

CESAS-OP-F  
SAS-2018-00158

Effective Date: October 5, 2018  
Expiration Date: October 5, 2023

SAVANNAH DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGIONAL PERMITS 30, 31, 32, 33, 34, AND 35  
FOR PUBLIC TRANSPORTATION PROJECTS  
WITHIN THE STATE OF GEORGIA

I. AUTHORITY: On the recommendation of the Chief of Engineers, and pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344), the Savannah District, U.S. Army Corps of Engineers authorizes the discharge of dredged and/or fill material into the waters of the United States (U.S.), as described in the below Regional Permits (RPs), within the geographic limits of the State of Georgia.

II. PURPOSE: The purpose of these RPs is to provide a simplified and expeditious means for the Corps to authorize certain public transportation projects undertaken by local, state, and federal government transportation agencies, which require impacts to streams, wetlands and other waters of the U.S.; and that are similar in nature and result in minor individual or cumulative impacts to aquatic resources. These RPs authorize the maintenance, repair, replacement, improvement, and widening of existing public transportation projects, including interstate highways, state highways, county roads, urban or suburban roads, railroads, airport taxiways, bicycle paths/lanes, and other facilities utilized for public transportation; and the construction of new public transportation projects, and associated structures.

III. AUTHORIZED ACTIVITIES:

RP 30 – Maintenance, repair, rehabilitation, and replacement of roads, culverts, bridges, and associated structures. Minor deviations in the configuration of the structure are authorized, when due to changes in materials, construction techniques, requirements of other regulatory agencies, current construction codes, or safety standards. This RP also authorizes: the removal of accumulated sediment and debris from stream channels within 100 feet up or downstream of an existing culvert or bridge; and the removal of previously authorized structures or fills. Impacts to wetlands, streams, and other waters of the U.S. are limited to the minimum necessary to accomplish a project; with stream channel modification limited to within 100 feet up and/or downstream of the existing bridge, culvert, or other structure.

RP 31 – Temporary access, bypass, dewatering, and other temporary structures and fills, including cofferdams, which are necessary to maintain, repair, rehabilitate, replace, improve, widen, and construct roads, bridges, culverts, and associated structures. Appropriate measures must be taken to maintain near normal downstream flows and to

minimize flooding. Fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Following project completion, all temporary structures and fills must be entirely removed to upland areas, with affected aquatic resource areas restored to the pre-construction elevation; hydrologic and flow regime; bed and bank condition; and vegetation condition, as appropriate. Impacts to wetlands, streams and other waters of the U.S. are limited to the minimum necessary to accomplish the primary activity; with stream channel modification limited to within 100 feet up and/or downstream of the existing bridge, culvert, or other structure. Temporary impacts to wetlands and streams authorized by RP 31 are not included in the cumulative aquatic loss limits for use of RPs 34 and 35.

RP 32 – Replacement of bridges with bridges. Impacts to waters of the U.S. are limited to the minimum necessary to accomplish bridge replacement. Stream channel modification is limited to 100 feet up and/or downstream of the existing bridge.

RP 33 – Replacement of culverts with culverts or bridges. Impacts to waters of the U.S. are limited to the minimum necessary to accomplish culvert replacement. Stream channel modification is limited to 100 feet up and/or downstream of the existing culvert.

RP 34 – Construction of roads, culverts, bridges, and other structures or fills associated with improvements to all existing public transportation projects and/or with all new public transportation projects. Permanent aquatic losses resulting from a single and complete crossing are limited to: 1,500 linear feet of intermittent and/or perennial stream, and 2 acres of wetland for projects located in the northern Georgia counties; and 1,000 linear feet of intermittent and/or perennial stream, and 3 acres of wetland, for projects located in southern counties. Permanent aquatic losses resulting from a total linear transportation project are limited to 2,000 linear feet of intermittent and/or perennial stream, and 8 acres of wetland for projects located in northern counties; and 1,500 linear feet of intermittent and/or perennial stream, and 10 acres of wetland for projects located in the southern counties. Permanent losses of other jurisdictional waters of the U.S. (e.g., open water, ephemeral streams, and ditches) are limited to the minimum necessary to accomplish the primary activity. See Table 1 below for a summary of RP 34 and 35 authorized permanent stream and wetland losses.

RP 35 – Construction of new public transportation projects that will be part of the state transportation system; which is limited to State Routes, U.S. Highways, and Interstate Highways. Permanent aquatic losses resulting from a single and complete crossing are limited to: 2,000 linear feet of intermittent and/or perennial stream, and 4 acres of wetland for projects located in the northern Georgia counties; and 1,500 linear feet of intermittent and/or perennial stream, and 5 acres of wetland, for projects located in southern counties. Permanent aquatic losses resulting from a total linear transportation project are limited to: 5,000 linear feet of intermittent and/or perennial stream, and 12 acres of wetland for projects located in northern counties; and 4,000 linear feet of intermittent and/or perennial stream, and 15 acres of wetland for projects located in the southern counties. Permanent losses of other jurisdictional waters of the U.S. (e.g.,

open water, ephemeral streams, and ditches) are limited to the minimum necessary to accomplish the primary activity.

NOTES: For the purposes of these RPs, a total linear transportation project includes all individual single and complete crossings of waters of the U.S., and associated work in waters of the U.S., located between a project's beginning and ending logical termini. See Appendix A for a map depicting northern and southern Georgia counties. Table 1 below, summarizes RP 34 and RP 35 authorized permanent stream and wetland losses for single and complete crossings, and for total linear transportation projects.

Table 1. Maximum Authorized Permanent Aquatic Losses for Uses of RPs 34 and 35					
	Stream Loss (linear feet)			Wetland Loss (acres)	
	Single/Complete Crossing		Total Linear Project	Single/Complete Crossing	Total Linear Project
RP 34	North GA Counties	1,500	2,000	2.0	8.0
	South GA Counties	1,000	1,500	3.0	10.0
RP 35	North GA Counties	2,000	5,000	4.0	12.0
	South GA Counties	1,500	4,000	5.0	15.0

#### IV. GENERAL CONDITIONS:

1. Activities which are not specified in these RPs or which exceed RP limitations would require authorization under a Department of the Army individual permit from the Corps. The Corps may also require Department of the Army individual permit authorization on a case-by-case basis if it is determined that authorization under the RPs for a specific project might be contrary to the public interest. For additional information on permits, please visit <http://www.sas.usace.army.mil/Missions/Regulatory.aspx>.
2. All activities identified and authorized herein shall be consistent with the terms and conditions of these RPs. Any activity not specifically identified and authorized herein shall constitute a violation of the terms and conditions of the applicable RP, which may result in the modification, suspension, or revocation of the RP, in whole or in part, as set forth more specifically in General Condition 3, and in the institution of such legal proceedings as the U.S. government may consider appropriate, whether or not the permit has been previously modified, suspended, or revoked in whole or in part.
3. In issuing a verification of authorization for use of a RP for a specific project, the Corps relies on the information and data which the Applicant provides in connection with a Pre-Construction Notification (PCN). If, subsequent to the Corps' issuance of a verification of authorization under a RP, such information and data are determined to be false, incomplete, or inaccurate, the verification of authorization may be modified, suspended, or revoked, in whole or in part, and/or the Corps may, in addition, initiate appropriate legal proceedings. Furthermore, one or more of the RPs may be summarily suspended, in whole or in part, upon a finding by the District Commander 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 (a) the extent of the suspension, (b) the reason(s) for this action, and (c) any corrective or preventative measures to be taken by a Permittee which are deemed necessary by the District Commander to abate imminent hazards to the general public interest. The Permittee shall take immediate action to comply with the provisions of such notice. Within 10 days following receipt of 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. Any modification, suspension, or revocation of a RP shall not be the basis for any claim for damages against the U.S.

5. Use of these RPs does not authorize interference with any existing or proposed federal project and the Permittee shall not be entitled to compensation for damage or injury to the structures or works authorized herein which may be caused by or result from existing or future operations undertaken by the U.S. in the public interest.

6. If and/or when a Permittee desires to abandon an activity authorized by these RPs, unless such abandonment is part of a transfer procedure by which a Permittee is transferring interests herein to a third party, the area must be restored to a condition satisfactory to the District Commander.

#### V. SPECIAL CONDITIONS:

1. Transportation projects authorized by these RPs must be funded by federal, state, or local government (Applicant).

2. For proposed projects that meet the terms and conditions for authorization under RP 30 or 31, neither submission of a Pre-Construction Notification (PCN) to the Corps, nor verification for use of these RPs by the Corps is required, provided all of the following are met: (a) the proposed project would have no effect on federally listed threatened or endangered species, or listed critical habitat, pursuant to Section 7 of the Endangered Species Act (ESA); (b) within or adjacent to the proposed project area, there are no cultural resources that are potentially eligible for listing or listed in the National Register of Historic Places, pursuant to Section 106 of the National Historic Preservation Act (NHPA); and (c) the proposed project would impact less than 100 linear feet of stream and/or 0.1 acre or wetlands. Permittees are required to comply with all applicable terms and conditions for non-notifying uses of RPs 30 and 31.

[NOTE: See Section VI below for Georgia Department of Natural Resources (GDNR) requirements for non-notifying projects, and projects located in tidal waters.]

3. Except for projects that qualify for non-notifying uses of RPs 30 and 31 described above, prior to conducting work under authority of these RPs, the Applicant must submit a complete PCN to the Corps, and receive written verification from the Corps that a proposed project is authorized by RP.

4. Use of RP 35 is only available for construction of new roads that will be part of the state transportation system; which is limited to State Routes, U.S. Highways, and Interstate Highways. Prior to use of RP 35, all of the following actions will be completed: early in the GDOT plan development process (PDP), comments and recommendations will have been solicited from the resource agencies (Corps, Federal Highway Administration (FHWA), U.S. Fish and Wildlife Service (FWS), U.S. Environmental Protection Agency (EPA), National Marine Fisheries Service (NMFS); GDNR, Georgia Environmental Protection Division (EPD), and Georgia Coastal Resources Division (CRD); the lead federal agency (LFA) will have completed consultation pursuant to ESA and NHPA, when required; and pursuant to the Section 404(b)(1) Guidelines of the Clean Water Act, the Corps will have determined that the project is the least environmentally damaging practicable alternative (LEDPA) that would meet the basic project purpose. For projects proposed for authorization under these RPs, the FHWA is the LFA for federally funded projects, and the Corps is the LFA for state and locally funded projects.

5. A project that is verified by the Corps to be authorized by these RPs will remain authorized until the scheduled RP expiration date. When a project is verified by the Corps to be authorized by RP, and authorized work is not initiated or completed prior to the RP expiration date, the project will be conditionally re-authorized if and when the RPs are re-issued by the Corps for a subsequent five-year period, provided: (a) the expired and re-issued RP used to authorize the project are substantively the same; and (b) the RP authorized project is unchanged. In such cases, the Permittee is not required to request verification from the Corps that a project that was previously verified by the Corps to be authorized by RP continues to be authorized by the re-issued RP. A RP authorized project can only be conditionally re-authorized once. For any RP authorized project not initiated or completed by the end of the second five-year RP authorization period, the Permittee must submit a new PCN to the Corps and request verification of use of RP to complete the project; which will require re-evaluation of the project by the Corps.

6. No activity authorized by these RPs may cause more than a minimal adverse effect on Navigation. Any safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulations or otherwise, must be installed and maintained at the Permittee's expense on authorized facilities in navigable waters of the United States. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions

caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

7. Bridges constructed over navigable waters of the U.S. are subject to the jurisdiction of the USCG, pursuant to Section 9 of the Rivers and Harbors Act. For projects that include construction of a bridge over navigable waters, the Applicant must obtain written approval or waiver from the USCG prior to use of these RPs.

8. These RPs cannot be used in conjunction with other RPs, Nationwide Permits, or an Individual Permit to authorize any work or activities that would result in greater aquatic impacts.

9. No RP authorized activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

10. Certain activities proposed for authorization by RP may also require permission from the Corps pursuant to 33 U.S.C. 408 (Section 408), because it will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project. When applicable, these RPs cannot be used to authorize a transportation project until after the appropriate Corps office has issued Section 408 permission to alter, occupy, or use the Corps project; and the Corps issues subsequent written verification that the proposed project is authorized by RP.

11. On a case-by-case basis, use of these RPs may be prohibited in waters of the U.S. that support anadromous fish, or in waters that previously supported such fish and where restoration of fish migrations and populations is possible. The established limits for these waters are identified in Appendix B, and includes adjacent and tributary waters located within 1,000 feet of these identified waters. Proposed transportation projects that may impact anadromous fish waters will be coordinated by the Corps with NMFS and/or FWS. Only those proposed projects that are determined by the Corps, NMFS, and/or FWS to have minimal impact on anadromous fish waters or their restoration will be authorized by these RPs.

12. All RP authorized activities must comply with applicable local and state floodplain management requirements; and applicable requirements of the Federal Emergency Management Agency that concern construction activities in, or the addition of fill material to designated floodplains and floodways.

13. All work performed under authority of these RPs is subject to the conditions contained in the attached Water Quality Certification, issued by EPD, pursuant to Section 401 of the Clean Water Act.

14. Projects authorized by these RPs may require a variance from EPD prior to conducting land disturbing activities or placement of materials within the State-mandated buffer, per O.C.G.A. § 12-7-6 of The Erosion and Sedimentation Act of 1975 (E&S Act). Non-exempt construction projects within the buffer and without a buffer

variance are in violation of O.C.G.A. 12-7-6, in the E&S Act. Failure to maintain a stream buffer requires the issuance of a stop work order (O.C.G.A. 12-7-12(d)). Please see EPD's website, <http://www.gaepd.org>, or contact the NonPoint Source Program at (404) 651-8554, for: guidance on buffer determinations and variances; the process of obtaining a buffer variance; information on what constitutes a minor land disturbing activity; and additional information on the E&S Act. Applicants should also refer to EPD's "Streambank and Shoreline Stabilization Guidance," available on the website, for further information on the preferred, acceptable and discouraged methods of shoreline stabilization in Georgia.

15. All work conducted under these RPs shall be located, outlined, designed, constructed, and operated in accordance with the minimal requirements as contained in the E&S Act. 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 the above referenced EPD website.

16. Culverts in Perennial Streams: (Note: Diagrams and pictures of appropriate and inappropriate culverted stream crossing designs are located in attached Appendix C.)

a. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life, their habitat, and continuity of that habitat, as described below.

b. The dimension, pattern, and profile of the stream above and below a pipe or culvert should not be modified by altering the width or depth of the stream profile in connection with the construction activity. The width, height, and gradient of a proposed culvert should be sufficient to pass the average low flow and the average high flow without altering flow velocity.

c. Culverts must be designed and constructed in a manner that minimizes destabilization and head cutting. Destabilizing the channel and head cutting upstream should be considered and appropriate actions incorporated in the design and placement of the culvert.

d. The width of the main culvert(s) shall be approximately equal to the average channel width. Culvert(s) shall not permanently widen/constrict the channel or reduce/increase stream depth. Multiple box culverts are acceptable to receive base flows. Multiple pipes or culverts may not be used to receive base flows. Additional pipes or culverts may be used to receive storm flows, but must be placed at a higher elevation than the main culvert or baffled.

e. Bank-full flows shall be accommodated through maintenance of the existing bank-full cross-sectional area.

f. The upstream and downstream invert of culverts (except bottomless culverts) installed in perennial streams will be buried/embedded to a depth of 20% of the culvert height to allow natural substrate to colonize the structure's bottom and encourage fish movement.

g. Culvert slope shall be consistent with average stream segment slope, but shall not exceed 4 percent unless additional measures are made to encourage colonization of natural bed sediments in the bottom of the culvert.

h. 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.

i. Where adjacent floodplain is available, floodplain culverts should be used to pass flow through natural flow paths in the floodplain. Flood flows should not be constricted. Only in situations where a stream lacks a floodplain or the floodplain is no longer active due to entrenchment should flood flows be directed to the main culvert.

j. Culverts placed within riparian and/or riverine wetlands must be installed in a manner that does not restrict the flow and circulation patterns of waters. Culverts placed across wetland fills purely for the purposes of equalizing surface water do not have to be buried, but the culverts must be of adequate size and/or number to ensure unrestricted transmission of water.

k. Culvert extensions should implement the above conditions, where practical, to the maximum extent practicable to minimize adverse effects to aquatic life, their habitat, and connectivity of that habitat.

17. For projects that involve the installation of jetties, bulkheads, cofferdams, and other temporary structures that constrict stream/river flow, channel constriction must not exceed 33 percent of total stream/river width at any time.

18. Mitigation:

a. The Corps has the discretion to determine the loss and/or change in aquatic function that would result from a permanent and/or temporary adverse impact to waters of the U.S. (e.g., fill, flood, clear, excavate, etc.), resulting from an activity authorized by these RPs, and the type and amount of compensatory mitigation needed to offset this loss or change. A compensatory mitigation plan is required for projects that result in an adverse impact to 0.1 acre or more of wetlands and/or 100 linear feet or more of stream. For a total linear project, if the sum of impacts from all individual single and complete projects meets or exceeds 0.1 acre of wetland and/or 100 linear feet of stream, mitigation is required for all impacts that would result from construction of the



total linear project. For a linear transportation project (e.g., interstate highway, state highway, county road, urban and suburban road, railroad, taxiway, etc.) the total linear project includes all individual single and complete crossings of waters of the U.S. that are located between the beginning and end of the proposed project.

b. Compensatory mitigation plans must be in accordance with the most recent version of Savannah District's Standard Operating Procedure (SOP) for mitigation, and the 2008 Final Compensatory Mitigation Rule (33 CFR Parts 325 and 332).

c. As stated in the 2008 Final Compensatory Mitigation Rule, the preferred method of compensatory mitigation for impacts to waters of the U.S. is the purchase of credits from an approved commercial mitigation bank.

d. For the purposes of calculating stream mitigation for RP authorized projects, impact areas will be in linear feet, with no decimal point (e.g., 100, not 100.1).

e. For the purposes of calculating wetland mitigation for RP authorized projects, impact areas will be in acres and tenths of acres (e.g., 10.1, not 10.11), with impact areas rounded up or down to the nearest 10<sup>th</sup> of an acre. Only for impacts of less than 0.1 acre of wetland will mitigation be calculated for less than 0.1 acre.

19. Public transportation projects proposed for authorization by these RPs that would potentially result in the destruction or alteration of Essential Fish Habitat (EFH) are subject to the consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. For such projects, the LFA is responsible for consultation with the National Marine Fisheries Service (NMFS).

## 20. Endangered Species:

a. Unless the LFA determines that a survey is not required for a specific project, the Applicant shall conduct an endangered species survey of the "permit area," and "action area," which may include downstream reaches of flowing streams that might be impacted by project construction (sedimentation, increased stormwater, etc.). Surveys shall be performed in accordance with the ESA. Based on survey results, if the LFA determines that a proposed project may affect a listed species, the LFA will conduct Section 7 consultation in accordance with the ESA.

b. Authorization of an activity by these RPs does not authorize the "take" of threatened or endangered species, or adverse modification of critical habitat, as defined in the ESA. In the absence of an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc., non-lethal or lethal "take" of protected species or adverse modification of designated critical habitat would be in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained from the FWS web-page at <http://ecos.fws.gov/ipac/> and the NMFS web-page at [http://www.nmfs.noaa.gov/prot\\_res/eashome.html](http://www.nmfs.noaa.gov/prot_res/eashome.html).

c. If while accomplishing an activity authorized by these RPs, threatened or endangered species are encountered, the Permittee shall immediately stop work and notify the LFA. The LFA will notify FWS and/or NMFS, as appropriate.

d. If prior to initiating or during completion of work authorized by these RP(s), new species or critical habitat is federally listed, and the newly listed species or critical habitat is known to be present in or near the project area, the Permittee shall contact the LFA. In such cases, if authorized work has not been initiated, the Permittee will not begin work until notified by the LFA to do so.

e. Activities conducted in the main stem of the following listed Hydrologic Unit Code (HUC) sections of the Savannah (0306010606), Broad (0306010401 and 0306010403), Hudson (0306010402), Oconee (0307010202 and 0307010208), and Ocmulgee (0307010313) Rivers must avoid gravel patches that serve as spawning areas for anadromous and/or catadromous fish species. In-water activities in and within 0.25 mile up and downstream of these spawning areas must be avoided to the maximum extent practical, during spawning seasons and egg development. Spawning season for the robust redhorse occurs between March 1 and July 1 of each year, in the Broad and Hudson Rivers. Spawning seasons for sturgeon and robust redhorse occur between January 16 and June 31 and August 16 and November 16 of each year, in the Savannah, Oconee, and Ocmulgee Rivers. During PCN review, FWS and/or NMFS will notify the Corps if a proposed project may be located in or near an important spawning area. For these projects, the Corps will place appropriate special conditions in the RP verification letter to the Permittee that are necessary to protect fish spawning and spawning areas. Activities that result in the physical destruction (e.g., excavation, discharge of fill, sedimentation, or other alteration) of an important spawning area are not authorized by these RPs. Designated HUC for the U.S. can be found at this link: <https://water.usgs.gov/GIS/huc.html>

## 21. Cultural Resources:

a. Applicants intending to use these RPs shall have a qualified professional conduct a Phase I Cultural Resources Survey of the project area, in accordance with NHPA, if required. Information on identified cultural resources may be available in the Georgia Archaeological Site Files, at <http://archaeologylab.uga.edu/gasf/>. If cultural resources are located on or near a proposed project area, the lead federal agency will conduct consultation in accordance with the NHPA. For such projects, the Corps cannot verify the project is authorized by these RPs until after the LFA makes its effect determination and completes consultation.

b. If any previously unknown historic or archeological resource is discovered while accomplishing an activity authorized by these RPs, the Permittee shall immediately stop work and notify the LFA. The LFA will then determine if such a previously unidentified resource requires consultation pursuant to the NRHP, and initiate consultation if required.

## 22. Best Management Practices:

- a. Activities in waters of the U.S. that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
- b. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).
- c. Heavy equipment working in freshwater wetlands, tidal marsh, mudflats, and similar aquatic areas must be placed on mats, or other measures must be taken to minimize soil disturbance.
- d. All structures and fills shall be properly maintained to ensure public safety.
- e. Borrow sites or sites for stockpiling fill dirt are prohibited within 200 feet of streams or in any other area of the project site where storm water runoff would likely result in increased stream sedimentation.
- f. Equipment storage, equipment maintenance, supply storage, and use of pesticides, herbicides, and/or other chemicals should not occur within the 100-year floodplain or 200 feet from the stream banks or wetland edge, whichever is greater. All storage and maintenance areas should be protected with secondary containment.
- g. Work must be accomplished so that wet (uncured) concrete, concrete curing water, or flowable fill does not contact surface waters.
- h. All contractors, subcontractors, and other personnel performing authorized work will be made fully aware of all applicable terms and conditions.
- i. For new construction, consider the use of bridge designs that span the stream/river, including pier or pile-supported spans, or designs that use a bottomless arch culvert with a natural stream bed, which do not hinder the free passage of all life stages and/or spawning of fish.
- j. Where practicable, consider the use of bank stabilization methods that are beneficial to fish and wildlife (e.g., soil bioengineering or biotechnical design, root wads, large woody debris, etc.).
- k. Avoid the use of plastic monofilament mesh slope matting. Plastic monofilament material is known to ensnare snakes, other terrestrial and aquatic species and commonly leads to mortality. The Permittee should consider the use of alternative natural fibers (e.g., coir, jute, wood fiber, etc.).
- l. Where revegetation of temporarily impacted waters of the U.S. is required, the Permittee will use of native plant species, appropriate to the region and project site.

m. For projects where stormwater would drain to a stream or wetland consider additional water quality protection through implementation of the Runoff Reduction performance standard, found in the Georgia Stormwater Management Manual (<https://atlantaregional.org/georgia-stormwater-management-manual/>). The Coastal Supplement to this manual should be used in Georgia's eleven coastal counties (Chatham, Bryan, Liberty, McIntosh, Glynn, Camden, Long, Effingham, Wayne, Brantley, and Charlton Counties).

n. In counties that commonly use de-icers for roads or bridges, the use of bridge scuppers that directly discharge stormwater to streams should be minimized, except where necessary for safety.

#### VI. WATER QUALITY CERTIFICATION (WQC) AND GEORGIA COASTAL MANAGEMENT PROGRAM (GCMP) CONCURRENCE:

1. Tidal waters regulated by CRD are located in the eleven coastal counties (i.e., Chatham, Bryan, Liberty, McIntosh, Glynn, Camden, Long, Effingham, Wayne, Brantley, and Charlton Counties), and generally coincide with the location of tidal waters of the United States that are regulated by the Corps under Section 10 of the Rivers and Harbors Act. The map attached at Appendix D depicts the furthest upstream location on the major rivers on the coast Georgia, where tidal waters are located.

2. For RPs 30, 31, 32, and 33, GDNR issued a conditional WQC and conditional concurrence with the federal consistency determination under the GCMP, pursuant to the Coastal Zone Management Act, as follows:

a. For non-notifying use of RP 30 and 31 (i.e., no PCN required) that involve projects in tidal waters, the Applicant must submit the GDNR Notification Form (Appendix D) to CRD, and to EPD, a minimum of 30 days prior to initiating authorized work. [NOTE: For uses of RP 30 and 31 requiring submission of a PCN, the GDNR form is not required.]

b. For non-notifying use of RP 30 and 31 (i.e., no PCN required) that involve projects in non-tidal waters, the Applicant must submit the GDNR Notification Form to EPD, a minimum of 30 days prior to initiating authorized work. [NOTE: For uses of RP 30 and 31 requiring submission of a PCN, the GDNR form is not required.]

c. For RPs 32 and 33, EPD issued conditional WQC and CRD concurred with federal consistency under GCMP. However, on a case-by-case basis EPD may revoke WQC for the proposed, project-specific use of these RPs, and require project-specific WQC concurrence; and CRD may revoke GCMP concurrence for a proposed, project-specific use of these RPs, and require project-specific CZMA concurrence.

3. For uses of RP 34 on projects that involve improvements to existing public transportation projects, EPD issued conditional WQC and CRD concurred with federal consistency under GCMP. However, on a case-by-case basis EPD may revoke WQC for the proposed, project-specific use of these RPs, and require project-specific WQC concurrence; and CRD may revoke GCMP concurrence for a proposed, project-specific use of these RPs in the eleven coastal counties, and require project-specific CZMA concurrence. Use of RP 34 in non-coastal counties does not require GCMP concurrence or notification to CRD.

4. For uses of RP 34 on projects that involve construction of new public transportation projects, CRD denied GCMP concurrence in all areas of the eleven coastal Georgia counties; and EPD denied WQC. CRD and EPD will review PCNs submitted for these proposed use of RP 34 in the eleven coastal counties, and on a case-by-case basis provide GCMP concurrence and issue WQC, if appropriate.

5. For RP 35, CRD denied GCMP concurrence in all areas of the eleven coastal Georgia counties; and EPD denied WQC. CRD and EPD will review PCNs submitted for use of RP 35 in the eleven coastal counties, and on a case-by-case basis provide GCMP concurrence, and issued WQC, if appropriate. Use of RP 35 in non-coastal counties does not require a project-specific GCMP concurrence or WQC.

6. For all proposed uses of RP 35 in tidal waters, for proposed uses of RP 34 that involve construction of new roads in tidal waters, or for proposed, project-specific uses of RPs 30, 31, 32, 33, or 34, for which CRD revokes GCMP certification and EPD denies WQC, the Corps will complete its review, and if appropriate, issue a provisional verification letter to the Permittee for use of the RP. All Corps' provisional verification letters will include the following paragraph: "The Georgia Department of Natural Resources, Coastal Resources Division denied Georgia Coastal Management Program (GCMP) Certification, pursuant to the Coastal Zone Management Act, for use of the Regional Permit; and Georgia Environmental Protection Division denied Water Quality Certification (WQC) pursuant to Section 401 of the Clean Water Act. This letter is the U.S. Army Corps of Engineer's provisional verification for your use of the Regional Permit, and does not authorize work in waters of the United States. You must obtain GCMP Certification and WQC for your project and submit a copy of these certifications to the Corps, prior to initiating work."

## VII. PRE-CONSTRUCTION NOTIFICATION (PCN) REQUIREMENTS:

1. For uses of these RPs on sites located in the eleven coastal counties, the PCN must include a request for verification as to whether the project site is subject to the Corps' jurisdiction under Section 10 of the Rivers and Harbors Act.

2. A PCN is required for any project proposed in a State designated primary or secondary trout stream.

3. A PCN is required for any project proposed within 2,000 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.
4. The Applicant shall submit all PCNs to the U.S. Army Corps of Engineers, Attention: Regulatory Branch, 100 West Oglethorpe Avenue, Savannah, Georgia 31401.
5. The Applicant shall submit all PCNs to EPD in accordance with the requirements of Appendix E. The Applicant shall submit all PCNs for projects proposed in the above listed eleven coastal counties, to CRD, in accordance with the requirements of Appendix E.
6. For the purposes of submitting PCNs for use of these RPs, all documentation of stream impacts must be calculated and described in linear feet, with no use of tenths, hundredths or thousandths of linear feet. Round all tenths, hundredths or thousandths of linear feet to the nearest linear foot.
7. The following information must be submitted for a PCN to be considered complete for processing:
  - a. A completed Pre-Construction Notification Check-List (Appendix F).
  - b. A project description, to include: the basic purpose of the proposed project; direct and indirect adverse effects to and losses of aquatic resources; for linear projects, a brief description of the logical termini; for proposed new work on existing projects, a description/discussion of the existing project; for widening and new alignment projects, a summary of alternatives considered, and avoidance and minimization measures.
  - c. For all proposed uses of RP 34, the PCN shall include information concerning the basic project purpose, alternatives considered, and aquatic resource avoidance and minimization measures.
  - d. For uses of RP 35, documentation of compliance with the requirements of Special Condition 4, and that the project was coordinated with the state and federal resource agencies, and the Corps has determined that the project is the LEDPA.
  - e. A request for verification of on-site aquatic resources, consistent with Regulatory Guidance Letter 16-01; or prior Corps verification of aquatic resources.
  - f. An endangered species survey report, or documentation of the LFA's determination pursuant to the ESA.
  - g. A cultural resources survey report, or documentation of the LFA's determination pursuant to the NHPA.

h. Plan and section view drawings of the project showing the dimensions of the project, with the streams, wetlands, and other waters of the U.S. that would be impacted. Plans should also include an illustration of the existing stream dimensions at proposed crossings.

i. A compensatory mitigation plan, if required.

k. For projects that involve in-stream temporary construction activities (i.e., jetty, bulkhead, cofferdam, or similar structure) where stream or river constriction would be greater than 25% of the cross sectional area of the critical flow:

(1) A description of how structure(s) will be used and/or staged.

(2) A plan sheet for the project area clearly defining the location of the proposed structure(s), size (length and width) of the structure(s), the approximate edge of bank, and the thalweg. For staged projects, a plan sheet for each stage.

(3) A time table for the duration for each stage and the total duration of all stages.

(4) An elevation sheet for each stage, showing the normal stream/river elevation, the 50-year flood stage elevation, the 100-year flood stage elevation, and the top of structure elevation.

(5) Estimated natural stream/river flow velocity, and estimated stream/river flow velocity at each structural stage: at the 2 year storm; at the 5 year storm event; and when water elevation is at the top (but not overtopping) the structure.

(6) The bank full width of the stream/river at the structure location and the structure width for each stage.

(7) A description of stream/river bank substrate and stability, stream channel substrate and stability, and any plans for the control of potential or anticipated project induced channel scour and/or bank erosion.

(8) Plan for submission of a post-project compliance report to the Corps document, stage duration, total duration, and that project area restoration and revegetation, if applicable.

j. For projects that involve installation of a culvert in a perennial stream, the following information is required: (Note: Diagrams and pictures of appropriate and inappropriate culverted stream crossings are in attached Appendix C.)

(1) Culvert type and size.

(2) Depth the culvert inlet/outlet will be embedded in the stream bottom.

(3) Designed culvert slope along the stream channel.

(4) A profile of the stream bottom (longitudinal profile) beginning at least 50 feet upstream of the culvert inlet and continuing at least 50 feet downstream of the culvert outlet. Profile measurements shall begin at the head of a riffle and end at the head of a riffle. The change in elevation from head of riffle to head of riffle can be used for the designed slope.

(5) One cross-sectional scale diagram of the stream channel and banks. For new culverts, the cross-section will be measured at the middle of the proposed culvert location. For culvert replacement or extensions, the cross-section will be measured approximately 100' upstream of the project site. The cross-sections shall depict the stream width and height at the current water elevation, bank-full elevation and flood-plain elevation. The X and Y axis on this diagram must be at the same scale.

(6) A scale cross-sectional diagram showing proposed as-built conditions, including location of the culvert in the channel, channel bottom elevation, road surface and areas of cut and fill. This diagram shall represent the middle cross-section. The X and Y axis on this diagram must be at the same scale.

k. For projects that involve road-widening or other activities that would result in the relocation or modification of an aerial or buried utility line located perpendicular or parallel to the roadway, the PCN shall include: the utility line owner's name, and contact information; verification that the utility line owner is aware of the proposed roadway project; and general information concerning proposed utility line relocation.

VIII. PCN PROCESSING: Within 30 calendar days of receipt of a PCN package, the Corps will determine if it is complete for processing; and if incomplete, the Corps will notify the Applicant of additional information needed to complete the PCN. Once the Corps determines a PCN to be complete, it will be coordinated with FWS, NMFS, EPA, EPD, and if applicable CRD. The Corps initiates PCN coordination with the resource agencies by email, on Friday of each week, with a summary of complete PCNs received that week. The resource agencies have 10 calendar days from receipt of the Friday email to notify the Corps if they intend to provide substantive, project-specific comments; and request a copy of the complete PCN package. If a resource agency requests a copy of the PCN, the agency will have an additional 15 calendar days to provide comments (25 total days from receipt of the Friday email). The Corps will fully consider agency comments received within this specified time frame; and document the administrative record regarding how resource agency concerns and comments were considered. If an agency does not contact the Corps within 10 calendar day of receipt of the Friday email, the agency has no comments on the project. Within 45 calendar days of receipt of a complete PCN the Corps will complete its review and notify the Applicant by letter concerning whether a proposed project qualifies for authorization under these RPs. Applicants shall not begin work on a proposed project until after receipt of the Corps' letter verifying that a project is authorized by RP.



## IX. FURTHER INFORMATION:

1. 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).

2. Limits of this authorization:

a. The RPs do not obviate the need to obtain other federal, state or local authorizations required by law.

b. These RPs do not convey any property rights, either in real estate or material, or any exclusive privileges; nor do the RPs authorize any injury to property or invasion of rights or any infringement of federal, state, or local laws or regulations.

c. The RPs do not authorize injury to the property or rights of others.

d. The RPs do not authorize interference with existing or proposed federal projects.

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

a. Damages to permitted projects or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to permitted projects or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public's interest.

c. Damages to person, property or to other permitted or unpermitted activities or structures caused by the activities authorized by these RPs.

d. Design or construction deficiencies associated with permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of these RPs.

4. Reevaluation of Permit Decision. The Corps may reevaluate its decision on any activity authorized by these RPs at any time the circumstances warrant. Circumstances that would require a reevaluation include, but are not limited to, the following:

a. The Permittee's failure to comply with the terms and conditions of the RPs.

b. The information provided by the Applicant in support of a PCN proves to be false, incomplete or inaccurate.

c. Substantial new information surfaces which the Corps 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 Corps, and if the Permittee fails to comply with such a directive, the Corps 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.

RP's 30, 31, 32, 33, 34, and 35 become effective when the federal official designated to act for the Secretary of the Army has signed below.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

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Issued for and on behalf of:  
Daniel H. Hibner  
Colonel, U.S. Army  
Commanding

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DATE

Enclosures:

1. Appendix A – Northern and Southern Georgia Counties (RPs 34 and 35)
2. Appendix B – Anadromous Fish Waters
3. Appendix C – Culverts
4. Appendix D – Limits of Tidal Waters in Georgia
4. Appendix E – GDNR Notification Requirements
5. Appendix F – Pre-Construction Notification Check-List