

December 22, 2010

Mr. Richard W. Morgan
U.S. Army Corps of Engineers, Savannah District
Regulatory Division, Coastal Branch
100 West Oglethorpe Avenue
Savannah, Georgia 31401-3640

Re: John Q. Public
Individual Permit Application
Newton's Retail Development
Savannah, Georgia

Dear Mr. Morgan:

Please find attached a complete Section 404 Individual Permit application for the construction of retail shopping center in Savannah, Georgia. The proposed development, referred to as Newton's Retail Development, is a proposed commercial development consistent with local land use maps. All pertinent information is included in the application and the attached exhibits.

As the duly authorized agent for the applicant, I ask that your office give this application favorable consideration. Should you have any questions or require further information, please do not hesitate to contact me.

With best regards, I remain

Sincerely yours,



George Hickox

Enclosures

**JOINT APPLICATION
FOR
A DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS PERMIT,
STATE OF GEORGIA MARSHLAND PROTECTION PERMIT,
REVOCABLE LICENSE AGREEMENT
AND REQUEST FOR
WATER QUALITY CERTIFICATION
AS APPLICABLE**

INSTRUCTIONS FOR SUBMITTING APPLICATION:

Every Applicant is Responsible to Complete The Permit Application and Submit as Follows: One copy each of application, location map, drawings, copy of deed and any other supporting information to addresses 1, 2, and 3 below. If water quality certification is required, send only application, location map and drawing to address No. 4.

1. For Department of the Army Permit, mail to: Commander, Savannah District, US Army Corps of Engineers, ATTN: CESAS-RD, 100 W. Oglethorpe Avenue, Savannah, Georgia 31401-3640. Phone (912) 652-5347 and/or toll free, Nationwide 1-800-448-2402.

2. For State Permit - State of Georgia (six coastal counties only) mail to: Habitat Management Program, Coastal Resources Division, Georgia Department of Natural Resources, 1 Conservation Way, Brunswick, Georgia 31523. Phone (912) 264-7218.

3. For Revocable License - State of Georgia (six coastal counties plus Effingham, Long, Wayne, Brantley and Charlton counties only) - Request must have State of Georgia's assent or a waiver authorizing the use of State owned lands. All applications for dock permits in the coastal counties or for docks located in tidally influenced waters in the counties listed above need to be submitted to Real Estate Unit. In addition to instructions above, you must send two signed form letters regarding revocable license agreement to: Ecological Services Coastal Resources Division, Georgia Department of Natural Resources, 1 Conservation Way, Brunswick, Georgia 31523. Phone (912) 264-7218.

4. For Water Quality Certification State of Georgia, mail to: Water Protection Branch, Environmental Protection Division, Georgia Department of Natural Resources, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354 (404) 675-1631.

The application must be signed by the person authorized to undertake the proposed activity. The applicant must be the owner of the property or be the lessee or have the authority to perform the activity requested. Evidence of the above may be furnished by copy of the deed or other instrument as may be appropriate. The application may be signed by a duly authorized agent if accompanied by a statement from the applicant designating the agent. See item 6, page 2.

1. Application No. _____

2. Date _____

3. For Official Use Only _____

4. Name and address of applicant. **John Q. Public** Telephone No. (912) 222-2222
123 Wells Road Fax No. (912) 222-2333
Savannah, Georgia 31313

5. Location where the proposed activity exists or will occur.

Lat. **31.8053** Long. **81.5842**

| | | |
|--------------------------------------|--|------------------------------------|
| <u>Chatham</u> County | Military District | <u>Savannah</u> In City or Town |
| <u>Savannah</u> Near City or Town | <u>Newton's Retail Development</u> Subdivision | <u>41, 42, & 43</u> Lot No. |
| <u>80.4 acres</u> Lot Size | <u>10'</u> Approximate Elevation of Lot | <u>Georgia</u> State |
| Name of Waterway | <u>St. Charles River</u> Name of Nearest Creek, | River, Sound, Bay or Hammock |

6. Name, address and title of applicant's authorized agent for permit application coordination.
Flora and Fauna, Inc. Telephone No. (912) 222-2211
Attention: Mr. George Hickox Fax No. (912) 222-2221
532 River Road
Savannah, Georgia 31313

Statement of Authorization: I hereby designate and authorize the above named person to act in my behalf as my agent in the processing of this permit application and to furnish, upon request, supplemental information in support of this application.

John A. Public
Signature of Applicant

December 12, 2010
Date

7. Describe the proposed activity, its purpose and intended use, including a description of the type of structures, if any to be erected on fills, piles, of float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance. If more space is needed, use remarks section on page 4 or add a supplemental sheet. (See Part III of the Guide for additional information required for certain activities.)

See Section 3 of the attached application submittal.

8. Proposed use: ___ Private ___ Public Commercial ___ Other ___ (Explain)

9. Names and addresses of adjoining property owners whose property also adjoins the waterway.

See attached "Exhibit A".

10. Date activity is proposed to commence. August 20, 2011

Date activity is expected to be completed. August 20, 2012

11. Is any portion of the activity for which authorization is sought now complete ___Y N

- a. If answer is "Yes", give reasons in the remarks in the remarks section. Indicate the existing work on the drawings.
- b. If the fill or work is existing, indicate date of commencement and completion.
- c. If not completed, indicate percentage completed.

12. List of approvals or certifications required by other Federal, State or local agencies for any structures, construction discharges, deposits or other activities described in this application. Please show zoning approval or status of zoning for this project.

| <u>Issuing Agency</u> | <u>Type Approval</u> | <u>Identification No.</u> | <u>Date/Application</u> | <u>Date/Approval</u> |
|-----------------------|---------------------------------|---------------------------|-------------------------|----------------------|
| Georgia EPD | 401 Water Quality Certification | | December 12, 2010 | |
| Georgia EPD | NPDES Permit | | November 10, 2010 | |
| Chatham County | Land Disturbance Permit | | December 12, 2010 | |

13. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? ___Yes NO (If "yes", explain).

Note: Items 14 and 15 are to be completed if you want to bulkhead, dredge or fill.

14. Description of operation: (If feasible, this information should be shown on the drawing).

a. Purpose of excavation or fill **Retail Development**

1. Access channel length_____ depth_____ width_____

2. Boat basin length_____ depth_____ width_____

3. Fill area length **1000'** depth **3'** width **200'**

4. Other _____ length_____ depth_____ width_____

(Note: If channel, give reasons for need of dimensions listed above.)

b. If bulkhead, give dimensions _____

-- Type of bulkhead construction (material) _____

1. Backfill required: Yes _____ No _____ Cubic yards _____

2. Where obtained _____

c. Excavated material

1. Cubic yards _____

2. Type of material _____

15. Type of construction equipment to be used **Heavy Earth Moving Equipment - Bulldozers, excavators, backhoes**

a. Does the area to be excavated include any wetland? Yes____ No **X**

b. Does the disposal area contain any wetland? Yes____ No **X**

c. Location of disposal area **On-site - Upland**

d. Maintenance dredging, estimated amounts, frequency, and disposal sites to be utilized: _____

e. Will dredged material be entrapped or encased? _____

f. Will wetlands be crossed in transporting equipment to project site? **Yes**

g. Present rate of shoreline erosion (if known) _____

16. Description of Avoidance, Minimization and Compensation: Provide a brief explanation describing how impacts to waters of the United States are being avoided and minimized on the project site. Also, provide a brief description of how impacts to waters of the United States will be compensated for, or a brief statement explaining why compensatory mitigation should not be required for those impacts.

See completed draft 404(b)(1) analysis of the attached application submittal (Attachment D).

17. Water Quality Certification: In some cases, Federal law requires that a Water Quality Certification from the State of Georgia be obtained prior to issuance of a Federal license or permit. Applicability of this requirement to any specific project is determined by the permitting Federal agency. The information requested below is generally sufficient for the Georgia Environmental Protection Division to issue such a certification if required. Any item, which is not applicable to a specific project, should be so marked. Additional information will be requested if needed.

a. Please submit the following:

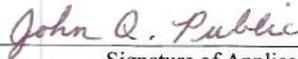
1. A plan showing the location and size of any facility, existing or proposed, for handling any sanitary or industrial waste waters generally on your property.

2. A plan of the existing or proposed project and your adjacent property for which permits are being requested.
3. A plan showing the location of all points where petro-chemical products (gasoline, oils, cleaners) used and stored. Any aboveground storage areas must be diked, and there should be no storm drain catch basins within the dike areas. All valving arrangements on any petro-chemical transfer lines should be shown.
4. A contingency plan delineating action to be taken by you in the event of spillage of petro-chemical products or other materials from your operation.
5. Plan and profile drawings showing limits of areas to be dredged, areas to be used for placement of spoil, locations of any dikes to be constructed showing locations of any weir(s), and typical cross sections of the dikes.

b. Please provide the following statements:

1. A statement that all activities will be performed in a manner to minimize turbidity in the stream.
2. A statement that there will be no oils or other pollutants released from the proposed activities which will reach the stream.
3. A statement that all work performed during construction will be done in a manner to prevent interference with any legitimate water uses.

18. Application is hereby made for a permit or permits to authorize the activities described herein; Water Quality Certification from the Georgia Environmental Protection Division is also requested if needed. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities.



Signature of Applicant

19. U.S.C. Section 1001 provides that: Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined no more than \$10,000 or imprisoned not more than 5 years or both.

PRIVACY ACT NOTICE

The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972. These laws require permits authorizing structures and work in or affecting navigable waters of the United States, the discharge of dredged or fills material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Information provided will be used in evaluating the application for a permit. Information in the application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

SUPPORTING REMARKS:

See all attached supplemental application information.

NEWTON'S RETAIL DEVELOPMENT

Chatham County, Georgia

Project Description

December 2010

1.0 INTRODUCTION: Newton's Retail Development, LLC, (the "Applicant") is applying to the US Army Corps of Engineers ("USACE") for an individual permit pursuant to Section 404 of the Clean Water Act to fill approximately 1.90 acres of wetland in order to construct a retail development to be known as "Newton's" on an 80.4-acre site. The applicant is the owner of the proposed project site, which is located on the east side of River Road, near its intersection with Hammock Road, in Savannah, Chatham County, Georgia (Latitude 31.8053, Longitude -81.5842). The property is located at a major intersection and is surrounded by commercial/office properties to the south, east, and west, and a residential development to the north. This proposed project is located in the Ogeechee River Basin Primary Service Area (PSA) and in the 03060204 8-digit Hydrologic Unit Code (HUC) known as the Ogeechee Coastal Watershed. The waters of the US on the subject site were verified by the Savannah District USACE on December 16, 2009, Regulatory Division SAS-2009-00000 (Attachment A).

The primary historic use of the property has been agriculture. The habitats found on-site consist of open pasture, mixed pine / hardwood uplands, bottomland hardwood forest, and a man-made lake, (see Photographs, within Attachment A). The open pastures are located in the southwestern portion of the subject property and were used in the past for grazing of horses. The man-made lake is also located in this vicinity and is utilized for recreational fishing. The mixed pine/hardwood uplands are generally located south and east portions of the subject property and have a canopy dominated by live oak (*Quercus virginiana*), loblolly pine (*Pinus taeda*), southern magnolia (*Magnolia virginiana*), water oak (*Quercus nigra*), and sweet gum (*Liquidambar styraciflua*). The shrub layer is dominated by wax myrtle (*Morella cerifera*). The bottomland hardwood wetlands are generally located in the southern and central portions of the subject property. The dominant species include swamp tupelo (*Nyssa biflora*), swamp chestnut oak (*Quercus michaux*), water oak, red maple (*Acer rubrum*), and bald cypress (*Taxodium distichum*). The shrub layer is dominated by wax myrtle, and the herbaceous layer includes panic grass (*Panicum* sp.), Virginia chainfern (*Woodwardia virginica*), netted chainfern (*Woodwardia aereolata*), and lizard's tail (*Saururus cernuus*).

One pond and two wetlands were identified on-site. Approximately 21.9-acres of jurisdictional wetlands and other waters of the United States were identified on the site. Dillard Pond (5-acres) is a natural pond located in the south central portion of the subject property. Wetland A (1.9-acres) is located in the north central portion of the subject property and Wetland B (15-acres) is located in the southeastern corner of the subject property. A complete description of each water of the US on the proposed project site and the proposed project impacts are provided below. Note that supporting documentation similar to that provided with the EPJD would provide the necessary documentation to support the above jurisdictional findings.

Wetland A is approximately 1.9-acres and is located in the north central portion of the property. Soils consist of sandy clay loam with a color 7/5YR 3/1. Dominant vegetation includes swamp tupelo and giant cane. Hydrology indicators include saturation in the upper 12 inches and drainage patterns. The proposed project would fill 1.9-acres of Wetland A associated with the construction of the building pad and a parking lot for the retail development.

Wetland B is approximately 15-acres and is located in the southeastern corner of the property. Soils consist of sandy clay loam with a color 7/5YR 3/1. Dominant vegetation includes swamp tupelo and giant cane. Hydrology indicators include saturation in the upper 12 inches and drainage patterns. No impacts are proposed to Wetland B.

Open Water A (Dillard Pond) is approximately 5-acres and is located in the south central portion of the property. This is a natural pond that was historically used for agricultural purposes and is utilized recreationally today. No vegetation exists within the footprint of the ponded area. No impacts are proposed to Open Water A.

2.0 SUPPLEMENTAL INFORMATION:

Distances - The preferred project site is located approximately 3.5 miles from the Savannah/Hilton Head International Airport. However, due to the proposed project reducing acreages of waters of the US, there is no expectation that the project would increase wildlife strikes or any sort of a wildlife attractant hazard. The applicant will coordinate with the Federal Aviation Administration and provide the USACE with a copy of their final correspondence.

Wassaw National Wildlife Refuge is the closest refuge and is located approximately 5.5 miles southeast of the proposed project. Due to the distance from proposed project to the nearest wildlife refuge, no effect is expected to any refuges.

Also, no federal projects are located on or near the proposed project.

State of Georgia Revocable License – Due to this project being located in a Coastal Georgia County, the applicant coordinated with the Georgia Department of Natural Resources – Coastal Resources Division (Georgia CRD) to determine any necessary requirements. See the attached letter (Exhibit B) dated November 15, 2010, from the Georgia CRD confirming that a revocable license is not required for the proposed project.

Water Quality Management Plan Statement – All necessary water quality management plans will be submitted to Chatham County and approved prior to starting construction on the proposed project. The applicant also provided a copy of this entire permit application to the Georgia EPD and will obtain a Section 401 Water Quality Certification prior to starting construction on the proposed project.

Floodplain Management Statement – The proposed project will not place any fill material or reduce the footprint of the floodplain; therefore, there will not be any reduction in flood

storage volume in the project area. The applicant agrees to coordinate with the Federal Emergency Management Agency and comply with all approved state or local floodplain management requirements.

Georgia Stream Buffer Variance – Due to the only proposed stream buffer encroachment being associated with a perpendicular road crossing, no stream buffer variance will be required from Georgia EPD.

Federally Protected Species – Flora and Fauna, Inc., conducted a threatened and endangered species pedestrian survey within the project area to determine the potential occurrence of animal and plants species (or their preferred habitats) currently listed as threatened or endangered by state and federal regulations [Federal Endangered Species Act of 1973 (16 USC 1531-1543)]. Based on existing site conditions and habitats observed during the field survey, it is not anticipated that the project site supports any individual or population of threatened or endangered species listed in Chatham County, Georgia (Attachment B).

PLANTS

None Listed

BIRDS

Red-Cockaded Woodpecker (*Picoides borealis*)

Wood Stork (*Mycteria americana*)

REPTILES

None Listed

INVERTERATE

None Listed

Cultural, archaeological, and or historic resources: A comprehensive Phase I cultural resources survey dated October 10, 2010, has been completed by Arrowhead & Associates within the project area (Attachment C). Based on this survey and as discussed in the attached report of findings, no sites listed or eligible for listing on the National Register of Historic Places are present within the subject site.

Mitigation Plan - The implementation of the site plan will result in the filling of 1.9-acres of forested wetland. The Savannah District, USACE, March 2004 Standard Operating Procedure (SOP) was used to calculate the required wetland compensatory mitigation credits to offset the proposed project impacts. To offset the 1.9-acres of wetland impacts, the applicant proposes to purchase 16.34 wetland mitigation credits from a USACE-approved compensatory mitigation bank that services the project area and provides appropriate functional replacement credits. Please refer to the attached SOP worksheet for credit requirement calculations. Please also see the below credit purchase analysis identifying the most appropriate mitigation bank to offset the proposed project impacts.

**WETLANDS AND OPEN WATERS
MITIGATION WORKSHEETS**

ADVERSE IMPACT FACTORS

| Factor | Options | | | | | | |
|---------------------|-----------------|------------------|------------------|------------------|-----------------|--------------|--------------|
| Dominant Effect | Fill 2.0 | Dredge 1.8 | Impound 1.6 | Drain 1.4 | Flood 1.2 | Clear 1.0 | Shade 0.5 |
| Duration of Effects | 7+ years 2.0 | 5-7 years 1.5 | 3-5 years 1.0 | 1-3 years 0.5 | < 1 year 0.1 | | |
| Existing Condition | Class 1 2.0 | Class 2 1.5 | Class 3 1.0 | Class 4 0.5 | Class 5 0.1 | | |
| Lost Kind | Kind A 2.0 | Kind B 1.5 | Kind C 1.0 | Kind D 0.5 | Kind E 0.1 | | |
| Preventability | High 2.0 | Moderate 1.0 | Low 0.5 | None 0 | | | |
| Rarity Ranking | Rare 2.0 | Uncommon 0.5 | Common 0.1 | | | | |

† These factors are determined on a case-by-case basis.

REQUIRED MITIGATION CREDITS WORKSHEET

| Factor | Wetland A | Wetland B | | | | |
|--------------------|-----------------------|-----------------------|--|--|--|--|
| Dominant Effect | 2.0 | 2.0 | | | | |
| Duration of Effect | 2.0 | 2.0 | | | | |
| Existing Condition | 1.5 | 1.5 | | | | |
| Lost Kind | 2.0 | 2.0 | | | | |
| Preventability | 1.0 | 1.0 | | | | |
| Rarity Ranking | 0.1 | 0.1 | | | | |
| Sum of r Factors | R ₁ = 8.6 | R ₂ = 8.6 | | | | |
| Impacted Area | AA ₁ = 1.5 | AA ₂ = 0.4 | | | | |
| R × AA = | 12.9 | 3.44 | | | | |

Total Required Credits = Σ (R × AA) =

16.34

Note: The March 2004 version of our SOP is currently being revised. Upon completion of the revision, our new SOP will be required for use for all IP application submittals.

CREDIT PURCHASE ANALYSIS

In accordance with the Savannah District’s Mitigation SOP, the project (SAS-2009-00000) would need to obtain 16.34 wetland credits. This proposed project is located in the Ogeechee River Basin PSA and in the 03060204 8-digit HUC known as the Ogeechee Coastal Watershed. There are 5 banks located in the PSA. Additional information and analyses are provided in the following matrix in accordance with the “Savannah District, US Army Corps of Engineers, Regulatory Guidelines to Evaluate Proposed Mitigation Bank Credit Purchases in the State of Georgia” dated November 18, 2009, for the applicant’s proposed mitigation bank selection:

| RESOURCE ANALYSIS | | | | |
|--------------------------------|--------------------------|--------------------------------|-------------------------------------|----------------------------|
| IMPACT SITE DATA | | | | |
| Resource Category | Service Area; HUC | Distance to Impact Site | Credits Needed | |
| Freshwater Wetland | PSA; 03060204 | -- | 16.34 | |
| Stream | PSA; 03060204 | -- | -- | |
| | | | Sufficient Credits Available | Recommended for Use |
| MITIGATION BANK DATA | | | | |
| Alpha Mitigation Bank | | | | |
| Stream | PSA; 03060204 | 4 miles | Yes | |
| Bravo Mitigation Bank | | | | |
| Freshwater Wetland | PSA; 03060204 | 2 miles | Yes | X |
| Stream | PSA; 03060204 | 2 miles | Unknown | |
| Charlie Mitigation Bank | | | | |
| Stream | PSA; 03060204 | 10 miles | Yes | |
| Freshwater Wetland | PSA; 03060204 | 10 miles | Unknown | |
| Delta Mitigation Bank | | | | |
| Freshwater Wetland | PSA; 03060204 | 15 miles | Yes | |
| Echo Mitigation Bank | | | | |
| Freshwater Wetland | PSA; 03060204 | 50 miles | Unknown | |
| Stream | PSA; 03060204 | 50 miles | Unknown | |

Based on this analysis, the applicant proposes to purchase the mitigation credits from the Bravo Mitigation Bank. The Banker Point of Contact indicated on December 30, 2010, that sufficient credits were available to cover the proposed project needs.

Proximity to 303(d) listed streams: The proposed project is located near the St. Charles River. After a search of the US EPA web-site, the applicant determined that no waters within this watershed are 303(d) listed streams. Also, the applicant has determined that the project as proposed would not likely add to water quality problems in any listed rivers and streams due to the proposed stormwater management plan, which will also be reviewed and approved by Chatham County prior to any construction activities.

Proximity to trout streams: After a review of the Georgia DNR web-site, the applicant has determined that no trout streams are located within Chatham County, Georgia. Therefore, no impacts are expected to trout streams.

US EPA Priority Watershed: After a review of the US EPA web-site, the applicant has determined that the Ogeechee Coastal Watershed is not located within a US EPA priority watershed.

Project Phasing: The applicant does not anticipate any phasing associated with the retail development.

3.0 PUBLIC INTEREST REVIEW FACTORS:

1. **Economics/Social:** The proposed retail development would have a minor beneficial effect on economics/social factors by increasing local employment opportunities. In addition, the proposed project would have a minor beneficial economical and social impact during and after construction. The proposed commercial/retail development will employ employee personnel from the surrounding areas and will allow for continued growth within the area. The development is expected to function as a regional shopping center and shopping destination that provides goods and generates tax revenue for the area and state economies. Therefore, we have determined that the proposed work would have a minor beneficial effect on economics/social factors.

2. **Educational/Scientific:** The proposed retail development would provide no opportunity for scientific or educational benefits to the public. Therefore, we have determined that the proposed work would have no effect on education or science.

3. **Aesthetics:** The proposed retail development would have a temporary short-term effect in the project vicinity during construction due to the increase in construction related traffic and the use of heavy equipment on the proposed project site. The project would be located on a property that is currently maintained open field with some mixed mesic forest. The property is located at a major intersection within Savannah, Georgia, and is surrounded by commercial/office properties to the south, east, and west, and a residential development to the north. Therefore, the proposed project is consistent with overall growth and land use patterns in the area, and we have determined the proposed project would have a negligible effect on the surrounding aesthetics.

4. Food/Fiber Production: The proposed project area is located on the east side of River Road, near its intersection with Hammock Road, in Savannah, Chatham County, Georgia. Historically, the project site was agriculturally managed, but has only been recreationally managed for the past 20 years. Therefore, the property has not contributed to food/fiber production for many years. Commercial/office properties and a residential development surround the small sized project site. Thus, land use trends suggest there would be little opportunity for the lands within this area to produce food and/or fiber products, and the project would do little to change this result. Therefore, we have determined that the proposed project would have a negligible effect on food/fiber production.

5. Historical/Archaeological/Architectural: The applicant had a consultant perform an intensive archaeological and historical assessment of the site. This assessment located ten (10) potential historic properties in the project's area of potential effect. Of these, none of the properties were determined eligible for inclusion in the National Register, pursuant to 36 CFR 800.4(c)(2), or already listed in the National Register, and as such qualify for consideration and protective or mitigative measures under Section 106 of the National Historic Preservation Act. The Georgia Historic Preservation Division concurred with our determination by letter dated January 3, 2011. Therefore, we have determined that this project would have no effect on any historical, archaeological, or architectural concerns.

6. Recreation: The proposed project would focus on a retail development that would provide commercial goods and services to the citizens of Savannah, Georgia, and therefore, no recreational opportunities are proposed for this project. There are no plans for any recreational facilities, amenities or parks, and no recreational activities are anticipated at the project site. Likewise, there are no recreational parks, facilities or amenities in the immediate vicinity of the proposed project site. Therefore, we have determined that the proposed project would have a negligible effect on the on recreational activities.

7. Land Use: The project would be located on a property that is currently maintained open field with some mixed mesic forest. The proposed retail development would represent a considerable change in land use with respect to the actual site. However, the site is surrounded by commercial/office properties to the south, east, and west, and a residential development to the north. The project would be similar in style and design as other commercial properties in the area. It is important to note that Chatham County and the project vicinity continue to transition into commercial and residential developments and that there are no zoning requirements for the proposed project site. Therefore, the proposed project is consistent with overall growth and land use patterns in the area. Therefore, we have determined the proposed project would have a negligible effect on land use concerns.

8. Mineral Resources: It is unknown if mineral resources are present on the site; however, construction of this proposed project would not require any significant removal of mineral resources from the project site, and mining activities are not included as activities associated with construction of the proposed project. Therefore, we have determined that construction of this project would have a negligible effect on mineral resource concerns.

9. Soil Conservation: The applicant will insure that erosion control measures will be installed to reduce/eliminate the transport of sediments/suspended solids off the project site. Appropriate erosion and silt control measures will also be maintained in effective operating condition while construction activities occur on-site. Once construction activities are completed, further soil loss from the project area would not be likely. In addition, any permit issued by this office would include a special condition that requires the permittee to, “use appropriate erosion and siltation controls and maintain them in effective operating condition during construction. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.” Therefore, we have determined that the proposed project would have a negligible effect on soil conservation concerns.

10. Water Supply Conservation: Given that the applicant is proposing to construct a retail development, the project should not require water withdrawals or any permits from Georgia Environmental Protection Division (EPD), Water Resources Management Branch. Relatively speaking, the proposed retail development represents a minor addition of commercial lots when compared to the number of existing, commercial lots in Chatham County. After considering the previously described information, we have determined that this project would have a negligible effect on water supply conservation.

11. Water Quality: The intent of this applicant’s stormwater management plan is to allow for a gradual, controlled release of stormwater into an on-site stormwater management pond. The stormwater pond would capture post-development stormwater and maintain pre-construction discharge rates as required by Chatham County. The pond would also aid in the post-development removal of pollutants, including, but not limited to, total suspended solids, total phosphorous, and total nitrogen. During construction, silt fence, hay bales, sediment ponds, and other appropriate best management practices would be used to prevent sediment from leaving the site or entering the surrounding wetland and/or stream areas.

As a result of the proposed action, minor adverse effects to water quality are expected; however, use of Best Management Practices during construction and the compensatory mitigation proposed for impacts to jurisdictional waters will offset these minor impacts. This would be the result of filling wetlands and streams, erosion from upland construction activities, and stormwater runoff from construction activities and the placement of impervious surfaces, such as concrete and asphalt. Furthermore, the applicant will be required to obtain a Water Quality Certification pursuant to Section 401 of the Clean Water Act from the Georgia EPD prior to final issuance of a permit. Therefore, we have determined that the proposed project would have a minor, adverse effect on water quality concerns.

12. Air Quality: The proposed project would have minor adverse impacts on the local air quality during and post-construction. There will be a temporary minor adverse impact on air quality during construction activity due to the heavy equipment fuels and stirring of dust, dirt and debris, in the project vicinity. The anticipated number of patrons to the retail development will be a permanent minor adverse impact on air quality in the immediate area due to increase air emissions from vehicle traffic post-construction, however the overall emissions to the region will be lessened since patrons of the development will not have to

travel such great distances to obtain necessary goods. Therefore, we have determined that the proposed project would have a negligible effect on air quality concerns.

13. Noise Levels: The proposed project would have a minor adverse impact on the noise levels during and post-construction. The addition of the heavy equipment during construction will temporarily increase noise levels in the immediate area. However, all construction activities and timeframes will adhere to all local noise ordinance requirements. The retail development would have a permanent minor adverse impact on noise levels in the immediate area due to continued sounds from commercial transit, increased traffic, and patrons throughout the project area. There will not be a significant increase in noise levels due to the amount of commercial/retail developments already in the project area. Therefore, we have determined that the proposed project would have a negligible effect on noise level concerns.

14. Public Safety: This area of Savannah, Georgia is a moderately urbanized area, and this proposed project would provide commercial goods and services for the citizens of the area. The only specific activity that has been identified to present particular risk to public safety is vehicular safety, however, with the specifications and design requirements mandated by GDOT, vehicular safety is no longer a major concern. Also, the project would substantially increase human use of the lands within the project area. Any increase in human use of these lands would have an associated potential for an increase in impacts to public safety. The City of Savannah would have the responsibility for providing fire protection and emergency services for the proposed development. Therefore, we have determined that the overall effect of this project on public safety would be negligible.

15. Energy Needs: Energy in the form of electricity, petroleum fuels, natural gas, etc. would be used during the construction and operation of the proposed retail development. These energy sources are readily available and are expected to be available in the future. The maintenance and use of this commercial development would require energy needs/resources for normal use and operation. However, the amount of energy necessary would be insignificant with respect to the current energy needs required by other commercial entities already in the area. Therefore, we have determined that the proposed project would have a negligible effect on energy need concerns.

16. National Security: The proposed retail development is located in a moderately urbanized area of Savannah, in Chatham County, Georgia. Fort Stewart is located approximately 30 miles southwest from the proposed site, and therefore, the proposed project poses no threat to this military installation. Therefore, we have determined that the proposed project would have no effect on national security concerns.

17. Navigation: There are no navigable waterways within the project area. The 1.9-acres of wetland impact would not have any effect on navigation. Therefore, we have determined that this project would have no effect on any navigational concerns.

18. Shoreline Erosion/Accretion: The proposed project does not include any modifications or impacts to the existing shoreline. Therefore, we have determined that this proposed project would have no effect on any shoreline erosion/accretion concerns.

19 and 20. Flood Hazards and Flood Plain: The construction of a proposed retail development would contribute a negligible effect with respect to promoting a flood hazard or incurring minor damage in the event of minor flooding. However, the project would not encroach a federally designated Special Flood Hazard Area (SFHA). By memorandum dated February 10, 2011, Georgia Flood Plain Management Section (GAFPM) advised that, "This notice is considered to be consistent with those state or regional goals, policies, plans, fiscal resources, criteria for developments or regional impact, environmental impacts, federal executive orders, acts and/or rules and regulations with which this organization is concerned." In addition, the applicant would be responsible for insuring that the project complies with all rules, regulations and/or requirement of the Federal Emergency Management Agency (FEMA) with regard to flood plains and flood ways. A special condition requiring compliance with applicable FEMA regulations would be included in any draft permit, which may be issued for this project. With these conditions in place, we have determined that the project is expected to have a negligible impact on flood hazard/flood plain concerns.

21. Wetlands: The project site is approximately 80.4-acres with approximately 27.2% (21.9-acres) wetland coverage. It should be noted that a vast majority of properties located within this area of Georgia typically contain around the same amount of wetland coverage, and the applicant would be unlikely to find other sites with less wetland coverage. The wetlands on the project site are forested wetland in an urbanized area with a significant amount of surrounding impervious surface.

To mitigate for the project impacts, the applicant would purchase 16.34 wetland mitigation credits from Bravo Mitigation Bank, which is a USACE-approved mitigation bank that services the project area. From a functional and quantitative perspective, the magnitude of wetland impact associated with the proposed project is relatively minor, and the applicant's proposed mitigation plan is consistent with policy concerning the use of USACE-approved mitigation banks to offset wetland impacts.

Given the information provided, the USACE is satisfied that no other practicable alternatives exist for the proposed project, and the applicant has satisfied all requirements of the 404(b)(1) guidelines. Even with the applicant's proposed mitigation plan, however, the project would result in a minor adverse impact to wetland functions due to indirect impacts, such as increased stormwater flow to wetlands and temporary impacts during construction. Therefore, we have determined that the project would result in a minor adverse impact to wetlands.

22. Refuges: The proposed project is not located in close proximity to any refuge. Wassaw National Wildlife Refuge is the closest refuge and is located approximately 5.5 miles southeast of the proposed project. Therefore, due to the distance from proposed project to the nearest wildlife refuge, we have determined that no effect is expected to any refuges.

23. Fish: It should be noted that the National Marine Fisheries Service (NMFS) provided a February 19, 2010, letter that indicated, "based on information in the public notice(s), the proposed project(s) would NOT occur in the vicinity of essential fish habitat (EFH) designated by the South Atlantic Fishery Management Council of NMFS. Present staffing

levels preclude further analysis of the proposed activities and no further action is planned. This position is neither supportive of nor in opposition to authorization of the proposed work". The wetlands proposed for fill (1.9-acres) and intermittent stream fill (100 linear feet) do not directly support fish species of concern. Indirectly, however, these wetlands and stream may provide some beneficial function such as retention of stormwater and also prevent subsequent sheet flow offsite. Thus, it is not likely that the non-point source runoff associated with this project would contribute significantly to the existing loading of downstream stormwater. Overall, we have determined that the proposed project would have a negligible effect associated with any fish species concerns.

24. Wildlife: Since the project site is primarily maintained open field with some mixed mesic forest in an urbanized area, it is not likely that a variety of wildlife resides on the tract, nor in the immediate project vicinity. Development of the project site may reduce available habitat for wildlife species and other food chain organisms, but it is important to consider that the project site was previously maintained as open field. Any wildlife located on the property would be expected to seek habitat on the adjacent properties. Overall, this project would be expected to have a negligible effect on wildlife due to displacement and loss of habitat. Therefore, we have determined that the project would have a negligible effect on wildlife concerns.

25. Food Chain Organisms: The loss of the 1.9-acres of wetland would result in an associated loss in food chain organisms produced by this ecosystem. The nature of the impacts and the wetland and stream mitigation areas should partially, if not completely, offset this negative effect by providing areas for the production of other food chain organisms. In addition, the conditions stated in the water quality section above would minimize potential impacts to these organisms due to water quality and flow regime impacts that would result from the project's construction. The project area contains wetlands and streams that are common throughout this region of Georgia. Thus, the proposed loss of wetlands and streams would not substantially contribute to any impact concerning food chain organisms. Therefore, we have determined that the project would have a negligible effect on any food chain organisms.

26. Shellfish Production: Any decrease in water quality associated with this project would likely have a detrimental impact on aquatic life, including shellfish. However, there are no shellfish harvesting areas in close proximity to the project or in the Savannah River. Therefore, it is not likely that the loss of 1.9-acres of waters of the US would contribute greatly to any loss in shellfish production. Due to the distance between the project site and major shellfish-producing areas, we have determined that this project would have a negligible effect on shellfish production.

27. Threatened and Endangered Species: A preliminary threatened and endangered species survey was completed on the proposed project site. Plant communities and habitats were observed to determine if they match habitat types of any listed species. That preliminary survey yielded no sightings of listed species or critical habitats to match those species. Moreover, the US Fish and Wildlife Service provided no comments on the proposed project during the Joint Public Notice period. Therefore, we have determined that the proposed project would have no effect on federally listed threatened or endangered species.

28. General Environmental Concerns: The environmental concerns for this project focus on the potential impacts of the proposed project on wetlands, streams, cultural resources, fish, wildlife, and food chain organisms. Each of these concerns were discussed above. No other adverse environmental impacts are anticipated. The net adverse effect of this project would have a negligible effect on the environmental factors, which were evaluated above.

29. Property Ownership: There would be no effect on property ownership since the applicant owns the property. Adjacent property owners along this project corridor provided no comments or opposition to the project. Therefore, we have determined that the proposed project would have no effect on property ownership.

30. Mineral Needs: Construction of the project would require considerable amounts of construction material such as sand, gravel, concrete, etc. However, mineral resources are readily available and in ample supply. Therefore, we have determined that construction of this project would have a negligible effect on mineral need concerns.

31. Other: There may be other unknown project-related impacts that are not discussed above, and therefore, we would be unable to evaluate the potential for those impacts to occur. Therefore, we recognize there may be undetermined effects associated with other, unknown concerns.

4.0 Standalone 404(b)(1) analysis: A completed draft 404(b)(1) analysis addressing each element of the document is provided as Attachment D.

5.0 Culverts in streams and/or wetlands: No culverts are proposed in wetlands. The 1.9-acres of wetland impact will be clean fill, free of contaminants. See project plans for further clarification.

6.0 Required Drawings:

Joe Engineers, Inc.
 7 Hampton Avenue, Savannah, GA 31401
 (912) 222-2225

River
 Road

Wetland A (1.9-acres)
 (complete fill)

Dillard Pond (5 acres) - no impact

Wetland B (15 acres) - no impact

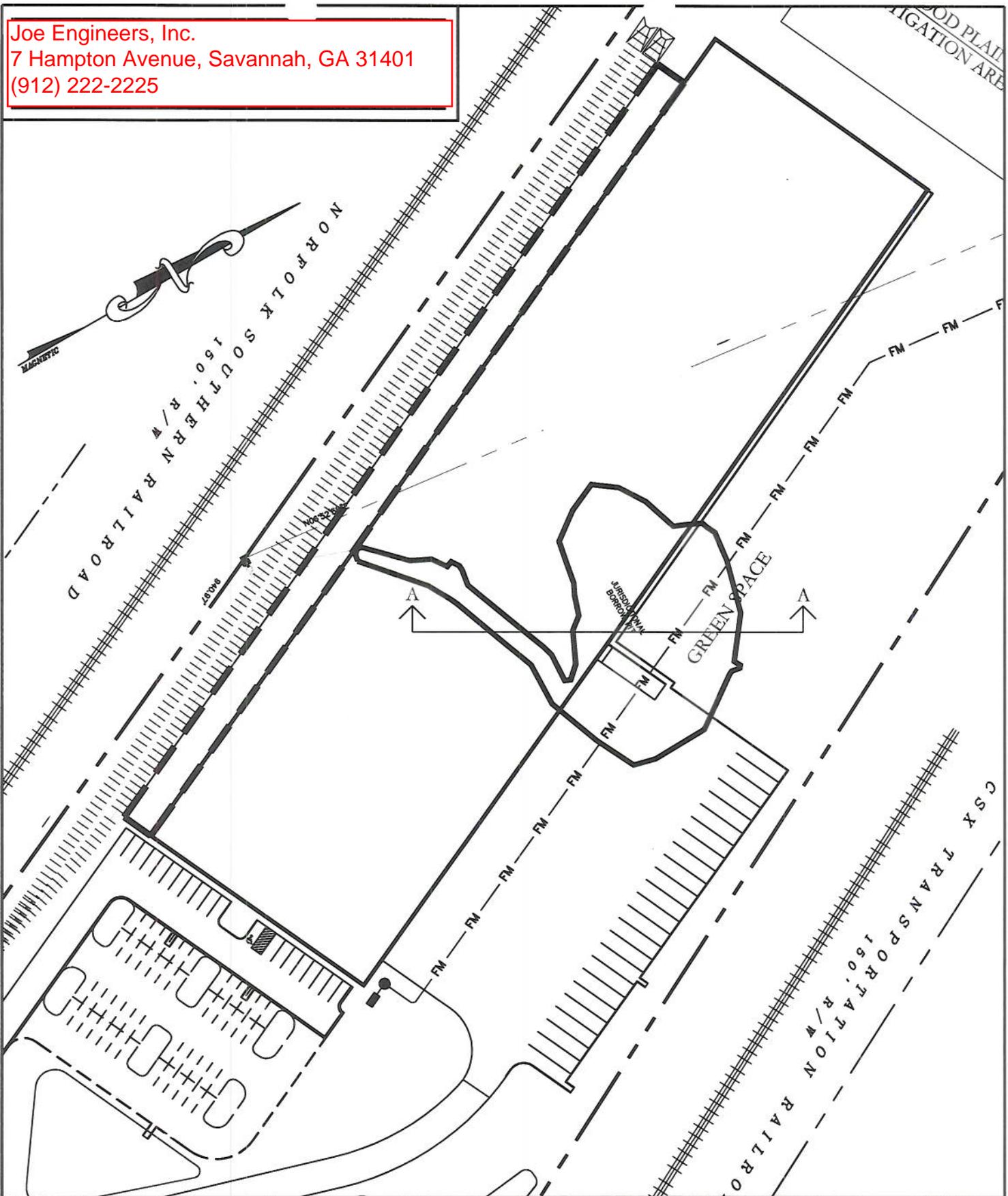
| ACREAGES | |
|----------|------|
| UPLAND | 58.5 |
| WETLAND | 16.9 |
| POND | 5 |
| TOTAL | 80.4 |

SCALE: 1"=250'
 PROJECT NO:
 DATE: 03/23/10
 DRAWN BY:
 CHECKED BY:
 SHEET NO:
1 of 3

DRAWING TITLE:
**OVERALL
 SITE
 EXHIBIT**

**WETLAND PERMIT EXHIBIT FOR
 NEWTON'S RETAIL DEVELOPMENT
 SAVANNAH, GA.
 FOR: JOHN Q. PUBLIC**

Joe Engineers, Inc.
7 Hampton Avenue, Savannah, GA 31401
(912) 222-2225

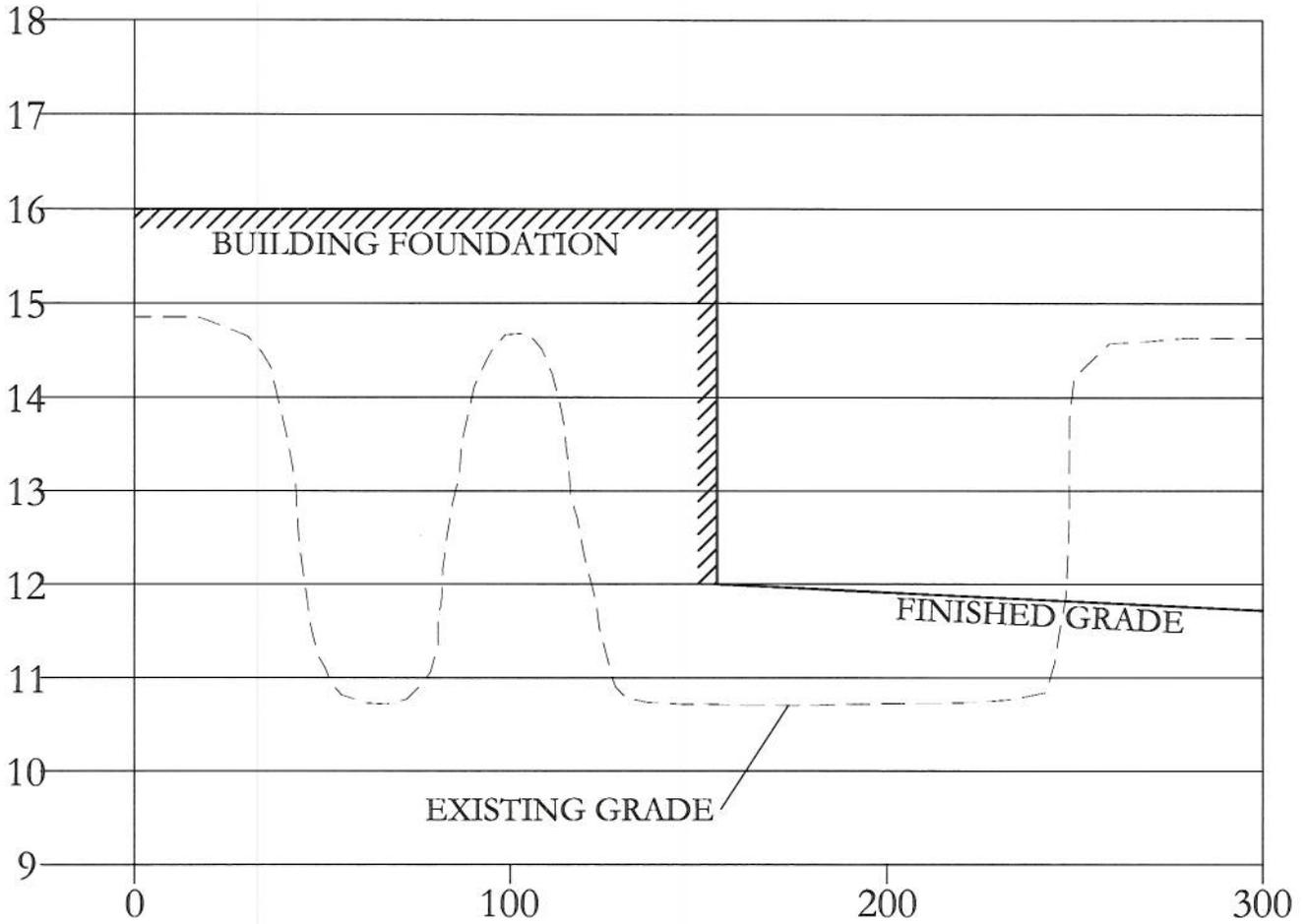


SCALE: 1"=200'
PROJECT NO:
DATE: 03/23/10
DRAWN BY:
CHECKED BY:
SHEET NO:
2 fo 3

DRAWING TITLE:
**WETLAND
FILL
EXHIBIT**

WETLAND PERMIT EXHIBIT FOR
NEWTON'S RETAIL DEVELOPMENT
SAVANNAH, GA.
FOR: JOHN Q. PUBLIC

Joe Engineers, Inc.
7 Hampton Avenue, Savannah, GA 31401
(912) 222-2225



SCALE:

HORIZONTAL: 1" = 50'
VERTICAL: 1" = 2'

SCALE: N.T.S.
PROJECT NO:
DATE: 03/23/10
DRAWN BY:
CHECKED BY:
SHEET NO:
3 of 3

DRAWING TITLE:
CROSS-SECTION EXHIBIT

**WETLAND PERMIT EXHIBIT FOR
NEWTON'S RETAIL DEVELOPMENT**

SAVANNAH, GA.

FOR: JOHN Q. PUBLIC

Exhibit “A”
Adjacent Land Owners

(pre-typed address labels are also included in this submittal)

Deepwater Commercial Properties
12 Kens Path
Savannah, Georgia 31401

Joseph Stewart Partnership, LP
14 Kens Path
Savannah, Georgia 31401

Star Foods
211 Walter Path
Savannah, Georgia 31401

Bill Rogers
212 Walter Path
Savannah, Georgia 31401

John Williams
1 Hilton Lane
Savannah, Georgia 31401

Exhibit “B”
State of Georgia Revocable License Letter



MARK WILLIAMS
COMMISSIONER

A.G. 'SPUD' WOODWARD
DIRECTOR

November 15, 2010

Mr. John Q. Public
123 Wells Road
Savannah, Georgia 31313

**RE: Request for Jurisdictional Determination, Newton's Retail Development
Project, Savannah, Chatham County, Georgia.**

Dear Mr. Public:

After review of the elevation data on the submitted plans, it has been determined that the location of the proposed project is above the 2 meter elevation and does not lie within jurisdictional coastal marshlands under the authority of the Coastal Marshlands Protection Act of 1970. Therefore, no CMPA permit or Revocable License will be required for the proposed project at this location.

The delineation of jurisdictional tidal wetlands is subject to change due to environmental conditions and legislative enactments. This delineation is valid for one year from the date of this letter, but may be voided should legal and/or environmental conditions change.

This letter does not relieve you of the responsibility of obtaining other state, local or federal permission or authorization relative to the site. It is also incumbent upon you to contact your local government authority or the Environmental Protection Division of the Department of Natural Resources regarding any impacts of land within 25 feet of the established marshlands jurisdiction boundary.

We appreciate you providing us with this information for our records. Please contact me at 912-244-4444 should you have any questions.

Sincerely,

Gabe Johns
Permit Coordinator
Habitat Management Program

Cc: file

Attachment “A”

JD Verification

**Examples of JD requirements can be found in the EPJD or AJD
example at:**

http://www.sas.usace.army.mil/Regulatory/Checklist_Examples.html

Attachment “B”
Threatened and Endangered Species Listed in
Chatham County, Georgia

Listed Species in Chatham County
(updated May 2004)

| Species | Federal Status | State Status | Habitat | Threats |
|---|-------------------|--------------|---|--|
| Mammal | | | | |
| Humpback whale <i>Megaptera novaeangliae</i> | E | E | Coastal waters during migration | Entanglement in commercial fishing gear and collisions/disturbance associated with boats and barges |
| Right whale <i>Eubalaena glacialis</i> | E | E | Mate and calve in shallow coastal waters | Initial decreases probably due to overharvesting. Slow population growth after exploitation halted may be due to collisions/disturbance associated with boats and barges, inbreeding, inherently low reproductive rates, or a reduction in population below a critical size for successful reproduction. |
| West Indian manatee <i>Trichechus manatus</i> | E | E | Coastal waters, estuaries, and warm water outfalls | Initial decreases probably due to overharvesting for meat, oil and leather. Current mortality due to collisions with boats and barges and from canal lock operations. Declines also related to coastal development and loss of suitable habitat, particularly destruction of seagrass beds. |
| Bird | | | | |
| Bachman's warbler <i>Vermivora bachmanii</i> | E | E | Probably extinct; last seen in Georgia in 1976 | |
| Bald eagle <i>Haliaeetus leucocephalus</i> | T | E | Inland waterways and estuarine areas in Georgia. Active eagle nests were located in Chatham County 1988-1999 and 2000-2002. | Major factor in initial decline was lowered reproductive success following use of DDT. Current threats include habitat destruction, disturbance at the nest, illegal shooting, electrocution, impact injuries, and lead poisoning. |
| Gull-billed tern <i>Sterna nilotica</i> | No Federal Status | T | Nests in colonies on sandy sites; forages over salt marsh, dunes and other grassy areas for insects, spiders, and other invertebrates | |

| | | | | |
|---|-------------------|---|--|---|
| Piping plover <i>Charadrius melodus</i> | T | T | Winter on Georgia's coast; prefer areas with expansive sand or mudflats (foraging) in close proximity to a sand beach (roosting) | Habitat alteration and destruction and human disturbance in nesting colonies. Recreational and commercial development have contributed greatly to loss of breeding habitat. |
| Red-cockaded woodpecker <i>Picoides borealis</i> | E | E | Nest in mature pine with low understory vegetation (<1.5m); forage in pine and pine hardwood stands > 30 years of age, preferably > 10" dbh | Reduction of older age pine stands and encroachment of hardwood midstory in older age pine stands due to fire suppression |
| Wood stork <i>Mycteria americana</i> | E | E | Primarily feed in fresh and brackish wetlands and nest in cypress or other wooded swamps. Active rookeries were found in Chatham county in 2001 & 2002. | Decline due primarily to loss of suitable feeding habitat, particularly in south Florida. Other factors include loss of nesting habitat, prolonged drought/flooding, raccoon predation on nests, and human disturbance of rookeries. |
| Reptile | | | | |
| Eastern indigo snake <i>Drymarchon corais couperi</i> | T | T | During winter, den in xeric sandridge habitat preferred by gopher tortoises; during warm months, forage in creek bottoms, upland forests, and agricultural fields | Habitat loss due to uses such as farming, construction, forestry, and pasture and to overcollecting for the pet trade |
| Gopher tortoise <i>Gopherus polyphemus</i> | No Federal Status | T | Well-drained, sandy soils in forest and grassy areas; associated with pine overstory, open understory with grass and forb groundcover, and sunny areas for nesting | Habitat loss and conversion to closed canopy forests. Other threats include mortality on highways and the collection of tortoises for pets. |
| Green sea turtle <i>Chelonia mydas</i> | T | T | Rarely nests in Georgia; migrates through Georgia's coastal waters | Exploitation for food, high levels of predation, loss of nesting habitat due to human encroachment, hatchling disorientation due to artificial lights on beaches, and drownings when trapped in fishing and shrimping nets |
| Hawksbill sea turtle <i>Eretmochelys imbricata</i> | E | E | Migrates through Georgia's coastal waters | Primary causes of population decline are development and modification of nesting beaches and exploitation for the shell. Secondary causes include egg consumption, use of the skin for leather, and heavy predation of eggs and hatchlings. |

| | | | | |
|--|-------------------|---|--|--|
| Kemp's ridley sea turtle <i>Lepidochelys kempii</i> | E | E | Migrates through Georgia's coastal waters | Overharvesting of eggs and adults for food and skins and drowning when caught in shrimp nets |
| Leatherback sea turtle <i>Dermochelys coriacea</i> | E | E | Rarely nests in Georgia; migrates through Georgia's coastal waters | Human exploitation, beach development, high predation on hatchlings, and drowning when caught in nets of commercial shrimp and fish trawls and longline and driftnet fisheries |
| Loggerhead sea turtle <i>Caretta caretta</i> | T | T | Nests on Georgia's barrier island beaches; forages in warm ocean waters and river mouth channels | Loss of nesting beaches due to human encroachment, high natural predation, drownings when turtles trapped in fishing and shrimping trawls, and marine pollution |
| Amphibian | | | | |
| Flatwoods salamander <i>Ambystoma cingulatum</i> | T | T | Adults and subadults are fossorial; found in open mesic pine/wiregrass flatwoods dominated by longleaf or slash pine and maintained by frequent fire. During breeding period, which coincides with heavy rains from Oct.-Dec., move to isolated, shallow, small, depressions (forested with emergent vegetation) that dry completely on a cyclic basis. Historic and new breeding sites active in Bryan County since 1990. | |
| Fish | | | | |
| Shortnose sturgeon¹ <i>Acipenser brevirostrum</i> | E | E | Atlantic seaboard rivers | Construction of dams and pollution, habitat alterations from discharges, dredging or disposal of material into rivers, and related development activities. |
| Plant | | | | |
| Climbing buckthorn <i>Sageretia minutiflora</i> | No Federal Status | T | Calcareous rocky bluffs, forested shell middens on barrier islands, and evergreen hammocks along streambanks and coastal marshes | |

| | | | | |
|--|-------------------|---|---|--|
| Narrowleaf obedient plant <i>Physostegia leptophylla</i> | No Federal Status | T | Wet muck or peat in shallow water of river swamp openings and in the margins of both fresh and brackish (tidal) marshes | |
| Pondberry <i>Lindera melissifolia</i> | E | E | Shallow depression ponds of sandhills, margins of cypress ponds, and in seasonally wet low areas among bottomland hardwoods | Drainage ditching and subsequent conversion of habitat to other uses; domestic hogs, cattle grazing, and timber harvesting; and apparent lack of seedling production |

¹This species is the responsibility of the National Marine Fisheries Service.

Attachment “C”

Phase I Cultural Resources Survey

(Note: Due to the size of a complete Phase I survey, in this example application, we have identified the minimum requirements necessary)

Section 106 Requirements

I. Use/Purpose of Information: So that the USACE, Savannah District may take into account the effects of its actions on historic properties, in accordance with 16 U.S.C. 470f (NHPA Section 106), in its permit decisions. Historic Properties include: historic sites associated with significant event or persons, historic architecture, prehistoric and historic archaeological sites.

II. Section 106 Steps:

1. Phase I: Identification of Historic Properties in Area of Potential Effect (generally called survey).

2. Phase II: Evaluation of Identified Historic Properties in terms of the National Register of Historic Places Criteria of Eligibility (36 CFR 60.4) (referred to as site evaluation or assessment, or for archaeological sites, testing).

3. If eligible, determine effect; ineligible sites not subject to (required) further protective considerations.

4. If Effect is adverse: avoid or mitigate (Phase III). Mitigation may take any of a number of forms. Mitigation is done in consultation between applicant, State Historic Preservation Officer (SHPO) and Federal Agency.

Note: Determinations of Eligibility and Effect are the responsibility of the Responsible Federal Agency Official (i.e., the DE or his/her delegate for the District). However, these cannot be made unilaterally; they must be made in consultation with appropriate SHPO/ Tribal Historic Preservation Officer (THPO). In cases of disagreement on eligibility, a formal determination of eligibility may be sought from the Keeper of the National Register, National Park Service, or in cases of disagreement regarding effects, the opinion of the Advisory Council on Historic Preservation may be requested. The Advisory Council, furthermore, must be notified by the responsible Federal agency of all determinations of adverse effect.

III. Documentation: The content of documentation may vary with the nature of the potential historic properties identified, and the purpose or level of the report (Phase I, II, or III) . There are two primary guides for providing documentation:

1. Secretary of the Interiors Standards and Guidelines: “Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines.” National Park Services' Guidelines published in the Federal Register September 29, 1983 (Vol. 48, No. 190, pp. 44716-44742), including: Standards for Historical Documentation, Guidelines for Historical Documentation, Standards for Architectural and Engineering Documentation, Guidelines for Architectural and Engineering Documentation, Standards for Archeological Documentation, Guidelines for Archeological Documentation; Professional Qualifications Standards (36 CFR61)

2. Georgia Department of Natural Resources - Historic Preservation Division (Georgia HPD) Standards and Guidelines for Archaeological Assessment Reports, and Georgia HPD Guidance on Historic Architectural Documentation the Savannah District Regulatory jurisdiction is congruent with the boundaries of the State of Georgia, reports submitted to the Savannah District need only to consider these guidelines, in addition to the Secretary of the Interior’s Standards, as for Regulatory actions we rarely interact with other SHPOs, unless a given undertaking crosses state boundaries.

3. The Secretary of the Interior's Standards and Guidelines for archeological documentation state the following:

“Report contents: Archaeological documentation concludes with written report(s) including minimally the following topics: 1. Description of the study area; 2. Relevant Historical Documentation/Background Research; 3. The Research Design; 4. The field studies as actually implemented, including any deviation from the research design and the reason for the changes; 5. All field observations; 6. Analyses and results, illustrated as appropriate with tables, charts and graphics; 7. Evaluation of the investigation in terms of the goals and objectives of the investigation, including discussion of how well the needs dictated by the planning process were served; 8. Recommendations for updating the relevant historic contexts, planning goals, priorities and generation of new or revised information needs; 9. Reference to related on-going or proposed treatment activities, such as structural documentation, stabilization, etc.; and 10. Information on the location of the original data in the form of field notes, photographs, and other materials. Items 3-7 are the most critical; the others may not apply to Section 106 projects.

IV. Elements of a Typical Phase I (Intensive Systematic Cultural Resources) Survey

(standard format) report:

- a. “management summary”: brief description of project, what was done, recommendations
- b. Title page: name/title of project/report, date prepared, name and address of preparers, name of client for whom prepared, indicate whether a draft report, final report, or revised. Indicate date of revision.
- c. Table of contents and List of Tables, Figures, Charts, etc.: report should be paginated
- d. Introduction: provide description of overall project/undertaking, indicate type of permit(s) applicable, indicate type of survey, provide brief general description of where the project located and the project size. Project description should be detailed enough to allow one to determine potential effects.
- e. Environmental setting: brief discussion of existing environmental parameters; if project has very early prehistoric sites (E.g., Middle Archaic or earlier), some discussion of paleoenvironment.
- f. Cultural historical/historical background of project vicinity: Be brief. Don't waste space on periods/phases not represented by sites found. Flesh out with more detail context for those periods/phases represented by sites identified in survey/report. Same goes for the historic period.
- g. Summarize what is known of archaeology in that particular county, or counties.
- h. Research methods: Describe in necessary and appropriate detail the background research conducted, sources consulted, field research methods and lab research/analytical methods employed.
- i. Results:
- j. Recommendations and conclusions
- k. “References cited/Bibliography”
- l. Appendices
 1. Artifact catalog or inventory;
 2. Shovel test data/observations not included in body of text or other data/observations, e.g., results of remote sensing scans, TU information;
 3. Other data or specialized analytical results, e.g radiocarbon assays (not normally in a survey or Phase I report); and
 4. Curriculum vitae or résumés of principal personnel

Attachment “D”

Completed Draft 404(b)(1) Analysis

Note: Due to the size of the analysis, we have not attached one.

Example of a 404(b)(1) analysis can be found at:

http://www.sas.usace.army.mil/Regulatory/404_b_1_Template.pdf