

#### **DEPARTMENT OF THE ARMY**

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

January 4, 2023

Regulatory Division SAS-2019-00089 GDOT PI 0013804

# 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-2019-00089

Applicant: Mr. Eric Duff

State Environmental Administrator Georgia Department of Transportation 600 West Peachtree Street NW, 16th Floor

Atlanta, Georgia 30308

<u>Location of Proposed Work</u>: In waters and wetlands located on State Route (SR) 119, approximately 4 miles southwest of Guyton, in Bulloch and Effingham Counties, Georgia. The approximate project mid-point would be located at Latitude 32.2894, Longitude -81.4607.

Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers: The Georgia Department of Transportation (GDOT) is proposing to replace two structurally deficient and functionally obsolete two-lane bridges along SR 119 over the Ogeechee River (GDOT Bridge No. 031-0050-0) on the Bulloch/Effingham County line and an overflow bridge (GDOT Bridge No. 031-0049-0) to the west in Bulloch County. The proposed roadway approaches would consist of two 12-foot wide travel lanes and 8-foot wide shoulders. The proposed project length would be 1.154 miles and the existing right-of-way is 200 feet wide. Up to 80 feet of permanent easement would be required along the north side of SR 119.

The project would result in a total of 8.85 acres of wetland impacts and 286 linear feet (1.92 acres) of perennial stream impacts. The proposed impacts to aquatic resources would be compensated through the purchase of 214.50 2018 stream credits (2,574 legacy stream credits) and 6.72 2018 wetland credits (53.76 legacy wetland credits) from a Corps approved mitigation bank serving the Lower Ogeechee River watershed [Hydrologic Unit Code (HUC) 03060202].

#### **BACKGROUND**

An Aquatic Resources Delineation Review was completed for the project on April 12, 2019.

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. The applicant has requested a Water Quality Certification from the State of Georgia. 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. This public notice serves as notification to the Administrator of the U.S. Environmental Protection Agency (USEPA) pursuant to section 401(a)(2) of the Clean Water Act for neighboring jurisdiction review and begins the 30-day clock for USEPA to notify affected states.

<u>State-owned Property and Resources</u>: 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.

<u>Cultural Resources</u>: One archaeological resource (9BU131) identified in a 2018 underwater archeological investigation was determined ineligible for inclusion in the National Register of Historic Places (NRHP). The State Historic Preservation Officer (SHPO) concurred with the determination that resource 9BU131 is not eligible for listing in the NRHP in a letter dated December 3, 2018.

A Finding of No Historic Properties Affected document was submitted to the SHPO on August 15, 2017, followed by a subsequent Re-Evaluation Memo dated June 11, 2018 for minor design changes associated with the proposed project.

<u>Endangered Species</u>: Federally-listed species and critical habitats identified as potentially occurring within the project corridor include: pondberry (*Lindera melissifolia*), frosted flatwoods salamander (*Ambystoma cingulatum*), eastern indigo snake (*Drymarchon corais couperi*), shortnose sturgeon (*Acipenser brevirostrum*), Atlantic sturgeon (*Acipenser oxyrinchus Oxyrinchus*), and critical habitat for the Atlantic sturgeon.

Suitable habitat for the federally endangered pondberry and federally threatened frosted flatwoods salamander was not observed within the project survey area. Therefore, a biological determination of "no effect" has been made for these species.

Suitable foraging habitat for the federally threatened eastern indigo snake was identified within the project corridor. Portions of suitable foraging habitat would be impacted by activities for construction of the proposed roadway and overflow bridge and clearing and grubbing for installation of Best Management Practices within the project area. A biological determination of "may affect, not likely to adversely affect" has been made due to impacts to suitable foraging habitat. The U.S. Fish and Wildlife Service (USFWS) concurred with the "may affect not likely to adversely affect" determination for the eastern indigo snake on November 18, 2020. Avoidance and minimization measures developed in coordination with the USFWS would be implemented by GDOT through SP 107.23H and SP 713.6 to protect both the eastern indigo snake and its habitat during project construction.

The Ogeechee River (PS 2) provides suitable migration habitat for the endangered Atlantic and shortnose sturgeons. Early coordination indicates that both sturgeon species are known to pass through this section of the Ogeechee River to spawning grounds further upstream. Project activities may indirectly affect sturgeon migration within the project area and have the potential to increase sedimentation throughout the period of demolition and construction, as well as decrease the water quality from future bridge use. Therefore, a biological determination of "may affect, not likely to adversely affect" has been made for these species. The National Oceanic and Atmospheric Administration (NOAA) concurred with the "may affect not likely to adversely affect" determination for the shortnose and Atlantic sturgeon on January 14, 2021. Additionally, the Ogeechee River is designated critical habitat and home to known populations of the South Atlantic Distinct Population Segments of Atlantic sturgeon. Due to the nature of the project, impacts on the PS 2/Ogeechee River could not be avoided. Avoidance and minimization measures developed in coordination with NOAA would be implemented by GDOT through SP 107.23H to protect these species and designated critical habitat during project construction.

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, USFWS, the U.S. Department of Commerce, NOAA, National Marine Fisheries Service; or, any other interested party, on whether any species listed or proposed for listing may be present in the area.

<u>Public Interest Review</u>: 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.

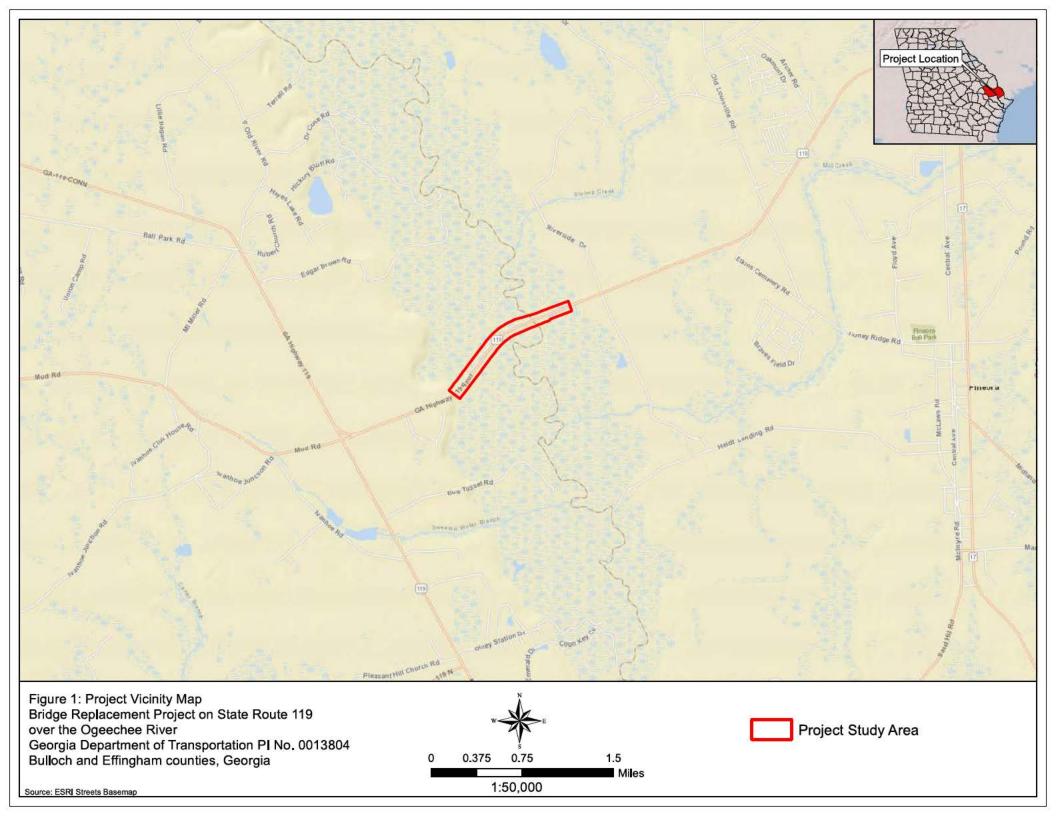
<u>Public Hearing</u>: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public 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.

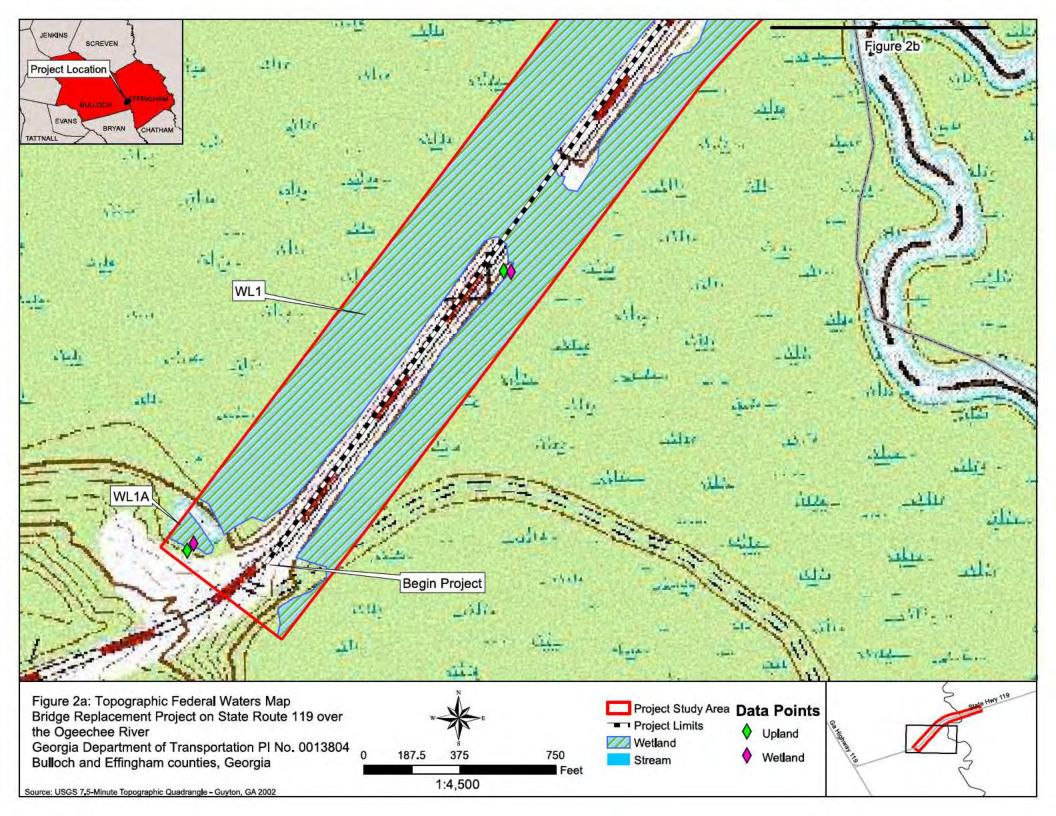
Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments by email to <a href="mailto:brian.moore@usace.army.mil">brian.moore@usace.army.mil</a>. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Mr. Brian Moore, 100 W. Oglethorpe Avenue, Savannah, Georgia 31401-3604, within 30 days from the date of this notice. Please refer to the applicant's name and the application number in your comments.

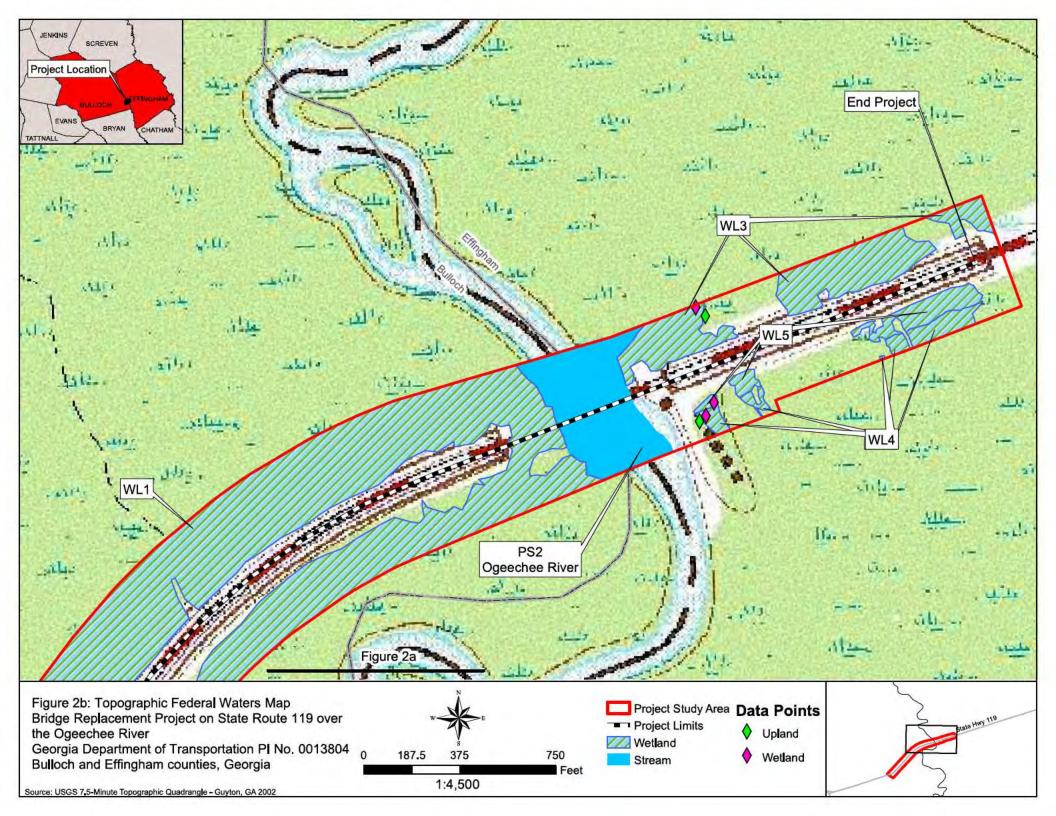
If you have any further questions concerning this matter, please contact Mr. Brian Moore, Project Manager, Management Branch at 912-652-5349.

### **Enclosures**

- 1. Project Vicinity Map
- 2. Construction Plans with Wetland Impacts







Resource Name	Plan Sheet Number(s)
Wetland (WL) 1	13-0001 to 13-0008, 20-0001 to 20-0004
WL 1a	Outside Project Limits
Perennial Stream 2/Ogeechee River	13-0008 to 13-0009, 20-0002 to 20-0004
WL 3	13-0009 to 13-0011, 20-0002 to 20-0004
WL 4	13-0010 to 13-0011
WL 5	13-0009 to 13-0011

SUBSECTIONS 102.04.102.05. AND 104.03 OF THE SPECIFICATIONS.

