



MADISON-MORGAN CONSERVANCY

PROTECTING FARMS, FORESTS, AND FRONT PORCHES FOR FUTURE GENERATIONS

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To: Morgan County Planning Commission
Morgan County Board of Commissioners
City Councils of Bostwick, Buckhead, Madison, and Rutledge
Morgan County Manager

From: The Madison-Morgan Conservancy

Re: JDA Application for Rezoning to Stanton Springs for the Rivian Manufacturing Facility

Date: February 4, 2022

INTRODUCTION

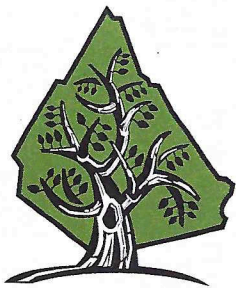
On behalf of the Board of Directors of the Madison-Morgan Conservancy, we thank you for the opportunity to comment on the above referenced application for rezoning. After careful study of the subject property and its issues, the Conservancy presents this analysis to set forth for decision makers important information and authoritative resources worthy of consideration in the process of evaluating the above referenced application.

1. The State of Georgia Selected the Rivian Site

The State of Georgia selected this Morgan/Walton County location for the Rivian Facility. The Conservancy believes that other, previously-identified sites may well have been better for selection for the Rivian Facility by the State of Georgia. In particular, previously-developed sites, including excess federal properties, would be preferable for redevelopment/adaptive reuse than the Morgan/Walton County "greenfield" location.

2. The State of Georgia and the JDA did not solicit meaningful input from the county residents and landowners.

The State and the JDA conducted their acquisition and marketing activities to obtain the Rivian Facility site without public disclosure, in purposeful secrecy, and without any opportunity for public comment. Although arguably lawful, the State and the JDA's approach purposefully avoided public discourse about the Rivian Facility and failed to allow the affected public to identify issues or concerns that had been overlooked or poorly analyzed by the State and the JDA.



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3. The rezoning application is incomplete. The Commission should await additional, on-going studies that will address significant adverse impacts of the project. Those studies will also inform all parties whether, and how, the project may be consistent with Morgan County's Comprehensive Plan.

The JDA and Rivian have informed the public that over a dozen on-going studies will address a range of adverse impacts, including but not limited to investigations of groundwater, traffic/transportation, surface water, and setbacks. Significantly, the public was also informed that the "site plan" originally submitted with the rezoning application was conceptual and represented the "maximum" build-out and not the actual Rivian site plan. The Conservancy endorses the admonitions, cautions, and advice of the Northeast Georgia Regional Impact Final Report¹. That report observes, among other dispositive issues, that the conceptual project plan is inconsistent with the Morgan County Comprehensive Plan.

Additionally, the rezoning application is incomplete because it does not include the documentation required under the Groundwater Recharge Protection Ordinance. In the Applicant's *Addendum – Supplemental Information Letter – January 17, 2022*², it states, "Applicant is unable to provide the detailed design plans or all the required environmental information to meet the January rezoning application deadline."

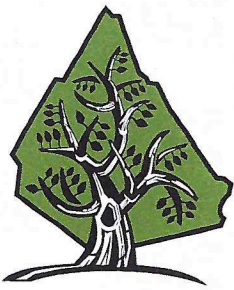
Accordingly, Commission action on the rezoning application should await real Rivian input into the actual, current Rivian plans, especially as its on-going studies may avoid, ameliorate, or mitigate adverse impacts.

4. In response to the foregoing, and in the event the Commissioners decide to rezone the property as requested, the Madison-Morgan Conservancy has turned to identifying factors or approaches that will mitigate, to the extent practicable, the adverse land use, cultural, and environmental impacts associated with the largest economic development project in Georgia's history.

The impacts we foresee from this scale of development include but are not limited to the loss of farmland and farm infrastructure, the loss of groundwater recharge area, the loss of county history and related historic structures, loss of tree canopy and wildlife habitat, increased light pollution, and a potential wave of speculative development for housing and commercial uses.

¹ Attached, NEGRC, *Developments of Regional Impact Final Report*.

² Attached, JDA, *Addendum – Supplemental Information Letter – January 17, 2022*, page 2, paragraph 1.



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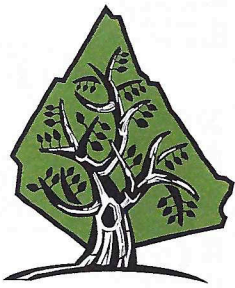
To mitigate these impacts, the Conservancy strongly urges the County to impose the following conditions on the JDA's application for rezoning:

1. To protect Morgan County's drinking water supplies sourced from groundwater, significant protection of the Groundwater Recharge Area will be required. The proposed manufacturing facility is wholly within Morgan County's largest Groundwater Recharge Area. The Stanton Springs regulations require 25% of the site to be pervious, but the JDA's application³ claims that 50% of the site will be pervious. Formalize that promise in a condition.
 - a. **Condition 1:** require 50% pervious surface in Morgan County's portion of the site.
2. To protect Morgan County's wetlands and streams, the BOC should require adherence to Morgan County's 100-foot stream buffer, and further restrict the basin in which the "compensatory wetland mitigation"⁴ must occur. Refer to the map⁵ enclosed referencing the Corps of Engineers wetland mitigation basins: the existing rule requires that wetland mitigation must occur within the same basin in which the impact occurs.
 - a. **Condition 2:** require adherence to Morgan County's 100-foot stream buffer within the entirety of the Morgan County portion of the site.
 - b. **Condition 2a:** require "compensatory wetland mitigation" in Morgan County for all impacts occurring in Morgan County.
3. To protect adjacent landowners and the general public, significant buffers will be required to shield noise and light and to reduce the visual impact of a development of the proposed scale (6-8-story buildings). These buffers should be opaque, requiring, in many places, the planting of trees and shrubs. Given the massive scale of the proposed facility, the size of these plantings is important.
 - a. **Condition 3:** require a 500-foot opaque buffer along every adjacent property and require that opaque buffer to be planted with trees and shrubs native to the Piedmont region and of sufficient height and breadth to screen the Rivian facility from the sight of neighbors and public rights of way.
4. To mitigate the loss of tree canopy and wildlife habitat, the replanting of trees should be required on site.

³ Attached, JDA, *Letter of Intent* 1/10/22, page 2, paragraph 1.

⁴ Attached, EPA, Wetland and Stream Mitigation: A Handbook for Land Trusts, pages 18-20. Full document: https://www.epa.gov/sites/default/files/2015-08/documents/wetlands_and_stream_mitigation_-_a_handbook_for_land_trusts_0.pdf.

⁵ Attached, Corps of Engineers, Wetland Mitigation Basins map.



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- a. **Condition 4:** require a 2:1 replacement of all felled trees on site (plant two trees for every one tree felled); if tree replacement is not feasible on site, require a 4:1 replacement off site.
5. The environmental studies required under the Groundwater Recharge Protection Ordinance are important to have before work begins on any development. To avoid unnecessary land disturbance before all approvals are obtained, revise the condition proposed by the JDA in their *Addendum – Supplemental Information Letter – January 17, 2022*⁶, written as “approve its rezoning request conditional on its compliance with the Groundwater Recharge Ordinance documentation requirements prior to vertical construction.”
 - a. **Condition 5:** Require the JDA to comply with the Groundwater Recharge Ordinance documentation requirements prior to land disturbance.
6. Light pollution has silent but real impacts on the health of all living things: it impacts plant growth and changes the circadian rhythm of animals, including humans. Increased light pollution is a growing concern in metropolitan areas worldwide, and here in Morgan County (within Metropolitan Atlanta) is an even greater concern due to the location of the Observatory at Hard Labor Creek State Park.
 - a. **Condition 6:** require all lighting on site and along public rights of way to follow Dark Sky Principles⁷ (as stated on the JDA’s site plan) and meet the minimum requirements of the International Dark Sky Association’s Community Designation Guidelines⁸.
7. Signage enhances safety and reflects a community’s identity. Sign ordinances are adopted by many local governments to create safe and attractive communities and often include requirements for size, location, and type of lighting.
 - a. **Condition 7:** allow non-digital directional and identification signage only, without supplemental lighting, and exclude commercial signage (i.e., signage offered for compensation or as a donation), billboards or signage for lease. Require County Commissioner approval of signage plans.

⁶ Attached, JDA, *Addendum – Supplemental Information Letter – January 17, 2022*, page 2, paragraph 1.

⁷ Attached, International Dark Sky Association, *5 Principles for Responsible Outdoor Lighting*.

⁸ Attached, International Dark Sky Association, *International Dark Sky Community Program Guidelines*, page 4, Minimum Requirements for all Communities.



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LONG-RANGE PLANNING AND ECONOMIC DEVELOPMENT ISSUES

To successfully plan for Morgan County's future, the Board of Commissioners will need to consider the protection of critical natural, agricultural, and historic resources in conjunction with the development of infrastructure and other government services. Morgan County's quality of life depends on it.

Conservation easements⁹ are the only way to permanently control land use and should be used to mitigate the impacts of the proposed development. The Conservancy encourages the Board of Commissioners to consider supporting the following 5:1 Mitigation Plan:

- Fund, in whole or in part, the permanent protection of 5 acres for every 1 acre developed within Stanton Springs North, with at least 1/5 of the acres protected required to be in the affected Groundwater Recharge Area.
 - Measurable outcomes: permanent land protection will help ensure:
 - Clean Groundwater drinking supplies
 - Land for farmers to farm
 - Habitat for wildlife
 - Opportunities for outdoor recreation
 - Traffic control
 - Retention of Morgan County's history
 - Manageable residential/commercial growth
 - County funding sources could include:
 - revenue from Stanton Springs
 - SPLOST
 - General Obligation Bonds
 - a dedicated line item in the County budget
 - County funding could be used for
 - matching funds for the Federal Agricultural Conservation Easement Program (ACEP)
 - purchase of development rights
 - purchase of conservation easements (different than CUVA)

Future rezoning applications are imminent, and we ask you to hold the line at Old Mill Road. There are three conservation easements there permanently protecting three corners of the historic Davis Crossroads, which should help manage the sprawl. The current comprehensive planning process is a good start, and we do hope it prescribes a balanced path forward for this community.

⁹ Linked here: [Conservation Easements brochure: http://mmcgeorgia.org/wp-content/uploads/2019/01/2019-CE-Pamphlet-website.pdf](http://mmcgeorgia.org/wp-content/uploads/2019/01/2019-CE-Pamphlet-website.pdf)



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PUBLIC-PRIVATE PARTNERSHIP: THE STATE OF GEORGIA AND RIVIAN

The Morgan County Commissioners and Municipalities have an opportunity to hold the State of Georgia and its newest recruit accountable for mitigating the negative impacts of this scale of development. The State of Georgia thus far has not formed a plan to fund this kind of mitigation for this project. Rivian, on the other hand, has pledged 1% of the company's equity (equity rather than profit) to their "Forever Fund."¹⁰ The Fund, as stated on their website and referred to in meetings, is "dedicated to addressing our planet's climate crisis and preserving the critical biodiversity needed for our planet's long-term survival."

A joint venture between the State of Georgia and Rivian's Forever Fund could significantly protect the remaining Groundwater Recharge Areas, viable farmland, and natural resources at risk by the proposed development. The 5:1 land conservation mitigation program referenced above would, by design, protect these critical resources and be a key tool in managing future growth. We encourage the Morgan County Board of Commissioners to immediately begin negotiations with the State of Georgia and Rivian to formalize this kind of mitigation program. It would not only be good, it would be better than any other, and could be the best environmental protection program in the country. Your leadership is key in making it happen.

CONCLUSION

As you grapple with how to plan for Morgan County's future, the Conservancy is here to serve as a resource. We will continue to do what we do best – protect important places and inform our growing membership of 500+ members about conservation and development matters. If we can be of service to you, please call on us. We know we cannot build a wall or pull up the drawbridge, but we can plan our way forward in ways that keep Morgan County Morgan County.

Sincerely,

Robert Trulock
President, Board of Directors

¹⁰ Attached, Car and Driver, *Rivian's Forever Fund will turn Nature into an EV Shareholder.*

The Northeast Georgia Regional Commission (NEGRC) has completed its review of the following Development of Regional Impact (DRI). This report contains the NEGRC’s assessment of how the proposed project relates to the policies, programs, and projects articulated in the Regional Plan and Regional Resource Plan. Also included is an assessment of likely interjurisdictional impacts resulting from the proposed development, as well as all comments received from identified affected parties and others during the fifteen-day comment period.

The materials presented in this report are purely advisory and under no circumstances should be considered as binding or infringing upon the host jurisdiction’s right to determine for itself the appropriateness of development within its boundaries.

Transmittal of this DRI report officially completes the DRI process. The submitting local government may proceed with whatever final official actions it deems appropriate regarding the proposed project, but it is encouraged to take the materials presented in the DRI report into consideration when rendering its decision.

Project I.D.:	DRI #3560
Name of Project:	Project Adventure
Name of Host Jurisdiction:	Morgan County (submitting entity), Walton County, City of Social Circle

Background

DRI review was initiated following the developer’s request for a rezoning from Morgan County. The site would be rezoned from Agricultural-Residential to Stanton Springs Business Park District (MXD-1) in all three jurisdictions. Potentially affected parties were asked to submit comments on the proposal during the 15-day period of 01/07/22—01/22/22.

Proposed Development

The Joint Development Authority of Jasper, Morgan, Newton, and Walton Counties is proposing construction of a 20 million square foot automotive plant on approximately 2,000 acres in Morgan County, Walton County, and the City of Social Circle. The site’s borders approximately align with I-20 to the south, GA Hwy 12/US-278 to the west and north, and Old Mill Road to the east. Morgan County is the submitting entity for this DRI Review because it encompasses the largest portion (acreage) of the proposed project. Seven stormwater retention ponds, an internal street network, a walking trail, a test track, and parking lots for employees and truck trailers are also planned. The project would be completed in two phases with an estimated completion date for Phase One in 2024, and overall completion in 2026. Currently, the site consists of four streams, woodland, open farmland, two roads, a chicken farm, and multiple homes.

Compatibility with Existing Plans

The site is identified as “Rural Living” on the Morgan County Comprehensive Plan’s Character Area Map (dated 07/26/2017). The Plan describes this Character Area as predominantly agricultural with low-density, large-lot residential homes. Desired land uses include undeveloped land left in its natural state, agriculture, and low-density residential uses. Development priorities for the area include protecting water resources and

environmentally sensitive areas and the preservation of the agricultural economy. The Plan's Development Suitability map lists the area as moderately suited for development. The site is part of the County's groundwater recharge areas, as shown on the Plan's Sensitive Environmental Resource map (dated 07/26/2017). There are also unidentified historic resources and possibly a cemetery on site, as shown on the Plan's Cultural and Historic Resources map (dated 07/26/2017). Low impact, sustainable economic development is encouraged and desired by residents. Responsible public investment in infrastructure is also a clear priority in the Plan. The proposed plant would convert rural agricultural land into a high-impact, high-intensity development. A plant of this size would negatively impact the groundwater recharge area by converting millions of square feet into impervious surfaces. In addition, the DRI submittal noted that the plant is expected to generate "some hazardous waste, such as: paints, solvents, adhesives, batteries, [...] that are typical of such manufacturing facilities." These types of waste could be particularly harmful to the local groundwater recharge area as well. No mitigation proposal was provided; the applicant indicated that mitigation and disposal plans are currently being developed.

The project will generate new demand for infrastructure in a part of Morgan County where new infrastructure has not been planned. New infrastructure may attract further development that could be at odds with the rural and agricultural nature of the Character Area. Morgan County should compare the tax revenue of the project against the lifecycle maintenance costs of the associated infrastructure to ensure that the project would be fiscally responsible. The proposal does not mention how the historic resources and cemetery (if it is, indeed, found onsite) would be protected or effects mitigated. Pending explanation as to how the plant's potential effects on the character and natural and cultural resources in the area will be mitigated, the project appears generally inconsistent with the Morgan County Comprehensive Plan.

The site is identified as "Employment Center" on the Walton County Comprehensive Plan's Character Area Map (dated 04/17/2017). According to the Plan, "The overall character of the area is intended for large-scale, employment-intensive commercial uses." Industry is listed as a compatible land use. The Plan recommends that projects use "planned development concepts" like internal transportation networks and inter-parcel access to minimize traffic impacts on the adjacent road networks. Generally, the proposal appears consistent with Walton County's Plan. However, even inter-parcel access with multiple entry points may not be enough to offset the impact that thousands of new vehicle trips would have on the surrounding street and road network.

The site is identified as "Gateway Interchange" on the City of Social Circle Comprehensive Plan's Character Area Map (dated 03/28/2017). The Plan states that, "large scale industrial uses and employment centers" are appropriate due to ready access to I-20, railroads, and utilities. Large-scale industrial buildings and parking lots should be set back from roadways, present an attractive façade, plant appropriate landscaping, and screen unsightly parking lots and buildings from roadways including I-20 and Hwy 278. The site plan shows room for significant buffers on most of the property boundary although it does not label or expressly declare that these areas will be preserved as buffers. To ensure consistency with the Social Circle Comprehensive Plan, the design should incorporate sufficient landscaping and screening of the site. Generally, it appears that the proposal is consistent with the Social Circle Comprehensive Plan.

The site is identified as "Rural" on the Northeast Georgia Regional Plan's Regional Land Use Map (dated 6/7/2018). The Regional Plan recommends development that matches the region's workforce, prices in the lifecycle cost of infrastructure, creates a sense of place, builds a compact development pattern on existing infrastructure, creates diverse and affordable housing, and compliments existing and planned transportation options—especially non-automobile transportation modes. This project would create a significant impact on

the local and regional labor market, and the applicant states that the regional work force is sufficient to fill demand. However, in the current tight labor market, it is possible that this project could shift the workforce away from existing employers in the area. In the event that additional workforce training is necessary, technical colleges, WorkSource Georgia, and other workforce-focused organizations should collaborate to train an appropriate workforce.

The project, itself, does not include a housing component, but it would have a significant impact on local housing markets. To prevent workers from having to live far away and commute lengthy distances, adjacent communities should reassess their zoning regulations, building codes, and comprehensive plans to ensure a sufficient volume and diversity of housing is available for prospective workers and their families. New housing should be constructed in accordance with the Regional Plan's recommendations listed above.

Although the traffic study is not complete, the applicant estimates the project would generate 17,000 new daily trips. Even with the planned I-20 interchange expansion, the surrounding rural street network is limited, and may be overwhelmed during peak travel hours. The typical response to increased traffic has been to build wide, fast, high-capacity roadways. However, this approach can be exceedingly expensive and often ineffective at managing traffic in the long-term. A more effective approach would create a highly-connected local street network that distributes traffic across multiple avenues and provides safe and accessible infrastructure for people to walk, bike, or ride transit to their destination. This proposal is estimated to bring 7,500 jobs to the site. The site should be designed to accommodate bikes and transit so that employees can commute without a car and reduce their impact on the adjacent street network.

The site location makes it difficult for the project to meet the Regional Plan's recommendations since the Plan envisions this area as rural rather than the site of a new urban node. The Plan's recommendations for urban-area development and transportation would require significant changes to the existing land use pattern, transportation network, and the approach to environmental conservation. As currently proposed, the project is not consistent with the Regional Plan.

Potential Interjurisdictional Impacts

The applicant states that the project would likely impact environmental quality factors identified on the DRI Additional Form, including significant groundwater recharge areas, wetlands, and floodplains. The entire portion of the site within Morgan County is considered a "Groundwater Recharge Area" by the Morgan County Comprehensive Plan's Sensitive Environmental Resources Map (dated 7/26/2017). The addition of millions of square feet of impervious surface would impede the ability of this land to serve as a recharge area. This potential for reduced groundwater recharge, combined with the project's estimated 4.7 MGD water demand, could result in significant impacts to the region's water supply. Prior to approval, the applicant should clarify how the expected negative impact on groundwater recharging would be offset.

The National Wetland Inventory (NWI) identifies 29 acres of wetlands onsite and 232 acres of wetlands within one mile of the site. The Northeast Georgia Regional Plan's Conservation and Development Map (dated 7/19/2018) identifies 1,833 acres of "Conservation" land onsite and 9,195 acres of "Conservation" land within one mile of the site. This "Conservation" land includes 888 acres of Regionally Important Resource land onsite and 3,550 acres of RIR land within one mile of the site. This acreage is part of the Northeast Georgia Green Infrastructure Network as identified in the Northeast Georgia Resource Management Plan for Regionally Important Resources (dated 8/7/2018). No specific Regionally Important Resource sites are identified within one mile of the proposed site. Since approximately 92% of the site is within a "Conservation" area, it would be advisable to approach site development with caution. The site plan makes no mention of the historic resources

and cemetery that appear to be located on the site, as labeled in the Morgan County Comprehensive Plan's Cultural and Historic Resources Map (dated 7/26/2017). According to the Georgia Natural, Archeological, and Historic Resources GIS Map, there are three historic buildings and one historic site on the proposed property. Five more historic buildings are directly adjacent to the site. The potential impact on these resources should be clarified and mitigation measures identified prior to development.

The site plan proposes eliminating two ponds and associated stream segments, and proposes road crossings across two additional stream segments. An "Adventure Trail" would be constructed around one of the remaining ponds/wetland areas. However, no legend, notation, or labels on the submitted site plan delineate buffers or areas to be protected throughout construction. Without heightened protection measures, it is likely that the extensive grading required for 20 million square feet of industrial space would damage these water resources, even if no construction is proposed in those areas. It is also likely that the extensive areas of impervious surfaces would result in negative impacts to the adjacent wetlands and waterways. An estimated 50% of the site would be covered in impervious surfaces, and seven retention ponds are planned to manage stormwater runoff. The applicant states that these ponds will be interconnected and that they will, "meet the current requirements required by the local issuing authority, Georgia Soil and Water Conservation Commission and Georgia Environmental Protection Division." The proposal should be designed to minimize disruption to the existing streams, associated wetlands, and floodplains to avoid future erosion, flooding, and degraded water quality onsite and downstream from the site. Low impact design measures, like bioswales, rain gardens, green roofs, pervious pavement, and other green infrastructure should be incorporated into the project design. In addition, water quality monitoring of adjacent waterways should be performed during and following construction to ensure any short- or long-term effects are identified and mitigated. At minimum, the project should be in accordance with the latest edition of the Georgia Stormwater Management Manual (Blue Book) and meet all relevant EPD requirements.

The project would be served by the Newton County Water and Sewer Authority with an estimated daily demand of 4.7 MGD for water and 1.5 MGD for sewer. The applicant states that there is sufficient water supply capacity and that a wastewater treatment plant expansion that is already underway will have enough capacity for the new project. Water and sewer line extensions from the Stanton Springs Industrial Park across I-20 would be required. These extensions would be less than a mile long.

The applicant estimates the project would generate 6,716 tons of solid waste annually at full buildout and that sufficient landfill capacity exists to handle this waste. Hazardous waste, including paints, solvents, adhesives, batteries, etc. that are typical of automotive manufacturing would be generated. The applicant states that, "Disposal plans are being developed at this time, but at a minimum, such plans will meet local, state, and federal requirements." Given that the entire site is within a groundwater recharge area with sensitive environmental resources, meeting minimum requirements may not be sufficient to protect residents and local environmental resources. The suitability of these disposal plans should be confirmed prior to approval of the project and long-term monitoring of local water, soil, and/or air quality, as applicable, is recommended.

The applicant states that a traffic study is "in progress" and estimates that, at full buildout (7,500 employees), the project would generate approximately 5,000 peak hour trips and 17,000 new daily trips. An internal street network would be constructed to serve the site with three entrances. Additional infrastructure, including a new frontage road between Exit 101/US-278 and Old Mill Road and a new interchange for I-20 at Old Mill Road, is planned. Part of Old Mill Road would be widened at the interchange. The site is bisected by Sewell Road and Davis Academy Road. Both of these roads would be vacated within the site's boundary to make way for the proposed facilities. There is also a CSX railroad line nearby; however, the submittal is unclear about

whether/how it would tie into the site. If possible, a rail spur should be incorporated to serve the site. In addition, as stated earlier, the local street network would likely need significant expansion to handle the increased traffic. The site should be designed with multi-modal access in mind, especially since Morgan County and Social Circle already operate transit services that could provide critical access to the site.

The applicant estimates that the project would be worth \$5 billion at build-out, in 2026, and generate \$100 million in annual local taxes. On a per-acre basis, the project would be worth approximately \$2.5 million and generate approximately \$50,000 in tax revenue. Prior to approval, local jurisdictions should measure the life cycle costs of the infrastructure needed to serve this project and any spillover development to ensure that they would not be committing to more maintenance expenses than the new tax revenue can cover.

Comments from Affected Parties

Greg Boike, Director of Public Administration, Middle Georgia Regional Commission

Congratulations to the Northeast Georgia region on landing this project. The direct employment impacts from this development can be expected to reach into the Middle Georgia region. Likewise, the potential for new development of supporting industries is high. As such, we expect that this project will provide significant positive economic impacts throughout Middle Georgia and the entire state.

Alan Hood, Airport Data Safety Program Manager, Georgia Department of Transportation

This development is 10 miles from the Covington Municipal Airport (CVC), and is located outside of any FAA approach or departure surfaces, and airport compatible land use areas, and does not appear to impact the airport unless construction or construction equipment exceeds 200' AGL.

If any construction or construction equipment reaches 200' AGL or more, an FAA Form 7460-1 must be submitted to the Federal Aviation Administration. That may be done online at <https://oeaaa.faa.gov>. The FAA must be in receipt of the notification, no later than 120 days prior to construction. The FAA will evaluate the potential impact of the project on protected airspace associated with the airports and advise the proponent if any action is necessary.

Thank you for the opportunity to comment on the proposed development.

Brock Tyson, Assistant District Traffic Engineer, Georgia Department of Transportation

The DRI mentions that a traffic study is in progress. Once this is received, we will be able to review the impacts to determine the necessary improvements required.



 215 N Broad Street
Monroe, GA 30655
 (770) 267-3429
 lpropes@monroega.gov

January 21, 2022

Mr. Stephen Jaques
305 Research Drive
Athens, GA 30605

RE: DRI #3560, Comment from the City of Monroe

Dear Mr. Jaques,

Please accept this letter as formal comment from the City of Monroe regarding the Development of Regional Impact #3560 that will be partially in Walton County.

The City of Monroe's primary concern is heavy truck traffic that would be added during construction and after completion of the Rivian Truck Plant project. As of this date, there is a State of Georgia programmed truck connector route (PI 0000411 – S.R. 83 truck connector) that would route all heavy truck traffic that currently travels through the middle of Monroe's historic and award-winning Downtown along S.R. 11 onto a new bypass in Walton County to S.R. 83, then to U.S. Hwy 78. This project has been decades in the making and is currently in right-of-way acquisition phases. Construction is supposed to let later this year. **It is imperative that this project is completed by the Georgia Department of Transportation before the Rivian Truck Plant project reaches completion.** The addition of future complementary industries in this area will certainly add more traffic that would detrimentally affect Monroe without the truck connector project fully completed.

The City of Monroe already deals with the unfavorable effects of large volumes of truck traffic that use S.R. 11 as a north-south route between Interstate 85 in Braselton and Interstate 20 in Social Circle with S.R. 316 and U.S. 78 in between adding additional heavy truck traffic. Both Winder to our north and Social Circle to our south already enjoy bypasses of their downtown areas. Monroe will not be able to sustain additional heavy truck traffic without the completion of PI 0000411, and some additional work at the project terminus of U.S. Hwy 78 and S.R. 11 northbound at the interchange, to facilitate the thousands of trucks per day in a safe and efficient manner.

Best Regards,

Logan Propes
City Administrator



The City Of
SOCIAL CIRCLE

166 North Cherokee Road · Post Office Box 310 · Social Circle, Georgia 30025

Office: 770-464-2380 · Fax: 770-464-2113

January 21, 2022

Stephen Jacques
Northeast Georgia Regional Commission
305 Research Drive
Athens, GA 30605-2795

RE: DRI #3560

Mr. Jacques,

On behalf of the City of Social Circle I appreciate the opportunity to provide the City's response to the referenced DRI. The proposed project to construct an automotive manufacturing facility on approximately 2,000 acres with 20 million square feet of building is quite significant not only to Social Circle, our region but also the entire State of Georgia. While only a small portion of the proposed project falls within the city limits, Social Circle could increase residential opportunities and could double our population before the next U.S. Census count. We could see new industrial and manufacturing opportunities for supportive supply chain industries.

The areas of impact are as follows.

- Land Use and Zoning:

Social Circle's Future Land Use Map and Zoning Map has identified areas of the city that are appropriate for industrial growth and development. The scale of industrial growth anticipated has always matched the scale of the city in relation to percentage of each land use category and population. The site is identified as a "Gateway Interchange" on the City of Social Circle Comprehensive Plan. The Plan states that, "large scale industrial uses and employment centers due to the ready access to I20 and railroad and utilities, and proximity to the Stanton Springs Industrial Park. Large scale industries should be well set back from the roadways, and present attractive façade and attractive landscaping. Prominent signage is appropriate on the industry for identification.

- Natural Resources:

Social Circle is proud to be the home of the Georgia Department of Natural Resources and not only does that include professional office space, but also wildlife habitat that is enjoyed by many outdoor enthusiasts. The proposed project area is a significant ground water recharge area for Morgan County and the information provided states that there are 29 acres of wetlands on site and 232 acres of wetlands one mile off the site. Employing runoff reduction and extended wet detention may require greater land area to achieve thus leaving less area for impervious surfaces. During site construction erosion and sediment control are of great concern to onsite wetlands and downstream waterways.

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- Infrastructure:

- Transportation

- The applicant states that a traffic study is “in progress” and estimates that, at full buildout (7,500 employees), the project would generate approximately 5,000 peak hour trips and 17,000 new daily trips. An internal street network would be constructed to serve the site with three entrances. Additional infrastructure including a new frontage road between Exit 101/US-278 and Old Mill Road and a new interchange for I-20 at Old Mill Road is planned. Part of Old Mill Road would be widened at the interchange. The site is bisected by Sewell Road and Davis Academy Road. Both roads would be vacated within the site’s boundary to make way for the project. There is also a CSX railroad line nearby.

- Water Supply and Wastewater

- The water supply and wastewater service are proposed to be served by Newton County Water and Sewer Authority. This solution would remove added pressures on the City of Social Circle’s water and wastewater treatment facilities and infrastructure. The City of Social Circle has gas in the area and would be able to provide the gas service.

- Services:

- The applicant estimates the project would generate 6,716 tons of solid waste annually at full buildout and states, “*That sufficient landfill capacity exists*”, and the developer is working on a plan. Hazardous wastes are byproducts of the automotive manufacturing process, and the applicant acknowledges this, but fails to address how disposal of hazardous waste will be handled but is working on a plan.

The Social Circle School System (SCSS) will be impacted by residential growth, and it is expected that student enrollment numbers will increase. Additionally, it is anticipated that specialized classroom instructions will be created to help fulfill the skills necessary for employment in automotive manufacturing. It is possible that a partnership between the SCSS and the proposed state funded training center can be formed with the goal of providing local career opportunities.

Social Circle appreciates the opportunity to respond to this DRI and its concerns over the proposed project’s impact to the region and Georgia’s Greatest Little Town.

Respectfully,


Barbara Schlageter

Assistant City Clerk/Planning & Zoning Administrator



Andrea P. Gray LLC

Attorney at Law

January 17, 2022

Mr. Chuck Jarrell
Director, Morgan County Planning and Development
Post Office Box 1357
150 East Washington Street, Suite 200
Madison, Georgia 30650

Re: Supplemental Information for Rezoning Applications for Springs North

Dear Mr. Jarrell:

Pursuant to Section 19-5-4 of the Morgan County Zoning Ordinance please accept this supplemental information regarding the request to rezone twenty-eight (28) parcels in Morgan County, Georgia from Agricultural to Stanton Springs Business Park for the development of an electric vehicle manufacturing facility. Following submittal of the rezoning application on January 10, 2022 representatives of the Joint Development Authority of Jasper County, Morgan County, Newton County and Walton County ("Applicant") attended a community meeting on January 11th and the Applicant's engineer's completed a portion of the environmental work in progress. Details regarding both follow.

On January 11, 2022, Mr. Shane Short hosted a community meeting to provide information on the Rivian project and to answer questions from the public. At that meeting, Applicant learned that there are citizens concerned about the level of environmental evaluation and impacts to water quality and quantity in the immediate area. Concerns have also been expressed regarding Applicant's intent to comply with the Groundwater Recharge Ordinance. While Mr. Short addressed many of these concerns in the public meeting, Applicant desires to supplement its rezoning application to provide additional information for the benefit of Morgan County in rendering a zoning decision.

Applicant did not file variance applications. It fully intends to comply with all Morgan County ordinances including the Groundwater Recharge Area Ordinance requirements. Applicant has engaged civil engineers, environmental consultants, geotechnical engineers, archeologists, and geologists to evaluate the property. Rivian has engaged a company to count the trees on the property. Detailed site evaluations are underway. Detailed design plans including those required by the Groundwater Recharge Area Ordinance will be prepared prior to construction. However,



300 E Church Street, Monroe, GA 30655
(678) 364-2384 www.andreapgray.com

Applicant is unable to provide the detailed design plans or all the required environmental information to meet the January rezoning application deadline. Commencing detailed design for a project of this scope and scale is contingent on zoning approval and the results of the site studies due to the millions of dollars required to complete the plans. Applicant can provide updates and information as it is received and work with the Planning Staff post-zoning to ensure all requirements are met per the Ordinance. To that end Applicant requests that Morgan County approve its rezoning request conditional on its compliance with the Groundwater Recharge Ordinance documentation requirements prior to vertical construction.

On January 14, 2022, Applicant's environmental consultants completed and submitted to the U.S. Army Corps of Engineers a request for a jurisdictional determination on the property. This request includes a delineation of the streams and wetlands on the property and mapping showing the same which is a part of the information required under the Groundwater Recharge Ordinance. A copy of the request submitted is attached hereto for inclusion as part of Applicant's application.

Please let me know if you have any questions.

Sincerely,



Andrea Gray
Applicant's Representative





Andrea P. Gray LLC

Attorney at Law

January 10, 2022

Mr. Chuck Jarrell
Director, Morgan County Planning and Development
Post Office Box 1357
150 East Washington Street, Suite 200
Madison, Georgia 30650

Re: Stanton Springs North
Request to rezone from Agricultural to Stanton Springs Business Park, Tier 1

Dear Mr. Jarrell:

The Joint Development Authority of Jasper County, Morgan County, Newton County and Walton County (“Applicant”) has successfully developed Stanton Springs into a world-class industrial park with three tenants comprising some of largest economic developments in the State to date. It now seeks to expand its development north of Interstate 20 to develop what is called Stanton Springs North. The tenant slated for Stanton Springs North is Rivian Automotive which seeks to develop the approx. 1,978-acre site as an electric adventure vehicle manufacturing facility. Rivian’s approximately 19.6 million square foot campus will bring 7,500 jobs to the community and result in a minimum investment of \$5 billion. To accommodate this project, the property must be rezoned to Stanton Springs Business Park in Walton County (13 parcels), Social Circle (1 parcel) and Morgan County (28 parcels). Applicant is requesting a Tier 1 designation under the Stanton Springs Business Park classification to support the development of manufacturing, research and development, office space, and other supporting uses for the Rivian campus.

The twenty-eight parcels in Morgan County (the “subject property”) are currently a mix of vacant farmland and single-family residences. This area of Morgan County continues to transition to industrial use with the continued buildout of Stanton Springs to the South, and the development of Stanton Grove just to the West across the Newton County line. The property is uniquely positioned for industrial use given its location on a major interstate and state highway and its access to rail, an international airport and major port. Approximately 500 acres of the 1,978-acre site which is immediately adjacent to the twenty-eight parcels in Morgan County was zoned as Stanton Springs Business Park in 2021 by Social Circle.



300 E Church Street, Monroe, GA 30655
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Rivian is an environmentally conscious company whose focus is to reduce the carbonization of our atmosphere. In keeping with this vision, the site is designed to preserve a significant amount of natural forest with more than 50% of the property remaining impervious and the incorporation of adventure trails for employee use. Given that the subject properties are in a groundwater recharge area, special consideration will be made to consider streams, wetlands and natural areas in the final site design. The Applicant will obtain the necessary state and federal permits associated with any impacts and provide the necessary mitigation. The overall site density of 9,919 sf per acre is comparably low to most industrial sites that value maximizing building space over preserving natural areas.

Special consideration will be made to mitigate impacts to adjoining property owners and the local community. The lighting used will follow dark sky principles to reduce light pollution. The site is also designed to concentrate the structures in the center of the site to minimize impacts to adjacent properties. The site is designed to reduce traffic impacts to the existing road as it will be supported by significant road improvements carried out by the Georgia Department of Transportation including a new interchange at I-20 and Old Mill Road, construction of a new frontage road along I-20 and other improvements to Hwy 278 and Old Mill Road.

The Rivian project fits within the evolving reality for the western portion of Morgan County. The Morgan County 2017 Comprehensive Plan pre-dates the major transitions and developments occurring immediately adjacent to the subject properties. As currently shown, the subject property is designated as rural. However, since 2017, two Morning Hornet data centers have located in Stanton Springs, one of which is predominately in Morgan County. Additionally, the subject properties were part of what was referred to as the East Atlanta Megasite which has been marketed as an industrial development site since 2018. In 2021, the Applicant purchased and rezoned over 500 acres for industrial development and created Stanton Springs North. In 2021, the Newton County Industrial Development Authority purchased several hundred acres at I-20 and Hwy 278 for an industrial park. Based on these developments since 2017, the subject properties are better suited for industrial development than agriculture.

Applicant respectfully requests that the twenty-eight (28) parcels which comprise approximately 640 acres be rezoned from Agricultural to Stanton Springs Business Park, Tier 1, and that any other necessary approvals be processed to allow for the development of an electric vehicle manufacturing facility for Rivian Automotive. Fifteen (15) standalone applications are included herewith which each include: this Letter of Intent, Application and Owner Authorization Forms, Zoning Criteria Information, Tax Cards/Deeds/Recorded Plats, Zoning Map, Property Owner Map, Site Plan and a Utility Letter.



Applicant is unable to provide all the information required under the Groundwater Recharge Ordinance at this time and respectfully requests a variance to allow it to obtain zoning approval without the information being provided. Requiring the detailed design plans and sediment control plans listed under the Groundwater Recharge Ordinance would cause Applicant a substantial hardship given the unique nature of this project and its sheer size. Applicant must obtain the required zoning on the property to ensure it can be used for the intended purpose before spending millions of public funds on detailed design of 19.6 million square feet of buildings on approximately 1,978 acres. Detailed design and erosion and sedimentation plans will be prepared post-rezoning and the permitting jurisdiction will be able to review and comment on those through the permitting process. Considering these special circumstances, Applicant requests that its applications be deemed complete despite this omission and that the approvals required to allow the project to move forward be granted.

Please let me know if you have any questions.

Sincerely,



Andrea Gray
Applicant's Representative



2.3 The Compensation Side: How Impacts Are Offset

If a developer undertakes an activity that leads to the loss of wetland or stream acres and functions, the developer now needs to replace those lost acres and functions. How are those wetland and stream acres/feet and functions generated?

Wetland and stream offsets are expressed as credits. Credits are defined as:

a unit of measure (e.g., a functional or areal measure or other suitable metric) representing the accrual or attainment of aquatic functions at a compensatory mitigation site. The measure of aquatic functions is based on the resources restored, established, enhanced, or preserved.³²

Mitigation providers generate credits through the four methods defined in the following section (restoration, establishment, enhancement, and preservation). The amount of credits each compensatory mitigation site will generate may depend upon the method of mitigation used, the assessment tool used, and in some cases may entail some negotiation between the mitigation provider and the Corps. Generally speaking, the Corps either uses established credit ratios or a functional assessment method to determine the number of credits that a compensatory mitigation project would yield. Different districts may use different credit determination methods. Some districts have clearly articulated the credit ratios or functional assessment method they use in district-specific “Standard Operating Procedures” (SOPs), which serve as mitigation guidelines.³³ Others include that information in stand-alone mitigation guidelines.³⁴ Some districts negotiate these matters for each individual compensation project. At the end of this process, the Corps notifies the mitigation provider of the number of credits (or functional units in some cases) that the project is likely to generate. When the Corps makes a permit decision it must ensure that any *debts* from the impact site are appropriately offset by *credits* generated by associated compensatory mitigation sites. *For examples on how credit ratios are applied to compensation sites, see Section 2.3, “The Compensation Side,” on page 18.*

2.3.1 Mitigation Methods: Restoration, Establishment, Enhancement and Preservation

What actions do mitigation providers take to generate credits? The agencies have identified four methods that can be used to meet a permittee’s compensatory mitigation obligations: restoration, establishment (creation), enhancement, and preservation. *See Chart 3 for definitions of the compensation methods.*

Recall, that the no net loss goal relates to the replacement of area *and* functions. These different compensation methods differ in their ability to replace area and functions and, therefore, to contribute to the no net loss goal (see Chart 3). These disparities are addressed by the agencies by favoring wetland and stream restoration – which provides a net increase in both acres and functions – over the other compensation methods and using credit ratios that assign more credits to methods that provide greater assurances of replacing lost wetlands and streams.

For example, if a compensation project is designed to restore a wetland where one once existed, that project supports a gain in both acres and functions. Such a project may entail carrying out work on a farm field that was once a wetland, which was drained for farming in the 1890s. By removing the drainage control

³² § 332.2.

³³ See, e.g., U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT, RD-SOP-02-01, REGULATORY DIVISION - STANDARD OPERATING PROCEDURE (2002), available at <http://www.sac.usace.army.mil/assets/pdf/regulatory/sop02-01.pdf>.

³⁴ See, e.g., U.S. ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT, NEW ENGLAND DISTRICT COMPENSATORY MITIGATION GUIDANCE (2010), available at <http://www.nae.usace.army.mil/Regulatory/Mitigation/CompensatoryMitigationGuidance.pdf>.

structures and planting wetland-dependent plants the wetland returns. These wetland acres are returned to the landscape and, if successful, the restored wetland provides functions that were not previously provided. If the project is completed as compensation for a wetland fill of equal or fewer acres, that project supports the no net loss goal. This is restoration (re-establishment) and restoration is the sweet spot for regulators.

2.3.1.1 The Role of Preservation

Why don't the agencies generally support or favor the preservation of high quality wetland and streams to fully offset authorized impacts? Wetland loss, stream impacts, riparian area degradation – the evidence is undeniable. As a nation, we have lost the majority of our naturally occurring wetlands and a significant amount of our streams of high ecological value. Seven states have lost more than 80 percent of their original wetland acreage.³⁵ As those in the land trust community know all too well, it is critical that we protect the best that we have left and do so as quickly as possible. But at the same time, if we allow for wetland or stream losses without replacing them, our vital aquatic resources will continue to be eroded through a death by a thousand cuts. And so, with the full understanding that undisturbed wetlands and streams remain at risk, the federal agencies nonetheless prefer to compensate impacts with restoration rather than preservation.

This preference for restoration over preservation appears in the regulations, but preservation is allowed in some circumstances. In 2008, the agencies stipulated that when preservation is used as compensation, *all* of the following criteria must be met:

1. The resources to be preserved provide important physical, chemical, or biological functions for the watershed
2. The resources to be preserved contribute significantly to the ecological sustainability of the watershed
3. Preservation is determined by the district engineer to be appropriate and practicable
4. The resources are under threat of destruction or adverse modifications
5. The preserved site will be permanently protected through an appropriate real estate or other legal instrument (e.g., easement, title transfer to state resource agency or land trust)³⁶

Even when preservation is allowed, the agencies stress that it should be carried out in conjunction with restoration, creation, or enhancement.³⁷ In reality, most of the compensatory mitigation projects that the Corps approves include a mix of mitigation methods. A project may restore a degraded wetland, preserve existing wetland acreage, and enhance the functions of an existing wetland all within the boundaries of a single compensatory mitigation project.

In other words, the federal agencies generally do not support compensatory mitigation projects that are based entirely on preservation. The one exception to the “no preservation-only” position is when a preservation project is identified as a high priority site using a watershed approach to compensatory mitigation decision-making. *The watershed approach is discussed further in Section 2.4.2, “The Watershed Approach,” on page 34.* The Corps’ willingness to accept preservation projects does vary from Corps district to Corps district. *For more information on the role of district-specific policies, see Section 2.5, “Corps District Mitigation Policies and the Role of States,” on page 37.*

³⁵ T.E. DAHL & C.R. JOHNSON, U.S. FISH & WILDLIFE SERVICE, WETLANDS: STATUS AND TRENDS IN THE CONTERMINOUS UNITED STATES, MID-1970'S TO MID-1980'S (1991).

³⁶ 33 C.F.R. § 332.3(h)(1).

³⁷ § 332.3(h)(2).

2.3.1.2 Applying Credit Ratios Based on the Compensation Method

The Corps' primary tool for incentivizing restoration and enhancement over other forms of compensation that do not advance the no net loss goal, such as preservation, is to apply credit ratios. So if preservation is allowed – as part of a project or the entire project – the preservation portion of the project will receive fewer credits for those acres than would restoration acreage. For example, if a mitigation provider develops a site with 100 acres of restored wetlands, the Corps may allocate one credit for every two acres of restored wetlands (a credit ratio of 2:1) or 50 credits. If, on the other hand, that same 100 acres is preserved, high quality wetlands, the Corps may award one credit for every 20 acres of preserved wetlands (a credit ratio of 20:1) or 5 credits. As you can see, in this example, one acre of preservation is worth only a tenth of a restoration acre, which may make mitigation providers more inclined to generate credits using restoration.

2.3.2 Mitigation Mechanisms and Agency Oversight

There are three mechanisms supported by the Corps and EPA for permittees to meet their compensatory mitigation requirements:

1. Permittee-responsible mitigation
2. Purchasing credits from an approved mitigation bank
3. Making a payment to an approved in-lieu fee program

The last two mechanisms are often referred to as third-party compensatory mitigation because the responsibility for conducting the actual compensation, and the liability for ensuring project success, is transferred to a party other than the developer. *See Chart 4 for definitions of the mitigation mechanisms.*

Before the Corps will issue a permit, the agency must determine the amount and type of compensation a permittee must provide and the two entities must agree on the mitigation mechanism that will be used. This information must be included in the Special Conditions of the permit.³⁸

Although there are significant differences between these mechanisms, all three require the mitigation provider (the permittee, banker, or in-lieu fee provider) to secure sufficient financial assurances to guarantee that offsets can be provided in the event that the provider is unwilling or unable to successfully complete the compensation project. The agencies also require the provider to utilize a site protection instrument that will ensure the long-term protection of the site, to develop a mitigation plan that outlines detailed information about the mitigation work plan and the long-term management plan, and to select sites using a watershed approach. The three mitigation mechanisms differ, however, in many significant ways.

³⁸ § 332.3(k)(1).

U.S. Corps of Engineers
Wetland Mitigation Basins Map



INTERNATIONAL DARK-SKY ASSOCIATION

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*TO PRESERVE AND PROTECT THE NIGHTTIME ENVIRONMENT AND OUR HERITAGE OF DARK SKIES THROUGH
ENVIRONMENTALLY RESPONSIBLE OUTDOOR LIGHTING*



INTERNATIONAL DARK SKY COMMUNITIES

International Dark Sky Community Program Guidelines

June 2018

TABLE OF CONTENTS

DEFINITION OF AN INTERNATIONAL DARK SKY COMMUNITY	3
GOALS FOR IDSC CREATION	3
DESIGNATION BENEFITS	3
ELIGIBILITY	4
MINIMUM REQUIREMENTS FOR ALL COMMUNITIES	4
PROVISIONAL STATUS	8
IDSC APPLICATION PROCESS	9
NOMINATION	9
STEPS FOR APPLICANT	9
TO BE INCLUDED IN IDSC APPLICATION PACKAGE	10
IDA REVIEW PROCESS	10
POST-DESIGNATION REVIEW AND MAINTENANCE	11
REASSESSMENT OF IDSC DESIGNATIONS	12
REINSTATEMENT FOLLOWING SUSPENSION	13
REVOCATION	13

DEFINITION OF AN INTERNATIONAL DARK SKY COMMUNITY

An International Dark Sky Community (IDSC) is town, city, municipality or other similar political entity that has shown exceptional dedication to the preservation of the night sky through the implementation and enforcement of quality lighting policies, dark-sky education, and citizen support of the ideal of dark skies.

GOALS FOR IDSC CREATION

- To identify communities with exceptional commitment to and success in pursuing dark sky preservation and restoration, and their promotion of quality outdoor lighting
- To promote improved outdoor nighttime quality of life for residents and visitors
- To support protection of human health, nocturnal habitats, public enjoyment of the night sky and its heritage, and/or areas ideal for professional and amateur astronomy
- To provide local, national, and international recognition for such communities
- To promote the ideals of the International Dark-Sky Association (IDA) by encouraging communities to identify dark skies as a valuable community asset and aspiration

DESIGNATION BENEFITS

Achieving this designation brings recognition of the efforts made by the Community government, residents, and public and private organizations to protect the night sky and the nocturnal environment dependent on it. The IDSC designation enhances awareness of dark-sky matters on the part of Community residents and visitors.

Designation as an IDSC entitles the Community to display the International Dark Sky Community logo in official publications, promotions, signs at entrances or within the Community, and retain the use of this logo by other groups within the Community when identifying the area itself¹. IDA will promote and highlight ongoing Community ef-

¹ For instance, a Community can identify itself as “*Flagstaff, the world’s first IDA Dark Sky Community*” or other words to the same effect, or an organization within the Community can state “*located in Flagstaff, an IDA Dark Sky Community*”.

forts to protect night skies, and will maintain pages identifying and describing all IDSCs on its website.

ELIGIBILITY

The Community must have some type of legal organization that is officially recognized by outside groups. This can be in the form of a town, city, municipality, or other legally organized community (such as urban neighborhoods and subdivisions), but need not be an incorporated entity. Unincorporated or otherwise informally organized communities are eligible for IDSC status if their governing jurisdictions enact public policy consistent with the requirements of “Minimum Requirements For All Communities” (below) that are legally binding in at least the territory of the Community.

MINIMUM REQUIREMENTS FOR ALL COMMUNITIES

- 1) A quality comprehensive lighting policy like the IDA/IES Model Lighting Ordinance² (MLO) that includes all of the following minimum standards for permanent lighting installations^{3,4}:
 - A) Full shielding⁵ of all lighting fixtures over 1000 initial lamp lumens⁶
 - B) A limit on the emission of short-wavelength light through one of the following restrictions:
 - i) The correlated color temperature (CCT) of lamps must not exceed 3000 Kelvins; **OR**

² <http://www.darksky.org/our-work/public-policy/mlo/>

³ More information on developing a lighting policy may be found on the IDA website.

⁴ Lighting required by law under the authority of any legal jurisdiction higher than that of the Community may be formally exempted from the requirements of this section.

⁵ “Fully shielded” is defined as a light source screened and its light directed in such a way that none is emitted above the horizontal plane passing through its lowest light-emitting part.

⁶ “Initial lamp lumens” is defined as the number of lumens of light emitted by a lamp when new and not counting any depreciation of output due to the age of the lamp. This information can be found in manufacturer data sheets.

- ii) Allowed lighting must not emit more than 25% of its total spectral power at wavelengths < 550 nanometers; **OR**
- iii) The scotopic-to-photopic (S/P) ratio of allowed lighting must not exceed 1.3
- C) A restriction on the total amount of unshielded lighting, such as a limit on lumens per net acre or a total site lumen allowance in unshielded fixtures (or equivalent wattages)
- D) A policy to address over-lighting, such as lumens per net acre caps (irrespective of shielding state) or maximum illuminance specifications
- E) Regulations of new installations of publicly-owned outdoor lighting:
 - i) A provision that clearly indicates where, when, and under what circumstances new publicly owned outdoor lighting, including street lighting, is warranted and will be permitted; **AND**
 - ii) A provision that requires that adaptive controls⁷ and/or curfews⁸ be employed in all future installations of public outdoor lighting
- F) Restrictions on the installation and operation of illuminated signs⁹:
 - i) Luminance levels for operation between sunset and sunrise shall not exceed 100 nits (100 candelas per square meter) as measured under conditions of a full white display; **AND**
 - ii) Sign illumination shall be extinguished completely one (1) hour after sunset, and remain off until one (1) hour before sunrise; **AND**

⁷ “Adaptive controls” is defined as devices such as timers, motion-sensors, and light-sensitive switches used to actively regulate the emission of light from light fixtures.

⁸ “Curfew” is defined as a period of time at night during which lighting must be significantly dimmed in output or extinguished in accordance with an expected decrease in human presence.

⁹ “Illuminated sign” is defined as any informational or advertising sign that is illuminated by either internal or external means. Descriptive terms are adjusted here accordingly according to the type of illumination.

- iii) The luminous/illuminated surface area of an individual sign shall not exceed 200 square feet (18.6 square meters)
 - G) Outdoor recreational and/or athletic field lighting may be exempted from the strict shielding and short-wavelength emission requirements above provided that all of the following conditions are met:
 - i) Illuminating Engineering Society (IES) lighting guidelines (RP-6) are followed according to the appropriate class of play
 - ii) Field lighting is provided exclusively for illumination of the surface of play and viewing stands, and not for any other applications
 - iii) Illuminance levels must be adjustable based on the task (e.g., active play vs. field maintenance)
 - iv) Off-site impacts of the lighting will be limited to the greatest practical extent possible
 - v) A strict curfew requirement (e.g., lights must be extinguished by 10pm/2200h or one hour after the end of play, whichever is later) is observed
 - vi) Timers must be installed to prevent lights being left on accidentally overnight by automatically extinguishing them
 - H) Affects an amortization period, applicable to **ALL** publicly **AND** privately owned lighting, to end not more than ten (10) years from the effective date of the outdoor lighting policy, after which all non-conforming lighting extant at the time of enactment must be brought into compliance with the policy.
- 2) Community commitment to dark skies and quality lighting as shown by:
- A) City owned lighting conforming with, or committed to conforming with, the lighting policy (if the latter, a detailed plan with a timeline for completion in no more than five (5) years), **AND**

- B) Municipal support of dark skies and quality lighting as demonstrated by city publications, flyers, public service announcements, funding of lighting up-grades, etc.
- 3) Broad support for dark skies from a wide range of community organizations such as chambers of commerce, local electrical utilities, IDA chapters, lighting retailers, homeowners associations, and others.
- 4) Community commitment to dark skies and education as shown by at least one of the following:
 - A) Planning and execution of at least two (2) community dark sky awareness events¹⁰ per year. This may be organized through a local astronomy club, municipality, school, etc.
 - B) Inclusion of dark sky awareness documents (IDA brochures or Community-created brochures) with other Community informational documents for residents and visitors.
 - C) Inclusion of dark sky education in Community schools and curriculum.
- 5) Success in light pollution control as demonstrated by at least one of the following:
 - A) Examples of a number of construction projects appropriate to the Community population and amount of new construction and renovation activity, built under the lighting policy and demonstrating its effective application
 - B) Alternative evidence of success in light pollution control, to be discussed with the International Dark Sky Places Program Manager for compliance.
- 6) A sky brightness measurement program must be established and maintained either by the Community or by a public or private entity (e.g., university, research center, IDA chapter, astronomy club, etc.) to follow the evolution of light pollution in the IDSC. Applicants are encouraged, but not required, to submit their measurements

¹⁰ Note that astronomy education events such as star parties do NOT qualify as “community dark sky awareness events” unless the presentation explicitly includes a message relating to dark skies and outdoor lighting.

to the citizen science projects such as My Sky At Night (myskyatnight.com) and Globe At Night (globeatnight.org).

- 7) Once established, the Community must erect and maintain appropriate signage indicating the International Dark Sky Community designation along a roadway entrance, along a footpath entrance if no roadway exists, a public gathering place such as a square or common, or at a municipal government center such as a city or town hall. If approved by IDA, language as an alternative to “International Dark Sky Community” may appear on the signage and in Community communications regarding the IDSC status. Once the sign is erected, a photograph documenting it must be taken and sent to IDA along with a description of its location.

PROVISIONAL STATUS

In some cases, a Community interested in the program may lack all of the resources required to achieve a designation outright. If resource unavailability otherwise hinders the progress of a Community’s application, that Community may apply for and be granted Provisional status at the discretion of the IDA Board of Directors. Provisional status recognizes the Community’s ongoing work to become an International Dark Sky Community and is intended as a leverage point to successfully enable actions such as lighting upgrades/retrofits.

Provisional status expires after three (3) years. At any time before the end of this period, a Community may reapply for full status. Material submitted for the removal of Provisional status may be an addendum to the initial application as long as the material includes a current assessment of the goals, outreach efforts, and lighting policy listed in the original application and clearly demonstrates that any program requirements left unmet at receipt of the Provisional status have been satisfied.

To be considered for Provisional status, send a nomination package to IDA that includes all of the following information:

- 1) Documented intent to create and support an IDA Dark Sky Community
- 2) An enacted and legally effective outdoor lighting policy, and summary of outreach efforts to date
- 3) A description of the circumstances that currently prevent the Community from meeting the minimum Dark Sky Community requirements
- 4) An action plan describing steps the aspiring Community will take to meet all program requirements in the specified Provisional status period

IDSC APPLICATION PROCESS

NOMINATION

The nomination may be initiated by an IDA qualified nominator¹¹ who has personally reviewed a Community's outdoor lighting and commitment to night sky preservation. Nominators are encouraged to correspond with IDA staff and the Community throughout this process. In addition, the application must include evidence, such as in the form of a letter of support, from the Community government (mayor, council, etc.) consenting to the nomination for IDSC status.

STEPS FOR APPLICANT

1. Make initial contact with IDA by phone or email to discuss the process and receive recommendations, followed by continued communications to update IDA staff on progress and receive continued assistance.
2. Designate a formal point of contact (POC) person, such as a project manager, and provide their telephone number, address and email address to IDA staff. Before and after designation, any changes to this POC, or their information, must be communicated to IDA immediately in order to ensure accurate communication at all times.
3. Obtain a letter of nomination from a qualified IDA member nominator, as well as a supporting letter from elected representatives of the Community, such as the mayor and/or council of a municipality. Solicit additional letters of support from Community organizations, clubs, groups, universities, etc.
4. Upon completion, send the application to IDA staff for review of the document at least one month before the chosen submission deadline date. IDA staff will confirm that the application is complete and ready for submission or return it with suggestions for improvements.
5. Submit the final application packet electronically in PDF and/or Microsoft Word (.doc) format to IDA staff for formal review. Submit in plenty of time for IDA staff

¹¹ An "IDA qualified nominator" is defined here as an individual or organization holding an IDA membership in good standing at the time that the IDSC application is submitted. The Community itself may join IDA as an organizational member and self-nominate.

to review and prepare your application to make the bi-monthly deadline that you prefer, as found on the IDA website. Requests to rush applications will **NOT** be honored; planning ahead is essential if the Community wishes to meet a specific deadline.

TO BE INCLUDED IN IDSC APPLICATION PACKAGE

1. Map of the Community clearly indicating its legal boundaries, and basic factual information about the Community
2. Letter of nomination support by IDA qualified nominator and elected representatives of the Community such as the mayor and/or council
3. The Community's lighting policy, meeting the minimum requirements as stated in the "Minimum Requirements For All Communities" section
4. Documentation of examples of Community commitment and construction/renovation projects demonstrating effective application of the lighting policy
5. Proposed alternative wording for a IDSC (e.g. Dark Sky Village, Starry Sky City, etc.), if desired, with a justification for the request

IDA REVIEW PROCESS

Six (6) application submission deadlines occur in each calendar year, commencing in January and continuing every other month. Before the Community's final application is submitted, it is highly recommended that the Community be in regular communication with the International Dark Sky Places Program Manager to perfect the application by the next application deadline.

The International Dark Sky Places Manager will forward applications to the IDA Dark Sky Places Committee (DSPC) for review. DSPC review lags the submission dates by one two-month cycle. The total elapsed time between deadline and final IDSC designation approval is approximately ten (10) weeks.

Endorsement of applications by the DSPC is by a 2/3 supermajority vote; otherwise, the DSPC will return applications with reasons for denial of an endorsement and specific recommendations for improvement. If endorsed, the applicants will be notified and the International Dark Sky Places Program Manager will present the application to the IDA Board of Directors (BOD) for final review and approval. A ten (10)-calendar-day

waiting period then commences during which the Board of Directors has the right to deny IDSC status should it determine that any problems with the application exist.

If the BOD registers no objection within the ten-calendar-day waiting period, the IDSC designation is considered immediately awarded by IDA. The Community has the right to choose when the designation is made public, but it must organize the announcement to be made at the same time as the IDA public notice unless otherwise agreed by both parties. Along with the announcement notice, IDA will publish the Community's application on its website; by submitting the application, the Community acknowledges in advance that the application will be made publicly available. If an application is denied final approval by the IDA BOD, a letter will be sent to the applicant outlining elements of the application that need improvement along with specific recommendations for ways to remedy any problems the BOD identifies. Applications may be resubmitted for future consideration after remediation is complete. Resubmitted applications will be considered without prejudice.

IDA realizes that certain circumstances surrounding an IDSC application may cause some potential authors of letters of support (or opposition) to feel uneasy about publicly declaring their opinions about the IDA designation. In the interest of providing the DSPC with as full a picture of Community sentiment about applications as possible, certain letters may be suppressed from online publication if it is felt that making the letters publicly available will subject their authors to retaliation or harassment. A prospective IDSC seeking this protection for letter-writers must make a formal written request. The International Dark Sky Places Program Manager must approve suppression of publication of any part of an application. Note that suppression of online publication does not prevent either the DSPC or the IDA BOD from reading all submitted letters.

POST-DESIGNATION REVIEW AND MAINTENANCE

The IDSC designation is not awarded in perpetuity. Rather, it is subject to regular review by IDA and possible revocation if the minimum program requirements are not maintained. More details may be found in the "Reassessment of IDSC designation" section below.

To ensure that Communities remain exemplary in their protection and restoration of natural nighttime darkness, IDA will periodically reevaluate each site in the International Dark Sky Places Program. This is done to confirm that the Community continues to meet the minimum requirements and is making adequate progress toward LMP compliance goals outlined in this document.

Each designated IDSC must submit to IDA a written report of its activities related to the maintenance of its designation on or before 1 October of each calendar year. The report is a short (typically less than ten-page) synopsis of the Community's activities and initiatives during the intervening year¹². The report should include dates and brief descriptions of any interpretive events, lighting retrofit projects, outreach efforts, etc. Samples of printed materials and press articles should also be included, if available.

Annual reports should not be burdensome to produce, as they are intended as a compilation of information accumulated throughout the year. Annual reports and supporting documentation must be submitted electronically to the International Dark Sky Places Program Manager in either PDF or Microsoft Word format. If the annual report is not received by IDA in a timely fashion, IDA may suspend the site's IDSC status until the annual reporting requirement has been met (see the following section). On or about 1 August and 1 September of each year, the International Dark Sky Places Program Manager will remind local contacts at each IDSC of the pending 1 October annual report submission deadline.

A designated IDSC is exempt from the annual reporting requirement in the calendar year in which the IDA designation was awarded. If the designation is received after 1 October of a given calendar year, the IDSC's first annual report to IDA will be due on 1 October of the following calendar year.

REASSESSMENT OF IDSC DESIGNATIONS

From time to time, IDA receives comments from visitors to Communities that raise concerns about the veracity and timeliness of information provided to IDA by site administrators. IDA may, at its discretion, investigate claims in which it is alleged that IDSCs are not adhering to commitments made to IDA and to the public in their applications to the Program. This section details the IDA procedure for carrying out such investigations, and the rights of IDSCs in such matters.

An allegation of impropriety concerning any of the elements of participation in the Program outlined in this document is subject to IDA investigation and potential remedial action including temporary suspension and/or permanent revocation of the IDSC designation. IDA staff shall perform due diligence in gathering facts concerning such allegations it deems credible, and will prepare a report of its findings for consideration by the DSPC. The DSPC commits to weighing the evidence fairly and impartially, and to

¹² Examples of acceptable annual reports are available on the individual IDSC pages on the IDA website.

seek to resolve disputes whenever possible through dialog. A Community subject to an investigation shall be notified in a timely manner and solicited for evidence contrary to the specifics of the allegation at hand. The Community will be given an opportunity to correct any deficiencies with regard to the Program guidelines established by the IDA investigation within a reasonable time period to be prescribed by the DSPC.

Failure to achieve consensus through these means risks a DSPC recommendation for suspension or revocation of the IDSC designation. If made, such a recommendation will be forwarded to the IDA Board of Directors for formal ratification before coming into force. The Board's decision on any disciplinary matters involving an IDSC shall be considered definitive and binding.

Any IDSC so investigated has the right to review the allegations against it and all factual information collected by IDA pertinent to the allegations.

REINSTATEMENT FOLLOWING SUSPENSION

If the DSPC recommends a suspension of a Community's IDSC designation and the Board ratifies the suspension, the Community administration shall be immediately notified. The status of a suspended IDSC shall be changed to "Provisional" in all IDA communications until the designation is reinstated or revoked; however, the process of obtaining reinstatement of a designation is not the same as that outlined in the "Provisional Status" section of these guidelines.

To obtain reinstatement of a suspended designation, the IDSC must provide evidence to the DSPC's satisfaction that the specific issues identified by the DSPC as grounds for the suspension have been corrected and that all Program guidelines are once again met. The DSPC will consider the evidence presented by the IDSC and render a judgment to either:

- Accept the reinstatement petition, **OR**
- Reject the petition and recommend revocation, **OR**
- Return the petition with further instructions and a defined deadline for a IDSC response.

REVOCATION

A suspension left unresolved after one (1) year from the date of the Board's assent to the suspension automatically becomes a permanent revocation. Revocation entails removal of the IDSC from IDA's roll of approved International Dark Sky Places, and from mention on the IDA website and in member and external communications. IDA reserves the right to take legal action against any former IDSC whose designation is duly revoked but continues to use the IDA name/logo in advertising, communications,

and/or signage.

Process

Executing a conservation easement takes time and variety of resources. Please see the following for a reasonable expectation of the steps required for donating a conservation easement.

Determine what conservation values you want to protect on your land.

- Decide what restrictions you would like to put in place on your land.

Find a qualified organization to be your conservation easement holder (usually a land trust, but could be your local government).

- Invite a land trust to tour your property to determine if an easement is appropriate (the land trust must determine if the property meets its criteria for accepting easements).
- Agree with land trust on final restrictions and get complete understanding of the process and benefits.

Consult your advisors.

- Consult your legal and tax advisors.

Draft conservation easement document

- Review and amend the easement document provided by the land trust with your attorney.

Prepare Baseline Documentation Report (BDR).

- Land trust prepares BDR (an assessment of the condition and features of your property at the time the conservation easement is created). Review and approve.

Hire an Appraiser (certified to do conservation easement appraisal).

- Provide easement contract and BDR to your appraiser.

Obtain qualified appraisal.

- Appraiser certifies the diminution in value, which is your charitable donation.

Obtain title information, and if required, subordinate mortgage(s).

- Subordination requires negotiation with your lender.

Close the Deal.

- Sign documents with the land trust.
- Record the Deed at Superior Court.

Monitor the conservation easement.

- Land trust monitors the easement annually.

Why Conservation Easements?



People execute conservation easements because:

- they want to protect the conservation values of their property, and
- they are interested in the resulting economic value associated with donating or selling conservation easements.

Conservation easements provide permanent protection of some or all their land while allowing landowners continued ownership and use of their land, often for income producing purposes. Easements can be used to protect all types of land, including:

Farmland

Working Forests

Wildlife Habitat

Wetlands, Streams, and Rivers

Historic Structures and Landscapes

Scenic Views

Recreation



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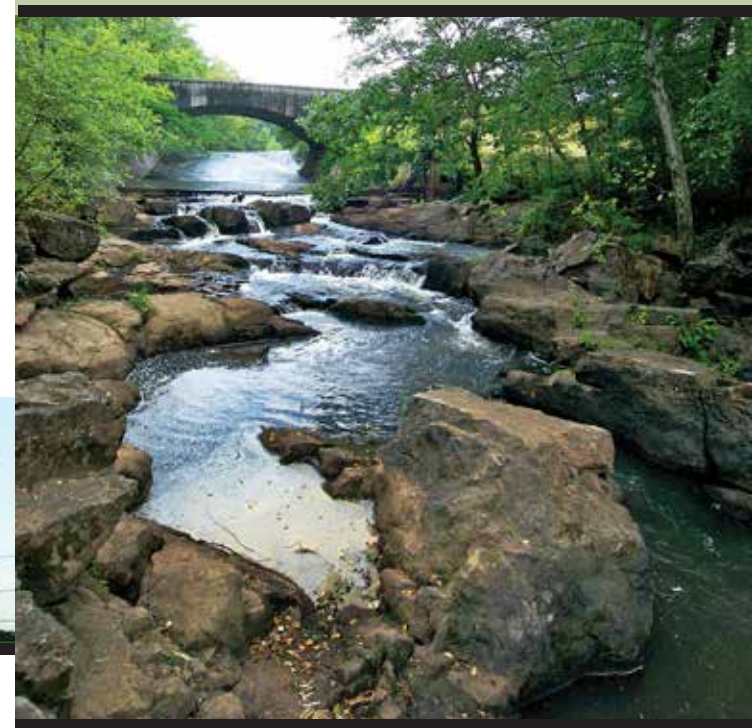
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CONSERVATION EASEMENTS



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Conservation Easements



A **conservation easement** is a voluntary legal contract between a landowner and a qualified organization (usually a land trust) which determines the use of the land in order to protect its conservation values in perpetuity.

Tailored to each property and to each landowner's needs, conservation easements are flexible tools. Landowners often protect a portion of their property (not all their property) with an easement and retain the rest of their property for unrestricted use, sometimes even for development.

Conservation easements permanently restrict land, and those restrictions stay with the land forever. However, the landowner retains full ownership, is able to use the property (often for income-producing purposes), and can sell it or give it to heirs. The land trust or other qualified organization "holds" the easement in perpetuity and is responsible for monitoring its compliance.

Conservation easements are the most successful of all conservation tools used today and have protected millions of acres of farmland, environmentally sensitive resources, viewsheds, open space, and historic places in the United States.



Conservation Purpose

Donating a conservation easement can result in significant tax incentives. The IRS has specific criteria for determining if a conservation easement qualifies as a charitable donation. Among those criteria is the requirement that the easement must advance a qualified "conservation purpose" which can include:

- the protection of a relatively natural habitat for fish, wildlife or plants;
- the preservation of certain open space including farmland and forestland;
- the preservation of historically important land area or certified historic structure; or
- the preservation of land areas for outdoor recreation by, or the education of, the general public.

For more information, see section 170(h) of the IRS code (www.irs.gov).



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Tax Incentives

Federal Income Tax Deduction

The donation of a conservation easement to a qualified organization creates a charitable donation acceptable by the IRS (provided it meets certain criteria). The value of the charitable donation is equal to the difference between the appraised value of the property without the easement and the appraised value of the property with the easement restrictions. When donating a conservation easement, the landowner receives a federal income tax deduction for that charitable donation. Currently a landowner may use the charitable donation to **deduct up to 50% of his Adjusted Gross Income** (100% for farmers, ranchers, and forest landowners) and can carry forward any remaining deduction for an additional 15 consecutive years (50% of AGI for a total of 16 years).

GA State Tax Credit

Donating a conservation easement meeting state conservation purposes (different but similar to IRS rules) qualifies donors for a state income tax credit of 25% of the fair market value of the easement, up to **\$250,000 for individual donors** and up to **\$500,000 for corporate and partnership donors**. Donors have 10 years to use the credit. The GA State Tax Credit is transferable, so landowners who would rather **sell the tax credit** than use it themselves have that option.

Estate Tax

Upon a landowner's death, the appraised value of easement property for estate tax purposes would be reduced due to the land use restrictions, enabling heirs to retain more property. There are additional estate tax benefits under the 2031 exclusion.

Property Tax

The market value of a property protected by a conservation easement is reduced due to the restrictions placed on the property. In Morgan County, land protected with conservation easements is valued at roughly 40% of its market value, and then assessed at 40% of that reduced value. In other words, land in Morgan County under conservation easement is assessed at roughly 25% of market value. Every county tax assessor determines value differently.

