



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
BIRMINGHAM FIELD OFFICE
218 SUMMIT PARKWAY, SUITE 222
HOMEWOOD, ALABAMA 35209

CESAM-RD-N
SAM2016-00117-JMT

February 2, 2016

SPECIAL PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT

Proposed Programmatic General Permits for Minor Structures and Activities in Alabama Power Company Reservoirs Within the Coosa, Tallapoosa and Warrior River Basin Within the State of Alabama

ALABAMA POWER COMPANY PROGRAMMATIC GENERAL PERMITS		
Permit	Activity	Page Number
APCO-PGP-1	Debris Removal	
APCO-PGP-2	Construction of non-commercial boat slips; maintenance dredging of existing boat slips, canals, or navigation channels	
APCO-PGP-3	Construction and/or maintenance of fixed structures	
APCO-PGP-4	Construction and modification of boat ramps	
APCO-PGP-5	Riprap for shoreline, bank, and channel protection; bulkheads, sea walls and other standard shoreline protection/stabilization devices roughly paralleling, and at, the shoreline or bank	
APCO-PGP-6	New work channel dredging	
APCO-PGP-7	Filling of previously dredged areas such as boat slips, artificial canals, etc.	

TO WHOM IT MAY CONCERN:

Interested parties are hereby notified that in accordance with 33 CFR 325.2(e)(2) and 325.3(b), the Mobile District of the U.S. Army Corps of Engineers (USACE) is proposing authorization, re-issuance, and/or revision of the following Alabama Power Company (APCO) Programmatic General Permits (PGP), described herein, pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. These permits will supersede the APCO-PGPs issued on February 9, 2011 that expire on March 9, 2016.

The term "Programmatic General Permit" refers to a type of general permit, authorized by the Department of the Army, that is issued on a nationwide or regional basis for a category or categories of activities when those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or the general permit would result in avoiding 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.

APCO owns the pool property of the reservoirs listed in Table 1 and in some areas has additional property rights along the shoreline. APCO regulates all activities and structures within the boundaries of the hydroelectric reservoirs subject to licenses issued by the Federal Energy Regulatory Commission (FERC), and pursuant to FERC requirements, these activities and structures must be pre-approved and permitted by APCO. Therefore, in an effort to expedite authorization of work, including minor structures and other activities with minimal adverse impacts located in waters of the United States, the USACE, Mobile District, proposes the authorization of the enclosed PGPs. These PGPs are only applicable within the FERC project boundaries of APCO reservoirs located in the Coosa, Tallapoosa and Warrior River basin within the State of Alabama (reference enclosed map).

Under the proposed PGPs, a permit applicant will only apply to APCO, rather than applying to both APCO and the USACE for authorization. APCO will (1) verify that the proposed project meets the terms and conditions of the PGP(s); (2) notify the applicant and; (3) provide the General and any Special Conditions of the PGP(s). This notification will accompany APCO's Shoreline Permit.

The APCO PGPs proposed for issuance are enclosed. Conditions listed thereafter are applicable to all proposed PGPs.

General permits are reviewed every five (5) years. Each PGP contains certain limitations intended to protect the aquatic environment, natural, and cultural resources. Conformance with the conditions contained in the PGP does not necessarily guarantee authorization under the PGP. In most instances, a proposed project complying with conditions of the PGP can receive specific authorization. Any proposed project not complying with the conditions will be evaluated by USACE as either a Nationwide Permit or Standard Permit. A Standard Permit will be individually coordinated with third parties, including Federal and State resource agencies.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the USACE can be based. For accuracy and completeness of record, all data in support of or in opposition to the issuance of the PGPs should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a PGP will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the below listed public interest factors. That

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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 proposed activities, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the PGP, will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, 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 production and in general, the needs and welfare of the people.

The USACE 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 proposed activities. Any comments received will be considered by the USACE to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess the impacts on endangered species, historic properties, water quality, general environmental effects and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or 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.

Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider the proposed activity. Requests for public hearing shall state with particularity, the reasons for holding the public hearing.

Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

The USACE will apply for certification from the State in accordance with Section 401(a)(1) of the Clean Water Act and upon completion of the required advertising, a determination relative to certification will be made by the Alabama Department of Environmental Management.

In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the PGPs defined in this notice are being considered for the potential to affect cultural and historic properties. We are seeking comment from the State Historical Preservation Officer, Federally recognized American Indian Tribes, local historical societies, museums, universities, the National Park Service and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the permit area.

By copy of this notice, the USACE is requesting comments from the U.S. Fish and Wildlife Service regarding federally listed species or critical habitat, in accordance with

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the provisions of the Federal Endangered Species Act, to insure the proposed activities will not adversely affect any listed or proposed species.

Permit specific comments should refer to the applicable Public Notice Number (SAM2016-00117-JMT) and should be directed to: District Commander; Attention: Mr. Joseph Tanko; U.S. Army Engineer District, Mobile; Birmingham Field Office; 218 Summit Parkway, Suite 222; Homewood, Alabama 35209, **with a copy to:** Alabama Department of Environmental Management; Post Office Box 301463; Montgomery, Alabama 36130, in time to be received not later than **March 2, 2016**.

If you have any questions concerning this notice or for additional information, you may contact Mr. Tanko (joseph.m.tanko@usace.army.mil), phone (205) 290-9096. For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx, and please take a moment to complete our customer satisfaction survey while you are there. Your response is appreciated and will allow us to improve our services.

Notification Procedures: Individuals desiring to undertake work authorized by the PGP shall notify and seek verification from APCO. The applicant must contact APCO at the appropriate address listed below, and submit a complete Joint Application Form to APCO, which is available from the Site Manager or online at <http://apcshorelines.com>. 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 constitutes the applicant's voluntary agreement to meet all of the requirements of the PGP(s).

Table 1: Alabama Power Reservoirs

Lake	Contact Information
Coosa River – Weiss	1014 West Main Street Centre, Alabama 35960 256-927-2597
Coosa River – N. Neely Henry	16157 Alabama Highway 144 Ragland, Alabama 35131 205-472-0481
Coosa River – Logan Martin	16157 Alabama Highway 144 Ragland, Alabama 35131 205-472-0481
Coosa River – Lay	2030 7th Street South Clanton, Alabama 35045 205-755-4420
Coosa River – Mitchell	2030 7th Street South Clanton, Alabama 35045 205-755-4420

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Lake	Contact Information
Coosa River – Jordan	2030 7th Street South Clanton, Alabama 35045 205-755-4420
Coosa River – Walter Bouldin	2030 7th Street South Clanton, Alabama 35045 205-755-4420
Tallapoosa River – Harris	9369 Highway 48 West Wedowee, Alabama 36278 256-396-5093
Tallapoosa River – Martin	1296 South Tallassee Street Dadeville, Alabama 36853 256-825-0053
Tallapoosa River – Yates	1296 South Tallassee Street Dadeville, Alabama 36853 256-825-0053
Tallapoosa River – Thurlow	1296 South Tallassee Street Dadeville, Alabama 36853 256-825-0053
Warrior River – Smith	5558 Curry Highway, Ste 3 Jasper, Alabama 35503 205-384-7385

DURATION OF THE PGPs

These PGPs shall become effective on the date of the signature of the USACE District Engineer, or his authorized representative and will automatically expire five years from that date unless the permit is modified, revoked, or re-authorized before that date. Any activity that has commenced, i.e. is under construction, or is under contract to commence in reliance upon this permit will remain authorized provided the activity is completed within twelve months of the date of expiration, modification, or revocation of the PGP, unless discretionary authority is exercised on a case-by-case basis to modify, suspend, or revoke the authorization.

REVOCAION OF THE PGPs

These PGPs may be revoked by issuance of a public notice at any time the USACE determines that the cumulative effects of the activities authorized herein have an adverse effect on the public interest. Following such revocation, any future activities in areas covered by these PGPs will be evaluated as either a Nationwide or Standard Permit. However, if you commence or are under contract to commence an authorized activity before the date of the revocation, you will have twelve (12) months to complete the activity under the present terms and conditions of the PGP.

ELIGIBLE STRUCTURES AND ACTIVITIES ALABAMA POWER PROGRAMMATIC GENERAL PERMITS

APCO-PGP-1 – 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 USACE and USFWS if located in a jurisdictional area. Examples of authorized 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. (Section 10)

APCO-PGP-2 – Construction of non-commercial boat slips; maintenance dredging of existing boat slips, canals, or navigation channels. Dredging of less than 500 cubic yards of material from below mean high water or the ordinary high water mark is authorized. 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. (Section 10)

APCO-PGP-3 – Construction and/or maintenance of fixed structures. Construction and maintenance of non-commercial piers, docks, wharves, boat shelters, boat houses, hoists, gazebos, sun decks, stairways and walkways involving no fill in wetlands. (Section 10)

APCO-PGP-4 – Construction and modification of boat ramps. This PGP authorizes dredging and/or filling of less than 250 cubic yards below mean high water or the ordinary high water mark to build or modify a boat ramp. No wetlands may be filled. Dredge 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. The boat ramp should be no wider than 20 feet. (Sections 10 and 404)

APCO-PGP-5 – Riprap for shoreline, bank, and channel protection; bulkheads, sea walls and other standard shoreline protection/stabilization devices roughly paralleling, and at, the shoreline or bank. No vegetated wetland 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. Should the shore, bank or channel require dressing, the bedding fill below the ordinary high water mark or the mean high water line 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 or the mean high water line. 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. Bulkheading is limited to a total project length of 1,000 linear feet. However, the protection must be along the existing shoreline. New bulkheads shall not extend more than 36 inches waterward from the full pool elevation of the reservoir. Replacement bulkheads shall not extend more than 24 inches waterward from a failed bulkhead. 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. If a channel is being protected by bulkhead, the backfill is limited to one (1) cubic yard per linear foot for each side. 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 or organic trash, unsightly debris, cultural resources, etc., may be used. Rip-rap will be placed at the base of all bulkheads and sea walls and will extend a maximum of 4 feet water-ward on a two percent slope. Stabilization of eroding shoreline utilizing appropriate bioengineering techniques (to include "soft" engineering with the use of fiber logs, aquatic or semi-aquatic vegetation) is authorized. Projects that include the use of vegetative and bioengineering practices are not subject to length restrictions. (Sections 10 and 404)

APCO-PGP-6 – 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 or Individual Permits. 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. (Section 10)

APCO-PGP-7 – 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. If the area to be filled had previously been a wetland or natural channel, the fill may not exceed the original elevations or dimensions. Further, no area providing mitigation, enhancement or flushing of an aquatic system may be filled. Only clean earthen fill, free of waste, metal or organic trash, unsightly debris, etc., may be used. (Sections 10 and 404)

GENERAL CONDITIONS:

NOTE: For the purposes of the Programmatic General Permits (PGPs): the APCO Site Manager is the entity that the Mobile District, U.S. Army Corps of Engineers (USACE) has delegated authority to review and verify whether proposed work or activities would qualify for authorization under the terms and conditions of these PGPs; the applicant is the entity that has proposed or applied for work or activities under the terms and conditions of these PGPs; and the permittee is the entity that has received written verification from the Site Manager that work or activities are authorized under the terms and conditions of the PGPs.

1. The PGPs authorize only those activities specifically addressed herein. Any activity not authorized in the PGP or which exceeds the limitations of the PGP, requires specific authorization through the USACE.
2. If the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the U.S. Coast Guard shall be installed and maintained by and at the expense of the permittee.
3. 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 shall be required, upon due notice from the USACE, 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.
4. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
5. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
6. The activity authorized must be maintained in good condition and in conformance with the terms and conditions of the permit. The permittee is not relieved of this requirement if the permitted activity is abandoned.
7. No activity is authorized under any PGP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which will directly or indirectly destroy or adversely

modify the critical habitat of such species. No activity is authorized under any PGP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

8. No activity is authorized under any PGP that may affect historic properties listed, or eligible for listing, in the National Register of Historic Places until the provisions of 33 CFR 325, Appendix C, have been satisfied.
9. If the property associated with this permit is sold, the permittee shall provide the Site Manager with the name and signature of the new owner and forward a copy of the permit to the Site Manager to validate the transfer of the APCO PGP verification. The APCO permit itself is not transferable.
10. The permittee shall allow Federal or State resource agency representatives as well as APCO representatives to inspect the proposed authorized activity at any time deemed necessary.
11. Authorizations will be suspended if State water quality standards are not met.

SPECIAL CONDITIONS:

1. No work shall be performed under authority of these PGPs until the applicant submits an application to the Site Manager and the permittee receives written verification from the Site Manager that the proposed work and/or activities are authorized under the terms and conditions of these PGPs.
2. Conformance with descriptions and quantities contained herein does not necessarily guarantee consideration and/or subsequent authorizations.
3. The time limit for completing work authorized under authority of these PGPs is one (1) year from the date of obtaining authorization. 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.
4. A complete copy of the PGPs with written authorization from the Site Manager, 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 terms and conditions of these PGPs.
5. 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 these PGPs, the permittee shall immediately notify the Site Manager. Within 24 hours of permittee notification, the Site Manager shall notify the USACE. The USACE 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.

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6. If the permittee or the permittee's contractors discover any previously unknown historic or archaeological remains while accomplishing work or activities authorized by these PGPs, the permittee shall immediately notify the Site Manager. Within 24 hours of permittee notification, the Site Manager shall notify the USACE to determine requirements for further action.
7. No oils, grease, materials or other pollutants will be discharged from the construction activities that reach public waters.
8. No habitable structures, fueling or storage facilities over navigable waters of the United States are authorized under this PGP.
9. Approved floatation: 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 USACE.
10. No work shall be conducted under authority of these PGPs that requires discharge of wet or otherwise uncured concrete in areas below water unless explicitly authorized by APCO and unless the concrete is contained within waterproof forms until the concrete cures.
11. Failure to secure authorization as specified herein or failure to comply with the conditions of any authorizations under these PGPs may result in enforcement actions.
12. 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.

FURTHER INFORMATION:

1. Limits of this authorization:
 - a. This permit does not obviate (prevent) the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.

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- c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
2. Limits of Liability: In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or users thereof as a result of other permitted or unpermitted activities or from natural cause.
 - 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, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension or revocation of this permit.
3. Reevaluation of Permit Decision: The USACE and/or Site Manager may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provide by you in support of your permit application proves to have been false, incomplete or inaccurate.
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
4. Such reevaluation 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 you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

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