



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

January 8, 2020

Regulatory Division  
SAS-2007-01571

**JOINT PUBLIC NOTICE**  
**Savannah District/State of Georgia**

The Savannah District has received a request to amend the Declaration of Covenants and Restrictions (Restrictive Covenant) associated with Corps permit number SAS-2007-01571, as follows:

Application Number: SAS-2007-01571

Applicant: Mr. Eric Duff  
State Environmental Administrator  
Georgia Department of Transportation  
600 West Peachtree Street, NW 16th Floor  
Atlanta, Georgia 30308

Location of Proposed Work: The project site is located in waters and wetlands adjacent to the Skidaway River, at the Skidaway Narrows Bridge, in Savannah, Chatham County, Georgia (Latitude 31.9470, Longitude -81.0657).

Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers: The Georgia Department of Transportation (GDOT) is requesting approval to extinguish two restrictive covenants in Chatham County. The covenants were established as components of a compensatory mitigation plan for impacts associated with replacement of the Skidaway Narrows Bridge. The covenants were intended to provide additional protection for two saltmarsh restoration areas, Mitigation Area 1 (1.770 acres) and Mitigation Area 2 (3.102 acres), within the project area. The covenants were recorded on November 23, 2010, in the Superior Court of Chatham County.

**BACKGROUND**

In 2015, numerous concerns were noted regarding the potential for the saltmarsh restoration areas to meet the established success criteria. GDOT elected to abandon the saltmarsh restoration activities and provide compensation through the acquisition of mitigation credits from Salt Creek Mitigation Bank. GDOT acquired 13.51 wetland credits from Salt Creek Mitigation Bank on July 15, 2016.

## **U.S. ARMY CORPS OF ENGINEERS**

Comment Period: Anyone wishing to comment on this request should submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Mr. Brian Moore, 100 W. Oglethorpe Avenue, Savannah, Georgia 31401-3604, no later than 15 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 Mr. Brian Moore, Project Manager, Management Branch at 912-652-5349.

### Enclosures

1. Recorded Restrictive Covenant Documents
2. September 30, 2010, Nationwide Permit Verification Letter
3. Salt Creek Mitigation Bank Credit Sale Receipt

Clock#: 1291977  
FILED FOR RECORD  
11/23/2010 09:11am  
PAID: 54.00  
Daniel W. Massey, Clerk  
Superior Court of Chatham County  
Chatham County, Georgia

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GEORGIA DEPARTMENT OF TRANSPORTATION  
OFFICE OF RIGHT OF WAY  
14<sup>TH</sup> FLOOR - LYNORA GOODE  
600 WEST PEACHTREE STREET NW  
ATLANTA GA 30308

STATE OF GEORGIA  
COUNTY OF CHATHAM

Cross reference to that certain deed dated November 16, 1967 and recorded in Deed Book 92-Z, page 205-206, Chatham County, Georgia records.

#### DECLARATION OF CONSERVATION COVENANTS AND RESTRICTIONS

THIS DECLARATION OF CONSERVATION COVENANTS AND RESTRICTIONS (this "Declaration") is hereby made by GEORGIA DEPARTMENT OF TRANSPORTATION, a governmental entity, the undersigned "Declarant." Declarant is the owner in fee simple of a certain tract or parcel of real property lying in the 6<sup>th</sup> G.M.D., Chatham County, Georgia. This tract of land was conveyed on August 27, 2010 from Chatham County to Georgia Department of Transportation recorded in Deed Book 364A, page 718-719, Chatham County, Georgia records. Declarant comes now and, for good and valuable consideration, declares conservation use restrictions on a portion of the property hereinafter described. A legal description of the specific parcel or parcels of Property subject to this Declaration is more particularly described in Exhibit "A" hereto attached and made a part hereof. The Declaration hereinafter stated shall apply to Property described in Exhibit "A" and is by reference, incorporated herein for a description and for all other legal purposes.

#### PREMISES

WHEREAS, Declarant was issued a permit by the US Army Corps of Engineers ("USACE") Action Number SAS-2007-21571 pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401) under the administrative regulatory authority of the USACE Savannah District, Regulatory Division, setting forth authorization for certain dredge and/or discharge of fill activities in waters of the United States, including wetlands and streams; and,

WHEREAS, said permit dated September 20, 2010 is attached hereto as Exhibit "B" and by this reference is made a part hereof; and,

WHEREAS, dredge and/or discharge of fill material in jurisdictional waters of the United States including wetlands and streams pursuant to the Clean Water Act, Section 404, and/or Rivers and Harbors Act of 1899, Section 10, requires compensatory mitigation and perpetual protection of the mitigation property; and,

WHEREAS, a dated platted survey with seal affixed by a Georgia registered surveyor of the bearings and distances and coordinate values of the boundary of the Property referenced as Exhibit A has been recorded at Plat Record Book 44P, page 99A (the "Survey"). The survey approximately shows the actual or planned wetland, stream and buffer areas within the Property. The property contains 1.770 acres in 1 parcel of land. The survey is made a part of this Declaration and is incorporated by reference; and

WHEREAS, the Conservation Functions and Services are summarized and described in Exhibit "C", attached hereto and made a part hereof; and

WHEREAS, the Property is being preserved, restored, established or enhanced as a wetland, buffer to wetlands, stream, streamside buffer, and/or upland buffer to jurisdictional waters of the United States, as well as to non-jurisdictional waters of the United States where such property has been accepted as compensatory mitigation pursuant to the permit;

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the Declarant and each and every subsequent owner and occupant of the real property, and as required mitigation for dredge and/or discharge of fill material in waters of the United States including wetlands and streams, Declarant has promised to place certain restrictions on the Property exclusively for conservation purposes, in order that it shall remain substantially in its restored, enhanced, preserved, open, natural and/or scenic condition, in perpetuity.

## 1

### Transfers, Amendments & Extinguishment

Declarant does hereby declare that all of the Property described hereinafter shall be held, transferred, sold, conveyed and occupied subject to the terms and conditions of the covenants, easements and affirmative obligations all of which shall run with the Property and will be binding on all persons, firms, associations, corporations or governmental entities having or hereafter acquiring any right, title or interest in said Property, or any part thereof, their heirs, executors, administrators, successors and assigns. The terms and conditions of this Declaration of Covenants and Restrictions shall be both implicitly and explicitly included in any subsequent transfer, conveyance, or encumbrance affecting all or any part of the conservation property. It shall set forth the terms and conditions of this document either by reference to this document and its recorded location or by attachment and incorporation by reference. The covenant shall not be amended or extinguished except by written approval of the USACE, or its successor in administration of the Clean Water Act or the Rivers and Harbors Act of 1899. Amendments to the restrictive covenant for the purpose of proposing additional impact are not favored and will be considered only in rare circumstances following the USACE policy and procedures and where posted on the web. Should an amendment be accepted, mitigation required will be at a substantially higher ratio. Amendments shall be signed by the USACE and shall be recorded in the official records of the county in which the Property is located.

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### Property as Open and Common Area

The Property is set aside for conservation use and shall be designated as an undeveloped lot, buffer, open and common area or greenway and will not now, nor in the future, be made part of any single lot or lots in a residential or mixed use subdivision or a subdivided commercial development, but rather the Property shall be held, maintained and managed by the owner, developer, corporation, homeowner or business association as an open, common and undeveloped conservation area. There shall be no legal or de facto division, subdivision or partitioning of the protected Property used as mitigation unless approved by USACE and addressed in the permit or banking instrument.

### Prohibited Uses

Except as necessary (1) to carry out wetland/stream and/or buffer restoration, enhancement and/or establishment in keeping with the mitigation plan of the permit or banking instrument as approved by USACE; or, (2) to fence the property to keep out livestock, domestic animals, trespassers, or for protection or enhancement of the property; or, (3) to carry out management and maintenance of the property as approved in writing by the USACE; the actions encompassed as prohibited by this covenant shall include, but shall not be limited to the following:

- A. Clearing, cutting or mowing;
- B. Earthmoving, grading, removal of topsoil, cultivation, burning, filling or changes in the topography of the land in any manner;
- C. Placement of refuse, wastes, sewage, dredged spoil, solid waste, incinerator residue, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, or agricultural waste on the Property;
- D. Draining, ditching, diking, dredging, channelizing, pumping, impounding, excavating;
- E. Diverting or affecting the natural flow of surface or underground waters within, or out of the Property; manipulating or altering any natural water course, body of water or water circulation and any activities or uses detrimental to water quality;
- F. Mining, drilling;

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G. Burning, systematically removing or cutting timber or otherwise destroying any vegetation. Upon approval from the USACE, selective pruning, unsafe trees or exotic non-native vegetation may be removed in accordance with current scientific best management practices as set out by the U.S. Forest Service or the Georgia Forestry Commission;

H. Spraying with biocides or use of herbicides or pollutants that violate water quality standards;

I. Introducing exotic species on the Property, altering the natural state of the wetlands or streams or causing erosion or sedimentation;

J. Grazing or use by domesticated animals such that animal wastes enter soil and water;

K. Construction of any kind in the wetlands, streams, buffers or upland, whether temporary or permanent.

L. Use of off-road vehicles and used of motorized vehicles except on existing roadways is prohibited.

M. As permitted or approved in writing by USACE the property may have: (1) a narrow pedestrian walking trail in the uplands or upland buffer using pervious materials, (2) minimal structures and boardwalks for the observation of wildlife and wetland/stream ecology, (3) crops for wildlife or placement of temporary hunting stands in uplands.

N. Display of billboards, signs, or advertisements on or over the Property, except for the posting of no trespassing signs, temporary signs indicating the property is for sale, signs identifying the trees, vegetation, wetlands or conservation values of the property and/or signs identifying the owner of the property.

O. Conservation and wildlife habitat management plans may be implemented by the Georgia Department of Natural Resources Wildlife Resource Division, US Forest Service, conservation land trusts holding conservation easements, or other conservation management entities where the habitat, wildlife or forest management does not result in any impacts to the wetlands/streams/riparian corridors and its buffers, or to property protected for its historical, cultural and/or archeological value, and where the proposal would enhance the management of the property for its conservation use.

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**Easements**

A. The protected property is free and clear of any and all liens, loans, claims, restrictions, easements and encumbrances, except as otherwise identified in this document and its exhibits.

B. Existing utility line easements, roads, right-of-ways, access easements and structures on the property, if any, are shown on the survey.

C. Environmental impacts, if any, caused by existing easements such as roads, utility lines or pipelines, where such easements are in place as of the date of the recording of this restrictive covenant, and where the easements are shown on the survey, shall not be considered as causing any prohibited impacts to the Property by their use and maintenance.

D. Should an easement or legal right of use of the Property, not listed in paragraph (4)(A), or not meeting the criteria of paragraph (4)(A) and prior in time and recording to this restrictive covenant, be exercised in such a manner that it conflicts with the prohibited uses of the Property set out in this restrictive covenant, then the owners of the Property, whether the Declarant of this covenant or any heirs, executors, administrators, successors or assigns, shall be responsible for providing alternative conservation mitigation in such amounts and of such service and function as the USACE or any enforcer of this covenant shall determine in accordance with the terms of the permit/banking instrument and with Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899 and their implementing regulations.

5

**Representations**

Declarant represents and warrants that after reasonable investigation, and to the best of its knowledge:

A. No substance defined, listed, or otherwise classified pursuant to any federal, state, or local law, or regulation, as hazardous, toxic, polluting, or otherwise contaminating to the water or soil, has been released, generated, treated, stored, used, disposed of, deposited, abandoned, or transported in, on, from, or across the Property;

B. There are no underground storage tanks located on the Property, whether presently in service or closed, abandoned, or decommissioned;

C. The Property is in compliance with all federal, state and local laws, regulations and permits and there is no pending or threatened litigation in any way affecting, involving or relating to the Property and its use.

D. The conservation property is not land-locked and there is access to the protected property by road, dedication of pathway or by an access easement.

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**Affirmative Duties**

A. Declarant/Owner will take action to prevent the unlawful entry and trespass by persons whose activities may degrade or harm the conservation values of the Property or that are otherwise inconsistent with this Declaration.

B. A management plan shall be developed by Declarant and its successors for management of the property for its conservation duties. Adequate financial resources shall be allocated by owner of the mitigation property for protection of the property. Declarant shall take immediate action to cure violations of this restrictive covenant.

7

**Exclusive Possession**

Declarant, its (personal representatives, heirs, executors, administrators) (successors and assigns), reserve all other rights accruing from its ownership of the Property including but not limited to the exclusive possession of the property, the right to transfer or assign their interest in the same, the right to take action necessary to prevent erosion on the Property, to protect the property from losing its conservation functions and services, or to protect public health or safety; and the right to use the property in any manner not prohibited by this Declaration and which would not defeat or diminish the conservation purpose of this Declaration.

8

**Benefits to the General Public**

It is expressly understood and agreed that this covenant does not necessarily grant or convey to members of the general public, any rights of ownership, interest in, or use of the protected property unless so designated by the owner for such purpose. Nonetheless, the property has significant aesthetic and conservation value in its present or restored state as a predominately natural area which has not been subject to extensive development or exploitation. The protection of jurisdictional and non-jurisdictional waters of the United States, their buffers and uplands, floodplains, vegetation, scenic, open space, aquatic and wildlife habitat are considered of great importance to the well being of the general public and to all citizens of Georgia and are worthy of preservation and conservation.

9

**Enforcement**

The USACE and/or the Environmental Protection Agency, or its successors, as third party beneficiaries hereof, are hereby specifically granted the authority to enforce the provisions of this Declaration pursuant to the Clean Water Act Section 404 and the Rivers & Harbors Act of 1899, Section 10, and implementing regulations. Appropriate remedy for violation of this section is contemplated to include, without limitation, injunctive relief to restrain such violation, restoration, administrative, civil or criminal penalties as well as any other remedy available under law or equity. However, no violation of this covenant shall result in a forfeiture or reversion of title. It shall not be a defense, for purposes of this covenant, that the conservation functions and services of the property were impacted without the owner's knowledge or consent, or that the waters on the property are deemed to be non-jurisdictional waters of the United States either by their function or by statute. The property was offered and accepted as mitigation and is therefore subject to the contractual terms of the permit/banking instrument and this Declaration. Loss of conservation functions and services shall not be required to be replaced if damage is due to "acts of God" as it generally referenced, so long as there has been completion of the mitigation requirements of the permit/banking instrument as to restoration, enhancement, establishment and monitoring.

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**10**

**Right of Ingress and Egress**

The USACE, and/or the Environmental Protection Agency, their assigned agents and contractors, shall at reasonable times and upon notice to the owner, have an access easement for the right of ingress and egress to inspect the property in order to monitor and to ascertain whether there has been compliance with this Declaration. Posted signs declaring the property to be conservation property shall be posted by the owner in order to provide notice of the land use designation.

**11**

**Covenant Runs with the Land**

This covenant shall not terminate upon some fixed amount of time but shall run with the land in perpetuity both as to benefit and as to burden and shall be enforceable against Declarant and all present and future owners, tenants and other holders of any interest in the Property. This covenant is established for the purpose of preserving, enhancing and conserving wetlands and streams, non-jurisdictional wetlands and streams accepted as mitigation, buffers, uplands, open areas and the associated conservation values, services and functions. Furthermore, this covenant carries out the statutory requirement of Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act and the implementing regulations.

**12**

**Intent of Clean Water Act**

The intent of the Clean Water Act ("CWA") Section 404 is to restore and maintain the chemical, physical and biological integrity of the Nation's waters. The intent of this document is that the Property be perpetually protected as conservation lands.

**13**

**Written Notice of Legal Action against Property**

Pursuant to the CWA the District Engineer, c/o Office of Counsel, United States Department of the Army, Corps of Engineers, Savannah District, Savannah, Georgia, shall be provided with a 60-day advance written notice of any legal action concerning this covenant, or of any action to extinguish, void or modify this covenant, in whole or in part. The restrictive covenant is intended to survive foreclosure, tax sales, bankruptcy proceedings, zoning changes, adverse possession, abandonment, condemnation and similar doctrines or judgments affecting the property. A copy of this recorded document shall accompany said notice.

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**14**  
**Eminent Domain**

It is the intent of this conservation covenant that the aquatic resources it protects shall not be altered or impacted by eminent domain. However, if any or part of the protected property is taken by exercise of the power of eminent domain, so as to terminate this covenant, in whole or in part, USACE shall be given 60-day notification for the purpose of providing the condemnor and the court authorizing the action, with the value and cost of the consequential damages or the costs of replacement in kind of the ecological units and the conservation functions, services and values of Clean Water Act jurisdictional or non-jurisdictional mitigation on the property. Subject to approval by the USACE, options for replacement of consequential environmental impacts due to eminent domain are governed by the CWA Section 404 or the Rivers & Harbors Act of 1899 Section 10 and their implementing regulations. Options for payment of consequential damages to waters of the United States impacted by the eminent domain taking may include: (1) Re-recording of the USACE model Declaration of Conservation Covenants and Restrictions on the property signed by the new owner thereby preserving the existing waters of the U.S and their buffers on the site without impact; (2) payment of funds sufficient for the acquisition and protection of alternative real property in the same hydrologic watershed providing equivalent conservation functions, services and values of wetlands, streams, creeks, shorelines, other waters of the U.S. and their buffers; or (3) if available, the option to fund the purchase of conservation mitigation credits from an authorized wetland/stream mitigation bank sufficient to replace the conservation mitigation functions, services and values of the wetlands, streams, creeks, shorelines, and other waters of the U.S. and their buffers; (4) payment of funds to an in-lieu fee mitigation wetlands/streams trust account approved by the USACE in an amount sufficient to purchase and protect alternative real property in the same hydrologic watershed that would provide the equivalent mitigation conservation functions, services and values, as the property impacted by eminent domain; or (5) Any other alternative consequential damages aquatic conservation mitigation as may be approved by USACE in compliance with the regulations and requirements. Failure for the proponent to provide consequential damages through alternative mitigation due to impact to aquatic resources protected under the CWA associated with eminent domain shall be referred to the U.S. Justice Department for action.

**15**  
**Removal to U.S. Federal District Court**

The USACE reserves the right to recommend to the U.S. Department of Justice that the legal action as it relates to the Clean Water Act be removed to the United States Federal District Court in the district where the land lies.

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Recordation of Instrument

Declarant shall execute and record this instrument in timely fashion in the official records of the Office of the Clerk of Superior Court in the county in which this Property lies and shall provide the USACE with a copy of the recorded covenant and exhibits. Declarant may re-record this instrument at any time as may be required to preserve its rights.

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IN WITNESS WHEREOF Declarant has duly executed this covenant on this the 18<sup>th</sup> day of November, 2010.

OWNER/COVENANTOR:

Georgia Department of Transportation  
600 West Peachtree Street NW  
Atlanta GA 30308

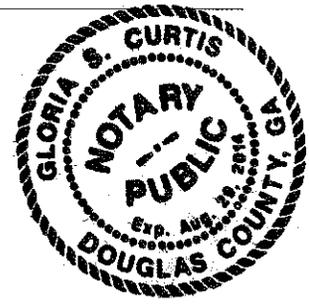
James C. Smith Jr.

Commissioner  
Title

SIGNED, SEALED & DELIVERED IN THE PRESENCE OF:

[Signature]  
Unofficial Witness

Gloria S. Curtis  
Notary Public



# Exhibit "A"

## LEGAL DESCRIPTION Mitigation Area #1

ALL that Tract and or Parcel of land lying and being in the 6<sup>th</sup> G.M. District, Chatham County, Georgia and being more particularly described as follows:

To reach the POINT OF BEGINNING, Commence at a point lying on the southerly right-of-way of State Route 204 A.K.A Diamond Causeway (variable right-of-way) said point having a state plane coordinate of North 710,447.765' East 996,859.583 based on NAD83 coordinate system, Georgia East Zone and being a right-of-way corner on the southerly right-of-way of said road located at the westerly end of the Diamond Causeway bridge crossing Skidaway Narrows; THENCE, leaving said point North 3° 32' 30" East for a distance of 134.60' to a point having a state plane coordinate of North 710,582.107' East 996,867.898' based on NAD 83 coordinate system, Georgia East Zone, said point being the TRUE POINT OF BEGINNING;

THENCE, leaving said TRUE POINT OF BEGINNING as thus established North 34° 54' 22" East for a distance of 91.31' to a point; THENCE, South 53° 51' 07" East for a distance of 143.40' to a point; THENCE, South 48° 53' 05" East for a distance of 357.41' to a point; THENCE, North 41° 38' 46" East for a distance of 64.37' to a point; THENCE, North 86° 13' 18" East for a distance of 64.18' to a point; THENCE, South 54° 00' 50" East for a distance of 18.68' to a point; THENCE, South 37° 10' 23" West for a distance of 55.40' to a point; THENCE, South 37° 27' 52" West for a distance of 146.47' to a point; THENCE, South 46° 08' 53" West for a distance of 71.75' to a point; THENCE, North 84° 51' 26" West for a distance of 10.34' to a point; THENCE, North 13° 49' 59" West for a distance of 49.61' to a point; THENCE, North 47° 50' 33" West for a distance of 48.77' to a point; THENCE, North 54° 12' 37" West for a distance of 45.76' to a point; THENCE, North 46° 50' 27" West for a distance of 50.50' to a point; THENCE, North 50° 18' 47" West for a distance of 50.36' to a point; THENCE, North 38° 54' 39" West for a distance of 52.49' to a point; THENCE, North 29° 32' 28" West for a distance of 54.06' to a point; THENCE, North 36° 54' 40" West for a distance of 46.52' to a point; THENCE, North 40° 42' 24" West for a distance of 45.74' to a point; THENCE, North 46° 27' 08" West for a distance of 46.76' to a point; THENCE, North 53° 34' 19" West for a distance of 77.83' to a point, said point being the TRUE POINT OF BEGINNING.

Said tract or Parcel contains 77,090 square feet or 1.770 acres.

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

Exhibit "B"

REPLY TO:

September 30, 2010

ATTENTION OF:

Regulatory Division  
SAS-2007-01571

Georgia Department of Transportation  
Attention: Glenn S. Bowman  
Office of Environment/Location  
One Georgia Center, 16th Floor  
600 West Peachtree Street, NW  
Atlanta, Georgia 30308

Mr. Bowman:

I refer to the Pre-construction Notification submitted on May 10, 2010, requesting verification for use of Nationwide Permit (NWP) Nos. (23) and (27) for proposed work in navigable waters of the US. The proposed GADOT project (P.I. # 0008651) is to replace the structurally deficient bascule bridge over Skidaway Narrows located on State Route 204 Spur (Diamond Causeway) in Chatham County. The project site is located at State Road 204 (Skidaway Narrows) Bridge over the Skidaway River, Savannah, Chatham County, Georgia, at Latitude 31.9469 and Longitude -81.065. This project has been assigned number SAS-2007-01571 and it is important that you refer to this number in all communication concerning this matter.

I also refer to the compensatory mitigation plan titled, "Skidaway Narrows Bridge Replace Wetland Mitigation Plan," dated September 2010. The mitigation plan proposes to perform on-site mitigation work to restore 3.96 acres of salt marsh and essential fish habitat. We have reviewed the mitigation plan pursuant to the Savannah District's "Guidelines on the Establishment and Operation of Wetland Mitigation Banks in Georgia;" Title 33 Code of Federal Regulations (CFR) Part 332; the "Compensatory Mitigation for Losses of Aquatic Resources: Final Rule" published in the Federal Register, Volume 73, Number 70; Title 33 CFR Parts 325 and 332; and Title 40 CFR Part 230, and have determine that the proposed mitigation plan complies with the Final Rule.

According to the information provided in the PCN submittal, a new two-lane high-level concrete bridge structure would be constructed parallel to and north of the existing bridge within the existing right-of-way. The proposed high-level bridge would be 2,160 LF in length and 41.92 feet in width (out-to-out) including two 11-foot lanes with 8-foot shoulders. The minimum clearance over the navigable channel would be 65 feet above mean high water (MHW) to accommodate boat traffic. The project would permanently impact 0.77 acre of tidal estuarine wetland (salt marsh), 0.11-acre of freshwater wetlands and temporarily impact 1.03-acre of estuarine wetland (salt marsh) for a total of 1.86 acres of jurisdictional wetlands. This project

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also involves the demolition of the Old Bridge after the construction of the new bridge and would be performed in accordance with an approved Bridge Demolition Plan, dated June 2010.

The Jurisdictional Determination (JD) that was performed for the project site pursuant to the June 5, 2007, "US Army Corps of Engineers (USACE) JD Form Instructional Guidebook" that was verified on April 16, 2010, and remains valid.

The Skidaway River is a navigable waterway. It is also part of the Atlantic Intercoastal Water, and a Federal Project maintained by the Savannah District, US Army Corps of Engineers. The Skidaway River and adjacent tidal wetlands are considered to be within the jurisdiction of Section 10 of the Rivers and Harbors Act of 1899 (33 United States Code (U.S.C.) 403) and/or Section 404 of the Clean Water Act (33 U.S.C. 1344). The placement of dredged or fill material into any waterways and/or their adjacent wetlands including material re-deposited during mechanized land clearing or excavation of those wetlands would require prior Department of the Army authorization.

The authority of the Secretary of the Army and Chief of Engineers with respect to permitting bridges was transferred to the Secretary of Transportation under the Department of Transportation Act of October 15, 1966, therefore the US Coast Guard has the authority for permitting the bridge. Based on this, our permitting authority for this project would be limited to the placement of the bridge piles in navigable waters and the 0.88-acre jurisdictional wetland permanent impact for the bridge approaches and 1.03 acre temporary impact. I recommend you contact the US Coast Guard (USCG) for information on permitting bridges. The USCG may be reached at the following address and telephone number: Commander, Seventh Coast Guard District, Brickell Plaza Federal Building, 909 SE First Avenue, Miami, Florida 33131-3050; telephone no. (305) 415-6800.

We have completed coordination with other federal and state agencies as described in Part C (27) (d) of our NWP Program, published in the March 12, 2007, Federal Register, Vol. 72, No. 47, Pages 11092-11198 (72 FR). The NWPs and Savannah District's Regional Conditions for NWPs can be found on our web site at <http://www.sas.usace.army.mil/Regulatory%201.htm>, (click on Permitting on the left side, and scroll down to 2007 NWP Regulation. You may select NWPs (March 12, 2007) and/or Regional Conditions for NWPs link). During our coordination procedure, no adverse comments regarding the proposed work were received.

As a result of our evaluation of your project, we have determined that the portion of the proposed bridge construction under our jurisdiction and mitigation restoration activities are authorized under NWPs 23 and 27, as described in Part B of the NWP Program. Your use of these NWPs is valid only if:

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

b. Prior to the purchase of mitigation credits from a USACE approved mitigation bank that services the project area for this activity, you will obtain written approval from this office of the specific mitigation bank from which you propose to purchase 1.0 wetland mitigation credits. Upon our written approval of the selected mitigation bank and prior to the commencement of any work in jurisdictional waters of the United States, you or the mitigation bank must provide this office with documentation of this purchase before any work may commence. The notice should reference the USACE file number assigned to this project.

c. Concurrent with the removal of the existing Skidaway Narrows Bridge, the permittee shall begin implementation and construction of the mitigation sites/areas in accordance with the attached mitigation plan titled, "Skidaway Narrows Bridge Replacement Wetland Mitigation Plan," dated September 2010. Within ten days, the permittee shall notify the issuing office of the Savannah District, Regulatory Division, when work commenced on the mitigation site. All mitigation work will be completed within 18 months from the commencement of work on the mitigation sites/areas.

d. Prior to the commencement of any work in water of the United States, all property identified in the mitigation plan titled, "Skidaway Narrows Bridge Replacement Wetland Mitigation Plan," dated September 2010, as being part of the lands to be protected in perpetuity, shall be owned in fee by the permittee or owner of the property subject to the mitigation plan and protected by a Declaration of Conservation Covenants and Restrictions. A draft restrictive covenant with exhibits shall be prepared by an attorney for the permit holder and forwarded to the United States Army Corps of Engineers (USACE), Savannah District, Office of Counsel, Attention: Ms. Melanie Casner, 100 W. Oglethorpe Avenue, Savannah, Georgia 31401-3640, for written approval. All restrictive covenants should be drafted utilizing the latest version of the Savannah District's model language entitled, "Declaration of Conservation Covenants and Restrictions." The model draft language is located on the Savannah District web site at [www.sas.usace.army.mil/](http://www.sas.usace.army.mil/). Select "More about Obtaining a Permit," then select "Compensatory Mitigation" on the left side of the Regulatory web page. Scroll down to find the model "Declaration of Conservation Covenants and Restrictions." Upon written approval by Office of Counsel, the restrictive covenant will be recorded in the land records Office of the Clerk of the Superior Court in the county in which the mitigation land lies. A copy of the recorded restrictive covenant, showing book and page numbers of its recorded location, shall be provided to Office of Counsel. Upon receipt by Office of Counsel of a copy of the recorded restrictive covenant, showing book and page numbers and properly executed, the restrictive covenant requirement shall be completed. It is recommended that the recorded amended restrictive covenant be sent with a returned receipt to the applicant.

e. The Declaration of Conservation Covenants and Restrictions with requirements and instructions as provided on the web site shall be controlling as the long term protection language. Where another term such as "easement," "conservation easement" or "deed restriction" may be used in any provision of a permit, mitigation plan, banking instrument, appendix, exhibit, attachment, table or any other document, addressing the long term protection of the property, the term "Declaration of Conservation Covenants and Restriction" shall be applied in its place to make clear that a restrictive covenant is required and that the owner of the property shall be the permittee or owner of the property subject to the mitigation plan. The version of the restrictive covenant that shall apply shall be the version that is on the web site at the time the restrictive covenant is prepared and submitted to Office of Counsel. If the property is already protected by a land protection document, it will be required to be subordinated to the restrictive covenant.

f. Prior to the commencement of work authorized under this permit, the boundary of all property identified as mitigation property and protected by the restrictive covenant shall be permanently posted with appropriate signs or marked clearly to guard against unauthorized disturbance to this area during or following construction activities.

g. The permittee shall immediately contact the issuing office of the Savannah District, Regulatory Division, to discuss corrective action(s) should a major deficiency(ies) where mitigation sites/areas fail to meet the objectives as outlined in the mitigation plan titled, "Skidaway Narrows Bridge Replacement Wetland Mitigation Plan," dated September 2010 at any time during the construction phase or monitoring period. Corrective actions may include, but are not limited to, (1) revising the mitigation construction and planting requiring a second five-year monitoring period, (2) utilization of an approved mitigation bank that services the project area with a purchase of an additional 5% in mitigation credits for each year, not to exceed 5 years, to offset the temporal loss of stream functions, (3) combination of 1 and 2 or (4) agreement on another proposal.

h. The permittee shall invite a representative from this office to all mitigation related pre construction meetings. The permittee shall notify this office 15 days in advance of all such meetings.

i. The permittee's responsibility to complete the required compensatory mitigation as set forth in Special Conditions shall not be considered fulfilled until the permittee has demonstrated mitigation success and has received written verification from the US Army Corps of Engineers.

j. The use of the permitted activity shall not interfere with the public's right to free navigation on the Skidaway River, a navigable water of the United States.

k. The permittee shall comply promptly with any future regulations or instructions affecting the work herein if and when in accordance with the law by any Department of the Federal Government for the aid or protection of navigation.

l. This permit does not authorize the interference with any existing or proposed Federal Project and that the permittee shall not be entitled to compensation for damage or injury to the work authorized herein which may be caused by or result from existing or future operations that are undertaken by the United States in the public interest

m. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the portions of the pier/bents left in place, or if, in the opinion of the Secretary of the Army or his authorized representative, said portions of the piers/bents shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the remaining structures or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

n. You shall obtain and comply with all appropriate federal, state, and local authorizations required for this type of activity. A stream buffer variance may be required. Variances are issued by the Director of the Georgia Environmental Protection Division (EPD), as defined in the Georgia Erosion and Sedimentation Control Act of 1975, as amended. It is our understanding that you may obtain information concerning variances at the Georgia EPD's web site at [www.gaepd.org](http://www.gaepd.org) or by contacting the Watershed Protection Branch at (404) 675-6240.

o. 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, First Edition, 2002," published by the Georgia Soil and Water Conservation Commission or their equivalent will aid in achieving compliance with the aforementioned minimal requirements.

p. The permittee agrees that all personnel associated with the project will be advised that there are civil and criminal penalties for harming, harassing or killing manatees, which are protected under the Endangered Species Act of 1973 and the Marine Mammal Protection Act of 1972. The permittee and contractor will be held responsible for any manatee harmed, harassed or killed as a result of construction activities.

q. Siltation barriers will be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.

r. All vessels associated with the project will operate at "no wake/idle" speeds at all times while in the construction area. All vessels will follow routes of deep water whenever possible.

s. All on-site project personnel are responsible for observing water-related activities for the presence of manatees. All construction and activities in open water will cease upon sighting of manatees within 50 feet of the project area. Construction activities will not resume until the manatees have left the project area for at least 30 minutes.

t. Extreme care will be taken in lowering equipment or materials, including, but not limited to piles, sheet piles, casings for drilled shaft construction, spuds, pile templates, anchors, etc., below the water surface and into the stream bed; taking any precaution not to harm any manatee(s) that may have entered the construction area undetected. All such equipment or materials will be lowered at the lowest possible speed.

u. The permittee agrees that any collision with a manatee shall be reported immediately to the US Army Corps of Engineers (912-652-5347), the US Fish and Wildlife Service (USFWS), Ecological Services Field Office, (912-832-8739), and Georgia Department of Natural Resources (GADNR) (Weekdays 8:00 a.m.-4:30 p.m.: 912-264-7218 or 1-800-272-8363; (nights and weekends: 1-800-241-4113). Any dead manatee(s) found in the project area must be secured to a stable object to prevent the carcass from being moved by the current before the authorities arrive. In the event of injury or mortality of a manatee, all aquatic activity in the project area must cease pending section 7 consultation under the Endangered Species Act with the USFWS and the lead Federal agency.

v. The permittee agrees that the contractor shall keep a log detailing sightings, collisions, or injury to manatees, which have occurred during the contract period.

w. The permittee agrees that following project completion, a report summarizing the above incidents and sightings will be submitted to the US Fish and Wildlife Service, Ecological Services Field Office, Coastal Georgia Sub-Office 4980 Wildlife Drive, NE Townsend, Georgia 31331.

y. All temporary construction materials will be removed upon completion of the work, and salt marsh areas will be restored. No construction debris or trash will be discarded in the water.

z. The permittee shall insure that a trained spotter will be onsite for sightings of manatees and sea turtles during the construction of the new Skidaway Narrows bridge including the fender system and the removal of the existing bridge and fender system. Personnel designated by the Contractor shall receive training by the Georgia Department of Natural Resources, Coastal Resources Division, Brunswick, Georgia. The contact person for the Georgia Department of Natural Resources is Mark Dodd at (912) 264-7218.

aa. A notarized verification letter stating that all permanent signs have been installed at designated locations shall be forwarded to the Corps of Engineers, Savannah District Office as soon as they are installed. Signs remain the responsibility of the permittee and are to be maintained in a clearly visible condition for the life of the bridge construction project.

bb. The permittee agrees to install and maintain a minimum of six (6) signs and these shall be installed and maintained at prominent locations within the construction area, prior to the initiation of construction. Four (4) "Caution Manatee Area" signs (two on the upstream side and two on the downstream side of the bridge) shall be placed in the construction vicinity prior to commencement of work, and shall be maintained until such time that Final Acceptance of the project is made (Figure 1). Two (2) "Manatee Habitat - Idle Speed in Construction Areas" signs (one on the upstream and one on the downstream side of the bridge) shall be placed in the construction vicinity prior to commencement of work. Placement of all signs shall be as approved by the Georgia Department of Natural Resources, Coastal Resources Division, Brunswick, Georgia. The contact person for the GADNR CRD is Mr. Dodd at (912)-264-7218.

cc. All construction and activities will cease upon sighting of wood storks within 100 yards of the project area. Construction activities will not resume until the wood stork have vacated the project area for at least 30 minutes.

dd. That removal/demolition of the existing Skidaway Narrows Bridge over the Skidaway River will be performed in accordance with the approved Skidaway Narrows Bridge Demolition Plan dated June 2010.

ee. That prior to the authorized bridge construction and demolition, the before and after side scan sonar surveys must cover the entire project area from the center of the navigation channel an appropriate distance shoreward to ensure that no debris is left in the waterway. These before and after surveys shall be provided to this office for review.

ff. That prior to initiating the removal of the existing Skidaway Narrows Bridge over the Skidaway River, the permitted will provide a construction and demolition schedule to the Savannah District Office for our approval before any demolition can commence. A 15 day notice will be submitted to the Savannah District Office to allow a public notice for the proposed construction and demolition activities.

gg. Absolutely no construction or demolition material shall be placed in any wetland areas, or other special aquatic sites or any other waters of the United States.

hh. You fill out and sign the enclosed Certification of Compliance and return it to our office within 30 days of completion of the activity authorized by this permit.

The Federal Highway Administration (FHWA), the lead federal agency, has reviewed this project in accordance with Section 7 of the Endangered Species Act and has determined that the proposed action **“may affect, but is not likely to adversely affect”** the Western Indian manatee, wood stork, loggerhead sea turtle, and shortnose sturgeon. In a letters dated September 9, 2008, and January 12, 2009, the US Fish and Wildlife Service and National Marine Fisheries concurred with this determination.

This verification is valid until the NWP is modified, reissued or revoked. All of the existing NWPs are scheduled to be modified, reissued or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.

This authorization should not be construed to mean that any future projects requiring Department of the Army authorization would necessarily be authorized. Any new proposal, whether associated with this project or not, would be evaluated on a case-by-case basis. Any prior approvals would not be a determining factor in making a decision on any future request.

Revisions to your proposal may invalidate this authorization. In the event changes to this project are contemplated, I recommend that you coordinate with us prior to proceeding with the work.

This communication does not relieve you of any obligation or responsibility for complying with the provisions of any other laws or regulations of other federal, state or local authorities. It does not affect your liability for any damages or claims that may arise as a result of the work. It does not convey any property rights, either in real estate or material, or any exclusive privileges. It also does not affect your liability for any interference with existing or proposed federal projects.

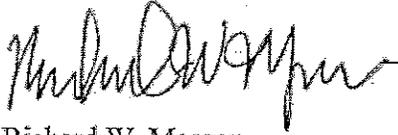
If the information you have submitted and on which the USACE bases its determination/ decision of authorization under the NWP is later found to be in error, this determination may be subject to modification, suspension, or revocation.

Copies of this letter are being provided to the following parties: US Fish and Wildlife Service, National Marine Fisheries Service, US Coast Guard (USCG) District 7 and USCG Marine Safety Office, GADNR Coastal Resources Division and GADNR Nongame Conservation Section.

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Thank you in advance for completing our Customer Survey Form. This can be accomplished by visiting our web site at <http://pcr2.nwp.usace.army.mil/survey.html> and completing the survey on-line. We value your comments and appreciate your taking the time to complete a survey each time you interact with our office. If you have any questions, please call Stanley Knight, Senior Project Manager Coastal Branch at 912-652-5348.

Sincerely,



Richard W. Morgan  
Chief, Special Projects Section  
Coastal Branch

Enclosures

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Regulatory Division

CERTIFICATION OF COMPLIANCE  
WITH  
DEPARTMENT OF THE ARMY

PERMIT FILE NUMBER: SAS-2007-01571

PERMITTEE ADDRESS: Georgia Department of Transportation  
Attention: Glenn S. Bowman  
Office of Environment/Location  
One Georgia Center, 16th Floor  
600 West Peachtree Street, NW  
Atlanta, Georgia 30308

LOCATION OF WORK: The project site is located at State Road 204 (Skidaway Narrows) Bridge over the Skidaway River, Savannah, Chatham County, Georgia, at Latitude 31.9469 and Longitude -81.065.

PROJECT DESCRIPTION: The proposed GADOT project (P.I. # 0008651) is to replace the structurally deficient bascule bridge over Skidaway Narrows located on State Route 204 Spur (Diamond Causeway) in Chatham County. A new two-lane high-level concrete bridge structure would be constructed parallel to and north of the existing bridge within the existing right-of-way. The proposed high-level bridge would be 2,160 LF in length and 41.92 feet in width (out-to-out) including two 11-foot lanes with 8-foot shoulders. The minimum clearance over the navigable channel would be 65 feet above mean high water (MHW) to accommodate boat traffic. This project also involves the demolition of the Old Bridge after the construction of the new bridge and would be performed in accordance with an approved Bridge Demolition Plan, dated June 2010.

ACRES AND/OR LINEAR FEET OF WATERS OF THE US IMPACTED: To permanently impact 0.77 acre of tidal estuarine wetland (salt marsh), 0.11-acre of freshwater wetlands and temporarily impact 1.03-acre of estuarine wetland (salt marsh) for a total of 1.86 acres of jurisdictional wetlands.

DATE COMPLETED:

COMPENSATORY MITIGATION REQUIRED: To perform on-site mitigation work to restore 3.96 acres of salt marsh and essential fish habitat and to purchase 1.0 wetland credits from an approved commercial mitigation bank.

DATE COMPLETED OR PURCHASED:

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I understand that the permitted activity is subject to a US Army Corps of Engineers' Compliance Inspection. If I fail to comply with the permit conditions at Part C of the Nationwide Permit Program, published in the March 12, 2007, Federal Register, Vol. 72, No. 42, Pages 11092-11198, it may be subject to suspension, modification or revocation.

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

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

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## Exhibit C -- Conservation Covenants and Restrictions

The parcel that will be protected by the conservation covenants and restrictions consists of a salt marsh wetland restoration site (Mitigation Area #1) totaling 1.14 acres and located on the west side and adjacent to the Skidaway Narrows River. The boundary of the conservation restriction includes an upland buffer, where possible, on all sides of the wetland restoration site. The tract or parcel containing Mitigation Area #1 contains 1.770 acres. The site is located entirely within the 100-year flood plain associated with the Skidaway Narrows River. Skidaway Narrows River is located in the outer coastal plain of Georgia and serves as a portion of the Atlantic Intracoastal Waterway. The site is located in Hydrologic Unit Code 03060204 of the Ogeechee Coastal Watershed. Residential development occurs along the western bank of the River as well as on Skidaway Island which forms the eastern bank of the River.

The salt marsh was previously converted to uplands by the construction of State Route 204 SPUR (Diamond Causeway) and the existing bridge over Skidaway Narrows. Upon completion of the realigned portion of State Route 204 SPUR to accommodate the approaches for the new bridge over Skidaway Narrows, the un-needed fill material associated with the existing bridge approaches will be excavated to the appropriate elevation to allow inundation of the site by natural tide cycles. The restoration site will be contiguous with larger expanses of salt marsh present along the shoreline of Skidaway River. The site will be allowed to re-vegetate naturally with some sprigging of the site with smooth cordgrass (*Spartina alterniflora*) as needed to enhance the natural re-vegetation process. Additionally, a long-term maintenance plan has been developed and will be implemented upon completion of the restoration efforts to maintain the integrity of the marsh habitat in perpetuity. The long-term maintenance plan includes the periodic removal of trash and monitoring and removal of invasive species.

Salt marsh wetlands are important habitat for a variety of aquatic faunal species and are identified by the National Marine Fisheries Service as Essential Fish Habitat (EFH). As such, these areas play a major role in support of the continued success of both sport and commercial fisheries. Due to the location of the site, adjacent to a public roadway, the site could be subject to future development or other human encroachment if left only to the protection provided by regulations of the Clean Water Act and the Coastal Resource Management Act. Under these Acts, permits can be obtained to legally alter coastal wetland systems.

In addition to the important EFH functions that will be provided by the salt marsh restoration site, the site will provide flood storage area, trap sediments and toxins, serve as a nutrient reservoir, and will buffer the western shoreline during storm surges preventing erosion. The existing western bridge approach currently creates a constriction to an unnamed tidal creek. Upon completion of the salt marsh restoration project, this constriction will be removed which should enhance the flows during the tide cycles. The restoration site will also provide more foraging area for wading birds that occur in the area. Federally protected species such as the wood stork (*Mycteria americana*), shortnose sturgeon (*Acipenser brevirostrum*), smalltooth sawfish (*Pristis pectinata*), West Indian manatee (*Trichechus manatus*), and the five species of marine sea turtles [green sea turtle, hawksbill sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, and loggerhead sea turtle (*Chelonia mydas*, *Eretmochelys imbricata*, *Lepidochelys kempii*, *Dermochelys coriacea*, and *Caretta caretta*)] will benefit from the restoration site.

Upon completion of the restoration site, the Georgia Department of Transportation will implement the long-term management plan and manage the property in perpetuity.

I, TIMOTHY J. SLATON, AM A REGISTERED PROFESSIONAL LAND SURVEYOR, DULY LICENSED UNDER THE LAWS OF THE STATE OF GEORGIA AND IN MY OPINION:  
(a) THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND, UNDER MY SUPERVISION;  
(b) THE SURVEY WAS MADE USING AN ELECTRONIC TOTAL STATION READING TO 02 SECOND;  
(c) THE FIELD DATA FROM WHICH THIS PLAT OR MAP WAS COMPUTED WAS FOUND TO BE ACCURATE TO WITHIN 1 PART IN 20,000 PARTS OR BETTER AND AN ANGULAR ERROR OF 01 SECOND PER ANGLE POINT;  
(d) THIS PLAT OR MAP HAS ITSELF BEEN COMPUTED TO DETECT SCRIVENER ERRORS AND IT TOO WAS FOUND TO BE ACCURATE TO WITHIN 1 PART IN 20,000 PARTS OR BETTER;  
(e) ENCROACHMENTS ARE AS SHOWN ON THE PLAT;  
(f) UPON EXAMINATION OF FEMA FLOOD INSURANCE RATE MAPS OF CHATHAM COUNTY, GEORGIA, PANEL #13051C0279 F, DATED SEPTEMBER 26, 2008, IT HAS BEEN DETERMINED THAT THE PLATTED PROPERTY, SHOWN HEREON, DOES LIE IN A FLOOD HAZARD AREA;  
(g) ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF;  
(h) ALL BEARINGS SHOWN ARE COMPUTED FROM ANGLES TURNED AND THEIR BASIS IS AS DEFINED ON THE PLAT;  
(i) ADEQUATE INGRESS TO AND EGRESS FROM THE SUBJECT PROPERTY IS PROVIDED BY DIAMOND CAUSEWAY (S.R. 204), HAVING A VARIABLE RIGHT-OF-WAY, THE SAME BEING PAVED, DEDICATED PUBLIC RIGHT-OF-WAY AND THE SAME ABOUT THE SUBJECT PROPERTY.

THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF GEORGIA LAW.

DATED THIS 25th DAY OF JUNE, 2010

TIMOTHY J. SLATON, GEORGIA REGISTERED LAND SURVEYOR #2405

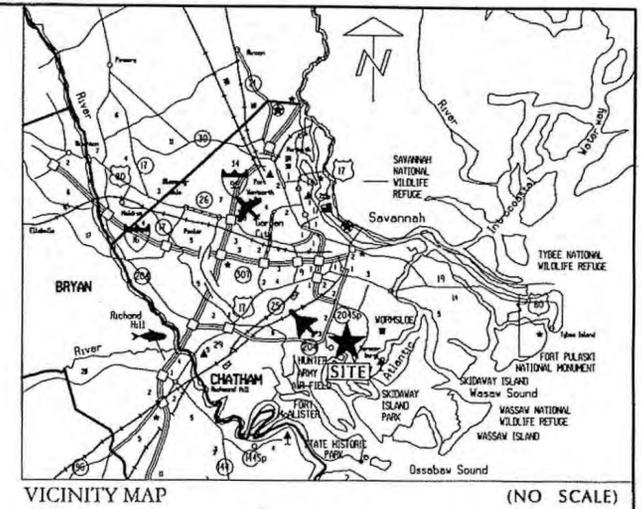


REFERENCE MATERIAL:

- S.R. 204 SPUR/DIAMOND CAUSEWAY (FERGUSON AVE. TO McWHORTER DR.). GEORGIA D.O.T. PROJECT NUMBER PESTP00MS00004, P.I. NUMBER 550550.
- GEORGIA D.O.T. R/W PLANS ACCESS ROAD - SKIDAWAY ISLAND P.R. 5674(4) COMPLETED 11-23-1970 REVISED 12-7-1970 & 12-11-1970

NOTES:

- EQUIPMENT USED: LEICA TCR 802, A 2 SECOND INSTRUMENT.
- HORIZONTAL DATUM IS GEORGIA EAST ZONE NAD 83.
- VERTICAL DATUM IS NAVD 88.
- WETLANDS, STREAMS, AND BUFFERS MAY BE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS, PERMIT NUMBER \_\_\_\_\_ AND ARE PROTECTED BY A RECORDED DECLARATION OF COVENANTS AND RESTRICTIONS.



VICINITY MAP (NO SCALE)

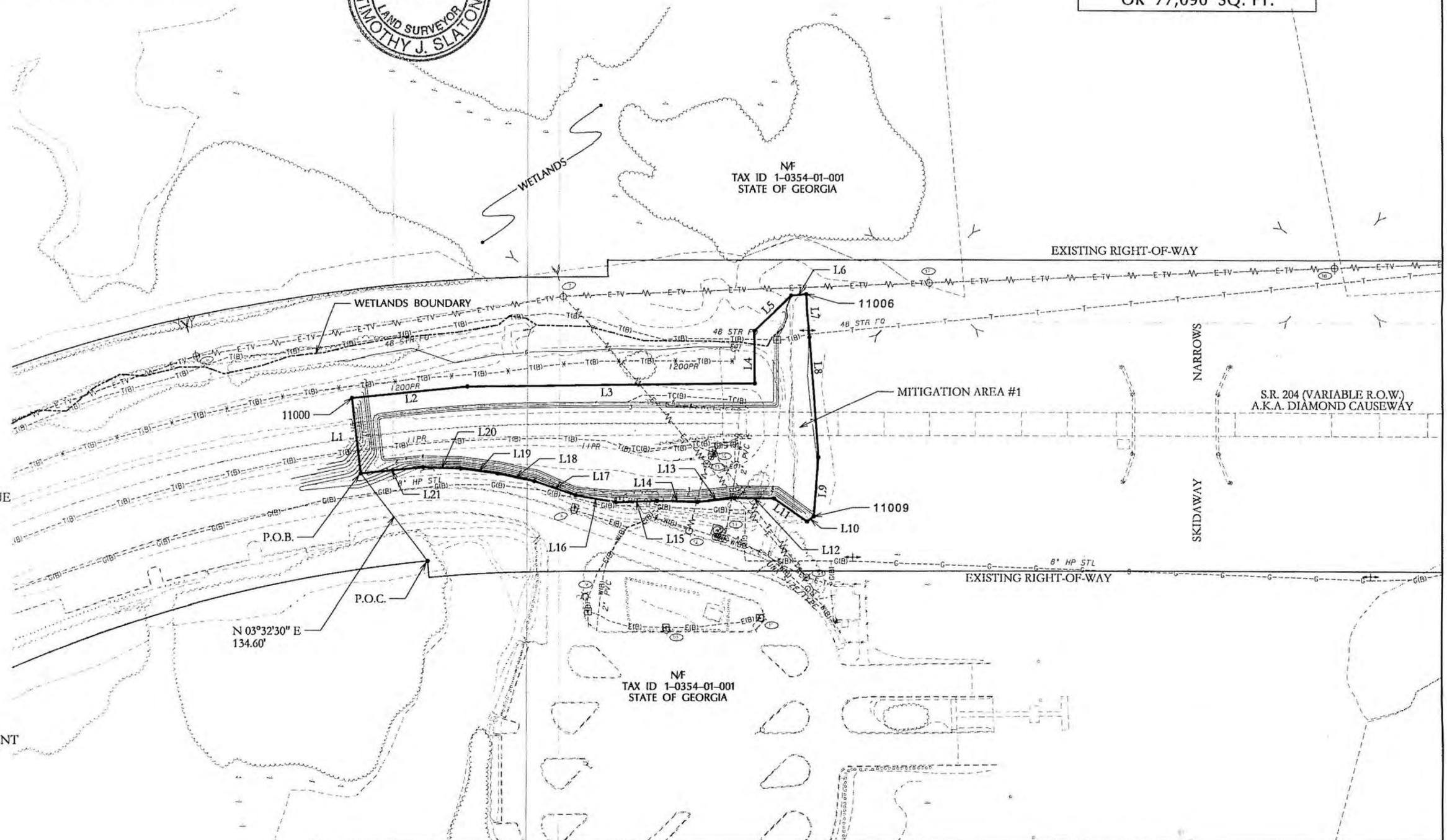
TOTAL AREA: 1.770 ACRES  
OR 77,090 SQ. FT.

CALL SCHEDULE

L1	N 34° 54' 22" E	91.31'
L2	S 53° 51' 07" E	143.40'
L3	S 48° 53' 05" E	357.41'
L4	N 41° 38' 46" E	64.37'
L5	N 86° 13' 18" E	64.18'
L6	S 54° 00' 50" E	18.68'
L7	S 37° 10' 23" W	55.40'
L8	S 37° 27' 52" W	146.47'
L9	S 46° 08' 53" W	71.75'
L10	N 84° 51' 26" W	10.34'
L11	N 13° 49' 59" W	49.61'
L12	N 47° 50' 33" W	48.77'
L13	N 54° 12' 37" W	45.76'
L14	N 46° 50' 27" W	50.50'
L15	N 50° 18' 47" W	50.36'
L16	N 38° 54' 39" W	52.49'
L17	N 29° 32' 28" W	54.06'
L18	N 36° 54' 40" W	46.52'
L19	N 40° 42' 24" W	45.74'
L20	N 46° 27' 08" W	46.76'
L21	N 53° 34' 19" W	77.83'

LEGEND

- (T)(B)--- BURIED TELEPHONE LINE
- (E)(B)--- BURIED ELECTRICAL LINE
- (G)(B)--- BURIED GAS LINE
- (W)(B)--- BURIED WATER LINE
- E--- OVERHEAD ELECTRIC
- T--- OVERHEAD TELEPHONE
- E-TV--- OVERHEAD ELECTRIC AND CABLE TV
- ⊕ UTILITY POLE
- ⊙ LIGHT POLE
- ⋈ GUY WIRE
- ⊠ ELECTRIC BOX
- ⊙ FIRE HYDRANT
- ⊙ WATER VALVE
- ⊙ WATER MANHOLE
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING



	NORTHING	EASTING	LATITUDE	LONGITUDE
P.O.C.	710,447.765	996,859.583	31° 56' 54.96903"	81° 04' 05.68960"
P.O.B.	710,582.107	996,867.898	31° 56' 56.29748"	81° 04' 05.57728"
11000	710,656.990	996,920.149	31° 56' 57.03318"	81° 04' 04.96210"
11006	710,378.738	997,427.140	31° 56' 54.22900"	81° 03' 59.11333"
11009	710,168.629	997,252.832	31° 56' 52.16755"	81° 04' 01.15891"

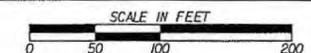
SURVEYED BY BE	P.I. NUMBER 0008651
DRAWN BY JGL	DATE 25 JUNE 2010
CHECKED BY TJS	SCALE 1" = 100'

**LONG**  
ENGINEERING, INC.

1780 Corporate Drive  
Suite 400  
Norcross, Georgia 30093  
Tel 770.931.8005  
Fax 770.931.8555  
www.longeng.com

BOUNDARY SURVEY FOR:  
GEORGIA DEPARTMENT OF TRANSPORTATION

LOCATED IN:  
PART OF THE 6TH  
GEORGIA MILITIA DISTRICT  
CHATHAM COUNTY, GEORGIA



SHEET NO.  
1 OF 1

Clock#: 1291978  
FILED FOR RECORD  
11/23/2010 09:12am  
PAID: 54.00  
Daniel W. Massey, Clerk  
Superior Court of Chatham County  
Chatham County, Georgia

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640  
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PAGE

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GEORGIA DEPARTMENT OF TRANSPORTATION  
OFFICE OF RIGHT OF WAY  
14<sup>TH</sup> FLOOR - LYNORA GOODE  
600 WEST PEACHTREE STREET NW  
ATLANTA GA 30308

STATE OF GEORGIA  
COUNTY OF CHATHAM

**Cross reference to those certain four right of way deeds dated August 30, 1969 and recorded in Deed Book 96-L, pages 171 - 174, Chatham County, Georgia records.**

### DECLARATION OF CONSERVATION COVENANTS AND RESTRICTIONS

THIS DECLARATION OF CONSERVATION COVENANTS AND RESTRICTIONS (this "Declaration") is hereby made by GEORGIA DEPARTMENT OF TRANSPORTATION, a governmental entity, the undersigned "Declarant." Declarant is the owner in fee simple of a certain tract or parcel of real property lying in the 6<sup>th</sup> G.M.D., Chatham County, Georgia. This tract of land was conveyed on August 27, 2010 from Chatham County to Georgia Department of Transportation recorded in Deed Book 364A, page 718-719, Chatham County, Georgia records. Declarant comes now and, for good and valuable consideration, declares conservation use restrictions on a portion of the property hereinafter described. A legal description of the specific parcel or parcels of Property subject to this Declaration is more particularly described in Exhibit "A" hereto attached and made a part hereof. The Declaration hereinafter stated shall apply to Property described in Exhibit "A" and is by reference, incorporated herein for a description and for all other legal purposes.

### PREMISES

WHEREAS, Declarant was issued a permit by the US Army Corps of Engineers ("USACE") Action Number SAS-2007-01571 pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401) under the administrative regulatory authority of the USACE Savannah District, Regulatory Division, setting forth authorization for certain dredge and/or discharge of fill activities in waters of the United States, including wetlands and streams; and,

WHEREAS, said permit dated September 20, 2010 is attached hereto as Exhibit "B" and by this reference is made a part hereof; and,

WHEREAS, dredge and/or discharge of fill material in jurisdictional waters of the United States including wetlands and streams pursuant to the Clean Water Act, Section 404, and/or Rivers and Harbors Act of 1899, Section 10, requires compensatory mitigation and perpetual protection of the mitigation property; and,

WHEREAS, a dated platted survey with seal affixed by a Georgia registered surveyor of the bearings and distances and coordinate values of the boundary of the Property referenced as Exhibit A has been recorded at Plat Record Book 44P, page 99B (the "Survey"). The survey approximately shows the actual or planned wetland, stream and buffer areas within the Property. The property contains 3.102 acres in 1 parcel of land. The survey is made a part of this Declaration and is incorporated by reference; and

WHEREAS, the Conservation Functions and Services are summarized and described in Exhibit "C", attached hereto and made a part hereof; and

WHEREAS, the Property is being preserved, restored, established or enhanced as a wetland, buffer to wetlands, stream, streamside buffer, and/or upland buffer to jurisdictional waters of the United States, as well as to non-jurisdictional waters of the United States where such property has been accepted as compensatory mitigation pursuant to the permit;

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the Declarant and each and every subsequent owner and occupant of the real property, and as required mitigation for dredge and/or discharge of fill material in waters of the United States including wetlands and streams, Declarant has promised to place certain restrictions on the Property exclusively for conservation purposes, in order that it shall remain substantially in its restored, enhanced, preserved, open, natural and/or scenic condition, in perpetuity.

1

**Transfers, Amendments & Extinguishment**

Declarant does hereby declare that all of the Property described hereinafter shall be held, transferred, sold, conveyed and occupied subject to the terms and conditions of the covenants, easements and affirmative obligations all of which shall run with the Property and will be binding on all persons, firms, associations, corporations or governmental entities having or hereafter acquiring any right, title or interest in said Property, or any part thereof, their heirs, executors, administrators, successors and assigns. The terms and conditions of this Declaration of Covenants and Restrictions shall be both implicitly and explicitly included in any subsequent transfer, conveyance, or encumbrance affecting all or any part of the conservation property. It shall set forth the terms and conditions of this document either by reference to this document and its recorded location or by attachment and incorporation by reference. The covenant shall not be amended or extinguished except by written approval of the USACE, or its successor in administration of the Clean Water Act or the Rivers and Harbors Act of 1899. Amendments to the restrictive covenant for the purpose of proposing additional impact are not favored and will be considered only in rare circumstances following the USACE policy and procedures and where posted on the web. Should an amendment be accepted, mitigation required will be at a substantially higher ratio. Amendments shall be signed by the USACE and shall be recorded in the official records of the county in which the Property is located.

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### Property as Open and Common Area

The Property is set aside for conservation use and shall be designated as an undeveloped lot, buffer, open and common area or greenway and will not now, nor in the future, be made part of any single lot or lots in a residential or mixed use subdivision or a subdivided commercial development, but rather the Property shall be held, maintained and managed by the owner, developer, corporation, homeowner or business association as an open, common and undeveloped conservation area. There shall be no legal or de facto division, subdivision or partitioning of the protected Property used as mitigation unless approved by USACE and addressed in the permit or banking instrument.

### Prohibited Uses

Except as necessary (1) to carry out wetland/stream and/or buffer restoration, enhancement and/or establishment in keeping with the mitigation plan of the permit or banking instrument as approved by USACE; or, (2) to fence the property to keep out livestock, domestic animals, trespassers, or for protection or enhancement of the property; or, (3) to carry out management and maintenance of the property as approved in writing by the USACE; the actions encompassed as prohibited by this covenant shall include, but shall not be limited to the following:

- A. Clearing, cutting or mowing;
- B. Earthmoving, grading, removal of topsoil, cultivation, burning, filling or changes in the topography of the land in any manner;
- C. Placement of refuse, wastes, sewage, dredged spoil, solid waste, incinerator residue, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, or agricultural waste on the Property;
- D. Draining, ditching, diking, dredging, channelizing, pumping, impounding, excavating;
- E. Diverting or affecting the natural flow of surface or underground waters within, or out of the Property; manipulating or altering any natural water course, body of water or water circulation and any activities or uses detrimental to water quality;
- F. Mining, drilling;

G. Burning, systematically removing or cutting timber or otherwise destroying any vegetation. Upon approval from the USACE, selective pruning, unsafe trees or exotic non-native vegetation may be removed in accordance with current scientific best management practices as set out by the U.S. Forest Service or the Georgia Forestry Commission;

H. Spraying with biocides or use of herbicides or pollutants that violate water quality standards;

I. Introducing exotic species on the Property, altering the natural state of the wetlands or streams or causing erosion or sedimentation;

J. Grazing or use by domesticated animals such that animal wastes enter soil and water;

K. Construction of any kind in the wetlands, streams, buffers or upland, whether temporary or permanent.

L. Use of off-road vehicles and used of motorized vehicles except on existing roadways is prohibited.

M. As permitted or approved in writing by USACE the property may have: (1) a narrow pedestrian walking trail in the uplands or upland buffer using pervious materials, (2) minimal structures and boardwalks for the observation of wildlife and wetland/stream ecology, (3) crops for wildlife or placement of temporary hunting stands in uplands.

N. Display of billboards, signs, or advertisements on or over the Property, except for the posting of no trespassing signs, temporary signs indicating the property is for sale, signs identifying the trees, vegetation, wetlands or conservation values of the property and/or signs identifying the owner of the property.

O. Conservation and wildlife habitat management plans may be implemented by the Georgia Department of Natural Resources Wildlife Resource Division, US Forest Service, conservation land trusts holding conservation easements, or other conservation management entities where the habitat, wildlife or forest management does not result in any impacts to the wetlands/streams/riparian corridors and its buffers, or to property protected for its historical, cultural and/or archeological value, and where the proposal would enhance the management of the property for its conservation use.

4

**Easements**

A. The protected property is free and clear of any and all liens, loans, claims, restrictions, easements and encumbrances, except as otherwise identified in this document and its exhibits.

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B. Existing utility line easements, roads, right-of-ways, access easements and structures on the property, if any, are shown on the survey.

C. Environmental impacts, if any, caused by existing easements such as roads, utility lines or pipelines, where such easements are in place as of the date of the recording of this restrictive covenant, and where the easements are shown on the survey, shall not be considered as causing any prohibited impacts to the Property by their use and maintenance.

D. Should an easement or legal right of use of the Property, not listed in paragraph (4)(A), or not meeting the criteria of paragraph (4)(A) and prior in time and recording to this restrictive covenant, be exercised in such a manner that it conflicts with the prohibited uses of the Property set out in this restrictive covenant, then the owners of the Property, whether the Declarant of this covenant or any heirs, executors, administrators, successors or assigns, shall be responsible for providing alternative conservation mitigation in such amounts and of such service and function as the USACE or any enforcer of this covenant shall determine in accordance with the terms of the permit/banking instrument and with Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899 and their implementing regulations.

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**5**

**Representations**

Declarant represents and warrants that after reasonable investigation, and to the best of its knowledge:

A. No substance defined, listed, or otherwise classified pursuant to any federal, state, or local law, or regulation, as hazardous, toxic, polluting, or otherwise contaminating to the water or soil, has been released, generated, treated, stored, used, disposed of, deposited, abandoned, or transported in, on, from, or across the Property;

B. There are no underground storage tanks located on the Property, whether presently in service or closed, abandoned, or decommissioned;

C. The Property is in compliance with all federal, state and local laws, regulations and permits and there is no pending or threatened litigation in any way affecting, involving or relating to the Property and its use.

D. The conservation property is not land-locked and there is access to the protected property by road, dedication of pathway or by an access easement.

**6**

**Affirmative Duties**

A. Declarant/Owner will take action to prevent the unlawful entry and trespass by persons whose activities may degrade or harm the conservation values of the Property or that are otherwise inconsistent with this Declaration.

B. A management plan shall be developed by Declarant and its successors for management of the property for its conservation duties. Adequate financial resources shall be allocated by owner of the mitigation property for protection of the property. Declarant shall take immediate action to cure violations of this restrictive covenant.

7

**Exclusive Possession**

Declarant, its (personal representatives, heirs, executors, administrators) (successors and assigns), reserve all other rights accruing from its ownership of the Property including but not limited to the exclusive possession of the property, the right to transfer or assign their interest in the same, the right to take action necessary to prevent erosion on the Property, to protect the property from losing its conservation functions and services, or to protect public health or safety; and the right to use the property in any manner not prohibited by this Declaration and which would not defeat or diminish the conservation purpose of this Declaration.

8

**Benefits to the General Public**

It is expressly understood and agreed that this covenant does not necessarily grant or convey to members of the general public, any rights of ownership, interest in, or use of the protected property unless so designated by the owner for such purpose. Nonetheless, the property has significant aesthetic and conservation value in its present or restored state as a predominately natural area which has not been subject to extensive development or exploitation. The protection of jurisdictional and non-jurisdictional waters of the United States, their buffers and uplands, floodplains, vegetation, scenic, open space, aquatic and wildlife habitat are considered of great importance to the well being of the general public and to all citizens of Georgia and are worthy of preservation and conservation.

9

**Enforcement**

The USACE and/or the Environmental Protection Agency, or its successors, as third party beneficiaries hereof, are hereby specifically granted the authority to enforce the provisions of this Declaration pursuant to the Clean Water Act Section 404 and the Rivers & Harbors Act of 1899, Section 10, and implementing regulations. Appropriate remedy for violation of this section is contemplated to include, without limitation, injunctive relief to restrain such violation, restoration, administrative, civil or criminal penalties as well as any other remedy available under law or equity. However, no violation of this covenant shall result in a forfeiture or reversion of title. It shall not be a defense, for purposes of this covenant, that the conservation functions and services of the property were impacted without the owner's knowledge or consent, or that the waters on the property are deemed to be non-jurisdictional waters of the United States either by their function or by statute. The property was offered and accepted as mitigation and is therefore subject to the contractual terms of the permit/banking instrument and this Declaration. Loss of conservation functions and services shall not be required to be replaced if damage is due to "acts of God" as it generally referenced, so long as there has been completion of the mitigation requirements of the permit/banking instrument as to restoration, enhancement, establishment and monitoring.

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**Right of Ingress and Egress**

The USACE, and/or the Environmental Protection Agency, their assigned agents and contractors, shall at reasonable times and upon notice to the owner, have an access easement for the right of ingress and egress to inspect the property in order to monitor and to ascertain whether there has been compliance with this Declaration. Posted signs declaring the property to be conservation property shall be posted by the owner in order to provide notice of the land use designation.

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11

**Covenant Runs with the Land**

This covenant shall not terminate upon some fixed amount of time but shall run with the land in perpetuity both as to benefit and as to burden and shall be enforceable against Declarant and all present and future owners, tenants and other holders of any interest in the Property. This covenant is established for the purpose of preserving, enhancing and conserving wetlands and streams, non-jurisdictional wetlands and streams accepted as mitigation, buffers, uplands, open areas and the associated conservation values, services and functions. Furthermore, this covenant carries out the statutory requirement of Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act and the implementing regulations.

12

**Intent of Clean Water Act**

The intent of the Clean Water Act ("CWA") Section 404 is to restore and maintain the chemical, physical and biological integrity of the Nation's waters. The intent of this document is that the Property be perpetually protected as conservation lands.

13

**Written Notice of Legal Action against Property**

Pursuant to the CWA the District Engineer, c/o Office of Counsel, United States Department of the Army, Corps of Engineers, Savannah District, Savannah, Georgia, shall be provided with a 60-day advance written notice of any legal action concerning this covenant, or of any action to extinguish, void or modify this covenant, in whole or in part. The restrictive covenant is intended to survive foreclosure, tax sales, bankruptcy proceedings, zoning changes, adverse possession, abandonment, condemnation and similar doctrines or judgments affecting the property. A copy of this recorded document shall accompany said notice.

**14**  
**Eminent Domain**

It is the intent of this conservation covenant that the aquatic resources it protects shall not be altered or impacted by eminent domain. However, if any or part of the protected property is taken by exercise of the power of eminent domain, so as to terminate this covenant, in whole or in part, USACE shall be given 60-day notification for the purpose of providing the condemnor and the court authorizing the action, with the value and cost of the consequential damages or the costs of replacement in kind of the ecological units and the conservation functions, services and values of Clean Water Act jurisdictional or non-jurisdictional mitigation on the property. Subject to approval by the USACE, options for replacement of consequential environmental impacts due to eminent domain are governed by the CWA Section 404 or the Rivers & Harbors Act of 1899 Section 10 and their implementing regulations. Options for payment of consequential damages to waters of the United States impacted by the eminent domain taking may include: (1) Re-recording of the USACE model Declaration of Conservation Covenants and Restrictions on the property signed by the new owner thereby preserving the existing waters of the U.S and their buffers on the site without impact; (2) payment of funds sufficient for the acquisition and protection of alternative real property in the same hydrologic watershed providing equivalent conservation functions, services and values of wetlands, streams, creeks, shorelines, other waters of the U.S. and their buffers; or (3) if available, the option to fund the purchase of conservation mitigation credits from an authorized wetland/stream mitigation bank sufficient to replace the conservation mitigation functions, services and values of the wetlands, streams, creeks, shorelines, and other waters of the U.S. and their buffers; (4) payment of funds to an in-lieu fee mitigation wetlands/streams trust account approved by the USACE in an amount sufficient to purchase and protect alternative real property in the same hydrologic watershed that would provide the equivalent mitigation conservation functions, services and values, as the property impacted by eminent domain; or (5) Any other alternative consequential damages aquatic conservation mitigation as may be approved by USACE in compliance with the regulations and requirements. Failure for the proponent to provide consequential damages through alternative mitigation due to impact to aquatic resources protected under the CWA associated with eminent domain shall be referred to the U.S. Justice Department for action.

**15**  
**Removal to U.S. Federal District Court**

The USACE reserves the right to recommend to the U.S. Department of Justice that the legal action as it relates to the Clean Water Act be removed to the United States Federal District Court in the district where the land lies.

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16  
Recordation of Instrument

Declarant shall execute and record this instrument in timely fashion in the official records of the Office of the Clerk of Superior Court in the county in which this Property lies and shall provide the USACE with a copy of the recorded covenant and exhibits. Declarant may re-record this instrument at any time as may be required to preserve its rights.

IN WITNESS WHEREOF Declarant has duly executed this covenant on this the 18<sup>th</sup> day of November, 2010.

OWNER/COVENANTOR:

Georgia Department of Transportation  
600 West Peachtree Street NW  
Atlanta GA 30308

Vann C. Smith, Jr.

Commissioner  
Title

SIGNED, SEALED & DELIVERED IN THE PRESENCE OF:

[Signature]  
Unofficial Witness

Gloria S. Curtis  
Notary Public



# Exhibit "A"

## LEGAL DESCRIPTION

### Mitigation Area #2

ALL that Tract and or Parcel of land lying and being in the 6th G.M. District, Chatham County, Georgia and being more particularly described as follows:

To reach the POINT OF BEGINNING, commence at a point lying on the southerly right-of-way of State Route 204 A.K.A. Diamond Causeway (variable right-of-way), said point having a state plane coordinate of North 709,174.832' East 998,437.099' based on NAD83 coordinate system, Georgia East Zone and said point being a corner of the southerly right-of-way of said road, located on the easterly side of Diamond Causeway bridge crossing Skidway Narrows; THENCE, leaving said point North 34° 38' 01" West for a distance of 112.58' to a point having a state plane coordinate of North 709,267.467' East 998,373.114' based on NAD 83 coordinate system, Georgia East Zone, said point being the TRUE POINT OF BEGINNING;

THENCE, leaving said TRUE POINT OF BEGINNING as thus established South 76° 37' 29" West for a distance of 11.18' to a point; THENCE, North 59° 09' 03" West for a distance of 35.41' to a point; THENCE, North 55° 30' 20" West for a distance of 84.36' to a point; THENCE, North 55° 03' 59" West for a distance of 87.01' to a point; THENCE, North 52° 59' 06" West for a distance of 80.27' to a point; THENCE, North 52° 34' 14" West for a distance of 56.15' to a point; THENCE, North 56° 08' 53" West for a distance of 64.25' to a point; THENCE, North 55° 19' 54" West for a distance of 66.09' to a point; THENCE, North 83° 40' 26" West for a distance of 42.74' to a point; THENCE, North 65° 36' 46" West for a distance of 81.67' to a point; THENCE, North 43° 41' 55" East for a distance of 124.51' to a point; THENCE, North 42° 14' 41" East for a distance of 89.45' to a point; THENCE, North 52° 19' 58" East for a distance of 36.59' to a point; THENCE, North 60° 18' 55" East for a distance of 37.37' to a point; THENCE, North 75° 09' 05" East for a distance of 34.33' to a point; THENCE, North 83° 25' 53" East for a distance of 29.50' to a point; THENCE, South 87° 42' 36" East for a distance of 28.53' to a point; THENCE, South 17° 17' 30" East for a distance of 48.19' to a point; THENCE, South 34° 42' 27" East for a distance of 89.74' to a point; THENCE, South 39° 59' 22" East for a distance of 70.81' to a point; THENCE, South 39° 59' 23" East for a distance of 290.50' to a point; THENCE, South 41° 19' 14" East for a distance of 37.99' to a point; THENCE, South 17° 58' 02" East for a distance of 21.54' to a point; THENCE, South 87° 07' 57" West for a distance of 51.61' to a point; THENCE, South 42° 09' 04" West for a distance of 90.87' to a point, said point being the TRUE POINT OF BEGINNING.

Said tract or Parcel contains 135,110 square feet or 3.102 acres.

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

Exhibit "B"

REPLY TO :

September 30, 2010

ATTENTION OF:

Regulatory Division  
SAS-2007-01571

Georgia Department of Transportation  
Attention: Glenn S. Bowman  
Office of Environment/Location  
One Georgia Center, 16th Floor  
600 West Peachtree Street, NW  
Atlanta, Georgia 30308

Mr. Bowman:

I refer to the Pre-construction Notification submitted on May 10, 2010, requesting verification for use of Nationwide Permit (NWP) Nos. (23) and (27) for proposed work in navigable waters of the US. The proposed GADOT project (P.I. # 0008651) is to replace the structurally deficient bascule bridge over Skidaway Narrows located on State Route 204 Spur (Diamond Causeway) in Chatham County. The project site is located at State Road 204 (Skidaway Narrows) Bridge over the Skidaway River, Savannah, Chatham County, Georgia, at Latitude 31.9469 and Longitude -81.065. This project has been assigned number SAS-2007-01571 and it is important that you refer to this number in all communication concerning this matter.

I also refer to the compensatory mitigation plan titled, "Skidaway Narrows Bridge Replace Wetland Mitigation Plan," dated September 2010. The mitigation plan proposes to perform on-site mitigation work to restore 3.96 acres of salt marsh and essential fish habitat. We have reviewed the mitigation plan pursuant to the Savannah District's "Guidelines on the Establishment and Operation of Wetland Mitigation Banks in Georgia;" Title 33 Code of Federal Regulations (CFR) Part 332; the "Compensatory Mitigation for Losses of Aquatic Resources: Final Rule" published in the Federal Register, Volume 73, Number 70; Title 33 CFR Parts 325 and 332; and Title 40 CFR Part 230, and have determine that the proposed mitigation plan complies with the Final Rule.

According to the information provided in the PCN submittal, a new two-lane high-level concrete bridge structure would be constructed parallel to and north of the existing bridge within the existing right-of-way. The proposed high-level bridge would be 2,160 LF in length and 41.92 feet in width (out-to-out) including two 11-foot lanes with 8-foot shoulders. The minimum clearance over the navigable channel would be 65 feet above mean high water (MHW) to accommodate boat traffic. The project would permanently impact 0.77 acre of tidal estuarine wetland (salt marsh), 0.11-acre of freshwater wetlands and temporarily impact 1.03-acre of estuarine wetland (salt marsh) for a total of 1.86 acres of jurisdictional wetlands. This project

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also involves the demolition of the Old Bridge after the construction of the new bridge and would be performed in accordance with an approved Bridge Demolition Plan, dated June 2010.

The Jurisdictional Determination (JD) that was performed for the project site pursuant to the June 5, 2007, "US Army Corps of Engineers (USACE) JD Form Instructional Guidebook" that was verified on April 16, 2010, and remains valid.

The Skidaway River is a navigable waterway. It is also part of the Atlantic Intercoastal Water, and a Federal Project maintained by the Savannah District, US Army Corps of Engineers. The Skidaway River and adjacent tidal wetlands are considered to be within the jurisdiction of Section 10 of the Rivers and Harbors Act of 1899 (33 United States Code (U.S.C.) 403) and/or Section 404 of the Clean Water Act (33 U.S.C. 1344). The placement of dredged or fill material into any waterways and/or their adjacent wetlands including material re-deposited during mechanized land clearing or excavation of those wetlands would require prior Department of the Army authorization.

The authority of the Secretary of the Army and Chief of Engineers with respect to permitting bridges was transferred to the Secretary of Transportation under the Department of Transportation Act of October 15, 1966, therefore the US Coast Guard has the authority for permitting the bridge. Based on this, our permitting authority for this project would be limited to the placement of the bridge piles in navigable waters and the 0.88-acre jurisdictional wetland permanent impact for the bridge approaches and 1.03 acre temporary impact. I recommend you contact the US Coast Guard (USCG) for information on permitting bridges. The USCG may be reached at the following address and telephone number: Commander, Seventh Coast Guard District, Brickell Plaza Federal Building, 909 SE First Avenue, Miami, Florida 33131-3050; telephone no. (305) 415-6800.

We have completed coordination with other federal and state agencies as described in Part C (27) (d) of our NWP Program, published in the March 12, 2007, Federal Register, Vol. 72, No. 47, Pages 11092-11198 (72 FR). The NWPs and Savannah District's Regional Conditions for NWPs can be found on our web site at <http://www.sas.usace.army.mil/Regulatory%201.htm>. (click on Permitting on the left side, and scroll down to 2007 NWP Regulation. You may select NWPs (March 12, 2007) and/or Regional Conditions for NWPs link). During our coordination procedure, no adverse comments regarding the proposed work were received.

As a result of our evaluation of your project, we have determined that the portion of the proposed bridge construction under our jurisdiction and mitigation restoration activities are authorized under NWPs 23 and 27, as described in Part B of the NWP Program. Your use of these NWPs is valid only if:

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

b. Prior to the purchase of mitigation credits from a USACE approved mitigation bank that services the project area for this activity, you will obtain written approval from this office of the specific mitigation bank from which you propose to purchase 1.0 wetland mitigation credits. Upon our written approval of the selected mitigation bank and prior to the commencement of any work in jurisdictional waters of the United States, you or the mitigation bank must provide this office with documentation of this purchase before any work may commence. The notice should reference the USACE file number assigned to this project.

c. Concurrent with the removal of the existing Skidaway Narrows Bridge, the permittee shall begin implementation and construction of the mitigation sites/areas in accordance with the attached mitigation plan titled, "Skidaway Narrows Bridge Replacement Wetland Mitigation Plan," dated September 2010. Within ten days, the permittee shall notify the issuing office of the Savannah District, Regulatory Division, when work commenced on the mitigation site. All mitigation work will be completed within 18 months from the commencement of work on the mitigation sites/areas.

d. Prior to the commencement of any work in water of the United States, all property identified in the mitigation plan titled, "Skidaway Narrows Bridge Replacement Wetland Mitigation Plan," dated September 2010, as being part of the lands to be protected in perpetuity, shall be owned in fee by the permittee or owner of the property subject to the mitigation plan and protected by a Declaration of Conservation Covenants and Restrictions. A draft restrictive covenant with exhibits shall be prepared by an attorney for the permit holder and forwarded to the United States Army Corps of Engineers (USACE), Savannah District, Office of Counsel, Attention: Ms. Melanie Casner, 100 W. Oglethorpe Avenue, Savannah, Georgia 31401-3640, for written approval. All restrictive covenants should be drafted utilizing the latest version of the Savannah District's model language entitled, "Declaration of Conservation Covenants and Restrictions." The model draft language is located on the Savannah District web site at [www.sas.usace.army.mil/](http://www.sas.usace.army.mil/). Select "More about A» Obtaining a Permit," then select "Compensatory Mitigation" on the left side of the Regulatory web page. Scroll down to find the model "Declaration of Conservation Covenants and Restrictions." Upon written approval by Office of Counsel, the restrictive covenant will be recorded in the land records Office of the Clerk of the Superior Court in the county in which the mitigation land lies. A copy of the recorded restrictive covenant, showing book and page numbers of its recorded location, shall be provided to Office of Counsel. Upon receipt by Office of Counsel of a copy of the recorded restrictive covenant, showing book and page numbers and properly executed, the restrictive covenant requirement shall be completed. It is recommended that the recorded amended restrictive covenant be sent with a returned receipt to the applicant.

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e. The Declaration of Conservation Covenants and Restrictions with requirements and instructions as provided on the web site shall be controlling as the long term protection language. Where another term such as "easement," "conservation easement" or "deed restriction" may be used in any provision of a permit, mitigation plan, banking instrument, appendix, exhibit, attachment, table or any other document, addressing the long term protection of the property, the term "Declaration of Conservation Covenants and Restriction" shall be applied in its place to make clear that a restrictive covenant is required and that the owner of the property shall be the permittee or owner of the property subject to the mitigation plan. The version of the restrictive covenant that shall apply shall be the version that is on the web site at the time the restrictive covenant is prepared and submitted to Office of Counsel. If the property is already protected by a land protection document, it will be required to be subordinated to the restrictive covenant.

f. Prior to the commencement of work authorized under this permit, the boundary of all property identified as mitigation property and protected by the restrictive covenant shall be permanently posted with appropriate signs or marked clearly to guard against unauthorized disturbance to this area during or following construction activities.

g. The permittee shall immediately contact the issuing office of the Savannah District, Regulatory Division, to discuss corrective action(s) should a major deficiency(ies) where mitigation sites/areas fail to meet the objectives as outlined in the mitigation plan titled, "Skidaway Narrows Bridge Replacement Wetland Mitigation Plan," dated September 2010 at any time during the construction phase or monitoring period. Corrective actions may include, but are not limited to, (1) revising the mitigation construction and planting requiring a second five-year monitoring period, (2) utilization of an approved mitigation bank that services the project area with a purchase of an additional 5% in mitigation credits for each year, not to exceed 5 years, to offset the temporal loss of stream functions, (3) combination of 1 and 2 or (4) agreement on another proposal.

h. The permittee shall invite a representative from this office to all mitigation related pre construction meetings. The permittee shall notify this office 15 days in advance of all such meetings.

i. The permittee's responsibility to complete the required compensatory mitigation as set forth in Special Conditions shall not be considered fulfilled until the permittee has demonstrated mitigation success and has received written verification from the US Army Corps of Engineers.

j. The use of the permitted activity shall not interfere with the public's right to free navigation on the Skidaway River, a navigable water of the United States.

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k. The permittee shall comply promptly with any future regulations or instructions affecting the work herein if and when in accordance with the law by any Department of the Federal Government for the aid or protection of navigation.

l. This permit does not authorize the interference with any existing or proposed Federal Project and that the permittee shall not be entitled to compensation for damage or injury to the work authorized herein which may be caused by or result from existing or future operations that are undertaken by the United States in the public interest

m. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the portions of the pier/bents left in place, or if, in the opinion of the Secretary of the Army or his authorized representative, said portions of the piers/bents shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the remaining structures or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

n. You shall obtain and comply with all appropriate federal, state, and local authorizations required for this type of activity. A stream buffer variance may be required. Variances are issued by the Director of the Georgia Environmental Protection Division (EPD), as defined in the Georgia Erosion and Sedimentation Control Act of 1975, as amended. It is our understanding that you may obtain information concerning variances at the Georgia EPD's web site at [www.gaepd.org](http://www.gaepd.org) or by contacting the Watershed Protection Branch at (404) 675-6240.

o. 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, First Edition, 2002," published by the Georgia Soil and Water Conservation Commission or their equivalent will aid in achieving compliance with the aforementioned minimal requirements.

p. The permittee agrees that all personnel associated with the project will be advised that there are civil and criminal penalties for harming, harassing or killing manatees, which are protected under the Endangered Species Act of 1973 and the Marine Mammal Protection Act of 1972. The permittee and contractor will be held responsible for any manatee harmed, harassed or killed as a result of construction activities.

q. Siltation barriers will be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.

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r. All vessels associated with the project will operate at "no wake/idle" speeds at all times while in the construction area. All vessels will follow routes of deep water whenever possible.

s. All on-site project personnel are responsible for observing water-related activities for the presence of manatees. All construction and activities in open water will cease upon sighting of manatees within 50 feet of the project area. Construction activities will not resume until the manatees have left the project area for at least 30 minutes.

t. Extreme care will be taken in lowering equipment or materials, including, but not limited to piles, sheet piles, casings for drilled shaft construction, spuds, pile templates, anchors, etc., below the water surface and into the stream bed; taking any precaution not to harm any manatee(s) that may have entered the construction area undetected. All such equipment or materials will be lowered at the lowest possible speed.

u. The permittee agrees that any collision with a manatee shall be reported immediately to the US Army Corps of Engineers (912-652-5347), the US Fish and Wildlife Service (USFWS), Ecological Services Field Office, (912-832-8739), and Georgia Department of Natural Resources (GADNR) (Weekdays 8:00 a.m.-4:30 p.m.: 912-264-7218 or 1-800-272-8363; (nights and weekends: 1-800-241-4113). Any dead manatee(s) found in the project area must be secured to a stable object to prevent the carcass from being moved by the current before the authorities arrive. In the event of injury or mortality of a manatee, all aquatic activity in the project area must cease pending section 7 consultation under the Endangered Species Act with the USFWS and the lead Federal agency.

v. The permittee agrees that the contractor shall keep a log detailing sightings, collisions, or injury to manatees, which have occurred during the contract period.

w. The permittee agrees that following project completion, a report summarizing the above incidents and sightings will be submitted to the US Fish and Wildlife Service, Ecological Services Field Office, Coastal Georgia Sub-Office 4980 Wildlife Drive, NE Townsend, Georgia 31331.

y. All temporary construction materials will be removed upon completion of the work, and salt marsh areas will be restored. No construction debris or trash will be discarded in the water.

z. The permittee shall insure that a trained spotter will be onsite for sightings of manatees and sea turtles during the construction of the new Skidaway Narrows bridge including the fender system and the removal of the existing bridge and fender system. Personnel designated by the Contractor shall receive training by the Georgia Department of Natural Resources, Coastal Resources Division, Brunswick, Georgia. The contact person for the Georgia Department of Natural Resources is Mark Dodd at (912) 264-7218.

aa. A notarized verification letter stating that all permanent signs have been installed at designated locations shall be forwarded to the Corps of Engineers, Savannah District Office as soon as they are installed. Signs remain the responsibility of the permittee and are to be maintained in a clearly visible condition for the life of the bridge construction project.

bb. The permittee agrees to install and maintain a minimum of six (6) signs and these shall be installed and maintained at prominent locations within the construction area, prior to the initiation of construction. Four (4) "Caution Manatee Area" signs (two on the upstream side and two on the downstream side of the bridge) shall be placed in the construction vicinity prior to commencement of work and shall be maintained until such time that Final Acceptance of the project is made (Figure 1). Two (2) "Manatee Habitat -- Idle Speed in Construction Areas" signs (one on the upstream and one on the downstream side of the bridge) shall be placed in the construction vicinity prior to commencement of work. Placement of all signs shall be as approved by the Georgia Department of Natural Resources, Coastal Resources Division, Brunswick, Georgia. The contact person for the GADNR CRD is Mr. Dodd at (912)-264-7218.

cc. All construction and activities will cease upon sighting of wood storks within 100 yards of the project area. Construction activities will not resume until the wood stork have vacated the project area for at least 30 minutes.

dd. That removal/demolition of the existing Skidaway Narrows Bridge over the Skidaway River will be performed in accordance with the approved Skidaway Narrows Bridge Demolition Plan dated June 2010.

ee. That prior to the authorized bridge construction and demolition, the before and after side scan sonar surveys must cover the entire project area from the center of the navigation channel an appropriate distance shoreward to ensure that no debris is left in the waterway. These before and after surveys shall be provided to this office for review.

ff. That prior to initiating the removal of the existing Skidaway Narrows Bridge over the Skidaway River, the permitted will provide a construction and demolition schedule to the Savannah District Office for our approval before any demolition can commence. A 15 day notice will be submitted to the Savannah District Office to allow a public notice for the proposed construction and demolition activities.

gg. Absolutely no construction or demolition material shall be placed in any wetland areas, or other special aquatic sites or any other waters of the United States.

hh. You fill out and sign the enclosed Certification of Compliance and return it to our office within 30 days of completion of the activity authorized by this permit.

The Federal Highway Administration (FHWA), the lead federal agency, has reviewed this project in accordance with Section 7 of the Endangered Species Act and has determined that the proposed action "**may affect, but is not likely to adversely affect**" the Western Indian manatee, wood stork, loggerhead sea turtle, and shortnose sturgeon. In a letters dated September 9, 2008, and January 12, 2009, the US Fish and Wildlife Service and National Marine Fisheries concurred with this determination.

This verification is valid until the NWP is modified, reissued or revoked. All of the existing NWPs are scheduled to be modified, reissued or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.

This authorization should not be construed to mean that any future projects requiring Department of the Army authorization would necessarily be authorized. Any new proposal, whether associated with this project or not, would be evaluated on a case-by-case basis. Any prior approvals would not be a determining factor in making a decision on any future request.

Revisions to your proposal may invalidate this authorization. In the event changes to this project are contemplated, I recommend that you coordinate with us prior to proceeding with the work.

This communication does not relieve you of any obligation or responsibility for complying with the provisions of any other laws or regulations of other federal, state or local authorities. It does not affect your liability for any damages or claims that may arise as a result of the work. It does not convey any property rights, either in real estate or material, or any exclusive privileges. It also does not affect your liability for any interference with existing or proposed federal projects.

If the information you have submitted and on which the USACE bases its determination/ decision of authorization under the NWP is later found to be in error, this determination may be subject to modification, suspension, or revocation.

Copies of this letter are being provided to the following parties: US Fish and Wildlife Service, National Marine Fisheries Service, US Coast Guard (USCG) District 7 and USCG Marine Safety Office, GADNR Coastal Resources Division and GADNR Nongame Conservation Section.

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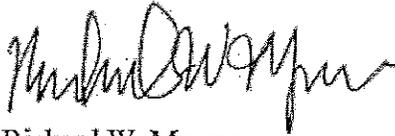
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Thank you in advance for completing our Customer Survey Form. This can be accomplished by visiting our web site at <http://per2.nwp.usace.army.mil/survey.html> and completing the survey on-line. We value your comments and appreciate your taking the time to complete a survey each time you interact with our office. If you have any questions, please call Stanley Knight, Senior Project Manager Coastal Branch at 912-652-5348.

Sincerely,



Richard W. Morgan  
Chief, Special Projects Section  
Coastal Branch

Enclosures

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Regulatory Division

CERTIFICATION OF COMPLIANCE  
WITH  
DEPARTMENT OF THE ARMY

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PERMIT FILE NUMBER: SAS-2007-01571

PERMITTEE ADDRESS: Georgia Department of Transportation  
Attention: Glenn S. Bowman  
Office of Environment/Location  
One Georgia Center, 16th Floor  
600 West Peachtree Street, NW  
Atlanta, Georgia 30308

LOCATION OF WORK: The project site is located at State Road 204 (Skidaway Narrows) Bridge over the Skidaway River, Savannah, Chatham County, Georgia, at Latitude 31.9469 and Longitude -81.065.

PROJECT DESCRIPTION: The proposed GADOT project (P.I. # 0008651) is to replace the structurally deficient bascule bridge over Skidaway Narrows located on State Route 204 Spur (Diamond Causeway) in Chatham County. A new two-lane high-level concrete bridge structure would be constructed parallel to and north of the existing bridge within the existing right-of-way. The proposed high-level bridge would be 2,160 LF in length and 41.92 feet in width (out-to-out) including two 11-foot lanes with 8-foot shoulders. The minimum clearance over the navigable channel would be 65 feet above mean high water (MHW) to accommodate boat traffic. This project also involves the demolition of the Old Bridge after the construction of the new bridge and would be performed in accordance with an approved Bridge Demolition Plan, dated June 2010.

ACRES AND/OR LINEAR FEET OF WATERS OF THE US IMPACTED: To permanently impact 0.77 acre of tidal estuarine wetland (salt marsh), 0.11-acre of freshwater wetlands and temporarily impact 1.03-acre of estuarine wetland (salt marsh) for a total of 1.86 acres of jurisdictional wetlands.

DATE COMPLETED:

COMPENSATORY MITIGATION REQUIRED: To perform on-site mitigation work to restore 3.96 acres of salt marsh and essential fish habitat and to purchase 1.0 wetland credits from an approved commercial mitigation bank.

DATE COMPLETED OR PURCHASED:

I understand that the permitted activity is subject to a US Army Corps of Engineers' Compliance Inspection. If I fail to comply with the permit conditions at Part C of the Nationwide Permit Program, published in the March 12, 2007, Federal Register, Vol. 72, No. 42, Pages 11092-11198, it may be subject to suspension, modification or revocation.

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

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

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## Exhibit C – Conservation Covenants and Restrictions

The parcel that will be protected by the conservation covenants and restrictions consist of a salt marsh wetland restoration site (Mitigation Area #2) totaling 2.82 acres and located on the east side and adjacent to the Skidaway Narrows River. The boundary of the conservation restriction includes an upland buffer, where possible, on all sides of the wetland restoration site. The tract or parcel containing Mitigation Area #2 contains 3.102 acres. The site is located entirely within the 100-year flood plain associated with the Skidaway Narrows River. Skidaway Narrows River is located in the outer coastal plain of Georgia and serves as a portion of the Atlantic Intracoastal Waterway. The site is located in Hydrologic Unit Code 03060204 of the Ogeechee Coastal Watershed. Residential development occurs along the western bank of the River as well as on Skidaway Island which forms the eastern bank of the River.

The salt marsh was previously converted to uplands by the construction of State Route 204 SPUR (Diamond Causeway) and the existing bridge over Skidaway Narrows. Upon completion of the realigned portion of State Route 204 SPUR to accommodate the approaches for the new bridge over Skidaway Narrows, the un-needed fill material associated with the existing bridge approaches will be excavated to the appropriate elevation to allow inundation of the site by natural tide cycles. The restoration site will be contiguous with larger expanses of salt marsh present along the shoreline of Skidaway River. The site will be allowed to re-vegetate naturally with some sprigging of the site with smooth cordgrass (*Spartina alterniflora*) as needed to enhance the natural re-vegetation process. Additionally, a long-term maintenance plan has been developed and will be implemented upon completion of the restoration efforts to maintain the integrity of the marsh habitat in perpetuity. The long-term maintenance plan includes the periodic removal of trash and monitoring and removal of invasive species.

Salt marsh wetlands are important habitat for a variety of aquatic faunal species and are identified by the National Marine Fisheries Service as Essential Fish Habitat (EFH). As such, these areas play a major role in support of the continued success of both sport and commercial fisheries. Due to the location of the site, adjacent to a public roadway, the site could be subject to future development or other human encroachment if left only to the protection provided by regulations of the Clean Water Act and the Coastal Resource Management Act. Under these Acts, permits can be obtained to legally alter coastal wetland systems.

In addition to the important EFH functions that will be provided by the salt marsh restoration site, the site will provide flood storage area, trap sediments and toxins, serve as a nutrient reservoir, and will buffer the Skidaway Island shoreline during storm surges preventing erosion. The existing eastern bridge approach currently creates a constriction to the existing salt marsh wetlands located on the north and south sides of the bridge approach. Upon completion of the salt marsh restoration project, this constriction will be removed which should enhance the flows during the tide cycles. The restoration site will also provide more foraging area for wading birds that occur in the area. Federally protected species such as the wood stork (*Mycteria americana*), shortnose sturgeon (*Acipenser brevirostrum*), smalltooth sawfish (*Pristis pectinata*), West Indian manatee (*Trichechus manatus*), and the five species of marine sea turtles [green sea turtle; hawksbill sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, and loggerhead sea turtle (*Chelonia mydas*, *Eretmochelys imbricata*, *Lepidochelys kempii*, *Dermochelys coriacea*, and *Caretta caretta*)] will benefit from the restoration site.

Upon completion of the restoration site, the Georgia Department of Transportation will implement the long-term management plan and manage the property in perpetuity.

I, TIMOTHY J. SLATON, AM A REGISTERED PROFESSIONAL LAND SURVEYOR, DULY LICENSED UNDER THE LAWS OF THE STATE OF GEORGIA AND IN MY OPINION;  
(a) THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND, UNDER MY SUPERVISION;  
(b) THE SURVEY WAS MADE USING AN ELECTRONIC TOTAL STATION READING TO 02 SECOND;  
(c) THE FIELD DATA FROM WHICH THIS PLAT OR MAP WAS COMPUTED WAS FOUND TO BE ACCURATE TO WITHIN 1 PART IN 20,000 PARTS OR BETTER AND AN ANGULAR ERROR OF 01 SECOND PER ANGLE POINT;  
(d) THIS PLAT OR MAP HAS ITSELF BEEN COMPUTED TO DETECT SCRIVENER ERRORS AND IT TOO WAS FOUND TO BE ACCURATE TO WITHIN 1 PART IN 20,000 PARTS OR BETTER;  
(e) ENCROACHMENTS ARE AS SHOWN ON THE PLAT;  
(f) UPON EXAMINATION OF FEMA FLOOD INSURANCE RATE MAPS OF CHATHAM COUNTY, GEORGIA, PANEL #13051C0279 F, DATED SEPTEMBER 26, 2008, IT HAS BEEN DETERMINED THAT THE PLATTED PROPERTY, SHOWN HEREON, DOES LIE IN A FLOOD HAZARD AREA;  
(g) ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF;  
(h) ALL BEARINGS SHOWN ARE COMPUTED FROM ANGLES TURNED AND THEIR BASIS IS AS DEFINED ON THE PLAT;  
(i) ADEQUATE INGRESS TO AND EGRESS FROM THE SUBJECT PROPERTY IS PROVIDED BY DIAMOND CAUSEWAY (S.R. 204), HAVING A VARIABLE RIGHT-OF-WAY, THE SAME BEING PAVED, DEDICATED PUBLIC RIGHT-OF-WAY AND THE SAME ABOUT THE SUBJECT PROPERTY.

THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF GEORGIA LAW.

DATED THIS 25th DAY OF JUNE, 2010

*Timothy J. Slaton*  
TIMOTHY J. SLATON, GEORGIA REGISTERED LAND SURVEYOR #2405

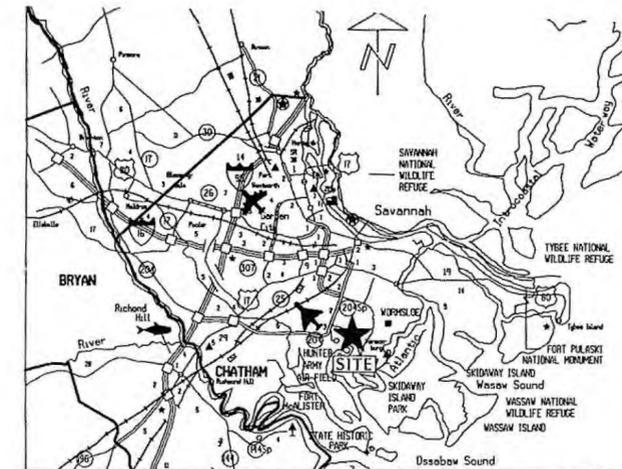


REFERENCE MATERIAL:

- S.R. 204 SPUR/DIAMOND CAUSEWAY (FERGUSON AVE. TO McWHORTER DR.), GEORGIA D.O.T. PROJECT NUMBER PESTP00MS00004, P.I. NUMBER 550550.
- GEORGIA D.O.T. R/W PLANS ACCESS ROAD - SKIDAWAY ISLAND P.R. 5674(4) COMPLETED 11-23-1970 REVISED 12-7-1970 & 12-11-1970

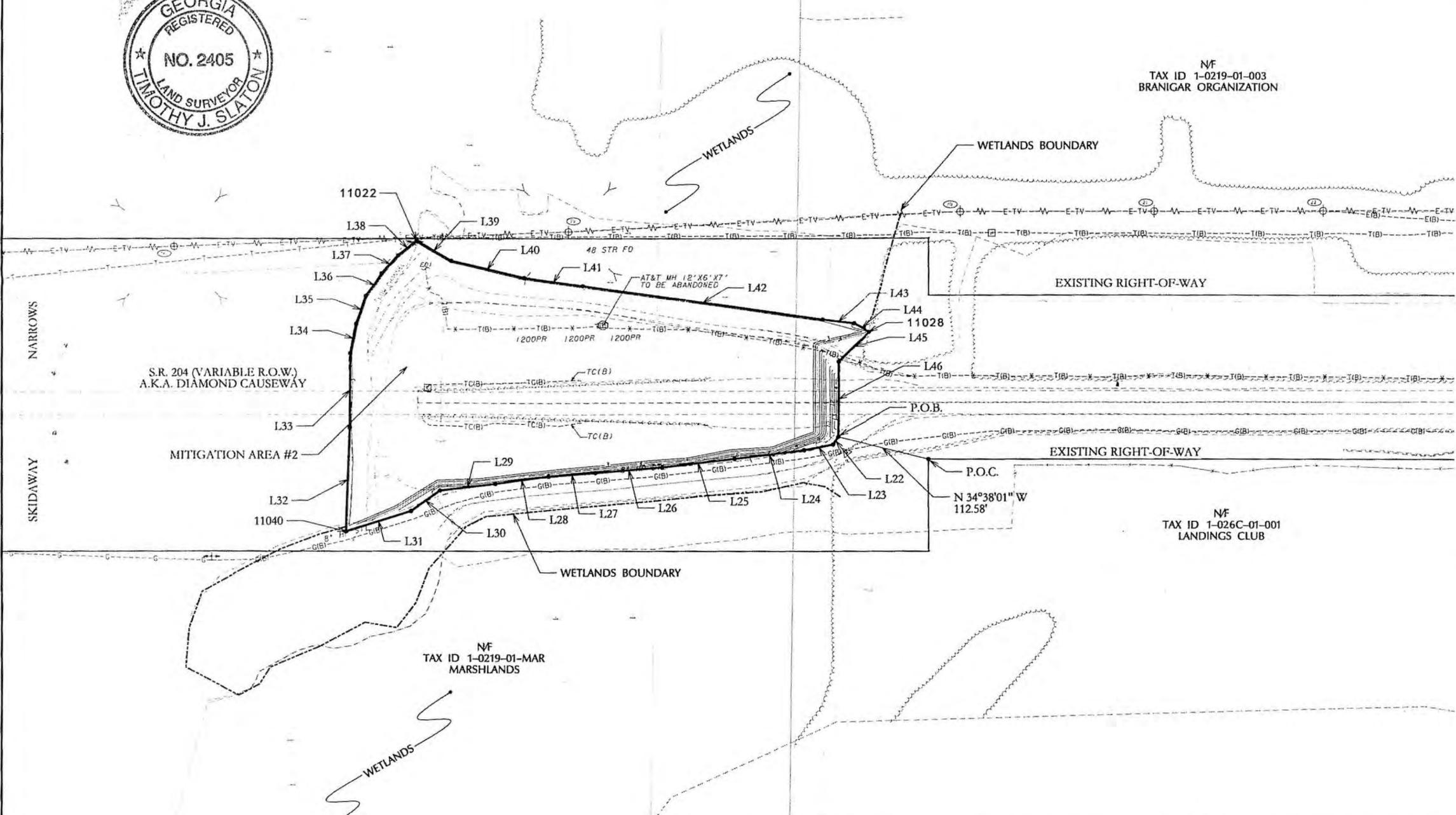
NOTES:

- EQUIPMENT USED: LEICA TCR 802, A 2 SECOND INSTRUMENT.
- HORIZONTAL DATUM IS GEORGIA EAST ZONE NAD 83.
- VERTICAL DATUM IS NAVD 88.
- WETLANDS, STREAMS, AND BUFFERS MAY BE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS, PERMIT NUMBER \_\_\_\_\_ AND ARE PROTECTED BY A RECORDED DECLARATION OF COVENANTS AND RESTRICTIONS.



VICINITY MAP (NO SCALE)

TOTAL AREA: 3.102 ACRES  
OR 135,110 SQ. FT.



CALL SCHEDULE

L22	S 76° 37' 29" W	11.18'
L23	N 59° 09' 03" W	35.41'
L24	N 55° 30' 20" W	84.36'
L25	N 55° 03' 59" W	87.01'
L26	N 52° 59' 06" W	80.27'
L27	N 52° 34' 14" W	56.15'
L28	N 56° 08' 53" W	64.25'
L29	N 55° 19' 54" W	66.09'
L30	N 83° 40' 26" W	42.74'
L31	N 65° 36' 46" W	81.67'
L32	N 43° 41' 55" E	124.51'
L33	N 42° 14' 41" E	89.45'
L34	N 52° 19' 58" E	36.59'
L35	N 60° 18' 55" E	37.37'
L36	N 75° 09' 05" E	34.33'
L37	N 83° 25' 53" E	29.50'
L38	S 87° 42' 36" E	28.53'
L39	S 17° 17' 30" E	48.19'
L40	S 34° 42' 27" E	89.74'
L41	S 39° 59' 22" E	70.81'
L42	S 39° 59' 23" E	290.50'
L43	S 41° 19' 14" E	37.99'
L44	S 17° 58' 02" E	21.54'
L45	S 87° 07' 57" W	51.61'
L46	S 42° 09' 04" W	90.87'

LEGEND

- x-x-(B)-x-x- BURIED TELEPHONE LINE
- e-(B)- BURIED ELECTRICAL LINE
- g-(B)- BURIED GAS LINE
- w-(B)- BURIED WATER LINE
- w-e-t-v- OVERHEAD ELECTRIC
- w-t-v- OVERHEAD TELEPHONE
- w-e-t-v-w- OVERHEAD ELECTRIC AND CABLE TV
- φ UTILITY POLE
- ☆ LIGHT POLE
- GUY WIRE
- ELECTRIC BOX
- ◇ FIRE HYDRANT
- ⊙ WATER VALVE
- ⊗ WATER MANHOLE
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING

	NORTHING	EASTING	LATITUDE	LONGITUDE
P.O.C.	709,174.832	998,437.099	31° 56' 42.21495"	81° 03' 47.53334"
P.O.B.	709,267.467	998,373.114	31° 56' 43.13800"	81° 03' 48.26490"
11040	709,574.907	997,857.712	31° 56' 46.23197"	81° 03' 54.20954"
11022	709,783.042	998,156.296	31° 56' 48.26134"	81° 03' 50.72001"
11028	709,337.415	998,485.640	31° 56' 43.81877"	81° 03' 46.95082"

SURVEYED BY BE	P.I. NUMBER 0008651
DRAWN BY JGL	DATE 25 JUNE 2010
CHECKED BY TJS	SCALE 1" = 100'

**LONG ENGINEERING, INC.**  
1780 Corporate Drive Suite 400  
Norcross, Georgia 30093  
Tel 770.931.8005  
Fax 770.931.8555  
www.longeng.com

BOUNDARY SURVEY FOR:  
**GEORGIA DEPARTMENT OF TRANSPORTATION**  
LOCATED IN: PART OF THE 6TH  
GEORGIA MILITIA DISTRICT  
CHATHAM COUNTY, GEORGIA

SCALE IN FEET  
0 50 100 200

SHEET NO.  
1 OF 1



# CHATHAM COUNTY DEPARTMENT OF ENGINEERING

124 Bull Street, Room 430  
P.O. Box 8161  
Savannah, Georgia 31412-8161  
FAX 912-652-7818  
912-652-7800

*Leon Davenport, P.E.*  
County Engineer

*Suzanne Cooler, P.E.*  
Assistant County Engineer

July 15, 2016

U.S. Army Corps of Engineers  
Regulatory Division, Coastal Branch  
Attn: Ms. Sherelle Reinhardt  
100 West Oglethorpe Avenue  
Savannah, GA 31402

**Subject: Debit of Mitigation Credits Salt Creek Mitigation Bank  
USACE Permit # - SAS-2001-05980**

Dear Ms. Reinhardt:

In accordance with provisions of the Banking Instrument for the Salt Creek Mitigation Bank and the Savannah District's instructions for reporting credit sales, the following information is provided:

Date of Credit Transfer	7/15/16
Dept. of the Army File Number	S.R. 204 Spur - USACE# SAS-2007-01571
Permittee	GA Department of Transportation
County	Chatham
Watershed	Savannah
Credit Type	Tidal Wetland
Credit Number	13.51
Project within service area of bank	Yes
Impact meets sales restrictions on bank	Yes

A sales ledger is also enclosed for the bank summarizing all credit releases and sales to date. If you have any questions or comments, please do not hesitate to contact me at 912-652-7800.

Sincerely,

Suzanne Cooler, P.E.  
Assistant County Engineer

Enclosures