



DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
100 W. OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31402-0889

DEC 17 2008

Regulatory Division
200800092

PUBLIC NOTICE
Issuance of Regional Permit 100
for Authorization of
Activities in Waters of the United States
Fort Benning, Georgia

The US Army Corps of Engineers, Savannah District, Regulatory Division (USACE), by means of this public notice is issuing Department of the Army Regional Permit 100 (RP 100) for a period of 5 years. RP 100 authorizes the discharge of dredged and/or fill material into waters of the United States to facilitate construction of standard design Fire and Movement Range projects and associated operations centers, storage buildings, bleacher enclosures, ammunition breakdown buildings, latrines, training complexes, barracks, roads, low water crossings and other associated infrastructure, on the Fort Benning military reservation, Chattahoochee and Muscogee Counties, Georgia.

Regional Permits are authorized by the District Engineer for activities which are:

- (1) Substantially similar in nature and cause only minimal individual and cumulative environmental impacts; and
- (2) 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 {33 CFR Parts 322.2(f), 325.2(e), and 330}.

To qualify for authorization under RP 100, a proposed project must impact less than four acres of wetland and/or ephemeral stream; and less than 500 linear feet of intermittent and/or perennial stream. (Note: for the purposes of this RP, ephemeral stream impacts are to be calculated in square feet/acres). A copy of RP 100 is enclosed.

Scope: The scope of RP 100 includes only those activities which are considered to be minor in nature and would cause only minimal individual environmental impacts; cumulative impacts should also be minor. All proposals would have to be in accordance with the guidelines and limitations set forth in the conditions of RP 100.

Individual Permits: Activities which are not specified in RP 100 or which exceed limitations require individual Department of the Army authorization from the USACE, before work is started. The District Commander may also require individual authorization on a case-by-case basis if he determines authorization of a project under RP 100 is contrary to the public interest.

Modification, Suspension or Revocation: The District Commander may, by following the procedures outlined in the US Army Corps of Engineers Regulatory Programs (33 Code of Federal Regulation 325.7) modify, suspend or revoke RP 100 for an individual activity, a category of activities, or a geographic area on Fort Benning if he feels it would be in the public interest. The general public would be notified of such action by public notice.

Cultural Resources Assessment: Fort Benning has been surveyed for cultural resources eligible for inclusion in the National Register of Historic Places. Prior to submitting a Pre-Construction Notification (PCN) for the proposed use of RP 100, Fort Benning will determine if a proposed project would impact a register eligible cultural resource, and if so, meet lead federal agency responsibilities pursuant to Section 106 of the National Historic Preservation Act.

Endangered Species: Fort Benning will survey a proposed project site for federally listed threatened and endangers species. Prior to submitting a PCN for the proposed use of RP 100, Fort Benning will determine if a proposed project would impact a listed species, and if so, meet lead federal agency responsibilities pursuant to Section 7 of the Endangered Species Act.

Any inquires concerning RP 100 should be made to the US Army Corps of Engineers, Regulatory Division, PO Box 898, Savannah, Georgia, 31402. The telephone numbers of the Regulatory Division are (912) 652-5768 or 1-800-448-2402.

Enclosures:

1. Department of the Army Regional Permit 100
2. Pre-Construction Notification Form for use of RP 100

CESAS-RD
200800092

SUBJECT: Regional Permit No. RP100
Effective Date: December 15, 2008
Expiration Date: December 15, 2013

DEPARTMENT OF THE ARMY
REGIONAL PERMIT 100 FOR
FORT BENNING
SAVANNAH DISTRICT

DESCRIPTION OF THE REGIONAL PERMIT: On the recommendation of the US Army Corps of Engineers (USACE), Chief of Engineers, pursuant to Section 404 of the Clean Water Act (33 USC 1344), authority is hereby given to discharge dredged and/or fill material into waters of the United States (waters) incidental to the construction of design Fire and Movement Range (range) projects and associated range operations centers, operations/storage buildings, bleacher enclosures, ammunition breakdown buildings, latrines, associated training complexes, barracks, roads, low water crossings and other infrastructure. Regional Permit 100 (RP 100) **cannot** be used for construction of storm water detention and/or retention ponds, sediment ponds, or ponds for wastewater treatment or waste disposal. Use of RP 100 is limited to only those projects that would result in impacts to no more than four acres of jurisdictional wetlands, ephemeral streams and/or open water, and/or 500 linear feet of intermittent or perennial stream.

I. GENERAL CONDITIONS

1. The prospective permittee shall not begin the activity until notified in writing by the USACE, Savannah District, Regulatory Division, that the activity is authorized under this RP.
2. The project must be designed and constructed to avoid and minimize adverse effects (impacts) to waters to the maximum extent practicable.
3. Any structure or fill shall be properly constructed, stabilized and maintained to ensure public safety.
4. Authorization of an activity by this RP does not authorize the "take" of a threatened or endangered species as defined under the Endangered Species Act (ESA). In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the US Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal "takes" of protected species are in violation of the ESA.
5. No discharge shall consist of unsuitable material (e.g., car bodies, asphalt, etc.) and material used for construction or discharge must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

6. Activities in breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
7. Any temporary fills must be removed in their entirety and the affected areas returned to their pre-existing elevation.
8. Projects authorized under this RP, but not commenced before the expiration date, must be re-coordinated.
9. This RP cannot be used in conjunction with any other Department of the Army authorization/s in order to enlarge the project size.
10. The District Commander or authorized representative(s) or designee(s) shall be allowed to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this RP is in accordance with the terms and conditions.
11. On a case-by-case basis and at the discretion of the District Commander, a proposed project may not meet the criteria for authorization under RP 100, and an Individual Permit application would be required.

II. NOTIFICATION (APPLICATION) REQUIREMENTS

Prior to performing any work under the authority of this RP, the prospective permittee shall notify the USACE of the proposed project by submitting a Pre-Construction Notification (PCN). The attached RP 100 PCN Form must be used. If the prospective permittee does not provide all of the information required in a PCN, the USACE will notify the prospective permittee that the PCN is incomplete. The PCN review process will not commence until all of the required information has been received by the USACE. The prospective permittee shall not begin work in waters of the US until RP 100 authorization is received in writing from the USACE. The PCN must be in writing and include the following information:

1. The applicant's name, mailing address, telephone number, city, county, latitude/longitude, and maps identifying the project and property boundaries. Maps should be of an appropriate scale to locate the site by nearby landmarks.
2. A brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause.
3. A delineation of jurisdictional waters on the site, including wetlands, streams and open water. Delineations must be prepared in accordance with the current method required by the USACE. Wetland delineations shall be prepared by a qualified environmental consultant.
4. Plan and section drawings of the proposed project showing project dimensions, acres of wetlands to be impacted and/or the linear feet and acreage of stream that would be impacted.

5. An alternatives analysis showing why further measures to avoid/minimize impacts to the aquatic ecosystem are not practicable;
6. A compensatory mitigation plan.

III. SPECIAL CONDITIONS

1. A pre-construction notification (PCN) must be submitted for each use of RP 100. Work proposed by PCN shall not be initiated in waters of the United States until written notification is received from the US Army Corps of Engineers, Savannah District, Regulatory Division, stating that the proposal may proceed under authority of RP 100.
2. All projects must be designed and constructed to avoid and minimize adverse impacts to waters of the United States to the maximum extent practicable.
3. As discussed in the “Final EIS, BRAC 2005 and Transformation Actions at Ft. Benning, GA,” dated October 2007, the US Army Infantry Center, Fort Benning, is the lead federal agency for all projects proposed for construction as a result of the Base Realignment and Closure (BRAC) program. As such, Ft. Benning shall meet all lead federal agency responsibilities pursuant to Section 7 of the Endangered Species Act (ESA), prior to submitting a PCN proposing use of RP 100 for work occurring in Waters of the US subject to the jurisdiction of the USACE. The PCN form for use of RP 100 includes a section where Ft. Benning shall document that they have met lead federal agency responsibility for Section 7 of the ESA.
4. As discussed in the “Final EIS, BRAC 2005 and Transformation Actions at Ft. Benning, GA,” dated October 2007, the US Army Infantry Center, Fort Benning, is the lead federal agency for all projects proposed for construction as a result of the Base Realignment and Closure (BRAC) program. As such, Ft. Benning shall meet all lead federal agency responsibilities pursuant to Section 106 of the National Historic Preservation Act (NHPA), prior to submitting a PCN proposing use of RP 100 for work occurring in Waters of the US subject to the jurisdiction of the USACE. The PCN form for use of RP 100 includes a section where Ft. Benning shall document that they have met lead federal agency responsibility for Section 106 of the NHPA.
5. Mitigation:
 - a. All impacts to wetlands and open waters must be calculated and reported in acres. Stream impacts must be calculated separately and reported in both linear feet and acres.
 - b. The Savannah District “Standard Operating Procedure, Compensatory Mitigation, Wetlands, Openwater & Streams (SOP)” must be used to calculate compensatory mitigation credits necessary for all use of RP 100 that would require compensatory mitigation.
 - c. Compensatory mitigation is required for the use of RP 100 for any construction activity that would result in an adverse impact to and/or the loss of 0.1 acre or more of wetlands and/or the loss of 100 linear feet or more of non-tidal stream. Adverse impacts to waters of the US include activities that result in a temporary loss in function and do not result in permanent conversion of

one aquatic resource type to another (e.g., placement of rip-rap on a stream bank; or construction of a buried utility line in all types of wetland, where the wetland is restored to its preconstruction contours). A loss of waters of the US includes all filled areas and areas permanently adversely affected by flooding, excavation or drainage (e.g., installation of a culvert/pipe in a stream; construction of a dam and resulting impoundment on a stream; excavation of a pond in a wetland). The USACE has discretion to determine if work would result in an impact to or a loss of waters of the US. For site-specific mitigation plans, sufficient information must be included to document that the proposed mitigation would adequately compensate for all wetland/stream impacts. Plans that propose use of an approved commercial mitigation bank or use of in-lieu-fee banking must also document that the mitigation (i.e., credit) would compensate for all wetland/stream impacts.

d. Compensatory mitigation is required for all impacts/losses of wetlands and streams, if either the 0.1 acre or 100 linear foot threshold is met.

e. The use of in-lieu-fee banking is not appropriate if commercial mitigation bank credits are available for a project site. For projects where no commercial bank credits are available, and the mitigation plan includes the proposed use of in-lieu-fee mitigation, the plan must include either: (1) a statement that no bank services the project site; or (2) the name(s) of the mitigation bank(s) contacted, the date of contact, and a statement that the banker(s) confirmed that no credits were available. The following conversion factors will be used to convert SOP credit requirements to in-lieu-fee mitigation acre requirements: (a) SOP wetland credits x 0.875 = in-lieu-fee wetland acres; and (b) SOP stream credits x 0.0023 = in-lieu-fee stream acres.

f. For projects with both an acre limit loss of waters of the US and a linear foot stream loss limit, the acreage of stream loss (i.e., the length of the stream bed filled or excavated times the average width of the stream, from the ordinary high water mark to ordinary high water mark, applies towards that acre limit loss of waters of the US). For example, if a project involves filling 0.1 acre of wetlands and 100 linear feet of a stream bed with an average width of 10 feet, the acreage loss of waters of the US for that activity would be calculated as follows: $0.1 + [(100 \times 10) / 43,560] = 0.123$ acre.

6. For any project that would involve the discharge of fill material into Waters of the US resulting in permanent, above-grade fill within the 100-year floodplain (as identified on Federal Emergency Management Administration's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps); the PCN must include documentation demonstrating that the proposed work complies with the appropriate FEMA or FEMA-approved local floodplain construction requirements.

7. All work conducted under RP 100 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 their equivalent will aid in achieving compliance with the aforementioned requirements. The latest edition of the manual can be accessed at www.gaswcc.org.

8. No activity authorized under RP 100 will alter the jurisdiction of the USACE over remaining area(s) of jurisdictional waters of the US, nor does it convert the jurisdictional waters into non-jurisdictional waters of the US, nor render these waters isolated from the upstream or downstream waters or the adjacent wetlands.

9. RP 100 cannot be used to authorize projects that involve the 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.

10. Low water crossings will consist of either geotextile or cable concrete, aggregate-filled perforated geocell mat, and aggregate layers consisting of a layer of geotextile or cable concrete placed on the filled area and an eight-inch thick perforated geocell mat placed on the geotextile and filled with aggregate. An additional four inches of aggregate may be placed on top of the aggregate-filled perforated geocell mat providing such action does not create impounding or hydrological alteration of the ecosystem and is the same height as the existing stream bed. A two-foot wide margin of earth fill will be placed along either side of the structure. Crusher run may not be used in the construction of any low water crossings.

11. Upon completion, low water crossings will be level with the historic ground level so as not to alter the existing hydrologic regime of streams and wetlands that are crossed. Low water crossings shall not result in the impoundment or restriction of normal flow.

12. Measures will be included in culvert construction that will promote the safe passage of fish and other aquatic organisms. The dimension, pattern and profile of the stream above and below a pipe or culvert should not be permanently modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity.

IV. FURTHER INFORMATION

1. Congressional Authorities: Authorization to undertake the activities described above are pursuant to Section 404 of the Clean Water Act (33 USC 1344).

2. Limits of this authorization:

a. This RP does not obviate the need to obtain other Federal, State or local authorizations required by law.

b. This RP does not grant any property rights or exclusive privileges.

c. This RP does not authorize injury to the property or rights of others.

d. This RP does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this RP, 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 or 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's interest.
- c. Damages to person, 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.

4. Re-evaluation of Permit Decision. The US Army Corps of Engineers may re-evaluate its decision on any activity authorized at any time the circumstances warrant. Circumstances that would 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 this RP.
- b. The information provided by the permittee in support of a PCN application proves to be false, incomplete or inaccurate.
- c. Significant new information surfaces which the US Army Corps of Engineers did not consider in reaching the original public's interest decision.

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 provided 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 a RP 100 authorization and for the initiation of legal action where appropriate. The permittee will be required to pay for any corrective measures ordered by the USACE, and if the permittee fails to comply with such a directive, the USACE may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill the permittee for the cost.

This Regional Permit becomes effective on December 15, 2008, when the Federal official, designated to act for the Secretary of the Army, has signed below.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



 for Edward J. Kertis
 Colonel, US Army
 Commanding

15 Dec 2008

 Date

**US ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
PRE-CONSTRUCTION NOTIFICATION (PCN) FORM
FOR USE OF RP 100**

APPLICANT _____ Date _____

Phone _____ FAX _____ E-mail _____

Mailing Address _____

City _____ State _____ Zip Code _____

PROJECT LOCATION _____

County _____ Latitude _____ Longitude _____

Name of Nearest Stream or River _____

PROJECT DESCRIPTION _____

PROJECT AREA AND IMPACT INFORMATION

	PROJECT AREA		IMPACTS TO US WATERS	
	ACRES	LINEAR FEET	ACRES	LINEAR FEET
TOTAL PROJECT AREA		N/A	N/A	N/A
UPLAND		N/A	N/A	N/A
WETLAND		N/A		N/A
OPEN WATER		N/A		N/A
PERENNIAL STREAM				
INTERMITTENT STREAM				
EPHEMERAL STREAM				
MAN-MADE DITCHES				

WETLAND/STREAM IMPACT AVOIDANCE/MINIMIZATION _____

SUPPLEMENTAL INFORMATION. For questions 1 thru 4, YES answers must include information with this PCN necessary to adequately explain/address the issue.

- | | | |
|--|-----------|----------|
| 1. Is a Georgia Stream Buffer Variance required for the project? | Yes _____ | No _____ |
| 2. Is compensatory mitigation required? | Yes _____ | No _____ |
| 3. Has the Section 7 consultation been completed? | Yes _____ | No _____ |
| 4. Has the Section 106 consultation been completed? | Yes _____ | No _____ |

IMPORTANT NOTES:

1. Refer to RP 100 for a complete list of all information that must be submitted as an attachment to this PCN.
2. All maps and drawings attached to this PCN must be submitted on 8 ½ X 11-inch paper.