DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
SAVANNAH DISTRICT
100 W. OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3604

October 5, 2023

Regulatory Division
SAS-2018-00158

PUBLIC NOTICE
FOR REISSUANCE OF REGIONAL PERMITS 30, 31, 32, 33, 34, AND 35 AUTHORIZING LOCAL, STATE, AND FEDERAL GOVERNMENT FUNDED TRANSPORTATION PROJECTS WITHIN THE STATE OF GEORGIA

The Savannah District, U.S. Army Corps of Engineers, by means of this notice is advertising reissuance of Regional Permits (RPs) 30, 31, 32, 33, 34, and 35, authorizing impacts to waters of the United States for the construction of public transportation projects, within the State of Georgia, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Scope: RPs are a type of General Permit, which may be issued by the District Commander to authorize activities which are substantially similar in nature and cause only minimal individual and cumulative environmental impacts (33 C.F.R. Parts 322.2(f), 325.2(e), and 330). The scope of these RPs include only those activities considered to be minor in nature and that would result in minimal individual and cumulative environmental impacts.

Description of Authorized Activities: These RPs authorize the maintenance, repair, replacement, improvement, and widening of existing roads, and the construction of new roads, bridges, culverts, and associated structures. See the enclosed RPs for a complete description of authorized activities, and the terms and conditions for RP use.

Other Authorizations: Any jurisdictional activity that does not meet the terms and conditions for authorization by these RPs, or that would exceed the limitations of the RPs, will require project-specific authorization from the Corps in the form of an Individual Permit (IP). The District Commander may also on a case-by-case basis require submission of an application for an IP, if it is determined that authorization of a public transportation project by these RPs would be contrary to the public interest or potentially result in more than minimal environmental impact.

Inquiries concerning these RPs should be made to the US Army Corps of Engineers, Regulatory Division, Attention: Mr. Brian Moore, 100 West Oglethorpe Avenue, Savannah, Georgia, 31401. The telephone number for Mr. Moore is (912) 652-5349.

Enclosure - Regional Permits 30, 31, 32, 33, 34, and 35 (w/Appendices)

CESAS-RD
SAS-2018-00158

Effective Date: October 5, 2023
Expiration Date: October 5, 2028

SAVANNAH DISTRICT, U.S. ARMY CORPS OF ENGINEERS REISSUANCE OF 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 roadway and/or structures, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, current construction codes, or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This RP also authorizes: the removal of accumulated sediment and debris from stream channels and/or stream channel modification (e.g., placement of riprap, channelization, relocation, etc.) within 100 feet up and/or downstream of an existing culvert, bridge, or other structure; 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 work, including stream diversions, dewatering, and other temporary structures and fills, including debris containment structures, 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 non-erodible 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. Bridge replacement projects may include modifications to associated roadway approach components, as required to complete the structure replacement. 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 the 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 existing public transportation projects and/or with 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, canals, 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 roads, culverts, bridges, and other structures or fills associated with new public transportation projects that will be part of the state transportation system. 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 waters of the U.S. (e.g., open water,

ephemeral streams, canals, 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 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.

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 a RP.

4. Use of RP 35 is only available for construction of new roads that will be part of the state transportation system. Prior to use of RP 35, all of the following actions will be completed: early in the GDOT plan development process, 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 a 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 a 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 may be used in conjunction with other Corps RPs or Nationwide Permits for a single and complete project as long as the acreage and/or linear footage loss of waters of the U.S. would not result in an exceedance of the respective impact limit specified by the RP or Nationwide Permit.

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. Only those proposed projects that are determined by the Corps and/or NMFS 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 would be subject to the conditions contained in any 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, https://epd.georgia.gov/, or contact the Nonpoint Source Program at 470-524-4621, 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 https://epd.georgia.gov/.

16. Installation of New or Replacement Culverts in Perennial Streams:

a. Bottomless or Arch-Span Culverts: If there are any impacts to aquatic resources, the overall inner width of a bottomless or arch-span culvert shall be approximately equal to, but not narrower than, the typical bankfull width of the stream channel. Additional pipes or culverts may be used to receive flows exceeding bankfull, but the inlet(s) shall be baffled at the stream's bankfull elevation or sit at the stream's bankfull elevation.

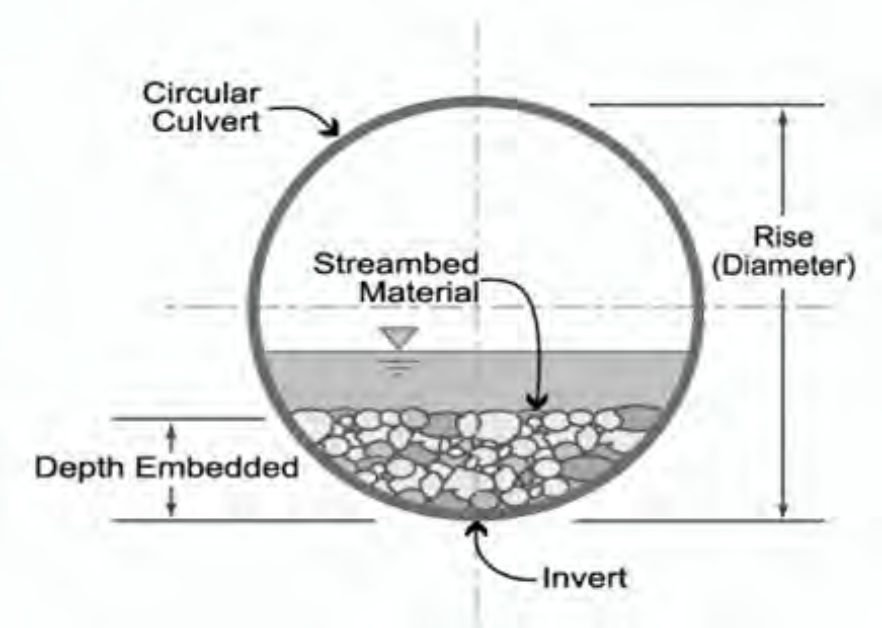
b. Box Culverts: The overall inner width of a single or multi-barrel box culvert shall be approximately equal to, but not narrower than, the typical bankfull width of the stream channel. Additional pipes or culverts may be used to receive flows exceeding bankfull, but the inlet(s) shall be baffled at the stream's bankfull elevation or sit at the stream's bankfull elevation.

c. Circular Pipes/Culverts: The overall inner width of a circular pipe/culvert shall be approximately equal to, but not narrower than, the typical bankfull width of the stream channel. Multiple circular pipes/culverts may not be used to accommodate flows at bankfull width except in scenarios where a culvert replacement would result in additional impacts to waters. Additional circular pipes/culverts may be used to receive flows exceeding bankfull but shall sit at the stream's bankfull elevation.

d. Culverts shall be of adequate size to accommodate flows exceeding bankfull 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. This may be accomplished by installation of equalizer culverts in the floodplain.

e. Unless specifically described in the PCN, use of undersized culverts to detain stormwater or for pollutant treatment is not authorized.

f. Culvert Embedding: The upstream and downstream invert of culverts (except bottomless or arch-span culverts) shall 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. Additional culverts used to receive flows exceeding bankfull are not required to be embedded.



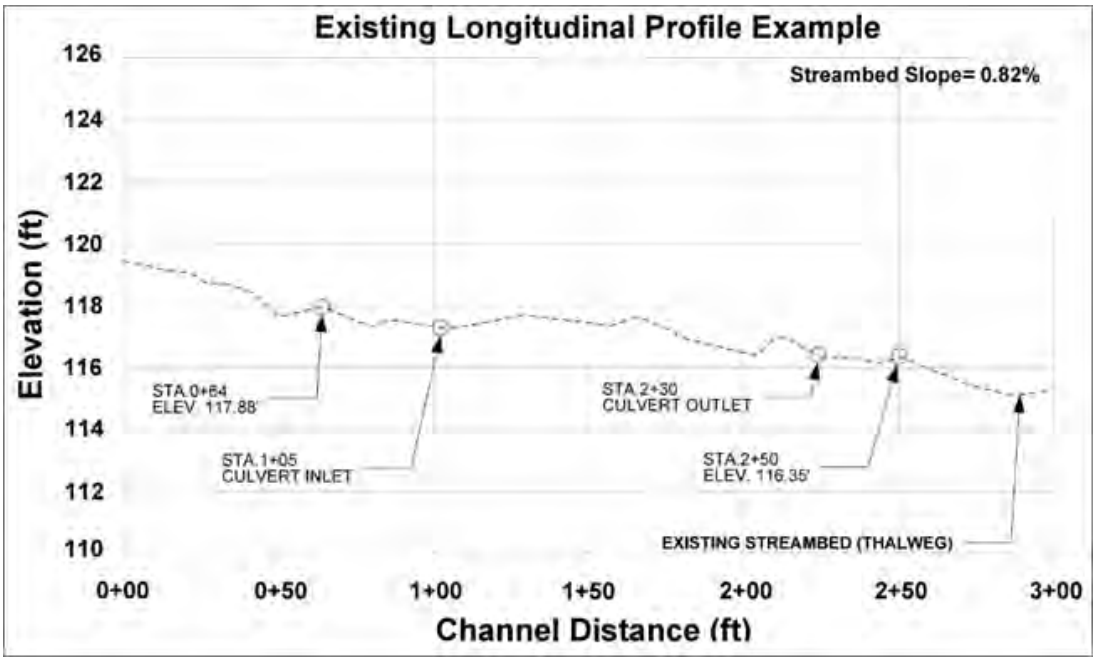
g. Culvert Slope: The culvert slope shall be set within 25% of the streambed slope (e.g., if streambed slope is 2%, the designed slope of the culvert shall be between 1.5% and 2.5%). In situations where culvert slope exceeds 4%, interior baffles on the bottom of the culvert or other measures shall be used to allow for sediment colonization and/or velocity attenuation.

h. See Appendix C for additional culvert design information.

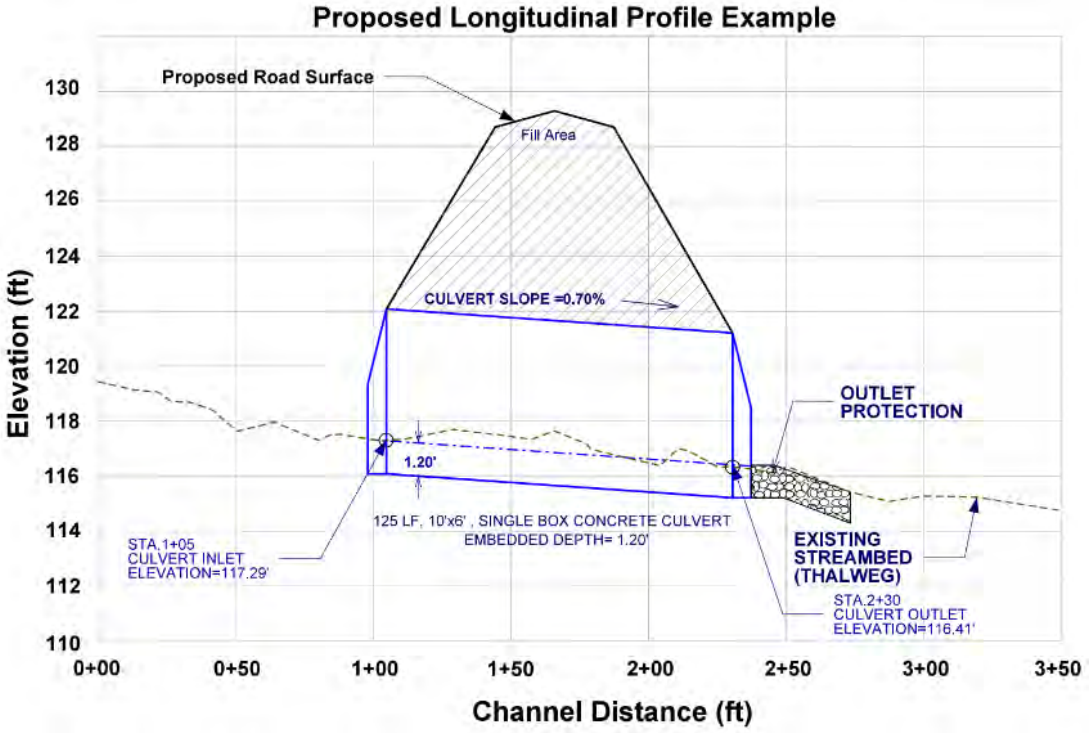
i. All PCNs shall provide the following information: (NOTE: See above conditions and Appendix C for additional culvert design information.)

(i) Plan view diagram of the existing and proposed conditions. The diagram shall depict the existing stream channel and direction of flow; proposed culvert information, including alignment, type and size, channel excavation (i.e., constructed channel between the existing stream channel and proposed culvert), and outlet protection; the proposed roadway; areas of cut and fill; and locations of cross-sections. The diagram shall include a scale and a north arrow.

(ii) Longitudinal profile diagram of the existing stream channel beginning approximately 100 feet upstream of the proposed culvert inlet and continuing approximately 100 feet downstream of the proposed culvert outlet. The diagram shall depict the elevations of the existing streambed (along the thalweg), as well as locations of the proposed culvert inlet and outlet. Longitudinal profile measurements shall begin, if possible, 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 may be used to calculate streambed slope. For sand-bed dominated streams that are void of riffle features, the heads of ripples may be used as a substitute. The diagram shall note the streambed slope.

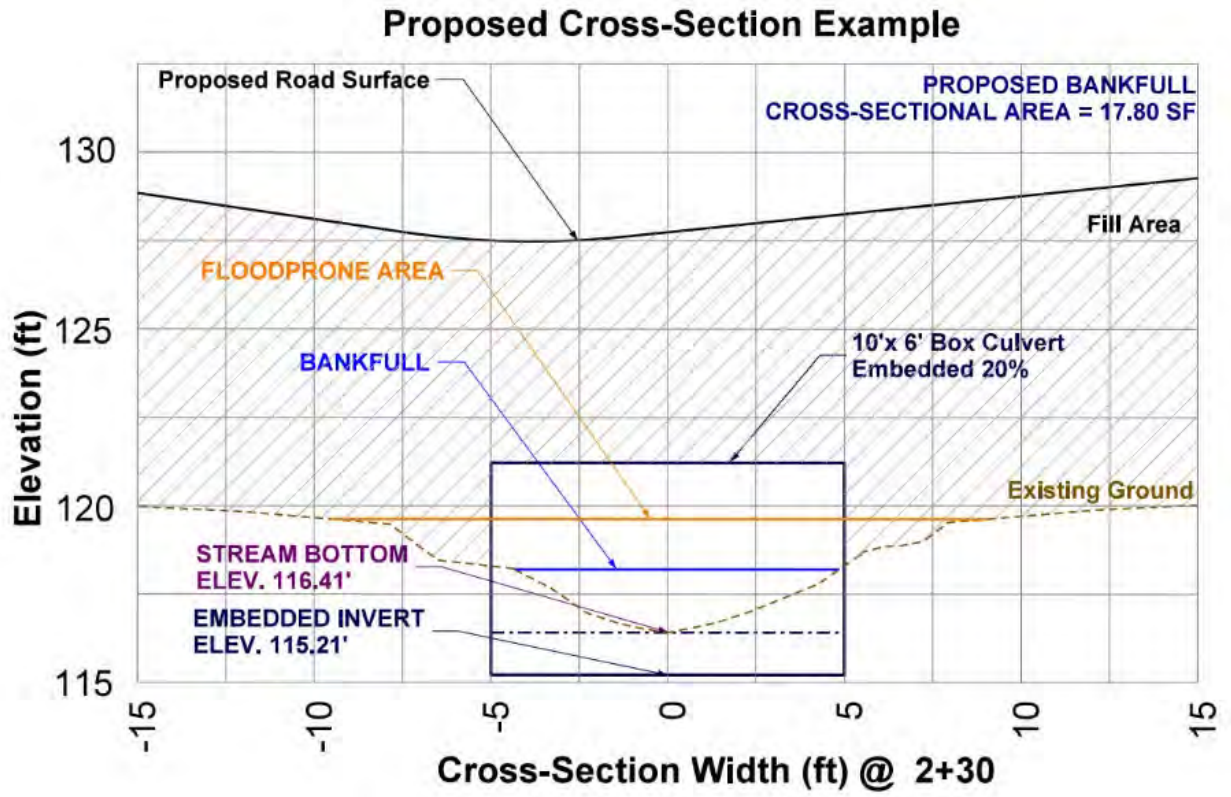


(iii) Longitudinal profile diagram of the proposed culvert, including the proposed culvert slope, type and size, invert elevations, and embedded depth; elevation of the existing streambed (along the thalweg); and locations of channel excavation (i.e., constructed channel between the existing stream channel and proposed culvert), headwalls, outlet protection, and energy dissipaters, as applicable.



(iv) At least one representative cross-section diagram of the existing stream channel. If the stream channel exhibits notable variation in width and/or maximum depth within the project area, multiple cross-sections shall be collected. Cross-section(s) shall be measured, if possible, at a stable riffle or ripple that is representative of the project reach and located within and/or directly adjacent to the project area. For culvert replacements, cross-sections shall be measured away from the influence of the existing culvert (usually 100 feet upstream and/or 100 feet downstream). The cross-section(s) shall depict the elevations of the stream channel bed and banks, bankfull, and flood prone area (i.e., 2x the maximum bankfull depth). The diagram shall note bankfull width and bankfull cross-sectional area. The X and Y axis must be at the same scale.

(v) Cross-sectional diagrams of the proposed culvert inlet and outlet, including location of the culvert in the stream channel; culvert type and size; proposed road surface and areas of cut and fill; and elevations of the culvert invert and stream bottom and stream channel bed and banks, bankfull, and floodprone area (i.e., 2x the maximum bankfull depth). The diagram shall note the proposed bankfull cross-sectional area. The X and Y axis must be at the same scale.



17. Installation of Culvert Extensions in Perennial Streams:

a. Existing conditions of box and circular pipe culverts and any proposed extension thereof shall be assessed to determine if aquatic life passage is accommodated (e.g., perched culvert inlet or outlet). Justification shall be provided for any culvert that will be extended instead of replaced that does not accommodate aquatic life passage.

b. Proposed culvert extensions shall be assessed to determine whether baffles or other measures may be used to improve conditions for aquatic life passage. Documentation shall be provided on whether measures to improve aquatic connectivity are practicable. When practicable, these measures shall be implemented.

18. Mitigation:

a. A compensatory mitigation plan is required for RP projects that result in an adverse effect to 0.1 acre or more of wetlands and/or 100 lf or more of stream that results in a loss of aquatic function. For a total linear project, if the sum of the adverse effects from all individual single and complete projects meets or exceeds 0.1 acre of wetland and/or 100 lf of stream, mitigation is required for all adverse effects 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. The mitigation bank(s) proposed for a RP authorized project must comply with Savannah District's most recent credit purchase guidance. Credits purchased prior to Corps approval may not be accepted. The most recent credit purchase guidance can be found at the following link: https://www.sas.usace.army.mil/Missions/Regulatory/Mitigation/.

d. For the purposes of reporting stream impacts and calculating stream mitigation for RP authorized projects, impact areas will be reported in both linear feet and acres.

e. For the purposes of reporting wetland impacts and calculating wetland mitigation for RP authorized projects, impact areas must be reported in acres, with impact areas rounded up or down to the nearest 100^{th} of an acre.

f. All temporary stream dewatering impacts resulting in a loss of aquatic function shall be included in the sum of permanent and/or temporary impacts when determining if a compensatory mitigation plan is required. Compensatory mitigation requirements for temporary stream dewatering activities will be calculated on a case-by-case basis.

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, unless a non-federal representative has been designated .

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.habitat.noaa.gov/protection/efh/.

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 HUCs 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 https://www.nps.gov/subjects/nationalregister/index.htm. 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. Erodible stockpiled materials and excavation spoil shall be placed at least 200 feet away from streams, wetlands, or other waters of the U.S. All disturbed soil located within 200 feet of a stream, wetland, or open water shall be mulched daily or covered with erosion control mats until work in such areas has been completed. If mulch is necessary, mulch with tackifiers or soil stabilizers that are anionic, non-oil based (e.g., granular polyacrylamide) shall be used to reduce turbidity and increase longevity. Erosion and sediment control devices (e.g., compost filter socks or silt fence) shall be installed around erodible stockpiles within 200 feet of a stream, wetland, or other waters of the U.S.

f. Within 200 feet of a stream, wetland, or other waters of the U.S., secondary containment and spill response procedures shall be provided on site for all heavy equipment to prevent the spread of pollutants during oil changes, refueling, and equipment maintenance. When feasible, mineral based hydraulic fluids shall be replaced with synthetic biodegradable hydraulic fluid.

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 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, oyster bags/boxes, replanting of native marsh vegetation in filter socks, 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 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.

23. In cases where a proposed project cannot be constructed as required by a RP condition, there may be an acceptable alternative construction technique that could be used to ensure impacts to aquatic resources remain minimal. In cases where use of an alternative technique is requested, the PCN must include the following information:

a. A detailed discussion of why the RP condition cannot be met.

b. Adequate scientific or engineering information necessary to document that the proposed alternative construction technique would achieve equal or better aquatic resource impact avoidance as the RP condition.

Based on information provided in the PCN, the Corps will determine whether or not the project would comply with the RP conditions. For projects determined acceptable, while not meeting a specified condition, the Corps will share their determination with GADNR EPD, and for projects within the 11 coastal counties, with GADNR CRD.

24. The use of temporary stream diversion methods are authorized to install or replace structures in perennial streams. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fills must consist of non-erodible 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.

25. For all proposed activities that would be located in or adjacent to an authorized Federal Navigation project, the PCN must include project drawings that have the following information: a) location of the edges of the Federal channel; b) the distance from waterward edge of the proposed structure or fill to the nearest edge of the channel and the Mean High and Mean Low water lines; and c) coordinates of both ends of the waterward edge of the proposed structure or fill (NAD 83 State Plane Coordinates in decimal degrees).

26. RPs 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. A Department of the Army Individual Permit application is required for these projects.

VI. SECTION 401 WATER QUALITY CERTIFICATION (WQC) AND/OR COASTAL ZONE MANAGEMENT ACT (CZMA) CONSISTENCY DETERMINATION SUMMARY AND APPLICABLE CONDITIONS:

Section 401 WQC
GDNR EPD issued a conditional WQC pursuant to Section 401 of the Clean Water Act. This certification is contingent upon the following conditions:

1. To assure compliance with State water quality standards, the applicant shall conduct all activities in a manner that will assure water quality adequate or necessary to protect and maintain designated uses. 33 U.S.C. § 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2),(6),(9),(15); Ga. Comp. R. and Regs. 391-3-6-.03(2)(i), (ii).

a. To prevent or avoid degradation of water quality downstream, the applicant shall implement Best Management Practices (BMPs) that have been approved for in-water use to the extent practical and feasible, to minimize total suspended solids (TSS) and sedimentation for any work conducted within a state water or within the delineated boundaries of wetlands. 33 U.S.C. § 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2), (6), (9), (15); O.C.G.A. § 12-5-29(a); O.C.G.A. §§ 12-7-6 to 7; Ga. Comp. R. and Regs. 391-3-6-.03(5).

b. In order to prevent or avoid violations of state water quality standards, the applicant must ensure that any fill placed in state waters must be clean fill that is free of solid waste, toxic, or hazardous contaminants. 33 U.S.C. §§ 1311; 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2), (6), (9), (15); O.C.G.A. § 12-5-29(a); Ga. Comp. R. and Regs. 391-3-6-.03(5), (6), (11), (14)-(16).

2. To prevent sedimentation of state waters, the applicant shall ensure that it obtains coverage, as necessary, under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction for discharges comprised of storm water associated with construction activity and any required land disturbing activity permits intended to prevent soil erosion, sedimentation, and deposition into waters of the state. 33 U.S.C. § 1342(p); O.C.G.A. § 12-5-30; O.C.G.A. §§ 12-7-6 to 7; Ga. Comp. R. and Regs. 391-3-6-.06; Ga. Comp. R. and Regs. 391-3-6-.16.

3. The applicant shall ensure that it abides by the requirements of any stream buffer variance applicable to the project, including provisions to ensure protection, restoration, or mitigation of or related to the stream buffer, which facilitates the protection of water quality. 33 U.S.C. §§ 1311; 1313(a)-(d); O.C.G.A. § 12-7-6; Ga. Comp. R. and Regs. 391-3-7-.05.

4. This certification is contingent upon satisfaction of the Savannah District's Special Conditions, including the Appendix E provisions requiring prior notification to Georgia EPD before the commencement of Regional Permit authorized projects.

5. Georgia EPD requires submission of a formal application for individual 401 water quality certification for use of Regional Permit 34 (New Construction) and Regional Permit 35 occurring within the eleven coastal counties that will involve projects in tidal waters.

6. Georgia EPD may require submission of a formal application for individual 401 water quality certification for any project if it is determined, based upon consideration of Georgia's water quality rules, that the project is likely to have a significant adverse effect upon water quality.

7. Modifications to the Regional Permits may require an amendment to these conditions. Accordingly, the applicant must notify the Georgia Environmental Protection Division of any modifications to the proposed activities authorized under the Regional Permits including, but not limited to, modifications to the construction or operation of any facility, or any new, updated, or modified applications for federal permits or licenses for the Project. 33 U.S.C. §§ 1311-1313; O.C.G.A. § 12-5-23(c)(2),(6),(9),(15); Ga. Comp. R. and Regs. 391-3-6-.03.

<u>CZMA</u>
GDNR CRD did not concur with the Corps CZMA consistency determination for activities authorized under RPs 30-35 in tidally-influenced waters within the 11-county coastal zone (See Appendix H). Consequently, prospective permittees must obtain an individual CZM consistency concurrence prior to commencement of the activity

authorized by RPs 30-35 within tidally influenced areas in the following counties: Chatham, Effingham, Bryan, Liberty, Long, McIntosh, Glynn, Wayne, Brantley, Camden and Charlton Counties.

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 Division, 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 reported in linear feet and acreages. All impacts to wetlands must be calculated and reported in acres.

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.

j. Locations and dimensions of temporary work and structures required to complete the project.

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.

RPs 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:

BLOCKER.SHAUN.L.1258532682 Digitally signed by BLOCKER.SHAUN.L.1258532682
Date: 2023.09.29 12:10:01 -04'00'

Issued for and on behalf of: DATE
Ronald J. Sturgeon
Colonel, U.S. Army
Commanding

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
6. Appendix G – 401 Water Quality Certification
7. Appendix H – Coastal Zone Management Act Federal Consistency Denial Letter

Dade
Catoosa
Walker
Whitfield
Murray
Fannin
Union
Towns
Rabun
Gilmer
White
Habersham
Stephens
Lumpkin
Chattooga
Gordon
Pickens
Dawson
Hall
Banks
Franklin
Hart
Floyd
Bartow
Cherokee
Forsyth
Jackson
Madison
Elbert
Polk
Paulding
Cobb
Gwinnett
Barrow
Clarke
Oglethorpe
Haralson
Douglas
Fulton
DeKalb
Walton
Oconee
Wilkes
Lincoln
Carroll
Clayton
Rockdale
Newton
Morgan
Greene
Taliaferro
Columbia
Fayette
Henry
Warren
McDuffie
Richmond
Heard
Coweta
Spalding
Butts
Jasper
Putnam
Hancock
Glascock
Troup
Meriwether
Pike
Lamar
Monroe
Jones
Baldwin
Jefferson
Burke
Washington
Upson
Harris
Talbot
Crawford
Bibb
Wilkinson
Twiggs
Johnson
Jenkins
Screven
Taylor
Peach
Emanuel
Muscogee
Houston
Bleckley
Laurens
Treutlen
Candler
Bulloch
Effingham
Chattahoochee
Marion
Macon
Schley
Pulaski
Dodge
Montgomery
Wheeler
Toombs
Evans
Tattnall
Bryan
Chatham
Stewart
Webster
Sumter
Dooly
Crisp
Wilcox
Telfair
Quitman
Randolph
Terrell
Lee
Turner
Ben Hill
Jeff Davis
Appling
Liberty
Long
Clay
Calhoun
Dougherty
Worth
Irwin
Coffee
Bacon
Wayne
McIntosh
Tift
Early
Baker
Mitchell
Berrien
Atkinson
Pierce
Brantley
Glynn
Miller
Colquitt
Cook
Lanier
Ware
Seminole
Decatur
Grady
Thomas
Brooks
Lowndes
Clinch
Charlton
Camden
Echols

Anadromous Fish Waters in Georgia

1. **Savannah River** from the Atlantic Ocean to the Augusta Diversion Dam, including portions of Ebenezer (GA 119) and Brier (GA 121/US 25) Creeks. Anadromous fish restoration is in progress on the Savannah River and the limit of anadromous fish waters may be extended to include Stevens Creek and the Savannah River to Thurmond Dam. Currently there is limited upstream passage through the lock chamber at New Savannah Bluff Lock and Dam.

2. **Ogeechee River** from Ossabaw Sound to the GA 402/I-20/Carl Sanders Hwy Bridge, including portions of Black (GA 404/US 16/Jim Gillis Historic Savannah Pkwy), Mill (GA 24), Ogeechee (GA 17/Scarboro Hwy), Horse (GA 21/Millen Hwy), Williamson Swamp (GA 4-BUS/US 1-BUS/S Main St.) and Rocky Comfort (GA 88/Ferns Bridge Rd.) Creeks.

3. **Canoochee River** from its confluence with the Ogeechee River and its upper branches, including Lotts (GA 73/US 25/US 301) and Little Lotts (GA 46) Creeks above the I-16 Bridge.

4. **Altamaha River** from the Atlantic Ocean to its confluence with the Oconee and Ocmulgee Rivers, including portions of Doctor (GA57), Penholoway (GA 27/US 25/US 341/Golden Isles Pkwy), Beards (GA 196/Baxter-Durrence Rd.; Halls Bridge), Ten Mile (Ten Mile Rd.) and Cobb (GA 147; Perrys Mill Bridge) Creeks.

5. **Ohoopee River** from its confluence with the Altamaha River to the GA 31/US 319/Carter Rd. bridge near Wrightsville, including portions of Rocky (GA 178/Sid Newton Rd.) and Pendleton (GA 86/Earl Kemp Rd.) Creeks, and Little Ohoopee River to the GA 78/US 319/Elm St. Bridge.

6. **Oconee River** from its confluence with the Altamaha River to the Lake Sinclair Dam, including portions of Turkey (GA 31/US 319/US 441; Claxton Memorial Bridge), Big Sandy (GA 112/Nickelsville Toomsboro Rd.), Commissioner (GA 112/Main St.) and Buffalo (GA 24/W Church St.) Creeks.

7. **Ocmulgee River** from its confluence with the Altamaha and Oconee rivers to the East Juliette hydropower dam, including portions of Horse (GA 117), House (GA 11/US 129/Bowens Mill Hwy), Cedar (GA 11/US 129), Bluff (GA 11/US 129/Abbeville Hwy), Big (GA 11/GA 112/US 129/Abbeville Hwy), Big Indian (GA 247/US 129), Echeconnee (GA 11/Houston Rd.) and Tobesofkee (GA 11/GA 49/GA 247/US 41/US 129) Creeks.

8. **Little Ocmulgee River** from its confluence with the Ocmulgee River to the dam at Little Ocmulgee Lake in McRae, including portions of Alligator Creek (CR 197/GA 134).

9. **Satilla River** from St. Andrew Sound to the GA 158/Old Coffee Rd. Bridge west of Douglas, including portions the Alabaha River (GA 38/US 84) and Buffalo (GA 23/US 301), Big Satilla (GA 15/GA 121/Blackshear Hwy SE), Little Satilla (Nine Run Rd.), Colemans (Stanfield Rd.), and Pudding (Old Douglas Rd.) Creeks.

10. **Little Satilla River** from Jekyll Sound to the GA 25/US 17/Ocean Hwy bridge.

11. **St. Marys River** from the Atlantic Ocean to near the Florida/Georgia border at the CR 2/GA 94/Moniac Rd. Bridge.

12. **Chattahoochee River** from Lake Seminole to George W. Andrews Lock and Dam.

13. **Flint River** from Lake Seminole to the Flint River Dam.

Culvert Designs that Restrict Movement of Fish and other Aquatics

Perched Culverts: A perched culvert's downstream end hangs above the stream bottom, so that water leaving the culvert forms a waterfall at the culvert lip. Perching can occur when culverts are installed on the stream bottom, rather than imbedded, or from channel scour caused by an undersized culvert.

Poorly-sized or Installed Culverts: Undersized culverts restrict stream flow, particularly during floods. Water exits at a high velocity, causing channel and bank erosion. Overly-wide culverts spread stream flow out so depths are too shallow for many fish and other aquatic organisms to swim or move through.

Multiple Pipe Culverts: Culverts with two or more widely-spaced pipes are prone to clogging, which may inhibit fish movement; increase water velocity in the remaining pipes; cause flooding into roadside ditches, resulting in problems for roadways; and cause water to scour the channel banks, causing bank erosion and increased maintenance costs.

Aquatic-Passage Friendly Culvert Designs

Bottomless culverts may be a good alternative for fish passage where foundation conditions allow their construction and width criteria can be met. Culverts should be designed to meet appropriate hydraulic capacity and structural integrity criteria. Several methods exist for designing culverts for fish passage, including methods that focus on hydraulic design and stream simulation. The recommendations below borrow from, but do not replace, these more rigorous culvert design protocols. Culverts designed to facilitate movement of aquatic species should:

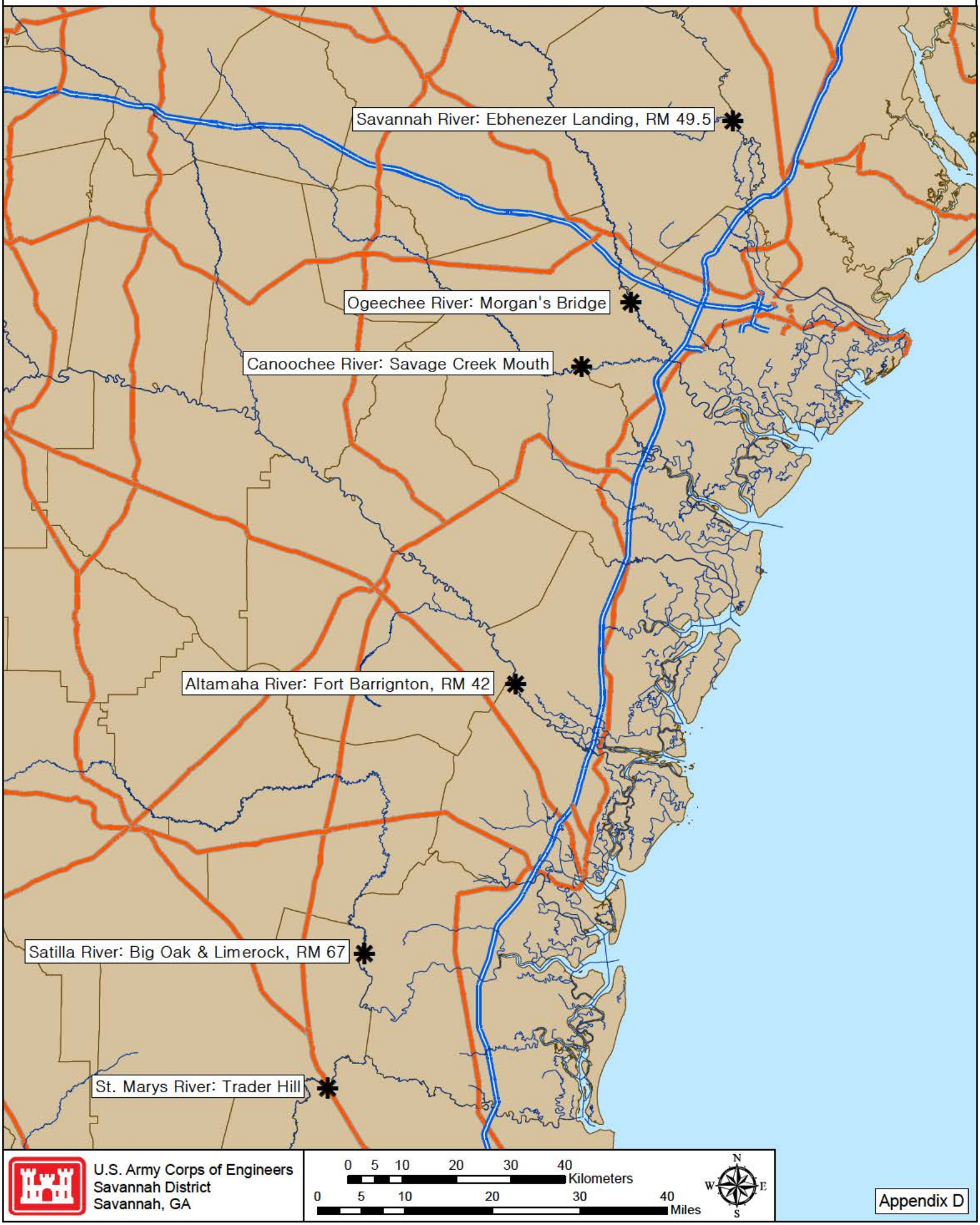
- Have a width equal to or slightly greater than the average streambed width
- Be installed at a relatively flat gradient
- Be embedded below the channel bed at least 20% of the culvert's diameter or rise
- Provide adequate flood capacity with extra culverts at bankfull elevation or in the floodplain.

Bottomless or embedded culverts wide enough to carry baseflows without altering stream depth (i.e., width equal to or slightly greater than the average channel width).

The culvert is installed at a relatively flat gradient to allow substrate to colonize the culvert's interior and maintain natural flow velocity.

Culverts, set at bankfull elevation (top) or with baffles constructed at bankfull height carry flood waters but do not overwiden the channel at baseflows.

LIMITS OF TIDAL WATERS IN GEORGIA



U.S. Army Corps of Engineers
Savannah District
Savannah, GA

Appendix D

Georgia Department of Natural Resources
Requirements and Notification Procedures
Regional Permits 30, 31, 32, 33, 34, and 35

State of Georgia Buffer Requirements. Regional Permit (RP) authorized projects may require a variance from the Georgia Environmental Protection Division (EPD) prior to conducting land disturbing activities or placement of materials within the State-mandated buffer (O.C.G.A. 12-7-6(b)(15) of The Erosion and Sedimentation Act of 1975). Please visit Georgia EPD's website (http://www.gaepd.org/), or contact Georgia EPD at (404) 675-6240 or (912) 264-7284 (Coastal District), for further guidance on buffer determinations and variances. If Georgia EPD or the appropriate Local Issuing Authority (LIA) has determined that a buffer variance is required for a project, provide the Georgia EPD assigned buffer variance application file number with your notification to Georgia EPD. If Georgia EPD or the appropriate LIA has determined that a buffer variance is not required for the project, submit the determination letter or record of correspondence received from the Georgia EPD or LIA with your notification to Georgia EPD.

Notification Requirements. For uses of RPs requiring submission of a Pre-Construction Notification (PCN) to the Savannah District prior to commencing work in waters of the United States (US), a copy of the PCN with project plans must also be submitted to the Georgia Department of Natural Resources (DNR), Environmental Protection Division (EPD) and, where applicable, to the Georgia DNR, Coastal Resources Division (CRD). For RP authorized projects that do not require submission of a PCN to the Savannah District, a completed copy of the attached "Georgia Department of Natural Resources Notification Form" must be submitted to Georgia EPD and, where applicable, to Georgia CRD, prior to commencing work.

Georgia DNR, Environmental Protection Division. For projects in all counties, including projects located in EPD's 24-County Coastal District, send PCNs and project plans or Notification Forms to: Georgia DNR Environmental Protection Division, Attention: Wetlands Unit, 7 Martin Luther King, Jr. Drive SW, Suite 450, Atlanta, GA 30334, Phone: (470) 427-2730, Fax: (404) 651-8455.

Georgia DNR, Coastal Resources Division. For projects located in the 11-County Coastal Area (Bryan, Brantley, Camden, Charlton, Chatham, Effingham, Glynn, Liberty, Long, McIntosh and Wayne Counties), send PCNs and project plans or Notification Forms to: Georgia DNR Coastal Resources Division, Attention: Marsh and Shore Management Program Manager, One Conservation Way, Brunswick, Georgia 31520-8686, Phone: (912) 264-7218, Fax: (912) 262-3131.

GEORGIA DEPARTMENT OF NATURAL RESOURCES NOTIFICATION FORM

FOR USE OF REGIONAL PERMITS 30 AND 31 IN GEORGIA THAT DO NOT REQUIRE PRE-CONSTRUCTION NOTIFICATION TO THE US ARMY CORPS OF ENGINEERS

This form must be completed and mailed, faxed or hand-delivered to the Georgia Department of Natural Resources ("GDNR") Environmental Protection Division prior to starting construction under a Regional Permit. For projects occurring in Bryan, Brantley, Camden, Charlton, Chatham, Effingham, Glynn, Liberty, Long, McIntosh or Wayne counties, this form must also be mailed, faxed or hand-delivered to the GDNR Coastal Resources Division prior to starting construction under a Regional Permit. The Coastal Resources Division will contact you within 10 business days to inform you whether coastal permits or permissions are required. Issuance of any required coastal permits for work in tidally-influenced marshes or water bottoms will take longer, so you are urged to submit this form early in the planning stages of your project. Do not begin work until you receive confirmation that no coastal permit is required or you are issued a coastal permit.

USE OF REGIONAL PERMIT NUMBER(s) _____

APPLICANT/OWNER_____ Date_____

Phone (hm/bus) _____ FAX_____ E-Mail_____

Address_____ City_____ State_____ Zip Code_____

AGENT/CONSULTANT_____

Phone (hm/bus) _____ E-Mail_____

Address _____City_____ State_____ Zip Code_____

PROJECT LOCATION/ADDRESS:_____

City_____ County_____ Subdivision_____ Lot _____

Latitude/Longitude (if known):_____ Project Impacts (ft^2) _____ (acres) _____

Stream Impacts (LF) _____ Wetland Impacts (acres) _____

Type of Wetland: [ ] freshwater [ ] tidal marsh or saltwater [ ] unknown

Nearest Named Stream, River or Other Waterbody:_____

This activity may require a variance from Georgia EPD prior to conducting land disturbance activities or placing materials within the State-mandated buffer [see O.C.G.A. § 12-7-6(b)(15-16) of "The Erosion and Sedimentation Act of 1975," and visit www.gaepd.org for more information]. Has Georgia EPD or the appropriate Local Issuing Authority (LIA) determined whether or not a buffer variance is required? Yes_____ No_____

If Georgia EPD or the appropriate LIA has determined that a buffer variance is NOT required for this project, please attach a determination letter or record of correspondence from Georgia EPD or the LIA to this form. If a buffer variance is required, please provide the buffer variance application number: _____

PROJECT DESCRIPTION_____

_____

_____

_____

_____

_____

_____

_____

US ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
PRE-CONSTRUCTION NOTIFICATION (PCN) CHECK-LIST
2023 REGIONAL PERMITS 30, 31, 32, 33, 34 AND 35

APPLICANT_____ Date_____

Phone(hm/bus)_____ E-Mail_____

Address_____ City_____ State_____ Zip Code_____

AGENT/CONSULTANT_____

Phone(hm/bus)_____ E-Mail_____

Address_____ City_____ State_____ Zip Code_____

PROJECT LOCATION_____

_____

City_____ County_____ Latitude_____ Longitude_____

Nearest Named Stream, River or Other Waterbody_____

Project Funding: Federal_____ State_____ County_____ City_____

PROJECT DESCRIPTION (III 3.B) _____

_____

_____

_____

_____

_____

_____

PROJECT AREA AND WATERS IMPACT/LOSS INFORMATION						
	PROJECT AREA		TEMPORARY IMPACTS		PERMANENT LOSSES	
	Acres	Linear Feet	Acres	Linear Feet	Acres	Linear Feet
Project Area		N/A	N/A	N/A	N/A	N/A
Upland		N/A	N/A	N/A	N/A	N/A
Wetland		N/A		N/A		N/A
Tidal Wetland		N/A		N/A		N/A
Perennial Stream						
Intermittent Stream						
Ephemeral Stream						
Open Water		N/A		N/A		N/A
Tidal Open Water		N/A		N/A		N/A
Other Waters						

SUPPLEMENTAL INFORMATION. The questions below concern regulations, terms, and/or special conditions (SC) that may be applicable to a project proposed for authorization by these RPs. For each YES answer, the PCN must include information necessary to document that applicable regulations, terms, and/or SCs will be met.

1. Is the project funded by local, state or federal government? (SC 1) Yes_____ No_____

2. Does the project involve construction of a bridge over navigable waters? (SC 7) Yes_____ No_____

3. Does the project require 408 authorization? (SC 10) Yes_____ No_____

4. Will the project impact anadromous fish waters? (SC 11) Yes_____ No_____

5. Is the project located in a designated floodplain or floodway? (SC 12) Yes_____ No_____

6. Is a Georgia Stream Buffer Variance required for the project? (SC 14) Yes_____ No_____

7. Does the project involve construction or replacement of a culvert? (SC 16) Yes_____ No_____

8. Is compensatory mitigation required for the project? (SC 18) Yes _____ No_____

9. Are federally protected species present in the project area? (SC 19) Yes_____ No_____

10. Has the Corps or FHWA made a Section 7 affect determination? Yes_____ No_____

11. Are cultural resources located in or near the project area? (SC 20) Yes_____ No_____

12. Has the Corps or FHWA made a Section 106 affect determination? Yes_____ No_____

13. Is the project located in tidal wetlands? (SC VI) Yes_____ No_____

14. Has a copy of the PCN been submitted to the Georgia CRD? (SC VII) Yes_____ No_____

15. Has a copy of the PCN been submitted to the Georgia EPD? (SC VII) Yes_____ No_____

16. Will EFH be impacted by the project? (Magnuson Stephenson Act) Yes_____ No_____

17. Have proposed project related impacts to aquatic resources been avoided to the maximum extent practicable? (Section 404(b)(1)) Yes_____ No_____

IMPORTANT NOTES: All maps and drawings that are attached to this PCN must be submitted on 8 ½ X 11-inch paper. Supplemental maps and drawings larger than 8 ½ X 11 may also be submitted for clarity.

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

Jeffrey W. Cown, Director

2 Martin Luther King, Jr. Drive
Suite 1456, East Tower
Atlanta, Georgia 30334
404-656-4713

September 20, 2023

Colonel Ron Sturgeon
Commander
U.S. Army Corps of Engineers
Savannah District
100 W. Oglethorpe Avenue
Savannah, Georgia 31401-3604

Re: Water Quality Certification
Joint Public Notice SAS-2018-00158
Regional Permits 30, 31, 32, 33, 34 and 35
Public Transportation Projects
Statewide

Dear Colonel Sturgeon:

In accordance with Section 401 of the Federal Clean Water Act, 33 U.S.C. § 1341, the State of Georgia has evaluated Public Transportation Projects Regional Permits 30, 31, 32, 33, 34 and 35 submitted by U.S. Army Corps of Engineers, Savannah District. In accordance with that information, the State of Georgia issues this Section 401 water quality certification to the U.S. Army Corps of Engineers, Savannah District. This authorization extends for a period of five years from the date of issuance of the Regional Permits. This Section 401 water quality certification is subject to the following terms and conditions:

1. To assure compliance with State water quality standards, the applicant shall conduct all activities in a manner that will assure water quality adequate or necessary to protect and maintain designated uses. 33 U.S.C. § 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2),(6),(9),(15); Ga. Comp. R. and Regs. 391-3-6-.03(2)(i), (ii).

    a. To prevent or avoid degradation of water quality downstream, the applicant shall implement Best Management Practices (BMPs) that have been approved for in-water use to the extent practical and feasible, to minimize total suspended solids (TSS) and sedimentation for any work conducted within a state water or within the delineated boundaries of wetlands. 33 U.S.C. § 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2), (6), (9), (15); O.C.G.A. § 12-5-29(a); O.C.G.A. §§ 12-7-6 to 7; Ga. Comp. R. and Regs. 391-3-6-.03(5).

b. In order to prevent or avoid violations of state water quality standards, the applicant must ensure that any fill placed in state waters must be clean fill that is free of solid waste, toxic, or hazardous contaminants. 33 U.S.C. §§ 1311; 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2), (6), (9), (15); O.C.G.A. § 12-5-29(a); Ga. Comp. R. and Regs. 391-3-6-.03(5), (6), (11), (14)-(16).

2. To prevent sedimentation of state waters, the applicant shall ensure that it obtains coverage, as necessary, under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction for discharges comprised of storm water associated with construction activity and any required land disturbing activity permits intended to prevent soil erosion, sedimentation, and deposition into waters of the9 state. 33 U.S.C. § 1342(p); O.C.G.A. § 12-5-30; O.C.G.A. §§ 12-7-6 to 7; Ga. Comp. R. and Regs. 391-3-6-.06; Ga. Comp. R. and Regs. 391-3-6-.16.

3. The applicant shall ensure that it abides by the requirements of any stream buffer variance applicable to the project, including provisions to ensure protection, restoration, or mitigation of or related to the stream buffer, which facilitates the protection of water quality. 33 U.S.C. §§ 1311; 1313(a)-(d); O.C.G.A. § 12-7-6; Ga. Comp. R. and Regs. 391-3-7-.05.

4. This certification is contingent upon satisfaction of the Savannah District's Special Conditions, including the Appendix E provisions requiring prior notification to Georgia EPD before the commencement of Regional Permit authorized projects.

5. Georgia EPD requires submission of a formal application for individual 401 water quality certification for use of Regional Permit 34 (New Construction) and Regional Permit 35 occurring within the eleven coastal counties that will involve projects in tidal waters.

6. Georgia EPD may require submission of a formal application for individual 401 water quality certification for any project if it is determined, based upon consideration of Georgia's water quality rules, that the project is likely to have a significant adverse effect upon water quality.

7. Modifications to the Regional Permits may require an amendment to these conditions. Accordingly, the applicant must notify the Georgia Environmental Protection Division of any modifications to the proposed activities authorized under the Regional Permits including, but not limited to, modifications to the construction or operation of any facility, or any new, updated, or modified applications for federal permits or licenses for the Project. 33 U.S.C. §§ 1311-1313; O.C.G.A. § 12-5-23(c)(2),(6),(9),(15); Ga. Comp. R. and Regs. 391-3-6-.03.

This certification does not waive any other permit or other legal requirement applicable to this project or relieve the applicant of any obligation or responsibility for complying with the provisions of any other federal, state, or local laws, ordinances, or regulations.

If you have any questions regarding this certification, please contact David Hedeen at david.hedeen@dnr.ga.gov/470-427-2730.

Sincerely,

Jeffrey W. Cown

Jeffrey W. Cown, Director
Environmental Protection Division

cc: Mr. Brian Moore, Corps
Mr. Eric Somerville, EPA
Mr. Peter Maholland, FWS
Ms. Kelie Moore, CRD

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION
ONE CONSERVATION WAY · BRUNSWICK, GA 31520 · 912-264-7218

WALTER RABON
COMMISSIONER

DOUG HAYMANS
DIRECTOR

September 27, 2023

Mr. Brian Moore
USACE Savannah District
Keary.B.Moore@usace.army.mil

RE: Federal Consistency Determination under the Coastal Zone Management Act (CZMA) for SAS-2018-00158: Reissuance of RGP 30-35, Government Funded Transportation Projects within the State of Georgia – **Objection** for Use in Tidal Areas and **Concurrence** for Use in Non-Tidal Areas of Coastal Zone

Dear Mr. Moore:

Staff of the Georgia Coastal Management Program (GCMP, The Program) have reviewed the June 7, 2023 joint public notice proposing to reissue Regional General Permits (RPG) 30, 31, 32, 33, 34 and 35 authorizing local, state and federal government funded transportation projects within the State of Georgia.

The Program **concurs** with the use of all RGP 30-35 in non-tidal areas, as determined by the Goergia Department of Natural Resources' Coastal Resources Division (GaDNR/CRD), in the 11-county coastal zone and any other area of the state. GaDNR/CRD will provide applicants, agents, and/or USACE with a written determination for proposed activities in non-tidal areas that fall under this 'blanket' concurrence and no individual CZMA federal consistency certification is needed.

The Program **objects** to the use of any RGP 30-35 in tidally-influenced areas, as determined by GaDNR/CRD within the 11-county coastal zone. GaDNR/CRD will provide applicants, agents, and/or USACE with a written determination for proposed activities in tidal areas for which an individual CZMA federal consistency certification is needed.

Applicants proposing to use RGP 30 or 31 anywhere within the 11 coastal counties must submit a Georgia Department of Natural Resources Notification form to GaDNR/CRD. Applicants proposing to use RGP 32, 33, 34 or 35 must submit a copy of their USACE PCN with project plans, along with a Federal Consistency Certification Statement form, to GaDNR/CRD. Individual federal consistsency certification will be issued once any required State authorizations or permissions have been issued.

The maintenance or installation of new or replacement culverts or culvert extensions in tidal areas may also require submission of the information described in RPG 30-35 Special Conditions for culverts in perennial streams and/or additional information to promote aquatic life passage.

Please feel free to contact Kelie Moore, Federal Consistency Coordinator, or me if you have any questions or if we can be of further assistance.

Sincerely,

Doug Haymans, Director

DH/km

Attachment: Federal Consistency Certification Statement (revised June 16, 2022)

FEDERAL CONSISTENCY CERTIFICATION STATEMENT

Printed Name of Applicant(s): _____

Applicant Email: _____ **Phone:** _____

Agent Name (if applicable): _____ **Phone:** _____

To Whom It May Concern:

This is to certify that I have made application to the U.S. Army Corps of Engineers (USACE) for authorization to impact Waters of the United States and that such proposed work is, to the best of my knowledge, consistent with Georgia's Coastal Management Program.

I understand I must provide this Consistency Certification Statement, along with a copy of my permit application submitted to USACE, to the Georgia Department of Natural Resources Coastal Resources Division (CRD) before they can begin evaluating my proposed project for consistency with Georgia's enforceable policies. I understand additional information may be required to facilitate review.

Once any required authorizations or permits from CRD have been issued, and CRD has concurred with my findings by signing this Consistency Certification Statement, CRD must submit it to USACE in order for them to issue any required federal permits or authorizations, or to validate any provisional authorizations they have already issued. A USACE provisional authorization or permit will not be valid until they receive this Certification Statement signed by CRD.

☐ **Attached is a copy of my application to USACE (required)**

Signature of Applicant: _____ **Date:** _____

FOR AGENCY INTERNAL USE ONLY: Date Received (Commencement Date): _____
USACE Authorization/Permit Number (assigned by USACE): _____

USACE Authorization Type (select one): ☐Individual Permit ☐General Permit #___ ☐NWP #____

USACE Project Manager: _____

CRD Authorization/Permit Number (assigned by CRD): _____

CRD Project Manager: _____

CRD HAS REVIEWED AND CONCURS WITH THIS CONSISTENCY CERTIFICATION STATEMENT TO THE EXTENT THE USACE AUTHORIZED PROJECT DESCRIPTION IS CONSISTENT WITH THE AUTHORIZED PROJECT DESCRIPTION FOR ANY CRD PERMIT ISSUED FOR THIS PROJECT

CRD Signature: _____ **Date:** _____
Printed Name: _____ **Title:** _____

For questions regarding consistency with the Georgia Coastal Management Program, please contact the Federal Consistency Coordinator at (912) 264-7218 or visit www.CoastalGADNR.org.