



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

February 11, 2020

Regulatory Division
200323580

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

For the Re-issuance of Programmatic General Permits (PGPs)
40,41,42,43,44,45,46,47,49, 52,56,57,59,60,61, and 62 for Minor Structures and
Activities in Portions of Lake Seminole, George W. Andrews Lake, Walter F. George
Lake, West Point Lake, Lake Sidney Lanier, Carters Lake, and Allatoona Lake
operated by Mobile District
U.S. Army Corps of Engineers (Corps)
within the State of Georgia.

The Savannah District, U.S. Army Corps of Engineers, by means of this notice, hereby announces a proposal to re-issue Department of the Army PGPs 40, 41, 42, 43, 44, 45, 46, 47, 49, 52, 56, 57, 59, 60, 61 and 62, for a period of five (5) years, to authorize minor structures and work in waters of the United States within the State of Georgia, 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). The PGPs would authorize work in the above listed reservoirs in locations only within the State of Georgia.

Scope: PGPs are authorized by the Corps for activities that are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; and avoid unnecessary duplication of the regulatory control exercised by another Federal, state or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal (33 CFR Parts 322.2(1), 325.2(e) and 330).

Under the existing PGPs, the Savannah District has delegated authority to the Mobile District, Operations Project Managers (OPMs) at each of the seven Corps' reservoirs, to review and approve minor structures and work in waters of the United States that require Section 404 and/or Section 10 permits. The OPMs currently review and approve all proposed structures and work under existing shoreline management programs. Prior to performing work under authority of a PGP, an applicant must submit an application to the OPM for review; and receive verification from the OPM that the project meets the terms and conditions for authorization under the PGP.

Description of Work Proposed for Authorization by PGPs: The PGPs would authorize the following structures and work: maintenance of existing beaches, boat slips, canals,

docking and berthing areas, navigation channels; construction and maintenance of piers, wharves and their normal appurtenances, boat shelters, gazebos, boat hoists, boat ramps, moorings, pilings, dolphins, rip-rap, bulkheads, cross-over walks, submersed cables, intake structures, jetties, breakwater structures, and submerged irrigation lines; and initial dredging activities.

Locations Where Structures and Work Would be Authorized by PGPs: Structures and work would be authorized in waters of the United States located within the geographic boundaries of the State of Georgia in the following Corps' reservoirs: on the Chattahoochee River-Lake Seminole, George W. Andrews Lake, Walter F. George Lake, West Point Lake and Lake Sidney Lanier; on the Coosawattee River -Carters Lake; and on the Etowah River-Allatoona Lake.

BACKGROUND

This Joint Public Notice announces a request for authorizations from both the U.S. Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division will review the proposed PGPs for Water Quality Certification, in accordance with the provisions of Section 401 of the Clean Water Act. The proposed PGPs are 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 State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. Comments, objections, or requests for a public hearing should be sent to the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 7 Martin Luther King Jr. Drive, Suite 450, Atlanta, Georgia 30334.

State-owned Property and Resources: Persons intending to perform work under authority of the PGPs 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

Background: On March 18, 2015, the Savannah District issued PGPs 40, 41, 42, 43, 44, 45, 46, 47, 49, 52, 56, 57, 59, 60, 61 and 62, for a five-year period. The PGPs expire on March 18, 2020. The Savannah District proposes to re-issue the PGPs. As discussed above under "Scope," the seven Corps' lakes where the PGPs would be used all have pre-existing shoreline management programs, and currently review and approve activities under authority of the existing PGPs.

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

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request from the U.S. Department of the Interior, Fish and Wildlife Service and the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information on whether any species listed or proposed for listing may be present in the areas of consideration.

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

Consideration of Public Comments: The Corps is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny the PGPs under this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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

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

Comment Period: Anyone wishing to comment on these PGPs should submit comments in writing via email to: steven.b.brannon@usace.army.mil, no later than 30 days from the date of this notice. Please refer to the project number 200323580 in your comments. If you have questions concerning this matter, please contact Blake Brannon at (678) 422-6570 or steven.b.brannon@usace.army.mil.

Encl Mobile Lakes PGPs

Programmatic General Permits (PGPs): PGP 40, PGP 41, PGP 42, PGP 43, PGP 44, PGP 45, PGP 46, PGP 47, PGP 49, PGP 52, PGP 56, PGP 57, PGP 59, PGP 60, PGP 61 and PGP 62

Action ID: 200323580

Effective Date: DRAFT

Expiration Date:

DEPARTMENT OF THE ARMY
PROGRAMMATIC GENERAL PERMITS FOR
MINOR STRUCTURES AND ACTIVITIES IN PORTIONS OF
LAKE SEMINOLE, GEORGE W. ANDREWS LAKE, WALTER F. GEORGE LAKE,
WEST POINT LAKE, LAKE SIDNEY LANIER, CARTERS LAKE
AND ALLATOONA LAKE
OPERATED BY THE
MOBILE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
LOCATED WITHIN THE STATE OF GEORGIA

On the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 United States Code (U.S.C.) 403) and Section 404 of the Clean Water Act (CWA, 33 U.S.C. 1344), authorization is hereby given through these Programmatic General Permits (PGPs) to conduct work and activities in waters of the United States within the portions of Lake Seminole, George W. Andrews Lake, Walter F. George Lake, West Point Lake, Lake Sidney Lanier, Carters Lake, and Allatoona Lake, which are located in the State of Georgia; with written authorization from the appropriate U.S. Army Corps of Engineers (Corps), Operations Project Manager (OPM), or the OPM's designated representative.

SCOPE. The scope of these PGPs includes only those structures or works that are considered to be minor in nature and would cause only minimal individual and cumulative environmental impacts. All authorized activities must be in accordance with the terms and limitations set forth in the general and special conditions of these PGPs.

AUTHORITY. The Savannah District hereby delegates authority to the OPMs at Lake Seminole, George W. Andrews Lake, Walter F. George Lake, West Point Lake, Lake Sidney Lanier, Carters Lake, and Allatoona Lake, to administer these PGPs. As administrator of these PGPs, OPMs have the discretion to authorize activities that comply with their shoreline management program, and the terms and conditions of the PGPs; or to refer a proposed action to the Savannah District, Regulatory Division for further review. Authorization under these PGPs is only valid when an Applicant has notified the appropriate OPM prior to beginning proposed work, and the Permittee has received written confirmation from the OPM that the work is authorized under a PGP(s); and that the work is permitted pursuant to authorities administered by the OPM or other local, state, or federal agencies (see permit conditions and further information below).

OTHER AUTHORIZATIONS. Activities not authorized by these PGPs, or which exceed the limitations of PGPs, would require project-specific authorization from the Savannah District, Regulatory Division. In addition, at the discretion of the Savannah District Commander, project-specific authorization may be required for any proposed activity, on a case-by-case basis. For additional information regarding Savannah District's Regulatory Program, see <http://www.sas.usace.army.mil/Missions/Regulatory.aspx>.

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

PGP 40 – Maintenance of existing beaches. Excavation, discharge or redistribution of less than 1,000 cubic yards of material below normal pool elevation, when work is performed during low water conditions (in the dry); and 500 cubic yards of material below normal pool elevation when work is performed during normal pool conditions in order to maintain existing public beaches managed by public agencies. Only clean, inert material shall be used for any discharge. Excess material must be deposited on an upland site and properly confined. (Sections 10 and 404)

PGP 41 – Maintenance dredging of less than 5,000 cubic yards of material from existing boat slips. Dredging is only to include the removal of deposited silt and sand to the original contour, prior to impoundment of the lake and the area being maintained. The depth shall be no greater than the design depths and the depth of the waters leading to the area to be maintained. The dredged material shall not be placed in adjacent waters or wetlands. The dredged material shall be deposited in an upland area and properly confined in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. (Section 10)

PGP 42 – Maintenance dredging of less than 5,000 cubic yards of material from existing canals. The depth shall be no greater than the design depths and the depth of the waters leading to the area to be maintained. The dredged material shall not be placed in adjacent waters or wetlands. The dredged material shall be deposited in an upland area and properly confined in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. All work must be performed within that portion of the waterway (canal) fronting the applicant's property. The activity must be a single and complete project; "piecemeal dredging" is specifically excluded from this authorization. (Section 10)

PGP 43 – Maintenance dredging of less than 5,000 cubic yards of material from existing docking or berthing areas. The depth shall be no greater than the design depths and the depth of the waters leading to the area to be maintained. The dredged material shall not be placed in adjacent waters or wetlands. The dredged material shall be deposited in an upland area and properly confined in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. The activity must be a

single and complete project; “piecemeal dredging” is specifically excluded from this authorization. (Section 10)

PGP 44 – Maintenance dredging of less than 5,000 cubic yards of material from existing navigation channels. The depth shall be no greater than the design depths and the depth of the waters leading to the area to be maintained. The dredged material shall not be placed in adjacent waters or wetlands. The dredged material shall be deposited in an upland area and properly confined in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. The activity must be a single and complete project; “piecemeal dredging” is specifically excluded from this authorization. (Section 10)

PGP 45 – Construction and/or maintenance of piers, wharves, and their normal appurtenances, such as stairways and walkways. Fueling facilities, living quarters, and toilets over navigable waters of the United States are specifically excluded from this authorization. (Section 10)

PGP 46 – Construction and/or maintenance of boat shelters, gazebos, hoists, and shelters. Fueling facilities, toilets, and living quarters over navigable waters of the United States are specifically excluded from this authorization. (Section 10)

PGP 47 – Construction and maintenance of boat ramps. Excavation, redistribution or discharge of less than 1,000 cubic yards of material below normal pool elevation when work is performed during low water conditions (in the dry); and 200 cubic yards of material below normal pool elevation when work is performed during normal pool conditions. Only clean, inert material shall be used for any discharge. Excess material must be deposited on an upland site and properly confined. (Sections 10 and 404)

PGP 49 – Mooring pilings and dolphins. Permanent mooring of inhabited houseboats or other inhabited vessels is specifically excluded from this authorization. (Section 10)

PGP 52 – Submersed cables in navigable waters of the United States. Cables must be buried a minimum of 4 feet below the natural ground elevation. Excavated trenches shall be backfilled after installation. Disturbed soil surfaces must be restored to pre-existing contours. (Sections 10 and 404)

PGP 56 – Intake structures in navigable waters of the United States. A letter of concurrence from local and/or State water management agency must be submitted with the application. All intake structure projects are also subject to the applicable general and regional conditions for use of Nationwide Permit Numbers 7 and 12, pursuant to the Corps’ current Nationwide Permit Program. (Sections 10 and 404)

PGP 57 – Bank stabilization and cross-over walks. Bank stabilization projects (e.g., rip-rap, bulkheads, living shoreline, etc) that involve the discharge of no more than one (1) cubic yard of material per linear foot of dredged or fill material below the normal pool

elevation. Bank stabilization activities are limited to less than 1,000 feet in length when work is performed during low water conditions (in the dry); and 500 feet in length when work is performed during normal pool conditions. The activity must be necessary for erosion prevention and no material shall be discharged in excess of the minimum needed for erosion protection. No material shall be discharged in any wetland area, and no material shall be discharged in any location or in any manner so as to impair surface water flow into or out of any wetland area. Only clean inert material, free of waste metal products, organic materials, unsightly debris, etc. shall be used. The activity must be a single and complete project; "piecemeal projects" are specifically excluded from this authorization. All bank stabilization projects are also subject to applicable general and regional conditions for use of Nationwide Permit Number 13, pursuant to the Corps' current Nationwide Permit Program. Any excess dredged material must be properly confined in an upland site. (Sections 10 and 404)

PGP 59 – Initial dredging. Dredging of less than 1,000 cubic yards of material below normal pool elevation when work is performed during low water conditions (in the dry); and 500 cubic yards of material below normal pool elevation when work is performed during normal pool conditions. The depth shall be no greater than the approved design depths and in no case shall the water depth at normal pool elevation exceed 6 feet. The dredged material shall not be placed in Corps' managed lands, waters or adjacent wetlands without the expressed consent of the OPM. Upland disposal sites for the initial dredging must be identified and approved by the OPM prior to the commencement of work. Dredged material placed into an approved upland area must be properly confined in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. The activity shall not be used for the channelization of creeks. The activity must be a single and complete project; "piecemeal dredging" is specifically excluded from this authorization. All work must be performed within that portion of the waterway adjacent to the applicant's property. (Sections 10 and 404)

PGP 60 – Debris Removal. Debris may be removed from any waterway for navigational or drainage purposes only. Debris includes, but is not limited to, uprooted stumps, tree limbs, appliances, lumber, metal objects, etc. Dredging of gravel, sand, silt, etc., is not authorized. All non-woody debris must be placed in an approved landfill. Alternative sites for woody debris may be authorized on a case-by-case basis, but only after full coordination with the OPM and the US Fish and Wildlife Service. Snagging of stumps and dead or living trees from a bank is not authorized. Trees embedded in a bank may be cut off above ground. (Section 10)

PGP 61 – Jetties/Breakwater. The discharge below normal pool elevation of less than 1,000 cubic yards of non-erosive material when work is performed during low water conditions (in the dry); and 500 cubic yards of non-erosive material when work is performed during normal pool conditions. Jetties are structures which are oriented perpendicular to the shoreline. A breakwater is a structure located parallel to the shoreline. (Sections 10 and 404)

PGP 62 – Submerged irrigation lines in Navigable Waters of the United States. Irrigation lines must be buried a minimum of 4 feet below the natural ground elevation. Excavated trenches shall be backfilled after installation. Disturbed soil surfaces must be restored to preexisting contours. All buried irrigation line projects are also subject to the applicable general and regional conditions for use of Nationwide Permit Number 12, pursuant to the Corps' current Nationwide Permit Program. (Sections 10 and 404)

GENERAL CONDITIONS. The above described structures and activities may be authorized under these PGPs subject to the following general conditions:

1. For the purpose of these PGPs, the Applicant is any agent, individual or government, who submits a written request to the appropriate OPM for use of a PGP(s), at least 45 days prior to the planned construction start date.
2. For the purpose of these PGPs, the Permittee is any Applicant who receives written confirmation from the OPM that a proposed project is authorized by a PGP, and other authorities administered by the OPM.
3. These PGPs may be summarily suspended, in whole or in part, upon a finding by the District Commander, or his authorized representative, that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by a Permittee of a written notice thereof which shall indicate: (1) the extent of the suspension; (2) the reasons for this action; and (3) any corrective or preventative measures to be taken by a Permittee which are deemed necessary by the District Commander, or his authorized representative, to abate imminent hazards to the general public interest. A Permittee shall take immediate action to comply with the provisions of this notice. Within 10 days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified, or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the Permittee if no hearing is requested, the permit will either be reinstated, modified, or revoked.
4. Work authorized by any PGP for an individual project may be suspended or the authorization for the individual project revoked if the Secretary of the Army or his/her authorized representative determines that there has been a violation of the terms and conditions of the PGP. Work underway at the time of suspension will be evaluated on an individual basis to ascertain if the work should be allowed to continue to its completion under the authority of these PGPs. In those instances where it is determined that the work has an adverse effect on the public interest or to project guidelines, the authorization of these PGPs for that particular project may be revoked. A full public review will be made of the project to ascertain if a Department of the Army permit for the project should be issued to allow completion of the project. Any

modification, suspension, or revocation of these PGPs shall not be the basis for any claim for damages against the United States.

5. Provided prior notification is given as specified in General Condition 3 above, specific individual project authorizations under these PGPs, if not previously revoked or specifically extended, shall expire after three years from the date of verification by the appropriate OPM.

6. If work authorized through a specific PGP is commenced, or is under contract to commence, before the date that these PGPs expire, the permittee will have an additional twelve months from the date of the expiration of these PGPs to complete the work under the present terms and conditions of the PGP.

7. These PGPs shall become effective on the date of the District Commanders' signatures, or his/her authorized representatives' signatures.

8. These PGPs shall automatically expire 5 years from the date of issuance if not previously revoked or specifically extended.

9. If and when a Permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which a permittee is transferring his/her interests herein to a third party and which it is agreed to in writing by the OPM, the Permittee must restore the area to a condition satisfactory to the OPM or his authorized representative.

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

11. These PGPs do not authorize the interference with any existing or proposed Federal project and the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

12. The OPM, or his/her authorized representative shall be allowed ingress/egress of the Applicant's/Permittee's property as necessary to inspect facilities and/or activities under permit. The Permittee shall also 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 this permit is in accordance with the terms and conditions prescribed herein. The Applicant/Permittee shall have no claim for damages of any character on account thereof against the United States or any officer, agent or employee thereof.

13. The permittee shall maintain any structure or work authorized herein in good condition.

14. 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.

15. Should a proposal potentially have an adverse affect on any vegetation, the vegetation must be clearly identified (species and location) in the information submitted to the OPM. Upon a request by the OPM, the Applicant shall provide a delineation of wetlands and streams located on the project site, in accordance with the 1987 Corps of Engineers Wetland Delineation Manual. The delineation shall be performed by a qualified environmental consultant at the Applicant's expense and be prepared to the OPM's approval.

16. Any damages to public lands associated with an authorized project, shall be restored to the satisfaction of the OPM at the Permittee's expense. Any modification, suspension, or revocation of any authorizations issued shall not be the basis for any claim for damages against the United States.

17. Work authorized by these PGPs may require a variance from the Georgia Department of Natural Resources, Environmental Protection Division (EPD) prior to conducting land disturbing activities or placement of materials within the State-mandated buffer, per O.C.G.A. § 12-7-6(b)(15) of The Erosion and Sedimentation Act (E&S Act) of 1975. Please visit EPD's website, <http://www.gaepd.org>, or contact the NonPoint Source Program of EPD at (404) 463-1463, 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 the preferred, acceptable and discouraged methods of shoreline stabilization in Georgia.

18. If the Permittee during the execution of the work authorized herein encounters a previously unidentified archeological or other cultural resource that might be eligible for the National Register of Historic Places, he shall cease work and immediately notify the OPM for the appropriate action.

19. No work is authorized under these PGPs which will adversely impact, affect, or otherwise degrade cultural resources such as archaeological, scientific, prehistoric, or

historic sites or data. Should the Corps determine that the proposed activity may effect cultural resources, a cultural resources affects determination shall be required with the Savannah District, Regulatory Division office prior to beginning any work. This effects determination will require additional coordination with the Georgia Department of Natural Resources, Historic Preservation Division, which has been designated by the State of Georgia as having review authority over cultural resource matters and may also require a cultural resource survey. The Applicant is responsible for any required cultural resource survey performed. Archaeological or other cultural resources, which might be eligible for the National Register of Historic Places, that are located within the area subject to Department of the Army jurisdiction, shall be identified prior to the beginning of the work authorized herein, by the performance of the referenced survey. All cultural resource surveys shall be performed by a qualified archaeologist as specified under the Secretary of the Interior's Guidelines. If required by the OPM, no authorizations under this PGP can be issued until this cultural resource coordination has been completed. All measures specified by the reviewing offices which are deemed necessary by them to mitigate impacts to any cultural resources will be incorporated into any authorizations issued by the OPM and made a part of such authorization.

20. These PGPs do not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

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

22. The activities authorized by these PGPs shall not jeopardize a threatened or endangered species as identified under the Endangered Species Act, destroy, or adversely modify the critical habitat of such species.

SPECIAL CONDITIONS. The above described structures and activities may be authorized under these PGPs subject to the following special conditions:

1. Anyone intending to use one or more of these PGPs shall submit an application to the appropriate OPM at the address listed below, prior to beginning work, and at least 45 days prior to the planned start date of the proposed project. No work shall proceed until the Permittee receives written confirmation from the OPM that the work is within the scope of and authorized by a PGP(s); and is also permitted pursuant to other laws administered through the OPM (e.g., Shoreline Management Plan). The application shall include the following minimum information: a location and vicinity map for the proposed project site; a written description of all work proposed to be conducted on public property; a plan view drawing of all work proposed to be conducted on public property; a plan view drawing depicting any wetlands or streams located in the vicinity of the project area, if applicable; the quantity and type of material to be discharged, if applicable; the quantity and type of material to be excavated, if applicable; the disposal

site for excavated material, if applicable; and the Applicant's written intention to comply with all terms and conditions of the applicable PGP(s). All proposals must be in accordance with the guidelines and limitations set forth in the general and special conditions of the PGPs and approved by the OPM.

Walter F. George Lake and
George W. Andrews Lake
U.S. Army Corps of Engineers
Resource Management Office
Route I, Box 176
Fort Gaines, Georgia 31751-9722
(normal pool elevation 190 MSL)

Allatoona Lake
U.S. Army Corps of Engineers
Resource Management Office
1138 State Route 20 Spur
SE Cartersville, Georgia 30121
(normal pool elevation 840 MSL)

Lake Sidney Lanier
U.S. Army Corps of Engineers
Resource Management Office
Post Office Box 567
Buford, Georgia 31518-0567
(normal pool elevation 1071 MSL)

West Point Lake
U.S. Army Corps of Engineers
Resource Management Office
500 Resource Management Drive
West Point, Georgia 31833-9517
(normal pool elevation 635 MSL)

Carters Lake
U.S. Army Corps of Engineers
Resource Management Office
Post Office Box 96
Oakman, Georgia 30732-9999
(normal pool elevation 1072 MSL)

Lake Seminole
U.S. Army Corps of Engineers
Resource Management Office
Post Office Box 96
Chattahoochee, Florida 32324
(normal pool elevation 77.5 MSL)

2. The OPM will administer these PGPs under the authorities for shoreline use permits and leases as specified in Title 36 CFR, Part 327.30. All work within the authorization of these PGPs must also comply with the terms and conditions of the Shoreline Use Permit or lease and Title 36 CFR, Part 327. The OPM will furnish a quarterly listing of all activities authorized by PGP to the Savannah District, Regulatory Division with the following information: the PGP(s) number; the name of the Permittee; the date of the OPM's authorization; and the county where the activity was authorized.

3. Access across public property to the work site shall be shown in the application drawings and coordinated and approved by the appropriate OPM. The Applicant shall locate the most conservative route, which minimizes damage to shoreline vegetation. Upon completion of the authorized work, the Permittee will be required to restore the access area to a condition satisfactory to the OPM or his authorized representative.

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

5. The time limit for completing the work authorized will be specified by the OPM, normally one (1) year, not to exceed three (3) years, from the date of obtaining authorization. The Permittee shall notify the OPM of the time the authorized activity is completed.
6. A complete copy of this permit, written authorization from the OPM, including drawings, special conditions and any amendments shall be maintained at the work site whenever work is being performed. The Permittee shall assure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the permit's terms and conditions.
7. Failure to comply with the conditions of these PGPs may result in the revocation, in part or in whole of any shoreline use permit associated with said work and/or the issuance of a citation under Title 36, CFR.
8. No wetland or stream will be adversely impacted by authorized work. No surface water flowing into or out of any wetland or stream will be adversely impacted.
9. The Permittee must maintain the authorized activity in good condition and in conformance with the terms and conditions of the PGP(s).
10. If the Permittee sells the property associated with the PGP authorization, he must notify the OPM to obtain validation of the reassignment of this authorization.
11. The Permittee must comply with any conditions specified by the State of Georgia for certification of water quality pursuant to Section 401 of the Clean Water Act.
12. The discharge of dredged or fill material shall consist of suitable material free from toxic pollutants in toxic amounts. All material obtain from off-site locations (private property) that will to be used as fill or for construction purposes on public land, shall be obtained from non-contaminated high ground sources, be non-acid-forming, contain little or no organics and be free of solid waste or other debris. On a case-by-case basis, material excavated or dredged from public land may be used as fill material, as discussed at Special Condition 16.a, below.
13. No work shall be conducted under these PGPs that would require the discharge of wet or otherwise uncured concrete below the normal lake pool elevation, unless the concrete is contained within waterproof forms until the concrete cures.
14. Each disposal site shall be confined to the smallest practicable area. Upland disposal sites for initial dredging shall be identified and approved by the OPM prior to the commencement of work.

15. The permitted agree to make every reasonable effort to perform the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

16. Work performed under authority of PGP 42, 43, 44, 47 and/or 59 is subject to the following special permit conditions:

a. All dredged material shall be deposited on an appropriate upland site and be properly stabilized or contained so as to preclude the re-entry of material into any surface waters, wetlands, vegetated shallows, streams or any other waters of the United States, or public property. The permanent disposal of dredged material on public land is not authorized by these PGPs. Temporary placement of dredged material on public land for dewatering, or the beneficial use of dredged material on public land may be authorized by the OPM on a case-by-case basis. Should a proposal involve temporary and/or permanent placement of dredge material on public land, that placement must be clearly described and depicted in the application submitted to the OPM. Examples of beneficial use of dredge material include placement as backfill, behind a bulkhead or retaining wall.

b. After dredging is complete, final lake-bottom contours shall not allow for the ponding of water in the area dredged during times of low lake levels, if this was not a pre-existing condition.

c. If dredging will only be performed in the wet, the permittee must use turbidity curtains to minimize turbidity.

d. If the permittee is dredging in the dry and experiences any ground water saturation in the areas where 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.

e. Each authorized use of these PGPs is for a one-time dredge event. Any subsequent dredging at the same project site would require issuance of a separate PGP authorization by the OPM, or other Department of the Army authorization.

f. No dredging shall occur during the annual fish spawning window as determined by the OPM. The annual fish spawn window is approximately March 15th to June 15th.

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 authorizations required by law.
- 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 project.

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 or un-permitted 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, other permitted or un-permitted 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 Regional 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) accomplished the corrective measures by contract or otherwise and bill the permittee for the cost.

6. These Programmatic General Permits become effective when the federal official designated to act for the Secretary of the Army has signed below.

BY AUTHORITY OF THE SECRETARY OF THE ARMY

Issued for and in behalf of
Daniel H. Hibner, PMP
Colonel, U.S. Army
Commanding

(Date)