



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

REPLY TO  
ATTENTION OF

July 8, 2016

Regulatory Division  
SAS-2012-01030

**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).

Application Number: SAS-2012-01030

Applicant: Tim Evans, Gainesville-Hall County Development Authority (GHEDA)  
Post Office Box 374, Gainesville, Georgia 30503

Agent: Laura Benz, Benz Environmental Consulting, LLC  
185 Fulton Court, Peachtree City, Georgia 30269

Location of Proposed Work: The 518-acre project site is located north of Gainesville along the northwest side of State Highway 365, near its intersection with White Hall Road, Hall County, Georgia (Latitude 34.3649, Longitude -83.74414).

Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers (USACE): The overall project purpose is to construct an industrial center, including the necessary roadways for access within the center. Previous authorizations for impacts to aquatic resources at this site totaled 0.226 acre of wetland and 289 linear feet of stream for road crossings. The current proposal involves construction of one additional crossing, and modifying two road crossings to provide access to the Gateway Industrial Centre, which is partially constructed. The proposed modifications bring the total impacts to 0.33 acre of wetland and 1,694 linear feet of stream. See Tables 1 and 2 (enclosure 1) for the previously authorized and currently proposed impacts to aquatic resources for each crossing. Crossing design and location were dictated by the site conditions and required security measures for the occupants, see Project Description (enclosure 2) for details.

**BACKGROUND**

This Joint Public Notice announces a request for authorizations from both the U.S. Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval. On July 3, 2013, USACE issued a Nationwide Permit 39 for the Gateway Industrial Centre. Due to a shift in road alignment, the construction method for Crossing 5 changed from a bridge to bottomless arch culvert, which required impacts to 0.004 acre of wetland, and the NWP 39 was re-issued on June 23, 2016 with impacts for seven road crossings as shown in Table 1.

Compensatory mitigation for impacts associated with the NWP 39 was required, and on July 26, 2013 the applicant purchased 1,160.7 stream credits and 2.1 wetland credits. For the additional wetland impact associated with Crossing 5, the applicant purchased 0.3 wetland credits on September 7, 2015. All required compensatory mitigation credits associated with SAS-2012-01030 NWP 39 issued on June 23, 2015 have been purchased.

Geotechnical surveys were completed in July 2015 for the proposed bridge and bottomless arch culverts. According to the survey, due to unsuitable soil conditions and absence of necessary subsurface geologic rock, the construction of bottomless culvert/bridge is not feasible for Crossings 3 and 5. Crossing 7 has not yet been surveyed or constructed, however, if similar subsurface conditions prohibit the construction of a bridge, this crossing would be abandoned. The aquatic resource impacts resulting from the redesign of road crossings 3 and 5, and the addition of road crossing 8 are detailed in Table 2, with changes highlighted.

Compensatory mitigation for the impacts to aquatic resources associated with Crossings 3, 5 and 8 is required. The applicant is proposing to purchase 9,574.3 stream credits from a USACE approved mitigation bank. There are no available wetland credits within the primary service area, and the minimal wetland credits available in the secondary service area are considered unavailable due to banker constraints. Therefore, the applicant proposes to purchase 2.675 wetland mitigation credits from the USACE approved In-Lieu Fee Program.

## **STATE OF GEORGIA**

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required for a Federal Permit to conduct activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Watershed Protection Branch, 2 MLK Jr. Drive, Suite 418, Atlanta, Georgia 30334, during regular office hours. A copier machine is available for public use at a charge of 10 cents per page. All coastal projects are filed at our Brunswick office and will need to be requested from Mr. Bradley Smith at [Bradley.Smith@dnr.ga.gov](mailto:Bradley.Smith@dnr.ga.gov). 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, U.S. Army Corps of Engineers, Regulatory Division, Piedmont Branch Office, 1590 Adamson Parkway, Suite 200, Morrow, Georgia, 30260.

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

## U.S. ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

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. A preliminary cultural resources literature review was conducted by R.S. Webb & Associates for the overall project area. There is one NRHP-listed property within 1.0 mile of the project area, and two listed archeological sites within 0.5 mile of the project area, two historic structures are within 1.0 mile of the project area, and one Hall County Centennial Farm within 1.0 mile of the project area. There are no recorded cultural resources within the project area. The Corps has determined that the proposed project would have no adverse effect on cultural resources located outside the project area.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request information from the U.S. Department of the Interior, Fish and Wildlife Service, the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service; or, any other interested party, on whether any species listed or proposed for listing may be present in the area. On March 28, 2016 an IPaC screening was completed for the project area. Listed species that may occur or could potentially be affected by activities at this location are Indiana Bat, *Myotis sodalists*, and Northern Long-eared Bat, *Myotis septentrionalis*. The project location is not within the known hibernacula for Northern Long-eared bat, and no Critical Habitats exist within the project location.

After review of the application and supporting information, the Savannah District has determined that the proposed project would have no effect on Federally listed threatened or endangered species or their critical habitat that are under the purview of USFWS or NMFS.

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.

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

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Ms. Holly Ross, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260, 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 Holly A. Ross at 678-422-2727 or [holly.a.ross@usace.army.mil](mailto:holly.a.ross@usace.army.mil).

Enclosures

1. Tables 1 & 2 (1 page)
2. Project Location and Description (5 pages)
3. Proposed conditions (1 page)
4. Proposed and Completed Crossings (1 page)
5. Crossing plans (6 pages)
6. Alternative site map (1 page)

Table 1. NWP 39 Authorized Impacts (June 23, 2015)			
Crossing No.	Description	Wetland (Acres)	Stream (Linear Feet)
1	Culvert & rip rap	<b>0.16</b>	<b>88</b>
2	Culvert & rip rap	<b>0.002</b>	<b>118</b>
3	Bottomless Culvert	N/A	N/A
4	Bottomless Culvert	<b>0.06</b>	<b>83</b>
5	Bottomless Culvert	<b>0.004</b>	N/A
6	Bottomless Culvert	N/A	N/A
7	Bridge	N/A	N/A
Total Impacts		<b>0.226</b>	<b>289</b>

Table 2. Proposed Impacts (2016)			
Crossing No.	Description	Wetland (Acres)	Stream (Linear Feet)
1	Culvert & rip rap	<b>0.16</b>	<b>88</b>
2	Culvert & rip rap	<b>0.002</b>	<b>118</b>
3	Concrete box culvert	<b>0.05</b>	<b>425</b>
4	Bottomless Culvert	<b>0.06</b>	<b>83</b>
5	Concrete box culvert	<b>0.1</b>	<b>390</b>
6	Bottomless Culvert	N/A	N/A
7	Bridge	N/A	N/A
8	RCP Culvert	<b>0.18</b>	<b>879</b>
Total Impacts		<b>0.372</b>	<b>1104</b>

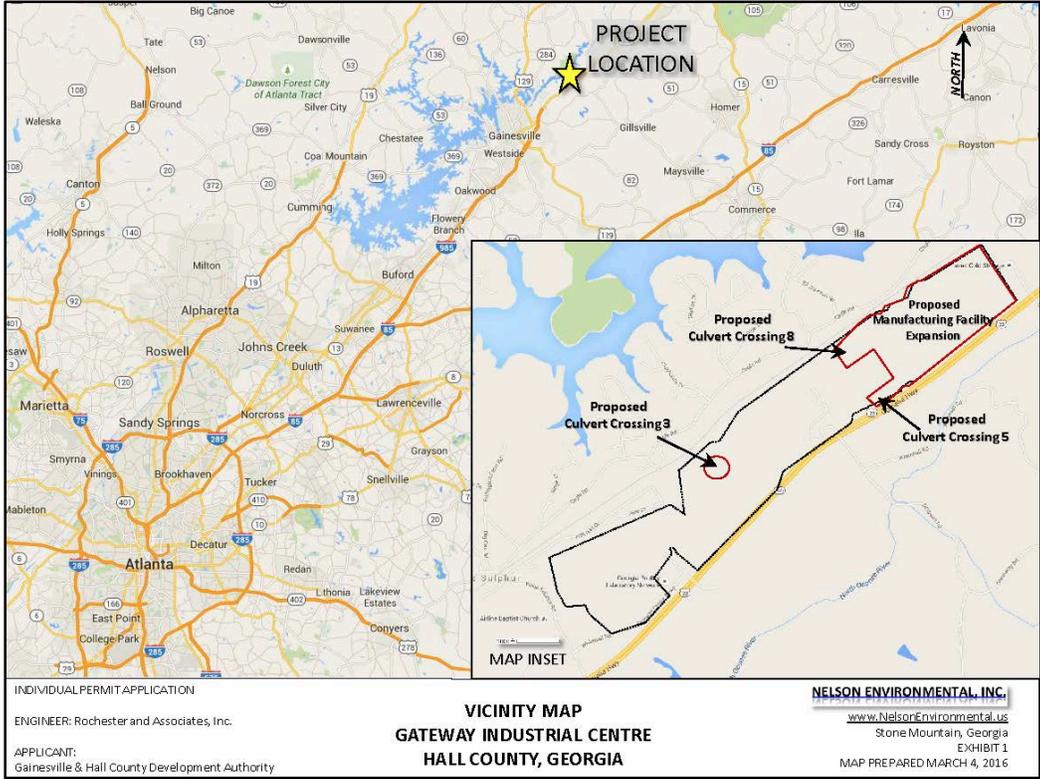
**APPLICATION  
FOR  
A DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS PERMIT (SECTION 404)  
AND A REQUEST FOR WATER QUALITY CERTIFICATION (SECTION 401)**

**GATEWAY INDUSTRIAL CENTRE  
Gainesville and Hall County Development Authority  
Hall County, Georgia**

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**1.0 PROJECT DESCRIPTION**

The Gainesville and Hall County Development Authority (GHCDA) proposes to construct three road crossings over waters of the US at the 518-acre Gateway Industrial Centre to provide access to property within its industrial park. The subject property is located north of Gainesville along the northwest side of State Highway 365 near its intersection with White Hall Road in Hall County, Georgia, as identified in Figure 1.



**Figure 1: Location Map**

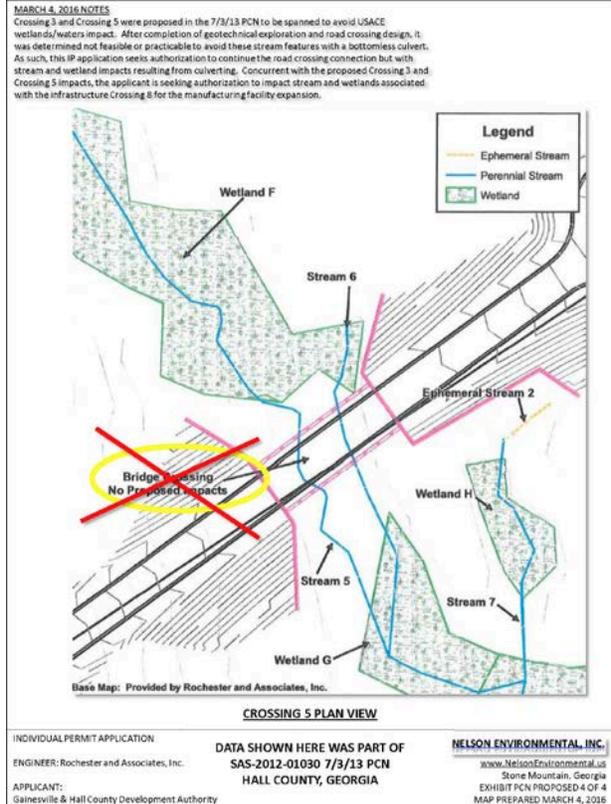
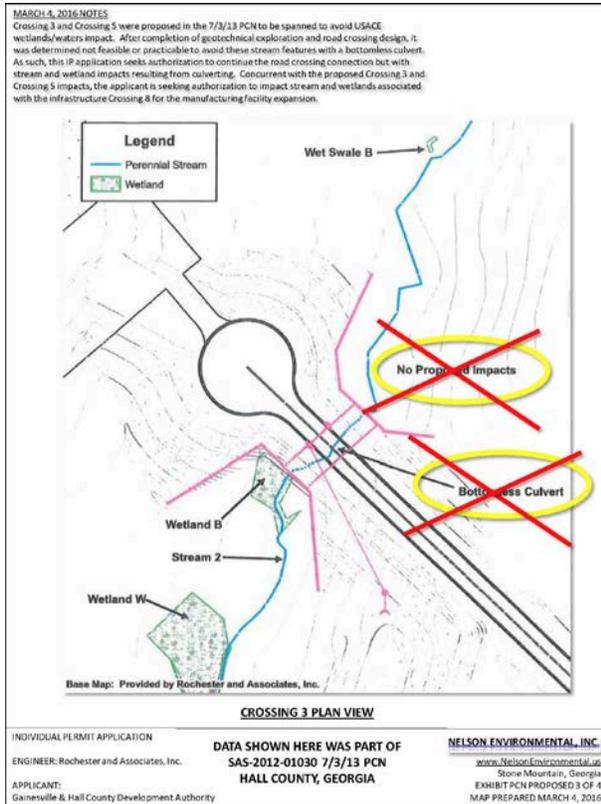
On July 3, 2013, the US Army Corps of Engineers (USACE) issued a Nationwide Permit 39 (SAS-2012-01030) for the Gateway Industrial Centre for impacts to 0.222 acre of wetland and 294 linear feet of stream associated with the installation of culverts/pipes and/or bank and bed armoring with rip-rap at two wetland and three stream crossings. Crossing-1 for the installation of a culvert and

rip-rap resulting in impacts to 0.16-acre of wetland and 88-linear feet of perennial stream; Crossing-2 for the installation of a culvert and associated rip-rap impacting 0.002-acre of wetland and 118-linear feet of perennial stream; Crossing-3 for the installation of a bottomless culvert resulting in no impact; Crossing-4 the installation of a bottomless culvert resulting in impacts to 0.6-acre of wetland and 83-linear feet of ephemeral stream associated with road grading; Crossing-5 the construction of a bridge resulting in no impact; Crossing-6 the installation of a bottomless culvert resulting in no impact; and Crossing-7 the construction of a bridge resulting in no impact. On July 26, 2013, GHCDCA purchased 1,160.70 stream credits from the Chicopee Woods Mitigation Bank (SAS-2006-00796) and 2.1 wetland credits from Pritchett Mitigation Bank (SAS-9800-18340).

On May 29, 2015, GHCDCA notified the USACE of a required shift in the road alignment, resulting in an additional 0.004 acres of wetland impact under the same Nationwide Permit 39 (SAS-2012-01030). GHCDCA purchased the required 0.3 wetland credit on September 7, 2015, from the Little River Mitigation Bank (SAS-2006-00820). All mitigation credits required for the proposed impacts to waters of the US contemplated in NWP 39 (SAS-2012-01030) are complete and documented within RIBITS. Prior NWP's are attached as Exhibit B.

Subsequent to the issuance of the original NWP in 2013, GHCDCA leased/sold properties within the industrial park reliant upon the access provided by the authorizations. Roadway construction began and in July 2015 a geotechnical study was completed to facilitate the government bidding process for the arch span bottomless culverts contemplated in the NWP. The study completed two soil test borings for the proposed arch to termination depths of 105 and 30 feet below existing grade and were unable to find partially weathered rock or materials that refused the auger. The soils encountered in the proposed crossing areas are described as loose to dense clayey Sand and/or loose to very dense silty Sand. No testing was conducted on the east side of the creek due to inaccessibility from steep terrain; however, the proximity to the completed testing indicates similar conditions (Exhibit C). Due to the unsuitable soil conditions and absence of necessary subsurface geologic rock, the construction of a bottomless culvert or bridge is not feasible for Crossings 3 and 5 as originally contemplated. Crossing 7 has not yet been constructed however if similar subsurface conditions prohibit the construction of a bridge, this crossing would be abandoned and the connectivity to the adjacent property outside of the Industrial Park would be eliminated so as to avoid and minimize additional impacts to wetlands or streams as originally anticipated within the NWP (SAS-2012-01030).

GHCDCA sold a portion of the Gateway Industrial Park to Kubota for development of its manufacturing facility with reliance upon the ability to access the property by Crossing 5 as originally anticipated in the above-referenced NWP. As discussed above, the geological conditions do not allow the bridging or bottomless culvert in this location, prohibiting access previously assumed under the NWP. Due to the proximity of the proposed additional Crossing 8 to the subsurface geotechnical investigation of Crossing 5, similar subsurface conditions will prohibit the installation of a bottomless culvert or bridge to avoid impacts to jurisdictional waters.



## PURPOSE AND NEED

The overall purpose of the proposed project is to facilitate access to property otherwise inaccessible and provide access to the industrial park property sold upon reliance of the prior NWP authorizations.

**Crossings 3 & 5:** GHGDA proposes to construct Crossing 3 and 5 to facilitate access to land originally contemplated within the NWP (SAS-2012-01030). Crossing 3 would provide access to property otherwise landlocked and Crossing 5 would provide the tenant/owner with the access previously provided under the NWP. Crossing 5 is essential to segregate employees and employee traffic from manufacturing facility-borne truck traffic which is expected to exceed 1,000 trucks daily.

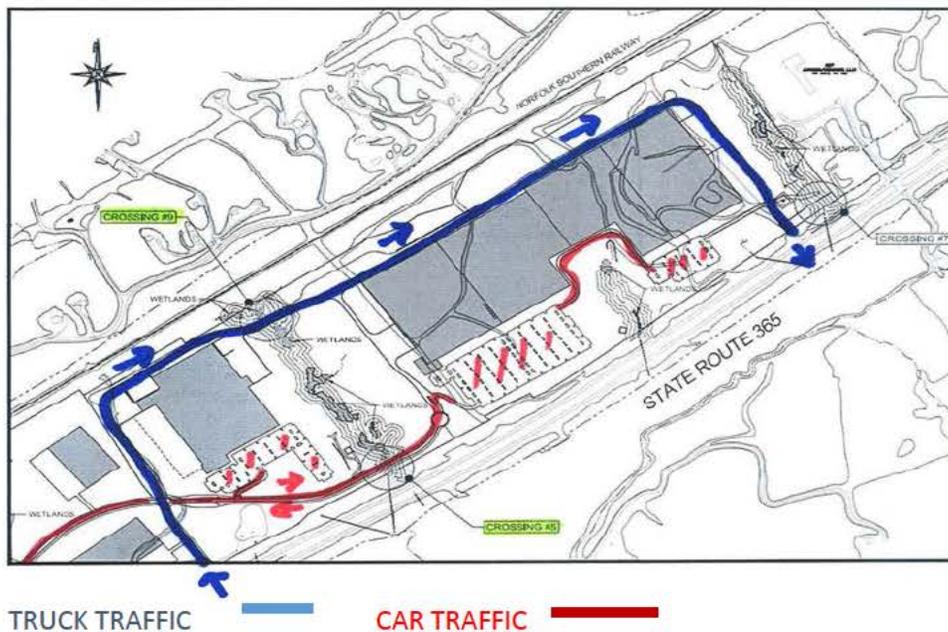
**Crossing 8:** Upon issuance of the original GHGDA NWP, Kubota Manufacturing of America Corporation purchased a portion of the property within the Gateway Industrial Centre from GHGDA. The acquisition of the property was predicated upon reliance of the prior NWP and belief that another crossing could be made upstream of Crossing 5 using a bottomless culvert or bridge to avoid impacts to jurisdictional waters similar to the Crossing 5 contemplated within the NWP.

Kubota Manufacturing of America Corporation is a C-TPAT (Customs-Trade Partnership Against Terrorism) partner and is subject to audits by Homeland Security to maintain its certification of compliance. Customs Border Patrol and Homeland Security require additional

measures to protect the supply chain, identify security gaps, and implement specific security measures and best practices throughout the supply chain to protect from terrorism and other illegal activities. In accordance with the minimum standards set forth by the agencies, each facility must adhere to minimum standards preventing unauthorized entry to facilities, maintain control of employees and visitors and protect company assets. The access controls include the positive identification of all employees, visitors and vendors at all points of entry. Employees only have access to those secure areas needed for the performance of their duties with company management or security personnel controlling the issuance and removal of employee, visitor and vendor identification badges.

To assure security within the C-TPAT certification, each container entering or exiting the facility must have affixed a high security seal meeting or exceeding standards and be subject to a seven-point inspection process. To handle the 1,000 trucks daily, a one-way flow with inbound and outbound security as shown below is required to assure strict control of the flow of materials. The facility is required to have physical barriers and deterrents guarding against unauthorized access. Perimeter and interior fencing encloses areas around cargo handling and storage facilities as well as segregating cargo.

To assure division and separation, C-TPAT standards prohibit private passenger vehicles adjacent to cargo handling, storage areas and inspection points. This mandates segregation of trucks from passenger and employee traffic for the required inspections. Crossing 8 will also serve as a secure crossing within the two manufacturing facilities allowing the goods to be maintained behind the fenced secure areas and inaccessible to unauthorized persons.



To satisfy the minimum requirements and obligations of the C-TPAT certification, the proposed one-way traffic flow of Crossing 8 is required to meet the projected truck volume inspection upon

arrival and exiting the facility and provide trucking shunts between onsite manufacturing facilities in accordance with the heightened security required by the C-TPAT agreement. To assure limited access and safe operations, gates accessing and exiting the facility will be manned and monitored to meet C-TPAT protocol. The Department of Homeland Security will perform audits to assure the certification specifications are being satisfied and access from unauthorized persons is limited to the maximum extent practical

DELINEATION OF WETLANDS AND WATERS OF THE US (WOTUS)

Within the July 3, 2013, PCN NWP 39 authorization, the USACE verified the waters of the US through an expanded preliminary Jurisdictional Determination dated July 5, 2013 containing: 47 jurisdictional wetlands totaling 5.596 acres, 5 wetland swales totaling 0.021 acre, 28 perennial streams totaling approximately 17,325 linear feet, and 13 ephemeral streams totaling approximately 2,529 linear feet. The verified jurisdictional determination is valid for a period of 5-years and provided within the NWP documentation. The streams proposed for impact in this permit application are all first order, small perennial streams, ranging less than 8 feet in width. The wetlands proposed for impact are hillside seepage wetlands.



Above: View NE along #8 valley



Above: Typical wetland #8



Above: View North along #8 stream

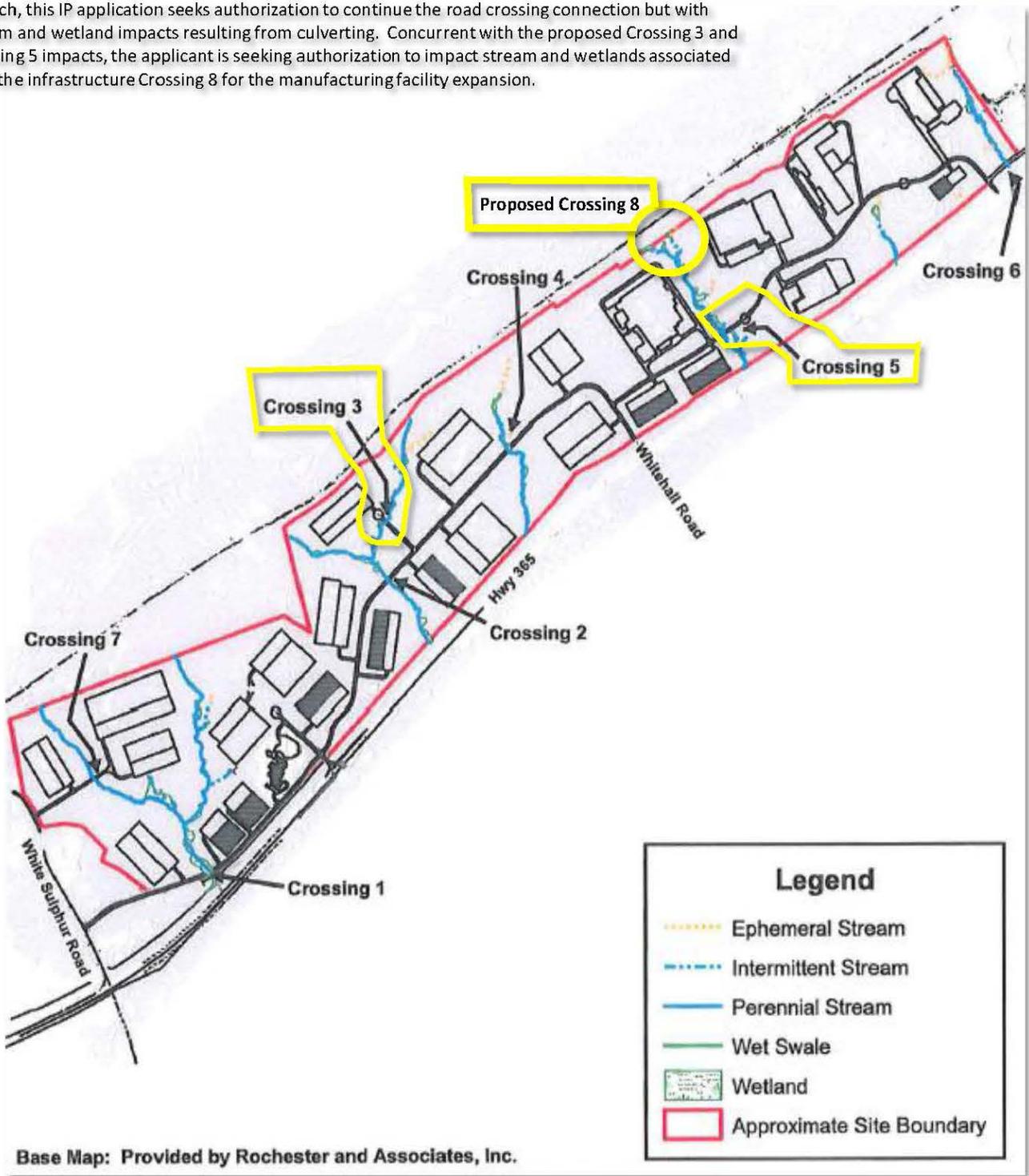


Above: View South along #8 stream

**MARCH 4, 2016 NOTES**

Crossing 3 and Crossing 5 were proposed in the 7/3/13 PCN to be spanned to avoid USACE wetlands/waters impact. After completion of geotechnical exploration and road crossing design, it was determined not feasible or practicable to avoid these stream features with a bottomless culvert.

As such, this IP application seeks authorization to continue the road crossing connection but with stream and wetland impacts resulting from culverting. Concurrent with the proposed Crossing 3 and Crossing 5 impacts, the applicant is seeking authorization to impact stream and wetlands associated with the infrastructure Crossing 8 for the manufacturing facility expansion.



**PROPOSED CONDITIONS KEY MAP FROM 7/3/13 PCN**

Enclosure 3

INDIVIDUAL PERMIT APPLICATION

ENGINEER: Rochester and Associates, Inc.

APPLICANT:  
Gainesville & Hall County Development Authority

**DATA SHOWN HERE WAS PART OF  
SAS-2012-01030 7/3/13 PCN  
HALL COUNTY, GEORGIA**

**NELSON ENVIRONMENTAL, INC.**

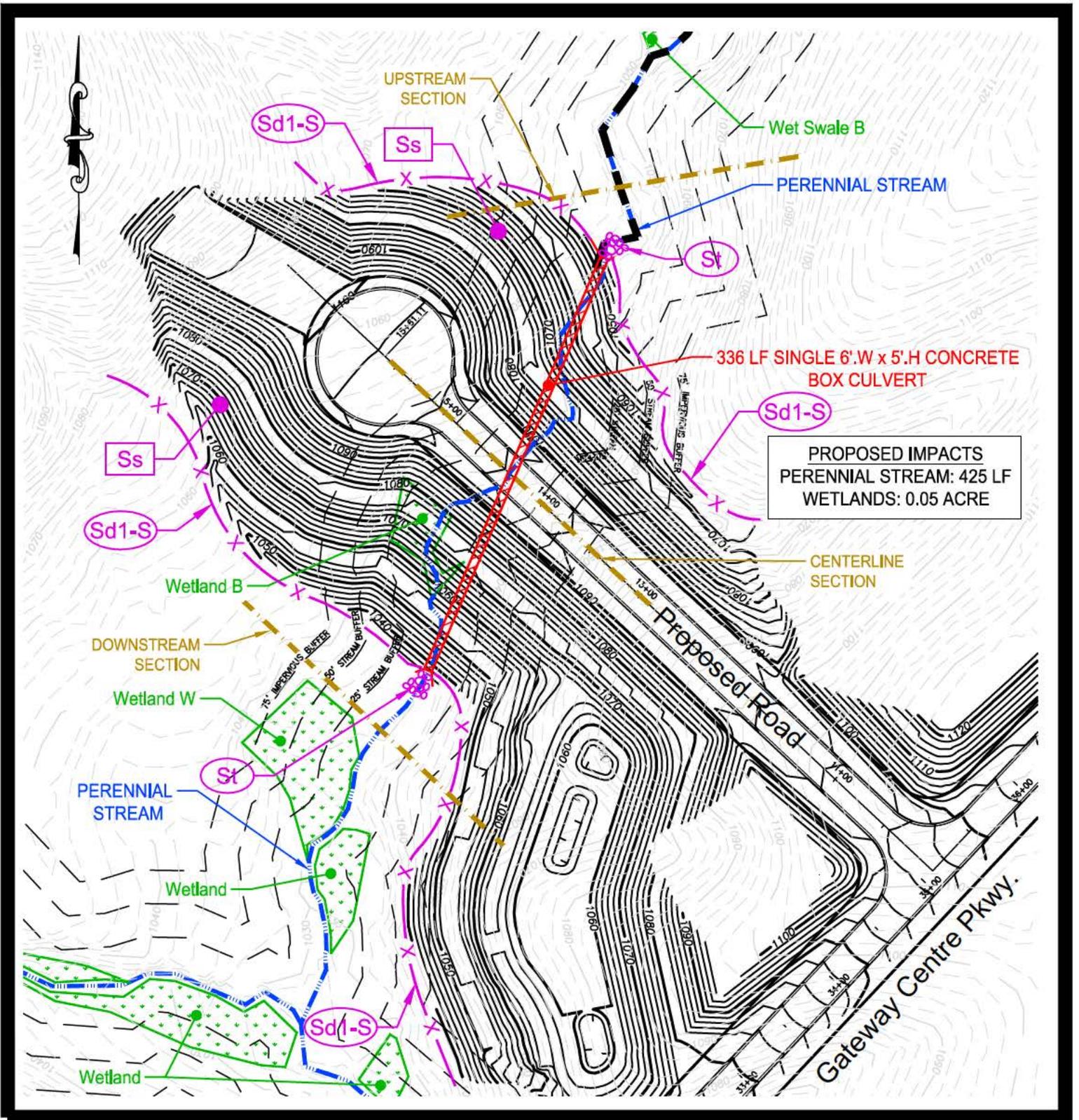
[www.NelsonEnvironmental.us](http://www.NelsonEnvironmental.us)  
Stone Mountain, Georgia  
EXHIBIT PCN PROPOSED 2 OF 4  
MAP PREPARED MARCH 4, 2016



NO.	DATE	DESCRIPTION

ALL DIMENSIONS UNLESS OTHERWISE NOTED TO BE IN FEET UNLESS INDICATED OTHERWISE.  
GRAPHIC SCALE  
1" = 500'  
1" = 1000'

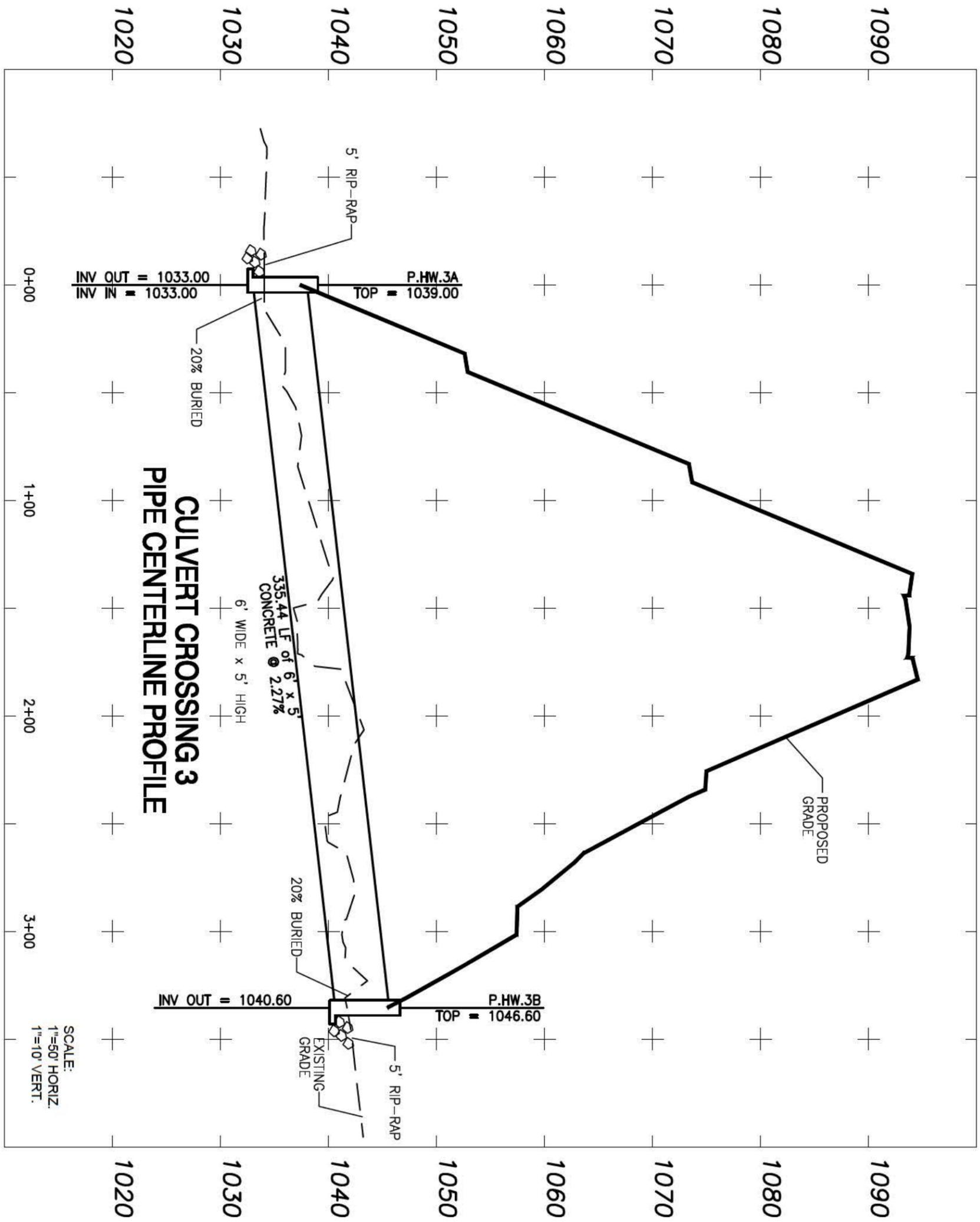
SHEET	1
OF	1
DATE	11/11/10
SCALE	1"=500'
JOB NO	0929070-PL2
DRAWN BY	WJL/PLP



SHEET OF  
**1 13**  
 DATE: 11.12.15  
 SCALE: 1"=100'  
 FILE# 9070.IP.PH2  
 JOB# G209070.PH2  
 DRAWN BY MPP

**PROPOSED CONDITIONS  
 CROSSING 3**  
 FOR  
**Gateway Industrial Centre**  
 LOCATED IN  
 HALL COUNTY, GEORGIA

**Rochester  
 & Associates, Inc.**  
 425 Oak Street N.W.  
 Gainesville, Georgia 30501  
 (770)718.0600 (770)718.9090 Fax  
 www.rochester-assoc.com



SHEET 13 OF 4

DATE: 11.12.15  
 SCALE: 1"=100'  
 FILE#: 9070.IP.PH2  
 JOB#: G209070.PH2  
 DRAWN BY MPP

**PROPOSED CONDITIONS  
CROSSING 3**

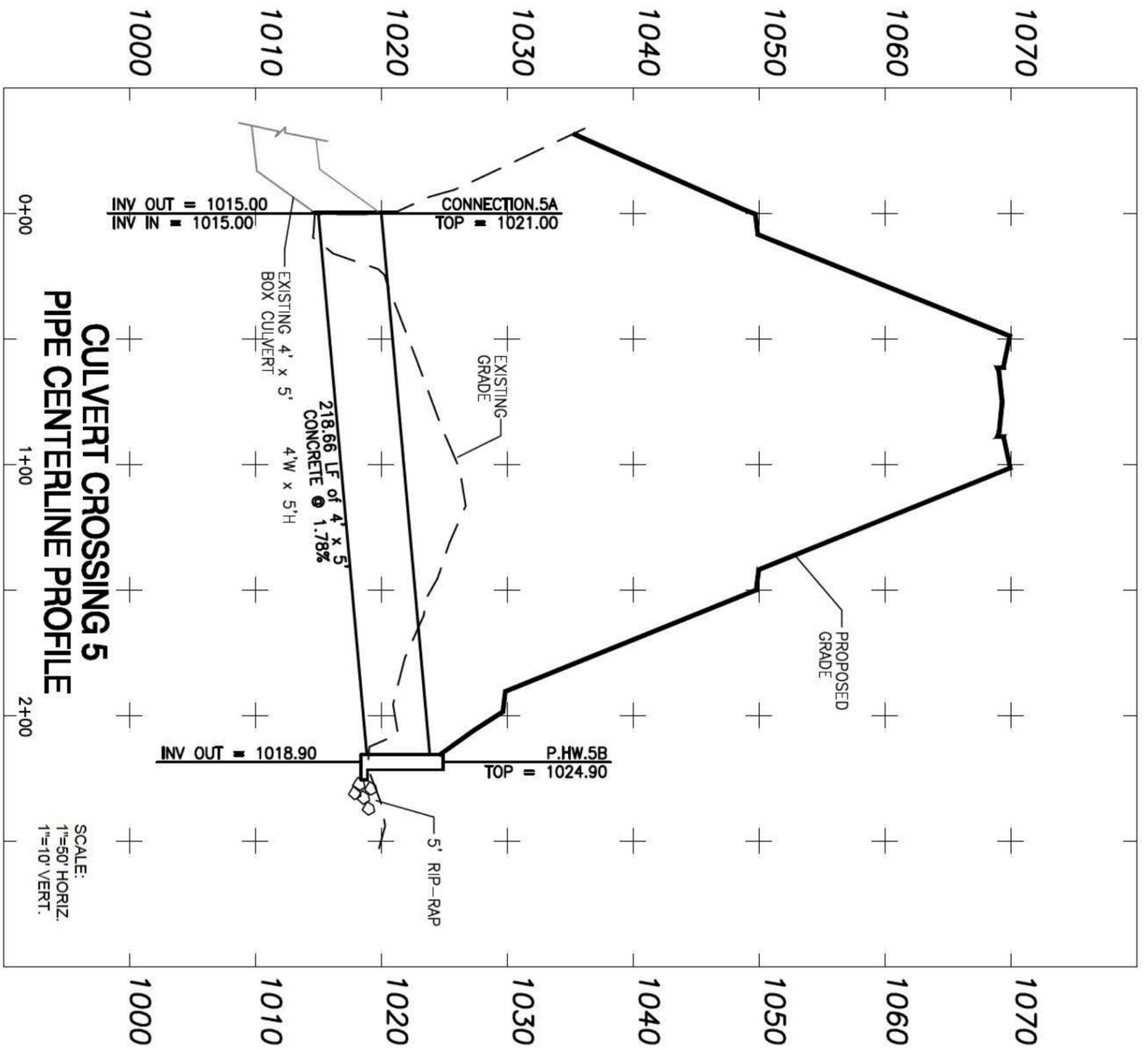
FOR  
**Gateway Industrial Centre**

LOCATED IN  
 HALL COUNTY, GEORGIA

**Rochester & Associates, Inc.**

425 Oak Street N.W. Gainesville, Georgia 30501  
 (770)718.0600 (770)718.9090 Fax www.rochester-assoc.com





**CULVERT CROSSING 5  
PIPE CENTERLINE PROFILE**

SCALE:  
1"=50' HORIZ.  
1"=10' VERT.

SHEET	OF
<b>13</b>	<b>7</b>

DATE: 11.12.15  
SCALE: 1"=100'  
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JOB# G209070.PH2  
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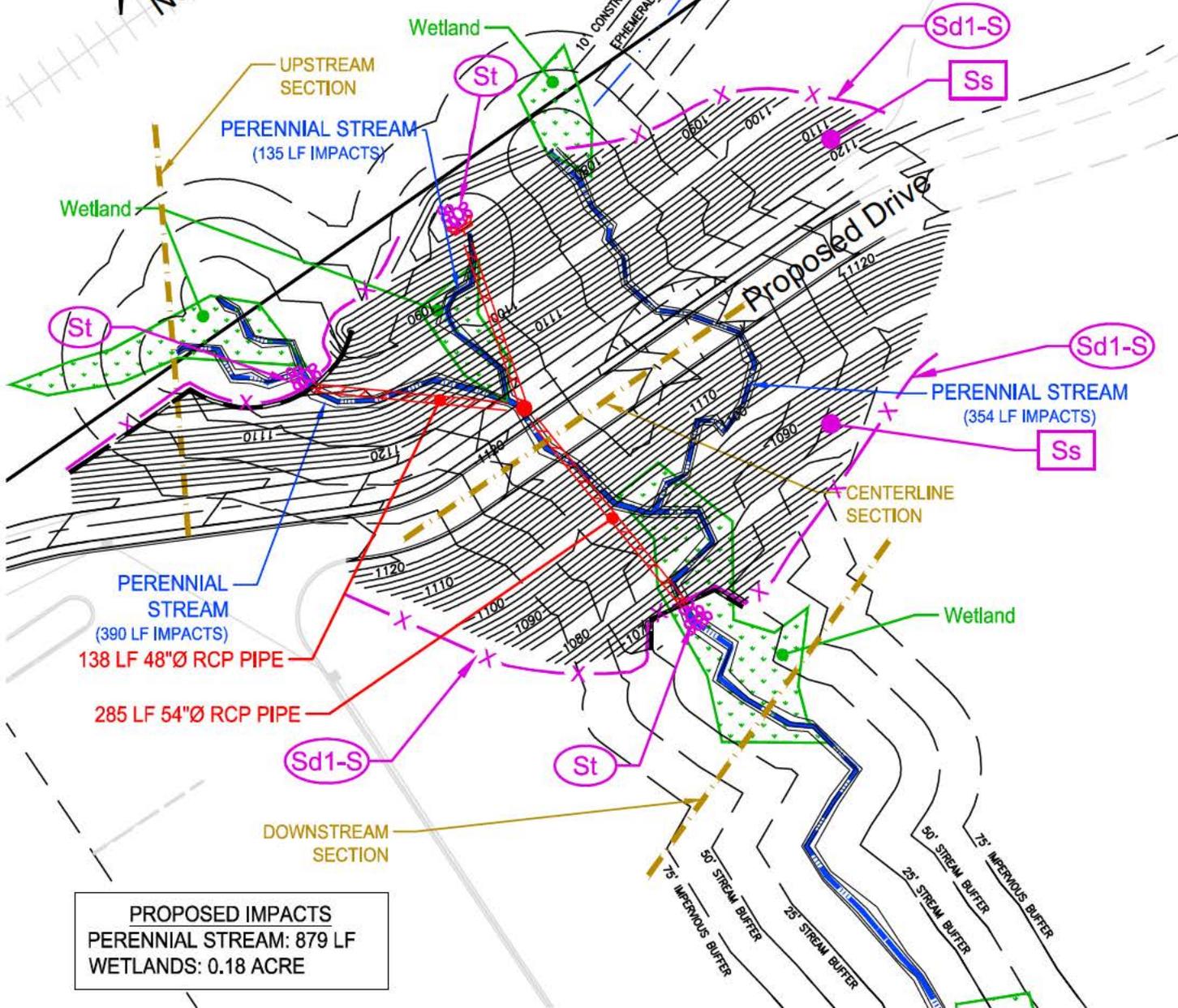
**PROPOSED CONDITIONS  
CROSSING 5**  
FOR  
**Gateway Industrial Centre**  
LOCATED IN  
HALL COUNTY, GEORGIA



425 Oak Street N.W. Gainesville, Georgia 30501  
(770)718.0600 (770)718.9090 Fax www.rochester-assoc.com



Norfolk Southern Railway

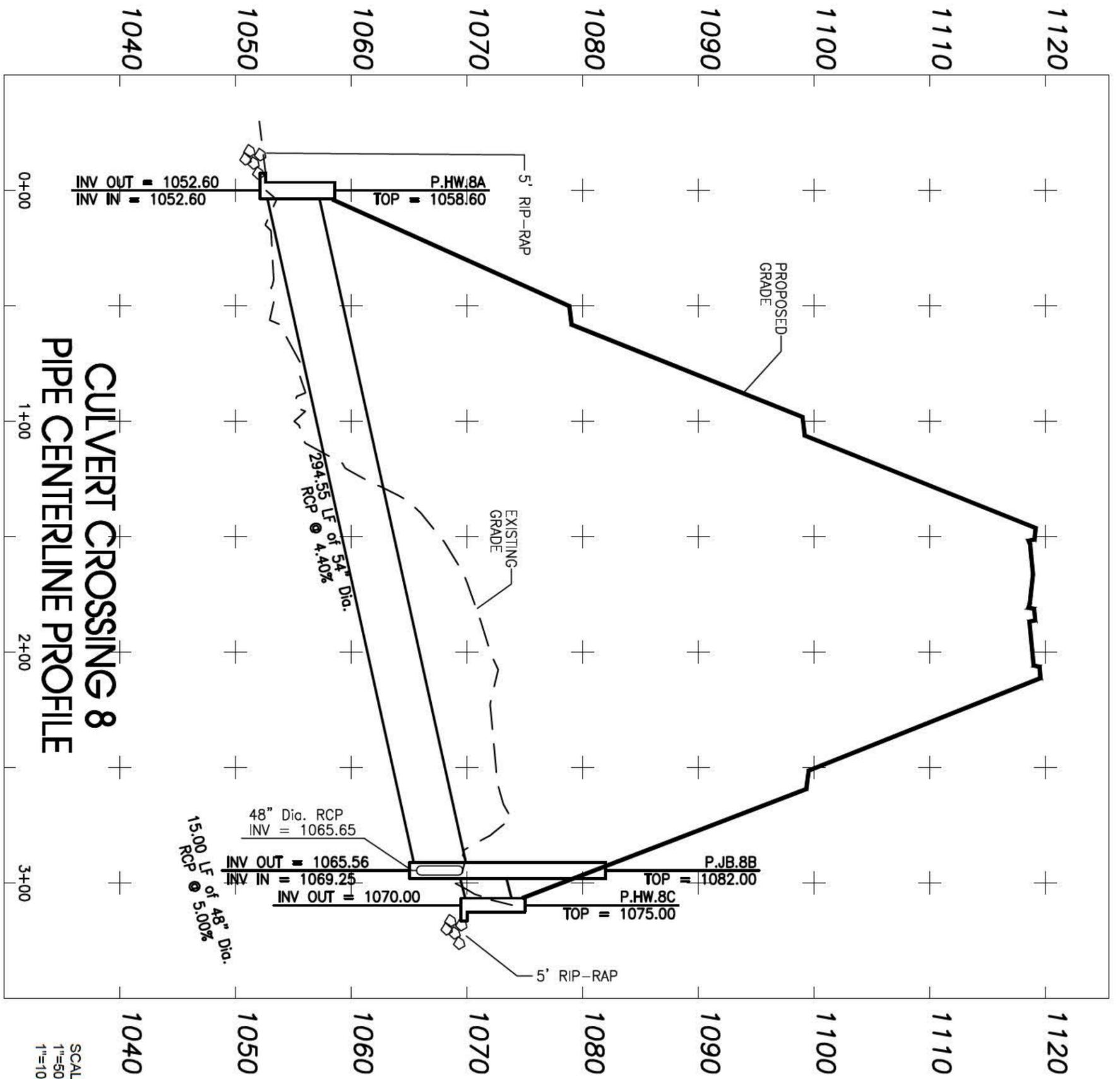


**PROPOSED IMPACTS**  
 PERENNIAL STREAM: 879 LF  
 WETLANDS: 0.18 ACRE

SHEET OF  
**3 13**  
 DATE: 06.10.16  
 SCALE: 1"=100'  
 FILE# 9070.IP.PH2  
 JOB# G209070.PH2  
 DRAWN BY MPP

**PROPOSED CONDITIONS  
 CROSSING 8B**  
 FOR  
**Gateway Industrial Centre**  
 LOCATED IN  
 HALL COUNTY, GEORGIA

**Rochester  
 & Associates, Inc.**  
 425 Oak Street N.W.  
 Gainesville, Georgia 30501  
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 www.rochester-assoc.com



SHEET **13** OF **10**

DATE: 11.12.15  
 SCALE: 1"=100'  
 FILE# 9070.IP.PH2  
 JOB# G209070.PH2  
 DRAWN BY MPP

**PROPOSED CONDITIONS  
 CROSSING 8**

FOR  
**Gateway Industrial Centre**

LOCATED IN  
 HALL COUNTY, GEORGIA

**Rochester & Associates, Inc.**

425 Oak Street N.W. Gainesville, Georgia 30501  
 (770)718.0600 (770)718.9090 Fax www.rochester-assoc.com

# Gateway Industrial Centre

Alternative Project Sites

Applicant's Preferred Site

Alternative 1

Google earth

23

Cornelia Hwy

Old Cornelia Hwy

1 mi

