



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT  
1590 ADAMSON PARKWAY, SUITE 200  
MORROW, GEORGIA 30260-1777

May 31, 2019

Regulatory Division  
SAS-2007-01037

**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-2007-01037

Applicant: Mr. Paul Darden  
Fairway Investments, Inc.  
728 Shades Creek Parkway, Suite 210  
Birmingham, Alabama 35209

Agent: Mr. David Smith  
Ecological Solutions, Inc.  
630 Colonial Park Drive, Suite 200  
Roswell, Georgia 30075

Location of Proposed Work: The approximately 34 acre, proposed Creekside Shopping Center project site is located in the northeast quadrant of the intersection of Georgia Highway 278 and Poplar Springs Road, in Hiram, Paulding County, Georgia (Latitude 33.8840, Longitude -84.7277). The property is located in the Middle Chattahoochee watershed, Hydrologic Unit Code: 03130002, and the nearest named waterway is Rakestraw Creek.

Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers: A previous permit for a shopping development on this site was granted to the applicant in 2007, under the same application number. A five year time extension was subsequently granted, which expired in 2017. For economic reasons, no work was done on the site.

The current application is for a similar development, consisting of several anchor stores and four commercial outparcels. Entrances to the shopping center will be located on Highway 278, as well as Poplar Springs Road, providing easy access from the southern and western sides of the property.

Habitat on the property consists of forested areas with a mixture of pine and hardwoods, with portions that was previously clear cut. Three wetlands totaling 1.21 acre are present on site. Two perennial streams (totaling 1,049 linear feet) and one intermittent stream (totaling 587 linear feet) are present on site. The proposed impacts to waters are associated with the building pad and parking lot development, resulting in impacts to 1.20 acre of wetland, 642 linear feet of perennial stream, and 587 linear feet of intermittent stream. After the prior authorization, the applicant provided all required mitigation credits. A total of 5,980 stream credits were purchased from Pine Mountain Mitigation Bank and 10.14 wetland credits from the Georgia Land Trust In-Lieu Fee program.

## **BACKGROUND**

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.

## **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 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 other 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: Review of the latest published version of the National Register of Historic Places indicates that one registered property, listed as eligible for inclusion, is located on the site or in the area affected by the proposed work. A phase 1 architectural survey has been prepared and will be reviewed to determine whether this structure is still eligible for listing. In addition, the survey also describes another structure greater than 50 years old onsite that was evaluated as well. 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 of the U.S. Fish and Wildlife Service (FWS) list of Endangered and Threatened Species indicates the following listed species may occur in the project area: Indiana Bat (*Myotis sodalis*) and Northern Long-Eared Bat (*Myotis septentrionalis*). Tree clearing will be required, but the applicant has not yet stated when the tree clearing will occur. The Savannah District has recommended that tree clearing not occur May 15 to July 31, to avoid potential impacts to bats.

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 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.

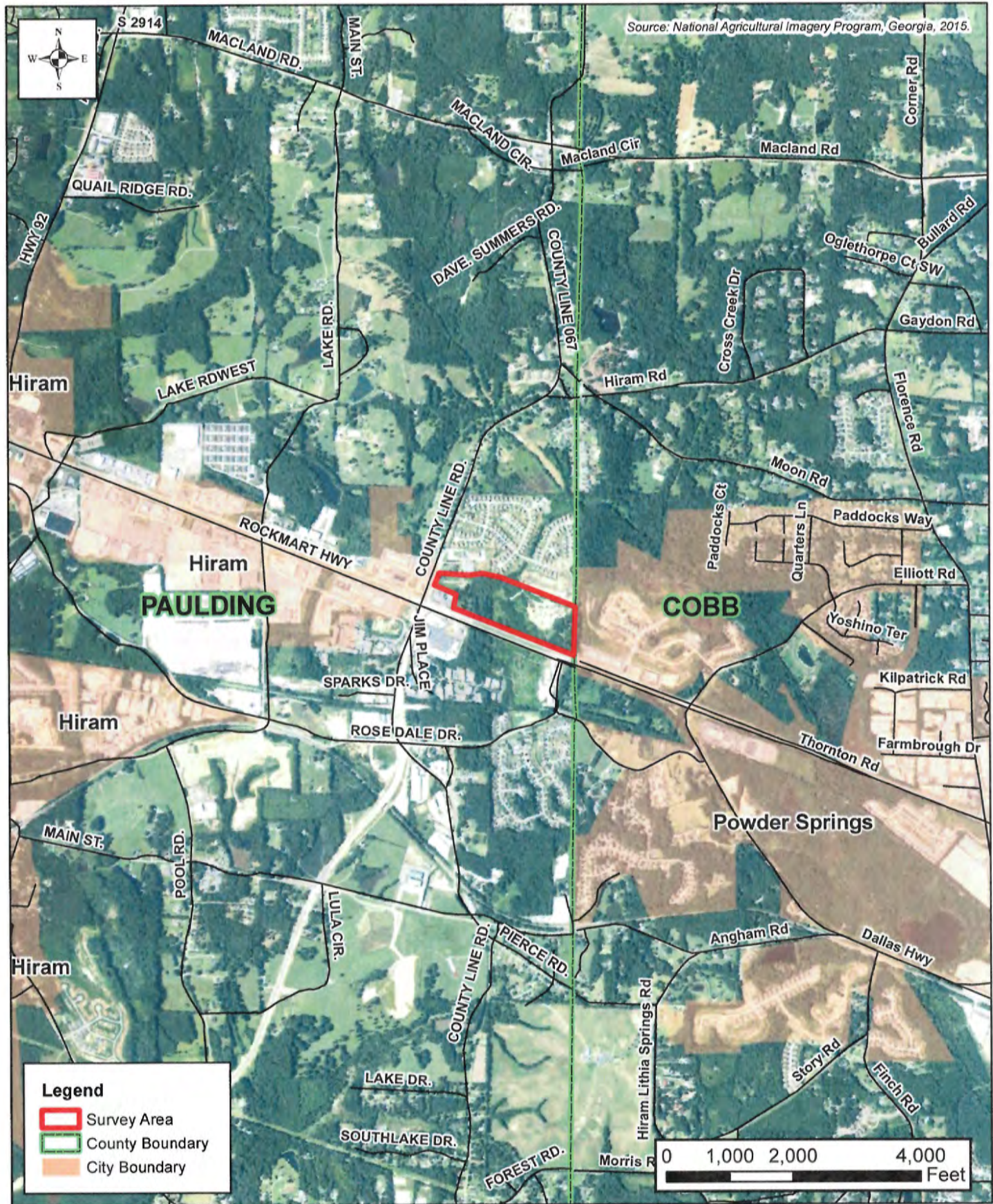
Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. 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 the Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Philip A. Shannin, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777, 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 Mr. Philip Shannin, Piedmont Section Team Lead at (678) 422-2729.

\*\*Encls

1. Location Map
2. Delineation Map
3. Site Plan with aquatic resource impacts



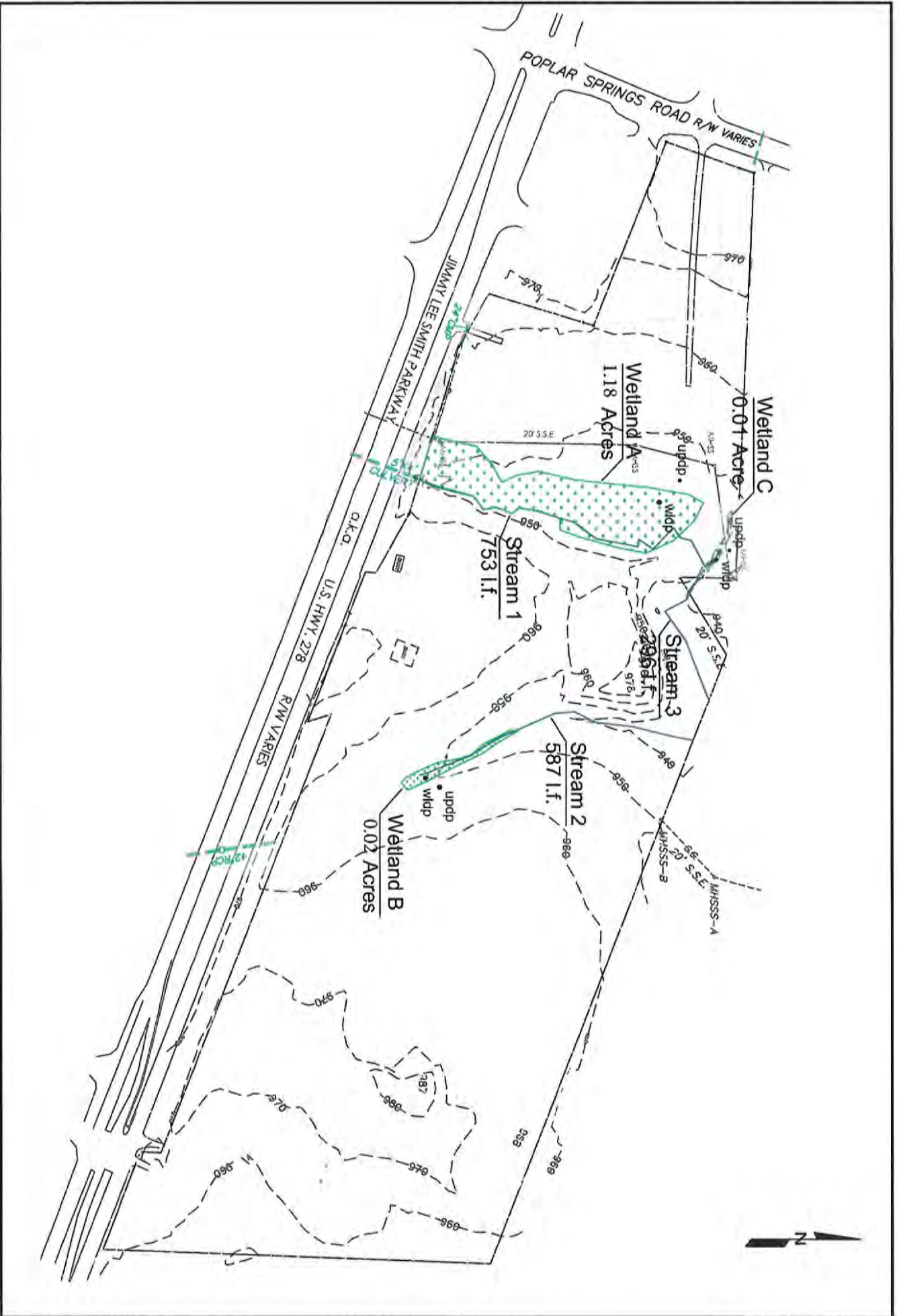
Hiram Shopping Center  
Paulding County, Georgia

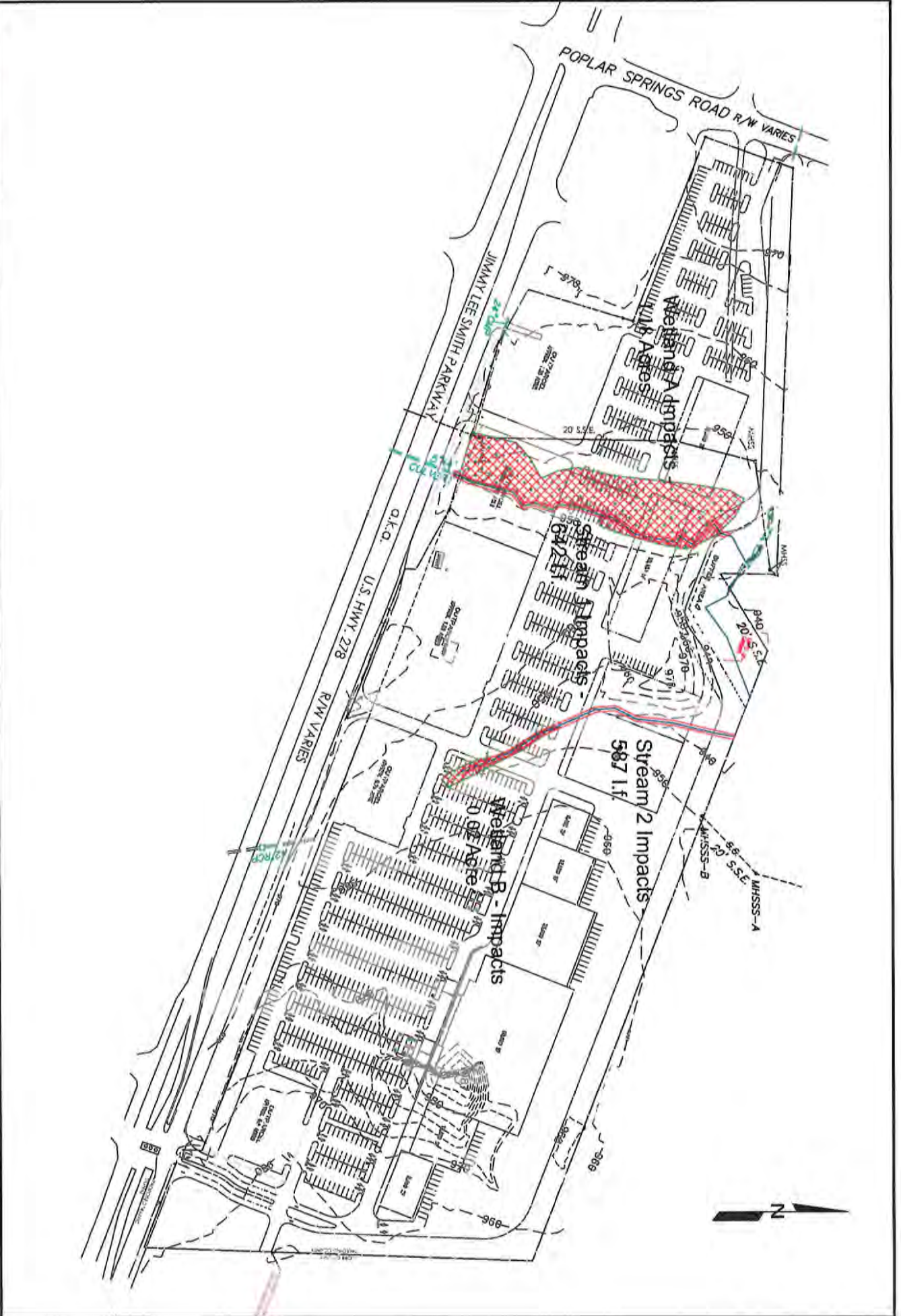
30487-008  
December 2017



**Project Location**

Figure 1





30487-006 Impact Assessment 3/1/2016 3:27:17 PM



Fairway Investments, LLC  
 Hiram Shopping Center  
 Overall Site Plan and Jurisdictional Impacts

1 Inch = 250 Foot  
 30487-006