



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

September 28, 2021

Regulatory Division
SAS-2021-00135

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-2021-00135

Applicant: Mr. Jonas Swarttouw
NewCold Atlanta, LLC
22 North Starrhs Ferry Place
Burley, Idaho 83318

Agent: Mr. Matt Otto
Corblu Ecology Group, LLC
3225 South Cherokee Lane
Building 800
Woodstock, Georgia 30188

Location of Proposed Work: The approximately 46-acre proposed project site is located west of U.S. Highway 23, south of the intersection with Distribution Drive, and east of the Norfolk Southern railroad line in Henry County, Georgia (centered at approximately latitude 33.3965, longitude -84.1411).

Description of Work Subject to the Jurisdiction of the Corps: The project (Midland Site K, aka "Project Frasier") involves the proposed construction of a five-story (130-150

foot), approximately 716,500 square foot, cold storage food distribution and logistics facility, including rail access, employee parking, trailer staging areas, and other associated infrastructure. The Applicant's preferred site plan would result in the loss of 2,088 linear feet of one intermittent stream and 2.68 acres of one wetland. The Applicant proposes to off-set project impacts to aquatic resources through the purchase of 11,275 grandfathered stream credits from the Little Sandy Creek 3 Mitigation Bank and 34.34 grandfathered wetland credits Georgia In-lieu Fee Mitigation Program.

BACKGROUND

As a condition of a prior Department of the Army permit authorization, issued under Regulatory File No. SAS-1993-07850, the former Permittee was approved to implement a compensatory mitigation plan on the currently proposed project site, involving the establishment of *8.2 acres of waters of the United States*. This approved off-site, compensatory mitigation area was in turn legally protected through the execution and recording of a Declaration of Conservation Covenants and Restrictions. In conjunction with the current application, the former Permittee's representative has provided concurrence with the proposal to extinguish the Declaration of Conservation Covenants and Restrictions to facilitate the future development of the proposed project. As a condition of the Corps' approval of this proposal, the Applicant is proposing to purchase an additional 18.26 grandfathered wetland credits from the Georgia In-lieu Fee Mitigation Program, prior to terminating the existing site protection instrument.

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 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.

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 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.

Cultural Resources Assessment: The Applicant contracted a Phase I cultural resource survey of the proposed project site, in order to assess if potential archaeological sites, historic structures, or cultural resources may be present within the general vicinity of the proposed work area. The Corps is presently reviewing the accompanying report in conjunction with the current application submittal. Presently unknown archaeological, scientific, prehistorical or historical data may also 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* for the project site, and the Agent's site assessment, no such resources are likely to occur on the subject property.

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.

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 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. In the Applicant's current proposal, six off-site alternatives (including the preferred alternative site) and two on-site alternatives (including the preferred alternative layout) have been proposed.

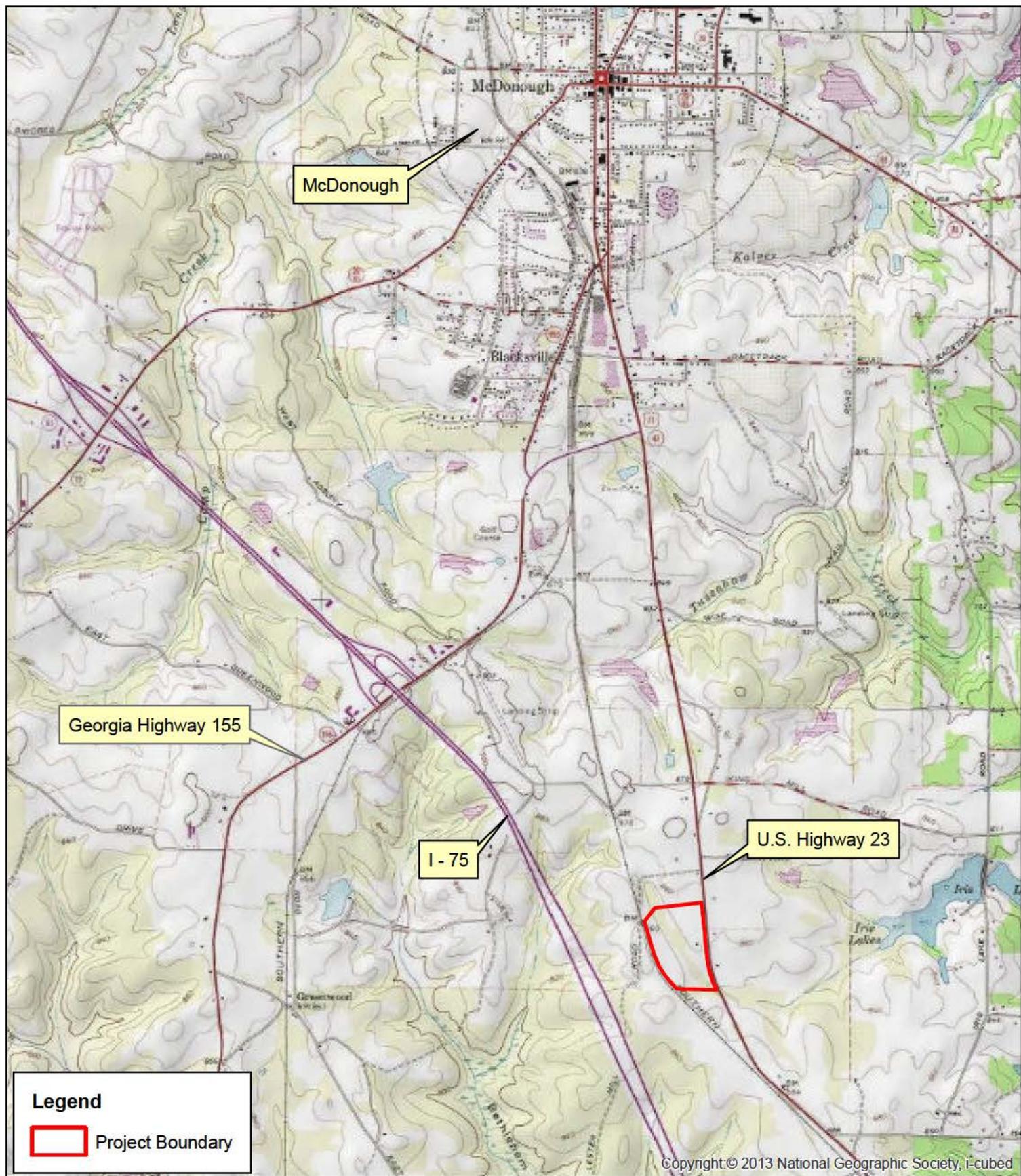
Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. 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 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 (NewCold Atlanta, LLC) and the assigned Regulatory file number (SAS-2021-00135) 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.

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1. Figure 1: Site Location
2. Figure 3: Delineation Results
3. Sheet No. C-201: Project Frasier, Site Improvement Plans - Overall Site Plan
4. Figure 5: Alternative Sites



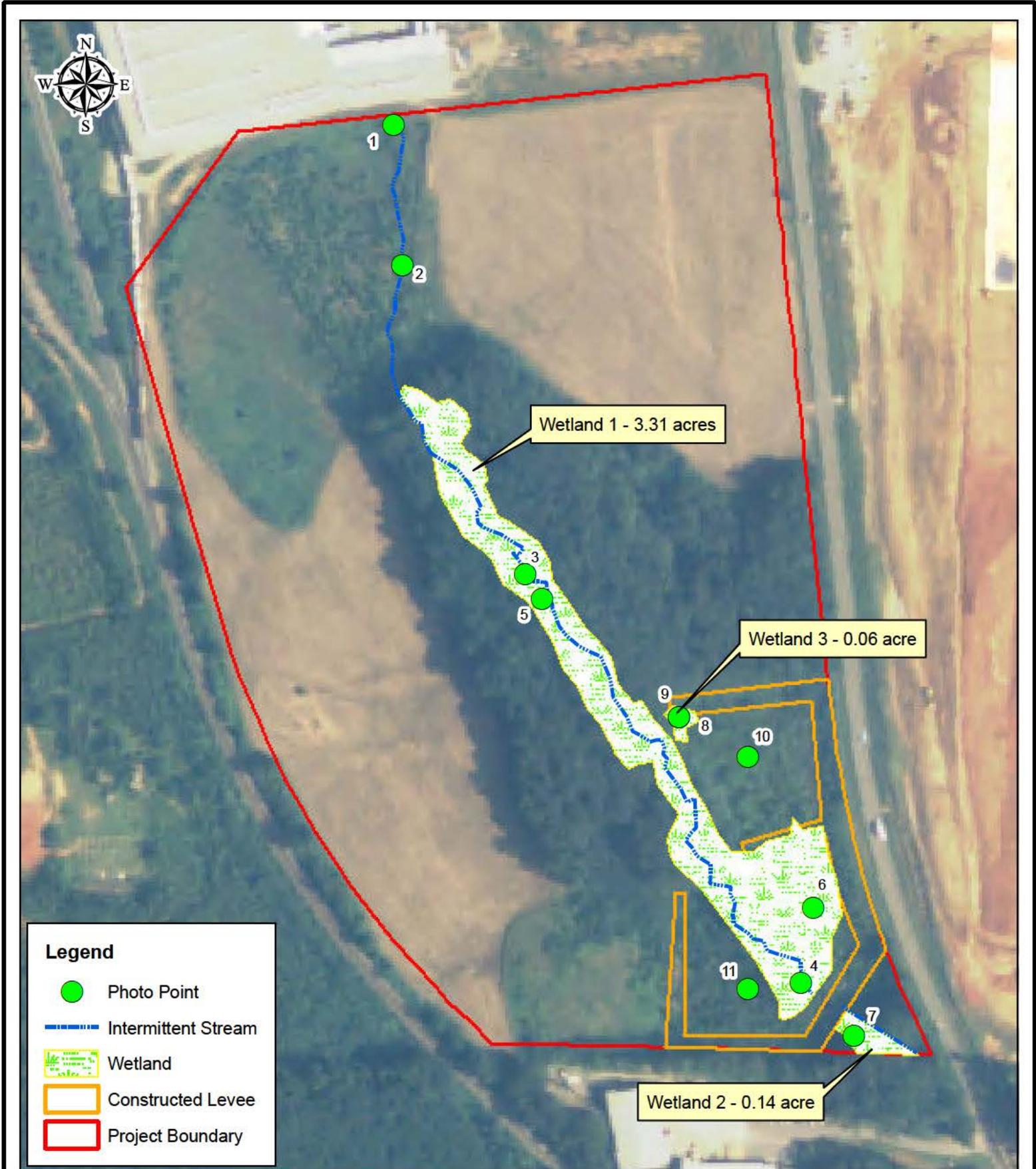
Base Map: ESRI Basemap - USA Topo Map.

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Midland Site K
Henry County, Georgia



Figure 1
Site Location
Project No. 02-012920



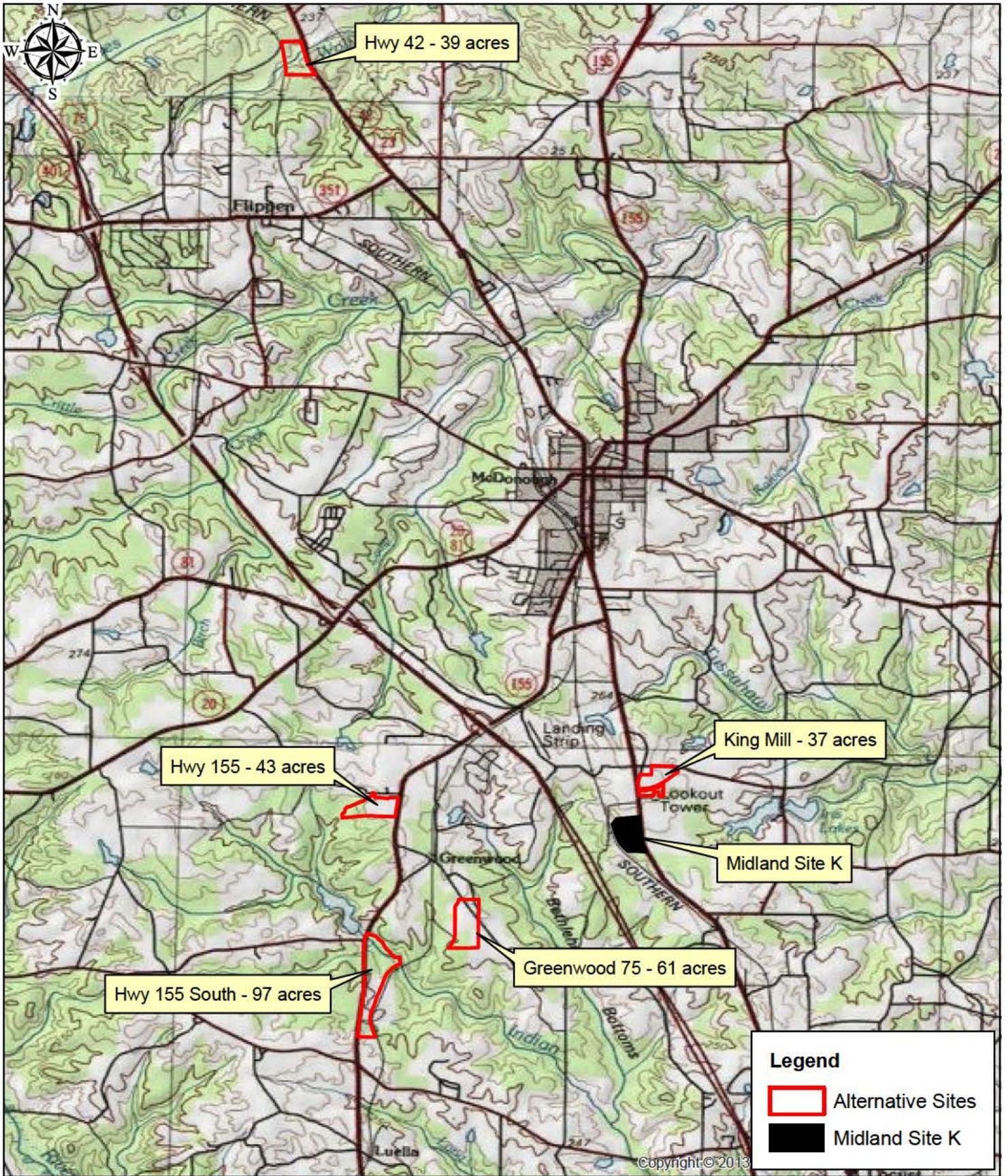
Base Map: ESRI Basemap - World Imagery.

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Midland Site K
Henry County, Georgia



Figure 3
Delineation Results
Project No. 02-012920



Midland Site K
 Henry County, Georgia



Figure 5
Alternative Sites
 Project No. 02-012920