

December 6, 2021

Regulatory Branch SAS-2004-11310

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-2004-11310

- <u>Applicant</u>: Ms. Amanda Wallis Capstone Communities, LLC 431 Office Park Drive, 2nd Floor Birmingham, Alabama 35223
- <u>Agent</u>: Mr. Alton Brown, Jr. Resource and Land Consultants 41 Park of Commerce Way, Suite 101 Savannah, Georgia 31405

<u>Project Purpose as Proposed by Applicant</u>: The applicant's stated project purpose is "The basic project purpose is to develop residential housing. The overall project purpose is to provide build-to-rent residential housing near the warehousing and distribution space for the "Interstate 16 West Submarket" within the Savannah Regional Market."

<u>Location of Proposed Work</u>: The project site is located west of Little Neck Road and south of John Carter Road, in the city of Bloomingdale, Chatham County, Georgia (Latitude 32.0914, Longitude -81.3239).

<u>Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers</u>: The applicant proposes to impact 4.40-acres of wetland and 0.15-acre of ditch to construct a residential cottage development. The project includes construction of a lowdensity, built-to-rent cottage development on an approximately 32-acre site.

Utilizing the current Savannah District Standard Operating Procedure for Compensatory Mitigation, the applicant has proposed the purchase of 26.40 grandfathered wetland credits to compensate for the 4.55-acres of aquatic resource impacts. These credits will be acquired from a primary service area mitigation bank that services the project location.

BACKGROUND

In a letter dated July 13, 2021, the Corps verified the Approved Jurisdictional Determination (AJD) of aquatic resources confirming that the 32.30-acre project site contains 25.95-acres of upland, 6.19-acres of wetland and 0.15-acre of jurisdictional ditches.

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

<u>Water Quality Certification</u>: 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.

<u>State-owned Property and Resources</u>: 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>Georgia Coastal Management Program</u>: 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.

<u>Cultural Resources Assessment</u>: No cultural resources have been identified within the vicinity of the project area. The Corps will review and provide an effects determination for this project to fulfill its Section 106 responsibilities.

Endangered Species: A preliminary review of 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: Eastern black rail (*Laterallus jamaicensis spp. jamaicensis*); wood stork (*Mycteria americana*); Eastern indigo snake (*Drymarchon corais couperi*); frosted flatwoods salamander (*Ambystoma cingulatum*); and pondberry (*Lindera melissifolia*). Per the Effects Determination Guidance for Endangered and Threatened Species (EDGES), the Corps has determined that the proposed project may affect, but is not likely to adversely affect the wood stork and Eastern indigo snake.

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.

<u>Public Interest Review</u>: 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.

<u>Consideration of Public Comments</u>: 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.

<u>Application of Section 404(b)(1) Guidelines</u>: 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.

<u>Public Hearing</u>: 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.

<u>Comment Period</u>: Anyone wishing to comment on this application for a Department of the Army Section 10/Section 404 permit should submit comments by email to <u>patrick.a.atkins@usace.army.mil</u>. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Mr. P. Allen Atkins, Regulatory Division, 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 Mr. P. Allen Atkins, Regulatory Specialist, Coastal Branch at <u>patrick.a.atkins@usace.army.mil</u> or (912) 652-5022.

Enclosures:

- 1. Project Application and Description
- 2. Vicinity and Location Maps
- 3. Impact Drawings
- 4. Alternative Analysis Figures
- 5. Mitigation Worksheets

JOINT APPLICATION FOR A DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS PERMIT, STATE OF GEORGIA MARSHLAND PROTECTION PERMIT, REVOCABLE LICENSE AGREEMENT AND REQUEST FOR WATER QUALITY CERTIFICATION AS APPLICABLE

INSTRUCTIONS FOR SUBMITTING APPLICATION:

Every Applicant is Responsible to Complete The Permit Application and Submit as Follows: One copy each of application, location map, drawings, copy of deed and any other supporting information to addresses 1, 2, and 3 below. If water quality certification is required, send only application, location map and drawing to address No. 4.

1. For Department of the Army Permit, mail to: Commander, U.S. Army Engineer District, Savannah ATTN: CESAS-OP-F, P.O. Box 889, Savannah, Georgia 31402-0889. Phone (912)652-5347 and/or toll free, Nationwide 1-800-448-2402.

2. For State Permit - State of Georgia (six coastal counties only) mail to: Habitat Management Program, Coastal Resources Division, Georgia Department of Natural Resources, 1 Conservation Way, Brunswick, Georgia 31523. Phone (912) 264-7218.

3. For Revocable License - State of Georgia (six coastal counties plus Effingham, Long, Wayne, Brantley and Charlton counties only) - Request must have State of Georgia's assent or a waiver authorizing the use of State owned lands. All applications for dock permits in the coastal counties, or for docks located in tidally influenced waters in the counties listed above need to be submitted to Real Estate Unit. In addition to instructions above, you must send two signed form letters regarding revocable license agreement to: Ecological Services Coastal Resources Division, Georgia Department of Natural Resources, 1 Conservation Way, Brunswick, Georgia 31523. Phone (912) 264-7218.

4. For Water Quality Certification State of Georgia, mail to: Water Protection Branch, Environmental Protection Division, Georgia Department of Natural Resources, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354 (404) 675-1631.

The application must be signed by the person authorized to undertake the proposed activity. The applicant must be the owner of the property or be the lessee or have the authority to perform the activity requested. Evidence of the above may be furnished by copy of the deed or other instrument as may be appropriate. The application may be signed by a duly authorized agent if accompanied by a statement from the applicant designating the agent. See item 6, page 2.

1. Application No. _

2. Date

3. For Official Use Only_

4. Name and address of applicant. Capstone Communities, LL Attn:Ms. Amanda Wallis 431 Office Park Drive, 2nd Floor Birmingham, Alabama 35223 awallis@capstonemail.com

5. Location where the proposed activity exists or will occur.

Lat.32.091498° Long.-81.323986°

Chatham		Bloomingdale
County	Military District	In City or Town
Near City or Town	Subdivision	Lot No.
32.28 acres	17-21 feet	Georgia
Lot Size	Approximate Elevation of Lot	State
freshwater wetland	Little Ogeechee River	
Name of Waterway	Name of Nearest Creek, River, S	Sound, Bay or Hammock

CESAS Form 19

 Name, address, and title of applicant's authorized agent for permit application coordination. Resource & Land Consultants 41 Park of Commerce Drive, Suite 101 Savannah, Georgia 31405
 Attn: Alton Brown, Jr. (912) 443-5896

Statement of Authorization: I Hereby designate and authorize the above named person to act in my behalf as my agent in the processing of this permit application and to furnish, upon request, supplemental information in support of this application.

19/28/21 Signature of Applicant

7. Describe the proposed activity, its purpose and intended use, including a description of the type of structures, if any to be erected on fills, piles, of float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance. If more space is needed, use remarks section on page 4 or add a supplemental sheet. (See Part III of the Guide for additional information required for certain activities.)

See Attached Project Description

8. Proposed use: Private X Public Commercial Other

 Names and addresses of adjoining property owners whose property also adjoins the waterway. See attached

10. Date activity is proposed to commence. Upon receipt of authorization to proceed.

Date activity is expected to be completed. Within 5 years of authorization to proceed.

11. Is any portion of the activity for which authorization is sought now complete Y X N

A. If answer is "Yes", give reasons in the remarks in the remarks section. Indicate the existing work on the drawings.

B. If the fill or work is existing, indicate date of commencement and completion.

C. If not completed, indicate percentage completed.

12. List of approvals or certifications required by other Federal, State or local agencies for any structures, construction discharges, deposits or other activities described in this application. Please show zoning approval or status of zoning for this project.

Issuing Agency	Type Approval	Identification No.	Date/Application	Date/Approval
GADNR-EPD	401 Certificatio	on	Concurrent	Under Review

13. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? Yes X NO (If "yes", explain).

Note: Items 14 and 15 are to be completed if you want to bulkhead, dredge or fill. 14. Description of operation: (If feasible, this information should be shown on the drawing).

Α. Purpose of excavation or fill Construction of an master planned residential community

	1. Access channel :	length	depth	width	
	2. Boat basin :	length	depth	width	
	3. Fill area : see attached	length	depth	width	
	4. Other: Excavation Area:	length	depth	width	
	B. 1.If bulkhead, give dimensions _	N/A			
	2.Type of bulkhead construction	(material) N/A			
	Backfill required: Yes	No Cubic yard	is		
	Where obtained				
	C. Excavated material :				
	1.Cubic yards <u>N/A</u>				
	2.Type of material <u>N/A</u>				
15.Туре	of construction equipment to be used Me	chanized earth-movin	ng/construction	equipment	
	A. Does the area to be excavated include	any wetland? Yes_	No X		
	B. Does the disposal area contain any tion of dredge disposal site.	wetland? Yes	NoX	_ Project does not	include
	C. Location of disposal area N/A				
	D. Maintenance dredging, estimated amoun utilized: <u>N/A</u>	nts, frequency, and	disposal sites	to be	
	E. Will dredged material be entrapped or	encased? <u>N/A</u>	-		
	F. Will wetlands be crossed in transport	ing equipment to pr	oject site?	N/A	

G. Present rate of shoreline erosion (if known) N/A

16. WATER QUALITY CERTIFICATION: In some cases, Federal law requires that a Water Quality Certification from the State of Georgia be obtained prior to issuance of a Federal license or permit. Applicability of this requirement to any specific project is determined by the permitting Federal agency. The information requested below is generally sufficient for the Georgia Environmental Protection Division to issue such a certification if required. Any item which is not applicable to a specific project should be so marked. Additional information will be requested if needed.

A. Please submit the following:

1. A plan showing the location and size of any facility, existing or proposed, for handling any sanitary or industrial waste waters generally on your property.

2. A plan of the existing or proposed project and your adjacent property for which permits are being requested.

3. A plan showing the location of all points where petro-chemical products (gasoline, oils, cleaners) used and stored. Any above-ground storage areas must be diked, and there should be no storm drain catch basins within the diked areas. All valving arrangements on any petrochemical transfer lines should be shown.

4. A contingency plan delineating action to be taken by you in the event of spillage of petro-chemical products or other materials from your operation.

5. Plan and profile drawings showing limits of areas to be dredged, areas to be used for placement of spoil, locations of any dikes to be constructed showing locations of any weir(s), and typical cross sections of the dikes.

B. Please provide the following statements:

1. A statement that all activities will be performed in a manner to minimize turbidity in the stream.

2. A statement that there will be no oils or other pollutants released from the proposed activities which will reach the stream.

3. A statement that all work performed during construction will be done in a manner to prevent interference with any legitimate water uses.

17. Application is hereby made for a permit or permits to authorize the activities described herein, Water Quality Certification from the Georgia Environmental Protection Division is also requested if needed. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I posses the authority to under take the proposed activities.

gnature of Applicant

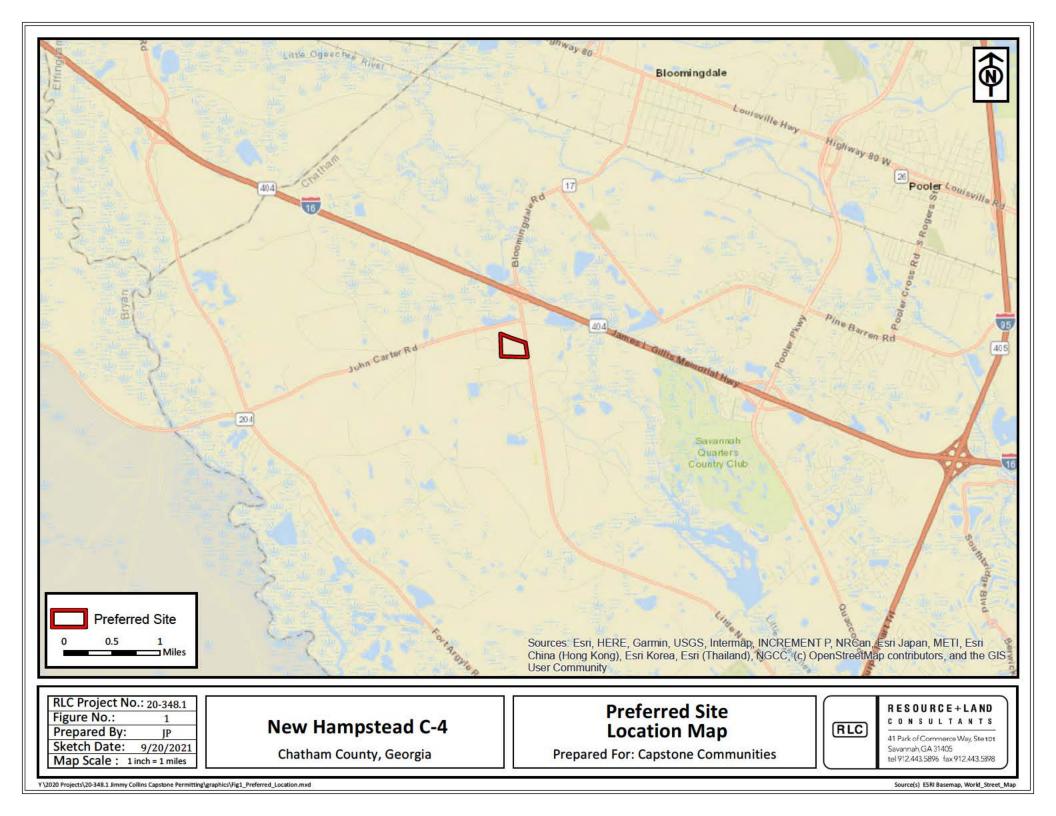
18. U.S.C. Section 1001 provides that: Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined no more than \$10,000 or imprisoned not more than 5 years or both.

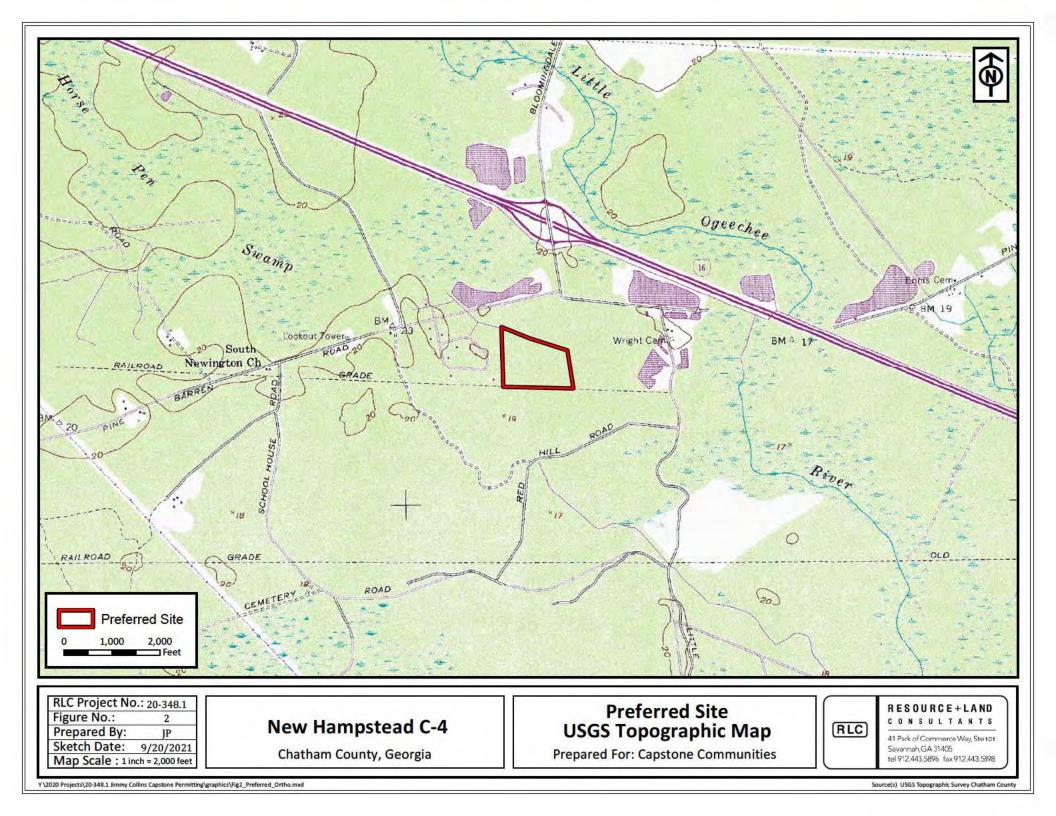
PRIVACY ACT NOTICE

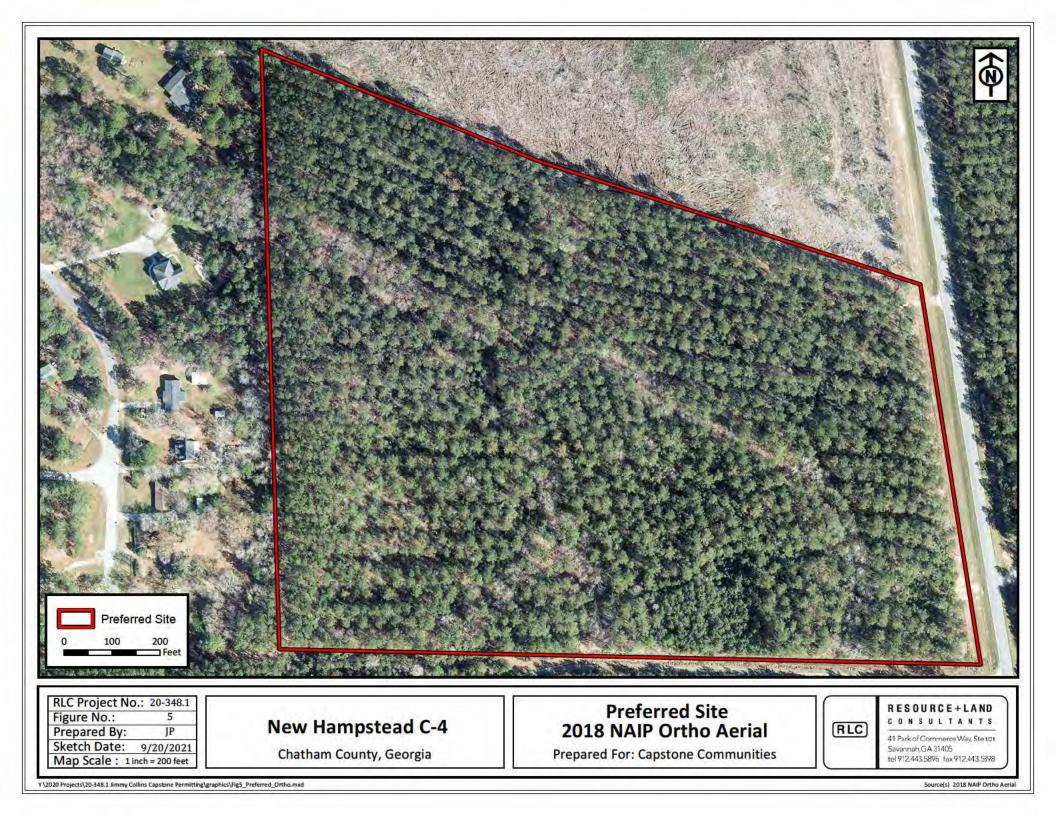
The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972. These laws require permits authorizing structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Information provided will be used in evaluating the application for a permit. Information in the application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary, however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

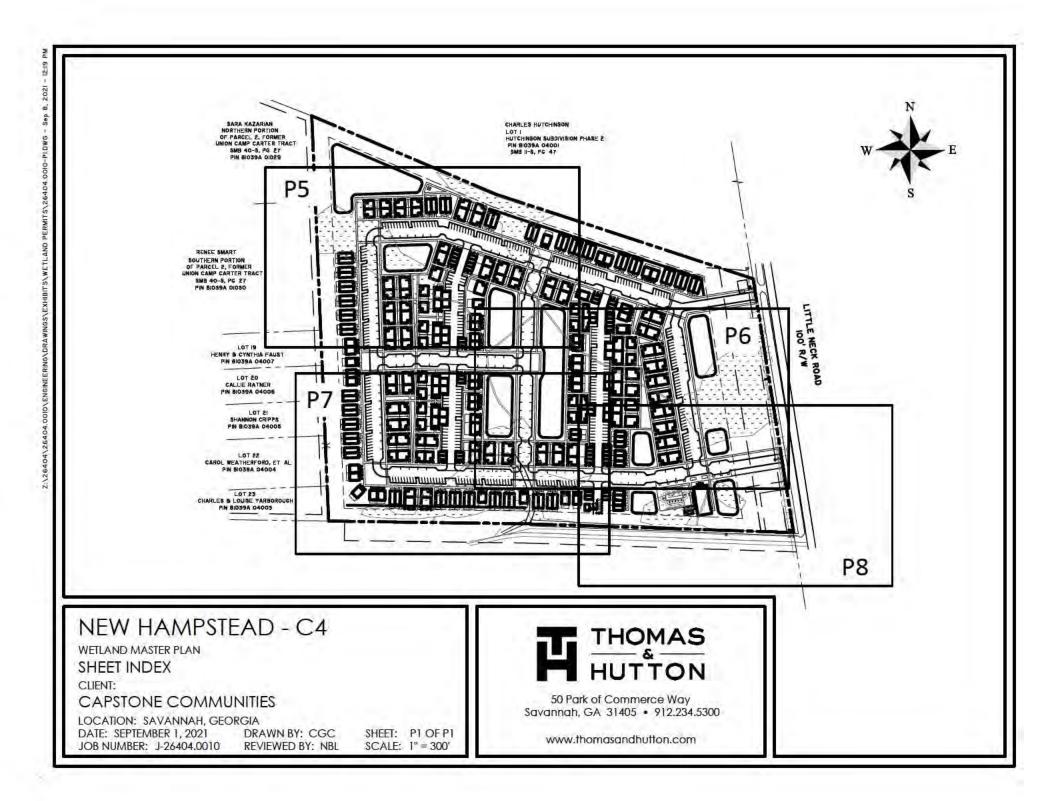
SUPPORTING REMARKS:

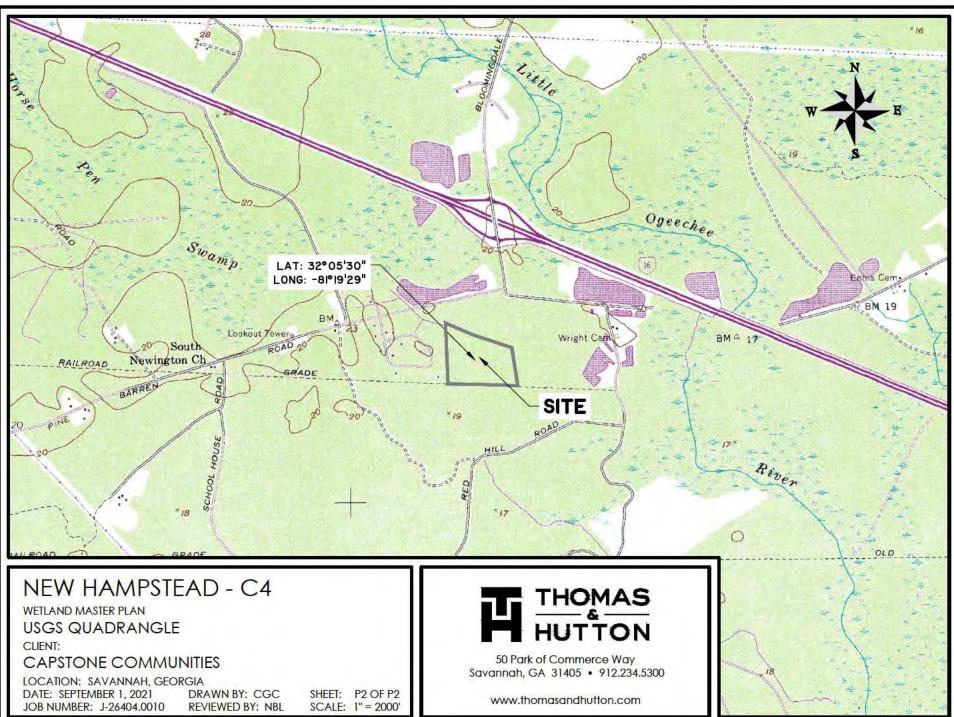
See Attached.

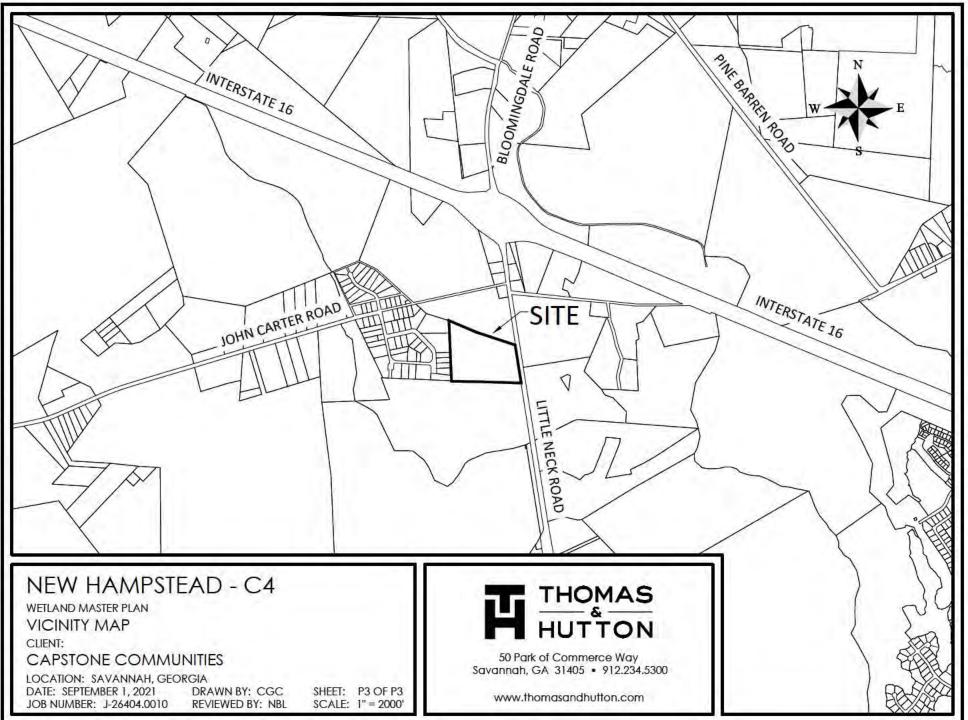








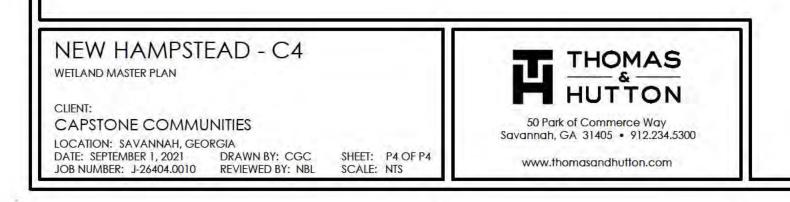


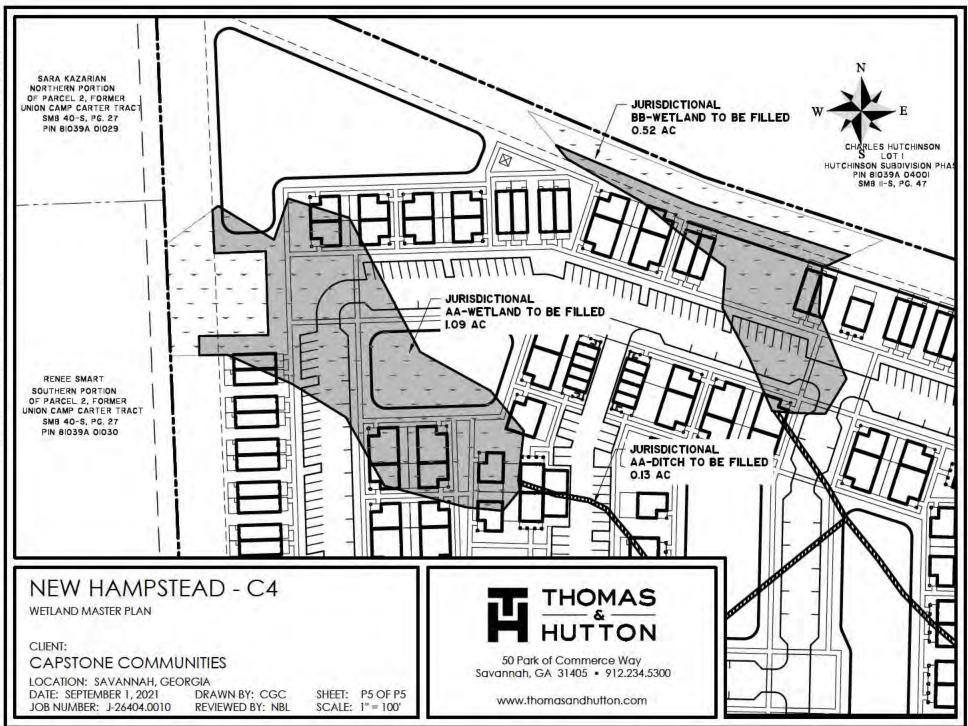


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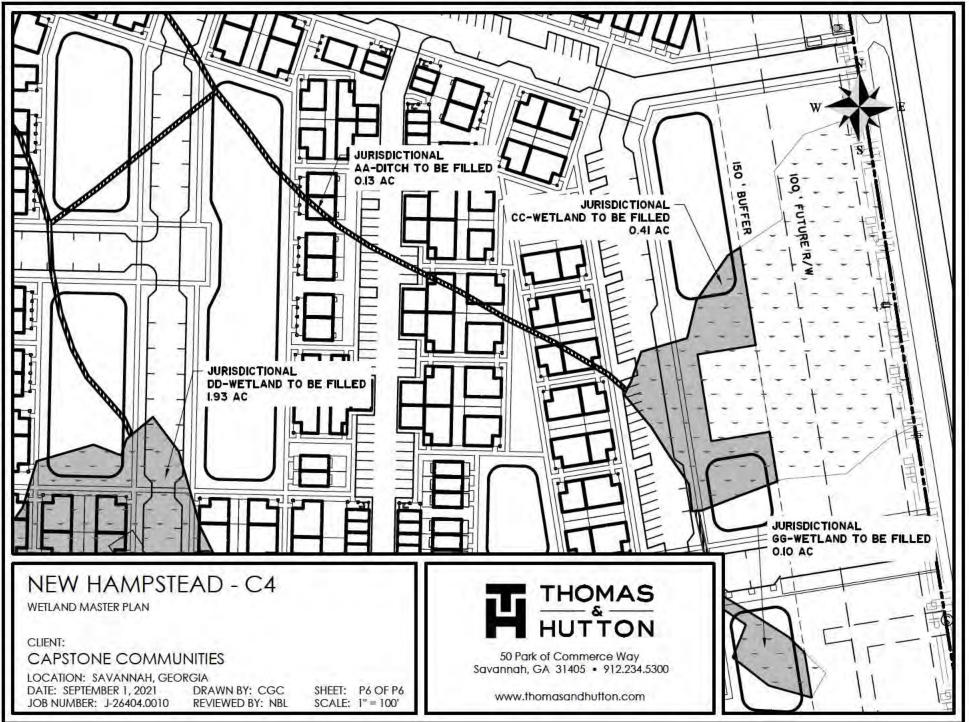
TOTAL PROJECT LIMITS	32.28 AC.
TOTAL UPLAND ACREAGE	25.959 AC.
• • TOTAL JURISDICTIONAL WETLAND	6.33 AC.
JURISDICTIONAL WETLAND IMPACTS	
JURISDICTIONAL WETLAND IMPACTS	4.40 AC.
WETLAND IMPACT #AA	1.09 AC
WETLAND IMPACT #BB	0.52 AC.
WETLAND IMPACT #CC	0.41 AC.
WETLAND IMPACT #DD	1.93 AC.
WETLAND IMPACT #EE	0.03 AC.
WETLAND IMPACT #FF	0.32 AC.
WETLAND IMPACT #GG	0.0 AC.
JURISDICTIONAL DITCH IMPACTS	0.15 AC.
DITCH IMPACT #AA	0.13 AC
DITCH IMPACT #BB	0.02 AC
TOTAL JURISDICTIONAL WETLAND IMPACTS	4.55 AC.





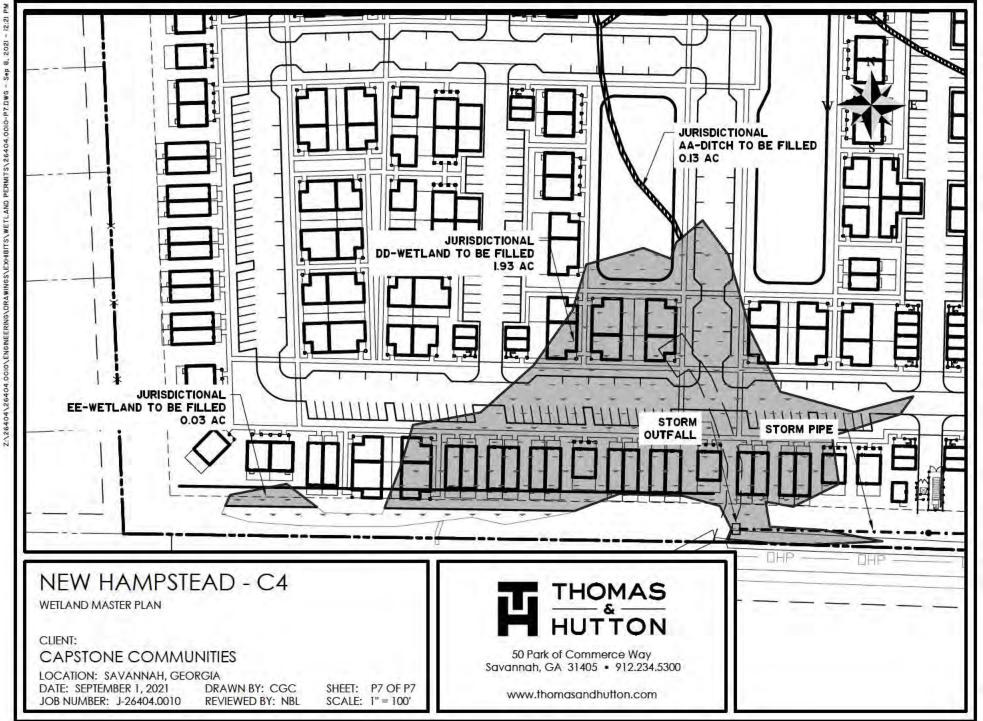
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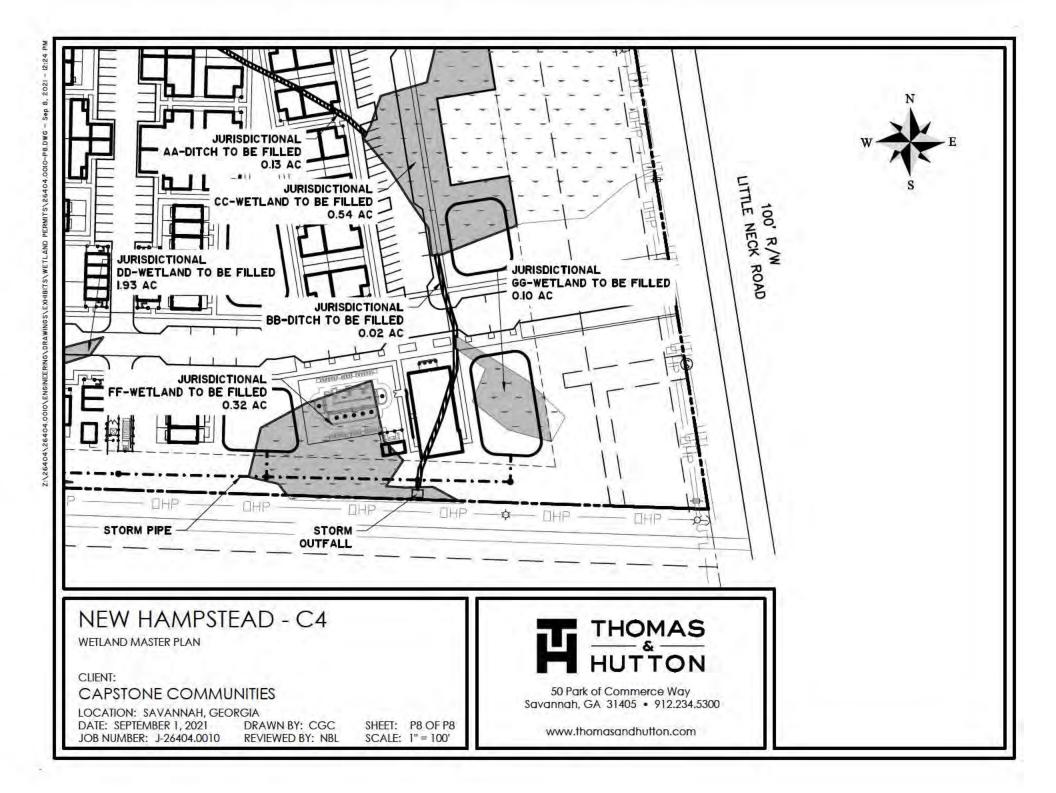


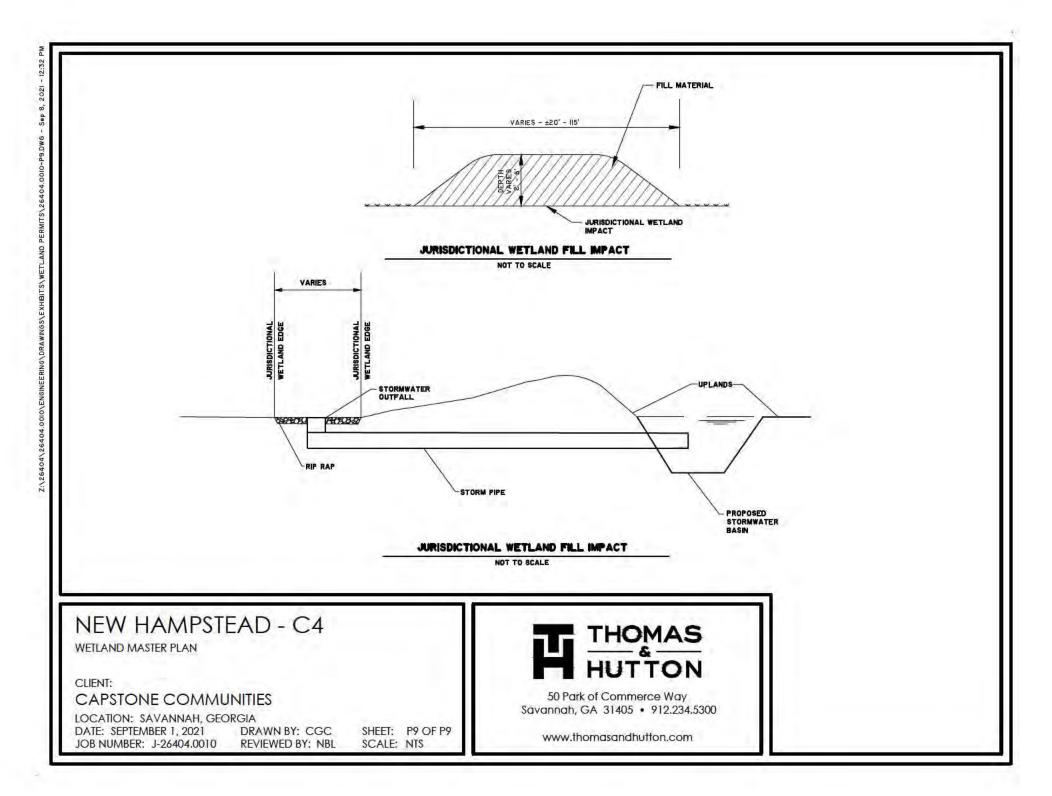
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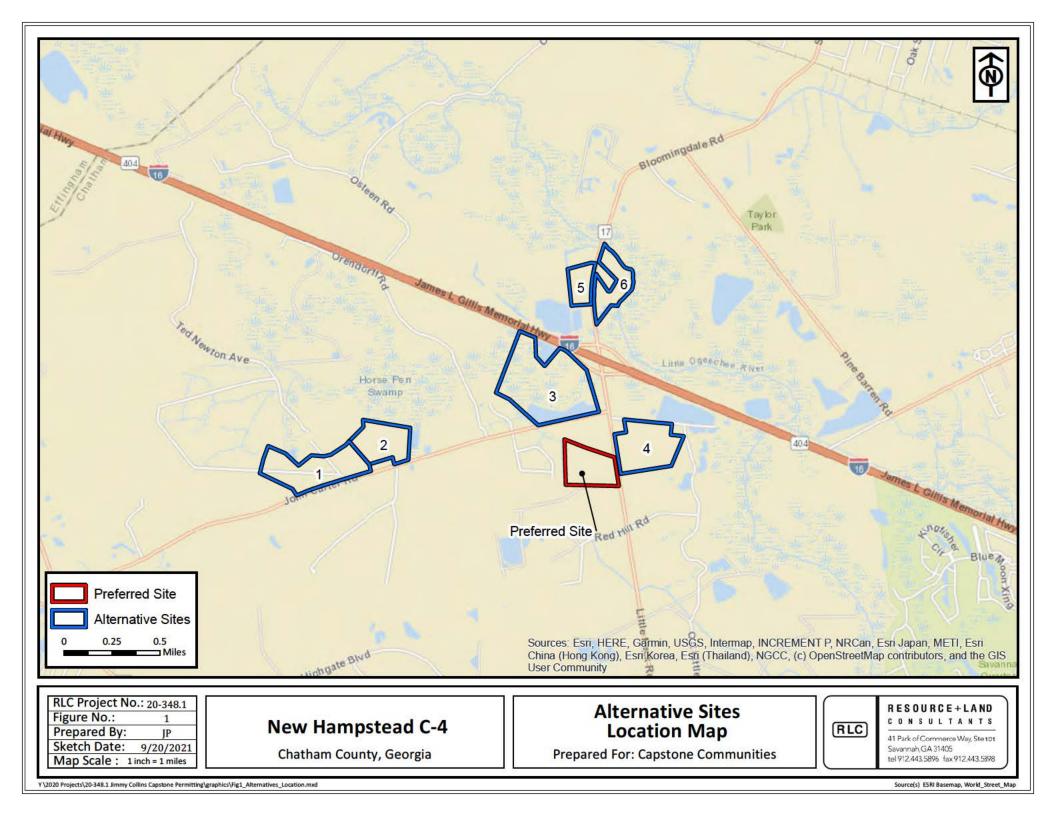
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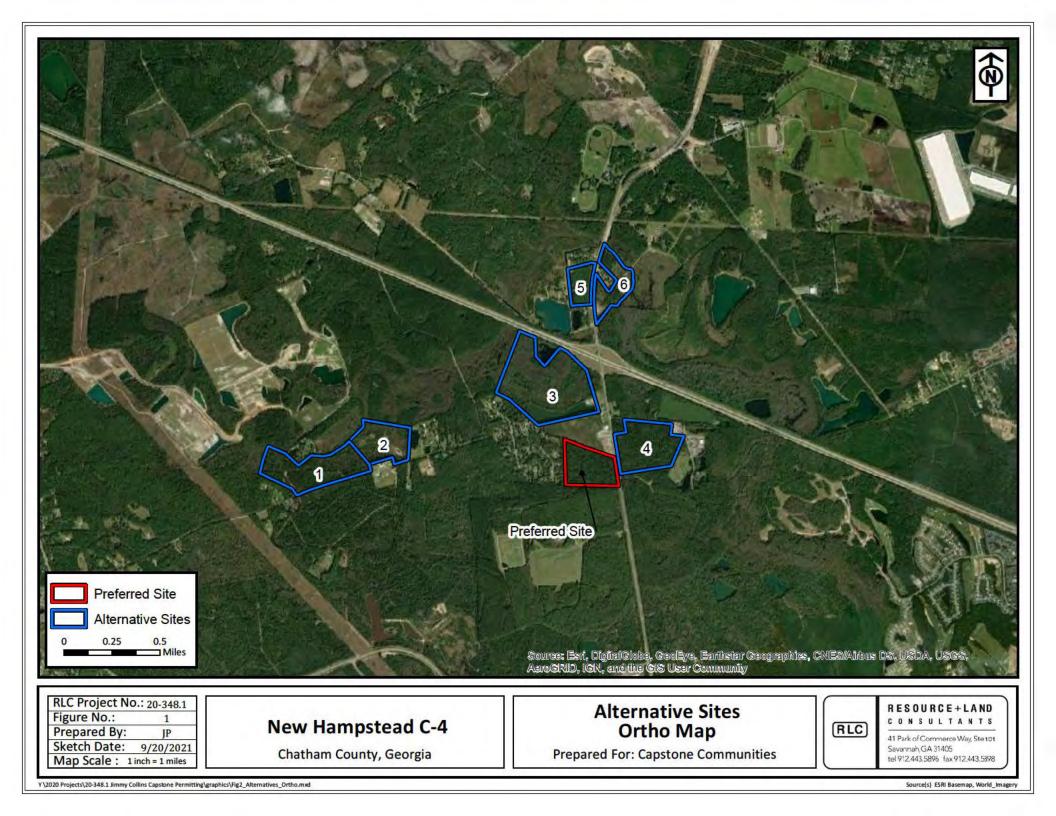


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		NON-RIVERINE WETLAND QUALITATIVE ASSESSMENT
Project Name:		
Impact Wetland Name:		
Wetland Type:		
WAA Center Coordinates:		
Date:		
,		
Water Storage -1		
Answer		Questions
		Are there above grade fills or structures obstructing hydrologic flows into or out of the wetland, or are there drainage structures,
		ditches, or man-made impoundments within 100 feet of the assessment area and within the catchment that are hydrologically
Yes		affecting the wetland? (Y/N)
Yes		Is the contributing drainage basin at least 50 percent forested? (Y/N)
FUNCTION SCORE	Moderate	
Die Cee Cheminel Curri	2	
BioGeoChemical Cycling - Answer	- 2	Questions
Yes		Is there large woody debris (LWD) in the wetland? (Y/N)
Yes		Has the vegetative community been adversely altered within the last 20 years? (Y/N)
FUNCTION SCORE	Moderate	
Maintain Characteristic We	etland Commun	ity - 3
Answer		Questions
Yes		Has the vegetative community been adversely altered within the last 20 years? (Y/N)
No		Is there greater than 10 percent invasive cover (i.e., cummulative absolute cover across all strata)? (Y/N)
FUNCTION SCORE	Moderate	
Maintain Faunal Habitat - 4	ł	Questions
Answer Yes		Questions Has the vegetative community been adversely altered within the last 20 years? (Y/N)
Yes		Is there woody debris in the wetland? (Y/N)
Yes		Is the contributing drainage basin at least 50 percent forested? (Y/N)
FUNCTION SCORE	Moderate	· · · · · · · · · · · · · · · ·
	Madarata	
FUNCTIONAL CAPACITY	Moderate	
SCORE		
	Legend	
Green Cell = User must mar		
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		input. The corresponding value is
populated from the user input	at to a previous q	

Project Name:	New Hampstead C4		
Impact Wetland Name:	Wetland AA-GG		
Acres of Impact (Acres):	4.40		
Wetland Type:	Depressional/Flat Wetlands		
Date:	September 15, 2021		
Impact Factors		Index Description	Index Value
1. Wetland Qualitative Fur	nctional Capacity Score (<u>WQFC</u>)	Moderate	0.75
2. Impact Category Descri	ption (Impact Category)	Discharge of Fill	1.00
3. Product of WQFC and I	mpact (<u>WQFC Impact</u>) =		0.75
4. Duration of Impact (<u>Dur</u>	ration)	Permanent/Reoccurring	1.00
5. Product of WQFC Impa	ct and Duration (<u>Total WQFC Impact</u>) =		0.75
6. Product of Total WQFC Impact and Acres (<u>Total 2018 Wetland Credits Owed</u>) =			3.30
7. Conversion of Total 201	8 Wetland Compensation to Grandfathered Credits (Grandfath	nered Wetland Credits Owed) =	26.40
	Legend		
	manually input information.		
	select the index choice from the drop-down list.		

Worksheet 1: Qualitative Worksheet for Wetland Adverse Impacts

	Qualitative Worksheet Summary For Wetland Adverse Impacts					
Worksheet Number	Name of Wetland	Wetland Type	Acres of Impact (ac.)	Impact Duration	2018 Credits	Grandfathered Credits
1	Wetland AA-GG	Depressional/Flat Wetlands	4.40	Permanent/Reoccurring	3.30	26.40
2			0 00	Choose Duration	Credits Owed	Grandfathered Credits Owed
3			0 00	Choose Duration	Credits Owed	Grandfathered Credits Owed
4			0 00	Choose Duration	Credits Owed	Grandfathered Credits Owed
5			0 00	Choose Duration	Credits Owed	Grandfathered Credits Owed
6			0 00	Choose Duration	Credits Owed	Grandfathered Credits Owed
7			0 00	Choose Duration	Credits Owed	Grandfathered Credits Owed
8			0 00	Choose Duration	Credits Owed	Grandfathered Credits Owed
9			0 00	Choose Duration	Credits Owed	Grandfathered Credits Owed
10			0 00	Choose Duration	Credits Owed	Grandfathered Credits Owed

Summary of Credits Owed					
Wetland Type	Acres of Impact (ac.)	2018 Credits	Grandfathered Credits		
Freshwater Tidal Wetlands	0.00	0.00	0.00		
Saltwater Tidal Wetlands	0.00	0.00	0.00		
Riverine/Lacustrine Fringe Wetlands	0.00	0.00	0.00		
Slope Wetlands	0.00	0.00	0.00		
Depressional/Flat Wetlands	4.40	3.30	26.40		
Open Water/Ditch/Canal	0.00	0.00	0.00		