



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
1025 BUFORD DAM ROAD
BUFORD, GEORGIA 30518

February 6, 2024

Regulatory Division
SAS-2011-00779

PUBLIC NOTICE
Savannah District

Under the US Army Corps of Engineers' Regulatory Program, compensatory mitigation is utilized to offset unavoidable adverse impacts to aquatic resources. One mechanism for providing compensatory mitigation is in-lieu fee mitigation, in which a permit applicant makes a payment to a program that will conduct future wetland, stream or other aquatic resource restoration, creation, enhancement, or preservation activities. On November 26, 2013, the Georgia-Alabama Land Trust was approved to serve as an in-lieu fee mitigation program Sponsor within the boundaries of the Savannah District, in the State of Georgia. The District Engineer has received a request to modify the Georgia-Alabama Land Trust's In-Lieu-Fee (ILF) Program Instrument as compensatory mitigation for Federal and State permits as described below:

Application Number: SAS-2011-00779

Sponsor: Mike Heneghan
Georgia-Alabama Land Trust
226 Old Ladiga Road
Piedmont, Alabama 36272

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 revisions or objections to the proposal, stating reasons thereof, are being solicited from anyone having interest in this instrument modification, and must be submitted to be received on or before the last day of the comment period. Written comments concerning this proposal must reference the Sponsor's name and the Application Number and be forwarded to the US Army Corps of Engineers (Corps) at the above address, or via the email listed at the end of this notice.

This public notice does not imply, on the parts of the Corps or other agencies, either favorable or unfavorable opinion of the work to be performed, but is issued to solicit comments regarding the factors on which final decisions will be based.

Description of Existing ILF Service Areas: The approved ILF Program is authorized to provide compensatory mitigation for unavoidable impacts to the respective waters of the United States in the following service areas:

- Wetland and stream impacts in the Upper Chattahoochee River Service Area (Hydrologic Unit Code (HUC) 03130001);
- Stream impacts in the Middle Chattahoochee River Service Area (HUC 03130002);
- Wetland and stream impacts in the Upper Oconee River Service Area (HUC 03060101);
- Wetland impacts in the Upper Ocmulgee River Service Area (HUC 03060103);
- Wetland and stream impacts in the Upper Savannah River Service Area (HUCs 03060104 and 03060105, and portions of 03060102 and 03060103 that are within the State of Georgia);
- Wetland and stream impacts in the Lower Savannah River Service Area (HUCs 03060108, and portions of 03060106 and 03060109 that are within the State of Georgia);
- Wetland and stream impacts in the Lower Ogeechee River Service Area (HUCs 03060201, 03060202, 03060203, and 03060204);
- Stream impacts in the Satilla River Service Area (HUC 03070204);
- Stream impacts in the Withlacoochee River Service Area (HUCs 03120002 and 03110204, and portions of 03120001, 03120003, 03110103, 03110201, 03110202, and 03110203 that are within the State of Georgia);
- Stream impacts in the Lower Flint River Service Area (HUCs 03130006, 03130007, 03130008, 03130009, and 03130010, and portions of 03130011 that are within the State of Georgia);
- Wetland impacts in the Upper Coosa River Service Area (HUCs 03150102 and 03150103, and portions of 03150101 and 03150105 that are within the State of Georgia);
- Wetland impacts in the Etowah River Service Area (HUC 03150104); and
- Wetland and stream impacts in the Tennessee River Service Area (portions of HUCs 06010202, 06020001, 06020002, 06020003, and 06030001 that are within the State of Georgia).

- Stream impacts in the Upper Flint River Service Area (HUC 03130005).

Description of Requested Modification: The Georgia-Alabama Land Trust proposes the release of these advance credits due to the projected unmet demand for stream and wetland credits from commercial mitigation banks serving the respective service areas. The Georgia-Alabama Land Trust proposes to modify the approved ILF instrument to accommodate the release of additional advance credits to meet a two-to-three-year projected need in the following approved ILF Service Areas:

- 1) 5,000 (2018) stream credits in the Etowah River Service Area;
- 2) 200 (2018) wetland credits in the Lower Ogeechee River Service Area;
- 3) 100 (2018) wetland credits in the Lower Savannah River Service Area;
- 4) 20,000 (2018) stream credits in the Middle Chattahoochee River Service Area;
- 5) 15,000 (2018) stream credits and 20 (2018) wetland credits in the Tennessee River Service Area;
- 6) 10,000 (2018) stream credits and 30 (2018) wetland credits in the Upper Chattahoochee River Service Area;
- 7) 5,000 (2018) stream credits in the Upper Flint River Service Area;
- 8) 30 (2018) wetland credits in the Upper Ocmulgee River Service Area;
- 9) 10,000 (2018) stream credits and 10 (2018) wetland credits in the Upper Oconee River Service Area;
- 10) 5,000 (2018) stream credits and 10.0 (2018) wetland credits in the Upper Savannah River Service Area; and
- 11) 5,000 (2018) stream credits in the Withlacoochee River Service Area.

In addition, the Georgia-Alabama Land Trust is requesting: a) 5,000 (2018) stream credits and 5.0 (2018) wetland credits be released for sale in the Lower Chattahoochee River Service Area (HUC 03130004), which would be new geographic service areas for the ILF Program, and b) 5,000 (2018) stream credits and 5.0 (2018) wetland credits be released for sale in the Tallapoosa River Service Area (HUC 03150108). The District's former ILF Program (with the Georgia Land Trust Service Center) was previously

approved to service the Tallapoosa River Service Area, and since allocated all remaining ILF funds collected in that watershed to the current ILF Program for project execution.

Oversight: This ILF program may be considered one of a number of practicable alternatives available to applicants to compensate for unavoidable impacts associated with permits issued under the authority of Sections 404 and 401 of the Clean Water Act for projects located within the prescribed service areas.

Oversight of this ILF program will be by a group of Federal and State agency representatives collectively referred to as the Interagency Review Team (IRT). The IRT shall be chaired by the Savannah District, Corps and is comprised of representatives from the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the Georgia Department of Natural Resources, Environmental Protection Division.

The actual approval of the use of this ILF for a specific project is the decision of the Corps pursuant to Section 404 of the Clean Water Act. The Corps provides no guarantee that any particular individual or general permit will be granted authorization to use of ILF to compensate for unavoidable impacts associated with a proposed permit, even though mitigation utilizing this option may be available.

Authority: A public notice regarding the major modification of the approved ILF is required pursuant to Title 33 Code of Federal Regulations Parts 325 and 332 and Title 40 Code of Federal Regulations Part 230, entitled "Compensatory Mitigation for Losses of Aquatic Resources, Final Rule", published in the Federal Register on April 10, 2008.

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 this proposed modification of the approved ILF. The modification can be seen at the Corps, Regulatory Division, 1025 Buford Dam Road, Buford Georgia, 30518. Written comments received will be considered by the Corps in evaluating this proposal. Comments are used to assess impacts on endangered species, historic properties, conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and, in general, the needs and welfare of the public.

Preliminary review indicates that: 1) An environmental impact statement will not be required; 2) No species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and, 3) No cultural or historical resources considered eligible or potentially eligible for listing on the National Register of Historic Places will be affected according to a website review of known listed properties. Additional information may change any of these preliminary findings.

Comment Period: Anyone wishing to comment on this proposal should submit comments via email to justin.a.hammonds@usace.army.mil, or in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Regulatory Division, Attention: Mr. Justin Hammonds, 1025 Buford Dam Road, Buford, Georgia 30518, no later than 30-days from the date of this notice. Please refer to the ILF program name and modification request (**Georgia-Alabama Land Trust's In-Lieu-Fee Program, 2024 Advance Credit Modification Request**), in addition to the Regulatory file number (**SAS-2011-00779**) in your comments.

If you have any further questions concerning this matter, please contact Mr. Justin Hammonds, at 678-804-5227, or via electronic mail (email) at justin.a.hammonds@usace.army.mil.