



DEPARTMENT OF THE ARMY  
SAVANNAH DISTRICT, CORPS OF ENGINEERS  
1590 ADAMSON PARKWAY, SUITE 200  
MORROW, GEORGIA 30260

October 9, 2019

Regulatory Division  
SAS-2019-00667

**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-2019-00667

Applicant: Publix Supermarkets, Incorporated  
c/o Sembler Corporation; Mr. Kevin Letch  
5858 Central Avenue  
St. Petersburg, Florida 33707

Agent: Ms. Laura Benz, Principal  
Benz Environmental, LLC  
19 West Broad Street  
Newnan, Georgia 30263

Location of Proposed Work: The proposed site is located on the west side of the Oconee Connector, north of Mars Hill Road, east of Virgil Langford Road and just south of Georgia Highway 78, near the City of Bogart, Oconee County, Georgia (latitude 33.908774, longitude -83.467958).

Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers: The applicant proposes to develop a 45-acre mixed use development located in Oconee County, Georgia. The development will feature a Publix Super Market with additional retailers, hotels and restaurants and service providers in outparcels to serve the regional and local population. This development will provide a mixture of services and retail opportunities enhancing the existing regional mix of large national retailers. The proposal will result in impacts to 2,425 linear feet of intermittent channel, 235 linear feet of ephemeral channels, 0.5 acres of wetlands and 0.42 acre of open water.

## 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, intends to certify this project in accordance with the provisions of Section 401 of the Clean Water Act, which is required for a Federal Permit to conduct activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Watershed Protection Branch, 7 MLK Jr. Drive, Suite 450, Atlanta, Georgia 30334, during regular office hours. A copier machine is available for public use at a charge of 10 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can be reviewed in the Savannah District, U.S. Army Corps of Engineers, Regulatory Division, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777.

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: In September 2018, R.S. Webb & Associates conducted a Phase I cultural resources survey of the Oconee-Sembler development tract (46.9 acres) in Oconee County, Georgia. **Literature Review**: GNAHRGIS and HPD records indicate that there is one NRHP-listed historic property located within 1.6 kilometers (km) of the project area. This property, the William Daniell House, is located approximately 800 meters east of the project area. There are seven archeological sites recorded within 1.6 km of the project area, the closest of which is 9OC185, located approximately 650 meters to the east. There are 22 previously recorded historic resources within 1.6 km of the study area. The closest to the project tract is Mars Hill Church Cemetery (GNAHRGIS Resource No. 104504), located approximately 50

meters to the southwest on the south side of Mars Hill Road. **Archeological Survey:** One new isolated artifact find, Isolated Find 1, was recorded during the current field survey. This item is a prehistoric reduction flake that cannot be assigned to a specific cultural period. **Historic Resources Survey:** No historic resources were identified in the project area of potential effect (APE) for direct or indirect impacts. Mars Hill Church Cemetery and two 1960s Ranch houses are within the viewshed for this project.

Endangered Species: A query of the IPAC data resulted in no threatened, endangered, or candidate species on this species list. 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.

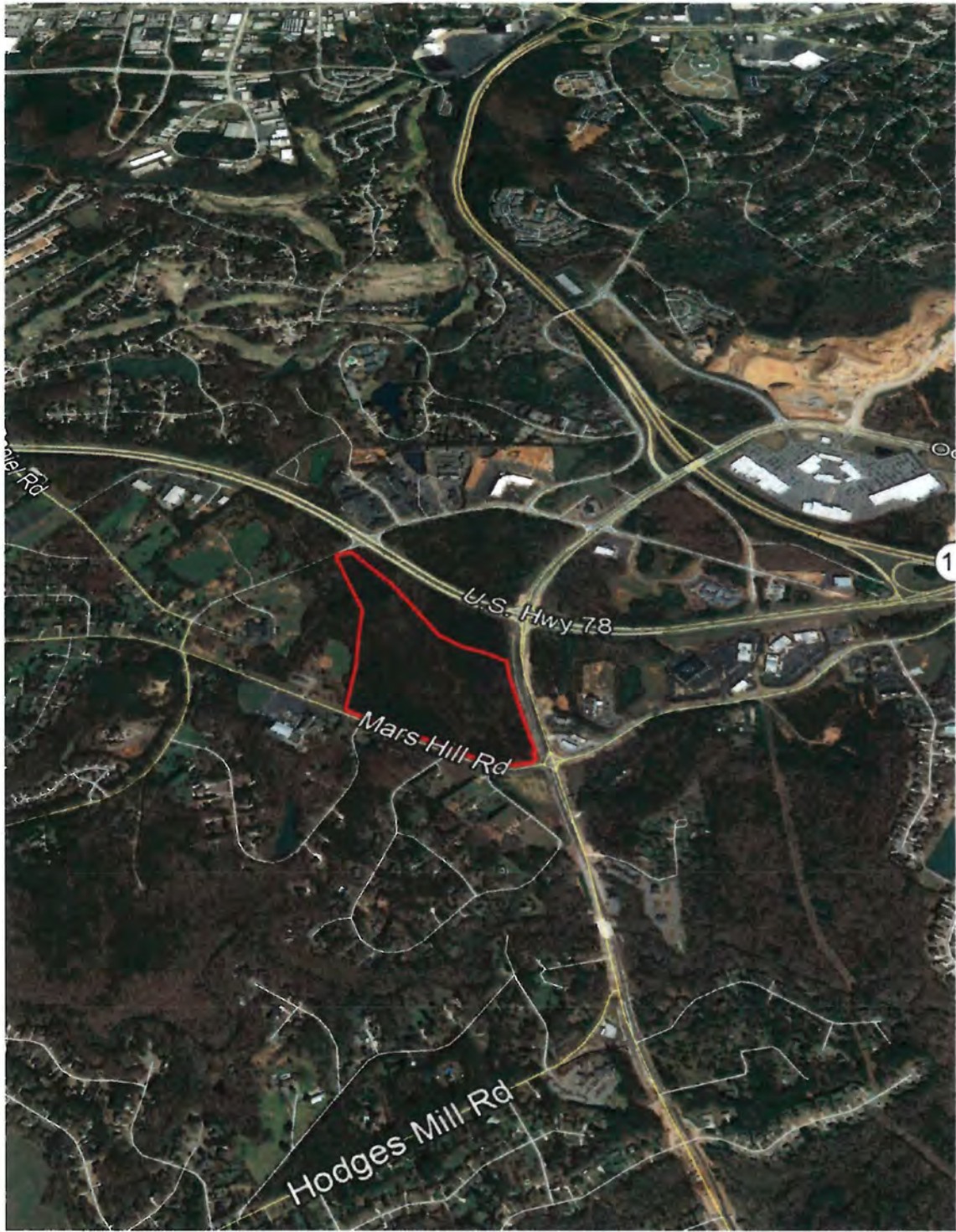
Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. 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: Stacy Marshall, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260, 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 Stacy Marshall, Project Manager at (678) 422-6571.

\*\*Encls

1. Aerial map – Figure 1
2. Approximate wetland location – Exhibit 3
3. Grading plans – C-2.0
4. Proposed conditions plan view – Figure 7



STUDY TYPE: WETLAND DELINEATION & WATERS REVIEW

DATE: 9-12-2019

REVIEWED BY: LWB

CREATED BY: KMF

PERMIT TYPE: INDIVIDUAL PERMIT

FIGURE 1: LOCATION MAP  
 Oconee Connector Shopping Center  
 Oconee County, Georgia

APPLICANT: Publix Marketplace LLC



**Benz**  
 Environmental  
 Consulting, LLC



**AERIAL PHOTO W/ AQUATIC RESOURCE LOCATIONS**

PREPARED FOR:  
Deferred Tax, LLC.

**DELINEATION OF AQUATIC RESOURCES  
OCONEE-SEMBLER DEVELOPMENT  
OCONEE COUNTY, GEORGIA**

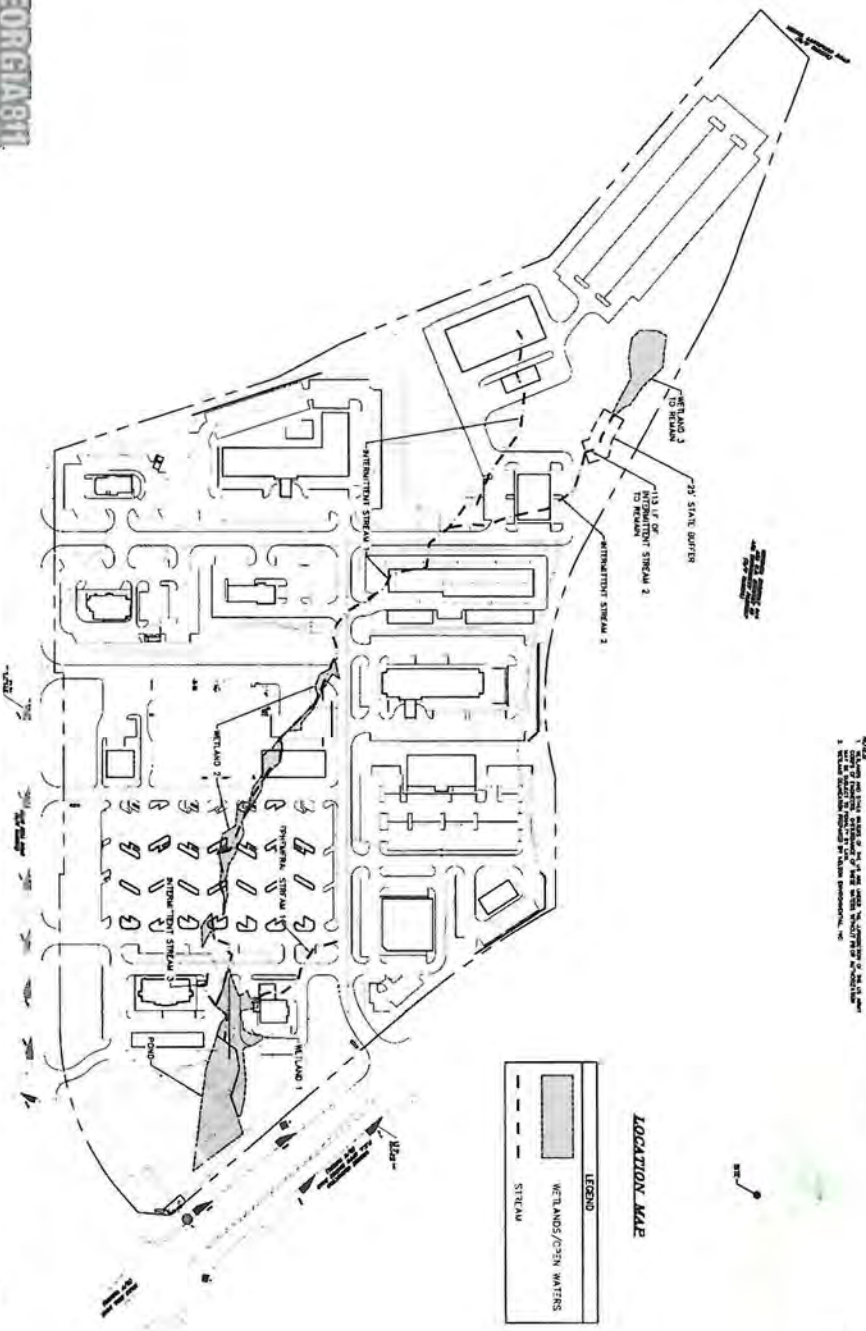
**APPROX. STUDY AREA** ———

EXHIBIT 3  
PREPARED 4/16/2019 BY:  
**NELSON ENVIRONMENTAL, INC.**  
[www.NelsonEnvironmental.us](http://www.NelsonEnvironmental.us) PH:404/862-1665





JURISDICTIONAL IMPACT DATA			
RESOURCE STATUS	RESOURCE AVALUATION	ACTION	NO ACTION
WETLAND 1	0.2N AC	5.2N AC	0 AC
WETLAND 2	0.2N AC	5.2N AC	0 AC
WETLAND 3	0.2N AC	5.2N AC	0 AC
WETLAND 4	0.2N AC	5.2N AC	0 AC
WETLAND 5	0.2N AC	5.2N AC	0 AC
WETLAND 6	0.2N AC	5.2N AC	0 AC
WETLAND 7	0.2N AC	5.2N AC	0 AC
WETLAND 8	0.2N AC	5.2N AC	0 AC
WETLAND 9	0.2N AC	5.2N AC	0 AC
WETLAND 10	0.2N AC	5.2N AC	0 AC
WETLAND 11	0.2N AC	5.2N AC	0 AC
WETLAND 12	0.2N AC	5.2N AC	0 AC
WETLAND 13	0.2N AC	5.2N AC	0 AC
WETLAND 14	0.2N AC	5.2N AC	0 AC
WETLAND 15	0.2N AC	5.2N AC	0 AC
WETLAND 16	0.2N AC	5.2N AC	0 AC
WETLAND 17	0.2N AC	5.2N AC	0 AC
WETLAND 18	0.2N AC	5.2N AC	0 AC
WETLAND 19	0.2N AC	5.2N AC	0 AC
WETLAND 20	0.2N AC	5.2N AC	0 AC
WETLAND 21	0.2N AC	5.2N AC	0 AC
WETLAND 22	0.2N AC	5.2N AC	0 AC
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WETLAND 27	0.2N AC	5.2N AC	0 AC
WETLAND 28	0.2N AC	5.2N AC	0 AC
WETLAND 29	0.2N AC	5.2N AC	0 AC
WETLAND 30	0.2N AC	5.2N AC	0 AC
WETLAND 31	0.2N AC	5.2N AC	0 AC
WETLAND 32	0.2N AC	5.2N AC	0 AC
WETLAND 33	0.2N AC	5.2N AC	0 AC
WETLAND 34	0.2N AC	5.2N AC	0 AC
WETLAND 35	0.2N AC	5.2N AC	0 AC
WETLAND 36	0.2N AC	5.2N AC	0 AC
WETLAND 37	0.2N AC	5.2N AC	0 AC
WETLAND 38	0.2N AC	5.2N AC	0 AC
WETLAND 39	0.2N AC	5.2N AC	0 AC
WETLAND 40	0.2N AC	5.2N AC	0 AC
WETLAND 41	0.2N AC	5.2N AC	0 AC
WETLAND 42	0.2N AC	5.2N AC	0 AC
WETLAND 43	0.2N AC	5.2N AC	0 AC
WETLAND 44	0.2N AC	5.2N AC	0 AC
WETLAND 45	0.2N AC	5.2N AC	0 AC
WETLAND 46	0.2N AC	5.2N AC	0 AC
WETLAND 47	0.2N AC	5.2N AC	0 AC
WETLAND 48	0.2N AC	5.2N AC	0 AC
WETLAND 49	0.2N AC	5.2N AC	0 AC
WETLAND 50	0.2N AC	5.2N AC	0 AC



**USACE**  
**JURISDICTIONAL**  
**IMPACT MAP**  
 GRAPHIC SCALE  
 1" = 100'

LEGEND	
[Solid Grey Box]	WETLANDS/OPEN WATERS
[Dashed Line]	STREAM

LOCATION MAP

NOTES:  
 1. THIS MAP IS A PRELIMINARY DRAWING AND IS NOT TO BE USED FOR CONSTRUCTION.  
 2. THE LOCATION MAP IS NOT TO BE USED FOR CONSTRUCTION.  
 3. THE LOCATION MAP IS NOT TO BE USED FOR CONSTRUCTION.

STUDY TYPE: WETLAND DELINEATION & WATERS REVIEW

DATE: 10-2-2019

REVIEWED BY: LWB

CREATED BY: KMF

PERMIT TYPE: INDIVIDUAL PERMIT

FIGURE 7: PROPOSED CONDITIONS PLAN VIEW DRAWING  
 Oconee Connector Shopping Center  
 Oconee County, Georgia  
 APPLICANT: Publix Marketplace LLC



**Benz**  
**Environmental**  
**Consulting, LLC**