



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

December 18, 2023

Regulatory Division  
SAS-2011-00779

**PUBLIC NOTICE**  
**Savannah District**

The Savannah District has received a Prospectus describing the establishment and operation of a proposed In-Lieu Fee (ILF) wetland compensatory mitigation site (Big Mortar Wetland Mitigation Site) to fulfill advance credits sold from the ILF Program for Federal and State permits as described below:

The comment period for the proposal 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 proposal, and must be submitted to be received on or before the last day of the comment period. Written comments concerning this proposed mitigation site and Department of the Army Permit Application must reference the Sponsor's name and the Permit 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.

Application Number: SAS-2011-00779

Project Sponsor: Mr. Joseph Usher  
Horse Pen Berry Farms, LLC  
4 Marsh Harbor Drive, North  
Savannah, Georgia 31410

Program Sponsor: Mr. Michael Heneghan  
Georgia-Alabama Land Trust  
226 Old Ladiga Road  
Piedmont, Alabama 36272

Project Agent: Mr. Brandon Smith  
HHNT, Inc.  
17 Park of Commerce Blvd., Suite 110  
Savannah, Georgia 31405

Location of Proposed Work: The proposed Big Mortar Wetland Mitigation Site (BMWMS) is situated on an 803.06-acre parcel, of which 449.20 acres will comprise the proposed project. The BMWMS is located ¼ mile north of the intersection of Horsepen Island Road and Jones Road, Northwest, approximately 3.5 miles west of the City of South Newport, in McIntosh County, Georgia (centered at approximately latitude 31.6345, longitude -81.4611). The BMWMS is located within the Newport River Watershed (8-digit Hydrologic Unit Code (HUC) 03060204). Please refer to the enclosed Vicinity Map (Figure 1), 2022 Aerial Imagery (Figure 5), Standard Service Area Map (Figure 9), LiDAR Map (Figure 20) and Present Site Conditions (Figure 21) for more detailed information concerning the location and existing conditions of the proposed compensatory mitigation site.

Geographic Service Area: The Geographic Service Area (GSA) is the defined area within which this compensatory mitigation site can reasonably be expected to provide appropriate compensation for impacts to aquatic resources.

The proposed primary service area (Lower Ogeechee River Basin) would serve the following 8-digit HUCs and portions of the listed counties:

- *Upper Ogeechee (03060201):* Burke, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Taliaferro, Warren, and Washington Counties;
- *Lower Ogeechee (03060202):* Bryan, Chatham, Effingham, Emanuel, Bulloch, Screven, and Jenkins Counties;
- *Canochee (03060203):* Bryan, Bulloch, Candler, Emanuel, Evans, Liberty, Long, and Tattnall Counties; and
- *Newport River (03060204):* Bryan, Chatham, Liberty, Long, and McIntosh Counties.

The ILF Program Instrument does not include use of secondary service areas.

Description of Mitigation Site: The Program Sponsor and Project Sponsor have requested approval to develop a new ILF wetland mitigation site to fulfill previous advance credit sales from the ILF Program in the Lower Ogeechee Primary Service Area (see above). The proposed conceptual mitigation plan for the project consists of the following actions (refer to Existing Impairments (Figure 22), Proposed Mitigation (Figure 23), and Mitigation Activities (Figure 24)):

<b>Proposed Wetland Mitigation Action</b>	<b>Credit Type</b>	<b>Acreage</b>
Vegetative & Hydrologic Restoration	Slope	136.5 acres
Vegetative & Hydrologic Enhancement	Riverine	3.5 acres
Vegetative Restoration & Hydrologic Enhancement	Riverine	295.2 acres
Road Removal	Slope & Riverine	2.2 acres
Upland and Wetland Buffer	N/A	10.8 acres

The Project Sponsor has provided a list of project wetland objectives for the BMWMS, to include the following: wetland hydrologic restoration and enhancement; wetland vegetation restoration and enhancement; sediment retention; increase floodwater storage capacity; improvement of nutrient cycling and sequestration; improvement of groundwater recharge; reduction of flood plain flow impediments; reduction of pollutants, and improvement of biodiversity.

The proposed mitigation plan includes the removal of existing agriculture and silviculture beds that are oriented towards Big Mortar Swamp and Horsepen Swamp, implementation of ditch reach plugs, removal of drainage tiles (when encountered), pine stem removal, as well as replanting a recently clearcut area with appropriate native wetland vegetation. All the aforementioned activities are proposed to restore the hydroperiods of the riverine and slope wetland systems onsite, and allow for the reestablishment of diverse, native vegetative communities. Hydrologic restoration is proposed through ditch plugging of approximately 28,440 linear feet of drainage ditches on the BMWMS, as well as the removal of pine bed and blueberry bed drainage throughout the active silviculture and agriculture areas of the property. The Project Sponsor has indicated that, "all the ditches onsite will be plugged in their entirety given the availability of onsite fill dirt sources".

The Project Sponsor proposes use of tracked equipment of a size that can handle the impact of stumps during bed removal activities. After this is completed a drum chop process will be employed that will mulch the downed vegetation and likely eliminate the remaining portions of the pine and blueberry beds. After all site clearing is conducted, the entire mitigation area will be subjected to a prescribed burn. This approach will serve two purposes - to better prepare the land for site grading activities and to remove undesirable species and their associated seed stock prior to the proposed re-planting. The Project Sponsor is proposing to plant bare root seedlings on ten-foot centers (440 trees/acre). The tree stock proposed to be utilized will be predominantly comprised of hardwoods, to include, water tupelo (*Nyssa aquatica*), swamp chestnut oak (*Quercus michauxii*), overcup oak (*Quercus lyrata*), sycamore (*Platanus occidentalis*), and bald cypress (*Taxodium distichum*).

Oversight: This ILF Mitigation Site 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 Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act for projects located within the prescribed GSA.

Oversight of this mitigation site will be by a group of Federal and State agency representatives collectively referred to as the Interagency Review Team (IRT). The IRT is chaired by the Corps and is typically 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 and Coastal Resources Division.

The actual approval of the use of this mitigation site for a specific project is the decision of the Corps pursuant to Section 10 of the Rivers and Harbors Act and/or 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 this compensatory mitigation site to compensate for unavoidable impacts associated with a proposed permit, even though compensatory mitigation from this mitigation site may be available.

Authority: A public notice regarding the development of the proposed BMWMS 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 to consider and evaluate this proposed mitigation site. The complete prospectus can be viewed and downloaded online from our Regulatory Information Banking and In-Lieu Fee Tracking System (RIBITS) website at [https://ribits.ops.usace.army.mil/ords/f?p=107:278:19690409851743:::RP,278:P278\\_BA\\_NK\\_ID:6755](https://ribits.ops.usace.army.mil/ords/f?p=107:278:19690409851743:::RP,278:P278_BA_NK_ID:6755). If you are unable to view or download the prospectus, please contact Mr. Justin Hammonds, Chief, Special Projects Team, at [justin.a.hammonds@usace.army.mil](mailto:justin.a.hammonds@usace.army.mil) or by phone at 678-804-5227.

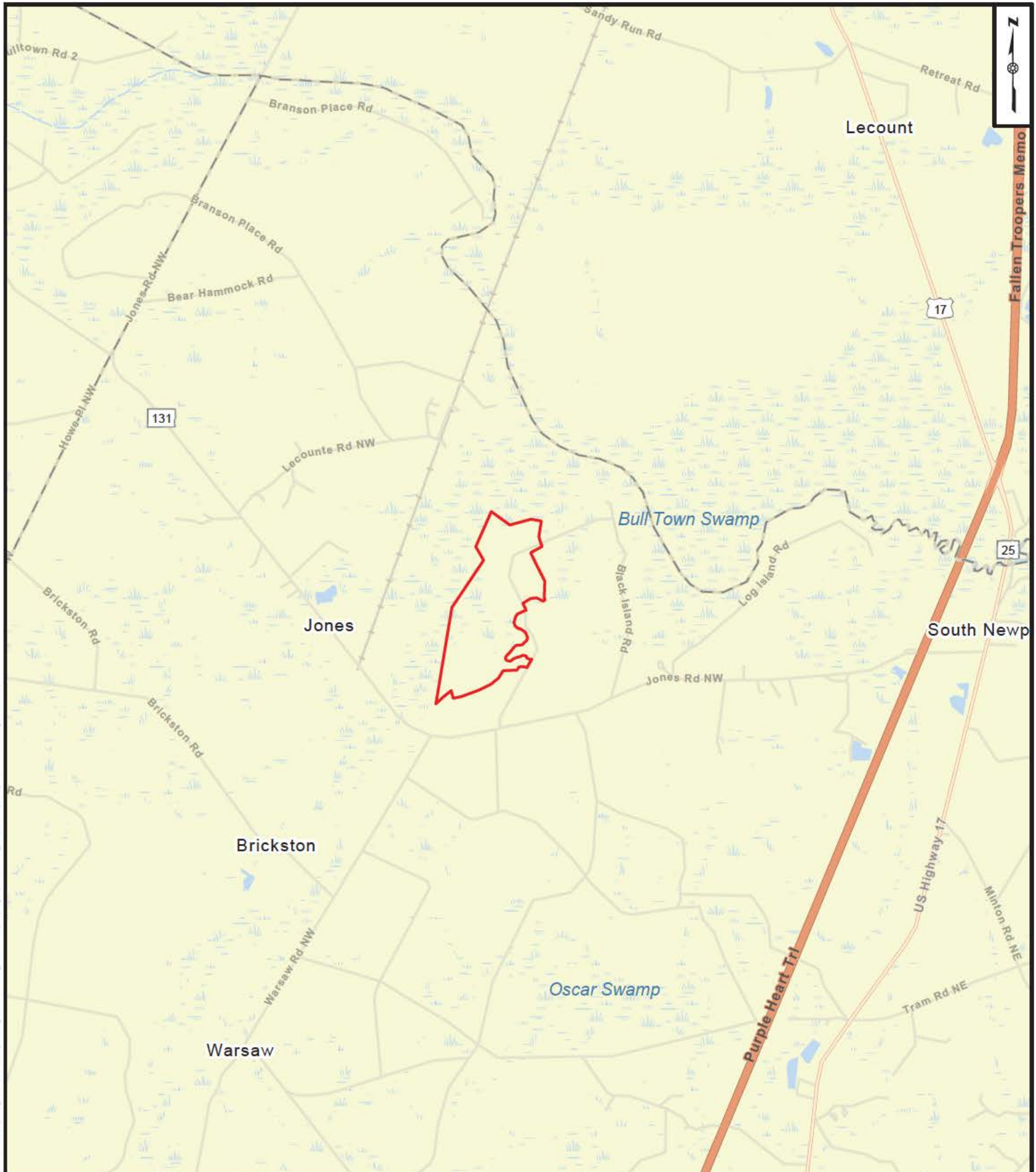
Preliminary review of the Prospectus indicates that: 1) An environmental impact statement will not be required; 2) No species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and, 3) No cultural 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 by email to [justin.a.hammonds@usace.army.mil](mailto:justin.a.hammonds@usace.army.mil). Alternatively, you can submit comments in writing by mail to: Commander, U.S. Army Corps of Engineers, Savannah District, Regulatory Division, Attention: Mr. Justin Hammonds, 1025 Buford Dam Road, Buford, Georgia 31518, no later than 30 days from the date of this notice. Please refer to the Project Name (Big Mortar Wetland Mitigation Site) and the Regulatory Division 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 e-mail at [justin.a.hammonds@usace.army.mil](mailto:justin.a.hammonds@usace.army.mil).

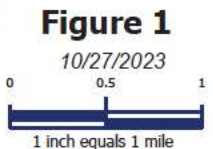
#### Enclosures

1. Vicinity Map (Figure 1)
2. 2022 Aerial Imagery (Figure 5)
3. Standard Service Area Map (Figure 9)
4. LiDAR Map (Figure 20)
5. Present Site Conditions (Figure 21)
6. Existing Impairments (Figure 22)
7. Proposed Mitigation (Figure 23)
8. Mitigation Activities (Figure 24)



**Legend**  
 Big Mortar Boundary (~449.15 Acres)

**DISCLAIMER:**  
 This drawing and the information contained herein is for general presentation purposes only and is a compilation of shapefile(s) provided by various source(s). The source and accuracy of the file(s) has not been verified by HHNT and therefore the drawing is not intended for use as a engineering drawing or for design purposes.



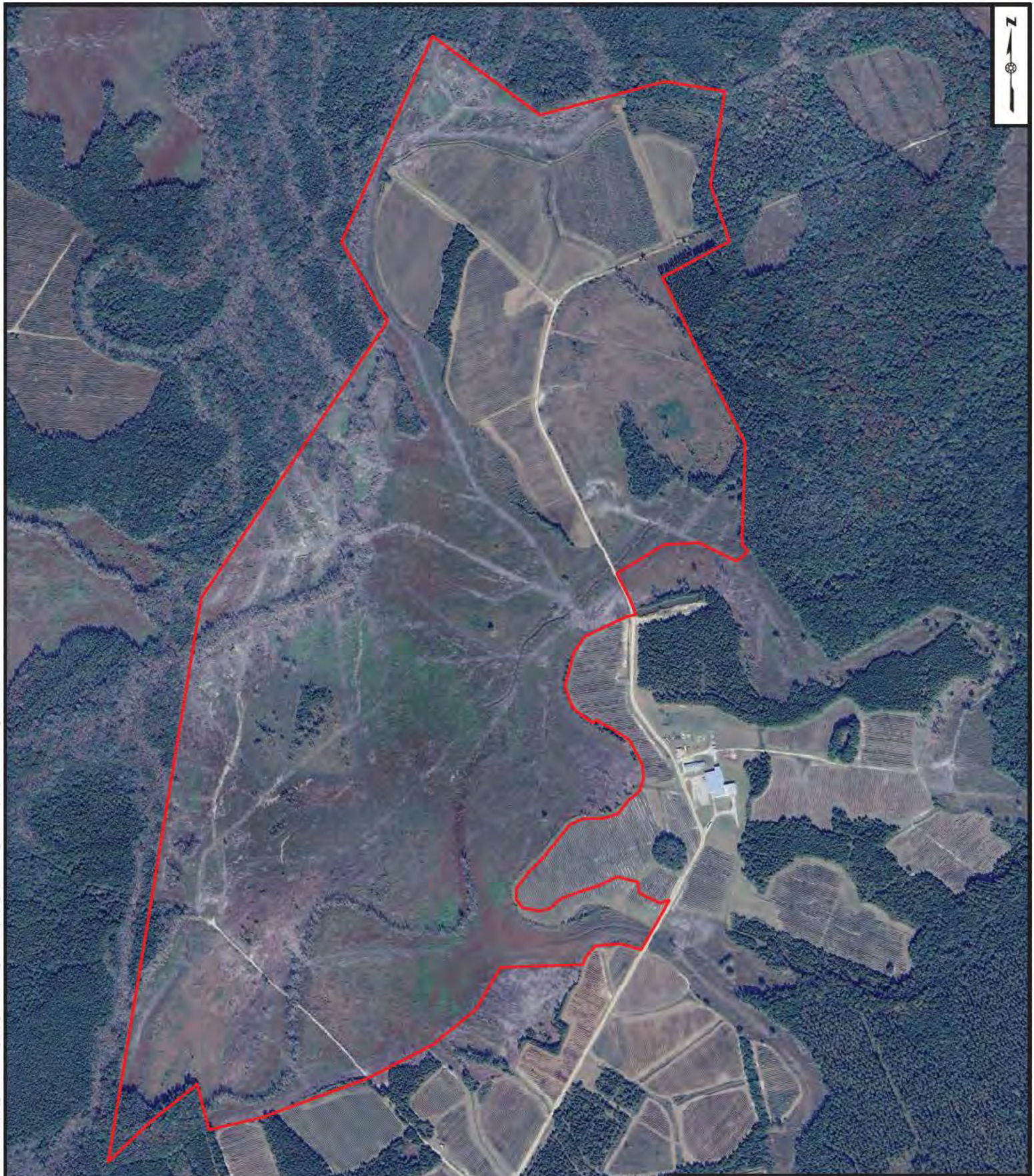
**Vicinity Map**  
 Horse Pen Berry Farm, LLC  
 Big Mortar Mitigation Site  
 McIntosh County, Georgia

**HHNT**  
 HODGES, HARBIN,  
 NEWBERRY & TRIBBLE, INC.  
 Consulting Engineers

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Fallen Troopers Memo

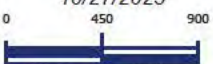




Notes:  
 1. Imagery obtained from Google Earth Pro, dated 11/2022.

Legend  
 Big Mortar Boundary (~449.15 Acres)

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**Figure 5**  
 10/27/2023  
  
 1 inch equals 900 feet

**2022 Aerial Imagery**  
 Horse Pen Berry Farm, LLC  
 Big Mortar Mitigation Site  
 McIntosh County, Georgia

**HHNT**  
 HODGES, HARBIN,  
 NEWBERRY & TRIBBLE, INC.  
 Consulting Engineers

Bath, S. (ArcGIS) User: igwlliams

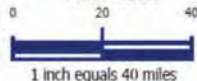




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**Figure 9**

10/27/2023



**Standard Service Area Map**

Horse Pen Berry Farm, LLC  
Big Mortar Mitigation Site  
McIntosh County, Georgia



HODGES, HARBIN,  
NEWBERRY & TRIBBLE, INC.  
Consulting Engineers

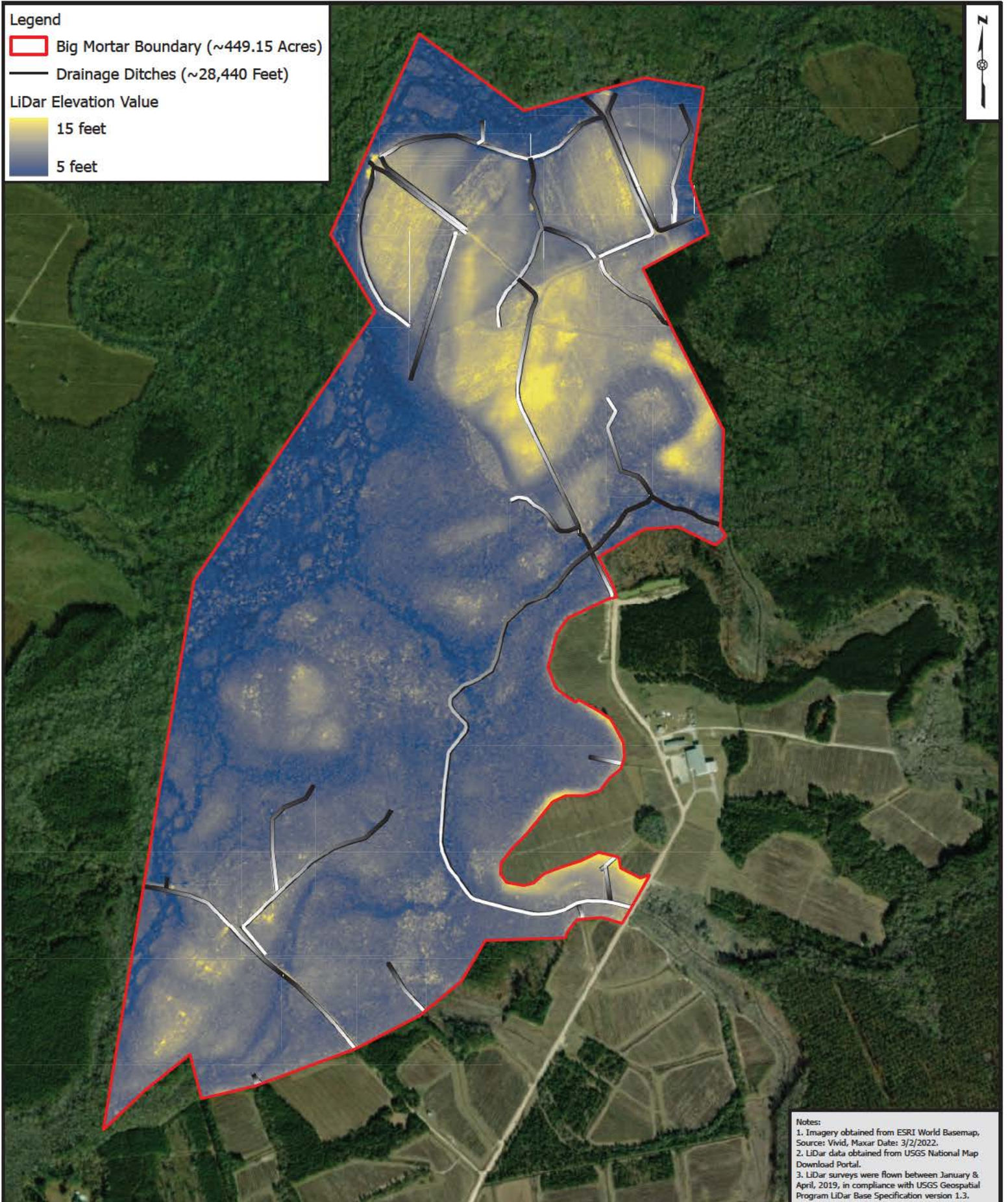


**Legend**

- Big Mortar Boundary (~449.15 Acres)
- Drainage Ditches (~28,440 Feet)

**LiDar Elevation Value**

- 15 feet
- 5 feet



- Notes:**
1. Imagery obtained from ESRI World Basemap, Source: Vivid, Maxar Dates: 3/2/2022.
  2. LiDAR data obtained from USGS National Map Download Portal.
  3. LiDAR surveys were flown between January & April, 2019, in compliance with USGS Geospatial Program LiDAR Base Specification version 1.3.

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**Figure 20**  
 10/27/2023

1 inch equals 900 feet

**LiDar Map**  
 Horse Pen Berry Farm, LLC  
 Big Mortar Mitigation Site  
 McIntosh County, Georgia

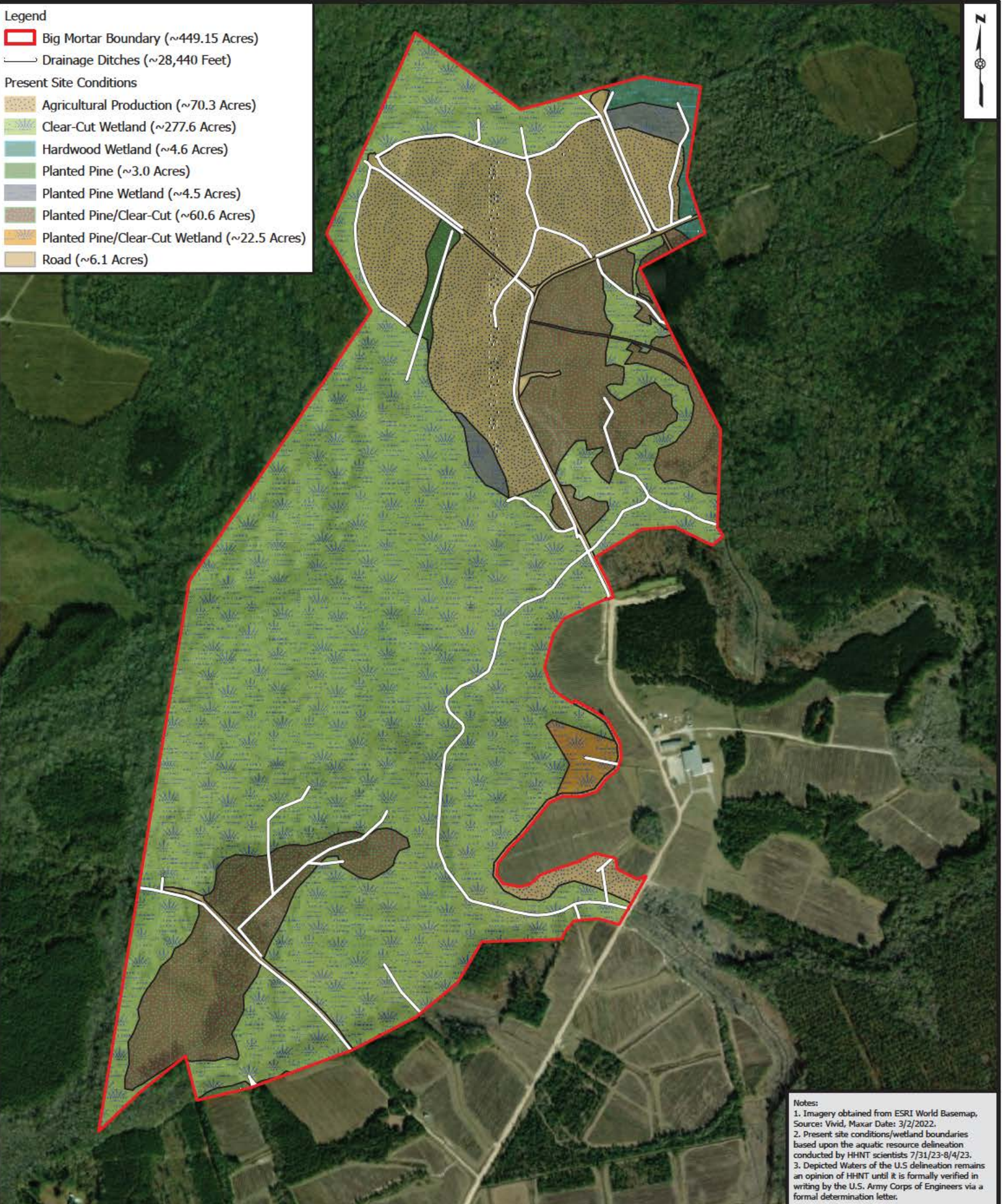
**HHNT**  
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 NEWBERRY & TRIBBLE, INC.  
 Consulting Engineers

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Legend

- Big Mortar Boundary (~449.15 Acres)
- Drainage Ditches (~28,440 Feet)
- Present Site Conditions**
- Agricultural Production (~70.3 Acres)
- Clear-Cut Wetland (~277.6 Acres)
- Hardwood Wetland (~4.6 Acres)
- Planted Pine (~3.0 Acres)
- Planted Pine Wetland (~4.5 Acres)
- Planted Pine/Clear-Cut (~60.6 Acres)
- Planted Pine/Clear-Cut Wetland (~22.5 Acres)
- Road (~6.1 Acres)



- Notes:
1. Imagery obtained from ESRI World Basemap, Source: Vivid, Maxar Date: 3/2/2022.
  2. Present site conditions/wetland boundaries based upon the aquatic resource delineation conducted by HHNT scientists 7/31/23-8/4/23.
  3. Depicted Waters of the U.S delineation remains an opinion of HHNT until it is formally verified in writing by the U.S. Army Corps of Engineers via a formal determination letter.

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**Figure 21**  
 10/27/2023  
 0 450 900  
 1 inch equals 900 feet

**Present Site Conditions**  
 Horse Pen Berry Farm, LLC  
 Big Mortar Mitigation Site  
 McIntosh County, Georgia

**HHNT**  
 HODGES, HARBIN,  
 NEWBERRY & TRIBBLE, INC.  
 Consulting Engineers

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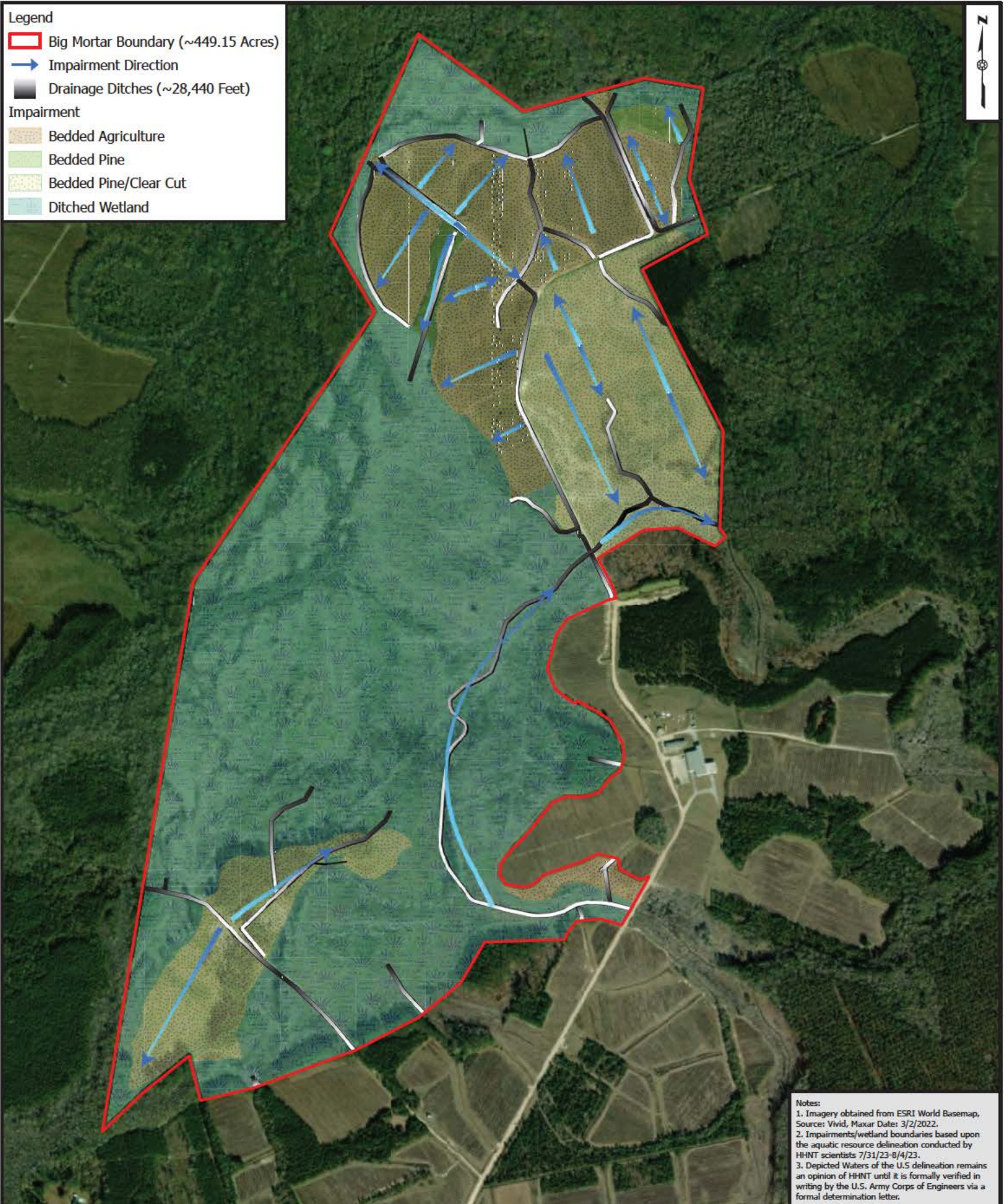


**Legend**

- Big Mortar Boundary (~449.15 Acres)
- Impairment Direction
- Drainage Ditches (~28,440 Feet)

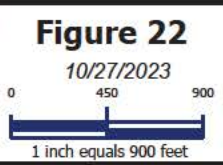
**Impairment**

- Bedded Agriculture
- Bedded Pine
- Bedded Pine/Clear Cut
- Ditched Wetland



- Notes:**
1. Imagery obtained from ESRI World Basemap, Source: Vivid, Maxar Dates: 3/2/2022.
  2. Impairments/wetland boundaries based upon the aquatic resource delineation conducted by HHNT scientists 7/31/23-8/4/23.
  3. Depicted Waters of the U.S delineation remains an opinion of HHNT until it is formally verified in writing by the U.S. Army Corps of Engineers via a formal determination letter.

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**Existing Impairments**  
 Horse Pen Berry Farm, LLC  
 Big Mortar Mitigation Site  
 McIntosh County, Georgia

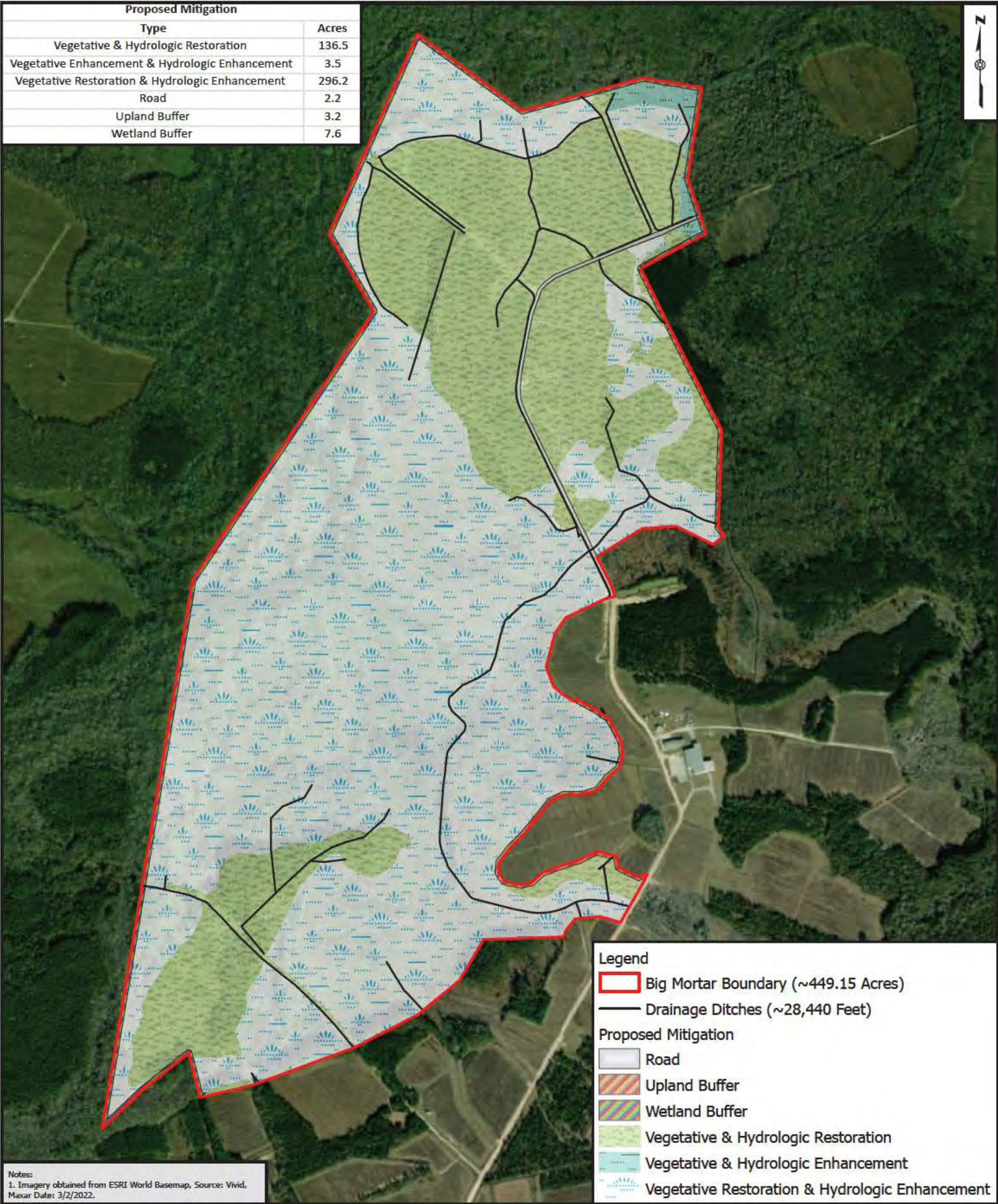
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 NEWBERRY & TRIBBLE, INC.  
 Consulting Engineers

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**Proposed Mitigation**

Type	Acres
Vegetative & Hydrologic Restoration	136.5
Vegetative Enhancement & Hydrologic Enhancement	3.5
Vegetative Restoration & Hydrologic Enhancement	296.2
Road	2.2
Upland Buffer	3.2
Wetland Buffer	7.6

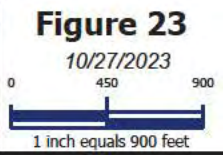


**Legend**

- Big Mortar Boundary (~449.15 Acres)
- Drainage Ditches (~28,440 Feet)
- Proposed Mitigation**
- Road
- Upland Buffer
- Wetland Buffer
- Vegetative & Hydrologic Restoration
- Vegetative & Hydrologic Enhancement
- Vegetative Restoration & Hydrologic Enhancement

**Notes:**  
 1. Imagery obtained from ESRI World Basemap, Source: Vivid, Maxar Date: 3/2/2022.

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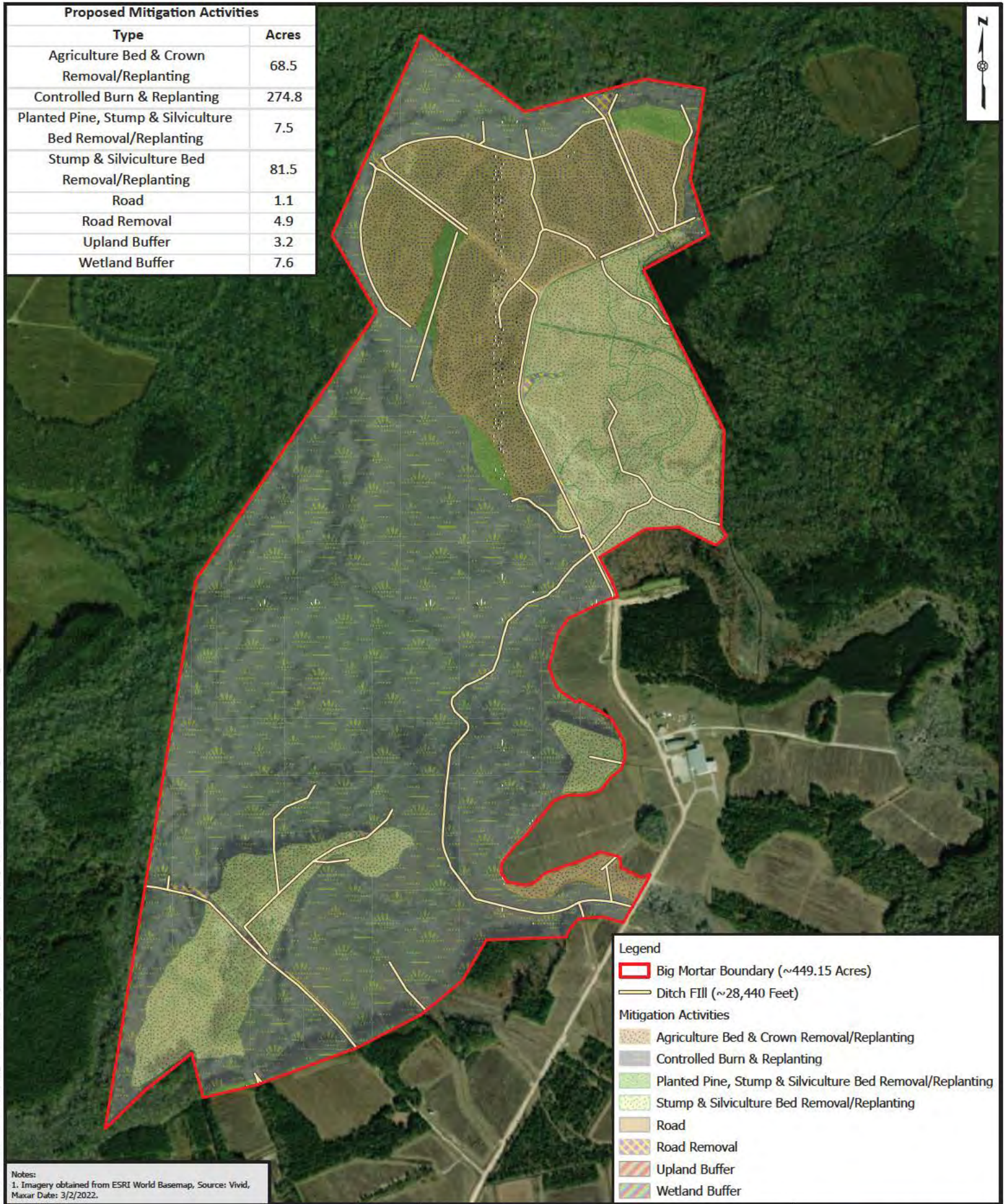
**Proposed Mitigation**  
 Horse Pen Berry Farm, LLC  
 Big Mortar Mitigation Site  
 McIntosh County, Georgia



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Proposed Mitigation Activities	
Type	Acres
Agriculture Bed & Crown Removal/Replanting	68.5
Controlled Burn & Replanting	274.8
Planted Pine, Stump & Silviculture Bed Removal/Replanting	7.5
Stump & Silviculture Bed Removal/Replanting	81.5
Road	1.1
Road Removal	4.9
Upland Buffer	3.2
Wetland Buffer	7.6



**Legend**

- Big Mortar Boundary (~449.15 Acres)
- Ditch FILL (~28,440 Feet)

**Mitigation Activities**

- Agriculture Bed & Crown Removal/Replanting
- Controlled Burn & Replanting
- Planted Pine, Stump & Silviculture Bed Removal/Replanting
- Stump & Silviculture Bed Removal/Replanting
- Road
- Road Removal
- Upland Buffer
- Wetland Buffer

**Notes:**  
 1. Imagery obtained from ESRI World Basemap, Source: Vivid, Maxar Date: 3/2/2022.

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**Figure 24**  
 10/27/2023  
 0 450 900  
 1 inch equals 900 feet

**Mitigation Activities**  
 Horse Pen Berry Farm, LLC  
 Big Mortar Mitigation Site  
 McIntosh County, Georgia



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