



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
100 WEST OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3640

MAY 09 2012

Regulatory Division
SAS-2009-01190

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:

Application Number: SAS-2009-01190 (previous file numbers SAS-2008-00025 and SAS-2009-00261)

Applicant: Mr. Claude Dryden
Dryden Enterprises, Inc.
101 West Court Street
Hinesville, Georgia 31313

Agent: Mr. Daniel Bucey
Resource & Land Consultants
41 Park of Commerce Way, Suite 303
Savannah, Georgia 31405

Location of Proposed Work: The project site is located north of Georgia Highway 196 and east of Live Oak Church Road in Hinesville, Liberty County, Georgia (Latitude 31.8300, Longitude -81.6353).

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers: The proposed project is the construction of a road crossing resulting in 0.36 acre of impacts to freshwater wetlands. The applicant proposes to purchase 2.2 wetland credits from a US Army Corps of Engineers (USACE) approved mitigation bank.

BACKGROUND

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

Griffin Park is a +/- 320 acre residential subdivision. The wetlands on the subject property were originally delineated in 2006. The overall project was separated into 2 phases. On February 6, 2008, the applicant obtained a Nationwide Permit (NWP) 29 to fill 0.44 acre of wetland for a road crossing to gain access to Phase I from Highway 196 (SAS-2008-00025). In

order to mitigate for the impacts, 2.7 wetland credits were purchased from Wilkinson-Oconee Mitigation Bank. On April 16, 2009, the applicant obtained a NWP 12 to permanently impact 0.09 acre and temporarily impact 0.1 acre of wetland in order to install a utility line (SAS-2009-00261). In order to mitigate for the impacts, 0.87 wetland credits were purchased from Wilkinson-Oconee Mitigation Bank. On June 14, 2010, an expanded preliminary jurisdictional determination was issued for Phase II of the project (SAS-2010-01190). The full implementation of the overall site development plan requires one additional road crossing to access Phase II which would result in 0.36 acre of wetland impact. Since cumulative impacts for the entire tract would exceed 0.50-acre, an Individual Permit (IP) is required.

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, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a charge of 25 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 be reviewed in the Savannah District, US Army Corps of Engineers, Regulatory Division, 100 West Oglethorpe Avenue Savannah, Georgia 31401-3640.

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.

Georgia Coastal Management Program: Prior to the Savannah District Corps of Engineers making a final permit decision on this application, the project must be certified by the Georgia Department of Natural Resources, Coastal Resources Division, to be consistent with applicable provisions of the State of Georgia Coastal Management Program (15 CFR 930). Anyone wishing to comment on Coastal Management Program certification of this project should submit comments in writing within 30 days of the date of this notice to the Federal Consistency Coordinator, Ecological Services Section, Coastal Resources Division, Georgia Department of Natural Resources, One Conservation Way, Brunswick, Georgia 31523-8600 (Telephone 912-264-7218).

US 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.

Cultural Resources Assessment: Review of the latest published version of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion are located at the site or in the area affected by the proposed work. Presently unknown archaeological, scientific, prehistorical or historical data may be located at the site and could be affected by the proposed work.

Endangered Species: The US Army Corps of Engineers has determined the proposal would have no effect on any listed threatened or endangered species or designated critical habitat. Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 USC 1531 et seq.), we are requesting concurrence with our determination from the US Fish and Wildlife Service.

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 USACE 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 USACE 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.

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.

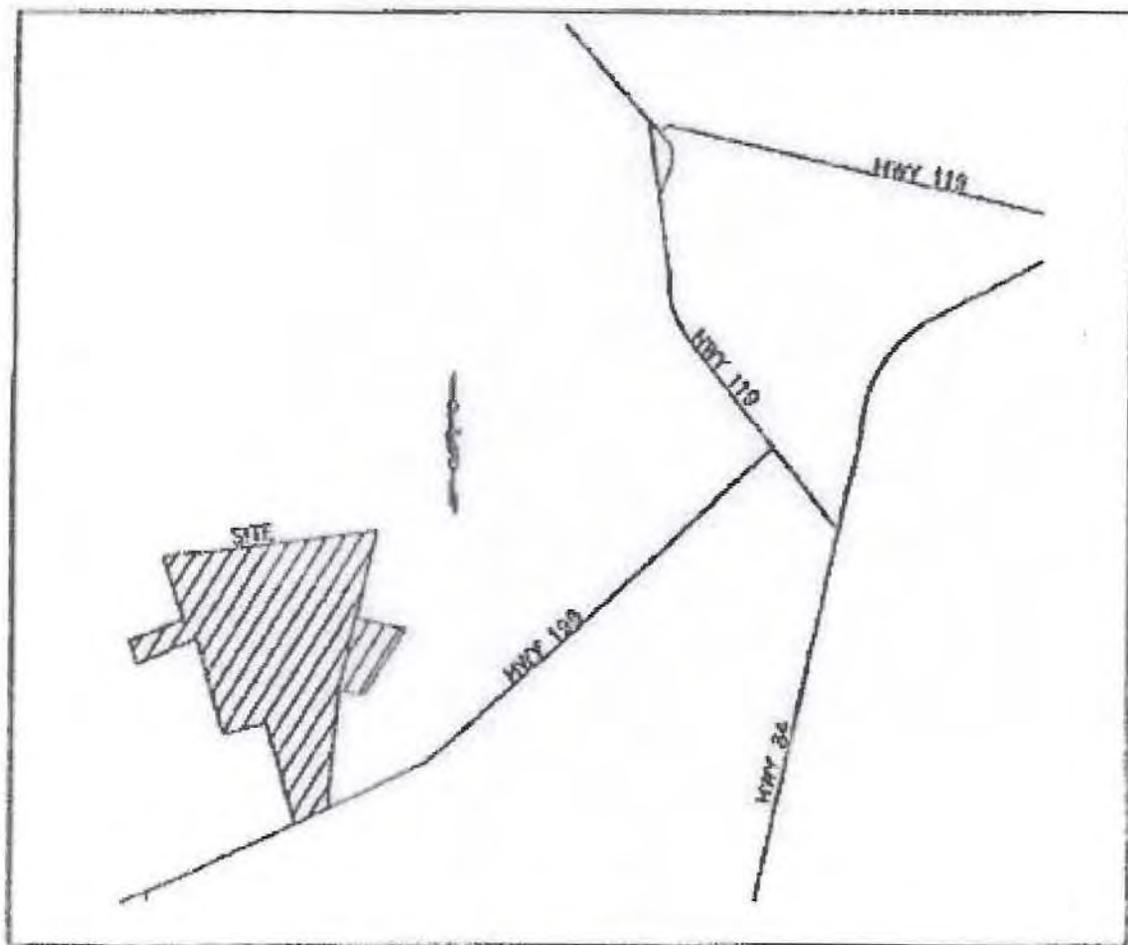
Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Commander, US Army Corps of Engineers, Savannah District, Attention: Mrs. Lisa Lovvorn, Regulatory Division, 100 West Oglethorpe Avenue, Savannah, Georgia 31401-3640, no later than 30 days from the date of this notice. Please refer to the applicant's name and the application number in your comments.

If you have any further questions concerning this matter, please contact me at 912-652-5558.

4 Enclosures

1. Figure 1: Vicinity Map
2. Figure 2: Plan View
3. Figure 3: Vicinity/Plan/Cross Section View
4. Project Description (5 pages)

CLAUDE DRYDEN



VICINITY MAP
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IN.



**Wetland
Impacts**

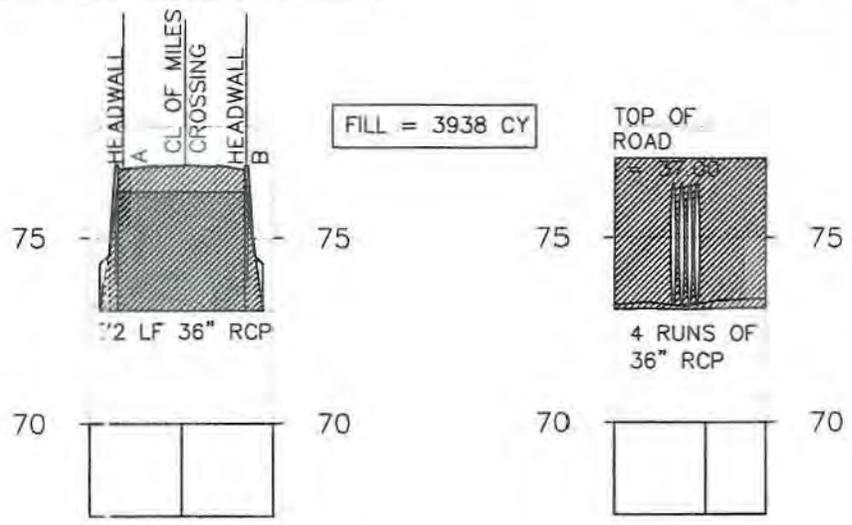
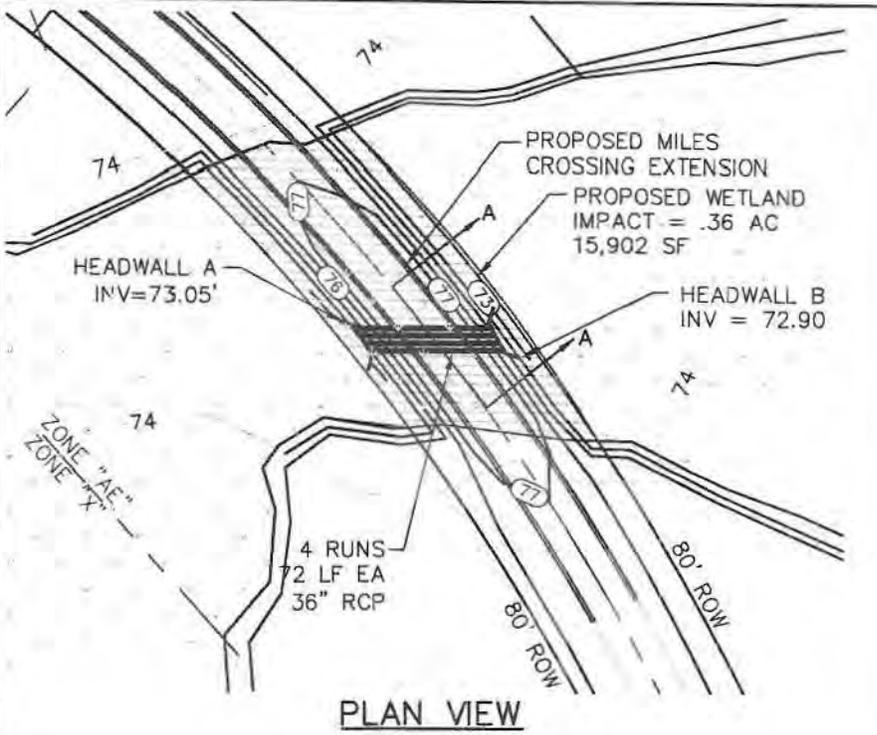
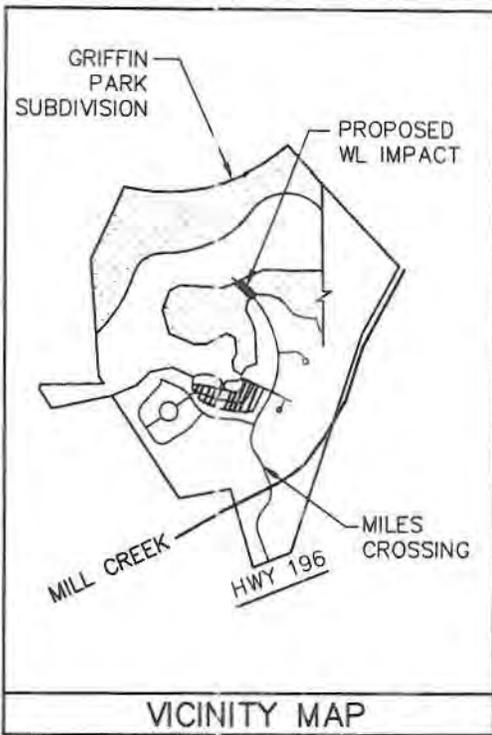
DATE: AUGUST 4, 2011
 FILE NO: 2004-68.SPRJ
 SHEET: 2/2

**Griffin Park
Subdivision**
 for
**Claude Dryden
Dryden Enterprises**
 City Hinesville
 Liberty County, Georgia

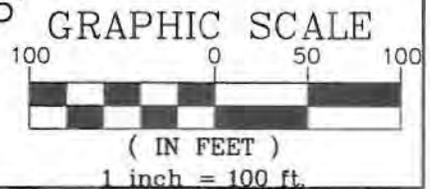
**P.C. Simonton
& Associates, Inc.**
 Consulting Engineers

309 NORTH MAIN STREET
 P.O. BOX 649
 HINESVILLE, GA 31313
 TEL: (912) 368-5212

1050 PARKSIDE COMMONS
 SUITE 101
 GREENSBORO, GA 30642
 TEL: (706) 454-0870



WETLAND CROSSING PROFILE XSECT A-A PROFILE
 VERT. SCALE: 1"=5' VERT. SCALE: 1"=5'



<p>Wetland Impacts</p> <p>DATE: AUGUST 4, 2011 FILE NO: 2004-68.6PRJ SHEET: 1/1</p>	<p>Griffin Park Subdivision for Claude Dryden Dryden Enterprises City Hinesville Liberty County, Georgia</p>	<p>P.C. Simonton & Associates, Inc. Consulting Engineers</p> 	<p>309 NORTH MAIN STREET P.O. BOX 649 HINESVILLE, GA 31313 TEL: (912) 368-5212</p> <p>1050 PARKSIDE COMMONS SUITE 101 GREENSBORO, GA 30642 TEL: (706) 454-0870</p>
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DRYDEN ENTERPRISES, INC.
GRIFFIN PARK SUBDIVISION
Liberty County, Georgia
Project Description
April 2012

1.0 Introduction:

Dryden Enterprises, Inc. (DEI) is requesting authorization to impact 0.36-acre of jurisdictional wetland to facilitate construction of the final phase of the road system within the Griffin Park subdivision, located north of U.S. Highway 196 and east of Live Oak Church Road, in Hinesville, Liberty County, Georgia. (Figure 1/Attachment A).

2.0 Background & Project Need/Purpose:

2.1 Background: Griffin Park is a +/-320-acre residential subdivision. The wetlands on the subject property were originally delineated in 2006. At that time, the U.S. Army Corps of Engineers issued a moratorium on jurisdictional determinations due to questions regarding jurisdiction stemming from the Rapanos decision. The applicant, needing to move forward with accessing the property and begin construction, chose to separate the project into two phases, leaving out the eastern portion of the site that contained the isolated wetland areas subject to the Rapanos issue. The applicant subsequently filed for the jurisdictional determination and a nationwide permit for Phase I, obtaining authorization on February 6, 2008 to fill 0.44-acres of wetland to gain access to the site from Highway 196 (SAS-2008-00025). A utility line crossing was permitted on April 16, 2009 (SAS-2009-00261). On June 14, 2010, a jurisdictional determination was issued on the remainder of the subject property (Phase II), verifying the jurisdictional status of the remaining wetlands (SAS-2009-01190). The full implementation of the overall site development plan requires one additional 0.36-acre road crossing to facilitate reasonable access to the northeast portion of the site. Since cumulative impacts for the entire tract would exceed 0.50-acre, an Individual Section 404 permit is thus required.

2.2 Basic Project/Purpose: The basic project purpose is to provide residential housing. Since a residential subdivision does not require location in or near a water body, it would not be considered a water-dependent structure. Clean Water Act Section 404(b)(1) guidelines presume that for a project that is not water dependent, a practicable alternative exists that would satisfy the project without impacts to jurisdictional waters. However, the overall project purpose, stated in Section 2.2, further defines the specific geographic criteria that were utilized by the applicant to determine that the selected project site is the only practicable alternative.

2.2 Overall Project Purpose: The overall project purpose is to construct a residential subdivision within the city of Hinesville, Georgia to provide needed residential housing for the growing population of Hinesville, driven mainly by soldiers and families associated with the Fort Stewart military installation, located only 1.4 miles north of the subject property.

3.0 Existing Site Conditions:

As stated in Section 2.0, the wetlands on the entire site were delineated in 2006. Phase I was verified in 2008, and Phase II was verified in 2010. Prior to site development the subject property consisted of managed pine plantation in the uplands, and forested and scrub-shrub communities in the wetlands. In 2009, site development work began in Phase I with construction of the road and utilities and clearing for lot construction. Over forty (40) homes are currently built in the subdivision. The remaining habitats on the subject property are described in greater detail below:

3.1 Upland: The majority of the upland area in Phase II consists of pine plantation. The canopy is dominated by slash pine (*Pinus elliottii*), with sweet gum (*Liquidambar styraciflua*) and red maple (*Acer rubrum*) saplings scattered throughout. Wax myrtle (*Myrica cerifera*) and saw palmetto (*Serenoa repens*) dominate the shrub layer, and bracken fern (*Peridium aquilinum*) is the dominant herbaceous species.

3.2 Wetland: Approximately 122-acres of wetlands are present on Phase I and Phase II of the subject property and include both forested and scrub-shrub habitats. The forested wetland areas are dominated by sweetgum, red maple, and bald cypress (*Taxodium distichum*) in the canopy. The shrub layer is dominated by Titi (*Cyrilla rasmiflora*) and fetterbush (*Lyonia lucida*), while netted chainfern (*Woodwardia aereolata*) and cinnamon fern (*Osmunda cinnamomea*) can be found in the herbaceous layer. The scrub shrub habitats found on the wetland margins are dominated by Titi and fetterbush.

4.0 Project Description:

As stated in Section 2.2, the overall project purpose is to construct a residential subdivision in the city of Hinesville. In order to provide reasonable vehicular access for a subdivision of this size and configuration, a road crossing through jurisdictional wetlands is necessary. As stated previously, a nationwide permit was previously issued authorizing impacts for a road crossing providing access from state highway 196. This proposed additional 0.36-acre crossing is necessary to provide access to the far northeast corner of the subdivision and to provide safe and efficient traffic flow throughout the subdivision. Providing an alternate travel route within the subdivision will help divide and slow traffic from the HWY 196 entrance to the farthest reaches of Phase II. The direct effect of dividing the traffic will be increased safety, and indirectly, the homeowners will experience less traffic volume and noise, resulting in a more desirable residential setting.

The proposed crossing is located at the narrowest portion of a large wetland system that traverses across the subject property from west to east, being adjacent to Mill Creek, a large county drainage canal. The proposed crossing is located within a previously authorized utility line crossing (SAS-2009-01190). Location and limits of proposed impacts are depicted in the permit drawings provided in Attachment D. Four (4) 36" reinforced concrete pipes will be installed to maintain hydrologic flows.

5.0 Alternative Analysis:

The applicant has owned the subject property since 2005. Taking into account the minimum area required for a minimum 400 lot subdivision, flood zones, accessibility, proximity to utilities, and estimated jurisdictional wetlands and streams, the applicant examined four (4) potential sites. As depicted in *Table 1: Alternate Site Comparison*, the preferred alternative represents the least environmentally damaging practicable alternative. The preferred site would result in the least amount of wetland impacts while meeting the overall project purpose (see Attachment F; Alternate Site Maps).

**TABLE 1
ALTERNATE SITE COMPARISON**

FACTORS	PREFERRED ALTERNATE	ALTERNATE 1	ALTERNATE 2	ALTERNATE 3
SIZE (ACRES)	320	2,684	384	1,931
PERCENT WETLANDS	38%	41%	50%	61%
EASE OF ACCESS	YES	YES	YES	NO
UTILITIES	YES	YES	YES	YES
FLOOD ZONE	X, A	X, A	X,A	X,A
WETLAND IMPACT (ACRES)	0.80	+/-6.6	+/-1.8	+/-3.8
LEAST ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVE	YES	NO	NO	NO

5.1 No Action Alternative: Phase I of the project has been constructed and over forty (40) residents are living on the tract. Ideally, large subdivisions possess a circular main thoroughfare offering multiple options for reaching the entrance and exit. This type of layout relieves traffic congestion and trips per day through certain parts of the development, adding to the increased perception of more secluded living, less congestion, and increased safety by limiting traffic concentration and speed. In order to feasibly access the remainder of the property, the proposed road crossing is necessary. If no further action is taken, the remaining phase will become less desirable for development, as using the alternate route adds over a half a mile to the HWY 196 entrance of the subdivision, increasing speed and cars per hour throughout the western portion of the subdivision. The No-action alternative would result in less desirable living conditions, loss of lot sales, and a reduction of land value. This alternative would not meet the overall project purpose.

5.2 Alternative Sites: Prior to purchasing the subject property, the applicant assessed multiple properties that would meet the overall project purpose. The applicant assessed these alternate properties based upon tract size, total wetland area, location and ease of access from existing state and county roads, proximity to existing water and sewer, flood zones, and projected wetland impacts.

5.2.1 Alternate Site 1: This tract is located 1.8 miles from the preferred tract. The tract is 2,684 acres in size, approximately 41% of which is wetland, and the majority of the tract is located within the 100-year flood zone. Most of the developable upland areas are isolated by numerous wetlands that traverse throughout the property, thus requiring extensive road crossings. A conceptual plan developed for the property revealed that nineteen (19) road crossing would be necessary to feasibly develop the property, which would result in over six (6) acres of wetland impact for road access alone.

5.2.2 Alternate Site 2: This tract is 384 acres in size and is located within 1 mile of the preferred tract. This tract is comprised of approximately 50% wetlands, and the developable upland areas are similar to Site 1 in that they are separated by extensive wetland areas. A conceptual development plan for this tract resulted in the identification of approximately 1.8-acres of road crossing impacts.

5.2.3 Alternate Site 3: This tract is over 1,900-acres in size and is located approximately 2.75 miles from the preferred site. Approximately 61% of this tract is wetland, and the majority of the tract is located in the 100-year flood zone. Most of the developable upland areas are isolated by extensive wetlands throughout the property. Preliminary calculations estimate that approximately 3.8-acres of impacts would be required to provide suitable access to developable upland areas.

5.2.4 Preferred Site: The preferred alternative is 320-acres in size, of which approximately 38% is verified as wetland. The majority of the site is located outside of the 100-year flood zone. Utilities were readily accessible along HWY 196 and did not require extensive secondary routing to bring onto the property. One (1) wetland crossing was necessary to provide initial access to the property (SAS-2008-00025). The requested 0.36-acre crossing necessary to facilitate final development of Phase II would cause total cumulative impacts of only 0.80-acres. Considering that most tracts of land in the coastal plain contain at least 40% wetland, the probability of developing a similar lot configuration on a coastal property with less than one (1) acre of impact is not likely. Therefore, the preferred alternative represents the least environmentally damaging practicable alternative and complies with Clean Water Act Section 404(b)(1) guidelines.

6.0 Avoidance and Minimization

The applicant's development plan limits impacts to wetlands to those necessary for reasonable access. No impacts associated with lot fill or stormwater management has been proposed. The applicant situated the existing and proposed crossings at the narrowest portion of the wetland to further reduce impacts. Additionally, the applicant has placed the utility crossing within the road right-of-ways.

Based upon the site selection analysis and on-site avoidance and minimization measures employed by the applicant, the project as proposed satisfies the requirements of Section 404(b)(1) of the Clean Water Act.

7.0 Threatened And Endangered Species:

RLC conducted a threatened and endangered species survey during the delineation and subsequent field visits to the preferred site to determine the potential occurrence of animal and plants species (or their preferred habitats) currently listed as threatened or endangered by state and federal regulations [Federal Endangered Species Act of 1973 (16 USC 1531-1543)]. As depicted in Attachment F, the U.S. Fish and Wildlife Service (USFWS) lists the following plant and animal species as endangered or threatened in Liberty County, Georgia:

MAMMALS

Humpback whale (*Megaptera novaeangliae*)
West Indian Manatee (*Trichechus manatus*)

BIRDS

Bachman's warbler (*Vermivora bachnamii*)
Bald Eagle (*Haliaeetus leucocephalus*)
Piping plover (*Charadrius melodus*)
Red Cockaded woodpecker (*Picoides borealis*)
Wood stork (*Mycteria americana*)

REPTILES

Eastern indigo snake (*Drymarchon corais couperi*)
Gopher tortoise (*Gopherus polyphemus*)
Green sea turtle (*Chelonia mydas*)
Kemp's ridley sea turtle (*Lepidochelys kempii*)
Leatherback sea turtle (*Dermochelys coriacea*)
Loggerhead sea turtle (*Caretta caretta*)

AMPHIBIANS

Flatwoods salamander (*Ambystoma cingulatum*)

FISH

Shortnose sturgeon (*Acipenser brevirostrum*)

PLANTS

Buckthorn (*Sideroxylon thornei*)
Narrowleaf obedient plant (*Physostegia leptophylla*)

As described in Section 3.0, the subject property contains managed pine plantation uplands and forested and scrub-shrub wetlands. Although wood storks are known to nest in flooded swamps and feed in open water, the forested and scrub-shrub habitats found on site contain thick Titi underbrush and are not conducive to serve as feeding or nesting areas for this species. While flatwoods salamanders are known to occur on nearby Fort Stewart, the lack of suitable terrestrial and breeding habitat makes it unlikely that they would be found on this site. The eastern indigo snake is also known to occur on nearby Fort Stewart. However, the lack of gopher tortoise burrows on site would make it unlikely that they would be present on this tract. While it is possible that an indigo snake could range onto the property during the warmer months, there is no wintering habitat that would hold them on the property, and thus it is unlikely that the proposed project would adversely affect the species. No species listed in Liberty County, nor ideal habitat suitable for each, are known to be on site.

8.0 Cultural Resources:

A Phase I cultural resources and historical assessment has not been completed within the project area. Over half of the site has already been developed, and the remaining portion of the subject property has been intensively managed for timber for many decades. No cultural or archeological resources are known to be on or near the subject property. A copy of known sites listed on the National Historic Register Web Site can be found in Attachment G.

9.0 Storm Water Management:

A storm water management plan has been designed by P.C. Simonton & Associates, Inc. the consulting engineer, including construction of stormwater ponds which are being designed to accommodate the storm water volume associated with development of the site. The final plan will meet any and all storm water management requirements of the local and state authorities. No wetland impacts are required to implement the stormwater management plan.

10.0 Compensatory Mitigation:

The proposed project requires 0.36-acre of wetland fill to complete the road system within the development. The previously authorized road and utility crossings have been offset by purchase of compensatory mitigation credits as required under the associated authorizations. The 2004 Savannah District Standard Operating Procedure Wetlands and Open Waters Mitigation Worksheets Adverse Impact Factors indicate that the proposed wetland impact requires 2.2 wetland mitigation credits to offset the loss of waters of the U.S. (Attachment D). Upon approval of the proposed project and prior to initiation of authorized wetland impacts, the applicant will purchase 2.2 wetland mitigation credits from one of the following approved compensatory mitigation banks that have a primary service area that includes the impact site: Margin Bay Wetland Mitigation Bank, Black Creek Mitigation Bank, or Wilhelmina-Morgan mitigation bank. It is our understanding that each of these banks is eligible to provide the necessary wetland credits. Final determination of which bank will be utilized will depend upon the price and availability of credits upon authorization of this permit application.

11.0 Conclusion:

DEI is proposing expansion of an existing residential subdivision by beginning construction on Phase II of the tract. While the applicant has avoided and minimized impacts to jurisdictional waters to the greatest extent practicable, the project will require impacts to 0.36-acre of wetland to facilitate construction of a road crossing to provide reasonable access to Phase II. As compensatory mitigation for the proposed impacts, the applicant is proposing the purchase of 2.2 wetland mitigation credits from a USACE approved mitigation bank within the Ogeechee River Service Area. All development activities will be conducted using best management practices to prevent unintended or secondary impacts to wetlands and waters adjacent to the project site.