



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
SAVANNAH DISTRICT
100 WEST OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3604

October 27, 2021

Regulatory Division
SAS-2014-00765

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-2014-00765

Applicant: Mr. Brett Merkley
Active Minerals International, LLC
6055 Lakeside Commons Drive, Suite 315
Macon, Georgia 31210

Agent: GEC, Incorporated, 514 Hillcrest Industrial Boulevard, Macon, GA 31204

Project Purpose as Proposed by Applicant: The applicant's stated project purpose is to mine and extract the mineral attapulgite from naturally occurring deposits in southwest Georgia.

Location of Proposed Work: The project site is located south of Donalson Farm Road, west of Fowlstown Road, near Attapulgus, in Decatur County, Georgia (Latitude 30.7093, Longitude -84.5420).

Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers:

The applicant is proposing to impact, through mining, 1.3 acres of wetlands associated with the mining project. To offset the loss in aquatic function associated with the above impacts, the applicant has proposed the purchase of "10.4 compensatory wetland mitigation credits" from a U.S. Army Corps of Engineers approved mitigation bank servicing the project area. The project is hydrologically connected to the Attapulgus Creek, a tributary of the Ochlocknee River.

BACKGROUND

This Joint Public Notice announces a request for authorizations from both the Corps 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 location 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. The applicant did not request a pre-certification meeting with Georgia EPD prior to submitting their application for a permit under Section 404 of the Clean Water Act. The applicant must still request a meeting with EPD at least 30 days prior to any request they make for 401 Water Quality Certification.

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.

Marshland Protection: This notice also serves as notification of a request to alter coastal marshlands (under the provision of the Coastal Marshlands Protection Act, Georgia Laws, 1970, p. 939 and as amended), if required. Comments concerning this action should be submitted to the Marsh and Shore Management Section, Coastal Resources Division, Georgia Department of Natural Resources, 1 Conservation Way, Brunswick, Georgia 31523-8600 (Telephone 912-264-7218).

Georgia Coastal Management Program: Prior to the Savannah District Corps of Engineers making a final permit decision on this application, the project must be certified by the Georgia Department of Natural Resources, Coastal Resources Division, to be consistent with applicable provisions of the State of Georgia Coastal Management Program (15 CFR 930). Anyone wishing to comment on Coastal Management Program certification of this project should submit comments in writing within 30 days of the date of this notice to the Federal Consistency Coordinator, Coastal Management Program, Coastal Resources Division, Georgia Department of Natural Resources, One Conservation Way, Brunswick, Georgia 31523-8600 (Telephone 912-264-7218).

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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: Review of the latest published version of the National Register of Historic Places and the Georgia Natural, Archeological and Historic Resources GIS database, indicates that no registered properties or properties listed as eligible for inclusion are located on the project site. Presently unknown archaeological, scientific,

prehistorical or historical data may be located at the site and could be affected by the proposed work.

Essential Fish Habitat (EFH): This notice initiates the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal may result in the destruction or alteration of EFH utilized by various life stages of species comprising the red drum, shrimp, bluefish or snapper grouper management complexes. Our initial determination is that the proposed action would not have an individual or cumulatively substantial adverse impact on EFH or federally managed fisheries in the Atlantic Ocean. Our final determination relative to project impacts to EFH and the need for mitigation measures are subject to review by and coordination with the NMFS and the South Atlantic Fisheries Management Council. No EFH occurs within the proposed project site.

Endangered Species: A preliminary review the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service's Protected Resource Divisions (NMFSPRD)'s list of Endangered and Threatened Species (IPaC) indicates the following listed species may occur in the project area: Eastern Indigo Snake (*Drymarchon corais couperi*), Gopher Tortoise (*Gopherus polyphemus*), and Florida Torreya (*Torreya taxifolia*).

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. In addition, we are requesting information from the USFWS whether the project is within 2,500 feet of an active wood stork nesting colony.

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 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 the impacts of this proposed

activity. Any comments received will be considered by the Corps 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 by email to Holly.A.Ross@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Holly A. Ross, 1104 N. Westover BLVD, Suite 9, Albany Georgia, 31707, 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 Holly A. Ross, Sr. Project Manager, Piedmont Branch, 678-422-2727.

Enclosures:

1. Mapping: 4 Pages
2. Plan Drawings: 2 Pages
3. Mitigation Calculation: 1 PagePN

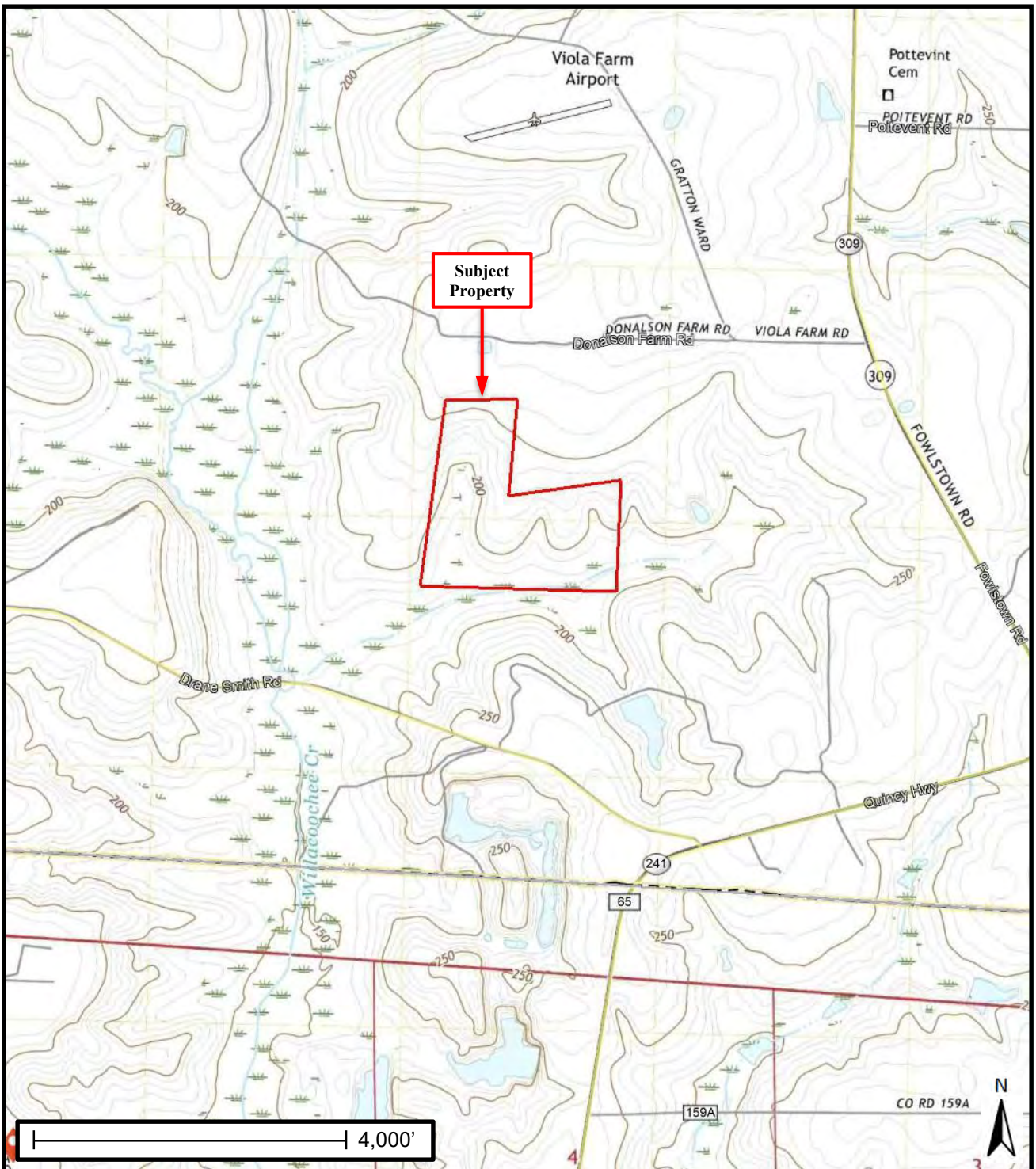


Figure 1 – U.S.G.S. Topographic Map

G&D Farms Tract
 Donalson Farm Road
 Attapulgus, Decatur County, Georgia
 GEC Project No. HN207405
 Scale: As Shown
 Source: Dogtown, FL Quadrangle (2018)

GEC GEOTECHNICAL & ENVIRONMENTAL CONSULTANTS, INC
 A Terracon COMPANY

Geotechnical & Environmental Consultants, Inc. A Terracon Company 514 Hillcrest Industrial Blvd. Macon, GA 31204
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Figure 3 – 2019 Aerial Photograph

G&D Farms Tract
Donalson Farm Road
Attapulgus, Decatur County, Georgia
GEC Project No. HN207405
Scale: As Shown
Source: Google Earth™

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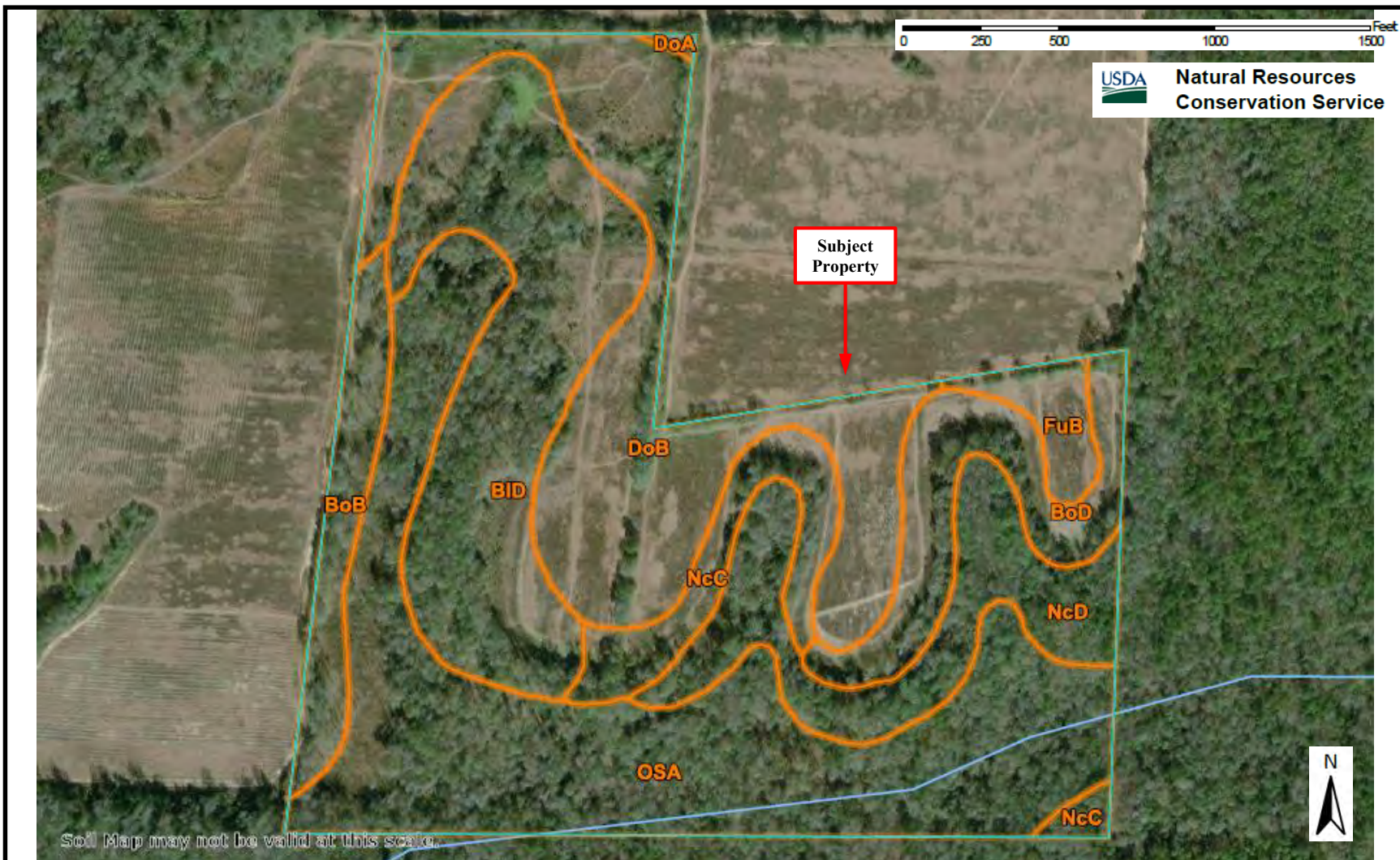


Figure 5 – Soil Survey Map

G&D Farms Tract
 Donalson Farm Road
 Attapulgus, Decatur County, Georgia
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 Scale: As Shown
 Source: USDA NRCS

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Figure 7b
Wetland Delineation Map
(Wetland Delineation Date: 8/4/2020-8/6/2020)
G&D Farms Tract
Viola Farms Road
Attapulgus, Decatur County, Georgia
GEC Project No. HN207405

GEC

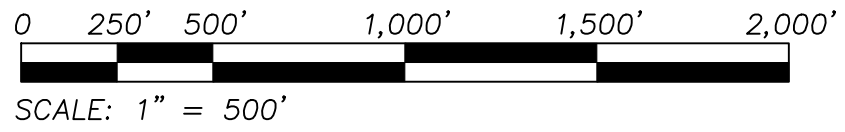
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ON SITE ALTERNATIVES:
 Option 1 Impact Area (~1.3 acres)
 Option 2 Impact Area (~1.8 acres)
 Option 3 Impact Area (~13.1 acres)

Option 3 Impact Area
 Option 2 Impact Area
 Option 1 Impact Area

LEGEND:
 [Red outline] = Approximate Project Area (~98.70)
 [Green dots] = Wetland Area (~38.43 Acres)
 [Blue line] = Perennial Stream (~767 LF; 0.19 Acres)



Impact Map
On-Site Alternatives
(Wetland Delineation Date: 8/4/2020-8/6/2020)
G&D Farms Tract
Viola Farms Road
Attapulgus, Decatur County, Georgia
GEC Project No. HN207405

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LEGEND:
— =Approximate Project Area (~98.70)
 =Wetland Area (~38.43 Acres)
— =Perennial Stream (~767 LF; 0.19 Acres)



SCALE: 1" = 500'

Impact Map

(Wetland Delineation Date: 8/4/2020-8/6/2020)
G&D Farms Tract
Viola Farms Road
Attapulgus, Decatur County, Georgia
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Worksheet 1: Qualitative Worksheet for Wetland Adverse Impacts

Project Name:	G & D Farms Tract
Impact Wetland Name:	Wetland A
Acres of Impact (Acres):	1.30
Wetland Type:	Depressional/Flat Wetlands
Date:	November 13, 2020

Impact Factors

	<u>Index Description</u>	<u>Index Value</u>
1. Wetland Qualitative Functional Capacity Score (<u>WQFC</u>)	High	1.00
2. Impact Category Description (<u>Impact Category</u>)	Discharge of Fill	1.00
3. Product of WQFC and Impact (<u>WQFC Impact</u>) =		1.00
4. Duration of Impact (<u>Duration</u>)	Permanent/Reoccurring	1.00
5. Product of WQFC Impact and Duration (<u>Total WQFC Impact</u>) =		1.00
6. Product of Total WQFC Impact and Acres (<u>Total 2018 Wetland Credits Owed</u>) =		1.30
7. Conversion of Total 2018 Wetland Compensation to Grandfathered Credits (<u>Grandfathered Wetland Credits Owed</u>) =		10.40

Legend

Green Cells = User must manually input information.
Orange Cells = User must select the index choice from the drop-down list.
Grey Cells = The calculation of these cells is automated.