

**US Army Corps
of Engineers**
Savannah District

Public Information Meeting

When?

**Tuesday, September 1, 2009,
from 5 to 9 p.m.**

Why?

**To update public on development
and use of Regional General
Permits (RGPs) for Publically
Funded Projects – Department of
the Army File Number
200900170**

Where?

**The Monument Room, at the
Macon Centreplex, 200 Coliseum
Drive, Macon, Georgia 31217**

Who?

**We invite all interested
individuals, organizations and
agencies.**



DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
100 W. OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3640

AUG 12 2009

Regulatory Division
200900170

JOINT PUBLIC NOTICE
for the Issuance of Regional General Permits
for Publically Funded Projects Within the Limits of Georgia
Savannah District

BACKGROUND: On April 29, 2009, the US Army Corps of Engineers issued a Joint Public Notice advertising a proposal to issue Regional General Permits (RGPs) Number 105, Number 106, Number 107, and Number 108 pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and/or Section 404 of the Clean Water Act (33 USC 1344). The original notice indicated that RGPs 105, 106, 107, and 108 were designed to authorize the discharge of dredged and/or fill material for activities conducted in waters of the United States, resulting in a loss of no more than 5 acres of wetland and/or 1000 feet of intermittent or perennial stream per project. For a single linear project, a maximum of 10 acres of wetlands and/or 2,000 linear feet of stream over multiple crossings could be authorized. The impact amounts were chosen based on a review of all projects (publically or privately funded) permitted by the Savannah District from 2004-2008 that impacted between 0.5 and 10 acres of wetlands and/or between 100 and 5000 feet of stream. This review indicates that 85 projects met the wetland impact criteria and 46 projects met the stream impact criteria. Of these, 26 were publically funded projects. Based on this review, out of the 26 publically funded projects, 78% of those projects had 5 acres of wetland impact or less, and 90% of stream impacts were 1000 linear feet or less. Therefore, by establishing a limit of 5 acres of wetland and/or 1000 feet of intermittent or perennial stream, the majority of publically funded projects permitted by the Savannah District could be processed under the conditions of these Regional General Permits (RGPs) listed below, thereby expediting review of such projects while the American Recovery and Reinvestment Act is in effect.

In response to the Joint Public Notice, several comments were received regarding the proposed RGPs. In view of these comments, additional analysis was conducted regarding the potential cumulative impacts of the originally proposed RGPs. As a result of this analysis, the RGPs were revised to limit the number of projects that could be authorized using the RGPs within specific 8-digit, Hydrologic Unit Code (HUC) watersheds. The currently proposed impact limits for use of the RGPs, and the rationale for implementing this reduction in the scope, are described below. **The modified RGPs are attached to this Joint Public Notice. Modifications to the RGPs are indicated in bold text throughout the document.**

If issued, these RGPs would be valid until September 30, 2010, the current date by which most American Recovery and Reinvestment Act (ARRA) funds must be obligated for expenditure. The goal of this proposal is to establish an avenue for expedited review of publically funded projects which are assumed to meet the basic goals of the ARRA: job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization.

Public Meeting: In order to update the public on the RGPs, a public meeting will be held on September 1, 2009, from 5 PM until 9 PM. During that time, short presentations will be given at 6:00 PM and 7:30 PM. The meeting will be held in the Monument Room, at the Macon Centreplex, 200 Coliseum Drive, Macon, Georgia 31217. Members of the general public are welcome to attend. The revised RGPs and the efforts implemented to further reduce impacts to aquatic resources will be discussed at the meeting. The public will be given the opportunity to ask questions and provide written comments at this meeting. In turn, comments will be collected and made part of the public record.

Analysis: Using best available data, linear feet of stream and wetland acres were quantified in each of the 8-digit HUCs within the State of Georgia. Potential project impacts, which would be authorized using the RGPs (i.e., 5 acres of wetland and 1000 linear feet of stream), were then projected within each of the HUCs. The resulting percentage of stream and wetland impact was then calculated as a function of each potential project. As part of the analysis, it was acknowledged that nationwide permits and standard permits would still be processed during the window of RGP authorization, and use of the RGPs should be restricted to account for ongoing and future-anticipated projects. When considering these factors, a resulting value of 0.1% for stream or wetland impact in an 8-digit HUC was established as the upper threshold for use of the RGPs. This value ensures that “more than minimal” impacts would not result in a given watershed as a result of the RGPs. This threshold is considered very conservative since any projects authorized under the RGPs and most other permit types will also require mitigation for the associated impacts. Mitigation was not used in the analysis.

Revised Impact Thresholds:

1. Watersheds authorized for use of RGPs: The analysis reduced the number of 8-digit HUCs that could support use of the RGPs. If the RGPs would result in wetland or stream impacts greater than 0.1% within a watershed, then no RGPs would be authorized for that watershed. Tables 1-4 provide a listing of the watersheds where use of the RGPs is applicable.

2. Limiting projects authorized by RGPs in a watershed: The results of the analysis further restrict the cumulative impacts that would occur as a result of projects authorized by RGPs in a given watershed. Tables 1-4 provide a listing of the type aquatic resource (i.e., wetland or stream) *and* maximum cumulative impact, which could be authorized in a specified watershed.

If issued, these RGPs would be valid until September 30, 2010, the current date by which most American Recovery and Reinvestment Act (ARRA) funds must be obligated for expenditure. The goal of this proposal is to establish an avenue for expedited review of publically funded projects which are assumed to meet the basic goals of the ARRA: job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization.

Public Meeting: In order to update the public on the RGPs, a public meeting will be held on September 1, 2009, from 7 PM until 9 PM. The meeting will be held in the Monument Room, at the Macon Centreplex, 200 Coliseum Drive, Macon, Georgia 31217. Members of the general public are welcome to attend. The revised RGPs and the efforts implemented to further reduce impacts to aquatic resources will be discussed at the meeting. The public will be given the opportunity to ask questions and provide written comments at this meeting. In turn, comments will be collected and made part of the public record.

Analysis: Using best available data, linear feet of stream and wetland acres were quantified in each of the 8-digit HUCs within the State of Georgia. Potential project impacts, which would be authorized using the RGPs (i.e., 5 acres of wetland and 1000 linear feet of stream), were then projected within each of the HUCs. The resulting percentage of stream and wetland impact was then calculated as a function of each potential project. As part of the analysis, it was acknowledged that nationwide permits and standard permits would still be processed during the window of RGP authorization, and use of the RGPs should be restricted to account for ongoing and future-anticipated projects. When considering these factors, a resulting value of 0.1% for stream or wetland impact in an 8-digit HUC was established as the upper threshold for use of the RGPs. This value ensures that “more than minimal” impacts would not result in a given watershed as a result of the RGPs. This threshold is considered very conservative since any projects authorized under the RGPs and most other permit types will also require mitigation for the associated impacts. Mitigation was not used in the analysis.

Revised Impact Thresholds:

1. Watersheds authorized for use of RGPs: The analysis reduced the number of 8-digit HUCs that could support use of the RGPs. If the RGPs would result in wetland or stream impacts greater than 0.1% within a watershed, then no RGPs would be authorized for that watershed. Tables 1-4 provide a listing of the watersheds where use of the RGPs is applicable.

2. Limiting projects authorized by RGPs in a watershed: The results of the analysis further restrict the cumulative impacts that would occur as a result of projects authorized by RGPs in a given watershed. Tables 1-4 provide a listing of the type aquatic resource (i.e., wetland or stream) *and* maximum cumulative impact, which could be authorized in a specified watershed.

3. Implementing use of RGPs: The following rules would be administered to regulate use of the proposed RGPs in the respective watersheds:

a. By definition, a single and complete project authorized by any of the RGPs can result in a loss of no more than 5 acres of wetland and/or 1000 feet of intermittent or perennial stream. No nationwide permit and/or individual permit can be utilized in conjunction with any RGP.

b. Watersheds listed in Table 1 would be restricted to a finite number of RGPs with 1000 linear feet of stream impact per single project. A cumulative total of 2000 lf of stream loss would be the maximum impact allowed using the RGPs in these designated watersheds.

c. Watersheds listed in Table 2 would be restricted to a finite number of RGPs that result in a cumulative loss of no more than 1000 linear feet of stream.

d. Watersheds listed in Table 3 would be restricted to a finite number of RGPs with no more than 5 acres of wetland loss per single project. A cumulative total of 10 acres of wetland loss would be the maximum impact allowed using the RGPs in these designated watersheds.

e. Watersheds listed in Table 4 would be restricted to a finite number of RGPs that result in a cumulative loss of no more than 5 acres of wetland.

f. Projects authorized by the RGPs in these watersheds (Tables 1-4) will be evaluated on a “first come, first serve” basis. If the maximum impact thresholds have already been achieved, then subsequent applications will be reviewed using our standard permit application procedures.

g. Where applicable, a single linear project authorized by the RGPs would allow a maximum of 10 acres of wetland loss and/or 2,000 linear feet of stream loss over multiple crossings. However, this would *only* be applicable in watersheds where the magnitude of these impacts was permissible (i.e., Tables 1 and 3). In addition, a project of this magnitude would prevent the use of subsequent RGPs in the same watershed. For watersheds where the scope of impact has been reduced (i.e., Tables 2 and 4), only linear projects that were less than or equal to the maximum impact threshold (i.e., 1000 linear feet of stream and 5 acres of wetland) would be considered eligible for use of the RGPs.

h. In some instances, the maximum threshold limits for impacts may vary depending on the watershed. For example, a cumulative total of 2000 linear feet of stream impact and/or 5 acres of wetland could be authorized using the RGPs in the Etowah Watershed (Tables 1 and 4). For these situations, the definition of a single project is still applicable. Additionally, a linear project proposed in the Etowah Watershed could utilize the combination of available wetland and stream impacts (i.e., 2000 linear feet of stream and 5 acres of wetland). However, a project of this magnitude would prevent the use of subsequent RGPs in the same watershed.

Description of RGPs:

1. Regional General Permit 105: Widening or improvement of existing transportation projects

a. To be authorized under this regional permit, the entirety of the proposed work being proposed in waters of the US must be located within 100 feet of the right of way of the transportation project being improved, unless the project requires a new alignment section to straighten a portion of the road for safety reasons. In the later cases, the new alignment section can be no more than 1 mile in length unless a waiver is granted by the District Engineer.

2. Regional General Permit 106: Bridge replacement projects

3. Regional General Permit 107: Construction of institutional facilities such as governmental offices, schools, libraries, and museums

4. Regional General Permit 108: Construction of infrastructure projects such as water treatment facilities and storm water management facilities

A copy of the Draft RGPs is enclosed.

Scope: The scope of these RGPs includes only those activities which are considered to be minor in nature and would result in only minimal individual and cumulative adverse effects on the aquatic environment. Uses of these RGPs are excluded in tidal waters, including tidal wetlands. These RGPs are not considered to supersede or otherwise modify applicable Nationwide Permits published in the March 12, 2007, Federal Register, Vol. 72, No. 47, Pages 11092-11198 (72 FR) or other types of currently authorized General Permits. All proposals would have to be in accordance with the guidelines and limitations set forth in the conditions of these RGPs.

Individual Permits: Activities which are not specified in these RGPs or which exceed the limitations of the permit require Individual Department of the Army authorization from the US Army Corps of Engineers, Savannah District, before work is started. The District Engineer may also require individual authorization on a case-by-case basis if he determines authorization under the Regional General Permit for a specific project is contrary to the public interest.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required by an applicant for a Federal Permit to conduct an activity in, on, or adjacent to the waters of the State of Georgia. Copies of the proposed RGPs will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality

Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The proposed RGPs can also be seen in the Savannah District, US Army Corps of Engineers, Regulatory Branch, 100 West Oglethorpe Avenue, Savannah, Georgia.

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

Georgia Coastal Management Program: Prior to the Savannah District Engineer making a final permit decision, the Regional General Permits must be certified by the Georgia Department of Natural Resources, Coastal Resources Division, to be consistent with applicable provisions of the State of Georgia Coastal Management Program (15 CFR 930). Anyone wishing to comment on Coastal Management Program certification of these RGPs should submit comments in writing within 30 days of the date of this notice to the Federal Consistency Coordinator, Ecological Services Section, Coastal Resources Division, Georgia Department of Natural Resources, One Conservation Way, Brunswick, Georgia 31523-8600 (Telephone 912-264-7218).

US ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of these proposed RGPs, prior to a making a final permit decision.

Cultural Resources Assessment: It is possible that registered properties or properties listed as eligible for inclusion in the National Register of Historic Places may be located in the areas to be covered or in areas that may be effected by any proposed work. Presently unknown archaeological, scientific, prehistorical, or historical data may be located in the areas to be covered and that could be affected by the work. In view of this, a condition, General Condition D, has been proposed for the RGPs which requires each applicant to conduct a Phase I Cultural Resources Survey of the entire permit area and provide the resulting information as part of their Pre-Construction Notification. This document will be coordinated in accordance with Section 106 of the National Historic Preservation Act prior any approval being granted.

Endangered Species: General Condition C of the proposed RGPs requires the applicant to conduct an endangered species survey of the entire permit area and provide the resulting information as part of their Pre-Construction Notification. This information will be coordinated with the appropriate agencies pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) prior to any approval being granted.

Public Interest Review: The decision whether to issue these RGPs will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. 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, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The US Army Corps of Engineers 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 this proposed activity. Any comments received will be considered by the US Army Corps of Engineers to determine whether to issue, modify, condition or deny this proposal. 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 proposed activity.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposal. 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 Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed action.

Comment Period: Anyone wishing to comment on this proposed action should submit comments in writing to the Commander, US Army Corps of Engineers, Savannah District, Attention: Regulatory Division, 100 West Oglethorpe, Savannah, Georgia 31401-3640, no later than 30 days from the date of this notice. Please refer to the file number, at the top of the first page of this notice, in your comments.

If you have any further questions concerning this matter, please contact Megan C. Singleton, at (912) 652-5893.

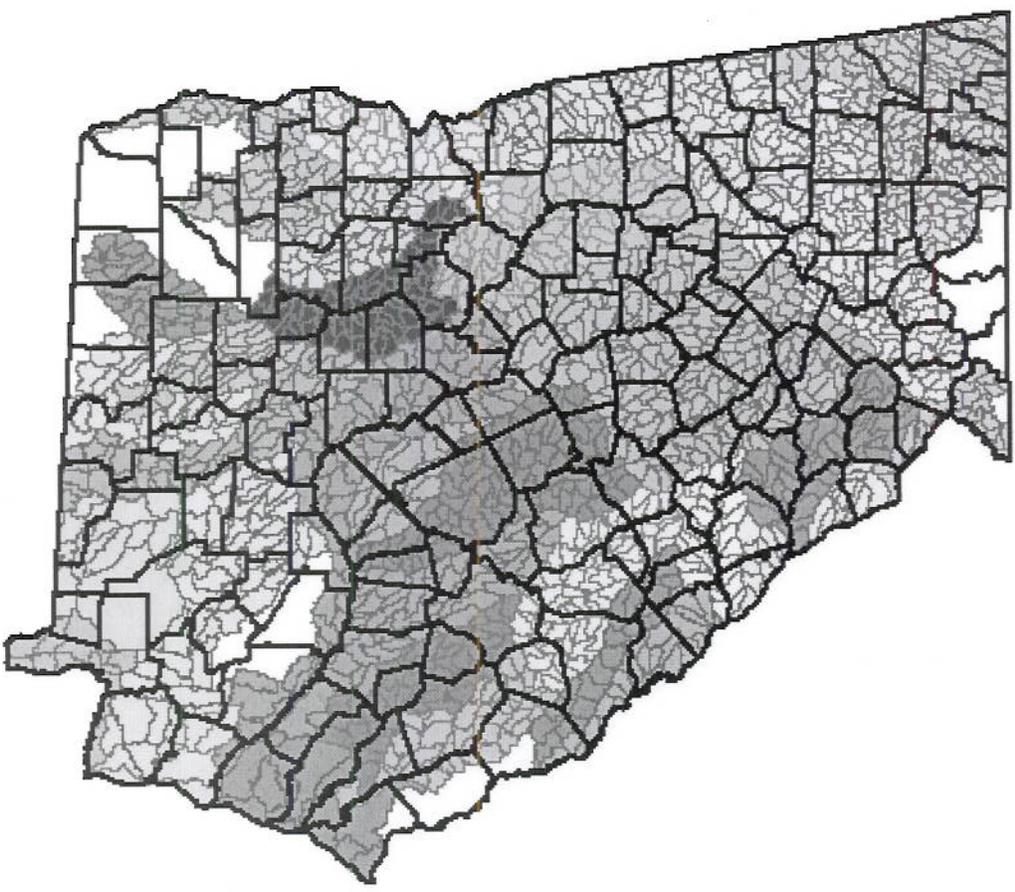
Enclosures

1. Table 1: Watersheds with Maximum of 2000 Linear Feet of Stream Impacts Using RGPs
2. Table 2: Watersheds with Maximum of 1000 Linear Feet of Stream Impacts Using RGPs
3. Table 3: Watersheds with Maximum of 10 Acres of Wetland Impact Using RGPs
4. Table 4: Watersheds with Maximum of 5 Acres of Wetland Impact Using RGPs
5. Draft Regional General Permits
6. Directions to Macon Centreplex

Legend

- County Boundaries
- 03060102 Tugaloo
- 03060103 Upper Savannah
- 03060104 Broad
- 03060105 Little River
- 03060106 Middle Savannah
- 03060108 Brier
- 03060201 Upper Ogeechee
- 03060202 Lower Ogeechee
- 03060203 Canoochee
- 03060204 Ogeechee Coastal
- 03070101 Upper Oconee
- 03070102 Lower Oconee
- 03070103 Upper Ocmulgee
- 03070104 Lower Ocmulgee
- 03070105 Little Ocmulgee
- 03070106 Altamaha
- 03070107 Ohoopce
- 03070201 Satilla
- 03070203 Cumberland-St. Simons
- 03070204 St. Marys
- 03110201 Upper Suwannee
- 03110202 Alapaha
- 03110203 Withlacoochee
- 03110204 Little River-Withlacoochee
- 03120002 Upper Ochlockonee
- 03130001 Upper Chattahoochee
- 03130002 Middle Chattahoochee-Lake Harding
- 03130003 Middle Chattahoochee-Walter F. George Reservoir
- 03130004 Lower Chattahoochee
- 03130005 Upper Flint
- 03130006 Middle Flint
- 03130007 Kinchafoonee-Muckalee
- 03130009 Ichawaynochaway
- 03150101 Conasauga
- 03150102 Coosawattee
- 03150103 Oostanaula
- 03150104 Etowah
- 03150105 Upper Coosa
- 03150108 Upper Tallapoosa
- 06020001 Middle Tennessee

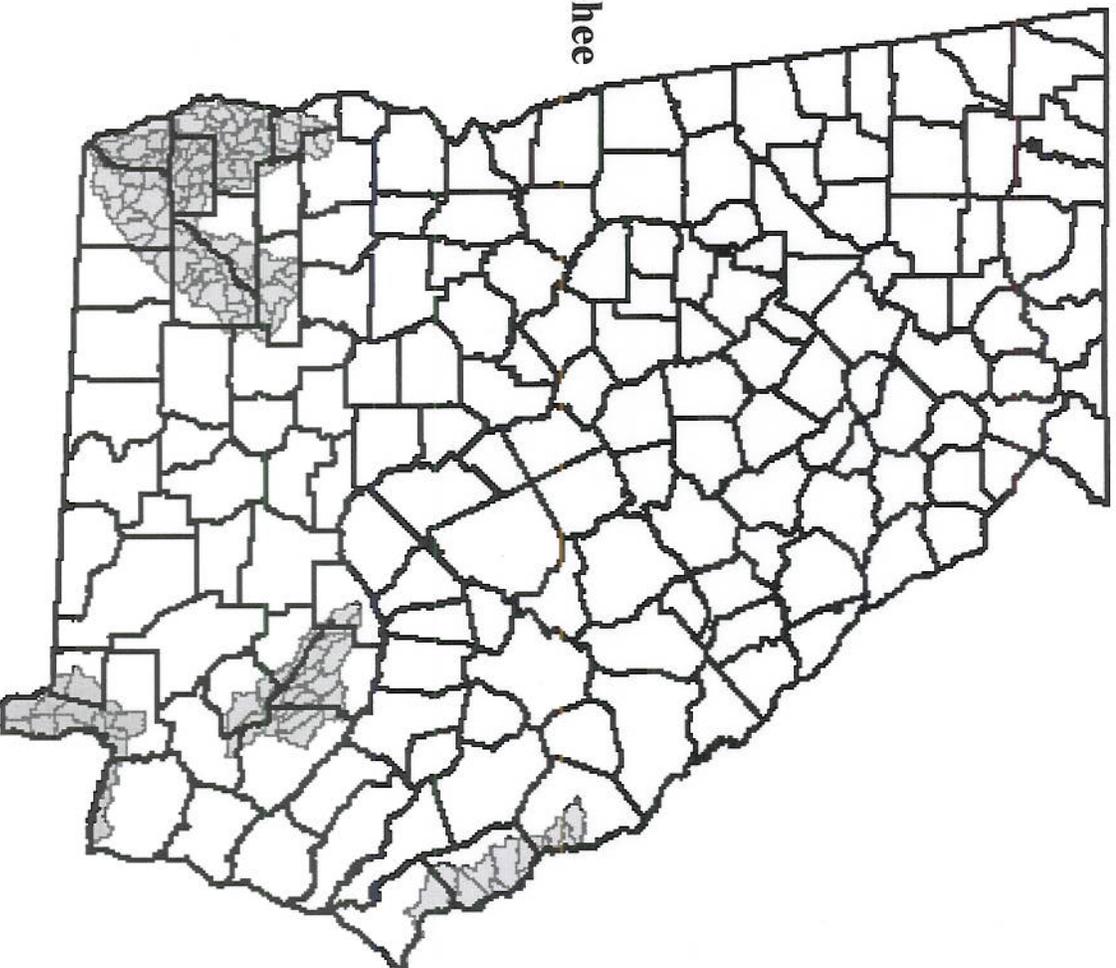
**TABLE 1: Regional General Permits (RGPs) for Public Projects
Watersheds with Maximum of 2000 Linear Feet
of Stream Impacts Using RGPs.**



**TABLE 2: Regional General Permits (RGPs) for Public Projects
Watersheds with Maximum of 1000 Linear Feet
of Stream Impact Using RGPs.**

Legend

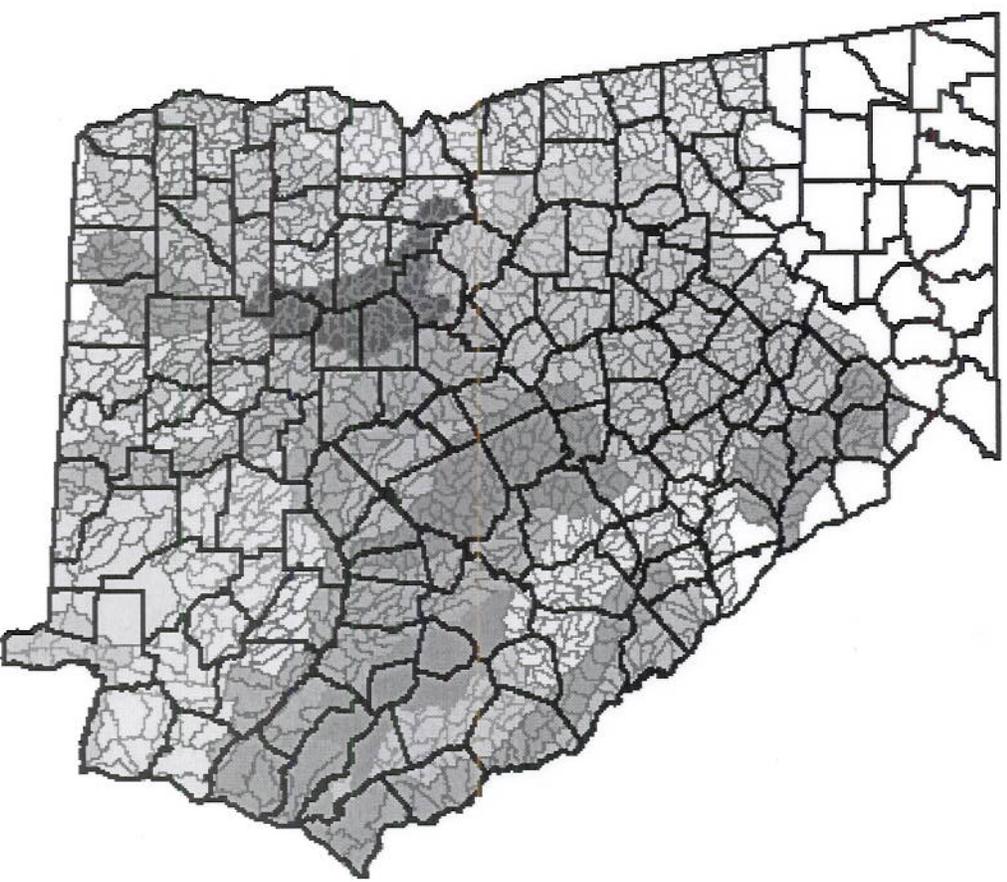
- County Boundaries
- ▒ 03060109 Lower Savannah
- ▒ 03070202 Little Satilla
- ▒ 03070204 St. Marys
- ▒ 03130004 Lower Chatahoochee
- ▒ 03130008 Lower Flint
- ▒ 03130010 Spring Creek



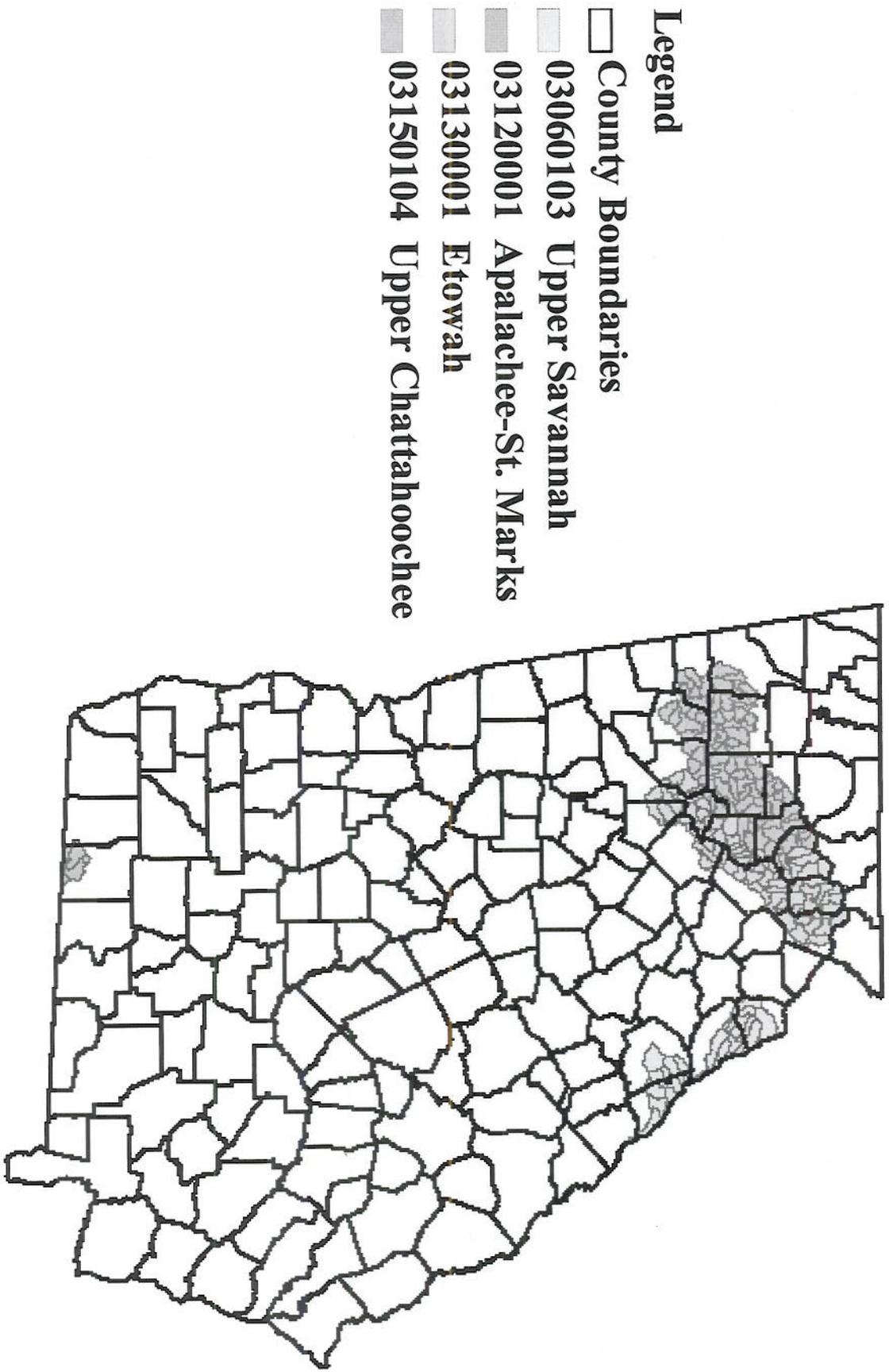
Legend

- County Boundaries
- 03060104 Broad
- 03060105 Little River
- 03060106 Middle Savannah
- 03060108 Brier
- 03060109 Lower Savannah
- 03060201 Upper Ogeechee
- 03060202 Lower Ogeechee
- 03060203 Canoochee
- 03060204 Ogeechee Coastal
- 03070101 Upper Oconee
- 03070102 Lower Oconee
- 03070103 Upper Ocmulgee
- 03070104 Lower Ocmulgee
- 03070105 Little Ocmulgee
- 03070106 Altamaha
- 03070107 Ohoopsee
- 03070201 Satilla
- 03070202 Little Satilla
- 03070203 Cumberland-St. Simons
- 03070204 St. Marys
- 03110103 Aucilla
- 03110201 Upper Suwannee
- 03110202 Alapaha
- 03110203 Withlacoochee
- 03110204 Little River-Withlacoochee
- 03120002 Upper Ochlockonee
- 03120003 Lower Ochlockonee
- 03130002 Middle Chattahoochee-Lake Harding
- 03130003 Middle Chattahoochee-Walter F. George Reservoir
- 03130004 Lower Chattahoochee
- 03130005 Upper Flint
- 03130006 Middle Flint
- 03130007 Kinchafoonee-Muckalee
- 03130008 Lower Flint
- 03130009 Ichawaynochaway
- 03130010 Spring
- 03150108 Upper Tallapoosa

**TABLE 3: Regional General Permits (RGPs) for Public Projects
Watersheds with Maximum of 10 Acres
of Wetland Impacts Using RGPs.**



**TABLE 4: Regional General Permits (RGPs) for Public Projects
Watersheds with Maximum of 5 Acres
of Wetland Impacts Using RGPs.**



Regulatory Division
200900170

DEPARTMENT OF THE ARMY
REGIONAL GENERAL PERMITS FOR
PUBLIC FUNDED PROJECTS
WITHIN THE GEOGRAPHIC LIMITS OF GEORGIA
SAVANNAH DISTRICT

SUBJECT: Regional General Permits No. 105, No. 106, No. 107, No. 108

Effective Date: XXXXXXXXXXXXX

Expiration Date: September 30, 2010

DESCRIPTION OF THE REGIONAL GENERAL PERMITS: On the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403) and/or Section 404 of the Clean Water Act (33 U.S.C. 1344), authority is hereby given to Federal, state, and local governing bodies to discharge dredged and/or fill material, resulting in the loss of no more than 5 acres of wetland and/or 1000 feet of intermittent or perennial stream, or for linear projects a maximum of 10 acres of wetlands and/or 2,000 linear feet of stream over multiple crossings within the geographic limits of the State of Georgia. The Regional General Permits (RGPs) and the conditions for their use are shown below:

a. Regional General Permit 105: Widening or improvement of existing transportation projects

(1) To be authorized under this Regional General Permit, the entirety of the proposed work being proposed in waters of the US must be located within 100 feet of the right of way of the transportation project being improved, unless the project requires a new alignment section to straighten a portion of the road for safety reasons. In the later cases, the new alignment section can be no more than 1 mile in length unless a waiver is granted by the District Engineer.

b. Regional General Permit 106: Bridge replacement projects

c. Regional General Permit 107: Construction of institutional facilities such as governmental offices, schools, libraries, and museums

d. Regional General Permit 108: Construction of infrastructure projects such as water treatment facilities and storm water management facilities

Uses of these RGPs are excluded in tidal waters, including tidal wetlands. These RGPs are not considered to supersede or otherwise modify applicable Nationwide Permits published in the March 12, 2007, Federal Register, Vol. 72, No. 47, Pages 11092-11198 (72 FR) or other types of currently authorized General Permits.

I. GENERAL CONDITIONS

A. Limitations.

1. Projects must be funded by a local, state or Federal governing body.
2. Use of these RGPs is excluded in tidal waters, including tidal wetlands **within the 11 coastal counties of Georgia. In brief, use of the RGPs is not allowed in waters regulated by the Georgia Department of Natural Resources-Coastal Resources Division (GACRD). Tidal waters regulated by GACRD are specified to be the estuarine areas lying within a tide range of 5.6 feet above mean tide level (MTL) and below. Where applicable, use of the RGPs would be authorized in other areas within Georgia's coastal zone boundary (i.e., 11 coastal counties) provided it can be established that a project lies at an elevation above 5.6 feet MTL. For projects proposed in the eleven coastal counties, applicants should provide a standard topographic map that illustrates a project is located above the 6-foot or two-meter contour and a statement that impacts will be limited to areas located above the 6-foot or 2-meter contour. If elevation information is not submitted, or if a topographic map indicates that the project lies below the 6-foot or 2-meter contour, the applicant will be required to obtain an individual Coastal Zone Management (CZM) certification on a case-by-case basis as required under Subpart D of the federal consistency regulations [15 CFR 930.62 (a)].**
3. **Only a limited number of watersheds are authorized for use of RGPs. Tables 1-4 provide a listing of the watersheds where use of the RGPs is applicable.**
4. **Only a limited number of projects can be authorized by RGPs in a watershed. Tables 1-4 provide a listing of the type aquatic resource (i.e., wetland or stream) *and* maximum cumulative impact, which could be authorized using the RGPs in a specified watershed.**
5. **Watersheds listed in Table 1 would be restricted to a finite number of RGPs with 1000 linear feet of stream impact per single project. A cumulative total of 2000 lf of stream loss would be the maximum impact allowed using the RGPs in these designated watersheds.**
6. **Watersheds listed in Table 2 would be restricted to a finite number of RGPs that result in a cumulative loss of no more than 1000 linear feet of stream.**
7. **Watersheds listed in Table 3 would be restricted to a finite number of RGPs with no more than 5 acres of wetland loss per single project. A cumulative total of 10 acres of wetland loss would be the maximum impact allowed using the RGPs in these designated watersheds.**
8. **Watersheds listed in Table 4 would be restricted to a finite number of RGPs that result in a cumulative loss of no more than 5 acres of wetland.**

9. Projects authorized by the RGPs in these watersheds (Tables 1-4) will be evaluated on a “first come, first serve” basis. If the maximum impact thresholds have already been achieved, then subsequent applications will be reviewed using our standard permit application procedures.

10. By definition, a single project authorized by the RGPs can result in a loss of no more than 5 acres of wetland and/or 1000 linear feet of intermittent or perennial stream. No nationwide permit and/or individual permit can be utilized in conjunction with any of the RGPs.

11. Where applicable, a single *linear* project authorized by the RGPs would allow a maximum of 10 acres of wetland loss and/or 2,000 linear feet of stream loss over multiple crossings. However, this would *only* be applicable in watersheds where the magnitude of these impacts was permissible (i.e., Table 1 and 3). In addition, a project of this magnitude would prevent the use of subsequent RGPs in the same watershed. For watersheds where the scope of impact has been reduced (i.e., Tables 2 and 4), only linear projects that were less than or equal to the maximum impact threshold (i.e., 1000 linear feet of stream and 5 acres of wetland) would be considered eligible for use of the RGPs.

12. In some instances, the maximum threshold limits for impacts may vary depending on the watershed. For example, a cumulative total of 5 acres of wetland and/or 2000 linear feet of stream impact could be authorized using the RGPs in the Etowah Watershed (Tables 1 and 4). For these situations, the definition of a single project is still applicable. Similarly, a *linear* project proposed in the Etowah Watershed could utilize the combination of available wetland and stream impacts (i.e., 5 acres of wetland and 2000 linear feet of stream). However, a project of this magnitude would prevent the use of subsequent RGPs in the same watershed.

13. These RGPs have impact limit of 3 acres of wetlands and/or 500 feet of intermittent or perennial stream at any one crossing/site.

14. No work will be performed until the District Engineer notifies the permittee, in writing, that the work is within the scope of the appropriate RGP.

15. Unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) is not permitted for construction of any activity and material used for construction or discharge must be free of toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act) and cultural resources.

16. Activities located less than 0.25 miles upstream of spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, alter, or smother downstream areas by substantial turbidity) of a spawning area are not authorized.

17. Adverse effects on aquatic systems caused by the accelerated passage of water and/or the restriction of its flow shall be minimized by use of proper management practices.

18. Activities in breeding areas for migratory bird species must be avoided.

19. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

20. No activity may occur in a State designated primary or secondary trout stream.

21. No activity can occur within 2000 feet of a National Wildlife Refuge.

22. No activity or its operation may impede reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

23. Any temporary fills must be removed in their entirety and the affected areas returned to their pre-existing elevation, flow regime, and **vegetative** condition. Temporary fills may remain in place in waters of the United States for no more than three months. The District Engineer may extend the period of temporary placement for no more than a total of 180 days, where appropriate.

24. Ditches and medians associated with road crossings must be designed and constructed to maintain the normal hydrologic condition in the waters of the US being crossed, and final road elevations cannot be lower than surrounding wetlands.

25. No dredged or fill material will be discharged into waterways designated by the Georgia Department of Natural Resources as "Drinking Water Supplies," "Wild River," or "Scenic River," or which are actively being studied for possible inclusion in the Wild and Scenic Rivers system.

26. All wetland crossings must extend between previously existing natural high ground locations.

27. The proposed work shall conform to existing land use plans and/or zoning.

28. These RGPs cannot be used to authorize projects that would impact compensatory mitigation sites or an approved compensatory mitigation bank, unless that project's purpose is to enhance the mitigation site or bank. An individual permit application would be required for these projects.

29. Use of these RGPs are prohibited in waters of the United States that support anadromous fish, or in those waters that previously supported such fish and where restoration of fish migrations and populations is possible. The established limits for these waters are depicted in Attachment 2, and include adjacent and tributary waters located within 1,000 feet of these identified waters. Exemption from this condition will be considered on a case-by-case basis, in coordination with the US Fish and Wildlife Service and the National Marine Fisheries Service. An exemption may be granted by the District Engineer when it is determined that the project would have minimal impact on anadromous fish or their restoration.

30. The discharge will not be located less than 0.25 mile from a public water supply intake.

31. Beach nourishment or renourishment projects are not authorized under any of these RGPs.

32. PCNs for projects proposed in or near a designated 303(d) listed stream must include a narrative description of the best management practices that would be implemented to minimize impacts to the stream. These practices should include stormwater treatment and green infrastructure design features.

33. To the extent practicable, applicants shall follow the recommendations in the enclosed document titled "Recommendations to Incorporate Green Practices Into Federally Funded Construction Projects Under the American Recovery and Reinvestment Act," which was prepared by the US Environmental Protection Agency, Region IV, in developing plans for projects proposed under these RGPs.

34. Instream treatment or detention systems are not eligible for authorization under any of these RGPs.

35. These RGPs cannot be used in combination with other RGPs, Nationwide Permits, Standard Permits or Letters of Permission for authorization of a single and complete project.

36. Borrow site or sites for stockpiling fill dirt will be prohibited within 200 feet of stream banks or elsewhere runoff from the site would increase stream sedimentation.

37. Anti-seep collars, or other structures designed to prevent under-draining, will be installed on all buried utility lines in wetlands. If no anti-seep/drain device(s) is proposed, the applicant must provide information documenting that such a device is not required to prevent wetland drainage.

38. Construction debris, liquid concrete, old riprap, old support materials, or other litter will not be placed in streams or wetlands or in areas where migration into streams and/or wetlands could reasonably be expected.

B. Submittal Requirements.

1. A pre-construction notification (PCN) is required for use of these RGPs (form enclosed). Impacts to wetlands must be calculated and reported in acres. Impacts to intermittent and perennial streams must be calculated separately from wetland impacts, and reported in linear feet of stream channel and in acres. The PCN will include a statement regarding whether the activity may occur in or directly adjacent to waters designated on the Georgia 303(d) list. The EPA maintains a list of these waters on their "Surf Your Watershed" website (www.epa.gov/surf/).

2. The discharge will be carried out in conformity with the goals and objectives of the Environmental Protection Agency (EPA) guidelines established pursuant to Section 404(b) of the Clean Water Act and as published in 40 CFR 230. To demonstrate this, any applicant for use of these RGPs must submit an alternatives analysis which addresses both off-site and on-site alternatives to avoid and minimize wetland and/or stream impacts. Impacts to waters of the United States, on-site, will be avoided and/or minimized to the maximum extent practicable.

3. If fill material is to be placed within the 100-year floodplain, the permittee shall provide written confirmation from the Federal Emergency Management Agency (FEMA), or other appropriate agency, that the proposed work will be performed in compliance with all applicable regulations/requirements of FEMA pertaining to construction activities in designated floodplains or flood ways. If this cannot be provided during our review, a condition would be placed on any permit issued, requiring submittal of this confirmation prior to construction of the project.

4. Projects will be mitigated by purchase of mitigation credits within the same watershed or an adjacent watershed within the same eco-region or by purchase of in-lieu fee credits, if bank credits are not available, prior to the commencement of any work in jurisdictional waters of the United States, and according to the Savannah District, Corps of Engineers, Standard Operating Procedures for Compensatory Mitigation.

5. Compensatory mitigation for all wetland and stream impacts will be completed in accordance with the rules and regulations as published in the April 10, 2008, Federal Register, Vol. 73, No. 70, Pages 19594-19705.

C. Endangered Species.

1. The applicant shall conduct an endangered species survey of the entire permit area in accordance with Section 7 of the Endangered Species Act and submit the results with their Pre-Construction Notification. Applicants should request approval of their scope of work prior to initiation of the survey. If based on the review of this information by the USACE it is determined that the project may affect a listed species, the USACE will complete all coordination required by the Endangered Species Act prior to making a decision as to whether the project can proceed under this these RGPs.

2. Authorization of an activity by these RGPs does not authorize the “take” of threatened or endangered species as defined under the Federal 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 (USFWS) or the National Marine Fisheries Service (NMFS), both lethal and non-lethal “takes” of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS on their web pages http://athens.fws.gov/endangered/counties_endangered.html and http://www.nmfs.noaa.gov/prot_res/eashome.html, respectively.

D. Cultural Resources.

1. Prior to submittal of a PCN for use of any of these RGPs, the applicant shall conduct a Phase I Survey of the project site in accordance with Section 106 of the Historic Preservation Act. This survey shall be provided as an attachment to the required PCN. Applicants should request approval of their scope of work prior to initiation of the survey. If based on the review of this information by the USACE it is determined that the project has the potential to impact a property listed or eligible for listing on the National Register of Historic Places, the USACE will

complete all coordination required by the National Historic Preservation Act prior to making a decision as to whether the project can proceed under these RGPs.

2. No activity, which may affect historic properties, listed or eligible for listing, in the National Register of Historic Places (NRHP) is authorized, until the District Engineer has complied with the requirements of Section 106 of the Historic Preservation Act. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the NRHP, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the NRHP (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the NRHP, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

3. If any previously unknown historic or archeological remains are discovered while accomplishing the activity authorized by this permit, the permittee must immediately notify the issuing office. The Federal and state coordination will be initiated to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

E. Design/Operation Requirements.

1. The permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and the aquatic functions of the system being impacted.

2. The permittee agrees to execute the work authorized herein in a manner so as to minimize impacts on water quality.

3. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.

4. Bridges and bottomless culverts shall be adequate to accommodate flooding and sheet flow in a manner that does not cause flooding of associated uplands or disruption of hydrologic characteristics that support aquatic sites on either side of the crossing.

5. Projects 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 minimal requirements.

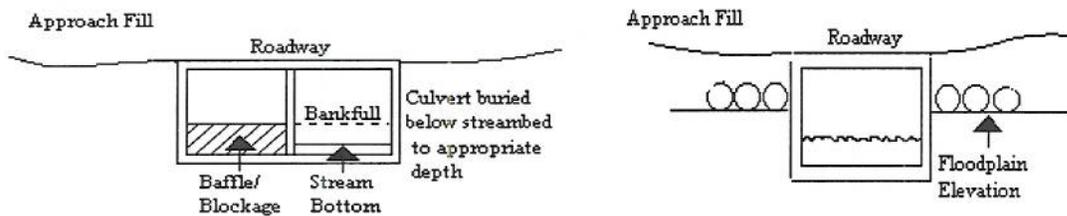
6. Projects shall be located, outlined, designed, constructed and operated according to standards that will minimize erosion and sediment damage to the highways and adjacent properties and prevent pollution of surface and ground water resources. Measures to minimize erosion include the following: mulching, grassing, slope drains, check dams with silt control gates, and limiting areas of exposed soil.

7. Adequately spaced and sized culverts must be placed at all wetland and adjacent floodplain crossings. Culverts shall be adequate to accommodate flooding and sheet flow in a manner that does not cause flooding of associated uplands or disruption of hydrologic characteristics that support aquatic sites on either side of the crossing. Culverts shall be positioned below bed level of the water body crossed to allow free movement of the natural streambed substrate, and to allow the free movement of fish and other organisms. Bridges should be considered and utilized for crossings whenever possible. As stated above, undersized culverts cannot be used to create an instream detention facility under these RGPs.

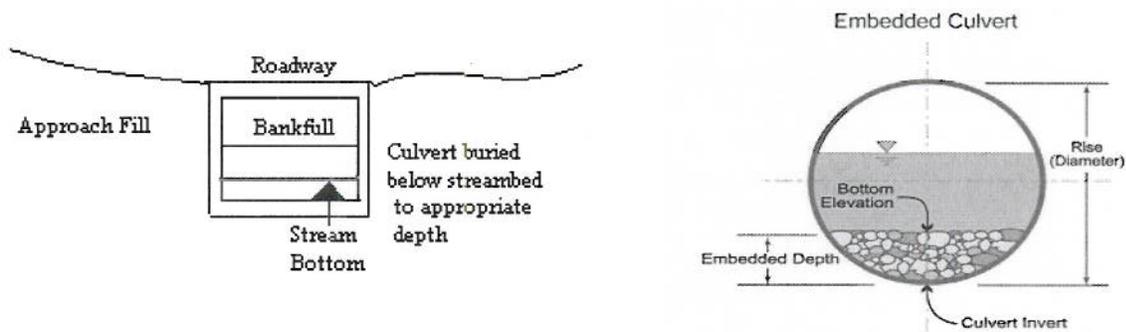
Measures will be included in culvert construction that will promote the safe passage of fish and other aquatic organisms. The dimension, pattern and profile of the stream above and below a pipe or culvert should not be permanently modified by widening the stream channel or by reducing the depth of the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

For any crossing of a perennial stream where use of a culvert is proposed, an alternatives analysis must be prepared and submitted with the PCN. The analysis must document why the use of an arch-span, bottomless culvert or bridging would not be a practicable alternative. If use of a multi-barrel pipe culvert is proposed, the analysis must also provide an explanation as to why a box culvert cannot be used. At a minimum, the analysis must compare construction and compensatory mitigation costs for the above discussed alternatives.

Bank-full flows shall be accommodated through maintenance of the existing bank-full channel cross sectional area. Additional culverts at such crossings shall be allowed only to receive flows exceeding bank-full.



Unless clearly demonstrated that it would not be practicable, the upstream and downstream invert of culverts (except bottomless culverts) installed in perennial streams will be buried/ embedded to a depth of 20 percent of the culvert diameter (20 percent of the height of elliptical culverts), to allow natural substrate to colonize the structure's bottom, encourage fish movement and maintain the existing channel slope. Culvert slope should not exceed 4 percent.



Culverts shall be of adequate size to accommodate flooding and sheet flow in a manner that does not cause flooding of associated uplands or disruption of hydrologic characteristics that support aquatic sites on either side of the culvert.

Where adjacent floodplain is available, flows exceeding bank-full should be accommodated by installing equalizer culverts at the floodplain elevation.

Use of undersized culverts to attain storm water management or waste treatment is not authorized.

A waiver from the above culvert specifications may be requested in writing. The waiver will only be issued if it can be demonstrated that the impacts of complying with these specifications would result in more adverse impacts to the aquatic environment.

F. Other Authorizations.

1. Bridges constructed in navigable waters of the United States require authorization from the US Coast Guard. If not obtained in advance of our review, a condition will be placed on any permit issued requiring such authorization prior to construction.

2. The permittee shall obtain a stream buffer variance, if required. Variances are issued by the Director of the Georgia Environmental Protection Division, as defined in the Georgia Erosion and Sedimentation Control Act of 1975, as amended.

G. Policy.

1. All activities identified and authorized herein shall be consistent with the terms and conditions of this permit, and any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit, which may result in the modification, suspension, or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions "G-3" or "G-4" hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended, or revoked in whole or in part.

2. The permittee shall allow the Savannah District Engineer (DE) or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of any of these RGPs is in accordance with the terms and conditions prescribed herein.

3. These RGPs may be summarily suspended, in whole or in part, upon a finding by the DE that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by a permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by a permittee which are deemed necessary by the DE to abate imminent hazards to the general public interest. A permittee shall take immediate action to comply with the provisions of this notice. Within 10 days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether the permit should be reinstated, modified, or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee, if no hearing is requested, the permit will either be reinstated, modified or revoked.

4. These RGPs may be modified, suspended, or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of these permits or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt of written notice of such action which shall specify the facts or conduct warranting same unless: (1) within the 30-day period a permittee is able to satisfactorily demonstrate that: (a) the alleged violation of the terms and conditions of this permit did not, in fact, occur; or (b) the alleged violation was accidental and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurance that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period, a permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension, or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend, or revoke this permit in whole or in part, shall be pursuant to procedures prescribed by the Chief of Engineers.

5. If and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party, he must restore the area to a condition satisfactory to the District Engineer.

6. The permittee, upon receipt of a notice of revocation of the RGPs or upon the RGPs' expiration before completion of the authorized structure or work, shall without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

7. These RGPs expire on September 30, 2010. If a project authorized under one of these RGPs will not be completed prior to this date, but is under construction or under contract for construction, the applicant can request an extension of the construction period for a maximum of 12 months. This request must be made 30 days prior to the expiration date and work cannot proceed after the expiration date until the District Engineer notifies the permittee, in writing, that an extension of the construction period is authorized.

8. If the permittee during the prosecution of the work authorized herein encounters a threatened/endangered species, he shall immediately stop work and notify the District Engineer and the appropriate Federal agency (ies).

9. The Savannah District Engineer may determine, on a case-by-case basis, that an Individual Permit application is required, if it is in the public interest.

II. NOTIFICATION REQUIREMENTS

A. Timing. A pre-construction notification (PCN) is required for use of these RGPs and must be submitted as early as possible in the planning process and must be submitted prior to any ground disturbing activities at the site. The District Engineer must determine if the PCN is complete within 30 days of the date of receipt and can request the additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer. The prospective permittee shall not begin the activity until notified in writing by the District Engineer that the activity may proceed under these RGPs.

B. Contents of Notification. The notification must be in writing and include the following information:

1. A completed copy of Enclosure 1, "Pre-Construction Notification Form";
2. A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any Nationwide Permit(s); other regional general permit(s); or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity;
3. For linear projects, a discussion of the logical termini, subject to approval by the District Engineer;
4. A statement concerning whether the project is part of a larger project;
5. A request for Expanded Preliminary Jurisdictional Determination, which includes a delineation of affected waters of the United States including wetlands, streams, open water areas,

etc. Information must be prepared in accordance the Public Notice, published March 4, 2009, for Characterization of Jurisdictional Determinations: Purpose, Application, and Documentation Requirements as Defined by the Savannah, District US Army Corps of Engineers. The permittee also has the option of requesting an approved Jurisdictional Determination and/or the Savannah District to delineate the waters on the site. There may be some delay if an approved Jurisdictional Determination is requested and/or the District does the delineation;

6. A report providing the results of the endangered species survey conducted in accordance with Section 7 of the Endangered Species Act;

7. A report providing the results of the Phase I Cultural Resources Survey conducted in accordance with Section 106 of the National Historic Preservation Act;

8. Plan and section view drawings of the project showing the dimensions of the project, the acreage of wetlands to be impacted and the linear feet of stream that would be impacted. **Plans should also include an illustration of the *existing* stream dimensions at any proposed crossing;**

9. A detailed discussion of all off-site and on-site alternatives considered indicating why the proposed alternative was chosen and detailing why further reduction of impacts on the aquatic ecosystem is not practicable;

10. A detailed of discussion of how impacts were avoided and minimized from the initial phase of the project plans to the project plan that is currently being proposed;

11. Compensatory mitigation will be provided in accordance with the Savannah District, Corps of Engineers, Standard Operating Procedures for Compensatory Mitigation (SOP). 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 it's 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). The US Army Corps of Engineers has discretion to determine if work would result in an impact to or a loss of waters of the US.

For a project that involves an impact to and/or loss of wetlands and streams, if any mitigation threshold in the SOP is met, compensatory mitigation is required for all impacts and losses.

Compensatory mitigation plans must be in accordance with the most recent approved version of the Savannah District, Corps of Engineers, Standard Operating Procedures for Compensatory Mitigation (SOP). Plans must also document that the mitigation (i.e., credit) would compensate for all wetland/stream impacts.

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.

For projects that have 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 multiplied by 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 proposed project activity 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.

12. Where the proposed work involves discharges of dredged or fill material into waters of the United States resulting in permanent, above-grade fills within 100-year floodplains (as identified on Federal Emergency Management Administration's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps), the notification must include documentation demonstrating that the proposed work complies with the appropriate FEMA or FEMA-approved local floodplain construction requirements.

III. COORDINATION

A. General Public and Adjacent Landowners: Prior to submittal of a PCN for use of one of these RGPs, the applicant must hold at least one public meeting in the vicinity of the proposed project. **Notice of the public meeting should include the date and time of the meeting. Ideally, meetings should occur on a weekday evening to ensure maximum attendance.** The notice of this meeting must also be provided to the local community, all adjacent landowners, and the Savannah District at least 15 days prior to the meeting. **In turn, the Savannah District will notify Federal and state agencies of the meeting date and time. The notice should also be provided to newspapers with readership that includes the project area.** The notice must state that the proposed project will require a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403) and/or Section 404 of the Clean Water Act (33 U.S.C. 1344) and any comments submitted at the meeting will be provided to the US Army Corps of Engineers for consideration in their permit decision. **During the meeting, the applicant will provide a brief presentation on the proposed project. The presentation shall include the following: (1) information that describes the basic project purpose and need; (2) public benefits associated with the proposed project; (3) anticipated timeline for project construction; (4) description of impacts to aquatic resources and avoidance/minimize measures that were achieved; (5) proposed mitigation; (6) results of threatened and endangered species survey; and (7) results of cultural resource survey.** Attendees will be given opportunity to provide written comments at the meeting. These comments and/or any transcript of the meeting shall be included in the PCN submittal.

B. Federal and State Agencies: The District Engineer will consider any comments from federal and state agencies concerning the proposed activity's compliance with the terms and conditions of these RGPs and the need for mitigation to reduce the project's adverse effects on the aquatic environment to a minimal level.

For proposed projects, the District Engineer will, upon receipt of a notification, provide immediately (e.g., via facsimile transmission, overnight mail, E-Mail or other expeditious manner), a copy to the appropriate offices of the US Fish and Wildlife Service, State natural resource or water quality agency, the Environmental Protection Agency, the State Historic Preservation Office, and, if appropriate, the National Marine Fisheries Service. These agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. Applicants are encouraged to provide the Savannah District multiple copies of notifications to expedite agency notification.

IV. FURTHER INFORMATION

A. Congressional Authorities: Authorization to undertake the activities described above are pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act (33 USC 1344).

B. Limits of this authorization:

1. This Permit does not obviate the need to obtain other federal, state or local authorizations required by law.
2. This Permit does not grant any property rights or exclusive privileges.
3. This Permit does not authorize injury to the property or rights of others.
4. This Permit does no authorize interference with any existing or proposed federal project.

C. Limits of Federal Liability. In issuing this Permit, the Federal Government does not assume any liability for the following:

1. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
2. 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.
3. Damages to person, property or to other permitted or unpermitted activities or structures caused by the activity authorized by this Permit.
4. Design or construction deficiencies associated with the permitted work.

5. Damage claims associated with any future modification, suspension or revocation of this Permit.

D. Reevaluation of Permit Decision. The US Army Corps of Engineers, Savannah District, may reevaluate its decision on any activity authorized by an RGP at any time the circumstances warrant. Circumstances that would require a reevaluation include, but are not limited to, the following:

1. The permittee's failure to comply with the terms and conditions of the Permit.
2. The information provided by the permittee in support of his Permit application proves to be false, incomplete or inaccurate.
3. Significant new information surfaces which the US Army Corps of Engineers, Savannah District, did not consider in reaching the original public's interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification and revocation procedures contained in 33 CFR 325.7 or enforcement procedures 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 the Permit authorizations and for the initiation of legal action where appropriate. The permittee will be required to pay for any corrective measures ordered by the US Army Corps of Engineers, Savannah District, and if the permittee fails to comply with such a directive, the US Army Corps of Engineers, Savannah District, 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.

These RGPs become effective on proposed, when the Federal official, designated to act for the Secretary of the Army, has signed below.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Issued for and in behalf of:
Edward J. Kertis
Colonel, US Army
District Engineer

DATE

Enclosures

1. Checklist
2. Pre-construction Notification Form

3. Description of Rivers Supporting Anadromous Fish Habitat
4. Recommendations to Incorporate Green Practices Into Federally Funded Construction Projects Under the American Recovery and Reinvestment Act
5. Table 1: Watersheds with Maximum of 2000 Linear Feet of Stream Impacts Using RGPs
6. Table 2: Watersheds with Maximum of 1000 Linear Feet of Stream Impacts Using RGPs
7. Table 3: Watersheds with Maximum of 10 Acres of Wetland Impact Using RGPs
8. Table 4: Watersheds with Maximum of 5 Acres of Wetland Impact Using RGPs

**CHECKLIST FOR USACE REGIONAL GENERAL PERMITS
FOR PUBLIC FUNDED PROJECTS**

- Completed "Pre-Construction Notification Form"
- Description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any Nationwide Permit(s); other regional general permit(s); or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity
- Proof of public meeting, and copy of comments received
- Discussion of the logical termini (linear projects only)
- Statement concerning whether the project is part of a larger project
- Delineation of affected waters of the United States
- Endangered Species Survey
- Phase I Cultural Resources Survey
- Plan and section view drawings
- Discussion of all off-site and on-site alternatives
- Avoidance and minimization documentation
- Compensatory mitigation

Note: All information must be on 8 1/2 " X 11" paper and must be legible and reproducible. The use of color in exhibits is not acceptable because color does not reproduce in black and white (color infra-red aerial photographs are the only exception).

Mail to: Savannah District, US Army Corps of Engineer
Attention: Regulatory Division
100 West Oglethorpe Avenue
Savannah, Georgia 31401-0889

US ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
PRE-CONSTRUCTION NOTIFICATION (PCN) FORM

USE OF NATIONWIDE PERMIT NUMBER(s) _____

APPLICANT/OWNER _____ Date _____

Phone(hm/bus) _____ FAX _____ E-Mail _____

Address _____ City _____ State _____ Zip Code _____

AGENT/CONSULTANT _____

Phone(hm/bus) _____ FAX _____ E-Mail _____

Address _____ City _____ State _____ Zip Code _____

PROJECT LOCATION/ADDRESS _____

City _____ County _____ Subdivision _____ Lot _____

Latitude _____ Longitude _____ Hydrologic Map Cataloging Unit _____

Nearest Named Stream, River or Other Waterbody _____

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 (RC B.3)

