



DEPARTMENT OF THE ARMY  
SAVANNAH DISTRICT, CORPS OF ENGINEERS  
1590 ADAMSON PARKWAY, SUITE 200  
MORROW, GEORGIA 30260-1777

REPLY TO  
ATTENTION OF:

May 2, 2014

Regulatory Division  
SAS-2014-00160

Mr. Jason Yowell  
Metropolitan Design & Construction, Inc.  
5010 Old Oak Trace  
Roswell, Georgia 30075

Dear Mr. Yowell:

I refer to the Pre-Construction Notification submitted on March 05, 2014, requesting verification for use of Nationwide Permit No. 29 (NWP 29) for impacts to 292 linear feet of perennial stream 0.22 acres of wetland to construct a residential development. The project site is located directly across the street from the Roswell River Landing, located 245 Azalea Drive, on a 8.83 acre site, in Roswell, Fulton County, Georgia (latitude 34.0030, longitude -84.3660). The request was submitted on your behalf by Corblu Ecology Group, LLC. This project has been assigned number SAS-2014-00160 and it is important that you refer to this number in all communication concerning this matter.

The permittee will impact 292 linear feet of perennial stream and 0.22 acres of wetland to construct a residential development. The permittee will construct 24 residential dwellings, attendant features, roadways, sidewalks, stormwater bioretention areas an amenity area and parking areas. The permittee will install a 292 linear foot, 96-inch diameter culvert pipe.

We have completed a preliminary Jurisdictional Determination (JD) for the site pursuant to our March 4, 2009, Public Notice entitled, "Characterization of Jurisdictional Determinations: Purpose, Application and Documentation Requirements as Defined by the Savannah District, US Army Corps of Engineers." I have enclosed a "JD Check Sheet," which summarizes the JD, delineation verification and appeals process.

The wetlands/other waters on the subject property may be waters of the United States within the jurisdiction of Section 404 of the Clean Water Act (33 United States Code (U.S.C.) 1344) and/or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). The placement of dredged or fill material into any waterways and/or their adjacent wetlands or mechanized land clearing of those wetlands could require prior Department of the Army authorization pursuant to Section 404.

We have completed coordination with other federal and state agencies as described in Part C (31)(d) of our NWP Program, published in the February 12, 2012, Federal Register, Vol. 77, No. 34, Pages 10184-10290 (77 FR). The NWPs and Savannah District's Regional Conditions for NWPs can be found on our website at <http://www.sas.usace.army.mil/Missions/Regulatory/Permitting/GeneralPermits/NationwidePermits.aspx>. During our coordination procedure, no adverse comments regarding the proposed work were received.

As a result of our evaluation of your project, we have determined that the proposed activity is authorized under NWP 29, as described in Part B of the NWP Program. Your use of this NWP is valid only if:

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

b. Within 60 days of completion of the project the permittee shall submit to the Corps as-built drawings / plans of the development and impacts to jurisdictional features and drawings / plans showing the depth of the utility line in relation to the bottom of the stream.

c. All dredged or borrowed material used as fill in waters of the United States shall be from clean, uncontaminated sources and free from cultural resources. For the purposes these special permit conditions, the term waters of the U.S. includes all jurisdictional streams, wetlands, open waters, ditches, swales and other conveyance located on the project site.

d. Unless specifically authorized by this permit, no construction, discharge of fill material, excavation, mechanized land clearing, tree or other vegetation removal, stockpiling of fill material or other work/activity shall occur in waters of the United States.

e. The permittee proposes to impact 292 linear feet of stream on-site. To ensure the verified impacts remain within the nationwide permit impact threshold prior to any land disturbing activity on the project site, the permittee shall clearly mark all waters of the U.S. that are authorized to be impacted (impact-waters). Acceptable forms of marking include high visibility orange construction fencing or flagging at eye level, at intervals of 25 feet or less along the entire jurisdictional boundary. Pin flags or other ground level marking is not acceptable. In addition, the permittee shall clearly mark waters of the U.S. that are not to be impacted (no-impact-waters), if they are located within 50 feet of any construction activities. The boundaries of impact-waters and no-impact-waters shall be marked differently, to ensure that these areas are clearly identifiable to

equipment operators. All no-impact-waters marking shall be maintained until the entire project has been completed. Impacts to waters outside of those verified within this document will require an Individual Permit, that must be issued prior to additional impacts occurring.

f. Construction debris, uncured concrete, demolition debris, or other waste materials shall not be discharged into streams, wetlands, or other open waters; or placed at sites near such areas, where migration into waters of the United States could be anticipated.

g. Equipment staging areas and equipment maintenance areas are prohibited within 200 feet of streambanks or within 50 feet of wetlands and other open waters to minimize the potential for wash water, petroleum products, or other contaminants from construction equipment entering waters of the United States.

h. The permittee shall ensure that all features of the project's master drainage plan, such as drainage ditches, road-side ditches, swales and other storm-water conveyances, are designed and constructed to avoid: drainage of wetlands; diversion of storm-water away from wetlands; and other hydrologic alterations of natural drainage patterns that would adversely impact wetlands. The permittee shall be responsible for any inadvertent and/or unforeseen hydrologic impacts to waters of the United States resulting from alteration of natural drainage patterns. The permittee shall also ensure that secondary road ditches and/or small after-project drainage ditches do not inadvertently impact wetlands or waters of the United States.

i. The permittee shall minimize bank erosion and sedimentation in construction areas by utilizing Best Management Practices for stream corridors, installing and maintaining significant erosion and sediment control measures, and providing daily reviews of construction and stream protection methods. Riprap placed in and in any wetlands as erosion control measures are considered a fill and not authorized under this permit.

j. All work conducted under this permit shall be located, outlined, designed, constructed and operated in accordance with the requirements of the Georgia Erosion and Sedimentation Control Act of 1975 (Georgia ESCA), as amended. Utilization of plans and specifications contained in the "Manual for Erosion and Sediment Control, (Latest Edition)," published by the Georgia Soil and Water Conservation Commission, will aid in achieving compliance with the Georgia ESCA.

k. The permittee shall install and maintain erosion and sediment control measures in upland areas of the project site, in accordance with the Georgia Erosion and Sedimentation Control Act of 1975 to minimize the introduction of sediment into and the erosion of streams, wetlands and other waters of the United States. This permit does

not authorize installation of check-dams, weirs, riprap, bulkheads or other erosion control measures in streams, wetlands or other waters of the United States. The permittee shall obtain Corps authorization prior to installing any erosion control measures in waters of the United States.

l. The permittee shall install and maintain erosion and sediment control measures in fill material that is authorized to be discharged in streams, wetlands and other waters of the United States, in accordance with the Georgia Erosion and Sedimentation Control Act of 1975; and permanently stabilize fill areas at the earliest practicable date.

m. Once the project site is sufficiently stabilized through re-vegetation, the permittee shall remove all silt fencing and other non-biodegradable erosion control measures from stream banks, riparian areas, wetlands and upland areas immediate adjacent to other waters of the United States.

n. The permittee shall obtain and comply with all applicable Federal, state and local authorizations required for the authorized activity. A stream buffer variance may be required from the Georgia Department of Natural Resources, Environmental Protection Division (Georgia EPD), as defined in the Georgia Erosion and Sedimentation Control Act of 1975. Information concerning variances can be obtained from Georgia EPD on their website at [www.gaepd.org](http://www.gaepd.org), or by calling (404)463-1463.

o. If you or your contractors discover any federally listed threatened or endangered species and/or their habitat while accomplishing the activities authorized by this permit, you must immediately STOP work and notify the Corps within 24 hours. The Corps will contact with the US Fish and Wildlife Service and/or the National Marine Fisheries Service to determine if the species and/or habitat warrant further consultation.

p. The permittee shall ensure that culverts installed in perennial streams, including replacement culverts, are constructed in accordance with the following conditions:

q. The width of the base flow culvert shall be approximately equal to the average width of the stream channel immediately above and below the culvert installation site. Culverts shall not permanently widen or constrict the channel, or reduce or increase stream depth. Multi-pipe culverts may not be used to pass base flows. Culverts shall be sized to maintain the existing bank-full cross-sectional area, and to accommodate bank-full stream flows.

r. The upstream and downstream invert of culverts (except bottomless culverts) shall be buried/embedded twenty percent of the culvert height to allow natural substrate to colonize the structures bottom and encourage fish movement.

s. Culvert slope shall be consistent with average slope of the stream in the immediate vicinity of the culvert installation site, but shall not exceed 4 percent.

t. Culverts shall be sized to adequately accommodate anticipated storm events. Where floodplain is adjacent to the stream, an equalizer culvert(s) shall be installed at floodplain elevation to accommodate flood events exceeding bankfull. Sufficient equalizer culverts shall be installed to accommodate normal floodplain sheet flow. Culverts shall be installed in a manner that does not cause flooding of adjacent uplands, with the exception of floodplains, or the disruption of hydrology in aquatic areas located up and downstream of the culvert.

u. Prior to the commencement of permitted work in streams, wetlands or other waters of the United States, you shall purchase 1299.40 stream mitigation credits from a bank within the project's primary service area and submit documentation of this credit purchase to the Corps. The credit purchase documentation must reference the Corps file number assigned to this project. If all or a portion of the required credits are not available from a bank within the primary service area, you must obtain written approval from the Corps prior to purchasing any credits from an alternate mitigation bank.

v. Prior to the commencement of permitted work in streams, wetlands or other waters of the United States, you shall purchase 1.23 wetland mitigation credits from a bank within the project's primary service area and submit documentation of this credit purchase to the Corps. The credit purchase documentation must reference the Corps file number assigned to this project. If all or a portion of the required credits are not available from a bank within the primary service area, you must obtain written approval from the Corps prior to purchasing any credits from an alternate mitigation bank.

w. You shall notify the Corps, in writing; at least 10 days in advance of commencement of work authorized by this permit.

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

This proposal was reviewed in accordance with Section 7 of the Endangered Species Act. Based on the information we have available, we have determined that the project would have no effect on any threatened or endangered species nor any critical habitat for such species. Authorization of an activity by a NWP does not authorize the "take" of threatened or endangered species. In the absence of separate authorization, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act. See Part (C) of 77 FR for more information.

This verification is valid until the NWP is modified, reissued or revoked. All of the existing NWPs are scheduled to expire on March 18, 2017. It is incumbent upon you to remain informed of changes to the NWPs. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 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 NWP.

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

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

This communication does not relieve you of any obligation or responsibility for complying with the provisions of any other laws or regulations of other federal, state or local authorities. It does not affect your liability for any damages or claims that may arise as a result of the work. It does not convey any property rights, either in real estate or material, or any exclusive privileges. It also does not affect your liability for any interference with existing or proposed federal projects. If the information you have submitted and on which the Corps bases its determination/ decision of authorization under the NWP is later found to be in error, this determination may be subject to modification, suspension, or revocation.

Copies of this letter are being provided to the following parties: Ms. Shanna Cahill, Corblu Ecology Group, LLC, 3225 S. Cherokee Lane, Building 800, Woodstock, Georgia 30075 and Mr. Eric Turner, AEC, Inc., 50 Warm Springs Circle, Roswell, Georgia 30075.

Thank you in advance for completing our on-line Customer Survey Form located at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). We value your comments and appreciate your taking the time to complete a survey each time you have interaction with our office.

- 7 -

If you have any questions, please call Ms. Chikita' M. Sanders, Regulatory Specialist, Piedmont Branch, at 678-422-6570.

Sincerely,

A handwritten signature in cursive script, appearing to read "Philip Shannin".

Philip A. Shannin  
Chief, Permits Section

Enclosures

Regulatory Division

CERTIFICATION OF COMPLIANCE  
WITH  
DEPARTMENT OF THE ARMY  
NWP 29

PERMIT FILE NUMBER: SAS-2014-00160

PERMITTEE ADDRESS: Mr. Jason Yowell, Metropolitan Design & Construction, Inc.,  
5010 Old Oak Trace, Roswell, Georgia 30075.

LOCATION OF WORK: The project site is located directly across the street from the  
Roswell River Landing located 245 Azalea Drive, on a 8.83 acre site, in Roswell,  
Fulton County, Georgia (latitude 34.0030, longitude -84.3660).

PROJECT DESCRIPTION: To impact 292 linear feet of perennial stream 0.22 acres of  
wetland to construct a residential development.

ACRES AND/OR LINEAR FEET OF WATERS OF THE US IMPACTED: 292 linear feet  
of perennial stream 0.22 acres of wetland

DATE WORK IN WATERS OF US COMPLETED: \_\_\_\_\_

COMPENSATORY MITIGATION REQUIRED: Yes, 1299.40 compensatory stream  
mitigation credits and 1.23 compensatory wetland mitigation credits.

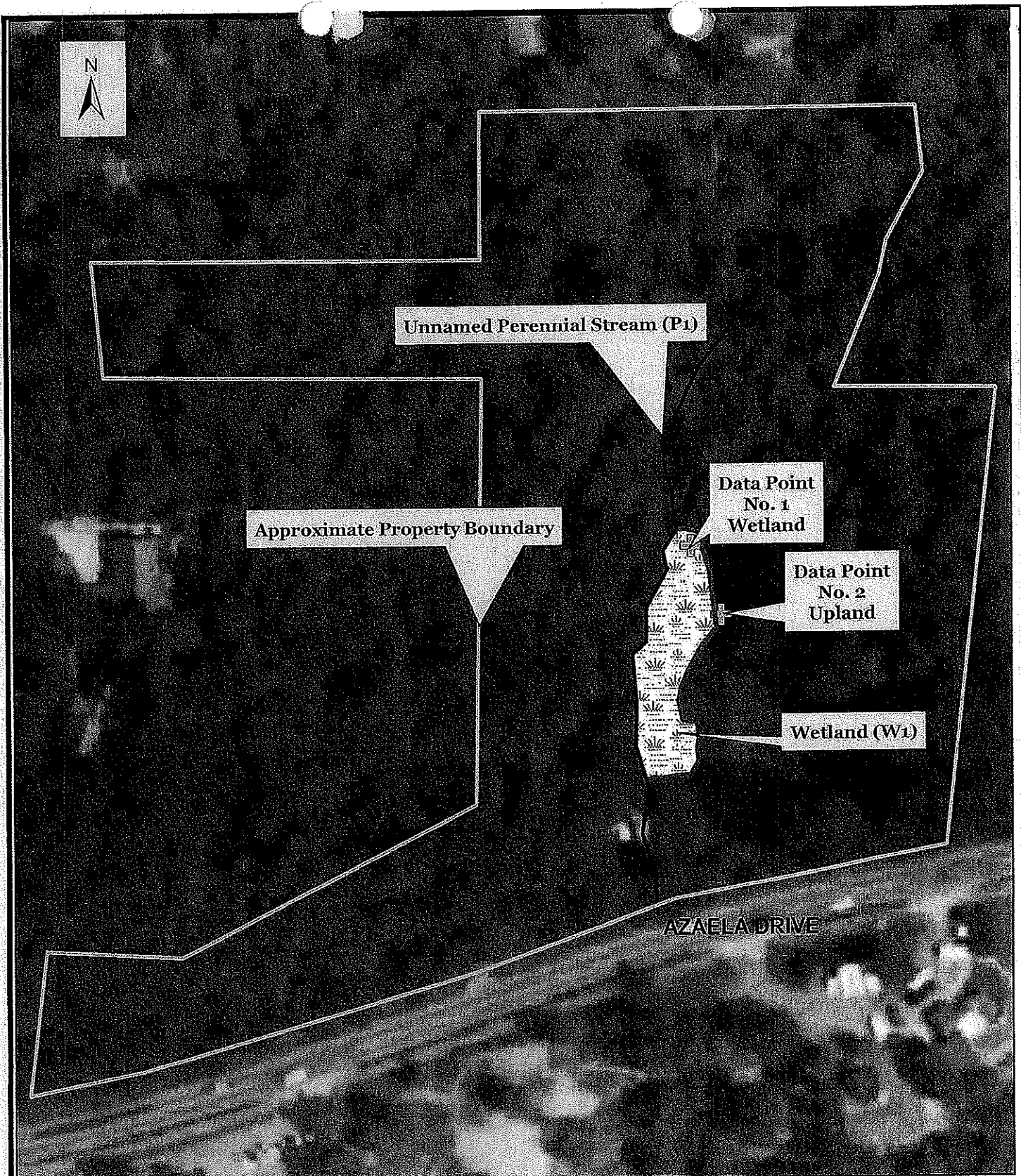
DATE MITIGATION COMPLETED OR PURCHASED (include name of bank): \_\_\_\_\_

I understand that the permitted activity is subject to a U.S. Army Corps of Engineers'  
Compliance Inspection. If I fail to comply with the permit conditions at Part C of the  
Nationwide Permit Program, published in the February 12, 2012, Federal Register, Vol.  
77, No.34, Pages 10184-10290, 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.  
Development

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

\_\_\_\_\_  
Date



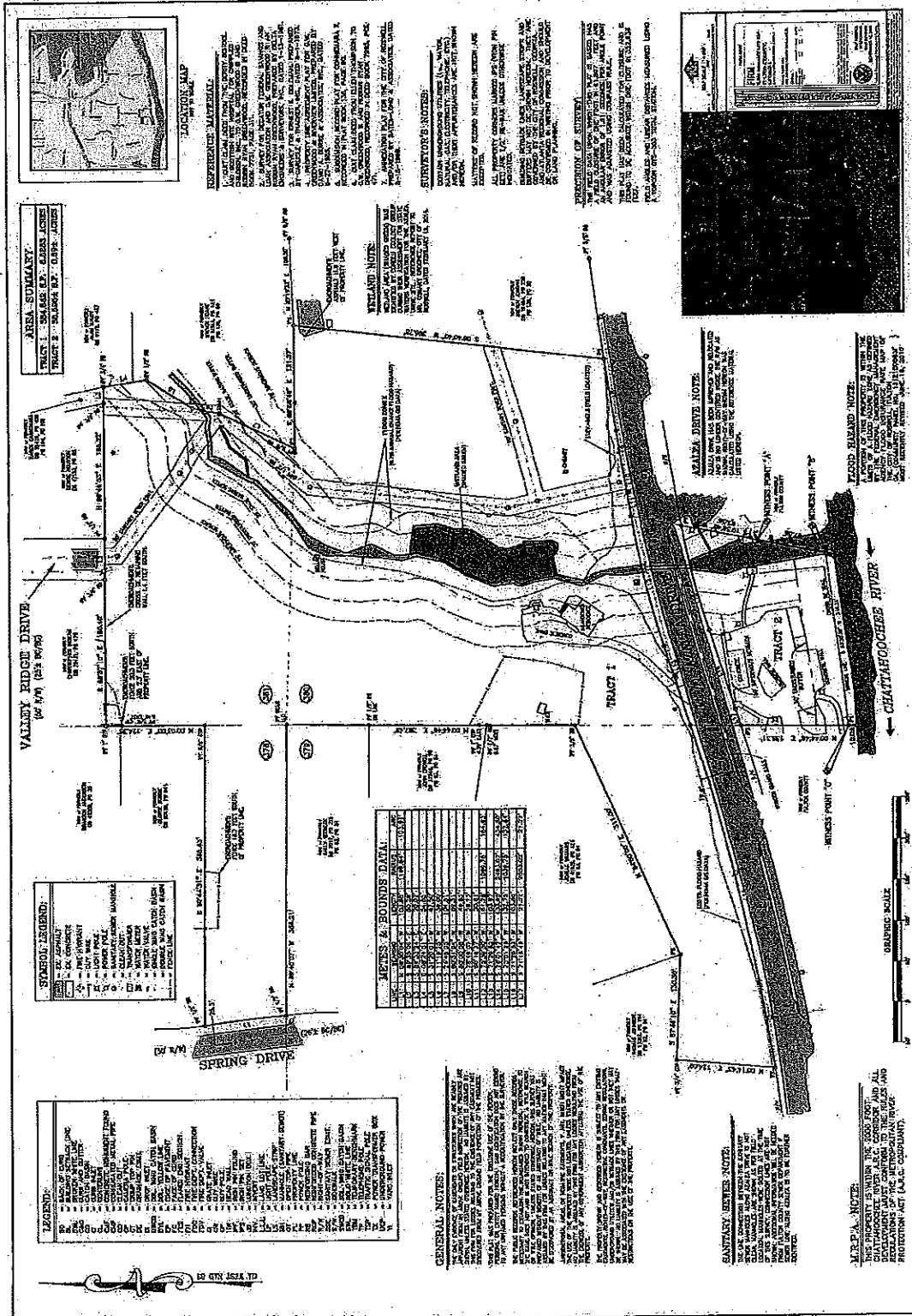
Base map: NAIP Georgia, 2013.

1:1,300

Azalea Drive Site  
PCN - NWP 29  
Fulton County, Georgia

  
**corblu**  
ECOLOGY GROUP  
Lawrenceville & Woodstock, Georgia

Figure 3  
Jurisdictional Waters Map  
CEG Project No. 02-051713

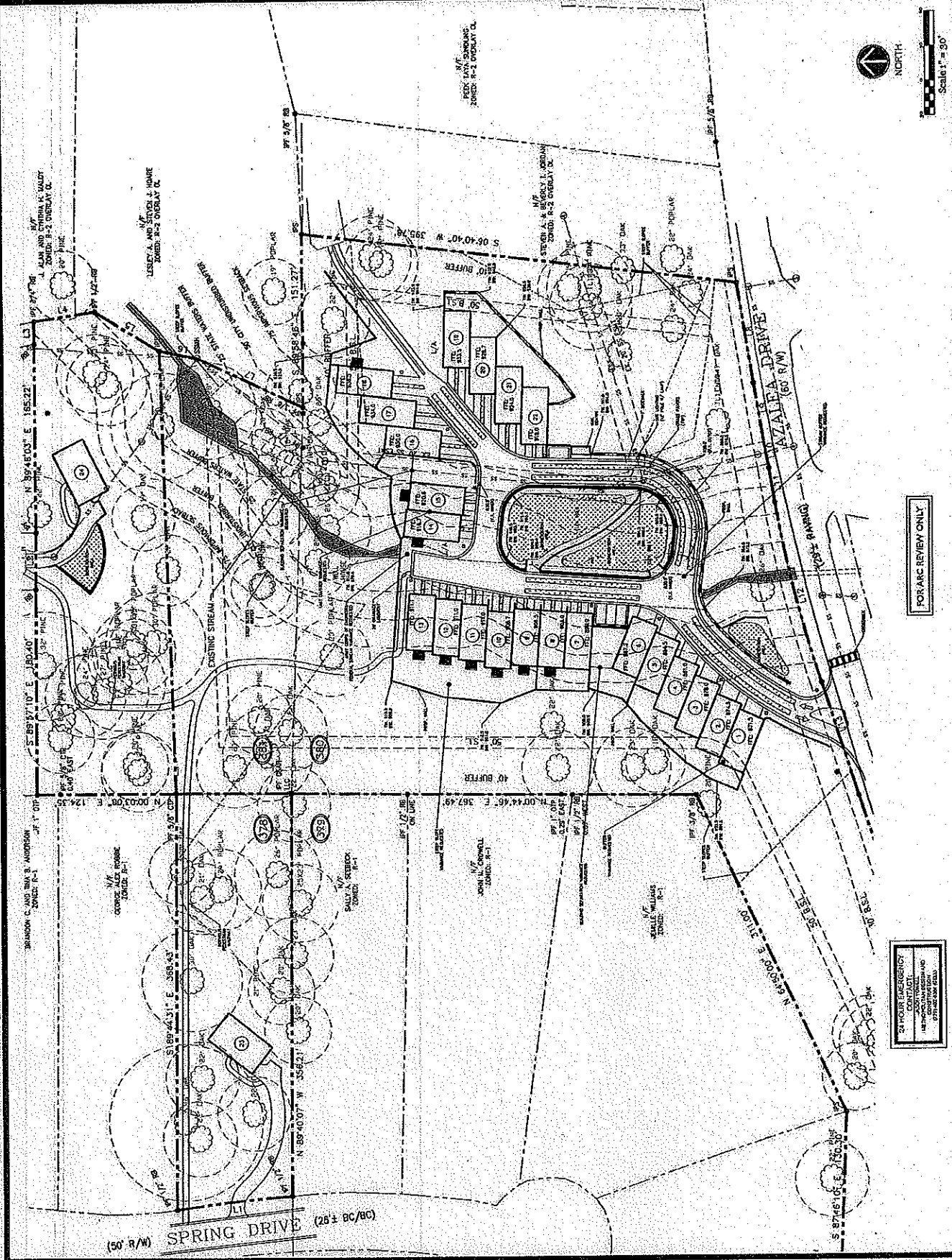


AEC

# CONCEPTUAL DESIGN SITE LAYOUT PLAN

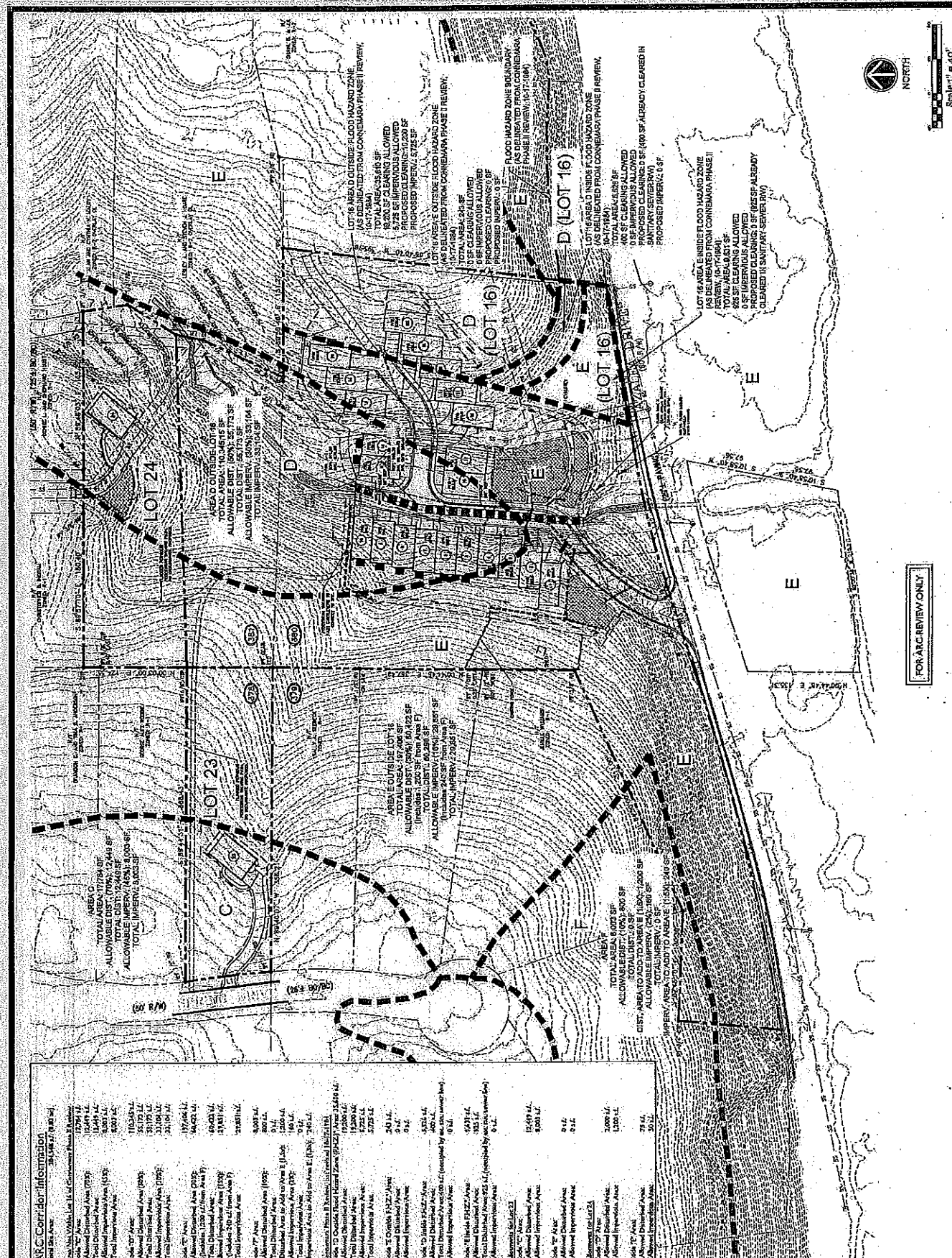
AZALEA TOWNHOMES  
11-378, 379, 380-381, 1ST DISTRICT AND SECTION  
ROSWELL, GEORGIA

NO.	DATE	DESCRIPTION
1	11-378, 379, 380-381, 1ST DISTRICT AND SECTION	CONCEPTUAL DESIGN SITE LAYOUT PLAN



FOR ARC REVIEW ONLY

IN YOUR EMERGENCY  
CONTACT  
THE PROJECT MANAGER AND  
THE DESIGN FIRM IMMEDIATELY



ANS Confidential Information		2010-2011 (100%)
Area 100	Area 100	1,259,147
Area 101	Area 101	1,259,147
Area 102	Area 102	1,259,147
Area 103	Area 103	1,259,147
Area 104	Area 104	1,259,147
Area 105	Area 105	1,259,147
Area 106	Area 106	1,259,147
Area 107	Area 107	1,259,147
Area 108	Area 108	1,259,147
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DEPARTMENT OF THE ARMY  
SAVANNAH DISTRICT, CORPS OF ENGINEERS  
1590 ADAMSON PARKWAY, SUITE 200  
MORROW, GEORGIA 30260-1777

REPLY TO  
ATTENTION OF:

**JURISDICTION DELINEATION CHECK SHEET**  
**USACE FILE NUMBER: SAS-2014-00160**  
**DATE: May 2, 2014**

**A. SECTION 1 - PRELIMINARY JURISDICTIONAL DETERMINATIONS**

**1. JURISDICTIONAL DETERMINATION (JD).** A "preliminary JD" form was completed for the site in accordance with the March 4, 2009, Public Notice entitled, "Characterization of Jurisdictional Determinations: Purpose, Application and Documentation Requirements as Defined by the Savannah District, US Army Corps of Engineers." The form details whether streams, wetlands and/or other waters present on the site may be subject to the jurisdiction of the US Army Corps of Engineers (USACE). In summary, the USACE has determined the following with regard to waters present on the site:

\_\_\_\_\_ There may be navigable waters of the United States within Rivers and Harbors Act (RHA) jurisdiction present.

\_\_\_\_\_ There may be waters of the United States within Clean Water Act (CWA) jurisdiction present.

**2. DELINEATION VERIFICATION.** With regard to the location and extent of potentially jurisdictional areas present on the site, the USACE has made the following determinations:

\_\_\_\_\_ Wetlands were delineated in accordance with criteria contained in the 1987 "Corps of Engineers Wetland Delineation Manual," as amended by the most recent regional supplements to the manual.

\_\_\_\_\_ Drawings submitted with a Pre-Construction Notification (or other application) depict the approximate location/boundaries of all potentially jurisdictional waters on the project site. The USACE has verified the accuracy of the depicted boundaries of potentially jurisdictional waters in only the immediate vicinity of waters to be impacted. A complete jurisdictional delineation request, including a jurisdictional waters survey, would be required in order for the USACE to consider final verification of all other jurisdictional boundaries on the project site.

\_\_\_\_\_ The drawing entitled "\_\_\_\_\_" dated \_\_\_\_\_ is an acceptable sketch of the approximate location/boundaries of all the potentially jurisdictional waters in the project area. This sketch can be used for initial real estate planning; projects with temporary impacts to waters; projects involving minor amounts of fill in waters; or work only subject to our jurisdiction pursuant to Section 10 of the Rivers and Harbors Act of

1899. A complete jurisdictional delineation request, including a jurisdictional waters survey, would be required in order for the USACE to consider final verification of all other jurisdictional boundaries on the project site.

**3. APPEALS OF PRELIMINARY JURISDICTIONAL DETERMINATIONS:** The preliminary JD is a "non-binding" written indication that there may be waters of the United States on a parcel. Preliminary JDs are advisory in nature and may not be appealed (See 33 CFR 331.2)." If you are not in agreement with this preliminary JD, then you may request an approved jurisdictional determination for your project site or review area.

## **B. SECTION - EXPANDED PRELIMINARY JURISDICTIONAL DETERMINATIONS:**

**1. JURISDICTIONAL DETERMINATION (JD).** An "expanded preliminary JD" form was completed for the site in accordance with the March 4, 2009, Public Notice entitled, "Characterization of Jurisdictional Determinations: Purpose, Application and Documentation Requirements as Defined by the Savannah District, US Army Corps of Engineers." The form details whether streams, wetlands and/or other waters present on the site may be subject to the jurisdiction of the USACE. In summary, the USACE has determined the following with regard to waters present on the site:

       There may be navigable waters of the United States within Rivers and Harbors Act (RHA) jurisdiction present.

  X   There may be waters of the United States within Clean Water Act (CWA) jurisdiction present.

**2. DELINEATION VERIFICATION.** With regard to the location and extent of potentially jurisdictional areas present on the site, the USACE has made the following determinations:

  X   Wetlands were delineated in accordance with criteria contained in the 1987 "Corps of Engineers Wetland Delineation Manual," as amended by the most recent regional supplements to the manual.

  X   The Global Positioning System (GPS) delineation entitled "AZALEA DRIVE SITE, FIGURE 3: JURISDICTIONAL WATERS MAPS, CEG PROJECT NUMBER. 02-051713" dated March 5, 2014, is an accurate delineation of the location/boundaries of all the potentially jurisdictional waters on the site. If you have not already done so, I recommend that you place a statement on this delineation to the effect that,  
**"WETLANDS AND OTHER WATERS SHOWN ON THIS DRAWING ARE POTENTIALLY UNDER THE JURISDICTION OF THE US ARMY CORPS OF ENGINEERS AS SHOWN IN USACE FILE NUMBER SAS-2014-00160. OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE**

**WATERS WITHOUT PROPER AUTHORIZATION.**" This delineation will remain valid for a period of 5 years unless new information warrants revision prior to that date.

The survey entitled "\_\_\_\_\_", dated \_\_\_\_\_, and signed by Registered Land Surveyor \_\_\_\_\_, is an accurate delineation of the location/boundaries of all the potentially jurisdictional waters on the site. If you have not already done so, I recommend that you place a statement on the final surveyed property plat to the effect that, **"WETLANDS AND OTHER WATERS SHOWN ON THIS DRAWING ARE POTENTIALLY UNDER THE JURISDICTION OF THE US ARMY CORPS OF ENGINEERS AS SHOWN IN USACE FILE NUMBER SAS-2014-00160. OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE WATERS WITHOUT PROPER AUTHORIZATION."** This delineation will remain valid for a period of 5-years unless new information warrants revision prior to that date.

**3. APPEALS OF PRELIMINARY JURISDICTIONAL DETERMINATIONS:** The expanded preliminary JD is a "non-binding" written indication that there may be waters of the US on a parcel. Expanded Preliminary JDs are advisory in nature and may not be appealed (See 33 CFR. 331.2)." If you are not in agreement with this expanded Preliminary JD, then you may request an approved jurisdictional determination for your project site or review area.

**C. SECTION 3 - APPROVED DETERMINATIONS:** As defined in Regulatory Guidance Letter 08-02, an approved JD is an official Savannah District determination that jurisdictional "waters of the United States" or "navigable waters of the United States," or both, are either present or absent on a particular site. An approved JD precisely identifies the limits of those waters on the project site determined to be jurisdictional under the Clean Water Act (CWA) and/or the Rivers and Harbors Act (RHA).

**1. JURISDICTIONAL DETERMINATION (JD).** An "approved JD" form was completed for the site pursuant to the June 5, 2007, "US Army Corps of Engineers (USACE) JD Form Instructional Guidebook." The form details whether streams, wetlands and/or other waters present on the site are subject to the jurisdiction of the USACE. In summary, the USACE has determined the following with regard to waters present on the site:

\_\_\_\_\_ There are navigable waters of the United States within (RHA) jurisdiction present.

\_\_\_\_\_ There are waters of the United States within (CWA) jurisdiction present.

\_\_\_\_\_ There are non-jurisdictional waters of the United States located in the project area.

\_\_\_\_\_. There are no jurisdictional waters of the United States located in the project area.

**2. APPROVED DETERMINATION - ISOLATED, NON-JURISDICTIONAL WATERS.** If Appendix E of the March 4, 2009, Public Notice entitled, "Characterization of Jurisdictional Determinations: Purpose, Application and Documentation Requirements as Defined by the Savannah District, US Army Corps of Engineers" was submitted, you have requested that the USACE verify the presence of isolated, non-jurisdictional waters located at the project site or within the review area. The completed Appendix E form is available at <https://sasweb.sas.usace.army.mil/JDI/>, under the above listed file number. You may also request that a printed copy of the form be mailed to you. This isolated, non-jurisdictional determination will remain valid for a period of 5-years unless new information warrants revision prior to that date. In summary, the USACE has determined the following with regard to isolated, non-jurisdictional waters that are present on the site:

\_\_\_\_\_ Wetlands were delineated in accordance with criteria contained in the 1987 "Corps of Engineers Wetland Delineation Manual," as amended by the most recent regional supplements to the manual.

\_\_\_\_\_ There are isolated non-jurisdictional waters present that are not subject to CWA jurisdiction. Specifically, wetland(s) [letter of wetlands here], as identified on the exhibit entitled "\_\_\_\_\_" is/are isolated, non-jurisdictional wetlands. Department of the Army authorization, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), is not required for dredge and/or fill activities in these areas.

**3. APPROVED DETERMINATION.** (other than isolated, non-jurisdictional waters): If Appendix B of the March 4, 2009, Public Notice entitled, "Characterization of Jurisdictional Determinations: Purpose, Application and Documentation Requirements as Defined by the Savannah District, US Army Corps of Engineers" was submitted, you have requested that the USACE verify the presence of jurisdictional waters located at the project site or within the review area. The completed Appendix B form is available at <https://sasweb.sas.usace.army.mil/JDI/>, under the above listed file number. You may also request that a printed copy of the form be mailed to you. This jurisdictional determination will remain valid for a period of 5-years unless new information warrants revision prior to that date. In summary, the USACE has determined the following with regard to isolated, non-jurisdictional waters that are present on the site:

\_\_\_\_\_ Wetlands were delineated in accordance with criteria contained in the 1987 "Corps of Engineers Wetland Delineation Manual," as amended by the most recent regional supplements to the manual.

\_\_\_\_\_ The Global Positioning System (GPS) delineation entitled "\_\_\_\_\_", dated \_\_\_\_\_, is an accurate delineation of all the jurisdictional boundaries on the site. If you have not already done so, I recommend that

you place a statement on this delineation to the effect that, **"JURISDICTIONAL WETLANDS AND OTHER WATERS SHOWN ON THIS DRAWING ARE UNDER THE JURISDICTION OF THE US ARMY CORPS OF ENGINEERS AS SHOWN IN USACE FILE NUMBER SAS-2014-00160. OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE JURISDICTIONAL AREAS WITHOUT PROPER AUTHORIZATION."** This approved jurisdictional determination will remain valid for a period of 5-years unless new information warrants revision prior to that date.

\_\_\_\_\_ The survey entitled "\_\_\_\_\_", dated \_\_\_\_\_, and signed by Registered Land Surveyor \_\_\_\_\_, is an accurate delineation of all the jurisdictional boundaries on the site. If you have not already done so, I recommend that you place a statement on the final surveyed property plat to the effect that, **"JURISDICTIONAL WETLANDS AND OTHER WATERS SHOWN ON THIS DRAWING ARE UNDER THE JURISDICTION OF THE US ARMY CORPS OF ENGINEERS AS SHOWN IN USACE FILE NUMBER SAS-2014-00160. OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE JURISDICTIONAL AREAS WITHOUT PROPER AUTHORIZATION."** This approved jurisdictional determination will remain valid for a period of 5-years unless new information warrants revision prior to that date.

**4. APPEALS FOR APPROVED JURISDICTIONAL DETERMINATIONS:** You may request an administrative appeal for any approved geographic jurisdictional determination under USACE regulations at 33 Code of Federal Regulation (CFR) Part 331. Enclosed you will find a Notification of Administrative Appeal Options and Process and Request for Appeal (RFA) Form.

If you request to appeal this/these determination(s) you must submit a completed RFA form to the South Atlantic Division Office at the following address:

US Army Corps of Engineers, South Atlantic Division  
Attention: CESAD-PDS-O, Administrative Appeal Review Officer  
60 Forsyth Street, Room 10M15  
Atlanta, Georgia 30303-8801

In order for a RFA to be accepted by the USACE, the USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR, part 331.5, and that it has been received by the Division Office within 60 days of the date of this form. It is not necessary to submit an RFA form to the Division Office if you do not object to this jurisdictional determination.

**D. SECTION 4 - APPLIES TO ALL OF THE ABOVE.**

**- US DEPARTMENT OF AGRICULTURE (USDA) PROGRAM PARTICIPANTS.**

This delineation/determination has been conducted to identify the limits of USACE GWA jurisdiction for this site. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

**Attachments:**

- ☐ Verified Survey of Jurisdictional Streams, Wetlands and/or Other Waters
- ☒ Verified GPS Delineation of Jurisdictional Streams, Wetlands and/or Other Waters
- ☒ Drawing of Approximate Location of Streams, Wetlands and/or Other Waters
- ☐ Approved Jurisdictional Determination Form(s)
- ☒ Notification of Administrative Appeal Options and Process and Request for Appeal Form

  
Ms. Chikita M. Sanders

May 2, 2014  
DATE

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

Applicant: Mr. Jason Yowell File Number: SAS-2014-00160 Date: May 2, 2014

Attached is: See Section below

☐ INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)  
☐ PROFFERED PERMIT (Standard Permit or Letter of permission)  
☐ PERMIT DENIAL  
☐ APPROVED JURISDICTIONAL DETERMINATION  
☒ PRELIMINARY JURISDICTIONAL DETERMINATION

A  
B  
C  
D  
E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecw/req-or-Corps-regulations-at-33-CFR-Part-331>.

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

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

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

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

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

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

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

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

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

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

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

**SECTION I: REQUEST FOR APPEAL & OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

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

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

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION**

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

Ms. Chikita Sanders  
US Army Corps of Engineers, Savannah District  
1590 Adamson Parkway, Suite 200  
Morrow, Georgia 30260-1777  
678-422-6570

If you only have questions regarding the appeal process you may also contact:

Administrative Appeal Review Officer  
CESAD-PDS-O  
US Army Corps of Engineers, South Atlantic Division  
60 Forsyth Street, Room 10M15  
Atlanta, Georgia 30303-8801

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

**US ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT  
2012 PRE-CONSTRUCTION NOTIFICATION (PCN) FORM  
FOR USE OF CERTAIN NATIONWIDE PERMITS (NWP)**

USE OF NATIONWIDE PERMIT NUMBER(s) 29 Date 3/4/2014

APPLICANT/PROPERTY OWNER Metropolitan Design & Construction Inc. (MD&C) C/O Jason Yowell

Phone (hm/bus) (770) 402-6368 FAX N/A E-Mail jeowell1@yahoo.com

Address 5010 Old Oak Trace City Roswell State GA Zip Code 30075

AGENT/CONSULTANT Corblu Ecology Group, LLC, Attn: Shanna E. Cahill

Phone(hm/bus) 770-591-9990 FAX 770-591-9993 E-Mail scahill@corblu.com

Address 3225 S. Cherokee Lane, Bldg. 800 City Woodstock State GA Zip Code 30188

PROJECT LOCATION/ADDRESS North of Azalea Drive

City Roswell County Fulton Subdivision N/A Lot N/A

Latitude 34.003 Longitude -84.366 Hydrologic Map Cataloging Unit 03130001

Nearest Names Stream, River or Other Waterbody Chattahoochee River

PROJECT DESCRIPTION MD&C proposes to construct a residential development consisting of new single family dwellings as well as attendant features (roadways, sidewalks, and amenity areas with associated parking).

**PROJECT AREA AND IMPACT INFORMATION**

	PROJECT AREA		IMPACTS TO US WATERS	
	ACRES	LINEAR FEET	ACRES	LINEAR FEET
<b>TOTAL PROJECT AREA</b>	<b>7.5</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>UPLAND</b>		<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>WETLAND</b>	<b>0.22</b>	<b>N/A</b>	<b>0.22</b>	<b>N/A</b>
<b>OPEN WATER</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>PERENNIAL STREAM</b>	<b>0.18</b>	<b>655</b>	<b>0.05</b>	<b>292</b>
<b>INTERMITTENT STREAM</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>EPHEMERAL STREAM</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>MAN-MADE DITCHES</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

**WETLAND/STREAM IMPACT AVOIDANCE/MINIMIZATION(RC C.3)** The proposed residential development has been designed to occupy the minimum space necessary to construct the proposed structures and the associated parking (Appendix A). Of the approximately 655 linear - feet of stream and 0.22 - acre of wetland on the project site, the proposed residential development site will avoid impacts to 363 linear - feet of stream (55% of the stream resource). In addition, a bioretention area will be constructed in the previously impounded fully impaired area. The bioretention area will assist in the filtration of sediments and particulates prior to runoff entering back into the stream (P1).