

ADOT's 404 Regional General Permit

For Routine Transportation Activities

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Why A Regional General Permit?

- ▶ Permit specific to typical ADOT activities
- ▶ Reduce paperwork and processing times
- ▶ Reduce delays to conduct work

Where Does the Permit Apply?

- ▶ Non-tribal lands in AZ only
- ▶ ADOT right-of-way and easements (including TCEs)
- ▶ Local public agency projects with federal funding, bid and administered by ADOT



When is the RGP Not Appropriate?

- ▶ When a Nationwide Permit is more appropriate for the activity
- ▶ When the RGP thresholds are exceeded, requiring an individual permit instead
- ▶ When the project is being evaluated under an Environmental Impact Statement for NEPA

Authorized Activities

- ▶ Structure maintenance
- ▶ Geotechnical activities
- ▶ Sediment and debris and removal
- ▶ Erosion repair
- ▶ Emergency activities
- ▶ Re-establishing design flow
- ▶ Bed stabilization
- ▶ Bank stabilization
- ▶ Routine linear transportation projects

AUTHORIZED ACTIVITIES	NON NOTIFICATION	CONCURRENCE NOTIFICATION	FULL PRE-CONSTRUCTION NOTIFICATION
<p>Maintain Structure - Existing structures/facilities/fill repair or replacement</p> <p>Geotechnical Activities – Maximum 4 bore hole 3 feet in diameter</p> <p>Sediment/Debris Removal – no greater than 200 linear feet from structure</p> <p>Erosion Repair - Removed accumulated sediment for erosion repair – place within 100 linear feet of structure</p> <p>Emergency Activity - Increases the allowable time to 3 years to commence or be under contract to commence emergency maintenance activities or repair of uplands damaged by discrete events</p>			<p>The following activities do not have acreage threshold requirements for the different levels of notification. Refer to the levels of notification below to determine which level the following activities would fall within based on impacts associated with perennial, special aquatic sites, Endangered Species Act (ESA) or National Historic Preservation Act (NHPA).</p>

AUTHORIZED ACTIVITIES	NON NOTIFICATION	CONCURRENCE NOTIFICATION	FULL PRE-CONSTRUCTION NOTIFICATION
*Re-Establish Design Flow Carrying Capacities:	Less than 0.10 acre disturbance to each Waters	between 0.10 and 0.50 acre disturbance to each Waters and if removal occurs less than annually due to public safety	> 0.50 acre up to 1 acre disturbance to each Waters and if removal occurs less than annually due to public safety.
*Bed Stabilization - Limited stream bed stabilization in existing, constructed drainage channels	less than 0.10 acre disturbance to each Waters	between 0.10 and 0.50 acre disturbance to each Waters	> 0.50 acre up to 1 acre disturbance to each Waters
*Bank Stabilization – Bank Stabilization of existing stabilized slopes - Permeable Bank Stabilization Methods	Equal to and less than 1,000 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the ordinary high water mark (OHWM)	greater than 1,000 up to 2,000 linear feet total impact and up to 2 cubic yards of material per running foot below the OHWM	greater than 2,000 linear feet up to 3,000 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM
*Bank Stabilization – Bank Stabilization of existing stabilized slopes - Impermeable Bank Stabilization Methods	Equal to and less than 600 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the OHWM	greater than 600 and up to 1200 linear feet total impact and up to 2 cubic yards of material per running foot below the OHWM	greater than 1200 linear feet up to 2400 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM
*Routine Linear Transportation Projects	less than 0.10 acre permanent impact to each Waters	between 0.10 acre and 0.50 acre permanent impact to each Waters	between 0.50 acre and 1 acre permanent impact to each Waters

*These activities may require notifications due to impacts associated with ESA, NHPA or impacts to perennial waters or special aquatic sites

Notification Thresholds

- ▶ Non-notification
- ▶ Concurrence Notification
- ▶ Pre-Construction Notification
- ▶ Depends on activity and/or impact threshold. Impact thresholds are greater than what is typical under the Nationwide Permits.



Non-Notification

- ▶ Official PJD not needed. Provide documentation to file.
- ▶ No permit wait time at the Corps.
- ▶ No work in perennial waters or wetlands.
- ▶ Non-notification not allowed where the project has the potential to affect threatened or endangered species or historic properties. Use Concurrence Notification instead.

Tracking Requirements for Non-notification

- ▶ Construction and maintenance projects working under non-notification must be tracked. Information in the construction project file must include:

- Activity description

- Start and end dates of the work in Waters

- Project coordinates

- Restoration/revegetation activities/date installed

- Before and after photos

- Discussion of any problems and corrections

Concurrence Notification

- ▶ Abbreviated PJD submittal needed, can be submitted at the same time as the Concurrence Notification Form.

Include PJD form, USGS quadrangle, map showing OHWM and upstream and downstream coordinates

- ▶ Permit wait time at the Corps = 14 days

Presume concurrence if no response from the Corps after 14 days.

Concurrence Notification

- ▶ Allows impact to perennial waters (up to 0.1 acre), but not wetlands
- ▶ If the activity may affect threatened or endangered species, or historic properties, Corps will not permit the project until USFWS, SHPO/THPO documentation is received.

RGP 96 Concurrence Notification Form

Concurrence Notification Form For ADOT Regional General Permit 96	
1. Date Submitted (by ADOT):	2. Date Approved (by Corps):
3. Corps File Number:	4. ADOT Project Number (Tracs or MWO):
5. Applicant Info.	6. Agent Info. (if different from Applicant)
a. Name:	a. Name:
b. Address:	b. Address:
c. Email:	c. Email:
d. Phone Number:	d. Phone Number:
7. Project Name:	8. Project Location:
9. Name of Waterbody:	10. Center Latitude/Longitude in DD NAD83:
11. Type of Waterbody (perennial, ephemeral, wetland, etc):	12. Is the project within 1 mile of an Outstanding, Impaired, or Not-Attaining Water?
13. Directions to the Site:	14. Township, Range, Section:

Full Pre-Construction Notification

- ▶ Full PJD needed. Per previous ADOT guidance.
- ▶ Permit wait time at the Corps is per MOA.
 - 15 days for Corps to let ADOT know if application is complete
 - 45 days to issue verification when application is complete



Full Pre-Construction Notification

- ▶ Allows impacts to perennial waters (over 0.1 acre) and wetlands (up to 0.025 acre)
- ▶ If the activity may affect threatened or endangered species, or historic properties, Corps will not permit the project until USFWS, SHPO/THPO documentation is received.

Notification Submittals

- ▶ Concurrence:
 - Concurrence form, “abbreviated” PJD (submitted concurrently), documentation for compliance with ESA and Section 106
 - Additional description needed for bank stabilization projects
- ▶ PCN – same as before under Nationwide Permits
 - Submit PJD separately ahead of the PCN

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5. Applicant Info.	6. Agent Info. (if different from Applicant)
a. Name:	a. Name:
b. Address:	b. Address:
c. Email:	c. Email:
d. Phone Number:	d. Phone Number:
7. Project Name:	8. Project Location:
9. Name of Waterbody:	10. Center Latitude/Longitude in DD NAD83:
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Environmental Planning Technical Guidance Webpage

- Look for all updated information and RGP resources on the website next week.

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Engineering and Construction

Contracts and Specifications

Project Management Services

Highway Maintenance

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Approved Environmental Documents

Environmental Guidance

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 [Biology](#)

 [Wildlife Connectivity](#)

 [Cultural Resources](#)

 [Arizona Historic Bridge Inventory](#)

[Section 404/401 Procedures](#)

These procedures provide guidance on the preparation of jurisdictional delineations, Nationwide Permit preconstruction notification submittals and Individual Permit applications.

Please Note!

- [Clean Water Act Section 404/401 Guidance Manual](#) is now available. Download the full manual, the [manual text](#) or [appendices](#).
- Consultants are not allowed to make any modification to Corps tables, forms, etc, that is downloaded from this Web page. Although comprehensive, these procedures do not cover every

General Conditions and Administration

- ▶ Similar to the conditions we typically see in 404 permits
- ▶ Detailed conditions for compliance with Section 106 and discovery of human remains (same as typical)
- ▶ Permits cannot be combined
- ▶ Comply with the 401 Water Quality Certification
- ▶ Provide a copy to field staff, contractors, subs, equipment operators. Have a copy on site.

Resource Protection

- ▶ Prior to submittal of a PCN under the RGP, use the AZ Game and Fish online environmental tool. Typical coordination with AZGFD applies.
- ▶ Follow ESA and MBTA, provide documentation to the Corps
- ▶ Flag work area
- ▶ Maintain downstream flows, do not divert flows outside of the OHWM, minimize flooding
- ▶ No materials harmful to fish or wildlife should be placed within the OHWM

Site Restoration

- ▶ Invasive and noxious weeds removed as part of the project should be disposed of off-site and per state and federal laws and executive orders.
- ▶ Corps will require compensatory mitigation, if deemed appropriate



Restrictions on Discharge

- ▶ Show staging and storage in the plans. Staging and storage should be 100 feet from waters. Less than 100 feet depends on Corps approval.
- ▶ Use best management practices (control measures) according to ADOT Erosion and Pollution Control Manual
- ▶ Perform work when channel is dry or flows are minimal

401 Water Quality Certification of RGP

- ▶ Individual certification specific to RGP
- ▶ Authorizes only the activities in the RGP
- ▶ Broken down by non-notification and pre-project notification

If we notify the Corps (Concurrence or PCN), we notify ADEQ

Provide 14 days notice. Use 401 certification form.

- ▶ Certification shall be provided to contractors and a copy on site
- ▶ Typical 401 certification conditions

RGP Use Near Impaired or Outstanding Waters

1. Non Notification

Projects that are conducted in Other Waters require no notification to ADEQ.

Projects located within 1600 meters (\approx 1 mile) upstream or 800 meters (\approx ½ mile) downstream of an impaired water or non-attaining water will not require notification if the project temporarily impacts water quality for a period of six months or less, does not add to the impairment (i.e. the project does not contain contaminants for which the waterbody is impaired), does not have an established TMDL, will not require significant stream channel modification, does not require maintaining stream channel or perennial flow, or meet the non-notifying project size limits as set forth in the permit.

Projects located within 1600 meters (\approx 1 mile) upstream or 800 meters (\approx ½ mile) downstream of an OAW will not require notification if the project temporarily impacts water quality for a period of six months or less, does not add to the impairment (i.e. the project does not contain contaminants for which the waterbody is impaired), does not require maintaining stream channel or perennial flow, or meet the non-notifying project size limits as set forth in the permit.

RGP Use Near Impaired or Outstanding Waters

2. Pre-Project Notification

Projects located within 1600 meters (\approx 1 mile) upstream or 800 meters (\approx ½ mile) downstream of an impaired water or non-attaining water will require notification if the project temporarily impacts water quality for a period of six months or more, temporarily adds to the impairment (i.e. the project contains contaminants for which the waterbody is impaired), has an established TMDL, requires maintaining stream channel or perennial flow, or meet the notifying project size limits as set forth in the permit.

Projects located within 1600 meters (\approx 1 mile) upstream or 800 meters (\approx ½ mile) downstream of an OAW will require notification if the project temporarily impacts water quality for a period of six months or more, temporarily adds to the impairment (i.e. the project contains contaminants for which the waterbody is impaired), requires maintaining stream channel or perennial flow, or meet the notifying project size limits as set forth in the permit.

In Summary

- ▶ The RGP

- Adds a tiered approach to notification

- Reduces paperwork

- Authorizes minor impacts to wetlands, permanent impacts to ephemeral washes over 0.5 acre, and increases the linear footage threshold for bank protection

- Reduces delays

- Makes compliance easier

QUESTIONS?

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