



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
SAVANNAH DISTRICT
100 WEST OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3604

February 20, 2020

Regulatory Division
SAS-2019-00094

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-2019-00094

Applicant: Mr. Yasi Desai
Stature Investments
110 Pipemakers Circle, Suite 110
Pooler, Georgia 31322

Agent: Mr. Alton Brown, Jr.
Resource and Land Consultants
41 Park of Commerce Way, Suite 101
Savannah, Georgia 31405

Location of Proposed Work: The 1.72 acre project site is located at 5706 Ogeechee Road, within the city of Savannah, Chatham County, Georgia (Latitude 32.0277, Longitude -81.2234).

Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers:
The existing 1.72 acre project area is comprised of 0.78 acres of upland and 0.94 acre of freshwater wetland. The applicant is proposing to fill all 0.94 acre of wetland to facilitate construction of a commercial facility. The project will include construction of a building, extension of utilities, parking, and attendant features. The applicant has proposed the purchase of 5.68 wetland mitigation credits from a Corps approved primary service area mitigation bank.

BACKGROUND

The project area and surrounding property were originally authorized by permit dated August 6, 2001, to the Branigar Organization under the name Berwick Plantation. The permit authorized 20.86 acres of wetland fill associated with the development of a 1,911.35 acre master planned mixed use community. To date, the majority of the permitted wetland impacts have been completed as a part of the master planned mixed use community and the permit has expired.

The original jurisdictional determination associated with the 2001 permit has also expired. On April 9, 2019, the Corps field verified the current delineation of Lot 5 which includes 0.78 acres of upland and 0.94 acre of freshwater wetland.

This Joint Public Notice announces a request for authorizations from both the Corps 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 will review the proposed project for water quality certification, in accordance with the provisions of Section 401 of the Clean Water Act. Prior to issuance of a Department of the Army permit for a project location in, on, or adjacent to the waters of the State of Georgia, review for Water Quality Certification is required. A reasonable period of time, which shall not exceed one year, is established under the Clean Water Act for the State to act on a request for Water Quality Certification, after which, issuance of such a Department of the Army permit may proceed.

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, Coastal Management Program, Coastal Resources Division, Georgia Department of Natural Resources, One Conservation Way, Brunswick, Georgia 31523-8600 (Telephone 912-264-7218).

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.

Cultural Resources Assessment: There are no known cultural resources located on the site. Review of Georgia's Natural, Archaeological, and Historic Resources GIS (which includes sites listed on the National Register of Historic Places (NRHP)) did not identify any sites listed or eligible for listing in the NRHP within the proposed permit area.

Based on the information above, the Corps has determined the project has no potential to cause affect to historic properties listed or eligible for listing in NRHP.

Endangered Species: A preliminary review the U.S. Fish and Wildlife Service (FWS) Information for Planning and Consultation (IPaC) list of Endangered and Threatened Species indicates the following listed species may occur in the project area: red-cockaded woodpecker (*Picoides borealis*), wood stork (*Mycteria americana*), Eastern indigo snake (*Drymarchon corais couperi*), frosted flatwoods salamander (*Ambystoma cingulatum*), and pondberry (*Lindera melissifolia*).

Utilizing the programmatic Effects Determination Guidance for Endangered & Threatened Species (EDGES) consultation, the Corps has determined that the proposed project may affect but is not likely to adversely affect the red-cockaded woodpecker (*Picoides borealis*), wood stork (*Mycteria americana*), and Eastern indigo snake (*Drymarchon corais couperi*).

The Corps has determined that the proposed project will have no effect to frosted flatwoods salamander (*Ambystoma cingulatum*) and pondberry (*Lindera melissifolia*).

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.

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 Corps 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 Corps 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 by email to skye.h.stockel@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Ms. Skye H. Stockel, 100 West Oglethorpe Avenue Savannah, Georgia 31401-3604, 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 Ms. Skye H. Stockel, Project Manager, Coastal Branch at (912) 652-5690.

Enclosures:

1. Figure 1 – Project Application/Description
2. Figure 2 – Location Map
3. Figure 3 – Proposed Project Drawings
4. Figure 4 – Site Photos

5706 Ogeechee Road/Lot 5 The Exchange at Berwick Phase II
Stature Investments
Chatham County, Georgia
Project Description
January 2020

1.0 INTRODUCTION:

Stature Investments is seeking authorization to impact 0.94 acre of wetland to facilitate the development of a commercial lot within Berwick Plantation. The 1.72-acre project site is located at 5706 Ogeechee Road within Savannah, Chatham County, Georgia (32.027732°, -81.223470°)(Appendix A).

2.0 BACKGROUND/PROJECT HISTORY:

In 2001, The Branigar Organization obtained a U.S. Army of Corps of Engineers (USACE) 404 Permit authorizing 20.86 acres of wetland impact to facilitate the development of a 1,911.35 acre master planned mixed use community known as Berwick Plantation. A copy of the permit is included in the information attached to this document. The permit included a variety of land uses including residential and commercial development. As depicted in the masterplan, the commercial portion of the project, known as The Exchange at Berwick, was located along Highway 17. Development of The Exchange was initiated in 2003 with subdivision of the property to include a variety of commercial uses (restaurant, retail, grocery, etc.) and infrastructure installation including roads and utilities. Since that time, numerous parcels have been developed and the site generally contains grocery, retail stores, food service etc. While most of the property has been developed or is currently under construction, several subdivided parcels remain undisturbed and Lot 5 is one of those undisturbed subdivided commercial parcels.

In 2018 and because the USACE permit and jurisdictional determination had expired, the applicant determined a new jurisdictional area delineation would be required prior to development of the property. Based on the new wetland delineation and field verification by the USACE, the applicant determined that Lot 5 which was historically upland now contains jurisdictional wetland. Because all the land surrounding the property has been developed including filling, grading, paving, etc. the surface water hydrology within this property has been impacted and the subject property functions as a depression and stormwater collects within the site. Although isolated in function and historically upland, the USACE determined that development of the site would require permit authorization.

The following provides a summary for the project area.

Table 1. Jurisdictional Area Comparison Table

	2001 Permit	2019 JD/2020
Project Area	1.72 acres	1.72 acres
Upland	1.72 acres	0.78 acres
Wetland	0.0 acres	0.94 acre
Wetland Impact Required to Facilitate Construction	0.0 acres	0.94 acre
Compensatory Mitigation	0.0 credits	5.68 credits

3.0 PROJECT PURPOSE:

The purpose of the proposed project is to obtain a permit from the USACE to develop an existing subdivided commercial lot that was verified as upland by the USACE and was previously reviewed and authorized in a master planned 404 permit.

4.0 EXISTING SITE CONDITIONS:

The project site contains habitats typical for Chatham County and the Coastal Plain of Georgia. Based on the current wetland delineation, the 1.72-acre project area contains 0.78 acres of upland and 0.94 acres of jurisdictional wetland. The following provides a brief description of each habitat present and photographs depicting typical conditions of each habitat have been included in this application package (Appendix B).

4.1 Upland: General species composition consists of loblolly pine (*Pinus taeda*), sweet gum (*Liquidambar styraciflua*), water oak (*Quercus nigra*), live oak (*Quercus virginiana*), giant cane (*Arundinaria gigantea*), wax myrtle (*Myrica cerifera*), etc.

4.2 Wetland: In consideration of the surrounding development and changes in the adjacent landscape, the wetland areas within the site act as depressional wetlands. These areas are dominated by sweet gum, red maple, red bay, water oak, giant cane, and greenbrier (*Smilax rotundifolia*). Evidence of past wetland alterations associated with the historic land use have been observed within the project site and include rutting, filling, excavation etc.

5.0 PROPOSED PROJECT:

The proposed project will require 0.94 acre of jurisdictional wetland fill to accommodate the development of a commercial facility. As depicted in the attached permit drawings (Appendix C), the project will include construction of a building, extension of utilities, construction of parking area, and all other attendant features typically associated with a commercial lot. While historically upland, the current project will require 0.94 acre of wetland impact.

6.0 ALTERNATIVE ANALYSIS:

As part of the overall project, the applicant completed a thorough alternatives analysis. A review of the 404(b)1 guidelines indicates that "(a) Except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." The guidelines define practicable alternatives as "(q) The term *practicable* means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes."

The guidelines outline further consideration of practicable alternatives: "(1) For the purpose of this requirement, practicable alternatives include, but are not limited to: (i) Activities which do not involve a discharge of dredged or fill material into the waters of the United States or ocean waters; (ii) Discharges of dredged or fill material at other locations in waters of the United States or ocean waters; (2) An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered."

Because the project includes development of a commercial lot that was previously identified as upland and included in a master completion of an existing subdivision and construction of homes on existing fully entitled and subdivided residential lots, off-site alternatives were not considered. However, the application did complete a thorough review of each existing lot, impacts associated with development of each lot, and avoidance of wetlands where feasible. Factors evaluated during lot review generally included extent of wetland, elevation, lot configuration, front/side/rear lot setbacks, etc. The applicant and engineer overlaid a standard home and yard footprint within each lot to evaluate the total acreage of impact for that lot. In addition, location of each lot and surrounding conditions were also considered. For example, a lot completely surrounded by developed area (fronted by paved road, bordered by two existing homes on each side and bordered by storm water lagoon in rear) were considered.

A review of the 404(b)1 guidelines states that "Except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. (1) For the purpose of this requirement, practicable alternatives include, but are not limited to: (i) Activities which do not involve a discharge of dredged or fill material into the waters of the United States or ocean waters; (ii) Discharges of dredged or fill material at other locations in waters of the United States or ocean waters; (2) An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant, which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered. (3) Where the activity associated with a discharge which is proposed for a special aquatic site (as defined in subpart E) does not require access or proximity to or sighting within the special aquatic site in question to fulfill its basic purpose (i.e., is not "water dependent"), practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise. In addition, where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge, which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise". 40 CFR Part 230, Subpart E Section 230.41 (b) states "Discharging fill material in wetlands as part of municipal, industrial or recreational development may modify the capacity of wetlands to retain and store floodwaters and to serve as a buffer zone shielding upland areas from wave actions, storm damage and erosion".

The project fully complies with the 404(b)1 guidelines for the following reasons:

1. The alternatives analysis and avoidance and minimization requirements as well as evaluation of all public interest factors for this site were completed during the original USACE permit action. For this reason, 404(b)1 guideline requirement has been fully satisfied and cannot be applied to a portion of a tract for which they have previously been applied to the whole. That is to say, the regulations did not intend to apply the 404(b)1 guidelines to an overall project and then again apply the 404(b)1 guidelines to a portion of the same overall project at a later date.

2. The project does not include development of a new commercial park but rather completion of development activities within an existing and previously permitted commercial development. Considering logistics, it is not possible to complete the development of an existing commercial park by constructing a new commercial park on an alternative site. In addition, Lot 5 was specifically subdivided and planned to service the commercial component within the overall master plan associated with Berwick Plantation. It is not feasible to service the commercial component of Berwick Plantation from another location that is not within The Exchange at Berwick (the previously planned commercial area).

3. As noted in RGL 93-02 "Some projects may be so site-specific (e.g. erosion control, bridge replacement) that no offsite alternative could be practicable. In such cases the alternatives analysis may appropriately be limited to onsite options only." This project would clearly be so site-specific (completion of an existing commercial development), that only on-site options are applicable. The 404(b)1 guidelines are not intended to be applied to upland areas that now exhibit wetland characteristics because of ongoing development.

4. As noted in RGL 82-02 "to respond to those who expressed concern that our definition of "wetlands" may be interpreted as extending to abnormal situations including non-aquatic areas that have aquatic vegetation, we have listed swamps, bogs, and marshes at the end of this definition to further clarify our intent to include only truly aquatic areas. (emphasis added)". This area is not a swamp, bog or marsh but rather wetland created by ongoing development activities.

In summary, the 404(b)1 guidelines were applied to the overall project which included Lot 5 and the overall project which included Lot 5 was determined to be the least damaging practicable alternative.

As defined in *PART 230—SECTION 404(b)(1) GUIDELINES FOR SPECIFICATION SITES FOR DREDGED OR FILL MATERIAL*, general procedures to be followed include § 230.5(j) "Identify appropriate and practicable changes to the project plan to minimize the environmental impact of the discharge, based upon the specialized methods of minimization of impacts in subpart H". Subpart H defines "Actions To Minimize Adverse Effect". Because these regulations and guidelines were developed for consideration during the construction of dredge disposal sites and for projects requiring the discharge of dredged material associated with dredging projects (i.e. SHEP, slip maintenance along the river, yacht basins, maintenance of intake structures, maintenance of outfall structures, etc.), these guidelines are not intended to apply to a commercial lot that was previously upland. However, in an attempt to verify and confirm beyond doubt that the proposed project adheres to the requirements of subpart H, this response attempts to address each action outlined in Subpart H by applying them to the proposed project.

§ 230.70 Actions concerning the location of the discharge.

The effects of the discharge can be minimized by the choice of the disposal site. Some of the ways to accomplish this are by:

(a) Locating and confining the discharge to minimize smothering of organisms;

The applicant has proposed a project that will locate and confine the discharge to minimize smothering of organisms. The proposed fill will be limited to and restricted to the project site.

(b) Designing the discharge to avoid a disruption of periodic water inundation patterns;

The applicant's discharge location has been specifically chosen to avoid disruption of periodic water inundation patterns. The project will not include the construction of dikes or ditches within tidal wetland areas or riverine wetland areas that experience periodic water inundation patterns.

(c) Selecting a disposal site that has been used previously for dredged material discharge;

The applicant has selected a site on which material was previously discharged in association with the overall site development.

(d) Selecting a disposal site at which the substrate is composed of material similar to that being discharged, such as discharging sand on sand or mud on mud;

The site contains a substrate composition similar to that being discharged (clays and sands). The source of fill material will be a borrow pit within the general vicinity of the project site and substrate will be similar to that found within the project area.

(e) Selecting the disposal site, the discharge point, and the method of discharge to minimize the extent of any plume;

The applicant has chosen a site where the method of discharge will avoid creating a plume.

(f) Designing the discharge of dredged or fill material to minimize or prevent the creation of standing bodies of water in areas of normally fluctuating water levels, and minimize or prevent the drainage of areas subject to such fluctuations.

The location of the fill proposed for this project will prevent the creation of standing bodies of water in areas of normally fluctuating water levels and will minimize or prevent the drainage of areas subject to such fluctuations.

§ 230.71 Actions concerning the material to be discharged.

The effects of a discharge can be minimized by treatment of, or limitations on the material itself, such as:

(a) Disposal of dredged material in such a manner that physiochemical conditions are maintained, and the potency and availability of pollutants are reduced.

The proposed fill activities associated with this project will include clean fill material such that the potency and availability of pollutants are reduced.

(b) Limiting the solid, liquid, and gaseous components of material to be discharged at a particular site;

The proposed project does not include discharge of liquid and/or gaseous components of material.

(c) Adding treatment substances to the discharge material;

The proposed project does not require the addition of treatment sources to discharge material.

(d) Utilizing chemical flocculants to enhance the deposition of suspended particulates in diked disposal areas.

The proposed project does not include construction of a diked disposal area and the proposed project does not require utilization of chemical flocculant.

§ 230.72 Actions controlling the material after discharge.

The effects of the dredged or fill material after discharge may be controlled by:

(a) Selecting discharge methods and disposal sites where the potential for erosion, slumping or leaching of materials into the surrounding aquatic ecosystem will be reduced. These sites or methods include, but are not limited to:

(1) Using containment levees, sediment basins, and cover crops to reduce erosion;

Sediment basins and cover crops will be implemented during the project to reduce erosion and will be incorporated into the erosion and sedimentation control plan.

(2) Using lined containment areas to reduce leaching where leaching of chemical constituents from the discharged material is expected to be a problem;

The applicant is proposing to fill the site with clean borrow material from an upland borrow site. Thus, leaching of chemical constituents from the discharged material will not be a problem or potential concern for this project.

(b) Capping in-place contaminated material with clean material or selectively discharging the most contaminated material first to be capped with the remaining material;

Not applicable. However, the applicant is proposing to fill the site with clean borrow material from an upland borrow site and because non-contaminated material is proposed for discharge, no capping is required.

(c) Maintaining and containing discharged material properly to prevent point and nonpoint sources of pollution;

The fill material within the site will be maintained and contained within the property to prevent point and nonpoint sources of pollution. The applicant will obtain the required permits from GADNR-EPD and comply with all said permits to ensure that no non-point pollution occurs.

(d) Timing the discharge to minimize impact, for instance during periods of unusual high-water flows, wind, wave, and tidal actions.

Not applicable. The project site does not contain aquatic areas with high water flows, wind, wave or tidal actions.

§ 230.73 Actions affecting the method of dispersion.

The effects of a discharge can be minimized by the manner in which it is dispersed, such as:

(a) Where environmentally desirable, distributing the dredged material widely in a thin layer at the disposal site to maintain natural substrate contours and elevation;

Not applicable. The applicant is not proposing the construction of a dredge disposal site.

(b) Orienting a dredged or fill material mound to minimize undesirable obstruction to the water current or circulation pattern, and utilizing natural bottom contours to minimize the size of the mound;

Not applicable. The applicant is not proposing the construction of a dredge disposal site and no dredged or fill material mounds are proposed within jurisdictional waters.

(c) Using silt screens or other appropriate methods to confine suspended particulate/turbidity to a small area where settling or removal can occur;

If deemed necessary as part of the sedimentation and erosion control plan, the applicant will use silt screens or other appropriate methods to confine suspended particulate/turbidity to a small area where settling or removal can occur.

(d) Making use of currents and circulation patterns to mix, disperse and dilute the discharge;

Not applicable. There are no currents or circulation patterns afforded by the wetlands within the property.

(e) Minimizing water column turbidity by using a submerged diffuser system. A similar effect can be accomplished by submerging pipeline discharges or otherwise releasing materials near the bottom;

Not applicable. The project does not require work within or near a water body.

(f) Selecting sites or managing discharges to confine and minimize the release of suspended particulates to give decreased turbidity levels and to maintain light penetration for organisms;

The applicant will manage discharges to confine and minimize suspended particulates to give decreased turbidity levels and to maintain penetration for organisms where applicable.

(g) Setting limitations on the amount of material to be discharged per unit of time or volume of receiving water.

The proposed project will include E&S requirements set forth by GAEPD and the local issuing authority and the applicant will set limitations on the amount of material to be discharged per unit of time or volume of receiving water where applicable.

Discharge technology should be adapted to the needs of each site. In determining whether the discharge operation sufficiently minimizes adverse environmental impacts, the applicant should consider:

(a) Using appropriate equipment or machinery, including protective devices, and the use of such equipment or machinery in activities related to the discharge of dredged or fill material;

It is anticipated that standard land clearing and construction equipment will be used within the site including but not limited to bulldozer, dump truck, track hoe, backhoe, tractor, excavator, etc. All this equipment and machinery is appropriate and standard for the proposed development activities.

(b) Employing appropriate maintenance and operation on equipment or machinery, including adequate training, staffing, and working procedures;

The applicant will employ appropriate maintenance and operation on equipment or machinery, including adequate training, staffing, and working procedures

(c) Using machinery and techniques that are especially designed to reduce damage to wetlands. This may include machines equipped with devices that scatter rather than mound excavated materials, machines with specially designed wheels or tracks, and the use of mats under heavy machines to reduce wetland surface compaction and rutting;

Equipment deployed on the property will be managed in a way to avoid impacts to adjacent wetlands proposed to remain undisturbed.

(d) Designing access roads and channel spanning structures using culverts, open channels, and diversions that will pass both low and high water flows, accommodate fluctuating water levels, and maintain circulation and faunal movement;

Not applicable. The proposed project does not include construction of roads or channel spanning structures through wetlands for accessing uplands.

(e) Employing appropriate machinery and methods of transport of the material for discharge.

The applicant will employ appropriate machinery and methods of transport of material for discharge. It is anticipated that standard land clearing and construction equipment will be used within the site including but not limited to bulldozer, dump truck, track hoe, backhoe, tractor, excavator, etc.

§ 230.75 Actions affecting plant and animal populations.

Minimization of adverse effects on populations of plants and animals can be achieved by: Avoiding changes in water current and circulation patterns which would interfere with the movement of animals;

Not applicable. The applicant is not proposing the construction of a dredge disposal site nor the discharge of dredged material. In addition, no water current or circulation patterns occur within the isolated wetlands present within the property.

(a) Selecting sites or managing discharges to prevent or avoid creating habitat conducive to the development of undesirable predators or species which have a competitive edge ecologically over indigenous plants or animals;

The proposed project will not create habitat conducive to the development of undesirable predators or species. In addition, the proposed development will not create a competitive edge of any species over indigenous plants or animals.

(b) Avoiding sites having unique habitat or other value, including habitat of threatened or endangered species;

The project site does not contain unique habitat or threatened/endangered species habitat.

(c) Using planning and construction practices to institute habitat development and restoration to produce a new or modified environmental state of higher ecological value by displacement of some or all of the existing environmental characteristics. Habitat development and restoration techniques can be used to minimize adverse impacts and to compensate for destroyed habitat. Additional criteria for compensation measures are provided in subpart J of this part. Use techniques that have been demonstrated to be effective in circumstances similar to those under consideration wherever possible. Where proposed development and restoration techniques have not yet advanced to the pilot demonstration stage, initiate their use on a small scale to allow corrective action if un- anticipated adverse impacts occur;

The proposed project includes the development of light industrial/commercial development within an urban area of Chatham County. Current Savannah District guidance does not support the statement; "restoration techniques can be used to minimize adverse impacts and to compensate for destroyed habitat."

(d) Timing discharge to avoid spawning or migration seasons and other bio- logically critical time periods;

No spawning or migration seasons or other biologically critical time periods are associated with the project site.

(e) Avoiding the destruction of remnant natural sites within areas already affected by development. [45 FR 85344, Dec. 24, 1980, as amended at 73 CFR 196 ,87, Apr. 10, 2008]

The site selection process implemented during the off-site alternatives analysis ensured that this project avoided destruction of remnant natural sites.

§ 230.76 Actions affecting human use.

Minimization of adverse effects on human use potential may be achieved by:

(a) Selecting discharge sites and following discharge procedures to prevent or minimize any potential damage to the aesthetically pleasing features of the aquatic site (e.g. viewscales), particularly with respect to water quality;

The project prevents and minimizes any potential damage to the aesthetically pleasing features of the aquatic site (e.g. viewscales), particularly with respect to water quality. The wetland proposed for impact is degraded in nature and can generally be regarded as detracting from viewscales due to the high incidence of dead and diseased trees.

(b) Selecting disposal sites which are not valuable as natural aquatic areas;

The wetland area proposed for impact is not valuable as a natural aquatic area based on its highly modified nature and current use.

(c)Timing the discharge to avoid the seasons or periods when human recreational activity associated with the aquatic site is most important;

Because the project is located within a fully developed/urban area, no human recreation activity currently occurs within the aquatic site.

(d)Following discharge procedures which avoid or minimize the disturbance of aesthetic features of an aquatic site or ecosystem;

There are no aquatic site or ecosystem aesthetic features within the project area.

(e)Selecting sites that will not be detrimental or increase incompatible human activity, or require the need for frequent dredge or fill maintenance activity in remote fish and wildlife areas;

The project area is not incompatible with human activity nor does the project require the frequent dredge or fill maintenance in remote fish and wildlife areas.

(f)Locating the disposal site outside of the vicinity of a public water supply intake.

The proposed project does not include development or construction of a disposal site and the project is not located within the vicinity of a public water supply intake.

§ 230.77 Other actions.

(a) In the case of fills, controlling runoff and other discharges from activities to be conducted on the fill;

The applicant will control runoff and other discharges by implementing a storm water management design and plan in accordance with and that meets the requirements of the local municipality and local issuing authority.

(b)In the case of dams, designing water releases to accommodate the needs of fish and wildlife;

The proposed project does not include the construction of a dam.

(c) In dredging projects funded by Federal agencies other than the Corps of Engineers, maintain desired water quality of the return discharge through agreement with the Federal funding authority on scientifically defensible pollutant concentration levels in addition to any applicable water quality standards;

The proposed project includes construction of a light industrial commercial flex space and does not include federally funded dredging activities.

(d) When a significant ecological change in the aquatic environment is proposed by the discharge of dredged or fill material, the permitting authority should consider the ecosystem that will be lost as well as the environmental benefits of the new system.

The ecosystem that will be lost is biologically isolated and fully degraded (i.e. artificially inundated). The loss of this degraded habitat will be mitigated through the purchase of mitigation credits.

7.0 THREATENED & ENDANGERED SPECIES:

RLC conducted a threatened and endangered species survey 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)]. Neither the listed species nor habitat typically associated with these species was observed during the survey. In addition, coordination with US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) was conducted and a preliminary Effects Determination Guidance for Endangered & Threatened Species (EDGES) were completed for the site. Based on the results of the pedestrian survey, IPaC results and EDGES results, the proposed project will not impact any threatened or endangered species.

8.0 CULTURAL RESOURCES:

A Phase I Cultural Resources Survey was completed by Brockington & Associates during the 2001 USACE permitting exercise. Based on this survey and concurrence from the SHPO and USACE, the proposed project will not impact cultural or archeological resources.

9.0 STORM WATER MANAGEMENT:

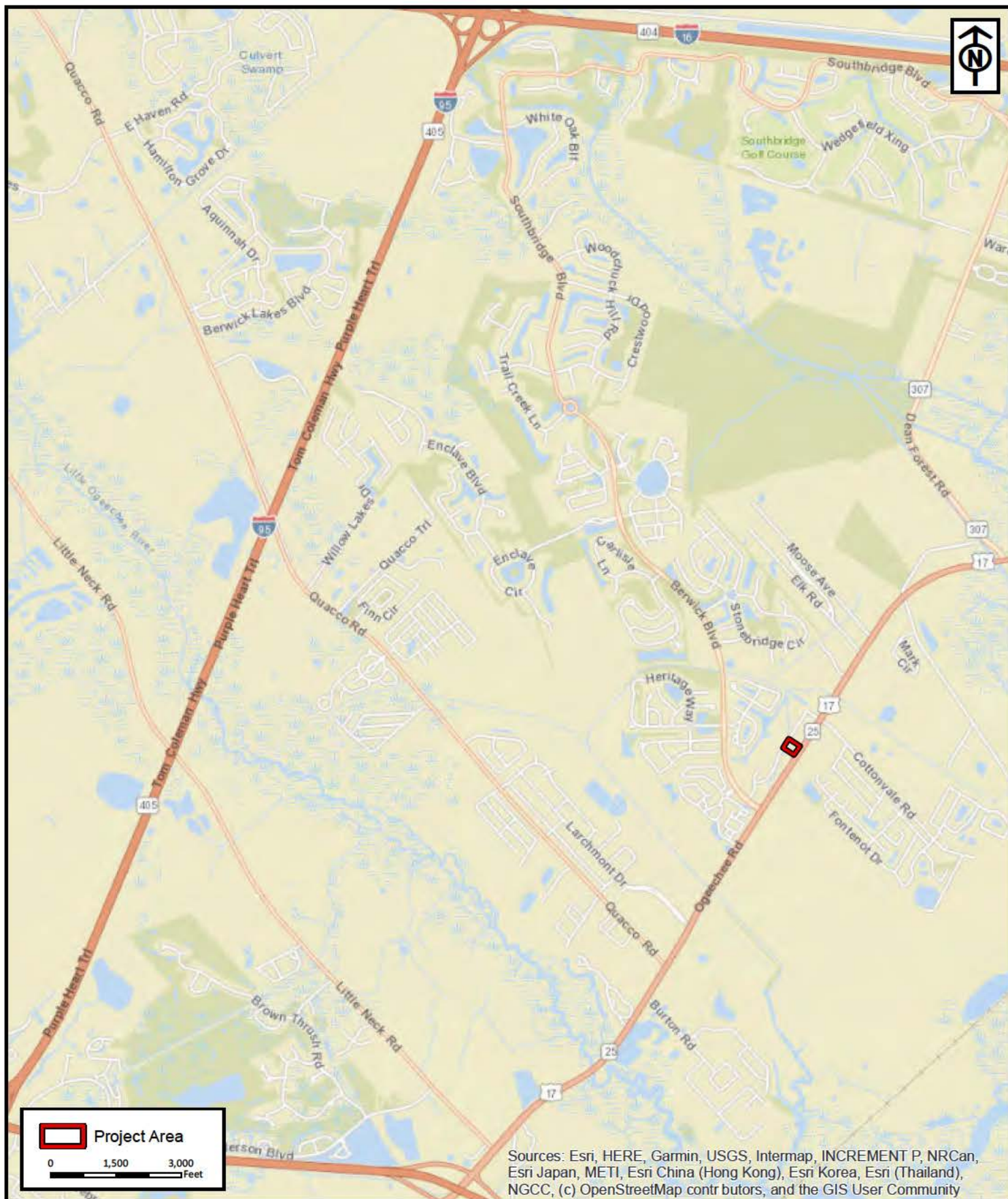
A storm water management plan has been designed and implemented as part of the overall Berwick Plantation Master Plan Development. This master storm water management plan accommodates for any development associated with the subject lots.

10.0 COMPENSATORY MITIGATION:

Using the Savannah District Standard Operating Procedure for Compensatory Mitigation, SOP calculations indicate that 5.68 credits are required to compensate for jurisdictional wetland impacts (Appendix F). The applicant is proposing to acquire a total of 5.68 credits from a USACE approved primary service area mitigation bank. Credits will be purchased from one of the following primary service area banks: Black Creek, Margin Bay, Yam Grandy, Old Thorn Pond, or Wilhelmina Morgan. Upon approval of the proposed project and prior to initiation of authorized wetland impacts, the applicant will provide documentation of credit conveyance to the USACE.

11.0 CONCLUSION:

In summary, Stature Investments is proposing to develop a portion of Berwick Exchange. In 2006 and at the time property purchase, this project was authorized under the existing master plan permit for Berwick Plantation. Since that permit expired in 2011, the applicant was required to obtain a new jurisdictional determination during the USACE re-verification request, the USACE revised the limits of jurisdictional wetland. This unexpected adjustment in limits of and jurisdictional nature of the wetlands required submittal of this Individual Permit Application. As compensatory mitigation for unavoidable wetland impacts, the applicant has developed a compensatory mitigation plan using the Savannah District mitigation credit calculation SOP and has proposed to purchase 5.68 wetland mitigation credits from a USACE approved mitigation bank.



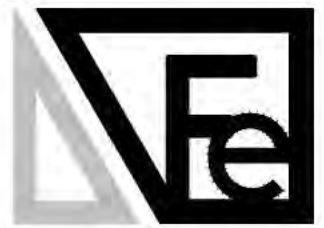
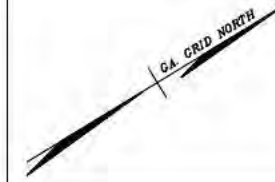
RLC Project No.:	18-264.1
Figure No.:	1
Prepared By:	MG
Sketch Date:	1/31/2020
Map Scale :	1 inch = 3,000 feet

**5706 Ogeechee
Road Tract**
Chatham County, Georgia

**Project Location
Map**
Prepared For: Stature Investments

RLC
**RESOURCE+LAND
CONSULTANTS**
41 Park of Commerce Way, Ste. 101
Savannah, Georgia 31425
912.443.5595 www.rlc.com

AREA SUMMARY	
TOTAL AREA	1.72-ACRE
TOTAL UPLANDS	0.78-ACRE
TOTAL WETLANDS	0.94-ACRE
TOTAL IMPACTS	0.94-ACRE



FRETUS ENGINEERING

315 COMMERCIAL DRIVE
SUITE D-6
SAVANNAH, GA. 31406

MAIL TO:

P.O. BOX 13091
SAVANNAH, GA. 31416-0091
PH: (912) 228-2982
jfarmer8809@gmail.com

PROJECT TITLE:

**LOT 5
THE EXCHANGE AT
BERWICK PH 2**

PIN: 11008 02075

5607 OGEECHEE RD.
SAVANNAH, GA 31405

OWNER:

**STATURE INVESTMENTS
110 CANAL STREET
SUITE 110
POOLER, GA 31322**

PREPARED FOR:

**STATURE INVESTMENTS
MR. YASH DESAI**

SHEET TITLE:

**EXISTING
CONDITIONS**



DATUM: NAVD 88

50 25' 0'

GRAPHIC SCALE: 1" = 50'

SCALE: 1" = 50'

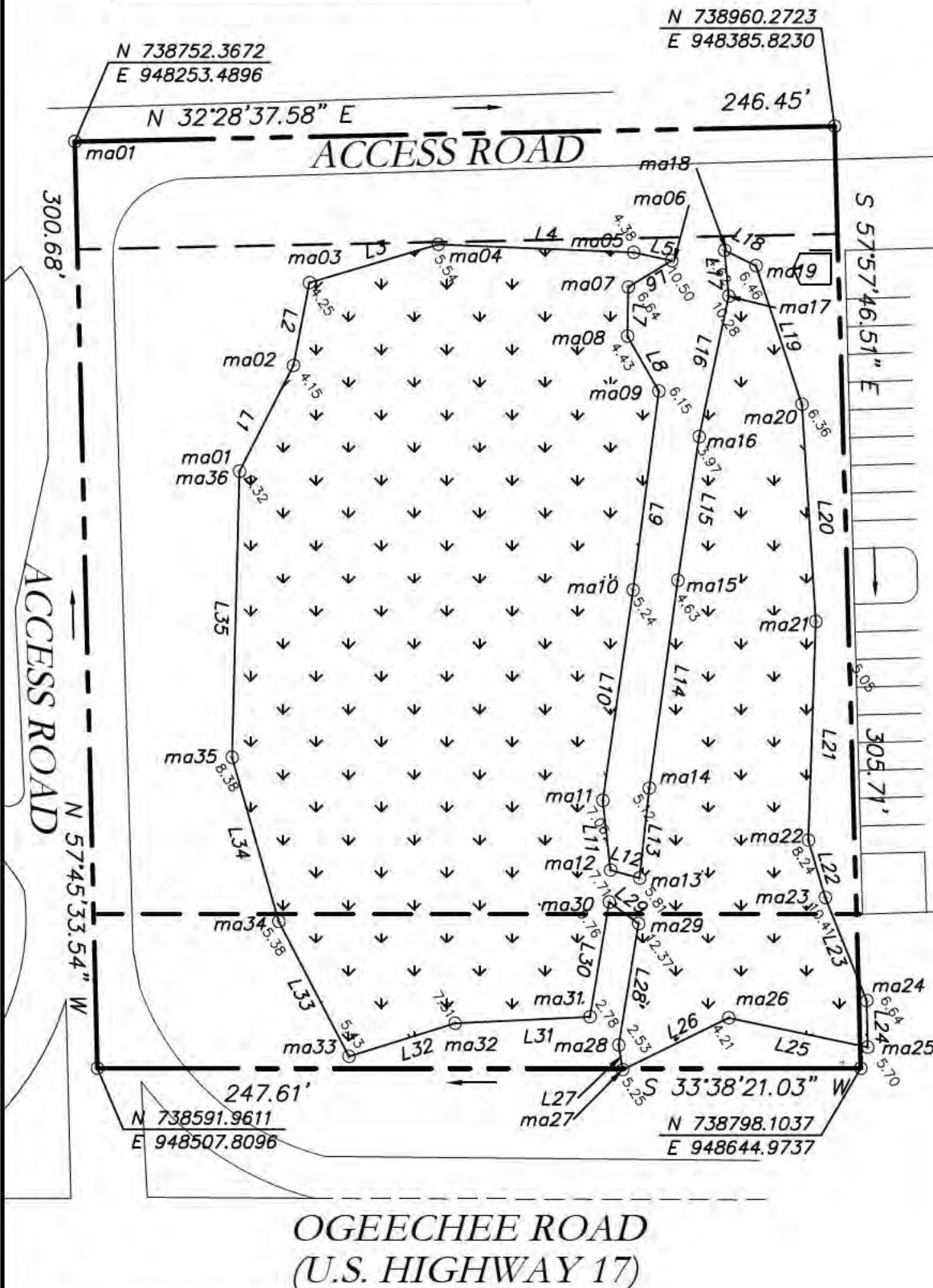
PROJ. NO.: 020-052-19

DATE: OCT. 2019

DRAWN BY: JF

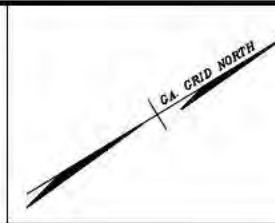
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SHEET 1 OF 5



LEGEND

--- PROPERTY BOUNDARY
— WETLAND BOUNDARY



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POOLER, GA 31322**

PREPARED FOR:

**STATURE INVESTMENTS
MR. YASH DESAI**

SHEET TITLE:

**PROPOSED
IMPROVEMENTS**



DATUM: NAVD 88

50 25' 0'
GRAPHIC SCALE: 1" = 50'

SCALE: 1" = 50'

PROJ. NO.: 020-052-19

DATE: OCT. 2019

DRAWN BY: JF

CHECKED BY: JWF

SHEET 2 OF 5

0.94 AC. OF
WETLANDS TO BE
IMPACTED

DUMPSTER

ACCESS ROAD

A

(10)

QSR
BUSINESS
4,000 GSF

DRIVE THRU

A

(9)

(8)

(7)

(6)

(5)

(4)

(3)

(2)

(1)

(0)

(-1)

(-2)

(-3)

(-4)

(-5)

(-6)

(-7)

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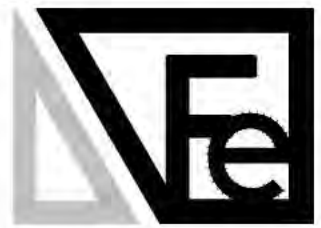
(-19)

ACCESS ROAD

OGEECHEE ROAD
(U.S. HIGHWAY 17)

CHATHAM COUNTY PARKING REQUIREMENTS

BUILDING = 4,000 GSF - 1 PER 100 SF (INCLUDING OUTDOOR SEATING AREA)
40 PARKING SPACES REQ'D. INCL. 2 H/C
47 SPACES PROVIDED, INCL. 3 H/C



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POOLER, GA 31322**

PREPARED FOR:

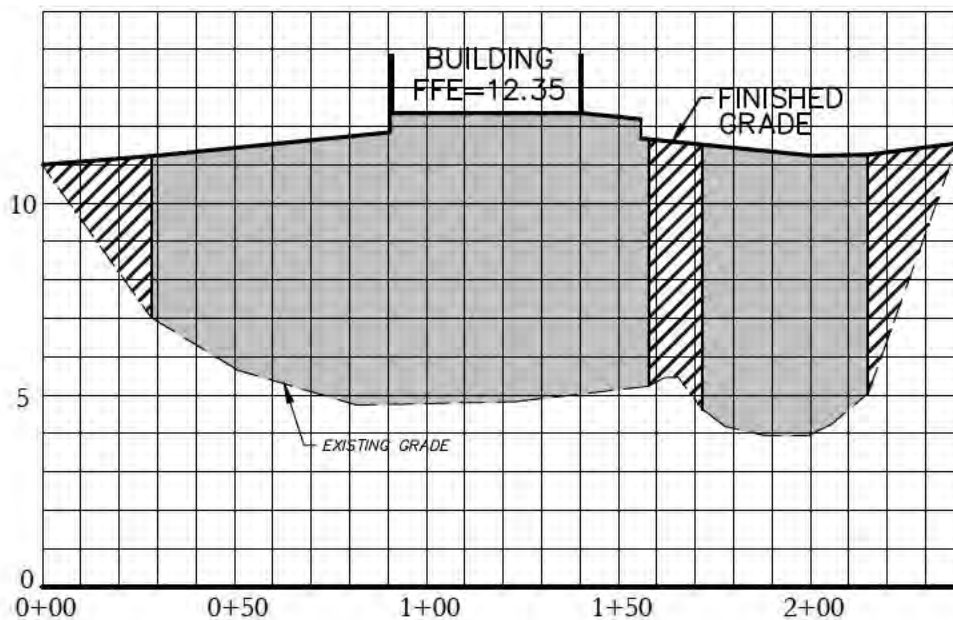
**STATURE INVESTMENTS
MR. YASH DESAI**

SHEET TITLE:

**CROSS SECTION
A-A**



DATUM: NAVD 88



SECTION A-A

SCALE:

H: 1" = 50'
V: 1" = 5'



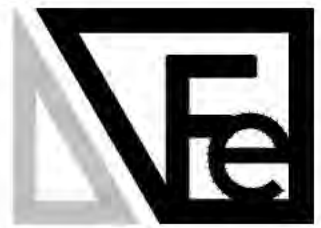
WETLAND FILL



UPLAND FILL

SCALE:	AS SHOWN
PROJ. NO.:	020-052-19
DATE:	OCT. 2019
DRAWN BY:	JF
CHECKED BY:	JWF

SHEET 3 OF 5



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POOLER, GA 31322**

PREPARED FOR:

**STATURE INVESTMENTS
MR. YASH DESAI**

SHEET TITLE:

**POINT
COORDINATES**



FLAG NO.	N	E	LONGITUDE	LATITUDE	ELEVATION
ma 01	738734.941	948371.149	-81.2237628020	32.0276103434	6.32
ma 02	738771.176	948353.269	-81.2238194716	32.0277103648	4.15
ma 03	738791.588	948335.118	-81.2238774553	32.0277669103	4.25
ma 04	738837.005	948346.567	-81.2238392436	32.0278914683	5.54
ma 05	738892.660	948380.639	-81.2237277449	32.0280436316	4.38
ma 06	738902.259	948388.740	-81.2237013285	32.0280698231	10.50
ma 07	738884.470	948388.486	-81.2237026499	32.0280209300	6.64
ma 08	738874.641	948400.694	-81.2236635393	32.0279936206	4.43
ma 09	738873.465	948419.347	-81.2236033886	32.0279899357	6.15
ma 10	738827.790	948465.014	-81.2234573279	32.0278633017	5.24
ma 11	738778.174	948513.050	-81.2233037406	32.0277257659	7.06
ma 12	738767.115	948531.523	-81.2232444490	32.0276949331	7.71
ma 13	738773.931	948538.347	-81.2232222353	32.0277135028	5.81
ma 14	738794.191	948517.404	-81.2232892450	32.0277696854	5.12
ma 15	738842.726	948469.799	-81.2234414716	32.0279042426	4.63
ma 16	738876.550	948437.262	-81.2235454964	32.0279979862	3.97
ma 17	738912.220	948406.949	-81.2236422980	32.0280967636	10.28
ma 18	738919.868	948394.999	-81.2236806428	32.0281180648	4.62
ma 19	738891.497	944415.512	-81.2236521323	32.0281349183	6.46
ma 20	738913.158	948445.985	-81.2235163216	32.0280984027	6.36
ma 21	738875.284	948502.843	-81.2233339352	32.0279929361	5.05
ma 22	738831.043	948556.637	-81.2231616178	32.0278700433	8.24
ma 23	738824.811	948573.477	-81.2231074601	32.0278525086	10.41
ma 24	738817.124	948606.319	-81.2230017100	32.0278305900	6.64
ma 25	738808.773	948617.959	-81.2229643888	32.0278073582	5.70
ma 26	738773.429	948588.169	-81.2230615041	32.0277109255	4.21
ma 27	738732.226	948583.776	-81.2230768384	32.0275977767	5.25
ma 28	738735.947	948576.988	-81.2230986357	32.0276081700	2.53
ma 29	738765.178	948549.768	-81.2231856368	32.0276891673	12.37
ma 30	738760.708	948539.520	-81.2232188290	32.0276771278	9.76
ma 31	738733.042	948565.202	-81.2231367445	32.0276004664	2.78
ma 32	738691.927	948544.810	-81.2232036969	32.0274879471	7.51
ma 33	738654.508	948535.602	-81.2232344618	32.0273853164	5.43
ma 34	738659.801	948490.360	-81.2233802848	32.0274009500	5.38
ma 35	738677.639	948441.589	-81.2235371418	32.0274511520	8.38
ma 36	738734.941	948371.149	-81.2237628020	32.0276103434	6.32

SCALE: N.T.S.
PROJ. NO.: 020-052-19
DATE: OCT. 2019
DRAWN BY: JF
CHECKED BY: JWF

SHEET 4 OF 5

LINE	BEARING	DISTANCE
L1	N 29°14'55.76" W	38.50'
L2	N 45°29'53.55" W	27.32'
L3	N 17°02'15.99" E	43.57'
L4	N 35°57'37.82" E	63.50'
L5	N 46°04'51.47" E	12.59'
L6	S 02°20'14.25" W	16.48'
L7	S 55°18'17.52" E	15.94'
L8	S 86°14'53.71" E	20.54'
L9	S 48°58'52.34" E	65.01'
L10	S 48°09'28.57" E	69.00'
L11	S 62°40'34.06" E	22.69'
L12	N 49°11'05.80" E	9.77'
L13	N 50°06'37.62" W	29.34'
L14	N 48°36'04.62" W	68.08'
L15	N 47°53'28.51" W	47.10'
L16	N 44°24'55.39" W	46.56'
L17	N 61°41'57.13" W	14.88'
L18	N 59°37'15.23" E	11.29'
L19	S 74°46'49.97" E	47.35'
L20	S 60°01'6.07" E	70.59'
L21	S 54°25'50.96" E	71.04'
L22	S 72°49'26.77" E	19.34'
L23	S 78°09'58.87" E	36.04'
L24	S 57°43'27.60" E	15.10'
L25	S 45°35'26.36" W	46.09'
L26	S 07°33'41.15" W	38.30'
L27	N 65°33'22.22" W	8.12'
L28	N 47°02'43.43" W	39.93'
L29	S 70°01'0.69" W	11.80'
L30	S 46°48'04.26" E	37.79'
L31	S 30°53'18.48" W	43.85'
L32	S 16°14'19.85" W	36.04'
L33	N 83°44'45.49" W	49.34'
L34	N 72°20'5.30" W	55.36'
L35	N 54°52'19.56" W	92.83'



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POOLER, GA 31322**

PREPARED FOR:

**STATURE INVESTMENTS
MR. YASH DESAI**

SHEET TITLE:

**WETLAND
LINE TABLE**



SCALE: N.T.S.
PROJ. NO.: 020-052-19
DATE: OCT. 2019
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SHEET 5 OF 5



Photo 1: Typical Site Upland



Photo 2: Typical Site Upland



Photo 3: Typical Site Wetland



Photo 4: Wetland near data point

RLC Project No.:	18-264.1
Figure No.:	1
Prepared By:	MG
Photo Date:	10/17/2018
Exhibit Date:	1/31/2020

**5706 Ogeechee
Road Tract**
Chatham County, Georgia

Site Photographs
Prepared For: Stature Investments

RLC
RESOURCE+LAND CONSULTANTS
411 Park of Commerce Way, Ste. 101 Savannah, Georgia 31405 912.443.5896 www.rlc.com