



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
1590 ADAMSON PARKWAY, SUITE 200
MORROW, GEORGIA 30260-1777

AUG 5 2015

Regulatory Division
SAS-2014-00414

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-2014-00414

Applicant: Mr. Gary Wax, Vice President
Majestic Airport Center IV, LLC
One Securities Centre
3490 Piedmont Road NE, Suite 210
Atlanta, Georgia 30305

Agent: Mr. Dana Spotts
Contour Environmental, LLC
1690 Stone Village Lane, Suite 321
Kennesaw, Georgia 30152

Location of Proposed Work: The project currently proposed located on an approximately 107-acre property, which is part of a larger approximately 354-acre parent tract located directly southeast of the intersection of Stonewall Tell Road and Holly Brook Road SW, and east of Derrick Road, within Union City, Fulton County, Georgia (centered at approximately latitude 33.63102, longitude -84.57323).

Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers: The proposed project involves construction of 1,194,050 square-foot industrial warehouse building, and attendant infrastructure including associated parking/drive areas, in addition to an access road to provide connectivity to Derrick Road from the southwestern corner of the project site. All project impacts will be incurred from the

construction of the proposed access road, resulting in adverse impacts to 185 linear feet of perennial stream and 0.49 acres of riverine, forested wetland.

In order to compensate for proposed project impacts, the applicant proposes to purchase 3.724 wetland mitigation credits and 934.25 stream mitigation credits, from an approved compensatory mitigation bank(s) servicing the project watershed.

BACKGROUND

This Joint Public Notice serves as a request for authorization 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.

The applicant's proposed project has been determined to be interrelated and dependent on two previously permitted and fully constructed projects, and therefore as proposed, does not have independent utility and cannot be evaluated by the Corps without a revised project boundary which is representative of a single and complete project. The Corps evaluation will be based on the entire 354-acre tract of land and the adjacent utility corridor, which is representative of the overall project. The Corps' larger scope of analysis will include the combined geographic areas located within both of the previously authorized permit areas (Project Numbers SAS-2014-00414 and SAS-2014-00703), as well as the applicant's currently proposed 107-acre project area, which is a component of the overall project. The Corps cumulative effects analysis will be based on all proposed impacts prior to any authorizations issued within the 354-acre and the adjacent utility corridor project area.

The applicant's previously authorized activities include: 1) a 1,200,000 square-foot industrial warehouse building, with attendant infrastructure, constructed in the southernmost section of the 354-acre site (previously reviewed under Nationwide Permit No. 39 Department of the Army No. SAS-2014-00414 but has now been determined to not be a single and complete project based on new information from the applicants recent application); and 2) a sanitary sewer line (previously reviewed under Department of the Army No. SAS-2014-00703 but has now been determined to not be a single and complete project based on new information from the applicant's recent application). These two components of the overall project resulted in combined project impacts to 270 linear feet of perennial stream and 0.967 acres of wetland. Consequently, cumulative adverse impacts to aquatic resources, resulting from the both previously authorized and currently proposed projects, are 455 linear feet of perennial stream and 1.457 acres of wetland. Prior project impacts have been mitigated through the purchase of stream and wetland credits from approved compensatory mitigation banks.

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, Georgia Environmental Protection Division, Watershed Protection Branch, 7 MLK, Jr. Drive, Suite 450, Atlanta, Georgia 30334, 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 also be reviewed in the Savannah District, US 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.

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: On May 4-8, 2015, the applicant contracted a Phase I Archeological Survey of the approximately 107-acre project site. As a result of this investigation, four archaeological sites and five isolated artifact finds were documented. All are low to moderately dense prehistoric artifact scatters. Due to the recommendation for further investigations, the applicant contracted a Phase II investigation of one of the sites on July 2, 2015. The purpose of this investigation was to obtain further data needed to more fully evaluate the potential of the site for inclusion in the National Register of Historic Places (NRHP). As a result of the Phase II investigation field testing, it is believed that it is highly unlikely that continued excavations would produce the type of information needed to enhance the understanding of the subject Early Archaic Period. The applicant does not believe the site meets the criteria for listing in the NRHP and proposes no additional evaluation at any other location within the proposed project's Area of Potential Effect.

In addition, there are currently four single family residential structures located on the northern portion of the site along Stonewall Tell Road, two of which were documented previously during a county-wide historical resources survey (reported to have been constructed circa 1934 and circa 1894, respectively). Both are single-family dwellings that have long since been abandoned and survive in deteriorating condition. Neither is currently listed on the NRHP. Presently unknown archaeological, scientific, prehistorical or historical data may also be located at the site and could be affected by the proposed work.

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, the National Oceanic and Atmospheric Administration, and the National Marine Fisheries Service; or, any other interested party, on whether any species listed or proposed for listing may be present in the area.

A literature review, performed in order to identify the potential presence of federally threatened and/or endangered species as documented as occurring within the southwestern quarter of the quadrangle topographic map for "Ben Hill, Georgia", indicates that there are no critical habitats within the project area. The applicant contracted a pedestrian survey on May 20, 2015, to document the existing conditions on the property for known habitat type associations. The predominant vegetative community is pine forest with some mixed hardwoods located along the drainage features onsite.

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.

The applicant considered three (3) off-site alternatives in the surrounding area. Maps of the alternative sites have been enclosed with this notice.

As part of the alternative site analysis, the applicant has indicated that the following site selection screening criteria were applied to their overall project evaluation:

1) Geographic Location: the applicant identified the area surrounding Hartsfield and Interstate 85 (known as I-85 South) as the market area to serve commercial companies that require expansive warehouse space. That applicant stated that they believe this location is desirable for the proposed project because of: a) the proximity to the major transportation hubs: Interstate 85, Interstate 285, Hartsfield Jackson International Airport, Norfolk Southern Railway, b) the short distance from other warehouse spaces, and c) the demand for the proposed category of warehouse space in the area. As a result, the applicant limited their geographic location to South Fulton County.

2) Property Size: The applicant has limited the size of the project area needed to accomplish the applicant's proposed project purpose to a minimum of 100 acres.

3) Existing Zoning: The applicant only evaluated sites that are currently zoned for the intended use of the proposed project or that could be reasonably re-zoned to accommodate the proposed project.

4) Utilities: The applicant evaluated sites which had existing utilities needed for their proposed project and/or sites they determined would not be cost prohibitive to construct and install all necessary utilities to meet their stated project purpose.

5) Access: The applicant determined the site needed to be located within a suitable distance from major transportation hubs such as interstates, Hartsfield-Jackson International Airport, and/or Norfolk Southern Railway.

6) Availability: The applicant only evaluated sites which were listed for sale and/or available for purchase. The applicant stated that no sites, other than the applicant's preferred site and the three (3) off-site alternatives, met the investment/development criteria necessary to allow the applicant to proceed with their proposed project.

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,

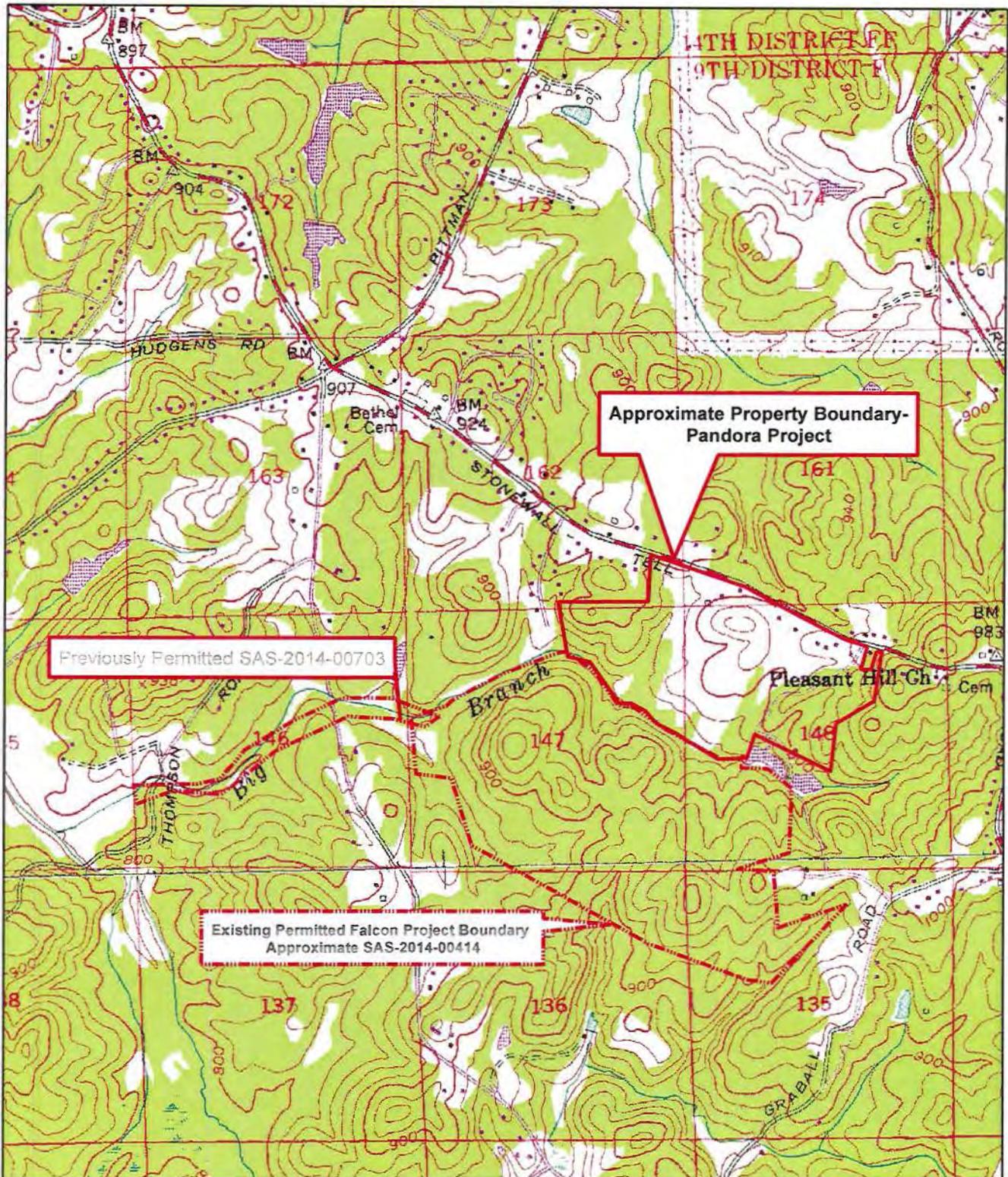
based on the need for additional substantial information necessary in evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to: Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Adam White, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777, no later than **30 days** from the date of this notice. Please refer to the Applicant's name (Majestic Airport Center IV, LLC) and the application number (SAS-2014-00414) in your comments.

If you have any further questions concerning this matter, please contact Adam White, Project Manager, Piedmont Branch at adam.f.white@usace.army.mil or 678-422-2730.

**Encls

1. Site Location Map
2. Jurisdictional Wetlands/Waters Map
3. Preferred Site Plan Layout, Alternative Option A, & Alternative Option B (3 Figures)
4. Alternative Project Site A ("I-14")
5. Alternative Project Site B ("I-12")
6. Alternative Project Site C ("I-13")



Previously Permitted SAS-2014-00703

Approximate Property Boundary-
Pandora Project

Existing Permitted Falcon Project Boundary
Approximate SAS-2014-00414

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FIGURE 2: LOCATION MAP

USGS Topographic Quad Fairburn
NW 1:24,000
Pandora Project
Union City, Fulton County, GA
for
Majestic Realty Company

