



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

January 5, 2024

Regulatory Division
SAS-2023-00745



Dear Mr. [REDACTED]:

I refer to the Pre-Construction Notification, received on September 19, 2023, and supplemental information provided on October 20, 2023, November 6, 2023, and December 8, 2023, submitted on your behalf by [REDACTED], requesting verification for use of Nationwide Permit (NWP) 29, for permanent impacts to 0.099-acre of wetland in conjunction with the construction of a 240-unit residential development and associated infrastructure. The 49.66-acre project site is located southeast of the Gainesville Street and McEver Road intersection in Flowery Branch, Hall County, Georgia (centered at latitude: 34.1950 longitude: -83.9192). This project has been assigned number SAS-2023-00745, and it is important to reference this number in all communication concerning this matter.

The proposed project will involve the construction of a 240-unit residential development and associated infrastructure, including access roads, a residential park, and stormwater ponds. We understand that this project requires fill of 0.099-acre of one wetland for the construction of a stormwater pond. The details of the proposed project are depicted on the enclosed exhibit entitled "Construction Plans for 5183 Gainesville Street" dated August 15, 2023, prepared by [REDACTED]

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 features labeled "W1" and "E1" as depicted in the review area on the exhibit entitled "Figure 3: Aquatic Resources – CPE Blanket Gainesville Street", labeled as "AJD Review Area", prepared by [REDACTED] dated February 24, 2023, are not waters of the United States and are 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 attached exhibit entitled, "Figure 3: Aquatic Resources – CPE Blanket Gainesville Street", dated February 24, 2023, as prepared by [REDACTED], 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 U.S. Department of Agriculture (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 C (32)(d) of our NWP Program, published in the January 13, 2021, Federal Register, Vol. 86, No. 8, Pages 2744-2877 (86 FR) and/or the December 27, 2021, Federal Register, Vol. 86, No. 245, Pages 73522-73583 (86 FR). The NWPs and Savannah District's Regional Conditions for NWPs can be found on our website at <http://www.sas.usace.army.mil/Missions/Regulatory/Permitting/GeneralPermits/NationwidePermits.aspx>. 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 as described in Part B of the NWP Program. Your use of this NWP is valid only if:

a. The activity is conducted in accordance with the information submitted and meets the conditions applicable to the NWP, as described at Part C of the NWP Program and the Savannah District's Regional Conditions for NWPs.

b. Prior to any land disturbing activity on the project site, the permittee shall clearly mark waters of the United States that are not to be impacted (no-impact-waters), if they are located within 50 feet of any construction activities. The boundaries of impact-waters and no-impact-waters shall be marked to ensure that these areas are clearly identifiable to equipment operators and shall be maintained until the entire project has been completed.

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 we have available, we have determined that the project will have no effect on any listed species or any critical habitat for listed species. Authorization of an activity by a NWP 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 I of 86 FR for more information.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to expire on March 14, 2026. It is incumbent upon you to remain informed of changes to the NWPs. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

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 deciding 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 a 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 Corps bases its determination/decision of authorization under the NWP 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]

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]
[REDACTED]

Sincerely,

Enclosures [REDACTED]

Regulatory Division

CERTIFICATION OF COMPLIANCE
WITH DEPARTMENT OF THE ARMY
NATIONWIDE PERMITS (29)

PERMIT FILE NUMBER: SAS-2023-00550

PERMITTEE/ADDRESS:

[REDACTED]

LOCATION OF WORK: The 49.66-acre project site is located southeast of the Gainesville Street and McEver Road intersection in Flowery Branch, Hall County, Georgia (centered at latitude: 34.1950 longitude: -83.9192).

PROJECT DESCRIPTION: The proposed project will involve the construction of a 240-unit residential development and associated infrastructure.

WATERS OF THE UNITED STATES IMPACTED: Permanent impacts to 0.099-acre of wetland.

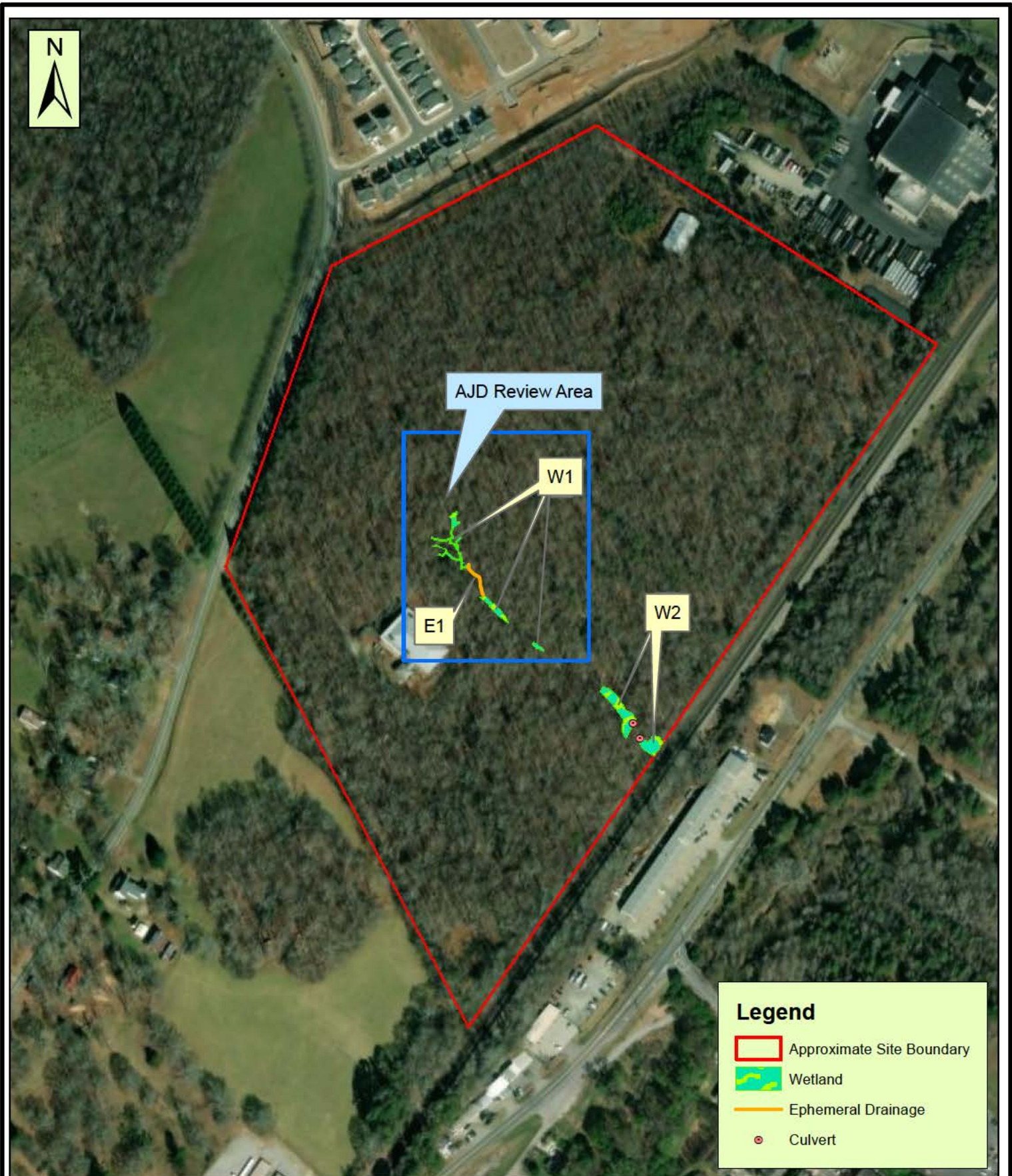
DATE WORK IN WATERS OF UNITED STATES COMPLETED: _____

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 at Part C of the Nationwide Permit Program, published in the January 13, 2021, Federal Register, Vol. 86, No. 8, Pages 2744-2877 (86 FR)) and/or the December 27, 2021, Federal Register, Vol. 86, No. 245, Pages 73522-73583 (86 FR), 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



Base Map Source: ESRI Aerial Imagery
 GPS Data Collected: 2/24/2022

1:4,000

0 205 410 820 Feet

CPE Blanket
Gainesville Street
Flowery Branch, Georgia

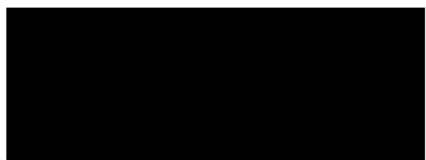


Figure 3
Aquatic Resources

