



GEORGIA

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

Jeffrey W. Cown, Director

Southwest District
2024 Newton Road
Albany, Georgia 31701
229-430-4144

February 7, 2024

Mr. Steve O'Neil, AICP
Community & Economic Development Director
City of Bainbridge
Steveo@bainbridgecity.com

Subject: Downrange Industrial Park
Proposed Monkey Breeding Facility
Parcel No. 00670011
Decatur County, Georgia

Dear Mr. O'Neil,

After review of the Official Code of Georgia Annotated (O.C.G.A.) by representatives of the Georgia Environmental Protection Division (Division), it has been determined that the proposed monkey breeding facility land disturbing activity (Activity) would be considered "Agriculture" as defined by O.C.G.A § 1-3-3 (4.1), since the facility will be "producing plants, trees, fowl, or animals." Additionally, the activity would be exempt from the Georgia Erosion and Sedimentation Act [O.C.G.A § 12-7-17(5)], but is not exempt from the NPDES Construction Stormwater Permit. Therefore, compliance for the Activity would be assigned to the local Division District Office rather than the Local Issuing Authority. The following are excerpts from the cited O.C.G.A. sections:

- O.C.G.A § 12-7-17 states, "this Chapter shall not apply to the following activities:"

(5) Agricultural operations as defined in Code Section 1-3-3 to include those practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land; farm ponds; dairy operations; livestock and poultry management practices; and the construction of farm buildings.

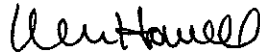
- O.C.G.A § 1-3-3 (4.1) defines "Agriculture," "agricultural operations," or "agricultural or farm products" means raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products. If the term "agriculture," "agricultural operations," or "agricultural or farm products" is defined in Title 2, Title 4, Title 10, or Title 11 or in any chapter, article, part, subpart, or Code section of such titles, such specific definition shall control for such purposes over the definition contained in this paragraph. Agricultural or farm products are considered grown in this state if such products are grown,

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produced, or processed in this state, whether or not such products are composed of constituent products grown or produced outside this state.

If you have any questions regarding this matter, please contact me either by email (wendell.howell@dnr.ga.gov) or by phone at 229-430-4144.

Sincerely,



Wen Howell
Program Manager
Southwest District



cc: Rick McCaskill (rm@bainbridgedecaturga.com)