

DEPARTMENT OF THE ARMY PERMIT

PERMITTEE: Columbus Consolidated Government

PERMIT NUMBER: 200201930

ISSUING OFFICE:

Savannah District
US Army Corps of Engineers
Post Office Box 889
Savannah, Georgia 31402-0889

NOTE: The term "you" and its derivatives used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate District or Division office of the US Army Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

PROJECT DESCRIPTION: To build a full-service commercial marina for recreational boaters on the Chattahoochee River. The services provided by the marina would include wet slips and dry stack boat storage, a boat landing, a fuel dock, minor boat repairs, and upland amenities.

The marina basin would be located in the existing Wrenn Pond. Approximately 290,000 cubic yards of material would be excavated from Wrenn Pond to provide adequate depth for the marina basin. This material would be used to fill adjacent upland areas outside of the FEMA floodway.

An entrance channel would be excavated from the marina basin to the Chattahoochee River. A minimum clear width of 75 feet for navigation is proposed. A portion of the material removed from the entrance channel (approximately 52,000 cubic yards) would be used for construction of levees on the margin of the channel. The rest of the material excavated from the entrance channel would be used to fill adjacent upland areas outside of the FEMA floodway.

The entrance channel banks at the confluence of the channel and the Chattahoochee River would be armored to stabilize the entrance and to prevent erosion of the shoreline between the proposed entrance and Upatoi Creek. The entrance structure would be a steel sheet pile L-head dike that would serve multiple purposes. The dike would reduce sedimentation in the entrance channel by deflecting bedload transport from the entrance channel. The dike would also be designed to minimize the shoaling of suspended sediments in the entrance channel. A timber dock and rail would be constructed above the dike. Sighting of the L-head dike is in accordance with the 120-foot minimum offset from the federal navigation channel.

The structures to be built in the marina basin include approximately 2,160 linear feet of sheet pile bulkhead around the north part of the marina basin, pile anchored floating docks in the marina basin and a boat ramp located along the entrance channel.

The proposed entrance channel would impact 0.6 acres of wetlands. The existing creek just north of the development limits would be re-routed in two places to maintain natural flows to the Chattahoochee River. This would result in the impact of 0.23 acres of wetlands.

The applicant would mitigate the wetland impacts by enhancing the existing creek with native vegetation.

PROJECT LOCATION: The site is located adjacent to the Chattahoochee River, in Wrenn Pond, on the south side of Columbus, Muscogee County, Georgia.

PERMIT CONDITIONS:

General Conditions.

1. The time limit for completing the work authorized by this Individual Permit ends on December 31, 2010. If you find that you need more time to complete the authorized activity, you must submit a request for your permit extension at least one month prior to the above date.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned Water Quality Certification has been issued for your project, you must comply with conditions specified in the certification as Special Conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions.

1. A copy of this permit, including the approved drawings and plans; special conditions; the Water Quality Certificate, dated August 29, 2003; and any amendments shall be maintained at the work site whenever work is being performed. The permittee shall assure that all contractors, subcontractors, and other personnel performing the permitted work are fully aware of the permit's terms and conditions.

2. The permittee will notify the Regulatory Branch, Albany Field Office, in writing, ten days in advance of their intent to commence work in waters of the United States. The permittee will notify this office when the project is completed.

3. The permittee shall install and maintain erosion and siltation control measures prior to, during, and upon completion of the construction activity at all sites. These include, but are not limited to, utilization of straw mulching, hay bales, temporary seeding, permanent vegetation, diking techniques, silt screens, stream bank armoring, and any other erosion control and sediment trapping techniques.

4. All work conducted under this permit 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 the "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.

5. The permittee shall obtain and comply with all appropriate federal, state, and local authorizations required for this type of activity, to include the Muskogee County Erosion and Sediment Control Ordinance.

6. The permittee shall insure that this project complies with all applicable rules, requirements, and/or regulations of the Federal Emergency Management Agency with regard to construction in designated flood plains.

7. All dredged and borrowed material used as fill on this project will be from clean, uncontaminated sources and free of cultural resources.

8. The project will be constructed in accordance with the approved drawings and plans dated December 17, 1999.

9. The permittee will accomplish all work in accordance with the terms and conditions set forth in the Georgia Environmental Protection Division Water Quality Certification letter, dated August 7, 2002, for this project.

10. The permittee shall submit a detailed monitoring plan for the proposed mitigation site for our review and approval prior to the initial mitigation activities being completed. This plan shall state the factors that will be monitored, the methods that will be used, and a statement of the success criteria that will be used for the site and each type of mitigation.

11. The permittee shall take immediate remedial action to correct deficiencies where mitigation areas fail to meet the objectives as outlined in mitigation plan.

12. The permittee shall perform maintenance on the mitigation site for five consecutive years upon completion of restoration or enhancement work. Should a major deficiency be identified, remedial action shall be completed and the five-year maintenance and monitoring period shall start over, if determined necessary.

13. Staging areas and equipment maintenance areas (particularly for oil changes) will be located at least 200 feet from the river bank to minimize the potential for wash water, petroleum products, or other contaminants from construction equipment entering the streams.

15. Representatives from USACE shall be allowed to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.

16. The permittee will place no wake signs on either side of the marina, approved by and installed in accordance with the USCG requirements.

17. The permit does not authorize boat repair and engine maintenance, other than minor in nature, at this facility.

18. The permittee install a container for solid waste convenient to the dock.

19. The permittee shall comply with Office of Commissioner of Insurance-State Fire Marshal requirements regarding fuel facilities on the facility.

20. No live-aboards and no extended sleeping over-night shall be allowed.

21. The sanitary pump-out facility shall be made readily available in good working condition.

22. All work shall be performed in accordance with the following enclosed documents, plans, and drawings that are incorporated in and made a part of this permit:

a. GAEPD Section 401 Water Quality Certification dated August 7, 2002.

b. Plans and Drawings:

- (1.) Location Map
- (2.) Existing Conditions
- (3.) Proposed Improvement
- (4.) Excavation Plan (2 Sheets)
- (5.) Excavation Cross-Sections
- (6.) Typical Entrance Channel Cross-Section
- (7.) Proposed Graves
- (8.) Cross Section C-C
- (9.) Proposed Floating Docks
- (10.) Bulkhead Plan
- (11.) Bulkhead Details
- (12.) Storm water Plan (2 Sheets)
- (13.) Sanitary Sewer & Water Supply Plan (2 Sheets)
- (14.) Drystack Storage Building Plan
- (15.) Cross Section D-D
- (16.) Fuel System Plan
- (17.) Boat Ramp Plan
- (18.) Boat Ramp Plan Cross Section E-E
- (19.) Fishing Pier
- (20.) Fishing Pier Cross Sections
- (21.) Proposed Improvements Impacted Wetlands

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to Section 404 of the Clean Water Act (33 United States Code 1344).

2. Limits of this Authorization.

a. This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.

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

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

d. This permit does not authorize interference with any existing or proposed federal projects.

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

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public 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 such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order which requires you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate.
- d. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the US Army Corps of Engineers will normally give favorable consideration to a request for an extension of time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Paul Bahaj
(PERMITTEE)

1-24-05
(DATE)

This permit becomes effective when the federal official, designated to act for the Secretary of the Army, has signed below.

Thomas C. Fischer
Issued for and in behalf of:
Mark S. Held
Colonel, US Army
District Engineer

2/17/05
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

Regulatory Branch

CERTIFICATION OF COMPLIANCE
WITH
DEPARTMENT OF THE ARMY PERMIT

PERMIT NUMBER: 200201930

PERMITTEE: Columbus Consolidated Government

Within 30 days of completion of the activity authorized by this permit, sign this certification and return it to the following address:

Commander
US Army Engineer District, Savannah
Attention: Regulatory Branch
Albany Field Office
1104 N. Westover Blvd., Unit 9
Albany, GA 31707

Please note that your permitted activity is subject to compliance inspection by an US Army Corps of Engineers' representative. If you fail to comply with the permit conditions it may be subject to suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit.

 1/24/05

Signature of Permittee/Date