

City of Sugar Hill  
Planning Staff Report  
**AX 25-004**

**DATE:** October 29, 2025  
**TO:** Mayor and City Council  
**FROM:** Planning Director  
**SUBJECT:** Annexation AX 25-004  
6318 Suwanee Dam Road

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**ISSUE:** Annexation and Rezoning of this 10.16-acre parcel owned by Brandon Garner was initiated by an application from Local Land Co. dated August 29, 2025. The applicant is requesting annexation and rezoning of property from R100 (Gwinnett County) to RS-100/CSD (Sugar Hill) with a Conservation Subdivision District zoning overlay.

#### RECOMMENDED ACTION

**Recommend approval of annexation and rezoning to RS-100/CSD with the following conditions:**

1. The development shall substantially conform to the site plan (Exhibit 2), particularly regarding its general features, placement, and alignments. However, alterations necessary to accommodate other conditions specified herein are permitted without additional Mayor and City Council approval, provided they align with the spirit and context of the approval as determined by the Planning Department.
2. Prior to the issuance of a Land Disturbance Permit, the developer shall coordinate with city staff to determine the presence of potential state waters on the property. This may include, but is not limited to, on-site visits, additional research, and potential survey work. Should state waters be present on the property, the applicant shall revise the plan to identify the waters with all associated buffers. Should the applicant require relief from these requirements, a Stream Buffer Variance shall be submitted to City Council in accordance with all applicable requirements.
3. All streets, alleys, sidewalks, common area landscaping and storm water infrastructure shall be privately owned and maintained by the homeowners' association (HOA). A copy of the deed dedicating said infrastructure to the HOA and recorded covenants specifying maintenance of the infrastructure shall be provided to the city prior to approval of the final plat. Developer shall establish a capital reserve fund with a minimum balance of \$50,000 for the HOA to use for the future maintenance thereof prior to certificate of occupancy for 50% of the homes.
4. Covenants shall stipulate that no more than 20% of the total number of dwelling units are allowed to be leased at any one time. Notice shall be recorded in the covenants.
5. At least three natural gas appliances shall be installed within each unit prior to a certificate of occupancy.
6. Landscaping shall be subject to review and approval by the Planning Department. All buffers shall be planted and/or retained in accordance with existing regulations and enhanced where necessary.

7. For purposes of calculation towards the open space requirement, designated areas shall consist of enhanced landscaping, benches, tables, gazebos, pergolas, or any other combination of recreational elements as reviewed and approved by the Planning Department in order to count toward the open space requirement.
8. The vertical plane of each dwelling unit's primary front and rear façade shall modulate back and forth a minimum of 2' from the vertical plane of the dwelling units to either side.
9. Units shall be constructed in such a way to create unique character for each dwelling unit, with cohesive design elements to unify the dwellings into the overall development.
10. Sidewalks internal to the development shall be 5 feet wide.

**Recommend approval of the following special use permit request:**

1. Reduce lots to a minimum width of 50' as measured from the building setback line. Road frontage may be reduced to 40' (or 20' against a cul-de-sac) as permitted by the CSD overlay.
2. Allow for a 20' enhanced landscape buffer along the property lines adjoining the Laurel Park subdivision. Natural vegetation shall be retained where possible, and screening shall be enhanced where appropriate to provide visual separation between neighborhoods. Requirements of the CSD Overlay regarding open space and tree preservation shall continue to be met.

OCTOBER 20, 2025, PLANNING COMMISSION PUBLIC HEARING AND RECOMMENDATION

*The Planning Commission held a scheduled public hearing on Monday, October 20, 2025. The public hearing was opened. Applicant representative Gabrielle Schaller spoke in support of this request. She presented proposed modifications to staff recommended conditions. Discussion was had regarding the development potential of the site's current zoning versus what is proposed. Pete Igyarto, Sean Bail, John Ross, Holly Bail, and Bryan Lindsey spoke in opposition, with concerns including an impact on privacy to adjacent residents, loss of trees and wildlife, effects of stormwater drainage and the potential stream impact, increased traffic and a blind spot on Suwanee Dam Road, and the potential overcrowding of schools nearby.*

*Planning Commission Member Brian Shebs made a motion to recommend denial of the requested rezoning, annexation, and special use permit. Planning Commission Member Michael Masba made the second. Motion to recommend approval passed – 3-1 (Phil Olsen against denial).*

DISCUSSION

- The applicant seeks to rezone and annex a 10.16-acre parcel at 6318 Suwanee Dam Road from R-100 (Gwinnett County) to RS-100/CSD (City of Sugar Hill) to construct a 34-lot conservation subdivision.
- The proposed annexation meets state requirements under the 100% method and does not create an unincorporated island. Gwinnett County Board of Commissioners and Gwinnett County Public School Board were notified of the application. County Administrator Glenn Stephens responded with no objections noted.
- The current future land use designation for the property in the county is Traditional. It is located on Suwanee Dam Road north of Grand Magnolia Drive and south of Pierless Ave. Planning staff recommends a land use character designation of Neighborhoods as it is commensurate with adjacent residentially developed properties within the city.

- Parcel 7364-001 is currently developed with a 2,872 square foot ranch home built in 1955. The property is currently being used as a residential home.
- As a component of the application, an Existing Features Site Analysis was provided. This includes items such as steep slope areas, delineation of streams, and delineation of tree resource areas. The proposed areas of tree preservation along the property lines meet and exceed what would typically be required for a residential subdivision. Planners and Engineers Collaborative Plus conducted the study of the property and reviewed several state and federal databases to compile a list of protected species that may exist on the property. Please see the application for details. Should there be an impact on protected species, additional permits through the appropriate state and federal agencies will be required.
- Approximately 43% of the total land area is designated as conservation/open space, far more than the 6% typically required of a residential subdivision of this size. This is a mix of tree save areas and pre-existing cleared areas.
- A requirement for a 50' landscape buffer along the road frontage is outlined by the CSD regulations and is shown on the proposed plan.
- The plan incorrectly states that the maximum permitted density is 6 units per acre. The maximum potential density is 4 units per acre, with the proposal showing approximately 3.3 units per acre.
- A special use permit is requested with this application. This consideration is necessary as the applicant is proposing a 50-foot-wide building lot, as opposed to the 60-foot-wide lot required. By extension, lots that abut non-overlay properties shall meet the standard width of the underlying district, or at least 50' of open space shall be provided. The plan identifies a buffer of approximately 20' along the rear property line where this would be applicable. No other variations or deviations from the outlined requirements are proposed. Staff does not have any objections to this request.
- No stream buffers are readily apparent on the property. The Existing Features survey identifies a ditch along the rear property line, which would not qualify for stream buffer protection. A stream is present within the adjacent neighborhood and does not appear to impact the proposed development. However, there is some conflicting information with historical data. As such, a stream buffer has not been shown on the current plan at this time. Final determination and delineation of stream areas will be assessed prior to issuance of a land disturbance permit, and has been suggested as a condition of zoning. The determination of stream presence requires meeting several criteria, and is highly dependent on a significant rainfall event. Should a stream be present which meets the requirements of a State Waters, the plan will need to be revised accordingly with appropriate stream buffers. Should a variance be needed, the request will return to City Council.
- As depicted on the applicant's site plan, access to the property will be south of the existing concrete driveway. Coordination with county and city entities will be required in order to create a safe intersection for motorists in the immediate area.

## BACKGROUND

Applicant / Owner: Local Land Co. / Brandon Garner.

Existing Zoning: Single-family residential (R100) in Gwinnett County.

Request: Annex and rezone to RS-100 (CSD)

Purpose: 34-home residential subdivision

Property Size: ± 10.16 Acres

Location: 6318 Suwanee Dam Road; Tax Parcel # R7364-001

Public Notice: Public notice signs were posted 9/12/25. Legal advertisements were published in the Gwinnett Daily Post on 9/14/25 and 10/12/25. Notice to adjoining property owners were sent on 9/10/25.

Public Comment: One letter was received 10/13/25 citing the environmental impact, appropriateness of the zoning, stormwater drainage, traffic, and overcrowding.

## FINDINGS OF FACT

### Surrounding Land Use and Zoning

| Direction | Existing Land Use | Existing Zoning |
|-----------|-------------------|-----------------|
| North     | Residential       | RS150           |
| South     | Residential       | RS150 and R100  |
| East      | Residential       | R-100 CSD       |
| West      | Residential       | RS150           |

*City of Sugar Hill: Low Density Single Family Residential (RS-150)*

*Gwinnett County: Single-Family Residence (R100), Residential R100 CSD*

## ZONING ANALYSIS

### 1. Will the rezoning requested permit a use that is suitable in view of the use and development of adjacent and nearby property?

Yes. The proposed rezoning will permit a use that is suitable in view of adjacent and nearby properties. The proposal includes 34 single-family homes, which is compatible with the surrounding single-family homes. The zoning is similar to surrounding neighborhoods.

### 2. Will the rezoning requested adversely affect the existing use or usability of adjacent or nearby properties?

No. Most of the nearby properties are already developed with residential uses. Non-residential uses in the vicinity are an elementary and middle school. The proposed use includes natural buffers around the exterior of the property, and will protect adjacent parcels from negative externalities associated with development and land disturbance. The greater retention of existing trees, combined with enhanced buffers, will likely prove more beneficial to adjacent residents as opposed to a non-conservation overlay subdivision.



**3. Does the property for which the rezoning is requested have a reasonable economic use as currently zoned?**

Yes.

**4. Will the rezoning requested create an overcrowding condition with respect to the existing streets, transportation facilities, or schools?**

The proposed rezoning consists of 34 single-family residences. The subject site is located in the Lanier Cluster (White Oak Elementary). While an impact on schools and local roadways is anticipated, it is unlikely that the impact will be burdensome. Coordination with Gwinnett County Schools as well as GCDOT will be required.

**5. Does the rezoning requested conform to the Sugar Hill Land Use Plan?**

Yes. The property is surrounded by RS150 zoning and R100 CSD across the street. The proposal is in line with the city's Future Land Use Map.

**6. Are there other existing or changing conditions affecting the use and development of the property which would give support to an approval or disapproval of the rezoning request?**

*Excerpts from the Comprehensive Plan (2019):*

Revitalize aging commercial and residential areas through redevelopment and infill strategies.

*Excerpt from the Comprehensive Plan (2024):*

Encourage area-appropriate infill on undeveloped parcels to best utilize available land within the city.

AX-25-004  
ADJACENT ZONING MAP  
Annexation/Rezoning



AX-25-004  
AERIAL MAP  
Annexation/Rezoning





CITY OF SUGAR HILL PLANNING & DEVELOPMENT DEPARTMENT  
PUBLIC HEARING PACKET

Date Accepted: 9/8/25 DATE RECEIVED: 8/29/25

APPLICATION

CHECK ONE: ☒ ANNEXATION/REZONING ☐ REZONING ☐ CHANGE IN CONDITIONS ☒ SPECIAL USE PERMIT

| APPLICANT INFORMATION                                                                                                                                                            |                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| Name: <u>Local Land Co.</u>                                                                                                                                                      | Address: <u>3630 Peachtree Rd.</u>           |
| Phone: <u>(404) 831-2804</u>                                                                                                                                                     | <u>Atlanta, GA 30328</u>                     |
|                                                                                                                                                                                  | Email: <u>Bwoods@LocalLandCo.com</u>         |
| Signature: <u>[Signature]</u>                                                                                                                                                    | Date: _____                                  |
| OWNER INFORMATION                                                                                                                                                                |                                              |
| IF MULTIPLE PROPERTY OWNERS FILL OUT MASTER APPLICATION AND ONE APPLICATION FOR EACH APPLICANT.                                                                                  |                                              |
| Name: <u>Brandon Garner</u>                                                                                                                                                      | Address: <u>5227 Coronado Dr.</u>            |
| Phone: <u>919-451-0749</u>                                                                                                                                                       | <u>Raleigh, NC 27609</u>                     |
|                                                                                                                                                                                  | Email: <u>Brandon.Garner@gmail.com</u>       |
| Signature: <u>Brandon Garner</u>                                                                                                                                                 | Date: <u>7/25/25</u>                         |
| CONTACT INFORMATION                                                                                                                                                              |                                              |
| Name: <u>Hayley Todd</u>                                                                                                                                                         | Phone: <u>770-451-2741</u>                   |
| Email: <u>htodd@pecatl.com</u>                                                                                                                                                   |                                              |
| * Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary). |                                              |
| PROPERTY INFORMATION:                                                                                                                                                            |                                              |
| IF MULTIPLE PROPERTY OWNERS FILL OUT MASTER APPLICATION AND ONE APPLICATION FOR EACH APPLICANT.                                                                                  |                                              |
| Map Reference Number(s) (Tax Parcel Identification Number or PIN #) <u>B7364001</u>                                                                                              | Acreage: <u>10.16</u>                        |
| Number of Existing Housing Units: <u>1</u>                                                                                                                                       | Number of Proposed Housing Units: <u>35</u>  |
|                                                                                                                                                                                  | Current Population: <u>25,889 (1)</u>        |
| Street Address: <u>6318 Suwanee Dam Rd.</u>                                                                                                                                      |                                              |
| PRESENT ZONING DISTRICT: <u>R-100</u>                                                                                                                                            | REQUESTED ZONING DISTRICT: <u>RS-100 CSD</u> |
| Proposed Development: <u>Residential neighborhood consisting of 35 detached homes</u>                                                                                            |                                              |
| <b>Residential Development</b>                                                                                                                                                   | <b>Non-Residential Development</b>           |
| # of Lots/Dwelling Units: <u>35</u>                                                                                                                                              | # of Lots/Buildings: _____                   |
| Dwelling Unit Size (sq. ft.): <u>2100-2600 SF</u>                                                                                                                                | Total Gross Square Feet: _____               |
| Net Density: <u>3.2</u>                                                                                                                                                          |                                              |
| <u>max permitted = 6</u>                                                                                                                                                         |                                              |
| PLEASE CHECK THE FOLLOWING IF APPLICABLE: <input type="checkbox"/> DRI (Development of Regional Impact) <input type="checkbox"/> Within 2,000 feet of the Chattahoochee River    |                                              |

Request for Special Conditions or Variance(s) (Set back, Parking, Buffers, etc): \_\_\_\_\_

NOTE: Special Conditions, and Variance Request must also be explained in the Letter of Intent and shown on the site plan





CITY OF SUGAR HILL PLANNING & DEVELOPMENT DEPARTMENT  
PUBLIC HEARING PACKET

**APPLICATION FOR ANNEXATION**

**IF MULTIPLE PROPERTY OWNERS FILL OUT AND SUBMIT AN APPLICATION FOR EACH APPLICANT/OWNER/ELECTOR.  
SIGN APPLICABLE SECTION**

**100% METHOD**

This Annexation Application is made pursuant to the provisions of the Official Code of Georgia Annotated 36-36, Article 2, "Annexation Pursuant to Application by one hundred percent (100%) of Landowners". Application is hereby made to the City of Sugar Hill, Georgia by the undersigned property owners, who own 100% of the property to be annexed, to have the following described lands annexed into the corporate limits of the City. All that tract or parcel of land lying and being in Land Lots(s) 364 of the 7 District(s), Parcel Number(s)

7364001 Gwinnett County, Georgia and being more particularly described as: (Attach or Insert Legal description)

(Note: Also, attach a plat or drawing illustrating the land area to be annexed and its relationship to the existing City Limits. Include lot number, block number, subdivision name, and Plat Book Reference, if available, and the existing zoning classifications of adjacent properties within the City.) It is requested that a zoning classification of RS100 ( ) be assigned to the property upon annexation.

(Note: Different classifications can be requested for various portions of the property).

The property owner(s) intended to develop and/or use the property as follows: subdivision  
(Include a timetable for development if available).

|                                             |                                        |
|---------------------------------------------|----------------------------------------|
| Owner/Applicant Name: <u>Brandon Garner</u> | Address: <u>5227 Coronado Dr.</u>      |
| Home Phone: <u>919-451-0749</u>             | <u>Raleigh, NC 27609</u>               |
| Work Phone: _____                           | _____                                  |
| Signature: <u>Brandon Garner</u>            | Email: <u>Brandon.Garner@gmail.com</u> |
| _____                                       | Date Signed: <u>08/23/25</u>           |
| Owner/Applicant Name: <u>Local Land Co</u>  | Address: <u>3630 Peachtree Road</u>    |
| Home Phone: _____                           | <u>Atlanta, GA. 30328</u>              |
| Work Phone: _____                           | _____                                  |
| Signature: <u>Brandon Woods</u>             | Email: <u>bwoods@locallandga.com</u>   |
| _____                                       | Date Signed: <u>08/25/25</u>           |
| Owner/Applicant Name: _____                 | Address: _____                         |
| Home Phone: _____                           | _____                                  |
| Work Phone: _____                           | _____                                  |
| Signature: _____                            | Email: _____                           |
| _____                                       | Date Signed: _____                     |
| Owner/Applicant Name: _____                 | Address: _____                         |
| Home Phone: _____                           | _____                                  |
| Work Phone: _____                           | _____                                  |
| Signature: _____                            | Email: _____                           |
| _____                                       | Date Signed: _____                     |
| Owner/Applicant Name: _____                 | Address: _____                         |
| Home Phone: _____                           | _____                                  |
| Work Phone: _____                           | _____                                  |
| Signature: _____                            | Email: _____                           |
| _____                                       | Date Signed: _____                     |

\* COPY THIS PAGE FOR ADDITIONAL SIGNATURES, ORIGINAL SIGNATURES MUST BE SUBMITTED WITH THE APPLICATION.



CITY OF SUGAR HILL PLANNING & DEVELOPMENT DEPARTMENT  
PUBLIC HEARING PACKET

REZONING APPLICANT'S RESPONSE

**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

Please respond to the following standards in the space provided or use an attachment as necessary:

A. Whether the proposed Rezoning or Special Use Permit will permit a use that is suitable in view of the use and development of adjacent and nearby property:

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B. Whether the proposed Rezoning or Special Use Permit will adversely affect the existing use or usability of adjacent or nearby property:

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C. Whether the property to be affected by a proposed Rezoning or Special Use Permit has reasonable economic use as currently zoned:

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D. Whether the proposed Rezoning or Special Use Permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

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E. Whether the proposed Rezoning or Special Use Permit is in conformity with the policy and interest of the Land Use Plan:

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F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed Rezoning or Special Use Permit:

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**CITY OF SUGAR HILL PLANNING & DEVELOPMENT DEPARTMENT  
PUBLIC HEARING PACKET**

**APPLICANT'S CERTIFICATION**

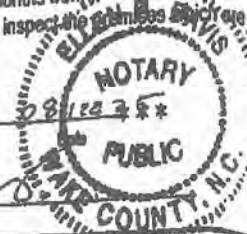
The undersigned below is authorized to make this application. The undersigned is aware that no application or reapplication which affects the same land for which an application was denied during the last 12 months shall be acted upon for 12 months from the date of the denial by the City Council unless waived by the City Council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of the denial by the City Council.

Signature of Applicant: Brandon Woods Date: 08/27/25 Typed or Print Name and Title: Brandon Woods  
Sworn to and subscribed before me this 27 day of August, 2025 Signature of Notary Public: [Signature]

**PROPERTY OWNER'S CERTIFICATION**

The undersigned below is authorized to make this application. The undersigned is aware that no application or reapplication which affects the same land for which an application was denied during the last 12 months shall be acted upon for 12 months from the date of the denial by the City Council unless waived by the City Council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of the denial by the City Council. I hereby authorize the staff of the City of Sugar Hill, Department of Planning and Development to inspect the premises which are subject of this zoning application.

Owner Signature: Brandon Garner Date: 08/27/25 Typed or Print Name and Title: Brandon Garner  
Sworn to and subscribed before me this 22nd day of August, 2025 Signature of Notary Public: [Signature]



**CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS**

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et seq.; Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Signature of Applicant/Attorney Representative: Brandon Garner Date: 08/27/25 Typed or Print Name and Title: Brandon Garner  
Signature of Owner: Brandon Garner Date: 08/27/25 Typed or Print Name and Title: Brandon Garner  
Sworn to and subscribed before me this 27th day of August, 2025 Signature of Notary Public: [Signature]



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Sugar Hill City Council or the Planning Commission? NO (yes/no). If yes, complete the following:

| NAME & OFFICIAL                 | CONTRIBUTIONS (List all which aggregate to \$250 or more) | DATE CONTRIBUTION WAS made (within last two years) |
|---------------------------------|-----------------------------------------------------------|----------------------------------------------------|
| POSITION OF GOVERNMENT OFFICIAL |                                                           |                                                    |

Discussed by: Brandon Woods Date: 9/14/25 Typed or Print Name and Title: Brandon Woods - Director  
Signature of Applicant/Attorney Representative: Brandon Garner Date: 09/04/25 Typed or Print Name and Title: Brandon Garner  
Signature of Owner: Brandon Garner Date: 09/04/25 Typed or Print Name and Title: Brandon Garner  
Sworn to and subscribed before me this 4th day of September, 2025 Signature of Notary Public: [Signature]





CITY OF SUGAR HILL PLANNING & DEVELOPMENT DEPARTMENT  
PUBLIC HEARING PACKET

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR APPLICATION

The undersigned below is authorized to make this application. The undersigned certifies that all City Taxes/Property taxes, billed to date for the parcel listed below have been paid in full to the Tax Commissioner of Gwinnett County, Georgia. In no case shall an application or reapplication for rezoning, special use permit, and/or change in conditions be processed without such property verification. A copy of the paid tax bill can also be provided.

**\*NOTE: A separate verification for must be completed for each tax parcel included in the Variance request.**

Tax Parcel Number: R7364 001  
Tax Parcel Number: \_\_\_\_\_

|                        |                   |                       |
|------------------------|-------------------|-----------------------|
| <u>Brandon Garner</u>  | <u>08/25/2025</u> | <u>Brandon Garner</u> |
| SIGNATURE OF APPLICANT | DATE              | TYPE OR PRINT NAME    |





8/29/2025

Re: **Letter of Intent – RS-100/CSO Rezoning and Annexation**  
**6318 Suwanee Dam Road (10.16 AC.)**  
*City of Sugar Hill, Georgia*  
Planners and Engineers Collaborative, Inc. Project No. 24115.00A

Dear Community Development Officials,

This application seeks to rezone the 10.16 acre site at 6318 Suwanee Dam Road (the “Subject Property,” Parcel ID R7364001) from R-100 (Gwinnett County) to RS-100/CSD (City of Sugar Hill). This change will allow for the elimination of an island of unincorporated land and future development of a 34-lot conservation subdivision.

#### **Site and Proposal**

The subject property consists of a 10-acre tract that is currently under the jurisdiction of Gwinnett County. The site is surrounded by properties that are in the City Limits of Sugar Hill with zoning designations that range from RS-75, RS-100, RS-100/CSD, and RS-200. The project would fill in an island area of unincorporated land and would assign it a zoning designation in-line with nearby subdivisions.

The zoning actions request consists of:

- An amendment to the zoning map to rezone the subject property from R-100 (Gwinnett County) to RS-100/CSD (City of Sugar Hill); and,
- An annexation of the subject sites (approx. 10.16 acres) from Gwinnett County into the City of Sugar Hill.

The proposed development would be a 34-lot conservation subdivision with a density of approximately 3 units per acre out of a maximum of 6 units per acre in the CSD. Dwelling units would be single-family detached homes ranging from approximately 2,100 to 2,600 square feet in a traditional subdivision. Homes would have garage and driveway parking. Approximately 40 percent of the site would remain as conservation or open space. The CSD requires a 50' wide frontage buffer that would screen the streetscape in a manner consistent with surrounding neighborhoods.

#### **Rationale for Request**

In the City of Sugar Hill, the site has been identified by the 2039 Comprehensive Plan Update as “Neighborhoods.” Appropriate zoning districts within that future land use include RS-200, RS-100, RS-72, and in some cases R36. While the future land use designation fits for both jurisdictions, the current zoning scheme, R-100 in unincorporated Gwinnett County, is outdated and impractical given the site remains a lingering island sandwiched between jurisdictions. The most rational future for this site is to be annexed into Sugar Hill and converted into a zoning district that is identified as appropriate per the city’s comprehensive plan, which in this case, includes Neighborhoods. The site will add a rare, priority infill parcel to the City’s existing residential fabric, which is a key point prioritized in the goals of the Neighborhoods character area.

#### **Constitutional Objections**

The portions of the Code of Ordinances and Zoning Ordinance for Sugar Hill (the “Zoning Ordinance”) which classifies or conditions the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are unconstitutional, in that they would destroy the Applicant's and property owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.



Planners & Engineers  
Collaborative+

350 RESEARCH COURT  
SUITE 200  
PEACHTREE CORNERS, GA 30092

The application of the Zoning Ordinance which presently restricts the Property's use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, and constitutes a taking of the Applicant's and the property owner's property rights in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States by denying economic and viable use of the Property while not substantially advancing legitimate state interests.

The Property is presently suitable for RS-100/CSD as proposed in the requested rezoning, as amended by the Applicant, and is not economically suitable for uses restricted under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested rezoning and related variances would constitute an arbitrary and capricious act by Sugar Hill and the Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment. A refusal by Sugar Hill and the Board of Commissioners to approve this requested rezoning, with only such additional conditions as agreed to by the Applicant and/or owner, so as to permit the only feasible economic use of the Property, would be unconstitutional between the Applicant, owner, and similarly situated property owners, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment.

#### **Conclusion**

The applicant and owner respectfully request that the Sugar Hill Mayor and Council, Planning Commission and Planning Staff approve and support the Applicant's rezoning request to allow for incorporation of this site into the city limits of Sugar Hill, and the subsequent development of a 34-unit subdivision. The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,

*Hayley Todd*

**Hayley Todd, Zoning Manager, Planners and Engineers Collaborative, Inc.**

8/29/2025

Re: **Zoning Analysis – RS-100/CSO Rezoning and Annexation**  
**6318 Suwanee Dam Road (10.16 AC.)**  
*City of Sugar Hill, Georgia*  
Planners and Engineers Collaborative, Inc. Project No. 24115.00A

Dear Community Development officials,

Please see below the responses to the Standards Governing the Exercise of the Zoning Power:

The following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the official zoning map:

**A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property:**

The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposal includes 34 single-family homes, which is compatible with the surrounding single-family homes. Therefore, the proposed change would allow for a use that is suitable in view of the use and development of adjacent and nearby property.

**B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property:**

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Most of the nearby properties are already developed. The proposed use includes significant natural buffers around the exterior of the property, and will protect adjacent parcels from negative externalities associated with development and land disturbance. The proposed new use would be in harmony with the use and usability of existing properties.

**C. Whether the property to be affected by the proposed rezoning has a reasonable economic use as currently zoned:**

The proposal does not have a reasonable use as zoned. Due to the location and size of this parcel, in addition to the inconsistent island of unincorporated land, the subject property does not have a reasonable use under the R-100 designation in Gwinnett County. This site cannot be feasibly be used as farmland, and the best and highest use of it would be a subdivision similar to others in the area. This proposal, however, would ensure that the natural area on the site remains intact to the extent possible, while still maintaining a reasonable economic use.

**D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:**

The proposed rezoning will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The proposed project will attract a variety of buyers, and will not overwhelm existing utilities or facilities in any one particular way. Additionally, the neighborhoods character area is designated as those areas of the county which can support new areas of growth due to the presence of existing utilities and capacity.

**E. Whether the proposed rezoning is in conformity with the policy and intent of the land use plan:**

The proposed rezoning is in conformity with the policy and intent of the comprehensive plan. This area is part of the “neighborhoods” character area per the Sugar Hill Comprehensive Plan. As such, the proposed RS-100/CSD zoning is compatible with the underlying designation and is therefore aligned with the comprehensive plan. Per the Unified Development Ordinance, the purpose and intent of the CSD is to encourage the protection and preservation of natural resources while providing safe, walkable neighborhoods and communities. Land disturbance and impervious surfaces should be minimized to enhance air, water, land, and tree resources. Contiguous conservation spaces

should be protected in developed areas of the County as well. The proposal meets the purpose and intent of the district per the Sugar Hill UDO.

**F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning:**

The site area has never been used for agriculture, and it can almost be guaranteed that it will not be used for agriculture moving toward the mid-21<sup>st</sup> century. The County has tremendous pressures for growth, and this development is suitable in ensuring the goals of the comprehensive plan are met by steering that growth toward quality with an emphasis on good design.

The applicant and owner respectfully request that the Sugar Hill City Council, Planning Commission and Planning Staff approve and support the Applicant's request to annex and rezone the subject property from R-100 (Gwinnett County) to RS-100/CSD (Sugar Hill) for the purposes of creating a new, high-quality, single-family detached development. The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,

*Hayley Todd*

Zoning Manager, Planners and Engineers Collaborative, Inc.



Property Tax    View Pay Your Taxes

## View/Pay Your Taxes

### View Bill

[Back to Account](#)

#### Tax Account

**Parcel ID :**  
R7364 001

**Property Type :**  
Real Property

**Site Address :**  
6318 SUWANEE DAM RD  
SUGAR HILL 30518

**Mailing Address :**  
GARNER BRANDON M  
6318 SUWANEE DAM RD  
SUGAR HILL GA 30518-5519

[Change Mailing Address](#)

**Legal :**  
SUWANEE BUFORD DAM RD

**District :**  
COUNTY Unincorporated

**Last Update :**  
08/21/2025 08:06 PM

#### Tax Values

| Description | Market Value | Assessed Value |
|-------------|--------------|----------------|
| Land        | \$505,200.00 | \$202,080.00   |
| Improvement | \$203,200.00 | \$81,280.00    |
| Total       | \$708,400.00 | \$283,360.00   |

**Class Codes :**  
101 - Residential SFR

#### Assessments

|                                                                              | Net Tax     | Savings |
|------------------------------------------------------------------------------|-------------|---------|
| <div><div></div><div><a href="#">County Unincorporated Taxes</a></div></div> | \$4,168.22  | \$0.00  |
| <div><div></div><div><a href="#">School Taxes</a></div></div>                | \$5,823.05  | \$0.00  |
| <div><div></div><div><a href="#">Stormwater Service Fee</a></div></div>      | \$241.08    | \$0.00  |
| <div><div></div><div><a href="#">Solid Waste Service Fee</a></div></div>     | \$289.68    | \$0.00  |
| <b>Total</b>                                                                 | \$10,522.03 | \$0.00  |

#### Tax Installment Information

AT  
6318 SUWANEE DAM ROAD  
BUFORD, GEORGIA 30518  
GWINNETT COUNTY JURISDICTION

MUNICIPALITY PROJECT #

| REVISIONS |      |             |
|-----------|------|-------------|
| NO.       | DATE | DESCRIPTION |

A blank grid consisting of 10 columns and 4 rows of squares, intended for drawing a picture.

THIS SEAL IS ONLY VALID IF COUNTER SIGNED  
AND DATED WITH AN ORIGINAL SIGNATURE

NOT TO BE RELEASED FOR CONSTRUCTION

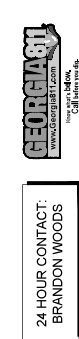
0 30 60 120 180

1" = 60'

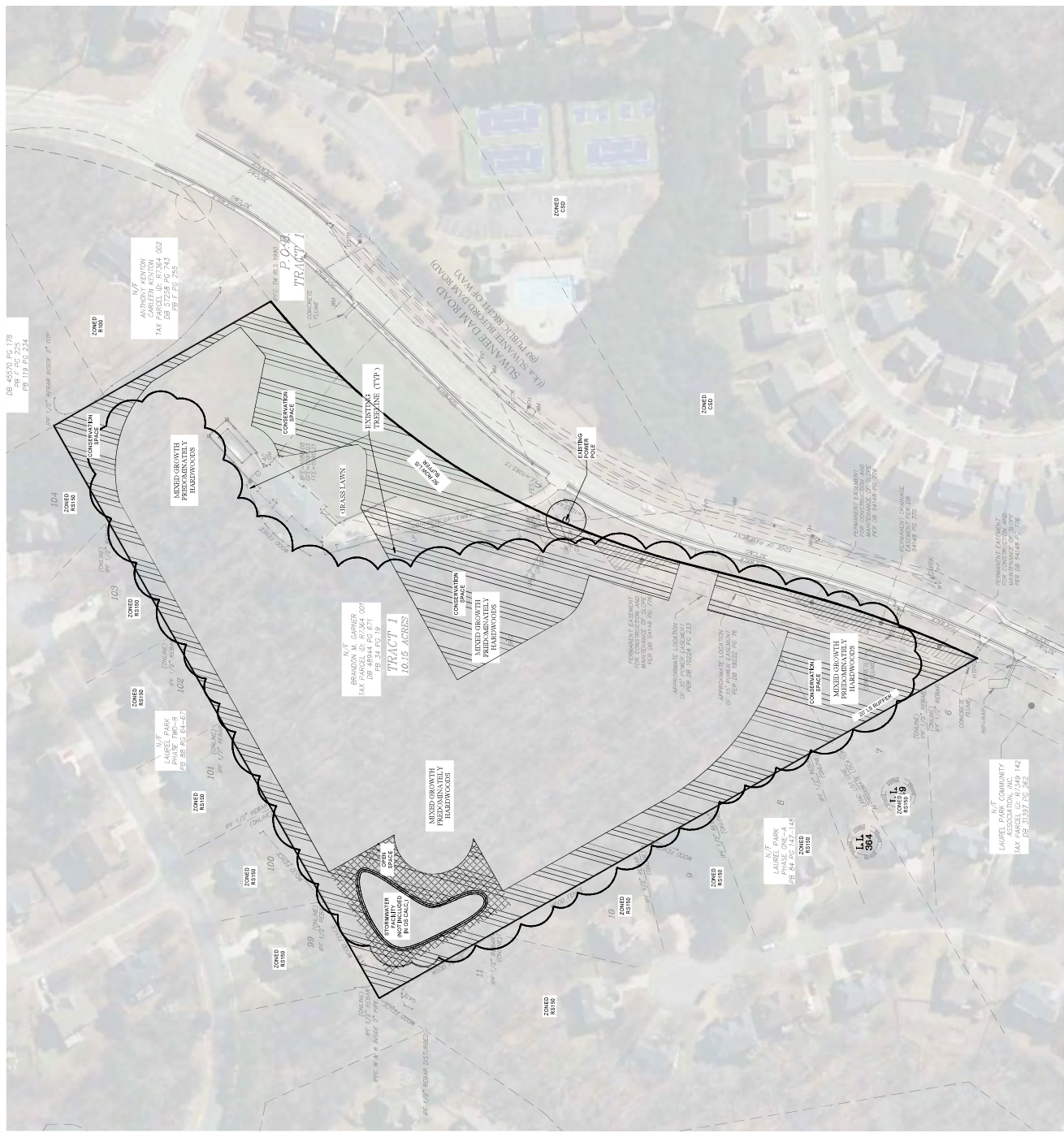
SCALE: 07/27/2025  
DATE: 24115.00A  
PROJECT:

[illegible]

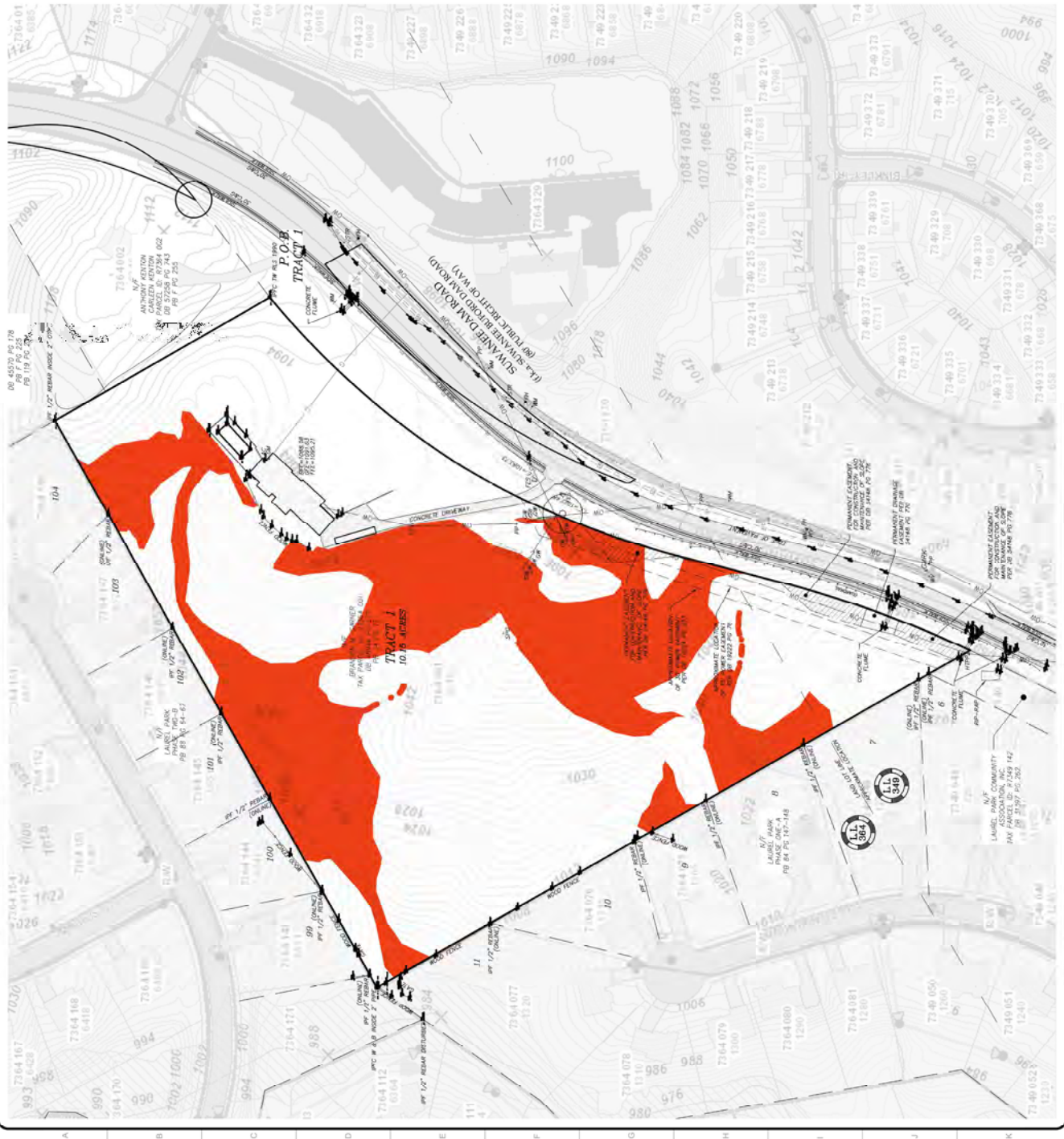
1. PER SECTION 1200, BUFFER BETWEEN DISJUNCT DISTRICTS AND CONSTRUCTION BUFFERS.
2. (2) ALL NEW RESIDENTIAL SUBDIVISIONS REQUIRE A 20' LANDSCAPE BUFFER ALONG PROPERTY LINES BETWEEN EXISTING RESIDENTIAL SUBDIVISIONS
3. 30' FRONTAGE BUFFER REQUIRED FOR CSD DEVELOPMENTS













THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS COLLECTED USING A TOPCON TOTAL STATION "TS103". TESTIES 700M90 AND 700M91 WERE USED TO LOCATE THE CENTER OF GRAVITY OF THE ROBOTIC STATION. A GEOMAX ZENITH5800 SERIES DATA COLLECTOR WITH AN INERTIAL SENSING SYSTEM (ISS) AND A TRIMBLE SCORPUS 20TL GNSS RECEIVER WITH A SITE-LOCALIZED RTK NETWORK, BOTH PROVIDED BY THE U.S. NAVY, WERE USED TO OBTAIN POSITIONS AND HAS A RELATIVE POSITIONAL ACCURACY OF 0.1 FEET.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN xxxxxx FEET.

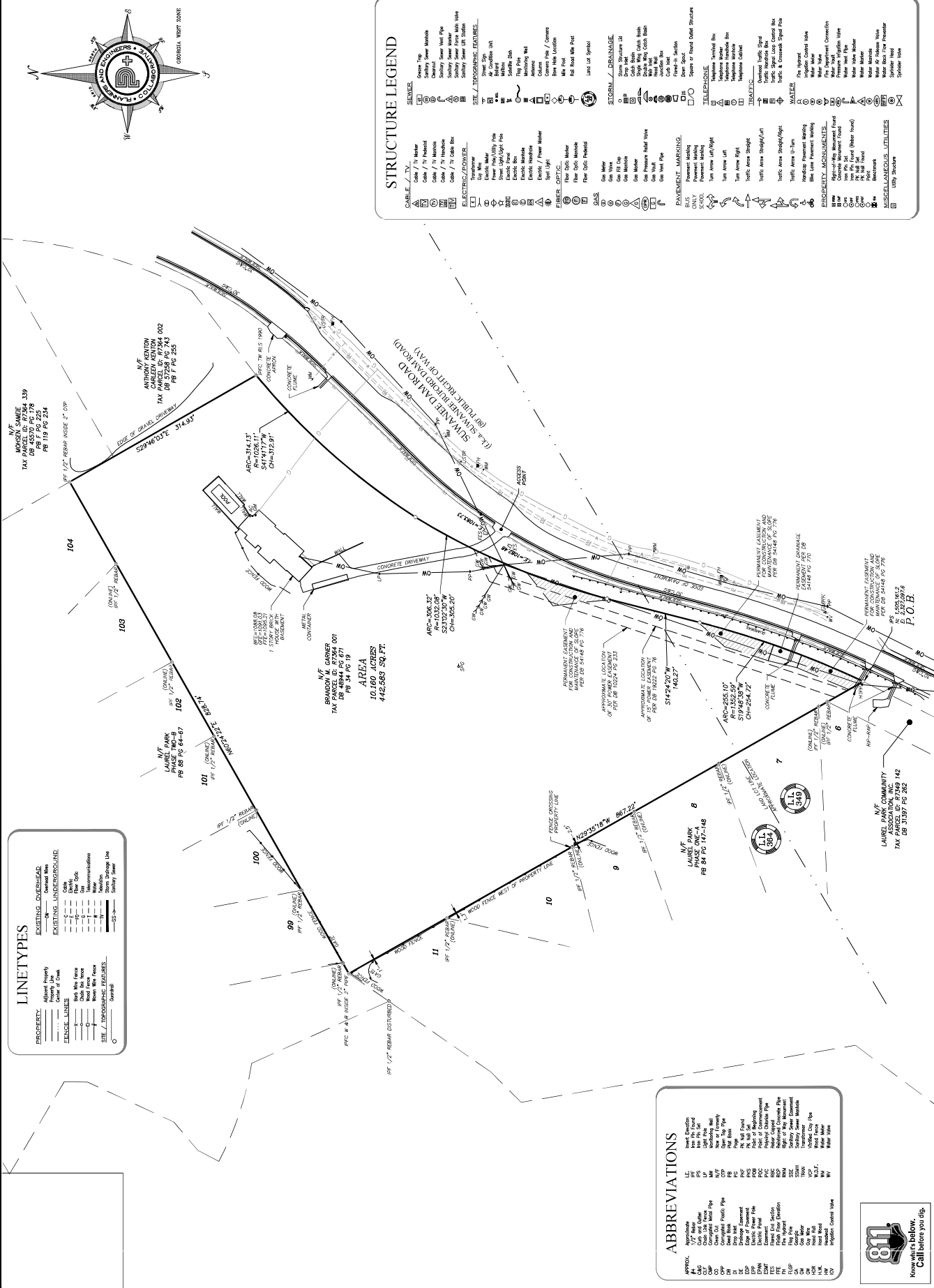
Date of Map or Plat: 08/29/2025

Printed name

25. Permanent Construction Easement from the Harold and Carol Garner Family Limited Partnership to Gwinnett County, dated March 4, 2016, recorded in Deed Book 54135, page 543, aleohead records. Property shown in above referenced deed located to the northeast of subject property.

[illegible]





## LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 349 and 364, of the 7th District, Gwinnett County, Georgia and being more particularly described as follows:

BEGIN at a set 1/2 inch rebar with cap, said rebar having coordinates of North 1,505,161.2 and East: 2,327,097.6, coordinates based on NAD83 State Plane Coordinate system, Georgia West zone, said rebar located on the northerly right of way line Suwanee Dam Road (f.k.a. Suwanee Buford Dam Road) (variable public right of way), said rebar located 573 feet, more or less, northeasterly from intersection of said northerly right of way line of Suwanee Dam Road and the northeasterly right of way line of Grand Magnolia Drive, said rebar being the POINT OF BEGINNING;

THENCE leaving said northerly right of way of Suwanee Dam Road and proceed N29°35'18"W a distance of 867.22 feet to a found iron pin with cap, labeled W&B, inside 2 inch pipe; thence N60°24'22"E a distance of 828.74 feet to a found 1/2 inch rebar inside 2 inch open top pipe; thence S29°46'03"E a distance of 314.93 feet to a found iron pin with cap, labeled TW RLS 1990 on said northerly right of Suwanee Dam Road; thence along said northerly right of way of Suwanee Dam Road the following courses and distances: along a curve turning to the left with an arc length of 314.13 feet, having a radius of 1026.11 feet, being subtended by a chord bearing of S41°41'17"W, and a chord length of 312.91 feet to a point; along a curve turning to the left with an arc length of 306.32 feet, having a radius of 1032.08 feet, being subtended by a chord bearing of S23°02'30"W, and a chord length of 305.20 feet to a point; S14°24'20"W a distance of 140.27 feet to a point; along a curve turning to the right with an arc length of 255.10 feet, having a radius of 1352.59 feet, being subtended by a chord bearing of S19°48'38"W, and a chord length of 254.72 feet to a point, said rebar being the POINT OF BEGINNING.

Tract or parcel contains 442,583 square feet or 10.160 acres.



September 24, 2025

Brandon Woods  
Local Land Co.  
3630 Peachtree Road NE.  
Atlanta, GA. 30326

**Re: Suwanee Dam Rd (6318)  $\pm$  10.16 Acres**  
**Land Lot #364, 7th District, Gwinnett County, Georgia**  
**Planners and Engineers Collaborative, Inc. Project No. 24115.00A**

Dear Mr. Garner,

A site visit was conducted by representatives from Planners and Engineers Collaborative, Inc. (PEC+) on September 24, 2025, to verify the presence and location of known jurisdictional streams and wetlands. The evaluation included a preliminary investigation of previously surveyed aquatic resources using third party sources and online databases and a site visit to delineate and locate all features onsite. This report summarizes the findings and future permitting considerations. The data collected is necessary documentation that would be required by the US Army Corps of Engineers under the 404 Clean Water Act.

### **Site Description**

The project is located on tax parcels 7364 001 of Gwinnett County near the City of Sugar Hill. This property is located in the middle of a large residential section of Gwinnett County. The land is predominantly wooded with an approximately 1.5 acre cleared portion of field with an inhabited residence at time of this survey. The total acreage of the property is 10.16 acres.

The subject property is located within The James Creek – Chattahoochee River Watershed, Hydrologic Unit Code (HUC) 031300010901. Richland Creek is located approximately 100 feet offsite to the northwest. Richland Creek is listed on the 2022 Georgia EPD integrated 305(b)/303(d) list of impaired streams as “Not Supporting” its use of Fishing (Source: epd.georgia.gov).

### **Aquatic Resources**

PEC+ utilized the 1987 *Corps of Engineers Wetlands Delineation Manual* methodology to identify potential wetlands on the site. Streams were identified using the parameters described in the NCDWQ Stream ID version 4.11. No wetland areas or streams were found to be present on site, however, there is a man-made channel reinforced with multiple riprap areas observed in the project area and are shown in Appendix 1: Aquatic Resource Map. Evidence of hydric soils were not observed in this channel and the absence of baseflow or connection to Richland Creek were also noted.

***Threatened and Endangered Species***

One Candidate species was listed by the US FWS IPaC as potentially occurring within the project location, the Monarch Butterfly (*Danaus plexippus*). Adherence to the 25-foot undisturbed vegetative stream buffer and stream protection through runoff reduction should mitigate impacts of construction activity on these species, however, Candidate Conservation Status, outlined under the Endangered Species Act (ESA), states “Candidate species receive no statutory protection...” and as such no additional conservation efforts are required.

***Permitting Considerations***

USACE Permitting: A nationwide permit (NWP) 29 would be required for impacts to streams and wetlands associated with a residential development. This permit authorized impacts to waters of the US up to 0.5-acres. A pre-construction notification (PCN) would be required for any impacts to jurisdictional streams and wetlands. A compensatory mitigation plan is required for all impacts that are greater than 0.1 acre of wetlands and 0.01 acres of jurisdictional streams. Each individual stream crossing is limited to 0.05 acres of stream disturbance.

EPD Stream Buffer Variance: Per the requirements of O.C.G.A. § 12-7-6(15), there is an established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action. Encroachments within this buffer may require a variance from EPD. Road crossings are exempt from a variance, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream.

LIA Stream Buffer Variance: The Gwinnett County is the local issuing authority for the project area and maintains an additional 50-foot undisturbed vegetative buffer for all intermittent and perennial streams as measured outwardly from and perpendicular to the 25-foot State EPD Stream Buffer. An additional 25-foot setback is must also be maintained, perpendicular to the undisturbed buffer, measured horizontally, in which all impervious cover is prohibited and earthwork shall be minimized. (UDO Chapter 500-10.4.A.1.a).

Should you have any questions, please feel free to contact me at 770.451.2741 or [bmurphy@pec.plus](mailto:bmurphy@pec.plus)

Sincerely,

Billy Murphy, ISA, TRAQ

**Planners and Engineers Collaborative**

350 Research Court, Peachtree Corners, GA 30092

Main Office: 770-451-2741 | Direct Line: 678-684-6202 | Fax: 770-451-3915





## **Appendices:**

**App. 1: Aquatic Resource Map**

**App. 2: NWI Map**

**App. 3: USDA Soil Survey**

**App. 4: Photographic Logs**

**App. 5: IPaC Report**



## Appendix 1: Aquatic Resources Map



130202124145001EaulDEINEATIONEXhibit 2 Acoustic Resources Map 24145 00 Acoustic Resources Map 24145 00 Acoustic Resources Map 24145 00 7/17/2024 4:55 PM



**WWW.PEC.PLUS**



LAND PLANNING + LANDSCAPE ARCHITECTURE + CIVIL ENGINEERING  
ARBORISTS + SURVEYING & CONSTRUCTION + WATER RESOURCES

350 RESEARCH COURT STE 200  
PEACHTREE CORNERS, GA 30092

PROJECT

**PROJECT NAME**

**A MASTER PLANNED RESIDENTIAL  
DEVELOPMENT**

AT

6318 SUWANEE DAM ROAD  
BUFORD, GEORGIA 30518

**GWINNETT COUNTY JURISDICTION**

FOR

**BRANDON GARNER**

MUNICIPALITY PROJECT #

## REVISIONS

[illegible]

THIS SEAL IS ONLY VALID IF COUNTER SIGNED  
AND DATED WITH AN ORIGINAL SIGNATURE.

## PRELIMINARY

NOT TO BE RELEASED FOR CONSTRUCTION

# AQUATIC RESOURCE MAP

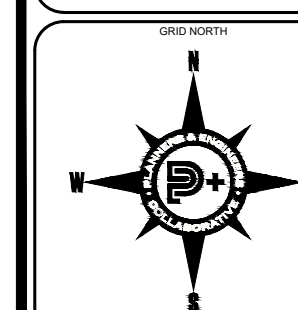


SCALE:

$$1'' = 60'$$

DATE:

05/13/2024



AR

SHEET





## Appendix 2: NWI Map

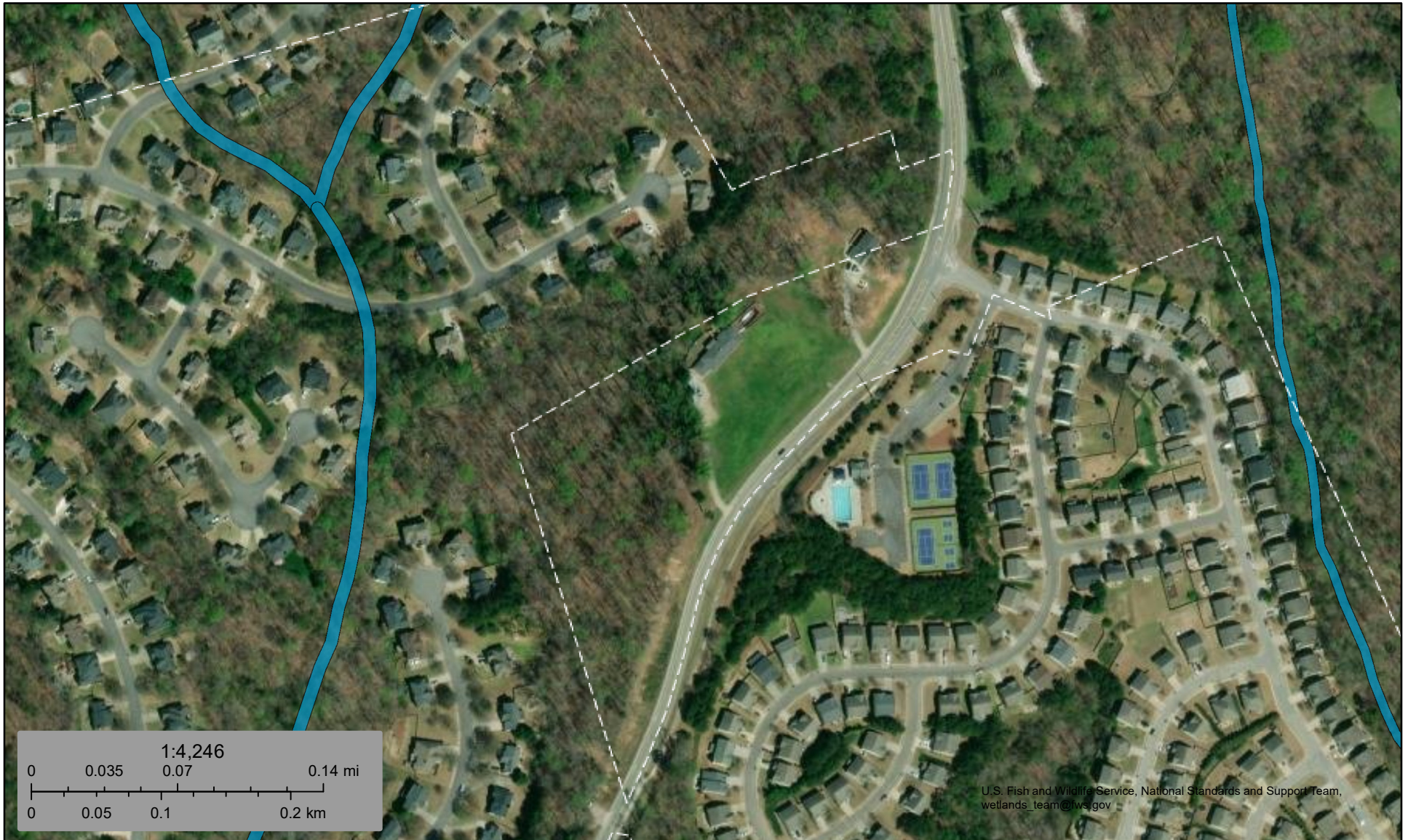




U.S. Fish and Wildlife Service

# National Wetlands Inventory

24115.00 - Suwannee Dam Rd



June 24, 2024

## Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



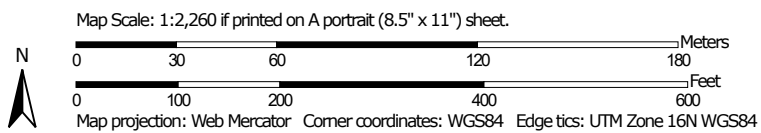
## Appendix 3: USDA Soil Survey



Hydric Rating by Map Unit—Gwinnett County, Georgia  
(24115.00 - Suwanee Dam Road)



Soil Map may not be valid at this scale.



Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey

7/17/2024  
Page 1 of 5



## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

#### Soil Rating Polygons

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available

#### Soil Rating Lines

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available

#### Soil Rating Points

-  Hydric (100%)
-  Hydric (66 to 99%)
-  Hydric (33 to 65%)
-  Hydric (1 to 32%)
-  Not Hydric (0%)
-  Not rated or not available

### Water Features

 Streams and Canals

### Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

### Background

 Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Gwinnett County, Georgia  
Survey Area Data: Version 14, Aug 30, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 14, 2022—Jun 21, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Hydric Rating by Map Unit

| Map unit symbol                    | Map unit name                                                       | Rating | Acres in AOI | Percent of AOI |
|------------------------------------|---------------------------------------------------------------------|--------|--------------|----------------|
| PgC2                               | Pacolet sandy clay loam, 6 to 10 percent slopes, moderately eroded  | 0      | 2.1          | 19.5%          |
| PgD2                               | Pacolet sandy clay loam, 10 to 15 percent slopes, moderately eroded | 0      | 0.8          | 7.6%           |
| Psf                                | Pacolet-Saw complex, 15 to 45 percent slopes, stony                 | 0      | 7.8          | 72.9%          |
| <b>Totals for Area of Interest</b> |                                                                     |        | <b>10.7</b>  | <b>100.0%</b>  |

## Description

This rating indicates the percentage of map units that meets the criteria for hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor nonhydric components in the higher positions on the landform, and map units that are made up dominantly of nonhydric soils may have small areas of minor hydric components in the lower positions on the landform. Each map unit is rated based on its respective components and the percentage of each component within the map unit.

The thematic map is color coded based on the composition of hydric components. The five color classes are separated as 100 percent hydric components, 66 to 99 percent hydric components, 33 to 65 percent hydric components, 1 to 32 percent hydric components, and less than one percent hydric components.

In Web Soil Survey, the Summary by Map Unit table that is displayed below the map pane contains a column named 'Rating'. In this column the percentage of each map unit that is classified as hydric is displayed.

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

The NTCHS definition identifies general soil properties that are associated with wetness. In order to determine whether a specific soil is a hydric soil or nonhydric soil, however, more specific information, such as information about the depth and duration of the water table, is needed. Thus, criteria that identify those estimated soil properties unique to hydric soils have been established (Federal Register, 2002). These criteria are used to identify map unit components that normally are associated with wetlands. The criteria used are selected estimated soil properties that are described in "Soil Taxonomy" (Soil Survey Staff, 1999) and "Keys to Soil Taxonomy" (Soil Survey Staff, 2006) and in the "Soil Survey Manual" (Soil Survey Division Staff, 1993).

If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and Vasilas, 2006).

### References:

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.



Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service. U.S. Department of Agriculture Handbook 436.

Soil Survey Staff. 2006. Keys to soil taxonomy. 10th edition. U.S. Department of Agriculture, Natural Resources Conservation Service.

## Rating Options

*Aggregation Method:* Percent Present

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Lower



## Appendix 4: Photographic Log



**Photo 1:** Onsite Man-made Ditch



## Appendix 5: IPaC Report



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Georgia Ecological Services Field Office  
355 East Hancock Avenue  
Room 320  
Athens, GA 30601-2523  
Phone: (706) 460-7161 Fax: (706) 613-6059



In Reply Refer To:

07/17/2024 21:19:17 UTC

Project Code: 2024-0117839

Project Name: 24115.00 - Suwanee Dam Road

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

Thank you for requesting information on federally listed species and important wildlife habitats that may occur in your project area. The U.S. Fish and Wildlife Service (Service) has responsibility for certain species of wildlife under the Endangered Species Act (ESA) of 1973 as amended (16 USC 1531 et seq.), the Migratory Bird Treaty Act as amended (16 USC 701-715), Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Bald and Golden Eagle Protection Act as amended (16 USC 668-668c). We provide the following guidance for determining which federally imperiled species may occur within your project area and to recommend conservation measures to consider for your project if you determine those species or designated critical habitats may be affected by the project activities.

### **FEDERALLY-LISTED SPECIES AND DESIGNATED CRITICAL HABITAT**

Attached is a list of endangered, threatened, and proposed species that may occur in your project area. Your project area may not necessarily include all or any of these species. Under the ESA, it is the responsibility of the Federal action agency, their designated non-Federal representative, or a project proponent to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your proposed action will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally listed threatened or endangered fish or wildlife species without the appropriate permit. If you need additional guidance to inform your effect determination, please contact the Service.

If you determine that your proposed action may affect federally listed species, please consult with the Service. Through the consultation (for projects seeking Federal funding or permitting) or technical assistance (for non-Federal projects) process, we will work with you to evaluate information contained in a biological assessment or equivalent documents that you provide. If your proposed action is associated with Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a) (1)(B) of the ESA (also known as a Habitat Conservation Plan) may be necessary to exempt "take" of federally listed threatened or endangered fish or wildlife species when it cannot be avoided. For more information regarding formal consultation and HCPs, please see the Service's [Section 7 Consultation Library](#) and [Habitat Conservation Plans Library](#).

**Action Area.** The scope of ESA compliance includes direct and indirect effects of project activities (e.g., equipment staging areas, offsite borrow material areas, or utility relocations). The "action area" is the spatial extent of an action's direct and indirect modifications or impacts to the land, water, or air (50 CFR 402.02). Large projects may have effects to land, water, or air outside the immediate footprint of the project, and these areas should be included as part of the action area. Effects to land, water, or air outside of a project footprint could include things like lighting, dust, smoke, and noise. To obtain a complete list of species, the action area should be uploaded or drawn in IPaC rather than just the project footprint. Please note that a lead federal agency may consider an action area that excludes portions of the project footprint. In these cases, further coordination with our office may be required to ensure compliance with the ESA. It is the responsibility of the project proponent to coordinate with the lead federal agency to understand the action and action area being reviewed as part of ESA Section 7 consultation.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. An updated list may be requested through IPaC.

## HOW TO SUBMIT A PROJECT REVIEW PACKAGE

**IF YOUR ACTION MAY AFFECT ANY FEDERALLY LISTED SPECIES AND YOU WOULD LIKE TECHNICAL ASSISTANCE FROM OUR OFFICE, PLEASE SEND US A COMPLETE PROJECT REVIEW PACKAGE. A STEP-BY-STEP GUIDE IS AVAILABLE BELOW AND SUPPLEMENTAL GUIDANCE IS AVAILABLE AT THE GEORGIA ECOLOGICAL SERVICES [PROJECT PLANNING AND REVIEW](https://www.fws.gov/office/georgia-ecological-services/project-planning-review) PAGE ([HTTPS://WWW.FWS.GOV/OFFICE/GEORGIA-ECOLOGICAL-SERVICES/PROJECT-PLANNING-REVIEW](https://www.fws.gov/office/georgia-ecological-services/project-planning-review)).**

**REQUESTS FOR THREATENED AND ENDANGERED SPECIES PROJECT REVIEWS MUST BE SUBMITTED TO OUR OFFICE USING THE PROCESS DESCRIBED BELOW. ALL STEPS MUST BE COMPLETED TO ENSURE YOUR**



**PROJECT IS REVIEWED BY A BIOLOGIST IN OUR OFFICE AND YOU RECEIVE A TIMELY RESPONSE.**

**STEP 1. REQUEST AN OFFICIAL SPECIES LIST FOR YOUR PROJECT THROUGH IPAC. YOU HAVE JUST COMPLETED THIS STEP.**

**STEP 2. COMPLETE APPLICABLE DETERMINATION KEYS (DKEY'S, FOR SHORT)**

**STEP 3. SEND YOUR COMPLETE PROJECT REVIEW PACKAGE TO [GAES\\_ASSISTANCE@FWS.GOV](mailto:GAES_ASSISTANCE@FWS.GOV) FOR REVIEW IF NO DKEY IS APPLICABLE OR CERTAIN PROJECT COMPONENTS HAVE NOT BEEN ADDRESSED (I.E. A SPECIES RETURNED BY IPAC DOES NOT HAVE A DKEY). A COMPLETE PROJECT REVIEW PACKAGE SHOULD INCLUDE:**

- 1. A DESCRIPTION OF THE PROPOSED ACTION, INCLUDING ANY MEASURES INTENDED TO AVOID, MINIMIZE, OR OFFSET EFFECTS OF THE ACTION. THE DESCRIPTION SHALL PROVIDE SUFFICIENT DETAIL TO ASSESS THE EFFECTS OF THE ACTION ON LISTED SPECIES AND CRITICAL HABITAT, SUCH AS THE PURPOSE OF THE ACTION; DURATION AND TIMING OF THE ACTION; LOCATION (LATITUDE AND LONGITUDE); SPECIFIC ACTIVITIES INVOLVING DISTURBANCE TO LAND, WATER, AND AIR, AND HOW THEY WILL BE CARRIED OUT; CURRENT DESCRIPTION OF AREAS TO BE AFFECTED DIRECTLY OR INDIRECTLY BY THE ACTION; AND MAPS, DRAWINGS, OR SIMILAR SCHEMATICS OF THE ACTION. PLEASE SUBMIT ALL AREAS OF A PROJECT AS ONE SINGLE SUBMISSION AND DO NOT SEPARATE INTO SMALLER COMPONENTS/SUBMISSIONS.**
- 2. AN UPDATED OFFICIAL SPECIES LIST AND DETERMINATION KEY RESULTS**
- 3. BIOLOGICAL ASSESSMENTS (MAY INCLUDE HABITAT ASSESSMENTS AND INFORMATION ON THE PRESENCE OF LISTED SPECIES IN THE ACTION AREA);**
- 4. DESCRIPTION OF EFFECTS OF THE ACTION ON SPECIES IN THE ACTION AREA AND, IF RELEVANT, EFFECT DETERMINATIONS FOR SPECIES AND CRITICAL HABITAT;**
- 5. CONSERVATION MEASURES AND ANY OTHER AVAILABLE INFORMATION RELATED TO THE NATURE AND SCOPE OF THE PROPOSED ACTION RELEVANT TO ITS EFFECTS ON LISTED SPECIES OR DESIGNATED CRITICAL HABITAT (E.G., MANAGEMENT PLANS RELATED TO STORMWATER, VEGETATION, EROSION AND SEDIMENT PLANS). VISIT THE [GEORGIA CONSERVATION PLANNING TOOLBOX \(HTTPS://WWW.FWS.GOV/STORY/CONSERVATION-TOOLS-GEORGIA\)](https://www.fws.gov/story/conservation-tools-georgia) FOR INFORMATION ABOUT CONSERVATION MEASURES.**

6. IN THE EMAIL SUBJECT LINE, USE THE FOLLOWING FORMAT TO INCLUDE THE PROJECT CODE FROM YOUR IPAC SPECIES LIST AND THE COUNTY IN WHICH THE PROJECT IS LOCATED (EXAMPLE: PROJECT CODE: 2023-0049730 GWINNETT CO.). FOR GEORGIA DEPARTMENT OF TRANSPORTATION RELATED PROJECTS, PLEASE WORK WITH THE OFFICE OF ENVIRONMENTAL SERVICES ECOLOGIST TO DETERMINE THE APPROPRIATE USFWS TRANSPORTATION LIAISON.

THE GEORGIA ECOLOGICAL SERVICES FIELD OFFICE WILL SEND A RESPONSE EMAIL WITHIN APPROXIMATELY 30 DAYS OF RECEIPT WITH TECHNICAL ASSISTANCE OR FURTHER RECOMMENDATIONS FOR SPECIFIC SPECIES.

#### WETLANDS AND FLOODPLAINS

UNDER EXECUTIVE ORDERS 11988 AND 11990, FEDERAL AGENCIES ARE REQUIRED TO MINIMIZE THE DESTRUCTION, LOSS, OR DEGRADATION OF WETLANDS AND FLOODPLAINS, AND PRESERVE AND ENHANCE THEIR NATURAL AND BENEFICIAL VALUES. THESE HABITATS SHOULD BE CONSERVED THROUGH AVOIDANCE, OR MITIGATED TO ENSURE THAT THERE WOULD BE NO NET LOSS OF WETLANDS FUNCTION AND VALUE. WE ENCOURAGE YOU TO USE THE NATIONAL WETLAND INVENTORY (NWI) MAPS IN CONJUNCTION WITH GROUND-TRUTHING TO IDENTIFY WETLANDS OCCURRING IN YOUR PROJECT AREA. THE SERVICE'S [NWI PROGRAM WEBSITE \(HTTPS://WWW.FWS.GOV/PROGRAM/NATIONAL-WETLANDS-INVENTORY\)](https://www.fws.gov/program/national-wetlands-inventory) INTEGRATES DIGITAL MAP DATA WITH OTHER RESOURCE INFORMATION. WE ALSO RECOMMEND YOU CONTACT THE U.S. ARMY CORPS OF ENGINEERS FOR PERMITTING REQUIREMENTS UNDER SECTION 404 OF THE CLEAN WATER ACT IF YOUR PROPOSED ACTION COULD IMPACT FLOODPLAINS OR WETLANDS.

#### MIGRATORY BIRDS

THE MBTA PROHIBITS THE TAKING OF MIGRATORY BIRDS, NESTS, AND EGGS, EXCEPT AS PERMITTED BY THE SERVICE'S [MIGRATORY BIRDS PROGRAM \(HTTPS://FWS.GOV/PROGRAM/MIGRATORY-BIRDS\)](https://fws.gov/program/migratory-birds). TO MINIMIZE THE LIKELIHOOD OF ADVERSE IMPACTS TO MIGRATORY BIRDS, WE RECOMMEND CONSTRUCTION ACTIVITIES OCCUR OUTSIDE THE GENERAL BIRD NESTING SEASON FROM MARCH THROUGH AUGUST, OR THAT AREAS PROPOSED FOR CONSTRUCTION DURING THE NESTING SEASON BE SURVEYED, AND WHEN OCCUPIED, AVOIDED UNTIL THE YOUNG HAVE FLEDGED.

WE RECOMMEND REVIEW OF BIRDS OF CONSERVATION CONCERN TO FULLY EVALUATE THE EFFECTS TO THE BIRDS AT YOUR SITE. THIS LIST IDENTIFIES BIRDS THAT ARE POTENTIALLY THREATENED BY DISTURBANCE AND CONSTRUCTION. IT CAN BE FOUND AT THE SERVICE'S [MIGRATORY BIRDS](#)

**CONSERVATION LIBRARY COLLECTION ([HTTPS://FWS.GOV/LIBRARY/ COLLECTIONS/MIGRATORY-BIRD-CONSERVATION-DOCUMENTS](https://fws.gov/library/collections/migratory-bird-conservation-documents))**.

INFORMATION RELATED TO BEST PRACTICES AND MIGRATORY BIRDS CAN BE FOUND AT THE SERVICE'S **AVOIDING AND MINIMIZING INCIDENTAL TAKE OF MIGRATORY BIRDS LIBRARY COLLECTION ([HTTPS://FWS.GOV/LIBRARY/ COLLECTIONS/AVOIDING-AND-MINIMIZING-INCIDENTAL-TAKE-MIGRATORY-BIRDS](https://fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds))**.

## **BALD AND GOLDEN EAGLES**

THE BALD EAGLE (*HALIAEETUS LEUCOCEPHALUS*) WAS DELISTED UNDER THE ESA ON AUGUST 9, 2007. BOTH THE BALD EAGLE AND GOLDEN EAGLE (*AQUILA CHRYSAETOS*) ARE STILL PROTECTED UNDER THE MIGRATORY BIRD TREATY ACT (MBTA) AND BALD AND GOLDEN EAGLE PROTECTION ACT (BGEPA). THE BGEPA AFFORDS BOTH EAGLES PROTECTION IN ADDITION TO THAT PROVIDED BY THE MBTA, IN PARTICULAR, BY MAKING IT UNLAWFUL TO “DISTURB” EAGLES. UNDER THE BGEPA, THE SERVICE MAY ISSUE LIMITED PERMITS TO INCIDENTALLY “TAKE” EAGLES (E.G., INJURY, INTERFERING WITH NORMAL BREEDING, FEEDING, OR SHELTERING BEHAVIOR NEST ABANDONMENT). FOR INFORMATION ON BALD AND GOLDEN EAGLE MANAGEMENT GUIDELINES, WE RECOMMEND YOU REVIEW INFORMATION PROVIDED AT THE SERVICE'S **BALD AND GOLDEN EAGLE MANAGEMENT LIBRARY COLLECTION**.

## **NATIVE BATS**

IF YOUR SPECIES LIST INCLUDES INDIANA BAT (*MYOTIS SODALIS*), NORTHERN LONG-EARED BAT (*M. SEPTENTRIONALIS*), OR TRICOLORED BAT (*PERIMYOTIS SUBFLAVUS*) AND THE PROJECT IS EXPECTED TO IMPACT FORESTED HABITAT, TREE CLEARING SHOULD OCCUR OUTSIDE OF THE PERIODS WHEN BATS MAY BE PRESENT AND MOST VULNERABLE. FEDERALLY LISTED BATS COULD BE ACTIVELY PRESENT IN FORESTED LANDSCAPES FROM SPRING THROUGH FALL OF ANY YEAR. IN MUCH OF GEORGIA, OUR WINTERS ARE MILD ENOUGH THAT TRICOLORED BATS ARE LIKELY ACTIVE ON THE LANDSCAPE TO SOME EXTENT YEAR-ROUND. PUPS ARE INCAPABLE OF FLIGHT AND VULNERABLE TO DISTURBANCE FROM THE SPRING TO SUMMER. OUR RECOMMENDED SEASONAL CLEARING RESTRICTION WINDOWS DEPEND ON SPECIES AND REGION IN GEORGIA. PLEASE REACH OUT TO US FOR GUIDANCE.

INDIANA, NORTHERN LONG-EARED, TRICOLORED, AND GRAY (*M. GRISCESENS*) BATS ARE ALL KNOWN TO UTILIZE BRIDGES AND CULVERTS IN GEORGIA. IF YOUR PROJECT INCLUDES MAINTENANCE, CONSTRUCTION, OR ANY OTHER MODIFICATION OR DEMOLITION TO TRANSPORTATION STRUCTURES, A QUALIFIED INDIVIDUAL SHOULD COMPLETE A SURVEY OF THESE STRUCTURES FOR BATS AND SUBMIT YOUR FINDINGS VIA THE



**“GADNR BATS IN BRIDGES” FORM IN THE SURVEY123 APP, FREE ON APPLE AND ANDROID DEVICES. PLEASE INCLUDE THESE FINDINGS IN ANY BIOLOGICAL ASSESSMENT(S) OR OTHER DOCUMENTATION THAT IS SUBMITTED TO OUR OFFICE FOR TECHNICAL ASSISTANCE OR CONSULTATION.**

**ADDITIONAL INFORMATION CAN BE FOUND AT GEORGIA ECOLOGICAL SERVICES' [CONSERVATION PLANNING TOOLBOX](#) AND [BAT CONSERVATION IN GEORGIA](#) PAGES.**

#### **MONARCH BUTTERFLY**

**ON DECEMBER 20, 2020, THE SERVICE DETERMINED THAT LISTING THE MONARCH BUTTERFLY (*DANAUS PLEXIPPUS*) UNDER THE ENDANGERED SPECIES ACT IS WARRANTED BUT PRECLUDED AT THIS TIME BY HIGHER PRIORITY LISTING ACTIONS. WITH THIS FINDING, THE MONARCH BUTTERFLY BECOMES A CANDIDATE FOR LISTING. THE SERVICE WILL REVIEW ITS STATUS EACH YEAR UNTIL WE ARE ABLE TO BEGIN DEVELOPING A PROPOSAL TO LIST THE MONARCH.**

**AS IT IS A CANDIDATE FOR LISTING, THE SERVICE WELCOMES CONSERVATION MEASURES FOR THIS SPECIES. RECOMMENDED, AND VOLUNTARY, CONSERVATION MEASURES FOR PROJECTS IN GEORGIA CAN BE FOUND AT THE [MONARCH CONSERVATION IN GEORGIA](#) PAGE.**

#### **EASTERN INDIGO SNAKE**

**OUR OFFICE HAS PUBLISHED GUIDANCE DOCUMENTS TO ASSIST PROJECT PROPONENTS IN AVOIDING AND MINIMIZING POTENTIAL IMPACT TO THE EASTERN INDIGO SNAKE. THE [VISUAL ENCOUNTER SURVEY PROTOCOL FOR THE EASTERN INDIGO SNAKE \(\*DRYMARCHON COUPERI\*\) IN GEORGIA](#) IS RECOMMENDED FOR PROJECT PROPONENTS OR THEIR DESIGNEES TO EVALUATE THE POSSIBLE PRESENCE OF THE EASTERN INDIGO SNAKE AT A PROPOSED PROJECT SITE. THE [STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE \(\*DRYMARCHON COUPERI\*\)](#) INCLUDE EDUCATIONAL MATERIALS AND TRAINING THAT CAN HELP PROTECT THE SPECIES BY MAKING STAFF WORKING ON A PROJECT SITE AWARE OF THEIR PRESENCE AND TRAITS. IN GEORGIA, INDIGO SNAKES ARE CLOSELY ASSOCIATED WITH THE STATE-LISTED GOPHER TORTOISE (*GOPHERUS POLYPHEMUS*), A REPTILE THAT EXCAVATES EXTENSIVE UNDERGROUND BURROWS THAT PROVIDE THE SNAKE SHELTER FROM WINTER COLD AND SUMMER DESICCATION.**

#### **SOLAR ENERGY DEVELOPMENT**

**THE [RECOMMENDED PRACTICES FOR THE RESPONSIBLE SITING AND DESIGN OF SOLAR DEVELOPMENT IN GEORGIA](#) (PUBLISHED IN SEPTEMBER 2023) ARE**

INTENDED TO PROVIDE VOLUNTARY GUIDANCE TO SUPPORT CONSIDERATION OF NATURAL RESOURCES DURING THE DEVELOPMENT OF PHOTOVOLTAIC SOLAR IN GEORGIA. FURTHERMORE, THE [GEORGIA LOW IMPACT SOLAR SITING TOOL \(LISST\)](#) IS ALSO AVAILABLE AS A MAP LAYER IN IPAC (FIND IT IN THE "LAYERS" BOX > "ENVIRONMENTAL DATA") TO PROVIDE PROJECT MANAGERS WITH THE DATA TO IDENTIFY AREAS THAT MAY BE PREFERRED FOR LOW-IMPACT DEVELOPMENT. THE TOOL SEEKS TO SUPPORT THE ACCELERATION OF LARGE-SCALE SOLAR DEVELOPMENT IN AREAS WITH LESS IMPACT TO THE ENVIRONMENT.

#### STATE AGENCY COORDINATION

ADDITIONAL INFORMATION THAT ADDRESSES AT-RISK OR HIGH PRIORITY NATURAL RESOURCES CAN BE FOUND IN THE STATE WILDLIFE ACTION PLAN ([HTTPS://GEORGIAWILDLIFE.COM/WILDLIFEACTIONPLAN](https://georgiawildlife.com/wildlifeactionplan)), AT GEORGIA DEPARTMENT OF NATURAL RESOURCES, WILDLIFE RESOURCES DIVISION BIODIVERSITY PORTAL ([HTTPS://GEORGIAWILDLIFE.COM/CONSERVATION/SPECIES-OF-CONCERN](https://georgiawildlife.com/conservation/species-of-concern)), GEORGIA'S NATURAL, ARCHAEOLOGICAL, AND HISTORIC RESOURCES GIS PORTAL ([HTTPS://WWW.GNAHRGIS.ORG/GNAHRGIS/INDEX.DO](https://www.gnahrgis.org/gnahrgis/index.do)) PAGES.

THANK YOU FOR YOUR CONCERN FOR ENDANGERED AND THREATENED SPECIES. WE APPRECIATE YOUR EFFORTS TO IDENTIFY AND AVOID IMPACTS TO LISTED AND SENSITIVE SPECIES IN YOUR PROJECT AREA. FOR FURTHER CONSULTATION ON YOUR PROPOSED ACTIVITY, PLEASE EMAIL [GAES\\_ASSISTANCE@FWS.GOV](mailto:GAES_ASSISTANCE@FWS.GOV) AND REFERENCE THE PROJECT COUNTY AND YOUR SERVICE PROJECT TRACKING NUMBER.

THIS LETTER CONSTITUTES GEORGIA ECOLOGICAL SERVICES' GENERAL COMMENTS UNDER THE AUTHORITY OF THE ENDANGERED SPECIES ACT.

Attachment(s):

- Official Species List
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

## OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Georgia Ecological Services Field Office**

355 East Hancock Avenue

Room 320

Athens, GA 30601-2523

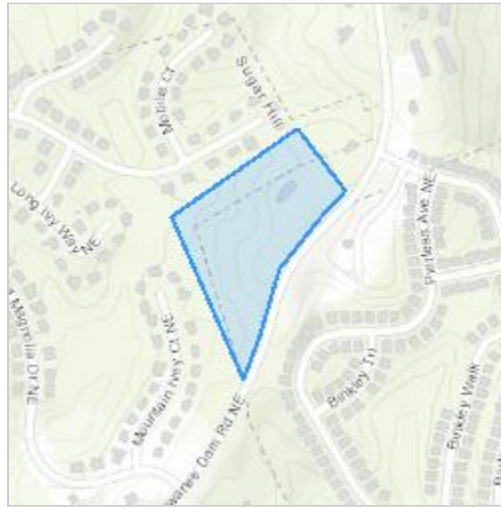
(706) 460-7161



## PROJECT SUMMARY

Project Code: 2024-0117839  
Project Name: 24115.00 - Suwanee Dam Road  
Project Type: Acquisition of Lands  
Project Description: Stream/Wetland Delineation  
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@34.1393326,-84.0658753860273,14z>



Counties: Gwinnett County, Georgia

## ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## MAMMALS

| NAME                                                                                                                                                                                                                    | STATUS                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Tricolored Bat <i>Perimyotis subflavus</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a> | Proposed<br>Endangered |

## BIRDS

| NAME                                                                                                                                                                                                                                                                                                                                                     | STATUS                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| Whooping Crane <i>Grus americana</i><br>Population: U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY)<br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/758">https://ecos.fws.gov/ecp/species/758</a> | Experimental<br>Population,<br>Non-<br>Essential |

## INSECTS

| NAME                                                                                                                                                                                                                 | STATUS    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Monarch Butterfly <i>Danaus plexippus</i><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a> | Candidate |

## CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

## BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

- 
1. The [Bald and Golden Eagle Protection Act](#) of 1940.
  2. The [Migratory Birds Treaty Act](#) of 1918.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#)

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

| NAME                                                                                                                                                                                                                                                                                                                                                           | BREEDING SEASON        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Bald Eagle <i>Haliaeetus leucocephalus</i><br>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.<br><a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a> | Breeds Sep 1 to Jul 31 |

## PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

### Breeding Season (■)

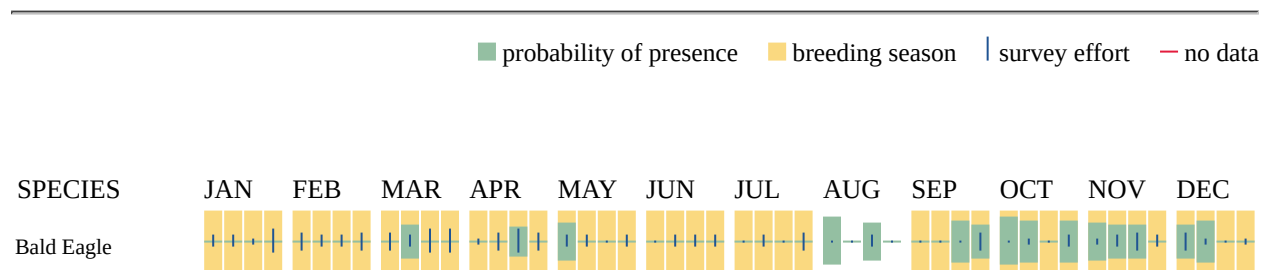
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

### Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

### No Data (—)

A week is marked as having no data if there were no survey events for that week.





Non-BCC  
Vulnerable

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

## MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

- 
1. The [Migratory Birds Treaty Act](#) of 1918.
  2. The [Bald and Golden Eagle Protection Act](#) of 1940.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

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

| NAME                                                                                                                                                                                                                                                                                                                                                           | BREEDING SEASON        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Bald Eagle <i>Haliaeetus leucocephalus</i><br>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.<br><a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a> | Breeds Sep 1 to Jul 31 |

| NAME                                                                                                                                                                                                                                                                | BREEDING SEASON         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>Chimney Swift</b> <i>Chaetura pelagica</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br><a href="https://ecos.fws.gov/ecp/species/9406">https://ecos.fws.gov/ecp/species/9406</a>                  | Breeds Mar 15 to Aug 25 |
| <b>Prairie Warbler</b> <i>Setophaga discolor</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br><a href="https://ecos.fws.gov/ecp/species/9513">https://ecos.fws.gov/ecp/species/9513</a>               | Breeds May 1 to Jul 31  |
| <b>Red-headed Woodpecker</b> <i>Melanerpes erythrocephalus</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br><a href="https://ecos.fws.gov/ecp/species/9398">https://ecos.fws.gov/ecp/species/9398</a> | Breeds May 10 to Sep 10 |
| <b>Wood Thrush</b> <i>Hylocichla mustelina</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.<br><a href="https://ecos.fws.gov/ecp/species/9431">https://ecos.fws.gov/ecp/species/9431</a>                 | Breeds May 10 to Aug 31 |

## PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

### Breeding Season (■)

Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

### Survey Effort (|)

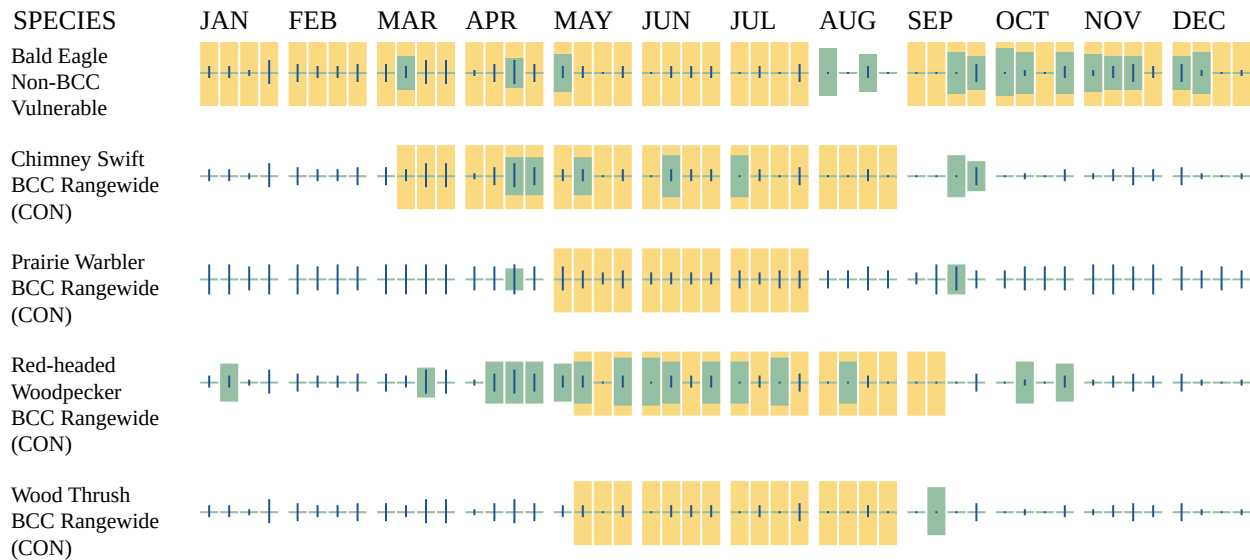
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

### No Data (—)

A week is marked as having no data if there were no survey events for that week.

---

■ probability of presence   ■ breeding season   | survey effort   — no data



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

## WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

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

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

## **IPAC USER CONTACT INFORMATION**

Agency: Planners and Engineers Collaborative Inc.

Name: William Murphy

Address: 350 Research Court

City: Peachtree Corners

State: GA

Zip: 30092

Email: bmurphy@pecatl.com

Phone: 7704512741