



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
4751 BEST ROAD, SUITE 140
COLLEGE PARK, GEORGIA 30337-5600

December 14, 2022

Regulatory Division
SAS-2020-00182

Mr. Pat Wilson, Commissioner
Georgia Department of Economic Development
Technology Square, 75 5th Street, NW
Suite 1200
Atlanta, Georgia 30308

Dear Mr. Wilson:

PLEASE READ THIS LETTER CAREFULLY AND COMPLY WITH ITS PROVISIONS.

We are enclosing a DRAFT of the Department of the Army permit for construction of the Stanton Springs North electric vehicle original equipment manufacturing facility. If you agree with the terms and conditions, please sign and date the permit, and return it to the assigned project manager, Mr. Adam White, at the following email address: adam.f.white@usace.army.mil. Upon receipt of the signed permit, the District Engineer will validate your permit and we will return a copy for your records. We will also transmit a Notice of Authorization, which must be displayed at the project site. Your permit is not valid until signed by/for the District Engineer.

IT SHALL NOT BE LAWFUL TO DEVIATE FROM THE PLANS EITHER BEFORE OR AFTER COMPLETION OF THE WORK, unless a plan reflecting the modification has previously been submitted to and approved by this office.

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

The enclosed project drawings accurately depict the limits of all aquatic resources located within the identified project area. This delineation will remain valid for the life of this permit unless new information warrants revision prior to that date.

Please direct your attention specifically to General Conditions on pages 2 and 3. Special Conditions relating to the project are listed, starting on page 3 of the permit.

This letter contains an initial proffered permit for your permit application. If you object to this decision due to certain terms and conditions therein, you may request that the permit be modified under our regulations at Title 33 Code of Federal Regulations

(C.F.R.) § Part 331. Enclosed you will find a Notification of Appeal Process (NAP) Fact Sheet and Request for Appeal (RFA) Form. To request that the permit be modified you must complete Section II of the enclosed form and return the form to the District Engineer at the address shown above.

In order for an RFA to be accepted, the U.S. Army Corps of Engineers must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. § Part 331.5, and that it has been received by the District Engineer within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by this deadline.

It is not necessary to submit an RFA form to the District Office if you do not object to the permit decision.

A copy of this letter is being provided electronically to the following party:
Mr. Alton Brown, Jr., Resource & Land Consultants, abrown@rlandc.com.

Thank you in advance for completing our on-line Customer Survey Form located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. We value your comments and appreciate you taking the time to complete a survey each time you interact with our office.

If you have any questions, please do not hesitate to contact Mr. Adam White, Lead Biologist, at 678-422-2730, or adam.f.white@usace.army.mil.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Thames', with a long horizontal line extending to the right.

Kevin D. Thames
Chief, Piedmont Branch

Enclosures

DEPARTMENT OF THE ARMY PERMIT

PERMITTEE: Georgia Department of Economic Development

PERMIT NUMBER: SAS-2020-00182

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 project ("Stanton Springs North") involves the proposed construction of an electric vehicle original equipment manufacturing (EVOEM) facility, which would manufacture and distribute fully electric vehicles. The facility's vehicle production components would accommodate various manufacturing processes, including pressing, fabrication, painting, product completion/assembly, and special products production. The required distribution components include a train yard, truck yard, and finished product yard. The EVOEM complex would also include employee services components supporting the large workforce (e.g., food services, medical facilities, employee parking, training facilities, and administrative workspaces). The storage component would include the central storage building and liquid storage building. The quality facilities will include a product testing area, testing station, and other miscellaneous buildings required for quality assurance support. Additional components include waste facilities, security facilities, utility facilities, and supplier facilities.

As proposed, the Applicant's preferred site plan would result in the loss of 4.86-acres of wetland, 17.71-acres of open water ponds, 9,594 linear feet of perennial stream, 5,955.2 linear feet of intermittent stream, and 1,947.2 linear feet of ephemeral stream. The Applicant proposes to off-set project impacts to aquatic resources through the purchase of 29.2 legacy wetland mitigation credits and 137,248.8 legacy stream mitigation credits from an approved compensatory mitigation bank(s) servicing the project watershed.

PROJECT LOCATION: The 2,003.23-acre project site is located north of Interstate 20, south of East Hightower Road and an existing CSX rail line, east of US-278/SR-12, and generally west of Old Mill Road, within Morgan and Walton Counties, Georgia (centered at approximately latitude 33.614720, longitude -83.668892). Davis Academy Road extends generally northwest-to-southeast through the approximate northern portion of the site and Lynch Road/Sewell Road extends generally north-to-south through the central portion of the site. Headwater reaches of Dennis Creek, Hunnicut Creek, and Rawlings Creek originate on the site.

1. PERMIT CONDITIONS:

a. General Conditions.

(1) The time limit for completing the work authorized by this Individual Permit ends on **December 14, 2027**. 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) 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 United States" includes all jurisdictional streams, wetlands, open waters, and other tributaries located on the project site.

(2) Prior to any land disturbing activity on the project site, the permittee shall clearly mark waters of the United States 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 to ensure that these areas are clearly identifiable to equipment operators and shall be maintained until the entire project has been completed.

(3) The project site shall be developed only as an electric vehicle manufacturing facility. Development of the site must be done in accordance with the approved terms, conditions, and development plans of this permit. Changes to the approved terms, conditions, and/or development plans of this permit may necessitate a modification under the provisions of 33 CFR 325.7, and therefore must be coordinated with the Corps in advance of such changes.

(4) The permittee shall implement and comply with all stipulations contained in the agreement entitled, "Programmatic Agreement Among the U.S. Army Corps of Engineers, Savannah District, the Advisory Council on Historic Preservation, the Georgia State Historic Preservation Officer, Georgia Department of Transportation, Georgia Department of Economic Development, and the Joint Development Authority of Jasper County, Morgan County, Newton County, and Walton County, Regarding Development of Vehicle Manufacturing Facility, Morgan and Walton Counties, Georgia, SAS 2020-00182, HP-220131-001", final signatory execution dated September 27, 2022.

(5) Prior to the commencement of work authorized under this permit, the applicant shall ensure that the following condition is addressed to avoid adverse effects to historic properties:

Avoidance: Prior to clearing and construction, the site boundary for 9WN210 shall be extended by at minimum a 100-foot buffer, from the overall boundary of 9WN210 (9WN210 - 100ft Buffer Aerial Map) and be delineated with orange construction barrier fencing before any ground disturbing activities commence. This barrier fencing shall be maintained until clearing and construction has been completed. The permittee shall mark 9WN210 with the 100-foot buffer as an Environmentally Sensitive Area on all project plans and maps as an area to avoid. This boundary will also be included on all maps prepared for this project, to avoid the site in perpetuity.

(6) Prior to the commencement of any permitted work in aquatic resources, the permittee shall purchase and 30,117.64 legacy stream credits from Hard Labor Creek Mitigation Bank. Documentation of these credit purchases should be submitted to the U.S. Army Corps of Engineers. The credit purchase documentation must reference the Corps file number assigned to the permitted project SAS-2020-00182. If all or a portion of the required credits are not available from Hard Labor Creek Mitigation Bank, the permittee shall obtain written approval from the Corps prior to purchasing credits from an alternate mitigation source.

(7) Prior to the commencement of any permitted work in aquatic resources, the permittee shall purchase and 22,207.79 legacy stream credits from Mason Branch Mitigation Bank. Documentation of these credit purchases should be submitted to the U.S. Army Corps of Engineers. The credit purchase documentation must reference the Corps file number assigned to the permitted project SAS-2020-00182. If all or a portion of the required credits are not available from Mason Branch Mitigation Bank, the permittee shall obtain written approval from the Corps prior to purchasing credits from an alternate mitigation source.

(8) Prior to the commencement of any permitted work in aquatic resources, the permittee shall purchase and 46,690.28 legacy stream credits from Little Sandy Creek 2 Mitigation Bank. Documentation of these credit purchases should be submitted to the U.S. Army Corps of Engineers. The credit purchase documentation must reference the Corps file number assigned to the permitted project SAS-2020-00182. If all or a portion of the required credits are not available from Little Sandy Creek 2 Mitigation Bank, the permittee shall obtain written approval from the Corps prior to purchasing credits from an alternate mitigation source.

(9) Prior to the commencement of any permitted work in aquatic resources, the permittee shall purchase and 38,233.09 legacy stream credits from Wahachee Creek Mitigation Bank. Documentation of these credit purchases should be submitted to the U.S. Army Corps of Engineers. The credit purchase documentation must reference the Corps file number assigned to the permitted project SAS-2020-00182. If all or a portion of the required credits are not available from Wahachee Creek Mitigation Bank, the permittee shall obtain written approval from the Corps prior to purchasing credits from an alternate mitigation source.

(10) Prior to the commencement of any permitted work in aquatic resources, the permittee shall purchase and 29.2 legacy wetland credits from Georgia-Alabama Land Trust. Documentation of these credit purchases should be submitted to the U.S. Army Corps of Engineers. The credit purchase documentation must reference the Corps file number assigned to the permitted project SAS-2020-00182. If all or a portion of the required credits are not available from Georgia-Alabama Land Trust, the permittee shall obtain written approval from the Corps prior to purchasing credits from an alternate mitigation source.

(11) The Permittee shall provide the Corps with written documentation of the completed purchase of all required mitigation credits prior to proceeding with any work authorized by this permit.

(12) 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 U.S. Army Corps of Engineers within 24 hours. The U.S. Army Corps of Engineers will contact the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service to determine if the species and/or habitat warrant further consultation.

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

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

(15) The permittee shall notify the issuing office, in writing (email is acceptable), at least 10 business days in advance of their intent to commence work in waters of the United States for the permitted activity. The permittee shall also notify this office, in writing, 30 days after this project is completed using the enclosed Certification of Compliance Form. Post-construction photographs must be attached and returned with the compliance certification form.

(16) 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 reasonably be anticipated.

(17) The permittee shall ensure that all features of the project's overall 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 stormwater 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.

(18) All work shall be performed in accordance with the following plans, drawings, certifications, and agreements which are incorporated in and made part of the Permit:

- a. "Overall Impact Plan, Stanton Springs North, Walton/Morgan County, GA, Prepared for JDA - Jasper/Walton/Morgan/Newton", as prepared by Thomas & Hutton, dated May 24, 2022 (enclosed);
- b. "Stanton Springs North, Walton & Morgan Counties, Georgia, Aquatic Resources Delineation Exhibit", consecutively numbered Sheet 1 through Sheet 9, as prepared by Resource + Land Consultants, dated April 26, 2022 (enclosed);
- c. A set of 21 drawing sheets depicting the proposed project impacts, collectively entitled, "Stanton Springs North, Wetland Impact", including a cover sheet ("Wetland Impact Permit"), "Wetland Impact Summary", an index sheet ("Wetland Impact Permit"), 17 individual detail sheets entitled "Wetland Impact Permit Drawing", consecutively numbered Sheet P1 through P17, and "Wetland Impact Permit Sections", Sheet P18, as prepared by Thomas & Hutton, dated March 22, 2022 (enclosed);
- d. An 89-page plan set, collectively entitled, "Rough Grading Phase 1A & 1B of Stanton Springs North, Walton/Morgan County, Georgia", including a cover sheet, and Sheet Numbers: GN, G1.1, G1.2, EC0.1, EC0.2, EC0.3, EC1.1, EC1.2, EC1.3, EC1.4, EC1.5, EC1.6, EC1.7, EC1.8, EC1.12, EC2.1, EC2.2, EC2.3, EC2.4, EC2.5, EC2.6, EC2.7, EC2.12, EC3.2, EC3.3, EC4.1, EC4.2, EC4.3, EC4.4, EC4.5, EC4.6, EC4.7, EC4.8, EC4.9, EC4.10, EC4.12, EC5.1, EC5.2, EC5.3, EC5.4, EC5.5, EC5.6, EC5.7, EC5.8, EC5.9, EC5.10, EC5.12, C0.1, C0.2, C0.3, C0.4, C0.5, C0.6, C0.7, C0.8, C0.9, C0.10, C0.12, C0.13, C1.1, C1.2, C1.3, C1.4, C1.5, C1.6, C1.7, C1.8, C1.9, C1.10, C1.11, C1.12, C1.13, C1.14, C2.1, C2.2, C2.3, C2.4, C2.5, C2.6, C2.7, C2.8, C2.9, C2.10, C2.11, C2.12, C2.13, and C2.14, as stamped and dated by Georgia Registered Professional Engineer, Jason O. Chambless, of Thomas & Hutton, dated June 30, 2022, and revised on September 30, 2022;
- e. Water Quality Certification issued by the State of Georgia on October 30, 2022 (enclosed); and
- f. "Programmatic Agreement Among the U.S. Army Corps of Engineers, Savannah District, the Advisory Council on Historic Preservation, the Georgia State Historic Preservation Officer, Georgia Department of Transportation, Georgia Department of Economic Development, and the Joint Development Authority of Jasper County, Morgan County, Newton County, and Walton County, Regarding Development of Vehicle Manufacturing Facility, Morgan and Walton Counties, Georgia, SAS 2020-00182, HP-220131-001", final signatory execution dated September 27, 2022 (enclosed);

(19) The Permittee shall avoid the remaining 7.41 acres of wetland, 5.89 acres of open water ponds, 9,217 linear feet of perennial stream, 12,552.8 linear feet of intermittent stream, and 3,073.8 linear feet of ephemeral stream as depicted on the exhibit entitled, "Stanton Springs North, Walton & Morgan Counties, Georgia, Aquatic Resources Delineation Exhibit", consecutively numbered Sheet 1 through Sheet 9, as prepared by Resource + Land Consultants, dated April 26, 2022. These aquatic resources were avoided as part of the permit application review process and therefore will not be disturbed by any dredging, filling, mechanized land clearing, agricultural activities, or other construction work whatsoever. The U.S. Army Corps of Engineers reserves the right to deny review of any requests for future impacts to these natural areas.

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 (C.F.R.) § 325.7, or enforcement procedures such as those contained in 33 C.F.R. § 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 C.F.R. § 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)

12/16/2022

(DATE)

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

Joseph R. Geary

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

12/27/2022

(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)

(TRANSFERREE-Printed Name)

(TRANSFERREE-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

(DATE)

CERTIFICATION OF COMPLIANCE
WITH
DEPARTMENT OF THE ARMY

PERMIT FILE NUMBER: SAS-2020-00182

PERMITTEE ADDRESS: Georgia Department of Economic Development, Technology Square, 75 5th Street, N.W., Suite 1200, Atlanta, Georgia 30308.

LOCATION OF WORK: The 2,003.23-acre project site is located north of Interstate 20, south of East Hightower Road and an existing CSX rail line, east of US-278/SR-12, and generally west of Old Mill Road, within Morgan and Walton Counties, Georgia (centered at approximately latitude 33.614720, longitude -83.668892). Davis Academy Road extends generally northwest-to-southeast through the approximate northern portion of the site and Lynch Road/Sewell Road extends generally north-to-south through the central portion of the site. Headwater reaches of Dennis Creek, Hunnicut Creek, and Rawlings Creek originate on the site.

PROJECT DESCRIPTION: The project ("Stanton Springs North") involves the proposed construction of an electric vehicle original equipment manufacturing (EVOEM) facility, which would manufacture and distribute fully electric vehicles. The facility's vehicle production components would accommodate various manufacturing processes, including pressing, fabrication, painting, product completion/assembly, and special products production. The required distribution components include a train yard, truck yard, and finished product yard. The EVOEM complex would also include employee services components supporting the large workforce (e.g., food services, medical facilities, employee parking, training facilities, and administrative workspaces). The storage component would include the central storage building and liquid storage building. The quality facilities will include a product testing area, testing station, and other miscellaneous buildings required for quality assurance support. Additional components include waste facilities, security facilities, utility facilities, and supplier facilities.

WATERS OF THE UNITED STATES IMPACTED: 4.86-acres of wetland, 17.71-acres of open water ponds, 9,594 linear feet of perennial stream, 5,955.2 linear feet of intermittent stream, and 1,947.2 linear feet of ephemeral stream.

DATE WORK IN WATERS OF THE UNITED STATES COMPLETED: _____

COMPENSATORY MITIGATION REQUIRED: 29.2 legacy wetland mitigation credits and 122,824.8 legacy stream mitigation credits.

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

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

Commander
Savannah District, Regulatory Division
U.S. Army Corps of Engineers
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: Georgia Department of Economic Development		File Number: SAS-2020-00182	Date: December 14, 2022
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-RDP (White)
US Army Corps of Engineers, Savannah District
4751 Best Road, Suite 140
College Park, Georgia 30337
(678) 422-2730

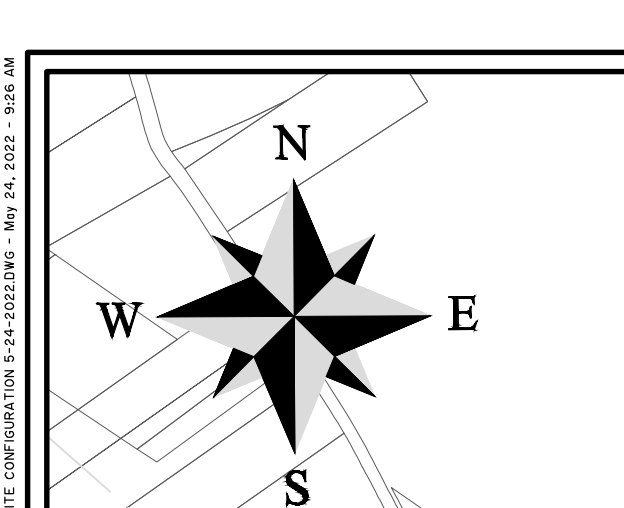
If you only have questions regarding the appeal process you may also contact:
Administrative Appeal Review Officer (Mr. Philip Shannin)
CESAD-PDS-O
US Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 10M15
Atlanta, Georgia 30303-8801

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:

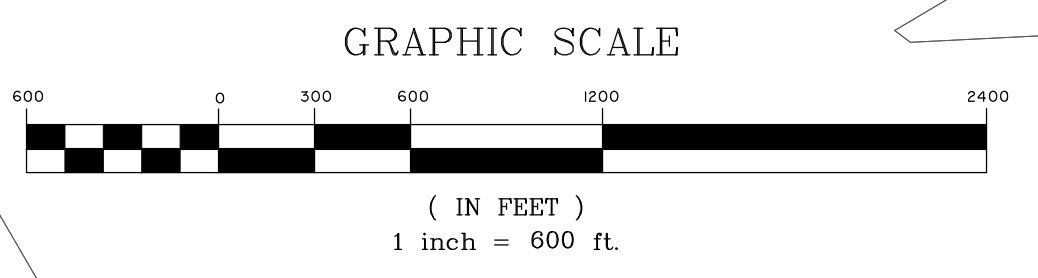


LEGEND

	BUILDINGS - ±12,500,00 SF
	PAVEMENT
	COMPLETION YARD
	ON SITE ROADS
	RAIL SPURS

IMPACT LEGEND

	FRESHWATER POND IMPACTS - 17.71 AC
	JURISDICTIONAL WETLAND IMPACTS - 4.86 AC
	TOTAL STREAM IMPACTS - 17,496.4 LF
	TOTAL PROJECT AREA - 2003.23 AC



OVERALL IMPACT PLAN

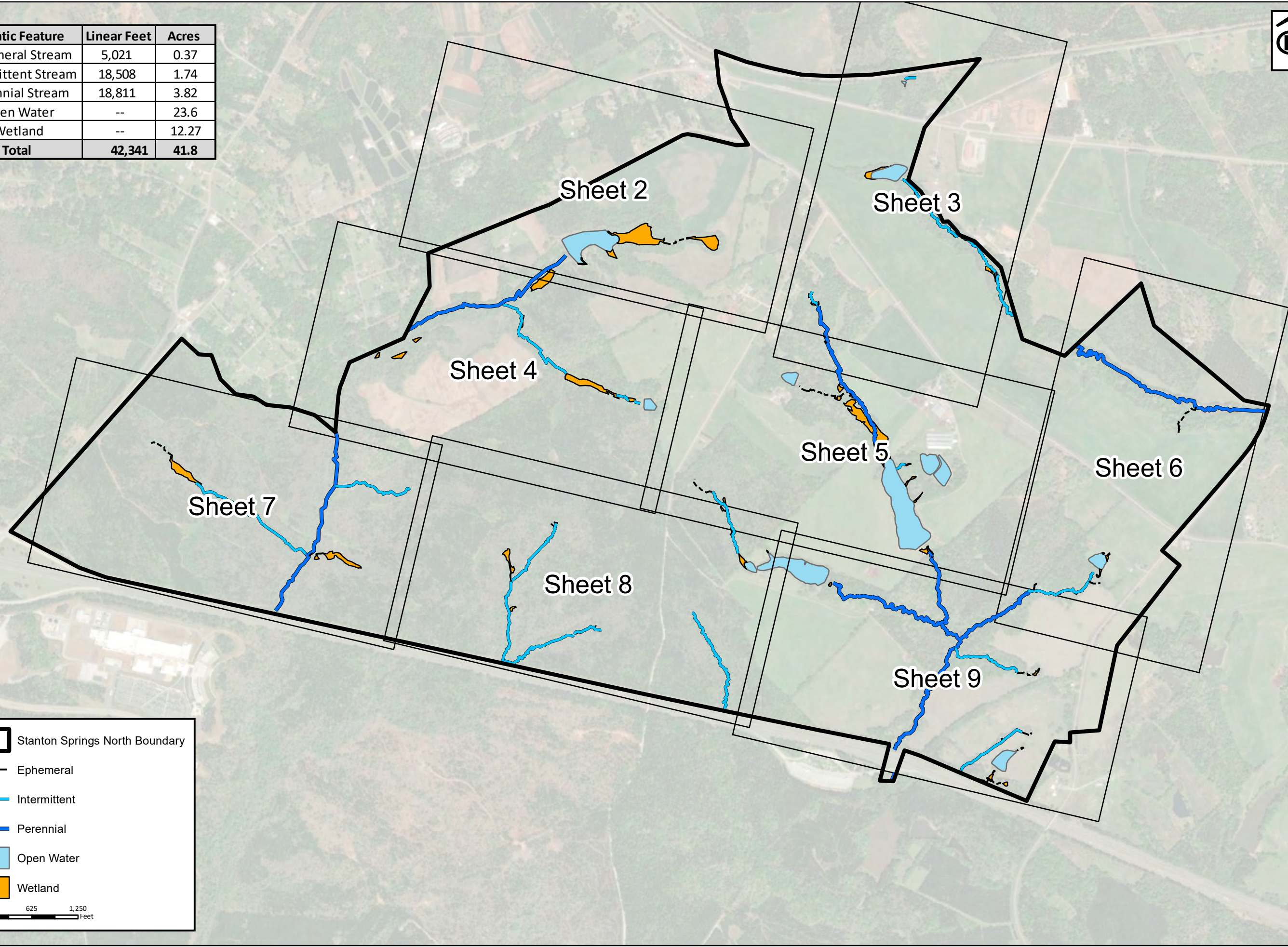
STANTON SPRINGS NORTH
WALTON/MORGAN COUNTY GA

PREPARED FOR:
JDA - JASPER/WALTON/MORGAN/NEWTON

PREPARED BY:
THOMAS & HUTTON
50 Park of Commerce Way
Savannah, GA 31405 • 912.234.5300
www.thomasandhutton.com

JOB NO: J-26900.0001	DATE: 5/24/2022
DRAWN: DSG	SCALE: 1" = 600'
REVIEWED: JOC/RLF	SHEET: PREFERRED

Aquatic Feature	Linear Feet	Acres
Ephemeral Stream	5,021	0.37
Intermittent Stream	18,508	1.74
Perennial Stream	18,811	3.82
Open Water	--	23.6
Wetland	--	12.27
Total	42,341	41.8



	Stanton Springs North Boundary
	Ephemeral
	Intermittent
	Perennial
	Open Water
	Wetland

0 625 1,250 Feet

**RESOURCE+LAND
CONSULTANTS**
41 Park of Commerce Way, Ste 101
Savannah, GA 31405
tel 912.443.5896 fax 912.443.5898



**Aquatic Resources
Delineation Exhibit**
Prepared For: GDECD & JDA of Jasper County, Morgan
County, Newton County & Walton County

Stanton Springs North
Walton & Morgan Counties, Georgia

RLC Project No.:	20-035
Figure No.:	1
Prepared By:	RP
Sketch Date:	4/26/2022
Map Scale :	1 inch = 1250 feet

Aquatic Feature	Linear Feet	Acres
Ephemeral Stream	5,021	0.37
Intermittent Stream	18,508	1.74
Perennial Stream	18,811	3.82
Open Water	--	23.6
Wetland	--	12.27
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Delineation Exhibit**

Prepared For: GDECD & JDA of Jasper County, Morgan
County, Newton County & Walton County

Stanton Springs North

Walton & Morgan Counties, Georgia

RLC Project No.:	20-035
Figure No.:	Sheet 2
Prepared By:	RP
Sketch Date:	4/26/2022
Map Scale :	1 inch = 350 feet

- Stanton Springs North Boundary
- Open Water
- Wetland
- Ephemeral
- Intermittent
- Perennial







0 175 350 Feet

Sheet 2

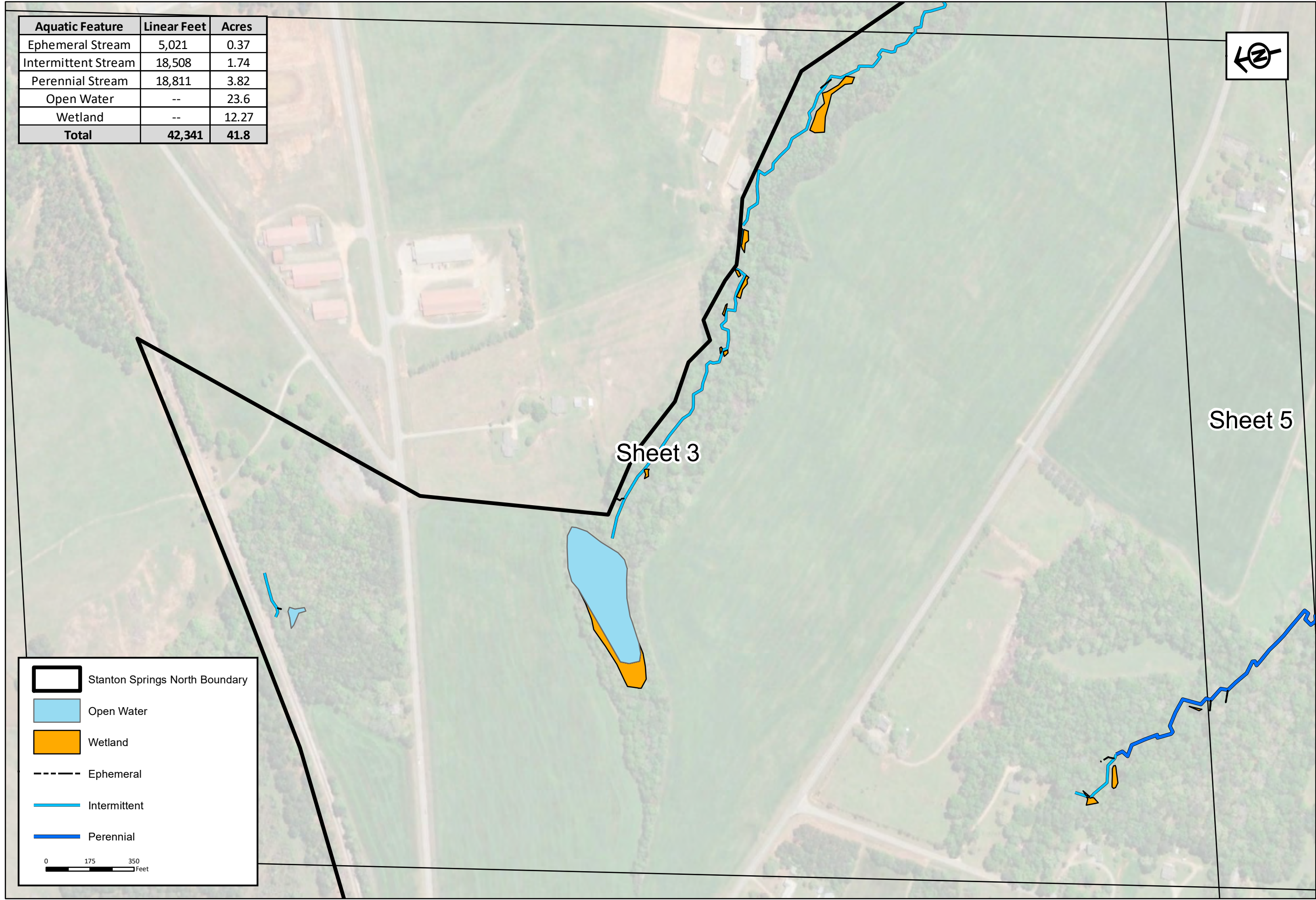
Sheet 4

Sheet 5

Aquatic Feature	Linear Feet	Acres
Ephemeral Stream	5,021	0.37
Intermittent Stream	18,508	1.74
Perennial Stream	18,811	3.82
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 Stanton Springs North Boundary
 Open Water
 Wetland
 Ephemeral
 Intermittent
 Perennial

0 175 350
 Feet



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**Aquatic Resources
Delineation Exhibit**
 Prepared For: GDECD & JDA of Jasper County, Morgan
 County, Newton County & Walton County

Stanton Springs North
 Walton & Morgan Counties, Georgia

RLC Project No.:	20-035
Figure No.:	Sheet 3
Prepared By:	RP
Sketch Date:	4/26/2022
Map Scale:	1 inch = 350 feet

Aquatic Feature	Linear Feet	Acres
Ephemeral Stream	5,021	0.37
Intermittent Stream	18,508	1.74
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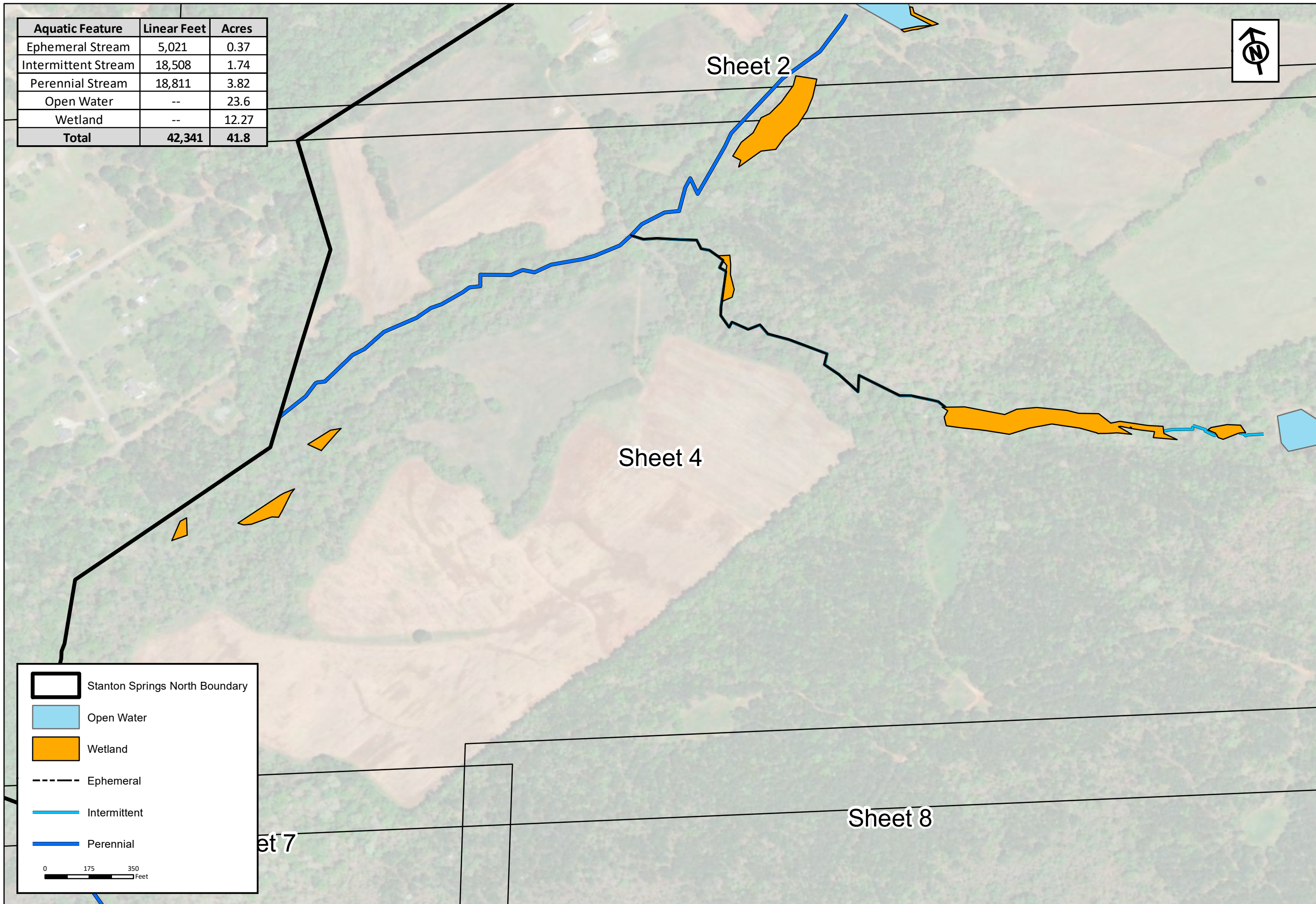
**Aquatic Resources
Delineation Exhibit**
Prepared For: GDECD & JDA of Jasper County, Morgan
County, Newton County & Walton County

Stanton Springs North
Walton & Morgan Counties, Georgia

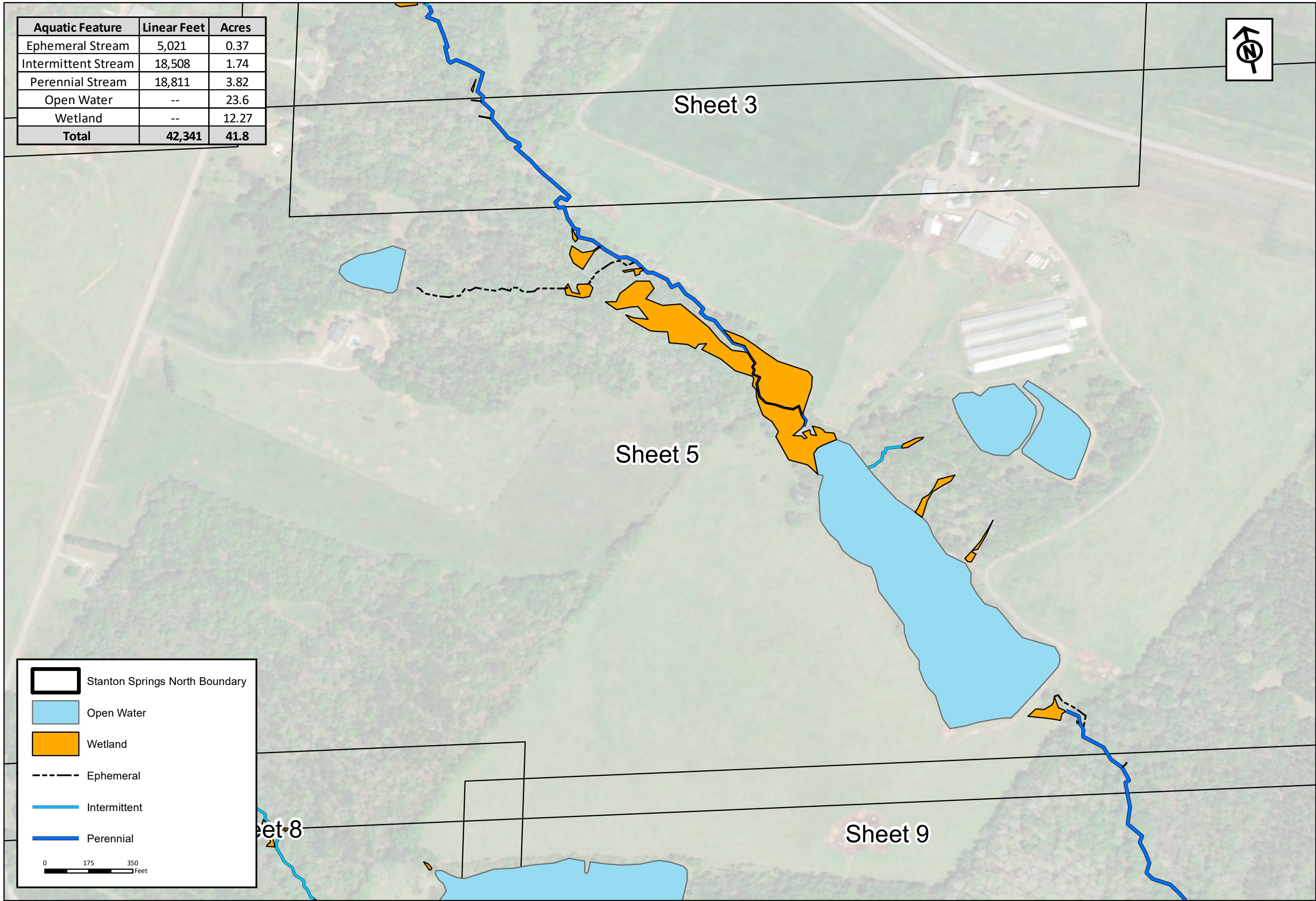
RLC Project No.: 20-035
Figure No.: Sheet 4
Prepared By: RP
Sketch Date: 4/26/2022
Map Scale: 1 inch = 350 feet

	Stanton Springs North Boundary
	Open Water
	Wetland
	Ephemeral
	Intermittent
	Perennial

0 175 350 Feet



Aquatic Feature	Linear Feet	Acres
Ephemeral Stream	5,021	0.37
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	Stanton Springs North Boundary
	Open Water
	Wetland
	Ephemeral
	Intermittent
	Perennial

0 175 350 Feet

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**Aquatic Resources
Delineation Exhibit**







Prepared For: GDECD & JDA of Jasper County, Morgan
County, Newton County & Walton County

Stanton Springs North

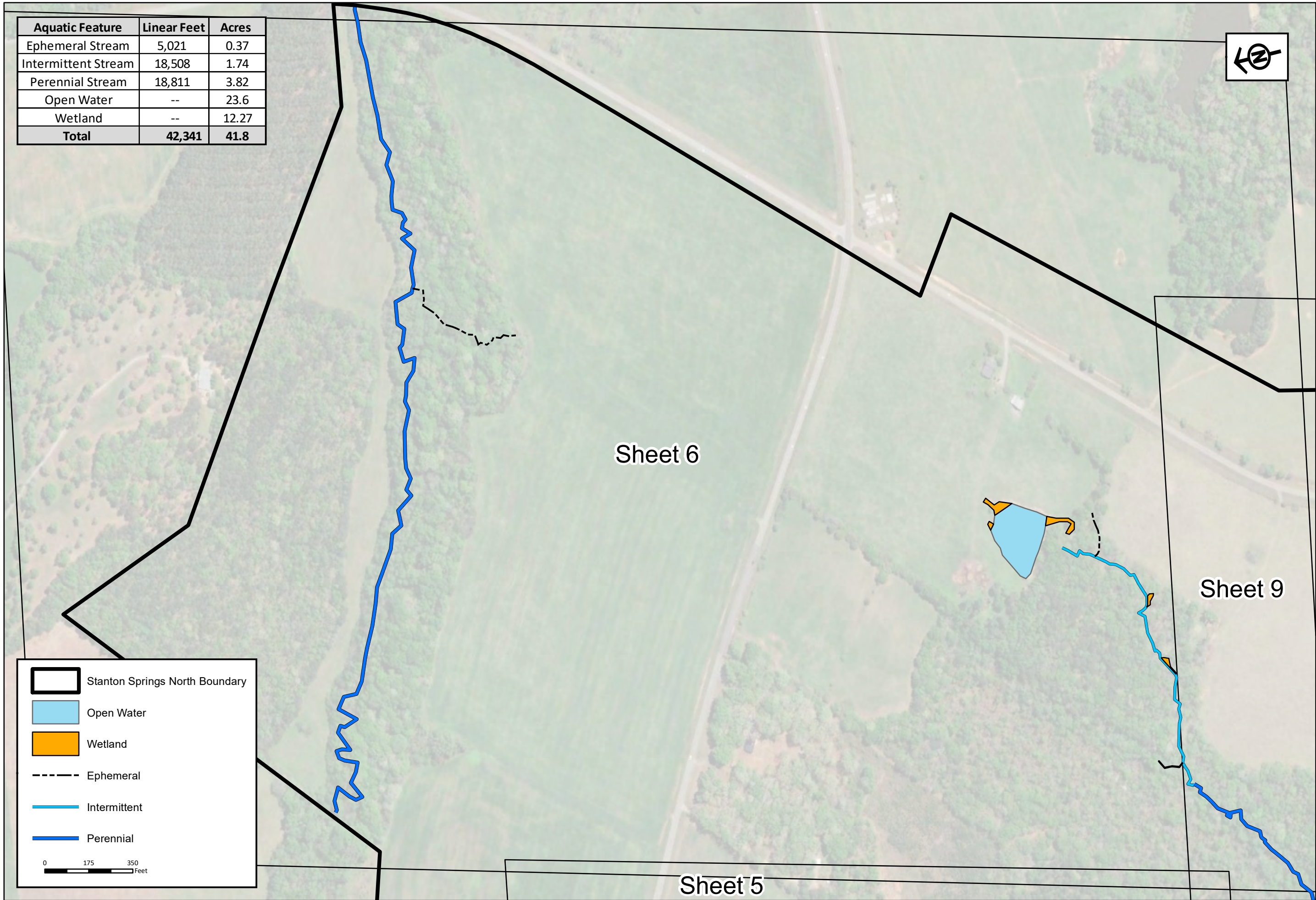
Walton & Morgan Counties, Georgia

RLC Project No.:	20-035
Figure No.:	Sheet 5
Prepared By:	RP
Sketch Date:	4/26/2022
Map Scale :	1 inch = 350 feet

Aquatic Feature	Linear Feet	Acres
Ephemeral Stream	5,021	0.37
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 Stanton Springs North Boundary
 Open Water
 Wetland
 Ephemeral
 Intermittent
 Perennial

0 175 350
 Feet



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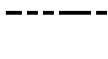




**Aquatic Resources
Delineation Exhibit**
 Prepared For: GDECD & JDA of Jasper County, Morgan
 County, Newton County & Walton County

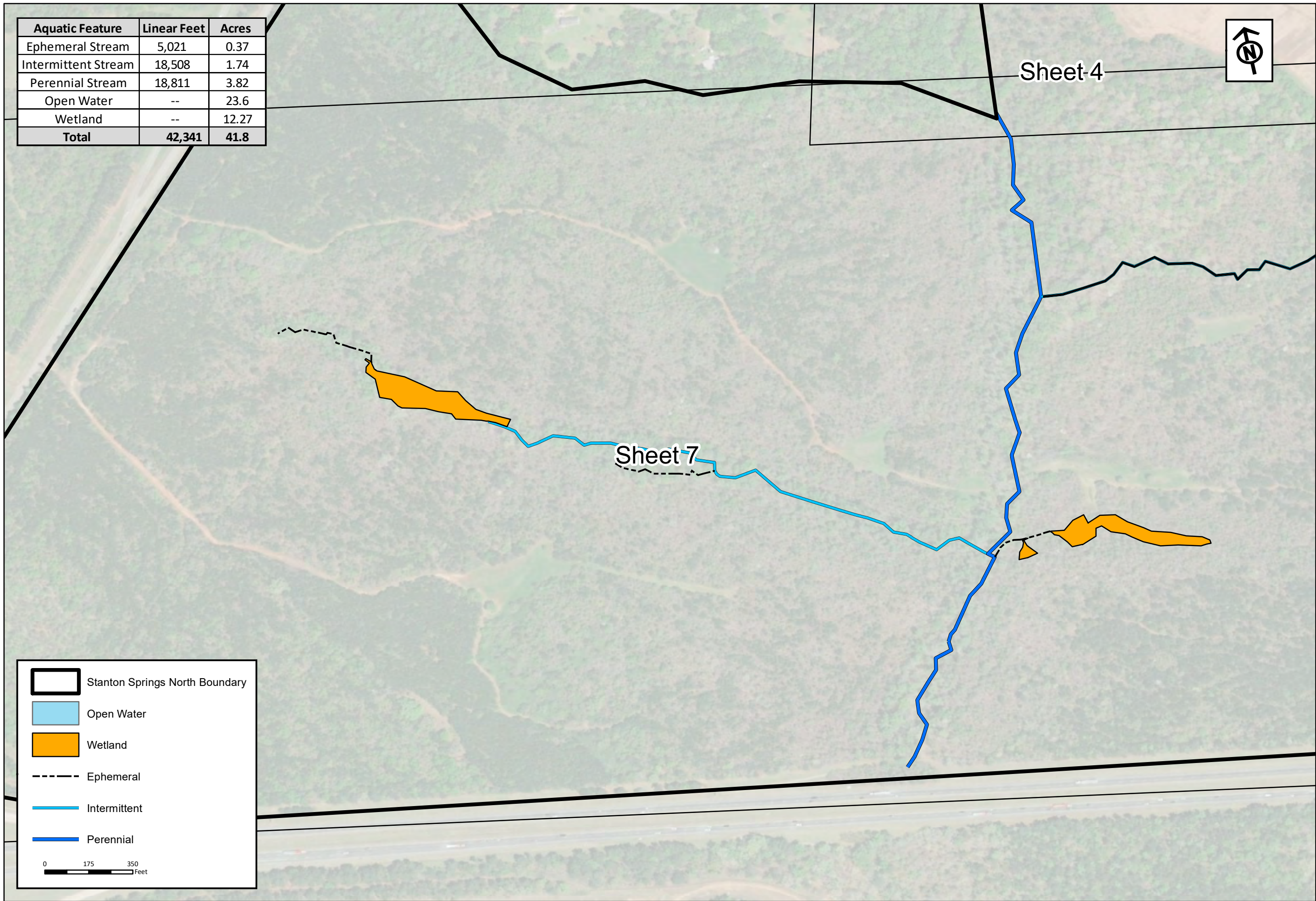
Stanton Springs North
 Walton & Morgan Counties, Georgia

RLC Project No.:	20-035
Figure No.:	Sheet 6
Prepared By:	RP
Sketch Date:	4/26/2022
Map Scale :	1 inch = 350 feet

Aquatic Feature	Linear Feet	Acres
Ephemeral Stream	5,021	0.37
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 Stanton Springs North Boundary
 Open Water
 Wetland
 Ephemeral
 Intermittent
 Perennial

0 175 350
 Feet



RLC Project No.:	20-035
Figure No.:	Sheet 7
Prepared By:	RP
Sketch Date:	4/26/2022
Map Scale :	1 inch = 350 feet







Stanton Springs North
 Walton & Morgan Counties, Georgia

**Aquatic Resources
 Delineation Exhibit**
 Prepared For: GDECD & JDA of Jasper County, Morgan
 County, Newton County & Walton County

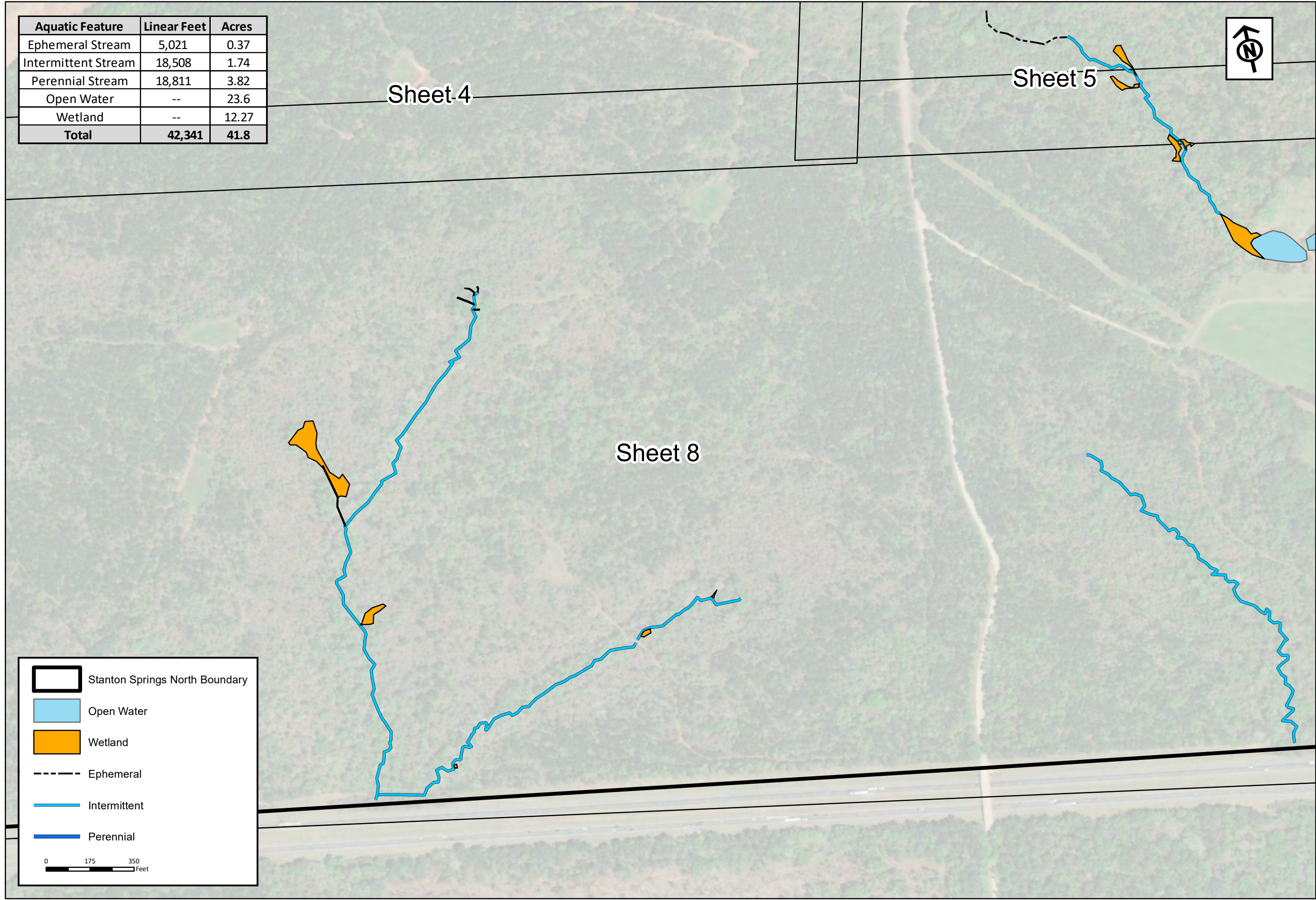


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Aquatic Feature	Linear Feet	Acres
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 Stanton Springs North Boundary
 Open Water
 Wetland
 Ephemeral
 Intermittent
 Perennial

0 175 350
 Feet



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**Aquatic Resources
Delineation Exhibit**
 Prepared For: GDECD & JDA of Jasper County, Morgan
 County, Newton County & Walton County

Stanton Springs North
 Walton & Morgan Counties, Georgia

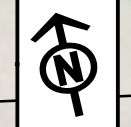
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Figure No.:	Sheet 8
Prepared By:	RP
Sketch Date:	4/26/2022
Map Scale :	1 inch = 350 feet

Aquatic Feature	Linear Feet	Acres
Ephemeral Stream	5,021	0.37
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Sheet 5

Sheet 6

Sheet 9



Stanton Springs North Boundary

Open Water

Wetland

Ephemeral

Intermittent

Perennial

0 175 350 Feet

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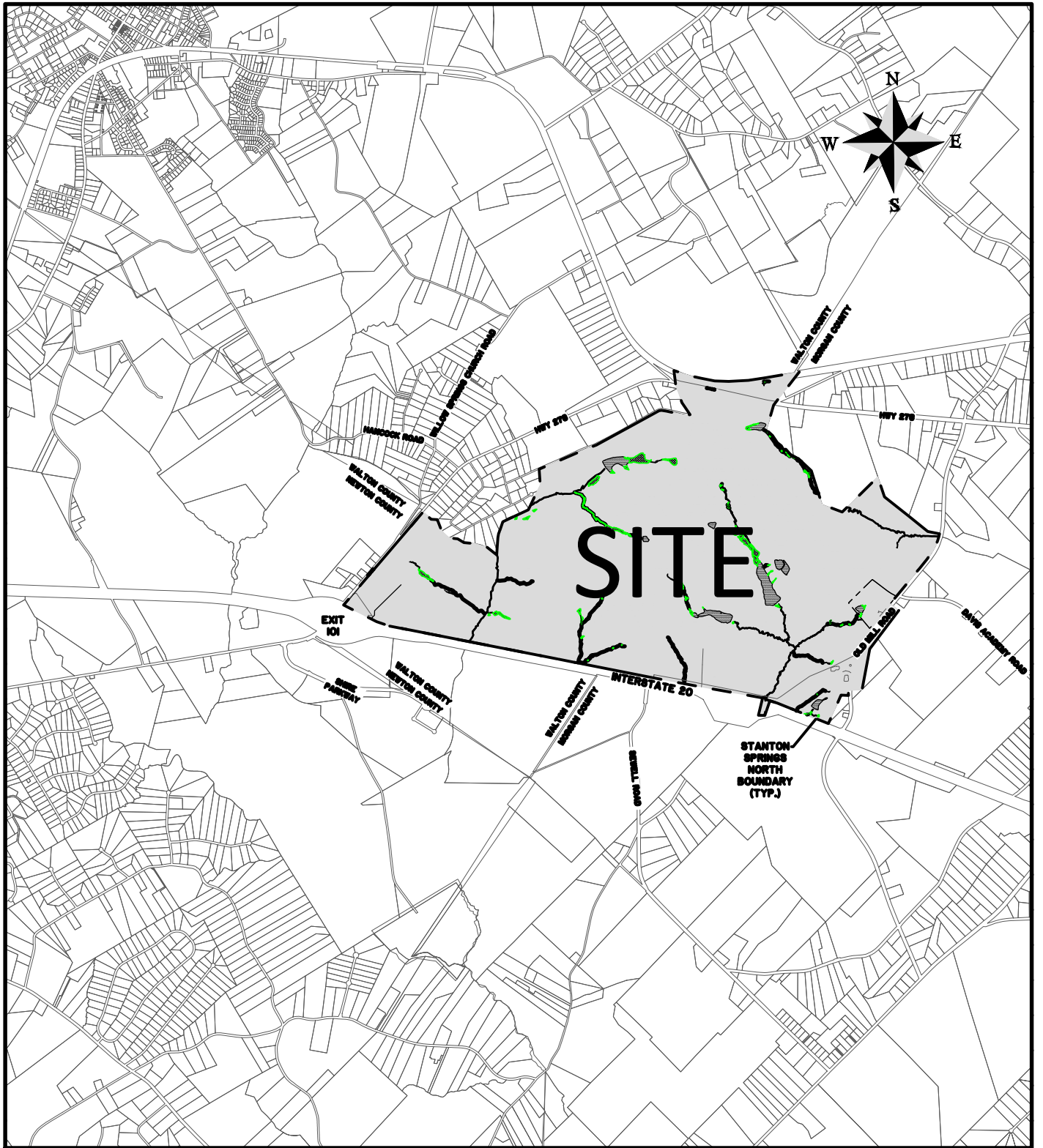
**Aquatic Resources
Delineation Exhibit**

Prepared For: GDECD & JDA of Jasper County, Morgan
County, Newton County & Walton County

Stanton Springs North

Walton & Morgan Counties, Georgia

RLC Project No.:	20-035
Figure No.:	Sheet 9
Prepared By:	RP
Sketch Date:	4/26/2022
Map Scale:	1 inch = 350 feet



STANTON SPRINGS NORTH

PROPOSED ACTIVITY:
WETLAND IMPACT PERMIT

CLIENT:
JOINT DEVELOPMENT AUTHORITY OF JASPER, MORGAN, & WALTON COUNTIES

LOCATION: WALTON/MORGAN COUNTY - GA	DRAWN BY: DSG	SHEET: CO
DATE: MARCH 17, 2022	REVIEWED BY: JOC	SCALE: 1"=4,000'
JOB NUMBER: J-26900.0001		





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LEGEND

ACREAGE SUMMARY TABLE

	TOTAL PROJECT ACREAGE	2003.23 AC
	TOTAL WETLAND AREA	12.27 AC.
	TOTAL POND AREA	23.6 AC.
	TOTAL PERENNIAL STREAM	18,811 LF
	TOTAL INTERMITTENT STREAM	18,508 LF
	TOTAL EPHEMERAL STREAM	5,021 LF

JURISDICTIONAL IMPACTS

JURISDICTIONAL IMPACTS

	WETLAND IMPACT	4.86 AC
	FRESHWATER POND IMPACT	17.71 AC
	PERENNIAL STREAM IMPACTS	9,594.0 LF
	INTERMITTENT STREAM IMPACTS	5,955.2 LF
	EPHEMERAL STREAM IMPACTS	1,947.2 LF

STANTON SPRINGS NORTH

PROPOSED ACTIVITY:
WETLAND IMPACT SUMMARY

CLIENT:
JOINT DEVELOPMENT AUTHORITY OF JASPER, MORGAN, & WALTON COUNTIES

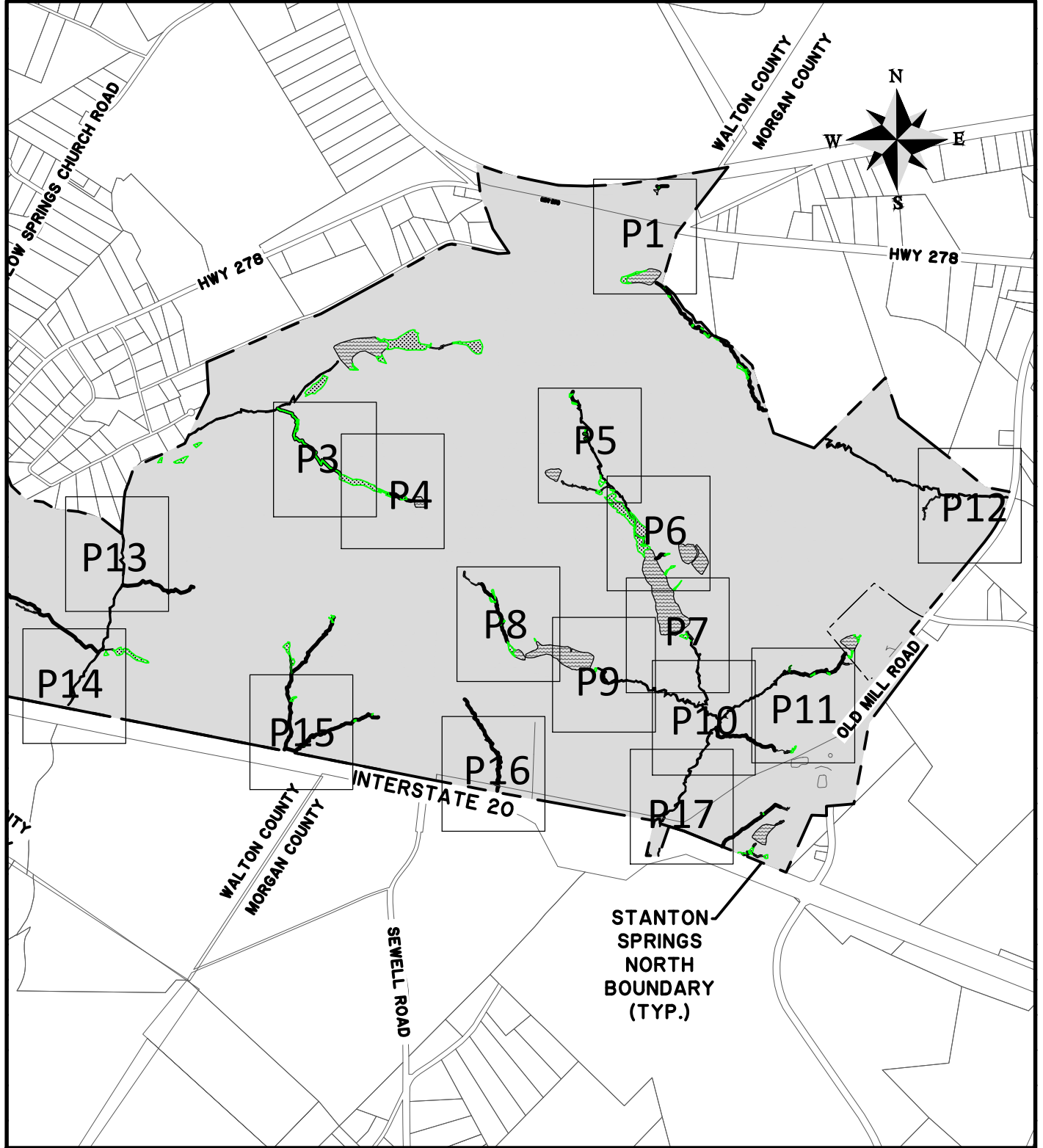
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 DATE: 3-22-2022 DRAWN BY: DSG SHEET: SUM
 JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: NTS



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STANTON SPRINGS NORTH

PROPOSED ACTIVITY:
WETLAND IMPACT PERMIT

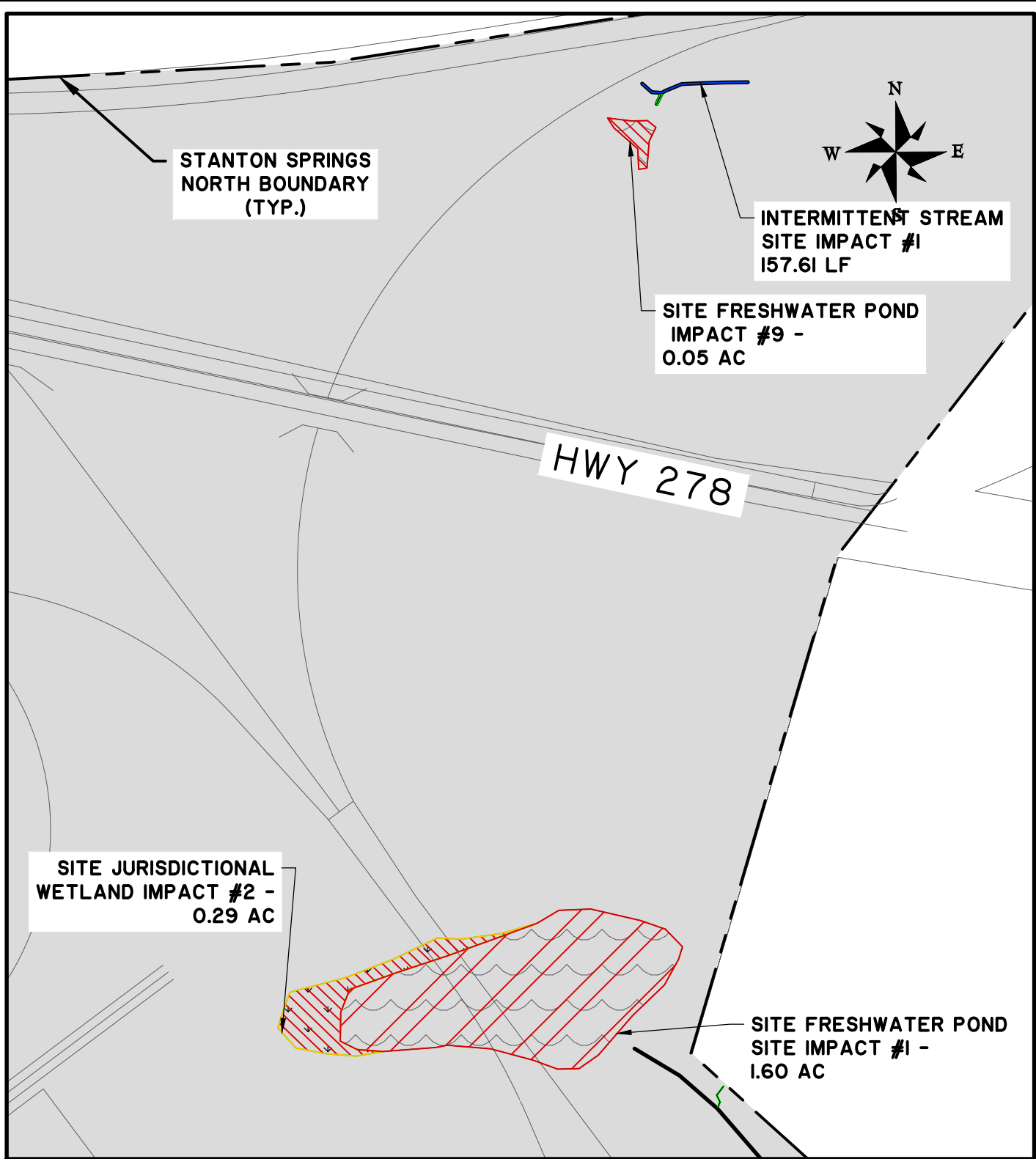
CLIENT:
JOINT DEVELOPMENT AUTHORITY OF JASPER, MORGAN, & WALTON COUNTIES

LOCATION: WALTON/MORGAN COUNTY - GA	DATE: MARCH 17, 2022	DRAWN BY: DSG	SHEET: INDEX
JOB NUMBER: J-26900.0001	REVIEWED BY: JOC	SCALE: 1"=4,000'	



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STANTON SPRINGS NORTH

PROPOSED ACTIVITY:
WETLAND IMPACT PERMIT DRAWING

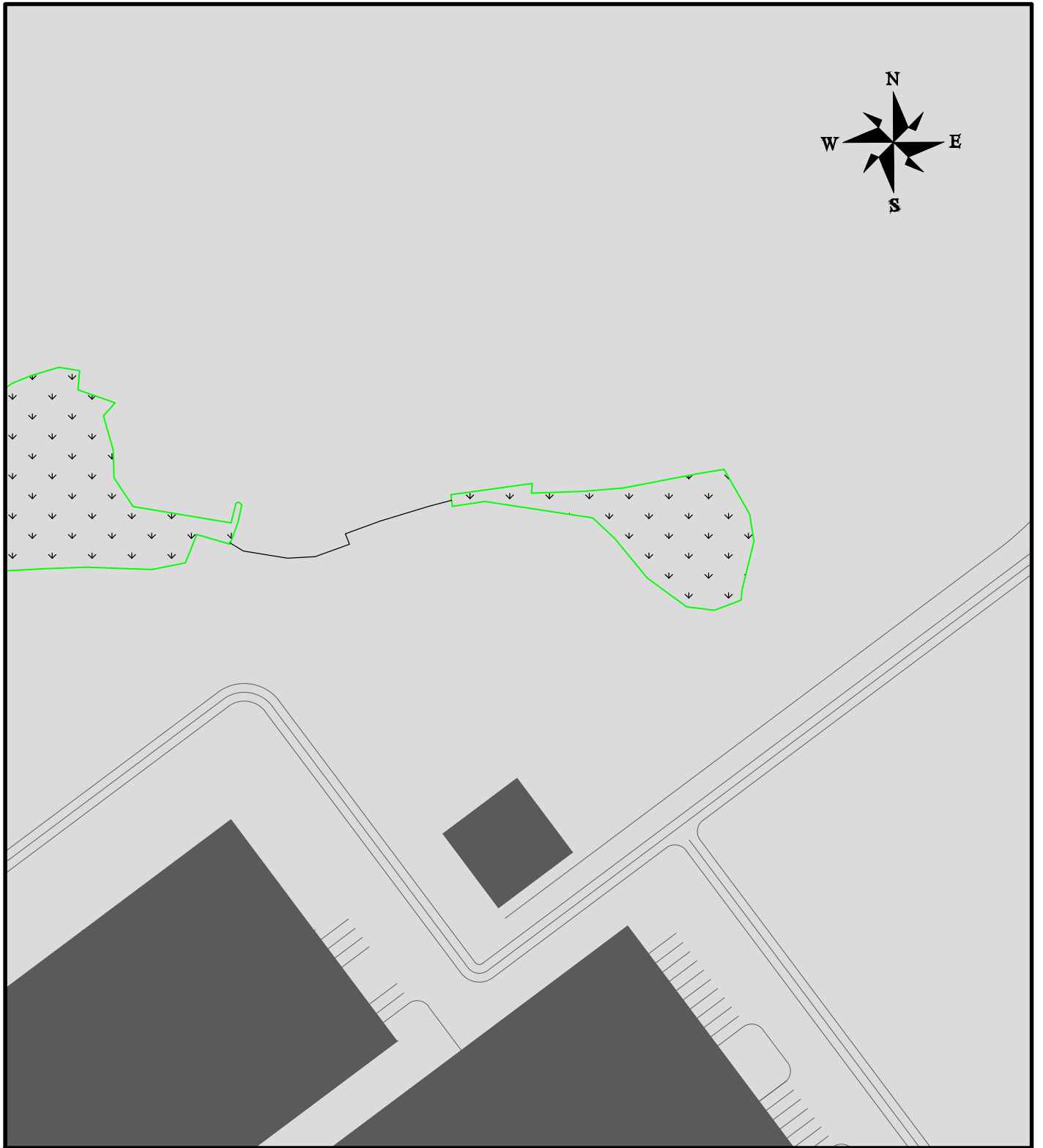
CLIENT:
JOINT DEVELOPMENT AUTHORITY OF JASPER, MORGAN, & WALTON COUNTIES

LOCATION: WALTON/MORGAN - GA
DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P1
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: 1" = 200'



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STANTON SPRINGS NORTH

PROPOSED ACTIVITY:
WETLAND IMPACT PERMIT DRAWING

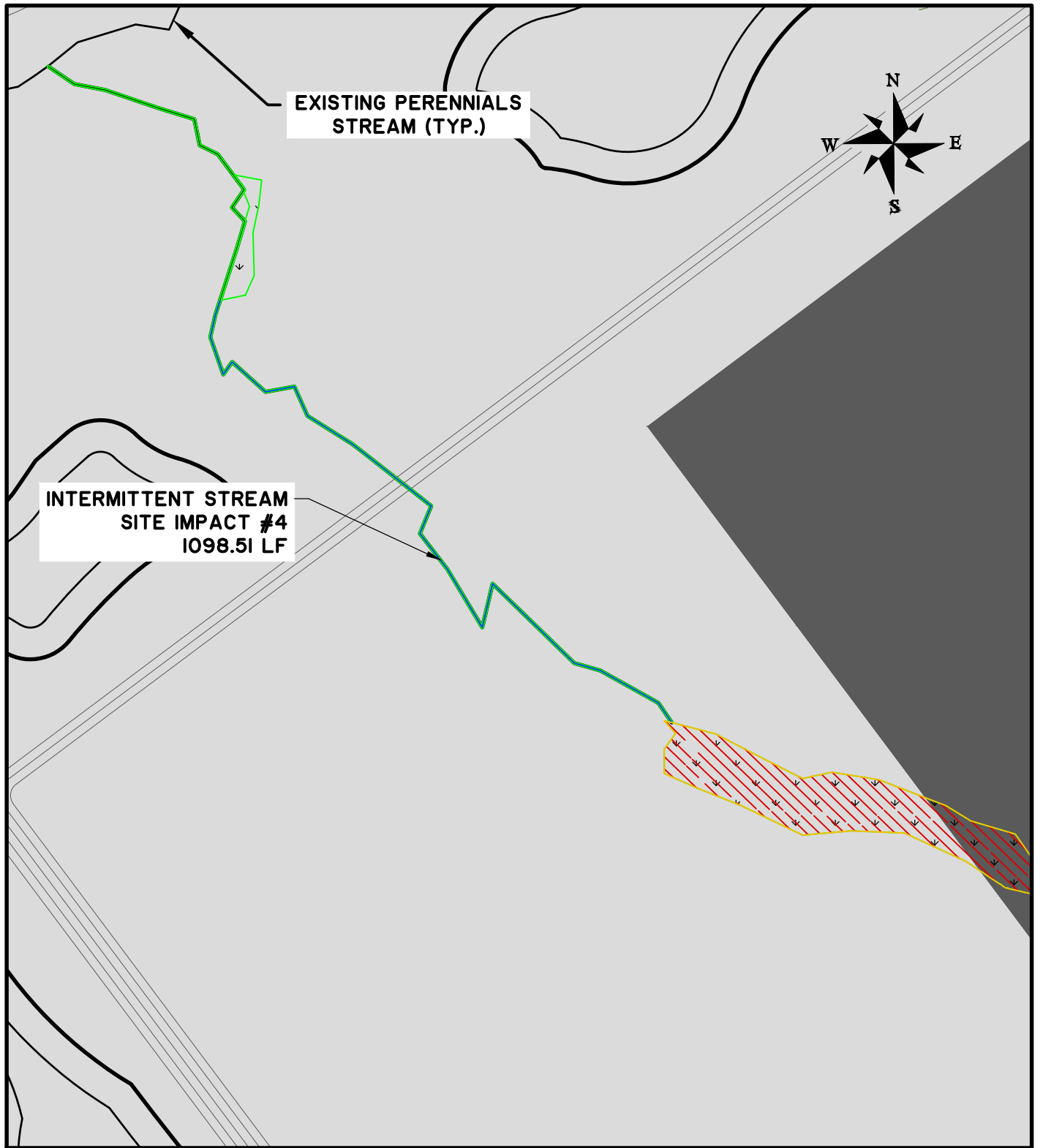
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LOCATION: WALTON/MORGAN - GA
DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P2
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: 1" = 200'



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STANTON SPRINGS NORTH

PROPOSED ACTIVITY:
WETLAND IMPACT PERMIT DRAWING

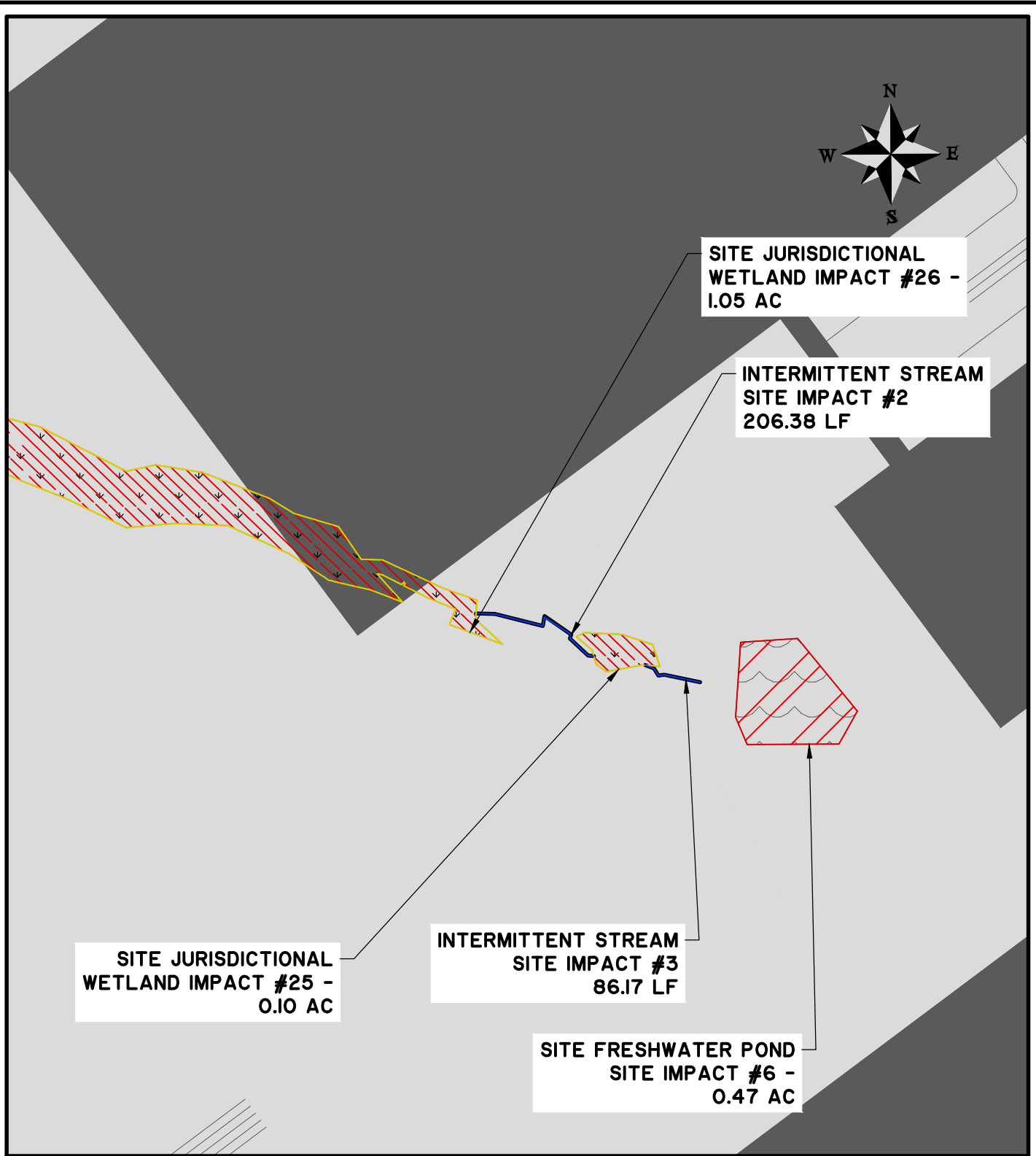
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LOCATION: WALTON/MORGAN - GA
DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P3
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: 1" = 200'



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PROPOSED ACTIVITY:
WETLAND IMPACT PERMIT DRAWING

CLIENT:
JOINT DEVELOPMENT AUTHORITY OF JASPER, MORGAN, & WALTON COUNTIES

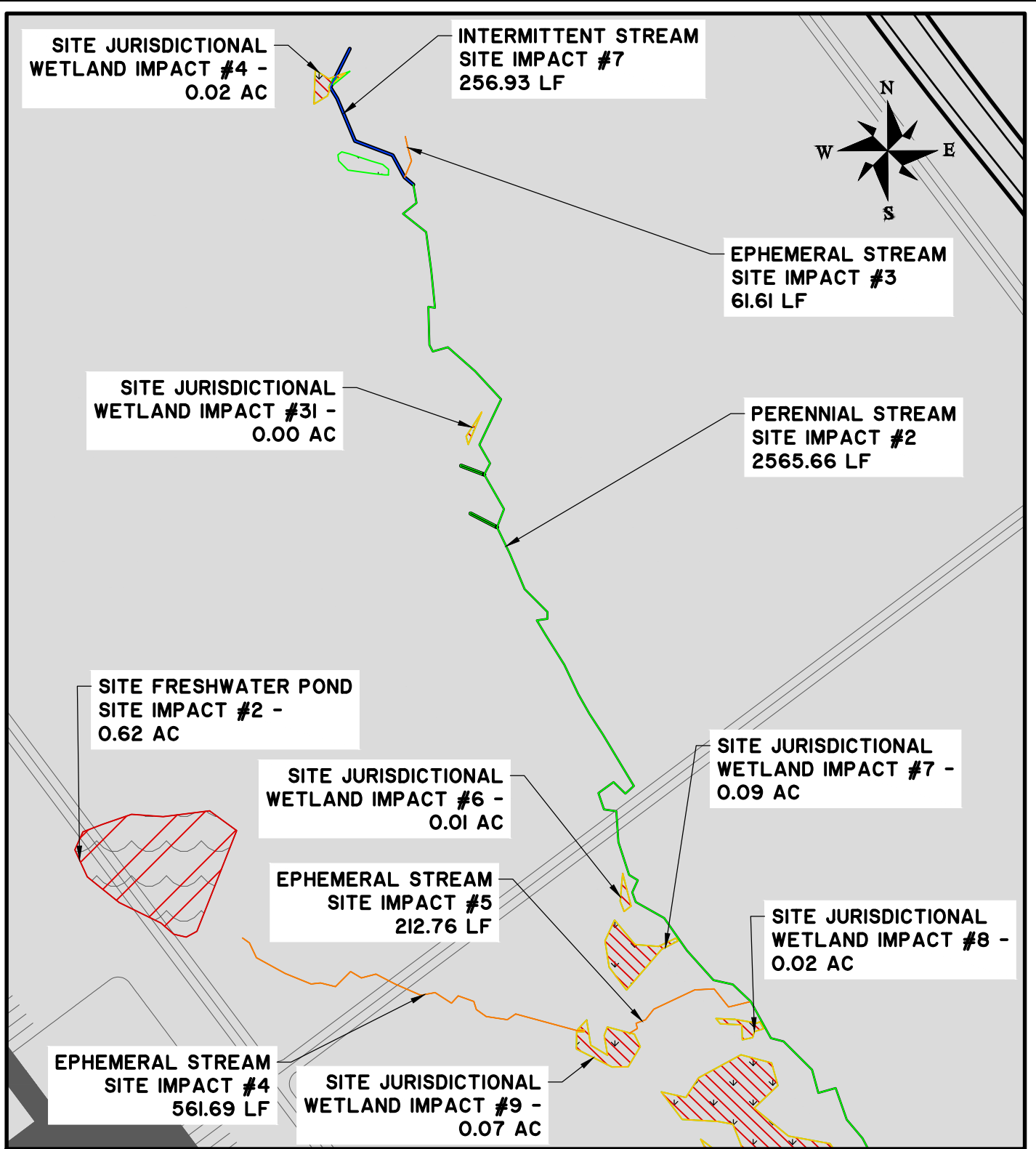
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DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P4
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: 1" = 200'



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PROPOSED ACTIVITY:
WETLAND IMPACT PERMIT DRAWING

CLIENT:
JOINT DEVELOPMENT AUTHORITY OF JASPER, MORGAN, & WALTON COUNTIES

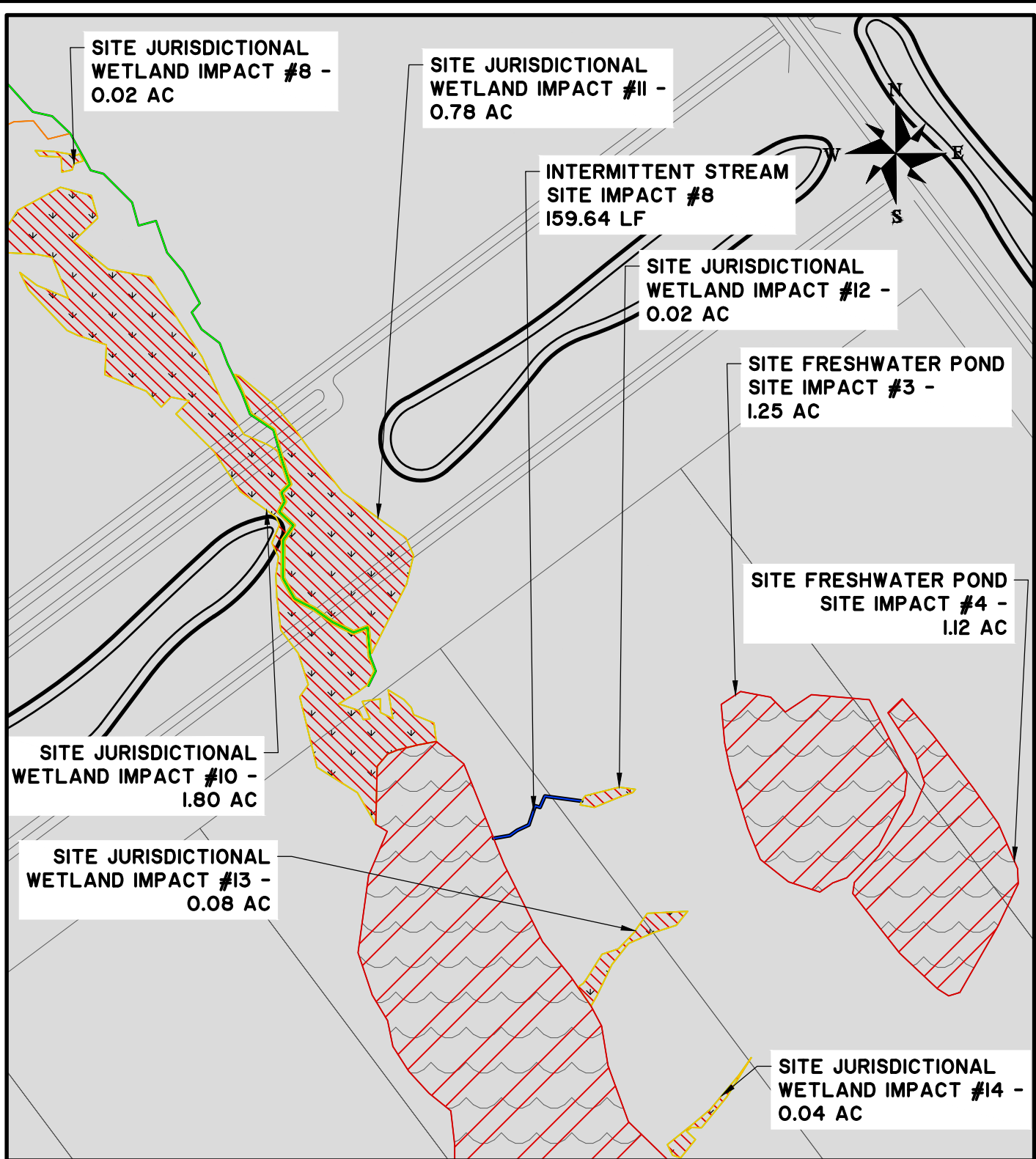
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DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P5
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: 1" = 200'



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PROPOSED ACTIVITY:
WETLAND IMPACT PERMIT DRAWING

CLIENT:
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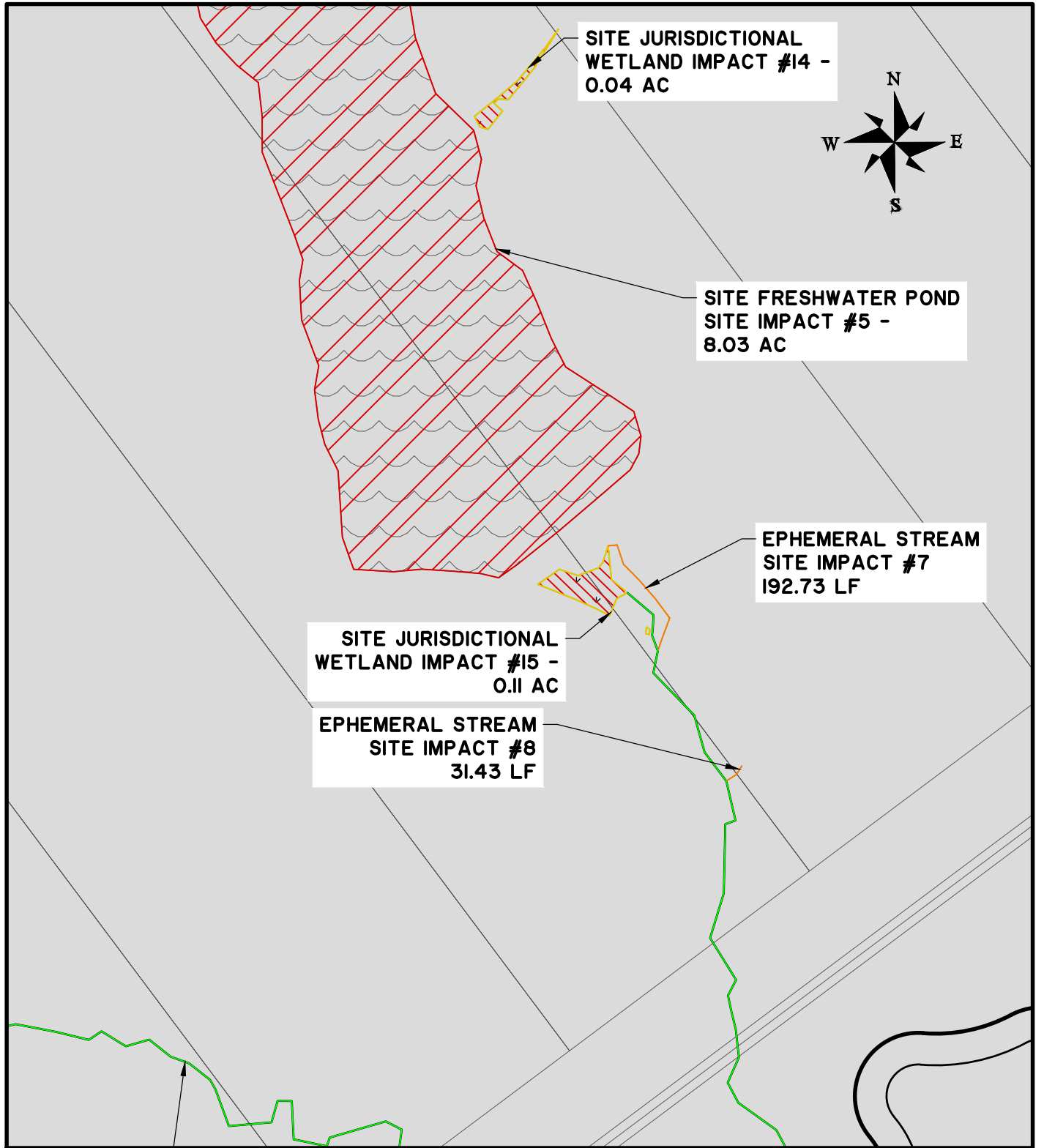
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DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P6
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: 1" = 200'



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STANTON SPRINGS NORTH

PROPOSED ACTIVITY:
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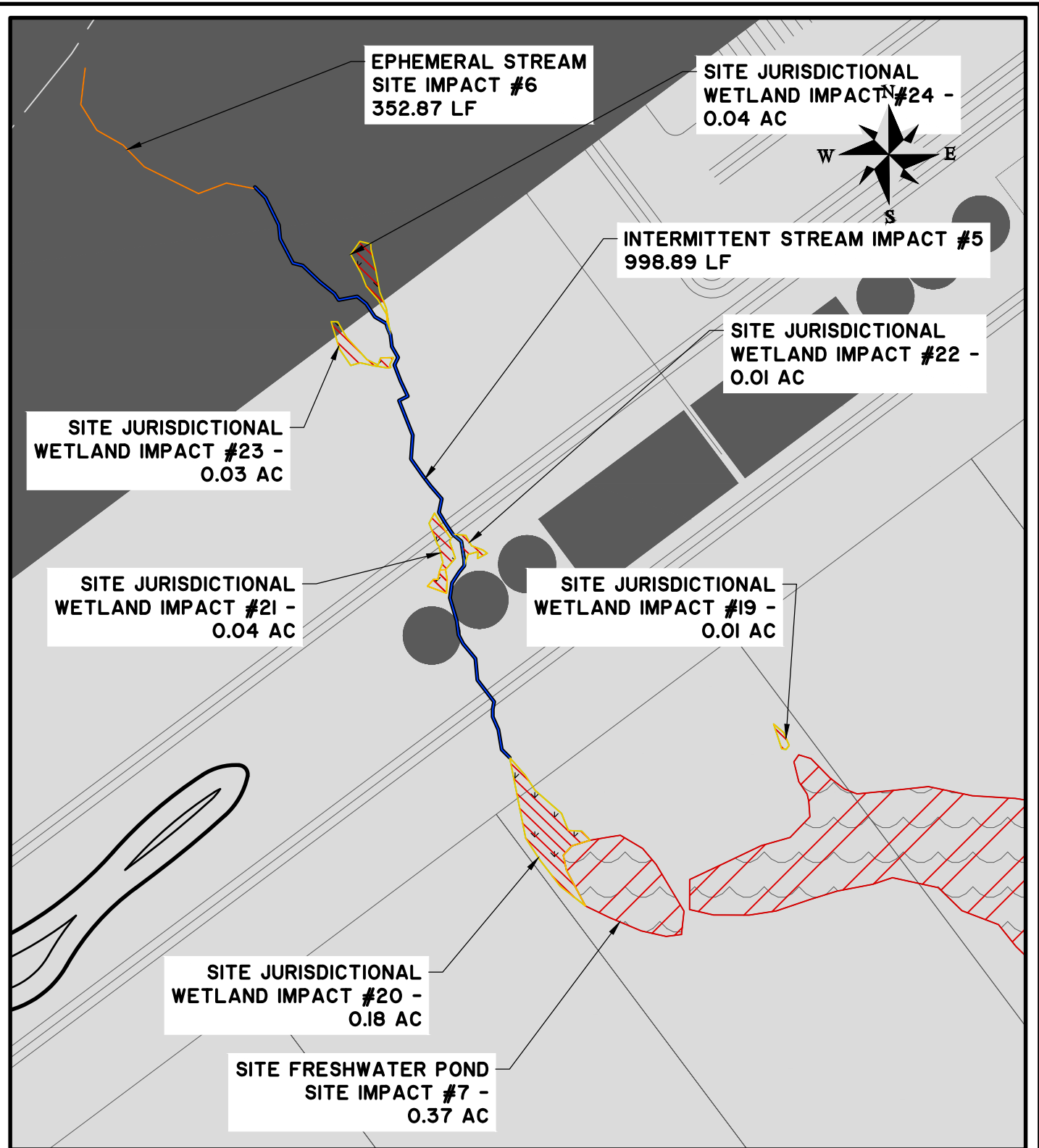
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JOINT DEVELOPMENT AUTHORITY OF JASPER, MORGAN, & WALTON COUNTIES

LOCATION: WALTON/MORGAN - GA
DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P7
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: 1" = 200'



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STANTON SPRINGS NORTH

PROPOSED ACTIVITY:
WETLAND IMPACT PERMIT DRAWING

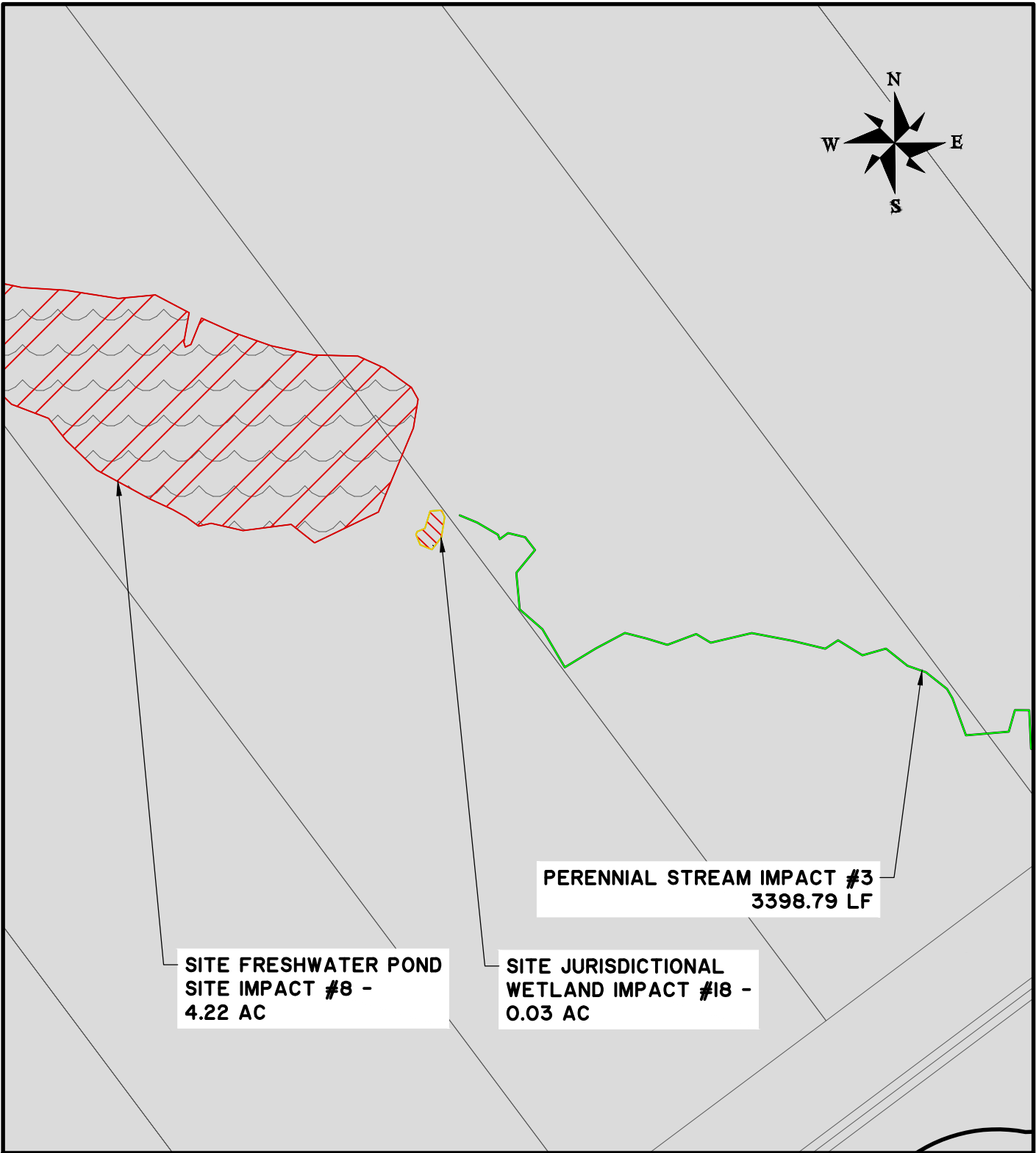
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LOCATION: WALTON/MORGAN - GA
DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P8
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: 1" = 200'



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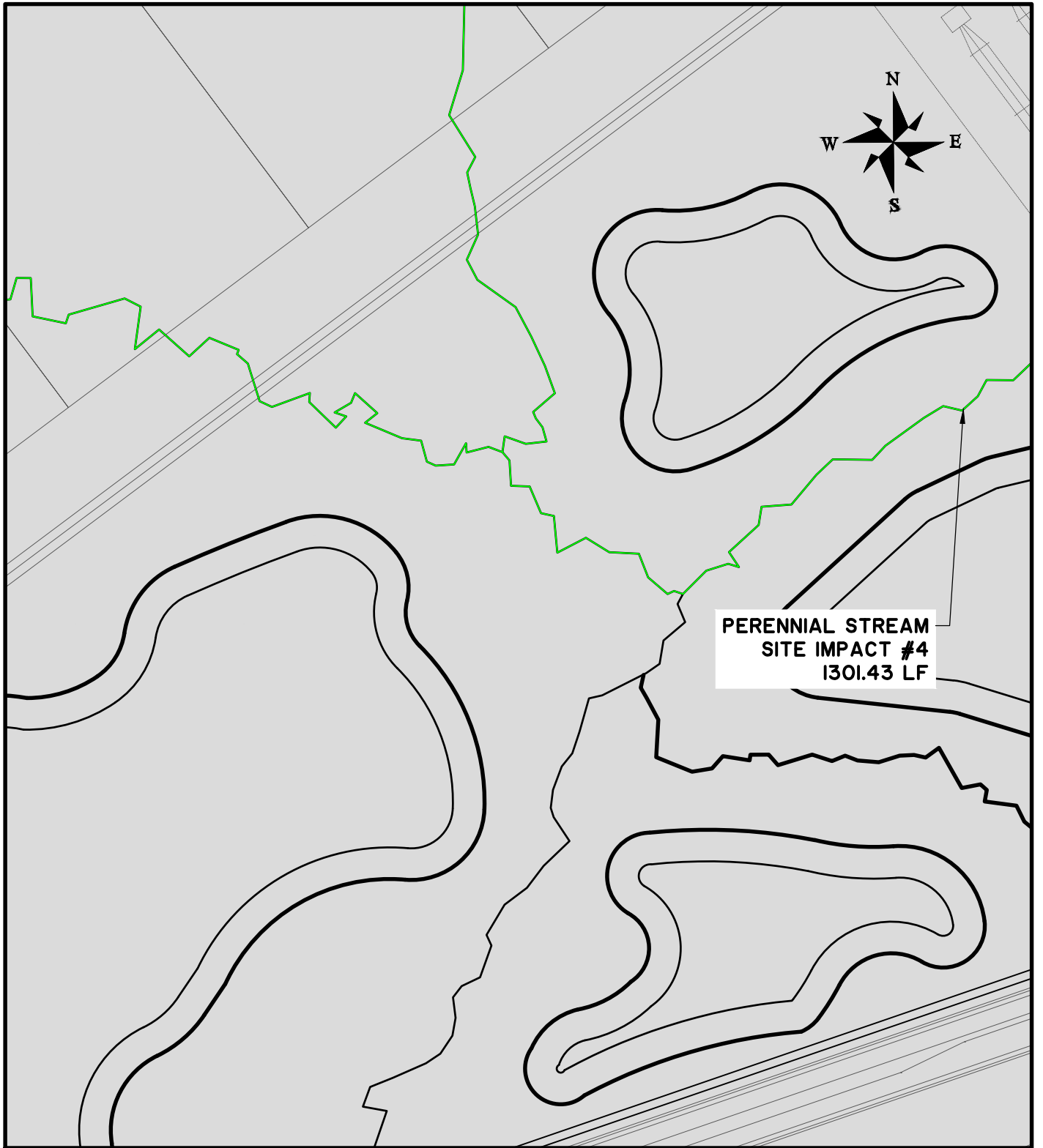
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LOCATION: WALTON/MORGAN - GA
DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P9
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: 1" = 200'



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PROPOSED ACTIVITY:
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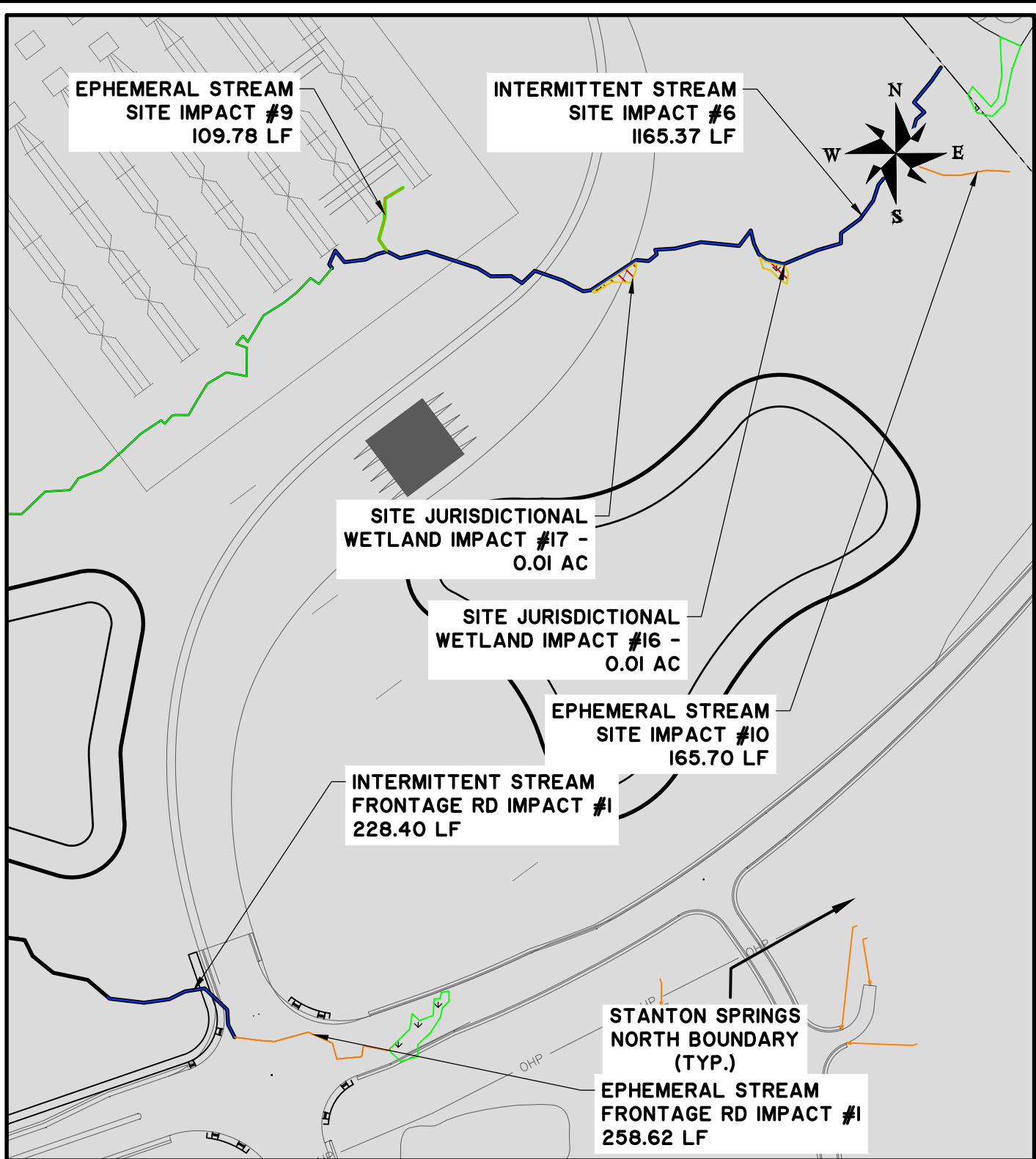
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STANTON SPRINGS NORTH

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WETLAND IMPACT PERMIT DRAWING

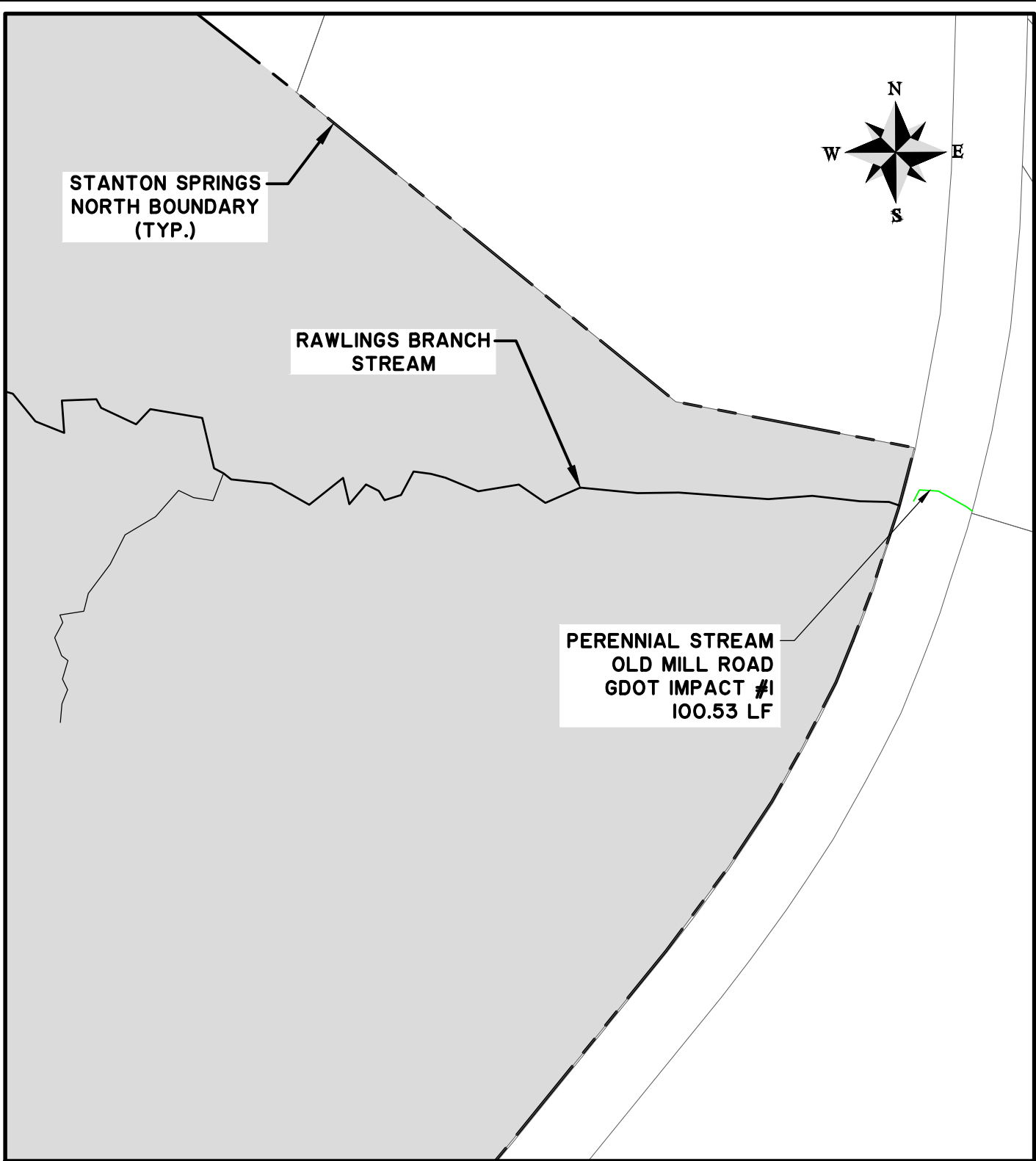
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LOCATION: WALTON/MORGAN - GA
DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P11
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: 1" = 200'



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STANTON SPRINGS NORTH

PROPOSED ACTIVITY:
WETLAND IMPACT PERMIT DRAWING

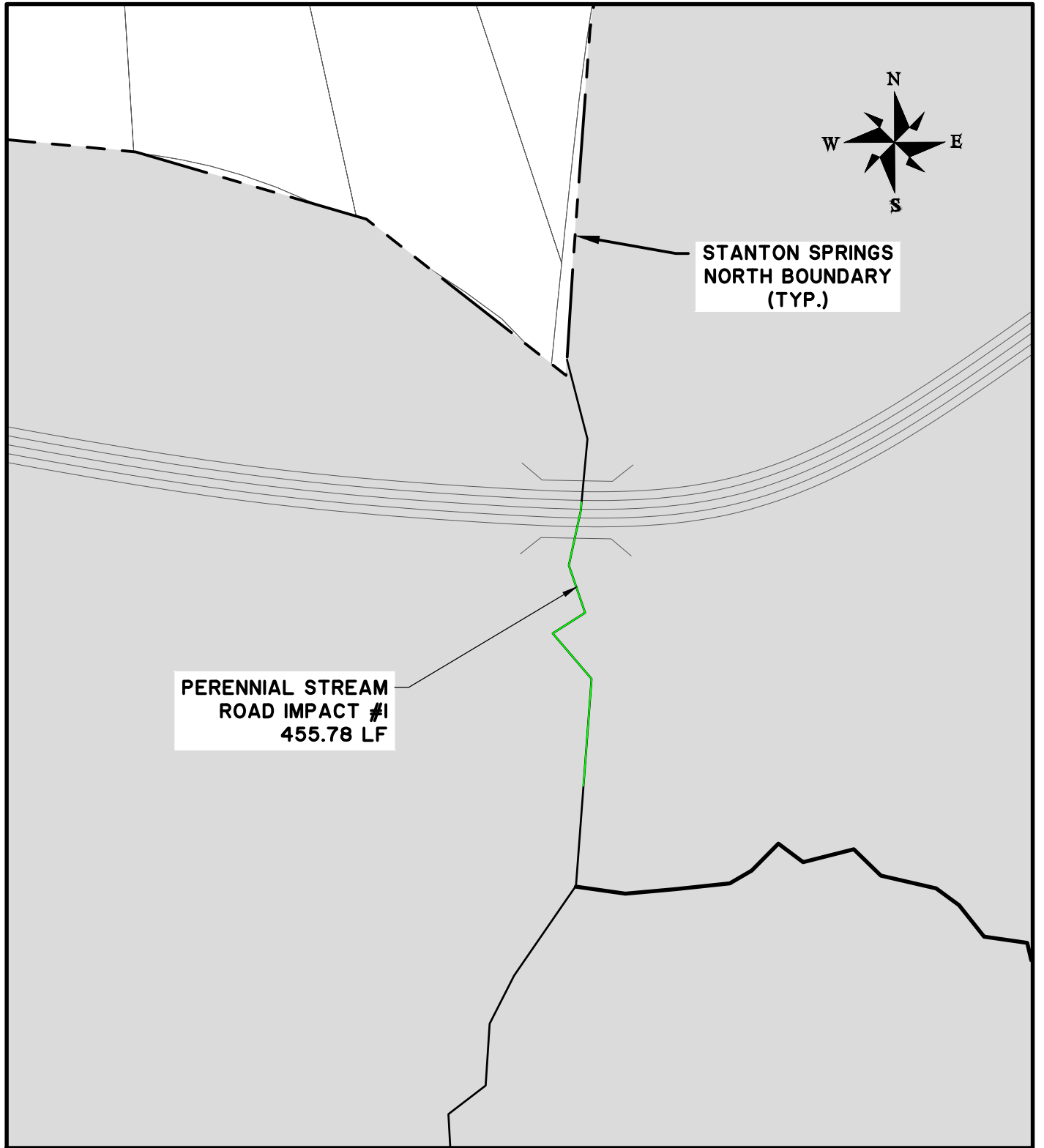
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LOCATION: WALTON/MORGAN - GA
DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P12
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: 1" = 200'



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**STANTON SPRINGS
NORTH BOUNDARY
(TYP.)**

**PERENNIAL STREAM
ROAD IMPACT #1
455.78 LF**

STANTON SPRINGS NORTH

PROPOSED ACTIVITY:
WETLAND IMPACT PERMIT DRAWING

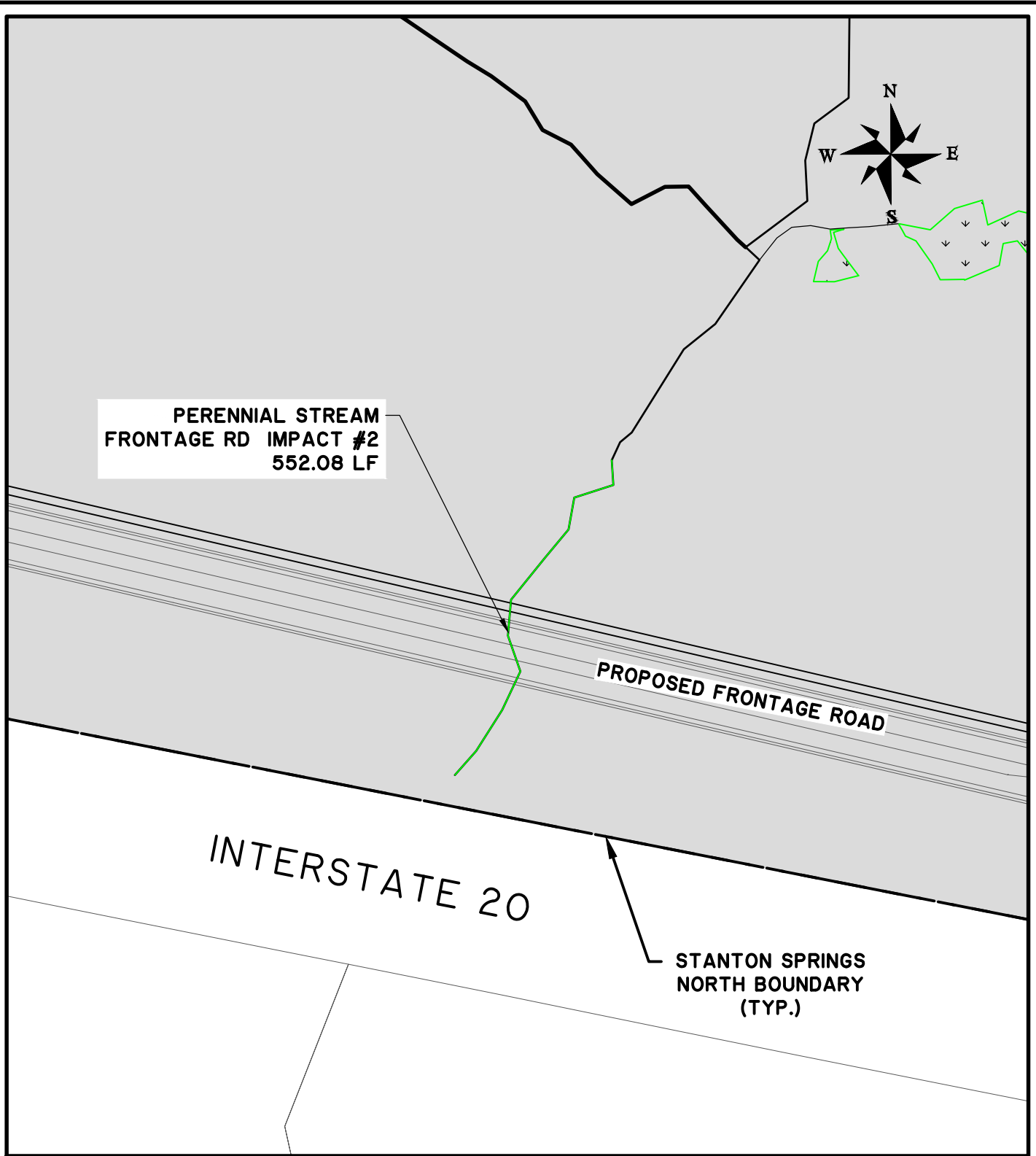
CLIENT:
JOINT DEVELOPMENT AUTHORITY OF JASPER, MORGAN, & WALTON COUNTIES

LOCATION: WALTON/MORGAN - GA
DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P13
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: 1" = 200'



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STANTON SPRINGS NORTH

PROPOSED ACTIVITY:
WETLAND IMPACT PERMIT DRAWING

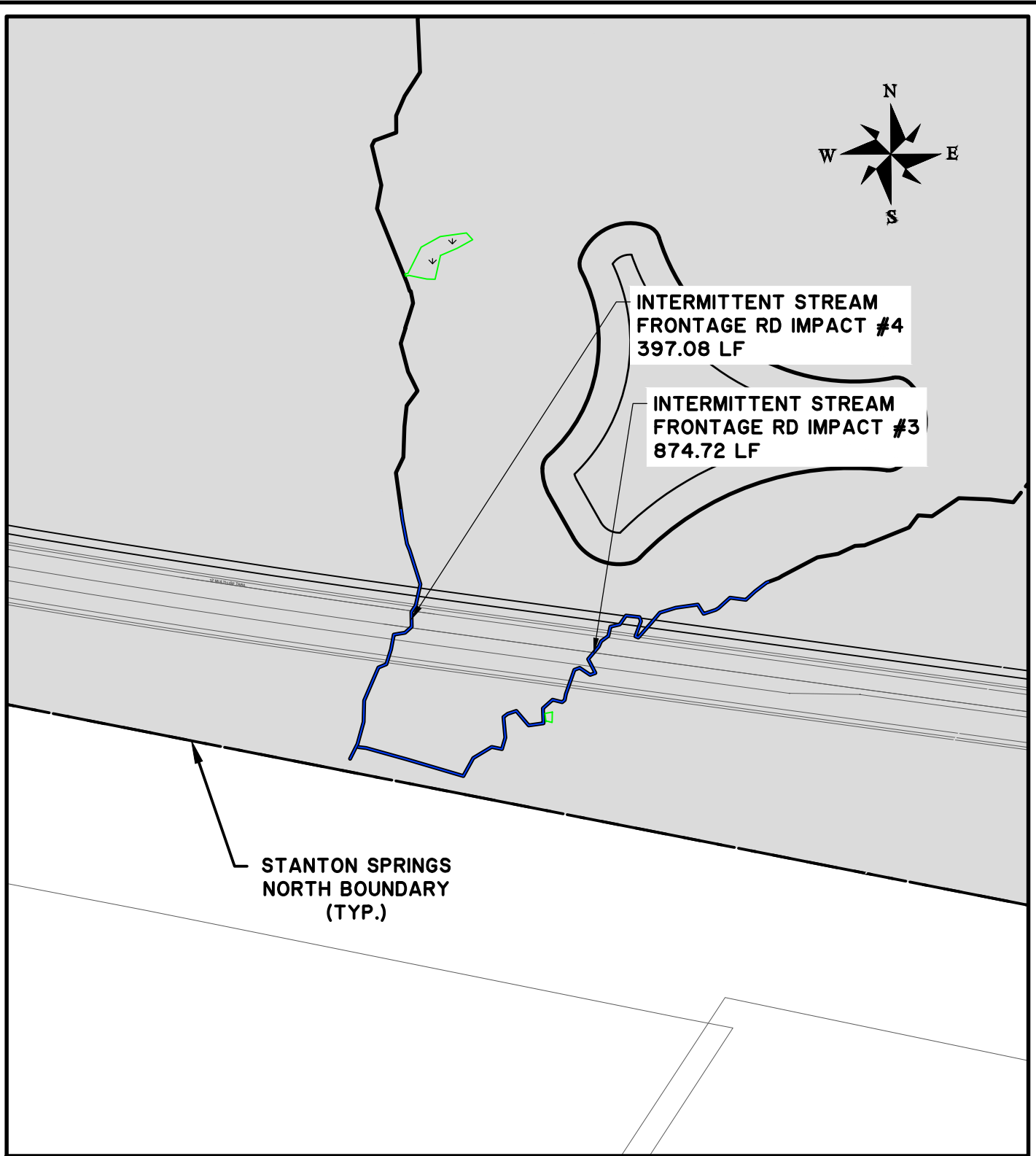
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LOCATION: WALTON/MORGAN - GA
DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P14
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: 1" = 200'



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PROPOSED ACTIVITY:
WETLAND IMPACT PERMIT DRAWING

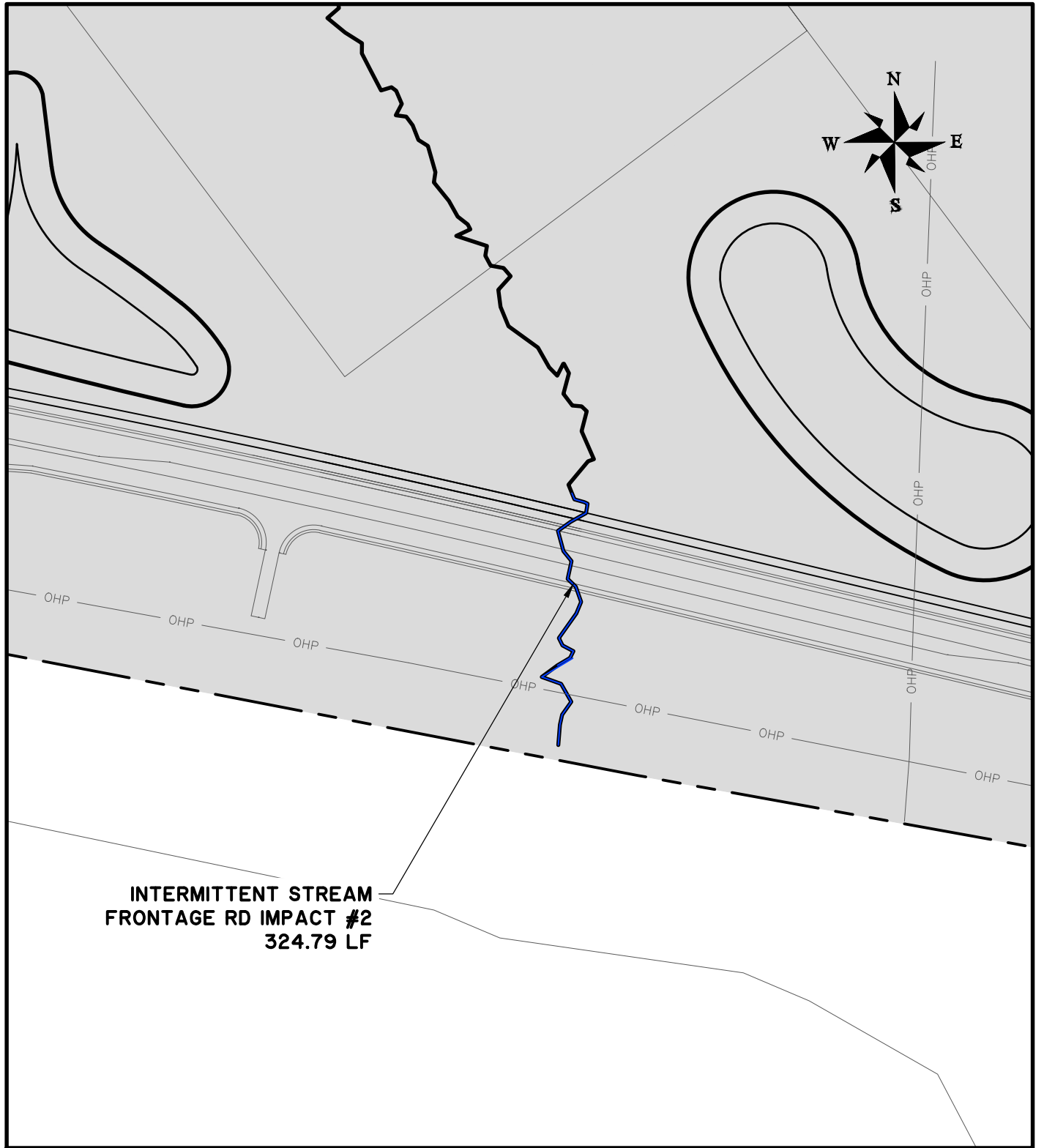
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JOINT DEVELOPMENT AUTHORITY OF JASPER, MORGAN, & WALTON COUNTIES

LOCATION: WALTON/MORGAN - GA
DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P15
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: 1" = 200'



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PROPOSED ACTIVITY:
WETLAND IMPACT PERMIT DRAWING

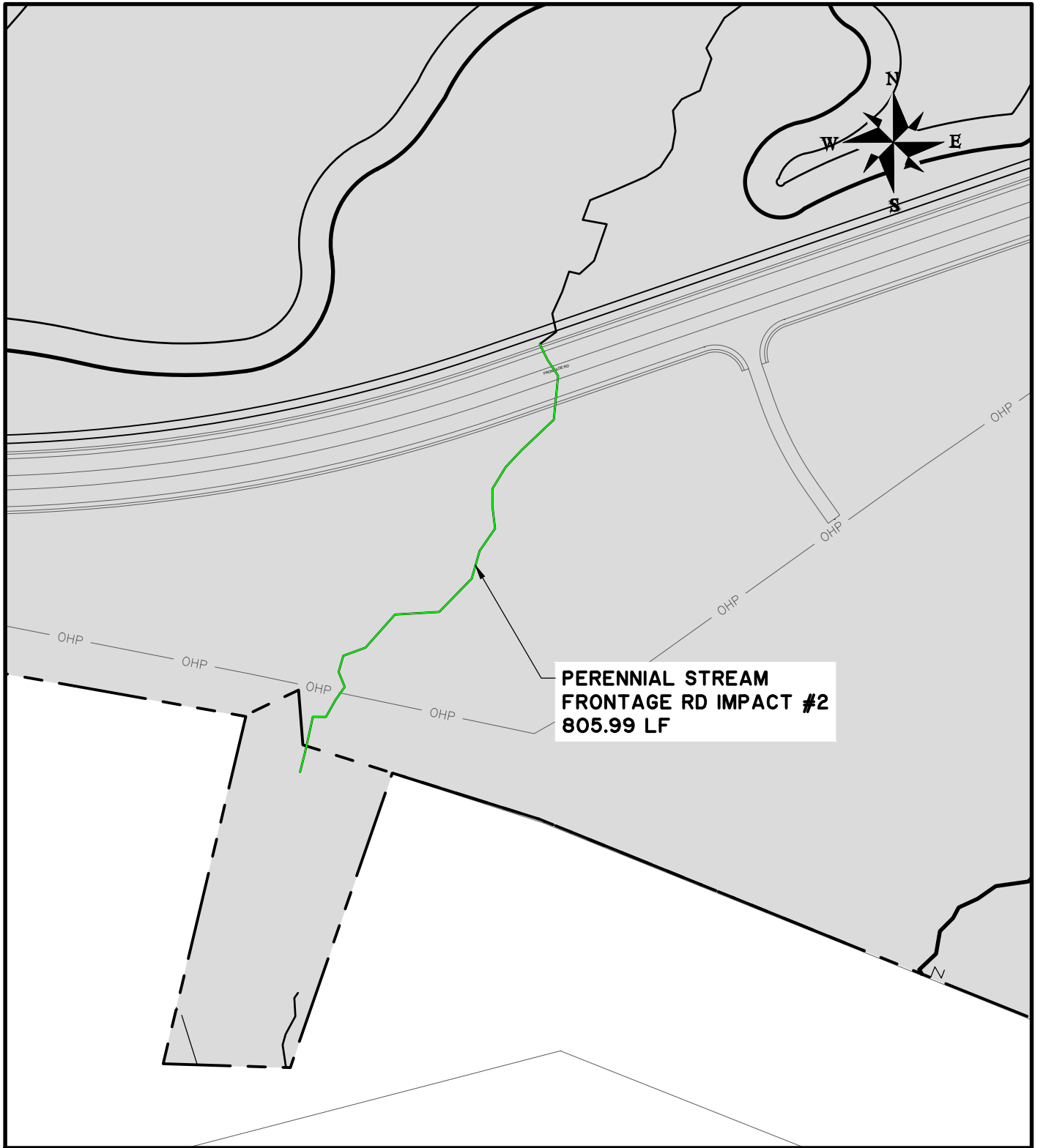
CLIENT:
JOINT DEVELOPMENT AUTHORITY OF JASPER, MORGAN, & WALTON COUNTIES

LOCATION: WALTON/MORGAN - GA
DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P16
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: 1" = 200'



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STANTON SPRINGS NORTH

PROPOSED ACTIVITY:
WETLAND IMPACT PERMIT DRAWING

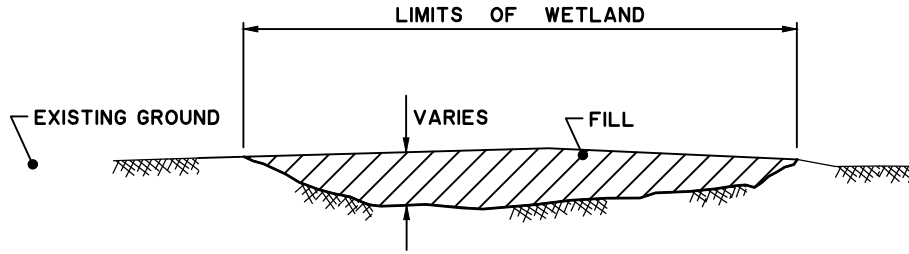
CLIENT:
JOINT DEVELOPMENT AUTHORITY OF JASPER, MORGAN, & WALTON COUNTIES

LOCATION: WALTON/MORGAN - GA
DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P17
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: 1" = 200'



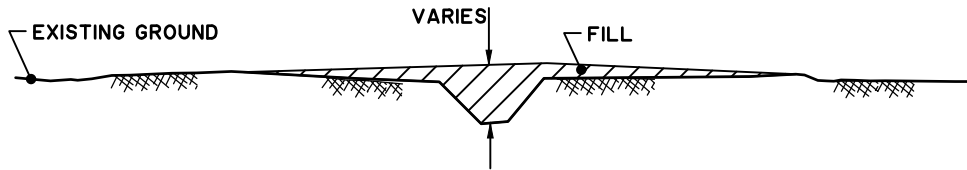
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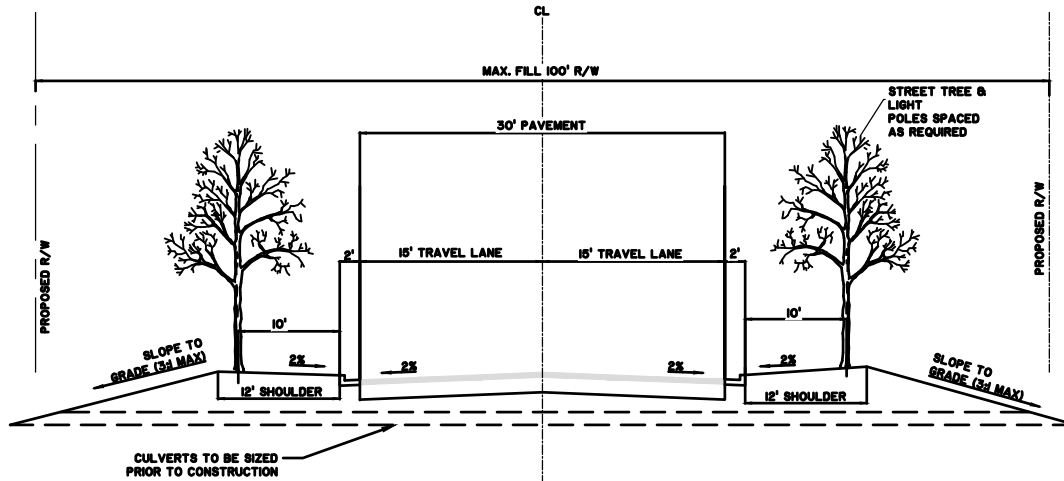
WETLAND FILL SECTION

NOT TO SCALE



STREAM / DITCH FILL SECTION

NOT TO SCALE



ROAD CROSSING

NOT TO SCALE

STANTON SPRINGS NORTH

PROPOSED ACTIVITY:
WETLAND IMPACT PERMIT SECTIONS

CLIENT:
JOINT DEVELOPMENT AUTHORITY OF JASPER, MORGAN, & WALTON COUNTIES

LOCATION: WALTON/MORGAN - GA
DATE: MARCH 22, 2022 DRAWN BY: DSG SHEET: P18
JOB NUMBER: J-26900.0001 REVIEWED BY: JOC SCALE: NTS



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ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

EPD Director's Office

2 Martin Luther King, Jr. Drive
Suite 1456, East Tower
Atlanta, Georgia 30334
404-656-4713

October 30,
2022

Joint Development Authority of Jasper County,
Morgan County, Newton County & Walton County
Attn: Mr. Jerry Silvio, Chairman
Post Office Box 826
Monroe, Georgia 30655

Mr. Pat Wilson, Commissioner
Georgia Department of Economic Development
Technology Square, 75 5th Street, N.W., Suite 1200
Atlanta, Georgia 30308

Re: Water Quality Certification
Joint Public Notice SAS-2020-00182
Stanton Springs North
Electric Vehicle Original Equipment
Manufacturing Facility - EVOEM
Upper Oconee River Watershed
Morgan & Walton Counties

Dear Mr. Silvio & Mr. Wilson:

In accordance with Section 401 of the Federal Clean Water Act, 33 U.S.C. § 1341, the State of Georgia has evaluated the Stanton Springs North EVOEM Facility project submitted by the Joint Development Authority of Jasper County, Morgan County, Newton County & Walton County and the Georgia Department of Economic Development, co-applicants for a federal permit or license related to proposed activity in, on, or adjacent to the waters of the State of Georgia.

The State has examined the information regarding the Stanton Springs North EVOEM Facility project provided to it by Resource and Land Consultants. In accordance with that information, the State of Georgia issues this Section 401 water quality certification to the Joint Development Authority of Jasper County, Morgan County, Newton County & Walton County, and the Georgia Department of Economic Development. This Section 401 water quality certification is subject to the following terms and conditions:

1. To assure compliance with State water quality standards, the applicant shall conduct all activities in a manner that will assure water quality adequate or necessary to protect and maintain designated uses. 33 U.S.C. § 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2),(6),(9),(15); Ga. Comp. R. and Regs. 391-3-6-.03(2)(i), (ii).

- a. To prevent or avoid degradation of water quality downstream, the applicant shall implement Best Management Practices (BMPs) that have been approved for in-water use to the extent practical and feasible, to minimize total suspended solids (TSS) and sedimentation for any work conducted within a state water or within the delineated boundaries of wetlands. 33 U.S.C. § 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2), (6), (9), (15); O.C.G.A. § 12-5-29(a); O.C.G.A. §§ 12-7-6 to 7; Ga. Comp. R. and Regs. 391-3-6-.03(5).
 - b. In order to prevent or avoid violations of state water quality standards, the applicant must ensure that any fill placed in state waters must be clean fill that is free of solid waste, toxic, or hazardous contaminants. 33 U.S.C. §§ 1311; 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2), (6), (9), (15); O.C.G.A. § 12-5-29(a); Ga. Comp. R. and Regs. 391-3-6-.03(5), (6), (11), (14)-(16).
2. To prevent sedimentation of state waters during construction, the applicant shall ensure that it obtains coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction for discharges comprised of storm water associated with construction activity and any required land disturbing activity permits intended to prevent soil erosion, sedimentation, and deposition into waters of the state. 33 U.S.C. § 1342(p); O.C.G.A. § 12-5-30; O.C.G.A. §§ 12-7-6 to 7; Ga. Comp. R. and Regs. 391-3-6-.06; Ga. Comp. R. and Regs. 391-3-6-.16
3. The applicant shall ensure that any necessary coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activity for discharges comprised of storm water associated with covered industrial activity is obtained, so that all discharges meet applicable water quality standards. 33 U.S.C. §§ 1311, 1313, 1342(b); 40 C.F.R. 122.26(b)(14); O.C.G.A. § 12-5-23, 30; Ga. Comp. R. and Regs. 391-3-6-.16
4. The applicant shall ensure that it abides by the requirements of the stream buffer variance issued by Georgia EPD, BV-147-22-03, including provisions to ensure protection, restoration, or mitigation of or related to the stream buffer, which facilitates the protection of water quality. 33 U.S.C. §§ 1311; 1313(a)-(d); O.C.G.A. § 12-7-6; Ga. Comp. R. and Regs. 391-3-7-.05
5. Modifications to this Project may require an amendment to these conditions. Accordingly, the applicant must notify the Georgia Environmental Protection Division of any modifications to the proposed activity including, but not limited to, modifications to the construction or operation of any facility, or any new, updated, or modified applications for federal permits or licenses for the Project. 33 U.S.C. §§ 1311-1313; O.C.G.A. § 12-5-23(c)(2),(6),(9),(15); Ga. Comp. R. and Regs. 391-3-6-.03.

This certification does not waive any other permit or other legal requirement applicable to this project or relieve the applicant of any obligation or responsibility for complying with the provisions of any other federal, state, or local laws, ordinances, or regulations.

Page 3
Stanton Springs North EVOEM Facility
SAS-2020-00182
Morgan & Walton Counties

It is your responsibility to submit this certification to the appropriate federal agency. If you have any questions regarding this certification, please contact Stephen Wiedl at Stephen.Wiedl@dnr.ga.gov/404-651-8459.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Dunn".

Richard E. Dunn, Director
Environmental Protection Division

cc: Mr. Adam White, Corps
Mr. Eric Somerville, EPA
Mr. Peter Maholland, FWS
Mr. Alton Brown, RLC

**PROGRAMMATIC AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT, THE ADVISORY COUNCIL ON
HISTORIC PRESERVATION, THE GEORGIA STATE HISTORIC PRESERVATION OFFICER, GEORGIA
DEPARTMENT OF TRANSPORTATION, GEORGIA DEPARTMENT OF ECONOMIC DEVELOPMENT,
AND THE JOINT DEVELOPMENT AUTHORITY OF JASPER COUNTY, MORGAN COUNTY, NEWTON
COUNTY, AND WALTON COUNTY, REGARDING DEVELOPMENT OF VEHICLE MANUFACTURING
FACILITY, MORGAN AND WALTON COUNTIES, GEORGIA
SAS 2020-00182
HP-220131-001**

WHEREAS, The Georgia Department of Economic Development (GDED) (referred to as “Applicant”) and the Joint Development Authority of Jasper County, Morgan County, Newton County and Walton County (JDA) are responsible for fulfilling certain obligations under the Economic Development Agreement, including, but not limited to, coordinating and facilitating the development and preparation of infrastructure for and in support of Rivian Horizon, LLC’s development and construction of a vehicle manufacturing facility within the Stanton Springs North Business Park north of Interstate 20 between US278 to the east and Old Mill Road to the west (“Project”); and

WHEREAS, certain components of the Project require a permit from the U.S. Army Corps of Engineers, Savannah District, Regulatory Branch (“Corps”) pursuant to Section 404 of the Clean Water Act (“CWA”), 33 U.S.C. § 1344, in accordance with regulations set forth at Title 33 Code of Federal Regulations (“CFR”) Parts 320-332. Thus the Project is an undertaking subject to review by the Corps under Section 106 (54 U.S.C. § 306108) of the National Historic Preservation Act (“NHPA”) (54 U.S.C. § 300101 et seq.) and its implementing regulations, “Protection of Historic Properties” (36 C.F.R. Part 800), as well as the National Environmental Policy Act, the Historic Sites Act of 1935, the Antiquities Act, the American Indian Religious Freedom Act, the Religious Freedom Restoration Act, Executive Order 13007 (Indian Sacred Sites), Executive Order 13287 (Preserve America), and Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments); and

WHEREAS, the Corps has determined through consultation with the Georgia State Historic Preservation Officer (“SHPO”) that the Project is subject to Section 106 of the NHPA which requires federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation (“ACHP”) a reasonable opportunity to comment, prior to any federal authorization or expenditure of federal funds. Furthermore, Section 106 requires consultation with federally recognized tribes, other agencies, local governments, interested parties, and the public, for the purpose of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process; and

WHEREAS, the Project includes construction of a new frontage road in Morgan and Walton Counties, Georgia along Interstate 20 extending from US 278 to Old Mill Road, which will be constructed by the Georgia Department of Transportation (“GDOT”) (identified as GDOT PI No 0018363) (the “GDOT Frontage Road”). The GDOT Frontage Road is included in the

Applicant' Section 404 permitting for the Project with the Corps area of jurisdiction as shown in Attachment A; and

WHEREAS, the Corps has defined the -undertaking's Scope of Analysis ("Scope") for this project and further established the Area of Potential Effects ("APE"), for resources located within the Scope based on impacts to aquatic resources. The APE is described in Attachment A; and

WHEREAS, 36 CFR § 800.14(b)(3) provides for developing Programmatic Agreements ("PA") for complex or multiple undertakings, and Section 800.14(b)(1) provides for using such agreements when effects on historic properties cannot be fully determined prior to approval of an undertaking (§800.14(b)(1)(ii)), and for other circumstances warranting a departure from the normal Section 106 process (§800.14(b)(1)(v)); and

WHEREAS, the Applicant has proposed to construct the Project in Phases, and each Phase will consist of individual components and segments, and the Corps has determined that effects to historic properties cannot be fully assessed prior to issuance of a Regulatory Permit. Therefore, this PA was developed in consultation with the Consulting parties to establish an alternative process for implementing Section 106 in a phased approach, pursuant to 36 CFR § 800.14(d); and

WHEREAS, the SHPO has participated in the development of this PA and is a Signatory, pursuant to 36 CFR § 800.6(c)(1)(ii); and

WHEREAS, the JDA has participated in the development of this PA and is an Invited Signatory, pursuant to 36 CFR § 800.6(c)(1)(ii); and

WHEREAS, the GDOT has participated in the development of this PA and is an Invited Signatory, pursuant to 36 CFR § 800.6(c)(1)(ii); and

WHEREAS, the Corps has consulted with the Applicant on the development of this PA pursuant to 36 CFR § 800.2(c)(4), and the Applicant has agreed to carry out Stipulations in this PA and is an Invited Signatory; and

WHEREAS, the Corps recognizes the trust responsibility and unique legal relationship of the federal government with Federally recognized Indian tribes as sovereign domestic dependent nations and tribes with cultural and historical connections and interest in the preservation and management of cultural resources within the permit area. This relationship is set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions, and thus consultation with tribes must recognize the government-to-government relationship between the Federal government and tribes; and

WHEREAS, the Corps has consulted with the following Federally recognized tribes: Absentee-Shawnee Tribe of Oklahoma, the Alabama Quassarte Tribal Town, the Chickasaw Nation, the Coushatta Tribe of Louisiana, the Kialegee Tribal Town, the Muscogee Nation, the Poarch Band of Creek Indians, the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Thlopthlocco Tribal Town, the Shawnee Tribe of Oklahoma, the Cherokee Nation, the Eastern Band of Cherokee Indians and the United Keetoowah Band of Cherokee Indians (collectively referred to as the "Tribes"), who have identified Morgan, Newton and Walton

County, Georgia as their ancestral lands or as lands having religious and cultural significance and none have requested to enter into this agreement as an invited signatory or concurring party; and

WHEREAS, the Corps has made a good faith effort to consult with local governments and other interested parties pursuant to 36 CFR § 800.2(c)(3) and 36 CFR § 800.2(c)(5), and the Madison-Morgan Conservancy, Morgan County Landmark Society, and The Georgia Trust for Historic Preservation, have elected to participate; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the Corps has invited the ACHP to participate in the development of this PA, and they have declined to participate and therefore additional notification to the ACHP for future adverse effects to historic properties pursuant to 36 CFR § 800.6(a)(1)(iii) shall not be required;

NOW THEREFORE, the Corps, the SHPO, the Applicant, the JDA, and the GDOT, agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effect of the Project on historic properties and satisfy the Corps' Section 106 responsibilities.

STIPULATIONS

This PA shall apply to the Project and all of its Phases and Stages, including those not known at this time, or not specified in the permits, permit applications, or other Project documents, so long as the activities occur within the jurisdiction of a state or federal agency.

The Corps shall attach this PA or the stipulations listed in this legally enforceable PA to any agency-specific permits, licenses, and other approvals as defined by 36 C.F.R. § 800.16(y) so that appropriate provisions of this PA and its requirements become binding on the Applicant, for so long as the underlying PA remains in effect for the area covered by the relevant permits, licenses, and other approvals. The Applicant shall comply with this PA as implemented through these measures and failure to do so could result in suspension, modification, or revocation of the applicable agency's permits, licenses, and/or other approvals. Further, the provisions of this PA apply to any work performed in advance of the issuance of any agency permits, licenses, or other approvals and failure by the Applicant to comply with this PA could result in the suspension or termination of the permit application processing and may trigger Section 110(k) of the NHPA and ACHP involvement in accordance with 36 C.F.R. § 800.9(c).

The Corps and the Applicant will ensure that the following measures are carried out:

I. RESPONSIBLE PARTIES

- A. Consistent with the requirements of 36 CFR 800.2(a) and 800.2(a)(1-4), the Corps remains legally responsible for ensuring that the terms of this PA are carried out and for all findings and determinations made pursuant to this PA. The Corps retains responsibility for government-to-government consultation with Tribes as defined in 36 CFR 800.16(m). The Corps Regulatory Archeologist will assist with preparation of consultation documents, permitting special conditions, and agreement documents. This position will manage communication with SHPO, the Tribes, and the Consulting Parties

as it pertains to the Section 106 process. The Corps will distribute resource surveys, eligibility determinations, effects documents, and mitigation documents prepared by the applicant and GDOT to the SHPO, the Tribes, and the Consulting parties. All timelines and response expectations will be clearly outlined in all communication.

- B. The Applicant, is responsible for providing resource surveys, eligibility determinations, effects assessment, and mitigation documents to the Corps as outlined below in Stipulations II-V.
- C. GDOT, as an Invited Signatory, will provide the Applicant and the Corps with information regarding surveys, eligibility determinations, effects assessment, and mitigation documents relevant to the identified GDOT Project component, as needed, and outlined below in Stipulations II-V.

II. IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES

- A. The Applicant may carry out the stipulations of this PA in a phased approach for identification and evaluation per 36 CFR § 800.4(b)(2), based on Project stages and components, but will not initiate any ground disturbance, or other types of activities within that Project Phase that could adversely affect historic properties, before cultural resource identification, National Register of Historic Places (NRHP) evaluation, assessment of effects (AOE), and proposed measures for resolution of adverse effects (mitigation) has been completed for that Project Phase, as discussed in Section III, Treatment of Historic Properties.
- B. For each identified Project Phase, a Cultural Resource Report (CRR) will be prepared by the Applicant and JDA, in coordination with GDOT, which the Corps will then utilize to consult with SHPO, Tribes and consulting parties, to document the identification, NRHP evaluation, AOE, and proposed measures for resolution of adverse effects (mitigation).
- C. The CRR shall meet the Secretary of Interior's Standards and Guidelines, and Georgia's Standards and Guidelines for Archaeological Surveys (Georgia Council of Professional Archaeologists [GCPA] 2019). The initial CRR will contain the environmental and cultural contexts for the overall Project area of potential effects. Subsequent CRRs will focus on the results of the individual Project Phase.
- D. The Phase I CRR has been submitted for review and comment to the SHPO, consulting parties, and tribes in coordination with development of this agreement.
- E. The Corps and the SHPO will concurrently review and comment on each Project Phase CRR within 15 calendar days of electronic receipt from the Applicant or its agent. The Corps will be responsible for dissemination of the CRR for each Project Phase to Tribes and will request review within 15 calendar days.
- F. Prior to commencement of any activities that could affect historic properties within that Project Phase, the Applicant or its agent must receive written notice from the USACE that Section 106 requirements, in addition other permit relevant licenses and approvals, have been satisfied for that Project Phase. In the event there is disagreement from signatories regarding the eligibility or the effect determination made by the Corps, please see Section VIII Dispute Resolution, in order to resolve disagreements prior to commencing project activities.
- G. The documentation and collections generated by the CRR efforts will be curated at a curation facility that meets the criteria set forth in 36 CFR § 79 (Curation of Federally

Owned and Administered Archaeological Collections). Upon request, the project documentation, archaeological field notes, maps, and other pertinent data will be made available to federal, state, tribal, and other parties, as appropriate and consistent with federal and state law.

III. TREATMENT OF HISTORIC PROPERTIES

- A. Any historic properties that will be adversely affected by the proposed Project will require mitigation.
- B. Specific stipulations for mitigation associated with historic properties will be recommended in the CRR for approval by the reviewing parties.
- C. All agreed upon mitigation will be executed by a professional who meets, at a minimum, the qualifications set forth in the Secretary of Interior's *Standards and Guidelines: Archeology and Historic Preservation Professional Qualifications Standards*.
- D. Mitigation for historic architectural resources that will be adversely affected will include, at a minimum, a Photographic Permanent Archival Record (PAR).
 - a. Prior to demolition and/or alteration, representative digital photographs will be taken sufficient to capture all NRHP-qualifying features (including building views, architectural detail, outbuildings, landscape features, etc.) of adversely affected historic architectural resources.
 - b. The photographer shall comply with the minimum level standards necessary for document retention at SHPO pursuant to the SHPO *Guidelines for Establishing a Photographic Permanent Archival Record*.
 - c. A digital draft copy of the PAR will be provided to SHPO for review and acceptance. The Corps and the SHPO will concurrently review and comment on a draft of the photographs taken for the PAR within 15 calendar days of digital receipt. Upon receipt of the satisfactory comments from SHPO, federally recognized tribes, and consulting parties, the Corps will notify the Applicant within ten business days that the site area has been released for construction. If satisfactory, the draft PAR will be submitted by the Applicant and concurrently reviewed and commented on by the Corps and SHPO within 30 calendar days.
 - d. Upon approval of the draft, a final digital and hardcopy will be provided to the SHPO, and offered to the Historical Society of Walton County, the Morgan County Museum and Historical Society, the Morgan County Library, and the Monroe-Walton County Library. SHPO will acknowledge receipt of the final digital and hardcopies through email within 30 calendar days.
- E. In the event that NRHP-eligible archaeological resources cannot be avoided and will be adversely affected, mitigation will include, as appropriate, Data Recovery Excavations.
 - a. Prior to the start of ground disturbing activities, the Corps and the Applicant, in consultation with SHPO, Tribes, and consulting parties, will ensure that data recovery excavation takes place in accordance with a detailed Data Recovery Plan (Plan) prepared for the site(s). The Plan will include a defined set of research questions specific to the site utilizing identified historic/cultural contexts, identify data to best address the questions, and propose appropriate methodology for

field excavations and artifact analysis to address the research objectives, including specialized methodologies. The Plan will include a site-specific treatment plan in the event human remains are discovered during the data recovery excavations. The Data Recovery Plan should also include: (a) The results of previous research relevant to the project; (b) the methods to be used in artifact, data, and other records management; (c) explicit provisions for disseminating the research findings to professional peers in a timely manner; (d) arrangements for presenting what has been found and learned to the public, focusing particularly on the community or communities that may have interests in the results; (e) procedures for evaluating and treating discoveries of unexpected remains or newly identified historic properties during the course of the project, including necessary consultation with other parties in accordance with ACHP guidance. The Plan will be consistent with the Council's *Handbook on Treatment of Archaeological Properties, Part III, Recommendations for Archaeological Data Recovery*. The Plan will be transmitted to the SHPO, federally recognized tribes, and consulting parties for 15-day review and comments will be taken into consideration prior to implementation of the Plan. The Corps and the Applicant will ensure that the Plan is implemented.

- b. The archaeological documentation and collections generated by any required Data Recovery effort will be curated at a curation facility that meets the criteria set forth in 36 CFR § 79 (Curation of Federally Owned and Administered Archaeological Collections). Upon request, the project documentation, archaeological field notes, maps, and other pertinent data will be made available to federal, state, tribal, and other parties, as appropriate and consistent with federal and state law.
- c. Subsequent to completion of the Data Recovery Fieldwork and prior to the start of construction, the Applicant will ensure that a Management Summary will be prepared that contains summarized descriptions of the size, extent, and results of the excavations and field samples/studies undertaken for completion of the fieldwork. It shall include a discussion of the nature and number of features identified and excavated, the nature of the artifacts and other data recovered, in both qualitative and general quantitative terms. The report shall also include tabular data, graphics, maps, and other data as appropriate to illustrate the extent of field excavations. The Management summary will address how data from the completed fieldwork will (or will not) be able to sufficiently address each research questions from the Data Recovery Plan, as best as can be determined at that time prior to the completion of lab and data analyses. The information presented in the Management Summary should provide a preliminary summary of the results and be sufficiently detailed to allow all signatories to assess whether the terms of the Plan have been met. The Management Summary will also provide an outline of the forthcoming draft Data Recovery report and present additional analysis or research to be conducted and incorporated into the draft Data Recovery report.
 - i. For Data Recovery efforts identified on the GDOT Frontage Road (per Attachment A), the Management Summary will be reviewed and approved by a GDOT Archaeologist who meets the Secretary of the Interior's *Standards*

and Guidelines for Professional Qualifications, to ensure compliance with the approved Plan. Upon approval of the Management Summary by the GDOT Archaeologist for GDOT Frontage Road, or completion of the Management Summary related to the Applicant's development components of the Project, written notice and a copy of the Management Summary will be provided to the Corps, SHPO, federally recognized tribes, and consulting parties. Note that no construction, or construction-related activities, such as material stockpiling or equipment staging, will be allowed within the boundary of the site(s) until the Management Summary has been provided to the Corps, SHPO, federally recognized tribes, and consulting parties for the applicable Phase of the Project.

- ii. Upon receipt of the Management Summary the SHPO, Tribes and consulting parties will have 15 days to review and provide comments and accepting that all parties agree that research questions within Data Recovery Plan can be sufficiently addressed based on completed fieldwork , the Corps will notify the Applicant within ten business days that the site area has been released for construction. Additionally, any comments received on the preliminary results of the Management Summary will be taken into consideration and address in the draft Data Recovery report.
 - iii. Prior to commencement of any activities that could affect NRHP-eligible archaeological resources within that Project Phase, the Applicant or its agent must receive written notice from the USACE that Section 106 requirements, in addition to other permit relevant licenses and approvals, have been satisfied for that Project Phase. In the event there is disagreement from signatories regarding the eligibility or the effect determination made by the Corps, please see Section VIII Dispute Resolution, to resolve disagreements prior to commencing project activities.
 - d. The Data Recovery investigations will be documented in an archaeological report conforming to Secretary of Interior's *Standards for Archeological Documentation*, and the State of Georgia's *Archaeological Assessment Report Guidelines and Components*. If the Data Recovery is associated with a GDOT Project (per Attachment A), then reporting will also conform to GDOT's *Archaeological Report Guidelines*. Copies of the draft Data Recovery report will be sent to all signatories and consulting parties for 30-day review and comment. Comments received on the draft report will be considered in development of the final version of the report.
 - e. Once approved by all signatories and consulting parties, copies of the final Data Recovery report shall be sent to the Corps, SHPO, federally recognized tribes, and consulting parties for acceptance by the Corps.
- F. Additional Mitigation Measures. Additional mitigation measures not contingent on ground disturbance (i.e. development of a historic narrative, public outreach, etc.) may be proposed for each Phase, as appropriate, if adverse effects to NRHP-eligible resources are identified. The additional mitigation measures will be outlined in the respective CRR and agreed upon by the Applicant and the Corps, in consultation with the SHPO, federally recognized tribes, and consulting parties.

IV. UNANTICIPATED DISCOVERIES

- A. In accordance with 36 CFR § 800.13, the Corps must consider a process to resolve adverse effects on any post-review discovery of historic properties or unanticipated impacts to historic properties during the construction or implementation of the undertaking.
- B. In the event that a previously unidentified archaeological resource is discovered during construction activities, or unanticipated impacts to a known archaeological resource occurs, the Applicant will halt construction activities in the immediate area of the discovery and a 30-m buffer and notify the Corps. In the event that a previously unidentified historic resource is discovered during construction activities, or unanticipated impacts to a known historic resource occurs, the Applicant will halt construction activities within the area of impact (both direct and indirect) and notify the Corps and Consulting Parties. The Corps will be responsible for notifying federally recognized tribes of the findings within seventy-two (72) hours.
- C. For unanticipated discoveries identified on the GDOT Frontage Road (per Appendix A), work will stop in the area of the find in accordance with Specification 107.23B Inadvertent Discovery of Cultural Resources and Human Remains in the current version of GDOT's *Standard Specifications Construction of Transportation Systems*. GDOT will notify the Applicant and the Corps within twenty-four (24) hours of the discovery.
- D. No further construction in the immediate area of the discovery will proceed until the procedures outlined in 36 CFR § 800.13 are completed, including consultation with federally recognized tribes and Consulting Parties.
 - a. The Corps will consult with the federally recognized tribes, SHPO, and Consulting Parties, as appropriate, to record, document, and evaluate the property for its eligibility to the NRHP, and to determine if the undertaking will have or has had an effect on the property. If the Applicant identifies that it is not practical to conduct a sufficiently comprehensive study to determine the eligibility of the property, then the property will be treated as if eligible and the Applicant shall consult with the Corps, as appropriate, to develop a plan to meaningfully preserve or otherwise document the property.
 - b. If it is determined that the undertaking shall or has adversely affected the property, the Corps shall consult with federally recognized tribes, SHPO, and Consulting Parties, as appropriate, to design a plan for avoiding, minimizing, or mitigating adverse effects on the property. If no objection is filed to the Corps plan for addressing the discovery within seventy-two (72) hours, the Corps may carry out the requirements of 36 CFR § 800.13 and ACHP need not be notified.

V. IDENTIFICATION AND TREATMENT OF HUMAN REMAINS

- A. The Applicant shall never knowingly disturb ancestral remains or move human remains, except when approved by the Corps after consultation with the Consulting Parties and in accordance with Georgia statutes pertaining to human remains and burials.
- B. In the event of discovery of human remains or burial features, all relevant Georgia statutes (Official Code of Georgia, Annotated; OCGA) pertaining to human remains and burials will apply (OCGA § 12-3-621; OCGA §§ 12-3-52 and -82; OCGA §§ 31-21-6, -44 and -45; OCGA §§ 36-72-1 through -16; and OCGA § 45-16-24), as well as any applicable Office of the State Archaeologist (OSA) guidance on human remains.

- C. If human remains or burial items are discovered during construction of the Project, unrelated to planned data recovery fieldwork as agreed upon in Stipulation III.D, the construction activities within a fifty (50) foot buffer surrounding the post-review discovery will immediately stop. If the Applicant' Principal Investigator or GDOT's Office of Environmental Services (per Appendix A) determines that the burial is archaeological in nature, the Applicant or GDOT, as applicable, will make all reasonable efforts to contact the Corps within twenty-four (24) hours after such discovery. In the event that human remains or burial items are discovered on the GDOT Frontage Road (per Appendix A), work will stop in the area of the find in accordance with Specification 107.23B Inadvertent Discovery of Cultural Resources and Human Remains in the current version of GDOT's *Standard Specifications Construction of Transportation Systems*.
- D. The Corps will notify federally recognized tribes with an area of interest and the Consulting Parties by email and phone call within forty- eight (48) hours after notification by the Applicant and/or GDOT.
- E. Upon discovery, every effort will be made to secure the find. Photographs, video, or other means of visual documentation will be restricted. Additionally, every effort will be made to avoid the displacement and collection of human remains and associated funerary objects from the field. The Corps, Applicant, and GDOT will take precautions to ensure confidentiality and that only essential personnel are notified of the find(s) through secure methods of communication such as telephone or email, and that information regarding burial locations and other sensitive information is not shared with the public, including personal and mass media. If encountered, no location information or photographs of any American Indian burial or associated funerary objects shall be distributed to the press or to the general public, subject to the requirements of the Federal Freedom of Information Act (5 U.S.C. 552), Georgia Open Records Act [OCGA 50-18-71(a)(14)], the National Historic Preservation Act (54 U.S.C. 307103), and other laws as applicable.
- F. The Corps, Applicant, and GDOT (as applicable) shall develop and carry out a treatment plan in coordination with the SHPO, OSA, federally recognized tribes, and other consulting parties as appropriate. The treatment plan will include detailed plans for site protection and avoidance, and compliance with the provisions of Native American Graves Protection and Repatriation Act, as applicable. In the event that Archaeological Data Recovery is required per Stipulation III.D, a site-specific treatment plan for treatment of human remains will be included in the Data Recovery Plan specified in Stipulation III.D.a.

VI. DURATION

This PA will expire if the terms are not carried out within seven (7) years from the date of its execution unless terminated or superseded by another agreement. Prior to such time, the Corps may consult with the other signatories to reconsider the terms of the PA and amend it in accordance with Stipulation IX below. The signatories may collectively agree to extend this PA to cover additional calendar years, or portions thereof, through an amendment in accordance with Stipulation IX, provided that the original Agreement has not expired. Should any signatory choose not to extend their participation in the Agreement, they shall terminate their participation per Stipulation X, and the Agreement shall remain valid for the other parties.

VII. MONITORING AND REPORTING

Annually, following the execution of this PA until it expires, is completed, or is terminated, the Applicant will provide all parties to this PA, and the ACHP, if appropriate, a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the Applicant and Corps' efforts to carry out the terms of this PA.

VIII. DISPUTE RESOLUTION

Should any signatory to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the Corps shall consult with such party to resolve the objection. If the Corps determines that such objection cannot be resolved, the Corps will:

- A. Forward all documentation relevant to the dispute, including the Corps' proposed resolution, to the ACHP. The ACHP shall provide the USACE with its advice on the resolution of the objection within fifteen (15) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Corps shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and Consulting Parties, and provide them with a copy of this written response. The Corps will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the fifteen (15) day time period, the Corps may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Corps shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and Consulting Parties to the PA and provide them and the ACHP with a copy of such written response.
- C. The Corps' responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

IX. AMENDMENTS

This PA may be amended by subsequent written agreement executed by all signatories. Each signatory agrees to act promptly (in no case longer than 15 days) on requests to execute amendments. Communication for amendments will be submitted via email and the email will clearly note the reduced review timeframe and review expectations. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

X. TERMINATION

- A. If any signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation IX, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may withdraw from the PA upon written notification to the other signatories. Upon withdrawal of a signatory, the Agreement shall remain valid for the other parties.
- B. Once the PA is terminated, and prior to work continuing on the undertaking, the Corps must either (a) execute a PA pursuant to 36 CFR § 800.6 or (b) request, take into

account, and respond to the comments of the ACHP under 36 CFR § 800.7. The Corps shall notify the signatories as to the course of action it will pursue.

XI. COOPERATING WITH OTHER FEDERAL AGENCIES

In the event that another federal agency not initially a party to this PA receives an application for funding/license/permit for an undertaking subject to this agreement, that agency may fulfill its Section 106 responsibilities by stating in writing it concurs with the terms of this PA and notifying the Corps, SHPO, and the ACHP that it intends to do so, and adherence to the terms of this PA, so long as the scope of the undertaking is commiserate with the scope covered under this PA.

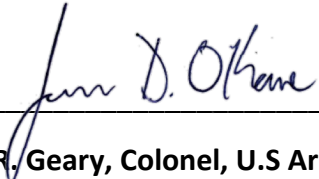
XII. EXECUTION OF PROGRAMMATIC AGREEMENT IN COUNTERPARTS

- A. Execution of this PA by the Corps, JDA, GDED, SHPO, and GDOT and implementation of its terms evidence that the Corps has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.
- B. This PA may be executed in counterparts, with a separate page for each Signatory. The Corps will ensure that each party is provided a copy of the fully executed PA.

**PROGRAMMATIC AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT, THE ADVISORY COUNCIL ON
HISTORIC PRESERVATION, THE GEORGIA STATE HISTORIC PRESERVATION OFFICE, GEORGIA
DEPARTMENT OF TRANSPORTATION, AND THE JOINT DEVELOPMENT AUTHORITY OF JASPER
COUNTY, MORGAN COUNTY, NEWTON COUNTY, AND WALTON COUNTY, REGARDING
DEVELOPMENT OF VEHICLE MANUFACTURING FACILITY, MORGAN AND WALTON COUNTIES,
GEORGIA
SAS 2020-00182
HP-220131-001**

SIGNATORY:

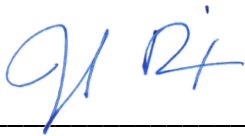
U.S. Army Corps of Engineers, Savannah District


_____ Date September 26, 2022
Joseph R. Geary, Colonel, U.S Army, Commanding

**PROGRAMMATIC AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT, THE ADVISORY COUNCIL ON
HISTORIC PRESERVATION, THE GEORGIA STATE HISTORIC PRESERVATION OFFICE, GEORGIA
DEPARTMENT OF TRANSPORTATION, AND THE JOINT DEVELOPMENT AUTHORITY OF JASPER
COUNTY, MORGAN COUNTY, NEWTON COUNTY, AND WALTON COUNTY, REGARDING
DEVELOPMENT OF VEHICLE MANUFACTURING FACILITY, MORGAN AND WALTON COUNTIES,
GEORGIA
SAS 2020-00182
HP-220131-001**

SIGNATORY:

Georgia Deputy State Historic Preservation Officer



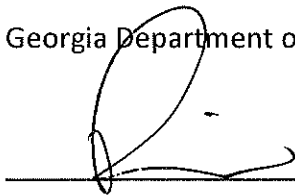
Date September 23, 2022

Jennifer Dixon, Division Director, Deputy SHPO

**PROGRAMMATIC AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT, THE ADVISORY COUNCIL ON
HISTORIC PRESERVATION, THE GEORGIA STATE HISTORIC PRESERVATION OFFICE, GEORGIA
DEPARTMENT OF TRANSPORTATION, AND THE JOINT DEVELOPMENT AUTHORITY OF JASPER
COUNTY, MORGAN COUNTY, NEWTON COUNTY, AND WALTON COUNTY, REGARDING
DEVELOPMENT OF VEHICLE MANUFACTURING FACILITY, MORGAN AND WALTON COUNTIES,
GEORGIA
SAS 2020-00182
HP-220131-001**

INVITED SIGNATORY:

Georgia Department of Economic Development



Date 9-20-22


Pat Wilson, Commissioner

**PROGRAMMATIC AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT, THE ADVISORY COUNCIL ON
HISTORIC PRESERVATION, THE GEORGIA STATE HISTORIC PRESERVATION OFFICE, GEORGIA
DEPARTMENT OF TRANSPORTATION, AND THE JOINT DEVELOPMENT AUTHORITY OF JASPER
COUNTY, MORGAN COUNTY, NEWTON COUNTY, AND WALTON COUNTY, REGARDING
DEVELOPMENT OF VEHICLE MANUFACTURING FACILITY, MORGAN AND WALTON COUNTIES,
GEORGIA
SAS 2020-00182
HP-220131-001**

INVITED SIGNATORY:

The Joint Development Authority of Jasper County, Morgan County, Newton County and Walton County

 _____ Date 9/26/22
Jerry Silvio, Chairman

 _____
Attest: Secretary, David Thompson



**PROGRAMMATIC AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT, THE ADVISORY COUNCIL ON
HISTORIC PRESERVATION, THE GEORGIA STATE HISTORIC PRESERVATION OFFICE, GEORGIA
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COUNTY, MORGAN COUNTY, NEWTON COUNTY, AND WALTON COUNTY, REGARDING
DEVELOPMENT OF VEHICLE MANUFACTURING FACILITY, MORGAN AND WALTON COUNTIES,
GEORGIA
SAS 2020-00182
HP-220131-001**

INVITED SIGNATORY:

Georgia Department of Transportation



Date 09/27/2022

Eric Duff, State Environmental Administrator

Attachment A Location of Project Phases

