



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

December 28, 2023

Regulatory Division
SAS-2023-00607

[REDACTED]

Dear [REDACTED]:

I refer to the Pre-Construction Notification, submitted on your behalf by [REDACTED] [REDACTED] requesting verification for use of Nationwide Permit No. 29 (NWP 29), for proposed permanent impacts to 35 linear feet (0.002-acre) of intermittent stream and 0.03-acre of wetland in conjunction with construction of a residential development. The approximately 77-acre project site is located south of Winder Highway and west of University Parkway in unincorporated Gwinnett County, Georgia (latitude: 33.9769, longitude: -83.9242). This project has been assigned number SAS-2023-00607, and it is important that you reference this number in all communication concerning this matter.

We understand that the project involves the proposed construction of a residential development comprised of both of multi-family and single-family housing. The work will result in permanent impacts to 35 linear feet (0.002-acre) of intermittent stream and 0.03-acre of wetland from fill to accommodate site grading. The details of the residential development and proposed impacts are depicted on the enclosed plan exhibit entitled, "Sugarloaf Site, Impact Map", as prepared by [REDACTED] [REDACTED] and dated July 23, 2022.

The enclosed exhibit entitled, "Sugarloaf Site, Delineation Map", as prepared by [REDACTED] [REDACTED] and dated July 23, 2022, identifies the delineation limits of all aquatic resources within the project area. 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. Please note, should this delineation require re-verification, it is subject to change based on site conditions at the time of re-evaluation.

We have also completed a JD for a portion of the site. 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, *Isolated Pond*, identified within the red boundary, demarcated as “AJD Review Area (~3.5 Acres)”, as depicted on exhibit entitled, “Sugarloaf Site, Delineation Map”, [REDACTED], dated July 23, 2022, 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 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 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). 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. You shall notify the Corps, in writing, at least 10 days in advance of commencement of work authorized by this permit.

c. 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 threatened or endangered species nor any critical habitat for such 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 (C) of 86 ER 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 making a 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 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]

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 taking the time to complete a survey each time you interact with our office.

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

Sincerely,

[REDACTED]

Enclosures

Regulatory Division

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

PERMIT FILE NUMBER: SAS-2023-00607

PERMITTEE/ADDRESS:

[REDACTED]

LOCATION OF WORK: The approximately 77-acre project site is located south of Winder Highway and west of University Parkway in unincorporated Gwinnett County, Georgia (latitude: 33.9769, longitude: -83.9242).

PROJECT DESCRIPTION: The project involves the proposed construction of a residential development comprised of both of multi-family and single-family housing. The work will result in permanent impacts to 35 linear feet (0.002-acre) of intermittent stream and 0.03-acre of wetland from fill to accommodate site grading.

WATERS OF THE UNITED STATES IMPACTED: Permanent impacts to 35 linear feet (0.002-acre) of intermittent stream (Intermittent Stream 1) and 0.03-acre of wetland (Wetland B).

DATE WORK IN WATERS OF UNITED STATES COMPLETED: _____

COMPENSATORY MITIGATION REQUIRED: N/A

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.

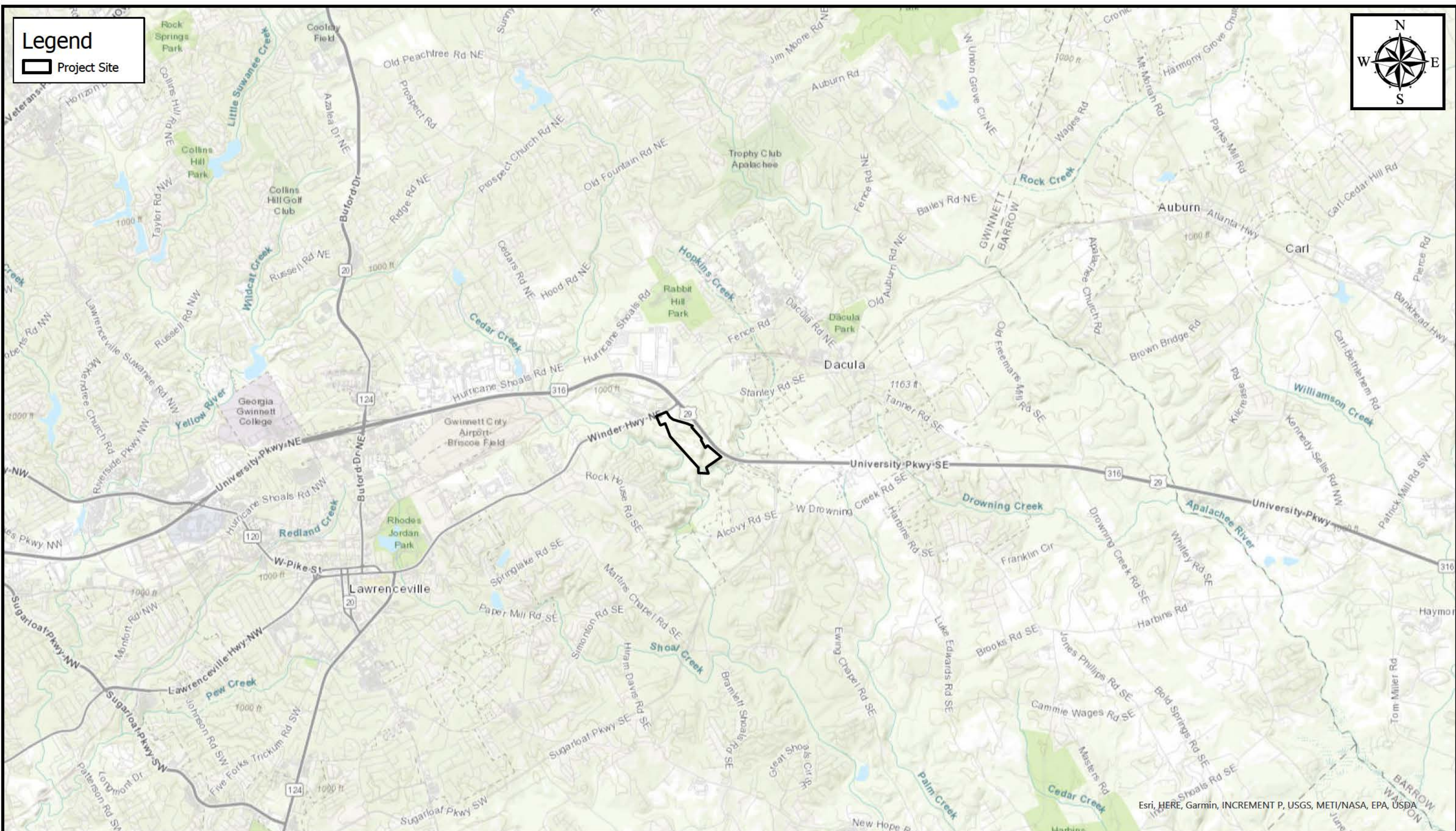
I hereby certify that the work authorized by the above referenced permit as well as any required mitigation (if applicable) has been completed in accordance with the terms and conditions of the said permit.

Signature of Permittee

Date

Legend

 Project Site



Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA



SAS-2023-00607 (Sugarloaf Crossing Residential Development)



Map Center: 83.916672°W 33.98021°N

Map Created by: 

Date: 12/28/2023

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere
Projection: Mercator Auxiliary Sphere



EXISTING ISOLATED POND
(IMPACT 0.94 ACRE)

PERENNIAL STREAM
STREAM 3
ARCH SPAN
NO IMPACT

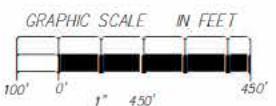
AERIAL CROSSING
FOR SANITARY SEWER
NO IMPACT

WETLAND B
IMPACT:
(0.03 ACRE)

INTERMITTENT STREAM STREAM 1
IMPACT: 35 Feet (0.002 ACRE)

DIRECTIONAL BORE
FOR SANITARY SEWER
NO IMPACT

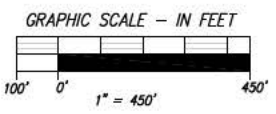
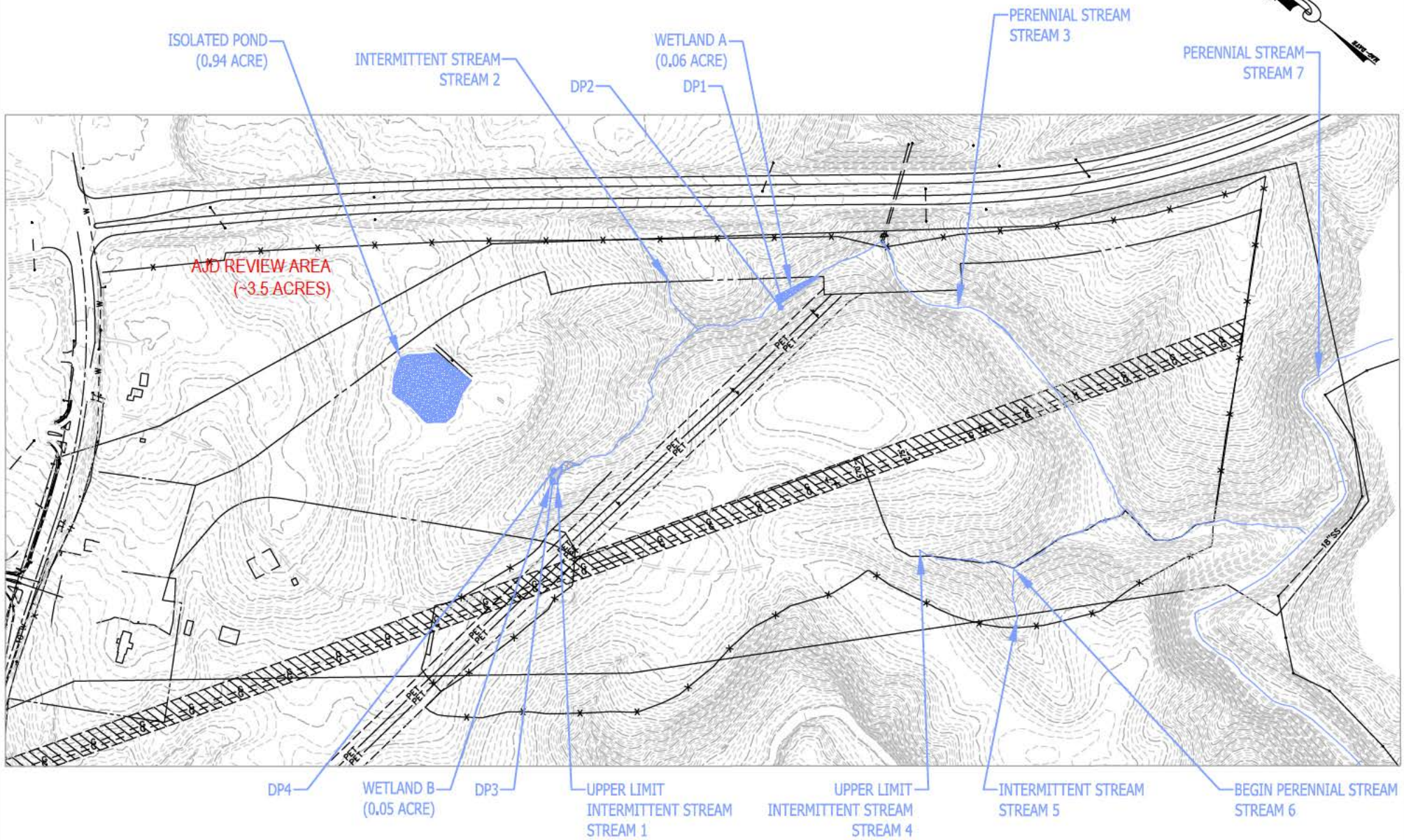
AERIAL CROSSING
FOR SANITARY SEWER
NO IMPACT



Sugarloaf Site Impact Map

DRAWN BY	[REDACTED]
CHECKED BY	[REDACTED]
DATE	7-23-2022





Sugarloaf Site	
Delineation Map	
DRAWN BY	[REDACTED]
CHECKED BY	[REDACTED]
7-23-2022	