



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
4751 BEST ROAD, SUITE 140
COLLEGE PARK, GEORGIA 30337-5600

February 13, 2024

Regulatory Division
SAS-2023-00127



Dear [REDACTED]:

I refer to the Pre-Construction Notification, submitted on your behalf by United Consulting, Inc., requesting reverification for use of Regional General Permit (RGP) 34, for the construction of a roadway to connect State Route 9 (Dahlonega Highway) to Pilgrim Mill Road, resulting in adverse impacts to 146 linear feet (LF; 0.019-acre) of perennial stream, 376 LF (0.028-acre) of intermittent stream, and 0.495-acre of wetland. The 0.53-mile project corridor is located east of the intersection of State Route 9 and Sawnee Drive, west of Pilgrim Mill Road and south of Pirklewood Circle in Cumming, Forsyth County, Georgia (centered at latitude: 34.2205, longitude: -84.1276). This project has been assigned number SAS-2023-00127, and it is important to reference this number in all communication concerning this matter. This verification supersedes the previous verification issued for this project on August 30, 2023.

The project was verified by this office on August 30, 2023 and no work has begun on the project. We understand that subsequent to receiving the original NWP verification letter, the City of Cumming reassessed the project and requested an Approved Jurisdictional Determination (AJD) for one wetland. The project will involve the extension of Sawnee Drive to connect State Route 9 to Pilgrim Mill Road. The road construction will have four distinct crossings. The first crossing will impact 0.001-acre of wetland (W1), 60 LF (0.006-acre) of intermittent stream (S-2), and 21 LF (0.002-acre) of perennial stream (S-2). The second crossing will impact 0.014-acre of wetland (W-2) and 94 LF (0.008-acre) of intermittent stream (S-3). The third crossing will impact 0.462-acre of wetland (W-3), 102 LF (0.005-acre) of intermittent stream (S-4), and 120 LF (0.009-acre) of intermittent stream (S-6). The fourth and final crossing will impact 125 LF (0.017-acre) of perennial stream (S-5). The details of the proposed project are shown on the enclosed exhibit entitled, "Wetland Impacts Map, Sawnee Parkway Extension – Cumming, Forsyth County, Georgia – Exhibit A", prepared by United Consulting, Inc., dated January 18, 2023, and revised on February 6, 2023.

We have completed a JD for a central portion of the site. The wetlands were delineated in accordance with criteria contained in the 1987 "Corps of Engineers Wetland Delineation Manual," as amended by the most recent regional supplements to

the manual. I have enclosed an "Approved JD Form," which details whether streams, wetlands and/or other waters present on the site are subject to the jurisdiction of the U.S. Army Corps of Engineers and how the Corps determined jurisdiction.

The feature labeled "W-6" as depicted in the review area on the exhibit entitled "Wetland Impacts Map, Sawnee Parkway Extension – Cumming, Forsyth County, Georgia – Exhibit A", prepared by United Consulting, Inc., dated January 18, 2023, and revised on February 6, 2023, and annotated by CESAS-RDP on February 7, 2024, is not a water of the United States and is therefore not within the jurisdiction of Section 404 of the Clean Water Act (33 United States Code § 1344). This approved JD will remain valid for a period of 5-years unless new information warrants revision prior to that date. The placement of dredged or fill material into these wetlands/other waters would not require prior Department of the Army authorization pursuant to Section 404.

You may request an administrative appeal for any approved JD under the Corps regulations at 33 Code of Federal Regulations (CFR) Part 331. Enclosed you will find a Notification of Administrative Appeal Options and Process and Request for Appeal form.

The above-referenced exhibit also identifies the delineation limits of all aquatic resources within the project area. The aquatic resources were delineated in accordance with criteria contained in the 1987 "Corps of Engineers Wetland Delineation Manual," as amended by the most recent regional supplements to the manual. Please note, should this delineation require reverification, it is subject to change based on site conditions at the time of reevaluation.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

We have completed coordination with other federal and state agencies as described in Part VIII of RGP 34, issued on October 5, 2023. This RGP can be found at <http://www.sas.usace.army.mil/Missions/Regulatory/Permitting/GeneralPermits/RegionalGeneralPermits.aspx>. During our coordination procedure, no adverse comments regarding the proposed work were received. During our coordination procedure, no adverse comments regarding the proposed work were received.

As a result of our evaluation of your project, we have determined that the proposed activity is authorized under RGP 34. Your use of this RGP is valid only if:

a. The activity is conducted in accordance with the information submitted and meets the conditions applicable to the RGP.

b. Prior to the commencement of any permitted work in aquatic resources, the permittee shall purchase 1.92 legacy wetland mitigation credits, 109.5 perennial stream (less than 3 sq miles) (2018) mitigation credits, and 237 non-perennial (2018) stream mitigation credits from the Georgia-Alabama Land Trust Program and submit documentation of this credit purchase to the U.S. Army Corps of Engineers. The credit purchase documentation must reference the Corps file number assigned to the permitted project. If all or a portion of the required credits are not available from the Georgia-Alabama Land Trust in lieu fee Program, the permittee shall obtain written approval from the Corps prior to purchasing credits from an alternate mitigation source.

c. You shall notify the Corps, in writing, at least 10 days in advance of commencement of work authorized by this permit.

d. You fill out and sign the enclosed certification and return it to our office within 30-days of completion of the activity authorized by this permit.

This proposal was reviewed in accordance with Section 7 of the Endangered Species Act. Based on the information available, we have determined that the project would have no effect on any threatened or endangered species nor any critical habitat for such species. Authorization of an activity by RGP does not authorize the "take" of threatened or endangered species. In the absence of separate authorization, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act. See Part (C) of 86 FR for more information.

This verification is valid until the RGP is modified, reissued, or revoked. All of the transportation RGPs are scheduled to expire on October 5, 2028. If the authorized work is not initiated or completed prior to the RGP expiration date, the project will be conditionally re-authorized if and when the RGPs are re-issued by the Corps for a subsequent five-year period, provided: (a) the expired and re-issued RGP used to authorize the project are substantively the same; and (b) the RGP authorized project is unchanged. In such cases, you are not required to request written verification from the Corps that the project continues to be authorized by the re-issued RGP. Please note, a RGP authorized project can only be conditionally re-authorized once. Further, should your project is not initiated or completed by the end of the second five-year RGP authorization period, you must submit a new PCN to the Corps and request verification of use of a RGP to complete the project. It is incumbent upon you to remain informed of changes to the RGP.

This authorization should not be construed to mean that any future projects requiring Department of the Army authorization would necessarily be authorized. Any new proposal, whether associated with this project or not, would be evaluated on a case-by-

case basis. Any prior approvals would not be a determining factor in our decision on any future request. Revisions to your proposal may invalidate this authorization. In the event changes to this project are contemplated, I recommend that you coordinate with us prior to proceeding with the work.

This communication does not relieve you of any obligation or responsibility for complying with the provisions of any other laws or regulations of other federal, state, or local authorities. It does not affect your liability for any damages or claims that may arise as the result of the work. It does not convey any property rights, either in real estate or material, or any exclusive privileges. It also does not affect your liability for any interference with existing or proposed federal projects. If the information you have submitted and on which the U.S. Army Corps of Engineers bases its determination/decision of authorization under the RGP is later found to be in error, this determination may be subject to modification, suspension, or revocation.

An electronic copy of this letter is being provided to the following party: [REDACTED]
[REDACTED], United Consulting, Inc., at [REDACTED]

Thank you in advance for completing our on-line Customer Survey Form located at <https://regulatory.ops.usace.army.mil/customer-service-survey/> . We value your comments and appreciate you taking the time to complete a survey each time you interact with our office.

If you have any questions, please contact me at [REDACTED] or
[REDACTED]

Sincerely,

[REDACTED]
Regulatory Specialist, Piedmont Branch

CERTIFICATION OF COMPLIANCE
WITH
DEPARTMENT OF THE ARMY
REGIONAL GENERAL PERMIT 34

PERMIT FILE NUMBER: SAS-2023-00127

PERMITTEE ADDRESS: [REDACTED]
[REDACTED]

LOCATION OF WORK: The 0.53-mile project corridor is located east of the intersection of State Route 9 and Sawnee Drive, west of Pilgrim Mill Road and south of Pirklewood Circle in Cumming, Forsyth County, Georgia (centered at latitude: 34.2205, longitude: -84.1276)

PROJECT DESCRIPTION: Proposed will involve the extension of Sawnee Drive to connect State Route 9 to Pilgrim Mill Road.

ACRES OF WATERS OF THE US IMPACTED: Permanent impacts to 146 linear feet (LF; 0.019-acre) of perennial stream, 376 LF (0.028-acre) of intermittent stream, and 0.477-acre of jurisdictional wetland.

DATE WORK IN WATERS COMPLETED:

COMPENSATORY MITIGATION REQUIRED: 1.92 legacy wetland mitigation credits, 109.5 perennial stream (Less than 3 sq miles) mitigation credits, and 237 non-perennial stream mitigation credits.

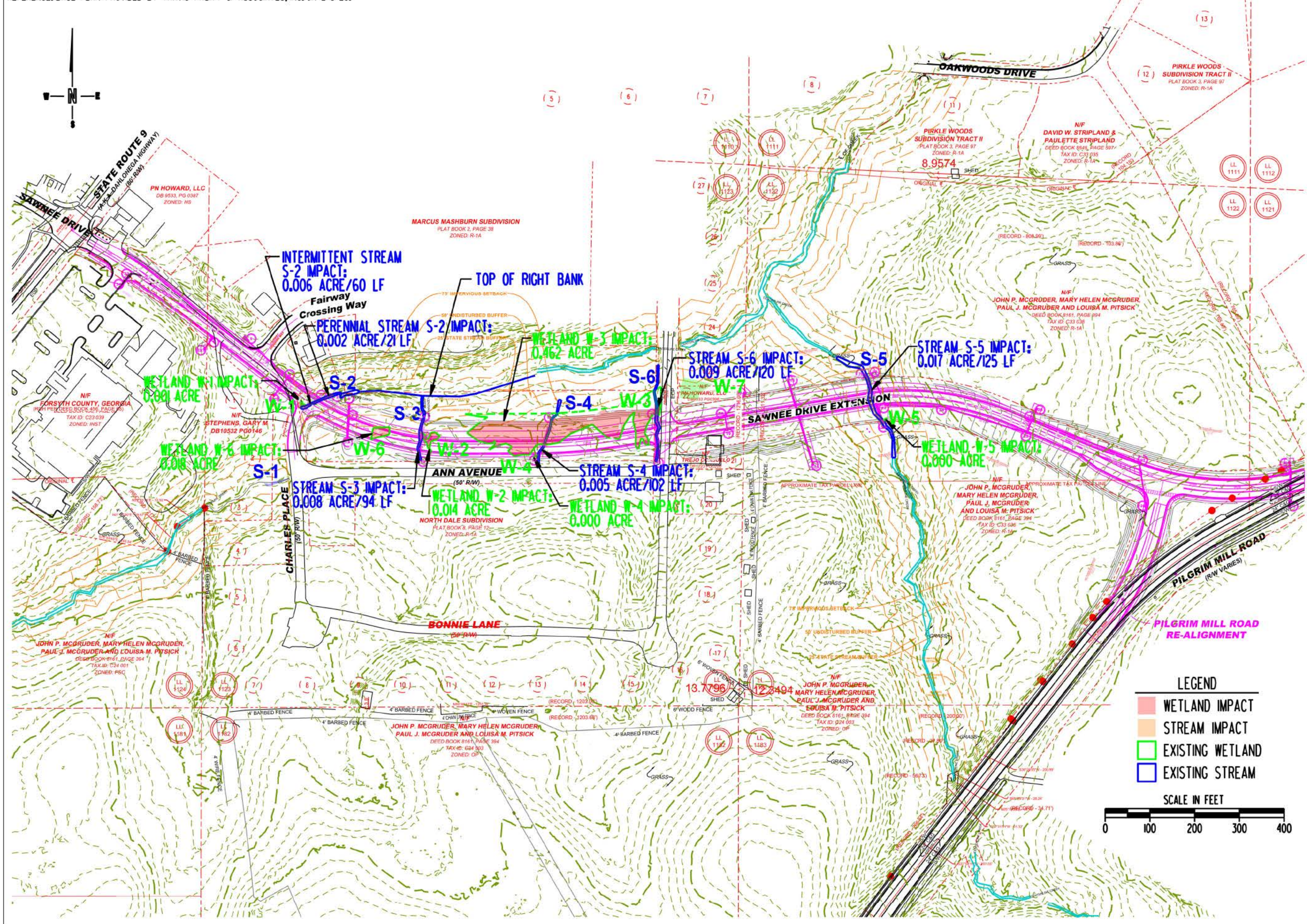
DATE MITIGATION COMPLETED OR PURCHASED (include name of source):

I understand that the permitted activity is subject to a U.S. Army Corps of Engineers' Compliance Inspection. If I fail to comply with the permit conditions of Regional General Permit 34, issued on October 5, 2023, it may be subject to suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced permit as well as any required mitigation (if applicable) has been completed in accordance with the terms and conditions of the said permit.

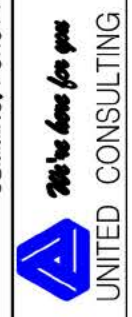
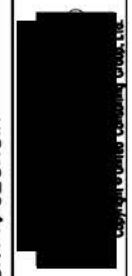
Signature of Permittee

Date



SCALE: 1" = 200'	DATE: 1-18-23	CHECKED:	CLIENT:
PREPARED: VPV	PROJECT NO: CTY0C-22-GA-07105-01	REVISIONS: 2-6-23	
	TITLE: WETLAND IMPACTS MAP SAWNEE PARKWAY EXTENSION CUMMING, FORSYTH COUNTY, GEORGIA		
			UNITED CONSULTING

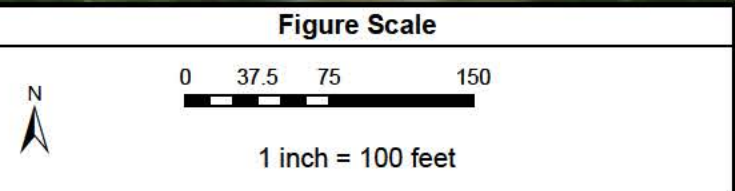
EXHIBIT A





Legend

 Review Area



Prepared:	█
Checked:	█
Date:	1/4/2023

Title:	Area of Review
Project:	Sawnee Parkway Extension
Project No.:	█
Client:	█

Figure 1