

DEPARTMENT OF THE ARMY PERMIT

PERMITTEE: Carroll County Water Authority

PERMIT NUMBER: SAS-2009-00042

ISSUING OFFICE:

Savannah District, Regulatory Division
U.S. Army Corps of Engineers
4751 Best Road, Suite 140
College Park, Georgia 30337-5600

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

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

PROJECT DESCRIPTION: The proposed project involves the construction of a 401.4-acre impoundment on Indian Creek with a normal operating pool elevation of 1,161 feet mean sea level (MSL), and an earthen dam with a crest elevation established at 1,181 MSL. The project has been designed to provide a reliable yield of approximately six (6.0) million gallons of water per day of public water supply within the project service delivery area through the Year 2065. The proposed reservoir's normal pool would inundate nineteen (19) wetland areas ranging in size from less than 0.01 acre to 6.53-acres. The cumulative area of these impacted wetlands is 13.11-acres. The proposed reservoir, including the dam structure, would impound a combined total of 43,006.8 linear feet of perennial, intermittent, and ephemeral stream channels. The proposed reservoir will also inundate existing 28.38-acre Teague Lake, as well as an existing 0.06-acre farm pond. To maintain the project's reliable yield, the reservoir is proposed as a pump-diversion facility requiring the diversion of raw water from the Little Tallapoosa River through an approximately 9.1-mile pipeline. The proposed raw water pipeline corridor cumulatively impacts 0.24-acre of wetlands, including six emergent wetlands and one forested wetland. Stream assessments along the proposed raw water pipeline route corridor, and raw water intake and pump station site identified five perennial streams, four intermittent streams, and one ephemeral stream, totaling 2,345.3 linear feet, 926 linear feet of which may be subject to temporary impacts associated with the project's construction. No wetlands were found within the 7.1-acre raw water intake and pump station or 37.2-acre water treatment facility sites.

PROJECT LOCATION: The site of the proposed 431.8-acre reservoir pool and dam (401.4-acre pool and 30.4-acre dam site) on Indian Creek, and associated water treatment facility (37.2-acres) is coincident with the existing Natural Resources Conservation Service (NRCS) flood control impoundment Lower Little Tallapoosa River Watershed Dam No. 25, locally known as Teague Lake, and is located approximately 6.5 miles northwest of the City of Bowdon, and approximately 14 miles northwest of the City of Carrollton, in Carroll County, Georgia (centered at approximately latitude 33.614246, longitude -85.287020). The project diversion pipeline corridor, cumulatively composing approximately 110-acres, originates at the location of the proposed raw water intake on the Little Tallapoosa River, located southwest of the intersection of Reavesville Road and Wyatt Road/CR-88, and extends approximately 9.1 miles generally to the north, partially utilizing existing public road right-of-way, along the western boundary of the City of Bowdon, crossing SR-166/West College Street and following Hillcrest Road north to Adams Lane and west to Stateline Road north, and then Smithfield Road east to terminate at the approximate location of the most southerly extent of the proposed reservoir pool. The approximately 174-acre Big Indian Creek Mitigation Site is bounded by Watts Road to the east, Dot Road to the south, Butler Road to the west, and Sandy Flat Road to the north in Carroll County, southwest of the City of Bowdon, Georgia (centered at approximately latitude 33.5093, longitude - 85.2870). The mitigation site is located along approximately 6,500 linear feet of Indian Creek, approximately 2.8 miles upstream of its confluence with the Little Tallapoosa River.

1. PERMIT CONDITIONS:

a. General Conditions.

(1) The time limit for completing the work authorized by this Individual Permit ends on **June 30, 2031**. If you find that you need more time to complete the authorized activity, you must submit a request for your permit extension at least one month prior to the above date.

(2) You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

(3) If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this

office of what you have found. We will initiate the federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

(4) If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

(5) If a conditioned Water Quality Certification has been issued for your project, you must comply with conditions specified in the certification as Special Conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

(6) You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

(7) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States because of any such removal or alteration.

b. Special Conditions

(1) All work shall be performed in accordance with the following attached plans and drawings which are incorporated in and made part of the Permit:

- a. Project vicinity map;
- b. Location map for all authorized work and structures (dam, reservoir, raw water intake structures, water treatment facilities, pipelines, permanent access roads, etc.);
- c. "Conceptual Dam Profile, Indian Creek Dam, Top of Dam Elev. 1181.0 Feet", as prepared by Schnabel Engineering (2017);
- d. "Conceptual Site Plan, Indian Creek Dam, Top of Dam Elev. 1181.0 Feet", as prepared by Schnabel Engineering (2017);
- e. Water Quality Certification issued by the State of Georgia on August 5, 2020;
- f. All work in conjunction with the approved compensatory mitigation plan shall be performed in accordance with, "Compensatory Mitigation Plan for the Indian Creek Water Supply Reservoir, Carroll County, Georgia, SAS-2009-00042" (Final Mitigation Plan), as prepared by Eco-Tech Consultants, Inc., and dated September 6, 2019; with the following revised mitigation plan documents supplementing or superseding

components of the approved plan where conflicts may exist:

1. "Overall Site Map - Stream Restoration Project, Big Indian Creek Mitigation Site", dated January 28, 2020, and coinciding with 13,037 feet of total stream construction as prepared by Sustainable Streams, LLC;
2. "Stream_SOP_binder_10.07.2020", and "Wetland_SOP_binder_10.07.2020", incorporating all Compensatory Mitigation Standard Operating Procedure adverse impact and mitigation credit generation worksheets for aquatic resources on the Big Indian Creek Mitigation Site;
3. "BICMS_Stream performance standards final 10.29.2020", and "BICMS_Wetland performance standards final 10.29.2020", documenting all required compensatory mitigation performance standards for the Big Indian Creek Mitigation Site, and which in turn reference:
 - i. "Figure 17, Big Indian Creek Mitigation Site, Stream Performance Monitoring Overview Map"; "Figure 17a, Big Indian Creek Mitigation Site, Stream Performance Monitoring Map"; and "Figure 17b, Big Indian Creek Mitigation Site, Stream Performance Monitoring Map", each dated November 5, 2020;
 - ii. Combined Stream and Wetland Monitoring Locations Tables, dated November 9, 2020;
 - iii. "Reach Metrics", dated March 19, 2020, documenting the stream mitigation reach geomorphic design ranges for the Big Indian Creek Mitigation Site that includes the reach metrics for the 'confluence reaches' that were separated out for Caterpillar Creek, Deere Draw, and Case Creek, as prepared by Sustainable Streams, LLC;
 - iv. Microsoft Excel table entitled "Big Indian Creek Mitigation Site Macroinvertebrates Performance Standards", dated August 26, 2020 ("BICMS Macroinvertebrate Performance Standards 8.25.20 FINAL"); and
 - v. "Figure 18, Big Indian Creek Mitigation Site, Wetland Performance Monitoring Overview Map"; "Figure 18a, Big Indian Creek Mitigation Site, Wetland Performance Monitoring Map"; and "Figure 18b, Big Indian Creek Mitigation Site, Wetland Performance Monitoring Map", each dated October 13, 2020;

(2) The permittee shall notify the U.S. Army Corps of Engineers, Savannah District (Corps), in writing (email is acceptable at cesas-rd-p@usace.army.mil) at least 15 days in advance of commencement of work authorized by this permit. Prior to commencement of any authorized activities, the permittee shall submit to the Corps to the projected start dates and construction timelines for the dam, water intake structure, pump station, and pipeline.

(3) The permittee shall schedule onsite pre-construction meetings between its representatives, the contractor's representatives and the appropriate Corps' Project Manager in advance of commencement of work authorized by this permit. The purpose of these meetings will be to ensure that there is a mutual understanding between the Corps, the permittee and the construction contractor(s) with regard to the terms and conditions of this permit. The permittee shall notify the Corps' Project Manager a

minimum of thirty (30) days in advance of the date of the scheduled meetings.

(4) The permittee shall notify the Corps using the enclosed Certification of Compliance Form within 60 days following the completion of reservoir being filled to full operational pool. Post-construction photographs must be attached and returned with this form. The permittee may notify the Corps via email, when written notification to the Corps is required for permit condition compliance purposes. When required to notify the Corps in writing by special permit condition, the permittee may notify the Corps via email at: cesas-rd-p@usace.army.mil.

(5) The permittee shall maintain a copy of this permit, including approved plans, drawings, special conditions and any amendments at the work site whenever work is being performed. The permittee shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the permit's terms and conditions.

(6) All earthen fill material used for dam construction shall come from within the limits of lands purchased for construction of the reservoir. If it becomes necessary to obtain borrow material to be placed in waters of the United States from another location, the permittee must submit a plan for Corps approval prior to conducting such work.

(7) Unless authorized by this Permit, construction, discharge of fill material, excavation, mechanized land clearing, tree or other vegetation removal, stockpiling of fill material, or other work/activity shall not occur in waters of the U.S. For purposes of these special permit conditions, the term "waters of the U.S." includes all jurisdictional streams, wetlands, open waters, and other tributaries located on the project site.

(8) Prior to any land disturbing activity occurring within the identified footprint of the dam construction site, the permittee shall clearly mark the interface between waters authorized to be impacted, and waters not authorized to be impacted, which are located downstream of the authorized dam construction site; to be confirmed during the pre-construction meeting (identified in Special Condition 3, above). The permittee shall use marking that clearly differentiates between the waters authorized to be impacted and downstream waters not authorized to be impacted. The purpose for marking waters is to ensure that these areas are clearly identifiable to equipment operators. All marking of waters that are not to be impacted shall be maintained until the entire project has been completed. Acceptable forms of marking include high visibility orange construction fencing or flagging at eye level, at intervals of 25 feet or less. Pin flags or other ground level marking is not acceptable.

(9) The permittee shall avoid direct/indirect adverse impacts to waters of the U.S. that are to remain on the project site once all authorized activities are completed, principally the streams and wetlands located downstream of the dam construction site.

These on-site aquatic areas shall not be disturbed by any dredging, filling, mechanized land clearing, non-mechanized vegetation removal, or other construction work.

(10) If the final design of the dam, outlet structure or emergency spillway results in the need for realignment of the existing stream channel outside the permit limits or other unpermitted impact below the dam construction site and outside the permit area, the permittee shall submit a permit modification request to the Corps for the proposed modification. In addition, submission of a supplemental compensatory mitigation plan may be required to offset losses in aquatic function that would result from unforeseen impacts to the stream channel and/or adjacent wetlands below the dam construction site as a result of this work.

(11) The permittee shall complete all wetland and stream restoration/enhancement site work necessary to accomplish the activities described in the approved compensatory mitigation plan and received approval of the as-built survey by the Corps prior to commencement of any work authorized by this permit. Compliance with the required compensatory mitigation for this project will be contingent on the permittee's fulfillment of the following Special Conditions:

a. The final construction/grading plans must be submitted to the Corps for review and written approval prior to the initiation of any construction activities on the Big Indian Creek Mitigation permittee responsible mitigation (PRM) site. The Corps reserves the authority to require revisions to the final construction/grading plans.

b. It shall not be acceptable to deviate from the approved compensatory mitigation plan and the approved final construction/grading plans, either before or after completion of the authorized mitigation work, unless a plan reflecting any modification has previously been submitted to and approved in writing by the Corps. In the event changes to this project are contemplated, the permittee must coordinate with the Corps prior to proceeding with the work.

c. Prior to the commencement of authorized work on the Big Indian Creek Mitigation Site, the permittee shall provide the following documentation to the Corps:

1. Executed construction financial assurance documentation as specified in the Mitigation Plan (bond). The surety utilized for construction financial assurances must have an excellent (i.e., "a") AM Best's Long-Term Issuer Credit Rating Score, or equivalent rating;

2. Confirmation that riparian rights are owned and retained by the Permittee.

3. The permittee shall perpetually protect the Big Indian Creek Mitigation Site with a recorded Declaration of Covenants and Restrictions. An attorney must prepare a draft

Declaration of Covenants and Restrictions with exhibits for the Bank Sponsor and forward the documents to the Office of Counsel, Savannah District, U.S. Army Corps of Engineers (Corps) for written approval. All restrictive covenants shall be drafted utilizing the latest version of the Corps' model document entitled, "Declaration of Covenants and Restrictions with Instructions." The model draft language is located on the Savannah District website at www.sas.usace.army.mil/Missions/Regulatory.aspx. Select tab on right titled "Mitigation" and pick from drop down list "Permittee Responsible Mitigation" and then select "Model Declaration of Conservation Covenants and Restrictions (December 2009)." Upon written approval from the Corps Office of Counsel, the permittee shall record the restrictive covenant in the Land Records Office, of the Clerk of Court, in the county in which the property lies. A copy of the recorded restrictive covenant, showing book and page numbers of its recorded location, shall be provided to the Office of Counsel. When a copy of the recorded restrictive covenant, showing book and page numbers is received by the Corps Office of Counsel, this shall complete the requirement relating to the declaration of covenants and restrictions.

d. The permittee shall submit final mitigation site construction plans within six (6) months of the permit authorization for approval by the Corps. The permittee must complete all construction work and planting associated with the Big Indian Creek Mitigation Site within three years from the date construction plans are approved by the Corps. Failure to complete all construction activities outlined in the Mitigation Plan within the above timeframe will require modification of the issued permit.

e. The escrow account to fund monitoring and maintenance must be fully funded within 60 days of the approval of the as-built survey.

f. The permittee shall perpetually protect the Big Indian Creek Mitigation Site with a recorded Conservation Easement. An attorney must prepare a draft Conservation Easement with exhibits for the permittee, and forward the documents to the Office of Counsel, Savannah District, U.S. Army Corps of Engineers for written approval. The Conservation Easement must be recorded within 60 days of the approval of the as-built survey, and an executed copy of the documents provided to the Corps.

g. The long-term management endowment shall be fully funded no later than 7 years from the date of the permit authorization. Documentation of this requirement shall be provided in conjunction with the annual performance monitoring report.

h. In the event that the findings reported in annual monitoring documentation do not appropriately represent the performance of onsite conditions, additional monitoring shall be required, at the Corps' discretion, to adequately address the performance of any identified problem areas.

i. The PRM site should be actively managed and maintained during the life of the

active monitoring period, to include but not be limited, to the following: quarterly inspection and management of invasive vegetation; quarterly inspection and maintenance of all planted vegetation (to include reseeding and replanting of all vegetation that fails to robustly establish); quarterly inspection and maintenance (i.e., erosion control) of all graded/excavated stream channels and their associated floodplains, and any areas of fill; maintenance of all in-stream grade control and habitat structures; quarterly inspection and maintenance of all temporary and permanent access roads; quarterly inspection and maintenance of all monitoring instrumentation (e.g., groundwater monitoring wells and associated dataloggers, etc.); and, quarterly inspection and maintenance of gates and fencing surrounding the perimeter of the project.

j. Should the permittee, during quarterly inspections of the PRM site, determine that project performance cannot be addressed and/or remedied via normal maintenance activities, then the permittee will immediately notify the Corps of the issue(s). Following notification to the Corps and consultation with the Inter-agency Review Team, the permittee will be responsible to prepare and submit an adaptive management plan (AMP) to the Corps to adequately address the issue(s) and ensure that the PRM site will meet all interim and/or final performance standards outlined in the Final Mitigation Plan and/or revised, approved mitigation plan documents supplementing or superseding components of the approved plan where conflicts may exist. All AMPs must be submitted within 45 days from the date of notification of the issue(s) to the Corps. The permittee will make all practicable efforts to address issues onsite via adaptive management. If the Corps determines that an issue(s) cannot be remedied via adaptive management and results in a mitigation credit deficit relative to the required project compensation and exceeds the potential credit surplus generated on the PRM site, then the permittee will be responsible for purchasing the required balance of mitigation credits (i.e., credit type and amount) from a commercial source(s) to fulfill their mitigation obligations.

k. If the Corps determines that any components of the PRM site has failed to achieve any of the approved performance standards (at the interim and/or final milestones) or the established timelines to achieve any performance standard(s), as outlined within the Final Mitigation Plan and/or revised, approved mitigation plan documents supplementing or superseding components of the approved plan where conflicts may exist, and which results in a mitigation credit deficit relative to the required project compensation and exceeds the potential credit surplus generated on the PRM site, then the permittee shall purchase commercial mitigation credits equivalent to the assessed deficiency. Within 60 days from receipt of Corps' determination of failed performance at the PRM site the permittee shall purchase all compensatory mitigation credits required to offset the deficiency. All commercial mitigation credit purchases shall comply with the geographic service area and sequencing requirements outlined in Savannah District's 2009, "Regulatory Guidelines to Evaluate Proposed Mitigation Bank Credit Purchases in

the State Of Georgia”, and the mitigation hierarchy outlined in the 2008 Final Mitigation Rule (33 CFR 332.8).

(12) We understand that the permittee must prepare a draft "Reservoir Management Plan (RMP)," in accordance with the REPC, and submit the RMP to the Georgia EPD for review and final approval, and once approved by the Georgia EPD, the Permittee must finalize, implement, and ensure enforcement of and compliance with the RMP. A copy of the final RMP shall be provided to the Corps within 30 days of the State's approval.

(13) We understand that the permittee must comply with the conditions of the “Permit to Withdraw, Divert or Impound Surface Water,” once issued by the Georgia EPD. A copy of the withdrawal permit shall be provided to the Corps within 30 days of the State's approval.

(14) The permittee shall also provide a set of State of Georgia Safe Dams Program-approved construction plans to the Corps prior to beginning dam construction, and a set of as-built drawings within 180 days of completion of all project infrastructure that involved authorized work in waters of the U.S., the Permittee shall submit to the Corps a certified as-built survey including, at a minimum: the dam, outlet structure, spillway system, and water intake structure and pipeline. We understand that the water treatment plant will not require work in waters of the US.

(15) Prior to the commencement of any permitted construction activity in designated floodplains and/or floodways on the project site, the permittee shall ensure that the activity complies with the applicable rules, requirements, and regulations of the regulatory programs administered by the Federal Emergency Management Agency (FEMA) and/or the Georgia Floodplain Management Office. The permittee shall perform any necessary mapping to document changes in flood plains and/or floodways that may be affected by the permitted activity.

(16) To avoid impacts to Federally-endangered bat species, no tree clearing for this project shall occur from May 15 – July 31, if so required by the Endangered Species Act and any applicable regulations under Section 4(d) thereof. If you determine that tree clearing is required from May 15 – July 31 which is otherwise prohibited by law or regulation, additional coordination shall be required, with the U.S. Army Corps of Engineers (Corps) and U.S. Fish and Wildlife Service (USFWS), prior to clearing any trees.

(17) If the permittee or the permittee’s contractor(s) discover any federally listed threatened or endangered species and/or their habitat while accomplishing the activities authorized by this Permit, they must immediately stop work and notify the Corps. The Corps will contact the U.S. Fish and Wildlife Service to determine if the presence of the

species and/or its habitat requires further consultation.

(18) The permittee shall design, and construct control features necessary to slow the velocity of the water exiting the dam to minimize head-cutting in Indian Creek, below the dam. If determined necessary by the Corps, the permittee shall take measures necessary to stabilize the grade of the downstream stream channel, with use of small grade-control structures placed at such intervals as are necessary to keep the channel in its original location below the dam.

2. FURTHER INFORMATION:

a. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 United States Code (U.S.C.) § 403) and Section 404 of the Clean Water Act (33 U.S.C. § 1344).

b. Limits of this Authorization.

(1) This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.

(2) This permit does not grant any property rights or exclusive privileges.

(3) This permit does not authorize any injury to the property or rights of others.

(4) This permit does not authorize interference with any existing or proposed federal projects.

c. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

(1) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

(2) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

(4) Design or construction deficiencies associated with the permitted work.

(5) Damage claims associated with any future modification, suspension, or

revocation of this permit.

d. **Reliance on Applicant's Data.** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

e. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require reevaluation include, but are not limited to, the following:

(1) You fail to comply with the terms and conditions of this permit.


(2) The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

(3) Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 Code of Federal Regulations (CFR) Part 325.7, or enforcement procedures such as those contained in 33 CFR Part 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order, which requires you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate.

(4) You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR Part 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

f. **Extensions.** General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the U.S. Army Corps of Engineers will normally consider a request for an extension of time limit.

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



(PERMITTEE)

6-16-2021

(DATE)

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

Issued for and in behalf of:
JOSEPH R. GEARY, PhD, PE
COL, EN
Commanding

(DATE)

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

(TRANSFEEE)

(DATE)

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

(PERMITTEE-Printed Name)

(PERMITTEE-Signature)

(DATE)

(TRANSFEREE-Printed Name)

(TRANSFEREE-Signature)

(DATE)

By signature below, the U.S. Army Corps of Engineers hereby validates the transfer of the permit from the permittee named above to the transferee named above.

Issued for and in behalf of:
JOSEPH R. GEARY, PhD, PE
COL, EN
Commanding Regulatory Division

(DATE)

CERTIFICATION OF COMPLIANCE
WITH
DEPARTMENT OF THE ARMY

PERMIT FILE NUMBER: SAS-2009-00042

PERMITTEE ADDRESS: Mr. Matt Windom, Executive Director, Carroll County Water Authority (CCWA), 556 Old Bremen Road, Carrollton, Georgia 30117.

LOCATION OF WORK: The site of the proposed 431.8-acre reservoir pool and dam (401.4-acre pool and 30.4-acre dam site) on Indian Creek, and associated water treatment facility (37.2-acres) is coincident with the existing Natural Resources Conservation Service (NRCS) flood control impoundment known as Teague Lake, and is located approximately 6.5 miles northwest of the City of Bowdon, and approximately 14 miles northwest of the City of Carrollton, in Carroll County, Georgia (centered at approximately latitude 33.614246, longitude -85.287020). The project diversion pipeline corridor, cumulatively composing approximately 110-acres, originates at the location of the proposed raw water intake on the Little Tallapoosa River, located southwest of the intersection of Reavesville Road and Wyatt Road/CR-88, and extends approximately 9.1 miles generally to the north, partially utilizing existing public road right-of-way, along the western boundary of the City of Bowdon, crossing SR-166/West College Street and following Hillcrest Road north to Adams Lane and west to Stateline Road north, and then Smithfield Road east to terminate at the approximate location of the most southerly extent of the proposed reservoir pool. The approximately 174-acre Big Indian Creek Mitigation Site is bounded by Watts Road to the east, Dot Road to the south, Butler Road to the west, and Sandy Flat Road to the north in Carroll County, southwest of the City of Bowdon, Georgia (centered at approximately latitude 33.5093, longitude -85.2870). The mitigation site is located along approximately 6,500 linear feet of Indian Creek, approximately 2.8 miles upstream of its confluence with the Little Tallapoosa River.

PROJECT DESCRIPTION: The proposed project involves the construction of a 401.4-acre impoundment on Indian Creek with a normal operating pool elevation of 1,161 feet mean sea level (MSL), and an earthen dam with a crest elevation established at 1,181 MSL. The project has been designed to provide a reliable yield of approximately six (6.0) million gallons of water per day of public water supply within the project service delivery area through the Year 2065. The proposed reservoir's normal pool would inundate nineteen (19) wetland areas ranging in size from less than 0.01 acre to 6.53-acres. The cumulative area of these impacted wetlands is 13.11-acres. The proposed reservoir would impound a combined total of 43,006.8 linear feet of perennial, intermittent, and ephemeral stream channels. The proposed reservoir will also inundate existing 28.38-acre Teague Lake, as well as an existing 0.06-acre farm pond. The construction of the proposed dam structure would impact an additional 425 linear feet of Indian Creek. To maintain the project's reliable yield, the reservoir is proposed as a pump-diversion facility requiring the diversion of raw

water from the Little Tallapoosa River through an approximately 9.1-mile pipeline. The proposed raw water pipeline corridor cumulatively impacts 0.24-acre of wetlands, including six emergent wetlands and one forested wetland. Stream assessments along the proposed raw water pipeline route corridor, and raw water intake and pump station site identified five perennial streams, four intermittent streams, and one ephemeral stream, totaling 2,345.3 linear feet, 926 linear feet of which may be subject to temporary impacts associated with the project's construction. No wetlands were found within the 7.1-acre raw water intake and pump station or 37.2-acre water treatment facility sites.

WATERS OF THE UNITED STATES IMPACTED: The proposed dam and 401.4-acre reservoir would inundate 13.11 acres of wetland and 43,006.8 linear feet of stream channels. The construction of the proposed dam structure would impact an additional 425 linear feet of Indian Creek. The proposed raw water pipeline corridor would cumulatively impact 0.24-acre of jurisdictional wetlands and 2,345.3 linear feet of stream channels, 926 linear feet of which may be subject to temporary impacts associated with the project's construction.

DATE WORK IN WATERS OF THE UNITED STATES COMPLETED: _____

COMPENSATORY MITIGATION REQUIRED: Implementation of the mitigation plan for the Big Indian Creek Mitigation Site.

DATE MITIGATION COMPLETED: _____

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

Commander
U.S. Army Corps of Engineers, Savannah District
Attention: Regulatory Branch
4751 Best Road, Suite 140
College Park, Georgia 30337-5600

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

I hereby certify that the work authorized by the above referenced permit 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

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

Applicant: Carroll County Water Authority		File Number: SAS-2009-00042	Date: June 16, 2021
Attached is:		See Section below	
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 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. This form must be received by the division engineer 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 appeal able. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

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

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

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

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
CESAS-RD-P (White)
US Army Corps of Engineers, Savannah District
4751 Best Road, Suite 140
College Park, Georgia 30337
(678) 422-2730

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: