



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
4751 BEST ROAD, SUITE 140
COLLEGE PARK, GEORGIA 30337-5600

July 14, 2022

Regulatory Division
SAS-2019-00905

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:

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 modifications or objections to the proposed work, stating reasons thereof, are being solicited from anyone having interest in this permit, and must be submitted so as to be received on or before the last day of the comment period. Written comments concerning this Department of the Army Permit application must reference the Applicant's name and the Permit Application Number and be forwarded to the US Army Corps of Engineers (Corps) at the above address.

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.

Application Number: SAS-2019-00905

Applicant: Mr. Nick Howard
Stone Martin Builders
404 South 8th Street
Opelika, Alabama 36801

Agent: Mr. Will P. Neighbors
Wildland Services, LLC
P.O. Box 469
Auburn, AL 36831

Location of Proposed Work: The proposed project site is located on approximately 115 acres, south of Georgia Highway 315 and east of Interstate 185, in Cataula, Harris County, Georgia (Latitude 32.6598, Longitude -84.9696). The nearest named waterbody is Standing Boy Creek, which is located 1.3 miles south of the site.

Description of Work Subject to the Jurisdiction of the Corps: The project involves the construction of Phase III of a residential subdivision and associated infrastructure. The Applicant's plan would result in the loss of 0.77-acre of wetlands from the construction

of two road crossings and lot pads, as well as temporary impacts to 13 linear feet of intermittent stream from the construction of a utility line crossing. The Applicant proposes to offset project impacts to aquatic resources through the purchase of 4.72 legacy wetland mitigation credits and 42 legacy stream mitigation credits from a U.S. Army Corps of Engineers approved bank that services the area.

BACKGROUND

This office issued a Nationwide Permit 29 (NWP 29) verification letter in February 2019 for the applicant to construct the Mulberry Grove Subdivision. Impacts under this NWP 29 totaled 0.45-acre of wetlands and required 2.88 wetland credits to be purchased from Upatoi Creek Mitigation Bank. This office subsequently issued Nationwide Permit 14 (NWP 14) verifications for four road crossings to construct Phase II of the subdivision in May 2022. Impacts under these NWPs totaled 0.43-acre of two wetlands and 484 linear feet (0.048-acre) of two streams. The required mitigation was 2.56 legacy wetland mitigation credits from the Flint River Mitigation Bank and 2,818 legacy stream credits from the Tower Road I Mitigation Bank. Due to housing demand in the Columbus metro area, and sales of the lots and homes in the previously permitted subdivision, the applicant desires to expand the Mulberry Grove project for a third time.

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 located in, on, or adjacent to the waters of the State of Georgia, review for Water Quality Certification in accordance with Section 401 of the Clean Water Act 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.

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 another 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: The Applicant did not provide a Phase I cultural resource survey of the proposed project site for purposes of assessing potential archaeological sites, historic structures, or cultural resources which may be present within the general vicinity of the proposed work area. The Corps has requested a Phase I cultural resource survey of the permit areas be provided. Presently unknown archaeological, scientific, prehistorical or historical data may also be located at the site and could be affected by the proposed work.

Endangered Species: 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. Based on the *IPaC Trust Resource Report* for the project site, one listed threatened and one listed endangered species, the Georgia Rockcress (*Arabis georgiana*) and Relict Trillium (*Trillium reliquuens*) respectively, are likely to occur on the subject property.

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 that 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, floodplain 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 in 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, including an evaluation of practicable alternatives. In the Applicant's current proposal, no off-site alternatives to the project have been proposed. The Applicant has proposed one on-site alternative layout.

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 substantive information necessary for evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments via email to amy.k.egoroff@usace.army.mil or in writing to: Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Amy Egoroff, 4751 Best Road, Suite 140, College Park, Georgia 30337-5600, no later than **30 days** from the date of this notice. Please refer to the Applicant's name (Stone Martin Builders) and the assigned Regulatory file number (SAS-2019-00905) in your comments.

If you have any further questions concerning this public notice, please contact Amy K. Egoroff, Project Manager, Piedmont Branch at 678-422-6751, or amy.k.egoroff@usace.army.mil.

Encls

1. Figure 1: Site Location Map
2. Figure 2: Aerial with Site Location
3. Figure 3: USGS Topo with Site Location
4. Exhibit 1: Wetland Impacts



Drawing by: Will Neighbors: CPESC, PWS
334-391-2005 / www.wildlandservices.com

MULBERRY GROVE III

32.6647, -84.9698
CATAULA, GA



LEGEND

Drawing Symbols

• Subject Site

12/13/2019

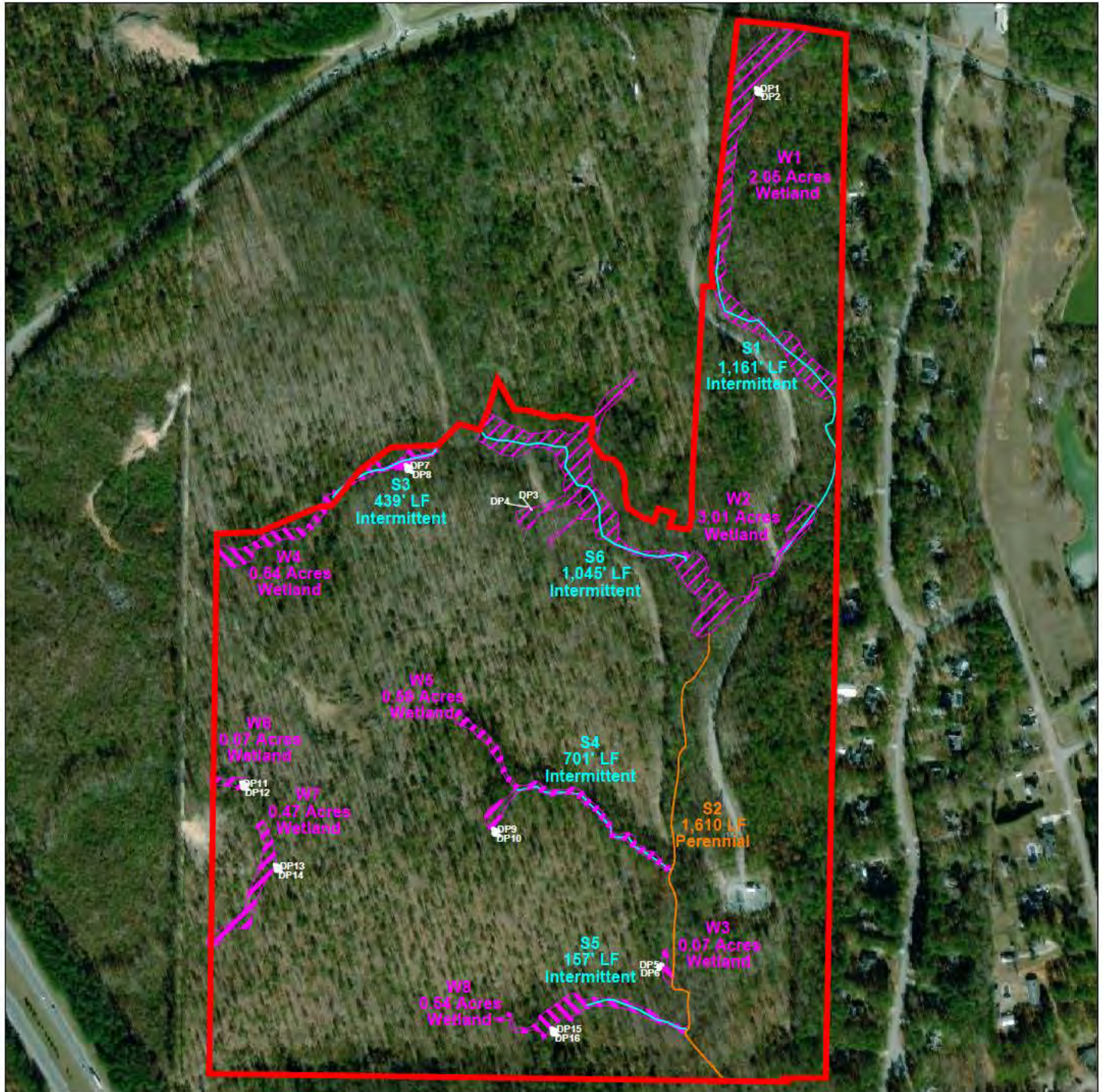
Figure 1
Site Location Map



Drawing by: Will Neighbors: CPESC, PWS
334-391-2005 / www.wildlandservices.com

MULBERRY GROVE III

32.6598, -84.9696
CATAULA, GA



3/23/2021

0' 50' 100' 150'

Figure 2
Aerial with Site Location

LEGEND

Drawing Symbols

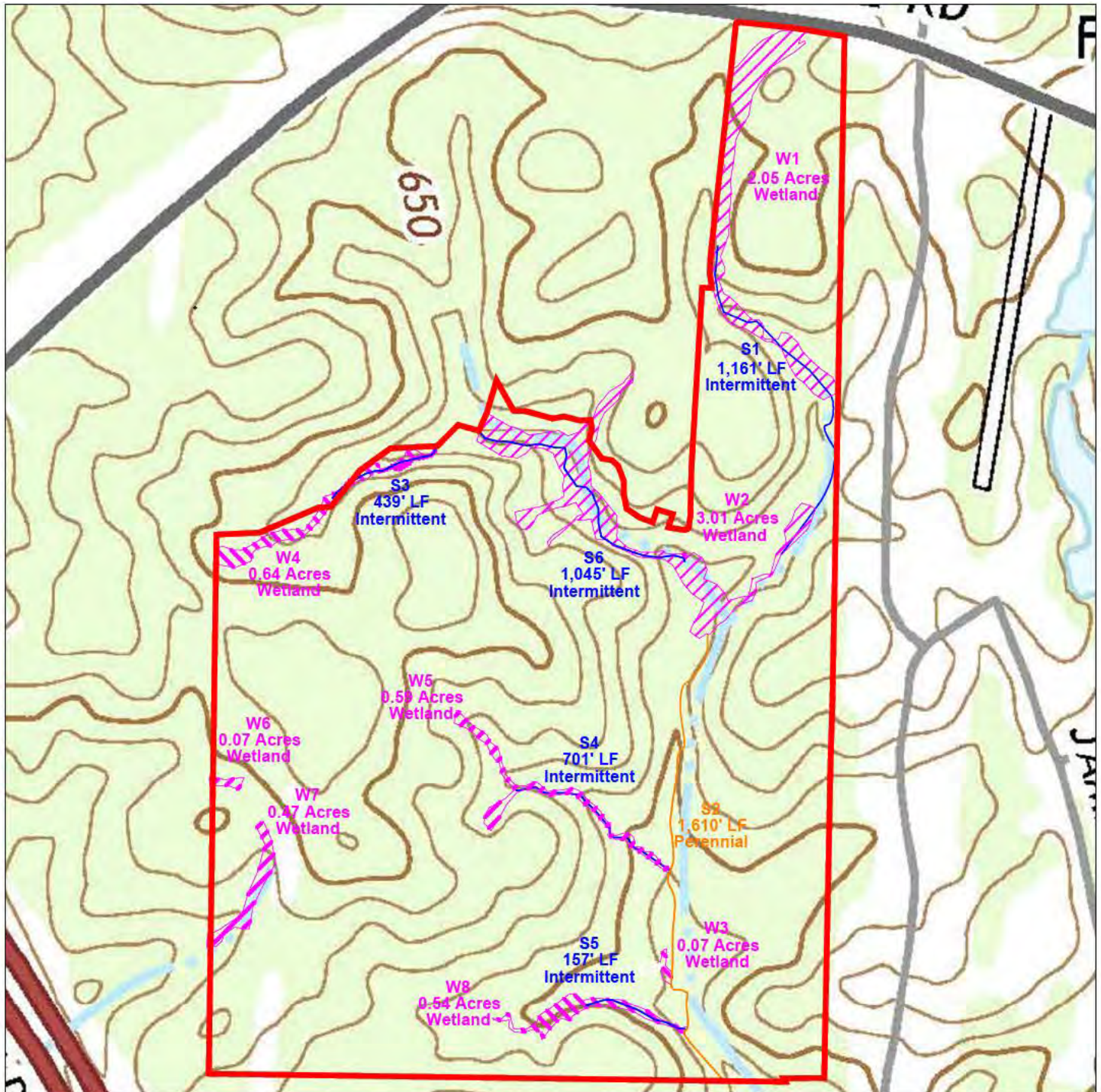
- Subject Site
- Perennial Stream
- Intermittent Stream
- Wetland
- Data Point



Drawing by: Will Neighbors: CPESC, PWS
334-391-2005 / www.wildlandservices.com

MULBERRY GROVE III

32.6598, -84.9696
CATAULA, GA



3/23/2021

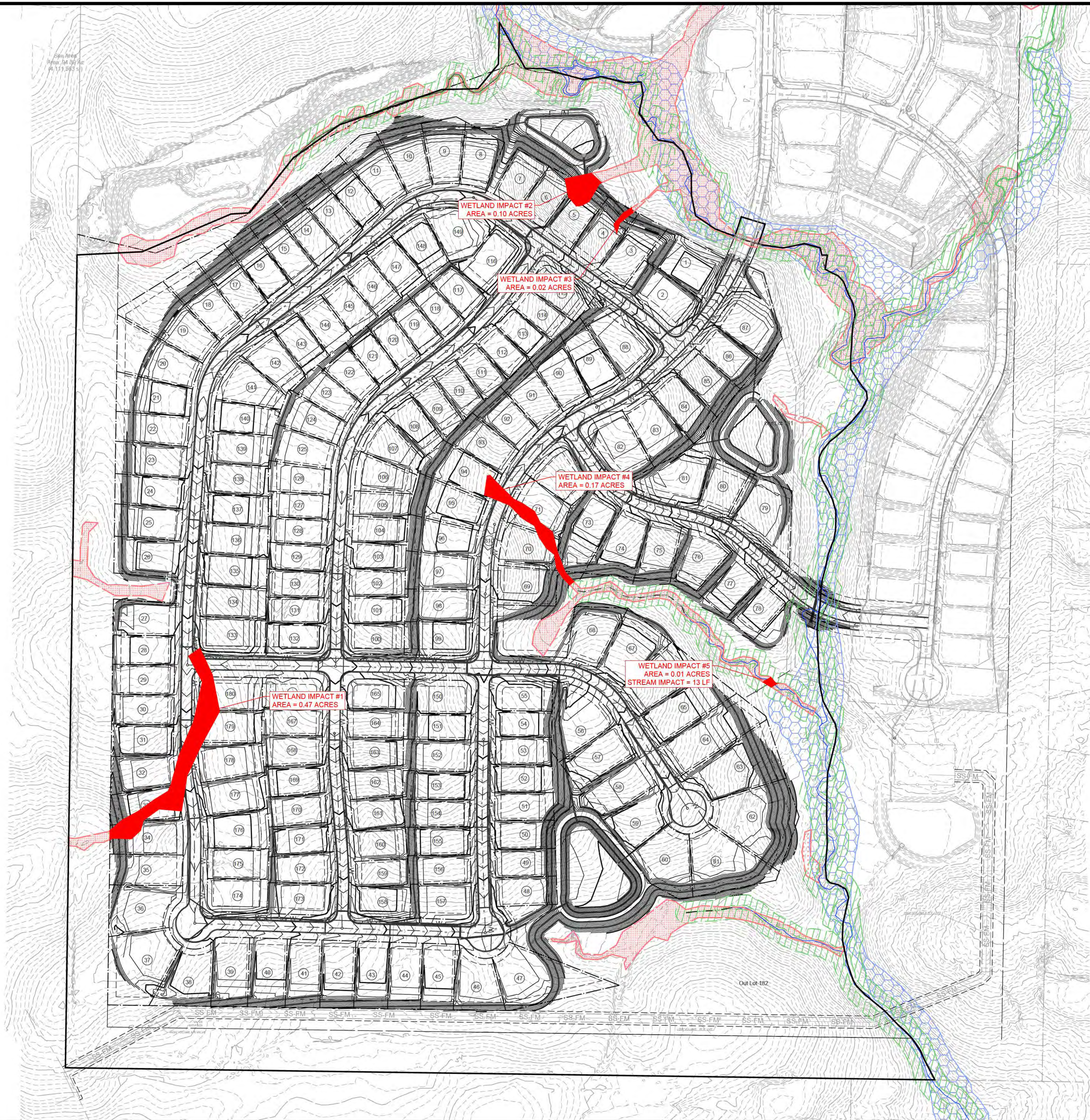
0' 100' 200' 300'

LEGEND

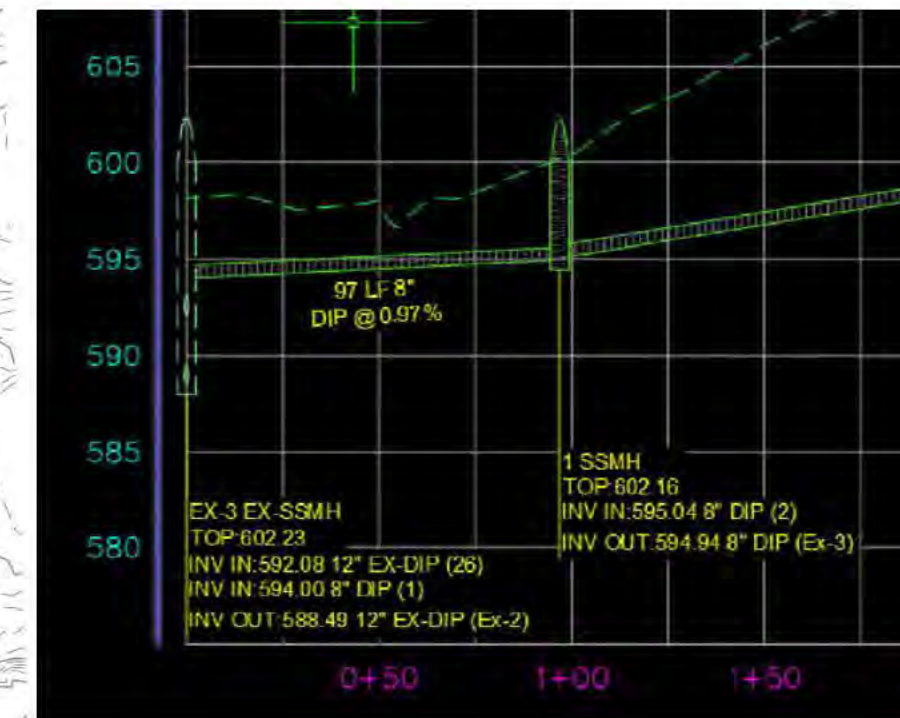


Figure 3
USGS Topo with Site Location

Drawing Name: F:\1- BSI Projects\2021\21-0192-248 - Mulberry Grove 3 - Harris County\Site\To Wetlands\Wetland Impacts - Mulberry 3 (21-0192)dwg Last Modified: Jun 28, 2022 - 7:46am by sbloch



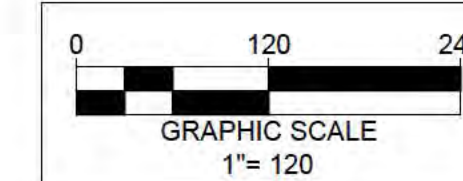
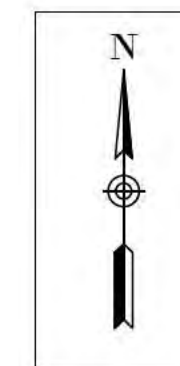
CREEK IMPACT CROSS SECTION
NOT TO SCALE



TOTAL
WETLAND IMPACT
AREA = 0.77 ACRES

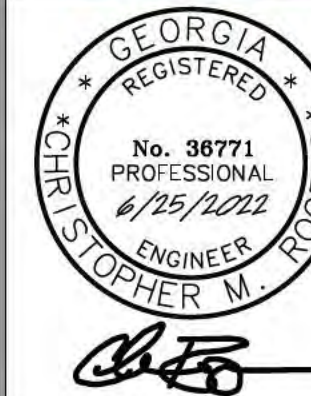
LEGEND

- STREAM BUFFER
- FLOOD ZONE
- WETLANDS
- CREEK CENTERLINE



BARRETT-SIMPSON, INC.
Civil Engineers & Land Surveyors

708 12th ST. PHEENIX CITY, AL 36868 (PH: 334-297-2423)
223 S 9th ST. OPELIKA, AL 36801 (PH: 334-744-7026)
121 W. BROAD ST. EUFaula, AL 36072 (PH: 334-487-4257)



THE ORCHARDS AT MULBERRY GROVE
PLAT 3

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WETLAND IMPACTS

DRAWN BY: S BLACK
DESIGNED BY: S BLACK
REVIEWED BY: S PRICE
APPROVED BY: C ROGERS

DATE: 25 June 2022

PROJECT NUMBER: 21-0192

SHEET NUMBER

EX-1