



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, MOBILE DISTRICT  
218 SUMMIT PARKWAY, SUITE 222  
HOMEWOOD, ALABAMA 35209**

CESAM-RD-N  
SAM-2020-00445/450-LET

October 5, 2020

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

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

<b>Permit</b>	<b>Activity</b>
GPCO-PGP-1	Debris Removal
GPCO-PGP-2	Construction of non-commercial boat slips; maintenance dredging of existing boat slips, canals, or navigation channels
GPCO-PGP-3	Construction and/or maintenance of fixed structures
GPCO-PGP-4	Construction and modification of boat ramps
GPCO-PGP-5	Riprap for shoreline, bank, and channel protection; bulkheads and other standard shoreline protection/stabilization devices roughly paralleling, and at, the shoreline or bank
GPCO-PGP-6	Reserved
GPCO-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) has authorized the following Georgia Power Company (GPCO) 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.

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.

Programmatic General Permits for Minor Structures and Activities in Georgia Power Company Reservoirs  
Within the Chattahoochee River Basin Located Within the State of Georgia

GPCO owns the pool property, and in some areas, has additional property rights along the shoreline of the following reservoirs: Goat Rock Lake, Lake Harding, Langdale, Lake Oliver, Riverview, and North Highland Lake. GPCO regulates certain 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 GPCO.

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, has authorized the enclosed PGPs. These PGPs are only applicable within the FERC project boundaries of GPCO reservoirs, **Lake Harding, Goat Rock Lake, and Lake Oliver**, located in the Chattahoochee River basin within the State of Alabama (reference map in enclosed summary document).

Under these PGPs, a permit applicant will only apply to GPCO, rather than applying to both GPCO and the USACE for authorization. GPCO will (1) verify that the proposed project meets the terms and conditions of the PGP(s); (2) notify the applicant and; (3) provide any General and Special Conditions of the PGP(s) including the State of Alabama's 401 Water Quality Certification Conditions. This notification will accompany GPCO's Shoreline Permit.

General permits must be reviewed a minimum of every five (5) years. However, since the water quality certification issued by the Alabama Department of Environmental Management expires on September 7, 2025, these PGPs will be reviewed prior to that date. 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.

If you have any questions concerning this notice or for additional information, you may contact Ms. Leslie Turney ([leslie.e.turney@usace.army.mil](mailto:leslie.e.turney@usace.army.mil)), phone (205) 213-9623.

For additional information about our Regulatory Program, please visit our web site at [www.sam.usace.army.mil/Missions/Regulatory.aspx](http://www.sam.usace.army.mil/Missions/Regulatory.aspx).

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MOBILE DISTRICT  
U.S. Army Corps of Engineers



**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, MOBILE DISTRICT  
218 SUMMIT PARKWAY, SUITE 222  
HOMEWOOD, ALABAMA 35209

**Georgia Power Company Reservoirs Within the Chattahoochee River Basin**  
**Within the State of Alabama**

Effective Date: 29 September 2020

Expiration Date: 7 September 2025

**AUTHORITY:**

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), the Mobile District, U.S. Army Corps of Engineers (Mobile District) hereby revises and issues the following Georgia Power Company Programmatic General Permits (GPCO-PGPs) for a period of five (5) years. The ability to issue verification of permit coverage under a PGP avoids other Mobile District permit evaluation procedures and unnecessary duplication of regulatory efforts exercised by Federal, state or local agencies and provides an expedited means of project evaluation without reducing the degree of protection afforded the waters of the United States.

The term “programmatic general permit” means a Department of the Army (DA) authorization that is issued on a regional basis for a category or categories of activities when:

(1) Those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or

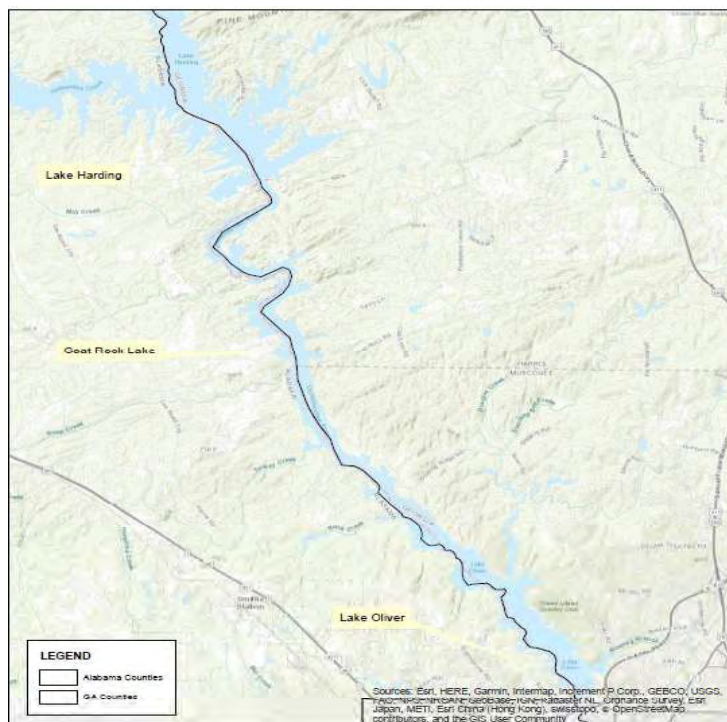
(2) The programmatic general permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State or local agency provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal.

GEORGIA POWER PROGRAMMATIC GENERAL PERMITS SUMMARY	
Permit	Activities
GPCO-PGP-01	Debris Removal
GPCO-PGP-02	Construction of Non-Commercial Boat Slips; Maintenance Dredging of Existing Boat Slips, Canals, or Navigation Channels
GPCO-PGP-03	Construction and/or Maintenance of Fixed Structures
GPCO-PGP-04	Construction and Modification of Boat Ramps
GPCO-PGP-05	Riprap for shoreline, bank, and channel protection; bulkheads and other standard shoreline protection/ stabilization devices roughly paralleling, and at the shoreline or bank
GPCO-PGP-06	RESERVED *See Note 1
GPCO-PGP-07	Filling of previously dredged areas such as boat slips, artificial canals, etc.

*\* Note 1: This permit is placed under reserved status pending further review and coordination by the Mobile District. Should this permit be re-authorized, a Public Notice announcement will then be issued.*

**GEOGRAPHIC APPLICABILITY:**

These PGP are applicable within the Federal Energy Regulatory Commission (FERC) project boundaries of the Georgia Power Company reservoirs within the Chattahoochee River basin within the State of Alabama at Lake Oliver, Goat Rock Lake, and Lake Harding (see map below). Each reservoir is considered a water of the United States within the regulatory boundaries of the Mobile District.



**ADMINISTRATION:**

A project specific verification must be obtained for all activities covered under the Georgia Power Company Programmatic General Permits (GPCO-PGP) **prior** to the start of regulated activities in waters of the United States. A pre-construction notification (PCN) for verification of permit coverage under the GPCO-PGP may be submitted to and verification letters issued by the GPCO Site Manager at the following location:

**Georgia Power Company  
1516 Bartletts Ferry Road  
Fortson, Georgia 31808  
Telephone: (706) 322-0228**

**PRE-CONSTRUCTION NOTIFICATION (PCN):**

The prospective permittee is required to submit a PCN for their project. It is recommended to submit the PCN as early as possible, and if possible, at least 60 days prior to the planned start of their proposed project. Please note that reviews of projects that have potential to affect cultural resources or threatened and endangered species may take longer than 60 days to complete. The PCN must include the appropriate, completed Georgia Power Bartletts Ferry Lakes Permit Application Form(s) and required location maps and project drawings. These forms can be accessed at the Georgia Power Lakes, Bartletts Ferry, Shoreline Management website at:

**<http://georgiapowerlakes.com/bartlettsferry/shoreline-management/>**

In most instances, a proposed project complying with the conditions of the GPCO-PGPs, including the attached General Conditions, can receive project specific authorization. However, conformance with the conditions contained in the GPCO-PGPs does not necessarily guarantee authorization under the GPCO-PGP. Any proposed project not complying with the conditions of a PGP will be evaluated by the USACE as a Nationwide Permit or Individual Permit. Individual Permits will be individually coordinated with third parties, including Federal and state resource agencies. For any activities that must be evaluated directly by the USACE, the PCN must include a completed "Joint Application and Notification, U.S. Department of Army, Corps of Engineers, Alabama Department of Environmental Management" form (commonly referred to as the Alabama Joint Application Form). This form can be accessed at the USACE, Mobile District, Regulatory Division website or the Alabama Department of Environmental Management website at:

**[www.sam.usace.army.mil/Missions/Regulatory/E-Submittal-of-Applications/](http://www.sam.usace.army.mil/Missions/Regulatory/E-Submittal-of-Applications/)**

or

**[www.adem.alabama.gov/DeptForms/Form166.pdf](http://www.adem.alabama.gov/DeptForms/Form166.pdf)**

## **ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT:**

The Alabama Department of Environmental Management (ADEM) has reviewed these programmatic general permits and issued a conditioned Water Quality Certification (WQC) letter pursuant to Section 401(a)(1) of the Clean Water Act (CWA). The WQC letter includes sixteen (16) conditions which the ADEM requested to be incorporated into each permit. The ADEM's certification of these programmatic general permits will expire on September 7, 2025.

## **HISTORIC, CULTURAL, AND TRIBAL RESOURCES:**

The Mobile District has determined that establishment of the permits included in the 2020 GPCO-PGP Program will have no potential to cause effects to cultural, historical, or tribal resources or properties listed in or eligible for the National Register of Historic Places (NRHP), provided that the following review procedures are followed: Individual projects that may be authorized under this PGP will be reviewed by GPCO's archaeologists and/or Shoreline/Land Management Specialists. The GPCO staff will review their database of known sites as well as the Alabama Cultural Resource Online Database (ACROD, also known as Alabama State Site File) and the Alabama Historical Commission - Online Historic Preservation Initiative. Individual projects located within the known boundary of a known historic property or potential eligible cultural site, or within 75 feet of a known historic property or potentially eligible cultural site, will be referred back to the Mobile District for processing and review and consultation with the State Historic Preservation Officer (SHPO), as appropriate. The requirement that the Mobile District must process the applications for all PGP activities within a 75-foot radius of a known historic site, may be waived by the District on a case-by-case basis pursuant to coordination between the USACE archaeologist and GPCO archaeologists, which determines there is no potential to cause effects to historic properties due to the limited scope and nature of the proposed activity. The coordination between USACE and GPCO archaeologist will be documented in the quarterly report as outlined in Special Condition SP-4. Additionally, General Condition GC-8 requires permittees to cease work and contact the GPCO Site Manager if any previously unknown historic or cultural resources are discovered during permitted project activities.

If the Mobile District determines that an individual project may affect historic properties to which any federally recognized Indian Tribe may attach religious and cultural significance, then (in addition to the SHPO) the Mobile District will also contact the appropriate Indian Tribe(s) in a manner suitable to initiate government-to-government consultation. The Mobile District is responsible for making the effects determination for each project, and after written notification of the determination is made to the SHPO, will provide the SHPO thirty (30) days to respond. In the case of projects for which the Mobile District has made a determination that a project may affect historic tribal properties, the District will, after initiating government-to-government consultation, also provide the consulting Indian Tribe thirty (30) days to respond. Verifications cannot be issued until all required consultation pursuant to Section 106 of the NHPA and 33 CFR part 325, Appendix C is complete.

Actions authorized under this PGP which are not reviewed by the Mobile District will be reported to the Mobile District according to Special Condition SP-4.

## **THREATENED AND ENDANGERED SPECIES:**

The Mobile District has determined that establishment of the permits included in the 2020 GPCO-PGP Program will have no effect on listed threatened and/or endangered species, and no effect on designated critical habitat. There are currently no known extant federally listed aquatic species, nor areas of designated critical habitat, within the GPCO-PGP program coverage area (FWS Log No. 2020-I-2676).

The following review procedures will be implemented prior to verification of any individual PGP project to ensure there will be no effects to federally listed species or designated critical habitat: A GPCO Shoreline/Land Management Specialist will review the proposed action(s) and determine if the site is located in an area where threatened and/or endangered species are known to occur (species evaluation resources include, GPCO species databases, U.S. Fish and Wildlife Service (USFWS) Environmental Conservation Online System (ECOS), USFWS Information for Planning and Conservation (IPaC), USFWS Threatened & Endangered Species Active Critical Habitat Report and Critical Habitat Mapper websites, etc.). If the proposed action is in such an area, GPCO will not verify the PGP but will forward the permit request to the Mobile District for further evaluation and consultation with the USFWS as appropriate. Furthermore, General Condition GC-7 states if any federally listed threatened or endangered species is discovered while accomplishing work or activities authorized by these PGPs, the work shall cease, and the permittee shall immediately notify the GPCO Site Manager. Within 24 hours of permittee notification, the Site Manager shall notify the Mobile District. The Mobile District will initiate the Federal and state coordination required to determine if the species and/or habitat warrant further consultation with the USFWS. Based upon this review procedure, no activity shall be authorized by these programmatic general permits that is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species.

## **DEPARTMENT OF THE ARMY, MOBILE DISTRICT - FURTHER INFORMATION:**

For the purposes of these Programmatic General Permits (PGPs): the GPCO Site Manager is the entity to review and verify whether proposed work or activities would qualify for authorization under the terms and conditions of these PGPs, except when otherwise specified or the project is forwarded to the Mobile District by the Site Manager; 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 these PGPs.

### **a. Limits of Authorization:**

- (1) These permits do not obviate the need to obtain other Federal, state, or local authorizations required by law.
- (2) These permits do not grant any property rights or exclusive privileges.
- (3) These permits do not authorize any injury to the property or rights of others
- (4) These permits do not authorize interference with any existing or proposed Federal project.

- b. Limits of Liability:** In issuing these authorizations, neither the Federal Government, the State of Alabama, nor any designated resource agency; their staff or employees, assume any liability.
- c. Reliance on Applicant's Data:** In part, each individual determination by the Mobile District that verification of permit authorization is not contrary to the public interest is made with reliance on the information provided by the applicant.
- d. Re-evaluation of Permit Decision:** The Mobile District may re-evaluate any permit verification decision at any time the circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to, the following:
- (1) Failure to comply with the terms and conditions of the verification letter or the permit.
  - (2) The information provided in support of the PCN proves to have been false, incomplete, or inaccurate (See c. above.)
  - (3) Significant new information surfaces which USACE did not consider in reaching the original public interest decision.
  - (4) Such a re-evaluation may result in a determination that it is appropriate to use the suspension, modification, or 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 compliance with the terms and conditions of the permit and for the initiation of legal action where appropriate. The applicant/permittee will be required to pay for any corrective measures ordered by this office and failure to comply with such directive, may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise request restitution.
- e. Expiration, Revocation or Suspension of this Programmatic General Permit Program:** These programmatic general permits will be valid for a five-year period unless suspended or revoked at an earlier date. They may be suspended or revoked, in whole or in part, if it is determined that the cumulative effects of any activities pursuant to them adversely affect water quality, navigation, or other public interest factors. Such suspension shall be effective upon issuance of a public notice which shall indicate a date to periodically determine if continuation of these permits is in the overall public interest.

These programmatic general permits will be re-advertised via public notice every five years as part of a public interest review. The Mobile District will periodically review each of the permits within the GPCO-PGP Program and their conditions in conjunction with Georgia Power Company and will decide to modify, reissue, or revoke the permits. If a PGP is not modified or reissued within five years of its effective date, it automatically expires and becomes null and void. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon an authorized PGP will remain authorized provided the activity is completed within twelve months of the date of



the permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.7. Activities completed under the authorization of these permits which were in effect at the time the activities were completed continue to be authorized by these permits unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.7.

- f. **Time Extensions**: Authorization under these PGPs is valid until their scheduled expiration date of September 7, 2025. However, if you have commenced or are under contract to commence the permitted activity before September 7, 2025, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2020 GPCO-PGPs. In the event you have not commenced or completed your project by this date, a new PCN will be required.
- g. Failure to secure verification of authorization under these programmatic general permits as specified herein or failure to comply with conditions of any PGP or any verification issued for these permits may result in enforcement actions by the Mobile District or the Alabama Department of Environmental Management

For the Commander

SEBASTIEN P. JOLY  
Colonel, U.S. Army  
District Commander

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CRAIG J. LITTEKEN, PMP  
Chief, Regulatory Division

DATE: 29 September 2020

## DEPARTMENT OF THE ARMY PERMIT

ELIGIBLE STRUCTURES AND ACTIVITIES  
GEORGIA POWER PROGRAMMATIC GENERAL PERMITS

SAM-2020-00445-LET

**GPCO-PGP-01 – 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 USACE 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 USACE. (Section 10)

SAM-2020-00446-LET

**GPCO-PGP-02 – CONSTRUCTION OF NON-COMMERCIAL BOAT SLIPS; MAINTENANCE DREDGING OF EXISTING BOAT SLIPS, CANALS, OR NAVIGATION CHANNELS:**

This permit authorizes the dredging of less than 500 cubic yards of material from below the ordinary high water mark. The depth shall be no greater than the design depths of the slip, canal or channel, and the depth of the water 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)

SAM-2020-00447-LET

**GPCO-PGP-03 – CONSTRUCTION AND/OR MAINTENANCE OF FIXED STRUCTURES:**

This permit authorizes the construction and maintenance of non-commercial piers, docks, wharves, boat shelters, boat houses, hoists, gazebos, sun decks, stairways and walkways involving no fill in waters of the United States, including wetlands. The size limits of each structure shall be no greater than the size limits specified in the Georgia Power Shoreline Management Permit. (Section 10)

SAM-2020-00448-LET

**GPCO-PGP-04 – CONSTRUCTION AND MODIFICATION OF BOAT RAMPS:**

This permit authorizes the dredging and/or filling of less than 250 cubic yards below mean high water or the plane of ordinary high water or ordinary high water mark (OHWM) 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 shall be no wider than 20 feet. (Sections 10 and 404)

SAM-2020-00449-LET

**GPCO-PGP-05 – RIPRAP FOR SHORELINE, BANK, AND CHANNEL PROTECTION; BULKHEADS AND OTHER STANDARD SHORELINE PROTECTION/STABILIZATION DEVICES ROUGHLY PARALLELING, AND AT THE SHORELINE:**

This permit authorizes the installation of shoreline protection/stabilization devices at or below the existing ordinary high water mark (OHWM) shoreline or where slope dressing is required. The volume of rip-rap and associated backfill material discharged below the normal full pool elevation or OHWM 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 OHWM provided wetlands would not be impacted. 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 (e.g., low profile installations). 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. For channel protection, 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 are not authorized under this permit. Furthermore, this permit may not be used to regain land lost to erosion, or otherwise accrete land. Riprap will be placed at the base of all bulkheads.

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)

SAM-2020-00450-LET

**GPCO-PGP-07 – FILLING OF PREVIOUSLY DREDGED AREAS SUCH AS BOAT SLIPS, ARTIFICIAL CANALS, ETC.:**

This permit authorizes the filling of previously dredged artificial water features/waterways. 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 of the wetland and/or channel. Further, no area providing mitigation, enhancement or flushing of an aquatic system may be filled. (Sections 10 and 404)

**GENERAL CONDITIONS:**

- GC-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.
- GC-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.
- GC-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.
- GC-4 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.
- GC-5 Appropriate soil erosion and sediment controls must be used and maintained in effective operating conditions during construction, and all exposed soil and other fill, 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. Moreover, permittees are encouraged to follow Best Management Practices as provided in the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas which can be found at <https://alconservationdistricts.gov/resources/erosion-and-sediment-control/>.
- GC-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.
- GC-7 If a federally listed threatened or endangered species is discovered while accomplishing the work or activities authorized by these PGPs, the work shall cease, and the permittee shall immediately notify the GPCO Site Manager. Within 24 hours of permittee notification, the Site Manager shall notify the Mobile District. The Mobile District will initiate the Federal and state coordination required to determine if the species discovery warrants further consultation with the U.S. Fish and Wildlife Service.

- GC-8 If the permittee or the permittee's contractors discover any previously unknown historic or archaeological remains while accomplishing the work or activities authorized by these PGPs, the work shall cease, and the permittee shall immediately notify the GPCO Site Manager. Within 24 hours of permittee notification, the Site Manager shall notify the Mobile District to determine requirements for further action. For each project proposed to be authorized under a PGP, the GPCO archaeologist and/or Shoreline/Land Management Specialists will look over the proposed actions, review their database of known sites, the ACROD, and the Alabama Historical Commission-Online Historic Preservation Initiative, and then verify the permit, or forward to the Mobile District for evaluation if projects are located within 75 feet of an identified cultural resource.
- GC-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 GPCO-PGP verification. The GPCO permit itself is not transferable.
- GC-10 The permittee shall allow Federal or state resource agency representatives as well as GPCO representatives to inspect the proposed and/or authorized activity at any time deemed necessary.
- GC-11 No work shall be performed under authority of this PGP 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.
- GC-12 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.
- GC-13 Conformance with descriptions and quantities contained herein does not necessarily guarantee consideration and/or subsequent authorizations.
- GC-14 Construction debris, liquid concrete, old riprap, 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 to occur.
- GC-15 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

**SPECIAL CONDITIONS:**

- SP-1 A complete copy of the PGP document with the stated General Conditions, Special Conditions, and Water Quality Certification will be maintained at the Georgia Power Lakes Shoreline Management website (<http://georgiapowerlakes.com/bartlettsferry/shoreline-management/>). 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 and the website location for reference.
- SP-2 The time limit for completing the work authorized under the authority of these PGPs will be specified by GPCO. The permittee shall notify the GPCO 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 work completion. The work authorized by GPCO must be completed by the expiration date of the PGPs. Work that is authorized by GPCO under authority of the PGPs, but which is not completed prior to expiration of the PGPs, must be re-authorized by GPCO under authority of subsequent PGPs, if the PGP program is re-authorized by the USACE.
- SP-3 All work performed under authority of the PGPs is subject to the conditions contained in the attached Water Quality Certification, issued by the Alabama Department of the Environment (ADEM), pursuant to Section 401 of the Clean Water Act.
- SP-4 Record keeping of PGP use and reporting of use to the Mobile District is the responsibility of GPCO, Land Department Field Offices (Field Offices). Each Field Office will keep records of issued GPCO permits, which will include verification that the authorized project was determined to be within the scope of a PGP(s). With 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," listing all projects permitted by GPCO during the preceding quarter. Quarterly Reports will include the following minimum information: a brief project description; map of the project location; the applicable PGP; GPCO permit number (tracking number) assigned to the project; a brief description of the results of the cultural resource background research; the distance from the nearest known historic property/unevaluated cultural resource and the result of any field inspection that may have been conducted on the project site.



Alabama Department of Environmental Management  
adem.alabama.gov

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Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

September 8, 2020

COLONEL SEBASTIAN P. JOLY  
DISTRICT COMMANDER  
MOBILE DISTRICT  
U S ARMY CORPS OF ENGINEERS  
218 SUMMIT PARKWAY  
SUITE 222  
HOMewood AL 35209

RE: Certification with Special Conditions  
Georgia Power Company Reservoirs  
Clean Water Act (CWA) Section 401 Water Quality Certification Issued September 8, 2020  
Water Quality Certification Expires September 7, 2025  
Corps of Engineers (COE) JPN's# SAM-2020-00445/00450-LET Issued May 26, 2020  
State-Wide County (997)  
Proposed Programmatic General Permits (GPCO-PGP01-GPCO-PGP07) for Minor Structures and Activities  
in Georgia Power Company Reservoirs Located in the Chattahoochee River Basin Within the Regulatory  
Boundaries of the Mobile District, U.S. Army Corps of Engineers

Dear Colonel Joly:

This office has completed a review of the attached 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 Sections 301 and 302 nor applicable standards under Sections 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 of the Corps Permit:

1. During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM. Admin. Code Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
2. Please be advised that ADEM permit coverage may be required prior to commencing and/or continuing certain activities/operations relating to or resulting from the project. If you have any questions regarding ADEM regulated activity or the need for NPDES permit coverage, please contact ADEM's Water Division at [h2omail@adem.state.al.us](mailto:h2omail@adem.state.al.us) or 334-271-7823. If you have any questions regarding ADEM regulated activity or the need for air permit coverage, please contact ADEM's Air Division at [airmail@adem.state.al.us](mailto:airmail@adem.state.al.us) or 334-271-7861. If you have any questions regarding ADEM regulated activity or the need for hazardous, toxic, and/or solid waste permit coverage, please contact ADEM's Land Division at [landmail@adem.state.al.us](mailto:landmail@adem.state.al.us) or 334-271-7730.



3. 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 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.
4. The applicant shall retain records adequate to document activities authorized by this certification including but not limited to, inspection reports, monitoring information, copies of any reports and all data used to complete the above reports or the application for 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. The applicant shall notify ADEM in writing upon completion of the proposed project that the pollution control measures specified in the Corps permit and any special conditions specified by ADEM have been properly implemented.
5. 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 nonpoint and other sources of pollutants, including measures to ensure permanent revegetation or cover of all disturbed areas, during and after project implementation.
6. 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.
7. The applicant shall conduct, at a minimum, weekly comprehensive site inspections 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.) utilizing good engineering practices to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality. The inspections shall be conducted by a qualified credentialed professional (QCP), qualified personnel under the direct supervision of a QCP, or an ADEM recognized qualified credentialed inspector (QCI), until completion of the proposed activity.
8. 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 and may include but are not limited to sediment retention basins, greater capacity in sediment retention structures, hydroseeding with application of non-toxic tackifiers, grass sodding, non-toxic chemical treatment, erosion control blankets, other effective innovative/alternative technologies, etc. to ensure full compliance with ADEM requirements and the protection of water quality in the impaired waterbody.



9. 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.
10. 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. This requirement does not preclude the use of construction materials authorized by the COE that are typically utilized in marine or other aquatic applications.
11. 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.
12. 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.
13. The applicant is encouraged to consider additional pollution prevention practices, low impact development (LID), and other alternatives to assist in complying with applicable regulatory requirements and possible reduction/elimination of pollutant discharges. LID is an approach to land development or re-development that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. There are many practices that have been used to implement these sustainable ideas such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed.
14. The applicant is encouraged to consider and implement a site design plan/strategy for post-construction hydrology to mimic pre-construction hydrology to the extent feasible, and for post-construction stormwater runoff peak flows and total stormwater volume to minimize potential downstream channel and stream bank erosion.
15. 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.
16. 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

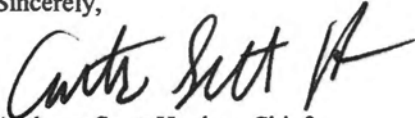
September 8, 2020

Page 4 of 4

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 **Falon Hooks, Office of Field Services**, by email at [falon.hooks@adem.alabama.gov](mailto:falon.hooks@adem.alabama.gov) or by phone at (334) 394-4322.

Sincerely,



Anthony Scott Hughes, Chief  
Field Operations Division

File: WQ401/EFH

c: Birmingham Field Office, Mobile COE  
Wetlands Section, EPA Region IV