

DEPARTMENT OF THE ARMY U.S. ARMY CORPS OF ENGINEERS SAVANNAH DISTRICT 100 W OGLETHORPE AVENUE SAVANNAH. GEORGIA 31401-3640

September 7, 2018

Regulatory Branch SAS-1997-15260

JOINT PUBLIC NOTICE Savannah District/State of Georgia

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act (33 U.S.C. § I344), as follows:

Application Number: SAS-1997-15260

Applicant: Ms. Shari Higginbotham

Southbridge Berwick Properties, LLC

Post Office Box 1694 Callahan, Florida 32011

Agent: Mr. Alton Brown

Resource & Land Consultants

41 Park of Commerce Drive, Suite 303

Savannah, Georgia 31405

<u>Location of Proposed Work</u>: The project area consist of 110 residential lots within a 44.03 acre phase of the Southbridge subdivision. These lots are generally located along Trail Creek Lane, Oakcrest Drive, Oakcrest Court, Tanger Court and Rock Drive Lane, within the city of Savannah, Chatham County, Georgia (Latitude 32.0539, Longitude -81.2442).

<u>Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers</u>: The applicant is proposing to fill 4.3 acres of freshwater wetland for lot development. The applicant has avoided 10.4 acres of wetland within the project area. The applicant has proposed the purchase of 17.2 wetland mitigation credits from a Corps approved primary service area mitigation bank.

BACKGROUND

The project area and surrounding property were originally authorized by permit dated August 6, 2001, to the Branigar Organization under the name Berwick Tract. The permit authorized 20.86 acres of wetland fill associated with the development of a 1,911.35 acre master planned mixed use community. To date, the majority of the permitted

wetland impacts have been completed as a part of the master planned mixed use community and the permit has expired.

The original jurisdictional determination associated with the 2001 permit has also expired. An expanded preliminary JD (PJD) was completed and verified by letter dated May 15, 2015. The current PJD, includes 14.79 acres of wetland and 29.82 acres of upland distributed over the 110 platted lots. Based on the current PJD there are more wetlands located on the project site than the previous JD.

This Joint Public Notice announces a request for authorizations from both the U.S. Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required for a Federal Permit to conduct activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Watershed Protection Branch, 2 MLK Jr. Drive, Suite 418, Atlanta, Georgia 30334, during regular office hours. A copier machine is available for public use at a charge of 10 cents per page. All coastal projects are filed at our Brunswick office and will need to be requested from Mr. Bradley Smith at Bradley.Smith@dnr.ga.gov. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can be reviewed in the Savannah District, U.S. Army Corps of Engineers, Regulatory Division, 100 W. Oglethorpe Avenue Savannah, Georgia 31401-3640.

<u>State-owned Property and Resources</u>: The applicant may also require assent from the State of Georgia, which may be in the form of a license, easement, lease, permit or other appropriate instrument.

U.S. ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

<u>Cultural Resources Assessment</u>: A known archeological site is located in the project vicinity. The project proposes to cover the site, which is generally already buried within

the upland and scarp areas, with beach compatible sand. Presently unknown archaeological, scientific, prehistorical or historical data may be located at the site and could be affected by the proposed work.

Endangered Species: A preliminary review the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service's Protected Resource Divisions (NMFS-PRD)'s list of Endangered and Threatened Species indicates the following listed species may occur in the project area: West Indian manatee (*Trichechus manatus*), Eastern indigo snake (*Drymarchon corais couperi*), gopher tortoise (*Gopherus polyphemus*) green sea turtle (*Chelonia mydas*), leatherback sea turtle (*Dermochelys coriacea*), loggerhead sea turtle (*Caretta caretta*), and Kemp's Ridley sea turtle (*Lepidochelys kempii*), frosted flatwoods salamander (*Ambystoma cingulatum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), red-cockaded woodpecker (*Picoides borealis*), wood stork (*Mycteria americana*), and pondberry (*Lindera melissifolia*).

Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 et seq.), we request information from the U.S. Department of the Interior, Fish and Wildlife Service, the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service; or, any other interested party, on whether any species listed or proposed for listing may be present in the area.

<u>Public Interest Review</u>: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The U.S. Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental

Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

<u>Application of Section 404(b)(1) Guidelines</u>: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

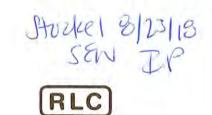
<u>Public Hearing</u>: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

<u>Comment Period</u>: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Skye H. Stockel, 100 W. Oglethorpe Avenue Savannah, Georgia 31401-3640, no later than 30 days from the date of this notice. Please refer to the applicant's name and the application number in your comments.

If you have any further questions concerning this matter, please contact Skye H. Stockel, Regulatory Specialist, Savannah District at (912) 652-5690.

Enclosures:

- 1. Southbridge at Berwick Plantation Project Description
- 2. Southbridge at Berwick Plantation Project Drawings



13 August 2018

U.S. Army Corps of Engineers Savannah District Attn: Mr. Bill Rutlin 100 West Oglethorpe Ave Savannah, GA 31402-0889

RE:

Southbridge at Berwick Chatham County, Georgia USACE Project No. SAS-970015260 RLC#: 14-053.1

Dear Mr. Rutlin:

On behalf of Southbridge Berwick Properties, LLC, please find attached a Section 404 Individual Permit Application requesting authorization to impact 4.30 acres of wetland to facilitate completion of a previously authorized residential development. The project consists of 110 residential lots located within Southbridge, Chatham County, Georgia (32.053999°, -81.244209°).

For your review and use, the attached information includes the following information:

- CESAS Form 19
- Project Description
- Figures/Site Maps
- Past USACE Authorization
- Site Photographs
- Permit Drawings
- Compensatory Mitigation Calculations
- Adjacent Land Owner Information

We greatly appreciate your assistance with this project. If you have any questions or require additional information, please do not hesitate to contact us at (912) 443-5896.

Sincerely,

Alton Brown, Jr.

Principal

Resource & Land Consultants

Enclosures

cc:

Ms. Shari Higginbotham - Southbridge Berwick Properties, LLC.

AUG 2 2 2018 CESAS-RD

Southbridge At Berwick

Individual Permit Application Section 401 of the Clean Water Act August 2018

APPLICANT: SOUTHBRIDGE BERWICK PROPERTIES, LLC
AGENT: RESOURCE & LAND CONSULTANTS
ENGINEER: EMC ENGINEERING SERVICES



RESOURCE+LAND

Table of Contents 1.0 Introduction .1 2.0 Background/Project History .1 3.0 Project Purpose .2 4.0 Existing Site Conditions .2 5.0 Proposed Project .2 6.0 Alternatives Analysis/Avoidance & Minimization .2 7.0 Threatened & Endangered Species .4 8.0 Storm Water Management .5 9.0 Compensatory Mitigation .5

APPENDIX:

A: CESAS Form 19

B: 2001 USACE 404 Permit

C: Figures

Project Location Map 2015 Ortho Color Aerial

D: Site Photographs

E: Permit Drawings

F: Threatened & Endangered Species Information

G: Cultural Resources

H: Compensatory Mitigation Calculations

I: Adjacent Land Owner Information

Southbridge At Berwick Plantation Southbridge Berwick Properties, LLC Chatham County, Georgia Project Description August 2018

1.0 INTRODUCTION:

Southbridge Berwick Properties, LLC is seeking authorization to impact 4.301 acres of wetland to facilitate completion of residential lot development within Southbridge subdivision. The project area consists of 110 residential lots generally located along Trail Creek Lane, Oakcrest Drive, Oakcrest Court, Tanger Court and Rock Dove Lane within Savannah, Chatham County, Georgia (32.053999°, -81.244209°).

2.1 BACKGROUND/PROJECTHISTORY:

In 2001, The Branigar Organization obtained a 404 Permit authorizing 20.86 acres of wetland impact to facilitate the development of a 1,911.35 acre master planned mixed use community known as Berwick Plantation. This permit included the subject project area and 110 residential lots. As documented within the permit, the subject lots consisted of upland area only and no wetland impacts were required for development. While development of these lots was initiated with lot survey, subdivision plat preparation, road installation, utility installation, etc., construction of homes on these lots halted with the collapse of the economy. In 2015 and after foreclosure, the Southbridge Berwick Properties, LLC purchased the remaining lot package from the lender. The following provides a general timeline of activities associated with the site:

- 2001: USACE Permit Issuance
- 2003: Southbridge Development Company purchases property
- 2003-2006: Southbridge Development Company completes all entitlement work for subdivision (subdivision design, surveying, platting, subdivision approval.). In addition, all infrastructure is installed (roads, drainage, utilities, etc.).
- 2008: SB Partners purchases the subdivided lots and begins planning for home construction.
- 2011: Due to downturn in economy and lack of home sales, lender foreclosure occurs.
- 2014: Southbridge Berwick Properties, LLC purchases lots from lender and begins planning for home construction.

After purchase of the property and because the U.S. Army of Corps of Engineers (USACE) permit had expired, the applicant determined a new jurisdictional area delineation would be required prior to construction of any additional homes. In response, the applicant retained the services of Environmental Solutions, Inc. to complete the new wetland delineation. Based on the new wetland delineation and field verification by the USACE, the applicant determined that areas which were historically upland were determined to contain jurisdictional wetland. The following provides a summary for the project area.

Table 1. Jurisdictional Area Comparison Table

	2001 Permit	2015 JD/2018 Permit
Project Area	44.03 acres	44.03 acres
Upland	44.03	29.23
Jurisdictional Waters of the U.S.	0.0 acres	14.80
Wetland Impact Required to Facilitate Home Construction	0.0 acres	4.301
Compensatory Mitigation	0.0 credits	17.60 credits

Since 2015 and based on the new USACE wetland delineation, 75 lots have been sold by the owner for construction of homes. Wetland impacts were not required for home construction on these lots (either no wetland present or home construction could occur without wetland impacts). The remaining 35 lots would require impacts to facilitate home construction.

3.0 PROJECT PURPOSE:

The purpose of the proposed project is to obtain a permit from the USACE to complete development of fully entitled residential lots within Southbridge at Berwick Plantation.

4.0 EXISTING SITE CONDITIONS:

The project site consists habitats typical for developed subdivisions within Chatham County and the Coastal Plain of Georgia. Based on the current/2015 wetland delineation, the 44.03 acre project area includes 110 subdivided residential lots containing 29.23 acres of upland and 14.80 acres of jurisdictional wetland. Roads, utilities and stormwater infrastructure as well as existing homes are present throughout the project area. Upland within the undeveloped lots consists of loblolly pine (*Pinus taeda*), southern magnolia (*Magnolia grandiflora*), southern red oak (*Quercus falcate*), sweet gum (*Liquidambar styraciflua*), water oak (*Quercus nigra*), live oak (*Quercus virginiana*), American holly (*Ilex opaca*), red bay (*Persea borbonia*), red maple (*Acer rubrum*), giant cane (*Arundinaria gigantea*), American beautyberry (*Callicarpa Americana*), fetterbush (*Lyonia lucida*), wax myrtle (*Myrica cerifera*), inkberry (*Ilex glabra*), greenbrier (*Smilax spp.*), blackberry (*Rubus spp.*), bracken fern (*Pteridium aquilinum*), cinnamon fern (*Osmunda cinnamomea*), etc. The wetland areas are dominated by loblolly pine, sweet gum, red maple, swamp tupelo (*Nyssa biflora*), swamp chestnut oak (*Quercus machauxii*), red bay, water oak, giant cane, greenbrier (*Smilax rotundifolia*), Virginia chain-fern (*Woodwardia virginica*), netted chain-fern (*Woodwardia aerolata*), royal fern (*Osmunda regalis*), Chinese privet (*Ligustrum sinense*), Chinese tallow tree (*Triadica sebifera*) and blackberry.

5.0 PROPOSED PROJECT:

As depicted in the attached permit drawings, the project will include wetland impacts within existing lots to facilitate construction of residential homes. In total, 75 lots do/did not require wetland impacts, 25 lots require wetland impacts to facilitate construction of a home and 10 lots will be completely avoided because the entire lot which was previously upland now has been identified as wetland. In total, completion of home construction within this subdivision requires 4.30 acre of wetland impact and 10.40 acre of wetland (previously verified as upland) will be avoided.

6.1 ALTERNATIVE ANALYSIS/AVOIDANCE & MINIMIZATION:

As part of the overall project, the applicant completed a thorough alternatives analysis. A review of the 404(b)1 guidelines indicates that "(a) Except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." The guidelines define practicable alternatives as "(q) The term *practicable* means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes."

The guidelines outline further consideration of practicable alternatives: "(1) For the purpose of this requirement, practicable alternatives include, but are not limited to: (i) Activities which do not involve a discharge of dredged or fill material into the waters of the United States or ocean waters; (ii) Discharges of dredged or fill material at other locations in waters of the United States or ocean waters; (2) An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered."

Because the project includes completion of an existing subdivision and construction of homes on existing fully entitled and subdivided residential lots, off-site alternatives were not considered. However, the application did complete a thorough review of each existing lot, impacts associated with development of each lot, and avoidance of wetlands where feasible. Factors evaluated during lot review generally included extent of wetland, elevation, lot configuration, front/side/rear lot setbacks, etc. The applicant and engineer overlaid a standard home and yard footprint within each lot to evaluate the total acreage of impact for that lot. In addition, location of each lot and surrounding conditions were also considered. For example, a lot completely surrounded by developed area (fronted by paved road, bordered by two existing homes on each side and bordered by stormwater lagoon in rear) were considered.

The following provides a summary of each alternative considered during the design review process.

- **6.2** Alternative 1: Alternative 1 requires impacts to 100 percent of the jurisdictional area within the property and development of all 35 remaining lots. This plan includes construction of homes on all lots previously approved by the USACE. Impacts to wetlands for this plan total 14.80 acres and would maximize building footprint and yard. Considering the history of the project and capital investment relying on past federal actions, this alternation would be the most economically beneficial and justified. If economics were the sole consideration, Alternative 1 would be the preferred alternative.
- **6.3** Alternative 2: Alternative 2 includes construction of homes on all lots previously approved by the USACE but minimizes the footprint of wetland impacts within several lots. This plan requires impact to 9.54 acres and avoids 5.26 acres of wetland. Like Alternative 1 and considering the project history, this alternative could be justified by allowing home construction on previously approved lots.
- **6.4** Alternative 3: Alternative 3 includes development of 25 lots and requires 5.64 acres of wetland impact. This lot plan omits 10 acres from the development plan and avoids 9.16 acres of wetland on numerous lots. As discussed above, this plan included a review of minimum structure footprint, elevation, lot configuration, front/side/rear lot setbacks, and adjoining land uses.
- **6.5 Alternative 4/Applicant's Preferred Alternative:** Alternative 4 includes development of 25 lots and avoidance of 10 lots. This alternative requires 4.30 acres of wetland impact and avoids 10.50 acres of wetland. When compared to Alternative 2, the applicant reduced the acreage of impact on 9 lots including 1287, 1288, 1292, 1293, 1300, 1348, 1349, 1412 & 1413 resulting in a net reduction of wetland impacts by 1.344 acres. Of the 25 lots proposed for impact, the minimum acreage of impact for a single lot is 0.071 acre and the maximum acreage of impact is 0.338 acre. Based on this assessment, the application has proposed to impact 4.30 acres of wetland to facilitate development of 100 lots. Approximately 10 lots will not be developed, and 10.50 acres of wetland will be avoided.

Table 2. Summary of On-site Alternatives/Avoidance

Alternative	1	2	3	4/Preferred
Impact Acreage	14.8	9.54	5.64	4.30

6.6 No Action Alternative: The proposed project has been initiated to facilitate completion of a previously approved residential subdivision. While the "no-action alternative" avoids impacts to newly identified wetland resources, the result of the no-action alternative would be economically unacceptable. A lot plan was designed and approved by Southbridge and Chatham County based on the original delineation/permit. Utilities were installed by utility companies based on the approved subdivision plan and anticipated number of lots (based on all approved documentation). These actions were taken considering the overall benefit to

the community and per lot economic benefit. For example, utility agreements and capital investment by utility companies for installation of water lines, cable lines, electrical lines, etc. are based on the assumed utility consumption by the approved number of properties (in this example 110 homes). Municipal agreements and approvals are based on a particular number of lots and anticipated property tax per lot (in this example 110 residential properties). Southbridge Home Owners Association reviewed and approved design plans assuming a specific number of lot development and annual community income to accommodate for community maintenance. Without appropriate funding for common area maintenance, the property values within the subdivision will decline. In summary, prohibiting the development of these approved lots has a domino effect and impacts not just the application but also Chatham County, utility companies, and the overall community. For these reasons, the "no-action" alternative is not acceptable nor feasible.

In summary, the applicant and design team considered a variety of alternatives which would avoid and minimize impacts to wetlands to the greatest extent practicable while satisfying the overall project purpose. Through three lot plan reviews, the applicant was able to substantially reduce the overall wetland impact and has proposed to avoid 10.4 acres of wetland by avoiding impacting wetland within numerous lots proposed for development and completely omitting 10 lots from the development plan.

Considering the capital investment associated with the project in reliance of a previously issued jurisdictional determination, permit and compensatory mitigation plan, the proposed impacts are reasonable and justified. The applicant is simply proposing to complete development of an approved subdivision which was planned and designed to completely avoid impacts to wetlands. Only after subdivision of lots, municipal plan approval, installation of roads, installation of utilities, installation of stormwater infrastructure, initiation of lot development and a delay in home construction due to the recession was wetland identified within the project area.

7.1 THREATENED & ENDANGERED SPECIES:

An assessment was conducted 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)]. The U.S. Fish and Wildlife Service (USFWS) lists the following plant and animal species as endangered or threatened in Chatham County, Georgia:

Plants

Pondberry (Lindera melissifolia)

Mammals

- Humpback Whale (Megaptera novaeanglie)
- Northern Atlantic Right Whale (Eubalaena glacialis)
- Manatee (Trichechus manatus)

Birds

- Bachman's Warbler (Vermivora bachmanii)
- Piping Plover (Charadrius melodus)
- Red-Cockaded Woodpecker (Picoides borealis)
- Wood Stork (Mycteria americana)

Reptiles

- Eastern Indigo Snake (Drymarchon corais couperi)
- Green Sea Turtle (Chelonia mydas)
- Hawksbill Sea Turtle (Eretmochelys imbricate)
- Kemp's Ridley Sea Turtle (Lepidochelys kempii)
- Leatherback Sea Turtle (Dermochelys coriacea)
- Loggerhead Sea Turtle (Caretta caretta)

Amphibians

- Flatwoods Salamander (Ambystoma cingulatum)
 Fish
- Shortnose Sturgeon (Acipenser brevirostrum)

RLC conducted a threatened and endangered species survey 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)]. Neither the listed species nor habitat typically associated with these species was observed during the survey. As a result of the condition and location of the project area, as well as the absence of habitat and listed species, the proposed project is not likely to adversely impact any threatened or endangered species.

7.0 CULTURAL RESOURCES:

A Phase I Cultural Resources Survey was completed by Brockington & Associates during the 2001 USACE permitting exercise. Based on this survey and concurrence from the SHPO and USACE, the proposed project will not impact cultural or archeological resources.

8.0 STORM WATER MANAGEMENT:

A storm water management plan has been designed and implemented as part of the overall Berwick Plantation Master Plan Development. This master storm water management plan accommodates for any development associated with the subject lots.

9.0 COMPENSATORY MITIGATION:

Using the current Savannah District Standard Operating Procedure for Compensatory Mitigation, SOP calculations indicate that 17.20 grandfathered wetland credits are required to compensate for the 4.30 acres of wetland impacts. The applicant is proposing to acquire a total of 17.20 credits from a USACE approved primary service area mitigation bank. Credits will be purchased from one of the following primary service area bank: Black Creek, Margin Bay, Yam Grandy, Old Thorn Pond, or Wilhelmina Morgan. Upon approval of the proposed project and prior to initiation of authorized wetland impacts, the applicant will provide documentation of credit conveyance to the USACE.

A DDENIDAY A			
APPENDIX A: CESAS Form 19			
GEORG TOTAL TO			

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:

1. Application No.

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.

- For Department of the Army Permit, mail to: Commander, U.S. Army Engineer District, Savannah ATTN: CESAS-OF-F, P.O. Box 889, Savannah, Georgia 31402-0889. Phone (912)652-5347 and/or toll free, Nationwide 1-800-448-2402.
- 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.
- 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.

Date		
. For Official Use Only		
3.5% Calc AVAVA (ASS) process		
 Name and address of applicant. Southbridge Berwick Properties, I 		
Attn: Me. Shari Bigginbotham	and a	
FO Box 1694		
Callahan, FL 32011 904.759.2782		
Location where the proposed activity	Carrier to their count	
more me proposed accivity	exists of will occur.	
Lat.32.053999° Long81.244209°		
Chatham		Savannah
	Military District	Savannah In City or Town
Chatham	Military District	
Chatham	Military District Subdivision	
Chatham County	- 10.0 C.	In City or Town
Chatham County Near City or Town	Subdivision	In City or Town Lot No. Georgia
Chatham County	- 10.0 C.	In City or Town
Chatham County Near City or Town	Subdivision	In City or Town Lot No. Georgia

CESAS Form 19

 Name, address, and title of applicant's authorized agent for permit application coordination. Resource & Land Consultants Attn: Alton Brown, Jr. 41 Park of Commerce Drive, Suite 303 (912) 443-5896 Savannah, Georgia 31405

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.

Write than	8-16-18
Signatur of Applicant	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 Attached Project Description

- 8. Proposed use: Private X Public Commercial Other
- Names and addresses of adjoining property owners whose property also adjoins the waterway.
 See attached
- 10. Date activity is proposed to commence. Upon receipt of authorization to proceed.

 Date activity is expected to be completed, Within 5 years of authorization to proceed.
- 11. Is any portion of the activity for which authorization is sought now complete Y X 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 data 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.

Issuing Agency	Type Approval	Identification No.	Date/Application	Date/Approval
GADNR-EPD	401 Certificati	on	Concurrent	Under Review

13. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? __Yes _X_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).

development.

cross sections of the dikes.

Purpose of excavation or fill To facilitate completion of previously permitted residential lot

	1. Access channel :	length	depth	width	
	2. Boat basin :	length	depth	width	
	3. Fill area : see attached	length	depth	width	
	4. Other: Excavation Area:	length	depth	width	
			1 2 2 1 0		
В.	1.If bulkhead, give dimensions	N/A			-
	2. Type of bulkhead construction (m	naterial) N/A			_
	Backfill required: YesN	o Cubic yard	s		
	Where obtained	100			2.1
C. Ex	xcavated material :				
	1.Cubic yards				
	2. Type of material				7)
15. Type of co	onstruction equipment to be used Mecha	anized earth-movin	a/construction	equipment	_
	pes the area to be excavated include a			одиартого	_
	pes the disposal area contain any wetl		- A		
		rand? ras No			
	ocation of disposal area N/A	CONTRACTOR AND THE		ALTERNY	9
c.	Maintenance dredging, estimated am utilized: N/A	ounts, frequency,	and disposal si	tes to be	
E. Wi	ill dredged material be entrapped or a	encased? N/A			2
	.ll wetlands be crossed in transportin		44.74	N/A	
	resent rate of shoreline erosion (if k		-	my as	~
				L CONTROL	NO 3 A
the State of G to any special generally suf	ALITY CERTIFICATION: In some cases, F leorgia be obtained prior to issuance of a fic project is determined by the perm fficient for the Georgia Environmental I n is not applicable to a specific project	a Federal license or mitting Federal age Protection Division	permit. Appli ency. The info to issue such	cability of this recreation requeste a certification is	equirement d below is
A. Pl	ease submit the following:		in in Carry		
	 A plan showing the location and sanitary or industrial waste waters 	s generally on your	rty, existing o	r proposed, for h	indling any
	A plan of the existing or propos for which permits are being request		ır adjacent pro	perty	
	 A plan showing the location of all pused and stored. Any above-ground scatch basins within the diked areas. lines should be shown. 	storage areas must b	e diked, and th	ere should be no s	cleaners), torm drain transfer
	4. A contingency plan delineating act products or other materials from you	tion to be taken by your operation.	ou in the event o	f spillage of petr	o-chemical
	Plan and profile drawings showing of spoil, locations of any dikes to	limits of areas to be constructed sho	be dredged, arwing locations	eas to be used for of any weir(s), a	placement

- B. Please provide the following statements:
 - 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.
- 17. 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 posses the authority to under take the proposed activities.

Signature of Applicant

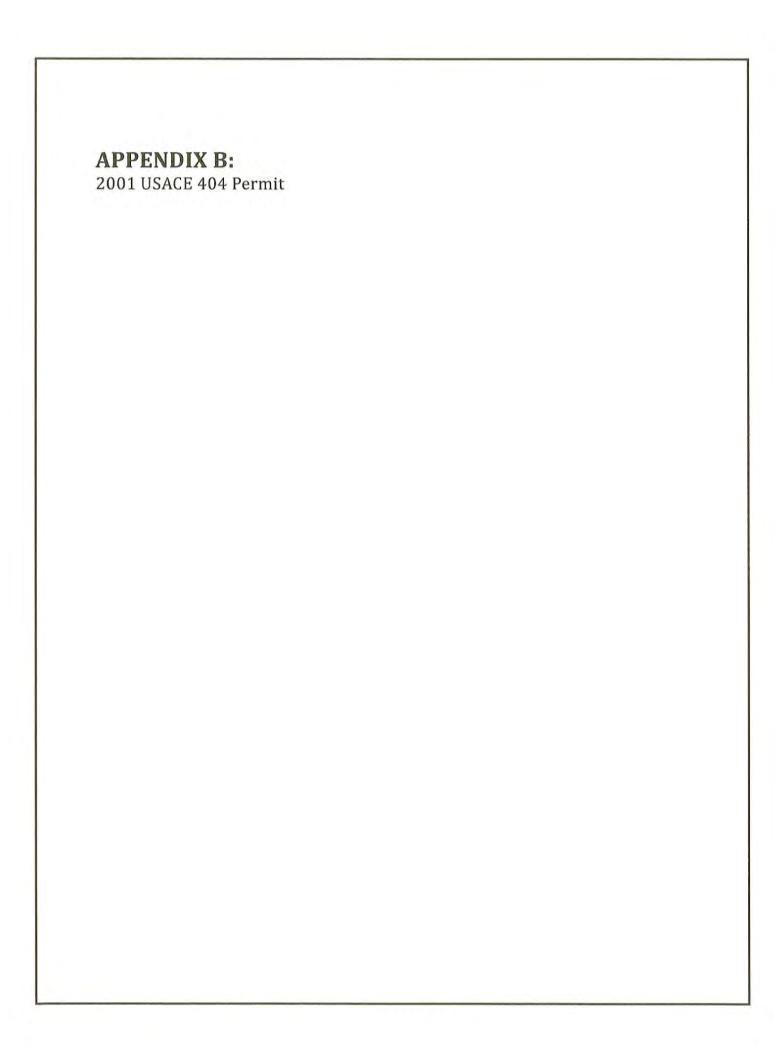
18. U.S.C. Section 1001 provides that: Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or 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 fill 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 Attached.





This notice of authorization must be conspicuously displayed at the site of work.

United States Army Corps of Engineers

discharge fill material into 20.86 acres of wetland to A permit to facilitate development of a master-planned community at the 1,911.35 acre Berwick Tract, Chatham County, Georgia has been issued to The Branigar Organization on April (2007)

Address of Permittee Okatie Commerce Park, Suite 102

108 Traders Cross, Bluffton, SC. 29910

Permit Number

District Commander
for Roger A. Gerber
Colonel, U.S. Army

NG FORM 4836 , Jul 81 (33 CER 329 339) EDITION OF JUL TO MAY BE USED U.S. GPO: 1998-842745

Proponents GECW-O



DEPARTMENT OF THE ARMY

SAVANNAH DISTRICT, CORPS OF ENGINEERS P.O. BOX 889

SAVANNAH, GEORGIA 31402

JUL 3 0 2001

REPLY TO ATTENTION OF:

Regulatory Branch 970015260

The Branigar Organization, Inc. Attention: Mr. William Burgstiner Okatic Commerce Park, Suite 102 108 Traders Cross Bluffton, South Carolina 29910

Dear Mr. Burgstiner;

PLEASE READ THIS LETTER CAREFULLY AND COMPLY WITH ITS PROVISIONS

We are enclosing a draft of your Department of the Army Permit in duplicate. If you agree with the terms and conditions, please sign and date both copies of the Draft permit and return them to this office. Upon receipt, the District Engineer will validate your permit and return the original to you for your records. We will also send a Notice of Authorization, which you should display at the project site. Your permit is not valid until signed by the District Engineer.

We require a \$100.00 fee for issuance of a permit for commercial activities. Please make your check payable to the Finance and Accounting Officer, Savannah District.

IT SHALL BE UNLAWFUL TO DEVIATE FROM THE PLANS EITHER BEFORE OR AFTER COMPLETION OF THE WORK, unless a plan reflecting the modification has previously been submitted to and approved by this office.

In addition, please note that the permit not only authorizes the work, but also its intended use. No use other than that specified in this permit can be made of permitted work or structures.

Please direct your attention to the General Conditions on pages 1 and 2 of the permit. Special Conditions relating to the project are listed on pages 2 to 4.

This office must be notified ten days in advance of your intent to start work on this project. You must also notify this office when the project is completed.

Check # 18676 For \$ 100 -

We have enclosed a form titled, "Notification of Applicant Options" that explains your right to appeal this decision in accordance with Title 33, Code of Federal Regulations, Part 331, published in the March 28, 2000, Federal Register, Vol. 65, No. 60. If you have any further questions concerning this matter, please call Richard Legere, Project Manager, at (912) 652-5079.

Sincerely,

Necholus Ogden

Chief, Regulatory Branch

Enclosures

Copies Furnished:

U.S. Environmental Protection Agency Water Management Division Wetlands Section, Region IV Attention: Mr. William L. Cox, Chief Atlanta Federal Center 61 Forsyth Street, SW. Atlanta, Georgia 30303-3104

U.S. Department of the Interior Fish and Wildlife Service Attention: Ms. Sandra S. Tucker, Field Supervisor 247 South Milledge Avenue Athens, Georgia 30605

Mr. Keith Parsons Georgia Department of Natural Resources Water Protection Branch 4220 International Parkway, Suite 101 Atlanta, Georgia 30354

Copies Furnished (continued):

Mrs. Kelie M. Matrangos
Federal Consistency Coordinator
Georgia Department of Natural Resources
Coastal Resources Division
One Conservation Way, Suite 300
Brunswick, Georgia 31523-8602

Mr. Al Bungard, County Engineer Chafham County Engineering Department Post Office Box 8161 Savannah, Georgia 31412

Newkirk Environmental, Inc. Attention: Mr. Stuart Sligh 340 Eisenhower Drive Building 200, Suite 201 Savannah, Georgia 31406 JUL 3 0 2001 970015250 File No.

NOTIFICATION OF APPLICANT OPTIONS (NAO) FOR PARTIES ISSUED A DEPARTMENT OF THE ARMY INDIVIDUAL PERMIT

You are hereby advised that the following options are available to you in your evaluation of the enclosed permit:

- You may sign the permit, and return it to the District Engineer for final authorization.
 Your signature on the permit means that you accept the permit in its entirety, and waive all rights to appeal the permit, or its terms and conditions.
- 2) You may decline to sign the permit because you object to certain terms and conditions therein, and you may request that the permit be modified accordingly. You must outline your objections to the terms and conditions of the permit in a letter to the District Engineer. Your objections must be received by the District Engineer within 60 days of the date of this NAO, or you will forfeit your right to request changes to the terms and conditions of the permit. Upon receipt of your letter, the District Engineer will evaluate your objections, and may: (a) modify the permit to address all of your concerns, or (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. In any of these three cases, the District Engineer will send you a final permit for your reconsideration, as well a Notification of Appeal (NAP) Form and a Request For Appeal (RFA) Form. Should you decline the Final Proffered Permit, you can appeal the Declined Permit under the U.S. Army Corps of Engineers Administrative Appeal Process by submitting the completed RFA Form to the Division Engineer. The RFA must be received by the Division Engineer within 60 days of the date of the NAP that was transmitted with the Second Proffered Permit.

4

DEPARTMENT OF THE ARMY PERMIT

PERMITTEE: The Branigar Organization, Inc.

PERMIT NUMBER: 970015260

ISSUING OFFICE:

Savannah District U.S. Army Corps of Engineers . Post Office Box 889 Savannah, Georgia 31402-0889

NOTE: The term "you" and its derivatives used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate District or Division office of the U.S. Army Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

PROJECT DESCRIPTION: To discharge fill material into 20.86 acres of wetland to facilitate development of a master-planned, mixed use community on the 1,911.35 acre Berwick Tract. Site development will require 17.89 acres of wetland fill. The remaining 2.97 acres of fill is needed for road crossings. As compensatory mitigation for these impacts, the permittee will preserve 396.52 acres of wetland, restore 13.67 acres of wetland and enhance 11.58 acres of wetland on the project site. The preserved, restored and enhanced wetland areas will be surrounded by at least 81.98 acres of upland buffer and wildlife corridors having a minimum width of 30 feet.

PROJECT LOCATION: The project site is located on the northwest side of U.S. Highway 17, approximately 2.1 miles northeast of State Highway 204, near Savannah, Chatham County, Georgia.

PERMIT CONDITIONS:

General Conditions.

- 1. The time limit for completing the work authorized by this Individual Permit ends on October 31, 2011. If you find that you need more time to complete the authorized activity, you must submit a request for your permit extension at least one month prior to the above date.
- You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer

Check # 18676 For \$ 100 - W/D & FWD F & A on

maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

- 3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
- 4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
- 5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions.

- The permittee shall comply with all conditions included in the attached Section 401 Water Quality Certification.
- The permittee shall obtain fill material from a high ground borrow area that is free of contaminants and pollutants.
- 3. The permittee shall fully implement the attached compensatory wetland mitigation plan titled "Mitigation Plan, 1,911.35 Acre Berwick Plantation" and dated July 18, 2001. In addition to a requirement to record a "Declaration of Covenants and Restrictions" on the mitigation areas, this mitigation plan includes specific requirements and time periods within which the restoration and enhancement activities included in the mitigation plan are to be completed.
- 4. Within one year of issuance of the permit, the permittee shall submit for review and final approval, a draft "Declaration of Covenants and Restrictions" necessary to perpetually protect and preserve all wetlands and uplands that are identified as compensatory mitigation lands in the mitigation plan. This draft document will contain stipulations necessary to allow the permittee flexibility with regard to the exact location of the right-of-way for the phased construction of authorized wetland crossings. It is understood that the permittee may commence work while the draft "Declaration of Covenants and Restrictions" is being prepared, provided that the upland buffer boundary on the affected development parcel is clearly identified in the field before work begins.

- 5. Within six months of the USACE's final approval of the draft "Declaration of Covenants and Restrictions", the permittee shall submit a copy of the final document that has been notarized and recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia.
- 6. Within six months of the USACE's final approval of the above draft "Declaration of Covenants and Restrictions", the permittee shall post appropriate signs at 300' intervals along all property boundaries of the compensatory mitigation lands to reduce the possibility of unauthorized disturbance to these areas.
- 7. In the event that a modification is proposed to a phase of the project's master development plan, the permittee shall submit the revised plan to this office prior to initiating any work within that phase. Modifications requiring submission of a revised plan would include, but are not limited to, the following: changes in the type of activity proposed for a phase (i.e., residential to commercial, recreational to retail, etc.); changes in the size or configuration of a phase; and/or changes in the primary access road plan. These types of modifications to the master development plan will not normally require formal modification of the permit unless they result in a change in the location and/or extent of jurisdictional impacts.
- 8. Prior to initiating authorized work within any phase of the project, the permittee shall provide this office with a copy of the proposed site specific development plan. This office will review the proposed plan for permit compliance purposes only.
- 9. Prior to initiating any work authorized under this permit, the permittee shall insure that the authorized project is in compliance with all applicable regulations/requirements of the Federal Emergency Management Agency pertaining to construction activities in designated flood plains and/or flood ways, and mapping and/or designating changes to any flood plain and/or floodway that may be affected by the permitted activity.
- 10. The permittee shall insure that the project's master drainage plan is designed and implemented to avoid inadvertent drainage of wetlands and inadvertent water diversion resulting in a reduction of hydrology in wetlands. The permittee shall also insure that secondary road ditches and/or small after-project drainage ditches do not inadvertently impact wetlands.
- 11. All work conducted under this permit shall be located, outlined, designed, constructed and operated in accordance with the minimal requirements as contained in the Georgia Erosion and Sedimentation Control Act of 1975, as amended. Utilization of plans and specifications as contained in "Manual for Brosion and Sediment Control, Third Edition, 1992" published by the Georgia Soil and Water Conservation Commission or their equivalent will aid in achieving compliance with the aforementioned minimal requirements.
- 12. A complete copy of this permit, including its drawings, special conditions and any amendments, shall be maintained at the work site whenever work is being performed. The permittee shall assure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the permit's terms and conditions.

- 13. Until expiration of the permit, the permittee shall remain solely responsible for insuring permit compliance within the entire 1,911.35 acre project area. Furthermore, the permittee shall remain solely responsible for any unauthorized impacts to any of the natural and/or restored wetlands located within the entire 1,911.35 acre project area. In other words, as long as the permit is valid, the permittee shall be solely responsible for all permit compliance and for any unauthorized wetland impacts, regardless of property ownership.
- 14. This office will favorably consider the permittee's requests for extensions of time to the expiration date of the permit. Factors that this office may consider include, but are not limited to, the following: whether or not the permittee has met all time requirements, as stipulated in the above special permit conditions; whether or not the permittee has violated any permit conditions; whether or not the permittee has completed required compensatory wetland mitigation, and; whether or not unauthorized work in wetlands has occurred within the permit area. Provided that the permittee adequately documents that no serious problems have occurred with regard to the above factors, this office will grant five-year extensions to the expiration date of the permit, not to exceed a total of 20 years.
- 15. The permittee shall accomplish all work in accordance with the plans and drawings enclosed hereto which are incorporated in and made a part of this permit:
 - a. Location Map
 - b. Vicinity Map (Sheet 1 of 26)
 - c. Project Map and Enlargements (Sheets 2 to 23 of 26)
 - d. Typical Road Crossing Sections (Sheet 24 of 26)
 - e. Typical Wetland Fill Section (Sheet 25 of 26)
 - f. Typical Box Culvert Section (Sheet 26 of 26)

It is understood that the final layout of buildings and infrastructure may vary slightly from the conceptual site development plan submitted for approval. However, there shall be no wetland impacts other than those authorized by this permit.

FURTHER INFORMATION:

- 1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - 2. Limits of this Authorization.
- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.
- 3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7, or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order which requires you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate.

- d. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
- 6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the U.S. Army Corps of Engineers will normally give favorable consideration to a request for an extension of time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Man C. Durgh

8/02/01 (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Issued for and in behalf of:

Roger A. Gerber Colonel, U.S. Army District Engineer 8/06/01 (DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities with compliance with its terms and conditions, have the transferee sign and date below.

International Paper Realty Corp.

(TRANSFEREE)

16/03 (DATE)

MITIGATION PLAN 1,911.35 ACRE BERWICK PLANTATION 18 JULY 2001

The following mitigation plan is expected to compensate for the loss of 20.86 acres of wetlands associated with the development of the 1,911.35 Acre Berwick Plantation.

1.0 Wetland and Upland Buffer Preservation:

The Branigar Organization, Inc. (Branigar), will preserve approximately 396.52 acres of freshwater wetland on the project site. These wetland areas include all of the larger, contiguous wetland systems and several of the larger, more mature isolated wetland areas. Branigar will provide perpetual preservation of these forested hardwood wetland areas which could, under silvicultural guidelines, be significantly impacted.

In addition to preserving 396.52 acres of wetland, Branigar will preserve at least 81.98 acres of upland buffer having a minimum width of 30 feet. This buffer will surround the preserved wetlands, as well as wetlands being restored and enhanced. During completion of the upland buffer boundary survey, it is likely that some additional upland areas will be included in the buffer to straighten the buffer boundary line. This practice is expected to slightly increase the average buffer width.

2.0 Wetland Restoration And Enhancement:

In addition to the large acreage of high quality wetland and upland buffer preservation, Branigar will restore/enhance 25.25 acres of wetland located within and adjacent to the large hardwood bottomland wetland system associated with Culvert Swamp. The hydrology in this area has been affected by the relic ditching associated with historic rice production. This area contains a large primary ditch which extends through the center of the large bottomland system (i.e. north/south), as well as several smaller lateral ditches extending east and west. Based on the wetland delineation and review of preliminary topographic and soils information, it appears that approximately 13.67 acres of former hardwood bottomland wetland has been completely drained and is no longer jurisdictional. In addition to completely draining a large acreage of wetland, the existing ditch system continues to significantly affect the normal hydrology within approximately 11.58 acres of jurisdictional wetland.

The goal of this portion of the mitigation plan is to restore/enhance surface and ground water hydrology within the 25.25 acre area to that of a nearby reference wetland. Branigar will restore reference hydrology in this area by installing one or more engineer-designed permanent water control structures within the lateral ditches. The permanent structures should allow surface and ground water elevations to rise in this area, increasing the frequency and duration of hydric conditions. The design of the water control structures is not known at this time, as additional investigation of the site and watershed will need to be completed prior to sizing the structures. It is anticipated that the structures will be fixed riser structures with outfall pipes or earthen plugs installed in the existing ditches. Final outfall elevations will be set according to site topography

and overall predicted watershed flows during certain storm events. The set elevation will allow the restoration/enhancement area to have saturated soils at a frequency and duration resembling that of the reference wetland, but will not allow the flooding of adjacent upland areas. This restoration/enhancement activity will result in an overall improvement in wetland quality and fish and wildlife habitat.

Branigar will initiate the restoration and enhancement plan by conducting a detailed topographic survey of the restoration and enhancement site. After the topographic survey is completed, Branigar will complete an engineer-designed plan which will depict the proposed water control structure(s) and predicted ground and surface water elevations. Branigar will implement the restoration/enhancement work concurrent with project construction, and all restoration work will be completed within two years of permit authorization.

Branigar will install monitoring wells within the 25.25 acre restoration/enhancement area, and in the reference wetland to establish baseline hydrology data to document the functional lift of the mitigation area. Branigar will monitor these wells for five years post-construction to determine the success of the hydrology restoration project. If at the end of the five year monitoring period the project is determined to be a success, the restoration/enhancement project may, after review by the appropriate regulatory agency personnel, be considered complete. If the wetland restoration/enhancement project is unsuccessful, Branigar will consult with the appropriate regulatory review agencies to determine what remedial action should be taken.

3.0 Declaration of Covenants and Restrictions:

Branigar will establish an irrevocable Declaration of Covenants and Restrictions (Covenant) on all upland buffers and wetlands to be preserved, restored and enhanced within the project boundaries. The Covenant will be attached to the deed and run with the land. This Covenant will be recorded with the RMC Office of Chatham County after a permit has been issued by the U.S. Army Corps of Engineers (USACE). All preservation areas will be eventually deeded to the Property Owners Association or transferred to a preservation organization.

The Covenant will generally allow access for activities such as hiking, bird watching, fishing, or other suitable recreational activities. It will also allow nature trails, elevated boardwalks and/or bridges, passive management activities beneficial to wildlife, removal of diseased and unsafe trees, limited underbrushing to create pathways, the discharge of storm water run-off and salvage timber harvesting operations in response to acts of nature (i.e., hurricanes). The Covenant will specifically prohibit development activities or other disturbances such as commercial timber harvesting, clearing, grading, excavation or formal landscaping, except for the limited trail construction and passive habitat management activities.

Preserved mitigation areas will be indicated on a plat signed and sealed by a registered surveyor. Appropriate signage will be placed around the perimeter of all mitigation areas, at approximately 300° intervals, advising that the conservation/preservation areas are protected and restricted to certain activities.

4.0 Mitigation Implementation Schedule:

The following is a time schedule for implementing the above described mitigation plan for the 1911.35 acre Berwick Plantation.

4.1 Wetland and Upland Buffer Preservation:

Within one year of permit issuance, and concurrent with development activities, Branigar will submit for review and final approval, a draft "Declaration of Covenants and Restrictions" necessary to perpetually protect and preserve all wetlands and uplands that are identified as compensatory mitigation lands in the above mitigation plan. This draft document will contain stipulations necessary to allow the developers flexibility with regard to the exact location of the right-of-way for the phased construction of authorized wetland crossings.

Within six months of the USACE's final approval of the draft "Declaration of Covenants and Restrictions", Branigar will submit a copy of the final document that has been notarized and recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia.

Within six months of the USACE's final approval of the above draft "Declaration of Covenants and Restrictions", Branigar will post appropriate signs at 300° intervals along all property boundaries of the compensatory mitigation lands to reduce the possibility of unauthorized disturbance to these areas.

4.2 Wetland Restoration and Enhancement:

Within one year of permit authorization, Branigar will submit a final mitigation plan for the wetland restoration and enhancement area. The final mitigation plan will include the following:

- a. A detailed topographic survey of the entire 25.25 acre enhancement area with a contour interval of six inches or less (0.1 foot intervals would be preferred).
- b. An engineer-designed site plan detailing the steps that will be taken to restore and enhance wetland hydrology in the mitigation area. This plan will include the number and location of water control structures, plans for their construction, and predicted ground and surface water elevations. The water control structures will be constructed/armored in a manner to insure that they are permanent. Any existing drainage ditches should be blocked at several locations upstream of the water control structures using available sidecast material.
- c. A proposed methodology for monitoring hydrology in the restoration/enhancement area and the reference wetland. This plan will include the type, number and location of monitoring wells, as well as the proposed frequency and duration of monitoring. At least one year of baseline hydrologic monitoring and five years of post-construction monitoring will be required. The monitoring plan should include a contingency plan for up to an additional year of baseline monitoring to obtain more accurate data as required. This plan should indicate that baseline hydrologic monitoring will begin within 18 months of permit authorization, and that the water control structures will be installed six months or less after the baseline monitoring is concluded. The condition of the water control structures themselves should also be monitored.

The mitigation plan for the wetland restoration/enhancement area will be submitted to the USACE for review and approval. Branigar will make minor revisions to the plan if considered necessary.

Annual mitigation monitoring reports will be submitted to the USACE for review and acceptance: If significant problems are identified during the five year post-construction monitoring period, regulatory personnel will be consulted regarding possible corrective action that may need to be taken. This may include modification or replacement of the water control structures, extension of the monitoring period, or the location of an alternate mitigation site. If at the end of the five year post-construction monitoring period the project is determined to be a success, the enhancement project may, after review by the appropriate regulatory agency personnel, be considered complete.

5.0 Summary:

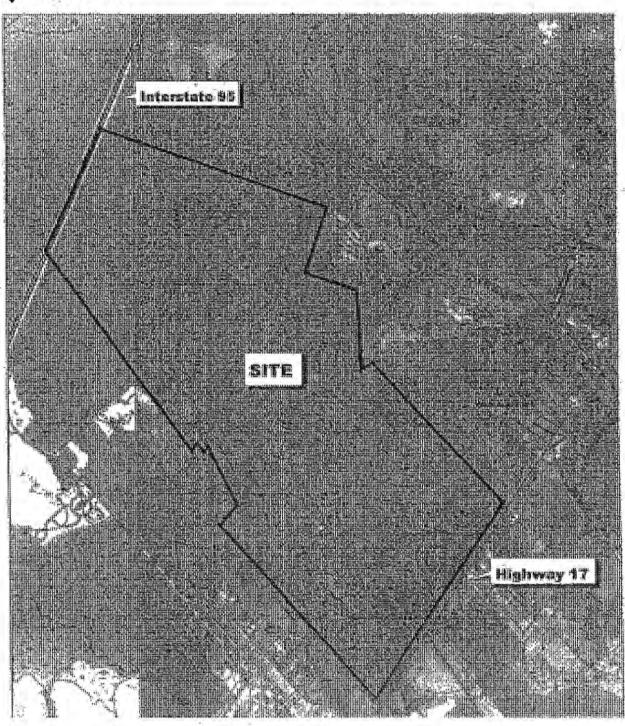
As mitigation for impacting 20.26 acres of wetland, Branigar will preserve 396.52 acres of wetland, restore 13.67 acres of wetland and enhance 11.58 acres of wetland on the 1,911.35 acre Berwick Plantation. The preserved, restored and enhanced wetland areas will be surrounded by at least 81.98 acres of upland buffer having a minimum width of 30 feet. Branigar will attach a Declaration of Covenants and Restrictions to these mitigation areas to insure their preservation in perpetuity. This mitigation plan should fully compensate for project-related impacts. All development activities will be performed using best management practices, (silt fencing, grassed slopes, etc.) to further minimize and avoid impacts to wetland areas located on the property.

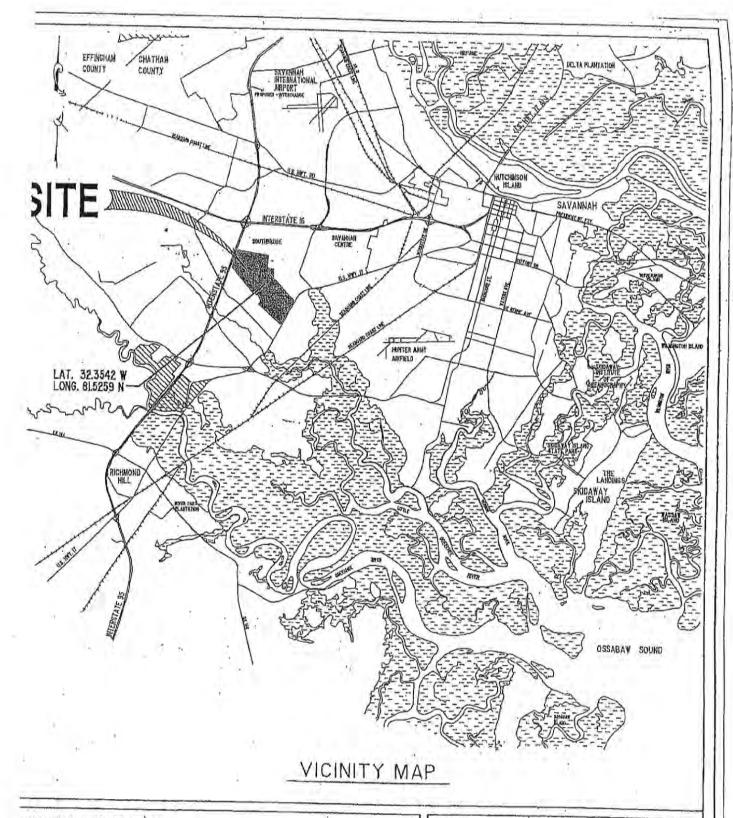
Location Map

1911.35 Acre Berwick Plantation Chatham County, Georgia



✓ Project Limits





BERWICK PLANTATION CHATHAM COUNTY, GEORGIA

PTE: DECEMBER II. 2000

-ET 1 OF 26

SCALE: NOT TO SCALE DATUM:

MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY: RESIDENTIAL / COMMERCIAL DEVELOPMENT

COUNTY:

CHATHAM COUNTY, GA.

APPLICANT:

THE BRANIGAR ORGANIZATION, INC.

LEG	END	
TOTA	Ļ WETLANDS	442.634 AC.
	TOTAL WETLAND FILL (44,432 C.Y.)	20.86 AC.
	WETLANDS ENHANCEMENT	11.58 AC.
	WETLANDS RESTORATION	13.67 AC.
	UPLAND BUFFERS / WILDLIFE CORRIDORS	81.98 AC.
	WETLAND PRESERVATION	396.52 AC.
	TOTAL TRACT	-1911.35 AC.

BERWICK PLANTATION CHATHAM COUNTY, GEORGIA

TE: DECEMBER N. 2000

SHEET 3 OF 26

SCALE: |"=2000'

DATUM:

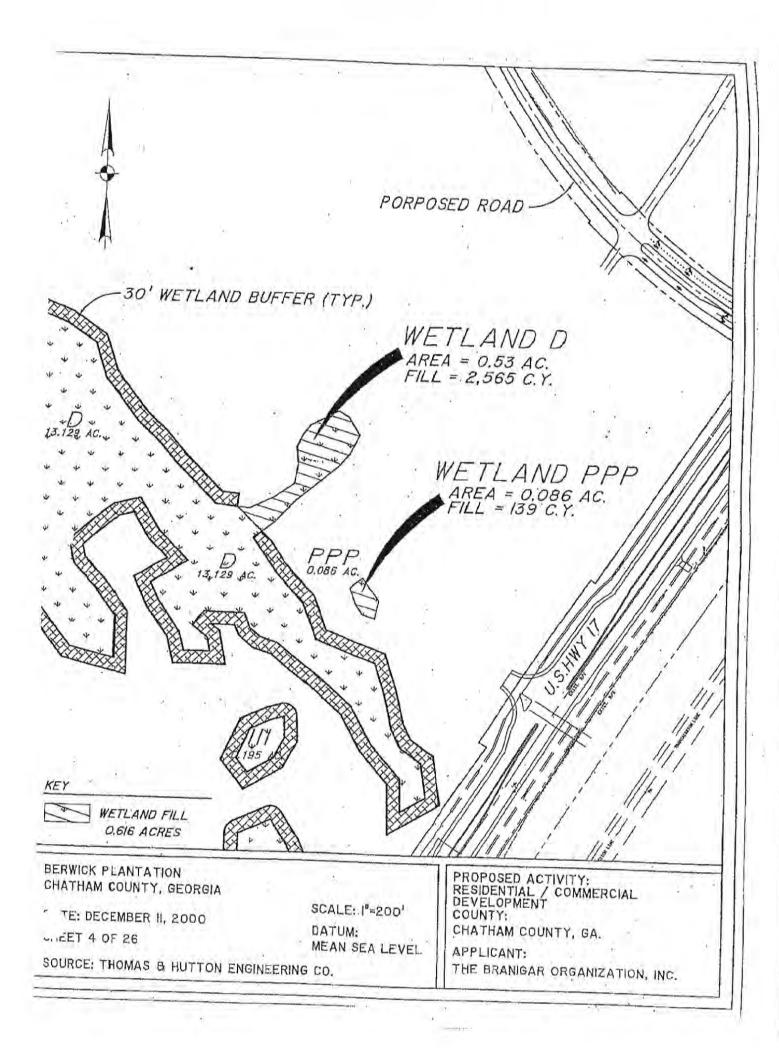
MEAN SEA LEVEL

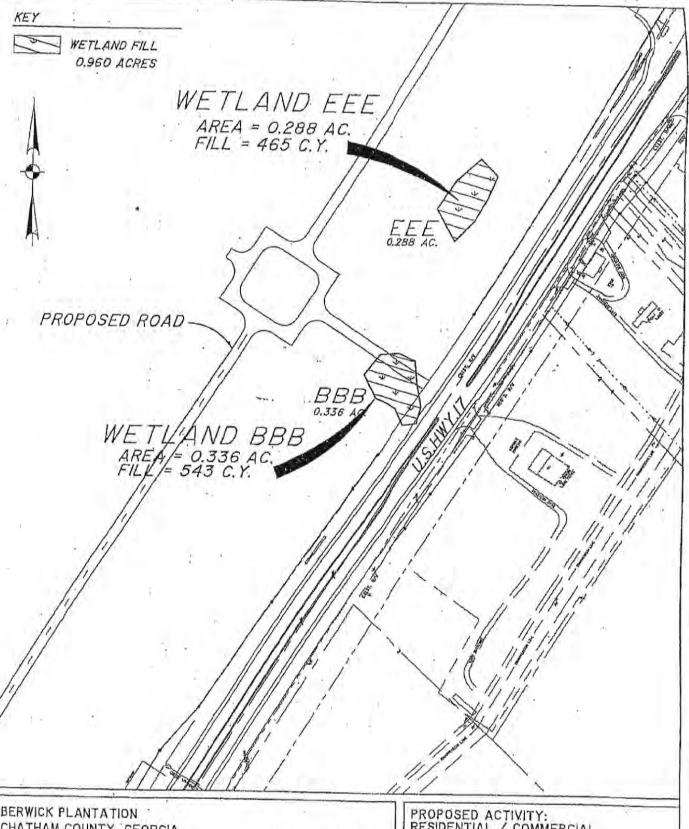
SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
COUNTY: CHATHAM COUNTY, GA.

APPLICANT:

THE BRANIGAR ORGANIZATION, INC.





TE: DECEMBER II, 2000

WHEET 5 OF 26

SCALE: 1"=200'

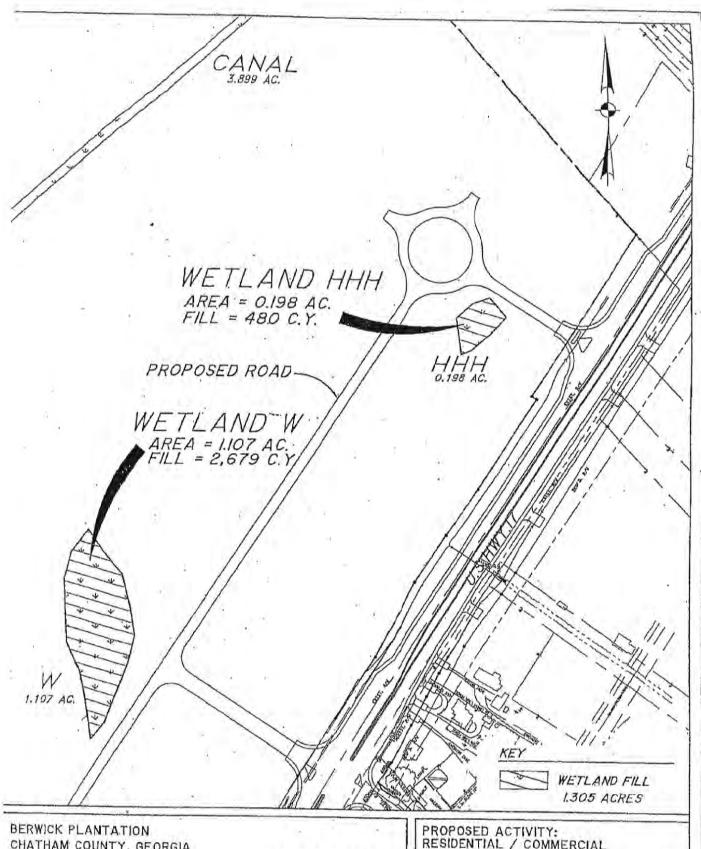
DATUM:

MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
COUNTY: CHATHAM COUNTY, GA.

APPLICANT:



CHATHAM COUNTY, GEORGIA

TE: DECEMBER II, 2000

SHEET 6 OF 26

SCALE: 1"=2001

DATUM:

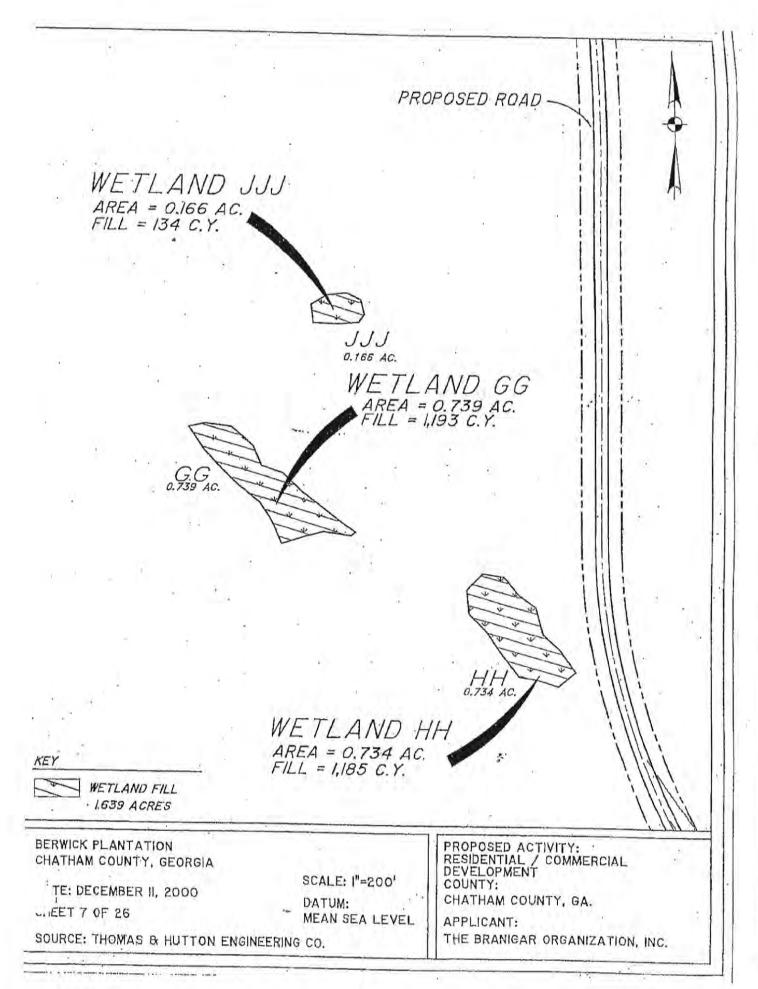
MEAN SEA LEVEL

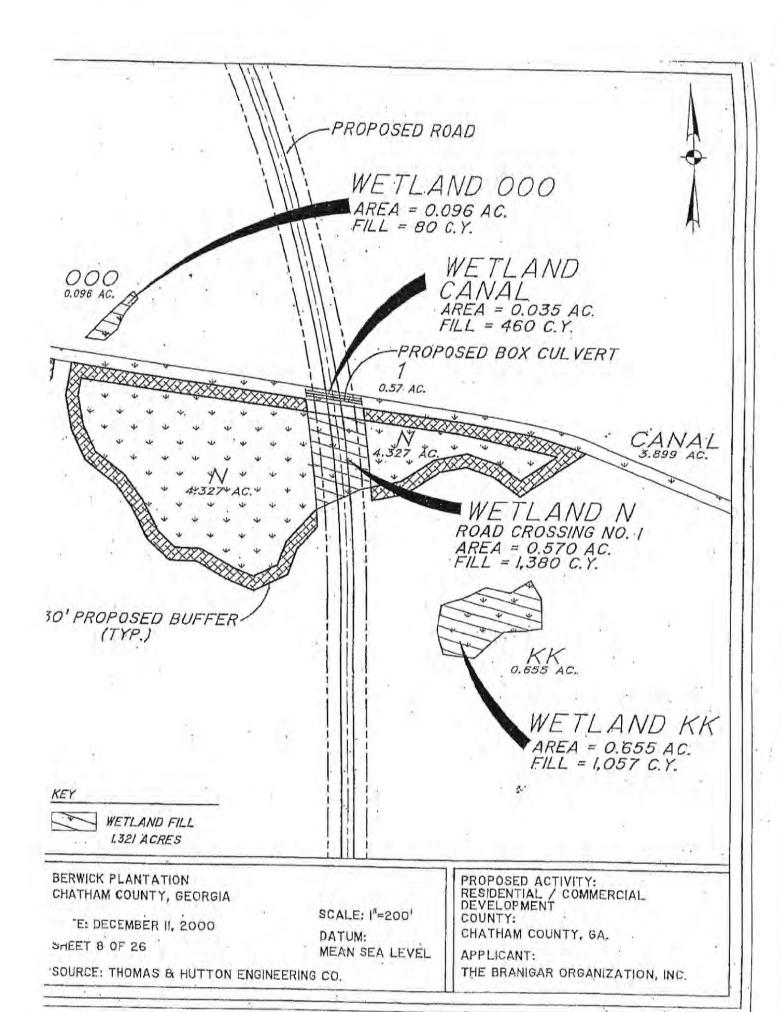
SOURCE: THOMAS & HUTTON ENGINEERING CO.

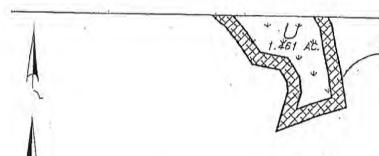
PROPOSED ACTIVITY: RESIDENTIAL / COMMERCIAL DEVELOPMENT COUNTY:

CHATHAM COUNTY, GA.

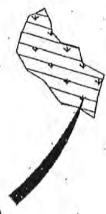
APPLICANT:





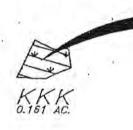


30' PROPOSED BUFFER (TYP.)



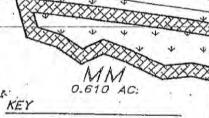
0.514 AC.

WETLAND QQ AREA = 0.514 AC. FILL = 830 C.Y.



WETLAND KKK AREA = 0.161 AC. FILL = 520 C.Y.

CANAL 3.899 AC.





WETLAND FILL 0.675 ACRES

BERWICK PLANTATION CHATHAM COUNTY, GEORGIA

TE: DECEMBER II, 2000

SHEET 9 OF 26

SCALE: 1"=200"

DATUM:

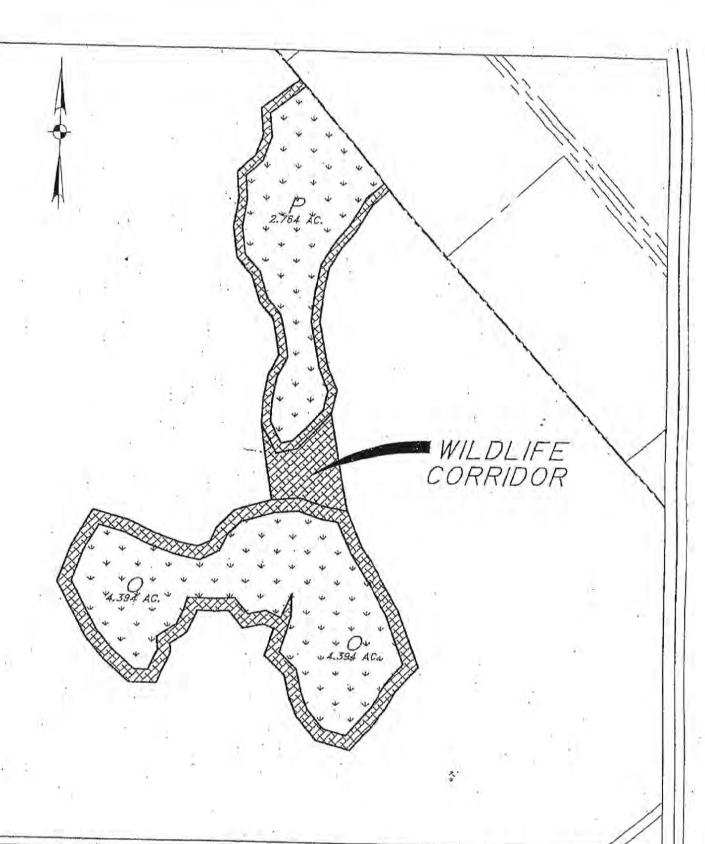
MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
COUNTY:

CHATHAM COUNTY, GA.

APPLICANT:



FE: DECEMBER II, 2000

-..EET 10 OF 26

SCALE: |"=200"

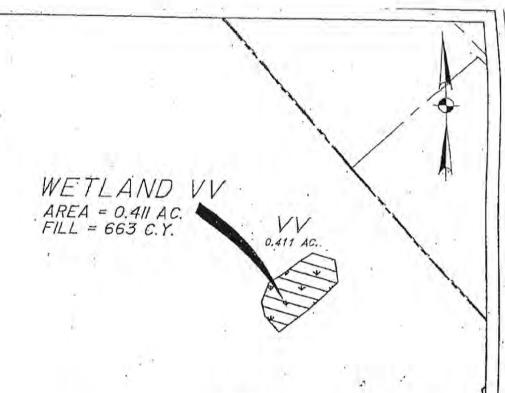
DATUM:

MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

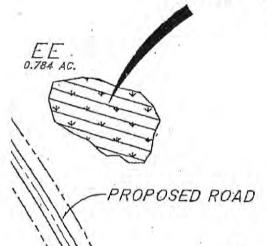
PROPOSED ACTIVITY:
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
COUNTY:
CHATHAM COUNTY, GA.

APPLICANT:



30' PROPOSED BUFFER (TYP.)

WETLAND EE AREA = 0.784 AC. FILL = 1,845 C.Y.





WETLAND FILL LI95 ACRES

BERWICK PLANTATION CHATHAM COUNTY, GEORGIA

TE: DECEMBER II, 2000

SHEET II OF 26

SCALE: 1"=200'

DATUM:

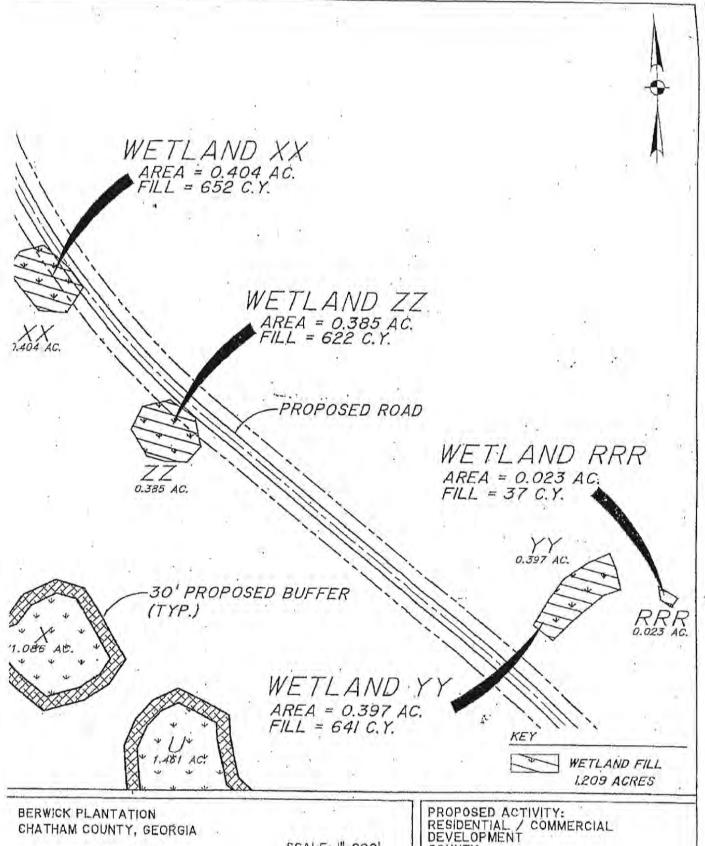
MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY: RESIDENTIAL / COMMERCIAL DEVELOPMENT COUNTY:

CHATHAM COUNTY, GA.

APPLICANT:



TE: DECEMBER II, 2000

SHEET 12 OF 26

SCALE: | =200'

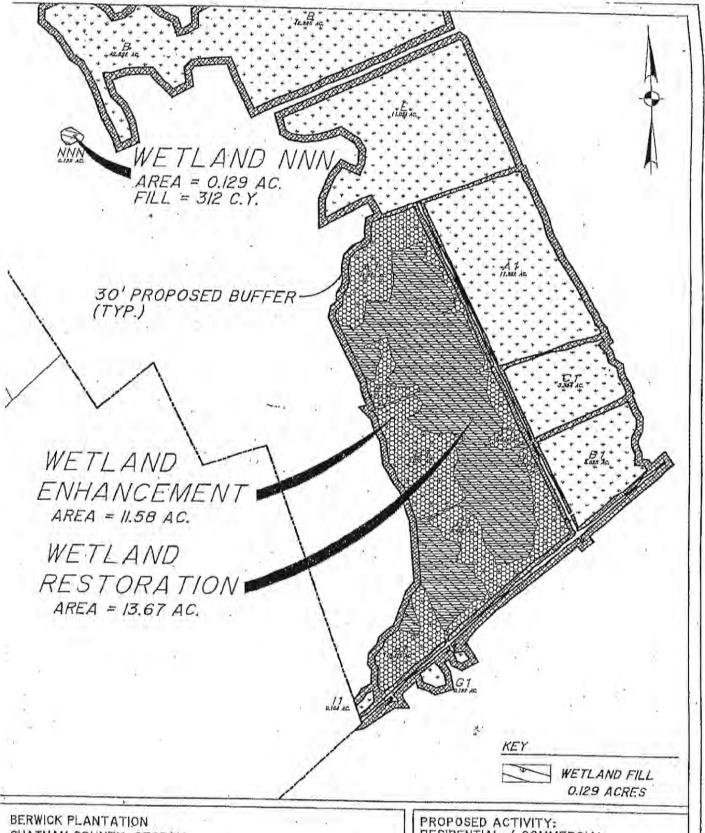
DATUM:

MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

COUNTY: CHATHAM COUNTY, GA.

APPLICANT:



CHATHAM COUNTY, GEORGIA

TE: DECEMBER II, 2000

orIEET 13 0F 26

SCALE: 1"=400'

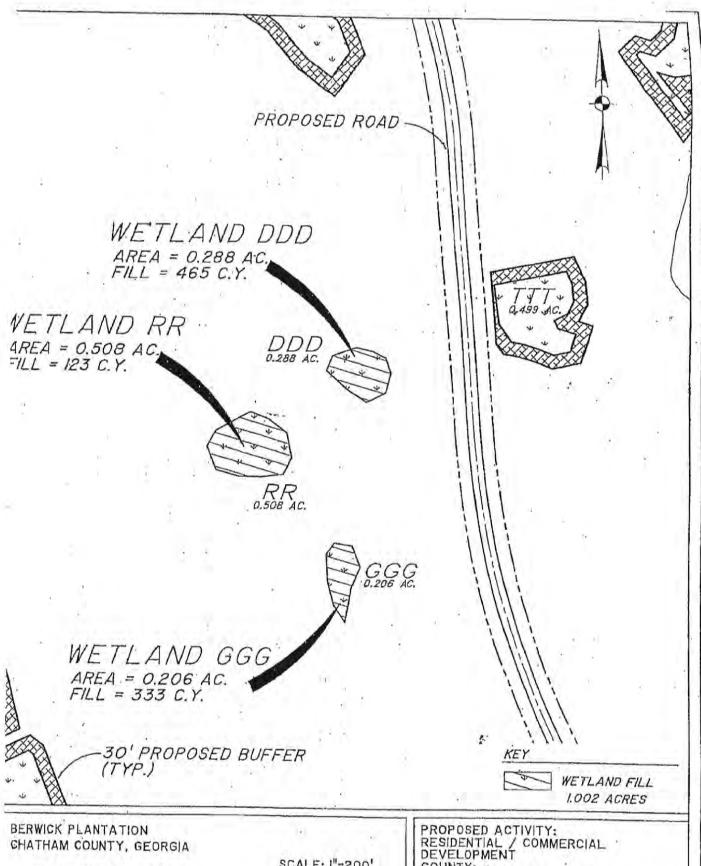
DATUM:

MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY: RESIDENTIAL / COMMERCIAL DEVELOPMENT COUNTY: CHATHAM COUNTY, GA.

APPLICANT:



E: DECEMBER II, 2000 ...

SHEET 14 OF 26

SCALE: 1"=200"

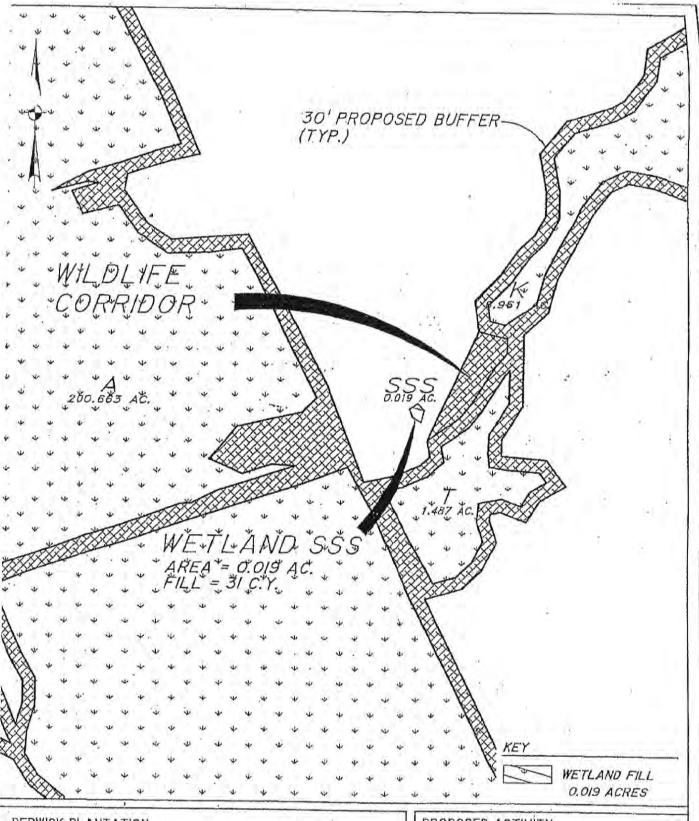
DATUM:

MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

COUNTY: CHATHAM COUNTY, GA.

APPLICANT:



TE: DECEMBER II, 2000

SHEET IS OF 26

SCALE: 1"=200"

DATUM:

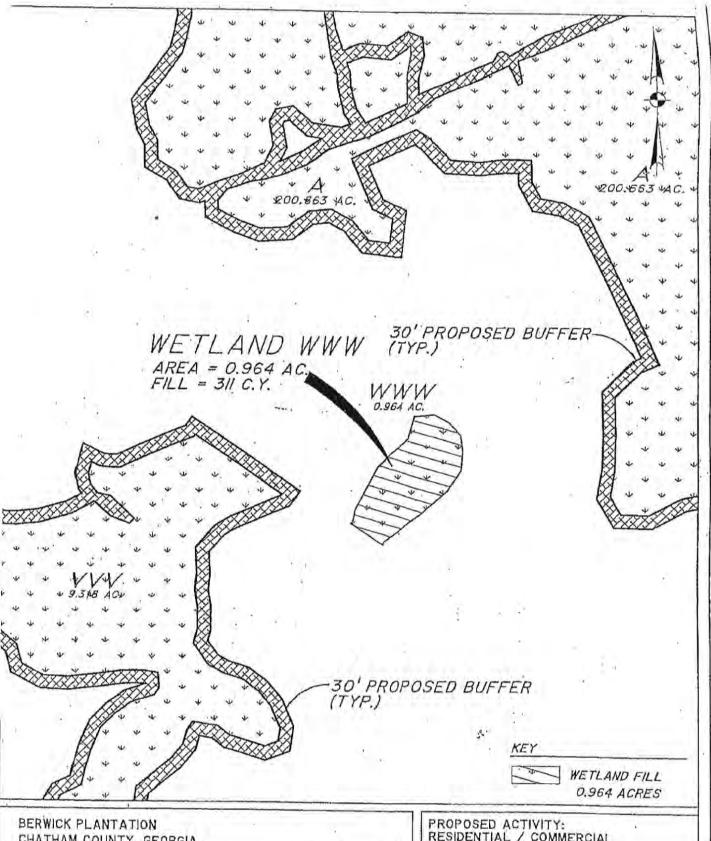
MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
COUNTY:
CHATHAM COUNTY, GA.

CHATHAM COUNTY,

APPLICANT:



CHATHAM COUNTY, GEORGIA

ATE: DECEMBER II, 2000

SHEET 16 OF 26

SCALE: 1"=200'

DATUM:

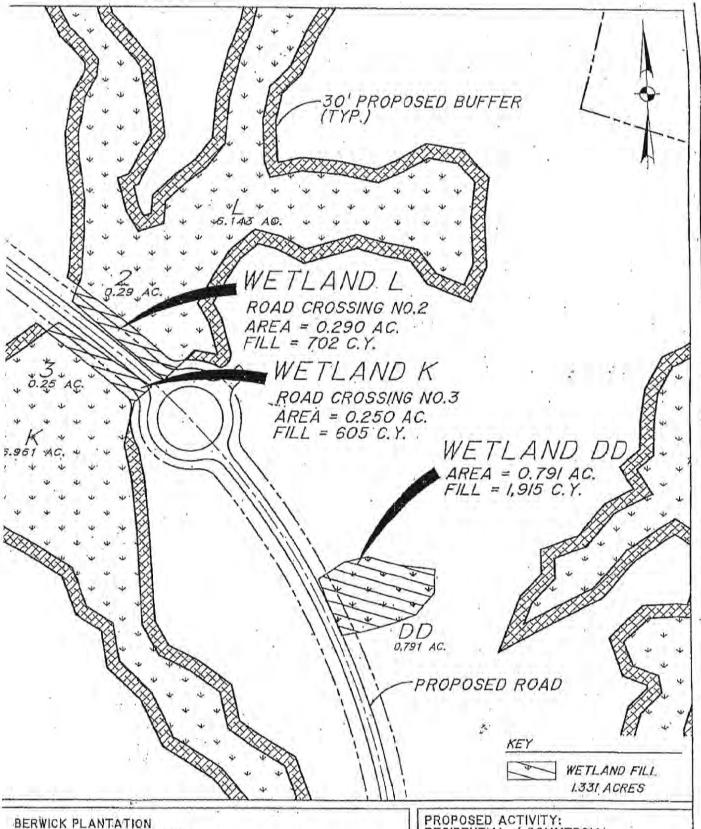
MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY: RESIDENTIAL / COMMERCIAL DEVELOPMENT COUNTY:

CHATHAM COUNTY, GA.

APPLICANT:



TE: DECEMBER II, 2000

SHEET I7 OF 26

SCALE: 1"=200"

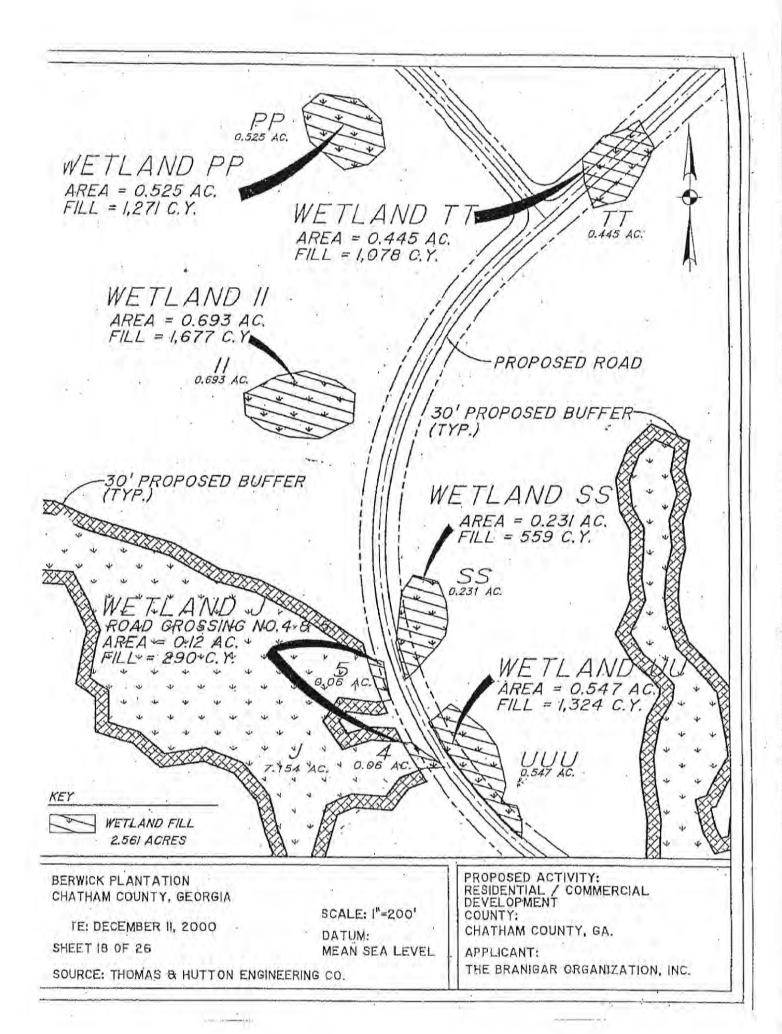
DATUM:

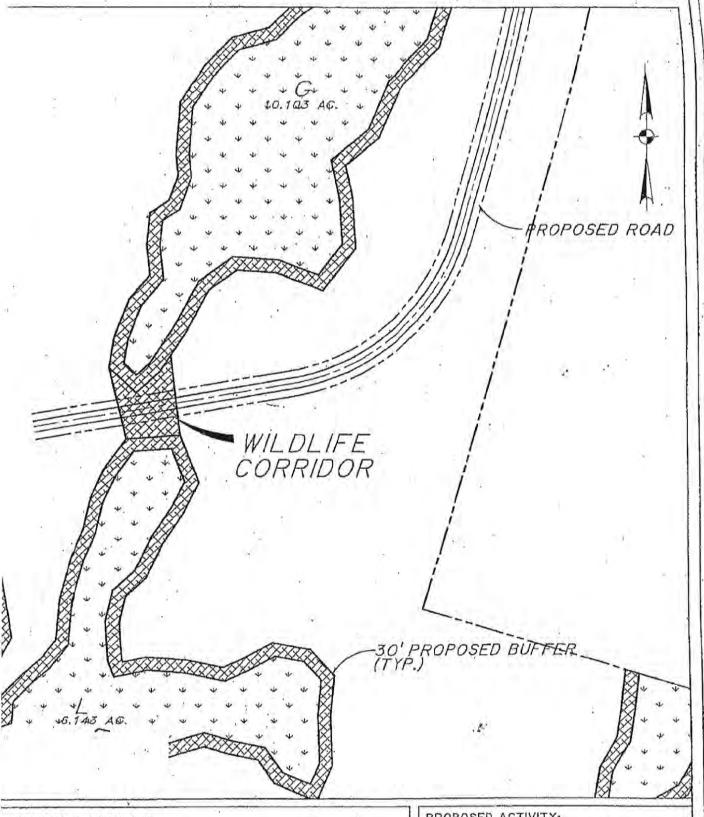
MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
COUNTY; CHATHAM COUNTY, GA.

APPLICANT:





TE: DECEMBER II, 2000

SHEET 19 OF 26

SCALE: 1"=200'

DATUM:

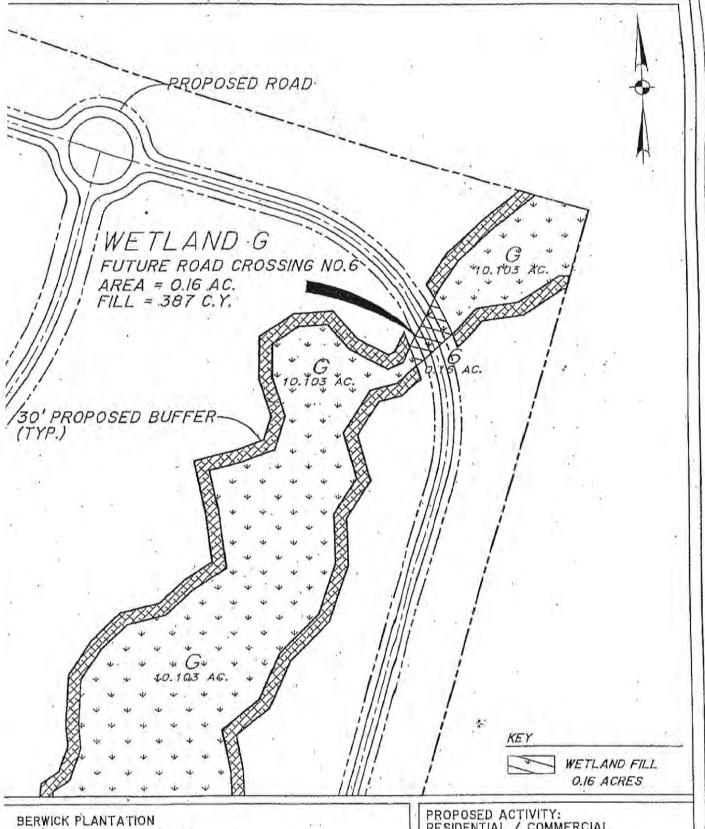
MEAN SEA LEVEL

-SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
COUNTY:

CHATHAM COUNTY, GA.

APPLICANT:



CHATHAM COUNTY, GEORGIA

TE: DECEMBER II, 2000

SHEET 20 OF 26

SCALE: |"=200" ..

DATUM:

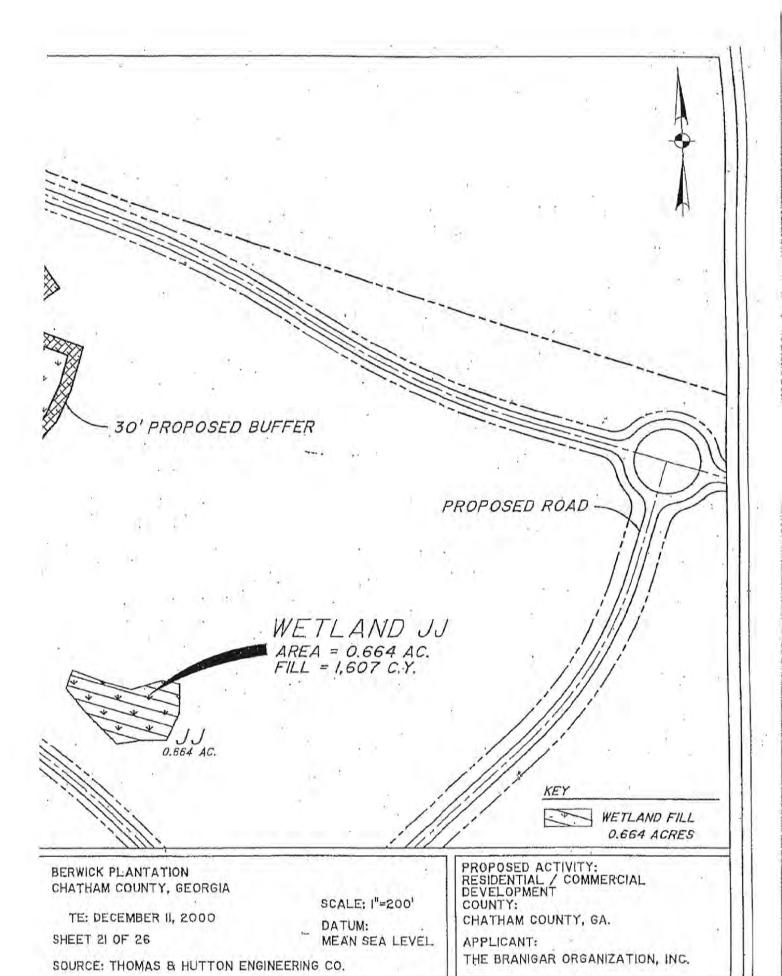
MEAN SEA LEVEL

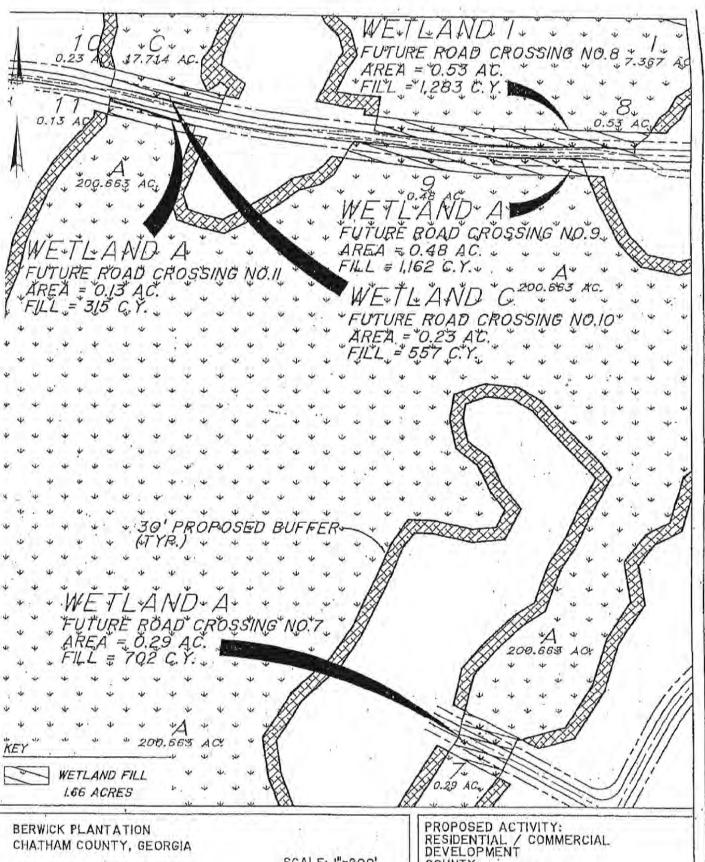
SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY: RESIDENTIAL / COMMERCIAL DE VELOPMENT COUNTY:

CHATHAM COUNTY, GA.

APPLICANT:





TE: DECEMBER II, 2000 SHEET 22 OF 26

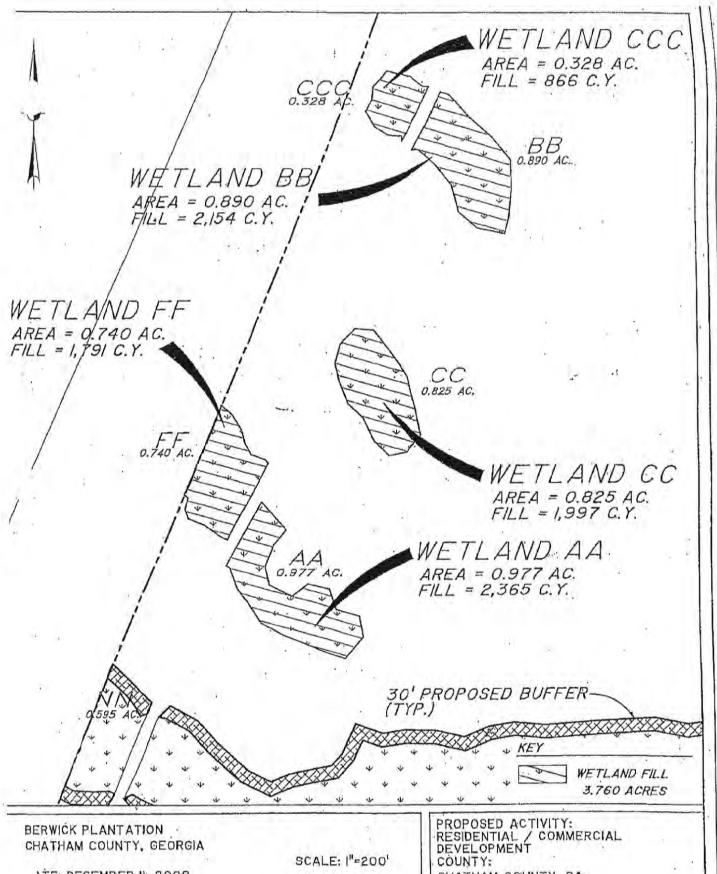
SCALE: 1"=200' DATUM:

MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

COUNTY: CHATHAM COUNTY, GA.

APPLICANT:



TE: DECEMBER II, 2000

SHEET 23 OF 26

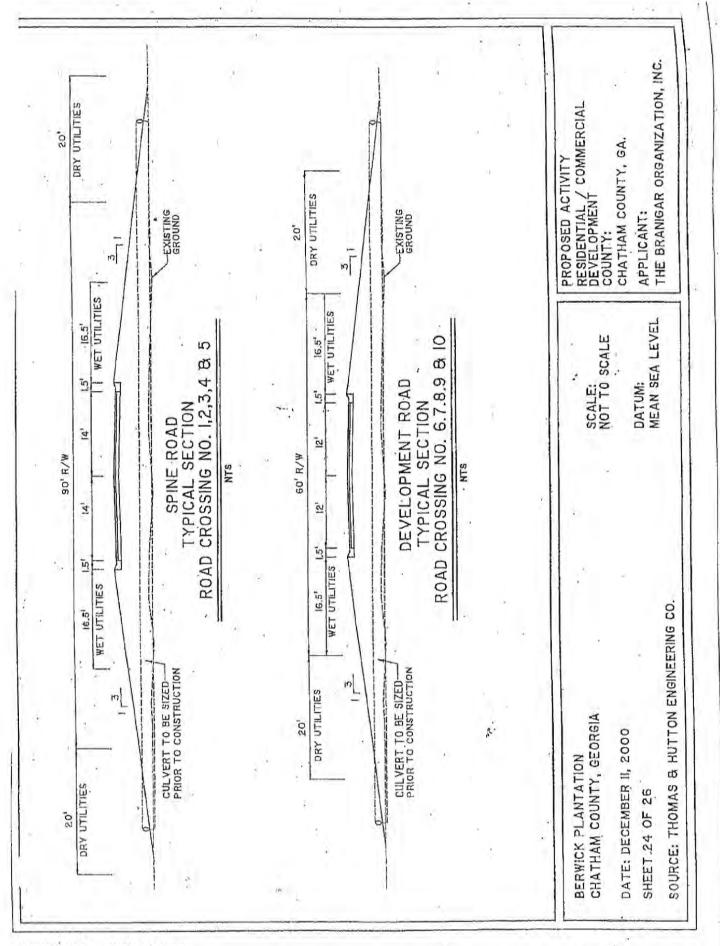
DATUM:

MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

CHATHAM COUNTY, GA.

APPLICANT:



-WETLAND TO BE FILLED PROPOSED GRADE TYPICAL WETLAND FILL SECTION NTS EXISTING GRADE

PROPOSED ACTIVITY
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
COUNTY:
CHATHAM COUNTY, GA.

SCALE: NOT TO SCALE APPLICANT:
THE BRANIGAR ORGANIZATION, INC.

MEAN SEA LEVEL

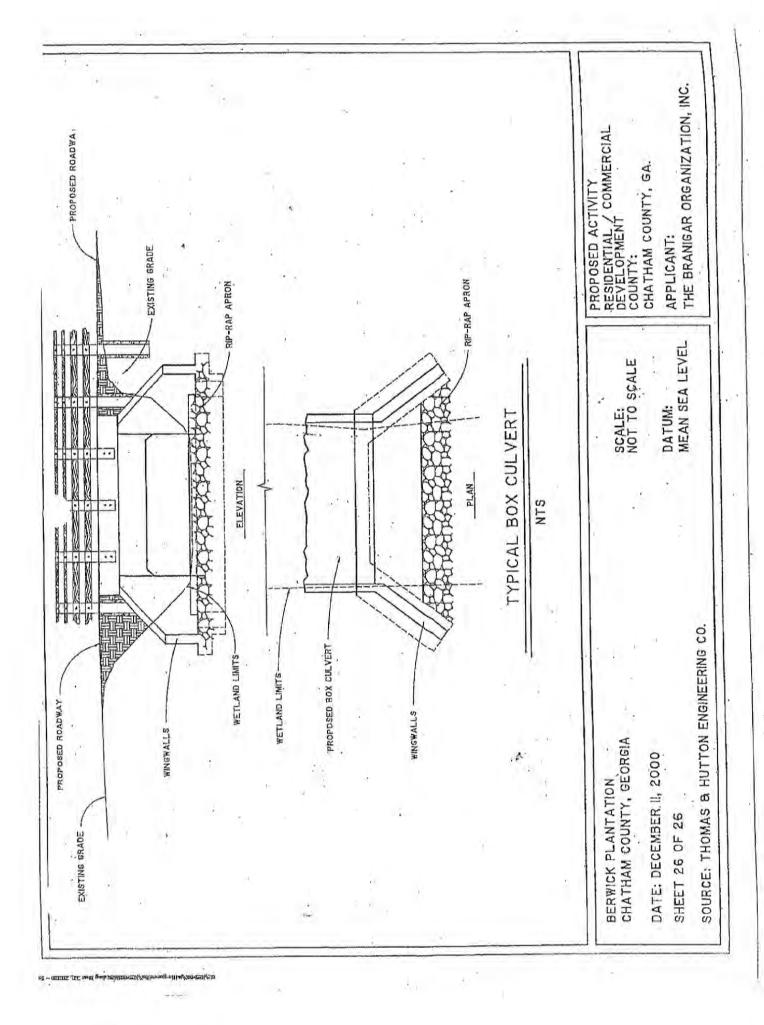
DATUM:

BERWICK PLANTATION CHATHAM COUNTY, GEORGIA

DATE: DECEMBER II, 2000

SHEET 25 OF 26

SOURCE: THOMAS & HUTTON ENGINEERING CO.



RL

June 7, 2001

Mr. William Burgstiner
The Branigar Organization, Inc.
Okatie Commerce Park, Suite 102
108 Traders Cross
Bluffton, South Carolina 29910

Re: Water Quality Certification

Public Notice No. 970015260

Mixed Use/Residential Development Coastal Zone/Ogeechee River Basin

Chatham County

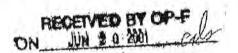
Dear Mr. Bürgstiner:

Pursuant to Section 401 of the Federal Clean Water Act, the State of Georgia issues this certification to The Branigar Organization, Inc., an applicant for a federal permit or license to conduct an activity in, on or adjacent to the waters of the State of Georgia.

The State of Georgia certifies that there is no applicable provision of Section 301; no limitation under Section 302; no standard under Section 306; and no standard under Section 307, for the applicant's activity. The State of Georgia certifies that the applicant's activity will comply with all applicable provisions of Section 303.

This certification is contingent upon the following conditions:

- All work performed during construction will be done in a manner so as not to violate applicable water quality standards.
- 2. No oils, grease, materials or other pollutants will be discharged from the construction activities which reach public waters.



Regulatory Branch

CERTIFICATION OF COMPLIANCE

HIIW

DEPARTMENT OF THE ARMY PERMIT

PERMIT NUMBER: 970015260

PERMITTEE: The Branigar Organization, Inc.

Within 30 days of completion of the activity authorized by this permit, sign this certification and return it to the following address:

Commander
U.S. Army Engineer District, Savannah
Attention: Regulatory Branch
P.O. Box 889
Savannah, Georgia 31402-0889

Please note that your permitted activity is subject to compliance inspection by an U.S. Army Corps of Engineers' representative. If you fail to comply with the permit conditions it may be subject to suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit.

Signature of Permittee/Date



DEPARTMENT OF THE ARMY

SAVANNAH DISTRICT, CORPS OF ENGINEERS P.O. BOX 889 SAVANNAH, GEORGIA 31402 November 12, 2002

Regulatory Branch 970015260

SUBJECT: Modification

The Branigar Organization, Inc. Attention: Mr. William Burgstiner Okatic Commerce Park, Suite 102 108 Traders Cross Bluffton, South Carolina 29910

Dear Mr. Burgstiner:

I refer to the submittal of September 27, 2002, provided on your behalf by Newkirk Environmental, Inc., requesting modification to Department of the Army Permit 970015260. This permit was issued on August 6, 2001, and authorized you to discharge fill material into 20.86 acres of wetland to facilitate development of a master-planned, mixed use community on the 1,911.35 acre Berwick Tract. The project site is located on the northwest side of US Highway 17, approximately 2.1 miles northeast of State Highway 204, near Savannah, Chatham County, Georgia.

Mitigation for the loss of wetlands was to consist of 396.52 acres of wetland preservation, 13.67 acres of wetland restoration, and 11.58 acres of wetland enhancement on the project site. The preserved, restored and enhanced wetland areas will be surrounded by at least 81.98 acres of upland buffer and wildlife corridors having a minimum width of 30 feet.

AUTHORIZED MODIFICATIONS: You are hereby authorized to modify your project as follows:

- a. To fill/impact an additional 1.51 acres of wetland to increase the road foot print width of wetland crossing in the proposed mitigation preservation area.
- b. To remove 1.04 acres of preserved upland buffer from the mitigation areas to allow construction of a road within the buffer area.

- c. Prior to initiating any work authorized under this modification, the permittee, shall complete all work in accordance with the compensatory wetland mitigation plan titled "Mitigation Plan, 1,911.35 Acre Berwick Plantation" and dated July 18, 2001. In addition, the permittee will complete all necessary requirements to record the "Declaration of Covenants and Restrictions" on the mitigation areas.
- d. A complete copy of this permit, including its drawings, shall be maintained at the work site whenever work is being performed. The permittee shall assure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the permit's terms and conditions.
- e. The permittee shall accomplish all work in accordance with the plans and drawings enclosed hereto which are incorporated in and made apart of this permit;
 - 1. Location Map
 - 2. Plan View Sheets (4)

The revised Plan Sheet Numbers 3, 10, 13, and 24, included with this permit modification hereby supersede the original Plan Sheet Numbers 3, 10, 13, and 24, attached to the permit.

This Permit Modification is subject to the terms and conditions of the original permit. You will not deviate from the approved location or plans without obtaining prior approval from the Department of the Army.

This authorization 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, local laws, or regulations; nor does it obviate the requirement to obtain State or local assent required by law for the activity described herein. It does not affect your liability for any damages that may be caused by the work.

If this modification is agreeable, sign both the original and duplicate copy. Please retain the original for your records and return the signed duplicate to this office.

This permit modification may be appealed in accordance with Title 33, Code of Federal Regulations, Part 331, published in the March 28, 2000, Federal Register, Vol. 65, No. 60, Pages 16486–16503. I have enclosed a form that explains your right to file an appeal, should you decide to do so.

If you have any further questions concerning this matter, please call Stanley J. Knight, Project Manager, at (912) 652-5348.

Colonel, US Army District Engineer

Enclosures

Permittee hereby accepts the terms and conditions of this instrument.

(Permittee)

(Date)

Copies Furnished:

Wetlands Regulatory Section
US Environmental Protection Agency, Region 4
Attention: Mr. Robert Lord
Atlanta Federal Center
61 Forsyth Street, SW.
Atlanta, Georgia 30303-8960

Mr. Greg R. Masson, PH.D. Coastal Section Supervisor U S Fish and Wildlife Service 4270 Norwich Street Brunswick, Georgia 31520

Copies Furnished (Cont'd):

Georgia Department of Natural Resources Attention: Ms. Jeannie Butler, Permit Coordinator One Conservation Way, Suite 300 Brunswick, Georgia 31520-8687

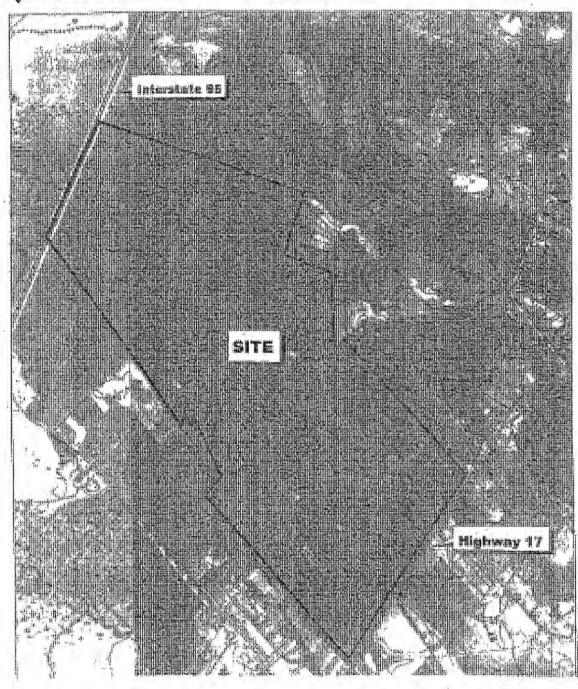
Newkirk Environmental, Inc. Attention: Mr. Alton Brown, Jr. 340 Eisenhower Drive Building 200, Suite 201 Savannah, Georgia 31406

Location Map

1911.35 Acre Berwick Plantation Chatham County, Georgla



✓ Project Limits



EGENL

TOTAL WETLANDS

442.634 AC.

TOTAL WETLAND FILL (51,674 C.Y.)

22.37 AC.

WETLANDS ENHANCEMENT

11.58 AC.



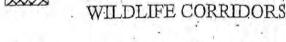
WETLANDS RESTORATION

.13.67 A.C.



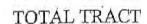
UPLAND BUFFERS /

80.94 AC.



WETLAND PRESERVATION

395.05 AC.



1911.35 AC.

BERWICK PLANTATION CHATHAM COUNTY, GEORGIA

DATE: DECEMBER II, 2000 REVISED: JULY 26, 2002

SHEET 3 OF 26

SCALE: 1"=2000"

DATUM:

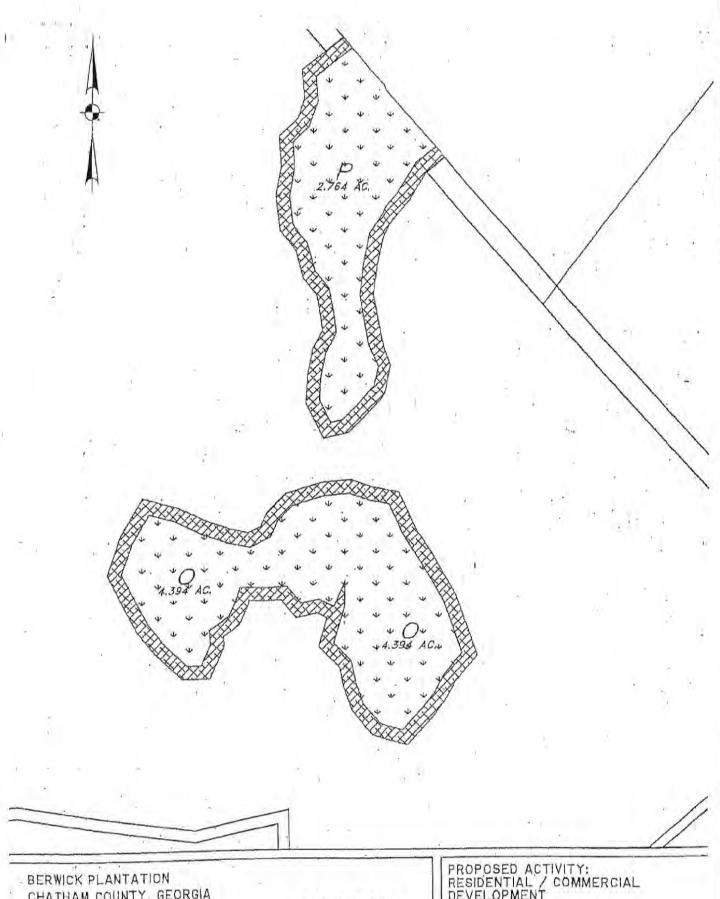
MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY: RESIDENTIAL / COMMERCIAL DEVELOPMENT COUNTY:

CHATHAM COUNTY, GA.

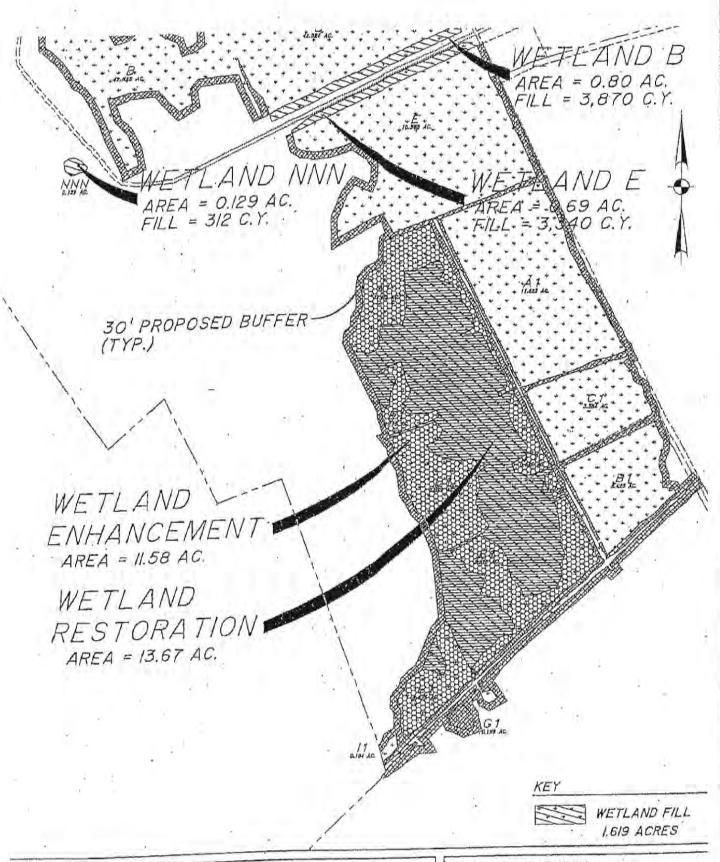
APPLICANT:



CHATHAM COUNTY, GEORGIA

DATE: DECEMBER II, 2000 REVISED: JULY 26, 2002 SHEET 10 OF 26

SCALE: 1"=200' DATUM: MEAN SEA LEVEL PROPOSED ACTIVITY:
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
COUNTY: CHATHAM COUNTY, GA. APPLICANT:



DATE: DECEMBER II, 2000 REVISED: JULY 26, 2002 SHEET IS OF 26 SCALE: 1"=400' DATUM: MEAN SEA LEVEL PROPOSED ACTIVITY:
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
COUNTY:
CHATHAM COUNTY, GA.

APPLICANT: THE BRANIGAR ORGANIZATION. INC.

SHEET 24 OF 26 CHATHAM COUNTY, GEORGIA BERWICK PLANTATION DATE: DECEMBER II, 2000 REVISED: JULY 26, 2002 SOURCE: THOMAS & HUTTON ENGINEERING CO. DRY UTILITIES. 20' PRIOR TO CONSTRUCTION PRIOR TO CONSTRUCTION DRY UTILITIES 20 WET UTILITIES WET UTILITIES | | 10.5 TYPICAL SECTION
ROAD CROSSING NO. 6.7.8.9.10 & II ROAD CROSSING NO. 1,2,3,4 5 LS. DEVELOPMENT ROAD SPINE ROAD
TYPICAL SECTION 14 12 90' R/W 60' R/W NTS NTS 12 4 SCALE: NOT TO SCALE MEAN SEA LEVEL WET UTILITIES 5 5 φ 51 WET UTILITIES 6.5 16.5 RESIDENTIAL / COMMERCIAL DEVELOPMENT COUNTY: PROPOSED ACTIVITY THE BRANIGAR ORGANIZATION, INC. APPLICANT: CHATHAM COUNTY, GA. DRY UTILITIES GROUND EXISTING GROUND 20 DRY UTILITIES 20

- c. Prior to initiating any work authorized under this modification, the permittee, shall complete all work in accordance with the compensatory wetland mitigation plan titled "Mitigation Plan, 1,911.35 Acre Berwick Plantation" and dated July 18, 2001. In addition, the permittee will complete all necessary requirements to record the "Declaration of Covenants and Restrictions" on the mitigation areas.
- d. A complete copy of this permit, including its drawings, shall be maintained at the work site whenever work is being performed. The permittee shall assure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the permit's terms and conditions.
- e. The permittee shall accomplish all work in accordance with the plans and drawings enclosed hereto which are incorporated in and made a part of this permit:
 - 1. Location Map
 - 2. Plan View Sheets (4)

The revised Plan Sheet Numbers 3, 10, 13, and 24, included with this permit modification hereby supersede the original Plan Sheet Numbers 3, 10, 13, and 24, attached to the permit.

This Permit Modification is subject to the terms and conditions of the original permit. You will not deviate from the approved location or plans without obtaining prior approval from the Department of the Army.

This authorization 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, local laws, or regulations; nor does it obviate the requirement to obtain State or local assent required by law for the activity described herein. It does not affect your liability for any damages that may be caused by the work.

If this modification is agreeable, sign both the original and duplicate copy. Please retain the original for your records and return the signed duplicate to this office.

This permit modification may be appealed in accordance with Title 33, Code of Federal Regulations, Part 331, published in the March 28, 2000, Federal Register, Vol. 65, No. 60, Pages 16486-16503. I have enclosed a form that explains your right to file an appeal, should you decide to do so.

If you have any further questions concerning this matter, please call Stanley J. Knight, Project Manager, at (912) 652-5348.

Roger A. Gerber Colonel, US Army District Engineer

Enclosures

Permittee hereby accepts the terms and conditions of this instrument.

(Permittee)

(Date)

Copies Furnished:

Wetlands Regulatory Section
US Environmental Protection Agency, Region 4
Attention: Mr. Robert Lord
Atlanta Federal Center
61 Forsyth Street, SW.
Atlanta, Georgia 30303-8960

Mr. Greg R. Masson, PH.D. Coastal Section Supervisor U S Fish and Wildlife Service 4270 Norwich Street Brunswick, Georgia 31520

Copies Furnished (Cont'd):

Georgia Department of Natural Resources Attention: Ms. Jeannie Butler, Permit Coordinator One Conservation Way, Suite 300 Brunswick, Georgia 31520-8687

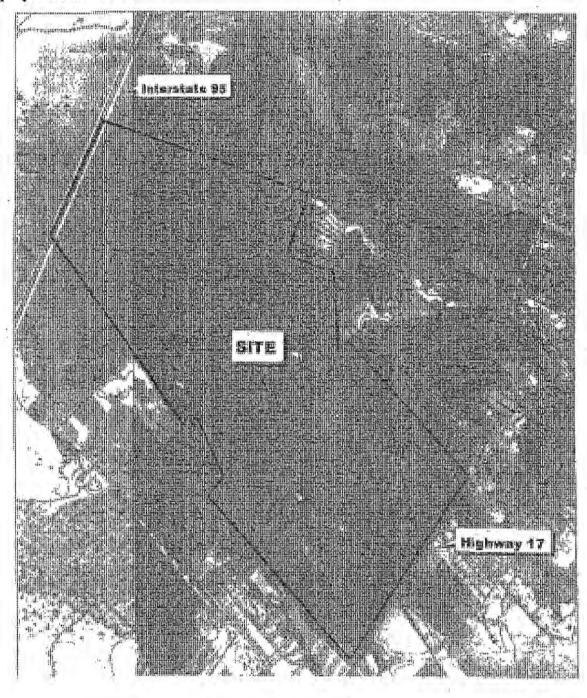
Newkirk Environmental, Inc. Attention: Mr. Alton Brown, Jr. 340 Eisenhower Drive Building 200, Suite 201 Savannah, Georgia 31406

Location Map

1911.35 Acre Berwick Plantation Chatham County, Georgia



✓ Project Limits



LEGEND

TOTAL WETLANDS

442,634 AC.

TOTAL WETLAND FILL (51,674 C.Y.)

22.37 AC.

BBB

WETLANDS ENHANCEMENT

11.58 AC.



WETLANDS RESTORATION

.13.67 AC.



UPLAND BUFFERS /
WILDLIFE CORRIDORS

80.94 AC.



WETLAND PRESERVATION

395.05 AC.

TOTAL TRACT

1911.35 AC.

BERWICK PLANTATION CHATHAM COUNTY, GEORGIA

DATE: DECEMBER II, 2000 REVISED: JULY 26, 2002

SHEET 3 OF 26

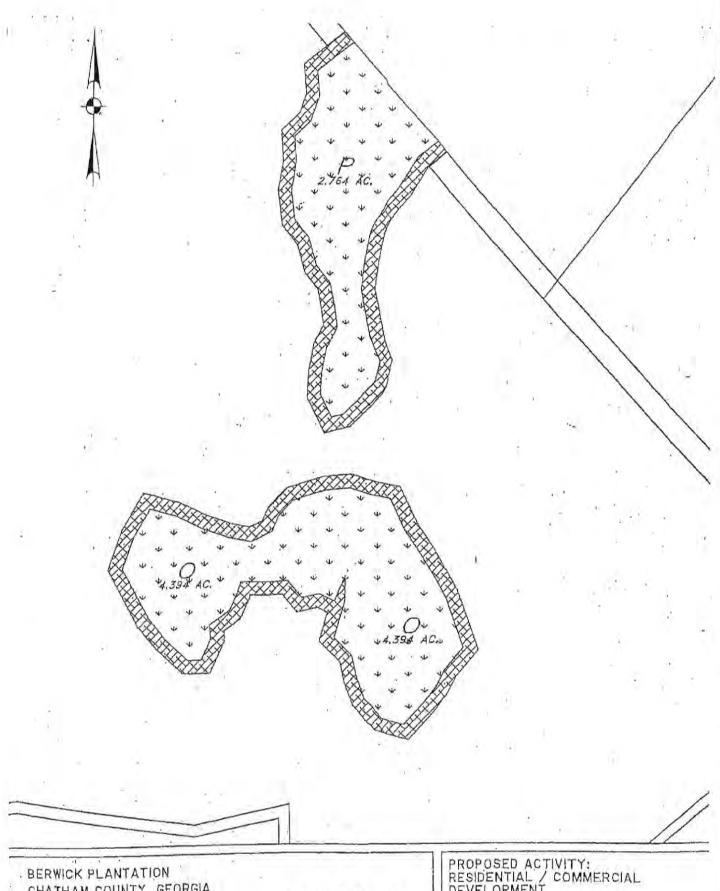
SCALE: "=2000' DATUM:

MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
COUNTY:
CHATHAM COUNTY, GA.

APPLICANT:

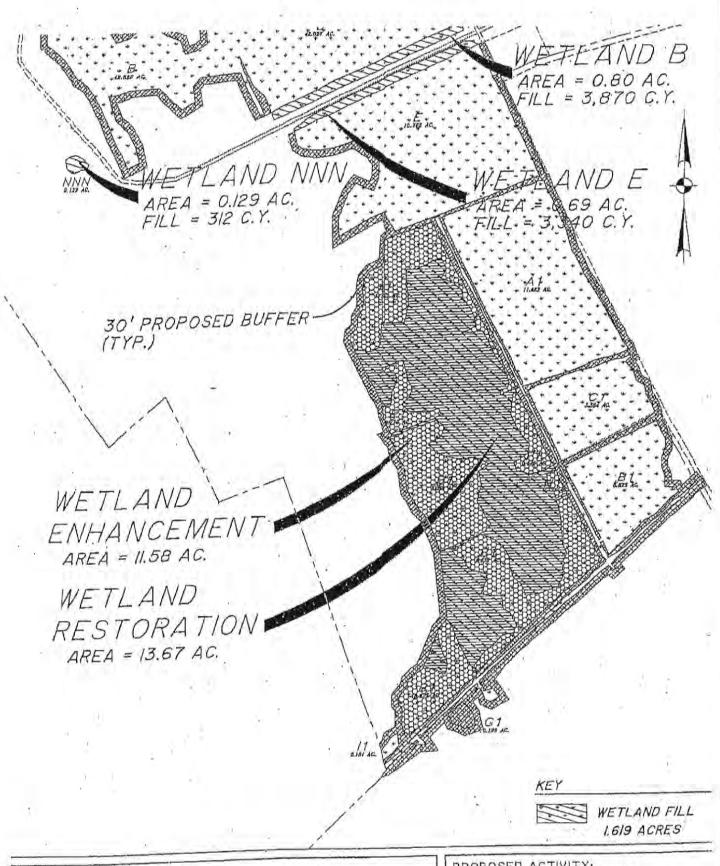


CHATHAM COUNTY, GEORGIA

DATE: DECEMBER II, 2000 REVISED: JULY 26, 2002 SHEET 10 OF 26

SCALE: |"=200" DATUM: MEAN SEA LEVEL PROPOSED ACTIVITY:
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
COUNTY: CHATHAM COUNTY, GA.

APPLICANT:



BERWICK PLANTATION CHATHAM COUNTY, GEORGIA

DATE: DECEMBER II, 2000 REVISED: JULY 26, 2002 SHEET I3 OF 26 SCALE: I"=400' DATUM: MEAN SEA LEVEL PROPOSED ACTIVITY:
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
COUNTY:
CHATHAM COUNTY, GA.

APPLICANT:

SHEET 24 OF 26

SOURCE: THOMAS & HUTTON ENGINEERING CO.

DATUM: MEAN SEA LEVEL

APPLICANT:

THOMAS & HUTTON ENGINEERING CO.

FACSIMILE COVER SHEET

-			Date: No. of	Pages IncludingThis:	
oany: _ lo.: _	Parti 1-8	CORP 64-421	-67 (+O Re;	Beauc	ic Paremer



This notice of authorization must be conspicuously displayed at the site of work.

United States Army Corps of Engineers

XXX 2001

	ischarge fill material into 20.86 acres of wet acilitate development of a master-planned comm			
그리고 하시아 아니라는 하는 어디 아버지?	35 acre Berwick Tract, Chatham County, Georgia			
has been issu	ed to The Branigar Organization on August 6 20 2	001		
	rmittee Okatie Commerce Park, Suite 102	102		
Permit Numbe	108 Traders Cross, Bluffton, SC. 2991	•		
97001				
	for Roger A. Gerbe			

ENG FORM 4336 , Jul 81 (33,CER, 329-339) EDITION OF JUL 70 MAY BE USED \$U.S. GPO: 1998-642-746

(Proponent: CECW-O)



DEPARTMENT OF THE ARMY

SAVANNAH DISTRICT, CORPS OF ENGINEERS P.O. BOX 889 SAVANNAH, GEORGIA 31402 JUL 3 0 2001

REPLY TO

Regulatory Branch 970015260

The Branigar Organization, Inc. Attention: Mr. William Burgstiner Okatic Commerce Park, Suite 102 108 Traders Cross Bluffton, South Carolina 29910

Dear Mr. Burgstiner:

PLEASE READ THIS LETTER CAREFULLY AND COMPLY WITH ITS PROVISIONS.

We are enclosing a draft of your Department of the Army Permit in duplicate. If you agree with the terms and conditions, please sign and date both copies of the Draft permit and return them to this office. Upon receipt, the District Engineer will validate your permit and return the original to you for your records. We will also send a Notice of Authorization, which you should display at the project site. Your permit is not valid until signed by the District Engineer.

We require a \$100.00 fee for issuance of a permit for commercial activities. Please make your check payable to the Finance and Accounting Officer, Savannah District.

IT SHALL BE UNLAWFUL TO DEVIATE FROM THE PLANS EITHER BEFORE OR AFTER COMPLETION OF THE WORK, unless a plan reflecting the modification has previously been submitted to and approved by this office.

In addition, please note that the permit not only authorizes the work, but also its intended use. No use other than that specified in this permit can be made of permitted work or structures.

Please direct your attention to the General Conditions on pages 1 and 2 of the permit. Special Conditions relating to the project are listed on pages 2 to 4.

This office must be notified ten days in advance of your intent to start work on this project. You must also notify this office when the project is completed.

Check # 18676 For # 100 -W/D & FWD F & A on

-2-

We have enclosed a form titled, "Notification of Applicant Options" that explains your right to appeal this decision in accordance with Title 33, Code of Federal Regulations, Part 331, published in the March 28, 2000, Federal Register, Vol. 65, No. 60. If you have any further questions concerning this matter, please call Richard Legere, Project Manager, at (912) 652-5079.

Sincerely,

Necholus Ogden

Chief, Regulatory Branch

Enclosures

Copies Furnished:

U.S. Environmental Protection Agency Water Management Division Wetlands Section, Region IV Attention: Mr. William L. Cox, Chief Atlanta Federal Center 61 Forsyth Street, SW. Atlanta, Georgia 30303-3104

U.S. Department of the Interior Fish and Wildlife Service Attention: Ms. Sandra S. Tucker, Field Supervisor 247 South Milledge Avenue Athens, Georgia 30605

Mr. Keith Parsons Georgia Department of Natural Resources Water Protection Branch 4220 International Parkway, Suite 101 Atlanta, Georgia 30354

-3-

Copies Furnished (continued):

Mrs. Kelie M. Matrangos
Federal Consistency Coordinator
Georgia Department of Natural Resources
Coastal Resources Division
One Conservation Way, Suite 300
Brunswick, Georgia 31523-8602

Mr. Al Bungard, County Engineer Chatham County Engineering Department Post Office Box 8161 Savannah, Georgia 31412

Newkirk Environmental, Inc. Attention: Mr. Stuart Sligh 340 Eisenhower Drive Building 200, Suite 201 Savannah, Georgia 31406 JUL 3 0 2001 970015260 File No.

NOTIFICATION OF APPLICANT OPTIONS (NAO) FOR PARTIES ISSUED A DEPARTMENT OF THE ARMY INDIVIDUAL PERMIT

You are hereby advised that the following options are available to you in your evaluation of the enclosed permit:

- You may sign the permit, and return it to the District Engineer for final authorization.
 Your signature on the permit means that you accept the permit in its entirety, and waive all rights to appeal the permit, or its terms and conditions.
- 2) You may decline to sign the permit because you object to certain terms and conditions therein, and you may request that the permit be modified accordingly. You must outline your objections to the terms and conditions of the permit in a letter to the District Engineer. Your objections must be received by the District Engineer within 60 days of the date of this NAO, or you will forfeit your right to request changes to the terms and conditions of the permit. Upon receipt of your letter, the District Engineer will evaluate your objections, and may: (a) modify the permit to address all of your concerns, or (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. In any of these three cases, the District Engineer will send you a final permit for your reconsideration, as well a Notification of Appeal (NAP) Form and a Request For Appeal (RFA) Form. Should you decline the Final Proffered Permit, you can appeal the Declined Permit under the U.S. Army Corps of Engineers Administrative Appeal Process by submitting the completed RFA Form to the Division Engineer. The RFA must be received by the Division Engineer within 60 days of the date of the NAP that was transmitted with the Second Proffered Permit.

DEPARTMENT OF THE ARMY PERMIT

PERMITTEE: The Branigar Organization, Inc.

PERMIT NUMBER: 970015260

ISSUING OFFICE:

Savannah District U.S. Army Corps of Engineers Post Office Box 889 Savannah, Georgia 31402-0889

NOTE: The term "you" and its derivatives used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate District or Division office of the U.S. Army Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

PROJECT DESCRIPTION: To discharge fill material into 20.86 acres of wetland to facilitate development of a master-planned, mixed use community on the 1,911.35 acre Berwick Tract. Site development will require 17.89 acres of wetland fill. The remaining 2.97 acres of fill is needed for road crossings. As compensatory mitigation for these impacts, the permittee will preserve 396.52 acres of wetland, restore 13.67 acres of wetland and enhance 11.58 acres of wetland on the project site. The preserved, restored and enhanced wetland areas will be surrounded by at least 81.98 acres of upland buffer and wildlife corridors having a minimum width of 30 feet.

PROJECT LOCATION: The project site is located on the northwest side of U.S. Highway 17, approximately 2.1 miles northeast of State Highway 204, near Savannah, Chatham County, Georgia.

PERMIT CONDITIONS:

General Conditions.

- 1. The time limit for completing the work authorized by this Individual Permit ends on October 31, 2011. If you find that you need more time to complete the authorized activity, you must submit a request for your permit extension at least one month prior to the above date.
- 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer

Check # 18676 For \$ 100 -

maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

- 3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
- 4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
- 5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions.

- The permittee shall comply with all conditions included in the attached Section 401 Water Quality Certification.
- The permittee shall obtain fill material from a high ground borrow area that is free of contaminants and pollutants.
- 3. The permittee shall fully implement the attached compensatory wetland mitigation plan titled "Mitigation Plan, 1,911.35 Acre Berwick Plantation" and dated July 18, 2001. In addition to a requirement to record a "Declaration of Covenants and Restrictions" on the mitigation areas, this mitigation plan includes specific requirements and time periods within which the restoration and enhancement activities included in the mitigation plan are to be completed.
- 4. Within one year of issuance of the permit, the permittee shall submit for review and final approval, a draft "Declaration of Covenants and Restrictions" necessary to perpetually protect and preserve all wetlands and uplands that are identified as compensatory mitigation lands in the mitigation plan. This draft document will contain stipulations necessary to allow the permittee flexibility with regard to the exact location of the right-of-way for the phased construction of authorized wetland crossings. It is understood that the permittee may commence work while the draft "Declaration of Covenants and Restrictions" is being prepared, provided that the upland buffer boundary on the affected development parcel is clearly identified in the field before work begins.

- 5. Within six months of the USACE's final approval of the draft "Declaration of Covenants and Restrictions", the permittee shall submit a copy of the final document that has been notarized and recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia.
- 6. Within six months of the USACE's final approval of the above draft "Declaration of Covenants and Restrictions", the permittee shall post appropriate signs at 300' intervals along all property boundaries of the compensatory mitigation lands to reduce the possibility of unauthorized disturbance to these areas.
- 7. In the event that a modification is proposed to a phase of the project's master development plan, the permittee shall submit the revised plan to this office prior to initiating any work within that phase. Modifications requiring submission of a revised plan would include, but are not limited to, the following: changes in the type of activity proposed for a phase (i.e., residential to commercial, recreational to retail, etc.); changes in the size or configuration of a phase; and/or changes in the primary access road plan. These types of modifications to the master development plan will not normally require formal modification of the permit unless they result in a change in the location and/or extent of jurisdictional impacts.
- 8. Prior to initiating authorized work within any phase of the project, the permittee shall provide this office with a copy of the proposed site specific development plan. This office will review the proposed plan for permit compliance purposes only.
- 9. Prior to initiating any work authorized under this permit, the permittee shall insure that the authorized project is in compliance with all applicable regulations/requirements of the Federal Emergency Management Agency pertaining to construction activities in designated flood plains and/or flood ways, and mapping and/or designating changes to any flood plain and/or floodway that may be affected by the permitted activity.
- 10. The permittee shall insure that the project's master drainage plan is designed and implemented to avoid inadvertent drainage of wetlands and inadvertent water diversion resulting in a reduction of hydrology in wetlands. The permittee shall also insure that secondary road ditches and/or small after-project drainage ditches do not inadvertently impact wetlands.
- 11. All work conducted under this permit shall be located, outlined, designed, constructed and operated in accordance with the minimal requirements as contained in the Georgia Erosion and Sedimentation Control Act of 1975, as amended. Utilization of plans and specifications as contained in "Manual for Erosion and Sediment Control, Third Edition, 1992" published by the Georgia Soil and Water Conservation Commission or their equivalent will aid in achieving compliance with the aforementioned minimal requirements.
- 12. A complete copy of this permit, including its drawings, special conditions and any amendments, shall be maintained at the work site whenever work is being performed. The permittee shall assure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the permit's terms and conditions.

- 13. Until expiration of the permit, the permittee shall remain solely responsible for insuring permit compliance within the entire 1,911.35 acre project area. Furthermore, the permittee shall remain solely responsible for any unauthorized impacts to any of the natural and/or restored wetlands located within the entire 1,911.35 acre project area. In other words, as long as the permit is valid, the permittee shall be solely responsible for all permit compliance and for any unauthorized wetland impacts, regardless of property ownership.
- 14. This office will favorably consider the permittee's requests for extensions of time to the expiration date of the permit. Factors that this office may consider include, but are not limited to, the following: whether or not the permittee has met all time requirements, as stipulated in the above special permit conditions; whether or not the permittee has violated any permit conditions; whether or not the permittee has completed required compensatory wetland mitigation, and; whether or not unauthorized work in wetlands has occurred within the permit area. Provided that the permittee adequately documents that no serious problems have occurred with regard to the above factors, this office will grant five-year extensions to the expiration date of the permit, not to exceed a total of 20 years.
- 15. The permittee shall accomplish all work in accordance with the plans and drawings enclosed hereto which are incorporated in and made a part of this permit:
 - a. Location Map
 - b. Vicinity Map (Sheet 1 of 26)
 - c. Project Map and Enlargements (Sheets 2 to 23 of 26)
 - d. Typical Road Crossing Sections (Sheet 24 of 26)
 - e. Typical Wetland Fill Section (Sheet 25 of 26)
 - f. Typical Box Culvert Section (Sheet 26 of 26)

It is understood that the final layout of buildings and infrastructure may vary slightly from the conceptual site development plan submitted for approval. However, there shall be no wetland impacts other than those authorized by this permit.

FURTHER INFORMATION:

- Congressional Authorities: You have been authorized to undertake the activity described above pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - 2. Limits of this Authorization.
- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.
- Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- Reliance on Applicant's Data. The determination of this office that issuance of this permit
 is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7, or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order which requires you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate.

- d. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
- 6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the U.S. Army Corps of Engineers will normally give favorable consideration to a request for an extension of time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

William C. Burgetines

8/02/01 (BATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Issued for and in behalf of:

Roger A. Gerber Colonel, U.S. Army District Engineer 8/06/01 (DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

MITIGATION PLAN 1,911.35 ACRE BERWICK PLANTATION 18 JULY 2001

The following mitigation plan is expected to compensate for the loss of 20.86 acres of wetlands associated with the development of the 1,911.35 Acre Berwick Plantation.

1.0 Wetland and Upland Buffer Preservation:

The Branigar Organization, Inc. (Branigar), will preserve approximately 396.52 acres of freshwater wetland on the project site. These wetland areas include all of the larger, contiguous wetland systems and several of the larger, more mature isolated wetland areas. Branigar will provide perpetual preservation of these forested hardwood wetland areas which could, under silvicultural guidelines, be significantly impacted.

In addition to preserving 396.52 acres of wetland, Branigar will preserve at least 81.98 acres of upland buffer having a minimum width of 30 feet. This buffer will surround the preserved wetlands, as well as wetlands being restored and enhanced. During completion of the upland buffer boundary survey, it is likely that some additional upland areas will be included in the buffer to straighten the buffer boundary line. This practice is expected to slightly increase the average buffer width.

2.0 Wetland Restoration And Enhancement:

In addition to the large acreage of high quality wetland and upland buffer preservation, Branigar will restore/enhance 25.25 acres of wetland located within and adjacent to the large hardwood bottomland wetland system associated with Culvert Swamp. The hydrology in this area has been affected by the relic ditching associated with historic rice production. This area contains a large primary ditch which extends through the center of the large bottomland system (i.e. north/south), as well as several smaller lateral ditches extending east and west. Based on the wetland delineation and review of preliminary topographic and soils information, it appears that approximately 13.67 acres of former hardwood bottomland wetland has been completely drained and is no longer jurisdictional. In addition to completely draining a large acreage of wetland, the existing ditch system continues to significantly affect the normal hydrology within approximately 11.58 acres of jurisdictional wetland.

The goal of this portion of the mitigation plan is to restore/enhance surface and ground water hydrology within the 25.25 acre area to that of a nearby reference wetland. Branigar will restore reference hydrology in this area by installing one or more engineer-designed permanent water control structures within the lateral ditches. The permanent structures should allow surface and ground water elevations to rise in this area, increasing the frequency and duration of hydric conditions. The design of the water control structures is not known at this time, as additional investigation of the site and watershed will need to be completed prior to sizing the structures. It is anticipated that the structures will be fixed riser structures with outfall pipes or earthen plugs installed in the existing ditches. Final outfall elevations will be set according to site topography

and overall predicted watershed flows during certain storm events. The set elevation will allow the restoration/enhancement area to have saturated soils at a frequency and duration resembling that of the reference wetland, but will not allow the flooding of adjacent upland areas. This restoration/enhancement activity will result in an overall improvement in wetland quality and fish and wildlife habitat.

Branigar will initiate the restoration and enhancement plan by conducting a detailed topographic survey of the restoration and enhancement site. After the topographic survey is completed, Branigar will complete an engineer-designed plan which will depict the proposed water control structure(s) and predicted ground and surface water elevations. Branigar will implement the restoration/enhancement work concurrent with project construction, and all restoration work will be completed within two years of permit authorization.

Branigar will install monitoring wells within the 25.25 acre restoration/enhancement area, and in the reference wetland to establish baseline hydrology data to document the functional lift of the mitigation area. Branigar will monitor these wells for five years post-construction to determine the success of the hydrology restoration project. If at the end of the five year monitoring period the project is determined to be a success, the restoration/enhancement project may, after review by the appropriate regulatory agency personnel, be considered complete. If the wetland restoration/enhancement project is unsuccessful, Branigar will consult with the appropriate regulatory review agencies to determine what remedial action should be taken.

3.0 Declaration of Covenants and Restrictions:

Branigar will establish an irrevocable Declaration of Covenants and Restrictions (Covenant) on all upland buffers and wetlands to be preserved, restored and enhanced within the project boundaries. The Covenant will be attached to the deed and run with the land. This Covenant will be recorded with the RMC Office of Chatham County after a permit has been issued by the U.S. Army Corps of Engineers (USACE). All preservation areas will be eventually deeded to the Property Owners Association or transferred to a preservation organization.

The Covenant will generally allow access for activities such as hiking, bird watching, fishing, or other suitable recreational activities. It will also allow nature trails, elevated boardwalks and/or bridges, passive management activities beneficial to wildlife, removal of diseased and unsafe trees, limited underbrushing to create pathways, the discharge of storm water run-off and salvage timber harvesting operations in response to acts of nature (i.e., hurricanes). The Covenant will specifically prohibit development activities or other disturbances such as commercial timber harvesting, clearing, grading, excavation or formal landscaping, except for the limited trail construction and passive habitat management activities.

Preserved mitigation areas will be indicated on a plat signed and sealed by a registered surveyor. Appropriate signage will be placed around the perimeter of all mitigation areas, at approximately 300' intervals, advising that the conservation/preservation areas are protected and restricted to certain activities.

4.0 Mitigation Implementation Schedule:

The following is a time schedule for implementing the above described mitigation plan for the 1911.35 acre Berwick Plantation.

4.1 Wetland and Upland Buffer Preservation:

Within one year of permit issuance, and concurrent with development activities, Branigar will submit for review and final approval, a draft "Declaration of Covenants and Restrictions" necessary to perpetually protect and preserve all wetlands and uplands that are identified as compensatory mitigation lands in the above mitigation plan. This draft document will contain stipulations necessary to allow the developers flexibility with regard to the exact location of the right-of-way for the phased construction of authorized wetland crossings.

Within six months of the USACE's final approval of the draft "Declaration of Covenants and Restrictions", Branigar will submit a copy of the final document that has been notarized and recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia.

Within six months of the USACE's final approval of the above draft "Declaration of Covenants and Restrictions", Branigar will post appropriate signs at 300' intervals along all property boundaries of the compensatory mitigation lands to reduce the possibility of unauthorized disturbance to these areas.

4.2 Wetland Restoration and Enhancement:

Within one year of permit authorization, Branigar will submit a final mitigation plan for the wetland restoration and enhancement area. The final mitigation plan will include the following:

- a. A detailed topographic survey of the entire 25.25 acre enhancement area with a contour interval of six inches or less (0.1 foot intervals would be preferred).
- b. An engineer-designed site plan detailing the steps that will be taken to restore and enhance wetland hydrology in the mitigation area. This plan will include the number and location of water control structures, plans for their construction, and predicted ground and surface water elevations. The water control structures will be constructed/armored in a manner to insure that they are permanent. Any existing drainage ditches should be blocked at several locations upstream of the water control structures using available sidecast material.
- c. A proposed methodology for monitoring hydrology in the restoration/enhancement area and the reference wetland. This plan will include the type, number and location of monitoring wells, as well as the proposed frequency and duration of monitoring. At least one year of baseline hydrologic monitoring and five years of post-construction monitoring will be required. The monitoring plan should include a contingency plan for up to an additional year of baseline monitoring to obtain more accurate data as required. This plan should indicate that baseline hydrologic monitoring will begin within 18 months of permit authorization, and that the water control structures will be installed six months or less after the baseline monitoring is concluded. The condition of the water control structures themselves should also be monitored.

The mitigation plan for the wetland restoration/enhancement area will be submitted to the USACE for review and approval. Branigar will make minor revisions to the plan if considered necessary.

Annual mitigation monitoring reports will be submitted to the USACE for review and acceptance. If significant problems are identified during the five year post-construction monitoring period, regulatory personnel will be consulted regarding possible corrective action that may need to be taken. This may include modification or replacement of the water control structures, extension of the monitoring period, or the location of an alternate mitigation site. If at the end of the five year post-construction monitoring period the project is determined to be a success, the enhancement project may, after review by the appropriate regulatory agency personnel, be considered complete.

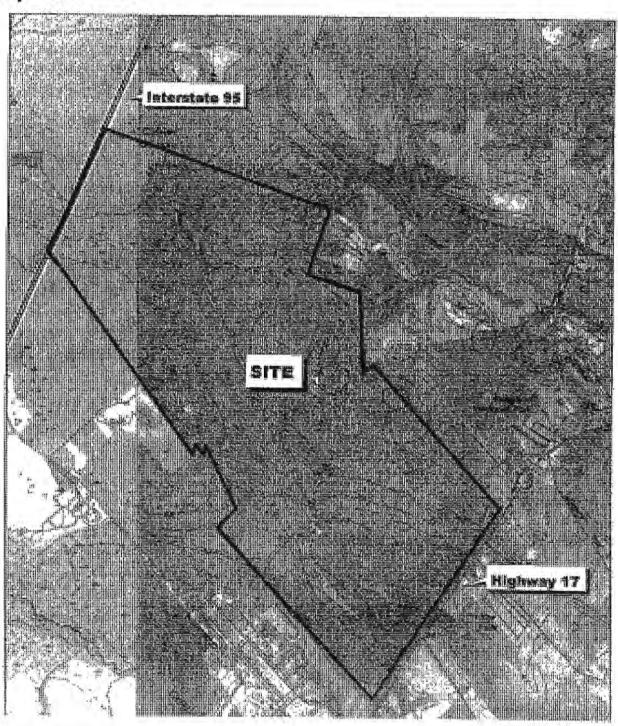
5.0 Summary:

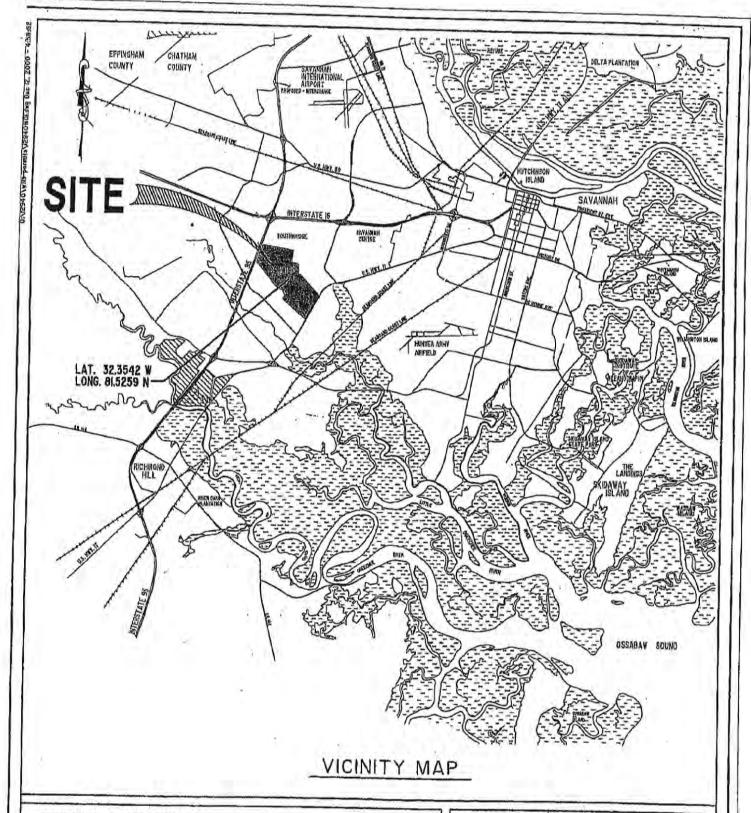
As mitigation for impacting 20.26 acres of wetland, Branigar will preserve 396.52 acres of wetland, restore 13.67 acres of wetland and enhance 11.58 acres of wetland on the 1,911.35 acre Berwick Plantation. The preserved, restored and enhanced wetland areas will be surrounded by at least 81.98 acres of upland buffer having a minimum width of 30 feet. Branigar will attach a Declaration of Covenants and Restrictions to these mitigation areas to insure their preservation in perpetuity. This mitigation plan should fully compensate for project-related impacts. All development activities will be performed using best management practices,(silt fencing, grassed slopes, etc.) to further minimize and avoid impacts to wetland areas located on the property.

Location Map

1911.35 Acre Berwick Plantation Chatham County, Georgia







BERWICK PLANTATION CHATHAM COUNTY, GEORGIA

DATE: DECEMBER II, 2000

SHEET I OF 26

SCALE: NOT TO SCALE

DATUM:

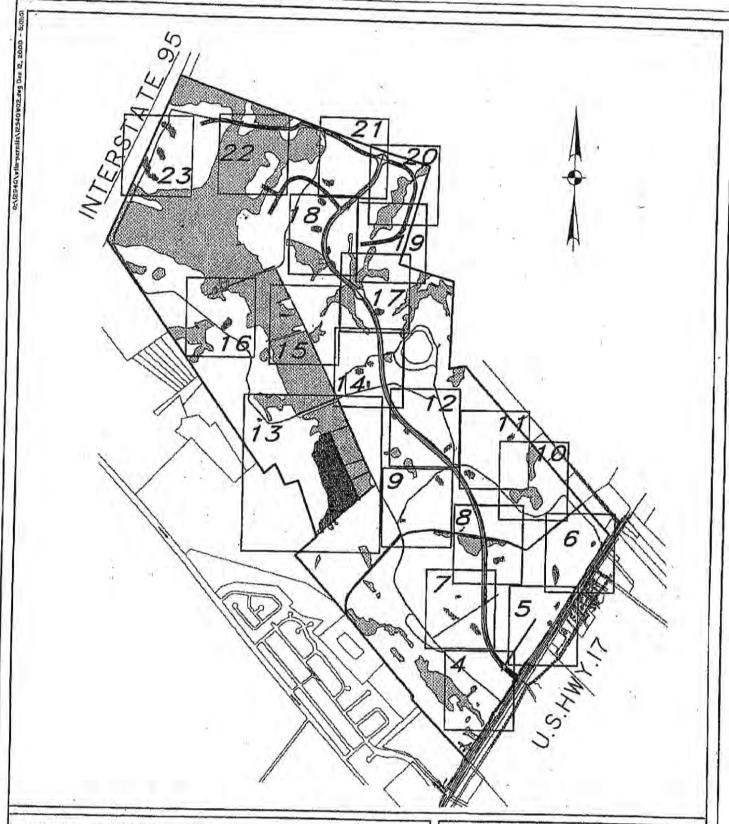
MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY: RESIDENTIAL / COMMERCIAL DEVELOPMENT COUNTY:

CHATHAM COUNTY, GA.

APPLICANT:



BERWICK PLANTATION CHATHAM COUNTY, GEORGIA

DATE: DECEMBER II, 2000

SHEET 2 OF 26

SCALE: 1"=2000"

DATUM:

MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
COUNTY:
CHATHAM COUNTY, GA.

APPLICANT:

LEGEND

TOTAL WETLANDS

442.634 AC.

TOTAL WETLAND FILL (44,432 C.Y.)

20.86 AC.

333

WETLANDS ENHANCEMENT

11.58 AC.

1

WETLANDS RESTORATION

13.67 AC.

UPLAND BUFFERS / WILDLIFE CORRIDORS

81.98 AC.

. .

WETLAND PRESERVATION

396.52 AC.

TOTAL TRACT

1911.35 AC.

BERWICK PLANTATION CHATHAM COUNTY, GEORGIA

DATE: DECEMBER II, 2000

SHEET 3 OF 26

SCALE: 1"=2000"

DATUM:

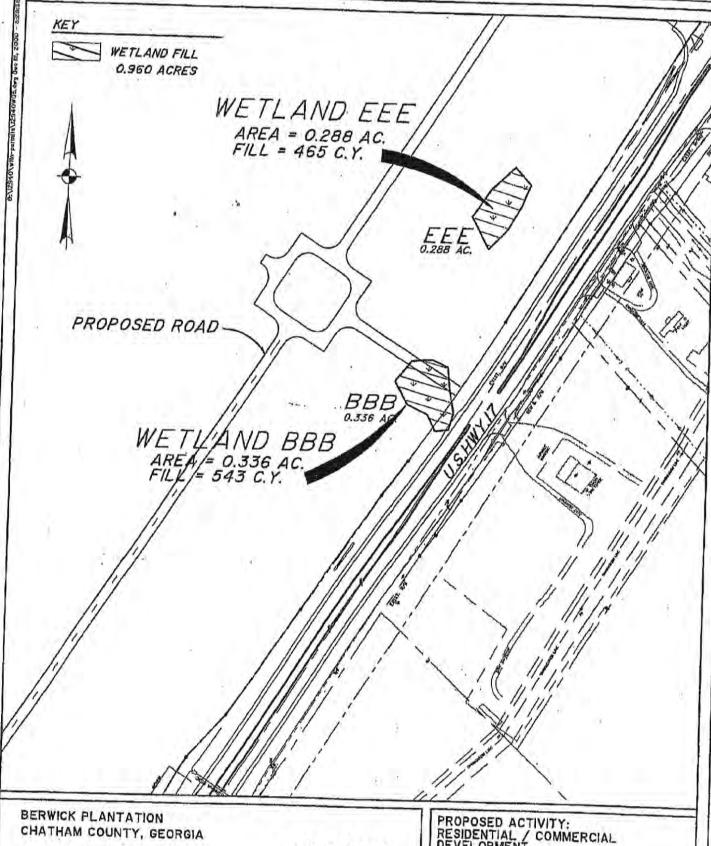
MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
COUNTY:

CHATHAM COUNTY, GA.

APPLICANT:



DATE: DECEMBER II, 2000

SHEET 5 OF 26

SCALE: 1"=200'

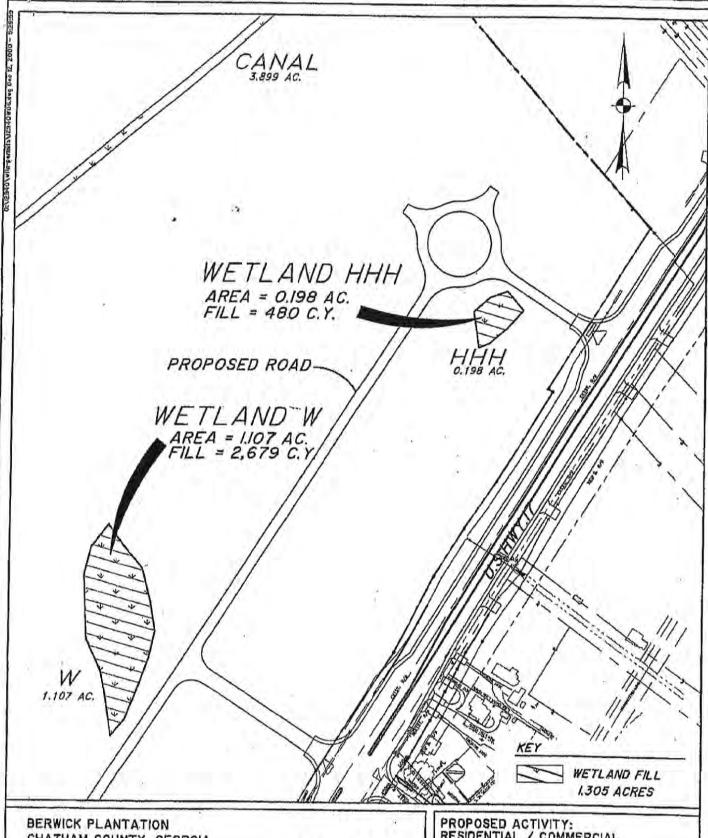
DATUM:

MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY:
RESIDENTIAL / COMMERCIAL
DEVELOPMENT
COUNTY:
CHATHAM COUNTY, GA.

APPLICANT:



CHATHAM COUNTY, GEORGIA

DATE: DECEMBER II, 2000

SHEET 6 OF 26

SCALE: |"=200" DATUM:

MEAN SEA LEVEL

SOURCE: THOMAS & HUTTON ENGINEERING CO.

PROPOSED ACTIVITY: RESIDENTIAL / COMMERCIAL DEVELOPMENT

COUNTY:

CHATHAM COUNTY, GA.

APPLICANT:

A	TTACH	MENT F: & Endanger	ad Species	Informatio		
1	meatened	a Endanger	eu species	imormatic) II	

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as trust resources) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Chatham County, Georgia



Local office

Georgia Ecological Services Field Office

(706) 613-9493

(706) 613-6059

355 East Hancock Avenue Room 320 Athens, GA 30601

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

- 1. Draw the project location and click CONTINUE.
- Click DEFINE PROJECT.
- 3. Log in (if directed to do so).
- 4. Provide a name and description for your project.
- 5. Click REQUEST SPECIES LIST.

Listed species

¹ and their critical habitats are managed by the <u>Ecological Services Program</u> of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact <u>NOAA Fisheries</u> for <u>species under their jurisdiction</u>.

- Species listed under the <u>Endangered Species Act</u> are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the <u>listing status page</u> for more information.
- 2. <u>NOAA Fisheries</u>, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME STATUS

West Indian Manatee Trichechus manatus

There is **final** critical habitat for this species. Your location is outside the critical habitat.

https://ecos.fws.gov/ecp/species/4469

Threatened

Marine mammal

Birds

NAME STATUS

Piping Plover Charadrius melodus

[Great Lakes watershed DPS] - Great Lakes, watershed in States of IL, IN, MI, MN, NY, OH, PA, and WI and Canada (Ont.)

There is final critical habitat for this species. Your location is outside the critical habitat.

https://ecos.fws.gov/ecp/species/6039

- Ps

Threatened

Endangered

Piping Plover Charadrius melodus

[Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered.

There is **final** critical habitat for this species. Your location is outside the critical habitat.

https://ecos.fws.gov/ecp/species/6039

Threatened

Red Knot Calidris canutus rufa

No critical habitat has been designated for this species.

https://ecos.fws.gov/ecp/species/1864

Endangered

Red-cockaded Woodpecker Picoides borealis

No critical habitat has been designated for this species.

https://ecos.fws.gov/ecp/species/7614

Wood Stork Mycteria americana

No critical habitat has been designated for this species.

https://ecos.fws.gov/ecp/species/8477

Threatened

Reptiles

NAME STATUS

Eastern Indigo Snake Drymarchon corais couperi

No critical habitat has been designated for this species.

https://ecos.fws.gov/ecp/species/646

Threatened

Gopher Tortoise Gopherus polyphemus

No critical habitat has been designated for this species.

https://ecos.fws.gov/ecp/species/6994

Candidate

Green Sea Turtle Chelonia mydas

No critical habitat has been designated for this species.

https://ecos.fws.gov/ecp/species/6199

Threatened

Kemp's Ridley Sea Turtle Lepidochelys kempii

There is **proposed** critical habitat for this species. The location of the critical habitat is not available.

https://ecos.fws.gov/ecp/species/5523

Endangered

Leatherback Sea Turtle Dermochelys coriacea

There is **final** critical habitat for this species. Your location is outside

the critical habitat.

https://ecos.fws.gov/ecp/species/1493

Endangered

Loggerhead Sea Turtle Caretta caretta

There is **final** critical habitat for this species. Your location is outside the critical habitat.

https://ecos.fws.gov/ecp/species/1110

Threatened

Amphibians

NAME STATUS

Frosted Flatwoods Salamander Ambystoma cingulatum

There is **final** critical habitat for this species. Your location is outside the critical habitat.

https://ecos.fws.gov/ecp/species/4981

Threatened

Flowering Plants

NAME STATUS

Pondberry Lindera melissifolia

No critical habitat has been designated for this species.

https://ecos.fws.gov/ecp/species/1279

Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act

1 and the Bald and Golden Eagle Protection Act2.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described <u>below</u>.

- 1. The Migratory Birds Treaty Act of 1918.
- 2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds
 http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- · Nationwide conservation measures for birds

The birds listed below are birds of particular concern either because they occur on the <u>USFWS Birds of Conservation Concern</u> (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ <u>below</u>. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the <u>E-bird data mapping tool</u> (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found <u>below</u>.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A
BREEDING SEASON IS INDICATED
FOR A BIRD ON YOUR LIST, THE
BIRD MAY BREED IN YOUR
PROJECT AREA SOMETIME WITHIN
THE TIMEFRAME SPECIFIED,
WHICH IS A VERY LIBERAL
ESTIMATE OF THE DATES INSIDE
WHICH THE BIRD BREEDS ACROSS
ITS ENTIRE RANGE. "BREEDS
ELSEWHERE" INDICATES THAT THE
BIRD DOES NOT LIKELY BREED IN
YOUR PROJECT AREA.)

American Kestrel Falco sparverius paulus

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Breeds Apr 1 to Aug 31

Bald Eagle Haliaeetus leucocephalus

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds Sep 1 to Jul 31

Red-headed Woodpecker Melanerpes erythrocephalus

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 10 to Sep 10

Red-throated Loon Gavia stellata

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

Rusty Blackbird Euphagus carolinus

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures and/or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS <u>Birds of Conservation Concern (BCC)</u> and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the <u>Avian Knowledge Network (AKN)</u>. The AKN data is based on a growing collection of <u>survey</u>, <u>banding</u>, <u>and citizen science datasets</u> and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (<u>Eagle Act</u> requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the <u>E-bird Explore Data Tool</u>.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the <u>Avian Knowledge Network (AKN)</u>. This data is derived from a growing collection of <u>survey</u>, <u>banding</u>, <u>and citizen science</u> <u>datasets</u>.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

- "BCC Rangewide" birds are <u>Birds of Conservation Concern</u> (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
- "BCC BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
- "Non-BCC Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the <u>Eagle Act</u> requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the <u>Northeast Ocean Data Portal</u>. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the <u>NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.</u>

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the <u>Diving Bird Study</u> and the <u>nanotag studies</u> or contact <u>Caleb Spiegel</u> or <u>Pam Loring</u>.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Marine mammals

Marine mammals are protected under the <u>Marine Mammal Protection Act</u>. Some are also protected under the Endangered Species Act

4 and the Convention on International Trade in Endangered Species of Wild Fauna and Flora4.

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries

³ [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the <u>Marine Mammals</u> page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take (to harass, hunt, capture, kill, or attempt to harass, hunt, capture or kill) of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

- 1. The Endangered Species Act (ESA) of 1973.
- The <u>Convention on International Trade in Endangered Species of Wild Fauna and Flora</u> (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
- 3. <u>NOAA Fisheries</u>, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following marine mammals under the responsibility of the U.S. Fish and Wildlife Service are potentially affected by activities in this location:

NAME

West Indian Manatee Trichechus manatus https://ecos.fws.gov/ecp/species/4469

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the <u>National Wildlife Refuge</u> system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION,

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to <u>NWI wetlands</u> and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local <u>U.S. Army Corps of Engineers District</u>.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER FORESTED/SHRUB WETLAND

PFO1C

PFO1Bd

PFO1B

FRESHWATER POND

PUBHX

RIVERINE

R2UBHx

R5UBFx

R5UBH

A full description for each wetland code can be found at the National Wetlands Inventory website

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

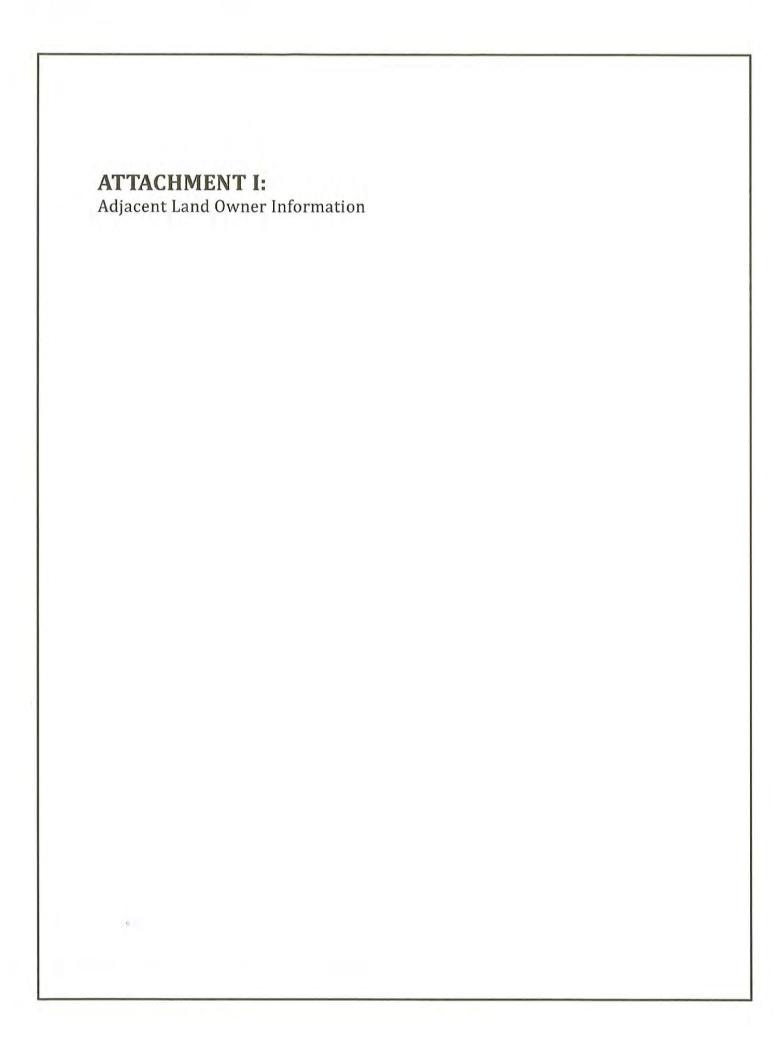
Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

	ACHMENT			
Comp	ensatory Miti	gation Calculatio	ns	

Project Name:	Southbridge at Berwick		
Impact Wetland Name:	Lot Development		
Acres of Impact (Acres):	4.30		
Wetland Type:	Slope Wetlands		
Date:	July 19, 2018		
Impact Factors		Index Description	Index Value
1. Wetland Qualitative Fur	1. Wetland Qualitative Functional Capacity Score (WQFC)	Low	0:50
2. Impact Category Description (Impact Category)	otion (Impact Category)	Discharge of Fill	1.00
3. Product of WQFC and Impact ($\overline{WQFC Impact}$) =	mpact (WQFC Impact) =		0.50
4. Duration of Impact (Duration)	(<u>ionte</u>	Permanent/Reoccurring	1.00
5. Product of WQFC Impa	5. Product of WQFC Impact and Duration (Total WQFC Impact) =		0.50
5. Product of Total WQFC	6. Product of Total WQFC Impact and Acres ($\overline{\textit{Total 2018 Wetland Credits Owed}$) =		2.15
7. Conversion of Total 201	7. Conversion of Total 2018 Wetland Compensation to Grandfathered Credits (Grandfathered Wetland Credits Owed) =	dfathered Wetland Credits Owed) =	17.20
Green Cells = User must n Orange Cells = User must Grey Cells = The calculation	Legend Green Cells = User must manually input information. Orange Cells = User must select the index choice from the drop-down list. Grey Cells = The calculation of these cells is automated.		

Southbridge at Bewinds Residential La Development	t Wetland Name: tt Wetland Name: nd Type: Center Coordinates: Storage -1 er STION SCORE	t Development
TION SCORE TOWN SCORE TOWN	nd Type: Center Coordinates: Center Coordinates: Storage -1 er STION SCORE	t Development
Center Coordinates: N/A Center Coordinates: N/A T/19/2018 T/19/2018 T/19/2018 T/19/2018 T/19/2018 T/19/2018 T/19/2018 T/19/2018 TOW TION SCORE TION TION SCORE TION TION SCORE TOW TION SCORE TOW TION SCORE TOW TION SCORE TOW TOW TOW TOW TOW TOW TOW TO	Netland Type: Slope N/AA Center Coordinates: N/A Date: 7/19/2018 Nater Storage -1 Answer No FUNCTION SCORE Low Answer No Ans	
Center Coordinates: N/A 7/19/2018 1-Storage -1 every series and the series of the coloid for the calculation of these cells is an incharacteristic well and Community are and Community are calculated and Community and Community are calculated and Community are calculated and Community are calculated and Community are calculated and Community and Community are calculated and Community and Community are calculated and Community are calculated and Community are calculated and Community and Community are calculated and Community and C	NAA Center Coordinates: N/A Date: 7/19/2018 Nater Storage -1 Answer No FUNCTION SCORE Low Answer No Maintain Characteristic Wetland Communication Characteristic Charac	
Storage -1 er criton SCORE	Answer Alose Chemical Cycling - 2 Answer Alose Chemical Cycling - 2 Answer	
ICTION SCORE Itain Characteristic Wetland Community wer ICTION SCORE	Mater Storage -1 Answer FUNCTION SCORE BioGeoChemical Cycling - 2 Answer Answer Maintain Characteristic Wetland Communities Answer Maintain Characteristic Wetland Communities Answer Tes	
ICTION SCORE IC	Answer No FUNCTION SCORE BioGeoChemical Cycling - 2 Answer No Waintain Characteristic Wetland Commu Answer Answer Answer No	
ICTION SCORE SeoChemical Cycling - 2 Ner ICTION SCORE	Yes No FUNCTION SCORE BioGeoChemical Cycling - 2 Answer Vo Maintain Characteristic Wetland Commu Answer Answer No Answer No	Questions
SeoChemical Cycling - 2 wer ICTION SCORE	How BioGeoChemical Cycling - 2 Answer No Yes FUNCTION SCORE Low Maintain Characteristic Wetland Commu Answer No	Are there above grade fills or structures obstructing hydrologic flows into or out of the wetland, or are there drainage structures, ditches, or man-made impoundments within 100 feet of the assessment area and within the catchment that are hydrologically affecting the wetland? (Y/N)
BioGeoChemical Cycling - 2 BioGeoChemical Cycling - 2 Guestions Answer Function Score Maintain Characteristic Weltand Community - 3 Curestors Answer Fres Answer Fres Answer Has the vegetative community been adversely altered within the last 20 years? (YN) No Buestors Answer Has the vegetative community been adversely altered within the last 20 years? (YN) No Buestors Answer Has the vegetative community been adversely altered within the last 20 years? (YN) No Buestors Answer Has the vegetative community been adversely altered within the last 20 years? (YN) No Buestors Answer Has the vegetative community been adversely altered within the last 20 years? (YN) No Buestors Answer Has the vegetative community been adversely altered within the last 20 years? (YN) No Buestors Answer Has the vegetative community been adversely altered within the last 20 years? (YN) No Buestors Answer Has the vegetative community been adversely altered within the last 20 years? (YN) No Buestors Answer Has the vegetative community been adversely altered within the last 20 years? (YN) No Buestors Answer Lesend Lesend Answer Lesend Low Buestors Low Is the contributing drainage basin at least 50 percent forested? (YN) Answer Lesend Lesend Answer	BioGeoChemical Cycling - 2 BioGeoChemical Cycling - 2 Answer No Yes FUNCTION SCORE Maintain Characteristic Wetland Commu Answer Yes No	Is the contributing drainage basin at least 50 percent forested? (Y/N)
SindeoChemical Cycling - 2 Questions Is there large woody debris (LWD) in the wetland? (YNN)	Answer No Function Score Answer Maintain Characteristic Wetland Commu Answer No	
Value Is there large woody debris (LWD) in the wetland? (YNI)	Maintain Characteristic Wetland Commu	Questions
Has the vegetative community been adversely altered within the last 20 years? (Y/N)	FUNCTION SCORE Low Maintain Characteristic Wetland Commu	Is there large woody debris (LWD) in the wetland? (Y/N)
Maintain Characteristic Wetland Community - 3 Auswer Auswer Auswer Auswer	FUNCTION SCORE Low Maintain Characteristic Wetland Communatuser Fes	Has the vegetative community been adversely aftered within the last 20 years? (Y/N)
Maintain Characteristic Wetland Community - 3 Auswer Auswer Questions Has the vegetative community been adversely altered within the last 20 years? (YN) No derate Is there greater than 10 percent invasive cover (i.e., cummulative absolute cover across all strata)? (YN) Waintain Faunal Habitat - Answer Answer Answer Maintain Faunal Habitat - Answer Answer Answer Maintain Faunal Habitat - Answer Answer Has the vegetative community been adversely altered within the last 20 years? (YN) Vol Is there woody debris in the wetland? (YN) No Is the contributing drainage basin at least 50 percent forested? (YN) Vol Is the contributing drainage basin at least 50 percent forested? (YN) Low Is the contributing drainage basin at least 50 percent forested? (YN) Score Leagend Low Is the contributing drainage basin at least 50 percent forested? (YN)	Maintain Characteristic Wetland Commu Answer Yes	
Answer Moderate Has the vegetative community been adversely altered within the last 20 years? (Y/N) No EUNCTION SCORE Moderate Maintain Faunal Habitat -4 Ausstine Maintain Habitat	THOO WO	unity - 3
Moderate Italy I	H	Questions Use the constant of some diseasely allered within the less 20 uses. 2 (All)
Value Street Moderate Is there greater than 10 percent invasive cover (i.e., cummulative absolute cover across all strata)? (17/N)	İ	has the vegetative community been adversely aftered within the last 20 years (17N)
Waintain Faunal Habitat -4 Waintain Faunal Habitat -4 Waintain Faunal Habitat -4 Auswer Has the vegetative community been adversely altered within the last 20 years? (Y/N) Was the woody debris in the welfand? (Y/N) WETLAND QUALITATIVE Low Sicore Low Legend Sie ontributing drainage basin at least 50 percent forested? (Y/N) Legend Sie ontributing drainage basin at least 50 percent forested? (Y/N) Legend Sie ontributing drainage basin at least 50 percent forested? (Y/N) Legend Low Legend Sie the contributing drainage basin at least 50 percent forested? (Y/N) Legend Low Legend Low Sie the contributing drainage basin at least 50 percent forested? (Y/N) Legend Legend Low Sie the contributing drainage basin at least 50 percent forested? (Y/N) Legend Legend Low Legend Low Legend Sie automation. The contributing drainage basin at least 50 percent forested? (Y/N) Sie the contributing drainage basin at least 50 percent forested? (Y/N) Legend Legend Legend Legend Legend Low Legend Legend Sie automation. Legend		is there greater than 10 percent invasive cover (i.e., cummulative absolute cover across all strata)? (1/N)
Maintain Faunal Habitat - 4 Questions Fes Has the vegetative community been adversely altered within the last 20 years? (Y/N) No Is there woody debris in the wetland? (Y/N) Is the contributing drainage basin at least 50 percent forested? (Y/N) WETLAND QUALITATIVE CUNCTION SCORE Legend Green Cell = User must manually input information. Score Dave Cells = The colocalidation of these cells is automated. Dave Cells = The colocalidation of these cells is automated.		
Answer Aussier Ausstrange Ces Has the vegetative community been adversely altered within the last 20 years? (Y/N) Is there woody debris in the wetland? (Y/N) Avo EUNCTION SCORE Low Legend Green Cell = User must manually input information. Drange Cells = User must select the choice from the drop-down list. Score Legend Green Cell = User couls from the drop-down list. Drange Cells = The calculation of these cells is automated and the drop-down list. Save Cent of the choice from the drop-down list. Save Cent of the choice from the drop-down list. Save Cent of the choice from the drop-down list. Save Cent of the choice from the drop-down list. Save Cent of the choice from the drop-down list. Save Cent of the choice from the drop-down list.	Maintain Faunal Habitat - 4	
Has the vegetative community been adversely altered within the last 20 years? (Y/N) Is there woody debris in the wetland? (Y/N) Is the contributing drainage basin at least 50 percent forested? (Y/N) WETLAND QUALITATIVE Low Legend Score Legend Legend Score Legend Legend Score Legend Score Legend Score Legend Score Legend Score Legend Score Legend Leg	Answer	Questions
Is there woody debris in the wetland? (Y/N)	res	Has the vegetative community been adversely altered within the last 20 years? (Y/N)
Is the contributing drainage basin at least 50 percent forested? (YIN)	97	Is there woody debris in the wetland? (Y/N)
WETLAND QUALITATIVE FUNCTIONAL CAPACITY SCORE Score Legend Score Legend Score Legend Score Legend Score Legend Score Score Legend Score Score Legend Score Legend Score Legend Score Legend Score Legend Score Score Legend And Comparison of these cells is automated. See Cells = The calculation of these cells is automated. See Cells = The calculation of these cells is automated.	40	Is the contributing drainage basin at least 50 percent forested? (Y/N)
NETLAND QUALITATIVE SCORE SCORE The calculation of these cells is automated. See Cells = User must select the choice from the drop-down list. Siey Cells = The calculation of these cells is automated. See Cells = The calculation of these cells is automated.	NCTION SCORE	
Sreen Cell = User must manually input information. Drange Cells = User must select the choice from the drop-down list. Srey Cells = The calculation of these cells is automated.		
Green Cell = User must manually input information. Orange Cells = User must select the choice from the drop-down list. Grey Cells = The calculation of these cells is automated.		- E
Orange Cells = User must select the choice from the drop-down list. Grey Cells = The calculation of these cells is automated.	Green Cell = User must manually input info	indication
Grey Cells = The calculation of these cells is automated.	Drange Cells = User must select the choice	
	Grey Cells = The calculation of these cells	
	Dark Grey Cells = These cells do not requir	l in



Larson David J & Carolyn M as Poth Louis L Hendricks, Charles Cotrustees 105 Oakcrest Dr W 111 Oakcrest Drive 101 Oakcrest Drive Savannah, GA 31405 Savannah, GA 31405 Savannah, GA 31405 Cox W Earl & Brenda R Anthony Kenneth E & Emily Nassar Nathaniel James E & Rosalind S 3 Kestrel Court 116 Trail Creek Lane 117 Trail Creek Lane Savannah, GA 31405 Savannah, GA 31405 Savannah, GA 31405 Faust Robert & Logan McKenzie & Flowers Penny Lynn & Steele John & Isabel 165 Trail Creek Lane Wiley Terrell Jr. 10415 SW 115 CT Savannah, GA 31405 2 Linden Hill Ct Miami, FL 33176 Savannah, GA 31405 Croft Adam & Sabrina Casella Charles & Elizabeth Edwards Alvin D & Vivian L 175 Trail Creek Ln 187 Trail Creek Ln 189 Trail Creek Ln Savannah, GA 31405 Savannah, GA 31405 Savannah, GA 31405 Daugherty William J Johnson James H Sr & Debra J Gati George & Deborah

Barnum Richard D & Sandra L 10 Rock Dove Ln Savannah, GA 31405

168 Trail Creek Ln

Savannah, GA 31405

Jue Valerie & Thomas 106 Oakcrest Dr W Savannah, GA 31405

7 Rock Dove Lane

Savannah, GA 31405

Doerksen Ryan & Martha Kellene 104 W Oakcrest Dr Savannah, GA 31405

11 Rock Dove Lane

Savannah, GA 31405

APPENDIX C: Figures				
Figures				
Figures				
Figures	ADDENIE	NW C		
		IX C:		
	Figures			
¥				
18				
¥ [©]				
†°				
i°				
if and the second secon				



RLC Project No.: 14-053.1

Figure No.: 1

Prepared By: MG

Sketch Date: 7/19/2018

Map Scale: 1 inch = 1,500 feet

Southbridge at Berwick

Chatham County, Georgia

Project Location Map

Prepared For: Southbridge Berwick, LLC





 RLC Project No.:
 14-053.1

 Figure No.:
 1

 Prepared By:
 MG

 Sketch Date:
 7/19/2018

 Map Scale:
 1 inch = 400 feet

Southbridge at Berwick

Chatham County, Georgia

2015 Ortho Aerial

Prepared For: Southbridge Berwick, LLC



APPENDIX D:
Site Photographs



Photo 1: Typical Road Within Subdivision



Photo 2: Typical Lot With Wetland



Photo 3: Storm Drain Adajcent To Wetland Lot



Photo 4: Existing Stormwater Lagoon



Photo 5: Typical Condition of Wetland



Photo 6: Typical Condition Of Wetland

RLC Project No.:	14-053.1
Figure No.:	N/A
Prepared By:	AB
Photo Date:	7/19/2016
Exhibit Date:	7/20/2018

Southbridge At Berwick

Chatham County, Georgia

Site Photographs

Prepared For: Southbridge Berwick, LLC



ATTACHMENT E: Permit Drawings	
ATTACHMENT E: Permit Drawings	
ATTACHMENT E: Permit Drawings	
Permit Drawings	

