

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

October 21, 2021

Regulatory Division SAS-2018-00312

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 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-2018-00312

- Applicant: Mr. Joseph Gulino Coel Development Company, Inc. 7009 Evans Town Center Boulevard Evans, Georgia 30809
- Agent: Mr. Hamp Simkins Simkins Environmental, LLC P.O. Box 1612 Beaufort, South Carolina 29901

Location of Proposed Work: A 95.28-acre site, associated with the larger 381.5-acre Haynes Station residential development, located south of Butler Creek, to the north of the existing portions of the development, and west of an existing electrical transmission easement, generally north of Fort Gordon, in western Richmond County, Georgia (centered at approximately latitude 33.4463, longitude -82.1583).

<u>Description of Work Subject to the Jurisdiction of the Corps</u>: The project involves the proposed expansion of an existing residential development, composed of 973 single

family homes in sixteen (16) "sections", thirteen (13) of which have already been completed. The Applicant's preferred site plan would result in adverse impacts to 0.53-acre of wetland (0.38-acre at Area #1, and 0.15-acre at Area #2) for the construction of two interior road crossings using arch-span culverts to access a property to the north of a tributary to Butler Creek for continued construction of the residential development and to avoid direct impacts to the stream. Area #1 would connect project phase "Section 8" to proposed project phase "Section 14", and Area #2 would connect project phase "Section 8" section 15" to an adjacent, un-named future phase. An aerial sanitary sewer line would also be installed on concrete piers in conjunction with the proposed road crossing at Area #2, which would impact an additional 10 linear feet of a perennial tributary to Butler Creek. The Applicant proposes to off-set project impacts to aquatic resources through the purchase of 4.42 grandfathered wetland credits from AA Shaw Mitigation Bank and 36 grandfathered stream credits from the Yam Grandy Mitigation Bank (servicing the project site within its secondary service area).

BACKGROUND

We understand that construction commenced in 2011, for the initial project phases of the approximately 153-acre, central portion of the development (referred to as Sections 1 through 8) and did not result in adverse impacts to aquatic resources. Subsequently, the project was reviewed under the following Corps Regulatory actions:

• SAS-2018-00078: An approximately 43.73-acre eastern portion of the residential development (referred to as Sections 9 and 10) located south of Butler Creek. On June 4, 2018, the Applicant was issued an After-the-Fact verification for use of Nationwide Permit (NWP) No. 29, in conjunction with the unauthorized filling of 0.43-acre of wetlands, in addition to verification for use of NWP No. 29, for proposed adverse impacts to 0.015-acre of wetlands and 21 linear feet of perennial stream. The Applicant purchased 4.23 wetland credits from AA Shaw Wetland Mitigation Bank on June 14, 2018, and 60.9 stream credits from Bath Branch Mitigation Bank on June 11, 2018, as compensation for adverse impacts incurred from this work.

• SAS-2018-00311: An approximately 89.5-acre southwestern portion of the residential development (referred to as Sections 11, 12, 13, and 15), located north of Gordon Highway and south of a tributary to Butler Creek. On April 16, 2020, the Applicant was issued a verification for use of NWP No. 29, for proposed adverse impacts to 0.05 acre of wetland and 186 linear feet of stream. The Applicant purchased 0.25 wetland credits from AA Shaw Wetland Mitigation Bank on April 20, 2020, and 896 stream credits from Bath Branch Mitigation Bank on April 24, 2020, as compensation for adverse impacts incurred from this work.

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. The applicant has yet to request a pre-filing meeting with the State prior to requesting a Water Quality Certification. 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 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 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 GNAHRGIS mapping included with the application does not indicate that there are natural, archaeological, or historic resources within the proposed project's permit area. The Corps is presently reviewing available information in order to further assess the potential for effects to cultural and/or historic resources as a result of the project's construction. Presently unknown archaeological, scientific, prehistorical, or historical data may be located at the site and could be affected by the proposed work.

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 submitted *IPaC Trust Resource Report,* no Federally-designated critical habitats are located onsite. However, this report does list the following Federally-protected species may potentially be affected at this location: endangered Red-cockaded Woodpecker (*Picoides borealis*), threatened Wood Stork (*Mycteria americana*), candidate Gopher Tortoise (*Gopherus polyphemus*), and endangered Relict Trillium (*Trillium reliquum*). The Applicant did not

conduct a habitat assessment for the project site, though NRCS soils mapping indicates that Ailey loamy sand, Troup fine sand, and Vaucluse-Ailey complex soils are mapped as being within the project 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, 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.

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

<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, including an evaluation of practicable alternatives. The Applicant's current proposal reviewed twenty (20) off-site alternatives for construction of the entire development (as completed and as currently proposed), five (5) of which, including the Applicant's preferred alternative, were considered to be potentially practicable and were 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: Adam White, 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 (Coel Development Company, Inc.) and the assigned Regulatory file number (SAS-2018-00312) in your comments.

If you have any further questions concerning this public notice, please contact Adam F. White, Project Manager, Piedmont Branch at 678-422-2730, or adam.f.white@usace.army.mil.

Encls

- 1. Project Vicinity Map
- 2. Overall Site Plan Wetlands Exhibit
- 3. Project Map & Wetlands Impact
- 4. Area 1 Site Plan
- 5. Area 1 Profile
- 6. Area 2 Site Plan
- 7. Area 2 Profile
- 8. Aerial Sewer Crossing Plan & Elevation















