



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

October 23, 2023

Regulatory Division
SAS-2005-02059

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

I refer to the request, submitted on your behalf by [REDACTED], requesting, an approved Jurisdictional Determination (AJD) for four (4) aquatic resources within the approximately 588-acre, existing Vulcan granitic aggregate quarry located to the east of Interstate-75, east of Chappell Mill Road, west of Barnesville Road, and north of Highway 36 in Lamar County, Georgia. The central site coordinates are latitude 33.168889 north and longitude -84.120278 west. This project has retained the previously assigned number SAS-2005-02059, and it is important that you reference this number in all communication concerning this matter.

We have completed a JD for a portion of the site. I have enclosed an "AJD Memorandum of Record," 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 four features collectively labeled, "SW1, SW2, SW3, and SW4", as identified on the enclosed exhibit entitled, "Figure 9 Stream/Wetland ID Map [REDACTED]", dated April 18, 2022, 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 this water 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 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.

If you intend to sell property that is part of a project that requires Department of the Army Authorization, it may be subject to the Interstate Land Sales Full Disclosure Act. The Property Report required by Housing and Urban Development Regulation must state whether, or not a permit for the development has been applied for, issued or denied by the U.S. Army Corps of Engineers (Part 320.3(h) of Title 33 of the C.F.R.).

This communication does not convey any property rights, either in real estate or material, or any exclusive privileges. It does not authorize any injury to property, invasion of rights, or any infringement of federal, state or local laws, or regulations. It does not obviate your requirement to obtain state or local assent required by law for the development of this property. If the information you have submitted, and on which the U.S. Army Corps of Engineers has based its decision is later found to be in error, this decision may be revoked.

A copy of this letter is being provided to the following parties: [REDACTED]

[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 your completion of a survey each time you interact with our office.

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

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

Enclosures

Legend

Project Area (588 ac. ±)

USACE Data Point Locations

- UD - Upland Determination
- WD - Wetland Determination

Delineated Wetlands

- Palustrine Forested Wetland (92.74 Ac.±)

Delineated Surface Waters

- WOTUS (0.27 Ac.±)
- Non-WOTUS (6.05 Ac.±)

Approximate Surface Waters

Approximate Streams

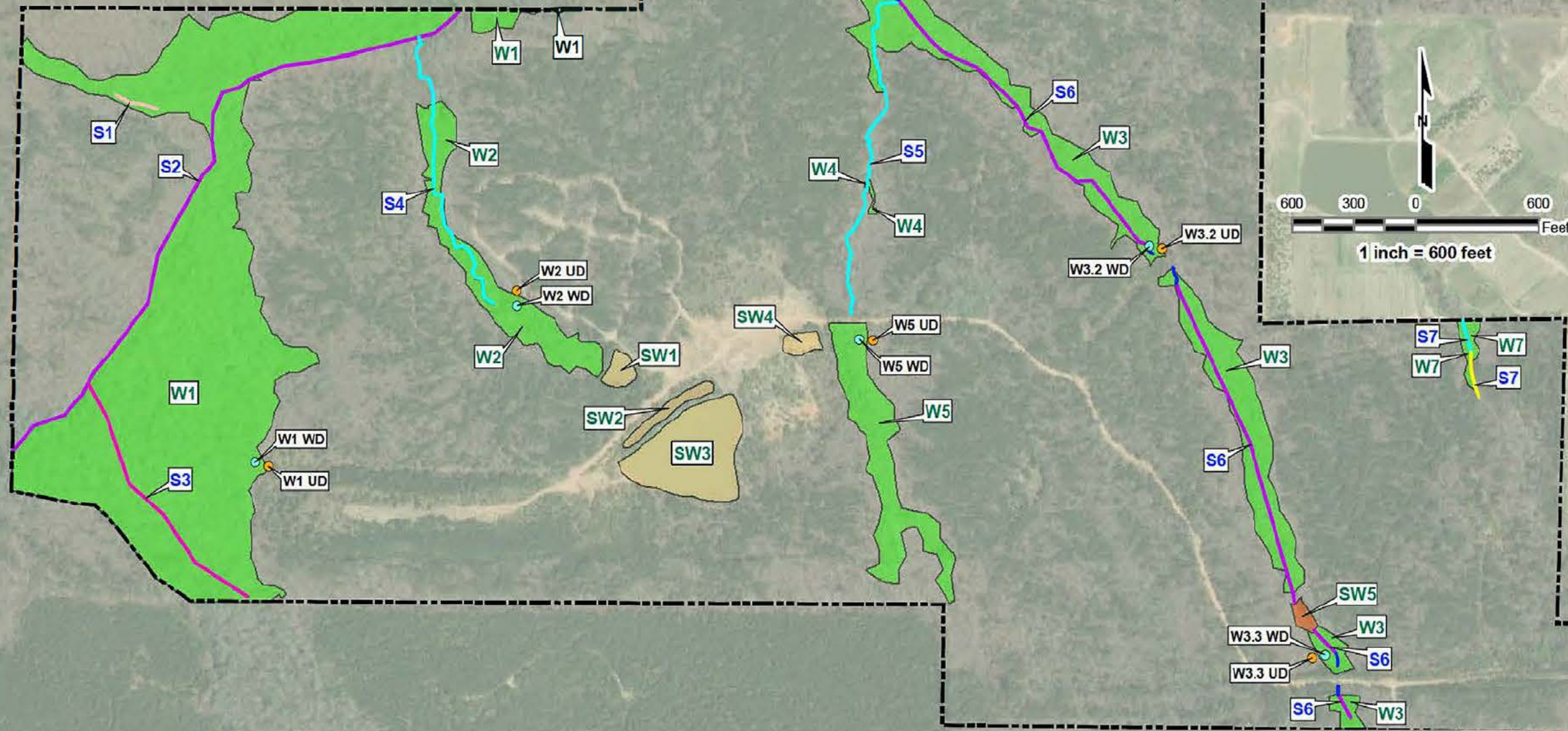
- Ephemeral (212.8 L.F.±)
- Intermittent (1,334.6 L.F.±)
- Perennial (7,965.9 L.F.±)

Delineated Streams

- Ephemeral (221.0 L.F.±)
- Intermittent (3,438.0 L.F.±)
- Perennial (1,879.1 L.F.±)

Approximate Streams			
IDs	Types	Stream L.F.	
S1	Ephemeral	212.8	
S2	Perennial	4255.4	
S3	Intermittent	1334.6	
S6	Perennial	3710.5	
Delineated Streams			
IDs	Types	Stream L.F.	Acreage
S4	Intermittent	1543.4	0.1701
S5	Intermittent	1733.5	0.2179
S6	Perennial	1879.1	0.2904
S7	Ephemeral	221.0	0.0149
	Intermittent	161.1	0.0148

Delineated Surface Waters		
IDs	Types	Acreage
SW5	WOTUS	0.27
Approximate Surface Waters		
IDs	Types	Acreage
SW1	Non-WOTUS	0.46
SW2		0.59
SW3		4.61
SW4		0.39
Delineated Wetlands		
IDs	Types	Acreage
W1	Palustrine Forested Wetland	46.43
W2		4.79
W3		32.87
W4		0.07
W5		5.07
W6		3.08
W7		0.43



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**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS
AND REQUEST FOR APPEAL**

Applicant: [REDACTED]		Date: October 23, 2023
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 C.F.R. § Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. The division engineer must receive this form within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

[Redacted contact information]

[Redacted contact information]

consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
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