



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
SAVANNAH DISTRICT
1104 NORTH WESTOVER BOULEVARD
ALBANY, GEORGIA 31707

May 24, 2023

Regulatory Division
SAS-2022-00628

**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-2022-00628

Applicant: Mr. Jim Shields
3190 NE Expressway, Suite 400
Atlanta, Georgia 30341

Agent: Mr. Jonathan Napier
Terraworx Land Group, Inc.
110 Gross Road, Kingsland, Georgia 31548

Project Purpose as Proposed by Applicant: The applicant's stated project purpose is "to construct a multi-family residential apartment development in an area of the historically underserved".

Location of Proposed Work: The project site is located east of Highway 17, north of State Road 40, in Kingsland, Camden County, Georgia (Latitude 30.8026, Longitude -81.6824). The aquatic resources located on-site drain to the Saint Marys River, a Traditional Navigable Waterway (TNW).

Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers:
The applicant is proposing to impact 18.22-acres of wetland associated with the Saint Marys River. Specifically, the applicant would fill 18.22-acres of wetland during the construction of apartment buildings, parking lots and other associated infrastructure. To offset the loss in aquatic function associated with the above impacts, the applicant has proposed the purchase of 9.11 2018 Wetland Credits (72.88 Legacy Wetland Credits) from a U.S. Army Corps of Engineers approved mitigation bank servicing the project area.

BACKGROUND

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. The applicant did not request a pre-certification meeting with Georgia EPD prior to submitting their application for a permit under Section 404 of the Clean Water Act. The applicant must still request a meeting with EPD at least 30 days prior to any request they make for 401 Water Quality Certification.

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.

Marshland Protection: This notice also serves as notification of a request to alter coastal marshlands (under the provision of the Coastal Marshlands Protection Act, Georgia Laws, 1970, p. 939 and as amended), if required. Comments concerning this action should be submitted to the Marsh and Shore Management Section, Coastal Resources Division, Georgia Department of Natural Resources, 1 Conservation Way, Brunswick, Georgia 31523-8600 (Telephone 912-264-7218).

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

Endangered Species: A preliminary review the U.S. Fish and Wildlife Service (FWS) list of Endangered and Threatened Species (IPaC) indicates the following listed species may occur in the project area: Eastern Black Rail (*Laterallus jamaicensis*), Wood Stork (*Mycteria americana*), and Eastern Indigo Snake (*Drymarchon couperi*). USFWS ESA coordination provided through EDGES and/or dKeys. Using the EDGES keys a "NLAA. Consultation complete. Further review from FWS-GA not needed" determination has been made with regards to the Eastern indigo snake (*Drymarchon corais couperi*) (EDGES #3) and a "no effect. No additional coordination with FWS-GA is necessary" determination has been made with regards to the Eastern Black Rail (EDGES #3). Additionally, using D-keys a "no effect" determination has been made with regards to the Wood stork (*Mycteria americana*).

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.

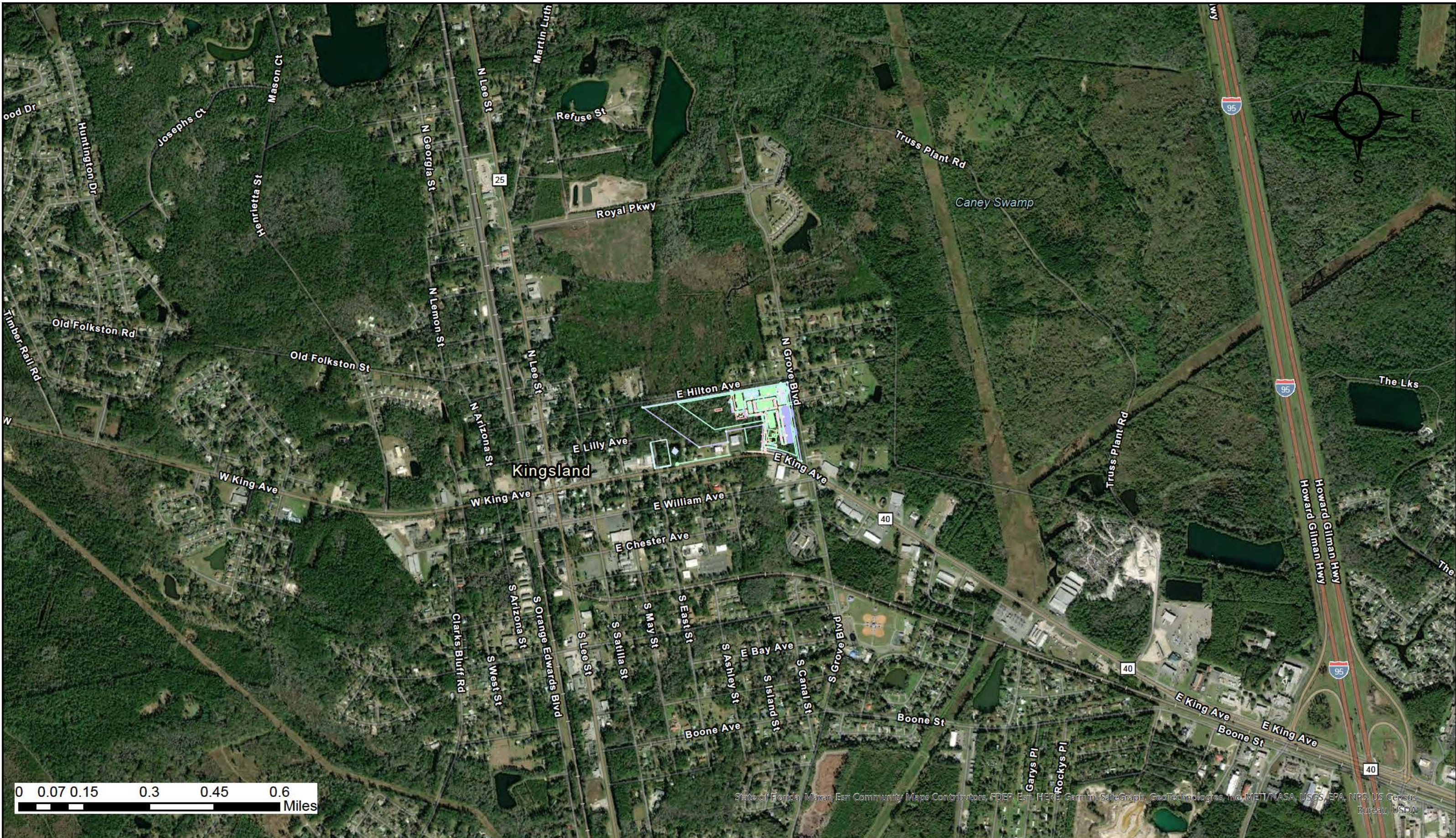
Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. 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 terry.c.kobs@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Terry Kobs, 1104 North Westover Boulevard, Unit 109, Albany, Georgia 31707, 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 Terry Kobs, Project Manager, Management Branch at (229) 430-8567.

Enclosures:

1. Figure 2 – Location Map
2. Figure 7 – Wetland Impacts



State of Florida, Maxar, Esri, Community Maps Contributors, FDEP, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

FIGURE 2 : SITE LOCATION
 SOURCE:
 PROJECT NUMBER: 22-14
 PROJECT NAME: GROSS WETLANDS

Some notes:
 Property boundaries are estimated, please consult a surveyor.



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 ST. AUGUSTINE
 FLORIDA 32084

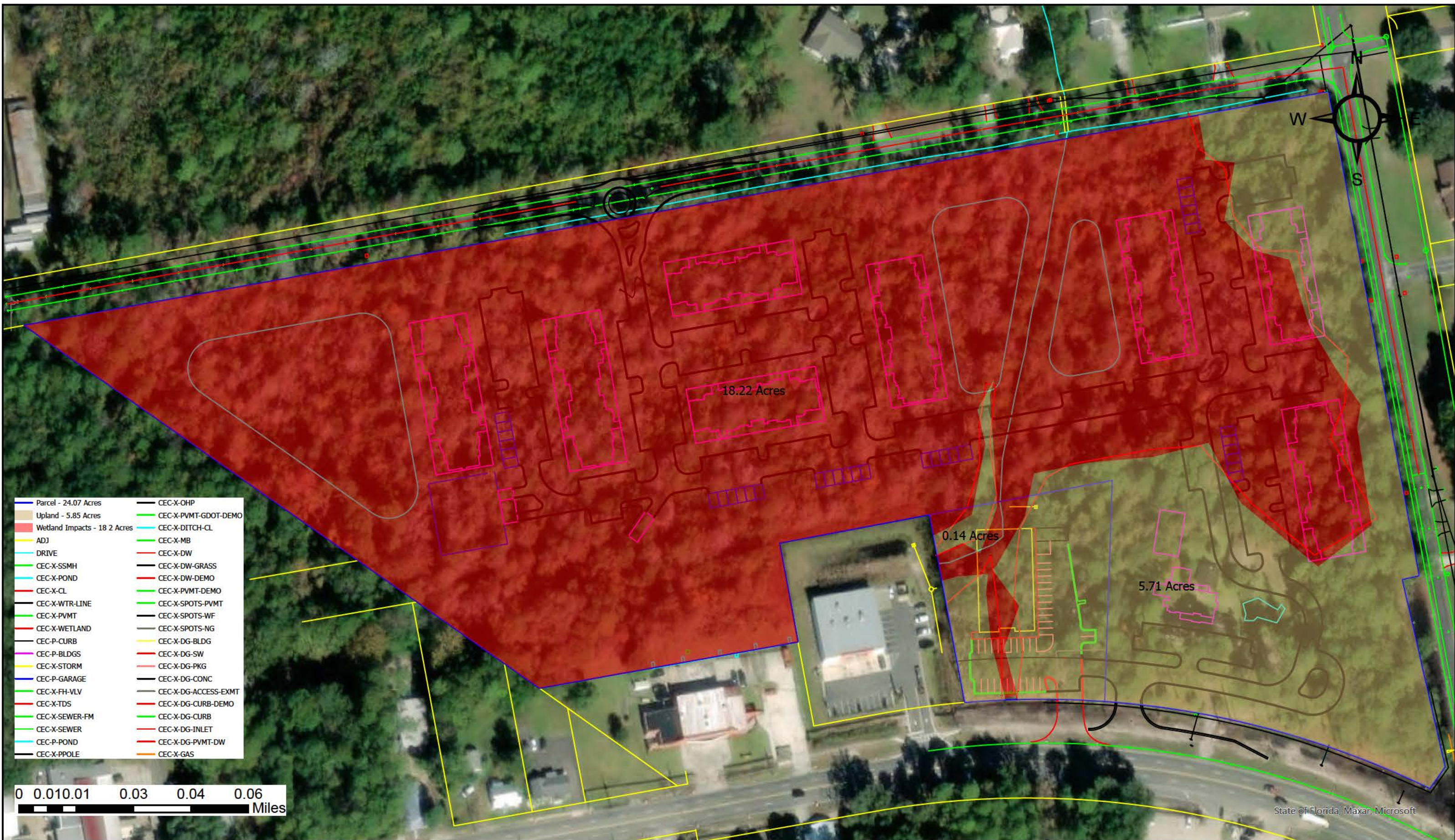


FIGURE 7 : WETLANDS IMPACTS
 SOURCE:
 PROJECT NUMBER: 22-14
 PROJECT NAME: KING AVE APARTMENTS

Some notes:
 Property boundaries, all linework, and overlays are for illustrative purposes only. This document does not represent survey or engineering plans without valid review, seal, and signature of a licensed engineer or surveyor in the area services are provided.



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State of Florida, Maxar, Microsoft