

Georgia Rules and Regulations

Administrative Bulletin for May 2022

OFFICE OF SECRETARY OF STATE ADMINISTRATIVE PROCEDURE DIVISION

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Final rules filed with the Georgia Secretary of State during the month of *May 2022*:

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Final rules filed with the Georgia Secretary of State that became effective *May 2022*:

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40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE	40-13-16-.01 --- 40-13-16-.03	adopted	Apr. 25, 2022	May 15
295. JOINT SECRETARY, PROFESSIONAL LICENSING BOARDS	295-2-.06 , 295-2-.08	amended	May 6, 2022	May 26
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	295-15-.02 --- 295-15-.19	adopted	May 6, 2022	May 26
375. RULES OF DEPARTMENT OF DRIVER SERVICES	375-3-3-.03	repealed	Apr. 20, 2022	May 10
391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES	391-3-7-.01	amended	May 10, 2022	May 30
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511. RULES OF GEORGIA DEPARTMENT OF PUBLIC HEALTH	511-2-9-.08	amended	Apr. 20, 2022	May 18
513. RULES OF PUBLIC RETIREMENT SYSTEMS	513-1-1-.09 --- 513-1-1-.12	adopted	Apr. 21, 2022	May 11
560. RULES OF DEPARTMENT OF REVENUE	560-2-18-.01 --- 560-2-18-.14	repealed	Apr. 26, 2022	May 16
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	560-11-11-.12	amended	May 4, 2022	May 24
590. RULES OF OFFICE OF SECRETARY OF STATE	590-7-29-.01 --- 590-7-29-.06	adopted	Apr. 27, 2022	May 17

Department 295. JOINT SECRETARY, PROFESSIONAL LICENSING BOARDS

Chapter 295-2. EXPIRATION AND RENEWAL DATES

295-2-.06 Licenses Expiring March 31-Even Years

The following licenses expire on March 31 of the even numbered years, effective as of the 2024 renewal cycle:

- (a) Cosmetology (Masters); with a lapsed, late renewal period from April 1 to April 30 of even years;
- (b) Funeral Services (Directors, Embalmers and Apprentices); with a lapsed, late renewal period from April 1 to April 30 of even years;
- (c) Funeral Service (Homes); with a lapsed, late renewal period from April 1 to April 30 of even years;
- (d) Occupational Therapy; with a lapsed, late renewal period for April 1 to April 30 of even years;
- (e) Dietitian; with a lapsed, late renewal period from April 1 to April 30 of even years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.06

AUTHORITY: O.C.G.A. § [43-1-4](#).

HISTORY: Original Rule entitled "Renewal Dates" adopted. F. Apr. 16, 1974; eff. May 6, 1974.

Repealed: New Rule entitled "Licenses Expiring December 31-Even Years" adopted. F. June 29, 1983; eff. July 19, 1983.

Amended: F. June 19, 1984; eff. July 9, 1984.

Amended: F. Nov. 30, 1984; eff. Dec. 20, 1984.

Repealed: New Rule entitled "Licenses Expiring September 30-Even Years" adopted. F. Apr. 20, 1987; eff. May 10, 1987.

Repealed: New Rule entitled "Licenses Expiring June 30-Even Years" adopted. F. July 15, 1988; eff. August 4, 1988.

Repealed: New Rule entitled "Licenses Expiring March 31-Even Years" adopted. F. Sept. 20, 1995; eff. Oct. 9, 1995.

Amended: ER. 295-2-0.2-.06 adopted. F. and eff. Feb. 25, 2002, the date of adoption.

Repealed: New Rule of same title adopted. F. Mar. 17, 2014; eff. Apr. 6, 2014.

Amended: F. Nov. 1, 2016; eff. Nov. 21, 2016.

Amended: F. May 13, 2020; eff. January 1, 2022, as specified by the Agency.

Amended: F. May 6, 2022; eff. May 26, 2022.

295-2-.08 Licenses Expiring September 30-Even Years

The following licenses expire on September 30 of the even numbered years, effective as of the 2024 renewal cycle:

- (a) Professional Counselors, Social Workers, and Marriage and Family Therapists; with a lapsed, late renewal period from October 1 to October 31 of even years.
- (b) Cosmetology (Hair Design); with a lapsed, late renewal period from October 1 to October 31 of even years.
- (c) Used Motor Vehicle Dealers; with a lapsed, late renewal period from October 1 to October 31 of even years.

Cite as Ga. Comp. R. & Regs. R. 295-2-.08

AUTHORITY: O.C.G.A. § [43-1-4](#).

HISTORY: Original Rule entitled "Licenses Expiring March 31-Odd Years" adopted. F. June 19, 1984; eff. July 9, 1984.

Amended: F. Nov. 30, 1984; eff. Dec. 20, 1984.

Repealed: New Rule entitled "Licenses Expiring Annually June 30" adopted. F. Apr. 20, 1987; eff. May 10, 1987.

Repealed: New Rule entitled "Licenses Expiring November 30-Even Years" adopted. F. July 15, 1988; eff. August 4, 1988.

Repealed: New Rule entitled "Licenses Expiring September 30-Even Years" adopted. F. Sept. 20, 1995; eff. Oct. 9, 1995.

Amended: F. Aug. 7, 2007; eff. Aug. 27, 2007.

Repealed: New Rule of same title adopted. F. Apr. 30, 2008; eff. May 20, 2008.

Amended: F. May 13, 2020; eff. January 1, 2022, as specified by the Agency.

Amended: F. May 6, 2022; eff. May 26, 2022.

Department 295. JOINT SECRETARY, PROFESSIONAL LICENSING BOARDS

Chapter 295-3. GENERAL INFORMATION

295-3-.02 Docket

(1) The Joint Secretary shall keep a record known as a docket, which shall be arranged by a sequential numbering system for each case or other matter and shall show for each case of matter, as permitted by law, all proceedings, actions and filings.

(2) The Joint Secretary shall keep a docket index by both docket number and alphabetical list of the names of the Respondents in all proceedings.

Cite as Ga. Comp. R. & Regs. R. 295-3-.02

AUTHORITY: O.C.G.A. § [43-1-4](#).

HISTORY: Original Rule entitled "Docket" adopted as ER. 295-3-0.1-.02. F. and eff. March 3, 1976, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Mar. 30, 1976; eff. Apr. 19, 1976.

Repealed: New Rule of same title adopted. F. June 20, 1988; eff. July 10, 1988.

Amended: F. May 6, 2022; eff. May 26, 2022.

Department 295. JOINT SECRETARY, PROFESSIONAL LICENSING BOARDS

Chapter 295-15. INACTIVE STATUS LICENSES

295-15-.01 State Examining Boards Inactive Status Licenses

(a) Prior to revocation for non-renewal of a license as defined in O.C.G.A. [43-1-19\(1\)](#), licensees of these Professional Licensing Boards may apply for inactive licensure status in accordance with the following provisions: Joint Secretary and Board Rules.

(b) An individual whose license is under any investigation, is the subject of active disciplinary proceedings, or has a sanction in effect may not transfer the license to an inactive status.

Cite as Ga. Comp. R. & Regs. R. 295-15-.01

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "State Examining Boards Inactive Status Licenses" adopted. F. June 25, 1987; eff. July 15, 1987.

Amended: F. Nov. 23, 1988; eff. Dec. 13, 1988.

Amended: F. Dec. 28, 1988; eff. Jan. 17, 1989.

Amended: F. Aug. 21, 1990; eff. Sept. 10, 1990.

Amended: F. Dec. 17, 1992; eff. Jan. 6, 1993.

Amended: F. Apr. 15, 1996; eff. May 5, 1996.

Amended: F. May 30, 1996; eff. June 19, 1996.

Amended: F. Aug. 25, 1998; eff. Sept. 14, 1998.

Repealed: New Rule of same title adopted. F. Oct. 23, 2003; eff. Nov. 12, 2003.

Amended: F. Dec. 19, 2005; eff. Jan. 8, 2006.

Amended: F. Jan. 31, 2006; eff. Feb. 20, 2006.

Amended: F. Oct. 28, 2008; eff. Nov. 17, 2008.

Amended: F. Jun. 12, 2012; eff. July 2, 2012.

Amended: May 8, 2013; eff. May 28, 2013.

Amended: F. Oct. 31, 2013; eff. Nov. 20, 2013.

Amended: F. Mar. 11, 2014; eff. Mar. 31, 2014.

Amended: F. Nov. 6, 2014; eff. Nov. 26, 2014.

Amended: F. Feb. 2, 2016; eff. Feb. 22, 2016.

Amended: F. May 6, 2022; eff. May 26, 2022.

295-15-.02 Georgia State Board of Nursing Home Administrators

1. Any licensee who holds a current license and who is not practicing as a nursing home administrator may request the Board to place that license into an "inactive status" upon written application to the Board and payment of a non-refundable inactive status application fee. See fee schedule. The Board, in its sole discretion, may grant or deny the request for inactive status. Any licensee whose license is on inactive status may not engage in the practice of nursing home administration or serve as the administrator of record of a nursing home.

2. In order to reactivate an inactive license, submit the appropriate application, forms, and fee to the Board.

(a) If a license is inactive for twelve (12) months or less, but no more than twenty-four months (24), the applicant must submit forty (40) hours of Continuing Education "CE" obtained since the Board's last renewal period.

(b) If a license is inactive for twenty-four (24) months, but not more than thirty-six (36) months, eighty (80) hours of CE obtained since the Board's last renewal period must be submitted to the Board.

(c) If the license has been inactive more than thirty-six (36) months, the applicant must meet current requirements and either submit eighty (80) hours of CE since the Board's last renewal period, OR take and pass the national exam.

(d) If the inactive license holds an active license from the Georgia Board's approved state's list and has been employed for one year as a Nursing Home Administrator prior to the date of the application, then the applicant must submit an application, fee, and verification of an active, current license from the state or jurisdiction in which the license is held.

Cite as Ga. Comp. R. & Regs. R. 295-15-.02

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "Georgia State Board of Nursing Home Administrators." F. May 6, 2022; eff. May 26, 2022.

295-15-.03 State Board of Examiners of Psychologists

1. A licensee who holds a current license and who is not using the title "psychologist" in Georgia and will not practice psychology in the State of Georgia may apply for inactive status by completing an Application for Inactive Status and submitting the appropriate fee to the Board. A licensee may not use their license in the State of Georgia while that license is on inactive status.

2. A licensee who wishes to reactivate an inactive status license who has an active license in another state and who has been actively practicing psychology there within the past two (2) years must submit to the Board an Application to Reactivate, documentation of forty (40) hours of continuing education activities that were completed within two (2) calendar years of the date the application is received by the Board, and appropriate fee.

3. For the Board to approve reactivation of the license of a psychologist who has not had an active license in another state and who has not been actively practicing psychology, the licensee must also pass both the Georgia Jurisprudence and Oral Examinations in addition to the requirements set forth in (2) above.

Cite as Ga. Comp. R. & Regs. R. 295-15-.03

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "State Board of Examiners of Psychologists." F. May 6, 2022; eff. May 26, 2022.

295-15-.04 Georgia State Board of Veterinary Medicine

1. A veterinarian or veterinary technician who wishes to discontinue the practice of veterinary medicine may apply for an "inactive license." A veterinarian or veterinary technician holding an "inactive license" may not practice in the state of Georgia.

2. A Doctor of Veterinary Medicine or a veterinary technician who holds a valid current active license to practice as a veterinarian or veterinary technician in the State of Georgia may request the license be placed on inactive status under the following provisions:

(a) The licensee must submit a written request to the Board requesting inactive status. The written request shall contain the notarized signature of the licensee and contain the following statements:

(i) "I understand that with an inactive license I shall not engage in the practice of veterinary medicine as a veterinarian or veterinary technician and shall not hold myself out to the public as being available to provide veterinary services."

(ii) "I understand that I am not required to renew said license while on inactive status."

(iii) "I understand I am not required to obtain the continuing education credits while on inactive status unless I request to be placed on active status."

(iv) "I understand that to practice or to hold oneself out as available to practice veterinary medicine with an inactive license is unlicensed practice and I would be subject to disciplinary action."

3. In order to reinstate the license to active status the licensee must:

(a) Submit a written request for reinstatement of said inactive status license.

(b) Submit proof of attendance at not less than thirty (30) hours of Board approved continuing education within two (2) years of the date of the request to reinstate.

(c) Provide evidence acceptable to the Board that the licensee has not had a license revoked, suspended, disciplined or otherwise sanctioned in any other jurisdiction that ever issued a license to practice.

(d) Provide evidence acceptable to the Board that licensee has not been convicted of a felony or any crime involving moral turpitude.

(e) Pay the reinstatement fee, as determined by the Board.

Cite as Ga. Comp. R. & Regs. R. 295-15-.04

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "Georgia State Board of Veterinary Medicine." F. May 6, 2022; eff. May 26, 2022.

295-15-.05 Georgia Composite Board of Professional Counselors, Social Workers and Marriage and Family Therapists

(1) Inactive licensure status is not available for Associate Professional Counselors or Associate Marriage and Family Therapist licensees. Inactive licensure status is available for Professional Counselors, Social Workers, and Marriage and Family Therapists.

(2) A licensee who does not intend to practice in Georgia or to use the title Professional Counselor, Social Worker, or Marriage and Family Therapist may apply for an inactive license status by submitting an application for inactive status and paying the fee required by the Board's fee schedule. A licensee granted inactive status is exempt from filing a biennial license renewal application and paying a license renewal fee. A licensee who holds an inactive status license shall not practice as a Professional Counselor, Social Worker, or Marriage and Family Therapist.

(3) An inactive status license may be changed to active status by filing an application for reinstatement with the Board, complying with reinstatement requirements as defined in Board Rule [135-6-.04](#), and paying the fee required by the Board's fee schedule. The Board may require the applicant to demonstrate to the satisfaction of the Board that he or she has maintained current knowledge, skill and proficiency in the practice of professional counseling, social work or marriage and family therapy, and that he or she is mentally and physically able to practice professional counseling, social work or marriage and family therapy with reasonable skill and safety.

Cite as Ga. Comp. R. & Regs. R. 295-15-.05

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "Georgia Composite Board of Professional Counselors, Social Workers and Marriage and Family Therapists." F. May 6, 2022; eff. May 26, 2022.

295-15-.06 Georgia Board of Athletic Trainer

1. A licensee who does not intend to hold themselves out as an athletic trainer or to practice as an athletic trainer in Georgia may apply for inactive status. An individual who holds an inactive status license will not be required to renew that license.

2. A licensee may apply for inactive status by submitting an affidavit to the Board requesting inactive status and affirming that while on inactive status, he/she will not practice athletic training in Georgia or hold themselves out to the public as an athletic trainer in Georgia.

3. A licensee may maintain his/her license on inactive status for no more than five (5) years. If licensee does not apply to reactivate his/ her license before the end of the five-year period, the license will be revoked for failure to reactivate.

4. The board will reactivate a license upon receipt of the following:

(a) Application for Reactivation;

(b) Reactivation Fee (See Fee Schedule);

(c) Evidence of completion of six (6) hours of continuing education approved by the Board for each year the license was inactive, unless, during the period that the Georgia license was inactive, the licensee was:

(i) practicing with an active license in a jurisdiction that requires continuing education to maintain that license; or

(ii) practicing with the Board of Certification in a jurisdiction that has licensing requirement.

Cite as Ga. Comp. R. & Regs. R. 295-15-.06

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "Georgia Board of Athletic Trainers." F. May 6, 2022; eff. May 26, 2022.

295-15-.07 Georgia State Board of Funeral Service

1. A funeral director or embalmer who holds a current license and who will not practice funeral directing or embalming in Georgia may apply for inactive status by completing an Application for inactive status and submitting the appropriate fee to the Board. An embalmer or funeral director shall not practice embalming or funeral directing in the State of Georgia while that license is on Inactive Status.

2. In order to be placed on inactive status, the license must be in good standing and the licensee must show that he/she has met continuing education hours, which will be required at their next renewal.

3. A funeral director or embalmer who wishes to reactivate an inactive status license must submit to the Board an Application to Reactivate, appropriate fee, and documentation of continuing education.

(a) If the request to reactivate is received more than two (2) years but less than four (4) years from the date on which inactive status was approved, the licensee must document five (5) continuing education hours.

(b) If the request to reactivate is received four (4) or more years after the date on which inactive status was approved, the licensee must document ten (10) continuing education hours and take and pass the State Laws and Rules Examination, notwithstanding

Cite as Ga. Comp. R. & Regs. R. 295-15-.07

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "Georgia State Board of Funeral Service." F. May 6, 2022; eff. May 26, 2022.

295-15-.08 State Board of Registration for Professional Engineers and Land Surveyors

1. A licensee who is over the age of 65 and retired; or who has become disabled may apply to the Board for inactive status by submitting the required application and paying the proper fee.

2. While on inactive status, a licensee is exempt from the payment of the biennial renewal fee and continuing education requirements.

3. An inactive status licensee may not practice professional engineering or land surveying in this State.

4. To reactivate an inactive status license, the licensee must submit the appropriate application, proof of the required continuing education, and proper fee.

Cite as Ga. Comp. R. & Regs. R. 295-15-.08

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "State Board of Registration for Professional Engineers and Land Surveyors." F. May 6, 2022; eff. May 26, 2022.

295-15-.09 Georgia Board of Chiropractic Examiners

1. A chiropractor who holds a valid license to practice chiropractic in the State of Georgia may request the license be placed on inactive status under the following provisions:

(a) Notifies the Board, in writing, that he or she chooses to retire from active practice of the profession or will no longer practice chiropractic in the State of Georgia.

(b) Provides a statement acknowledging that he or she shall not engage in the practice of chiropractic and shall not hold themselves out to the public as being available to provide chiropractic services in Georgia.

2. Upon meeting the aforementioned conditions said license shall be considered inactive and the licensee:

(a) Shall not be required to obtain the necessary continuing education credits for renewal of the license; and

(b) Shall not be assessed a renewal fee for the period that the license is inactive.

3. Within the State of Georgia, the practice of chiropractic with an inactive status license shall be considered unlicensed practice and is subject to disciplinary action.

4. Should a chiropractor holding an inactive status license choose to return to active practice in this state, the following requirements must be met:

(a) Submit an application for reactivation along with the reactivation fee established by the Board.

(b) Submit evidence of attendance at forty (40) hours of Board approved continuing education within the last two (2) years.

(c) Provide evidence that licensee is in good standing in all jurisdictions in which he or she has ever been licensed.

(d) After five (5) years of continuous inactive status, the Board may, at its discretion require successful completion of the Board approved exam and/or additional coursework.

Cite as Ga. Comp. R. & Regs. R. 295-15-.09

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "Georgia Board of Chiropractic Examiners." F. May 6, 2022; eff. May 26, 2022.

295-15-.10 Georgia State Board of Physical Therapy

1. Any licensee who is no longer practicing as a physical therapist or physical therapist assistant in the State of Georgia may request an inactive license status by filing an application for inactive status and paying the appropriate fee.

(a) An individual holding inactive status may not practice as a physical therapist or work as a physical therapist assistant within the State of Georgia.

(b) Any individual holding inactive status is not subject to the biennial renewal fees or continuing competence requirements.

(c) An individual whose license is under any sanction may not transfer to inactive status while sanctions are in effect.

(d) Any individual holding inactive status may return to active status by meeting all requirements for reinstatement as outlined by Board Rule.

Cite as Ga. Comp. R. & Regs. R. 295-15-.10

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "Georgia State Board of Physical Therapy." F. May 6, 2022; eff. May 26, 2022.

295-15-.11 Georgia Board of Examiners of Licensed Dietitians

1. The holder of an active license may request to place the license on inactive status by submitting a written request to the Board no later than April 30 following the March 31 expiration date.
2. The holder of an inactive status license that continues to practice is subject to disciplinary action for unlicensed practice.
3. An inactive status license may be reinstated by submitting an application for reinstatement and any supporting documents as required in Board Rules.
4. The holder of an inactive status license is required to obtain the required continuing professional education units that are required for active licensees.

Cite as Ga. Comp. R. & Regs. R. 295-15-.11

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "Georgia Board of Examiners of Licensed Dietitians." F. May 6, 2022; eff. May 26, 2022.

295-15-.12 Georgia State Board of Architects and Interior Designers

1. A registered interior designer holding a valid license to practice in Georgia who has retired from active practice and is no longer practicing as a registered interior designer in Georgia, may request inactive license status by filing the required application and paying the appropriate fee indicated in the fee schedule.
2. Any individual whose license is under any sanction and is not in good standing may not transfer to inactive status while sanctions are in effect.
3. An individual holding inactive status shall abide by the following conditions:
 - (a) may not practice and may not offer registered interior design services;
 - (b) may not hold themselves out to the public as being available to provide such services; and
 - (c) may only use the term registered interior designer as long as it is not used to imply active practice or that registered interior design services are currently offered.
4. Any practice of registered interior design services while holding an inactive status license shall be considered unlicensed practice and is subject to disciplinary action.
5. Any individual holding an inactive status license is not subject to the biennial renewal fee or the professional development requirements.
6. An individual may apply to have an inactive status license reactivated by submitting the following:
 - (a) a completed application;
 - (b) the appropriate fee as indicated in the fee schedule; and
 - (c) the evidence of having satisfied the reinstatement requirements for professional development as provided in Board rules.
7. Reactivation of a license is at the sole discretion of the Board.

Cite as Ga. Comp. R. & Regs. R. 295-15-.12

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "Georgia State Board of Architects and Interior Designers." F. May 6, 2022; eff. May 26, 2022.

295-15-.13 State Licensing Board for Residential and General Contractors

1. A residential or general contractor who holds a valid residential or general contractor's license in the State of Georgia may request the license be placed on inactive status under the following provisions:

- (a) Notifies the Board, in writing, that he or she chooses to retire from active practice of the profession.
- (b) Shall not engage in contracting and shall not hold themselves out to the public as being available to provide contractor services.
- (c) Shall not be required to obtain the necessary continuing education credits.
- (d) Shall not be assessed a renewal fee for the period that the license is inactive.

2. Contracting with an inactive status license shall be considered unlicensed practice and is subject to disciplinary action.

3. Should a contractor holding an inactive status license choose to return to active status, the following requirements must be met:

- (a) Submit a completed application on a Board approved form with the appropriate fee.
- (b) Submit evidence of attendance of the required Board-approved continuing education for each biennium that the license was inactive.
- (c) Provide evidence that licensee is in good standing in all states in which he or she has ever been licensed. A reactivation fee as established by the board must be submitted with the application for reactivation.
- (d) Submit proof of current general liability insurance and workers' compensation as required by law for the license type that is to be reinstated.
- (e) Submit other proof of financial responsibility as is required for the license type that is to be reactivated.

4. After five (5) years of continuous inactive status, the Board may, at its discretion require successful passing of the contractor examination in the contractor field for the license that the contractor wishes to reactivate.

Cite as Ga. Comp. R. & Regs. R. 295-15-.13

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "State Licensing Board for Residential and General Contractors." F. May 6, 2022; eff. May 26, 2022.

295-15-.14 Georgia Board of Nursing

1. A currently licensed registered professional nurse or licensed practical nurse who wishes to maintain his or her license but who does not wish to practice nursing in this State may apply for inactive licensure status by submitting

an application for inactive status and paying the required fee. A licensee granted inactive status is exempt from filing a biennial license renewal application and paying a license renewal fee. A licensee who holds an inactive status license shall not practice as a registered professional nurse or licensed practical nurse.

2. An inactive status license may be changed to active status by filing an application for reinstatement with the Board, complying with reinstatement requirements as defined by the Board, and paying a reinstatement fee, as determined by the Board. Applicants must be able to demonstrate to the satisfaction of the Board that he or she has maintained current knowledge, skill, and proficiency in the practice of nursing and that he or she is mentally and physically able to practice nursing with reasonable skill and safety.

Cite as Ga. Comp. R. & Regs. R. 295-15-.14

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "Georgia Board of Nursing." F. May 6, 2022; eff. May 26, 2022.

295-15-.15 Georgia Board of Optometry

1. Georgia licensed optometrists may request in writing to the Board that their active license to practice optometry in Georgia be placed in inactive status under the following conditions:

- (a) The request must be received prior to the license expiration date to be considered.
- (b) In the event that a Doctor of Optometry who holds a valid license to practice Optometry in the State of Georgia notifies the Board that he chooses to retire from active practice of the profession, his license shall be considered to be inactive;
- (c) Doctors holding an inactive license shall not engage in the practice of Optometry and shall not hold themselves out to the public as being available to provide optometric services;
- (d) A Doctor of Optometry holding an inactive license shall not be required to obtain the necessary continuing education credits and no renewal fee shall be assessed.
- (e) In order to return to the practice of optometry, a reinstatement application for licensure must be submitted to the Board, in accordance with Board Rules.

Cite as Ga. Comp. R. & Regs. R. 295-15-.15

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "Georgia Board of Optometry." F. May 6, 2022; eff. May 26, 2022.

295-15-.16 Georgia Board of Podiatry Examiners

1. The Board has determined inactive status will be available for those persons meeting the prescribed criteria, which shall remain in full force for life, unless reactivated under Board rules, and which shall incur no fees. To be eligible to be placed in inactive status, a licensee must:

- (a) Demonstrate an inability to practice podiatry due to age, physical impairment, or infirmity which time is not expected to resolve;
- (b) Have a current active license in good standing to practice podiatry in the State of Georgia;
- (c) Must not be under administrative disciplinary action or court action or probation;

(d) Licensees desiring to be placed on inactive status must apply in writing to the Board and submit evidence of inability to practice.

2. Once placed in inactive status, the license holder thereafter shall not engage in the practice of podiatry in any manner in the State of Georgia.

3. The only avenue of reactivation shall be at the discretion of the Board under conditions acceptable to the Board. Licensees seeking reactivation shall be required to pay past license renewal fees based on the current renewal rate for each inactive renewal cycle and submit proof of continuing education for each biennium the license is in inactive status.

Cite as Ga. Comp. R. & Regs. R. 295-15-.16

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "Georgia Board of Podiatry Examiners." F. May 6, 2022; eff. May 26, 2022.

295-15-.17 Georgia State Board of Registration for Professional Geologists

1. A licensee who is over the age of 65 and retired; or who has become disabled may apply to the Board for inactive status by submitting the required application and any applicable fee.

2. While on inactive status, a licensee is exempt from the payment of the biennial renewal fee.

3. An inactive status licensee may not practice Geology in this State.

4. An inactive status license may be reactivated by filing the proper application, submitting any required documents, and paying the reactivation fee.

Cite as Ga. Comp. R. & Regs. R. 295-15-.17

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "Georgia State Board of Registration for Professional Geologists." F. May 6, 2022; eff. May 26, 2022.

295-15-.18 Georgia Board of Massage Therapists

1. Licensees may request by application to the Board that their active license to practice as a massage therapist in Georgia be placed on inactive status prior to the license expiration date. Applications for inactive status request will not be considered if postmarked on or after November 1 of an even numbered year. There is no fee to apply for inactive status.

2. An individual whose license status is inactive shall not practice as a massage therapist within the state of Georgia.

3. An individual whose license is under any investigation, is the subject of active disciplinary proceedings, or has a sanction in effect may not transfer the license to an inactive status.

4. Licensees shall request in writing to the Board for the reactivation of their massage therapy license. Reactivation of an inactive status license is within the discretion of the Board. The following requirements must be met:

a) If a licensee has been on inactive status for two (2) years or less, the applicant must meet the requirements for renewal of licensure pursuant to Board rules.

b) If a licensee has been on inactive status for a period greater than two (2) years, the applicant must meet the requirements for reinstatement of licensure pursuant to Board Rules.

Cite as Ga. Comp. R. & Regs. R. 295-15-.18

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "Georgia Board of Massage Therapists." F. May 6, 2022; eff. May 26, 2022.

295-15-.19 Georgia Board of Electrical Contractors

1. Any Electrical Contractor licensee who holds a current Georgia license and who is not practicing as an Electrical Contractor may request the Board to place the license into an "inactive status" as follows:

- (a) Submit to the Board a written request on a Board-approved form, along with payment of a non-refundable inactive status application fee. See fee schedule.
- (b) Any individual whose license is under any sanction and is not in good standing may not transfer to inactive status while sanctions are in effect.
- (c) The licensee must show that they have attained the continuing education hours required through the calendar year the inactive status is effective.
- (d) During inactive status, the licensee must cease engaging in the practice of Electrical Contracting.
- (e) The licensee has not been on inactive status within the last four (4) years.

2. An individual holding inactive status shall abide by the following conditions:

- (a) may not practice and may not offer Electrical Contracting services;
- (b) may not hold themselves out to the public as being available to provide such services;
- (c) may only use the term Electrical Contractor as long as it is not used to imply active contracting services are currently offered.

3. Any practice of Electrical Contracting while holding an inactive license shall be considered unlicensed practice and is subject to disciplinary action.

4. Any individual holding inactive status is not subject to the biennial renewal fee or the continuing education requirements.

5. An individual may apply to have an inactive license reactivated by submitting the following items:

- (a) a completed Request to Reactivate License form to the Board along with payment of a non-refundable Request to Reactivate form fee. See fee schedule; and
- (b) evidence of having satisfied the reactivation requirements for Continuing Education as follows:
 - (i) If the request to reactivate is received less than four (4) years from the date on which Inactive Status was granted, the licensee must provide evidence of two (2) years of continuing education hours of the current National Electrical Code as required by active status during this period;
 - (ii) If the request to reactivate is received four (4) or more years after the date on which Inactive Status was approved, the licensee must provide evidence four (4) years of continuing education hours of the current National Electrical Code as required by active status.

(iii) If the applicant requesting to reactivate has held an Electrical Contractors License with a reciprocating state and can show this state's license as being in good standing the whole period the Georgia inactive status has been in place, the applicant need only to request reactivation and submit the fee.

6. After ten (10) years on inactive status the license expires without the possibility of renewal or reinstatement.

Cite as Ga. Comp. R. & Regs. R. 295-15-.19

AUTHORITY: O.C.G.A. § [43-1-22](#).

HISTORY: Original Rule entitled "Georgia Board of Electrical Contractors." F. May 6, 2022; eff. May 26, 2022.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-3. DRIVER LICENSE SERVICES

Subject 375-3-1. GENERAL PROVISIONS

375-3-1-.16 Eligibility for Veterans' or Honorary Driver's License and Identification Card

(1) (a) Veterans', or honorary driver's licenses and identification cards which have the "veteran" designation with the American flag symbol printed on said driver's license or identification card, shall be issued to veterans who have satisfied all other requirements for issuance of a driver's license upon receipt by the Department of a Certificate of Eligibility issued by the Georgia Department of Veterans Service or by presenting their Armed Forces Separation Papers (DD-214) with an acceptable separation/discharge.

(b) A veteran of the United States Armed Forces or United States allies must present evidence of the following:

(i) Residence:

1) A veteran must be a resident of the State of Georgia at the time of application for the license; and

(ii) Service:

1) A veteran must have served in the active military, naval, or air service; and

2) A veteran must have been discharged or released therefrom under conditions other than dishonorable.

3) A member of the National Guard or Reserve Forces who has served twenty (20) years of creditable service.

(2) A surviving spouse, of a deceased veteran, who would have been eligible for a veterans' license shall follow the procedure in paragraph (1) and may then be issued an honorary license. The surviving spouse is eligible for such license as long as they have not remarried.

(3) A spouse of a veteran who is or would have been eligible for a veteran's license but has been disabled to the extent that he or she is unable to operate a motor vehicle safely, shall acquire an honorary license by having the disabled veteran surrender his license to the Department, or if he or she has no license notify the Department of his disability. Such surrender of license or notification must be accompanied by a letter from a physician evidencing the disability. The applicant shall then follow the procedure set out in paragraph (1).

(4) Once eligibility is established pursuant to paragraphs (1) through (3) the licensee need not reestablish eligibility.

(5) Any customer who would be eligible for a free driver's license under the provisions of this regulation shall also be eligible for an identification card at no charge.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.16

AUTHORITY: O.C.G.A. §§ [40-5-4](#), [40-5-36](#), [40-5-103](#).

HISTORY: Original Rule entitled "Eligibility for Veterans, Honorary or Distinctive Drivers License" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Amended: F. Jan. 31, 2008; eff. Feb. 20, 2008.

Amended: Changed title to "Eligibility for Veteran's, Honorary or Distinctive Driver's License and Identification Cards." adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

Amended: New title "Eligibility for Veterans', Honorary or Distinctive Driver's License and Identification Cards." F. Nov. 19, 2020; eff. Dec. 9, 2020.

Amended: F. Jan. 13, 2022; eff. Feb. 2, 2022.

Amended: New title, "Eligibility for Veterans' or Honorary Driver's License and Identification Card." F. May 18, 2022; eff. June 7, 2022.

375-3-1-.32 Eligibility for Active-Duty National Guard Driver's License and Identification Card

National Guard driver's licenses shall be issued free of charge by the Department to any guardsman who meets the requirements of O.C.G.A. § [40-5-36](#). Each guardsman shall present to any driver's license examiner a completed Certificate of Eligibility for Georgia National Guard Driver's License. The National Guard driver's license shall be valid for eight (8) years or until the Department receives written notice from the Adjutant General, or his agent, that the guardsman is no longer a member of the Georgia National Guard in good standing.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.32

AUTHORITY: O.C.G.A. §§ [40-5-4](#), [40-5-28](#).

HISTORY: Original Rule entitled "Eligibility for Veteran Designation with American Flag Symbol on Driver's License and Identification Card" adopted. F. Apr. 23, 2014; eff. May 13, 2014.

Amended: New title, "Eligibility for Active-Duty National Guard Driver's License and Identification Card." F. May 18, 2022; eff. June 7, 2022.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-5. DRIVER TRAINING AND DRIVER IMPROVEMENT

Subject 375-5-2. DRIVER TRAINING SCHOOLS

375-5-2-.18 Driver Training and Limited Driver Training School Insurance and Safety Requirements

(1) Every vehicle used by a driver training school for the purpose of driver training must be registered with the Department. A Department-issued Vehicle Registration Card (VRC) must be inside the vehicle at all times.

(a) Vehicles used for actual behind-the-wheel instruction on public roadways or highways shall be less than twelve (12) years old and have less than 300,001 miles, whichever comes first.

(i) A vehicle whose years of service and/or mileage exceed(s) the standards set forth in (a) of paragraph (1) of this Chapter may continue to be used for the purpose of driver training provided the following criteria are met:

1) Said vehicle was previously certified by the Department and has remained continuously certified thereafter; and

2) Said vehicle is inspected annually by a mechanic certified by Automotive Service Excellence and meets the safety criteria established by the Department. The inspection shall be documented on a form provided by the Department.

(b) Vehicles used for driving range only instruction or for other purposes shall be less than thirteen (13) years old and have less than 325,001 miles, whichever comes first.

(i) The VRC issued for such vehicles shall be marked clearly with the statement "Driving Range Use Only."

(ii) Such vehicles shall not be used for behind-the-wheel instruction on public roadways or highways.

(iii) A vehicle whose years of service and/or mileage exceed(s) the standards set forth in (b) of paragraph (1) of this Chapter may continue to be used for the purpose of driver training provided the following criteria are met:

1) Said vehicle was previously certified by the Department and has remained continuously certified thereafter; and

2) Said vehicle is inspected annually by a mechanic certified by Automotive Service Excellence and meets the safety criteria established by the Department. The inspection shall be documented on a form provided by the Department.

(c) Any vehicle used for driver training in any manner shall be equipped with operational safety belts.

(d) No vehicle shall be initially certified by the Department whose years of service and/or mileage limit exceed(s) the standards set forth in (a) and/or (b) of paragraph (1) of this Chapter.

(2) (a) Any vehicle purchased for the purpose of driver training shall be inspected by the Department prior to use. The Department may accept written verification from the driver training school that the vehicle has less than 10,000 miles and satisfies inspection standards, in lieu of the Department's inspection.

(b) Following the initial inspection, the Department shall inspect each vehicle used for driver training on an annual basis.

(c) No VRC shall be issued for any vehicle that does not successfully pass said inspection.

(3) No driver training school will be issued a VRC unless the school has provided to the Department a Certificate of Liability Insurance from a company authorized to do business in Georgia.

(a) Insurance limits contained in the Certificate of Liability Insurance must meet the following:

(i) At least \$100,000.00 to cover bodily injury to, or death of, any one person in any one accident and subject to said limit for one person; and

(ii) At least \$300,000.00 to cover bodily injury to, or death of any two or more persons in any one accident; and

(iii) At least \$50,000.00 to cover destruction of property of others in any one accident.

(b) Limited driver training schools offering classroom, virtual, or simulator training only will not be required to obtain liability insurance as defined in O.C.G.A. § [43-13-4](#).

(c) The Certificate of Liability Insurance shall stipulate that the Department shall be notified when the policy expires or is canceled. The Certificate of Liability Insurance shall include the make, model, and vehicle identification number.

(d) Written notification must be provided to the Department when a vehicle is added to a fleet policy. The written notification must include the vehicle make, model, and vehicle identification number.

(4) Every passenger vehicle used by a school for practical driving instruction shall be equipped with the following special equipment to allow the driver training instructor to take control of the vehicle, if necessary:

(a) Extra foot brake pedal operable from the instructor's position on the passenger side of the car.

(b) Extra foot clutch pedal, if the vehicle has a manual transmission, operable from the instructor's position on the passenger side of the car.

(c) Two sideview mirrors, one on either side of the vehicle.

(d) Two rearview mirrors, one for the student driver and one for the driving instructor.

(e) Vehicles used for driving range only instruction need not be equipped with the extra pedals or mirrors required in this subsection.

Cite as Ga. Comp. R. & Regs. R. 375-5-2-.18

AUTHORITY: O.C.G.A. § [43-13-8](#).

HISTORY: Original Rule entitled "Insurance and Safety Requirements" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.

Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Amended: F. Oct. 10, 2007; eff. Oct. 30, 2007.

Amended: F. Aug. 24, 2010; eff. Sept. 13, 2010.

Amended: F. Jan. 19, 2016; eff. Feb. 8, 2016.

Amended: F. Mar. 17, 2020; eff. Apr. 6, 2020.

Amended: New title, "Driver Training and Limited Driver Training School Insurance and Safety Requirements." F. May 18, 2022; eff. June 7, 2022.

Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Chapter 391-3. ENVIRONMENTAL PROTECTION

Subject 391-3-7. EROSION AND SEDIMENTATION CONTROL

391-3-7-.01 Definitions

The following definitions shall apply in the interpretation and enforcement of these rules and regulations unless otherwise specifically stated.

(a) "Best Management Practices" means a collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control and are designed in accordance with the design specifications contained in the "Manual for Erosion and Sediment Control in Georgia." Best Management Practices also include, but are not limited to, design specifications from the most recent publications of the Georgia Stormwater Management Manual and Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.

(b) "Buffer" and "Buffer Area" each mean the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

(c) "Certification" means an action by the Division that states in writing that a local issuing authority has met the criteria established in these rules and regulations.

(d) "Certified Personnel" means any person who meets or exceeds the education and training requirements of Code Section [12-7-19](#).

(e) "Coastal Marshlands" shall have the same meaning as in Code Section [12-5-282](#).

(f) "Complaint Investigation Process" means a process followed by a local issuing authority or the Division when dealing with inquiries, complaints or concerns about land disturbing activities.

(g) "Decertification" means an action by the Division that states in writing that a local issuing authority has failed to meet the criteria established in these rules and regulations.

(h) "Department" means the Department of Natural Resources of the State of Georgia.

(i) "Director" means the Director of the Environmental Protection Division.

(j) "District" means the appropriate local Soil and Water Conservation District.

(k) "Division" means the Environmental Protection Division of the Department of Natural Resources.

(l) "Erosion" means the process by which land surface is worn away by the action of wind, water, ice, or gravity.

(m) "Erosion, Sedimentation and Pollution Control Plan" or "Plan" means a plan for the control of soil erosion and sediment resulting from a land disturbing activity.

(n) "Infrastructure Project" means construction activities that are not part of a common development that include the construction, installation and maintenance of roadway and railway projects and conduits, pipes, pipelines, substations, cables, wires, trenches, vaults, manholes, and similar or related structures or devices for the conveyance

of natural gas (or other types of gas), liquid petroleum products, electricity, telecommunications (telephone, data television, etc.), water or sewage.

(o) "Land Disturbing Activity" means any activity which may result in soil erosion and the movement of sediments into State waters or onto lands within the State, including but not limited to clearing, dredging, grading, excavating, transporting, and filling of land, but not including those practices to the extent described in O.C.G.A. [12-7-17](#).

(p) "Local Issuing Authority" means the governing authority of any county, municipality, water authority, or water and sewer authority that is certified pursuant to these rules and regulations and pursuant to the requirements of O.C.G.A. [12-7-8\(a\)](#).

(q) "Maintenance" means actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design.

(r) "Major Buffer Impact" means any impact that does not meet the definition of "Minor Buffer Impact."

(s) "Minor Buffer Impact" means an impact that upon completion yields no additional above ground, man-made materials or structures within the buffer, maintains the original grade, and results in less than 5,000 square feet of buffer impacts per stream crossing and/or less than 5,000 square feet of buffer impacts per individual area of encroachment for each project.

(t) "Permit" means the authorization necessary to conduct a land disturbing activity under the provisions of these rules and regulations.

(u) "Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, State agency, municipality or other political subdivision or the State, any interstate body or any other legal entity.

(v) "Project" means the entire area of the proposed development site, regardless of the size of the area to be disturbed.

(w) "Sediment" means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

(x) "Sedimentation" means the action or process of forming or depositing sediment.

(y) "Serviceable" means usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

(z) "Soil and Water Conservation District Approved Plan" means an erosion, sedimentation and pollution control plan approved in writing by the Soil and Water Conservation District in which the proposed land disturbing activity will take place.

(aa) "Stabilization" means the process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and/or installing temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

(bb) "State Waters" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation, except as may be defined in O.C.G.A. [12-7-17\(7\)](#).

(cc) "Stream Bank" means the confining cut of a stream channel and is usually identified as the point where the normal stream flow has wrested the vegetation. For nontrot waters, the normal stream flow is any stream flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year. Base flow results from groundwater that enters the stream channel through the soil. This includes spring flows into streams. Direct runoff is the water entering stream channels promptly after rainfalls or snow melts.

(dd) "Trout Streams" means all streams or portions of streams within the watershed as designated by the Division under the provisions of the Georgia Water Quality Control Act, O.C.G.A. [12-5-20](#) et seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

(ee) "Water authority" or "water and sewer authority" means a "local government authority", as that term is defined in O.C.G.A. § [36-80-16](#), that has been properly formed in accordance with applicable Georgia law and that provides water services or water and sewer services to the public.

(ff) "Watercourse" means any natural or artificial waterway, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, gully, ravine, or wash in which water flows either continuously or intermittently, having a definite channel, bed and bank, and includes any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

(gg) "Water Quality" means the chemical, physical, and biological characteristics of the State's water resources.

Cite as Ga. Comp. R. & Regs. R. 391-3-7-.01

AUTHORITY: O.C.G.A. § [12-7-1](#) *et seq.*

HISTORY: Original Rule entitled "Definitions" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Amended: F. July 16, 1981; eff. August 5, 1981.

Amended: F. Dec. 12, 1989, eff. Jan. 1, 1990.

Amended: F. Nov. 2, 2000, eff. Nov. 22, 2000.

Amended: F. Nov. 5, 2003; eff. Nov. 25, 2003.

Amended: F. Dec. 9, 2003; eff. Dec. 29, 2003.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Nov. 19, 2010; eff. Dec. 9, 2010.

Amended: F. Aug. 16, 2013; eff. Sept. 5, 2013.

Amended: F. Mar. 31, 2016; eff. Apr. 20, 2016.

Amended: F. June 25, 2021; eff. July 15, 2021.

Amended: F. May 10, 2022; eff. May 30, 2022.

391-3-7-.04 Georgia Department of Transportation Minimum Requirements and Buffer Variance Criteria

(1) For road construction or maintenance projects disturbing one or more contiguous acres of land, the Georgia Department of Transportation must abide by and follow the minimum requirements set forth within O.C.G.A. § [12-7-6\(a\) and \(b\)](#) and all requirements and procedures described in Sections 391-3-7-.05 and [391-3-7-.11](#).

(2) In addition to the criteria for buffer variances described in Rule [391-3-7-.05\(2\)](#) and Rule [391-3-7-.11\(2\)](#), variance applications will be reviewed by the Director for road construction and maintenance projects undertaken by the Georgia Department of Transportation only where the Georgia Department of Transportation provides reasonable evidence that impacts to the buffer have been avoided or minimized to the fullest extent practicable, the projects include required mitigation in accordance with the current EPD "Stream Buffer Variance Mitigation Guidance" document, and in the following cases:

(a) The proposed land disturbing activity within the buffer is part of a project that will require a permit issued by the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act of 1972, as amended, or Section 10 of the Rivers and Harbors Act of 1899, contingent upon approval by the Corps of Engineers of that permit; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or

(b) The proposed land disturbing activity within the buffer is part of a project that is not eligible for a permit issued by the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act of 1972, as amended, and involves the piping, filling, or rerouting of waters that are not jurisdictional waters of the United States regardless as to whether or not such waters have been classified as primary or secondary trout waters.

Cite as Ga. Comp. R. & Regs. R. 391-3-7-.04

AUTHORITY: O.C.G.A. § [12-7-1](#) *et seq.*

HISTORY: Original Rule entitled "Erosion and Sediment Control Plans Required." F. Apr. 6, 1977; eff. Apr. 26, 1977.

Amended: F. July 16, 1981; eff. August 5, 1981.

Amended: Rule retitled "Erosion and Sedimentation Control Plan Requirements". F. Dec. 12, 1989; eff. Jan. 1, 1990.

Amended: F. Nov. 2, 2000; eff. Nov. 22, 2000.

Repealed: F. Nov. 5, 2003; eff. Nov. 25, 2003.

Adopted: New Rule entitled "Georgia Department of Transportation Minimum Requirements and Buffer Variance Criteria." F. May 10, 2022; eff. May 30, 2022.

391-3-7-.05 Buffer Variance Procedures and Criteria

(1) Buffers on state waters are valuable in protecting and conserving land and water resources; therefore, buffers should be protected. The buffer variance process will apply to all projects legally eligible for variances and to all state waters having vegetation wrested from the channel by normal stream flow, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. Rule 391-3-7-.05 does not apply to coastal marshlands. The following activities do not require application to or approval from the Division:

(a) stream crossings for water lines or stream crossing for sewer lines that occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer; or

(b) where drainage structures must be constructed within the twenty-five (25) foot buffer area of any state water not classified as a trout stream; or

(c) where roadway drainage structures must be constructed within the twenty-five (25) foot buffer area of any state waters or the fifty (50) foot buffer of any trout stream; or

(d) construction of bulkheads or sea walls on Lake Oconee and Lake Sinclair where required to prevent erosion at the shoreline; or

(e) construction of public water system reservoirs.

(2) Variance applications will be reviewed by the Director only where the applicant provides reasonable evidence that impacts to the buffer have been avoided or minimized to the fullest extent practicable and only in the following cases:

(a) The project involves the construction or repair of an existing infrastructure project or a structure that, by its nature, must be located within the buffer. Such structures include, but are not limited to, dams, public water supply intake structures, detention/retention ponds, waste water discharges, docks including access ways, boat launches including access ways, and stabilization of areas of public access to water; or

(b) The project will result in the restoration or enhancement to improve water quality and/or aquatic habitat quality; or

(c) Buffer intrusion is necessary to provide reasonable access to a property or properties; or

(d) The intrusion is for water and sewer lines that cannot reasonably be placed outside the buffer, and stream crossings and vegetative disturbance are minimized; or

(e) Crossing for utility lines, including but not limited to gas, liquid, power, telephone, and other pipelines, provided that the number of crossings and the amount of vegetative disturbance are minimized; or

(f) Recreational foot trails and viewing areas, providing that impacts to the buffer are minimal; or

(g) The project involves construction of one (1) single family home for residential use by the owner of the subject property and, at the time of adoption of this rule, there is no opportunity to develop the home under any reasonable design configuration unless a buffer variance is granted. Variances will be considered for such single family homes only if construction is initiated or local government approval is obtained prior to January 10, 2005; or

(h) For non-trout waters, the proposed land disturbing activity within the buffer is part of a project that will require a permit from the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act Amendment of 1972, [33 U.S.C. Section 1344](#), contingent upon approval by the Corps of Engineers of that permit; or

(i) For non-trout waters, a plan is provided for buffer intrusion that shows that, even with the proposed land disturbing activity within the buffer, the completed project will result in maintained or improved water quality downstream of the project; or

(j) For non-trout waters, the project with a proposed land disturbing activity within the buffer is located in, or upstream and within ten linear miles of, a stream segment listed as impaired under Section 303(d) of the federal Water Pollution Control Act Amendment of 1972, [33 U.S.C. Section 1313\(d\)](#) and a plan is provided that shows that the completed project will result in maintained or improved water quality in such listed stream segment and that the project has no adverse impact relative to the pollutants of concern in such stream segment; or

(k) The proposed land disturbing activity within the buffer is part of a project that is not eligible for a permit from the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act Amendment of 1972, [33 U.S.C. Section 1344](#), but includes required mitigation in accordance with current EPD "Stream Buffer Variance Mitigation Guidance" document, and involves:

1. piping, filling, or re-routing of non-trout waters that are not jurisdictional Waters of the U.S.; or

2. stream buffer impacts due to new infrastructure projects adjacent to state waters (jurisdictional and non-jurisdictional Waters of the U.S.). This criterion shall not apply to maintenance and/or modification to existing infrastructure, which are covered under 391-3-7-.05(2)(a).

(3) If the buffer impact will be minor, the buffer variance request shall include the following information at a minimum:

(a) Site map that includes locations of all state waters, wetlands, floodplain boundaries and other natural features, as determined by field survey.

(b) Description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.

(c) Dated and numbered detailed site plan that shows the locations of all structures, impervious surfaces, and the boundaries of the area of soil disturbance, both inside and outside of the buffer. The exact area of the buffer to be impacted shall be accurately and clearly indicated.

(d) Description of the project, with details of the buffer disturbance, including estimated length of time for the disturbance and justification for why the disturbance is necessary.

(e) Calculation of the total area and length of the buffer disturbance.

(f) Letter from the issuing authority (if other than the Division and as applicable) stating that the issuing authority has visited the site and determined the presence of state waters that require a buffer and that a stream buffer variance is required as per the local erosion and sedimentation control ordinance.

(g) Erosion, sedimentation and pollution control plan.

(h) Re-vegetation plan as described in the most recent publication of the Division's guidance book, "Streambank and Shoreline Stabilization" and/or a plan for permanent vegetation as per the "Manual for Erosion and Sedimentation Control in Georgia."

(i) For projects within the buffer of or upstream and within one linear mile of impaired stream segments on Georgia's "305(b)/303(d) List Documents (Final)," documentation that the project will have no adverse impacts relative to the pollutants of concern and if applicable, documentation that the project will be in compliance with the TMDL Implementation Plan(s).

(j) Any other reasonable information related to the project that the Division deems necessary to effectively evaluate the variance request.

(k) Applications must be on the most current forms provided by the Division.

(4) If the buffer impact will be major, the buffer variance request shall include all of the information in Sections (3)(a) thru (k) above, with the exception of (3)(h). A buffer variance request for major buffer impacts shall also include the following additional information:

(a) For variance requests made under Section (2)(h):

1. Joint Public Notice (JPN), if it is an individual permit;
 2. Pre-Construction Notification (PCN), if it is a Nationwide Permit;
 3. Mitigation calculations; and
 4. Permit approval from the United States Army Corps of Engineers or, if not yet received, a signed statement from the applicant certifying that the applicant will provide a copy of the permit approval upon receipt.
- (b) Buffer mitigation plan addressing impacts to critical buffer functions, including water quality and floodplain, watershed and ecological functions based on an evaluation of existing buffer conditions and predicted post construction buffer conditions pursuant to Section (7)(c) herein.
- (c) Plan for stormwater control once site stabilization is achieved, when required by a local stormwater ordinance.
- (d) For variance requests made under Sections (2)(i) and (2)(j), the application shall include the following water quality information:
1. Documentation that post-development stormwater management systems to conform to the minimum standards for water quality, channel protection, overbank flood protection and extreme flood protection as established in the Georgia Stormwater Management Manual or the equivalent and if applicable, the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.
 2. Documentation that existing water quality will be maintained or improved based on predicted pollutant loading under pre- and post-development conditions as estimated by models accepted by the Division.
- (e) For variance requests made under Section (2)(j), if the proposed project is in, or upstream and within ten linear miles of impaired stream segments on Georgia's "305(b)/303(d) List Documents (Final)," documentation that the project will have no adverse impacts relative to the pollutants of concern and if applicable, documentation that the project will be in compliance with the TMDL Implementation Plan(s).
- (f) For variance requests made under Section (2)(k)1., the application shall include documentation from the United States Army Corps of Engineers verifying the water bodies identified in the application are non-jurisdictional waters of the United States under Section 404 of the Clean Water Act.
- (5) Upon receipt of a completed application in accordance with Sections 391-3-7-.05(3) or 391-3-7-.05(4), the Division shall consider the completed application and the following factors in determining whether to issue a variance:
- (a) Locations of state waters, wetlands, floodplain boundaries and other natural features as determined by field surveys.
 - (b) Shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.
 - (c) Location and extent of buffer intrusion.
 - (d) Whether reasonable alternative project designs, such as the use of retaining walls, are possible which do not require buffer intrusion or which require less buffer intrusion.
 - (e) Whether issuance of the variance, with the required mitigation plan, re-vegetation plan and/or plan for permanent vegetation, is at least as protective of natural resources and the environment (including wildlife habitat).
 - (f) The current condition of the existing buffer, to be determined by:
 1. The extent to which existing buffer vegetation is disturbed;

2. The hydrologic function of the buffer; and

3. Stream characteristics such as bank vegetative cover, bank stability, prior channel alteration or sediment deposition.

(g) The extent to which the encroachment into the buffer may reasonably impair buffer functions.

(h) The value of mitigation activities conducted pursuant to this rule, particularly Subsections 391-3-7-.05(7)(c) and 391-3-7-.05(7)(d) herein, and shall take regional differences into consideration on-site or downstream, to be determined by development techniques or other measures that will contribute to the maintenance or improvement of water quality, including the use of low impact designs and integrated best management practices, and reduction in effective impervious surface area.

(i) The long-term water quality impacts of the proposed variance, as well as the construction impacts. And for applications made under Subsections 391-3-7-.05(2)(i) and 391-3-7-.05(2)(j), the following criteria, which reflect regional differences in the state, shall be used by the Director to assist in determining whether the project seeking a variance will, when completed and with approved mitigation, result in maintained or improved water quality downstream of the project and minimal net impact to the buffer:

1. Division will assume that the existing water quality conditions are commensurate with an undeveloped forested watershed unless the applicant provides documentation to the contrary. If the applicant chooses to provide baseline documentation, site and/or stream reach specific water quality, habitat, and/or biological data would be needed to document existing conditions. If additional data are needed to document existing conditions, the applicant may need to submit a monitoring plan and have it approved by the Division prior to collecting any monitoring data. Existing local data may be used, if available and of acceptable quality to the Division.

2. The results of the predicted pollutant loading under pre- and post-development conditions as estimated by models accepted by the Division indicate that existing water quality conditions will be maintained or improved.

(j) For applications made under Section 391-3-7-.05(2)(j), for which a land disturbing activity is proposed within the buffer of a 303(d) listed stream, or upstream and within 10 linear miles of a 303(d) listed stream, the results of the model demonstrate that the project has no adverse impact relative to the pollutants of concern in such stream segment.

(6) Within 60 days of receipt of a complete buffer variance application, the Division will either provide written comments to the applicant or propose to issue a variance.

(a) When the Division proposes to issue a variance, it will issue a public notice. The public notice shall describe the proposed buffer encroachment, the location of the project, where the public can review site plans, and where comments should be sent. The public shall have 30 days from the date of publication of the public notice to comment on the proposed buffer variance.

(b) If after the public comment period for a proposed buffer variance has closed or a buffer variance has been issued the applicant proposes to change the project as described in the variance application, the applicant must notify the Division in writing of those proposed changes.

1. If the proposed changes include a change in the location of the buffer impacts, an increase in buffer impact, or change in project concept or design such that there may be a change to the applicable variance criteria described in Section 391-3-7-.05(2) and the Division approves such changes, the Division shall issue public notice in accordance with Section 391-3-7-.05(6)(a).

2. If the proposed changes do not include changes described in 391-3-7-.05(6)(b)(1), the Division may approve those changes in writing or may elect to issue public notice in accordance with Section 391-3-7-.05(6)(a).

(c) If after the public comment period for a proposed buffer variance has closed or a buffer variance has been issued a person or entity other than the applicant wishes to carry out the work described in the proposed variance or

variance, the new person or entity must submit an application for that variance and all other requirements and procedures described in this Section 391-3-7-.05 shall apply. A new application shall not be required where the applicant is merely changing its name or corporate structure, but the applicant must notify the Division in writing of that name or corporate structure change.

(7) In all cases in which a buffer variance is issued, the following conditions shall apply:

(a) The variance shall be the minimum reduction in buffer width necessary to provide relief. Streams shall not be piped if a buffer width reduction is sufficient to provide relief.

(b) Disturbance of existing buffer vegetation shall be minimized.

(c) Mitigation is required for all major buffer impacts and shall offset the buffer encroachment and any loss of buffer functions. Where lost functions cannot be replaced, mitigation shall provide other buffer functions that are beneficial. Buffer functions include, but are not limited to:

1. temperature control (shading);
2. streambank stabilization;
3. trapping of sediments, if any;
4. removal of nutrients, heavy metals, pesticides and other pollutants;
5. aquatic habitat and food chain;
6. terrestrial habitat, food chain and migration corridor; and
7. buffering of flood flows.

(d) Mitigation should be on-site when possible. Depending on site conditions, acceptable forms of mitigation may include but are not limited to:

1. Restoration of the buffer to a naturally vegetated state to the extent practicable, or to current existing conditions;
2. Bioengineering of channels to reduce bank erosion and improve habitat;
3. Creation or restoration of wetlands;
4. Stormwater management systems to better maintain the pre-development flow regime (with consideration given to downstream effects) that exceeds the requirements of applicable ordinances at the time of application;
5. Reduction in pollution sources, such as on-site water quality treatment or improving the level of treatment of septic systems;
6. Other forms of mitigation that protect or improve water quality and/or aquatic wildlife habitat;
7. An increase in buffer width elsewhere on the property;
8. Mitigation as required under a Clean Water Act Section 404 or Nationwide permit issued by the U.S. Army Corps of Engineers;
9. Stormwater management systems described in the most recent publication of the Georgia Stormwater Management Manual and the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual;

10. Mitigation as described in the most recent publication of the Division's guidance document, Stream Buffer Mitigation Guidance.

(e) Forms of mitigation that are not acceptable include:

1. Activities that are already required by the Georgia Erosion and Sedimentation Act, such as the minimal use of best management practices;

2. Activities that are already required by other federal, state and local laws, except as described in 391-3-7-.05(7)(d) above. U.S. Army Corps of Engineers mitigation is acceptable.

(f) The Division will not place a condition on a variance that requires a landowner to deed property or the development rights of property to the state or to any other entity. The landowner may voluntarily preserve property or the development rights of property as a mitigation option with the agreement of the Division.

(8) If the approved buffer impacts are not completed within five years of the date issued, buffer variances issued on or after the effective date of this rule will become null and void, unless an extension is granted by the Division as specifically provided herein.

(a) The applicant may request a time extension of that buffer variance only if the approved buffer impacts will not be completed prior to the buffer variance expiration date. The buffer variance time extension, if granted, can be for a period of up to five years. If the applicant can demonstrate that a time extension for a period of greater than five years is reasonable, the Director may grant a buffer variance time extension for a reasonable period of greater than five years. A buffer variance time extension may be issued only once.

(b) The buffer variance time extension must be requested in writing at least 90 calendar days prior to the buffer variance expiration date with justifiable cause demonstrated. Once an approved buffer variance expires, it is no longer eligible for a time extension.

(c) Time extension requests will be reviewed by the Division. The Division will either provide written comments to the applicant or propose to issue a buffer variance time extension within 60 days of receipt of a time extension request. If there are any other changes to the original buffer variance application, the Division shall issue a public notice in accordance with Section 391-3-7-.05(6)(a).

(d) If a variance issued by the Director is acceptable to the issuing authority, the variance shall be included as a condition of permitting and therefore becomes a part of the permit for the proposed land disturbing activity project. If a stream buffer variance is not acceptable to the issuing authority, the issuing authority may issue a land disturbing permit without allowing encroachment into the buffer.

(9) A general variance is provided for piping of trout streams with an average annual flow of 25 gpm or less.

(10) To obtain this general variance in Section 391-3-7-.05(9) for encroaching on the buffer of a trout stream, the applicant must submit information to the issuing authority or EPD if there is no issuing authority demonstrating that the average annual flow in the stream is 25 gpm or less. There are two acceptable methods for making this determination.

(a) The USGS unit area runoff map may be used to determine the threshold acreage that will produce an average annual flow of 25 gpm or less.

(b) The applicant may submit a hydrologic analysis certified by a Registered Professional Engineer or Geologist that presents information sufficient to estimate that the average annual flow of each stream to be piped is 25 gpm or less with a high level of certainty.

(11) Any stream piping performed in accordance with this general variance in Section 391-3-7-.05(9) shall be subject to the following terms:

- (a) The total length of stream that is piped in any one property shall not exceed 200 feet.
- (b) Any project that involves more than 200 ft of piping will require an individual variance for the entire project. The general variance may not be applied to a portion of a project; e.g., it is not permissible to pipe 200 ft of a stream under the general variance and seek an individual variance for an additional length of pipe.
- (c) The downstream end of the pipe shall terminate at least 25 ft before the property boundary.
- (d) The applicant for a Land Disturbing Activity Permit shall notify the appropriate issuing authority of the precise location and extent of all streams piping as part of the land disturbing activity permit application. The issuing authority (if other than the Division) shall compile this information and convey it to the Division annually.
- (e) Where piping of a stream increases the velocity of stream flow at the downstream end of the pipe, appropriate controls shall be employed to reduce flow velocity to the predevelopment level. Plans for such controls must be submitted as part of the land disturbing activity permit.

Cite as Ga. Comp. R. & Regs. R. 391-3-7-.05

AUTHORITY: O.C.G.A. §§ [12-7-1](#) *et seq.*, 50-13-9.1.

HISTORY: Original Rule entitled "Minimum Requirements" adopted. F. Apr. 6, 1977; eff. Apr. 26, 1977.

Repealed: New Rule entitled "Land Disturbing Activities Within the 100 Year Flood Plain" adopted. F. Dec. 12, 1989; eff. Jan. 1, 1990.

Repealed: New Rule entitled "Buffer Variance Procedures and Criteria" adopted. F. Nov. 2, 2000; eff. Nov. 22, 2000.

Amended: F. Dec. 12, 2000; eff. Jan. 1, 2001.

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Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Nov. 19, 2010; eff. Dec. 9, 2010.

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Amended: F. Mar. 31, 2016; eff. Apr. 20, 2016.

Amended: F. June 25, 2021; eff. July 15, 2021.

Amended: F. May 10, 2022; eff. May 30, 2022.

391-3-7-.11 Coastal Marshlands Buffer Variance Procedures and Criteria

(1) Buffers on state waters are valuable in protecting and conserving land and water resources. Therefore, there is established a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, except:

- (a) Where the Director determines to allow a variance that is at least as protective of natural resources and the environment under the variance criteria in 391-3-7-.11(2) through (7) or under the variance by rule criteria in 391-3-7-.11(9); or
- (b) Where otherwise allowed by the Director pursuant to O.C.G.A. § [12-2-8](#); or

- (c) Where an alteration within the buffer area has been authorized pursuant to O.C.G.A. § [12-5-286](#); or
 - (d) For maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or
 - (e) Where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or
 - (f) On the landward side of any currently serviceable shoreline stabilization structure; or
 - (g) For the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or
 - (h) Crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or
 - (i) Any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or
 - (j) Any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
- (2) The buffer variance process will apply to all projects legally eligible for variances, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. Variance applications will be reviewed by the Director only in the following cases:
- (a) The project involves the construction or repair of an existing infrastructure project or a structure that, by its nature, must be located within the buffer. Such structures include, but are not limited to, dams, public water supply intake structures, detention/retention ponds, waste water discharges, docks including access ways, boat launches including access ways and stabilization of areas of public access to water; or
 - (b) The project will result in the restoration or enhancement to improve water quality and/or aquatic habitat quality; or
 - (c) Buffer intrusion is necessary to provide reasonable access to a property or properties; or
 - (d) The intrusion is for utility lines within or adjacent to existing utility or transportation right of ways or that cannot reasonably be placed outside the buffer, and crossings and vegetative disturbance are minimized; or
 - (e) Crossing for utility lines, including but not limited to gas, liquid, power, telephone, and other pipelines, provided that the number of crossings and the amount of vegetative disturbance are minimized; or
 - (f) Recreational foot trails and viewing areas, providing that impacts to the buffer are minimal; or

(g) The project involves construction of one (1) single family home for residential use by the owner of the subject property and, at the time of adoption of this rule, there is no opportunity to develop the home under any reasonable design configuration unless a buffer variance is granted. Variances will be considered for such single family homes only if construction is initiated or local government approval is obtained prior to January 10, 2005; or

(h) The proposed land disturbing activity within the buffer is part of a project that will require a permit from the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act Amendment of 1972, [33 U.S.C. Section 1344](#), or Section 10 of the Rivers and Harbors Act of 1899, contingent upon approval by the Corps of Engineers of that permit; or

(i) A plan is provided for buffer intrusion that shows that, even with the proposed land disturbing activity within the buffer, the completed project will result in maintained or improved water quality; or

(j) (Reserved)

(k) The proposed land disturbing activity within the buffer is part of a project that is not eligible for a permit from the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act Amendment of 1972, [33 U.S.C. Section 1344](#), and involves:

1. Piping, filling, or re-routing of waters that are not jurisdictional Waters of the U.S.; or

2. Buffer impacts due to new infrastructure projects adjacent to state waters (jurisdictional and non-jurisdictional Waters of the U.S.). This criterion shall not apply to maintenance and/or modification to existing infrastructure.

(3) Except as provided in 391-3-7-.11(9), if the buffer impact will be minor, the buffer variance request shall include the following information at a minimum:

(a) Site map that includes locations of all state waters, wetlands, floodplain boundaries and other natural features, as determined by field survey.

(b) Description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.

(c) Dated and numbered detailed site plan that shows the locations of all structures, impervious surfaces, and the boundaries of the area of soil disturbance, both inside and outside of the buffer. The exact area of the buffer to be impacted shall be accurately and clearly indicated.

(d) Description of the project, with details of the buffer disturbance, including estimated length of time for the disturbance and justification for why the disturbance is necessary.

(e) Calculation of the total area and length of the buffer disturbance.

(f) Letter from the issuing authority (if other than the Division and as applicable) stating that the issuing authority has visited the site and determined the presence of coastal marshlands that require a buffer and that a buffer variance is required.

(g) Erosion, sedimentation and pollution control plan.

(h) Re-vegetation plan as described in the most recent publication of the Division's guidance book, "Streambank and Shoreline Stabilization", or the "Hydromodification Best Management Practice Manual for Coastal Georgia," and/or a plan for permanent vegetation as per the "Manual for Erosion and Sedimentation Control in Georgia."

(i) For projects within the buffer or upstream and within one linear mile of an impaired water body on Georgia's "305(b)/303(d) List Documents (Final)," documentation that the project will have no adverse impacts relative to the pollutants of concern and if applicable, documentation that the project will be in compliance with the TMDL Implementation Plan(s).

(j) Applications must be on the most current forms provided by the Division.

(4) If the buffer impact will be major, the buffer variance request shall include all of the information in 391-3-7-.11(3)(a) through (i) above, with the exception of 391-3-7-.11(3)(h). A buffer variance request for major buffer impacts shall also include the following additional information:

(a) For variance requests made under 391-3-7-.11(2)(h):

1. Joint Public Notice (JPN), if it is an individual permit;
2. Pre-Construction Notification (PCN), if it is a Nationwide Permit;
3. Mitigation calculations; and
4. Permit approval from the United States Army Corps of Engineers or, if not yet received, a signed statement from the applicant certifying that the applicant will provide a copy of the permit approval upon receipt.

(b) Buffer mitigation plan addressing impacts to critical buffer functions, including water quality and floodplain, watershed and ecological functions based on an evaluation of existing buffer conditions and predicted post construction buffer conditions pursuant to 391-3-7-.11(7)(c) herein.

(c) Plan for stormwater control once site stabilization is achieved, when required by a local stormwater ordinance.

(d) For variance requests made under 391-3-7-.11(2)(i), the application shall include the following water quality information:

1. Documentation that post-development stormwater management systems to conform to the minimum standards for water quality, channel protection, overbank flood protection and extreme flood protection as established in the Georgia Stormwater Management Manual or the equivalent and if applicable, the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.
2. Documentation that existing water quality will be maintained or improved based on predicted pollutant loading under pre- and post-development conditions as estimated by models accepted by the Division.

(e) For variance requests made under 391-3-7-.11(2)(k)1., the application shall include documentation from the United States Army Corps of Engineers verifying the water bodies identified in the application are non-jurisdictional waters of the United States under Section 404 of the Clean Water Act.

(5) Upon receipt of a complete application, the Division shall consider the complete application and the following factors in determining whether to issue a variance:

(a) Locations of state waters, wetlands, coastal marshlands, floodplain boundaries and other natural features as determined by field surveys.

(b) Shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.

(c) Location and extent of buffer intrusion.

(d) Whether reasonable alternative project designs, such as the use of retaining walls are possible which do not require buffer intrusion or which require less buffer intrusion.

(e) Whether issuance of the variance, with the required mitigation plan, re-vegetation plan and/or plan for permanent vegetation, is at least as protective of natural resources and the environment.

(f) The current condition of the existing buffer, to be determined by:

1. The extent to which existing buffer vegetation is disturbed;
2. The hydrologic function of the buffer; and
3. Hydrologic functional characteristics such as bank vegetative cover, bank stability, or prior channel alteration.

(g) The extent to which the encroachment into the buffer may reasonably impair buffer functions.

(h) The value of mitigation activities conducted pursuant to this rule, particularly 391-3-7-.11(7)(c) and (d) herein, development techniques or other measures that will contribute to the maintenance or improvement of water quality, including the use of low impact designs and integrated best management practices, and reduction in effective impervious surface area.

(i) The long-term water quality impacts of the proposed variance, as well as the construction impacts. And for applications made under 391-3-7-.11(2)(i), the following criteria shall be used by the Director to assist in determining whether the project seeking a variance will, when completed and with approved mitigation, result in maintained or improved water quality downstream of the project and minimal net impact to the buffer:

1. The Division will assume that the existing water quality conditions are commensurate with an undeveloped maritime forested watershed unless the applicant provides documentation to the contrary. If the applicant chooses to provide baseline documentation, site specific water quality, habitat, and /or biological data would be needed to document existing conditions. If additional data are needed to document existing conditions, the applicant may need to submit a monitoring plan and have it approved by the Division prior to collecting any monitoring data. Existing local data may be used, if available and of acceptable quality to the Division.

2. The results of the predicted pollutant loading under pre- and post-development conditions as estimated by models accepted by the Division indicate that existing water quality conditions will be maintained or improved.

(j) For applications made under 391-3-7-.11(2)(i), for which a land disturbing activity is proposed within the buffer of a 303(d) listed water body, or upstream and within one linear mile of a 303(d) listed water body, the results of the model demonstrate that the project has no adverse impact relative to the pollutants of concern.

(6) Within 60 days of receipt of a complete buffer variance application, the Division will either provide written comments to the applicant or propose to issue a variance.

(a) When the Division proposes to issue a variance, it will issue a public notice. The public notice shall describe the proposed buffer encroachment, the location of the project, where the public can review site plans, and where comments should be sent. The public shall have 30 days from the date of publication of the public notice to comment on the proposed buffer variance.

(b) If after the public comment period for a proposed buffer variance has closed or a buffer variance has been issued the applicant proposes to change the project as described in the variance application, the applicant must notify the Division in writing of those proposed changes.

1. If the proposed changes include a change in the location of the buffer impacts, an increase in buffer impact, or change in project concept or design such that there may be a change to the applicable variance criteria described in Section 391-3-7-.11(2) and the Division approves such changes, the Division shall issue public notice in accordance with Section 391-3-7-.11(6)(a).

2. If the proposed changes do not include changes described in 391-3-7-.11(6)(b)(1), the Division may approve those changes in writing or may elect to issue public notice in accordance with Section 391-3-7-.11 (6)(a).

(c) If after the public comment period for a proposed buffer variance has closed or a buffer variance has been issued a person or entity other than the applicant wishes to carry out the work described in the proposed variance or variance, the new person or entity must submit an application for that variance and all other requirements and

procedures described in this Section 391-3-7-.11 shall apply. A new application shall not be required where the applicant is merely changing its name or corporate structure, but the applicant must notify the Division in writing of that name or corporate structure change.

(7) In all cases in which a buffer variance is issued, the following conditions shall apply:

(a) The variance shall be the minimum reduction in buffer width necessary to provide relief.

(b) Disturbance of existing buffer vegetation shall be minimized.

(c) Mitigation is required for all major buffer impacts and shall offset the buffer encroachment and any loss of buffer functions. Where lost functions cannot be replaced, mitigation shall provide other buffer functions that are beneficial. Buffer functions include, but are not limited to:

1. temperature control (shading);
2. bank stabilization;
3. trapping of sediments, if any;
4. removal of nutrients, heavy metals, pesticides and other pollutants;
5. aquatic habitat and food chain;
6. terrestrial habitat, food chain and migration corridor;
7. buffering of flood flows; and
8. maintenance of salinity through buffering of freshwater flows.

(d) Mitigation should be on-site when possible. Depending on site conditions, acceptable forms of mitigation may include, but are not limited to:

1. Restoration of the buffer to a naturally vegetated state to the extent practicable, or to current existing conditions. Information on natural vegetation in coastal Georgia is available from the University of Georgia Marine Extension Service's website (visit <https://gacoast.uga.edu/> and search the terms "Ecoscapes" or "Native Plant Search Engine");
2. Bioengineering of channels to reduce bank erosion and improve habitat;
3. Creation or restoration of wetlands;
4. Stormwater management systems to better maintain the pre-development flow regime (with consideration given to downstream effects) that exceeds the requirements of applicable ordinances at the time of application;
5. Reduction in pollution sources, such as on-site water quality treatment or improving the level of treatment of septic systems;
6. Other forms of mitigation that protect or improve water quality and/or aquatic wildlife habitat;
7. An increase in buffer width elsewhere on the property;
8. Mitigation as required under a Clean Water Act Section 404 or Nationwide permit issued by the U.S. Army Corps of Engineers; or
9. Stormwater management systems described in the most recent publication of the Georgia Stormwater Management Manual and the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.

(e) Forms of mitigation that are not acceptable include:

1. Activities that are already required by the Georgia Erosion and Sedimentation Act, such as the minimal use of best management practices;

2. Activities that are already required by other federal, state and local laws, except as described in 391-3-7-.11(7)(d) above. U.S. Army Corps of Engineers mitigation is acceptable.

(f) The Division will not place a condition on a variance that requires a landowner to deed property or the development rights of property to the state or to any other entity. The landowner may voluntarily preserve property or the development rights of property as a mitigation option with the agreement of the Division.

(g) If a variance issued by the Director is acceptable to the issuing authority, the variance shall be included as a condition of permitting and therefore becomes a part of the permit for the proposed land disturbing activity project. If a buffer variance is not acceptable to the issuing authority, the issuing authority may issue a land disturbing permit without allowing encroachment into the buffer.

(8) A buffer variance will expire five years after the effective date, unless an extension is granted by the Division as specifically provided herein.

(a) The applicant may request a time extension of that buffer variance only if the approved buffer impacts will not be completed prior to the buffer variance expiration date. The buffer variance time extension, if granted, can be for a period of up to five years. If the applicant can demonstrate that a time extension for a period of greater than five years is reasonable, the Director may grant a buffer variance time extension for a reasonable period of greater than five years. A buffer variance time extension may be issued only once.

(b) The buffer variance time extension must be requested in writing at least 90 calendar days prior to the buffer variance expiration date with justifiable cause demonstrated. Once an approved buffer variance expires, it is no longer eligible for a time extension.

(c) Time extension requests will be reviewed by the Division. The Division will either provide written comments to the applicant or propose to issue a buffer variance time extension within 60 days of receipt of a time extension request. If there are any significant changes to the original buffer variance application, the Division shall issue a public notice in accordance with 391-3-7-.11(6)(a).

(9) Variance By Rule

(a) Notwithstanding any other provision of these Rules, the following activities have minimal impact on the water quality or aquatic habitat of the adjacent coastal marshland and therefore are deemed to have an approved buffer variance.

1. Activities where the area within the buffer is not more than 500 square feet.

2. Activities that have a "Minor Buffer Impact" as defined in [391-3-7-.01\(r\)](#), provided that the total area of buffer impacts is less than 5,000 square feet. A proposed development site may not be subdivided into smaller projects or phases to circumvent the 5,000 square feet limitation.

(b) Bank and shoreline stabilization structures are not eligible for coverage under the variance by rule.

(c) Notification shall be made at least 14 days prior to the commencement of land-disturbing activities to provide the Division an opportunity to review the activity to ensure it meets the applicable criteria. Unless notified by the Division to the contrary, an applicant who submits a notification in accordance with 391-3-7-.11(9) is authorized to encroach into the buffer 14 days after the notification form is received by the Division. A buffer variance by rule expires if the buffer impacts are not completed within two years after the notification form is received by the Division. The Director may deny coverage under this variance by rule and require submittal of an application for an

individual variance based on the review of the documentation submitted or other information. Persons failing to notify the Director of such activities shall be deemed to be operating without a variance.

(d) Notification for a variance by rule is to be submitted by return receipt certified mail (or similar service that provides confirmation of receipt) to both the Division and to the Local Issuing Authority in jurisdictions authorized to issue Land Disturbance Permits.

(e) An individual variance will be required for any activity that does not qualify for a variance by rule.

(f) Any notification for a variance by rule shall include the following:

1. Description of the activity, with details of the buffer disturbance, including area and length of the buffer to be impacted and estimated length of time for the disturbance.

2. Photographs of the area that will be affected by the proposed activity.

3. Notice of a land-disturbing activity to be covered by a variance by rule must be on the most current forms provided by the Division.

(g) Any variance by rule shall be subject to the following requirements:

1. The following information shall be maintained onsite until final stabilization of the site is complete:

i. Site plan that shows the locations of all structures, impervious surfaces, and the boundaries of the area of soil disturbance, both inside and outside of the buffer. The exact area and length of the buffer to be impacted shall be accurately and clearly indicated.

ii. Documentation that adequate erosion control measures are incorporated into the project plans and specifications.

2. Disturbance of existing buffer vegetation shall be minimized.

3. Final stabilization of the site must include a re-vegetation plan as described in the most recent publication of the Division's guidance book, "Streambank and Shoreline Stabilization." It is recommended that vegetation be native riparian vegetation.

4. Temporary vegetative measures must be implemented within 14 calendar days following the completion of any soil disturbance and the site shall be stabilized at the end of every day until project completion.

5. Proper and full implementation of the erosion control measures in 391-3-7-.11(9)(g)1. ii.

6. Post construction stormwater management practices should be considered. Best management practices can be found in the latest edition of the Georgia Stormwater Management Manual or the Coastal Supplement to the Georgia Stormwater Management Manual.

7. All other applicable federal, state, and local laws, rules and ordinances, including erosion and sedimentation control must be fully complied with prior to commencement of project construction.

8. For a variance by rule under 391-3-7-.11(9)(a)1., cumulative impacts shall not exceed 500 square feet within a 5 year period.

9. Any activity that does not meet the requirements of 391-3-7-.11(9)(g) is in violation of the variance by rule.

Cite as Ga. Comp. R. & Regs. R. 391-3-7-.11

AUTHORITY: O.C.G.A. §§ [12-7-1](#) *et seq.*, 50-13-9.1.

HISTORY: Original Rule entitled "Coastal Marshlands Buffer Variance Procedures and Criteria" adopted. F. Mar. 31, 2016; eff. Apr. 20, 2016.

Amended: F. June 25, 2021; eff. July 15, 2021.

Amended: F. May 10, 2022; eff. May 30, 2022.

Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Chapter 391-4. WILDLIFE RESOURCES DIVISION

Subject 391-4-2. HUNTING REGULATIONS

391-4-2-.40 [Effective 6/14/2022] General Regulations for Hunting Federally Regulated Migratory Game Birds

- (1) It is unlawful for any person 16 years of age or older to hunt waterfowl unless such person possesses a valid Federal Migratory Bird Hunting and Conservation Stamp in addition to all other required licenses.
- (2) Legal hours for hunting migratory game birds shall conform to Federal Regulations except as may be otherwise specified in this Subject.
- (3) Federally approved nontoxic shot size F or smaller is required for all duck and goose hunting; no lead shot may be in possession.
- (4) The possession limits for federally regulated migratory game birds is three (3) times the daily bag limit, singly, combined, or in the aggregate, as established for a species.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.40

AUTHORITY: O.C.G.A. § [27-3-15\(d\)](#).

HISTORY: Original Rule entitled "Grouse" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule of the same title adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "Bobcat" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed and a new Rule entitled "Raccoon" adopted. Filed September 14, 1977; effective October 4, 1977.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.

Adopted: New Rule entitled "General Regulations for Hunting Federally Regulated Migratory Game Birds." F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. May 26, 2015; eff. June 15, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. June 1, 2017; eff. June 21, 2017.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

391-4-2-.43 [Effective 6/14/2022] Canada Geese, Snow Geese, White-fronted Geese and Brant

(1) The open seasons for hunting Canada Geese are the first Saturday in September and 22 days thereafter; the second Saturday in October and 15 days thereafter; the Saturday preceding Thanksgiving Day and 8 days thereafter; and, the first Saturday after December 5 and 50 days thereafter.

(2) Snow Geese (including Blue Geese) and White-Fronted Geese may be taken during open seasons for hunting Canada Geese except during September.

(2) The daily bag limits on Canada Geese and White-Fronted Geese combined are five (5) per day. The daily bag limit on Snow Geese is five (5).

(3) The season is closed on Atlantic Brant.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.43

AUTHORITY: O.C.G.A. § [27-3-15\(d\)](#).

HISTORY: Original Rule entitled "Rabbit" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule of same title adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "Quail" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed. Filed September 14, 1977; effective October 4, 1977.

Adopted: New Rule entitled "Canada Geese, Snow Geese, White-fronted Geese and Brant." F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

391-4-2-.45 [Effective 6/14/2022] Coots

(1) The open seasons for hunting coots are the Saturday preceding Thanksgiving Day and 8 days thereafter and the first Saturday after December 5 and 50 days thereafter.

(2) The daily bag limit is fifteen (15).

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.45

AUTHORITY: O.C.G.A. § [27-3-15\(d\)](#).

HISTORY: Original Rule entitled "Squirrel" was filed on October 19, 1973; effective November 8, 1973.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule repealed and a new Rule of same title adopted. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule repealed and a new Rule entitled "Raccoon" adopted. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule repealed. Filed September 14, 1977; effective October 4, 1977.

Adopted: New Rule entitled "Coots." F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

391-4-2-.47 [Effective 6/14/2022] Ducks

(1) The open seasons for hunting ducks are the Saturday preceding Thanksgiving Day and 8 days thereafter and the first Saturday after December 5 and 50 days thereafter.

(2) The daily bag limit on ducks is six (6). This limit cannot include more than three (3) wood ducks daily; nor more than two (2) mallards daily of which no more than one (1) may be a hen; nor more than one (1) black duck or mottled duck daily; nor more than one (1) pintail daily; nor more than two (2) redheads daily; nor more than one (1) lesser or greater scaup daily; nor more than two (2) canvasback daily; nor more than one (1) fulvous whistling duck

daily; nor more than four (4) scoters daily; nor more than four (4) eiders daily; and nor more than four (4) long-tailed ducks daily.

(3) The season is closed for the taking of harlequin ducks.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.47

AUTHORITY: O.C.G.A. § [27-3-15\(d\)](#).

HISTORY: Original Rule entitled "Turkey" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: Rule reserved. F. July 22, 1974; eff. August 11, 1974.

Amended: New Rule entitled "Rails" adopted. F. Oct. 15, 1974; eff. Nov. 4, 1974.

Repealed: Rule reserved. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Amended: New Rule entitled "Rails" adopted. F. Dec. 10, 1975; eff. Dec. 30, 1975.

Repealed: F. Aug. 5, 1976; eff. Aug. 25, 1976.

Amended: New Rule entitled "Mourning Doves" adopted. F. Aug. 24, 1976; eff. Sept. 13, 1976.

Amended: F. Sept. 2, 1977; eff. Aug. 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: F. Aug. 11, 1978; eff. Aug. 31, 1978.

Repealed: F. Sept. 6, 1978; eff. Sept. 26, 1978.

Amended: New Rule entitled "Mourning Doves" adopted. F. Aug. 9, 1979; eff. Aug. 29, 1979.

Amended: F. Aug. 6, 1980; eff. Aug. 26, 1980.

Amended: F. Aug. 6, 1981; eff. Aug. 26, 1981.

Amended: F. July 29, 1982; eff. August 18, 1982.

Amended: F. July 25, 1983; eff. August 14, 1983.

Amended: F. July 30, 1984; eff. August 19, 1984.

Amended: F. July 17, 1985; eff. August 6, 1985.

Amended: F. July 31, 1986; eff. August 20, 1986.

Amended: F. July 16, 1987; eff. August 5, 1987.

Amended: F. July 15, 1988; eff. August 4, 1988.

Amended: F. July 17, 1989; eff. August 6, 1989.

Amended: F. July 24, 1990; eff. August 13, 1990.

Amended: F. July 17, 1991; eff. August 6, 1991.

Amended: F. June 5, 1992; eff. June 25, 1992.

Amended: F. June 2, 1994; eff. June 22, 1994.

Amended: F. Apr. 30, 1999; eff. May 20, 1999.

Amended: F. May 30, 2003; eff. June 19, 2003.

Repealed: New Rule of same title adopted. F. July 1, 2004; eff. July 21, 2004.

Amended: F. May 29, 2008; eff. June 18, 2008.

Amended: F. Sept. 2, 2008; eff. Sept. 22, 2008.

Amended: F. Sept. 1, 2010; eff. Sept. 21, 2010.

Repealed: New Rule entitled "Ducks" adopted. F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

391-4-2-.48 [Effective 6/14/2022] Extended Falconry Season for Ducks, Coots, Gallinules (Common Moorhen), Mergansers and Sea Ducks

(1) The open seasons for hunting ducks by means of falconry are during the September and October Canada Goose seasons, the Youth, Active Duty Military, and Veterans season, the duck seasons, and the Monday immediately following Thanksgiving Day and 5 days thereafter.

(2) The daily bag limit is three (3) of a single species or in the aggregate of the above species.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.48

AUTHORITY: O.C.G.A. § [27-3-15\(d\)](#).

HISTORY: Original Rule entitled "Turkey" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Repealed: Rule reserved. F. July 22, 1974; eff. August 11, 1974.

Amended: New Rule entitled "Woodcock" adopted. F. Oct. 15, 1974; eff. Nov. 4, 1974.

Repealed: Rule reserved. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Amended: New Rule entitled "Woodcock" adopted. F. Dec. 10, 1975; eff. Dec. 30, 1975.

Repealed: F. Aug. 5, 1976; eff. Aug. 25, 1976.

Amended: New Rule entitled "Rails" adopted. F. Aug. 24, 1976; eff. Sept. 13, 1976.

Repealed: New Rule entitled "Rails (Marsh Hens)" adopted. F. Sept. 2, 1977; eff. Aug. 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Repealed: New Rule of same title adopted. F. Aug. 11, 1978; eff. Aug. 31, 1978.

Repealed: F. Sept. 6, 1978; eff. Sept. 26, 1978.

Amended: New Rule entitled "Rails (Marsh Hens)" adopted. F. Aug. 9, 1979; eff. Aug. 29, 1979.

Amended: F. Aug. 6, 1980; eff. Aug. 26, 1980.

Amended: F. Aug. 6, 1981; eff. Aug. 26, 1981.

Amended: F. July 29, 1982; eff. August 18, 1982.

Amended: F. July 25, 1983; eff. August 14, 1983.

Amended: F. July 30, 1984; eff. August 19, 1984.

Amended: F. July 17, 1985; eff. August 6, 1985.

Amended: F. July 31, 1986; eff. August 20, 1986.

Amended: F. July 16, 1987; eff. August 5, 1987.

Amended: F. July 15, 1988; eff. August 4, 1988.

Amended: F. July 17, 1989; eff. August 6, 1989.

Amended: F. July 24, 1990; eff. August 13, 1990.

Amended: F. July 17, 1991; eff. August 6, 1991.

Amended: F. June 5, 1992; eff. June 25, 1992.

Amended: F. June 3, 1993; eff. June 23, 1993.

Amended: F. June 2, 1994; eff. June 22, 1994.

Amended: F. May 25, 1995; eff. June 14, 1995.

Amended: F. May 30, 1996; eff. June 19, 1996.

Amended: F. June 2, 1997; eff. June 22, 1997.

Amended: F. May 21, 1998; eff. June 10, 1998.

Amended: F. Apr. 30, 1999; eff. May 20, 1999.

Amended: F. May 29, 2001; eff. June 18, 2001.

Amended: F. May 30, 2003; eff. June 19, 2003.

Amended: F. June 16, 2005; eff. July 6, 2005.

Amended: F. May 24, 2007; eff. June 13, 2007.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: F. Jun. 1, 2011; eff. Jun. 21, 2011.

Amended: F. Sep. 5, 2012; eff. Sept. 25, 2012.

Repealed: New Rule entitled "Extended Falconry Season for Ducks, Coots, Gallinules (Common Moorhen), Mergansers and Sea Ducks" adopted. F. Jun. 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

391-4-2-.49 [Effective 6/14/2022] Gallinules (Common Moorhen)

(1) The open seasons for hunting gallinules are the Saturday preceding Thanksgiving Day and 8 days thereafter and the first Saturday after December 5 and 50 days thereafter.

(2) The daily bag limit on gallinules is fifteen (15).

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.49

AUTHORITY: O.C.G.A. § [27-3-15\(d\)](#).

HISTORY: Original Rule entitled "Turkey" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

Amended: F. Jan. 21, 1974; eff. Feb. 10, 1974.

Repealed: Rule reserved. F. July 22, 1974; eff. August 11, 1974.

Amended: New Rule entitled "Mourning Doves" adopted. F. Oct. 15, 1974; eff. Nov. 4, 1974.

Repealed: Rule reserved. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Amended: New Rule entitled "Mourning Doves" adopted. F. Dec. 10, 1975, eff. Dec. 30, 1975.

Repealed: F. Aug. 5, 1976; eff. Aug. 25, 1976.

Amended: New Rule entitled "Woodcock" adopted. F. Aug. 24, 1976; eff. Sept. 13, 1976.

Amended: F. Sept. 2, 1977; eff. Aug. 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: F. Aug. 11, 1978; eff. Aug. 31, 1978.

Repealed: F. Sept. 6, 1978; eff. Sept. 26, 1978.

Amended: Rule entitled "Woodcock" adopted. F. Aug. 9, 1979; eff. Aug. 29, 1979.

Amended: F. Aug. 6, 1980; eff. Aug. 26, 1980.

Amended: F. Aug. 6, 1981; eff. Aug. 26, 1981.

Amended: F. July 29, 1982; eff. August 18, 1982.

Amended: F. July 25, 1983; eff. August 14, 1983.

Amended: F. July 30, 1984; eff. August 19, 1984.

Amended: F. July 17, 1985; eff. August 6, 1985.

Amended: F. July 31, 1986; eff. August 20, 1986.

Amended: F. July 16, 1987; eff. August 5, 1987.

Amended: F. July 15, 1988; eff. August 4, 1988.

Amended: F. June 3, 1993; eff. June 23, 1993.

Amended: F. Aug. 27, 1997; eff. Sept. 16, 1997.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Aug. 26, 1999; eff. Sept. 15, 1999.

Amended: F. Aug. 28, 2000; eff. Sept. 17, 2000.

Amended: F. May 29, 2001; eff. June 18, 2001.

Amended: F. May 30, 2003; eff. June 19, 2003.

Amended: F. June 16, 2005; eff. July 6, 2005.

Amended: F. May 24, 2007; eff. June 13, 2007.

Amended: F. May 27, 2009; eff. June 16, 2009.

Amended: F. Jun. 1, 2011; eff. Jun. 21, 2011.

Amended: F. Sep. 5, 2012; eff. Sept. 25, 2012.

Repealed: New Rule entitled "Gallinules (Common Moorhen)" adopted. F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

391-4-2-.50 [Effective 6/14/2022] Mergansers

(1) The open seasons for hunting mergansers are the Saturday preceding Thanksgiving Day and 8 days thereafter and the first Saturday after December 5 and 50 days thereafter.

(2) In addition to the limits applying to other ducks during the regular duck season, the daily bag limit on mergansers is five (5).

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.50

AUTHORITY: O.C.G.A. § [27-3-15\(d\)](#).

HISTORY: Original Rule entitled "Rails" was filed on November 14, 1973; effective December 4, 1973.

Amended: Rule repealed. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule entitled "Common (Wilson's) Snipe" adopted. Filed October 15, 1974; effective November 4, 1974.

Amended: Rule repealed. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule entitled "Common (Wilson's) Snipe" adopted. Filed August 24, 1976; effective September 13, 1976.

Amended: Rule repealed and a new Rule of the same title adopted. Filed September 2, 1977; effective August 26, 1977; the day of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: Rule repealed and a new Rule of same title adopted. Filed August 11, 1978; effective August 31, 1978.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule entitled "Common (Wilson's) Snipe" adopted. Filed August 9, 1979; effective August 29, 1979.

Amended: Filed August 6, 1980; effective August 26, 1980.

Amended: Filed August 6, 1981; effective August 26, 1983.

Amended: Filed July 30, 1984; effective August 19, 1984.

Amended: Filed July 17, 1985; effective August 6, 1985.

Amended: Filed July 31, 1986; effective August 20, 1986.

Amended: Filed July 16, 1987; effective August 5, 1987.

Amended: Filed July 15, 1988; effective August 4, 1988.

Amended: F. Sept. 10, 1991; eff. Sept. 30, 1991.

Amended: F. Aug. 25, 1995; eff. Sept. 14, 1995.

Repealed: New Rule entitled "Mergansers" adopted. F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

391-4-2-.51 [Effective 6/14/2022] Mourning Doves

(1) For the purpose of hunting mourning doves and white-winged doves, the open seasons are from the first Saturday in September and 36 days thereafter; the Saturday before Thanksgiving and 8 days thereafter, and December 19 through January 31.

(2) The daily bag limit is fifteen (15) mourning and white-winged doves in the aggregate.

(3) Daily shooting hours are from one-half hour before sunrise to sunset.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.51

AUTHORITY: O.C.G.A. § § [27-3-3](#), [27-3-15\(d\)](#).

HISTORY: Original Rule entitled "Woodcock" was filed on November 14, 1973; effective December 4, 1973.

Amended: Rule repealed. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule entitled "Ducks" adopted. Filed October 15, 1974; effective November 4, 1974.

Amended: Rule repealed. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule entitled "Baiting" adopted. Filed August 24, 1976; effective September 13, 1976.

Amended: Rule repealed and a new rule of same title adopted. Filed September 2, 1977; effective August 26, 1977; the day of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: Rule repealed and a new Rule of same title adopted. Filed August 11, 1978; effective August 31, 1978.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule entitled "Baiting" adopted. Filed August 9, 1979; effective August 29, 1979.

Repealed: New Rule of same title adopted. F. Aug. 26, 1999; eff. Sept. 15, 1999.

Repealed: New Rule entitled "Mourning Doves" adopted. F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. May 26, 2015; eff. June 15, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

391-4-2-.52 [Effective 6/14/2022] Rails (Marsh Hens)

(1) The open season for hunting rails (marsh hens) is not to exceed 70 days in a single or two segments as determined and published annually by the department.

(2) The daily bag limit on marsh hens (king and clapper rails) is fifteen (15), either singly or in combination.

(3) In addition to marsh hens, a daily bag limit of twenty-five (25) sora and Virginia rails may be taken, either singly or in combination.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.52

AUTHORITY: O.C.G.A. § [27-3-15\(d\)](#).

HISTORY: Original Rule entitled "Mourning Doves" adopted. F. Nov. 14, 1973; eff. Dec. 4, 1973.

Repealed: Rule reserved. F. July 22, 1974; eff. August 11, 1974.

Amended: New Rule entitled "Extra Scaup Limit" adopted. F. Oct. 15, 1974; eff. Nov. 4, 1974.

Repealed: Rule reserved. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Amended: New Rule entitled "Extra Scaup Limit" adopted. F. Dec. 10, 1975; eff. Dec. 30, 1975.

Repealed: F. Aug. 5, 1976; eff. Aug. 25, 1976.

Amended: Rule entitled "Ducks" adopted. F. Oct. 26, 1976; eff. Nov. 15, 1976.

Repealed: New Rule of same title adopted. F. Sept. 16, 1977; eff. Aug. 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: Rule repealed. F. Sept. 6, 1978; eff. Sept. 26, 1978.

Amended: New Rule entitled "Ducks" adopted. F. Nov. 2, 1978; eff. Sept. 29, 1978, as specified by Certification of said Rule in accordance with Ga. Code Sec. 45-513(d).

Amended: F. Nov. 2, 1979; eff. Nov. 22, 1979.

Amended: F. Sept. 12, 1980; eff. Oct. 2, 1980.

Amended: F. Sept. 22, 1981; eff. Oct. 12, 1981.

Amended: F. July 29, 1982; eff. August 18, 1982.

Amended: F. July 25, 1983; eff. August 14, 1983.

Amended: F. July 30, 1984; eff. August 19, 1984.

Amended: F. July 17, 1985; eff. August 6, 1985.

Amended: ER. 391-4-2-0.7-.52 adopted. F. Oct. 1, 1985; eff. Sept. 25, 1985, the date of adoption.

Amended: F. Oct. 22, 1986; eff. Nov. 11, 1986.

Amended: F. Sept. 22, 1987; eff. Oct. 12, 1987.

Amended: F. Oct. 14, 1988; eff. Nov. 3, 1988.

Amended: F. Sept. 12, 1989; eff. Oct. 2, 1989.

Amended: F. Aug. 30, 1990; eff. Sept. 19, 1990.

Amended: F. July 17, 1991; eff. August 6, 1991.

Amended: F. Sept. 10, 1991; eff. Sept. 30, 1991.

Amended: F. June 5, 1992; eff. June 25, 1992.

Amended: F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. Dec. 14, 1992; eff. Jan. 3, 1993.

Amended: F. Aug. 27, 1993; eff. Sept. 16, 1993.

Amended: F. Sept. 1, 1994; eff. Sept. 21, 1994.

Amended: F. Aug. 25, 1995; eff. Sept. 14, 1995.

Amended: F. Sept. 6, 1996; eff. Sept. 26, 1996.

Amended: F. Aug. 27, 1997; eff. Sept. 16, 1997.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Aug. 26, 1999; eff. Sept. 15, 1999.

Amended: F. Aug. 28, 2000; eff. Sept. 17, 2000.

Amended: F. Aug. 28, 2001; eff. Sept. 17, 2001.

Amended: F. Aug. 19, 2002; eff. Sept. 8, 2002.

Amended: F. Sept. 2, 2003; eff. Sept. 22, 2003.

Amended: F. Aug. 27, 2004; eff. Sept. 16, 2004.

Amended: F. Aug. 25, 2005; eff. Sept. 14, 2005.

Amended: F. Aug. 24, 2006; eff. Sept. 13, 2006.

Amended: F. Aug. 30, 2007; eff. Sept. 19, 2007.

Amended: F. Sept. 2, 2008; eff. Sept. 22, 2008.

Amended: F. Sept. 8, 2009; eff. Sept. 28, 2009.

Amended: F. Sept. 1, 2010; eff. Sept. 21, 2010.

Amended: F. Aug. 25, 2011; eff. Sept. 14, 2011.

Amended: F. Sep. 5, 2012; eff. Sept. 25, 2012.

Repealed: New Rule entitled "Rails (Marsh Hens)" adopted. F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. May 26, 2015; eff. June 15, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

391-4-2-.53 [Effective 6/14/2022] Sea Ducks (Scoters, Eiders, Long-tailed Ducks)

(1) The open seasons for hunting scoters, eiders, and long-tailed ducks are the Saturday preceding Thanksgiving Day and 8 days thereafter and the first Saturday after December 5 and 50 days thereafter.

(2) The daily bag limit on sea ducks is four (4) and applies to the six (6) duck daily bag limit. This limit cannot include more than four (3) scoters daily; nor more than four (3) eiders daily of which no more than one (1) may be a hen; and no more than four (3) long-tailed ducks daily.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.53

AUTHORITY: O.C.G.A. § [27-3-15\(d\)](#).

HISTORY: Original Rule entitled "Common (Wilson's) Snipe" was filed on November 14, 1973; effective December 4, 1973.

Amended: Rule repealed. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule entitled "Extra Blue-Winged Teal Limit" adopted. Filed October 15, 1974; effective November 4, 1974.

Amended: Rule repealed. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule entitled "Extra Blue Winged Teal Limit" adopted. Filed December 10, 1975; effective December 30, 1975.

Amended: Rule repealed. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule entitled "Extra Scaup Limit" adopted. Filed October 26, 1976; effective November 15, 1976.

Amended: Rule repealed and a new Rule of same title adopted. Filed September 16, 1977; effective August 26, 1977; the day of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule entitled "Extra Scaup Limit" adopted. Filed November 2, 1978; effective September 29, 1978, as specified by Certification of said Rule in accordance with Ga. Code. Sec. 45-513(d).

Amended: Rule repealed. Filed October 14, 1988; effective November 3, 1988.

Adopted: New Rule entitled "Sea Ducks (Scoters, Eiders, Long-tailed Ducks)." F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

391-4-2-.54 [Effective 6/14/2022] Teal

(1) In addition to the open seasons for hunting ducks, the open season for hunting teal is the second Saturday in September and 15 days thereafter.

(2) The daily bag limit on teal during this season is six (6).

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.54

AUTHORITY: O.C.G.A. § [27-3-15\(d\)](#).

HISTORY: Original Rule entitled "Ducks" was filed on November 14, 1973; effective December 4, 1973.

Amended: Rule repealed. Filed July 22, 1974; effective August 11, 1974.

Amended: Rule entitled "Coots" adopted. Filed October 15, 1974; effective November 4, 1974.

Amended: Rule repealed. Filed December 9, 1975; effective December 29, 1975.

Amended: Rule entitled "Coots" adopted. Filed December 10, 1975; effective December 30, 1975.

Amended: Rule repealed. Filed August 5, 1976; effective August 25, 1976.

Amended: Rule entitled "Extra Blue-Winged Teal Limit" adopted. Filed October 26, 1976; effective November 15, 1976.

Amended: Rule repealed and a new Rule of same title adopted. Filed September 16, 1977; effective August 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: Rule repealed. Filed September 6, 1978; effective September 26, 1978.

Amended: Rule entitled "Extra Blue-Winged Teal Limit" adopted. Filed November 2, 1978; effective September 29, 1978, as specified by Certification of said Rule in accordance with Ga. Code Sec. 45-513(d).

Amended: Rule repealed and a new Rule entitled "Extra Teal Limit" adopted. Filed November 2, 1979; effective November 22, 1979.

Amended: Rule repealed and a new Rule of same title adopted. Filed September 12, 1980; effective October 2, 1980.

Amended: Filed September 22, 1981; effective October 12, 1981.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 29, 1982; effective August 18, 1982.

Amended: Rule repealed and a new Rule of same title adopted. Filed July 17, 1985; effective August 6, 1985.

Amended: Emergency Rule 391-4-2-0.7-.54 adopted. Filed October 1, 1985; effective September 25, 1985, the date of adoption to remain in effect for a period of 120 days, as specified by the Agency to comply with U.S. Fish and Wildlife Services.

Amended: Rule repealed and a new Rule of same title adopted. Filed October 22, 1986; effective November 11, 1986.

Amended: Filed September 22, 1987; effective October 12, 1987.

Amended: Rule repealed. Filed October 14, 1988; effective November 3, 1988.

Adopted: New Rule entitled "Teal." F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

391-4-2-.56 [Effective 6/14/2022] Youth, Active Duty Military, and Veteran Waterfowl Season

(1) The open season for youths 17 years of age or less, active duty military, and veterans hunting ducks, coots, gallinules (common moorhen), mergansers, sea ducks, Canada Geese and Snow Geese is the Saturday and Sunday preceding the November duck season.

(2) An adult at least 18 years of age must accompany the youth into the field during this season but may not hunt.

Cite as Ga. Comp. R. & Regs. R. 391-4-2-.56

AUTHORITY: O.C.G.A. § [27-3-15\(d\)](#).

HISTORY: Original Rule entitled "Coots" adopted. F. Nov. 14, 1973; eff. Dec. 4, 1973.

Repealed: Rule reserved. F. July 22, 1974; eff. August 11, 1974.

Amended: New Rule entitled "Mergansers" adopted. F. Oct. 15, 1974; eff. Nov. 4, 1974.

Repealed: Rule reserved. F. Dec. 9, 1975; eff. Dec. 29, 1975.

Amended: New Rule entitled "Mergansers" adopted. F. Dec. 10, 1975; eff. Dec. 30, 1975.

Repealed: F. Aug. 5, 1976; eff. Aug. 25, 1976.

Amended: New Rule entitled "Gallinules" adopted. F. Oct. 26, 1976; eff. Nov. 15, 1976.

Repealed: New Rule of same title adopted. F. Sept. 16, 1977; eff. Aug. 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

Amended: Rule repealed. F. Sept. 6, 1978; eff. Sept. 26, 1978.

Amended: Rule entitled "Gallinules" adopted. F. Nov. 2, 1978; eff. Sept. 29, 1978, as specified by Certification of said Rule in accordance with Ga. Code Sec. 45-513(d).

Amended: F. Nov. 2, 1979; eff. Nov. 22, 1979.

Amended: F. Sept. 12, 1980; eff. Oct. 2, 1980.

Amended: F. Sept. 22, 1981; eff. Oct. 12, 1981.

Amended: F. July 29, 1982; eff. August 18, 1982.

Amended: F. July 25, 1983; eff. August 14, 1983.

Amended: F. July 30, 1984; eff. August 19, 1984.

Amended: F. July 17, 1985; eff. August 6, 1985.

Amended: F. Oct. 22, 1986; eff. Nov. 11, 1986.

Amended: F. Sept. 22, 1987; eff. Oct. 12, 1987.

Amended: F. Oct. 14, 1988; eff. Nov. 3, 1988.

Amended: F. Sept. 12, 1989; eff. Oct. 2, 1989.

Amended: F. Aug. 30, 1990; eff. Sept. 19, 1990.

Amended: F. Sept. 10, 1991; eff. Sept. 30, 1991.

Amended: F. Aug. 28, 1992; eff. Sept. 17, 1992.

Amended: F. Aug. 27, 1993; eff. Sept. 16, 1993.

Amended: F. Sept. 1, 1994; eff. Sept. 21, 1994.

Amended: F. Aug. 25, 1995; eff. Sept. 14, 1995.

Amended: F. Sept. 6, 1996; eff. Sept. 26, 1996.

Amended: F. Aug. 27, 1997; eff. Sept. 16, 1997.

Amended: F. Aug. 27, 1998; eff. Sept. 16, 1998.

Amended: F. Aug. 26, 1999; eff. Sept. 15, 1999.

Amended: F. Aug. 28, 2000; eff. Sept. 17, 2000.

Amended: F. Aug. 28, 2001; eff. Sept. 17, 2001.

Amended: F. Aug. 19, 2002; eff. Sept. 8, 2002.

Amended: F. Sept. 2, 2003; eff. Sept. 22, 2003.

Amended: F. Aug. 27, 2004; eff. Sept. 16, 2004.

Amended: F. Aug. 25, 2005; eff. Sept. 14, 2005.

Amended: F. Aug. 24, 2006; eff. Sept. 13, 2006.

Amended: F. Aug. 30, 2007; eff. Sept. 19, 2007.

Amended: F. Sept. 2, 2008; eff. Sept. 22, 2008.

Amended: F. Aug. 25, 2011; eff. Sept. 14, 2011.

Amended: F. Sep. 5, 2012; eff. Sept. 25, 2012.

Repealed: New Rule entitled "Youth Waterfowl Season" adopted. F. June 13, 2013; eff. July 3, 2013.

Repealed: New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

Repealed: New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

Repealed: New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

Repealed: New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

Repealed: New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

Repealed: New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

Repealed: New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

Repealed: New Rule entitled "Special Opportunity Waterfowl Season" adopted. F. May 1, 2020; eff. May 21, 2020.

Amended: New title "Youth, Active Duty Military, and Veteran Waterfowl Season." F. May 6, 2021; eff. May 26, 2021.

Repealed: New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Chapter 391-5. HISTORIC PRESERVATION

Subject 391-5-13. STATE AND FEDERAL GRANTS PROGRAMS

391-5-13-.02 Land and Water Conservation Fund (L&WCF)

(1) Purpose. The purpose of the Land and Water Conservation Fund (L&WCF) is to provide no more than fifty percent matching grant assistance to eligible applicants for acquisition of real property and/or development of recreation facilities for general purpose public outdoor recreation. Lands and facilities must be for **outdoor** recreation or directly support outdoor recreation; must be open to the general public without discrimination during reasonable times and hours; must be maintained and operated for public outdoor recreation in perpetuity.

Specific criteria which address recreation issues as identified in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) are used to evaluate the grant applications. Grants are awarded to applicants with proposed projects which will increase the local supply of public outdoor recreation lands and/or facilities either through the purchase of real property, facility development or rehabilitation of existing facilities.

(2) Eligible Applicants. All legally constituted entities (cities, counties, recreation commissions, or recreation authorities with legislative sanction) may apply for grant funds under this program. Eligible applicants must apply for grants under this program in a manner and format prescribed by the Department. Applications and related instructions for applying may be received by writing to the Department at the following address:

Department of Natural Resources

Grants Administration Unit

2 Martin Luther King Jr. Drive, Suite 1352

Atlanta, Georgia 30334

(3) Application Procedures. The typical calendar of a biennial funding cycle follows:

September	Public announcement of the Application Process.
October	Applications due (specific deadline assigned each year in the public announcement).
Nov- Jan	Staff reviews, evaluates, and ranks applications.
February	Funding recommendations are presented to the Board of Natural Resources.
June	Applications are submitted to National Park Service for approval.
October	Staff completes paperwork for formal commitment of funds.

Eligible applicants shall make application to the Department of Natural Resources by the specified deadline in the manner and format outlined in the program application. Each application package shall include responses to program criteria for which the applicant seeks points, including appropriate justification and supporting documents. All grants are subject to applicable state and federal laws, rules and regulations (including but not limited to environmental compliance specified in NEPA and GEPA and non-discrimination laws) and each application must

include appropriate compliance documentation. Applications must be received by the specified deadline. Contact the Department of Natural Resources at the above address for a copy of the criteria and formal grant application procedures. The above schedule may be altered, but the same basic process will be followed.

(4) Program Criteria. Each applicant must respond to Minimum Requirements and Evaluation Criteria as summarized below:

Minimum Requirements

These are requirements that an applicant must meet in order to be considered for a L&WCF grant. There are no points attached to these requirements. Only one of two situations can occur; (1) Yes-the applicant meets all minimum requirements and is therefore eligible for consideration based on how a proposed project scores under the Evaluation Criteria; (2) No- the applicant does not meet the minimum requirements and is therefore ineligible for consideration of funding. The following minimum requirements apply to all applicants for assistance:

Title VI Compliance

Compliance with the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973

Legally constituted entity as sponsor

Satisfactory park operations and maintenance track record

Demonstrated capability for administering grants

Submit a resolution regarding the availability of a 50% match

Non-exclusionary user fees

Compliance with all state and federal regulations, rules and legislation

Significant citizen participation in the planning process

Evaluation Criteria

Below are sections within the Evaluation Criteria. Each section has one or more criteria to which a variable number of points are attached. These criteria are designed to measure the overall concept of the proposed project. Because not all criteria are equally important, the criteria are weighted.

Administrative Criteria

Project Specific

Planning Efforts

Rehabilitation Projects

Development Projects

Acquisition Projects

Grant Match & Partnerships

The above mentioned criteria sections and requirements can be found in their entirety in the Land and Water Conservation Fund Pre-application packet. This package is available from the Department of Natural Resources at the address listed in "(2) Eligible Applicants."

(5) Review of Grant Applications. Applications received from eligible applicants are reviewed by the grants staff to determine both program eligibility and a ranking score. Specific criteria, as outlined above, are used to evaluate the grant applications. Each application is evaluated according to the criteria and assigned a number score. Grants are recommended for funding on the basis of the score, and normally only one grant per funding cycle per applicant. A grant ceiling is usually set at the beginning of the application cycle based on the level of appropriation. All funds are allocated on a biennial basis.

(6) Awarding of Grant Funds. Upon completion of the review and ranking of all applications by staff, funding recommendations are presented to the Board of Natural Resources for notification and review. Following notification to and review by the Board, the grants staff completes paperwork including the contracting process with the grant recipients. The grant period is normally not more than two years, and funds will flow to the grant recipient on a reimbursable basis as the work progresses. A grant recipient's land and/or facilities are subject to periodic inspections by grants staff for appropriate operation and maintenance and compliance with applicable state and federal laws.

Cite as Ga. Comp. R. & Regs. R. 391-5-13-.02

AUTHORITY: O.C.G.A. §§ [12-3-32](#), [12-3-5](#); Land and Water Conservation Fund Act of 1965, P.L. 88-578, as codified at [54 USC §200305](#); Catalog of Federal Domestic Assistance Number: 15.916; 36 CFR Part 59 .

HISTORY: Original description entitled "Land and Water Conservation Fund (L&WCF)" submitted May 26, 1994.

Submitted: Dec. 23, 2003.

Submitted: Feb. 25, 2008.

Submitted: Sep. 27, 2013.

Submitted: Mar. 31, 2014.

Submitted: Sep. 24, 2015.

Submitted: May 24, 2015.

Submitted: May 19, 2017.

Submitted: May 3, 2022.

Department 413. GRANTS OF THE ONEGEORGIA AUTHORITY

Chapter 413-9.

Subject 413-9-1. ONEGEORGIA AUTHORITY BROADBAND PROGRAM

413-9-1-.01 Scope of Rule

This regulation governs the operation of the Broadband Program as established by the OneGeorgia Authority (O.C.G.A. [50-34-1](#) et seq.).

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.01

AUTHORITY: O.C.G.A. § [50-34-1](#) et seq.

HISTORY: Original Grant Description entitled "Scope of Rule" submitted June 27, 2019.

Submitted: May 23, 2022.

413-9-1-.02 Definitions

(1) **'Broadband services'** means a wired or wireless terrestrial service that consists of the capability to transmit at a rate of not less than 25 megabits per second in the downstream direction and at least 3 megabits per second in the upstream direction to end users and in combination with such service provides:

(A) Access to the Internet; or

(B) Computer processing, information storage, or protocol conversion.

(2) **'Eligible expenses'** means capital expenses and other expenses directly related to the purchase or lease of property or communications services or facilities, including without limitation backhaul and transport, to facilitate the provision of broadband services.

(3) **'Location'** means any residence, dwelling, home, business, or building.

(4) **'Qualified broadband provider'** means an entity that is authorized to apply for or that obtains a certificate of authority issued pursuant to O.C.G.A. § [46-5-163](#) that:

(A) (i) Has, directly or indirectly, been providing broadband services to at least 1,000 locations; and (ii) Has been conducting business in the state for at least three years with a demonstrated financial, technical, and operational capability to operate a broadband services network; or

(B) Is able to demonstrate financial, technical, and operational capability to operate a broadband services network.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.02

AUTHORITY: O.C.G.A. § [50-34-1](#) et seq.

HISTORY: Original Grant Description entitled "Definitions" submitted June 27, 2019.

Submitted: May 23, 2022.

413-9-1-.03 Purpose

The purpose of the Broadband Grant Program is to provide financial assistance as authorized by O.C.G.A. [50-34-1](#) et seq. in order to finance activities that lead to the installation or expansion of facilities and equipment which provide broadband services to areas not already served by such services.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.03

AUTHORITY: O.C.G.A. § [50-34-1](#) et seq.

HISTORY: Original Grant Description entitled "Purpose" submitted June 27, 2019.

Submitted: May 23, 2022.

413-9-1-.04 Fund Availability

(1) Funding appropriated or otherwise made available to the One Georgia Authority will be made available through a process that will be announced through the notices of fund availability (NOFAs). Such NOFAs will be published on the Authority's website and the Department of Community Affairs' website and at the discretion of the Authority, may also be mailed to eligible applicants, or applicant associations and/or advertised in certain local or state publications.

(2) The OneGeorgia Authority's NOFA will establish submission guidelines. Applications will be evaluated based on NOFA guidelines and criteria provided in Section 413-9-1-.09 of these Rules.

(3) Eligible applicants must apply for assistance under this program in a format and manner prescribed by the Authority. Application documents and guidelines may be obtained from the Authority at:

The OneGeorgia Authority

OneGeorgia GBDI Program

60 Executive Park South, NE

Atlanta, GA 30329-2231

(4) The application document provided will include information outlining program requirements, forms, mailing addresses, telephone numbers of contact persons and other necessary and pertinent information.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.04

AUTHORITY: O.C.G.A. § [50-34-1](#) et seq.

HISTORY: Original Grant Description entitled "Fund Availability" submitted June 27, 2019.

Submitted: May 23, 2022.

413-9-1-.05 Eligible Activities

(1) Eligible uses of funds include those activities and the provision of facilities and services as described in O.C.G.A. [50-34-1](#) et seq. Such activities include, but are not limited to, the provision of such public infrastructure, services, facilities and improvements needed to implement broadband services or enhance existing broadband services.

More specifically, such activities may include, but are not limited to, the provision of planning services and technical assistance integral to the development of needed systems; the purchase of equipment and software; technology infrastructure; public utilities; public facilities and services; real property rehabilitation; the acquisition of real property; site preparation and improvements; construction and any other necessary activities allowed under O.C.G.A. [50-34-1](#) et seq. that are integral and necessary for the development and deployment of a broadband system for the provisioning of broadband services. Ineligible activities include but are not limited to refinancing of existing debt, on-going administrative, operational maintenance costs, financing of customer terminal equipment (including modems) or inside wiring not owned by the recipient, and financing of operating leases and vehicles.

(2) In general, the public acquisition and/or improvement of public facilities and infrastructure can be undertaken directly by a general-purpose local government(s) or authority. In some situations, where a private entity may be required to provide facilities and/or equipment to allow a broadband system or facility to become fully operational, OneGeorgia monies may be expended for the public acquisition and/or improvement of financed assets and facilities that may be used and operated by private entities. In such cases, such privately used assets and facilities must generally be owned and controlled by a local government and/or authority and leased, subleased or sold to the business or enterprise in accordance with O.C.G.A. [36-62-7](#) and/or O.C.G.A. [50-34-6](#).

(3) In general, assistance for public facilities owned by local governments and/or authorities that are leased to a private sector broadband provider through the lease provisions described in Section 413-09-1-.06(2) are eligible for grants. Assistance for facilities that are to be owned exclusively by a private entity must take the form of a loan from the local government or authority. The exact structure and amount will be determined by the activity to be financed, the financial capacity of the private entity and the eligibility of the applicant. Loans will be structured using generally accepted public and private financing instruments and procedures. Any recaptured funds must be returned to the OneGeorgia Authority. The OneGeorgia Authority reserves the right to establish criteria regarding the nature, types and forms of financial assistance that the Georgia Broadband Deployment Initiative Fund provides.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.05

AUTHORITY: O.C.G.A. § [50-34-1](#) et seq.

HISTORY: Original Grant Description entitled "Eligible Activities" submitted June 27, 2019.

Submitted: May 23, 2022.

413-9-1-.06 Repealed and Reserved

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.06

AUTHORITY: O.C.G.A. § [50-34-1](#) et seq.

HISTORY: Original Grant Description entitled "Procurement of Partner" submitted June 27, 2019.

Repealed: May 23, 2022.

413-9-1-.07 Application Submission Procedures

(1) The application procedure may include a pre-application phase. The purpose of the pre-application is to provide:

A) Determine an applicant's eligibility for OneGeorgia funding;

B) Determine if proposed broadband services are eligible for OneGeorgia funding;

C) Provide an opportunity to obtain Pre-Agreement Cost Approval (PACA) from the Authority so that proposed projects may proceed with certain project activities with interim financing prior to receipt of an actual Grant or Loan Agreement.

(2) Eligible applicants must submit pre-applications, if required, and applications in conformance with the deadlines and/or procedures outlined in the Notices of Fund Availability (NOFAs).

(3) Pre-applications and/or Applications must be submitted individually by an eligible applicant, or jointly by two (2) or more applicants. Joint submissions must contain a copy of the cooperating agreement or similar instrument entered into by the cooperating political subdivisions. The Agreement should designate the applicant that will serve as lead recipient should the project be funded.

(4) Pre-applications and applications must be submitted in conformance with the format and applicable instructions specified by the OneGeorgia Authority.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.07

AUTHORITY: O.C.G.A. § [50-34-1](#) *et seq.*

HISTORY: Original Grant Description entitled "Application Submission Procedures" submitted June 27, 2019.

Note: Correction of typographical error in Rule History only, "**History.** Original Grant Description entitled "Procurement of Partner" submitted June 27, 2019." corrected to "**History.** Original Grant Description entitled "Application Submission Procedures" submitted June 27, 2019." Effective May 23, 2022.

Submitted: May 23, 2022.

413-9-1-.08 Review of Applications

(1) Application shall be reviewed using the criteria outlined in the NOFAs, as well as in accordance with factors specified in Section 413-9-1.09. Applicants are expected to provide any additional and/or supplemental information, data, analyses, documentation, commitments, assurances, etc., as may be required or requested by the Authority for purposes of evaluating, rating and awarding funding under this program. Applicants that have submitted applications that contain insufficient information or documentation to be evaluated or rated may be contacted for further information.

(2) Staff may conduct site visits and/or hold discussions with applicants and proposed broadband providers for the purposes of confirming and evaluating information contained in the application. Staff may also consult with other appropriate government and private entities in the course of reviewing and evaluating information contained in applications.

(3) All applications that are submitted and complete will first be reviewed to determine if they meet threshold requirements:

A) The application is from eligible applicant(s);

B) The proposed locations are eligible to receive OneGeorgia Broadband Program funding;

C) The proposed services will be provided by a qualified broadband provider, in partnership with an eligible applicant for funding;

D) The proposed project supports the overall objectives of the State;

E) The proposed use of funds is for eligible activities and will be carried out in a manner consistent with the state constitution, state law and in accordance with the applicants' (or sub-recipients') enabling legislation and authority; and

F) The applicant proposes a matching amount of local funds commensurate with the project.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.08

AUTHORITY: O.C.G.A. § [50-34-1](#) *et seq.*

HISTORY: Original Grant Description entitled "Review of Applications" submitted June 27, 2019.

Submitted: May 23, 2022.

413-9-1-.09 Award Criteria

A) The award criteria is consistent with statute described in O.C.G.A. § [50-40-81](#), which states that the Authority shall consider each of the following in the funding awards process:

- (1) The effectiveness of the partnership between an eligible applicant and a qualified broadband provider;
- (2) The benefit to the unserved area in terms of the population served and the capacity and scalability of the technology to be deployed; and
- (3) The total project cost and the ability to leverage other available federal, local, and private funds.

B) Ratings and Selection Criteria:

Category	Total Available Points
A) Social Impact	24
B) Economic Impact	12
C) Project Capital	28
D) Broadband Ready	8
E) Broadband Partner	38
Total Points Available	110

A) Social Impact: (Up To 24 Points Available) Applications will be awarded "impact" points based on factors intended to demonstrate the societal impact of such project. Factors include, but are not limited to, the number of unserved locations to be served, the overall "served" vs. "unserved" nature of the county/counties included in the project, and the most recent tier status (based on job tax tiers published annually by DCA) of the county/counties include in the project area. A map of the proposed project identifying unserved locations will be required.

B) Economic Impact (Up To 12 Points Available) Applications will also be awarded "impact" points based on a quality and realistic narrative describing the following economic impact criteria:

- i. Assessment of needs;
- ii. Anticipated benefits, direct and indirect, to the proposed service area as a result of the proposed project;
- iii. Specific impact to local and regional facilities, such as:
 - a) Industrial parks
 - b) Education centers
 - c) Health care facilities

- d) Farms
- e) Government buildings
- f) Public safety departments
- g) Other providers of public services

iv. How the availability of broadband service will enhance small business owners' and entrepreneurs' ability to compete in a global economy; and

v. How the proposed project will likely result in the enhancement of the public workforce through the facilitation of online and distance learning resources to support education, job training and skill upgrades in rural Georgia.

C) Project Capital (Up To 28 Points Available) Applications will be awarded points based on financial and capital-related evaluations as compared to baselines established by the Authority, as well as the project's general capital structure. Evaluation of projects will include analysis of the amount of capital investment requested of OneGeorgia (requests for more than 50% of total capital will be considered on an exceptional basis), the amount of other state or federal funding that has been committed to or being pursued by the applicant for the project, the financial commitment from the provider and local community, and the average capital cost per unserved location in the proposed project area, where such information is available.

Applicants must provide the Authority with the following details in documentation for the evaluation of project total and capital costs:

- i. Identify all proposed eligible capital costs and costs directly related to the purchase or lease of property or communications services or facilities, including without limitation backhaul and transport, to facilitate the provision of broadband services.
- ii. Verify project costs through original source documents, architectural and engineering reports, or certified appraisals.
- iii. A map of the proposed service area identifying the unserved area and number of locations using the Georgia broadband mapping and the latest published FCC broadband data will be required.

D) Broadband Ready (8 Points Available).

Applications will be awarded Broadband Ready points if the communities within the proposed unserved area have been designated as a Broadband Ready Community in accordance with O.C.G.A. § [50-40-40](#) by adopting:

- i. A Comprehensive Plan that includes a broadband element to ensure that a community adopts a strategy that demonstrates the promotion of broadband in accordance with O.C.G.A. § [50-8-2](#), et seq.; and
- ii. A model ordinance or equivalent that signals a local unit of government has taken steps to reduce obstacles to broadband infrastructure investment.

E) Broadband Partner (Up To 38 points available): Applications will be awarded points based on two sub-categories related to qualified broadband providers: Partner Capabilities and Sustainable Business Case.

I. Partner Capabilities (Up To 14 Points Available): Prior to application submission, applicants are required to demonstrate an effective partnership with a qualified broadband provider who has the expertise, experience and financing to design, develop, construct, maintain and provide retail broadband services (both residential and commercial) for the proposed project.

Applications will be evaluated based upon the provider selection process, the partnership between the community and the provider, the provider's history of supporting the Georgia Broadband Deployment Initiative and broadband

mapping program, and the provider's demonstration of financial, technical, and operational capacity to operate the proposed broadband network.

II. Sustainable Business Case (Up To 24 Points Available): In addition to the qualified broadband provider's capabilities, the application will receive points based on the provider's willingness to commit to certain service requirements and standards.

Business Plan (Up To 8 Points Available): Applications should include essential elements of a business plan, including description of the need for broadband, description of community(ies) to be served; existing levels of connectivity and the costs of those services; a summary of the extent of community engagement to the proposed broadband deployment, details on potential number of users of broadband access, details on the kind of broadband-dependent services that may be provided as a result of broadband access, overview of proposed project management, the appropriateness and availability of the proposed technological solution, a plan for proposed implementation of the network including a timeline with project milestones and a commitment to adhering to a set critical path.

Financial Plan (Up To 8 Points Available): Applications should include detailed cost and revenue projections that are sufficient to sustain the proposed broadband services for a period of at least five years. This should include breakdown of the costs for broadband deployment; assumptions for the number of residents and businesses that will access the broadband service, revenue estimates based on the number of residents and businesses who have or are projected to subscribe to service in the first year; assumptions made for five-year subscriber and population growth rate, average revenue per subscriber; measurability and types of services to be offered. Applications should identify potential risks that might affect implementation of the project and any strategies or solutions that you would use to mitigate or prevent these impacts.

Technical Feasibility (Up To 8 Points Available): Provide a detailed description of the goals and objectives of the proposed system design; functional specifications including bandwidth and how many sites and/or systems will have to be connected; performance specifications including minimum levels and broadband standards for systems requiring interoperability with other networks; appropriateness and availability of the proposed technological solution including infrastructure that will be deployed; overview of the technology and facilities that will be used to deliver broadband services in the community(ies) including the potential for future expansion (scalability) of the proposed network. Identify capacity separately for each category of facility if application proposed interconnection between communities and/or private providers.

a. *Maintenance and Ongoing Sustainability:* Provide details of all maintenance activities and how assistance will be provided. For example: will 24/7 maintenance support be provided; how will the service be monitored for problems; how will service growth be accommodated; what software will be used to generate utilization reports and service availability reports.

b. As applicable, identify data cap limits, signal latency, and reliability of the technology to be utilized.

c. Historic service issues in other areas served by the qualified broadband provider in the partnership.

F) The criteria in this rule (413-9-1-.09) are designed to assist the OneGeorgia Authority and/or Department in making a decision and only constitute minimum standards. Additional factors may be considered depending on the nature of particular projects and their relative merit compared to competing proposals and depending on the availability of funding at the time of application. The decisions made by the OneGeorgia Authority and/or the Department shall be final and conclusive.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.09

AUTHORITY: O.C.G.A. § [50-34-1](#) et seq.

HISTORY: Original Grant Description entitled "Award Criteria" submitted June 27, 2019.

Submitted: May 23, 2022.

413-9-1-.10 Awarding of Funds

(1) Award limits will be based on available funding.

(2) Awardees will be required to file a regular report on the impact and performance of the funded project, in a format and timeline prescribed by the OneGeorgia Authority.

(3) The OneGeorgia Authority reserves the right to utilize up to fifteen percent (15%) of available funding for innovative broadband projects. These funds will not be subjected to the same scoring process but must instead demonstrate a high level of innovation and/or public benefit as determined by the review panel.

(4) The OneGeorgia Authority or its Agent may approve an award subject to certain general or special conditions that will be incorporated into the grant award document. Because of the limited amount of funds available, the OneGeorgia Authority or its Agent may also award an amount less than the amount requested in the application. Applicants will have thirty (30) days from the date of award to accept the award and conditions and/or the reduced award amount. If the applicant fails to accept the award and conditions or lower award amount within the required period, the OneGeorgia Authority and/or the Agent with OneGeorgia Authority approval may unilaterally withdraw the award.

(5) The OneGeorgia Authority or its agent will provide recipients with specific instructions and forms to be used for drawdown of funds awarded under the grant award document.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.10

AUTHORITY: O.C.G.A. § [50-34-1](#) *et seq.*

HISTORY: Original Grant Description entitled "Awarding of Funds" submitted June 27, 2019.

Submitted: May 23, 2022.

413-9-1-.11 Statement of Conditions

In addition to the certifications made on the face of the award statement, the recipient of funds must further certify that:

(1) No applicable state laws, rules, regulations, or applicable local ordinances shall be violated in carrying out this project and expending Georgia Broadband Deployment Initiative Fund monies.

(2) Recipient will adhere to applicable state and local procurement requirements, and it will maintain documentation to confirm such adherence. For activities not applicable to state procurement requirements, recipient agrees to procure such services and activities through a fair and open competitive procurement process that is advertised through appropriate media and in compliance with any applicable local and state procurement laws or regulations.

(3) Recipient's accounting records shall be maintained in a manner consistent with generally accepted government accounting standards.

(4) If the Recipient is a development authority with powers set forth at Chapter 62 of Title 36 of the Official Code of Georgia Annotated, then the project financed in part by Georgia Broadband Deployment Initiative Fund assets shall only be leased or sold in accordance with Section [36-62-7](#) of the Official Code of Georgia Annotated.

(5) The recipient (in accordance with state law) shall undergo an annual financial audit conducted in accordance with government auditing standards established by the comptroller general of the United States. The recipient shall submit copies of all audits that cover all or part of the award period to the OneGeorgia Authority.

(6) No real or apparent conflict of interest shall be engaged in by any person or party (or any person or party with whom they have family or business ties) who is involved in any aspect of the Georgia Broadband Deployment Initiative project.

Cite as Ga. Comp. R. & Regs. R. 413-9-1-.11

AUTHORITY: O.C.G.A. § [50-34-1](#) *et seq.*

HISTORY: Original Grant Description entitled "Statement of Conditions" submitted June 27, 2019.

Submitted: May 23, 2022.

Department 413. GRANTS OF THE ONEGEORGIA AUTHORITY

Chapter 413-10.

Subject 413-10-1. ONEGEORGIA AUTHORITY RURAL INNOVATION FUND

413-10-1-.01 Scope of Rule

This regulation governs the Rural Innovation Fund as established by the OneGeorgia Authority.

Cite as Ga. Comp. R. & Regs. R. 413-10-1-.01

AUTHORITY: O.C.G.A. § [50-34-1](#) *et seq.*

HISTORY: Original Grant Description entitled "Scope of Rule" submitted May 16, 2022.

413-10-1-.02 Definitions

(1) The definitions for purposes of these rules are identical to the terms in O.C.G.A. [50-34-1](#), *et seq.*

(2) "Rural County" shall be defined using the most recent data and estimates from the U.S. Bureau of the Census to mean a county with a population less than 50,000 where 10% or more of the population lives in poverty.

(3) "Conditionally Eligible County" shall be defined as a county with a population of 500,000 or less that shares a geographic border with a Rural County.

Cite as Ga. Comp. R. & Regs. R. 413-10-1-.02

AUTHORITY: O.C.G.A. § [50-34-1](#) *et seq.*

HISTORY: Original Grant Description entitled "Definitions" submitted May 16, 2022.

413-10-1-.03 Purpose

The Rural Innovation Fund will provide financial assistance to eligible applicants when the health, welfare, safety, and economic security of the citizens of the state are promoted through the development or retention of economic and employment opportunities.

Cite as Ga. Comp. R. & Regs. R. 413-10-1-.03

AUTHORITY: O.C.G.A. § [50-34-1](#) *et seq.*

HISTORY: Original Grant Description entitled "Purpose" submitted May 16, 2022.

413-10-1-.04 Eligible Applicants and Recipients

(1) Eligible applicants and recipients of grant funds awarded under this program shall include, but are not limited to, general purpose local governments; local government authorities; joint or multi-county development authorities; state entities; or any combination of the above.

(2) All local government units which are party to an application must comply, where applicable, with the requirements regarding comprehensive planning (O.C.G.A. [50-8-1](#), *et seq*), report of local government finances (O.C.G.A. [36-81-8\(b\)](#)), local service delivery strategies (O.C.G.A. [36-70-1](#), *et seq*), and local government authority registration (O.C.G.A. [36-80-8](#), *et seq*).

Cite as Ga. Comp. R. & Regs. R. 413-10-1-.04

AUTHORITY: O.C.G.A. § [50-34-1](#) *et seq*.

HISTORY: Original Grant Description entitled "Eligible Applicants and Recipients" submitted May 16, 2022.

413-10-1-.05 Fund Availability

(1) The OneGeorgia Authority will establish and announce funding availability. Applications will be accepted throughout the fiscal year.

(2) Eligible applicants must complete a mandatory initial project assessment in a format and manner required by the OneGeorgia Authority to determine the proposed activity's eligibility for the Rural Innovation Fund.

(3) If the OneGeorgia Authority approves the initial project assessment, eligible applicants must apply for loan or grant funding in a format and manner required by the Authority.

(4) In consultation with the Executive Director of the OneGeorgia Authority, the Governor, Chairman of the State House Appropriations Committee, Chairman of the State Senate Appropriations Committee, and Director of the Governor's Office of Planning and Budget will review each application to determine whether the project should receive loan or grant funding.

(5) Grants or loan awards are not limited in amount.

(6) Specific terms and conditions of any funding will be detailed in an award agreement between the OneGeorgia Authority and the grant or loan recipient. As a condition of receiving assistance, a recipient will be required to acknowledge terms and conditions for funding, which may include repayment, recapture, or deobligation of part or all of the funding if:

- a. The project does not materialize as certified by the recipient;
- b. The recipient violates the terms of the award agreement; or
- c. The recipient fails to comply with federal or state law.

Cite as Ga. Comp. R. & Regs. R. 413-10-1-.05

AUTHORITY: O.C.G.A. § [50-34-1](#) *et seq*.

HISTORY: Original Grant Description entitled "Fund Availability" submitted May 16, 2022.

413-10-1-.06 Eligible Activities

Eligible uses of funding include those activities, provision of facilities, and services authorized in the OneGeorgia Authority Act, O.C.G.A. [50-34-1](#), *et seq*.

Cite as Ga. Comp. R. & Regs. R. 413-10-1-.06

AUTHORITY: O.C.G.A. § [50-34-1](#) *et seq*.

HISTORY: Original Grant Description entitled "Eligible Activities" submitted May 16, 2022.

413-10-1-.07 Project Evaluation

- (1) An application will be reviewed based on whether the project will result in rural innovation.
- (2) An application for Rural Innovation funds must provide written certification from the applicant that the applicant is authorized to carry out the project and that the proposed expenditure of funds complies with all applicable legal requirements.
- (3) An application which contains insufficient information or documentation to be evaluated may be returned to the applicant without having been scored.
- (4) Members of the Authority may conduct site visits and hold discussions with applicants and related entities to evaluate information in the application.
- (5) In evaluating whether an applicant's proposal will result in rural innovation, the Authority must consider the following factors:
 - a. As applicable, underwriting analysis has determined that the organizational status of the applicant is documented and reputable;
 - b. The applicant, recipient, or subrecipient's performance and standing are secure in the following areas: capital management, debt capacity, management character and experience, collateral value, and economic and market conditions;
 - c. The applicant's development or business plan uses reasonable assumptions;
 - d. The applicant's proposed development team has a successful record of accomplishments;
 - e. The proposed business plan, marketing strategy, and proforma are realistic;
 - f. Financial and programmatic alternatives have been considered and eliminated;
 - g. Project costs are verified through original source documents and appear reasonable; and
 - h. The need for Rural Innovation Fund assistance is demonstrated.
- (6) The Authority shall consider the proposed project's impact on the state, regional, and local economies and tax base.
- (7) The Authority may evaluate the proposed project's impact on economic or job creation by considering the following factors:
 - a. The number and quality of jobs to be created or retained;
 - b. The amount of total state and local assistance per job created or retained;
 - c. The amount of new private leverage; and
 - d. The improvement of regional competitiveness or economic viability due to the project's implementation.
- (8) The Authority may evaluate project readiness using the following factors:
 - a. Infrastructure or utility access issues;

- b. Specific job and investment commitments;
- c. Commitments to fund operations or maintenance;
- d. Whether other public and private sector investors are committed and ready to invest; and
- e. Whether all needed real property is acquired or under option; and
- f. Whether environmental, regulatory, or liability concerns have been addressed.

(9) Additional factors may be considered depending on the nature of a project and its merit compared to competing proposals and depending on the availability of funding at the time of application.

(10) The Authority shall determine the amounts of funding awards, which may differ from the applicant's requested amount.

(11) If the OneGeorgia Authority approves the project, funds will be made available through an award agreement incorporating by reference the approved final application and adding any terms and conditions as necessary or appropriate.

(12) A recipient must file a report on the impact and performance of the project in a format prescribed by the Executive Director of the OneGeorgia Authority.

(13) If an applicant fails to agree to the terms and conditions of the award agreement within a designated amount of time, the OneGeorgia Authority may terminate consideration of the project.

(14) Award agreements will be issued with an expiration date. If an applicant fails to request a drawdown of funds by the expiration date, the application's approval may expire, and funds may not be issued.

(15) In addition to complying with the terms and conditions of the award agreement, the recipient must attest to the following:

- a. No applicable federal or state laws, rules, regulations, or applicable local ordinances shall be violated in carrying out this project;
- b. The recipient's internally adopted procurement procedures meet applicable state requirements and will be followed, and documentation shall be maintained to demonstrate such adherence;
- c. The recipient's accounting records shall be maintained in a manner consistent with generally accepted government accounting standards; and
- d. If the recipient is a development authority, a project financed in whole or in part by the Rural Innovation Fund shall comply with O.C.G.A. [36-62-7](#).
- e. The recipient shall undergo an annual financial audit conducted in accordance with government auditing standards. This audit shall contain documentation of the dates, amounts, drawdowns, and expenditures of funding from the Rural Innovation Fund for each applicable fiscal year. The recipient shall submit to the Executive Director of the OneGeorgia Authority copies of all audits that cover all or part of the grant period.
- f. No real or apparent conflict of interest shall be engaged in by any person or party (or any person or party with whom they have family or business ties) who is involved in any aspect of the project.

Cite as Ga. Comp. R. & Regs. R. 413-10-1-.07

AUTHORITY: O.C.G.A. § [50-34-1](#) *et seq.*

HISTORY: Original Grant Description entitled "Project Evaluation" submitted May 16, 2022.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO TAX UNIT

Subject 560-2-18. [Repealed]

560-2-18-.13 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 560-2-18-.13

AUTHORITY: O.C.G.A. § [48-2-12](#), 2013 Ga. Laws 15.

HISTORY: Original Rule entitled "Consequences for Violations" adopted as ER. 560-2-18-0.48-.12. F. Dec. 15, 2010; eff. Dec. 17, 2010, as specified by the Agency.

Amended: Permanent Rule of the same title adopted. F. Dec. 15, 2010; eff. Jan. 4, 2011.

Note: Correction of typographical error in Rule 560-2-18-.13 History on Rules and Regulations website, rule title corrected from "Subterfuge" to "Consequences for Violations", as originally filed on Dec. 15, 2010 and published in the Official Compilation Rules and Regulations of the State of Georgia. Effective May 16, 2022.

Repealed: F. Apr. 26, 2022; eff. May 16, 2022.

Department 560. RULES OF DEPARTMENT OF REVENUE
Chapter 560-11. LOCAL GOVERNMENT SERVICES DIVISION
Subject 560-11-6. CONSERVATION USE PROPERTY

560-11-6-.09 Table of Conservation Use Land Values

(1) For the purpose of prescribing the 2022 current use values for conservation use land, the state shall be divided into the following nine Conservation Use Valuation Areas (CUVA 1 through CUVA 9) and the following accompanying table of per acre land values shall be applied to each acre of qualified land within the CUVA for each soil productivity classification for timber land (W1 through W9) and agricultural land (A1 through A9):

(a) CUVA #1 counties: Bartow, Catoosa, Chattooga, Dade, Floyd, Gordon, Murray, Paulding, Polk, Walker, and Whitfield. Table of per acre values: W1 957, W2 859, W3 780, W4 715, W5 656, W6 607, W7 569, W8 522, W9 476, A1 1,739, A2 1,644, A3 1,524, A4 1,397, A5 1,259, A6 1,126, A7 1,001, A8 878, A9 751;

(b) CUVA #2 counties: Barrow, Cherokee, Clarke, Cobb, Dawson, DeKalb, Fannin, Forsyth, Fulton, Gilmer, Gwinnett, Hall, Jackson, Lumpkin, Oconee, Pickens, Towns, Union, Walton, and White. Table of per acre values: W1 1,296, W2 1,174, W3 1,058, W4 958, W5 882, W6 829, W7 781, W8 717, W9 650, A1 1,905, A2 1,699, A3 1,511, A4 1,334, A5 1,195, A6 1,068, A7 957, A8 868, A9 781;

(c) CUVA #3 counties: Banks, Elbert, Franklin, Habersham, Hart, Lincoln, Madison, Oglethorpe, Rabun, Stephens, and Wilkes. Table of per acre values: W1 1,271, W2 1,106, W3 998, W4 958, W5 882, W6 807, W7 679, W8 552, W9 462, A1 1,450, A2 1,319, A3 1,180, A4 1,045, A5 911, A6 822, A7 675, A8 564, A9 476;

(d) CUVA #4 counties: Carroll, Chattahoochee, Clayton, Coweta, Douglas, Fayette, Haralson, Harris, Heard, Henry, Lamar, Macon, Marion, Meriwether, Muscogee, Pike, Schley, Spalding, Talbot, Taylor, Troup, and Upson. Table of per acre values: W1 935, W2 837, W3 759, W4 696, W5 605, W6 564, W7 490, W8 424, W9 344, A1 1,188, A2 1,065, A3 975, A4 871, A5 765, A6 634, A7 550, A8 426, A9 305;

(e) CUVA #5 counties: Baldwin, Bibb, Bleckley, Butts, Crawford, Dodge, Greene, Hancock, Houston, Jasper, Johnson, Jones, Laurens, Monroe, Montgomery, Morgan, Newton, Peach, Pulaski, Putnam, Rockdale, Taliaferro, Treutlen, Twiggs, Washington, Wheeler, and Wilkinson. Table of per acre values: W1 796, W2 737, W3 677, W4 620, W5 559, W6 503, W7 440, W8 381, W9 316, A1 880, A2 766, A3 712, A4 650, A5 580, A6 493, A7 404, A8 319, A9 232;

(f) CUVA #6 counties: Bulloch, Burke, Candler, Columbia, Effingham, Emanuel, Glascock, Jefferson, Jenkins, McDuffie, Richmond, Screven, and Warren. Table of per acre values: W1 787, W2 723, W3 660, W4 601, W5 536, W6 475, W7 412, W8 347, W9 283, A1 999, A2 876, A3 803, A4 737, A5 650, A6 541, A7 440, A8 337, A9 236;

(g) CUVA #7 counties: Baker, Calhoun, Clay, Decatur, Dougherty, Early, Grady, Lee, Miller, Mitchell, Quitman, Randolph, Seminole, Stewart, Sumter, Terrell, Thomas, and Webster. Table of per acre values: W1 843, W2 767, W3 699, W4 627, W5 553, W6 483, W7 412, W8 337, W9 266, A1 1,161, A2 1,052, A3 935, A4 813, A5 697, A6 584, A7 451, A8 341, A9 230;

(h) CUVA #8 counties: Atkinson, Ben Hill, Berrien, Brooks, Clinch, Coffee, Colquitt, Cook, Crisp, Dooly, Echols, Irwin, Jeff Davis, Lanier, Lowndes, Telfair, Tift, Turner, Wilcox, and Worth. Table of per acre values: W1 917, W2 831, W3 744, W4 660, W5 573, W6 490, W7 403, W8 319, W9 259, A1 1,174, A2 1,109, A3 1,001, A4 893, A5 784, A6 677, A7 522, A8 424, A9 312;

(i) CUVA #9 counties: Appling, Bacon, Brantley, Bryan, Camden, Charlton, Chatham, Evans, Glynn, Liberty, Long, McIntosh, Pierce, Tattnall, Toombs, Ware, and Wayne. Table of per acre values: W1 929, W2 837, W3 759, W4

675, W5 586, W6 505, W7 419, W8 334, W9 259, A1 1,087, A2 1,047, A3 940, A4 837, A5 733, A6 627, A7 522, A8 416, A9 312.

Cite as Ga. Comp. R. & Regs. R. 560-11-6-.09

AUTHORITY: O.C.G.A. §§ [48-2-12](#), [48-5-7](#), [48-5-7.4](#), [48-5-269](#).

HISTORY: Original Rule entitled "Table of Conservation Use Land Values" adopted. F. May 28, 1993; eff. June 17, 1993.

Repealed: New Rule of same title adopted. F. May 13, 1994; eff. June 2, 1994.

Repealed: New Rule of same title adopted. F. Mar. 1, 1995; Mar. 21, 1995.

Repealed: New Rule of same title adopted. F. Jan. 28, 1996; eff. Feb. 18, 1996.

Repealed: New Rule of same title adopted. F. Feb. 24, 1997; eff. Mar. 16, 1997.

Repealed: New Rule of same title adopted. F. Jan. 27, 1998; eff. Feb. 16, 1998.

Repealed: New Rule of same title adopted. F. Mar. 10, 1999; eff. Mar. 30, 1999.

Amended: F. Feb. 2, 2000; eff. Feb. 22, 2000.

Amended: F. Apr. 20, 2001; eff. May 10, 2001.

Repealed: New Rule of same title adopted. F. Apr. 17, 2002; eff. May 7, 2002.

Repealed: New Rule of same title adopted. F. May 19, 2003; eff. June 8, 2003.

Repealed: New Rule of same title adopted. F. Mar. 4, 2004; eff. Mar. 24, 2004.

Amended: F. Mar. 29, 2005; eff. Apr. 18, 2005.

Repealed: New Rule of same title adopted. F. Mar. 1, 2006; eff. Mar. 21, 2006.

Amended: F. Feb. 21, 2007; eff. Mar. 13, 2007.

Amended: F. Apr. 21, 2008; eff. May 11, 2008.

Repealed: New Rule of same title adopted. F. Apr. 15, 2009; eff. May 5, 2009.

Repealed: New Rule of same title adopted. F. Mar. 15, 2010; eff. Apr. 4, 2010.

Repealed: New Rule of same title adopted. F. Mar. 3, 2011; eff. Mar. 23, 2011.

Amended: F. Apr. 24, 2012; eff. May 14, 2012.

Amended: F. Jun. 10, 2013; eff. Jun. 30, 2013.

Amended: F. Apr. 22, 2014; eff. May 12, 2014.

Amended: F. May 18, 2015; eff. June 7, 2015.

Amended: F. Feb. 23, 2016; eff. Mar. 14, 2016.

Amended: F. Mar. 24, 2017; eff. Apr. 13, 2017.

Amended: F. Mar. 6, 2018; eff. Mar. 26, 2018.

Amended: F. Feb. 1, 2019; eff. Feb. 21, 2019.

Amended: F. Mar. 6, 2020; eff. Mar. 26, 2020.

Amended: F. Mar. 4, 2021; eff. Mar. 24, 2021.

Amended: F. May 4, 2022; eff. May 24, 2022.

Department 560. RULES OF DEPARTMENT OF REVENUE
Chapter 560-11. LOCAL GOVERNMENT SERVICES DIVISION
Subject 560-11-11. FOREST LAND PROTECTION

560-11-11-.12 Table of Forest Land Protection Act Land Use Values

(1) For the purpose of prescribing the 2022 current use values for conservation use land, the state shall be divided into the following nine Forest Land Protection Act Valuation Areas (FLPAVA 1 through FLPAVA 9) and the following accompanying table of per acre land values shall be applied to each acre of qualified land within the FLPAVA for each soil productivity classification for timber land (W1 through W9):

(a) FLPAVA #1 counties: Bartow, Catoosa, Chattooga, Dade, Floyd, Gordon, Murray, Paulding, Polk, Walker, and Whitfield. Table of per acre values: W1 957, W2 859, W3 780, W4 715, W5 656, W6 607, W7 569, W8 522, W9 476;

(b) FLPAVA #2 counties: Barrow, Cherokee, Clarke, Cobb, Dawson, DeKalb, Fannin, Forsyth, Fulton, Gilmer, Gwinnett, Hall, Jackson, Lumpkin, Oconee, Pickens, Towns, Union, Walton, and White. Table of per acre values: W1 1,296, W2 1,174, W3 1,058, W4 958, W5 882, W6 829, W7 781, W8 717, W9 650;

(c) FLPAVA #3 counties: Banks, Elbert, Franklin, Habersham, Hart, Lincoln, Madison, Oglethorpe, Rabun, Stephens, and Wilkes. Table of per acre values: W1 1,271, W2 1,106, W3 998, W4 958, W5 882, W6 807, W7 679, W8 552, W9 462;

(d) FLPAVA #4 counties: Carroll, Chattahoochee, Clayton, Coweta, Douglas, Fayette, Haralson, Harris, Heard, Henry, Lamar, Macon, Marion, Meriwether, Muscogee, Pike, Schley, Spalding, Talbot, Taylor, Troup, and Upson. Table of per acre values: W1 935, W2 837, W3 759, W4 696, W5 605, W6 564, W7 490, W8 424, W9 344;

(e) FLPAVA #5 counties: Baldwin, Bibb, Bleckley, Butts, Crawford, Dodge, Greene, Hancock, Houston, Jasper, Johnson, Jones, Laurens, Monroe, Montgomery, Morgan, Newton, Peach, Pulaski, Putnam, Rockdale, Taliaferro, Treutlen, Twiggs, Washington, Wheeler, and Wilkinson. Table of per acre values: W1 796, W2 737, W3 677, W4 620, W5 559, W6 503, W7 440, W8 381, W9 316;

(f) FLPAVA #6 counties: Bulloch, Burke, Candler, Columbia, Effingham, Emanuel, Glascock, Jefferson, Jenkins, McDuffie, Richmond, Screven, and Warren. Table of per acre values: W1 787, W2 723, W3 660, W4 601, W5 536, W6 475, W7 412, W8 347, W9 283;

(g) FLPAVA #7 counties: Baker, Calhoun, Clay, Decatur, Dougherty, Early, Grady, Lee, Miller, Mitchell, Quitman, Randolph, Seminole, Stewart, Sumter, Terrell, Thomas, and Webster. Table of per acre values: W1 843, W2 767, W3 699, W4 627, W5 553, W6 483, W7 412, W8 337, W9 266;

(h) FLPAVA #8 counties: Atkinson, Ben Hill, Berrien, Brooks, Clinch, Coffee, Colquitt, Cook, Crisp, Dooly, Echols, Irwin, Jeff Davis, Lanier, Lowndes, Telfair, Tift, Turner, Wilcox, and Worth. Table of per acre values: W1 917, W2 831, W3 744, W4 660, W5 573, W6 490, W7 403, W8 319, W9 259;

(i) FLPAVA #9 counties: Appling, Bacon, Brantley, Bryan, Camden, Charlton, Chatham, Evans, Glynn, Liberty, Long, McIntosh, Pierce, Tattnall, Toombs, Ware, and Wayne. Table of per acre values: W1 929, W2 837, W3 759, W4 675, W5 586, W6 505, W7 419, W8 334, W9 259.

Cite as Ga. Comp. R. & Regs. R. 560-11-11-.12

AUTHORITY: O.C.G.A. §§ [48-2-12](#), [48-5-7](#), [48-5-7.7](#), [48-5-269](#).

HISTORY: Original Rule entitled "Table of Forest Land Protection Act Land Use Values" adopted as ER. 560-11-11-0.40-.12. F. and eff. May 22, 2009, the date of adoption.

Amended: Permanent Rule of same title adopted. F. June 26, 2009; eff. July 16, 2009.

Repealed: New Rule of same title adopted. F. Mar. 15, 2010; eff. Apr. 4, 2010.

Repealed: New Rule of same title adopted. F. Mar. 3, 2011; eff. Mar. 23, 2011.

Amended: F. Apr. 24, 2012; eff. May 14, 2012.

Amended: F. June 25, 2013; eff. July 15, 2013.

Amended: F. Apr. 22, 2014; eff. May 12, 2014.

Amended: F. May 18, 2015; eff. June 7, 2015.

Amended: F. Feb. 23, 2016; eff. Mar. 14, 2016.

Amended: F. Mar. 24, 2017; eff. Apr. 13, 2017.

Amended: F. Mar. 6, 2018; eff. Mar. 26, 2018.

Amended: F. Feb. 1, 2019; eff. Feb. 21, 2019.

Amended: F. Mar. 6, 2020; eff. Mar. 26, 2020.

Note: Correction of non-substantive typographical error in paragraph (d), "316 W1 882" corrected to "W1 882", as requested by the Agency. Effective March 26, 2020.

Amended: F. Mar. 4, 2021; eff. Mar. 24, 2021.

Amended: F. May 4, 2022; eff. May 24, 2022.

Department 616. OFFICE OF STATE ADMINISTRATIVE HEARINGS

Chapter 616-1.

Subject 616-1-2. ADMINISTRATIVE RULES OF PROCEDURE

616-1-2-.04 Filing and Submitting Documents

(1) *Preparation of Documents.*

(a) All documents filed with the Court shall be in 8 1/2" x 11" format.

(b) All documents filed with the Court shall be signed by the person, attorney, or other authorized agent or representative filing the documents. By signing the documents, the signer certifies that he or she has read the documents, and is not filing the documents for any improper purpose.

(c) All documents filed with the Court shall include the name, address, telephone number, email address (if available), and representative capacity of the person filing the documents. Attorneys shall comply with the additional requirements prescribed by Rule 34.

(2) *Filing.*

(a) Case-initiating documents shall be filed with the Clerk. Documents filed subsequent to case initiation shall be filed with the assigned Judge's case management assistant.

(b) Documents may be filed in person, or by mail, fax, or email attachment. Documents may also be filed via the Court's electronic filing system pursuant to Rule 6.

(c) At the Court's discretion, nonconforming filings, including motions embedded in emails, may be treated as described in subsection (6) of this Rule.

(3) *Office Hours.* Office hours shall be 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding State Holidays.

(4) *Filing Date.*

(a) *In person.* Documents submitted in person during office hours shall be deemed filed on the date they are received by the Court. Documents submitted outside of office hours shall be deemed filed on the date office hours recommence.

(b) *Mail.* Documents submitted by mail shall be deemed filed on the official postmarked date on which they were mailed, properly addressed, with postage prepaid.

(c) *Electronic.* Documents submitted by electronic means shall be deemed filed in accordance with the date stamp supplied by such means. If no date stamp is supplied, the document shall be deemed filed on the date it is received by the Court.

(5) *Legal Authority.* All legal authority referenced in any document and not already a part of the record shall be included in full and may not be incorporated by reference. This requirement does not apply to published decisions of the Georgia appellate courts, the Official Code of Georgia Annotated, Georgia laws, rules, and regulations published by the Secretary of State of Georgia, and all federal statutes, regulations, and published decisions.

(6) *Nonconforming Filings.* Failure to comply with this Rule or any other requirement of this Chapter relating to the form or content of submissions to be filed may result in the noncomplying submission being excluded from

consideration. The Court, at its discretion, may return a nonconforming submission with a reference to the applicable Rule(s) and a deadline for resubmission.

Cite as Ga. Comp. R. & Regs. R. 616-1-2-.04

AUTHORITY: O.C.G.A. §§ [50-13-13](#); [50-13-40](#); [50-13-41](#).

HISTORY: Original Rule entitled "Hearings for the Georgia Bureau of Investigation" adopted as ER. 616-1-2-0.2-.04. F. Mar. 23, 1995; eff. Apr. 1, 1995, as specified by the Agency.

Amended: Permanent Rule entitled "Filing and Submission of Document" adopted. F. June 30, 1995; eff. July 20, 1995.

Amended: ER. 616-1-2-0.3-.04 adopted. F. July 18, 1996; eff. July 19, 1996, to remain in effect until Aug. 4, 1996, as specified by the Agency.

Amended: F. Dec. 12, 2003; eff. Jan. 1, 2004.

Repealed: New Rule entitled "Filing and Submitting Documents" adopted. F. Nov. 15, 2010; eff. Dec. 5, 2010.

Amended: F. June 22, 2020; eff. July 12, 2020.

Amended: F. May 18, 2022; eff. June 7, 2022.

616-1-2-.06 Electronic Filing via the Court's Electronic Filing System

(1) **Availability.** Electronic filing may be available for certain classes of cases via the Court's electronic filing system. Where available, a document may be filed using this system, unless such filing is expressly prohibited by law, these Rules, or by court order.

(2) **Sealed documents and in camera review.** Filing via the Court's electronic filing system is expressly prohibited for documents that, according to law or by court order, must be filed under seal or are being presented to the Court for *in camera* review.

(3) **Service.** Documents filed via the Court's electronic filing system shall comply with the service requirements in Rule 11.

(4) **System outage or errors.** If electronic filing is prevented or delayed because of a failure of the electronic filing system, the filer remains responsible for filing in a timely matter by another means outlined in Rule 4(2)(b). The Court also has discretion, upon a showing of providential cause, to enter appropriate relief such as the allowance of filings *nunc pro tunc* or the provision of extensions to respond.

(5) **Misfiled or otherwise deficient or defective filings.** Upon filing of a document via the Court's electronic filing system, a Court staff member shall review the document before formally accepting it into the case file. If Court staff determine the document was misfiled or is otherwise deficient or defective, the document shall not be added to the case file, and the filer shall receive notice of its rejection. The filer shall retain opportunity to cure and refile a rejected document. The Court shall retain a record of accepted and rejected documents, including the date, time, and reason for rejection. Such records shall be maintained until a case is finally concluded including the exhaustion of all appeals. Absent a court order to the contrary, or where prohibited by law, such records shall be accessible to the parties and public upon request without the necessity for a subpoena.

(6) **Force and effect.** Electronically filed court records have the same force and effect and are subject to the same right of public access as are documents filed by traditional means.

Cite as Ga. Comp. R. & Regs. R. 616-1-2-.06

AUTHORITY: O.C.G.A. §§ [50-13-40\(c\)](#); [50-13-41](#).

HISTORY: Original Rule entitled "Hearings for the Department of Community Affairs" adopted as ER. 616-1-2-20. - 06. F. Mar. 23, 1995; eff. Apr. 1, 1995, as specified by the Agency.

Amended: Permanent Rule entitled "Changes of Time" adopted. F. June 30, 1995; eff. July 20, 1995.

Amended: F. Nov. 15, 2010; eff. Dec. 5, 2010.

Repealed: F. June 22, 2020; eff. July 12, 2020.

Adopted: New Rule entitled "Electronic Filing via the Court's Electronic Filing System." F. May 18, 2022; eff. June 7, 2022.

616-1-2-.11 Service

(1) A party filing a document or other submission with the Court shall simultaneously serve a copy of the document or submission on each party of record or, if the party of record is represented, on the party's attorney or other person authorized by law to represent the party.

(2) Service shall be by first class mail, fax, email, personal delivery, or electronic service via the Court's electronic filing system.

(a) ***First class mail.*** Service by first class mail shall be complete upon mailing, with proper postage attached.

(b) ***Electronic service via the Court's electronic filing system.***

(i) Electronic service via the Court's electronic filing system may be made available for certain classes of contested cases.

(ii) Upon filing a document with the Court's electronic filing system, that document is deemed served on all persons who have opted to receive service through the electronic filing system for that contested case. All other persons must be served by alternative means.

(iii) A person may opt to receive electronic service in a contested case by making this selection within the Court's electronic filing system. That election may be rescinded at any time.

(iv) If electronic service is prevented or delayed because of a failure of the electronic filing system, the filer remains responsible for serving parties in a timely matter by another means outlined in this Rule.

(3) Every filing shall be accompanied by an acknowledgment of service for each person served; by an acknowledgment of service from the persons' authorized agents for service; or by a certificate of service stating the date, place, and manner of service, as well as the name and mailing address, fax number, and/or email address of the persons served.

(4) Service of a subpoena shall be made pursuant to Rule 19.

(5) The Court shall maintain and, upon request, furnish to parties of record a list containing the name, address, email address, and telephone number of each party's attorney, or each party's duly authorized representative.

(6) **Electronic Service by the Court.** Except where specified means of service are required by law, the Court may serve any party electronically, which includes but is not limited to service by email or by any electronic filing system utilized by the Court.

Cite as Ga. Comp. R. & Regs. R. 616-1-2-.11

AUTHORITY: O.C.G.A. §§ [50-13-40\(c\)](#); [50-13-41](#).

HISTORY: ER 616-1-2-0.2 was f. on Mar. 23, 1995; eff. Apr. 1, 1995, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency.

Amended: ER 616-1-2-0.2 repealed and R. 616-1-2-.11 entitled "Service" adopted. F. Jun. 30, 1995; eff. Jul. 20, 1995.

Amended: F. Feb. 27, 1997; eff. Mar. 19, 1997.

Amended: F. Nov. 15, 2010; eff. Dec. 5, 2010.

Amended: F. June 22, 2020; eff. July 12, 2020.

Amended: F. May 18, 2022; eff. June 7, 2022.

616-1-2-.15 Summary Determination

(1) **Motion.** A party may move, based on supporting affidavits or other probative evidence, for summary determination in its favor on any of the issues being adjudicated, on the basis that there is no genuine issue of material fact for determination and the moving party is entitled to prevail as a matter of law.

(a) There shall be included in the motion or attached thereto a separate, concise, and numbered statement of each of the material facts as to which the moving party contends there is no genuine issue for determination. Each numbered material fact must be supported by a citation to evidence proving such fact. The Court will not consider any fact that

1. lacks citation to supporting evidence;
2. is stated as an issue or legal conclusion; or
3. is set out only in a brief and not in the moving party's statement of undisputed facts.

(b) A motion for summary determination must be filed and served on all parties no later than thirty (30) calendar days before the date set for hearing. For good cause shown, a motion may be filed at any time before the close of the hearing.

(2) **Response.** A party may file and serve a response to a motion for summary determination or a counter-motion for summary determination within twenty (20) calendar days of service of the motion for summary determination.

(a) The response shall include a separate and concise statement of each of the material facts as to which the party opposing summary determination contends there exists a genuine issue for determination. These facts shall be individually numbered to correspond to the numbered statement of material facts provided by the moving party. Each fact must be supported by a citation to evidence. The Court will not consider any fact that

1. lacks citation to supporting evidence;
2. is stated as an issue or legal conclusion; or
3. is set out only in a brief and not in the responding party's statement of material facts.

(b) The Court may deem each of the moving party's facts as admitted unless the responding party

1. directly refutes the moving party's fact with a response supported by a citation to evidence, as required in subsection (2)(a) of this Rule;

2. states a valid objection to the admissibility of the moving party's fact;

3. asserts that the moving party's citation does not support the moving party's fact; or

4. asserts that the moving party's fact is not material or otherwise has failed to comply with this Rule.

(c) When a motion for summary determination is supported as provided in this Rule, a party opposing the motion may not rest upon mere allegations or denials, but must show, by affidavit or other probative evidence as required in subsection (2)(a) of this Rule, that there is a genuine issue of material fact for determination, or that the moving party is not entitled to prevail as a matter of law.

(3) ***Affidavits.*** Affidavits shall be made upon personal knowledge, shall set forth facts that would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all documents to which reference is made in an affidavit shall be attached thereto and served therewith. Where facts necessary for summary determination are a matter of expert opinion, such facts may be resolved on the basis of uncontroverted affidavits or testimony of expert opinion.

(4) ***Oral Argument and Written Submissions.*** The Court may set the motion for oral argument and call for the submission of proposed findings of fact, conclusions of law, and briefs.

(5) ***Ruling.*** The Court shall rule on a motion for summary determination in writing.

(a) If the period required to rule upon the motion for summary determination will extend beyond the date set for the hearing, the Court may continue the hearing.

(b) The Court, at its discretion, may determine that the matter, as a whole, or certain specified issues, are better resolved by an evidentiary hearing and inappropriate for summary determination.

Cite as Ga. Comp. R. & Regs. R. 616-1-2-.15

AUTHORITY: O.C.G.A. §§ [50-13-13\(a\)\(6\)](#); [50-13-40\(c\)](#).

HISTORY: Original Rule entitled "Hearings for the Professional Practices Commission" adopted as ER. 616-1-2-2-.15 O.. F. Mar. 23, 1995; eff. Apr. 1, 1995, as specified by the Agency.

Amended: Permanent Rule entitled "Summary Determination" adopted. F. June 30, 1995; eff. July 20, 1995.

Amended: F. Feb. 27, 1997; eff. Mar. 19, 1997.

Amended: F. Dec. 12, 2003; eff. Jan. 1, 2004.

Amended: F. Nov. 15, 2010; eff. Dec. 5, 2010.

Amended: F. June 22, 2020; eff. July 12, 2020.

Amended: F. May 18, 2022; eff. June 7, 2022.

616-1-2-.27 Decisions

(1) The Court shall review and evaluate all of the admitted evidence and interlocutory rulings, and shall issue a written Decision, setting forth the findings of fact and conclusions of law.

(2) The Decision shall be issued within the time provided by law, or within thirty (30) days of the hearing record closing. Should the Court determine that the complexity of the issues and the length of the record require additional time to issue the Decision, the Court shall enter an order setting forth the earliest practicable date certain for the issuance of the Decision.

(3) Every Decision entered by the Court that is not reviewable by a Reviewing Agency shall be a Final Decision.

(4) Every Decision entered by the Court that is reviewable by a Reviewing Agency shall be an Initial Decision.

(5) "Reviewing Agency" means the ultimate decision maker in a contested case that is a constitutional board or commission; an elected constitutional officer in the executive branch of this state; a professional licensing board, as that term is defined in O.C.G.A. § [43-1-1\(3\)](#), if the members thereof are appointed by the Governor; or as otherwise provided by O.C.G.A. § [50-13-41\(d\)\(1\)](#).

Cite as Ga. Comp. R. & Regs. R. 616-1-2-.27

AUTHORITY: O.C.G.A. §§ [50-13-13\(a\)\(6\)](#); [50-13-40\(c\)](#); [50-13-41\(d\)](#).

HISTORY: Original Rule entitled "Initial Decision" adopted. F. June 30, 1995; eff. July 20, 1995.

Amended: Rule retitled "Initial or Final Decision". F. Feb. 27, 1997; eff. Mar. 19, 1997.

Amended: F. Nov. 15, 2010; eff. Dec. 5, 2010.

Amended: New title "Decisions." F. June 22, 2020; eff. July 12, 2020.

Amended: F. May 18, 2022; eff. June 7, 2022.

616-1-2-.33 Availability of the Record

The Clerk shall make available or transfer certified electronic copies of the hearing record to the parties upon request.

Cite as Ga. Comp. R. & Regs. R. 616-1-2-.33

AUTHORITY: O.C.G.A. § [50-13-40](#).

HISTORY: Original Rule entitled "Transfer of the Record to the Referring Agency" adopted. F. June 30, 1995; eff. July 20, 1995.

Amended: F. Feb. 27, 1997; eff. Mar. 19, 1997.

Amended: F. Nov. 15, 2010; eff. Dec. 5, 2010.

Amended: F. June 22, 2020; eff. July 12, 2020.

Amended: New title, "Availability of the Record." F. May 18, 2022; eff. June 7, 2022.

616-1-2-.39 Review of Decisions

(1) ***Agency Review of Initial Decisions.*** Upon receipt of a copy of an application for agency review, the Clerk shall compile and certify the record of the hearing and transmit it to the Reviewing Agency, as defined in Rule 27, and any other parties of record in the case.

(2) ***Judicial Review of Final Decisions.*** Upon receipt of a copy of a petition for judicial review, the Clerk shall compile and certify the record of the hearing and transmit it to the reviewing court. The Clerk also shall provide an electronic copy of this certified record to all parties of record in the case.

Cite as Ga. Comp. R. & Regs. R. 616-1-2-.39

AUTHORITY: O.C.G.A. §§ [50-13-40](#); [50-13-41](#).

HISTORY: Original Rule entitled "Petitions for Judicial Review" adopted. F. June 30, 1995; eff. July 20, 1995.

Amended: F. Feb. 27, 1997; eff. Mar. 19, 1997.

Repealed: New Rule entitled "Judicial Review" adopted. F. Nov. 15, 2010; eff. Dec. 5, 2010.

Amended: F. June 22, 2020; eff. July 12, 2020.

Amended: New title, "Review of Decisions." F. May 18, 2022; eff. June 7, 2022.