



**DEPARTMENT OF THE ARMY  
SAVANNAH DISTRICT, CORPS OF ENGINEERS  
1590 ADAMSON PARKWAY, SUITE 200  
MORROW, GEORGIA 30260**

REPLY TO  
ATTENTION OF:

Regulatory Division  
SAS-2013-00720

December 8, 2016

**JOINT PUBLIC NOTICE  
Savannah District/State of Georgia**

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), as follows:

The comment period for the Department of the Army Permit application will close 30 days from the date of this public notice. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons thereof, are being solicited from anyone having interest in this permit, and must be submitted so as to be received on or before the last day of the comment period. Written comments concerning the Department of the Army Permit application must reference the Applicant's name and the Permit Application Number, and be forwarded to the Corps of Engineers at the above address.

Application Number: SAS-2013-00720

Applicant: Mr. Jack and Janet Dillard Family Partnership, LP  
5997 Wellington Avenue  
Gainesville, Georgia 30506

Agent: Mr. David P. Huetter  
625 Holcomb Bridge Road  
Norcross, Georgia 30071

Location of Proposed Work: The project site is approximately 47.25 acres located east of Highway 81 (Loganville Hwy) and south of Carl-Bethlehem Road, City of Bethlehem, Barrow County, Georgia (latitude 33.940905, longitude -83.755743).

Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers:  
The applicant's proposed project description includes developing the site into a commercial retail center. The proposed development would include a gas station at the corner lot, grading of adjacent lots, restaurants, a multi-suite shopping center, and construction of associated infrastructure such as roads, utilities, and an off-line storm water detention pond. Previous Department of Army Nationwide Permit authorization to permanently impact two intermittent streams via a road and sewer crossing, totaling 98 linear feet of stream and 0.09-acre of wetland, was issued October 30, 2014. The applicant has only installed the sewer line, which temporarily impacted the two

intermittent streams. No permanent impacts to waters of the United States have occurred. All past and proposed impacts to waters of the United States will now be evaluated cumulatively under the Individual Permit application. The total proposed impacts to Waters of the United States would include the loss of 353 linear feet of intermittent stream and 0.09-acre of wetlands from road, sewer, and grading impacts. The applicant proposes to compensate for the loss of waters of the United States with the purchase of 1,917.2 stream credits and 0.646 wetland credits from an approved commercial mitigation bank.

Site conditions consist of predominately undeveloped farmland. The project site has historically been known as the Dillard Farm. In the early 1940s, farm structures were constructed on-site near the northern corner of the site. In the mid to early 1950s, a house and associated outbuildings were constructed on the east-central portion of the site. Today, five structures remain on the site. The project area includes 3,138 linear feet of stream, 1.56 acres of wetlands, and a 1.69-acre open water impoundment. Waters of the United States include two intermittent streams that converge into a wetland system that then connects with two perennial streams. One of the perennial streams flows into an approximately 1.69-acre open water impoundment, and the other flows along the western edge of the project site. The open water pond that impounds one of the perennial streams discharges from the dam and flows southeast, and a wetland area is located adjacent to the perennial stream below the dam. The two perennial streams converge into a single perennial stream in the southwestern portion of the site before flowing offsite. All waters are located within the 100-year floodplain.

## **BACKGROUND**

This Joint Public Notice announces a request for authorizations from both the U.S. Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

## **STATE OF GEORGIA**

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required for a Federal Permit to conduct activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Watershed Protection Branch, 2 MLK Jr. Drive, Suite 418, Atlanta, Georgia 30334, during regular office hours. A copier machine is available for public use at a charge of 10 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of

application in writing and state the reasons or basis of objections or request for a hearing. The application can also be reviewed in the Savannah District, U.S. Army Corps of Engineers, Regulatory Division, 1590 Adamson Parkway, Suite 200 Morrow, Georgia 30260-1777.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia, which may be in the form of a license, easement, lease, permit or other appropriate instrument.

## **U.S. ARMY CORPS OF ENGINEERS**

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit. The applicant's stated project purpose is "to provide restaurant, retail and gasoline services to the local Barrow County area."

Cultural Resources Assessment: Two archeological sites (9BW121 and 9BW122) and two historic resources (Resource No. 1 and Resource No. 2) were recorded within the project area. An additional historic resource (B7-80) was identified adjacent to the site. The resources identified within the project area associated with the Dillard Farm agricultural/rural landscape, which has been in the Dillard family since approximately 1938. Resource No. 1 is the Dillard Farm structure complex (since 1942). Resource No. 2 is a 1952 ranch house. Structure B7-80 is a circa 1900-1910 farmhouse located adjacent to the project area that was converted to a tenant house by the 1950's. The applicant proposes to adversely impact all eligible and potentially eligible historic sites located within the project area. The Corps will be consulting with the State Historic Preservation Office (SHPO) regarding all resources and any associated proposed impacts to those resources within the project area.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request information from the U.S. Department of the Interior, Fish and Wildlife Service, the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service; or, any other interested party, on whether any species listed or proposed for listing may be present in the area.

The black spored quillwort (*Isoetes melanospora*) is listed as a federally endangered species and the little amphianthus (*Amphianthus pusillus*) is listed as a federally threatened species, which are known to occur in Barrow County. The applicant conducted a field investigation to inspect for shallow or deep pools on top of granite outcroppings, the required habitat for these species. Potential habitat nor federally listed species were found by the applicant within the project area.

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The U.S. Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act, which mandates that a permit cannot be issued if a practicable alternative exists that would have less adverse impact on the aquatic ecosystem.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Commander, U.S. Army

Corps of Engineers, Savannah District, Attention: Elisha Brannon, no later than **30 days** from the date of this notice. Please refer to the application project number SAS-2013-00720) in your comments.

If you have any further questions concerning this matter, please contact Elisha Brannon, Project Manager, Piedmont Branch, at Elisha.A.Brannon@usace.army.mil or 678-804-5226.

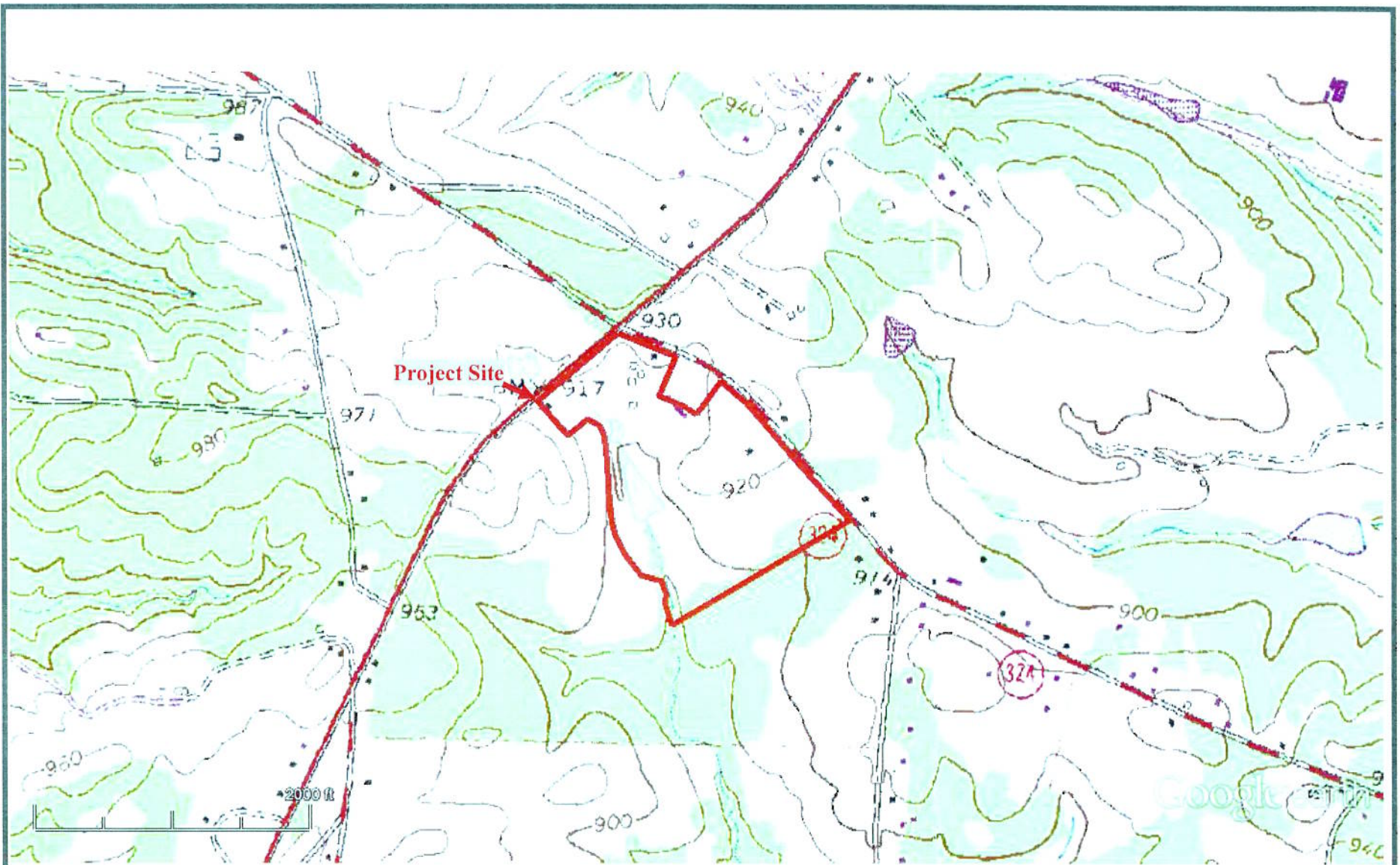
**\*\*Enclosures\*\***

1. Aerial Map
3. Topographic Map
4. NWI Map
5. Existing Conditions and Delineation
6. Impacts Map
7. Aquatic Resource Table







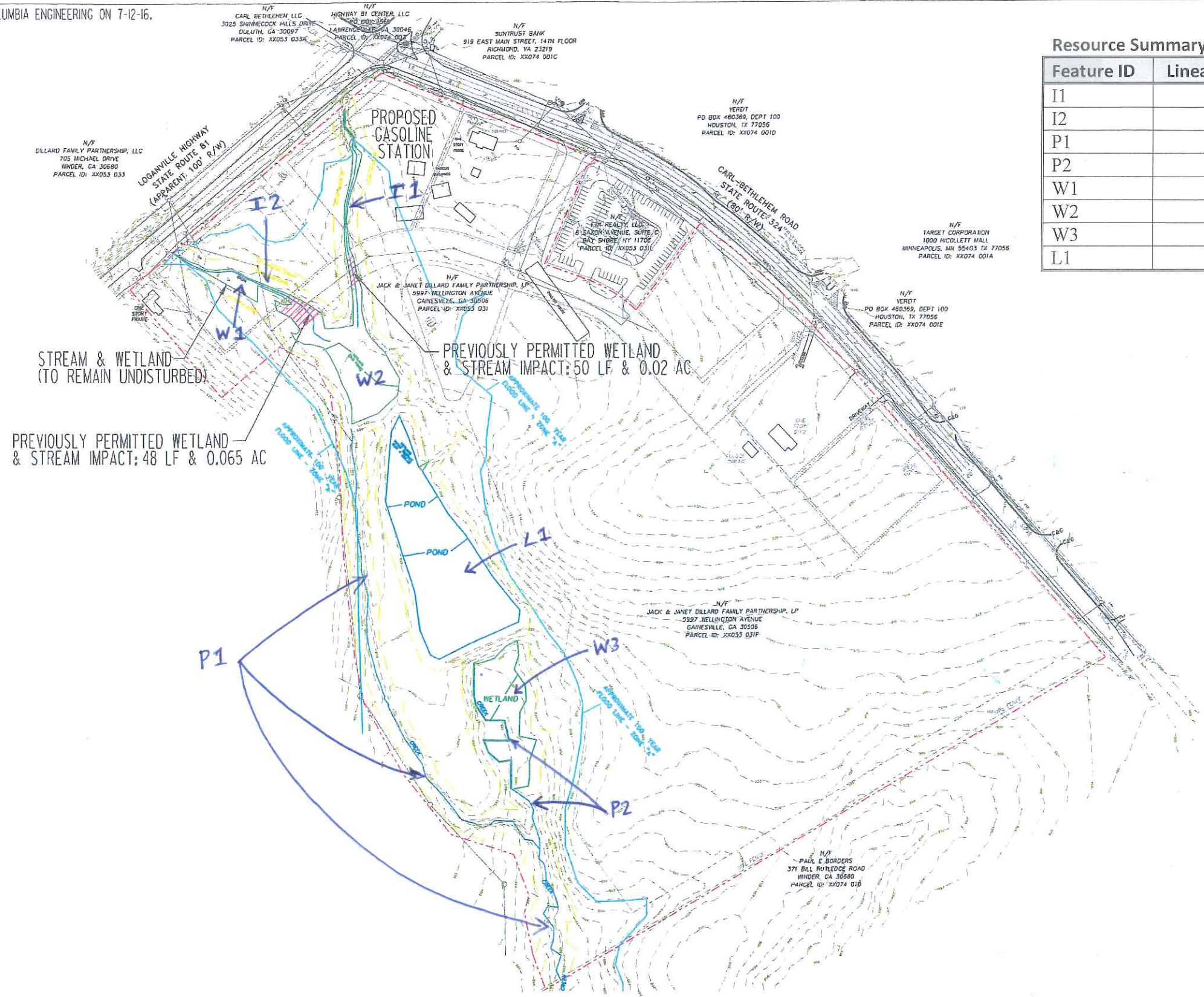








REFERENCE: BASE PLAN PROVIDED BY COLUMBIA ENGINEERING ON 7-12-16.



Resource Summary Table

Feature ID	Linear Feet/Acreage
I1	455 LF
I2	384 LF
P1	1,564 LF
P2	611 LF
W1	0.13 Ac.
W2	0.75 Ac.
W3	0.58 Ac.
L1	1.69 Ac.



SCALE: 1" = 350'	DATE: 11-8-16	PROJECT NO: 2008.1161.04	TITLE: EXISTING CONDITIONS & DELINEATION MAP VILLAGE AT 316 RETAIL DEVELOPMENT WINDER, BARROW COUNTY, GEORGIA
PREPARED: VPV	CHECKED:	REVISIONS:	
CLIENT: COLUMBIA ENGINEERING			<div><div><p>We're here for you</p><p>UNITED CONSULTING</p></div></div> <div><p>625 Holcomb Bridge Road Norcross, Georgia 30071 770-209-0029 Fax 582-2900 www.unitedconsulting.com Copyright © United Consulting Group, Ltd.</p></div>

FIG. 5



REFERENCE: BASE PLAN PROVIDED BY COLUMBIA ENGINEERING ON 7-12-16.



SCALE: 1" = 350'	DATE: 11-8-16	PROJECT NO: 2008.1161.04	TITLE: STREAM IMPACTS MAP VILLAGE AT 316 RETAIL DEVELOPMENT WINDER, BARROW COUNTY, GEORGIA	<b>EXHIBIT A</b>
PREPARED: VPV	CHECKED:	REVISIONS:		
CLIENT: COLUMBIA ENGINEERING			 <b>We're here for you</b> <b>UNITED CONSULTING</b>	

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**TABLE 1: SUMMARY OF AQUATIC RESOURCES – Village at 316, Barrow County**

Feature Number	Latitude	Longitude	Cowardin Class	Estimated Amount of Aquatic Resource in Review Area	Class of Aquatic Resource	Brief Description
Perennial Stream (P-1)	N 33.940387°	W 83.757621°	R3UB1/2	1,564 LF	Non-Section 10, Non-Wetland	Perennial Stream
Perennial Stream (P-2)	N 33.939333°	W 83.756630°	R3UB1/2	611 LF	Non-Section 10, Non-Wetland	Perennial Stream
<b>Total Perennial Stream:</b>				<b>2,175 LF</b>		
Intermittent Stream (I-1)	N 33.942840°	W 83.757735°	R4UB2	455 LF	Non-Section 10, Non-Wetland	Intermittent Stream
Intermittent Stream (I-2)	N 33.942136°	W 83.758185°	R4UB2	384 LF	Non-Section 10, Non-Wetland	Intermittent Stream
<b>Total Intermittent Stream:</b>				<b>839 LF</b>		
Impoundment/Open Waters (L-1)	N 33.940442°	W 83.756990°	L2UB3	1.69 acre	Non-Section 10, Non-Wetland	Manmade Lake/Pond
<b>Total Impoundment/Open Waters:</b>				<b>1.69 Acre</b>		
Wetland (W-1)	N 33.942194°	W 83.758667°	PFO1B	0.13 acre	Non-Section 10, Wetland	Forested Wetland
Wetland (W-2)	N 33.941600°	W 83.757554°	PSS1B	0.75 acre	Non-Section 10, Wetland	Scrub-shrub Wetland
Wetland (W-3)	N 33.939639°	W 83.756498°	PFO1B	0.58 acre	Non-Section 10, Wetland	Forested Wetland
<b>Total Wetland Acreage:</b>				<b>1.46 Acre</b>		