

## Ecology

# Regional General Permits

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Regional General Permits

## APPLICABILITY

[Section 404 of the Clean Water Act \(CWA\)](#) permitting requirements apply to all GDOT projects that impact Waters of the US (WOTUS). The Section 404 permit—stipulating Section 404 permitting requirements—must be acquired before construction activities can begin. Typically, Section 404 permits are required prior to Certification for Let. The USACE, authorized under CWA Section 404e, issues General Permits for projects that will cause only minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effects on the environment. General Permits used for GDOT projects include Regional General Permits (RGPs) and Nationwide Permits (NWP). RGPs are specific to each USACE District. RGPs are issued for a general category of activities (e.g., transportation) when the activities are similar in nature and cause minimal environmental impact.

## REGULATIONS, GUIDANCE AND POLICY

Section 404 of the CWA establishes a program to regulate the discharge of dredged or fill material into WOTUS. The administration of the Section 404 permit program is assigned to the US Army Corps of Engineers (USACE) with Environmental Protection Agency (EPA) oversight. Proposed activities within WOTUS are regulated through a permit review process. The USACE Savannah District has jurisdiction over Section 404-regulated WOTUS within Georgia. GDOT requirements for Section 404 permitting are specific to the Savannah District.

The USACE Savannah District Regulatory Division administers the Section 404 permit program for GDOT projects under [Section 214 of the Water Resources Development Act \(33 USC § 2352\)](#). Savannah District Regulatory Division has dedicated USACE Project Managers solely responsible for assisting with and reviewing permit applications for GDOT projects. Regulatory Division staff are also responsible for coordinating with other USACE District Offices when there is overlapping jurisdiction on GDOT projects, such as USACE managed lakes in Georgia (Mobile District) and projects bordering other states. In certain instances, adjoining USACE districts may take the lead in permitting a project sponsored by

GDOT, such as when a project crosses the state line and the majority of the 404 impacts occur outside of Georgia.

Permit applications developed by Ecologists and submitted to USACE by GDOT must demonstrate that all practicable efforts have been made to avoid and minimize impacts to WOTUS, that compensation (mitigation) be provided for all unavoidable impacts, and that the project would not result in significant degradation of water quality.

### REGIONAL GENERAL PERMITS

USACE Savannah District issued RGPs 30, 31, 32, 33, 34, and 35 for Public Transportation Projects within the State of Georgia. **These are the preferred General Permits for GDOT Projects.** For these RGPs, 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. Each RGP is for a designated project or activity type with assigned impact thresholds as listed in Table 1. Projects that exceed these impact thresholds likely require an Individual Section 404 Permit.

**Table 1 – Regional Permit Thresholds**

Permit Type	Project or Activity Type	Area* Each Crossing	Area* per Project	Linear Feet** Each Crossing	Linear Feet** per Project
<b>RGP 30</b>	Maintenance, Repair, Rehabilitation, and Replacement	Minimum necessary	Minimum necessary	Stream modifications only within 100 ft of existing crossing	Minimum necessary
<b>RGP 31</b>	Temporary Impacts	Minimum necessary	Minimum necessary	Stream modifications only within 100 ft of existing crossing	Minimum necessary
<b>RGP 32</b>	Replacement of a Bridge with a Bridge	Minimum necessary	Minimum necessary	Stream modifications only within 100 ft of existing crossing	Minimum necessary
<b>RGP 33</b>	Replacement of a Culvert with a Culvert or a Bridge	Minimum necessary	Minimum necessary	Stream modifications only within 100 ft of existing crossing	Minimum necessary
<b>RGP 34***</b>	Construction on Existing or New Alignment	≤ 2 ac North ≤ 3 ac South	≤ 8 ac North ≤ 10 ac South	≤ 1,500 if North ≤ 1,000 if South	≤ 2,000 if North ≤ 1,500 if South
<b>RGP 35***</b>	Construction on New Alignment	≤ 4 ac North ≤ 5 ac South	≤ 12 ac North ≤ 15 ac South	≤ 2,000 if North ≤ 1,500 if South	≤ 5,000 if North ≤ 4,000 if South

\*Area of jurisdictional wetlands. \*\*Linear feet of jurisdictional perennial and/or intermittent stream. \*\*\* Thresholds for RGP 34 and RGP 35 are only for permanent losses, not temporary impacts and permanent losses to open waters, ephemeral streams, canals, and ditches are limited to the minimum necessary to accomplish the primary activity. They are also divided for North and South Georgia Counties. Appendix A of the RGP 30-35 document includes a map dividing the counties.

Georgia Department of Natural Resources (GADNR) Environmental Protection Division (EPD) Water Quality Certification (WQC) per [Section 401 of the CWA](#) and Coastal Resources Division (CRD) Georgia Coastal Management Program concurrence are required for any new location transportation project under RGP 34 and all projects under RGP 35. Required EPD and/or CRD concurrence must be obtained prior to USACE authorization of the use of RGP 34 or 35. Refer to the *Section 404 Individual Permits* guidebook for GDOT procedures for submitting a Section 401 WQC request for new location transportation projects under RGP 34 and all projects under RGP 35. RGP 35 also requires completion of a Practicable Alternatives Review (PAR) Report to verify the project is the Least Environmentally Damaging Practicable Alternative (LEDPA) that would meet the basic project purpose. Refer to the *Section 404 LCP Checkpoint 3* guidebook for more information on the PAR process.

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The [Coastal Zone Management Act \(CZMA\)](#) mandates that states create and uphold coastal management programs, focusing on land use planning, resource protection, and water quality. Federal Consistency, a key aspect of CZMA, requires federal activities to align with state coastal management goals, promoting coordination between federal and state authorities in the coastal zone. GADNR CRD manages requirements under the CZMA through the [Georgia Coastal Management Program](#) within the 11-county coastal zone and provides written federal consistency determinations during the permitting process. No individual certification is needed for projects in non-tidal areas. However, certification is required in tidally-influenced waters in the 11-county coastal zone.

### Pre-Construction Notification (PCN)

A Pre-Construction Notification (PCN) must be submitted to the USACE Savannah District for all proposed uses of RGP 32, 33, 34, or 35. A PCN may not be required for use of [RGP 30 and 31](#) if all the following conditions are met:

- The project would result in no effect to federally listed species or designated critical habitat per Section 7 of the Endangered Species Act (RGP Special Condition V.2[a])
- No cultural resources listed, or potentially eligible for listing, on the National Register of Historic Places are present within or adjacent to the project per Section 106 of the National Historic Preservation Act (NHPA) (RGP Special Condition V.2[b])
- Less than 100 linear feet or less than 0.1-acre impact (no mitigation required) (RGP Special Condition V.2[c])

- No impacts would occur in a primary or secondary trout stream (RGP PCN Requirement VII.2)
- The project is located 2,000 feet or more from a National Wildlife Refuge, any National Park Service Property, a National Estuarine Research Reserve, a Georgia State Park, or an approved mitigation bank (RGP PCN Requirement VII.3)
- These PCN conditions do not exclude a project from complying with Section 10 of the [Rivers and Harbors Act](#) when proposed activities involve construction of any structure in, over, or beneath any navigable water of the U.S.
- In the event a PCN is not required for use of RGP 30 or 31, the [GADNR Notification Form](#) included in Appendix E of the RGP 30-35 document must be submitted to EPD. This form must also be submitted to CRD for non-notifying RGP 30 or 31 in the 11 coastal counties of Brantley, Bryan, Camden, Charlton, Chatham, Effingham, Glynn, Liberty, Long, McIntosh, or Wayne (RGP WQC Requirement VI.2[b], Appendix E of the RGPs).

Submittal of the aforementioned GADNR Notification Form to CRD initiates request for federal consistency under the CZMA for projects using RGP 30-31. Projects using RGP 32-35 must submit a copy of the PCN within inclusion of the [Federal Consistency Certification Statement](#) form (Appendix H of the RGPs) to CRD.

The Ecologist should review all [PCN requirements](#) included in Section VII of the RGP 30-35 document prior to preparing a PCN for a GDOT project. However, special attention should be paid to the following requirements.

- [Section 10 of the Rivers and Harbors Act \(Section VII.1\)](#) – Within the eleven coastal counties, the PCN must include a request for verification as to whether the project site is subject to the Corp's jurisdiction under Section 10 of the Rivers and Harbors Act.
- [PCN Package Requirements \(Section VII.7\)](#) – The Ecologist must review the PCN Checklist for GDOT Projects to verify that all requirements are included in the PCN package. All information listed under Section VII.7 must be submitted to the USACE for the PCN to be considered complete for processing. The following requirements may require coordination with the Project Manager (PM) and/or Design:
  - [Locations and Dimensions of Temporary Work Structures, including an emergency removal plan \(Section VII.7.j\)](#)
  - [Utility Relocations \(Section VII.7.k\)](#) – 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 package must include the owner's name and contact information, verification of the owner's awareness of the project, and provide general information on utility relocation. The Ecologist should consult the PM for this information.

### Special Conditions

The Ecologist should review all RGP Special Conditions prior to preparing a PCN. However, the following Special Conditions may require more attention due to the need for coordination with the PM, Environmental Analyst, and/or Design. Many of the conditions discussed below are covered in greater detail in other guidebooks.

- > Conditional Re-Authorization (Section V.5) – Although RGPs expire 5 years after issuance, RGPs are eligible for automatic re-authorization for a subsequent five-year period, as long as the RGPs are reauthorized, the RGPs do not change substantively, and the project is unchanged.
- > Navigable Waters (Section V.6 and V.7) – Structures over navigable waters must be approved by the US Coast Guard (USCG). Coordinate with the Environmental Analyst and/or Bridge Design to document project compliance with USCG regulations pertaining to authorized facilities in navigable WOTUS. For projects including bridge construction over navigable waters, documentation of agency coordination regarding the need to obtain a USCG permit must be enclosed with the RGP PCN.
- > Utilization of multiple permits (stacking) (Section V.8) – Use of multiple RPs or RPs with Nationwide Permits for a single and complete project may occur provided the acreage and/or linear footage loss of waters does not exceed the respective limits of each permit utilized.
- > Altering Civil Works (Section V.10, Real Estate Outgrant Process) – USACE authorization pursuant to [33 USC § 408](#) (Section 408) must be issued prior to Section 404 permit authorization. The USACE South Atlantic Division and GDOT entered into a Memorandum of Understanding (MOU) for coordinating the review and approval of Real Estate Outgrants. A copy of this MOU and a detailed GDOT process chart based on the provisions of the MOU are available on the [GDOT ROADS website](#). The PM is responsible for obtaining Section 408 authorization; however, the Ecologist coordinates with the PM if a project requiring an RGP will alter a USACE civil works project.
- > Installation of New or Replacement Culverts in Perennial Streams (Fish Passage Requirements) (Section V.16) – For projects involving construction of a new culvert or replacement of an existing culvert on a perennial stream, the application must include documentation of compliance with culvert restrictions and requirements for perennial streams listed under RGP Special Condition V.16. Conditions specify how

to accommodate bankfull flow as well as flood flows by culvert type and embedment requirements to accommodate fish passage and natural substrate colonization. Culvert slope shall be set within 25% of the streambed slope and baffling should be utilized for culverts exceeding 4%. Information required includes: plan view diagrams of the existing and proposed conditions, a longitudinal profile diagram of the existing stream channel beginning approximately 100 feet upstream of the proposed culvert inlet and continuing for approximately 100 feet downstream of the proposed culvert outlet, a longitudinal profile of the proposed culvert, and cross sections (existing and as-built) of the perennial stream in the vicinity of the proposed culvert (refer to RGP Special Condition V.16 for details on what should be included in each specific diagram and RGP Appendix C for examples of the required diagrams).

- > Installation of Culvert Extensions in Perennial Streams (Section V.17) – Existing structures shall be assessed to determine if aquatic life passage is accommodated and whether baffles or other measures may be incorporated to improve conditions for aquatic life passage. Justification shall be provided for any culvert that will be extended rather than replaced that does not accommodate aquatic life passage. Additionally, documentation shall be provided on whether measures to improve aquatic connectivity are practicable. When practicable, measures should be implemented.

The GDOT Chief Engineer issued a memorandum to various GDOT offices in September 2013 pertaining to the diagrams required for culverts on perennial streams. This memorandum, titled [\*USACE 404 Permit Regional Conditions \(GDOT Data Collection and Design Diagrams\)\*](#), outlines GDOT procedures for complying with USACE culvert requirements in perennial streams and includes links to more detailed guidance. Refer to this document for information regarding GDOT interoffice coordination, field location, survey data collection and processing, and diagram development.

- > Mitigation (Section V.18) – 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 US. All temporary stream dewatering impacts shall be included in the sum of permanent and 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.
  - Compensatory mitigation plans must be in accordance with the [Savannah District's Standard Operating Procedure \(SOP\) for Compensatory Mitigation](#) available on the [USACE Regulatory In-lieu Fee and Bank Information Tracking System \(RIBITS\) website](#).
  - For the purposes of calculating wetland mitigation for RGP authorized projects, wetland impacts exceeding 0.1 acre should be rounded to the nearest hundredth of an acre. Stream impacts entered in the mitigation SOP



worksheets should be rounded to the nearest foot for RGP authorized projects.

- No mitigation is required if total project impacts are less than 100 linear feet of stream and/or 0.1-acre of wetlands. If either of these thresholds are exceeded, then mitigation is required for all impacts.
- > Essential Fish Habitat (Section V.19) – Projects that would result in the alteration or destruction of Essential Fish Habitat are subject to the consultation requirements of the [Magnuson-Stevens Fishery Conservation and Management Act](#).
- > Protected Species Lists (Section V.20.b) – Please refer to [Georgia's Natural, Archaeological, and Historic Resources GIS](#), the [USFWS Information for Planning and Consultation website](#), and the [National Oceanic and Atmospheric Administration \(NOAA\) Section 7 Mapper](#) lists for federally listed species that may be affected by GDOT projects. Refer to the Ecology Resource Survey Guidebook for more information on generating species lists.
- > Seasonal Restrictions/Anadromous Fish Waters (Section V.20.e) – Certain species of fish require restrictive dates for spawning in the Savannah (Hydrologic Unit Code [HUC] 0306010606), Broad (HUCs 0306010401 and 0306010403), Hudson (HUC 0306010402), Oconee (HUCs 0307010202 and 0307010208), and Ocmulgee (HUC 0307010313) river systems. Coordinate with Design to avoid directly impacting gravel patches or other suitable spawning habitat. Refer to RGP Special Condition V.20.e for restrictive dates and locations.
- > Cultural Resources (Section V.21) – For use of RGP 30-35, cultural resource surveys must be conducted as required by the NHPA. If cultural resources are located on or near a proposed project, the lead Federal Agency will conduct consultation in accordance with the NHPA, and an RGP cannot be authorized until the lead Federal Agency makes an effect determination and completes consultation.
- > Best Management Practices (BMPs) (Section V.22) – All BMPs included in RGP Special Conditions are recommendations, not requirements. However, these recommendations should be reviewed for possible inclusion in GDOT Special Provisions.
- > Acceptable Alternatives (Section V.23) - Please note that 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 and the RGP could still be utilized.
- > Best Management Practices (BMPs) (Section V.22) – All BMPs included in RGP Special Conditions are recommendations, not requirements. However, these recommendations should be reviewed for possible inclusion in GDOT Special Provisions.



- > Temporary Stream Diversions (Section V.24) – The use of a temporary stream diversion is authorized to install or replace structures in perennial streams. Measures to maintain normal downstream flow and minimize flooding should be taken. All temporary structures and fills must be entirely removed, with affected resources restored to pre-construction elevation; hydrology and flow regime; bed and bank condition; and vegetation condition.
- > Projects in or adjacent to Federal Navigation Projects (Section V.25) – PCN must include drawings depicting the location of the edges of the Federal channel, 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 coordinates of both ends of the proposed structure or fill (NAD 83 State Plane Coordinates in decimal degrees).
- > Compensatory Mitigation Sites (Section V.26) – RGPs cannot be utilized to authorize projects that would impact compensatory mitigation sites or an approved compensatory mitigation bank unless the project's purpose is to enhance the mitigation site or bank. A Department of the Army Individual Permit (IP) is required.

### *Guidebook Revision History*

Revision Description	Relevant Sections	Revision Date
Initial Publication	All	5/22/2019
Updated hyperlinks, acronyms	All	12/21/2020
Text updated	All	6/29/2021
Revised per 2023 Regional Permits & hyperlinks added	All	3/4/2024
Broken link repair	Regional General Permits – Special Conditions	4/23/2024
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Updated PCN Requirements link to new checklist	Regional General Permits – PCN	