



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

January 17, 2024

Regulatory Division
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), 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. Areas eligible for use of the PGP are within the Lake Blackshear Project Boundary designated by the Federal Energy Regulatory Commission. All proposals for use of this PGP must be consistent with the limitations set forth in the below listed General and Special Conditions, and the Lake Blackshear Shoreline Management Plan.

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 NWPs, 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 will review the proposed PGP for water quality certification, in accordance with the provisions of Section 401 of the Clean Water Act. Prior to issuance of a Department of the Army permit for a project location in, on, or adjacent to the waters of the State of Georgia, review for Water Quality Certification is required. A reasonable period of time, which shall not exceed one year, is established under the Clean Water Act for the State to act on a request for Water Quality Certification, after which, issuance of such a Department of the Army permit may proceed.

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.

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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 by e-mail to terry.c.kobs@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Terry C. Kobs, 1104 North Westover Blvd, Albany, Georgia 31707 or, no later than 30 days from the date of this notice. Please refer to the re-issuance of Proposed Lake Blackshear PGP 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 or by e-mail at terry.c.kobs@usace.army.mil.

Enclosures:

1. Existing PGP 58

CESAS-OP-F
SAS-1995-11750

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

Effective Date: June 20, 2019

Expiration Date: June 20, 2024

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

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.

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 CCPC to administer this PGP. As administrator of this PGP, the CCPC has the discretion to verify whether proposed activities meet the terms and conditions for authorization under this PGP, or to refer the proposed action to the Savannah District, Regulatory Branch for review.

SCOPE: The scope of this PGP 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 this PGP.

OTHER AUTHORIZATIONS: Any activity not authorized by this PGP, or which exceeds the limitations of the PGP, 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 Lake Blackshear, located in Crisp, Dooly, Sumter, Lee and Worth Counties, in the State of Georgia

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

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. 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. For the purposes of this PGP, 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 CCPC for verification that proposed work of activities are authorized by the PGP. 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 CCPC that proposed work or activities are authorized by this PGP.

2. This PGP 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 this PGP. 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 this PGP 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 this PGP 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 CCPC, the Permittee must restore the area to a condition satisfactory to the CCPC or his/her authorized representative, or request authorization under separate permit to allow the abandoned work to remain.

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

6. This PGP does 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. This PGP does 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.

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 year. 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 the PGP, 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 CCPC, 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 or Georgia Department of Natural Resources 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 the continued existence of any threatened or endangered species, or destroy or adversely modify the critical habitat of such species, as identified under the Endangered Species Act.

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

21. 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.

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

26. 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 EPD, 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 CCPC, at the Permittee's expense.

27. All dredging work authorized by this PGP shall comply with the following:

a. 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.

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

c. Verifications issued to Permittees by the CCPC 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 CCPC would require issuance of a separate authorization under this PGP, or other Department of the Army authorization.

d. Dredging to deepen below the original lake bottom 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.

e. 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.

f. 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.

g. 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.

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

i. 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.

j. On a case-by-case basis, additional site-specific special conditions may be required by the CCPC.

28. Project-specific verifications that proposed work and activities meet the terms and conditions for authorization by this PGP expire three years from the date of the CCPCs written verification, unless the PGP expires, or is rescinded or revoked. The Permittee must submit a request for extension of a project-specific authorization to the CCPC at least 30 days prior expiration.

29. Projects authorized under this PGP may require a variance from the 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. 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.

30. The Permittee shall notify the CCPC of the time the activity authorized will commence, as far in advance as required by the CCPC. Additional notification will be made upon any suspension of work if for a period of more than one week, and for resumption and completion of work.

31. A complete copy of this permit, written authorization from the CCPC, 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.

32. Failure to comply with the terms and conditions of this PGP 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.

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

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3 Encls

1. Site Map (2)
2. Location Map





