

Westbury Acres Senior Living

Planned Development Guidelines

1. **Planned Development Name**

Westbury Acres – Senior Living

2. **Statement of Objectives**

The subject properties are located off Westbury Lane in the Monks Corner area of Berkeley County, South Carolina. The proposed development contains one parcel of land equaling 9.99 acres. The parcel is currently zoned Flex1 Zoning District in Berkeley County. The intent of this application is to create a Planned Development for the entire 9.99 acre project, giving the developer flexible areas for residential and commercial development.

Current Condition:

9.99 Acres (Zoned Flex1 Berkeley County)
TMS: 181-00-01-024 (927 Westbury Lane)

Proposed Condition:

9.99 Acres (Zoned PD)
TMS: 181-00-01-024 (927 Westbury Lane)

PD Zoned project proposes a maximum of 70 Age Restricted dwelling units on 9.99. This PD will also include at a minimum of 1.05 acres of commercial property with the ability to develop the whole parcel as a commercial property. The PD also preserves 2.50 Acres of wetlands on the property

The minimum age set for the residential units will be 55 years or older.

3. **Intent and Results**

The proposed residential use is consistent with the area and meets the objectives of the Town of Monks Corner Zoning and Land Development Regulations. This application will provide Senior Living along with much needed Commercial Space, keeping most of the trees on the property, and maintaining a good deal of open space. Town of Monks Corner, Berkeley County and other agencies may provide necessary public services, facilities, and programs to serve this development at the time it is developed. The property is currently mostly undeveloped parcel with trees.

Commercial Description

The commercial portion of the property is made up of a minimum of 1.05 acres but could be used for the entire parcel. The intent is to develop this as commercial/office space which is being eagerly sought in this area. The development will incorporate private drive aisles and parking to service the building, along with a connection to the residential portion to give inter-connectivity. The commercial portions will meet the zoning requirements and development standards of the Town of Monks Corner in section-2 General Commercial District.

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Residential Description

The potential senior restricted residential portion of the property is made up of 5.90 acres total. The intent is to develop this as single family attached residential home sites which are being eagerly sought in this area. The development will incorporate residential roads to service the neighborhood, along with open space areas connected with sidewalks. The roads will either be privately owned and maintained by an HOA or offered for acceptance into the public road system (complying with all processes and requirements for such offerings). The intent is to preserve the natural beauty of the land while allowing it to be developed for residential dwellings and an active community positioned in a growing area of the Town. The intent is for townhome development and to meet the Town of Monks Corner Zoning code for R-3 General Residential District. No apartments will be allowed in this area.

Open Space Description

Open Space - Land within or related to a Subdivision or Planned Development that is set aside to conserve natural resource, scenic, cultural, historic, or archeological values, or provide active or passive recreation, or accommodate support facilities related to the Subdivision, and that is restricted from significant Development or intensive use except for approved recreational or support facilities and protected in perpetuity in a substantially undeveloped state.

4. Site Information

Total Acreage = 9.99 Acres

Highland Acreage = 8.34

Wetland Acreage = 1.64*

* USACOE Coordination provided in Appendix.

5. Streets

The subdivision is planned to have 50' private or public right-of-ways that will have curb cuts to service the road system off Westbury Lane.

Sidewalks will be provided within the proposed right-of-way and comply with the requirements of the Town of Monks Corner Zoning Code. Sidewalks will be ADA compliant and provide accessible ramps at intersection of the main driveways.

6. Compliance with other regulations

1. Items not specifically addressed with this Planned Development shall comply with the Town of Monks Corner Zoning and Land Development Regulations for the R-3 Zoning District requirements of the code in effect at the time of subsequent development application submittal.
2. The owner/developer shall proceed with the development in accordance with the

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provisions of these zoning regulations, applicable provisions of the Town of Monks Corner Comprehensive Plan, and with such conditions as may be attached to any rezoning to the applicable PD district.

7. **Signs**

Signage for the subdivision will be compliant with the Town of Monks Corner Zoning Code. Signage will be limited in total size to conform with the Town's requirements. The monument signage is to be integrated with landscaping with a preference for uplighting. One (1) monument sign, double sided, to be permitted at each entrance to the development from Westbury Lane. All signage will be landscape lit.

8. **Parking**

Except for as noted parking is to be provided per the Town of Monks Corner Zoning Ordinance current standards at the time of development.

- 2 spaces per unit (*Off-street*)

Note: Single Family residential units to provide 2 spaces per unit onsite. These can be provided in the driveway (*side by side*) or one (1) in the garage and one (1) in the driveway. In all applications pedestrian sidewalks are not to be obstructed due to parking.

9. **Tree Protection**

The proposed Planned Development shall comply with all provisions of the Town of Monks Corner. Removal of grand trees may require a variance from The Town of Monks Corner, unless approved by staff.

10. **Home Owner's Association (HOA)**

A Home Owner's Association (*HOA*) Board of Directors will be created to own, manage, and maintain the residential roads & sidewalk, open space, stormwater system and amenity features. The HOA will be managed by the Developer collecting all fees and handling HOA responsibilities until all lots within the residential development are sold, at which time duties will be turned over to a successor chosen by the HOA. They will also fund any private lighting repairs, landscaping, and buffers maintenance.

The HOA shall fund, own, and maintain the stormwater system components, structures, and shall ensure they are maintained to permitted standards. Stormwater pond constitutes significant percentage of open space calculation. Any modification to permitted pond configuration will require revision to approved comprehensive site drainage plan and issuance of Stormwater permit above staff approvals.

HOA approval is not required prior to submittal of applications for zoning permits.

11. **Additional Guidelines**

Each unit and/or building within this Planned Development will be carefully located so

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that each will have a reasonable view and privacy. Consideration will be given to building regarding topography, the protection of existing trees, and/or other aesthetic or environmental conditions.

1. Site Lighting

Site Lighting shall comply with Town of Monks Corner Code.

2. Garbage Disposal

Garbage collection will be handled by private trash pickup of roll out cans. Covenants and restriction from the HOA will dictate requirements for trash can screening in the residential development.

3. Additional Building & Vehicular Limits

Other than occasional deliveries, heavy truck traffic will be prohibited in the development. Overnight parking of eighteen wheel vehicles will be prohibited.

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12. Appendices
 1. Existing Conditions

REFERENCES

- 1.) PLAT CAB U PAGE 85
DATED 11/11/72
BY SHULER
- 2.) PLAT B PAGE 3
DATED DEC 1918
BY McGRADY BROTHER & CHEVES
- 3.) INSTRUMENT #2021028664
DATED DEC 1, 2020
BY PAUL HAJES (HGBD)
- 4.) PLAT T PAGE 98
OCT 19, 1970
BY EA DENNIS
- 5.) DEED 4049-0026

NOTES

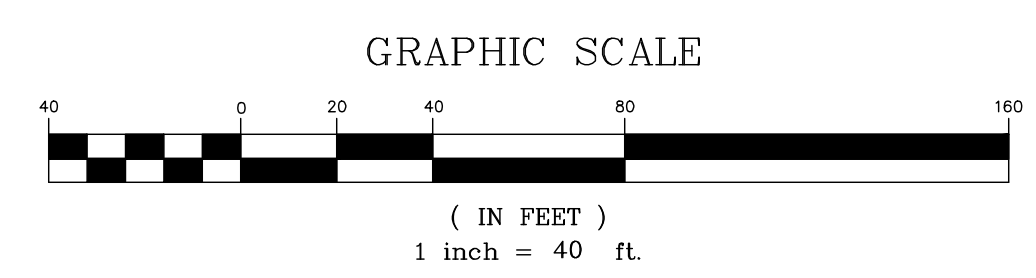
- 1.) PROPERTY CORNERS SET ARE ALL 5/8" REBAR UNLESS NOTED OTHERWISE
- 2.) AREA CALCULATED BY THE COORDINATE METHOD.
- 3.) BEARINGS SHOWN HEREON ARE STATEPLANE GRID
- 4.) THIS PLAT IS INTENDED ONLY TO SHOW THE TOPOGRAPHIC SURVEY OF LOT 5 AND IS BASED ON FOUND MONUMENTATION, LISTED REFERENCE DATA, AND LINES OF OCCUPATION. NO TITLE RESEARCH WAS DONE.
- 5.) SETBACKS ARE SUBJECT TO CHANGE AND MUST BE APPROVED COUNTY/ CITY OFFICIAL
- 6.) THE SURVEY SHOWS EASEMENTS WHICH ARE OBVIOUS OR APPARENT TO THE SURVEYOR
- 7.) NO SUBSURFACE INVESTIGATION DONE
- 8.) ANY REPRESENTATION OUTSIDE BOUNDARY IS FOR REFERENCE
- 9.) THERE HAS BEEN NO ENVIRONMENTAL INVESTIGATION DONE FOR PARCEL.
- 10.) THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA; ZONE "X" AS PER F.I.R.M. PANEL #45015C 0395E, DATED DECEMBER 7, 2018
- 11.) THIS SURVEY IS FOR CLIENT AND CURRENT LENDING INSTITUTION AND IS NOT TRANSFERABLE TO SUBSEQUENT OWNERS OR LENDING INSTITUTIONS

LEGEND

- CALCULATED POINT Δ
- CONCRETE MONUMENT FOUND \square
- IRON PIPE FOUND \bullet
- OVERHEAD POWER $-\text{OH}\text{P}-$
- COMMUNICATION LINE $-\text{W}\text{I}\text{F}-$
- SPOT ELEVATION \times
- CONTOUR $---$



TMS#181-00-01-024
PORTION OF LOT 5
435,058 sq. ft.
9.99 acres
TOTAL AREA

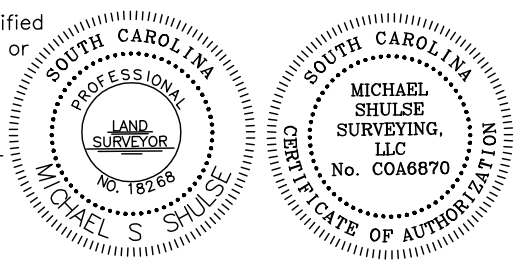


LINE	LENGTH	BEARING
L1	65.14	N12°15'51"W
L2	53.45	N20°13'30"W
L3	45.01	S46°51'02"E
L4	61.25	S46°51'02"E

I, hereby state that to the best of my knowledge, information and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class "A" survey as specified therein, also certifying that no encroachments, projections, or setbacks affecting the property other than those shown.

Michael S. Shulse
 9/18/2023

MICHAEL S. SHULSE, S.C. P.L.S. No.18268
 1210 RIVERS REACH DR.
 WANDO, S.C. 29492
 PHONE: (843) 296-1607



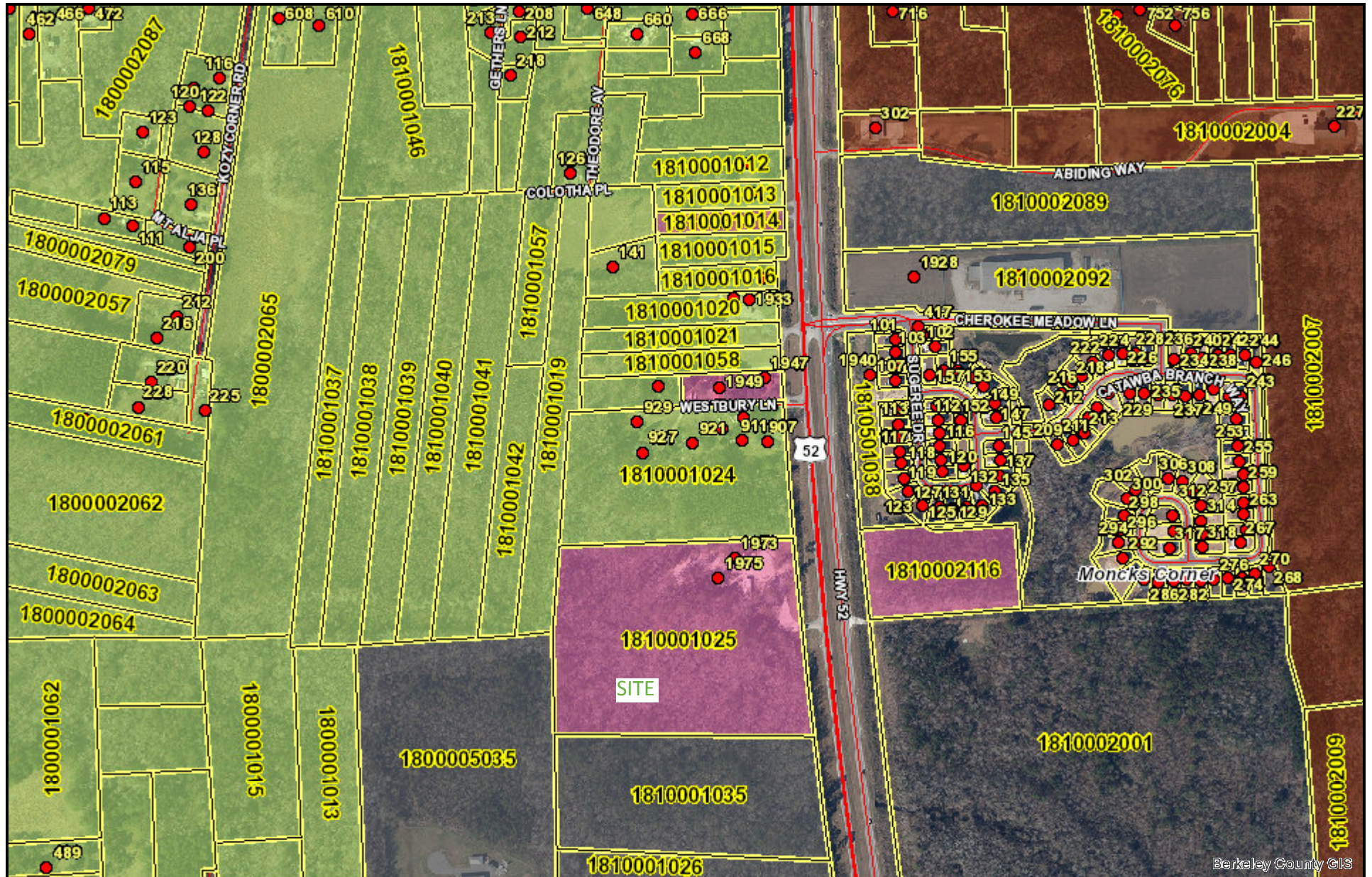
TOPOGRAPHIC SURVEY OF TMS#181-00-01-024
PORTION OF LOT 5
OWNED BY CATHERINE BLAKELEY
LOCATED IN
UNINCORPORATED MONCK'S CORNER
BERKELEY COUNTY SOUTH CAROLINA
DATE SURVEYED: SEPTEMBER 10, 2023

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2. Current Berkeley County Zoning Map (Flex1)

Berkeley County GIS Online Mapping



Berkeley County GIS



1 inch = 500 feet
 Date: 10/16/2023
 Berkeley County GIS



The county of Berkeley and its GIS Department disclaims accountability for this product and makes no warranty express or implied concerning the accuracy thereof. Responsibility for interpretation and application of this product lies with the user.

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3. Current Town of Monks Corner Zoning Map

Berkeley County GIS Online Mapping



1 inch = 500 feet
 Date: 10/16/2023
 Berkeley County GIS



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Berkeley County GIS

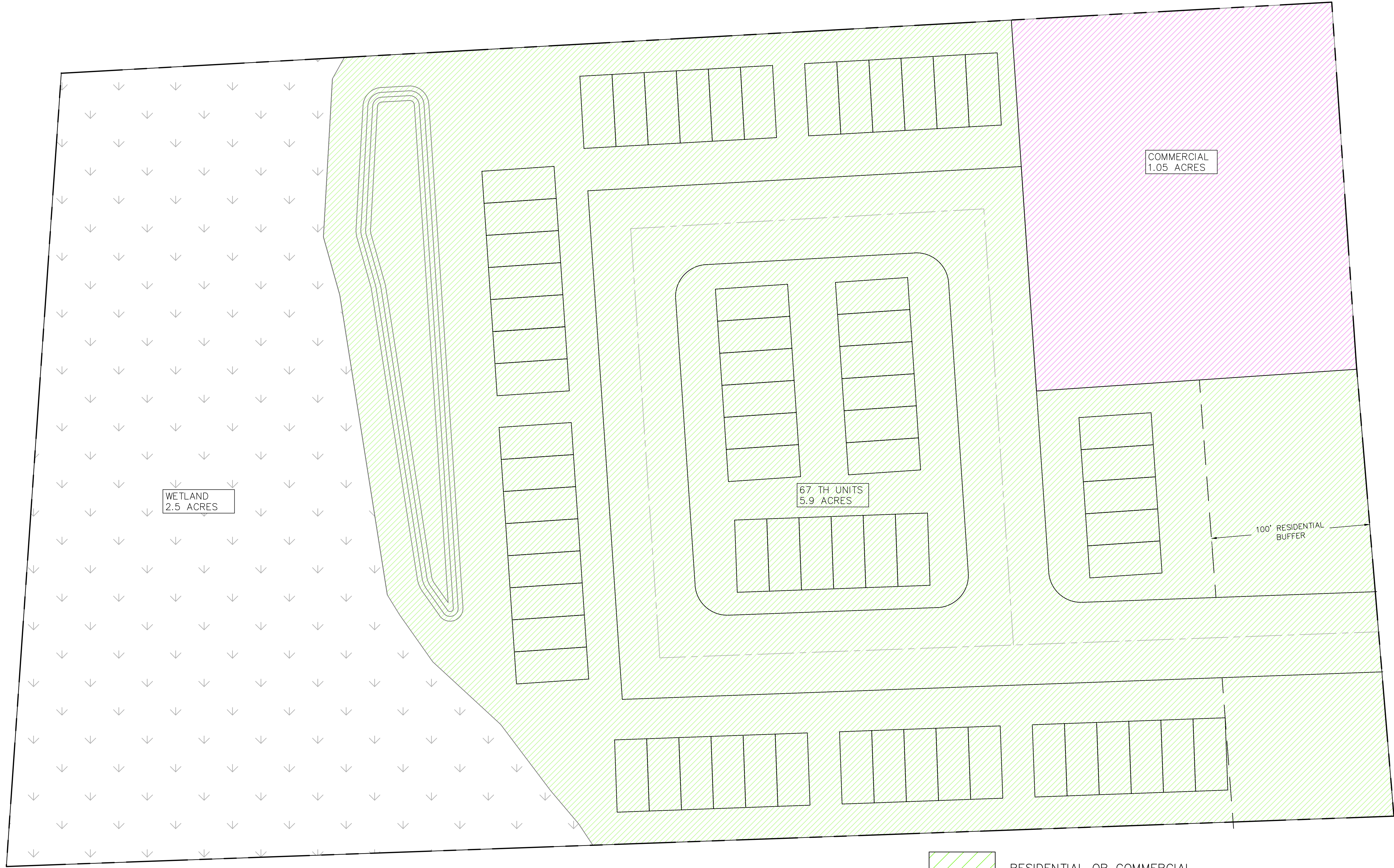
Westbury Acres Senior Living

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4. Conceptual USE Plan

THIS DRAWING SHALL NOT BE REPRODUCED IN ANY MANNER OR USED FOR ANY PURPOSE WITHOUT WRITTEN PERMISSION.

COPYRIGHT © SITECAST, L.L.C.



WETLAND
2.5 ACRES

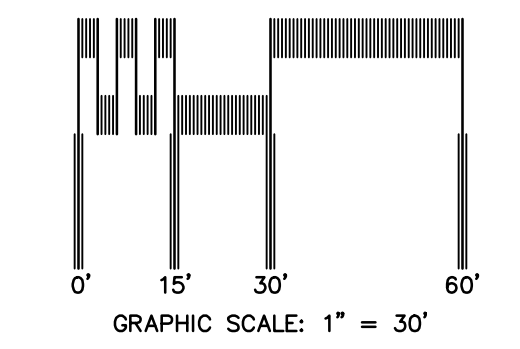
67 TH UNITS
5.9 ACRES

COMMERCIAL
1.05 ACRES

100' RESIDENTIAL
BUFFER

US HWY 52

-  RESIDENTIAL OR COMMERCIAL
-  COMMERCIAL ONLY
-  WETLANDS



NO.	DATE	REVISION NOTES	BY



WESTBURY
BERKELEY COUNTY
SCHEMATIC DESIGN SUBMITTAL

PRELIMINARY

DRAWN BY: JAC/CDD
CHECKED BY: JAC/CDD

PROJECT: TBD
DATE: 8.28.23

SITECAST
ENGINEERING PLANNING CONSULTING
Tel (843) 224-4264
www.sitecast.com
1350 Fairmont Avenue
Mt. Pleasant, SC 29564

USE PLAN
SHT

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5. SU Army Corps of Engineers Coordination



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT
69A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107

September 22, 2023

Regulatory Division

Mr. Pierce Cauthen
PO Box 211
Sullivan's Island, South Carolina 29482
pierce211@aol.com

Dear Mr. Cauthen:

This is in response to your request for a preliminary jurisdictional determination (PJD) that is part of an overall project known as Westbury Lane Tract. Based on information submitted to the U.S. Army Corps of Engineers (Corps) we have determined there may be waters of the United States, including wetlands on your parcel located at the following:

Project Number:	SAC-2023-00880
County:	Berkeley County
Project/Site Size:	9.4 acres
Latitude:	33.1422°
Longitude:	-80.0342°
Project/Site Location:	US HWY 52, Moncks Corner, South Carolina
Waters (Acreage/Linear Feet):	1.2 acres of wetland, 585 linear feet of tributary

A copy of the PJD form and the map dated June 30, 2023, and titled "Approximate Wetlands" is enclosed. Please carefully read this form, then sign and return a copy to the project manager at the following Brittany.a.fournet@usace.army.mil within 30 days from the date of this notification.

Please be advised a Department of the Army permit will be required for regulated work in all areas which may be waters of the United States, as indicated in this PJD. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a PJD will treat all waters and wetlands, which would be affected in any way by the permitted activity on the site, as if they are jurisdictional waters of the United States. Should you desire an approved Corps determination, one will be issued upon request.

You are cautioned that work performed in areas which may be waters of the United States, as indicated in the PJD, without a Department of the Army permit could subject you to enforcement action.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

If you submit a permit application as a result of this PJD, include a copy of this letter and the depiction as part of the application. Not submitting the letter and depiction will cause a delay while we confirm a PJD was performed for the proposed permit project area. Note that some or all of these areas may be regulated by other state or local government entities, and you should contact the South Carolina Department of Health and Environmental Control, Bureau of Water and/or Office of Ocean and Coastal Resource Management, to determine the limits of their jurisdiction.

In all future correspondence, please refer to file number SAC-2023-00880. A copy of this letter is forwarded to State and/or Federal agencies for their information. If you have any questions, please contact Brittany Fournet, Project Manager, at 843-329-8046, or by email at brittany.a.fournet@usace.army.mil.

Sincerely,

Kristin Andrade
Acting Chief South Branch

Enclosures:
Preliminary Jurisdictional Determination Form
Notification of Appeal Options
"Approximate Wetlands"

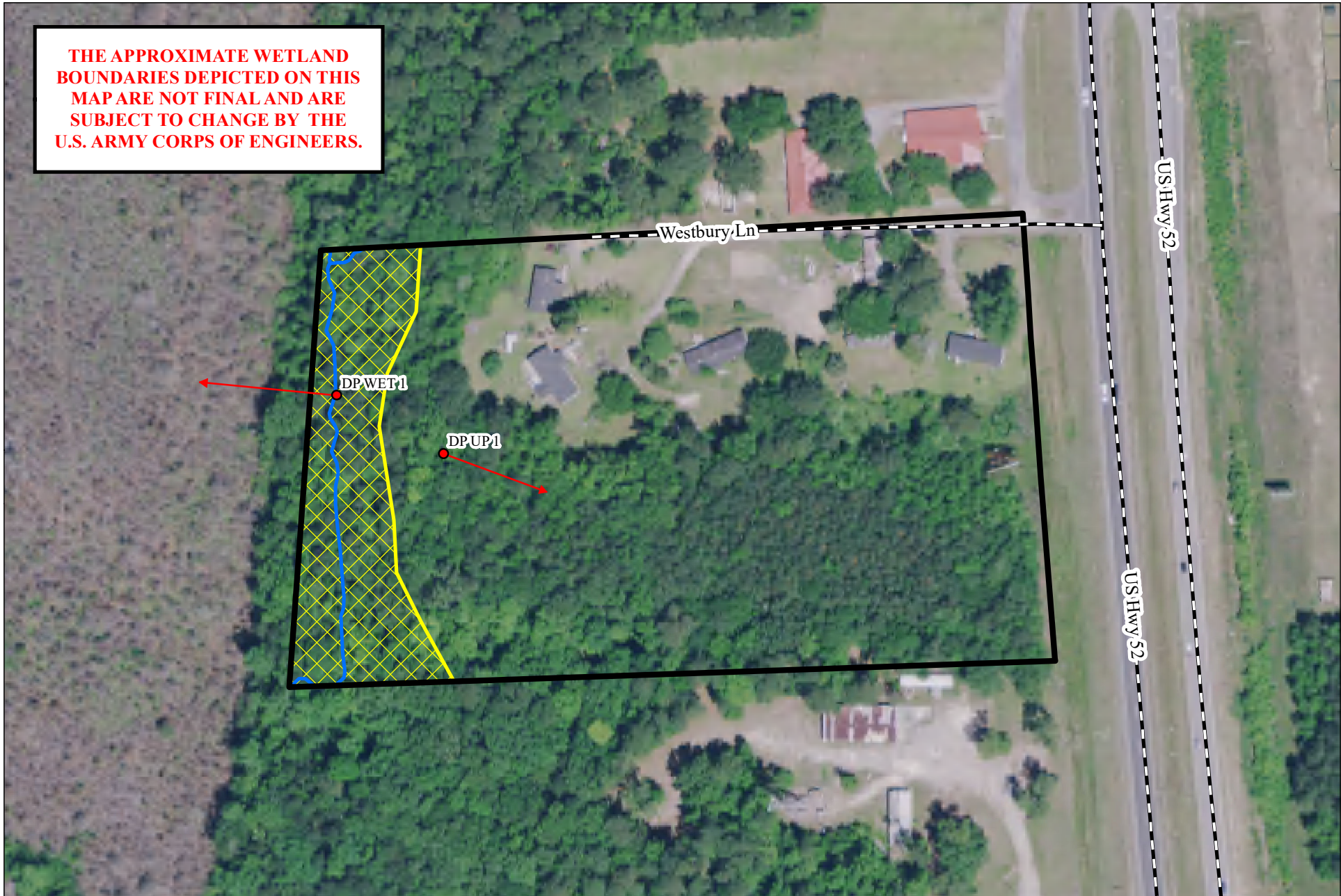
Copies Furnished:

Mr. Hunter Lee
Sabine & Waters
311 N Magnolia St.
Summerville, South Carolina 29483
hlee@sabinc.net

SC DHEC - Bureau of Water
2600 Bull Street
Columbia, South Carolina 29201
WQCWetlands@dhec.sc.gov

SC DHEC - OCRM
1362 McMillan Avenue, Suite 400
North Charleston, South Carolina 29405
OCRMPermitting@dhec.sc.gov

THE APPROXIMATE WETLAND BOUNDARIES DEPICTED ON THIS MAP ARE NOT FINAL AND ARE SUBJECT TO CHANGE BY THE U.S. ARMY CORPS OF ENGINEERS.



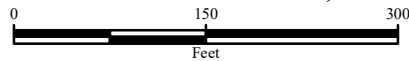
EXTERNAL SOURCES: NAIP 2021 TRUE COLOR AERIAL, U.S. CENSUS, BERKELEY COUNTY GIS PARCEL

Created By: Stephen Bennett	Sabine & Waters, Inc.
Date Created: June 28, 2023	Environmental Land Management Consultants
Copyright 2023 Sabine & Waters, Inc.	P.O. Box 1072 Summerville, SC 29484
R:\cussdat\cauthen-westbury lane\	843.871.5383 (phone) 843.871.2050 (fax)
mapping\issc\approx_wet.mxd	http://www.sabine.net

Disclaimer: This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, Sabine & Waters, Inc. disclaims all responsibility and liability for the use of this map.

REVISED: 6/30/2023

APPROXIMATE WETLANDS CAUTHEN - WESTBURY LANE TRACT BERKELEY COUNTY, SC



LEGEND

- PROPERTY BOUNDARY: +/- 9.4 AC
- APPROXIMATE WETLANDS: +/- 1.2 AC
- TRIBUTARY: +/- 585 LF
- PHOTO DIRECTION
- DATA POINTS
- ROADS

Long: -80.034316 W
Lat: 33.142277 N

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: June 30, 2023

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

Applicant:

Mr. Pierce Cauthen
PO Box 211
Sullivan's Island, South Carolina 29482
pierce211@aol.com

Consultant:

Mr. Hunter Lee
Sabine & Waters
311 N Magnolia St.
Summerville, South Carolina 29483
hlee@sabinc.net

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: SAC-2023-00880 Westbury Lane Tract

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: The project is located on HWY 52 in Moncks Corner, Berkeley County, South Carolina

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: South Carolina County: Berkeley County

City: Moncks Corner

Center coordinates of site (lat/long in degree decimal format):

Lat.: 33.1422 ° Long.: -80.0342°

Universal Transverse Mercator: 17

Name of nearest waterbody: Molly Branch

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: September 21, 2023

Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Wetland 1	33.1421	-80.0352	1.2 acres	Wetland	Section 404

Tributary 1	33.1421	-80.0355	585 linear feet	Non-wetland water	Section 404
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- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring “pre-construction notification” (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant’s acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there “*may be*” waters of the U.S. and/or that there “*may be*” navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Report provided by Sabine and Waters

Map: "Approximate Wetlands Map" dated June 30, 2023.

- Data sheets prepared/submitted by or on behalf of the PJD requestor.
- Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report. Rationale:

Data sheets prepared by the Corps:

Corps navigable waters' study:

U.S. Geological Survey Hydrologic Atlas:

USGS NHD data. USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad name: "Topographic Map – Moncks Corner Quadrangle" submitted as part of the JD request dated June 30, 2023.

Natural Resources Conservation Service Soil Survey. Citation: "Mapped Soils" submitted as part of JD request dated June 30, 2023.

National wetlands inventory map(s). Cite name: "NWI Map" submitted as part of JD request dated June 30, 2023.

State/local wetland inventory map(s):

FEMA/FIRM maps:

100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

Photographs: Aerial (Name & Date): "Approximate Wetlands" map submitted as part of the JD request dated June 30, 2023.

Other (Name & Date): site photographs submitted as part of the JD request dated June 30, 2023.

Previous determination(s). File no. and date of response letter:

Other information (please specify): "National Hydrography Dataset", "USA Soils Hydric Class", "LiDAR" maps as part of Corp review September 11, 2023.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Bikany Jonnet

9/22/2023

Signature and date of
Regulatory staff member
completing PJD

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining the
signature is impracticable)¹

¹ Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant:	File Number: SAC-	Date:
Attached is:	See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL WITHOUT PREJUDICE	C
	PERMIT DENIAL WITH PREJUDICE	D
	APPROVED JURISDICTIONAL DETERMINATION	E
	PRELIMINARY JURISDICTIONAL DETERMINATION	F

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> or Corps regulations at 33 CFR Part 331.

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

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

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

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial

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

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable

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

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision, you may contact the Corps project manager who signed the letter to which this notification is attached. The name and telephone number of this person is given at the end of the letter.

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:

Mr. Philip Shannin, Administrative Appeal Review Officer
CESAD-PDO
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-5137

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

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

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

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

_____ Signature of appellant or agent.	Date:
Email address of appellant and/or agent:	Telephone number: