling, and at, the shoreline or bank. Structures are limited to a total project length of 1,000 linear feet. However, the protection must be along the existing shoreline. The amount of backfill may not exceed an average of one (1) cubic yard per linear foot below the ordinary high water mark for area being protected. Note: If a channel is being protected by bulkhead, the backfill is limited to one (1) cubic yard per linear foot for each side. No wetlands may be filled. If the area, or portion thereof, to be protected is a wetland, no fill may be placed in the wetland, and the shore protection device must be designed to allow the normal hydrologic regime to be maintained. Appropriate filter fabric material is required. Groins, jetties, or solid structures perpendicular to the shore or bank may not be authorized under this permit. Furthermore, this permit may not be used to regain land lost to erosion, or otherwise accreted land. Only clean earthen fill, free of waste, metal and organic trash, unsightly debris, cultural resources, etc., may be used. Rip-rap will be placed at the base of all bulkheads and will extend a maximum of 4 feet water-ward at no steeper than a two percent slope. Stabilization of eroding

shoreline utilizing appropriate bioengineering techniques (to include "soft" engineering with the use of fiber logs, aquatic or semi-aquatic vegetation) is authorized. Projects that include the use of vegetative and bioengineering practices are not subject to length restrictions. Maintenance of bulkheads and other standard shoreline protection/stabilization is permitted, maintenance may not exceed the original elevations or dimensions. (Sections 10 and 404)

6. Non-commercial mooring pilings and dolphins. The authorization of structures for the mooring of house boats is specifically excluded from this general permit. (Section 10)

7. New work channel dredging. Dredging of up to 500 cubic yards of material may be authorized. Dredging is limited to open water channels for navigation access and must be a single and complete project. No dredging may be authorized in wetlands, vegetated shallows or submerged grass beds, and no dredged material shall be used to raise the elevation of any wetland or water bottom unless specifically authorized under other General Permits, Individual Permits or Exemptions. Dredging depth is limited to the controlling navigational depth. Dredged material shall not be placed in adjacent waters, bottomland hardwoods or wetlands but shall be deposited in a confined upland area in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. (Sections 10 and 404)

8. Maintenance dredging of existing boat slips, canals, or navigation channels. Maintenance dredging is limited to 500 cubic yards. The depth shall be no greater than the design depths and the depth of the waters leading to the area to be maintained. No dredging may be authorized in wetlands, bottomland hardwoods, vegetated shallows or submerged grass beds. Dredged material shall not be placed in adjacent waters, bottomland hardwoods or wetlands but shall be deposited in a confined upland area in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. Aquatic vegetation which has invaded previously dredged areas may be dredged during maintenance. (Sections 10 and 404)

9. Maintenance dredging of existing ditches. Maintenance dredging not covered under Section 404 exemptions is limited to the dredging of a maximum of 500 cubic yards of material to return the area to the original bottom depth, width and length. Non-woody wetland and aquatic vegetation which has invaded previously dredged areas may be removed during maintenance. Dredged material shall not be placed in adjacent waters, bottomland hardwoods or wetlands, but shall be deposited in a confined upland area in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. (Section 10)

10. Filling of previously dredged areas such as boat slips, artificial canals, etc. No wetlands, submerged grass beds, natural streams or natural channels may be filled. Further, no area providing mitigation, enhancement or flushing of an aquatic system

may be filled. Only clean earthen fill, free of waste, metal and organic trash, unsightly debris, cultural resources, etc., may be used. Fill may not exceed the original elevations or dimensions, including in areas that were previously wetlands or natural channels. (Sections 10 and 404)

11. Debris removal. Debris may be removed from any waterway for navigational or drainage purposes only. Debris includes but is not limited to stumps, tree limbs, appliances, lumber, metal objects, etc. Living vegetation attached to the substrate would not be considered debris. All debris must be properly placed in an approved landfill. Alternative disposal sites for woody debris may be authorized on a case-by-case basis, but only after full coordination with the Corps and U.S. Fish and Wildlife Service if located in a jurisdictional area. (Section 10 and 404)

12. Construction and maintenance of ski ramps fixed by temporary mooring devices such as retrievable, conventional anchors. Ski ramps that require dredge or fill activity are specifically excluded from authorization under this PGP. (Section 10)

13. Fish havens, fish reefs, fishery enhancement, mariculture and aquaculture activities. These include spawning bed renovation, weed removal, fish attracting devices, trolling alleys, etc. These activities will be coordinated with the Georgia Department of Natural Resources at 1-888-373-5947. (Sections 10 and 404)

14. Construction of noncommercial intake structures. (Section 10)

15. Aerial transmission lines and submerged utility lines. (Section 10)

16. Maintenance of existing beaches. The excavation, discharge or redistribution of less than 500 cubic yards of material below ordinary high water in order to maintain existing public beaches managed by public agencies. Excess material must be deposited on an upland site and properly contained. (Section 10 and 404)

17. Normal operation and maintenance activities associated with FERC Project No. 659; as established under the terms and conditions of the November 28, 2008 license, as amended from time to time. No new work is authorized under authority of this PGP.

18. Signals, lighting, navigational features including devices in accordance with guidance and regulation of the U.S. Coast Guard or Georgia Department of Natural Resources.

GENERAL CONDITIONS

1. The term "applicant" as contained herein shall mean any person, firm or corporation which makes application to the CCPC for approval to engage in any activity covered herein, and the term "permittee" shall mean any person, firm or corporation obtaining such approval from the CCPC while meeting the specifications and conditions described in this PGP.

2. Unless specifically exempted by 33 CFR 323.4 or otherwise authorized by Nationwide Permit or by an Individual Permit; any dredging or filling activities not specifically identified and authorized under this PGP constitutes a violation of the terms and conditions. Such activities may result in the modification, suspension or revocation of authorization under this PGP, and such legal proceedings as the United States Government may consider appropriate. For additional information on the Savannah District's Regulatory Program, visit <http://www.sas.usace.army.mil/regulatory/index.html>.
3. All activities authorized under this PGP involving a discharge or deposit into navigable waters or waters of the United States will at all times be consistent with applicable water quality standards, effluent limitations, and standards of performance established in the Clean Water Act, or pursuant to applicable State and local laws or regulations.
4. If the authorized activity involves discharge or deposit of dredged or fill material into navigable waters and applicable water quality standards are revised or modified during the term of this Permit, the authorized activity shall be modified, if necessary, to conform to the new standard within 6 months of the effective date of the revised or modified water quality standards. In some cases the modifications may be in accordance with an implementation plan contained in the revised or modified approved by the District Commander, in consultation with the Regional Administrator of the Environmental Protection Agency and the Director of the Georgia Water Quality Certification Agency.
5. The permittee shall allow the District Commander or his 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 the PGP is in accordance with the terms and conditions prescribed herein.
6. The permittee shall maintain the structure or work authorized herein in good condition and in accordance with the conditions of this PGP. Structures which are not maintained or kept in good repair, or which present a risk to safety or adverse effect to environmental resources associated with lack of maintenance or repair are considered abandoned and such structures may at the request of CCPC and/or the District Commander be removed and the area restored to a condition satisfactory to the CCPC and the District Commander.
7. No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable water at or adjacent to the activity authorized under this PGP.
8. This PGP does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

9. If and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to procedures established by the CCPC, permittee must restore the area to a condition satisfactory to the CCPC and/or the District Commander. Other state or federal permitting agencies, and/or CCPC may have additional restoration requirements. Such transfers of interests to a third party shall be included in the annual PGP Activity Verification Reports prepared by the CCPC. Structures which are not maintained or kept in good repair, or which present a risk to safety or adverse effect to environmental resources associated with lack of maintenance or repair are considered abandoned and such structures may be removed and the area restored to a condition satisfactory to the CCPC and the District Commander.

10. That the permittee agrees to make every reasonable effort to prosecute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife, and natural environmental values.

11. That any modification, suspension, or revocation of this PGP shall not be the basis for any claim for damages against the United States.

12. That this PGP does not convey any property rights, either in real estate or material, or any exclusive privileges; and that they do not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

13. 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." Utilization of plans and specifications as contained in "Manual for Erosion and Sediment Control, (Latest Edition)" published by the Georgia Soil and Water Conservation Commission or their equivalent will aid in achieving compliance with the aforementioned requirements. The latest edition of the manual can be accessed at www.gaswcc.org.

14. Projects authorized by the this permit that also entail work on dry land adjacent to the lake may require a variance from Georgia 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. For guidance on buffer determinations and variances, see Georgia EPD's website, <http://www.gaepd.org>, or contact the Nonpoint Source Program at (404) 651-8554. Non-exempt construction projects within the buffer and without a buffer variance are in violation of O.C.G.A. 12-7-6(b)(15) in the E&S Act. Failure to maintain a stream buffer requires 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 Georgia EPD, please call or visit Georgia EPD's website. Applicants

should also refer to Georgia EPD's "Streambank and Shoreline Stabilization Guidance," available on the website, for further information on the preferred, acceptable and discouraged methods of shoreline stabilization in Georgia.

15. The permittee(s) shall ensure that all contractors, subcontractors, and other personnel performing work are fully aware of the terms and conditions of this permit and CCPC's Pier and Dock Policy and the Lake Blackshear Federal Power Act license.

SPECIAL CONDITIONS

1. The applicant is advised that all State and local authorizations must be obtained before work is commenced.

2. No work will be performed under authority of the PGP until an application is submitted to the CCPC in accordance with the Lake Blackshear Shoreline Management Plan and the applicant receives written approval from the CCPC to proceed with the proposed project. Applications are to be mailed to: The Office of Resource Management, Crisp County Power Commission, Post Office Box 1218, Cordele, Georgia 31015. Additional information may be found at <https://crispcountypower.com/pier-and-dock-permit-program>.

3. All work shall be performed according to the specifications and conditions of this PGP, and in accordance with the Lake Blackshear Shoreline Management Plan, the Lake Blackshear Federal Power Act license; and any subsequent amendments thereto approved by the Federal Energy Regulatory Commission and administered by the CCPC.

4. Record keeping and reporting will be the responsibility of CCPC. The CCPC will keep records of verification letters sent to permit applicants, concerning whether a proposed project is within the scope of the PGP and approved under the Lake Blackshear Shoreline Management Plan. CCPC will provide the Corps with "Verification Reports," on an annual basis confirming all projects verified for the preceding year. These reports will include the following minimum information: a brief description of the project; the CCPC permit number (tracking number) assigned to the project; and result of any compliance inspection at that site.

5. The CCCP will keep records of compliance inspections conducted on verified PGP projects. Within fifteen days of the end of each calendar year, the CCPC will provide the Corps with "Compliance Inspection Reports," documenting any inspection(s) performed on completed projects for the preceding quarter. These reports will include the following minimum information: the CCPC permit number; the dates of the inspection; and whether each project was found to be in compliance with the terms and conditions of the PGP.

6. The CCPC will retain a permanent file reflective of all projects verified to comply with a PGP(s), by lot number and permit number, and subsequent compliance inspections. The file will include written authorization requests made to the CCPC, project/activity plans and drawings, CCPC field inspections verification (if applicable), lease agreements and any other lot related information. All files will be available upon request.

7. Structures and activities that may be hazardous to navigation, or may produce adverse effects on water quality, by permanent destruction or alteration of wetlands, or discharges of pollutants into waters or wetlands, are not authorized under this PGP. The term "wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions.

8. Conformance with descriptions and quantities contained herein does not necessarily guarantee authorization under this PGP if the Corps determines it is in the public's interest to assert discretionary authority, or in the opinion of the Crisp County Power Commission, the activity is detrimental to the scenic, environmental or recreational qualities of Lake Blackshear. In such a case, an individual permit application may be submitted to the Corps for separate consideration.

9. Projects authorized by this PGP will not be assessed a processing fee by the Corps.

10. This PGP may be suspended, revoked, in whole or part, if it is determined that the cumulative effects of the activities pursuant to its use adversely affect the public's interest or water quality. Such suspension shall be effective upon issuance of a public notice thereof, which shall indicate (1) the extent of the suspension, (2) the reasons for the action and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Commander to abate imminent hazards to the general public's interest or to correct violations of water quality conditions. The permittee shall take immediate action to comply with the provisions of this notice. Following suspension or revocation, any future request for authorization previously granted by this PGP will be processed as an individual application through the Corps.

11. This PGP will be valid for a five (5) year period or until suspended or revoked. Periodic reviews may be conducted to determine if continuation of the permit is in the overall public's interest.

12. Authorization for activities under this PGP does not relieve the permittee from taking all proper steps to ensure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

13. No habitable structures, fueling or storage facilities over navigable waters of the United States are authorized under this PGP. This provision does not apply to any activity or structure that existed prior to September 1, 1981, if otherwise determined acceptable by the CCPC or the District Commander.
14. If the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the U.S. Coast Guard shall be installed and maintained by and at the expense of the permittee.
15. No authorization shall be issued under this PGP which would impact, affect, or otherwise degrade any cultural resources which are listed in or nominated for listing in the National Register of Historic Places. This includes any future sites that become listed or nominated.
16. If the permittee or the permittee's contractors discover any previously unknown historic or archaeological remains while accomplishing work or activities authorized by this PGP, the permittee shall immediately notify the Corps to determine requirements for further action.
17. This PGP does not authorize activities located within the environmentally sensitive areas identified in the Wild and Scenic Rivers Act (16 USC 1371, et. seq.).
18. Work and activities authorized by this PGP will not jeopardize a threatened or endangered species as identified under the Endangered Species Act, or destroy or adversely modify the critical habitat of such species.
19. If the permittee or the permittee's contractors discover any federally listed threatened or endangered species and/or their habitat while accomplishing work or activities authorized by this PGP, the permittee shall immediately notify the Corps. The Corps will initiate the Federal and state coordination required to determine if the species and/or habitat warrant further consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.
20. That floatation units of floating facilities shall be constructed of material that will not become waterlogged or sink when punctured.
21. That discharges will not contain unacceptable levels of pathogenic organisms or hazardous or radioactive substances in areas used for sports involving physical contact with the water.
22. All work performed during construction will be done in a manner so as not to violate applicable water quality standards.
23. No oils, grease, materials or other pollutants will be discharged from the construction activities which reach public waters.

24. The PGP is effective on the date of the District Commander's signature.

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 authorization.
- 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 projects.

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, unpermitted 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, to other permitted or unpermitted 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 Corps may re-evaluate its decision on an activity authorized by a Programmatic General 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 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) accomplish the corrective measures by contract or otherwise and bill the permittee for the cost.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

for Daniel H. Hibner, PMP
Colonel, U.S. Army
Commanding

DATE

3 Encls

- 1. Site Map (2)
- 2. Location Map