

DEPARTMENT OF THE ARMY

U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT 4751 BEST ROAD, SUITE 140 COLLEGE PARK, GEORGIA 30337-5600

November 27, 2023

Regulatory Division SAS-2023-00910

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:

The comment period for the Department of the Army Permit application will close 30 days from the date of this public notice. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons thereof, are being solicited from anyone having an interest in this permit, and must be submitted so as to be received on or before the last day of the comment period. Written comments concerning the Department of the Army Permit application must reference the Applicant's name and the Permit Application Number and be forwarded to the US Army Corps of Engineers (Corps) at the above address.

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.

Application Number: SAS-2023-00910

Applicant: Mr. Don Williams

Vulcan Materials Company 800 Mount Vernon Highway NE, Suite 200 Atlanta, Georgia 30328

Agent: Mr. Bill Newlon

Kleinfelder

3663 Lake Center Drive Mount Dora, Florida 32757

Location of Proposed Work: The approximately 339.3-acre (expansion) project site is located within the existing Vulcan Jackson Quarry, at 2503 Valentine Industrial Parkway, south and west of Bill Wright Road, east of Valentine Industrial Parkway and Possum Creek Road (County Road 229), and north of U.S. Interstate 85 in Jefferson, Jackson County, Georgia, 30567. The nearest named waterbody is Opossum Creek, which is due north of the project area.

<u>Description of Work Subject to the Jurisdiction of the Corps</u>: The project involves the expansion of the existing Vulcan Jackson Quarry. The expansion project proposes to

impact 291 linear feet (0.04 acres) of perennial stream channel, 547 linear feet (0.05 acres) of intermittent stream channel, and 1.98 acres of wetlands as a result of the permanent stream severance and fill impacts to streams and wetlands related to the installation of roads and overburden storage areas.

The Applicant proposes to offset the loss of ecological function associated with the proposed project impacts to aquatic resources through the purchase of 815.50 (2018) or 7,572.72 legacy stream credits and 1.56 (2018) or 12.48 legacy wetland credits. The project is hydrologically connected to the Upper Oconee watershed (Hydrologic Unit Code 8 (HUC 8): 03070101).

BACKGROUND

Based on the review of the Corps' databases, there are no other known projects or actions associated with this permit request. The project is located within the approved Surface Mine Land Use Plan (SMLUP) boundary. Approval of the SMLUP 1060-13 for Amendment #2 was granted by the Department of Natural Resources, Environmental Protection Division (Georgia EPD) on September 29, 2023. Approximately 4.732 linear feet (0.51 acres) of streams, 10.7 acres of wetlands, and 6.66 acres of open water impoundments exist within the project area. An AJD request has been submitted, concurrent with this application, requesting our evaluation of delineated aquatic resources and the potential non-jurisdiction of features present within the project area. All other on-site aquatic resources would be evaluated under a Delineation Review of Aquatic Resources (ARDR).

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. The applicant conducted a pre-filling meeting for a Water Quality Certification with the State of Georgia on August 14, 2023. Prior to issuance of a Department of the Army Permit for a project located in, on, or adjacent to the waters of the State of Georgia, review for Water Quality Certification in accordance with Section 401 of the Clean Water Act 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. This public notice serves as notification to the Administrator of the U.S. Environmental Protection Agency (USEPA) pursuant to section 401(a)(2) of the Clean Water Act for neighboring jurisdiction review and begins the 30-day clock for USEPA to notify affected states.

<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 another 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.

<u>Cultural Resources Assessment</u>: The Area of Potential Effect includes all aquatic resources that would be impacted and all areas within a 100-meter radius around these aquatic resources. A review of the latest published version of the National Register of Historic Places and the Georgia Natural, Archeological, and Historic Resources GIS database, indicated that no registered properties or properties listed as eligible for inclusion are located on the project site. The Corps is presently reviewing available information to further assess the potential for adverse effects to listed historic properties, or resources eligible for listing, on the National Register of Historic Places in conjunction with the current application submittal.

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. Based on the *IPaC Trust Resource Report*, no federally designated critical habitats are located onsite. However, this report does list the following Federally protected species that may potentially be affected at this location: candidate Monarch Butterfly (*Danaus plexippus*). The Applicant did not conduct a habitat assessment for the project site.

<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 the 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, floodplain 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 the application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act, including an evaluation of practicable alternatives. The Applicant's current proposal includes the review of one (1) off-site alternative and two (2) on-site alternatives for the proposed expansion of mining activities. All alternatives will be further evaluated in conjunction with the application.

<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 Permit should submit comments in writing to: Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Oya Money-Worthy, 4751 Best Road, Suite 140, College Park, Georgia 30337-5600, no later than **30 days** from the date of this notice. Submittal of comments via email, to the address listed below, is also acceptable. Please refer to the Applicant's name (Vulcan Materials Company) and the assigned Regulatory file number (SAS-2023-00910) in your comments.

If you have any further questions concerning this public notice, please contact Oya Money-Worthy, Regulatory Specialist, Piedmont Branch at 678-422-2728, or Oya.M.Money-Worthy@usace.army.mil.

Encls

- 1. Figure 1: Location and Vicinity Map
- 2. Figure 7: National Wetlands Inventory Map
- 3. Figure 8: Wetland and Surface Water Delineation Map
- 4. Figure 9: Wetland and Surface Water Impacts Map
- 5. Sheet 2 of 10: Master Plan
- 6. Sheet 4 of 10: Ultimate Mine Plan and Erosion Control Plan
- 7. Sheet 5 of 10: Reclamation Plan













