



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  
SAM-2015-00291-301-JMT

**DRAFT**

**Programmatic General Permits for Minor Structures and Activities in Georgia  
Power Company Reservoirs Within the Chattahoochee River Basin Located  
Within the Regulatory Boundaries of the Mobile District Within the State of  
Alabama**

Effective Date: DD Month Year  
Expiration Date: DD Month Year

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 CFR 1344) the U.S Army Corps of Engineers, Mobile District (USACE) proposes the issuance of the following Georgia Power Company Programmatic General Permits (PGPs) for a period of five (5) years.

The purpose of the PGPs is to expedite authorization of work, including minor structures, and other activities within the Federal Energy Regulatory Commission (FERC) project boundaries of Georgia Power Company (GPCO) reservoirs within the Chattahoochee River Basin in the State of Alabama that would have minimal adverse impact on the aquatic environment. 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 may 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.

**Notification Procedures:** Individuals desiring to undertake work authorized by the PGP shall notify and seek verification from GPCO. The applicant must contact GPCO at the appropriate address listed in Table 1 below, and submit a complete Joint Application Form to GPCO, which is available from the Site Manager or online at <http://georgiapowerlakes.com/bartlettsferry/>. 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: Georgia Power Reservoirs Contact Information

<b>Lake</b>	<b>Site Manager</b>	<b>Address</b>
Goat Rock Lake	Mr. Dawson Ingram (706) 317-6045	1516 Bartlett's Ferry Rd. 4430 Fortson, GA 31808-4430
Lake Harding (Bartlett's Ferry)	Mr. Dawson Ingram (706) 317-6045	1516 Bartlett's Ferry Rd. 4430 Fortson, GA 31808-4430
Langdale	Mr. Dawson Ingram (706) 317-6045	1516 Bartlett's Ferry Rd. 4430 Fortson, GA 31808-4430
Lake Oliver	Mr. Dawson Ingram (706) 317-6045	1516 Bartlett's Ferry Rd. 4430 Fortson, GA 31808-4430
Riverview	Mr. Dawson Ingram (706) 317-6045	1516 Bartlett's Ferry Rd. 4430 Fortson, GA 31808-4430
North Highland Lake	Mr. Dawson Ingram (706) 317-6045	1516 Bartlett's Ferry Rd. 4430 Fortson, GA 31808-4430

### **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 GEORGIA POWER PROGRAMMATIC GENERAL PERMITS

GPCO-PGP01 – 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. Floating docks, boat houses and boat shelters shall not be constructed over wetlands. Stationary docks and piers extending over wetlands should be elevated a minimum of 4 feet above the wetland substrate to prevent total shading of vegetation, substrate, or other elements of the aquatic environment. Boardwalks over wetlands require 0.75” spacing between decking boards. (Section 10)

GPCO-PGP02 – Construction of non-commercial boat slips. Dredging of less than 500 cubic yards of material from below mean high water or the ordinary high water mark. The depth of the boat slip shall be no greater than the depth of the water leading to the slip. Dredged material shall not be placed in adjacent waters, bottomland hardwoods or wetlands but shall be deposited in a confined upland area in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. (Sections 10 and 404)

GPCO-PGP03 – Construction and modification of boat ramps. Dredging and/or filling of less than 250 cubic yards below mean high water or the ordinary high water mark. 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. (Sections 10 and 404)

GPCO-PGP04 –Riprap for shoreline, bank, and channel protection. No vegetated wetland may be filled. Should the shore, bank or channel require dressing, the bedding fill below the ordinary high water mark 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. Note: If a channel is being protected by riprap, the backfill is limited to one (1) cubic yard per linear foot for each side. Use of appropriate filter fabric shall be considered, and may be required by the local authorities. Stream channelization projects are not authorized by this PGP. Groins, jetties, or solid structures perpendicular to the shore or bank are not authorized under this permit. (Sections 10 and 404)

GPCO-PGP05 – Bulkheads, sea walls and other standard shoreline protection/stabilization devices roughly paralleling, and at, the shoreline or bank. Bulkheading is limited to a total project length of 1,000 linear feet. However, the protection must be along the existing shoreline. The amount of backfill may not exceed an average of one (1) cubic yard per linear foot below the ordinary high water mark for area being protected. Note: If a channel is being protected by bulkhead, the backfill is limited to one (1) cubic yard per linear foot for each side. No wetlands may be filled. If the area, or portion thereof, to be protected is a wetland, no fill may be placed in the wetland, and the shore protection device must be designed to allow the normal hydrologic regime to be maintained. Appropriate filter fabric material is required. Groins, jetties, or solid structures perpendicular to the shore or bank may not be authorized under this permit. Furthermore, this permit may not be used to regain land lost to erosion, or otherwise accreted land. Only clean earthen fill, free of waste, metal 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)

GPCO-PGP06 – 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. (Sections 10 and 404)

GPCO-PGP07 – Maintenance dredging of existing boat slips, canals, or navigation channels. Maintenance dredging is limited to 500 cubic yards. The depth shall be no greater than the design depths and the depth of the waters leading to the area to be maintained. No dredging may be authorized in wetlands, bottomland hardwoods, vegetated shallows or submerged grass beds. Dredged material shall not be placed in adjacent waters, bottomland hardwoods or wetlands but shall be deposited in a confined upland area in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. Aquatic vegetation which has invaded previously dredged areas may be dredged during maintenance. (Sections 10 and 404)

GPCO-PGP08 – Maintenance dredging of existing ditches. Maintenance is limited to the dredging of a maximum of 500 cubic yards of material to return the area to the original bottom depth, width and length. Non-woody wetland and aquatic vegetation which has invaded previously dredged areas may be removed during maintenance. Dredged material shall not be placed in adjacent waters, bottomland hardwoods or wetlands, but shall be deposited in a confined upland area in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. (Section 10)

GPCO-PGP09 – 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)

GPCO-PGP10 – 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. (Sections 10 and 404)

GPCO-PGP11 – Fish havens, fish reefs, fishery enhancement, mariculture and aquaculture activities. These include spawning bed renovation, weed removal, fish attracting devices, trolling alley, etc. These activities will be coordinated with the Alabama Department of Conservation and Natural Resources at (334) 242-3484. (Sections 10 and 404)

## GENERAL CONDITIONS:

NOTE: For the purposes of the Programmatic General Permits (PGPs): the GPCO 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 this authorization.
10. Each permittee that receives a PGP verification letter shall provide a signed certification documenting completion of the authorized activity.
11. The permittee shall allow Federal or State resource agency representatives as well as GPCO representatives to inspect the proposed authorized activity at anytime deemed necessary.
12. 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. In addition, the permittee shall notify the Site Manager of the time the activity authorized herein will be commenced, as far in advance of the time of commencement as the Site Manager may specify, and of any suspension of work if for a period of more than one (1) week, resumption of work, and its completion.
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.
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. Flotation units of floating facilities shall be constructed of material that will not become waterlogged or sink when punctured.
10. No work shall be conducted under authority of these PGPs that requires discharge of wet or otherwise uncured concrete below the ordinary high water mark 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.

#### 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.
  - 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.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

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JON J. CHYTKA  
Colonel, Corps of Engineers  
District Commander

Craig J. Litteken, PMP  
Chief, Regulatory Division  
Mobile District

Enclosure:  
Site Map

