

**SAVANNAH DISTRICT
2007 NATIONWIDE PERMIT REGIONAL CONDITIONS**

A. Pre-Construction Notification (PCN):

1. A PCN is required for all use of Nationwide Permits (NWP) 3(b), 7, 8, 10, 11, 15, 12, 14, 17, 21, 23, 27, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 48, 49, and 50.

2. A PCN is required for use of NWP 13 for a project in a perennial stream, and for projects described in Regional Conditions (RC) A.4 and A.5 below.

3. A PCN is required for use of NWP 18 for projects that involve the placement of more than 10 cubic yards of fill material in waters of the United States (US), below the ordinary high water mark, and for projects specified in RC A.5 below.

4. A PCN is required for use of NWPs 3(a), 3(c), 5, 6, 13, 19 and 41, in all waters, if the project would impact 0.1 acre or more of wetlands/open water and/or 100 linear feet or more of stream. {NOTE: Unless a particular category of stream is identified in a RC, the term "stream" includes all three categories of stream; ephemeral, intermittent and perennial.}

5. A PCN is required for use of NWPs 2, 5, 9, 13, 18, 19, 22, 25 and 28, in tidal waters that are regulated by Georgia Department of Natural Resource, Coastal Resources Division (GACRD) in one of the 11 coastal Georgia Counties (Bryan, Brantley, Camden, Charlton, Chatham, Effingham, Glynn, Liberty, Long, McIntosh and Wayne). For the purposes of this RC, a PCN is only required if the project is regulated by GACRD.

6. A PCN is required for use of any NWP for a project that is within 2000 feet of a National Wildlife Refuge, any National Park Service Property, a National Estuarine Research Reserve, a Georgia State Park or an approved mitigation bank.

B. The Following Information is Required for a PCN to be Considered Complete:

[The 45-day process will not begin until the Savannah District determines a PCN complete.]

1. A completed copy of the attached "Savannah District Pre-Construction Notification Form" (Enclosure 1), or the most recent revision of this form.

2. Information requested at NWP General Condition (GC) 27.

3. A discussion of why further measures to avoid/minimize impacts to the aquatic ecosystem are not practicable.

4. A statement regarding if endangered species are known to be present on the project site and if a survey has been performed. http://athens.fws.gov/endangered/counties_endangered.html

5. A statement regarding if cultural resources are known to be present on or near the project site and if a survey has been performed. <http://www.nr.nps.gov/>

6. A statement regarding whether the city, county or state requires a water quality management plan for the project site prior to construction.
7. A statement that the project would comply with any applicable Federal Emergency Management Administration-approved state or local floodplain management requirements. www.fema.gov/
8. A statement as to whether the project is located in or adjacent to a State 303(d) listed stream and if so, the name of the stream. www.epa.gov/surf/
9. A statement as to whether a project is located in or adjacent to a State designated trout stream or water. www.dnr.state.ga.us.
10. An appropriate detailed compensatory mitigation plan, if required, that is in accordance with GC 20 and the most recent approved version of the Savannah District "Standard Operating Procedure, Compensatory Mitigation, Wetlands, Openwater & Streams."
11. For a project that would impact waters regulated by GACRD, in one of the 11 coastal Georgia counties, a completed copy of the "State of Georgia Revocable License Request" form (Enclosure 2) must be attached to the PCN, or written confirmation from GACRD that a Revocable License is not required. For any project requiring a Revocable License, copy of the PCN must be also be submitted to GACRD. <http://crd.dnr.state.ga.us/>.
12. For a project that would impact a stream subject to the jurisdiction of the Georgia Department of Natural Resources, Environmental Protection Division (GAEPD), a copy of the Stream Buffer Variance application form submitted to GAEPD must be attached to the PCN, or a copy of the letter sent to GAEPD requesting confirmation that a Stream Buffer Variance is not required for the project. www.gaepd.org.
13. A PCN for a project that includes use of culverts must also include the following information: (a) culvert type; (b) culvert size; (c) depth to which culvert will be embedded; (d) culvert design, if multi-barreled; and (e) floodplain cluverting, if required.
14. A PCN for a project that includes the construction of a storm water detention/retention facility in waters of the US must also include the following information:
 - a. A clear statement of the basic (primary) purpose of the detention/retention facility.
 - b. A description of the upland-based facility/system that will be utilized to pre-treat storm water prior to discharge into the in-stream/wetland detention/retention facility.
 - c. A detailed alternatives analysis pursuant to the Section 404(b)(1) Guidelines of the Clean Water Act. This analysis must demonstrate that all other available stormwater and sediment/erosion treatment controls will be implemented and that in-stream detention/retention is the only available practicable alternative that would meet the basic project purpose. This analysis should also include all project site specific factors that may render other stormwater

detention/retention measures impractical, such as: steep slopes; rock substrate; narrow floodplain; and pre-existing development.

15. A PCN for use of NWPS 7, 12, 14, 18, 21, 27, 29, 31, 34, 38, 39, 41, 42 and 43 must include a delineation of all waters of the US present in the project area.

16. A PCN for use of NWP 21 must include an Office of Surface Mining approved mitigation plan.

17. A PCN for use of NWP 27 must document the prior condition of the site.

18. A PCN for use of NWP 31 must include sufficient baseline information on the channel and the location of the disposal site.

19. A PCN for use of NWP 33 must include a restoration plan.

20. A PCN for use of NWP 35 must also include information regarding the potential for the sediment proposed to be dredged to be contaminated. The PCN will not be considered complete until the Savannah District has made a determination as to the need for testing of the material in accordance with the Inland Testing Manual.

21. A PCN for use of NWP 43 for a new facility must include a maintenance plan.

22. A PCN for use of NWP 44 must include a description of all waters impacted, measure taken to minimize impact and a reclamation plan.

C. Restrictions:

1. NWPs cannot be used to authorize a storm water detention/retention facility in a perennial stream. An Department of the Army standard permit application is required for these projects.

2. NWPs cannot be used to authorize a storm water detention/retention facility in a State designated trout stream or water. An Department of the Army standard permit application is required for these projects.

3. NWPs 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 Department of the Army standard permit application is required for these projects.

4. All work conducted under the NWPs shall be located, outlined, designed, constructed and operated in accordance with the 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.

5. No work shall be conducted under any NWP that requires discharge of wet or otherwise uncured concrete below the ordinary high water mark unless the concrete is contained within waterproof forms until the concrete cures.

6. Use of NWPs 12, 14, 33, 43 and 44 is prohibited for any project in waters of the US 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 listed in the attached Enclosure 2 and include adjacent and tributary waters located within 1000 feet of these identified waters. This prohibition does not apply to NWP 12 projects that would not involve a discharge of dredged or fill material or mechanized land clearing in waters (i.e. directional bore line installation and overhead utility crossings). Exemption from this condition will be considered on a case-by-case basis, in coordination with the National Marine Fisheries Service. An exemption may be granted when it is determined that the project would have minimal impact on anadromous fish or their restoration.

D. Mitigation:

1. The Savannah District "Standard Operating Procedure, Compensatory Mitigation, Wetlands, Openwater & Streams (SOP)" must be used to calculate compensatory mitigation credits necessary for all uses of NWPs that would require compensatory mitigation.

2. Compensatory mitigation is required for the use of any NWP for a project that would result in an adverse impact to and/or the loss of 0.1 acre or more of wetlands and/or 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 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.

3. For a project that involves an impact to and/or loss of wetlands and streams, if either the 0.1 acre or 100 linear foot threshold is met, compensatory mitigation is required for all impacts and losses.

4. Compensatory mitigation plans must be in accordance with GC 20 and the most recent approved version of the SOP. 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.

5. 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 0.0046 = in-lieu-fee stream acres.

6. 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.

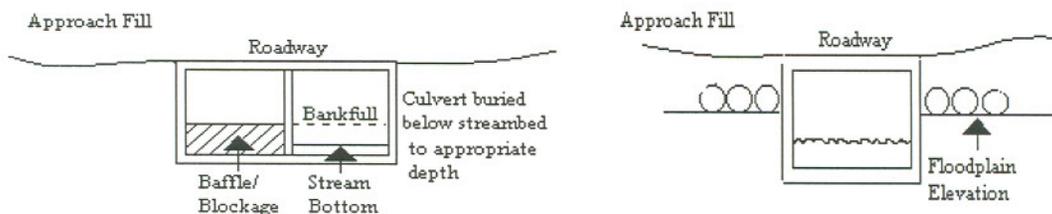
7. For NWP's that have both an acre limit loss of waters of the US and a linear foot stream loss limit, the acreage of stream loss (i.e., the length of the stream bed filled or excavated times the average width of the stream, from the ordinary high water mark to ordinary high water mark, applies towards that acre limit loss of waters of the US). For example, if a proposed NWP 39 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.

E. All NWP Culverts:

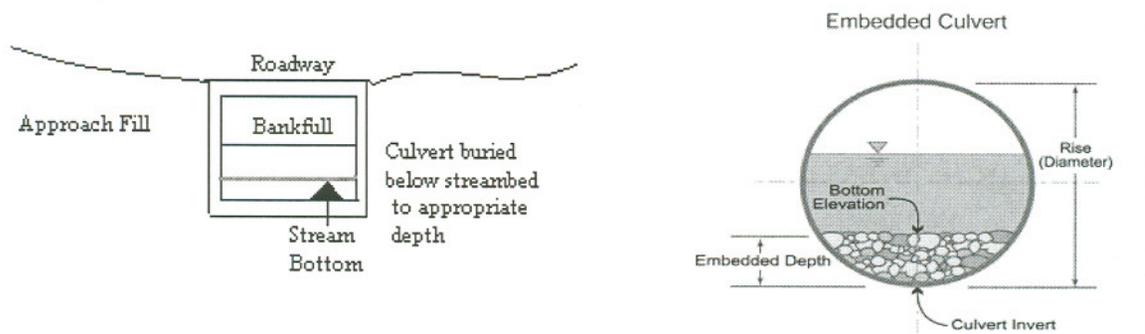
1. Measures will be included in culvert construction that will promote the safe passage of fish and other aquatic organisms. The dimension, pattern and profile of the stream above and below a pipe or culvert should not be permanently modified by widening the stream channel or by reducing the depth of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

2. 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.

3. 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.



4. 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.



5. 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.

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

7. Unless specifically described in the PCN for the purpose of storm water management, use of undersized culverts to attain storm water management or waste treatment is not authorized.

8. 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. NWP Specific Conditions:

1. NWP 3(b). Excavation of accumulated sediment or other material is not authorized by this NWP in areas adjacent to existing private or commercial dock facilities, piers, canals dug for boating access, marinas, boat ramps, or boat slips.

2. NWP 3(b). Use of rip-rap will not exceed an average of one cubic yard per running foot placed below the ordinary high water mark or the high tide line, unless the criterion is waived in writing by the District Engineer, or his assigned delegate.

3. NWP 4. Use of mechanized harvesting devices is prohibited.

4. NWP 7. Associated intake structures must employ the best practicable means to minimize entrainment or impingement of fish and other aquatic life, and the inflow velocity of intake structures is limited to not more than 0.5 foot per second.

5. NWP 7. For the purposes of this NWP, activities related to the construction of outfall structures means activities in the immediate vicinity which are necessary to construct or operate the outfall (e.g., pumps, rip rap, coffer dam). This does not include ancillary activities such as construction access roads, utility lines, buildings, etc.

6. NWP 12. Utility lines must be aligned to minimize the length of wetland/stream crossings, and/or to minimize impacts to wetlands/streams.

7. NWP 12. For buried utility lines, the width of the right-of-way corridor (i.e., impact area) cannot exceed 50 feet in wetlands; for buried utility lines subject to Federal Energy Regulatory Commission standards, the maximum width prescribed by these standards.

8. NWP 12. Construction of individual pump stations is limited to 0.1 acre of wetland impact; substations cannot be constructed within the banks of a stream.

9. NWP 12. Excavated material that is temporarily side cast in waters of the US shall be returned to the trench or removed within 60 days, unless a 30-day extension is requested and approved by the District Engineer, or his assigned delegate.

10. NWP 12. In wetlands, excavated material shall be returned to the trench and any remaining material shall be relocated to an approved disposal site. Substrate containing roots, rhizomes, seeds, etc., must be kept viable and replaced at the surface of the excavated site. Where impacted wetlands are allowed to naturally re-vegetate and/or replanted with native wetland species, the SOP contains allowances for a reduction in mitigation requirements. Stream banks that are cleared of vegetation shall be stabilized with deep-rooted native species similar to nearby reference sites. Each individual wetland/stream project shall be stabilized immediately following completion of utility line placement at that project.

11. NWP 12. 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.

12. NWP 12. Isolation methods (flume/coffer dam or pumped diversion) will be used to install utility lines in perennial streams. Flume/coffer dam isolation methods may include aquadams, pea gravel, sand bags, cured concrete blocks, steel or wood wall, sheet pile, or similar design. Flume/coffer dam isolation should be done in stages, moving dams as needed so that downstream reaches are not dewatered. Material to build granular coffer dams should be clean and washed, and should not be taken from the stream channel. Pumped diversion should not be used where there are fish passage concerns; before pumping water from the work area, fish should be salvaged from the isolated area and returned safely to the downstream portion of the watercourse. The area where the pump discharges should be lined with clean rock to prevent erosion and release of suspended sediments downstream. For both methods, streambanks should be stabilized with geotextile fabric, at a minimum, before the isolation methods are removed.

13. NWP 12. Permanent above-grade access/maintenance roads and above-grade utility lines (excluding overhead electric lines) are not authorized by this NWP. Permanent at-grade access roads shall impact no more than 200 linear feet of wetland at an individual wetland crossing. NWP 14 cannot be used in conjunction with NWP 12 to extend a road crossing beyond 200 feet.

14. NWP 12. For the purpose of calculating cumulative loss of waters of the US resulting from the construction of utility line access/maintenance roads, the geographic area of

consideration will be a “State of Georgia Hydrologic Map Cataloging Unit (i.e., 8-Digit Unit).” Loss of waters of the US will be considered cumulatively for all utility line access/maintenance roads associated with a utility line project. A utility line project may be a single continuous corridor between two end points, or a network/system of utility lines servicing a given area. The cumulative loss of waters of the United States for a utility line project in a Cataloging Unit cannot exceed 10 acres of wetlands and/or 1500 linear feet of stream. For utility line cumulative loss calculations, the acreage of stream loss will not be included in the 10 acre limit. If the loss of waters of the US associated with one access/maintenance road is 0.1 acre or more of wetland and/or 100 or more linear feet of stream, mitigation is required for all impacts to wetlands and streams resulting from the utility line project located within that Cataloging Unit.

15. NWP 14. For the purpose of calculating cumulative loss of waters of the US resulting from a linear road project, the geographic area of consideration will be an individual “State of Georgia Hydrologic Map Cataloging Unit (i.e., 8-Digit Unit).” A linear road project would include all losses of waters of the US along a continuous corridor between logical end points. The cumulative loss of waters of the United States for a linear road project in a Cataloging Unit cannot exceed 10 acres of wetlands and/or 1500 linear feet of stream. For linear road project cumulative loss calculations, the acreage of stream loss will not be included in the 10 acre limit. If impacts to waters of the US associated with a single road project (crossing) is 0.1 acre or more of wetland and/or 100 or more linear feet of stream, compensatory mitigation is required for all impacts to wetlands and streams resulting from all road projects that are part of the entire linear road project located within that Cataloging Unit.

16. NWP 14. An individual public road project (one crossing of waters of the US) cannot result in the loss of 300 or more linear feet of perennial stream.

17. NWP 14. Ditches and medians associated with road projects must be designed to prevent drainage of wetlands, and finished road elevations cannot be lower than surrounding wetlands.

18. NWP 14. All road projects constructed through wetlands/streams must begin on an existing natural high ground area (upland) and end on existing natural high ground.

19. NWP 23. This NWP cannot be used for projects that would impact more than 500 linear feet of stream or 1.5 acres of wetlands at any one site/project or for linear projects that would impact more than 1,500 feet of stream or 10 acres of wetlands over multiple projects within a Cataloging Unit.

20. NWP 37. All projects authorized under NWP 37 must be under construction or under contract for construction within 1 year of authorization. If not, the permittee will have to obtain a new permit for the project.

21. NWP 37. This NWP cannot be used for projects that involve removal of debris other than in the immediate up and downstream reaches (300 feet) adjacent to bridges and other stream crossings; bank clearing which involves complete removal of trees and/or removal of logs/dead trees which are buried in the bank; channel deepening beyond original bottom; and/or levee construction.

22. NWP 41. Use of NWP 41 is prohibited for projects that would cause or perpetuate drainage of wetlands or other waters of the US, and/or result in the removal or modification of riparian vegetation that provides shade, bank stabilization, nutrients, cover, or other features that are beneficial to fish and wildlife.

23. NWP 41. This NWP does not authorize work in natural streams that have been subjected to some previous channelization.

24. NWP 41. Excavated materials should be removed from the site. However, excavated materials may be placed on existing adjacent berms or on other previously used disposal sites, provided no additional wetlands are impacted and the material is stabilized to prevent erosion.

25. NWP 42. This NWP does not authorize golf courses or other projects that require use of herbicides, insecticides, fertilizers and/or other similar potentially toxic or hazardous materials, unless effective containment and/or barriers are to be implemented and fully maintained for the duration of the project, to prevent such contamination from entering waters of the US. The PCN must include documentation of compliance with this condition.

26. NWP 43. A stormwater management facility cannot result in the loss of more than 1/3 acre of wetlands. Cumulative project related wetland impacts, including permanent, temporary, and/or secondary impacts (e.g., temporary storm water retention) are limited to 1 acre of wetlands. Impacts that result in the conversion of forested wetlands to a scrub shrub, emergent or some other shallow water wetland community are not considered temporary and/or secondary.

27. NWP 45. All work associated with repair, rehabilitation or replacement of structures or fills must be completed within two years of the storm, flood, fire or other discrete event.

Enclosures

1. Pre-Construction Notification Form
2. List of Anadromous Fisheries Waters
3. State of Georgia Revocable License Request

Useful Websites:

www.sas.usace.army.mil/permit.htm
<http://www.nr.nps.gov/>
http://athens.fws.gov/endangered/counties_endangered.html
www.usace.army.mil
www.gaswcc.org
www.fema.gov/
<http://crd.dnr.state.ga.us/>
www.epa.gov/surf/
www.dnr.state.ga.us
<http://www.epa.gov/region4/water/watersheds/priority.htm#FL>