



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
SAVANNAH DISTRICT  
100 WEST OGLETHORPE AVENUE  
SAVANNAH, GEORGIA 31401-3604

**March 9, 2022**

Regulatory Division

**JOINT PUBLIC NOTICE**  
**Savannah District/State of Georgia**

**RE-ISSUANCE OF PROGRAMMATIC GENERAL PERMIT 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81 FOR MINOR STRUCTURES AND WORK WITHIN THE LIMITS OF GEORGIA POWER COMPANY LAKES IN THE STATE OF GEORGIA AND ALABAMA**

The Savannah District, U.S. Army Corps of Engineers (Corps), by means of this notice, hereby announces a proposal to re-issue Department of the Army Programmatic General Permits 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81 (PGP 69-81) pursuant to Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) with alterations, for a period of five years.

Scope: Programmatic General Permits (PGP) are a type of General Permit, which may be issued by the District Commander to authorize activities which are substantially similar in nature and cause only minimal individual and cumulative environmental impacts (33 C.F.R. Parts 322.2(f), 325.2(e), and 330). The scope of the PGPs would result in minimal individual and cumulative environmental impacts. Areas eligible for use of the PGPs are within the licensed Georgia Power Company (GPC) Project Boundary designated by the Federal Energy Regulatory Commission, and within the State of Georgia and Alabama. All proposals for use of these PGPs must be consistent with the limitations set forth in the below listed General and Special Conditions, and the GPC Shoreline Management Plan. GPC must be notified at least 15 days prior to beginning work, and the applicant must receive written verification from GPC that proposed work is within the scope of the PGPs and is permitted pursuant to programs administered by GPC.

Purpose: The proposed PGPs will consolidate review and permitting of minor activities within the licensed GPC Project Boundary designated by the Federal Energy Regulatory Commission, and within the State of Georgia and Alabama which are currently authorized by: Nationwide Permits, existing PGPs, and Individual Permits. The PGPs would provide a uniform set of general and special permit conditions that are applicable to projects within the GPC lakes.

Description of Activities Proposed for Authorization: The proposed PGPs would authorize persons, firms, and corporations, to construct minor structures and/or perform activities identified within PGP 69-81, within the licensed GPC Project Boundary designated by the Federal Energy Regulatory Commission, and within the State of

Georgia and Alabama, which require impacts to open waters of the U.S. See the enclosed draft revised PGPs 69-81 for a complete description of activities proposed for authorization, and the proposed terms and conditions for use of the PGPs.

Other Authorizations: Any jurisdictional activity not authorized by these PGPs, or that would exceed the limitations of the PGPs, would require project specific authorization from the Corps in the form of an IP. The District Commander may also require an IP on a case-by-case basis if it is determined that authorization under the proposed PGP, for a specific project would be contrary to the public interest.

## **STATE OF GEORGIA AND ALABAMA**

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division and the Alabama Department of Environmental Management (ADEM) will review the proposed PGPs for water quality certification, in accordance with the provisions of Section 401 of the Clean Water Act. Prior to issuance of a Department of the Army permit for a project location in, on, or adjacent to the waters of the State of Georgia and Alabama, review for Water Quality Certification is required. A reasonable period of time, which shall not exceed one year, is established under the Clean Water Act for the State to act on a request for Water Quality Certification, after which, issuance of such a Department of the Army permit may proceed.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia and/or Alabama, which may be in the form of a license, easement, lease, permit or other appropriate instrument.

## **U.S. ARMY CORPS OF ENGINEERS**

The Savannah District must consider the past, present and future impacts of the work that may be proposed for authorization under the PGPs, prior to a decision on the reissuance of the PGPs.

Cultural Resource Assessment: Special Condition Numbers 13 and 15 of the PGPs state that, "These PGPs do not authorize work that would impact, affect, or otherwise degrade any cultural resource which is listed in, eligible or potentially eligible for listing in the National Register of Historic Places (NRHP). This includes any future sites that become listed or nominated." and "If the permittee or the permittee's contractors discover any previously unknown historic or archaeological remains while accomplishing work or activities authorized by this PGP, the permittee shall immediately notify the Corps to determine requirements for further action." Therefore, if any National Register listed or eligible for listing cultural resource is located within a proposed project's potential area of affect, the Corps would conduct consultation pursuant to

Section 106 of the National Historic Preservation Act. Only work or activities determined to have no adverse effect on National Register listed, or eligible for listing cultural resources would be eligible for authorization under these PGPs.

Endangered Species: Special Condition Numbers 16 and 17 of the PGP state that, “The activities authorized by these PGPs shall not adversely affect any threatened or endangered species as identified under the Endangered Species Act, or destroy or adversely modify the critical habitat of such species.” And that “If the permittee or the permittee’s contractors discover any federally listed threatened or endangered species and/or their habitat while accomplishing the activities authorized by these PGPs, GPC shall be immediately notified. Within one business day of permittee notification, GPC shall notify the Corps to determine requirements for further action. The Corps will initiate the Federal and state coordination required to determine if the species and/or habitat warrant consultation with the U.S. Fish and Wildlife Service.”

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

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

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the proposed issuance of the PGPs. Requests for public hearings shall state, with particularity, the reasons for

requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Commander, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposal.

Comment Period: Anyone wishing to comment on the proposed issuance of the PGPs should submit comments by e-mail to [terry.c.kobs@usace.army.mil](mailto:terry.c.kobs@usace.army.mil). Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Terry C. Kobs, 1104 North Westover Blvd, Albany, Georgia 31707 or, no later than 30 days from the date of this notice. Please refer to the issuance of Proposed GPC PGPs in your comments. Information is available upon request concerning the Corps' provisional determination that the activities proposed for authorization by these PGPs comply with the requirements for issuance of General Permits (33 C.F.R. § 325.3(b)).

If you have any further questions concerning this matter, please contact Mr. Terry Kobs, Project Manager, Albany Field Office at 229-430-8567 or [terry.c.kobs@usace.army.mil](mailto:terry.c.kobs@usace.army.mil).

Enclosures:

1. Draft revised PGPs 69-81

Programmatic General Permits 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81

Effective Date: [REDACTED]

Expiration Date: [REDACTED]

DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT  
PROGRAMMATIC GENERAL PERMITS  
FOR MINOR STRUCTURES AND WORK  
WITHIN THE LIMITS OF GEORGIA POWER COMPANY LAKES  
IN THE STATE OF GEORGIA AND ALABAMA

On the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act (RHA) of March 3, 1899 (33 U.S.C. 403) and/or Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344), authority is hereby given for minor work and structures within certain, herein specified, Georgia Power Company (GPC) lakes within the States of Georgia and Alabama.

LOCATION: See Tables 1 and 2 below and the attached map for the location of the seventeen GPC lakes where use of the below-described Programmatic General Permits (PGPs) is authorized.

SCOPE: The PGPs only authorize activities which are considered to be minor in nature and would cause only minimal individual and cumulative impacts. Areas eligible for use of the PGPs are within the licensed GPC Project Boundary designated by the Federal Energy Regulatory Commission, and within the State of Georgia and Alabama. All proposals for use of these PGPs must be consistent with the limitations set forth in the below listed General and Special Conditions, and the GPC Shoreline Management Plan. GPC must be notified at least 15 days prior to beginning work, and the applicant must receive written verification from GPC that proposed work is within the scope of the PGP and is permitted pursuant to programs administered by GPC.

AUTHORIZED STRUCTURES AND WORK:

PGP 69 - Construction and maintenance of floating and fixed structures. Construction and maintenance of non-commercial piers, docks, wharves, boat shelters, boat houses, hoists, gazebos, sun decks, marine railways, stairways, and walkways. (Section 10)

PGP 70 - Construction of non-commercial boat slips. Dredging of less than 500 cubic yards of material from the lake. The depth of the boat slip shall be no greater than the depth of the water leading to the slip. (Section 10 and 404)

PGP 71 - Construction and modification of boat ramps or marine rails. Dredging of less than 250 cubic yards of material from the lake and/or the discharge of less than 250 cubic yards of dredged or fill material into the lake. Should dredging and a discharge of material both be performed, the combined total of material for both activities is limited to less than 250 cubic yards. (Section 10 and 404)

PGP 72 – Rip-rap for shoreline, bank, and channel protection. The volume of rip-rap and associate backfill material discharged below the normal full pool elevation of the lake may not exceed an average of one (1) cubic yard per linear foot; however, there is no limit to the amount of fill and rip-rap that may be placed above the normal full pool elevation. For channel protection, backfill is limited to an average of one (1) cubic yard per linear foot for each side of the channel. The use of appropriate filter fabric may be required by the local authorities. Groins, jetties, or other solid structures perpendicular to the shore or bank are not authorized. (Section 10 and 404)

PGP 73 - Bulkheads, sea walls, and other standard shoreline protection/stabilization devices roughly paralleling, and at the shoreline or bank. Structures are limited to a total project length of 1,000 linear feet along the existing shoreline. The volume of backfill may not exceed an average of one (1) cubic yard per linear foot below the normal full pool elevation of the lake. For channel protection, backfill is limited to an average of one (1) cubic yard per linear foot for each side of the channel. If any portion of the shoreline to be protected is wetland, no fill may be placed in the wetland, and the shore protection must be designed to allow the normal hydrologic regime of the wetland area to be maintained. Installation of appropriate filter fabric material behind the bulkhead is required. The placement of rip-rap is required at the base of all structures and will extend a maximum of four 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. Reclamation of land lost to erosion, or otherwise accreted land is not authorized. Groins, jetties, or solid structures perpendicular to the shore or bank are not authorized. (Section 10 and 404)

PGP 74 - Non-commercial mooring pilings and dolphins. Structures for mooring of houseboats are not authorized. (Section 10)

PGP 75 - New work channel dredging. Dredging of up to 500 cubic yards of material to create an open water channel for navigation access. The depth of dredging is limited to the controlling navigational depth. Dredging projects proposed by multiple applicants cannot be combined to exceed the 500 cubic yard limit. (Section 10 and 404)

PGP 76 - Maintenance dredging of existing boat slips, canals, or navigation channels. Maintenance dredging is limited to 500 cubic yards. Dredging depth shall be no greater than the design depths, and the depth of the water leading to the area to be maintained. (Section 10 and 404)

PGP 77 - Maintenance of existing ditches. Dredging of up to 500 cubic yards of accumulated sediment to return a ditch to its original construction depth, width, and length. (Section 10)

PGP 78 - Filling of previously dredged boat slips, artificial canals, etc. No wetlands, submerged grass beds, natural streams, or natural channels may be filled. If the area to be filled was a wetland or natural channel prior to being dredged, fill may not exceed the original pre-dredged elevation or dimension. (Section 10 and 404)

PGP 79 - Debris removal. This permit authorizes the removal of debris from any waterway for navigational or drainage purposes only. Debris includes but is not limited to stumps, tree limbs, appliances, lumber, metal objects, etc. Living vegetation attached to the substrate would not be considered debris. All debris must be properly placed in an approved landfill. Alternative disposal sites for woody debris may be authorized on a case-by-case basis, but only after full coordination with the Corps and U.S. Fish and Wildlife Service (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 water bottom. Use of this PGP would most commonly be associated with post storm (severe thunderstorms, tornadoes, straight line winds, winter storms, etc.) and/or flood event clean-up situations, but may be used to authorize smaller scale and/or non-storm related debris removal activities on a case-by-case basis as determined appropriate by GPCO and/or Corps. (Section 10 and 404)

PGP 80 – Creation of fish havens, fish reefs, fishery enhancement, and aquaculture activities. These include spawning bed renovation, weed removal, fish attracting devices, trolling alleys, etc. These activities will be coordinated with the Georgia Department of Natural Resources at 1-888-373-5947. (Section 10 and 404)

PGP 81 - Normal operation and maintenance activities associated with Federal Energy Regulatory Commission requirements, as amended from time to time. No new work is authorized unless otherwise described in these PGPs, or separately authorized by the Corps. (Section 10 and 404)

Table 1. GPC Lakes Subject to Jurisdiction under Section 10 of the RHA and Section 404 of the CWA. Latitude/Longitude

<b>Lake</b>	<b>Latitude/ Longitude</b>	<b>Georgia Counties</b>	<b>Alabama Counties</b>
Goat Rock Lake	32.6056/-85.0673	Harris	Lee
Lake Harding (Bartlett's Ferry)	32.6578/-85.0836	Harris	Chambers & Lee
Langdale	32.8086/-85.1595	Harris	Chamber
Morgan Falls	32.9606/-84.3803	Cobb & Fulton	
North Highland	32.4895/-84.9886	Muscogee	
Lake Oliver	32.5091/-84.9895	Muscogee	Lee
Riverview	32.8000/-85.1521	Harris	Chambers
Lake Worth (Flint River Project)	31.6013/-84.1321	Dougherty	

Table 2. GPC Lakes Only Subject to Jurisdiction under Section 404 of the CWA.

<b>Lake</b>	<b>Latitude/ Longitude</b>	<b>Georgia Counties</b>	<b>Alabama Counties</b>
Lake Burton	34.7861/-83.5345	Rabun	
Lake Jackson (Lloyd Shoals)	33.3125/-83.8348	Butts, Jasper & Newton	
Lake Oconee (Wallace Dam)	33.3500/-83.1548	Green, Hancock, Morgan & Putnam	
Lake Rabun (Terrora/Mathis Dam)	32.9606/-84.3803	Rabun	
Lake Seed (Nacoochee)	34.7528/-83.5006	Georgia - Rabun	
Lake Sinclair	33.1341/-83.2013	Georgia - Baldwin, Hancock & Putnam	
Tallulah Lake (Tallulah Falls)	34.7331/-83.3875	Rabun	
Lake Tugalo	34.7085/-83.3513	Habersham & Rabun	Oconee
Lake Yonah	34.6691/-83.3353	Habersham & Stephens	Oconee



## GENERAL CONDITIONS:

1. 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 Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. No attempt shall be made by a permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by the PGPs.
3. If and when a Permittee desires to abandon the activity authorized by this PGP, the permittee must restore the area to the original condition or a condition satisfactory to the Corps. Other state or federal permitting agencies, and/or GPC may have additional restoration requirements.
4. The permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by waves from passing vessels. The issuance of these PGPs does not relieve the permittee from taking all proper steps to ensure that the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.
5. Activities not specified in these PGPs or which exceed the limitations of the PGPs require prior authorization from the Corps under a Department of the Army Nationwide Permit, Letter of Permission or Individual Permit. The District Commander may also require Individual Permit authorization on a case-by-case basis if he determines authorization under these PGPs for a project might be contrary to the public interest.
6. The procedures outlined in the Corps Regulatory Programs (33 Code of Federal Regulation § 325.7) allow for the District Commander to modify, suspend, or revoke a PGP for an individual activity, a category of activities, or a geographic area if he feels it would be in the public interest. The general public would be notified of such action by public notice.
7. If the Secretary of the Army or his authorized representative determines there has been a violation of the terms and conditions of this PGP, he may suspend or revoke the authorization for an individual project under one or more of the PGPs. In addition, failure to comply with the terms and conditions of the PGPs may result in removal of the structures, restoration of the waterway, and/or imposition of penalties as provided by law.

8. The permittee must maintain the activity authorized by the PGPs in good condition and in conformance with the terms and conditions of the PGPs.

9. 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.

#### SPECIAL CONDITIONS:

1. Applicants must notify GPC in writing prior to beginning work proposed under authority of these PGPs. No work in waters of the United States shall proceed until the applicant receives written verification from GPC that the proposed work is within the scope of the applicable PGP(s) and is permitted pursuant to other programs administered through GPC (such as consistency with the Shoreline Management Plan). The applicant's notification must include all information required on the applicable application form and the applicant's written intention to comply with all terms and conditions of the PGPs.

2. Record keeping of PGP use and reporting use to the Corps is the responsibility of GPC, Natural Resource Management Field Offices (Field Offices). Each Field Office will keep records of issued GPC permits, which will include verification that the authorized project was determined to be within the scope of a PGP(s). Within 15 days of the end of each quarter of the calendar year (i.e., March, June, September, and December), Field Offices will provide the Corps with a "Quarterly Report," listing all projects permitted by GPC during the preceding quarter. Quarterly Reports will include the following minimum information: a brief project description; the project location; the applicable PGP; GPC permit number (tracking number) assigned to the project; and the result of any inspection that may have been conducted on the project site.

3. GPC will track records of compliance inspections conducted on PGP projects within GPC's Land Information Management System (LIMS) GIS Platform. These records will include the following minimum information: GPC permit number; the date of the inspection; and whether the project was found to be in compliance with the terms and conditions of the PGP(s). These files will be available upon request.

4. GPC's LIMS GIS Platform will permanently retain records of all projects verified to comply with a PGP(s), by lot number and permit number. The file will include authorization requests made to GPC, project/activity plans and drawings, GPC field inspection records, lease agreements, and any other lot related information. All files will be available upon request.

5. The time limit for completing the work authorized under the authority of these PGPs cannot exceed 5 years or PGP expiration, whichever comes first. The permittee shall notify GPC of the time the authorized activity is commenced and completed. Be advised that that work authorized by GPC must be completed by the expiration date of the PGPs. Work that is authorized by GPC under authority of the PGPs, but which is not completed prior to expiration of the PGPs, must be re-authorized by GPC under authority of subsequent PGPs, if re-authorized by the Corps, or through other Corps permitting processes.

6. Floating docks, boat houses, and boat shelters shall not be constructed over wetlands. Stationary docks and piers extending over wetlands shall be elevated a minimum of four (4) feet above the wetland substrate to prevent total shading of vegetation, substrate, or other elements of the aquatic environment.

7. Flotation units of floating facilities shall be constructed of material that will not become waterlogged or sink when punctured. On all new docks and boat mooring buoys, flotation shall be of materials which will not become waterlogged (not over 1-1/2 percent by volume ASTM), is resistant to damage by animals, and will not sink or contaminate the water if punctured. No metal covered or injected drum flotation will be allowed. Foam bead flotation that is not subject to deterioration through loss of beads or meets the above criteria and has a minimum density of 1.2 pound/cubic foot is authorized. Foam bead flotation with a density of 1.01 pound/cubic foot, but does not otherwise meet the above criteria, is authorized provided it is encased in an approved protective coating, which enables it to meet the specifications above. An approved coating is defined as warranted by the manufacturer for a period of at least eight years against cracking, peeling, sloughing, and deterioration from ultra-violet rays, while retaining its resiliency against ice and bumps by watercraft. Existing flotation will be authorized until it has severely deteriorated and is no longer serviceable or capable of supporting the structure, at which time it should be replaced with approved flotation.

8. Floating facilities shall be securely attached in accordance with the approved plans by means of pilings, which do not obstruct general public use of shoreline or adversely affect the natural terrain of vegetation. Anchoring to vegetation is prohibited.

9. Dredged material disposal sites shall be identified and approved by GPC prior to the commencement of work. All dredged material requiring disposal shall be placed in a confined upland area in such a manner that the sediment will not re-enter a Waters of the U.S. or interfere with natural drainage. On a case-by-case basis, material that is dredged from the lake under authority of these PGPs may be beneficially used as backfill for other activities that are also authorized by these PGPs.

10. The discharge of dredged or fill material into waters of the United States shall consist of suitable material free from toxic pollutants. All earthen fill material, not excavated at project locations, shall be obtained from non-contaminated high ground sources which have little or no organic content. All dredged or borrowed material used as fill on this project will be from clean, uncontaminated sources, and free from cultural resources, waste, metal and organic trash, or other unsightly debris.

11. These PGPs do not authorize dredging from, or the discharging of dredged or fill material into wetlands or other special aquatic sites.

12. Construction debris, liquid concrete, old rip-rap, old support materials, or litter shall not be placed in streams or in areas where migration into streams, wetlands, or other waters of the United States (i.e., GPC lakes) could reasonably be expected.

13. These PGPs do not authorize work that would impact, affect, or otherwise degrade any cultural resource which is listed in, eligible or potentially eligible for listing in the National Register of Historic Places (NRHP). This includes any future sites that become listed or nominated.

14. GPC shall require an applicant to conduct a shoreline archaeological survey if there is a known or suspected cultural resource site within 100 meters of a proposed project area. A copy of the report shall be provided to the Corps for review prior to authorization of any work.

15. If the permittee or the permittee's contractors discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by PGP, GPC shall be immediately notified. Within one business day of permittee notification, GPC shall notify the Corps to determine requirements for further action.

16. The activities authorized by these PGPs shall not adversely affect any threatened or endangered species as identified under the Endangered Species Act or destroy or adversely modify the critical habitat of such species.

17. If the permittee or the permittee's contractors discover any federally listed threatened or endangered species and/or their habitat while accomplishing the activities authorized by these PGPs, GPC shall be immediately notified. Within one business day of permittee notification, GPC shall notify the Corps to determine requirements for further action. The Corps will initiate the Federal and state coordination required to determine if the species and/or habitat warrant consultation with the U.S. Fish and Wildlife Service.

These PGPs do not authorized activities that would adversely impact active bald eagle nesting sites located on or adjacent to a GPC lake. Work shall not be conducted under authority of these PGPs during the bald eagle nesting season (October-May) on any project site that is located within 660 feet of an active bald eagle nesting site. If a

proposed project would involve blasting, pile driving, or other loud noises during the bald eagle nesting season, on a site located within one mile of active bald eagle nest, GPC will ensure that an Applicant coordinates with the U.S. Fish and Wildlife Service prior to project approval.

18. The permittee agrees to make every reasonable effort to execute the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

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

20. All work performed under authority of the PGPs, and within the State of Georgia, is subject to the conditions contained in the attached Water Quality Certification, issued by the Georgia Department of Natural Resources, Environmental Protection Division (GAEPD), pursuant to Section 401 of the Clean Water Act.

21. All work performed under authority of the PGPs, and within the State of Alabama, is subject to the conditions contained in the attached Water Quality Certification, issued by the Alabama Department of Environmental Management (ADEM), pursuant to Section 401 of the Clean Water Act.

22. Projects authorized by the subject PGPs that also entail work on dry land adjacent to the lake may require a variance from GAEPD or ADEM prior to conducting land disturbing activities or placement of materials within the State-mandated buffer.

23. Prior to the commencement of construction activities for this activity, the permittee shall ensure that this project complies with all applicable rules, requirements, and/or regulations of the Federal Emergency Management Agency and/or the Georgia Floodplain Management Office or the Alabama Department of Economic and Community Affairs Office of Water Resources Floodplain Management Unit with regard to construction activities in designated floodplains and/or floodways prior to commencement of work activity, to include revisions to the National Flood Insurance Program maps if required.

24. All work conducted under these PGPs shall be located, outlined, designed, constructed and operated in accordance with the minimal requirements as contained in the Georgia Erosion and Sedimentation Control Act of 1975, as amended." Utilization of plans and specifications as contained in "Manual for Erosion and Sediment Control, (Latest Edition)" published by the Georgia Soil and Water Conservation Commission or "The Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas" their equivalent published by the Alabama Soil & Water Conservation Committee will aid in achieving compliance with the aforementioned requirements. The latest edition of the manual can be accessed at

www.gaswcc.org.

25. The permittee(s) shall ensure that all contractors, subcontractors, and other personnel performing work are fully aware of the terms and conditions of these PGPs.

#### FURTHER INFORMATION:

1. Congressional Authorities: Authorization to undertake the activities described above are issued pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. These permits do not obviate the need to obtain other Federal, State, or local authorization.

b. These permits do not grant any property rights or exclusive privileges.

c. These permits do not authorize any injury to the property or rights of others.

d. These permits do not authorize interference with any existing or proposed federal projects.

3. Limits of Federal Liability. In issuing these permits, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted, unpermitted activities, or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, to other permitted or unpermitted activities, or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Re-evaluation of Permit Decision. The Corps may re-evaluate its decision on an activity authorized by a Programmatic General Permit at any time the circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to, the following:

- a. The permittee's failure to comply with the terms and conditions of the permit.
  - b. The information provided by the permittee in support of their permit application proves to have been false, incomplete, or inaccurate.
  - c. Significant new information surfaces which the Corps did not consider in reaching the original public interest decision.
5. Such a re-evaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring the permittee to comply with the terms and conditions of his permit authorization and for the initiation of legal action where appropriate. The permittee will be required to pay for any corrective measures ordered by the Corps, and if the permittee fails to comply with such directive, the Corps may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contractor otherwise and bill the permittee for the cost.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

for Joseph R. Geary, PhD, PE  
 Colonel, U.S. Army  
 District Engineer

DATE

for Jeremy J. Chapman  
 Colonel, U.S. Army  
 District Engineer

DATE