

(Letter retyped from original)

Department of the Army  
Savannah District, Corps of Engineers  
Northern Section  
1590 Adamson Parkway, Suite 200  
Morrow, Georgia 30260-1777

August 18, 2005

Regulatory Branch  
200501130

Athens Regional Medical Center, Inc.  
Attention: Mr. Tommy Smart  
1199 Prince Avenue  
Athens, Georgia 30306

Dear Mr. Smart:

I refer to your request for Department of the Army authorization to impact 295 linear feet of stream associated with property development activities. The project is located at latitude 33° 57' 48" north and longitude 83° 23' 52" west, near a tributary to the North Oconee River, in Athens, Clarke County, Georgia. This project has been assigned number 200501130. Please refer to this number in any future correspondence.

The subject property contains waters of the United States that are considered to be within the jurisdiction of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and/or Section 404 of the Clean Water Act (33 U.S. C. 1344). The placement of dredged or fill material into any waterways and/or their adjacent wetlands including material re-deposited during mechanized land clearing or excavation of those wetlands would require prior Department of the Army authorization.

Based on our review of the information you furnished, we have determined that the proposed activity is authorized under Nationwide Permit No. 12 as described in Part B (12) of our Nationwide Permit Program that was published in the January 15, 2002, Federal Register, Vol. 67, No. 10, Pages 2020-2095 (67 FR), as amended on February 13 and 25, 2002. A copy of this or any other so referenced document can be obtained from this office at your request. Your use of this Nationwide Permit is valid only if:

- a. The activity is conducted in accordance with the information submitted and meets the conditions applicable to the Nationwide Permit, as described at Part C of 67 FR and the Savannah District Nationwide Permit Regional Conditions.

- b. You obtain a stream butter 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.
- c. You fill out and sign the enclosed certification and return it to our office within 30 days of completion of the activity authorized by this permit.
- d. You shall minimize bank erosion and sedimentation in construction areas by utilizing Best Management Practices for stream corridors. Installing and maintaining significant erosion and sediment control measures, and providing daily reviews of construction and stream protection methods. **Check dams place in streams as erosion control measures are considered a fill and NOT authorized under this permit.** [stet]
- e. **Prior to the commencement of work**, you provide this office with documentation of the purchase of a minimum of **1367 stream credits** from an USACE approved mitigation bank that services the area.

This proposal was reviewed in accordance with Section 7 of the Endangered Species Act. Based on the information we have available, we have determined that the project would have no effect on any threatened or endangered species nor any critical habitat for such species. Authorization of an activity by a Nationwide Permit does not authorize the “take” of threatened or endangered species. In the absence of separate authorization, both lethal and non-lethal “takes” of protected species are in violation of the Endangered Species Act. See Part C of 67 FR for more information.

This verification will be valid for a period of two years from the date of this letter, or until the Nationwide Permit is modified, reissued, or revoked, whichever occurs first. All of the Nationwide Permits are scheduled to expire on March 18, 2007. It is incumbent upon you to remain informed of changes to the Nationwide Permits. If you commence or are under contract to commence this activity before the date the Nationwide Permit is modified or evoked, you will have twelve months from the date of the modification or revocation to complete the activity under the present terms and conditions of this Nationwide Permit.

This authorization should not be construed to mean that any future projects requiring Department of the Army authorization would necessarily be authorized. Any new proposal, whether associated with this project or not, would be evaluated on a case-by-case basis. Any prior approvals would not be a determining factor in making a decision on any future request. Revisions to your proposal may invalidate this authorization. In the event changes to this project are contemplated, I recommend that you coordinate with us prior to proceeding with the work.

This communication does not relieve you of any obligation or responsibility for complying with the provisions of any other laws or regulations of other federal, state, or local authorities. It does not affect your liability for any damages or claims that may arise

as a result of the work. It does not convey any rights, either in real estate or material or any exclusive privileges. It also does not affect your liability for any interference with existing or proposed federal projects.

If the information you have submitted and on which the US Army Corps of Engineers bases its determination/decision of authorization under the Nationwide Permit is later found to be in error, this determination may be subject to modification, suspension, or revocation.

If you have any further questions concerning this matter, please contact Ms. Keysha Cutts at (678) 422-2724. A copy of this correspondence will be forwarded to, Jordan, Jones & Goulding, Inc. Attention: Ms. Susan Hobgood, 6801 Governor's Lake Parkway, Building 200, Norcross, Georgia 30071.

Sincerely,

Jason Steele  
Acting Chief, Northern Section

Enclosure

CERTIFICATION OF COMPLIANCE  
WITH  
DEPARTMENT OF THE ARMY  
NATIONWIDE PERMIT (12)

PERMIT FILE NUMBER (if applicable): 200501130

PERMITTEE: Athens Regional Medical Center, Inc.

ADDRESS: Athens Regional Medical Center, Inc.  
Attention: Mr. Tommy Smart  
1199 Prince Avenue  
Athens, Georgia 30306

LOCATION OF WORK: Located at latitude 33° 57' 48" north and longitude 83° 23' 52" west, near a tributary to the North Oconee River, in Athens, Clarke County, Georgia.

PROJECT DESCRIPTION: To impact 295 linear feet of stream associated with property development activities. To mitigate for the stream impacts the applicant will purchase 1367 stream credits from an USACE approved mitigation bank.

WATERS OF THE US IMPACTED: 215 linear feet of perennial stream.  
80 linear feet of intermittent stream.

I understand that the permitted activity is subject to a US Army Corps of Engineers' Compliance Inspection. If I fail to comply with the permit conditions at Part C of the Nationwide Permit Program, published in the January 15, 2002, Federal Register, Vol. 67, No. 10, Pages 2020-2095, as amended on February 13 and 25, 2002, it may be subject to suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit as well as any required mitigation (if applicable) has been completed in accordance with the terms and conditions of the said permit.

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Date

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Signature/Permittee