



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

August 31, 2023

Regulatory Division
SAS-2000-07420

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-2000-07420

Applicant: Mr. Scott Ray
Buc-ee's, Ltd.
327 FM 2004
Lake Jackson, Texas 77566

Agent: Mr. Daniel Bucey
Resource & Land Consultants, LLC
41 Park of Commerce Drive, Suite 191
Savannah, Georgia 31405

Project Purpose as Proposed by Applicant: The applicant's stated project purpose is "to construct a road to provide access to two (2) upland commercial development tracts."

Location of Proposed Work: The project site is located on the southeast corner of Interstate Highway 95 and Georgia Highway 99, in the city of Brunswick, Glynn County, Georgia (Latitude 31.3069, Longitude -81.4725). The aquatic resources located on-site drain to the Brunswick Altamaha Canal, a Traditional Navigable Water (TNW), and are within the U.S. Geological Service (USGS) 8-digit Hydrologic Unit Code (HUC) 03070203.

Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers:
The applicant is proposing to discharge fill material into 3.19 acres of non-tidal, forested wetland to construct a road to provide access to two adjacent parcels for commercial developments. To offset the loss in aquatic function associated with the above impacts, the applicant has proposed the purchase of 2.40 2018 wetland mitigation credits 19.20 legacy credits compensatory wetland mitigation credits from a U.S. Army Corps of Engineers approved mitigation bank servicing the project area.

BACKGROUND

By letter dated March 13, 2022, the Corps verified a Nationwide Permit (NWP) 14 for impacts to 0.49 acre of wetland for the construction of a road to access the upland portion of the project area for commercial development. The approved project was not initiated, and the NWP verification has expired.

On March 17, 2023, the Corps published a 30-day public notice for the applicant to discharge fill to permanently impact 2.55 acres of non-tidal wetland to construct a road to provide access to a 34.58-acre commercial development. The Corps received comments from the public and coordinating agencies and provided these comments to the applicant. On July 14, 2023, the Corps received the applicant's response to these comments, which included additional impacts and a master plan for the originally proposed project and the adjacent property. On August 30, 2023, the Corps received the applicant's response for additional information requested on August 1, 2023.

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 (EPD) 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 revised 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. The Corps will coordinate with the Georgia EPD to determine if the applicant has satisfactorily submitted the request for a Water Quality Certification and establish a reasonable period of time based on this coordination.

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 registered properties or properties listed as eligible for inclusion may be located on the project site. The Corps completed review of a cultural resource investigation previously performed in the vicinity. However, portions of the proposed permit area were not previously surveyed, and the Corps has requested an updated survey for the entire permit area. The Corps will provide copies of these studies to the State Historic Preservation Office and any Tribal Historic Preservation Officer as needed upon completion of review.

Endangered Species: A review of the U.S. Fish and Wildlife Service (FWS) Information for Planning and Consultation (IPaC) project planning tool indicates the following federally listed threatened or endangered species may occur in the project area: Eastern black rail (*Laterallus jamaicensis* ssp. *jamaicensis*), wood stork (*Mycteria americana*), and Eastern indigo snake (*Drymarchon corais couperi*).

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 Eastern indigo snake and would have no effect on the Wood Stork and Eastern black rail.

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.

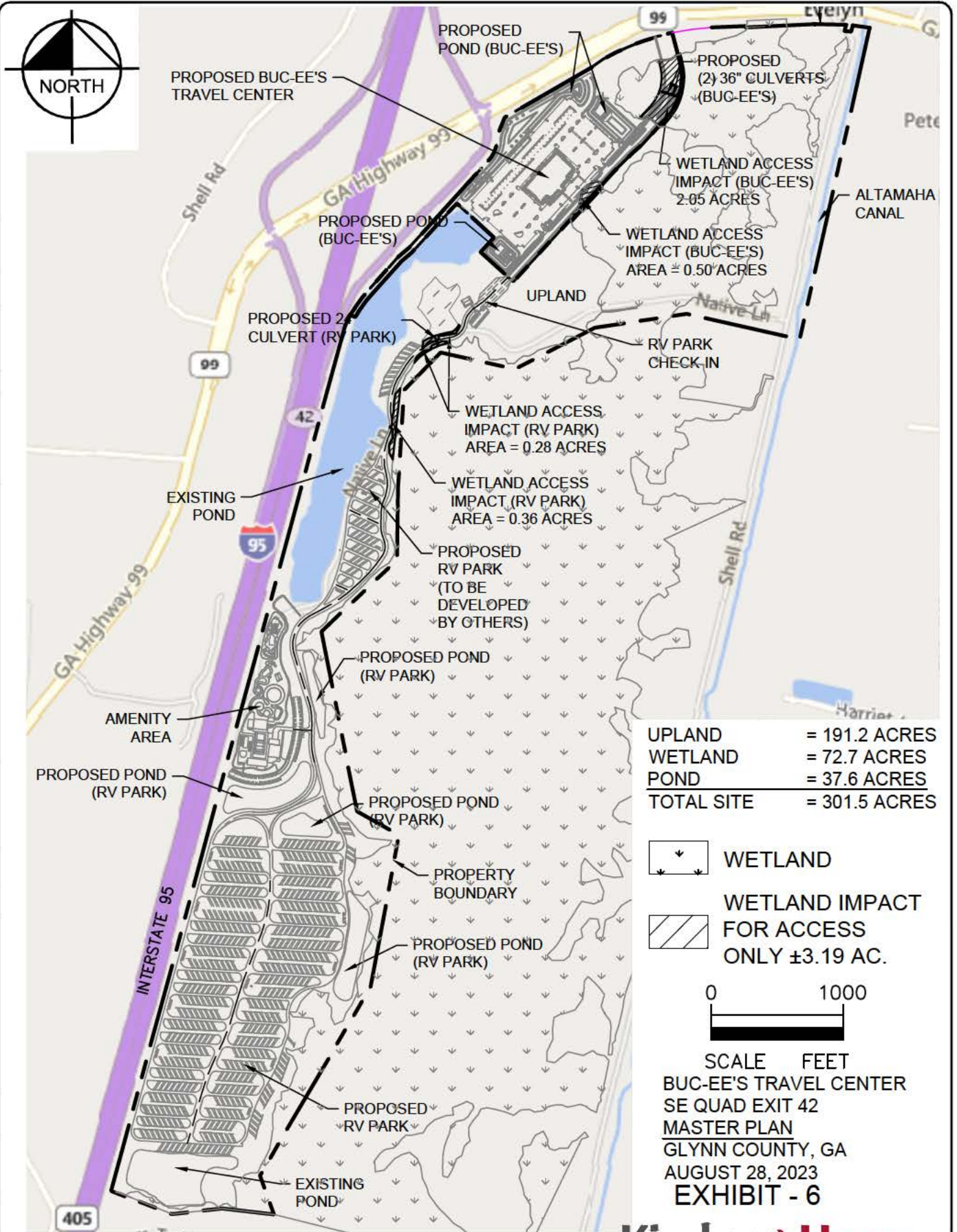
Comment Period: Anyone wishing to comment on this application for a Department of the Army permit should submit comments by email to shawn.r.gill@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Shawn R. Gill, 100 West Oglethorpe Avenue, Savannah, Georgia 31401-3604, no later than 15 days from the date of this

notice. Please refer to the Applicant's name and the application number in your comments.

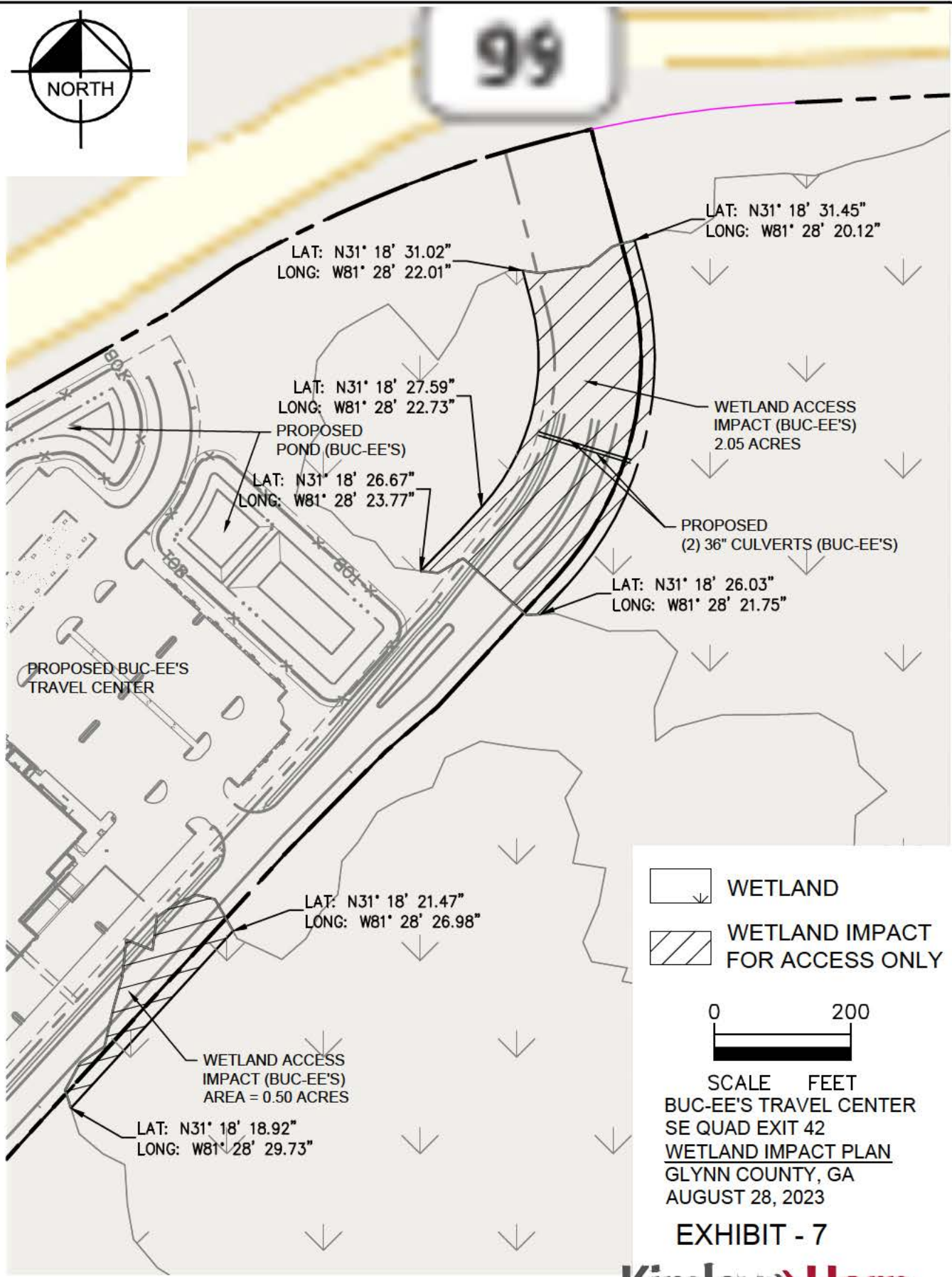
If you have any further questions concerning this matter, please contact Shawn R. Gill, Coastal Branch at 912-850-4517.



Enclosures

- 1.) August 28, 2023 Site Drawings



Drawing name: K:\JAX_Civil\045545002 - Buc-ee's Brunswick Cadd\Exhibits\Wetland Exhibits 2023-08-28 Brunswick Travel Center Wetland Exhibits.dwg WETLAND Aug 29, 2023 2:37pm by: Christopher.Collins



-  WETLAND
-  WETLAND IMPACT FOR ACCESS ONLY

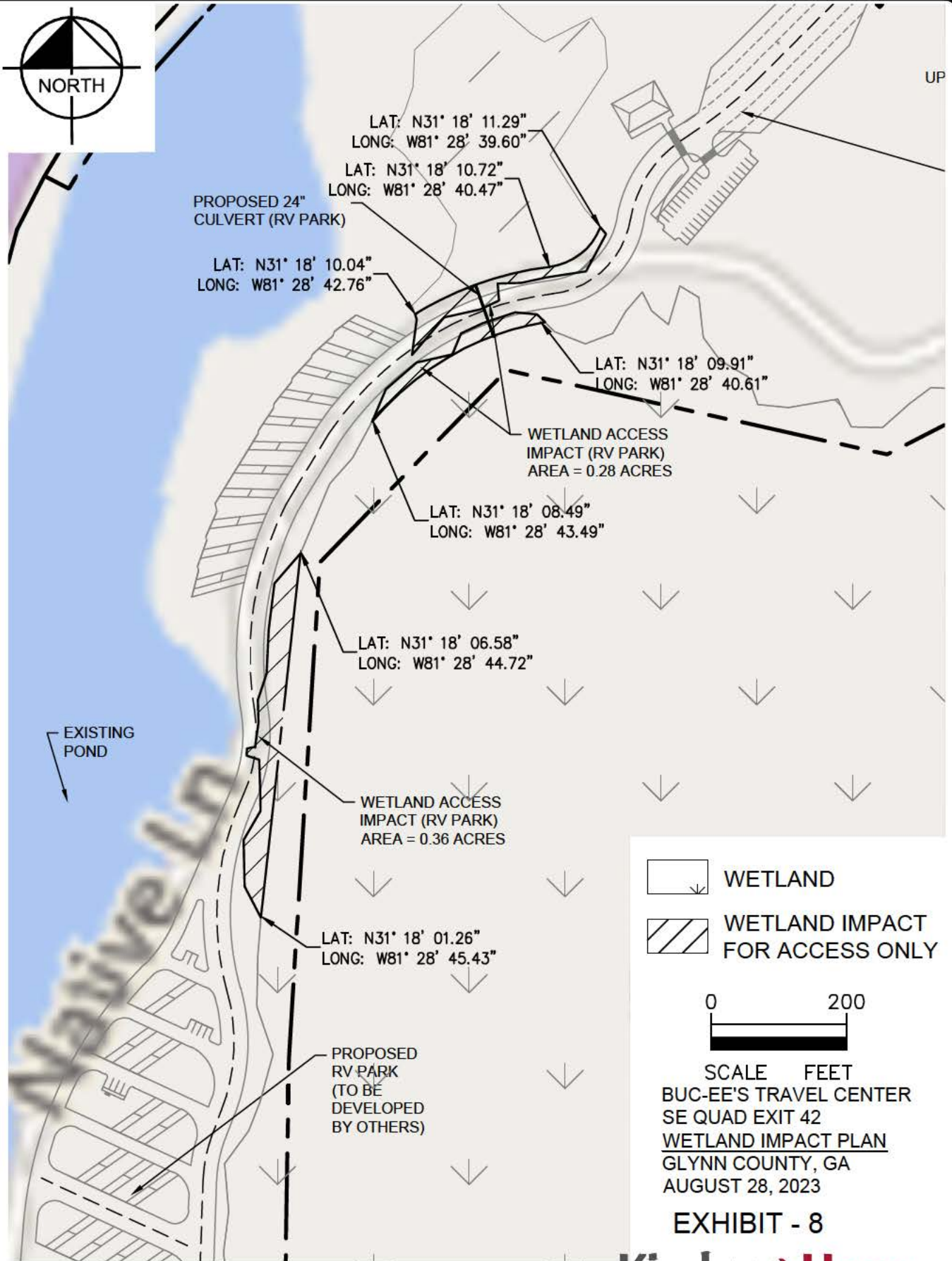


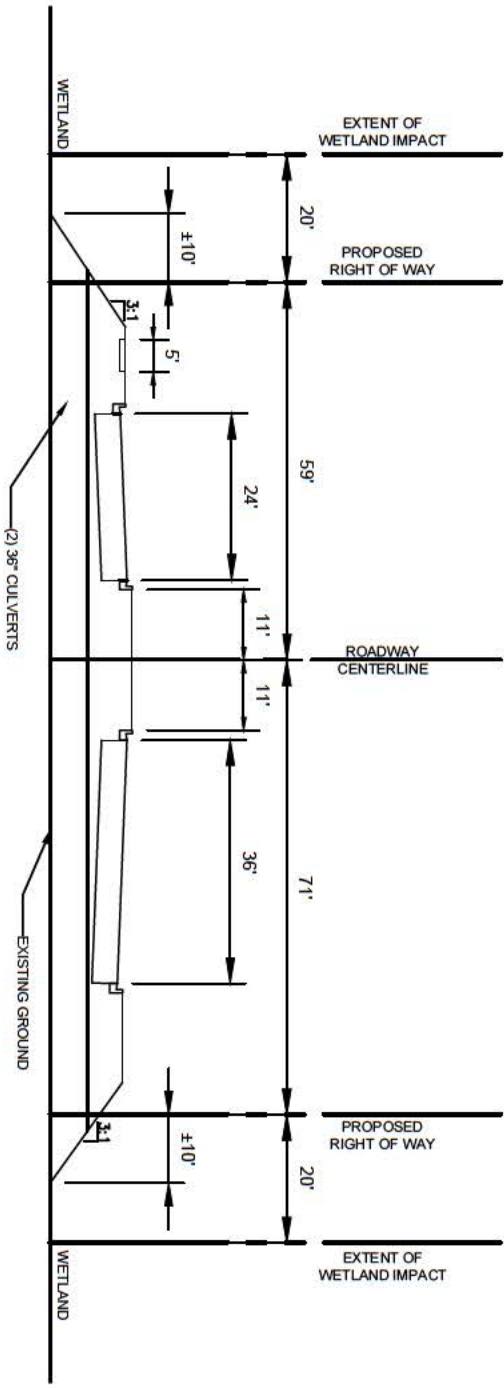
SCALE FEET
BUC-EE'S TRAVEL CENTER
SE QUAD EXIT 42
WETLAND IMPACT PLAN
GLYNN COUNTY, GA
AUGUST 28, 2023

EXHIBIT - 7

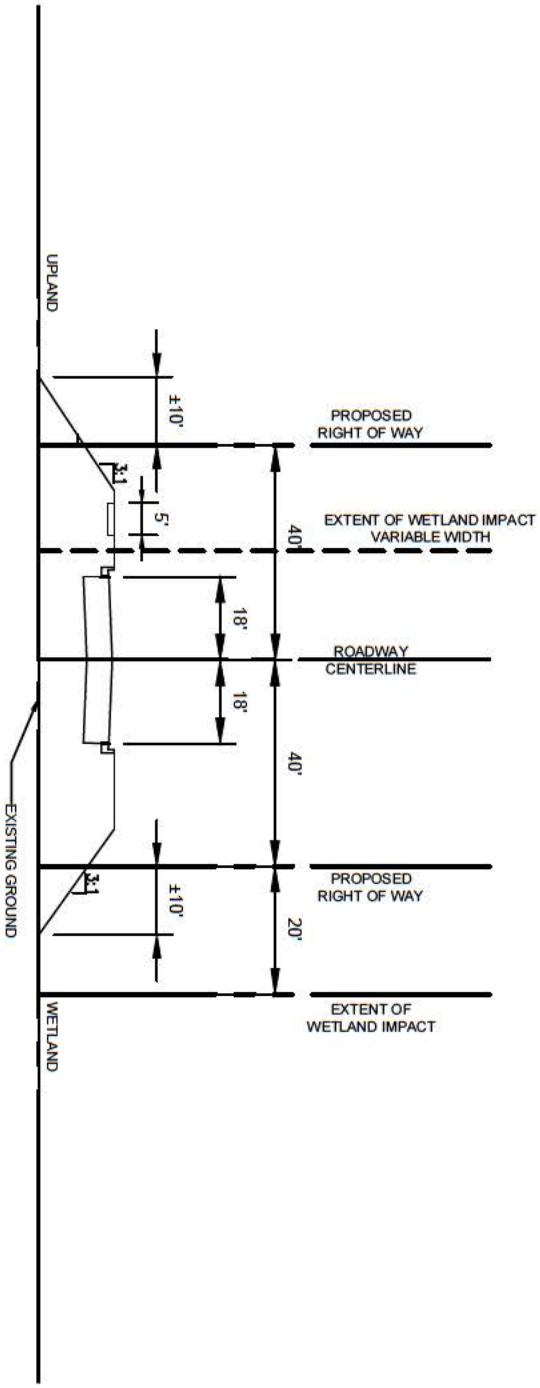
Kimley»Horn

Drawing name: K:\JAX_Civil\045545002 - Buc-ee's Brunswick\045545002 - 08-28 Brunswick Travel Center Wetland Exhibits.dwg WETLAND (2) Aug 29, 2023 2:38pm by: Christopher Callums





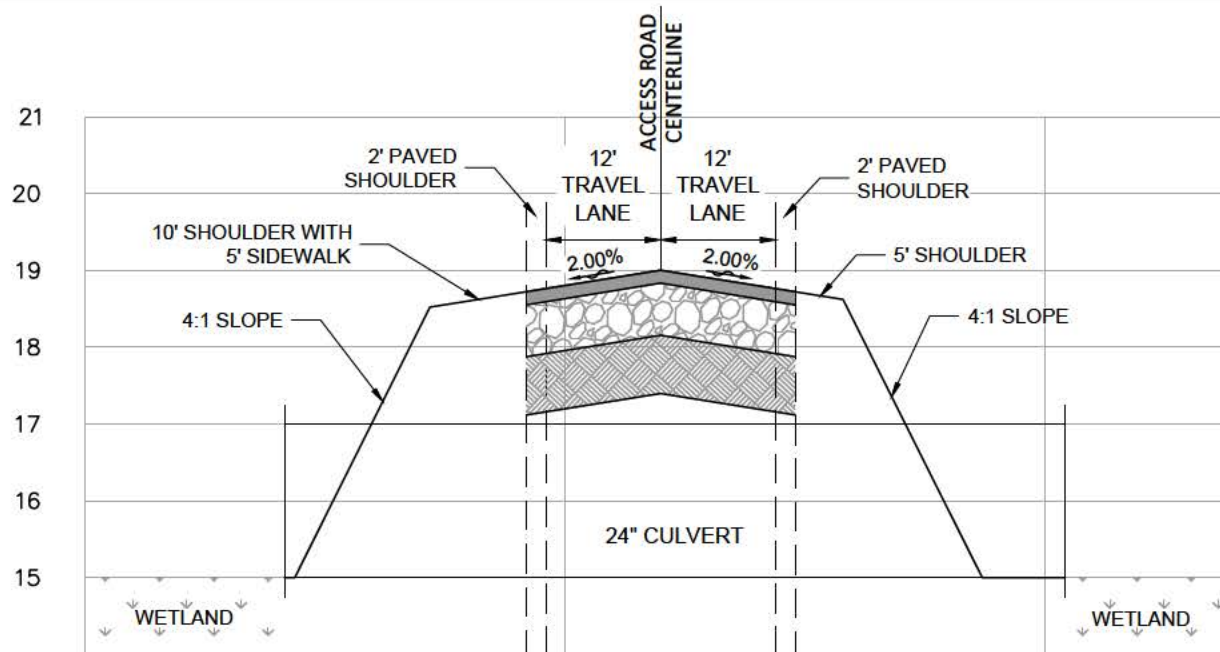
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ROAD CROSSING (130' R/W)
WETLAND FILL SECTION
N.T.S.



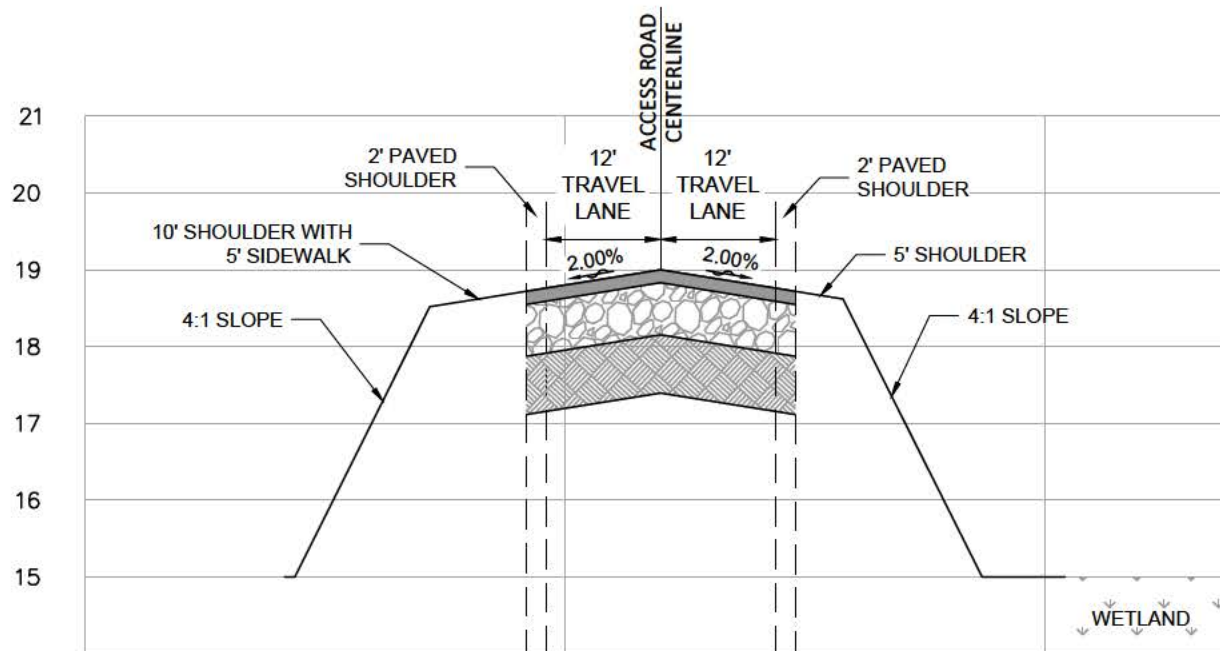
0.50 AC. WETLAND IMPACT (BUC-EE'S
SOUTH)
ROAD CROSSING (80' R/W)
WETLAND FILL SECTION
N.T.S.

BRUNSWICK TRAVEL CENTER
SE QUAD EXIT 42
ROADWAY CROSS SECTION, WETLAND IMPACT
GLYNN COUNTY, GA
AUGUST 28, 2023

NOT TO SCALE



WETLAND CROSS SECTION 1



WETLAND CROSS SECTION 2

ROBERTS CIVIL ENGINEERING
301 SEA ISLAND ROAD, SUITE 10
ST. SIMONS, GA 31522
912-638-9681 OFFICE
912-289-0339 FAX

PREPARED FOR:
BRUNSWICK
HIGHWAY 99 LLC

WETLAND FILL
DETAIL
BRUNSWICK, GA

DATE: 2023-08-24
DRAWN BY: IDV
CHECKED BY: WIH
PROJECT NO.: 23081
SCALE: NTS



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CIVIL ENGINEERING