

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

May 18, 2022

Regulatory Division SAS-2020-00182

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 to be received on or before the last day of the comment period. Written comments concerning the 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-2020-00182

Applicant:	Georgia Department of Economic Development
	Attn: Mr. Pat Wilson, Commissioner
	Technology Square, 75 5 th Street, N.W., Suite 1200
	Atlanta, Georgia 30308

Agent:Resource & Land ConsultantsAttn: Mr. Alton Brown, Jr.41 Park of Commerce Drive, Suite 101Savannah, Georgia 31405

Location of Proposed Work: The 2,003.23-acre project site is located north of Interstate 20, south of East Hightower Road and an existing CSX rail line, east of US-278/SR-12, and generally west of Old Mill Road, within Morgan and Walton Counties, Georgia (centered at approximately latitude 33.614720, longitude -83.668892). Davis Academy Road extends generally northwest-to-southeast through the approximate northern portion of the site and Lynch Road/Sewell Road extends generally north-tosouth through the central portion of the site. Headwater reaches of Dennis Creek, Hunnicut Creek, and Rawlings Branch originate on the site. Description of Work Subject to the Jurisdiction of the Corps: The project ("Stanton Springs North") involves the proposed construction of an electric vehicle original equipment manufacturing (EVOEM) facility, which would manufacture and distribute fully electric vehicles. The facility's vehicle production components would accommodate various manufacturing processes, including pressing, fabrication, painting, product completion/assembly, and special products production. The required distribution components include a train yard, truck yard, and finished product yard. The EVOEM complex would also include employee services components supporting the large workforce (e.g., food services, medical facilities, employee parking, training facilities, and administrative workspaces). The storage component would include the central storage building and liquid storage building. The quality facilities will include a product testing area, testing station, and other miscellaneous buildings required for quality assurance support. Additional components include waste facilities, security facilities, utility facilities, and supplier facilities.

As proposed, the Applicant's preferred site plan would result in the loss of 4.86 acres of wetland, 17.71 acres of open water ponds, 9,594 linear feet of perennial stream, 5,955.2 linear feet of intermittent stream, and 1,947.2 linear feet of ephemeral stream. The Applicant proposes to off-set project impacts to aquatic resources through the purchase of 29.2 legacy wetland mitigation credits and 122,824.8 legacy stream credits from an approved compensatory mitigation bank(s) servicing the project watershed. The Applicant has not proposed compensatory mitigation for proposed project impacts to open water ponds.

BACKGROUND

In May 2020, the proposed project site was identified in connection with an on-going, state-wide assessment of potential locations suitable to support new industries and business expansion. The Georgia Department of Economic Development (GDEcD) identified these sites based on several criteria known to be important for target economic development opportunities, including proximity to population centers and potential work forces, proximity to existing shipping ports, airports, availability and condition of rail and interstate highway infrastructure, availability of utilities and utility infrastructure, and site buildability. GDEcD's assessments and subsequent analyses have identified only a few "mega sites" within the State of Georgia. These mega sites are also large enough to support the type and scale of project as currently proposed. The Applicant has indicated that given the fast-paced and highly-competitive business of state-recruitment for this category of projects, these mega sites were identified because they were reasonably available.

The Joint Development Authority of Jasper, Morgan, Newton & Walton Counties (JDA) worked with GDEcD to recruit the proposed project for Georgia and worked as an

advocate for the four-county region, highlighting the area's important advantages for this project (e.g., infrastructure, work force). In early 2021, the GDEcD (and several other states), received a Request for Proposal ("RFP") from a leader in the electric vehicle industry, who develops and produces all electric vehicles, products, and services related to sustainable transportation (the "Company"). The Company sought proposals that met several specifications and could accommodate construction of a new EVOEM facility, with attendant infrastructure. The Company seeks to expand its production capacity for additional electric vehicle lines and electric vehicle components and to create a transportation technology center. The RFP indicated the Company's desire to locate within a state that is committed to supporting the growth of the domestic electric vehicle industry and decarbonizing the world's transportation and energy sectors. The RFP also requested information allowing the Company to assess the State of Georgia's relative capabilities to meet the various requirements needed to develop and sustain the Company's EVOEM facility and broader objectives, not specifically identified in the permit application.

In December 2021, the Company announced the selection of Georgia for its new EVOEM facility. On May 2, 2022, the JDA executed the final Economic Development Agreement for the project, which, among other things, would require GDEcD and the JDA to obtain required permits and prepare the site for the EVOEM facility to support the Company's plans.

GDEcD is the Applicant and ultimately responsible for responding to any inquiries from the Corps and for adhering to conditions in a final permit. The application has identified the JDA as a sponsor and "co-applicant" for the project because it would control and be responsible for certain elements of the work authorized under a final Corps permit. Additional project resource documents and supporting information are available on both the Applicant's website (<u>https://www.georgia.org/rivian</u>), as well as JDA's website (<u>https://www.stantonsprings.com/rivian.html</u>).

STATE OF GEORGIA

<u>Water Quality Certification</u>: 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 yet to request a pre-filing meeting with the State prior to requesting a Water Quality Certification. 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 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. <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 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.

<u>Cultural Resources Assessment</u>: It is anticipated that the proposed project has the potential to affect multiple historic properties and given the complexity and accelerated schedule for the proposed project, a Programmatic Agreement (PA) is being developed among the Corps, JDA, the Georgia State Historic Preservation Office, the Advisory Council on Historic Preservation and consulting parties to maintain compliance under the National Historic Preservation Act, Section 106. Also being considered within the project limits for the draft PA is an adjacent Georgia Department of Transportation project (PI# 0018363).

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 submitted *IPaC Trust Resource Report* for the project site, and the Agent's site assessment, no such resources are likely to occur on the subject property.

<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, 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.

<u>Consideration of Public Comments</u>: 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 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.

<u>Application of Section 404(b)(1) Guidelines</u>: 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 (per 40 CFR 230.10). In the Applicant's current proposal, five (5) off-site alternatives (in addition to the preferred alternative site) within Baldwin, Bartow, Bryan, Clayton, and Peach Counties, Georgia, and four (4) on-site alternatives (including the preferred alternative layout) have been considered. Based on the Applicant's evaluation, no off-site alternatives, other than the Applicant's preferred site, were determined to be practicable.

The Applicant has explained that the primary site screening for practicability included the following factors:

• The project site must be within 60 minutes of an international airport with direct flights to San Jose, Santa Ana, Los Angeles, San Francisco, Detroit, and Chicago;

• The project site must be located within a reasonable commute distance of a diverse and skilled labor force of sufficient population to meet and sustain the facility (approximately 10,000+ jobs);

• The project site must be located near (and no more than two-hours' drive of) a large, internationally-recognized, engineering and technology university;

• The project site must be contiguous and sufficiently sized to support the massive scale of an EVOEM facility (which roughly translates to a minimum of approximately 1,700 acres of unencumbered land);

• The project site must have sufficient developable area to support approximately 15M square feet of EVOEM facility and attendant features;

• The project site must be fully entitled and free from encumbrances that could not be resolved or avoided on the strict project development timeline;

• The project site must have or be capable of obtaining reliable and sustainable utility services to meet the needs of the EVOEM facility; where utilities were not already available, the costs and timeline for providing the required service were considered in the screening criteria;

• The project site requires uninterrupted and efficient access to the Nation's transportation and shipping infrastructure. Specifically, the project site needs to have immediate access to one or more interstate highways for large trucks and trailers and needs to have onsite (or reasonably attainable) rail infrastructure and access to class-one rail. Access to shipping ports was equally critical.

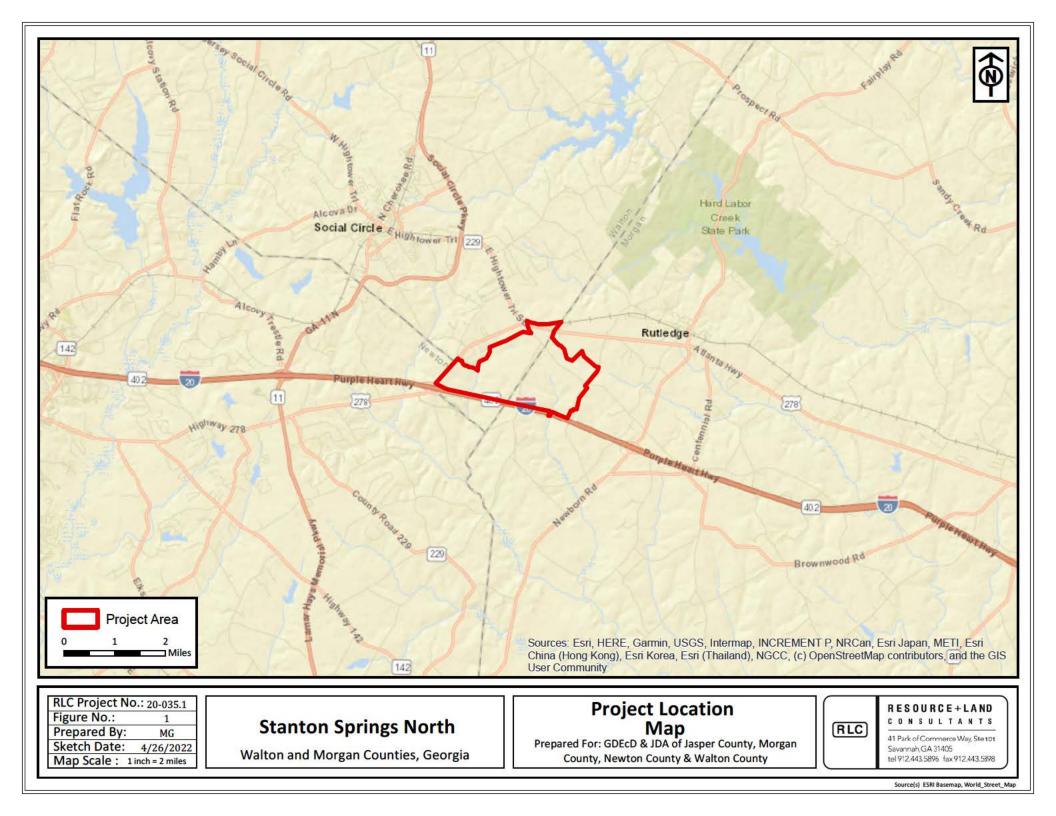
<u>Public Hearing</u>: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public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

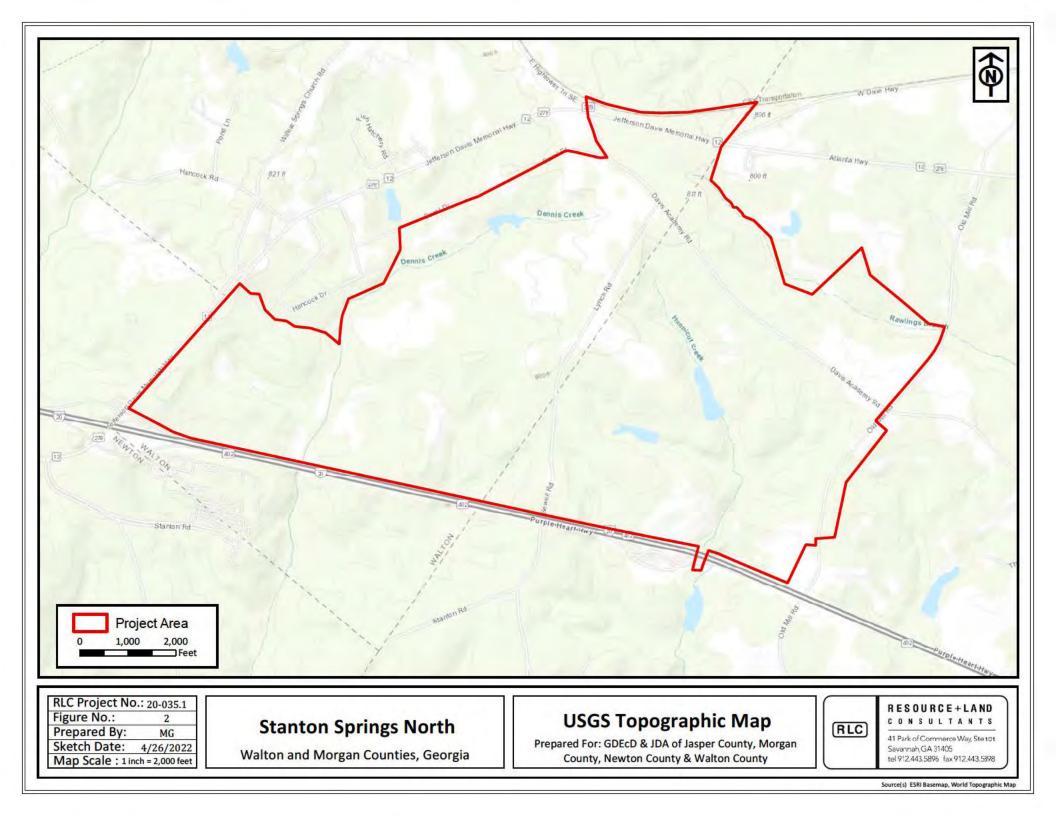
<u>Comment Period</u>: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to: Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Adam White, 4751 Best Road, Suite 140, College Park, Georgia 30337-5600, no later than **30 days** from the date of this notice. Submittal of comments via email, to the address listed below, is also acceptable. Please refer to the Applicant's name (Georgia Department of Economic Development) and the assigned Regulatory file number (SAS-2020-00182) in your comments.

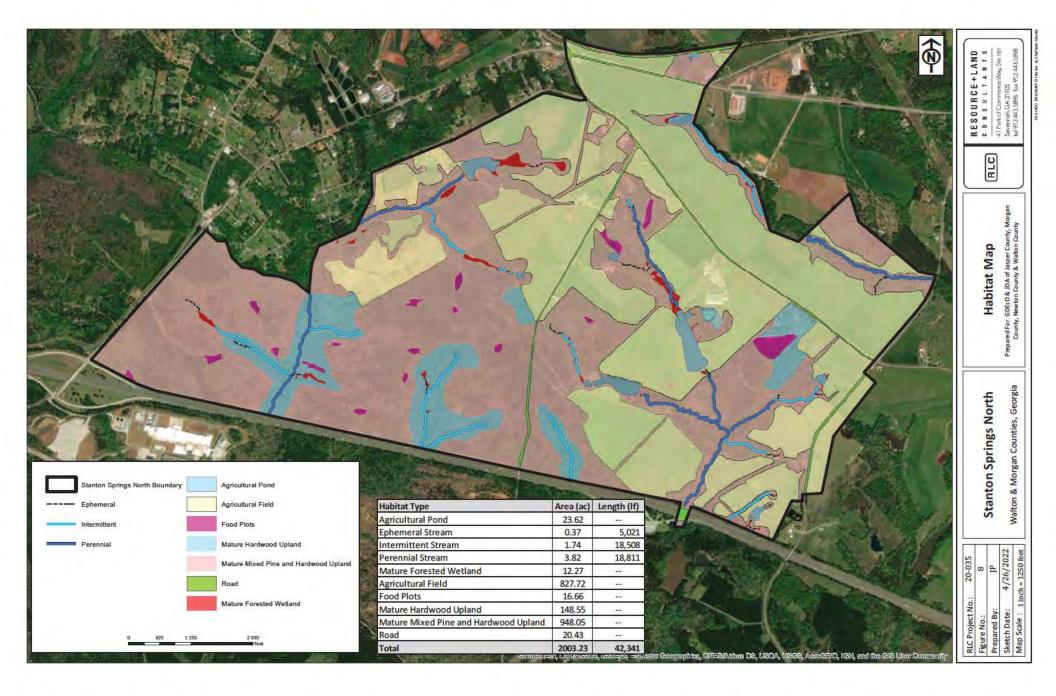
If you have any further questions concerning this public notice, please contact Adam F. White, Project Manager, Piedmont Branch at 678-422-2730, or adam.f.white@usace.army.mil.

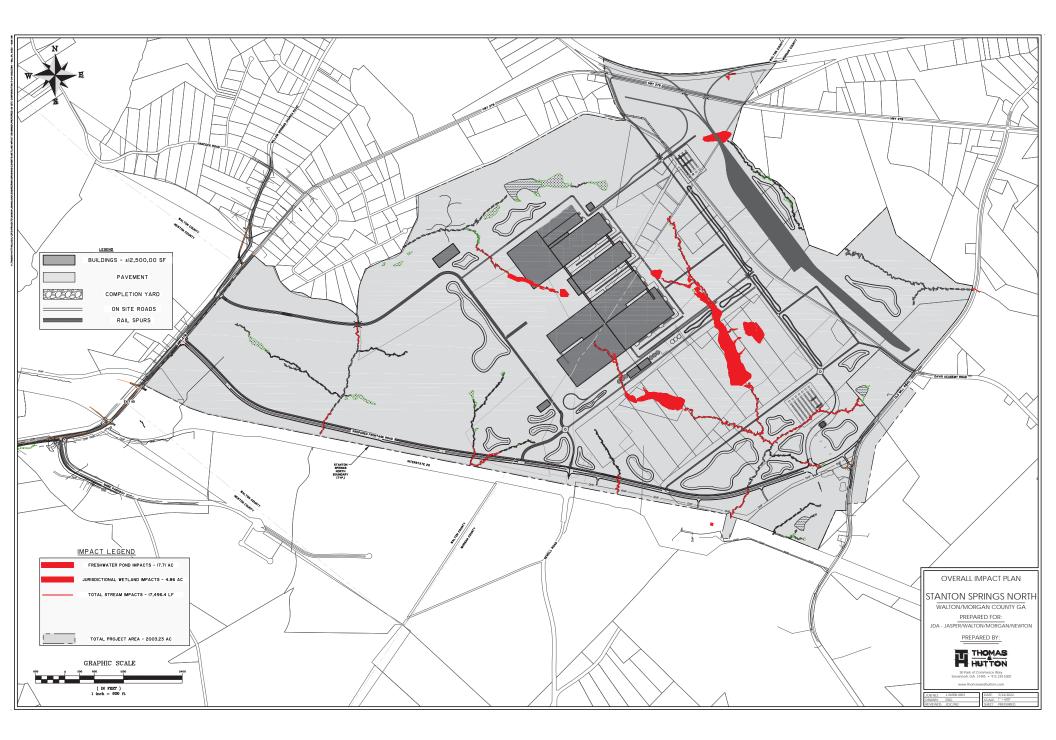
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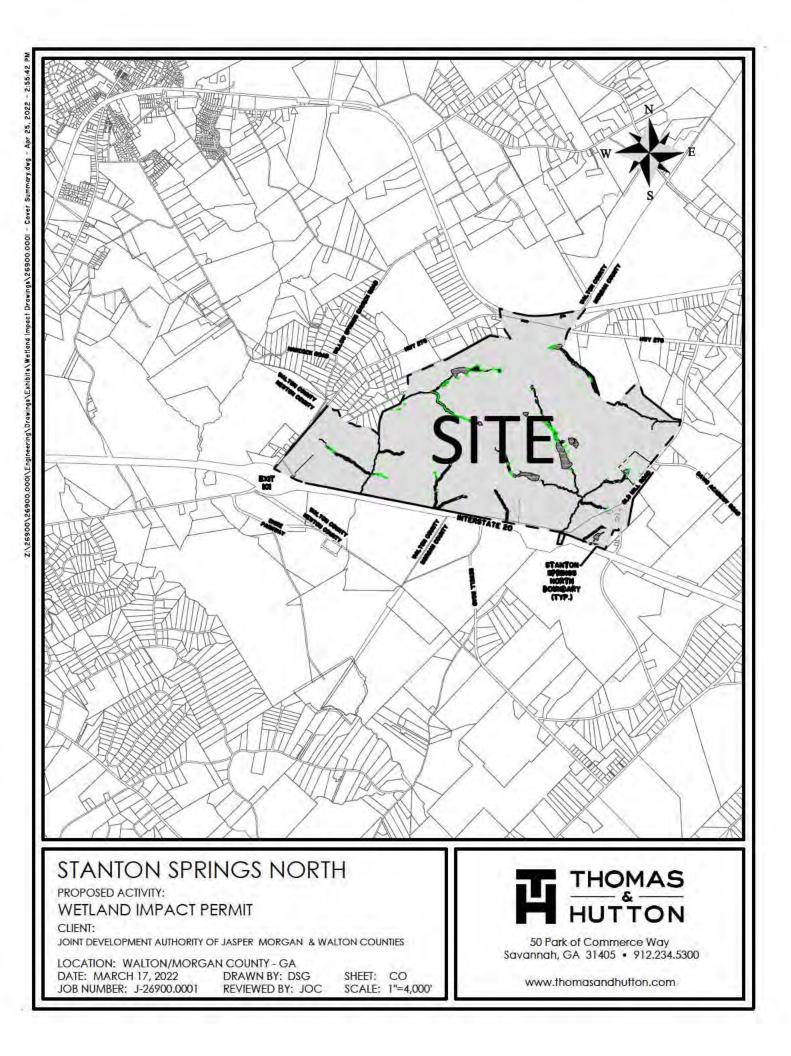
- 1. Stanton Springs North Figure 1: Project Location Map
- 2. Stanton Springs North Figure 2: USGS Topographic Map
- 3. Stanton Springs North Habitat Map
- 4. Stanton Springs North On-Site Configuration 1-Preferred
- 5. Stanton Springs North Wetland Impact Permit (21 Sheets)
- 6. Project Location Map Alternative Sites Baldwin, Bartow, Bryan, Clayton, and Peach County Georgia



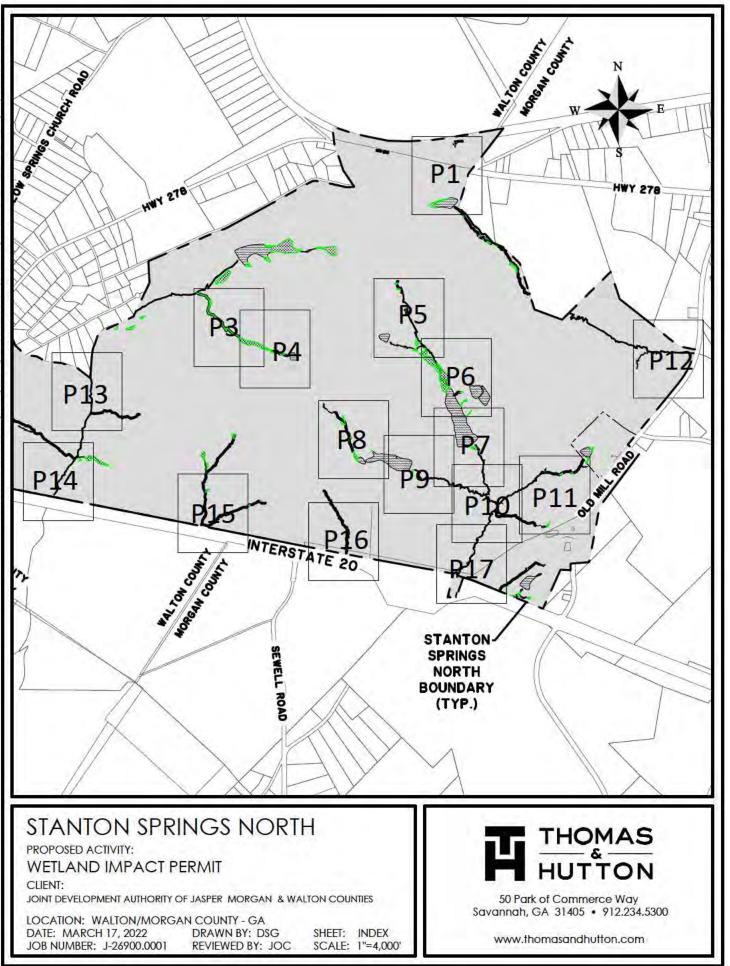




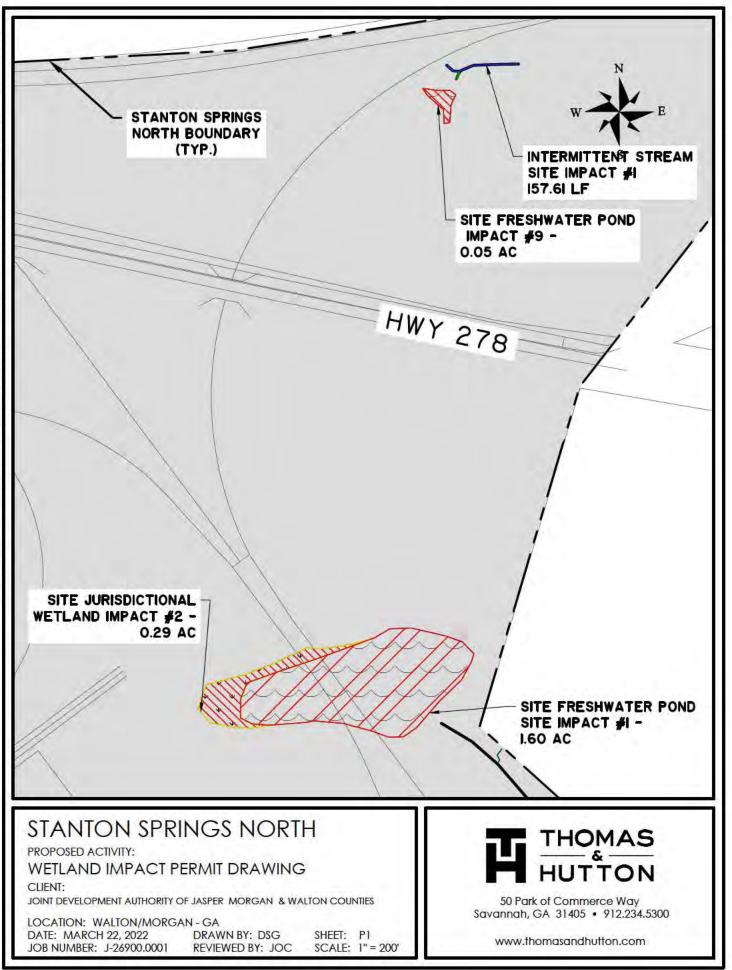




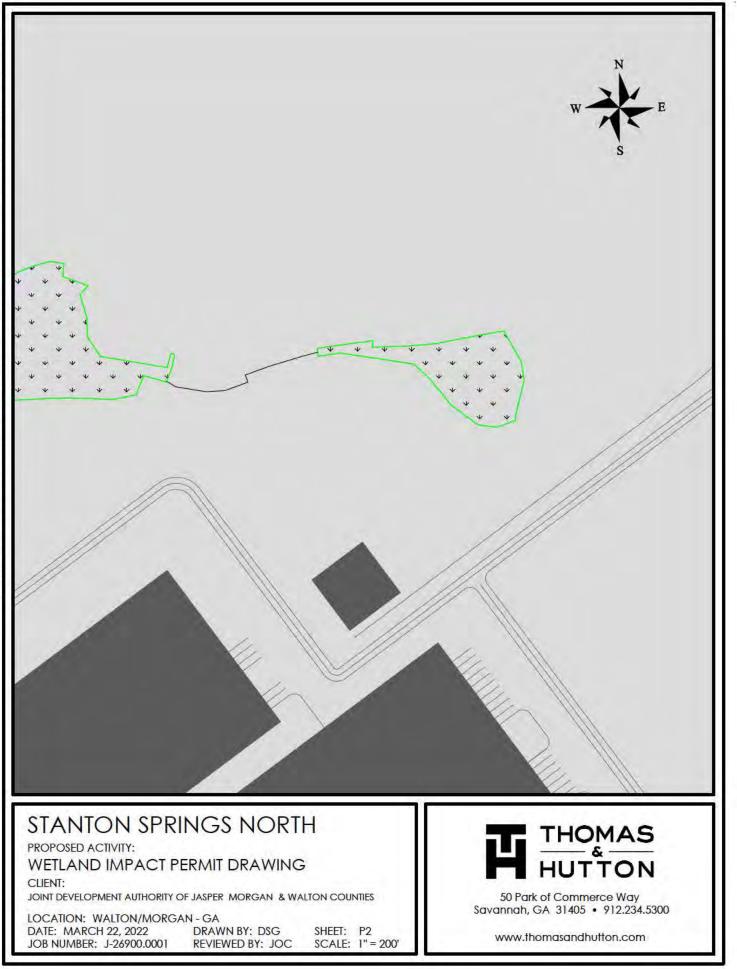
LEGEND	
ACREAGE SUMMARY TABLE	
TOTAL PROJECT ACREAGE	2003.23 AC
TOTAL WETLAND AREA	12.27 AC.
TOTAL POND AREA	23.6 AC.
TOTAL PERENNIAL STREAM TOTAL INTERMITTENT STREAM TOTAL EPHEMERAL STREAM	18,811 LF 18,508 LF 5,021 LF
JURISDICTIONAL IMPACTS	
JURISDICTIONAL IMPACTS WETLAND IMPACT	4.86 AC
FRESHWATER POND IMPACT	17.71 AC
PERENNIAL STREAM IMPACTS	9,594.0 LF
INTERMITTENT STREAM IMPACTS	5,955.2 LF
EPHEMERAL STREAM IMPACTS	1,947.2 LF
STANTON SPRINGS NORTH PROPOSED ACTIVITY:	
PROPOSED ACTIVITY: WETLAND IMPACT SUMMARY	
PROPOSED ACTIVITY:	SO Park of Commerce Way Savannah, GA 31405 • 912.234.53



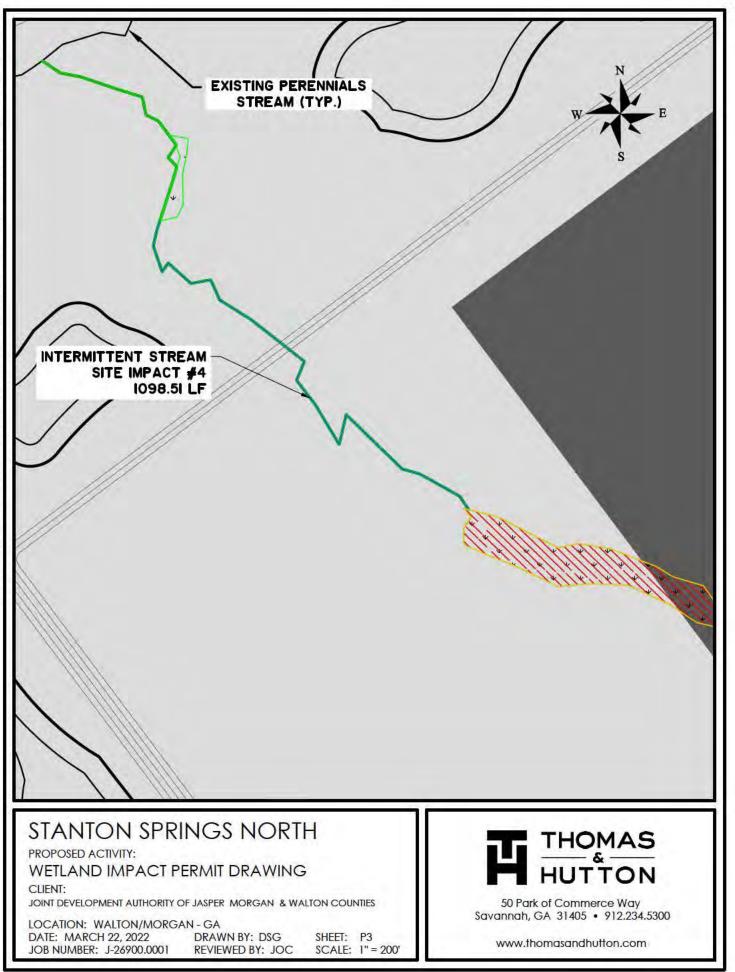
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