



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

March 17, 2023

Regulatory Division
SAS-2000-07420

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-2000-07420

Applicant: Mr. Scott Ray
Buc-ee's, Ltd.
327 FM 2004
Lake Jackson, Texas 77566

Agent: Mr. Daniel Bucey
Resource & Land Consultants, LLC
41 Park of Commerce Drive, Suite 191
Savannah, Georgia 31405

Project Purpose as Proposed by Applicant: The applicant's stated project purpose is "[...] to provide access to developable land from Georgia Highway 99."

Location of Proposed Work: The project site is located on the southeast corner of Interstate Highway 95 and Georgia Highway 99, in the city of Brunswick, Glynn County, Georgia (Latitude 31.3069, Longitude -81.4725). The aquatic resources located on-site drain to the Brunswick Altamaha Canal, a Traditional Navigable Waterway (TNW), and are within the U.S. Geological Service (USGS) 8-digit Hydrologic Unit Code (HUC) 03070203.

Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers:
The applicant is proposing to discharge fill material into 2.55 acres of non-tidal, forested wetland to construct a road to provide access to a 34.58-acre commercial development. To offset the loss in aquatic function associated with the above impacts, the applicant has proposed the purchase of 15.36 compensatory wetland mitigation credits from a U.S. Army Corps of Engineers approved mitigation bank servicing the project area.

BACKGROUND

By letter dated March 13, 2022, the Corps verified a Nationwide Permit (NWP) 14 for impacts to 0.49 acre of wetland for the construction of a road to access the upland portion of the project area for commercial development. The approved project was not initiated, and the NWP verification has expired.

This Joint Public Notice announces a request for authorizations from both the Corps 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 (EPD) will review the proposed project for water quality certification, in accordance with the provisions of Section 401 of the Clean Water Act. 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. The applicant indicated that a pre-filing meeting was conducted with the Georgia EPD on July 22, 2021. The Corps will coordinate with the Georgia EPD to determine if the applicant has satisfactorily submitted the request for a Water Quality Certification and establish a reasonable period of time based on this coordination.

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.

Marshland Protection: This notice also serves as notification of a request to alter coastal marshlands (under the provision of the Coastal Marshlands Protection Act, Georgia Laws, 1970, p. 939 and as amended), if required. Comments concerning this action should be submitted to the Marsh and Shore Management Section, Coastal Resources Division, Georgia Department of Natural Resources, 1 Conservation Way, Brunswick, Georgia 31523-8600 (Telephone 912-264-7218).

Georgia Coastal Management Program: Prior to the Savannah District Corps of Engineers making a final permit decision on this application, the project must be certified by the Georgia Department of Natural Resources, Coastal Resources Division, to be consistent with applicable provisions of the State of Georgia Coastal Management Program (15 CFR 930). Anyone wishing to comment on Coastal Management Program certification of this project should submit comments in writing within 30 days of the date of this notice to the Federal Consistency Coordinator, Coastal Management Program, Coastal Resources Division, Georgia Department of Natural Resources, One Conservation Way, Brunswick, Georgia 31523-8600 (Telephone 912-264-7218).

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: Review of the latest published version of the National Register of Historic Places and the Georgia Natural, Archeological and Historic Resources GIS database, indicates that registered properties or properties listed as eligible for inclusion may be located on the project site. The Corps completed review of a cultural resource investigation previously performed in the vicinity. However, though portions of the proposed permit area were not previously surveyed, or the documentation currently does not meet Georgia's Standards and Guidelines for Archaeological Surveys (Georgia Council of Professional Archaeologists [GCPA] 2019). Therefore, based upon this information the Corps requested a Phase I Cultural Resource Survey for work within 100-meter radius of impacts to aquatic resources. The applicant has provided a Georgia Cultural Resources Short Report. The Corps will provide to the State Historic Preservation Office and any Tribal Historic Preservation Officer as needed upon completion of review.

Endangered Species: A review of the U.S. Fish and Wildlife Service (FWS) Information for Planning and Consultation (IPaC) project planning tool indicates the following federally listed threatened or endangered species may occur in the project area: Eastern black rail (*Laterallus jamaicensis* ssp. *jamaicensis*), wood stork (*Mycteria americana*), and Eastern indigo snake (*Drymarchon corais couperi*).

Per the Effects Determination Guidance for Endangered and Threatened Species (EDGES), the Corps has determined that the proposed project may affect, but is not likely to adversely affect the wood stork, Eastern indigo snake and would have no effect on the frosted flatwoods salamander, pondberry or the Eastern black rail.

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 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. It should be noted that the applicant contends that an offsite alternative analysis is not warranted and therefore, they have not provided one.

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 by email to skye.h.stockel@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Skye H. Stockel, 100 West Oglethorpe Avenue, Savannah, Georgia 31401-3604, 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 Skye H. Stockel, Team Lead, Coastal Branch at 912-652-5690.

Enclosures:

1. Standard Permit Application
2. Applicant response to Corps request for additional information.



June 30, 2022

William M. Rutlin
Chief, Coastal Branch
Regulatory Division
US Army Corps of Engineers, Savannah District
100 West Oglethorpe Avenue
Savannah, Georgia 31401-3640

**RE: Buc-ee's Ltd. LLC / SE Quad Exit 42
Brunswick, Glynn County, Georgia
SAS-2000-07420**

RLC#-22-133

Dear Mr. Rutlin:

Buc-ee's Ltd. LLC is requesting a Department of the Army permit to authorize the construction of an access road through wetlands to provide access to 34.58 acre commercial development site. The property is located east of Interstate 95 and south of Georgia Highway 99, at Exit 42, in Brunswick, Glynn County, Georgia (31.308214°, -81.473006°).

GADOT requires that the proposed road must be located the distance shown from the Exit 42 northbound exit ramp and therefore unavoidable impacts to 2.55 acre of wetland are necessary to access developable uplands.

Attached for your review is the following:

- CESAS and GCMP application forms
- Project description & impact alternatives
- USFWS IPaC query
- Cultural Resource documents from previous permit action
- Adjacent landowner addresses
- Copy of existing NWP 14 verification SAS-2000-0742
- Impact Drawings
- Compensatory Mitigation Qualitative Worksheet for Wetland Adverse Impacts

In advance, we thank you for your attention to this matter. If you should have any questions or require additional information, please contact me at 912-443-5896.

Sincerely,
RESOURCE & LAND CONSULTANTS

Daniel H. Bucey
Principal

Enclosures

cc: Mr. Brian Deitsch, PE; Kimley Horn

JOINT APPLICATION
FOR
A DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS PERMIT,
STATE OF GEORGIA MARSHLAND PROTECTION PERMIT,
REVOCABLE LICENSE AGREEMENT
AND REQUEST FOR
WATER QUALITY CERTIFICATION
AS APPLICABLE

INSTRUCTIONS FOR SUBMITTING APPLICATION:

Every Applicant is Responsible to Complete The Permit Application and Submit as Follows: One copy each of application, location map, drawings, copy of deed and any other supporting information to addresses 1, 2, and 3 below. If water quality certification is required, send only application, location map and drawing to address No. 4.

1. For Department of the Army Permit, mail to: Commander, U.S. Army Engineer District, Savannah ATTN: CESAS-OP-F, P.O. Box 889, Savannah, Georgia 31402-0889. Phone (912)652-5347 and/or toll free, Nationwide 1-800-448-2402.

2. For State Permit - State of Georgia (six coastal counties only) mail to: Habitat Management Program, Coastal Resources Division, Georgia Department of Natural Resources, 1 Conservation Way, Brunswick, Georgia 31523. Phone (912) 264-7218.

3. For Revocable License - State of Georgia (six coastal counties plus Effingham, Long, Wayne, Brantley and Charlton counties only) - Request must have State of Georgia's assent or a waiver authorizing the use of State owned lands. All applications for dock permits in the coastal counties, or for docks located in tidally influenced waters in the counties listed above need to be submitted to Real Estate Unit. In addition to instructions above, you must send two signed form letters regarding revocable license agreement to: Ecological Services Coastal Resources Division, Georgia Department of Natural Resources, 1 Conservation Way, Brunswick, Georgia 31523. Phone (912) 264-7218.

4. For Water Quality Certification State of Georgia, mail to: Water Protection Branch, Environmental Protection Division, Georgia Department of Natural Resources, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354 (404) 675-1631.

The application must be signed by the person authorized to undertake the proposed activity. The applicant must be the owner of the property or be the lessee or have the authority to perform the activity requested. Evidence of the above may be furnished by copy of the deed or other instrument as may be appropriate. The application may be signed by a duly authorized agent if accompanied by a statement from the applicant designating the agent. See item 6, page 2.

1. Application No. _____

2. Date _____

3. For Official Use Only _____

4. Name and address of applicant. Scott Ray
 Buc-ee's, Ltd.
 327 FM 2004
 Lake Jackson, TX 77566

Location where the proposed activity exists or will occur.

Lat. 31.308214° Long. -81.473006°

<u>Glynn</u>	<u>G.M.D. 25</u>	<u>Brunswick</u>
County	Military District	In City or Town

<u>Brunswick</u>	<u>N/A</u>	<u>N/A</u>
Near City or Town	Subdivision	Lot No.

<u>+/-34.5 acres</u>	<u>23'</u>	<u>Georgia</u>
Lot Size	Approximate Elevation of Lot	State

<u>N/A</u>	<u>Brunswick/Altamaha Canal</u>
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<u>Name of Waterway</u>	<u>Name of Nearest Creek, River, Sound, Bay or Hammock</u>
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6. Name, address, and title of applicant's authorized agent for permit application coordination.

Resource & Land Consultants, LLC
Mr. Daniel H. Bucey
41 Park of Commerce Drive, Suite 101
Savannah, Georgia 31405

Statement of Authorization: I Hereby designate and authorize the above named person to act in my in my behalf as my agent in the processing of this permit application and to furnish, upon request, supplemental information in support of this application.

1 Scott Ray
Signature of Applicant

Jun 28, 2022
Date

7. Describe the proposed activity, its purpose and intended use, including a description of the type of structures, if any to be erected on fills, piles, of float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance. If more space is needed, use remarks section on page 4 or add a supplemental sheet. (See Part III of the Guide for additional information required for certain activities.) **Buc-ee's, Ltd. proposes to construct a travel center on the subject property. Access to the property requires impacts to 2.78 acres of wetland. Compensatory mitigation will be provided by the purchase of wetland mitigation credits from an approved mitigation bank located in the primary watershed.**

8. Proposed use: Private Public Commercial Other (Explain)

9. Names and addresses of adjoining property owners whose property also adjoins the waterway.
Brunswick Highway 99 LLC
3841 Green Hills Village Dr. 400
Nashville, TN 37215
Coastal Business Storage Inc.
20 Bryce Industrial Drive
Savannah, GA 31405

10. Date activity is proposed to commence. Upon Approval
Date activity is expected to be completed. 5 years

11. Is any portion of the activity for which authorization is sought now complete Y X N

- A. If answer is "Yes", give reasons in the remarks in the remarks section. Indicate the existing work on the drawings.
- B. If the fill or work is existing, indicate date of commencement and completion.
- C. If not completed, indicate percentage completed.

12. List of approvals or certifications required by other Federal, State or local agencies for any structures, construction discharges, deposits or other activities described in this application. Please show zoning approval or status of zoning for this project.

<u>Issuing Agency</u>	<u>Type Approval</u>	<u>Identification No.</u>	<u>Date/Application</u>	<u>Date/Approval</u>
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13. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? Yes NO (If "yes", explain).

Note: Items 14 and 15 are to be completed if you want to bulkhead, dredge or fill. N/A

14. Description of operation: (If feasible, this information should be shown on the drawing).

A. Purpose of excavation or fill road access

1. Access channel length _____ depth _____ width _____

2. Boat basin length _____ depth _____ width _____

3. Fill area length _____ depth _____ width _____

4. Other non-tidal wetland length +/-896' depth varies width +/-110' up to 130'
(Note: If channel, give reasons for need of dimensions listed above.)

B. 1.If bulkhead, give dimensions _____

2.Type of bulkhead construction (material) _____

Backfill required: Yes _____ No _____ Cubic yards _____

Where obtained _____

C. Excavated material

1.Cubic yards _____

2.Type of material _____

15.Type of construction equipment to be used _____

A. Does the area to be excavated include any wetland? Yes _____ No _____

B. Does the disposal area contain any wetland? Yes _____ No _____

C. Location of disposal area _____

D. Maintenance dredging, estimated amounts, frequency, and disposal sites to be utilized: _____

E. Will dredged material be entrapped or encased? _____

F. Will wetlands be crossed in transporting equipment to project site? _____

G. Present rate of shoreline erosion (if known) _____

16. Description of Avoidance, Minimization and Compensation: Provide a brief explanation describing how impacts to waters of the United States are being avoided and minimized on the project site. Also, provide a brief description of how impacts to waters of the United States will be compensated for, or a brief statement explaining why compensatory mitigation should not be required for those impacts.

Applicant is proposing to construct road at minimum width to accommodate the predicted traffic load. Compensatory mitigation will be provided by purchase of wetland mitigation credits from an approved mitigation bank that has a primary service area that includes the subject site.

17. **WATER QUALITY CERTIFICATION:** In some cases, Federal law requires that a Water Quality Certification from the State of Georgia be obtained prior to issuance of a Federal license or permit. Applicability of this requirement to any specific project is determined by the permitting Federal agency. The information requested below is generally sufficient for the Georgia Environmental Protection Division to issue such a certification if required. Any item which is not applicable to a specific project should be so marked. Additional information will be requested if needed.

A. Please submit the following:

1. A plan showing the location and size of any facility, existing or proposed, for handling any sanitary or industrial waste waters generated on your property. **N/A**
2. A plan of the existing or proposed project and your adjacent property for which permits are being requested. Please refer to drawings by Kimley Horn titled *SE QUAD EXIT 41* dated 04/27/2022.
3. A plan showing the location of all points where petro-chemical products (gasoline, oils, cleaners) used and stored. Any above-ground storage areas must be diked, and there should be no storm drain catch basins within the diked areas. All valving arrangements on any petro-chemical transfer lines should be shown. **N/A**.
4. A contingency plan delineating action to be taken by you in the event of spillage of petro-chemical products or other materials from your operation. **N/A**
5. Plan and profile drawings showing limits of areas to be dredged, areas to be used for placement of spoil, locations of any dikes to be constructed showing locations of any weir(s), and typical cross sections of the dikes.

B. Please provide the following statements:

1. A statement that all activities will be performed in a manner to minimize turbidity in the stream. **ALL ACTIVITIES WILL BE PERFORMED IN A MANNER TO MINIMIZE TURBIDITY IN THE STREAM.**
2. A statement that there will be no oils or other pollutants released from the proposed activities which will reach the stream. **NO OILS OR OTHER POLLUTANTS WILL BE RELEASED FROM THE PROPOSED ACTIVITIES.**
3. A statement that all work performed during construction will be done in a manner to prevent interference with any legitimate water uses. **ALL WORK PERFORMED DURING CONSTRUCTION WILL BE DONE IN A MANNER TO PREVENT INTERFERENCE WITH LEGITIMATE WATER USES.**

18. Application is hereby made for a permit or permits to authorize the activities described herein, Water Quality Certification from the Georgia Environmental Protection Division is also requested if needed. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities.

J South Ray

Jun 28, 2022

Signature of Applicant

Date

18. U.S.C. Section 1001 provides that: Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined no more than \$10,000 or imprisoned not more than 5 years or both.

PRIVACY ACT NOTICE

The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972. These laws require permits authorizing structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Information provided will be used in evaluating the application for a permit. Information in the application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary, however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

SUPPORTING REMARKS: Please refer to attached document titled *Buc-ee's Exit 42 Section 404 Individual Permit Application*

FEDERAL CONSISTENCY CERTIFICATION STATEMENT

Printed Name of Applicant(s): Buc-ee's Ltd. c/o Scott Ray

Applicant Email: scott.ray@buc-ees.com Phone: 979-238-6338

Agent Name (if applicable): Daniel Bucey / RLC Phone: 912-443-5896

To Whom It May Concern:

This is to certify that I have made application to the U.S. Army Corps of Engineers (USACE) for authorization to impact Waters of the United States and that such proposed work is, to the best of my knowledge, consistent with Georgia's Coastal Management Program.

I understand I must provide this Consistency Certification Statement, along with a copy of my permit application submitted to USACE, to the Georgia Department of Natural Resources Coastal Resources Division (CRD) before they can begin evaluating my proposed project for consistency with Georgia's enforceable policies. I understand additional information may be required to facilitate review.

Once any required authorizations or permits from CRD have been issued, and CRD has concurred with my findings by signing this Consistency Certification Statement, CRD must submit it to USACE in order for them to issue any required federal permits or authorizations, or to validate any provisional authorizations they have already issued. A USACE provisional authorization or permit will not be valid until they receive this Certification Statement signed by CRD.

Attached is a copy of my application to USACE (required)

Signature of Applicant: *Scott Ray* Date: Jun 28, 2022

FOR AGENCY INTERNAL USE ONLY:	Date Received (Commencement Date): _____
USACE Authorization/Permit Number (assigned by USACE): _____	
USACE Authorization Type (select one): <input type="checkbox"/> Individual Permit <input type="checkbox"/> General Permit # _____ <input type="checkbox"/> NWP # _____	
USACE Project Manager: _____	
CRD Authorization/Permit Number (assigned by CRD): _____	
CRD Project Manager: _____	

CRD CONCURS WITH THIS CONSISTENCY CERTIFICATION STATEMENT TO THE EXTENT THAT USACE AUTHORIZATION IS CONSISTENT WITH THE PROJECT AS DESCRIBED IN ANY CRD AUTHORIZATION.

CRD Signature: _____ Date: _____
Printed Name: _____ Title: _____

For questions regarding consistency with the Georgia Coastal Management Program, please contact the Federal Consistency Coordinator at (912) 264-7218 or visit www.CoastalGADNR.org.

Buc-ee's, Ltd.
Glynn County, Georgia
July 2020

1.0 Introduction and Background Information

Buc-ee's Ltd. is proposing to impact 2.55 acres of wetland to provide access for a 34.58 acre commercial development located east of Interstate 95 and south of Georgia Highway 99, at Exit 42, in Brunswick, Glynn County, Georgia (31.308214°, -81.473006°, Appendix A, Vicinity Map).

The project is located within the Cumberland-St. Simons Watershed (03070203). The subject parcel lies within a larger tract for which the wetland delineation was verified by letter of March 13, 2020 (SAS-2000-07420, Appendix F). A previous owner obtained verification to use Nationwide Permit 14 (NWP 14) to impact 0.49 acre of wetland for a two-land access road to service the subject parcel as well as additional developable lands owned by others beyond the subject parcel. Due to the large traffic load that is typical for the applicant's venue, as well as future traffic loads that will be associated with the other developable lands owned by others, the currently valid NWP 14 authorization for access would not be sufficient to service the applicant or other future development. Therefore, the applicant would extinguish the current NWP 14 authorization upon receipt of the standard 404 permit being requested.

2.0 Project Purpose and Need

The purpose and need for the proposed impact to waters of the U.S. is to provide access to developable land from Georgia Highway 99.

2.1 Basic Project Purpose:

The basic project purpose is to construct a commercial access road.

2.2 Overall Project Purpose:

The overall project purpose is the construction of a five-lane asphalt access road within a one-hundred-thirty-foot (130') right-of-way to provide access to a 34.58 acre commercial development site. No other impacts to waters of the U.S. are proposed.

3.0 Project Description

The subject property fronts on GA HWY 99 east of I-95 at Exit 42. Georgia Department of Transportation (GDOT) requires minimum distances between access curb cuts and interstate on/off ramps. As a result of the predicted traffic load and GDOT-mandated distance from the Exit 42 off-ramp, the location of the HWY 99 ingress/egress must cross wetlands to gain access to the applicant's property.

The applicant's preferred alternative includes the construction of a five-lane asphalt road within a one hundred thirty-foot (130') R.O.W. narrowing to a two-lane asphalt road within a 100' R.O.W. Properly sized culverts will be installed after final design in compliance with Glynn County stormwater regulations. The proposed five-lane road surface would be 24' wide on the incoming lane with a 22' divided median and a 36' wide outgoing lane and would be constructed with a curb and gutter drainage system. A 5' wide sidewalk would be located north of the incoming lane. Road shoulders would be sloped at 3:1. While the final R.O.W. dedication would be 130', the construction area, inclusive of possible temporary clearing, would be up to 170' and would result in impacts to 2.05 acres of forested wetland.



The proposed two-lane curb and gutter road would consist of an 18' wide road surface with a 5' wide sidewalk located on the north road shoulder. The side slopes would also be 3:1. While the final R.O.W. dedication would be 100', the construction area, inclusive of possible temporary clearing, would be up to 110' and would result in impacts to 0.50 acre of forested wetland (see impact plans, Appendix B, *Roadway Cross Section, Wetland Impact*).

4.0 Alternatives Analysis

Since the overall project purpose is to construct a road through wetlands to provide access to an upland commercial development site that requires no other impacts to waters of the U.S, alternative sites or alternatives to the residential community are not required. Alternatives are limited to the construction of the access road itself.

Alternative means by which to access the property include a no-action alternative, bridging over wetlands, and construction of a four-lane access road.

4.1 No Action Alternative:

The No Action Alternative would not meet the applicant's overall project purpose. Without the proposed road, the property cannot be feasibly accessed for development, and the applicant would lose a substantial amount of capital that was invested in the property. The no-action alternative is not practicable.

4.2 Bridge Construction Alternative: Construction of a bridge for access would alleviate the need for a Department of the Army permit. However, the length, width, and load-bearing constraints of a bridge that would be required to service this property would be cost-prohibitive and out of character with traditional access options in non-tidal waters and non-stream habitats. While loss of waters of the U.S. would be less under this alternative, the R.O.W. would still require mechanized clearing and the R.O.W. would permanently altered. The substantial increase in the cost (up to ten times more than conventional construction) of this alternative would not justify the conversion of the wetland habitat from forested to a permanently maintained state, and therefore this alternative is not practicable.

4.4 Six-lane Access Road Alternative: A six-lane access road with three ingress and three egress lanes was considered but it was determined that the additional costs and additional loss of waters of the U.S. is not warranted at this time. The applicant's project will create a substantial traffic load from this section of HWY 99 into their project, and the proposed road must accommodate both the applicant's needs as well as maintain access to other property not owned by the applicant west and south of the subject parcel. It is the belief of the applicant that the current five-lane and two-lane alternative will adequately serve the project needs. This alternative would substantially increase impacts to waters of the U.S. and would not be required in accordance with the current traffic predictions. Therefore, this alternative is not practicable.

4.5 Preferred Alternative: 5-Lane Access Road: The applicant's preferred is depicted on the drawings produced by Kimley Horn titled *SE Quad Exit 42*, dated April 27, 2022. The design includes a five-lane ingress/egress road at HWY 99 on east side of project narrowing to a two-lane road at the southwest end of the subject parcel (discussed in detail in Section 3). Culverts will be sized according to County engineering requirements upon receipt of final topographic information and development of a final

grading and stormwater plan, which must conform to Glynn County engineering standards. The preferred alternative will require 2.05 acres of wetland fill for the five-lane portion of the road and 0.50 acre of wetland fill for the two-lane portion of the road.

5.0 Compensatory Mitigation

Using the Savannah District's 2018 Standard Operating Procedure for Compensatory Mitigation (October 2020 update), SOP calculations indicate that 15.36 legacy wetland credits are required to compensate for jurisdictional wetland impacts to 2.55 acres of wetland on site (Appendix C). The applicant proposes to purchase the required credits from Wilkinson Oconee mitigation bank, which has a primary service area that includes the subject property.

6.0 Threatened and Endangered Species

The subject property is comprised of typical forested wetlands and upland pine plantation that have been managed for timber production. Timber was last harvested (thinning) in 2017. The property currently consist of mature planted pine and mixed hardwoods in the uplands including slash pine (*Pinus elliottii*), loblolly pine (*Pinus taeda*), water oak (*Quercus nigra*), red maple (*Acer rubrum*), and sweetgum (*Liquidambar styraciflua*). The wetlands on the subject property are dominated by Red bay (*Persea borbonia*), slash pine, and bald cypress (*Taxodium disticum*). No habitats are located on the subject property that would be suitable for species listed in Glynn County, Georgia. Coordination with US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) was conducted to assess potential impacts to federally protected species on the project site. The results of this consultation are included in Appendix D.

7.0 Cultural Resources

The subject property is located within the former boundaries of a larger 1,925-acre tract of land that was subject to a previous permit action, SAS-2000-07420 for the *Life in the Wild* park project. As part of the permit action, a Phase I Cultural Resource study was conducted, which identified three (3) sites determined to be eligible for listing on the National Register of Historic places: the Brunswick-Altamaha Canal, Site 9GN273, and Site 9GN275. The Corps issued a Determination of Adverse Effect for these sites, as well as a Memorandum of Agreement for treatment of the sites due to the proposed project. Copies of these documents are attached at Appendix E. The Life in the Wild park was never constructed, and the permit subsequently expired.

Site 9GN273 is described as a historic archaeological site with tabby ruins and located approximately 945' east of the subject parcel immediately south of HWY 99. Site 9GN275 is described as a historic archaeological site with structural remains and is located approximately 1,410' east of the subject parcel and immediately south of HWY 99, east of the Brunswick-Altamaha Canal. The Brunswick-Altamaha Canal is described as a mid-nineteenth century transportation canal for which construction commenced in 1836, connecting the Altamaha River to Academy Creek near Brunswick Harbor. The BAC is located approximately 1,230' east of the subject parcel.

The land east of the applicant's parcel is now or formerly owned by Brunswick Highway 99 LLC and contains extensive wetland areas that are currently wooded. Given the distance from the subject property

to the listed sites, it is our opinion that the Buc-ee's Ltd. project would have no adverse effect on the listed sites.



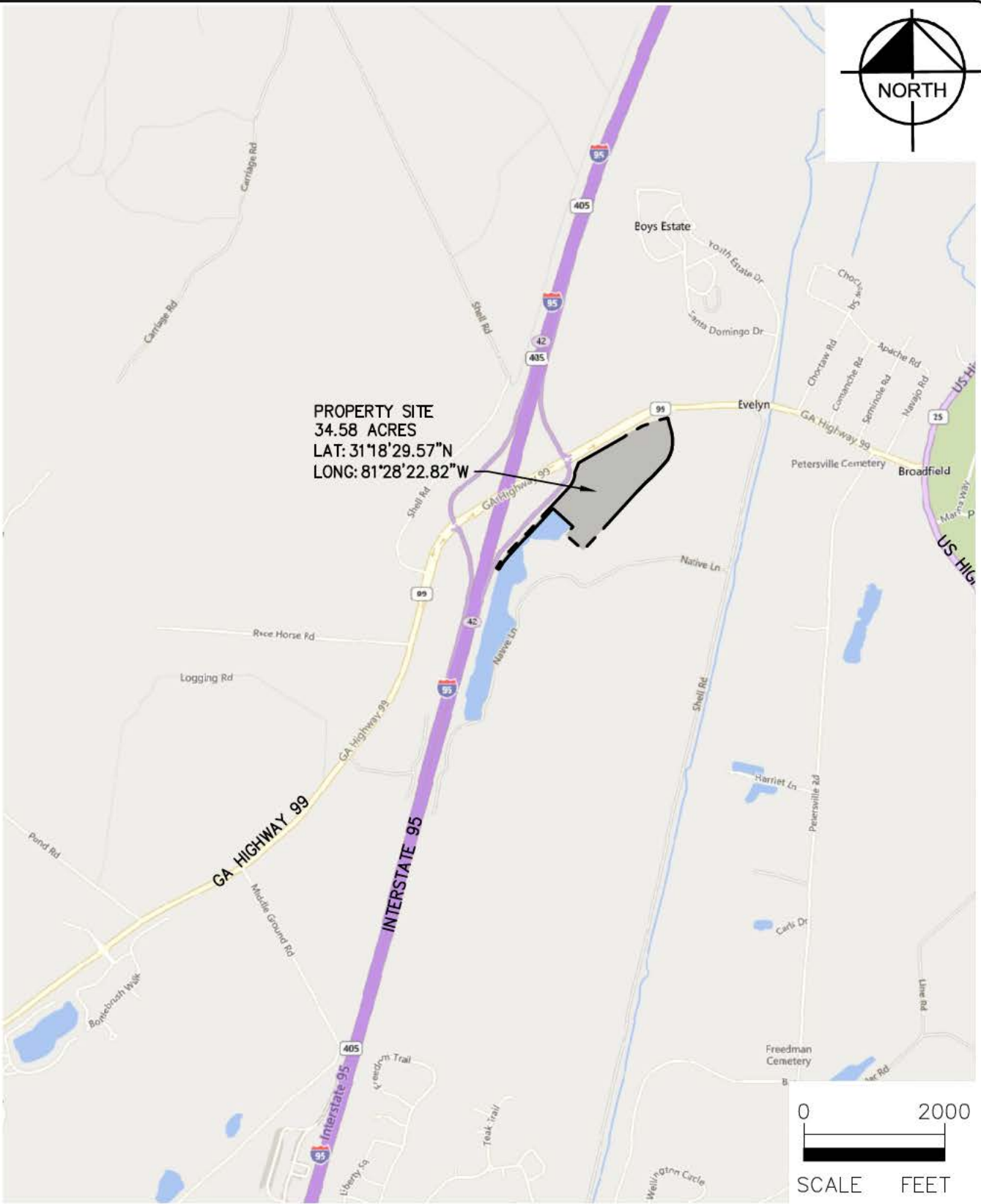
RLC Project No.:	21-133
Figure No.:	1
Prepared By:	CL
Sketch Date:	6/23/2022
Map Scale :	1 inch = 4,000 feet

Buc-ee's Exit 42
Glynn County, Georgia

Location Map
Prepared For: Buc-ee's Ltd.

RLC	RESOURCE+LAND CONSULTANTS
	41 Park of Commerce Way, Ste 101 Savannah, GA 31405 tel/912.443.5896 fax 912.443.5898

Drawing name: K:\JAX_Civil\045545002 - Buc-ee's Brunswick\Cadd\Exhibits\Wetland Exhibits\2022-04-27 Brunswick Travel Center Wetland Exhibits.dwg VICINITY Apr 27, 2022 10:18am by: Brian.Deitch

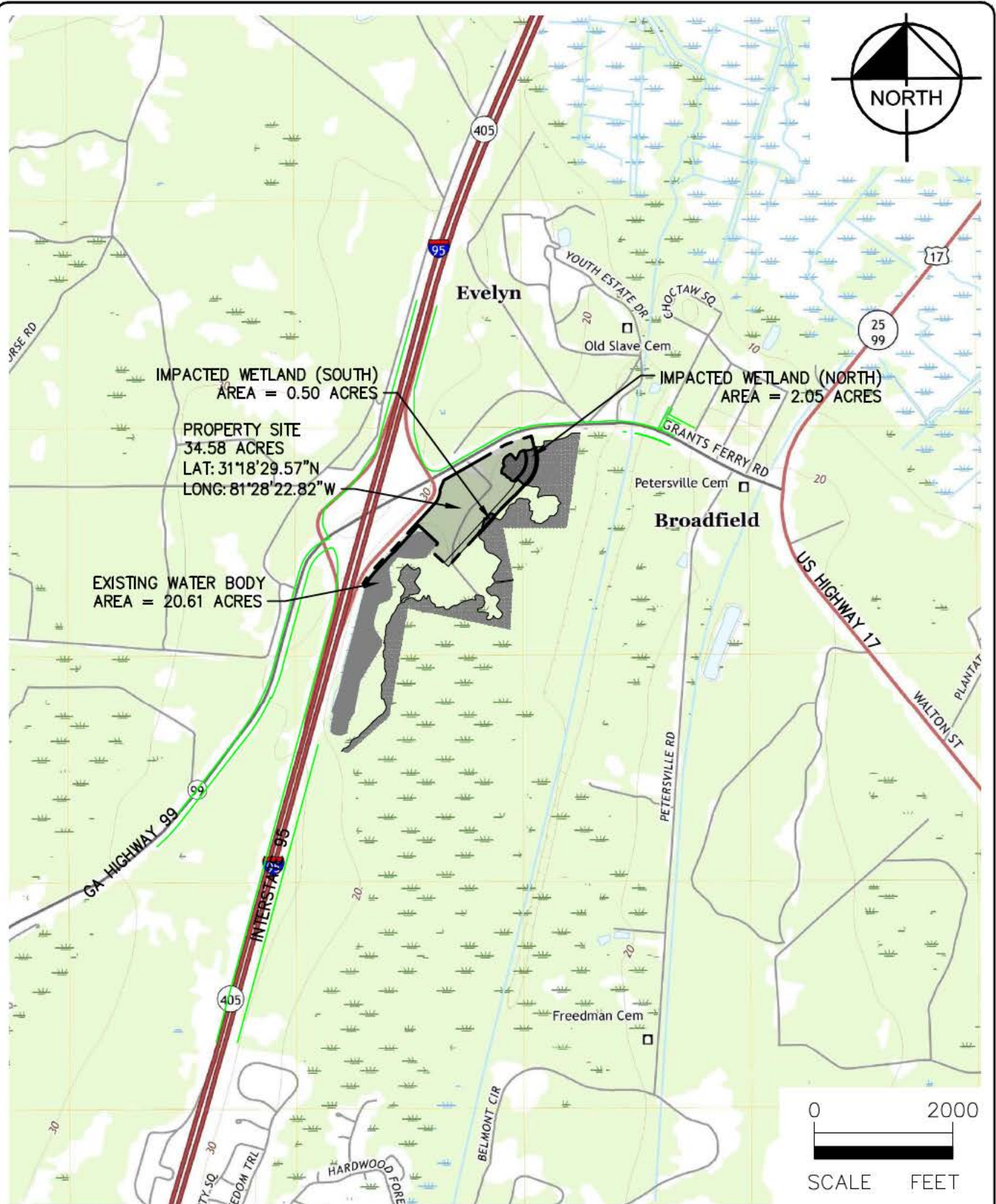


PROPERTY SITE
34.58 ACRES
LAT: 31°18'29.57"N
LONG: 81°28'22.82"W



SE QUAD EXIT 42
VICINITY MAP
GLYNN COUNTY, GA
APRIL 27, 2022

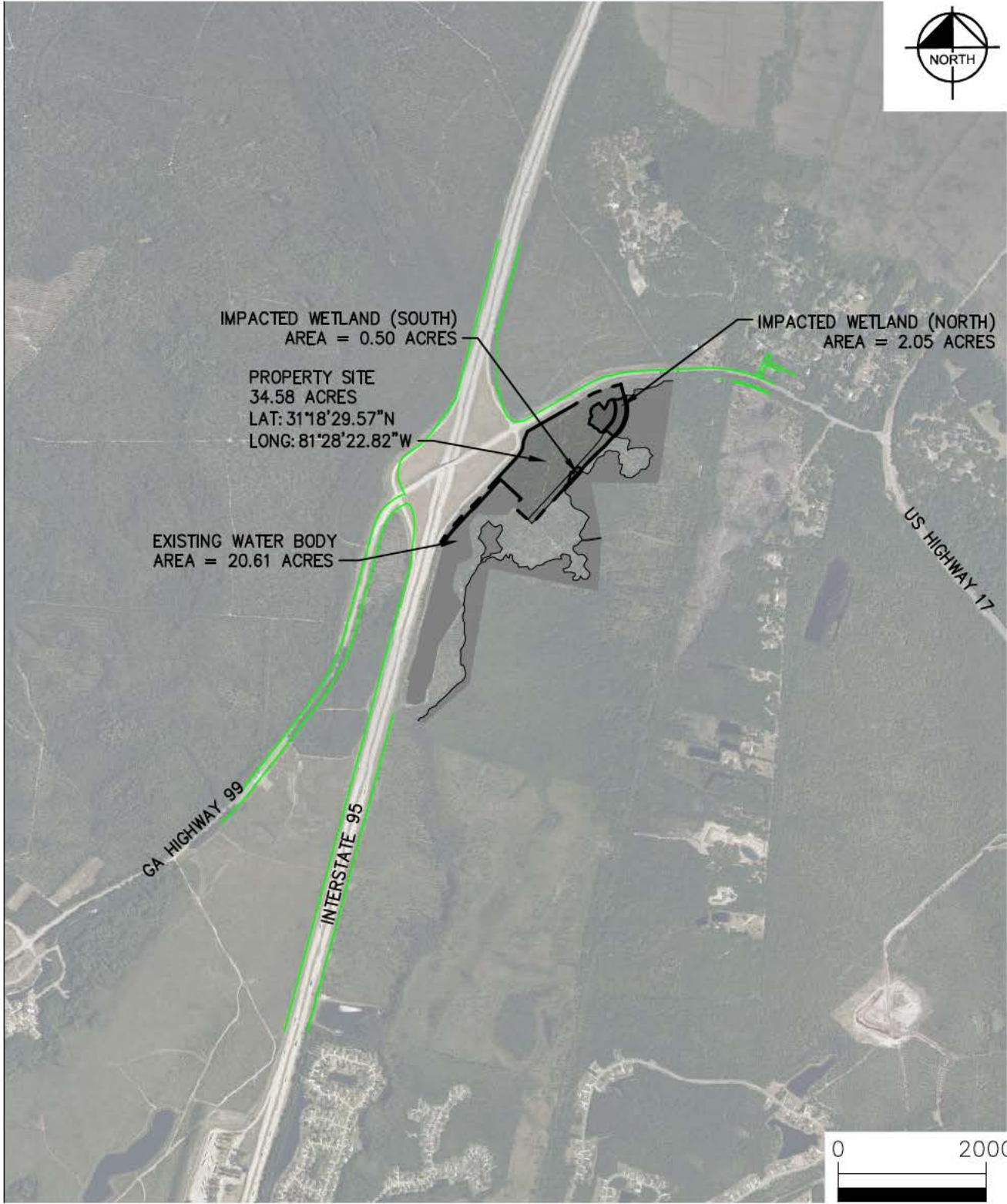
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SE QUAD EXIT 42
USGS QUADRANGLE MAP
GLYNN COUNTY, GA
APRIL 27, 2022



Drawing name: K:\AX_Civil\045545002 - Buc-ee's Brunswick\Cadd\Exhibits\Wetland Exhibits_2022-04-27 Brunswick Travel Center Wetland Exhibits.dwg AERIAL Apr 27, 2022 10:19am by: Brian.Delitsch



IMPACTED WETLAND (SOUTH)
AREA = 0.50 ACRES

IMPACTED WETLAND (NORTH)
AREA = 2.05 ACRES

PROPERTY SITE
34.58 ACRES
LAT: 31°18'29.57"N
LONG: 81°28'22.82"W

EXISTING WATER BODY
AREA = 20.61 ACRES

GA HIGHWAY 99

INTERSTATE 95

US HIGHWAY 17

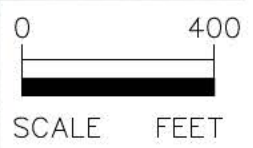
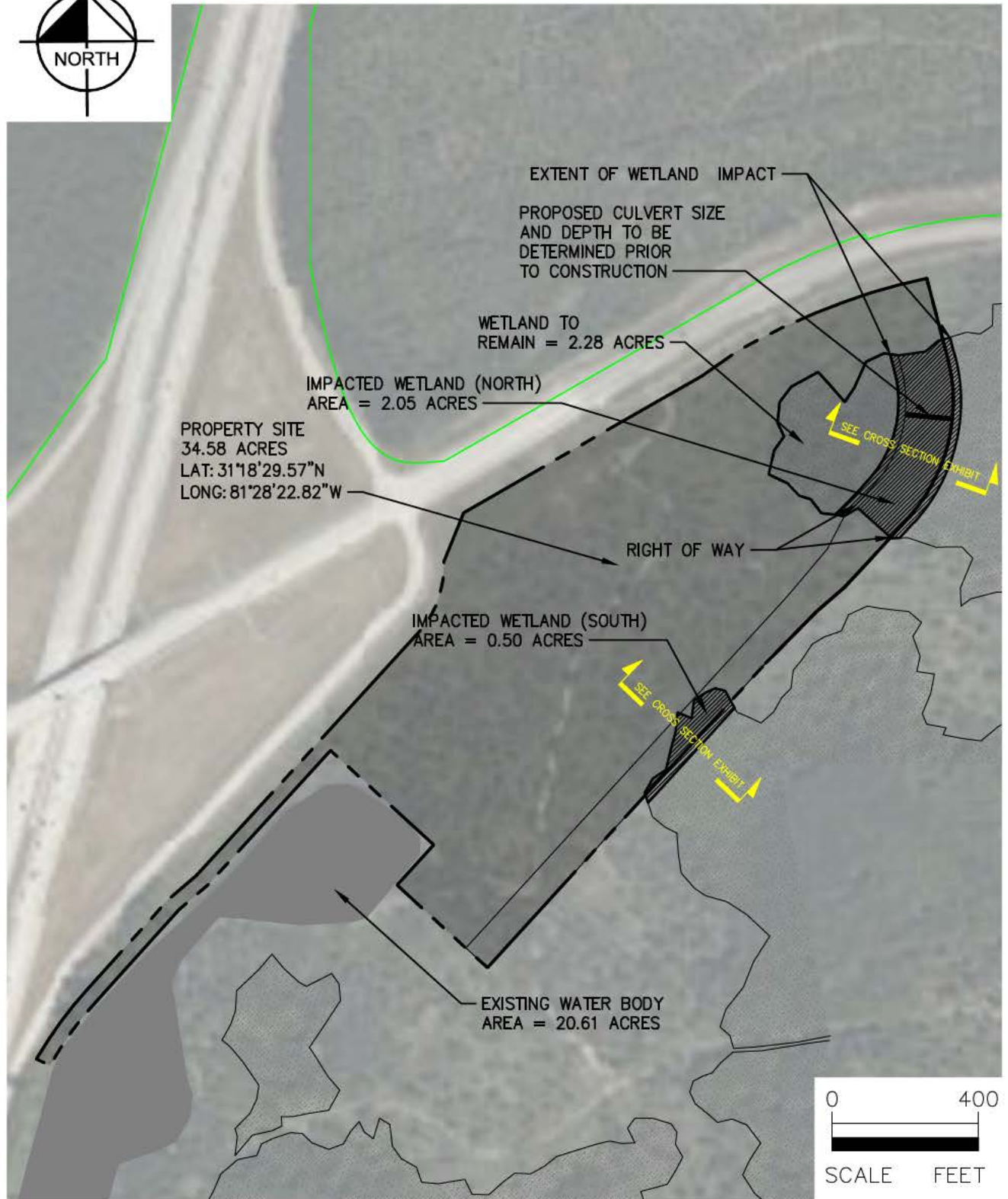


SCALE FEET

SE QUAD EXIT 42
AERIAL MAP
GLYNN COUNTY, GA
APRIL 27, 2022



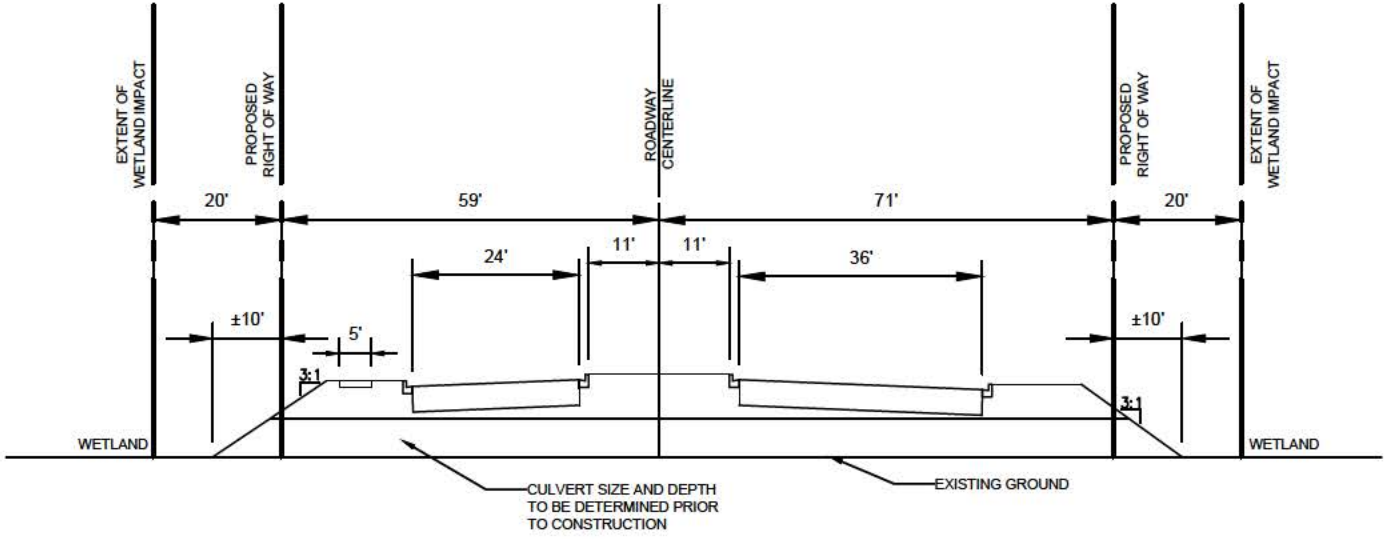
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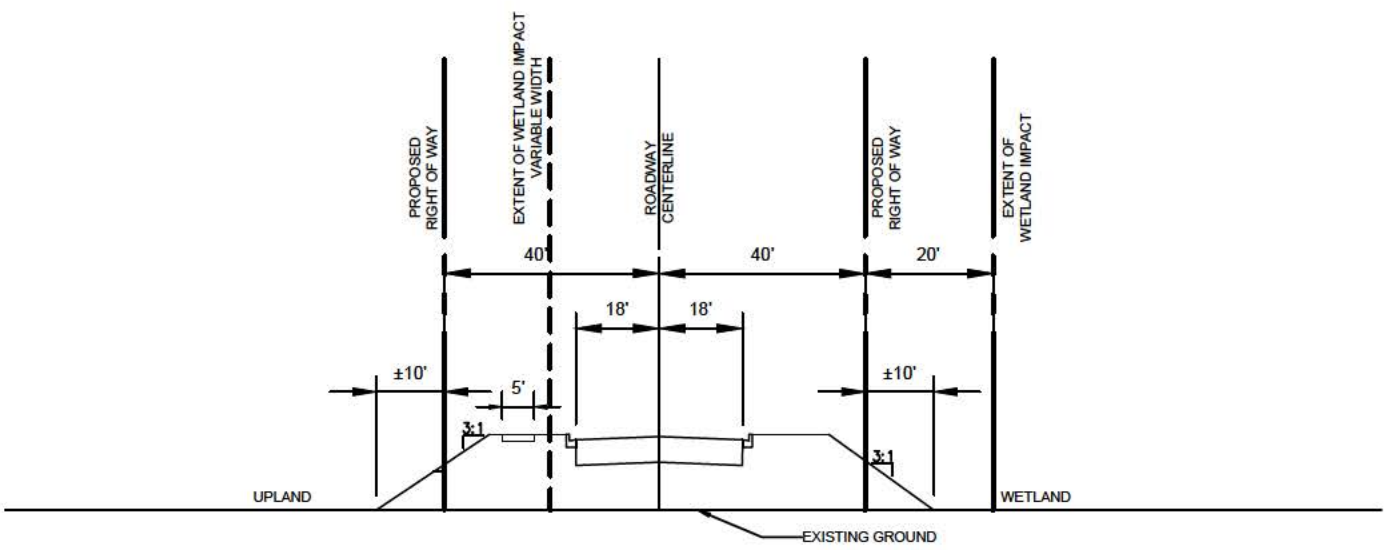
SE QUAD EXIT 42
PROPERTY SITE
GLYNN COUNTY, GA
APRIL 27, 2022



Drawing name: K:\JAX_Civil\045545002 - Buc-ee's Brunswick\Exhibits\Wetland Exhibits\2022-04-27 Brunswick Travel Center Wetland Exhibits.dwg ROAD CROSS SECTION Apr 27, 2022 10:20am by: Brian.Delisch



WETLAND IMPACT (NORTH)
ROAD CROSSING (130' R/W)
WETLAND FILL SECTION
N.T.S.



WETLAND IMPACT (SOUTH)
ROAD CROSSING (80' R/W)
WETLAND FILL SECTION
N.T.S.

SE QUAD EXIT 42
ROADWAY CROSS SECTION, WETLAND IMPACT
GLYNN COUNTY, GA
APRIL 27, 2022

NOT TO SCALE



Worksheet 1: Qualitative Worksheet for Wetland Adverse Impacts

Project Name:	Buc-ee's Ltd. SE Quad Exit 42
Impact Wetland Name:	North
Acres of Impact (Acres):	2.05
Wetland Type:	Slope Wetlands
Date:	June 29, 2022

Impact Factors

	<u>Index Description</u>	<u>Index Value</u>
1. Wetland Qualitative Functional Capacity Score (<u>WQFC</u>)	Moderate	0.75
2. Impact Category Description (<u>Impact Category</u>)	Discharge of Fill	1.00
3. Product of WQFC and Impact (<u>WQFC Impact</u>) =		0.75
4. Duration of Impact (<u>Duration</u>)	Permanent/Reoccurring	1.00
5. Product of WQFC Impact and Duration (<u>Total WQFC Impact</u>) =		0.75
6. Product of Total WQFC Impact and Acres (<u>Total 2018 Wetland Credits Owed</u>) =		1.54
7. Conversion of Total 2018 Wetland Credits to Legacy Credits (<u>Legacy Wetland Credits Owed</u>) =		12.32

Legend

Green Cells = User must manually input information.
 Orange Cells = User must select the index choice from the drop-down list.
 Grey Cells = The calculation of these cells is automated.

Worksheet 2: Qualitative Worksheet for Wetland Adverse Impacts

Project Name:	Buc-ee's Ltd. SE Quad Exit 42
Impact Wetland Name:	South
Acres of Impact (Acres):	0.50
Wetland Type:	Slope Wetlands
Date:	June 29, 2022

Impact Factors

	<u>Index Description</u>	<u>Index Value</u>
1. Wetland Qualitative Functional Capacity Score (<u>WQFC</u>)	Moderate	0.75
2. Impact Category Description (<u>Impact Category</u>)	Discharge of Fill	1.00
3. Product of WQFC and Impact (<u>WQFC Impact</u>) =		0.75
4. Duration of Impact (<u>Duration</u>)	Permanent/Reoccurring	1.00
5. Product of WQFC Impact and Duration (<u>Total WQFC Impact</u>) =		0.75
6. Product of Total WQFC Impact and Acres (<u>Total 2018 Wetland Credits Owed</u>) =		0.38
7. Conversion of Total 2018 Wetland Credits to Legacy Credits (<u>Legacy Wetland Credits Owed</u>) =		3.04

Legend

Green Cells = User must manually input information.
 Orange Cells = User must select the index choice from the drop-down list.
 Grey Cells = The calculation of these cells is automated.



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

March 13, 2020

Regulatory Branch
SAS-2000-07420

Mr. Stewart Tate
Brunswick Exit 42, LLC
1031 South Caldwell Street, Suite 220
Charlotte, North Carolina 28203

Dear Mr. Tate:

I refer to the Pre-Construction Notification, submitted on your behalf by Mr. Zach Marsh of Resource and Land Consultants (RLC), requesting verification for use of Nationwide Permit (NWP) No. 14 to impact 0.49 acre of wetland for construction of a road to access an upland portion of the property for commercial development. The project site is located on the southeast corner of Interstate Highway 95 and State Highway 99, in the City of Brunswick, Glynn County, Georgia (Latitude 31.3069, Longitude -81.4725). This project has been assigned number SAS-2000-07420 and it is important that you refer to this number in all communication concerning this matter.

The enclosed exhibit entitled, "SE Quad Exit 42 Master Plan", dated June 14, 2019, Sheet 5, identifies the delineation limits of all aquatic resources within the review area. These wetlands were delineated in accordance with criteria contained in the 1987 "Corps of Engineers Wetland Delineation Manual," as amended by the most recent regional supplements to the manual. This delineation will remain valid for a period of 5-years unless new information warrants revision prior to that date.

If you intend to sell property that is part of a project that requires Department of the Army Authorization, it may be subject to the Interstate Land Sales Full Disclosure Act. The Property Report required by Housing and Urban Development Regulation must state whether, or not a permit for the development has been applied for, issued or denied by the U.S. Army Corps of Engineers (Part 320.3(h) of Title 33 of the Code of Federal Regulations).

This communication does not convey any property rights, either in real estate or material, or any exclusive privileges. It does not authorize any injury to property, invasion of rights, or any infringement of federal, state or local laws, or regulations. It does not obviate your requirement to obtain state or local assent required by law for the development of this property. If the information you have submitted, and on which the

Corps has based its determination is later found to be in error, this decision may be revoked.

We have completed coordination with other federal and state agencies as described in Part C (32)(d) of our NWP Program, published in the January 6, 2017, Federal Register, Vol. 82, No. 4, Pages 1860-2008 (82 FR). The NWPs and Savannah District's Regional Conditions for NWPs can be found on our website at <http://www.sas.usace.army.mil/Missions/Regulatory/Permitting/GeneralPermits/NationwidePermits.aspx>. During our coordination procedure, no adverse comments regarding the proposed work were received.

As a result of our evaluation of your project, we have determined that the proposed activity is authorized as described in Part B of the NWP Program. Your use of this NWP is valid only if:

a. The activity is conducted in accordance with the information submitted and meets the conditions applicable to the NWP, as described at Part C of the NWP Program and the Savannah District's Regional Conditions for NWPs.

b. Prior to the commencement of any permitted work in aquatic resources, the permittee shall purchase 2.96 wetland mitigation credits from Wilkinson-Oconee Mitigation Bank and submit documentation of this credit purchase to the U.S. Army Corps of Engineers. The credit purchase documentation must reference the Corps file number assigned to the permitted project. If all or a portion of the required credits are not available from Wilkinson-Oconee Mitigation Bank, the permittee shall obtain written approval from the Corps prior to purchasing credits from an alternate mitigation bank.

c. You shall obtain and comply with all appropriate federal, state, and local authorizations required for this type of activity. A stream buffer variance may be required from the Georgia Department of Natural Resources, Environmental Protection Division (Georgia EPD), as defined in the Georgia Erosion and Sedimentation Control Act of 1975, as amended. Information concerning variances can be obtained at the Georgia EPD's website at www.epd.georgia.gov, or by calling (404) 463-1511.

d. All work conducted under this permit shall be located, outlined, designed, constructed and operated in accordance with the minimal requirements of the Georgia Erosion and Sedimentation Control Act of 1975, as amended. Utilization of plans and specifications contained in the "Manual for Erosion and Sediment Control," (Latest Edition), published by the Georgia Soil and Water Conservation Commission, will aid in achieving compliance with the aforementioned minimal requirements.

e. You shall install and maintain erosion and sediment control measures in upland areas of the project site, in accordance with the Georgia Erosion and Sedimentation Control Act of 1975, as amended, to minimize the introduction of sediment into and the erosion of streams, wetlands and other waters of the United States. This permit does not authorize installation of check-dams, weirs, riprap, bulkheads or other erosion control measures in streams, wetlands or other waters of the United States. Authorization would be required from the U.S. Army Corps of Engineers prior to installing any erosion control measures in waters of the United States.

f. You shall install and maintain erosion and sediment control measures for all fill material that is authorized to be discharged in streams, wetlands and other waters of the United States, in accordance with the Georgia Erosion and Sedimentation Control Act of 1975, as amended, and permanently stabilize fill areas at the earliest practicable date.

g. You shall notify the Corps, in writing, at least 10 days in advance of commencement of work authorized by this permit.

h. You fill out and sign the enclosed certification and return it to our office within 30 days of completion of the activity authorized by this permit.

i. All work shall be completed in accordance with the enclosed plans, "SE Quad Exit 42 Master Plan", dated June 14, 2019, Sheets 5 and 6.

j. Within 30 days of the completion of construction, you will submit as-built drawings to our office.

k. Wetland and/or Stream Avoidance/Minimization Areas: The Permittee shall avoid the remaining 46 acres of onsite wetlands as detailed in the attached plans titled "SE Quad Exit 42 Master Plan", dated June 14, 2019, Sheets 4 through 6. These natural wetland and/or stream areas were avoided as part of the permit application review process and therefore will not be disturbed by any dredging, filling, mechanized land clearing, agricultural activities, or other construction work whatsoever. The U.S. Army Corps of Engineers reserves the right to deny review of any requests for future impacts to these natural wetland and/or stream areas.

This proposal was reviewed in accordance with Section 7 of the Endangered Species Act. Based on the information we have available, we have determined that the project would may affect, but is not likely to adversely affect the wood stork (*Mycteria Americana*) and Eastern indigo snake (*Drymarchon couperi*). Additionally, the project would have no effect on any other threatened or endangered species nor any critical habitat for such species. Authorization of an activity by a NWP does not authorize the

"take" of threatened or endangered species. In the absence of separate authorization, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act. See Part (C) of 82 FR for more information.

This verification is valid until the NWP is modified, reissued or revoked. All of the existing NWPs are scheduled to expire on March 18, 2022. It is incumbent upon you to remain informed of changes to the NWPs. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

This authorization should not be construed to mean that any future projects requiring Department of the Army authorization would necessarily be authorized. Any new proposal, whether associated with this project or not, would be evaluated on a case-by-case basis. Any prior approvals would not be a determining factor in making a decision on any future request.

Revisions to your proposal may invalidate this authorization. In the event changes to this project are contemplated, I recommend that you coordinate with us prior to proceeding with the work.

This communication does not relieve you of any obligation or responsibility for complying with the provisions of any other laws or regulations of other federal, state or local authorities. It does not affect your liability for any damages or claims that may arise as a result of the work. It does not convey any property rights, either in real estate or material, or any exclusive privileges. It also does not affect your liability for any interference with existing or proposed federal projects. If the information you have submitted and on which the Corps bases its determination/decision of authorization under the NWP is later found to be in error, this determination may be subject to modification, suspension, or revocation.

Thank you in advance for completing our on-line Customer Survey Form located at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. We value your comments and appreciate your taking the time to complete a survey each time you have interaction with our office.

If you have any questions, please call me at (912) 652-6210.

Sincerely,

Skye H. Stockel
Project Manager, Coastal Branch

Copy Furnished: Mr. Daniel Bucey, RLC

Enclosures

Regulatory Division

CERTIFICATION OF COMPLIANCE
WITH
DEPARTMENT OF THE ARMY

PERMIT FILE NUMBER: SAS-2020-07420

PERMITTEE ADDRESS: Mr. Stewart Tate, Brunswick Exit 42, LLC, 1031 South,
Caldwell Street, Suite 220, Charlotte, North Carolina 28203

LOCATION OF WORK: The project site is located on the southeast corner of Interstate
Highway 95 and Highway 99, in the City of Brunswick, Glynn County, Georgia (Latitude
31.3069, Longitude -81.4725).

PROJECT DESCRIPTION: Construction of a road to access an upland portion of the
property for commercial development.

ACRES AND/OR LINEAR FEET OF WATERS OF THE UNITED STATES IMPACTED:
0.5 acre of wetland

DATE WORK IN WATERS OF UNITED STATES COMPLETED: _____

COMPENSATORY MITIGATION REQUIRED: 2.69 wetland mitigation credits from
Wilkinson-Oconee Mitigation Bank

DATE MITIGATION COMPLETED OR PURCHASED (include name of bank):

I understand that the permitted activity is subject to a U.S. Army Corps of Engineers' Compliance Inspection. If I fail to comply with the permit conditions at Part C of the Nationwide Permit Program, published in the January 6, 2017, Federal Register, Vol. 82, No.4, Pages 1860-2008, it may be subject to suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced permit as well as any required mitigation (if applicable) has been completed in accordance with the terms and conditions of the said permit.

Signature of Permittee

Date



144.63 ACRE PORTION OF PAWS EAST GOLDEN ISLE GATEWAY TRACT	
TOTAL PROJECT BOUNDARY: 144.63 ACRES	
TOTAL WETLANDS: 46.49 ACRES	
JURISDICTIONAL WETLAND IMPACT:	0.49 ACRES
WETLAND REMAINING:	46.00 ACRES

SE QUAD EXIT 42 MASTER PLAN

PROPOSED ACTIVITY:
MINOR ROAD CROSSING | SHEET INDEX

APPLICANT:
THE SHAW TATE GROUP

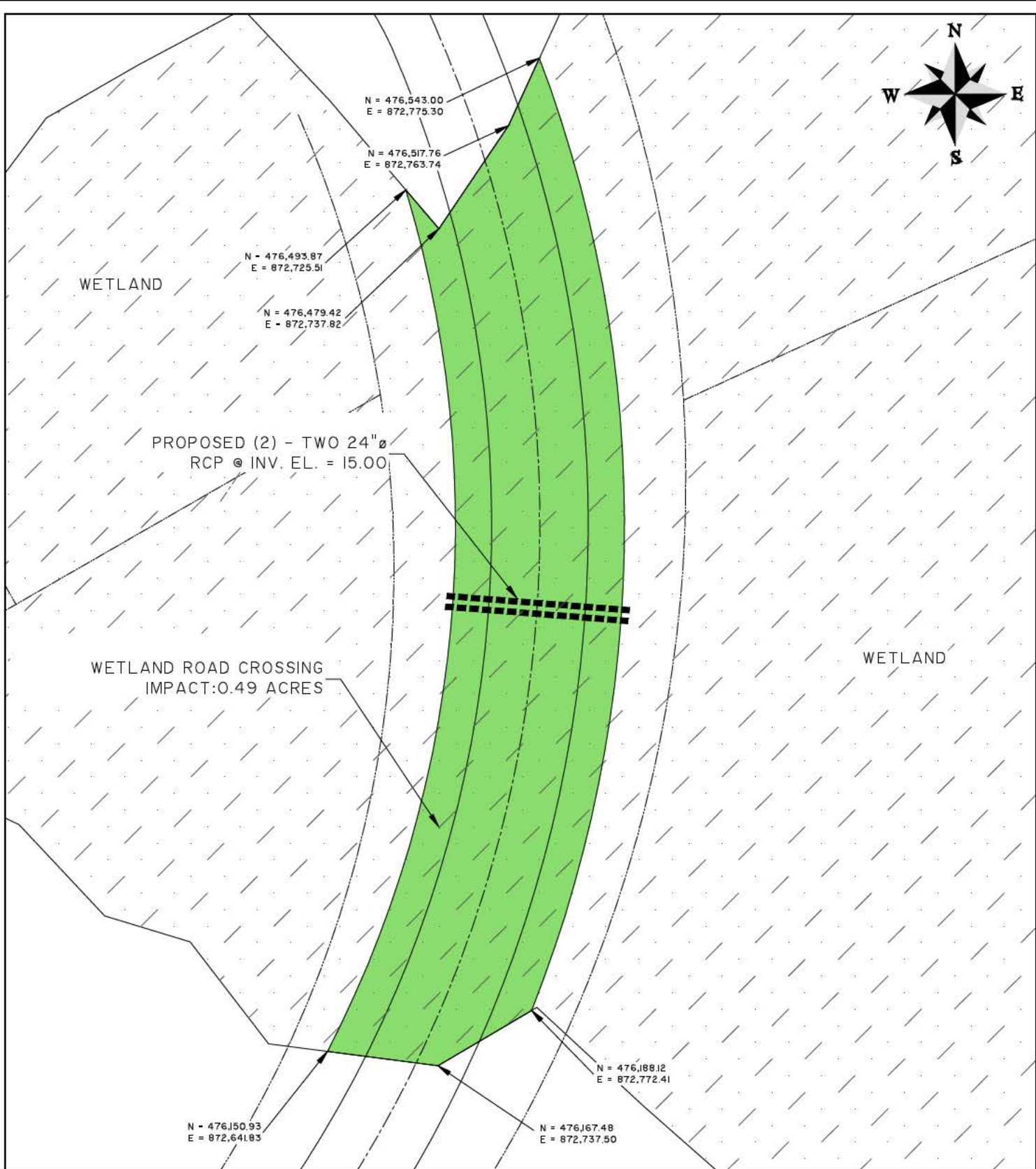
LOCATION: GLYNN COUNTY | GEORGIA
DATE: JUNE 14, 2019
JOB NUMBER: J - 27285.0001

SHEET: 4
SCALE: 1" = 1000'



1503 Newcastle Street • Suite A
Brunswick, GA 31520 • 912.466.0536

www.thomasandhutton.com



SE QUAD EXIT 42 MASTER PLAN

PROPOSED ACTIVITY:
MINOR ROAD CROSSING | IMPACT PLAN

APPLICANT:
THE SHAW TATE GROUP

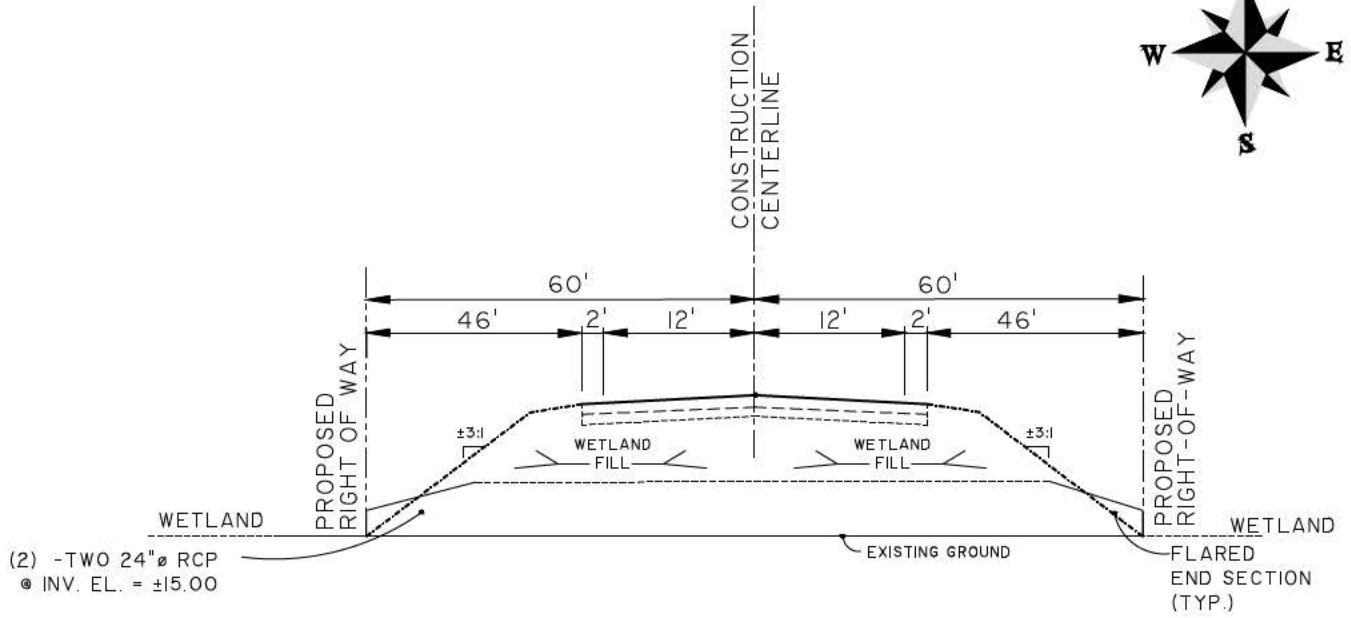
LOCATION: GLYNN COUNTY | GEORGIA
DATE: JUNE 14, 2019
JOB NUMBER: J - 27285.0001

SHEET: 5
SCALE: 1" = 50'

THOMAS & HUTTON
Engineering | Surveying | Planning | GIS | Consulting

1503 Newcastle Street • Suite A
Brunswick, GA 31520 • 912.466.0536

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ROADWAY SECTION (120' R/W)
ROAD CROSSING
WETLAND FILL SECTION

NOT TO SCALE

SE QUAD EXIT 42 MASTER PLAN

PROPOSED ACTIVITY:
MINOR ROAD CROSSING | DETAIL PLAN

APPLICANT:
THE SHAW TATE GROUP

LOCATION: WAYNE COUNTY | GEORGIA

DATE: JUNE 14, 2019

JOB NUMBER: J - 27285.0001

SHEET: 6
SCALE: N.T.S.



1503 Newcastle Street • Suite A
Brunswick, GA 31520 • 912.466.0536

www.thomasandhutton.com



December 19, 2022

US Army Corps of Engineers
Savannah District / Regulatory Division
Attention: Ms. Skye Stockel, Project Manager
100 West Oglethorpe Avenue
Savannah, Georgia 31401-3640

**Subject: Buc-ee's Ltd., LLC / SE Quad Exit 42
Brunswick, Glynn County, Georgia
SAS-200-07420**

RLC# 22-133

Dear Ms. Stockel:

I refer to your email of October 13, 2022 requesting additional information regarding the above referenced application for a Department of the Army Standard permit for wetland impacts associated with access to a commercial development for the subject property located east of Interstate 95 and south of Georgia Highway 99, near Brunswick, Glynn County, Georgia (31.308214°, -81.473006°).

The following text includes the items requested per the aforementioned email (items a. through c.) followed by additional information on behalf of the applicant:

Item a. Purpose and Need: According to the 404(b)(1) Guidelines (the Guidelines), the Corps must define the basic and overall project purpose based on the applicant's purpose and need statement. Basic project purpose is established to determine whether a project is water dependent, while overall project purpose establishes the scope of an alternatives analysis to determine if a proposed project is the "least environmentally damaging practicable alternative" (LEDPA).

In your application, you state that the proposed project purpose is "[...] to provide access to developable land from Georgia Highway 99." Based on this statement and references throughout your application to a "commercial development", the Corps cannot establish the overall project purpose as this description is too broad. The existing NWP that covered an access road to a proposed gas station would be the LEDPA depending on the industry. It appears the need and purpose may be to construct a commercial development. Please provide a purpose and needs statement that identifies the type of industry as well as a geographic location the project would serve.

Applicant's Response:

As defined at 40 CFR Section 1502.13, "The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing alternatives including the proposed action." As stated in the application in brief format, the purpose and need of the road construction in wetlands is to provide access to uplands for development. Whether the development is commercial, residential, or industrial is irrelevant, as the proposed project does not propose any other impacts to waters of the U.S. The scope analysis under NEPA would be limited the road crossing only and would not require alternatives to the commercial development or otherwise regulate the upland development.

The basic project purpose provided slightly more detail of the proposed project, “..... to construct a commercial access road.” The basic project purpose is used for determining water dependency. An access road to an upland development, whether it be industrial, commercial, or residential, is not water dependent. Water dependent projects are limited to boat launches, docks, etc. that provide access to water.

The overall project purpose provided specific detail of the proposed project, “...the construction of a five-lane asphalt access road within a 130’ right-of-way to provide access to a 34.58 acre commercial development site...” While the stated basic and overall project purpose identified the intended use of the upland (commercial development), it is not relevant what type of commercial development is proposed nor what geographic area it would serve. As found at 33 CFR Part 325 Appendix B 7(b), the Scope of Analysis is determined by assessment of the specific activity requiring a DOA permit (in this case the access road) and assessment of those portions of an entire project for which there is sufficient control or authority to require Federal review. Regulation of portions of a project beyond Corps jurisdiction should occur only when the environmental consequences of the overall project are a result of the primary permit action:

33 CFR Part 325 Appendix B 7(b)(3): *Examples: If a non-Federal oil refinery, electric generating plant, or industrial facility is proposed to be built on an upland site and the only DA permit requirement relates to a connecting pipeline, supply loading terminal or fill road, that pipeline, terminal or fill road permit, in and of itself, normally would not constitute sufficient overall Federal involvement with the project to justify expanding the scope of a Corps NEPA document to cover upland portions of the facility beyond the structures in the immediate vicinity of the regulated activity that would effect the location and configuration of the regulated activity.*

Further, in guidance provided by Savannah District titled *Guidelines For Preparation Of Analysis Of Section 404 Permit Applications Pursuant To The Section 404 (B)(1) Guidelines Of The Clean Water Act (40 CFR, Section 230)*, the overall project purpose for projects with impacts limited to access needs would generically be stated as “construction of road access to an upland development site.” The development itself would not be regulated as it does not require impacts to waters of the U.S. to be undertaken, and the scope of analysis would be limited to alternatives to the access impacts only:

Section E. Overall Project Purpose. *For example, if the only impact to waters of the US involved a proposed road through wetlands or across a stream to provide access to an upland residential development, the overall project purpose would be “construction of road access to an upland development site.” Based on this overall project purpose, the USACE would evaluate other potential access alternatives to the residential development. However, the USACE would not consider alternatives in any way for the residential community or otherwise “regulate” the upland housing.*

As stated at 33 CFR Part 325 Appendix B 9(b)(4) Purpose and Need:

If the scope of analysis for the NEPA document (see paragraph 7b) covers only the proposed specific activity requiring a Department of the Army permit, then the underlying purpose and need for that specific activity should be stated. (For example, “The purpose and need for the pipe is to obtain cooling water from the river for the electric generating plant.”)

For this project, the correct purpose and need has been identified, which is “The purpose and need for the proposed impact to waters of the U.S. is to provide access to developable land from Georgia Highway 99.”

Item b. Alternative Analysis: *Once you have identified the above, you will need to complete an off-site alternative analysis and potentially update the on-site alternatives analysis provided. These analyses should include all components required to meet the project’s purpose and need. For example, if your project intends to construct a commercial development with fueling services, these analyses should identify the infrastructure needed*

to service that industry (i.e. parking, access roads, fuel containers, GDOT requirements, safety etc.).

Regarding the offsite alternative analysis, you will need to evaluate alternatives throughout the geographic area defined in your purpose and need statement. Per the Guidelines, alternatives may include areas not presently owned by you, which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic project purpose. For alternative sites considered, you should identify appropriate site selection screening criteria based on your project purpose; and explain why the criteria were selected and how they were used to screen alternative project sites. Please note, all of the site selection factors utilized must be measurable and quantitative. Your screening criteria help determine which alternatives are practicable.

Regarding the onsite alternative analysis, please update this evaluation based on the type of industry you have identified. This analysis should include a “no action” alternative and include the existing NWP 14 verified for use within the project area. Additional avoidance and minimization measures may be required dependent upon the type of industry you define in your purpose and needs statement.

The Corps can only issue a permit for a project determined to be the LEDPA that meets the basic purpose, and is also not contrary to the public interest, and complies with the Guidelines. Based on the information provided, we are unable to complete this determination.

Applicant’s Response:

As stated in the response for Item A, an alternative site analysis is not warranted for this project. For projects with impacts limited to only access, the scope of analysis should be limited to the impacts necessary to afford access to the upland development site.

A No Action alternative was provided in Section 4.1 of the application support document. The No Action alternative would not allow access of any kind for the subject property for the applicant’s project or any other project due to minimum curb cut requirements imposed by DOT in proximity to the I95/SR 99 interchange.

The existing NWP 14 verification was briefly discussed in Section 1 of the application support document. The existing NWP 14 obtained by the previous owner was designed prior to knowledge of the current site owner and did not contemplate the traffic loads typical for this applicant. Additional lands not owned or controlled by the applicant are located south of the subject property. For the same reasons that the applicant must impact wetlands at the proposed location (DOT curb cuts), lands owned by others must at some point use this same access road. The justification for the location of the access point on SR 99 would be the same for the applicant or any other applicant for development of the lands south of the subject site. The size of the access road proposed is the minimum necessary to service the applicant and their typical traffic loads.

As depicted on the attached site plan by Kimley-Horn titled SITE PLAN, BUC-EE’S #63 BRUNSWICK, GA dated October 2022, the DOT mandated curb cut location consists of a traffic circle with a minimum of two inbound and two outbound lanes. The 130’ R.O.W. provides the distance necessary to merge from four lanes (two inbound, two outbound) to one lane closer to the facility (one inbound lane, one outbound lane, and a turn lane). The R.O.W. through the wetland must also accommodate a U-turn lane and median prior to entering the Buc-ee’s facility. This five-lane section includes dual 36” RCP culverts to maintain hydrology to the remaining wetlands located north of the entry road and a stormwater discharge pipe associated with the on-site stormwater detention system. The proposed

design is the minimum necessary to accommodate projected trip counts of 20,000 to 30,000 per day for the Buc-ee's facility during peak season.

Item c. Project Description/Drawings: The following comments and/or questions relate to the current project description and drawings. Should this change based on the evaluations above, additional information may be required prior to permit issuance.

- 1. Why do you need a 130 ft. R/W on the north and only 80 ft. on the south? Where does the southern two-lane curb and gutter road access? It seems as though it's using to access outside the project area.***

Applicant's Response: As depicted on the attached site plan by Kimley-Horn titled *SITE PLAN, BUC-EE'S #63 BRUNSWICK, GA* dated October 2022, the DOT mandated curb location consists of a traffic circle with a minimum of two inbound and two outbound lanes. The 130' R.O.W. provides the distance necessary to merge from four lanes (two inbound, two outbound) to one lane (80' R.O.W.) closer to the facility (one inbound lane, one outbound lane, and a turn lane). The 130' R.O.W. through the wetland must also accommodate a U-turn lane and median prior to entering the Buc-ee's facility. The access road extends across the entire southern project site boundary to access the western parking area and dead-ends at the southwest property boundary. As stated previously, any future use of this road by other landowners is beyond the control of the applicant. As proposed, the road is designed to meet the minimum requirements for the Buc-ee's facility only.

- 2. You state, "due to the large traffic load that is typical for the applicant's venue, as well as future traffic loads that will be associated with the other developable lands owned by others [...]". Is this other land included in the project area if being used as a justification?***

Applicant's Response: The proposed design is the minimum necessary to accommodate projected trip counts of 20,000 to 30,000 per day for the Buc-ee's facility during peak season as determined by their traffic study. The applicant has no knowledge of additional landowner needs or if or when other properties would be developed, and of course has no control over such future speculative development. The plans proposed are designed to meet the applicant's needs and traffic loads associated with land not owned by the applicant have not been evaluated.

- 3. Does the current authorized NWP 14 not satisfy the GDOT minimum distance requirement? What is the predicted traffic load and has a study been completed?***

Applicant's Response: The current NWP 14 location was developed by the previous landowner prior to knowledge of the large traffic load requirements of the applicant. Given the large traffic load and turn angle requirements necessary for large trucks, it was necessary to move the main access location further east on SR 99 to alleviate traffic from backing up onto the I-95/SR 99 exit ramp. A second right-turn-in / right-turn-out lane was added for direct access to the fuel pumps on the north side of the facility.

- 4. As stated in the email sent September 28, 2022, Rodney spoke to the SHPO Archeologist and completed review of the cultural resource investigation previously performed in the vicinity. It looks as though portions of the permit area have either (1) never been previously surveyed, or (2) the documentation currently does not meet Georgia's Standards and Guidelines for Archaeological Surveys (Georgia Council of Professional Archaeologists [GCPA] 2019). Based upon this information the Corps is requesting Phase I Cultural Resource Survey work within 100 meter radius of impacts to aquatic resources. Documentation should consist of both archeological and historic/architectural resources by performing a historic/architectural survey. The results of the both the archeological***

and historic/architectural survey should be compiled and submitted as a Cultural Resource Survey report to Corps for review.

Applicant's Response: The applicant has completed an updated cultural resource survey of the area requested. A Georgia Cultural Resources Short Report prepared by Brockington & Associates is attached.

5. *A Statement of Credit Availability should be provided after mitigation plan approval.*

Applicant's Response: According to the RIBITS website, Wilkinson-Oconee mitigation bank has a primary service area that includes the project site and as of 12/19/22 had 4,206 wetland credits available. Upon approval of the compensatory mitigation plan, the applicant will provide a statement of credit availability.

6. *Project Drawings:*

- i. *The project drawings should include a building envelope as well as any infrastructure to support the commercial operation (i.e. parking, stormwater features, etc...).***

Applicant's Response: Attached is an updated site plan by Kimley-Horn titled *SITE PLAN, BUC-EE'S #63 BRUNSWICK, GA* dated October 2022, depicting the building envelope and associated infrastructure.

- ii. *Drawings of onsite alternatives and location maps of offsite alternatives should be provided.***

Applicant's Response: The application stated alternatives to include bridge construction and a six-lane road. A bridge of the size necessary to serve this project would be cost-prohibitive and would still require mechanized clearing impacts to the wetland for construction and maintenance. Providing a drawing of a bridge option seems unnecessary and not warranted to visualize the concept. A six-lane road would meet the applicant's needs and possibly meet future needs for other landowners, but as discussed previously it is not know what, where, or when such development would or could occur. A six lane road would require more impacts than what is proposed, and providing a drawing that would not be considered as the LEDPA seems unnecessary and not warranted to visualize the concept. As stated previously in this document, off-site alternatives are not necessary per existing regulatory guidance.

- iii. *To aid in future compliance, please provide the coordinates of the wetlands within the project area and limits of fill for the roadway impacts.***

Applicant's Response: The updated site plan by Kimley-Horn titled *SITE PLAN, BUC-EE'S #63 BRUNSWICK, GA* dated October 2022, provides coordinates of the wetland areas proposed for impact.

- iii. *Culvert dimensions must be defined. The drawings should be updated to reflect these and how it is installed in relation to the wetland grade.***

Applicant's Response: The updated site plan by Kimley-Horn titled *SITE PLAN, BUC-EE'S #63 BRUNSWICK, GA* dated October 2022 depicts dual 36" RCP with an invert elevation of 13.90' NAVD88 on the north (upstream) side of the road and an invert elevation of 13.60' NAVD88 on the south (downstream) side of the road. An additional stormwater discharge pipe associated with the on-site stormwater detention system is located west of the road drainage culverts and is not associated with the road impact effects on the wetland.

We greatly appreciate your assistance with this project. If you have any questions or require a site inspection, please contact us at (912) 443-5896.

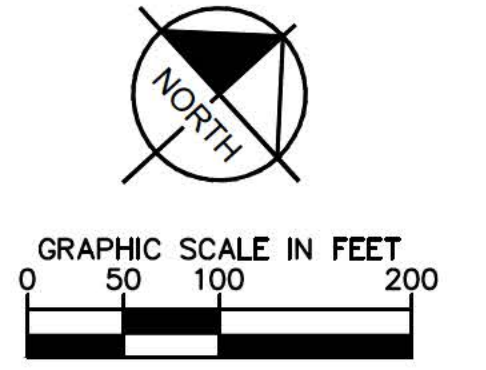
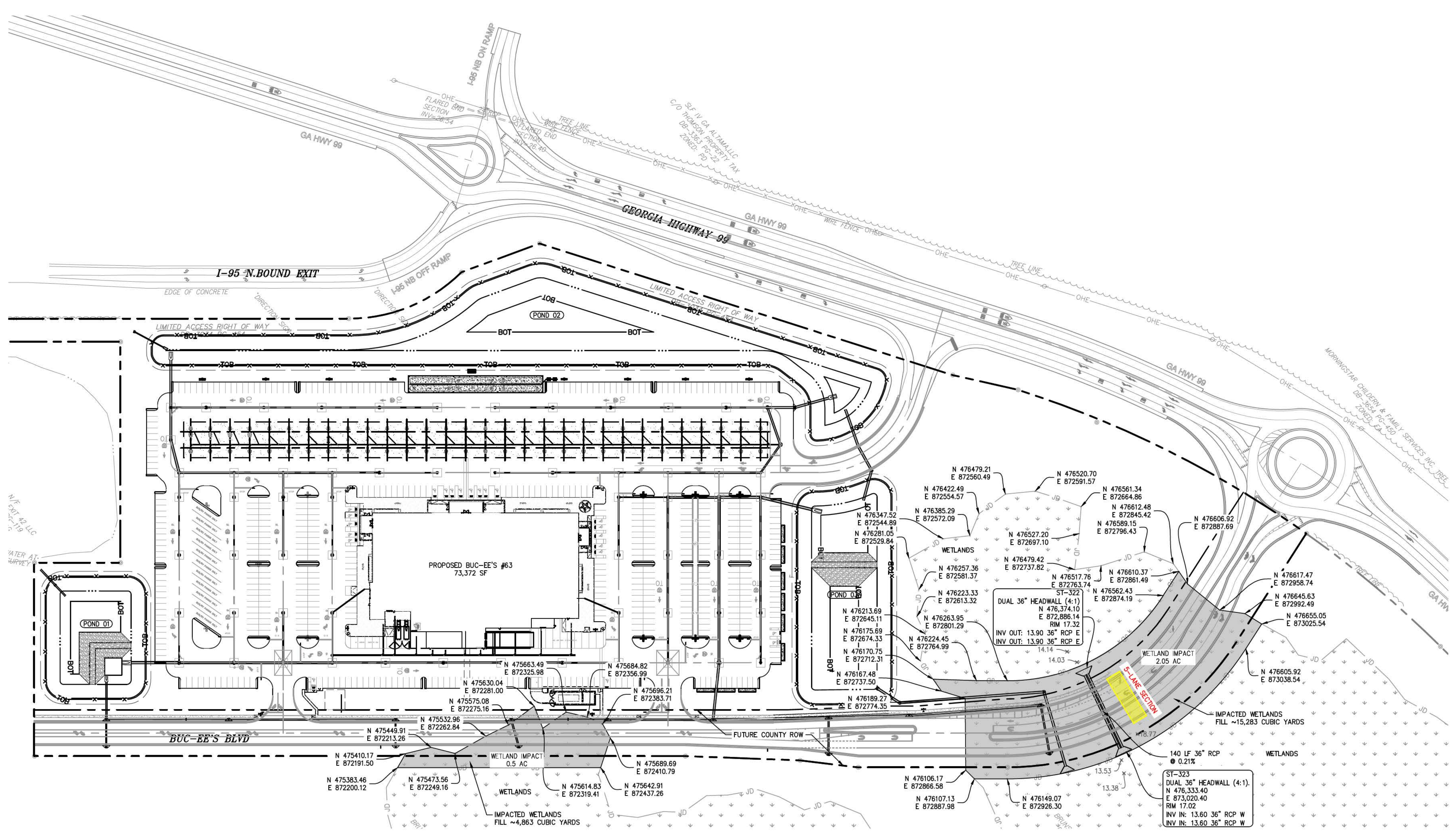
Sincerely,
Resource & Land Consultants

A handwritten signature in cursive script that reads "Daniel Bucey".

Daniel H. Bucey
Principal

cc: Mr. Brian Deitsch, PE; Kimley-Horn

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No.	REVISIONS	DATE	BY

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VIA PROJECT: 045545002
 DATE: OCTOBER 2022
 SCALE: AS SHOWN
 DESIGNED BY: CDC
 DRAWN BY: BTH
 CHECKED BY: BSD

SITE PLAN
BUC-EE'S #63 BRUNSWICK, GA
 PREPARED FOR:
BUC-EE'S, LTD.

GLYNN COUNTY
 SHEET NUMBER
EX-01

PROJECT DATUM: NAVD '88

THE PRESENCE OF GROUNDWATER SHOULD BE ANTICIPATED ON THIS PROJECT. CONTRACTOR'S BID SHALL INCLUDE CONSIDERATION FOR ADDRESSING THIS ISSUE.

Always call 811 two full business days before you dig to have underground utilities located and marked.

GEORGIA811
 Know what's below.
 Call before you dig.