



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
U.S. ARMY ENGINEER DISTRICT, MOBILE  
CORPS OF ENGINEERS  
P.O. BOX 2288  
MOBILE, ALABAMA 36628-0001

CESAM-RD-I-N

SPECIAL PROJECT NUMBER: SAM-2011-01957-CHE; SAM-2011-01958-CHE;  
SAM-2011-01959-CHE; SAM-2011-01960-CHE; SAM-2011-01961-CHE

*Programmatic General Permits for Minor Structures and Activities in Alabama Power Company Reservoirs Within the Coosa, Tallapoosa and Warrior River Basins Located Within the Regulatory Boundaries of the Mobile District, in the State of Alabama*

**Effective Date:** February 9, 2012

**Expiration Date:** March 9, 2016

**Permit Numbers:** APCO-PGP-1 thru APCO-PGP-5

**Authority:** In accordance with 33 CFR 325.2(e)(2) and 325.3(b), and upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), and / or Section 404 of the Clean Water Act (33 USC 1344), the Mobile District, U.S. Army Corps of Engineers (Corps) is issuing Programmatic General Permits (PGP) that would authorize certain types of work, minor structures and activities in or affecting waters of the United States, including navigable waters of the United States, within the regulatory boundaries of the Mobile District within the State of Alabama.

**Issuing Office:** U.S. Army Corps of Engineers, Mobile District  
Regulatory Division, Birmingham Field Office  
218 Summit Parkway, Suite 222  
Homewood, Alabama 35209  
Telephone: (205) 290-9096

**Purpose:** The purpose of these PGPs is to expedite authorization of work, including minor structures, and other activities within the Federal Energy Regulatory Commission (FERC) project boundaries of Alabama Power Company (APCO) reservoirs within the Coosa, Tallapoosa, and Warrior River Basins in the State of Alabama that would have minimal adverse impact on the aquatic environment. These PGPs contain provisions intended to protect the environment, including natural and cultural resources. Work that does not comply with these provisions may require an individual permit. However, compliance with the conditions contained in these PGPs does not guarantee authorization of the work under a PGP. Work or structures that would have more than minimal impacts to the aquatic environment and/or unacceptable impacts on the public interest are not authorized. Activities requiring Department of the Army authorization that are not specifically covered by this permit are prohibited unless authorized by a separate permit.

**Notification Procedures:** The Mobile District has coordinated the PGPs operating and management procedures with APCO, whereby APCO assumes responsibility for reviewing the application, verifying that the particular project falls within the parameters of the PGPs, and

notifying the applicant and the Corps. The Mobile District will monitor this verification process as well as applicant compliance with the permit conditions.

Individuals desiring to undertake work authorized by this general permit shall notify and seek verification from APCO. The permittee must contact APCO at the appropriate telephone number listed in table 1 or 2, below, and submit a complete Joint Application Form to APCO, which is available at: <http://www.sam.usace.army.mil/RD/reg/alperm.pdf>. The Application form must fully describe the proposed work and clearly demonstrate that the work will meet the requirements of the PGP(s). The submittal of a complete application for verification under these PGPs constitutes the applicant's voluntary agreement to meet all of the requirements of the PGPs.

Additional information about the Corps' Regulatory Program, and / or General Permit Program within the State of Alabama may be found at our website:

<http://www.sam.usace.army.mil/RD/reg> . For additional information, please contact the Birmingham Field Office, Mobile District, Regulatory Division, U.S. Army Corps of Engineers at 218 Summit Parkway, Suite 222, Homewood, Alabama 35209 – 4753; telephone (205) 290-9096. Additionally, the permittee may contact the local APCO Reservoir point of contact, listed in tables 1 and 2, below.

If APCO determines that the proposed work meets the provisions of the PGP(s), and no extraordinary conditions exist that warrant evaluation as a Department of the Army (DA) individual permit, APCO will notify the applicant of the time to commence and complete the project. All activities verified as authorized by this general permit must comply with the general and special conditions in this document.

Table 1: Alabama Power Reservoirs Subject to Jurisdiction Under **Section 10** and **Section 404**

Reservoir	Phone Number
<b>Coosa River Basin</b>	
Weiss	256-927-2597
Neely Henry	205-472-0481
Logan Martin	205-472-0481
Lay	205-755-4420
Mitchell	205-755-4420
Bouldin	205-755-4420
Jordan	205-755-4420

Table 2: Alabama Power Reservoirs Subject to Jurisdiction Under **Section 404 only**

Reservoir	Phone Number
<b>Tallapoosa River Basin</b>	
Martin	256-825-0053
Yates	256-825-0053
Thurlow	256-825-0053
R.L. Harris	256-396-5093
<b>Warrior River Basin</b>	
Smith	205-384-7385

**Compliance with Other Federal Laws:**

**Historic Properties:** These PGPs do not authorize any activity that may affect historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) until the provisions of 33 CFR 325, Appendix C, have been satisfied. Proposed projects occurring within certain geographic areas identified by the Alabama State Historic Preservation Office will be individually reviewed by the Alabama Historical Commission for project specific compliance with the National Historic Preservation Act.

**Endangered Species:** The Endangered Species Act of 1973 (ESA), as amended, requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS), pursuant to Section 7 of the ESA, on any action, or proposed action, permitted, funded, or undertaken by the agency that may affect a species listed as threatened or endangered under the ESA, or its designated critical habitat. The Corps has determined that some activities that are otherwise eligible for authorization by this PGP may affect federally listed species and / or critical habitat, and has initiated consultation with the USFWS. The Corps has determined that consultation with NFMS is not required.

These PGPs do not authorize any activity that is likely to jeopardize the continued existence of a threatened or endangered species, adversely affect a threatened or endangered species or one that is proposed for such designation as identified under the ESA. Proposed projects that may adversely affect threatened or endangered species or critical habitat are not eligible for verification under these PGPs and must be referred to the Corps for processing.

NOTE: The term "permittee" and its derivatives, as used in this permit, means the permittee or any future transferee.

**Activities authorized by this PGP:** These PGPs authorize the following work in or affecting navigable waters of the United States and discharges of dredge or fill material into waters of the United States. Once work is authorized by the PGPs, a Department of the Army individual or general permit must approve any proposed modifications beyond the limitations of the original authorization. Additionally, for any proposal to modify an existing structure, both the existing and the proposed work must meet the conditions of the PGP to be authorized by the PGP.

Only one of each PGP may be verified at a project site. For example, APCO-PGP-2 cannot be used twice to authorize 200 cubic yards of dredging at a single project site, but an APCO-PGP-2 and a APCO-PGP-3 can be used at the same project site.

Alabama Power Programmatic General Permits		
	Permit Number	Special Project Number
Debris Removal	APCO-PGP-1	SAM-2011-01957-CHE
Dredging for Vessel Mooring	APCO-PGP-2	SAM-2011-01958-CHE
Construction, Modification, and Maintenance of Residential Overwater Structures	APCO-PGP-3	SAM-2011-01959-CHE
Construction and Modification of Boat Ramps and Marine Railways	APCO-PGP-4	SAM-2011-01960-CHE
Residential Bank Stabilization	APCO-PGP-5	SAM-2011-01961-CHE

**APCO-PGP-1 - Debris Removal:** (Sections 10 & 404) – Removal of debris for navigational, drainage, or clean-up purposes, provided all of the following criteria are met:

- a. Dredging in special aquatic sites, including wetlands and areas of submerged aquatic vegetation, is not authorized by this permit. The debris must front the applicant’s property.
- b. All debris must be placed in an appropriate location.

Debris includes, but is not limited to: Tree limbs and stumps, appliances, lumber, metal objects, and other similar structures. While debris removal may include the discharge of dredge or fill material, it does not include activities that could also be reasonably classified as dredging (i.e. removal of gravel, sand, silt). This PGP does not authorize the removal of hazardous materials, or the removal of trees (live and dead) from stream beds or stream banks.

Removal of debris from Section 10 waters that does not involve a discharge of dredge or fill material is authorized and does not require any further notification to APCO or the Corps. Examples of Section 10 only activities include, but are not limited to: Removal of polystyrene foam, picking up debris materials by hand, and removal of other materials in a manner that does not alter the waterbottom.

**APCO-PGP-2 - Dredging for Vessel Mooring.** (Section 10 only) – Dredging of no more than 100 cubic yards below the normal pool of the reservoir to create sufficient depth to moor a vessel, provided the following criteria are met:

- a. The depth of the dredged area shall be no greater than the controlling navigational depth.
- b. Dredging is not authorized to connect a vessel mooring area to the controlling navigational depth (i.e. access channels).

Please see Special Condition 1 for information regarding the disposal of dredged material.

Work proposed under this PGP will not be authorized if:

- a. The cumulative total of the proposed and past dredging (not including maintenance dredging) exceeds 250 cubic yards.
- b. The proposed work is within ten linear feet of a special aquatic site, including wetlands and submerged aquatic vegetation, unless the special aquatic site is dominated by noxious or invasive vegetation. If the proposed dredge area includes noxious or invasive vegetation, the applicant must get approval from the Corps before dredging.
- c. The proposed work includes the construction of ancillary features such as wing walls, groins, jetties, or any other similar structures, or involves a discharge of dredge or fill material.

**APCO-PGP-3 - Construction, Modification, and Maintenance of Residential Overwater Structures:** (Section 10) – Authorized activities are piers, open-sided covered piers (i.e. gazebos and boat houses), and associated elements, including, but not limited to: walkways, ramps, piling, chain and anchor, ladders, ramps, hand rails, steps, davits, swim steps, lighting, personal water lifts and floats, and boat lifts. This PGP authorizes residential overwater structures, provided all of the following criteria are met:

- a. All structures (existing and proposed) shall not extend further than 1/3 (one-third) of the way across the waterbody at the project site.
- b. Vessels moored at the structure shall not extend further than 1/3 (one-third) of the way across the waterbody at the project site.

**Approved flotation:** All floats (existing and proposed) shall be encased or closed cell extruded and expanded polystyrene and specifically manufactured for marine use. All floats shall not be subject to waterlogging or sinking if punctured. If maintenance or modification of a residential overwater structure is proposed under this PGP, all existing floats not meeting this requirement must be replaced to be eligible for verification under this PGP. Applicants proposing work on structures not meeting this requirement must submit a permit application to the Corps.

**Excluded Structures:** This PGP does not authorize structures for permanently mooring houseboats, fueling facilities, habitable structures (as determined by ADEM), toilets, new marinas, satellite dishes over one meter in diameter, or commercial development.

**APCO-PGP-4 - Construction and Modification of Boat Ramps and Marine Railways:** (Sections 10 & 404) Dredging and / or filling of less than 100 cubic yards of material below full pool elevation in association with the construction, modification, or maintenance of a single boat ramp; and / or a single marine railway structure is authorized, provided the following criteria are met:

- a. The boat ramp is no wider than 20 feet.
- b. The proposed work does not interrupt the natural movements of sediments.

- c. Stormwater from attendant features such as approaches and parking areas is directed away from the boat ramp or marine railway.
- d. The proposed work shall not result in erosion of adjacent side banks (see Bank Stabilization, below).

This permit does not authorize: (1) ancillary structures such as wing walls, groins, jetties, or any other similar structures; (2) boat ramps or marine railways in special aquatic sites, including wetlands; (3) boat ramps or marine railways, the normal use of which would result in adverse impacts to special aquatic sites, including wetlands; (4) dredging to connect the boat ramp or marine railway to the controlling navigational depth (i.e. access channels).

**APCO-PGP-5 - Residential Bank Stabilization:** (Sections 10 & 404) Structures and discharges of dredge or fill material for the purposes of bank stabilization are authorized under this PGP, provided the following criteria are met:

- a. The proposed bank stabilization activity shall be roughly parallel to the shoreline, and located at the full pool elevation of the reservoir.
- b. No fill material shall be placed in special aquatic sites, including wetlands. Wetlands may be protected as a result of the proposed bank stabilization project, as long as no adverse impacts to wetlands result from the proposed project, including the interruption or disturbance of the wetland's hydrologic regime (i.e. bulkheads with alternating boards).
- c. The applicant shall submit photos to APCO of the shoreline to be stabilized, documenting the absence of special aquatic sites, including wetlands.
- d. Planting or use of invasive vegetation is not authorized.

Approved Construction Methods / Materials:

- a. Natural Bank Dressing: (1) The placement of less than 1 cubic yard of bedding material below the full pool elevation of the reservoir per linear foot of shoreline for the purpose of planting medium; (2) filter mats (i.e. coconut rolls) and other erosion control devices; (3) other materials or structures designed to establish appropriate native vegetation.
- b. Riprap: The placement of clean material free of exposed rebar, asphalt, plastic, soil, or other inappropriate materials (i.e. trash, debris, car bodies, etc.) along the shoreline. The placement of riprap is also authorized to augment other bank stabilization activities. Bank channels protected by riprap are limited to 1 (one) cubic yard of material placed per linear foot.
- c. Bulkheads and Backfill (including poured concrete walls, interlocking brick systems, sheet piling, and other vertical bank stabilization structures, limited to 1,000 linear feet): New bulkheads shall not extend more than 30 inches waterward from the full pool elevation of the reservoir. Replacement bulkheads shall not extend more than 24 inches waterward from a failed bulkhead. Suitable material must be used for all backfill activities (unsuitable material includes, but is not limited to: trash, debris, car bodies, asphalt, creosote timbers, etc.). Riprap shall be placed at the toe of all new and reconstructed bulkheads two feet above the waterbottom and two feet out from the

- bottom of the bulkhead. The placement of the bulkhead, backfill, and rip-rap shall not exceed 1 cubic yard of material below the full pool elevation per linear foot of shoreline.
- d. Other materials: Other materials and methods may be authorized under this PGP, but will require individual project review by the Corps.

This permit does not authorize: (1) any discharge or placement of any structure in special aquatic sites, including wetlands; (2) ancillary structures such as wing walls, groins, jetties, or any other similar structures; (3) any activity to replace land lost due to erosion or otherwise accrete land.

### SPECIAL CONDITIONS

SP-1. Disposal of Dredged Material – If the proposed project involves dredging in Section 10 Waters, the dredged material must be disposed of at an uplands location, unless all of the dredged material is being used as backfill material authorized under APCO-PGP-5. The permittee shall submit the following documentation to APCO:

- a. The location of the proposed dredged material disposal area marked on a U.S. Geological Survey 1:24,000 Topographic Map.
- b. Photographs of the proposed dredged material disposal area.
- c. A completed datasheet from the appropriate Regional Supplements to Corps Delineation Manual documenting the absence of wetlands at the dredged material disposal area.
- d. A written statement from the permittee stating that the dredged material will not be disposed of in a water of the United States.

SP-2. The permittee must obtain prior or concurrent approval under the APCO's Shoreline Permitting Program for all activities within the boundaries of APCO hydroelectric reservoirs. APCO owns the pool property of these reservoirs and in some areas has additional property rights along the shoreline, see "Appendix I, Lake Ownership Elevations" for more information.

SP-3. If a property, owned either by the permittee or a business that the permittee owns or is a partner in, has been found by either APCO or the Corps to be in non-compliance with another permit and/or the permittee has been cited for unauthorized work / violations, then no further verifications will be issued until the non-compliance or unauthorized work / violation has been resolved.

SP-4. Verifications under these PGPs do not authorize structures or activities that impede navigation or violate any other laws, including environmental laws.

SP-5. The permittee shall submit a complete PGP application and satisfactory plans. The permittee is advised that all necessary State and local permits must be obtained before work shall be initiated. It is the permittee's obligation to obtain all necessary approvals and observe all applicable requirements.

SP-6. Conformance with descriptions and qualities contained herein does not necessarily guarantee consideration and / or subsequent verifications. Additionally, the permittee must have the requisite property rights to perform the requested work.

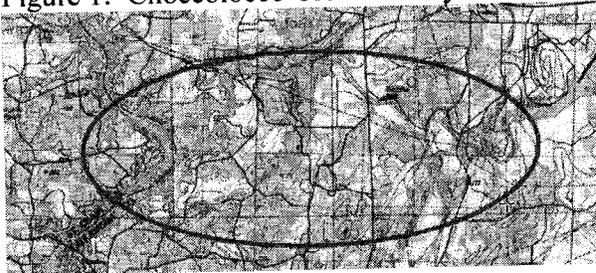
SP-7. Verifications will not be issued which will adversely impact threatened or endangered species, or their critical habitat.

SP-8. Verifications under these PGPs do not authorize any activity that will impact, affect, or otherwise degrade cultural resources such as: archeological, scientific, prehistoric, or historical site(s) or data. Activities which may impact cultural resources must be evaluated by the Corps as individual permits. If human remains, historic resources, or archaeological resources are encountered during construction, all ground disturbing activities shall cease in the immediate area and the permittee shall immediately (within one business day of discovery) notify the Corps, Mobile District, Regulatory Division, APCO, and the Alabama State Historic Preservation Officer. The Corps will initiate the Federal and State coordination required to determine if the resource(s) warrant recovery efforts or if it is eligible for listing in the National Register of Historic Places. The permittee shall perform any work required by the Corps in accordance with Section 106 of the National Historic Preservation Act and Corps regulations.

SP-9. All structures and other activities must be within the riparian rights area of the applicant, at least 15 linear feet away from adjacent riparian lines, and must be designated in a manner that will not restrict or otherwise infringe upon the riparian rights of adjacent upland riparian owners. Configuration, location or design of the structure may not either physically preclude or have the effect of precluding public access to public waters adjacent to the upland. It is recommended that the structure be centered on the applicant's property.

SP-10. Verifications cannot be issued for proposed activities and structures in the Choccolocco Creek Embayment of Logan Martin Reservoir, as identified below in figure 1, until the permittee receives written notice from the U.S. Environmental Protection Agency, Superfund Remedial Branch (EPA), and the U.S. Fish and Wildlife Service (USFWS), that the EPA and USFWS concur with project. The permittee must implement and abide by any requirements and/or agreements set forth by EPA and/or USFWS in their written notice.

Figure 1: Choccolocco Creek Embayment



SP-11. For verifications in Logan Martin Reservoir: By accepting this permit, the permittee agrees to accept potential liability for both response costs and natural resource damages, to the

same extent as would be inherent under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended (42 U.S.C. 9601 et. seq.). Further, the permittee agrees that this permit does not exclude the permittee from liability under the CERCLA, nor does the permit waive any liability for response costs, damages, and any other costs that may be assessed under CERCLA. Additionally, the permittee agrees that the permittee will be financially responsible for any logistic problems associated with the construction and operation of this project and potential cleanup operations in Logan Martin Reservoir.

### **GENERAL CONDITIONS**

GC-1. The time limit for completing an authorized activity ends one (1) year from the date of the verification. If the permittee needs more time to complete the authorized activity, a request for a time extension shall be submitted to APCO at least one month before the expiration date.

GC-2. The permittee shall maintain the authorized activity in good condition and in conformance with the terms and conditions of the authorization. The permittee is not relieved of this requirement if the permittee abandons the authorized activity.

GC-3. If the permittee sells the property associated with an APCO PGP verification, the permittee may transfer the APCO PGP verification to the new owner by submitting a letter to APCO or the Corps to validate the transfer. A copy of the APCO PGP verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this programmatic general permit are still in existence at the time the property is transferred, the terms and conditions of this permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below." The APCO permit is not transferable.

GC-4. The permittee shall allow Federal and State resource agency representatives to inspect the proposed and/or authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of the authorization.

GC-5. *Navigation.* (a) No activity may cause more than a minimal adverse effect on navigation. (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. (c) 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 of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration

GC-6. *Wild and Scenic Rivers:* No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Approximately 6 miles of designated Wild and Scenic River are within the Federal Energy Regulatory Commission Project Boundary of Lewis Smith Lake, beginning at the confluence of Sandy Creek with the Sipsey Fork.

GC-7. These PGPs will be valid for a five-year period or until suspended, revoked, or extended. They may be suspended or revoked, in whole or in part, if it is determined that the individual or cumulative impacts of work that would be authorized using this procedure are contrary to the public interest. Any such modification, suspension, or revocation shall become effective 30 days after the issuance of a public notice announcing such action. The final decision whether to modify, suspend, or revoke this permit, in whole or in part, shall be made pursuant to procedures prescribed by the Chief of Engineers. Following such revocation, any future activities heretofore authorized by this PGP will require alternate Department of the Army authorization. These PGPs will be re-advertised via public notice every five years as part of a public interest review.

GC-8. *Jurisdiction:* PGP permits verified by APCO include an implicit preliminary jurisdictional determination by the U.S. Army Corps of Engineers that the proposed work will impact waters within Corps' jurisdiction. Commencement of work verified under the PGP is considered acceptance of Federal jurisdiction. Applicants not in agreement with this determination must notify the Corps and request an approved jurisdictional determination, and await a response before they start work.

GC-9. *Discretionary Authority:* District and division engineers have been delegated a discretionary authority to suspend, modify, or revoke authorizations under any General Permit. This discretionary authority may be used by district and division engineers only to further condition or restrict the applicability of a General Permit for cases where they have concerns for the aquatic environment under the Clean Water Act section 404(b)(1) Guidelines or for any factor of the public interest. Because of the nature of most activities authorized by these PGPs, district and division engineers will not have to review every such activity to decide whether to exercise discretionary authority. The terms and conditions of certain PGPs require the Corps to review the proposed activity before the PGP authorizes its construction. However, the DE has the discretionary authority to review any activity authorized by General Permit to determine whether the activity complies with the PGPs. If the DE finds that the proposed activity would have more than minimal individual or cumulative net adverse effects on the environment or otherwise may be contrary to the public interest, he shall modify the PGP authorization to reduce or eliminate those adverse effects, or he shall instruct the prospective permittee to apply for a regional general permit or an individual permit. Discretionary authority is also discussed at 33 CFR 330.4(e) and 330.5.

### WATER QUALITY CERTIFICATION

*Attached*

**Definitions: The following terms are used in this document and are defined below for clarity.**

**Boathouse/shelter** – An overwater structure constructed at the edge of a river or lake which is used to store vessels.

**Length** – The measurement perpendicular to the bank or shoreline.

**Non-native vegetation** – plants that are not endemic to the State of Alabama.

**Noxious or invasive vegetation** – Plants listed as Noxious Weeds in Alabama by the United States Department of Agriculture, or plants listed in the “Alabama Aquatic Nuisance Species Management Plan.”

**Residential Use** – Activity is limited to personal use by a party for their parcel of property. Activity is not linked to a commercial development or activity.

**Special Aquatic Sites** - Sanctuaries and refuges, wetlands, mud flats, vegetated shallows, coral reefs, and riffle and pool complexes (40 CRF 230, Subpart E).

**Vessel** – Any water craft; a craft designed for water transportation, including seaplanes.

**Waterbottom** – The bottom elevation of a water of the United States.

**Wetland** – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**FURTHER INFORMATION**

1. Limits of this Authorization:

- a. A verification does not obviate the need to obtain other Federal, State, or local authorization required by law.
- b. A verification does not grant any property rights or exclusive privileges.
- c. A verification does not authorize any injury to the property or rights of others.
- d. A verification does not authorize interference with any existing or proposed Federal project.

2. Limits of Liability: In issuing an authorization or verification, neither the Federal Government, the State of Alabama, nor designated authorizing agency, their staff or employees, assume any liability.

3. Reliance on Applicant's Data: In part, the determination by the Corps or authorized notification agency that a verification is not contrary to the public interest was made in reliance on the information the permittee provided. NOTE: The permittee must have the requisite property rights to do any work pursuant to this permit.

4. Re-evaluation of Permit Decision: The Corps may re-evaluate the decision in an authorization or verification at any time the circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to, the following:

- a. Failure to comply with the terms and conditions of the authorization.
- b. The information provided by the permittee in support of the application proves to have been false, incomplete, or inaccurate (see "3" above).
- c. Significant new information surfaces which we 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 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 the 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 directives, 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.

5. Time Extensions: General Conditions "GC-1" establishes a time limit for the completion of the authorized activity. Unless there are circumstances requiring either a prompt completion of the authorized activity or a re-evaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit, provided it does not exceed the expiration date of this PGP.

6. Failure to secure authorization as specified herein or failure to comply with the conditions of any authorizations issued under this PGP may result in enforcement actions by the Corps.

FOR THE COMMANDER:

STEVEN J. ROEMHILDT, P.E.  
COLONEL, CORPS OF ENGINEERS  
DISTRICT COMMANDER

BY: CJ House-Pearson  
Cindy J. House-Pearson  
Chief, Regulatory Division

Date 2/9/12

## Appendix I

### Lake Ownership Elevations

#### Coosa River Reservoirs

##### Weiss Lake (Sections 10 & 404)

- Full Pool Elevation – 564 feet msl
- Flood Easement – steps from 565 feet msl to 578 feet msl (some areas owned in fee)
- Scenic Easement / Control Strips – none

##### Neely Henry Lake (Sections 10 & 404)

- Full Pool Elevation – 508 feet msl
- Flood Easement – steps from 509 feet msl to 527 feet msl (some areas owned in fee)
- Scenic Easement / Control Strips – none

##### Logan Martin Lake (Sections 10 & 404)

- Full Pool Elevation – 465 feet msl
- Flood Easement – steps from 465 feet msl to 489 feet msl (some areas owned in fee)
- Scenic Easement / Control Strips – none

##### Lay Lake (Sections 10 & 404)

- Full Pool Elevation – 396 feet msl
  - Original full pool elevation was 382 msl – raised in 1960's
- Flood Easement – steps from 397 feet msl to 410 feet msl (some areas owned in fee)
- Scenic Easement / Control Strips – none

##### Mitchell Lake (Sections 10 & 404)

- Full Pool Elevation – 312 feet msl
- Fee-owned flood – to 317 feet msl
- Flood Easement – none (areas owned in fee)
- Scenic Easement / Control Strips – none

##### Jordan Lake (Sections 10 & 404)

- Full Pool Elevation – 252 feet msl
- Flood Easement – none
- Scenic Easement / Control Strips – 15 feet horizontal from 252 feet msl where applicable

Walter Bouldin Lake (Sections 10 & 404)

- Full Pool Elevation – 252 feet msl in forebay; 125 feet msl in tailrace
- Fee-owned Flood – to 253 feet msl
- Flood Easement – none (all owned in fee)
- Scenic Easement / Control Strips – none

**Tallapoosa River Reservoirs**

R.L. Harris Lake (Section 404)

- Full Pool Elevation – 793 feet msl
- Fee-owned Flood – to 795 feet msl
- Flood Easement – none (all owned in fee)
- Scenic Easement – to 800 feet or 50 feet horizontal from 793 feet msl in specified areas

Martin Lake (Section 404)

- Full Pool Elevation – 491 feet msl (490 feet Martin Datum)
- Fee-owned Flood – none
- Flood Easement – none
- Control Strips – 30 feet horizontal from 491 feet msl where applicable

Thurlow Lake (Section 404)

- Full Pool Elevation – 288.5 feet msl (287.5 feet Martin Datum)
- Fee-owned Flood – to 299 feet msl (298 feet Martin Datum)
- Flood Easement – none (all owned in fee)
- Scenic Easement / Control Strips – none

Yates Lake (Section 404)

- Full Pool Elevation – 345 feet msl (344 feet Martin Datum)
  - Full pool elevation was not adjusted in mid 1990's
- Fee-owned Flood – to 351 feet msl (350 feet Martin Datum)
  - Original project boundary until 1990's to 351 feet msl
- Flood Easement – 363 feet msl (362 feet Martin Datum)
  - Additional easement purchased in mid 1990's to 363 feet msl
- Scenic Easement / Control Strips – none

**Warrior River Reservoirs**

Smith Lake (Section 404)

- Full Pool Elevation – 510 feet msl
- Flood Easement – to 522 feet msl (some areas owned in fee)
- Scenic Easement / Control Strips – none

LANCE R. LEFLEUR  
DIRECTOR



ROBERT J. BENTLEY  
GOVERNOR

Alabama Department of Environmental Management  
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Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

March 9, 2011

COLONEL STEVEN J ROEMHILDT, P.E.  
DISTRICT COMMANDER  
MOBILE DISTRICT  
U.S. ARMY CORPS OF ENGINEERS  
P.O. BOX 2288  
MOBILE AL 36628 -0001

RE: Clean Water Act (CWA) Section 401 Water Quality Certification (WQC), Public Notice SAM-2010-00509-CHE, U.S. Army Corps of Engineers (COE) Proposed Alabama Programmatic General Permits (APCO-PGP-1 - APCO-PGP-5) For Minor Structures and Activities in Alabama Power Company Reservoirs Within The Coosa, Tallapoosa, and Warrior Rivers Basins Located Within the Regulatory Boundaries of the Mobile District COE

Dear Colonel Roemhildt,

This office has completed a review of the above-referenced joint public notice and all associated materials submitted related to the proposed project. Any comments made during the public notice period have also been forwarded to us for review.

Because action pertinent to water quality certification (WQC) is required by Section 401(a)(1) of the Clean Water Act (CWA), 33 U.S.C. Section 1251, et seq., we hereby issue certification, for a period **not to exceed five (5) years** from the date of issuance, that there is reasonable assurance that the discharge resulting from the proposed activities as submitted will not violate applicable water quality standards established under Section 303 of the CWA and Title 22, Section 22-22-9(g), Code of Alabama, 1975, provided the applicant acts in accordance with the following conditions as specified. We further certify that there are no applicable effluent limitations under Section 301 and 302 nor applicable standards under Section 306 and 307 of the CWA in regard to the activities specified.

To minimize adverse impacts to State waters, by copy of this letter we are requesting the Mobile District Corps of Engineers to incorporate the following as special conditions appropriate to each activity in Alabama authorized by the COE through the ALPGPs:

1. Please be advised that ADEM permit coverage may be required for certain activities/operations relating to or resulting from this project. If you have any questions regarding regulated activity or the need for air permit coverage, please contact ADEM's Air Division at (334) 271-7869. If you have any questions regarding regulated activity or the need for hazardous, toxic, and/or solid waste permit coverage, please contact ADEM's Land Division at (334) 271-7730. If you have any questions regarding regulated activity or the need for National Pollutant Discharge Elimination System (NPDES) permit coverage, please contact ADEM's Water Division at (334) 271-7823.
2. Upon the loss or failure of any treatment facility, best management practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a

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110 Vulcan Road  
Birmingham, AL 35209-4702  
(205) 942-6168  
(205) 941-1603 (FAX)

**Decatur Branch**  
2715 Sandlin Road, S. W.  
Decatur, AL 35603-1333  
(256) 353-1713  
(256) 340-9359 (FAX)



**Mobile Branch**  
2204 Perimeter Road  
Mobile, AL 36615-1131  
(251) 450-3400  
(251) 479-2593 (FAX)

**Mobile-Coastal**  
4171 Commanders Drive  
Mobile, AL 36615-1421  
(251) 432-6533  
(251) 432-6598 (FAX)

defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.

3. The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide ADEM with a copy of any record/information required to be retained by this paragraph.
4. The applicant shall prepare a detailed Best Management Practices (BMP) Plan. Effective BMPs shall be implemented and continually maintained for the prevention and control of sediment and other sources of pollutants, including measures to ensure permanent revegetation or cover of all disturbed areas, during and after project implementation.
5. The applicant shall implement a Spill Prevention Control and Countermeasures (SPCC) Plan for all temporary and permanent onsite fuel or chemical storage tanks or facilities consistent with the requirements of ADEM Admin. Code R. 335-6-6-.12(r), Section 311 of the Federal Water Pollution Control Act, and 40 CFR Part 112. The applicant shall maintain onsite or have readily available sufficient oil & grease absorbing material and flotation booms to contain and clean-up fuel or chemical spills and leaks. The applicant shall immediately notify ADEM after becoming aware of a significant visible oil sheen in the vicinity of the proposed activity. In the event of a spill with the potential to impact groundwater or other waters of the State, the applicant should immediately call the National Response Center at 1-800-424-8802 and the Alabama Emergency Management Agency at 1-800-843-0699. The caller should be prepared to report the name, address and telephone number of person reporting spill, the exact location of the spill, the company name and location, the material spilled, the estimated quantity, the source of spill, the cause of the spill, the nearest downstream water with the potential to receive the spill, and the actions taken for containment and cleanup.
6. The applicant shall conduct or have conducted, at a minimum, weekly comprehensive site inspections until completion of the proposed activity to ensure that effective Best Management Practices (BMPs) are properly designed, implemented, and regularly maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality.
7. Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the Alabama 303(d) list, a total maximum daily load (TMDL) has been finalized for the waterbody, and/or the waterbody is otherwise considered a Tier 1 water pursuant to ADEM Admin. Code Ch. 335-6-10]. The applicant shall inspect all BMPs as often as is necessary (daily if needed) for effectiveness, need for maintenance, and the need to implement additional, effective BMPs. Additional effective BMPs shall immediately be implemented as needed to ensure full compliance with ADEM requirements and the protection of water quality in the impaired waterbody.
8. All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collection and control of onsite worker toilet wastes or gray waste waters (i.e. port-o-let, shower washdown, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.

March 9, 2011

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9. All materials used as fill, or materials used for construction of structures in a waterbody, must be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris.
10. The applicant shall implement appropriate measures to minimize the potential for a decrease of instream dissolved oxygen concentrations as a result of project implementation. In addition, the applicant shall ensure that the activities authorized by this certification do not significantly contribute to or cause a violation of applicable water quality standards for instream dissolved oxygen.
11. The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.

In recognition that projects are site specific in nature and conditions can change during project implementation, ADEM reserves the right to require the submission of additional information or require additional management measures to be implemented, as necessary on a case by case basis, in order to ensure the protection of water quality. Liability and responsibility for compliance with this certification are not delegable by contract or otherwise. The applicant shall ensure that any agent, contractor, subcontractor, or other person employed by, under contract, or paid a salary by the applicant complies with this certification. Any violations resulting from the actions of such person shall be considered violations of this certification.

Issuance of a certification by ADEM neither precludes nor negates an operator/owner's responsibility or liability to apply for, obtain, or comply with other ADEM, federal, state, or local government permits, certifications, licenses, or other approvals. This certification does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations, and in no way purports to vest in the applicant title to lands now owned by the State of Alabama nor shall it be construed as acquiescence by the State of Alabama of lands owned by the State of Alabama that may be in the applicant's possession.

Should you have any questions on this or related matters, please do not hesitate to contact Richard Hulcher, Office of Field Services, by email at [rfh@adem.state.al.us](mailto:rfh@adem.state.al.us) or by phone at 334-394-4311.

Sincerely,



Steven O. Jenkins, Chief  
Field Operations Division

File: WQ401

c: Mobile District COE  
Wetlands Section, EPA Region IV  
Alabama Power Company