



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

March 8, 2023

Regulatory Division
SAS-2021-01017

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 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, or via the email listed at the end of this notice.

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-2021-01017

Applicant: Mr. Barry McCabe
Majestic Realty Co.
3490 Piedmont Road, NE, Suite 210
Atlanta, Georgia 30305

Agent: Ms. Pam Tutten
Contour Environmental, LLC
4462 Bretton Court, NW, Suite 14
Acworth, Georgia 30101

Location of Proposed Work: The project is proposed on an approximately 175-acre site located east of Interstate-75, west of US-42/US-23 and the adjacent Norfolk Southern Railroad line, north of Bethlehem Road and south of a proposed northern extension of King Mill Court, partially within the City of Locust Grove, Henry County, Georgia (centered at approximately latitude 33.3855, longitude -84.1395).

Description of Work Subject to the Jurisdiction of the Corps: The project involves the proposed construction of an approximately 1,000,000 square foot (SF) warehouse facility with 485 auto parking spaces and 248 trailer spaces (Building 1), an approximately 500,000 SF warehouse facility with 129 auto spaces and 127 trailer spaces (Building 2), and an approximately 375,000 SF warehouse facility with 194 auto spaces and 100 trailer spaces (Building 3), and associated infrastructure, resulting in the loss of 995 linear feet (LF) of moderate quality perennial stream channel, 1,972 LF of moderate quality intermittent stream channel, and 0.108 acre of moderate quality wetland. In order to off-set project impacts, the Applicant has proposed to purchase 19,603.8 legacy stream credits and 0.72 legacy wetland credit from an approved compensatory mitigation source(s) servicing the project site within the Upper Ocmulgee River watershed.

BACKGROUND

A verification for use of Nationwide Permit (NWP) No. 39, was issued to the Applicant on March 7, 2022, for a project resulting in adverse impacts to 500 LF (0.049-acre) of one intermittent stream and 0.073-acre of two wetlands, in conjunction with the construction of one approximately 550,000 SF warehouse facility including parking lots, an access road, and associated infrastructure, within the southern portion of the proposed project site. It is the Corps' understanding that no portion of this previously verified work has been conducted, and the Applicant is now requesting authorization to construct the larger project as currently proposed.

An aquatic resources delineation review (ARDR) for the overall proposed project site was verified in conjunction with the prior NWP verification. An ARDR is a written notification from the Corps concurring, not concurring, or commenting on the wetland boundaries delineated on a property. Under such a review, the Corps does not address the jurisdictional status of the wetlands on the property, solely the boundaries of the resources as delineated within the review area.

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 yet to request 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 contracted Phase I cultural resource survey of the proposed project site documented in reporting dated January 2023, to assess if potential archaeological sites, historic structures, or cultural resources that may be present within the general vicinity of the proposed work area. The Corps is currently reviewing the reporting to assess the potential for adverse effects to historic properties listed, or eligible for listing, on the National Register of Historic Places. Consequently, 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 (USFWS), 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. The agent has submitted an *IPaC Trust Resource Report* for the project site. The *IPaC* identified the following potential Federally listed species may occur on the project site: Federally endangered Relict Trillium (*Trillium reliquum*) and Federal candidate Monarch Butterfly (*Danaus plexippus*). *IPaC* did not identify any critical habitat within the vicinity of the proposed project site.

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 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, five (5) off-site alternatives, and two (2) on-site alternatives, in addition to the Applicant's preferred site and plan, have been considered.

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 adam.f.white@usace.army.mil or 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. Please refer to the Applicant's name (Majestic Realty Co.) and the assigned Regulatory file number (SAS-2021-01017) 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.

Encls

1. Figure 1: Vicinity Map
2. Figure 2: Aquatic Resource Delineation Map
3. Conceptual Site Plan
4. Off Site Alternatives



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community


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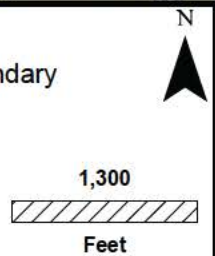
Contour Environmental LLC
 4462 Bretton Court NW, Suite 14
 Acworth, Georgia 30101

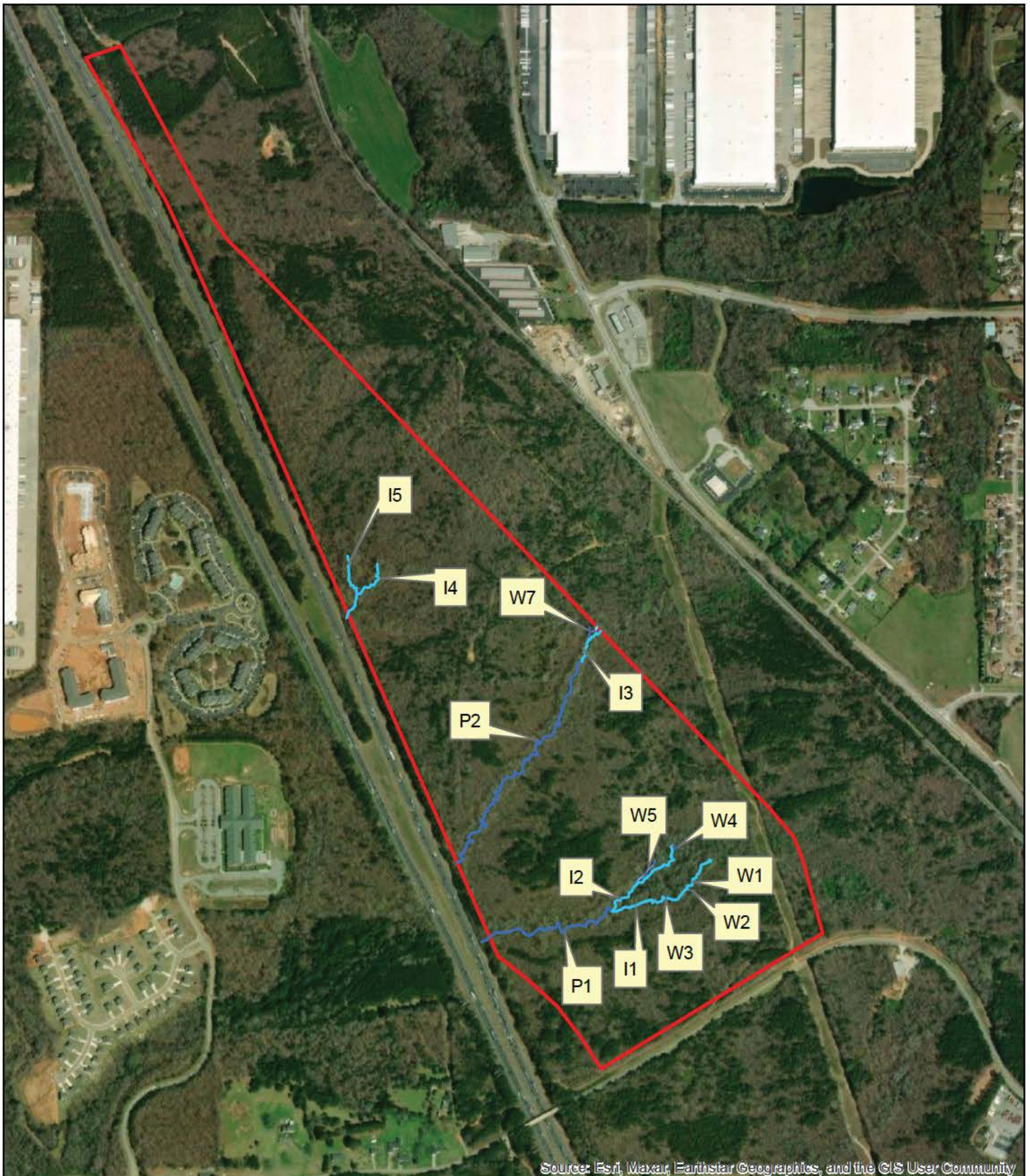
FIGURE 1: VICINITY MAP

Bethlehem Road Site
 Henry County, Georgia
 For
 Majestic Realty Co.
 CE22MAJ:02
 February 7, 2023

LEGEND

 Property Boundary





Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Produced By:


Contour Environmental LLC
 4462 Bretton Court NW, Suite 14
 Acworth, Georgia 30101


FIGURE 2: AQUATIC RESOURCE DELINEATION MAP

Bethlehem Road Site
 Henry County, Georgia
 For
 Majestic Realty Co.
 CE20MAJ:03
 January 7, 2021

LEGEND

-  Property Boundary
-  Perennial Stream
-  Intermittent Stream
-  Wetland

N


820

 Feet

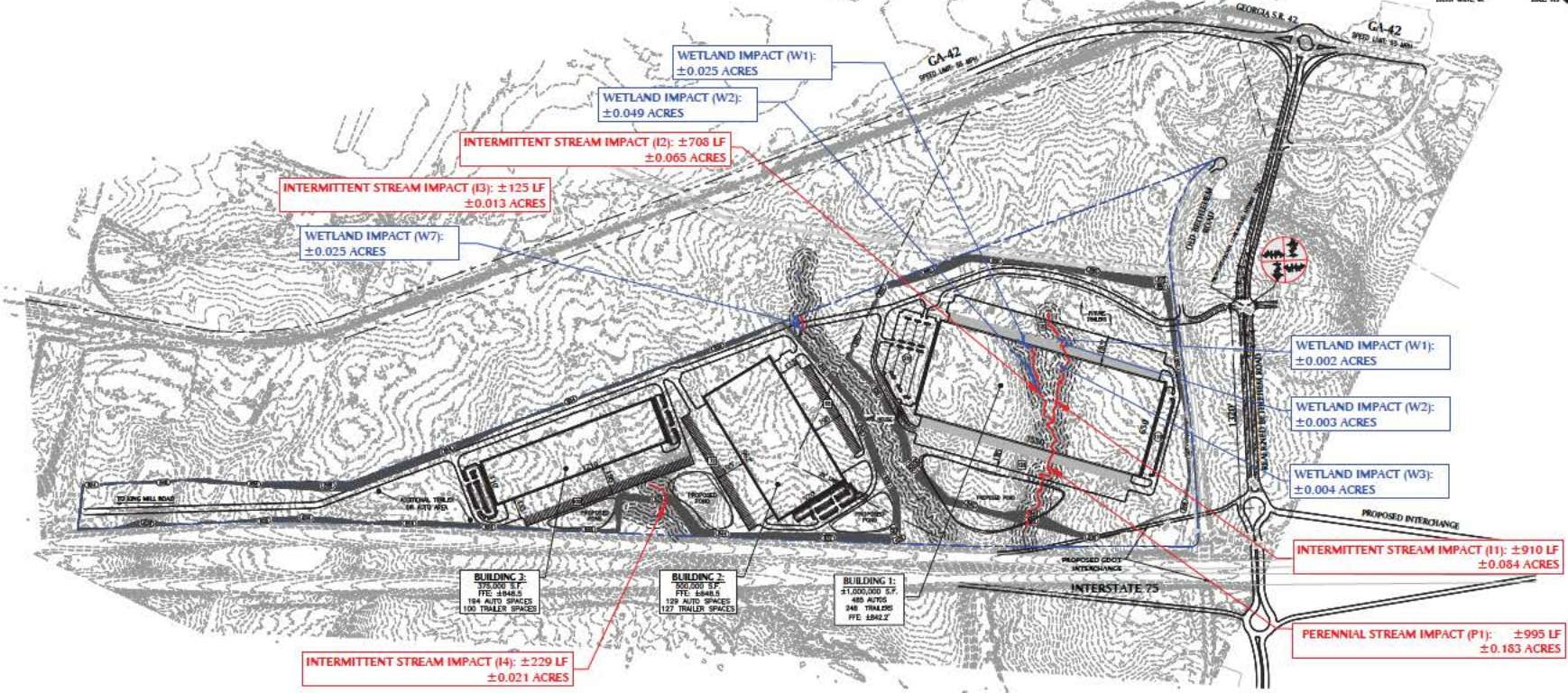
PROPOSED DEVELOPMENT

LAND LOTS 230,246,247,250,251
 DISTRICT 07
 CITY OF LOCUST GROVE
 HENRY COUNTY, GA

EIR
MAJESTIC REALTY COMPANY
 One Secord in Center
 100 Treatment Blvd NE, Suite 211
 Atlanta, GA 30308
 (404) 61-0228



VICINITY MAP
 COUNTY: HENRY, GA STATE: GEORGIA



ZONING INFORMATION

PROPERTY CLASSIFICATION	LOCUST GROVE
EX. ZONING:	M1/MA/M2
PR. ZONING:	M1
SETBACKS	
FRONT:	20'
REAR:	20'
SIDE:	5'
STAIRS	
PRIORITY STREET:	20'
OTHER:	20'
PERMITS BENCHMARK	
MIN. BUILDING FTE:	—
MAX. BUILDING COVERAGE:	—
PARKING BENCHMARK	
INDUSTRIAL (M1):	4 SPACES/1,000 S.F.
STANDARD (M1, M2):	8.5' x 20'
COMPACT (M1, M2):	8' x 18'
COMPACT (M1, M2) ALLOWED:	—
MIN. 80' 00" DRIVE WIDTH:	14' 10"
ISLAND (M1):	1 ISLAND/10 SPACES
INDUSTRIAL STREET WIDTH:	MIN 30'
LOCAL STREET (M1):	30' SIDE
100' WALKWAY - 110' CURB-TO-SIDE	110' MIN. C/L WIDTH

PERMITS BENCHMARK
 MIN. BUILDING FTE: —
 MAX. BUILDING COVERAGE: —
PARKING BENCHMARK
 INDUSTRIAL (M1): 4 SPACES/1,000 S.F.
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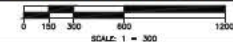
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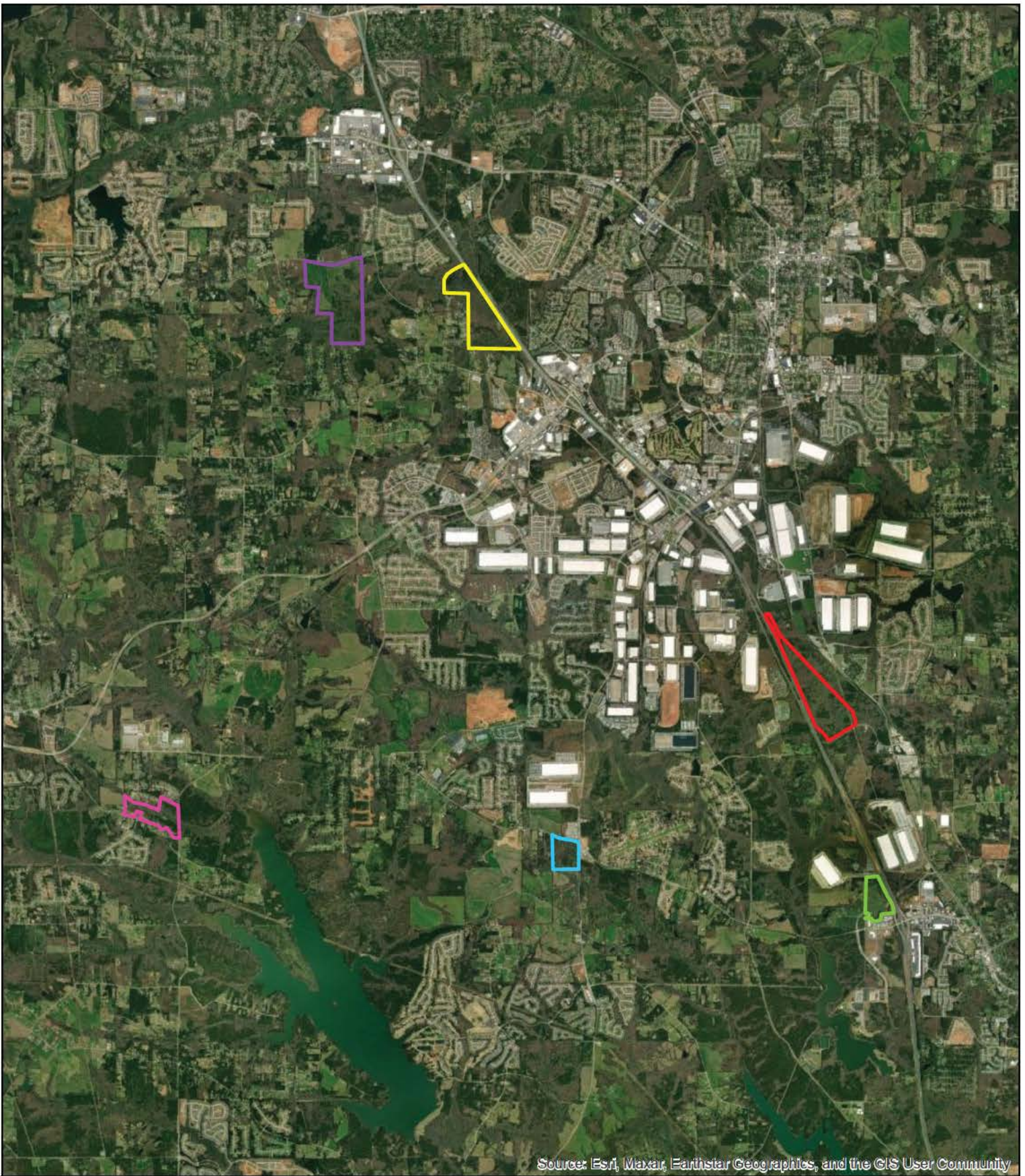
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CONCEPTUAL SITE PLAN
 CP-34

PRELIMINARY DATA PLANS ONLY
 THE PLAN IS SHOWN ON CLEAR PHOTOGRAPHY PROBABLY INCLUDING BUT NOT LIMITED TO THE FOLLOWING: THE MAPS, USED MAPS, OR PHOTOGRAPHY, BOUNDARY SURVEY, ZONING/ORDINANCE, TERRAIN/RELIEF SURVEY, SOME/ENTIRE AS-BUILT PLANS, SOME/ENTIRE, AND SURVEY, SURVEY RECORDS, CONSTRUCTION PLANS, OR RECORDS. THE USER OF THIS PLAN SHOULD BE AWARE THAT THE USER IS RESPONSIBLE FOR THE ACCURACY AND COMPLETENESS OF THE INFORMATION PROVIDED.

CONCEPTUAL SITE PLAN





Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Produced By:

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 Acworth, Georgia 30101


OFF SITE ALTERNATIVES

Bethlehem Development
 Henry County, Georgia
 For
 Majestic Realty Co.
 CE22MAJ:02
 January 23, 2023

LEGEND

-  Property Boundary
-  Alt Site 1
-  Alt Site 2
-  Alt Site 3
-  Alt Site 4
-  Alt Site 5



6,600

 Feet