



DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
PIEDMONT BRANCH
1590 ADAMSON PARKWAY, SUITE 200
MORROW, GEORGIA 30260-1777

Regulatory Division
200801317

DEC 03 2008

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: 200801317

Applicant: MD Soft, Inc.
Attention: Mr. Satish Poddar
2728 Chieftan Trail
Duluth, Georgia 30097

Agent: Ecological Solutions, Inc.
Attention: Mr. Mark Ballard
630 Colonial Park Drive, Suite 200
Roswell, Georgia 30075

Location of Proposed Work: The proposed project is located at latitude 33° 58' 32" North and longitude 85° 4' 22" West, directly southeast of the intersection of State Route 120 (Duluth Highway) and Sugarloaf Parkway, near the City of Duluth, Gwinnett County, Georgia. Please see the enclosed Site Location Map (Figure 1) and Site Topographic Map (Figure 2) for additional details.

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers:

MD Soft, Inc. proposes to construct a medical office and retail center to include an urgent care medical facility, medical offices, retail shops, restaurants, and outparcels. The proposed development would require grading and construction for building pads, parking areas, entrance roads, landscaped islands, utilities, and storm water management facilities. The project will offer approximately 72,375 square feet of medical/commercial/retail building space.

Initial Field investigations revealed three streams (Streams 1 through 3) and five wetlands (Wetlands A through E) onsite. Stream 1 (Lee Daniel Creek) originates offsite and enters the site via culvert, from under State Route 120, at the northwest corner of the property. The stream flows south through the property, until it exits at the southwest property corner. Stream 1 is characterized as a perennial stream, approximately six feet in width, with sand, gravel and cobble substrates. Stream 2 is described as an intermittent stream that originates offsite (via a storm water management facility) and enters at the property's western boundary, where it flows east

until its confluence with Stream 1. Stream 2 averages 3 feet in width, with sand and gravel substrates. Stream 3 is described as an ephemeral channel that originates offsite and enters the site at a confluence with Stream 1, near the southwestern corner of the property. Stream 3 is one to two foot wide system, within no signs of the presence of hydric soils or relatively permanent flow within the channel. Wetlands A, B, and E are described as forested palustrine systems dominated by tulip poplar (*Liriodendron tulipifera*), red maple (*Acer rubrum*), blackgum (*Nyssa sylvatica*), and/or sweetgum (*Liquidambar styraciflua*) in the canopy. The midstory of these wetlands consists of black willow (*Salix nigra*), tag alder (*Alnus serrulata*), Chinese privet (*Ligustrum sinense*), Virginia willow (*Itea virginica*), and/or winterberry (*Ilex verticillata*), while the herbaceous layer is comprised of sedges (*Carex spp.*), soft rush (*Juncus spp.*), netted chain fern (*Woodwardia areolata*), Virginia creeper (*Parthenocissus quinquefolia*), false-nettle (*Boehmeria cylindrical*), and/or Japanese honeysuckle (*Lonicera japonica*). Wetlands A and E are located adjacent to Stream 1 (near the western property boundary), while Wetland B is situated in the southeast corner of the property. Wetlands C and D are described as emergent palustrine systems dominated by sedges, soft rush, tag alder, Chinese privet, cattail (*Typha latifolia*), and/or straw-colored flatsedge (*Cyperus strigosus*). Wetland C and D are located along the southern property boundary. Approximately 1,035 linear feet of stream channels and 2.33 acres of wetland were delineated onsite. Please see the attached Jurisdictional Systems figure (Figure 3) for specific locations of jurisdictional waters onsite.

The current development plan for Gwinnett Medical Office and Retail Center will require impacts to 100 linear feet of stream and 2.33 acres of wetland associated with the grading and construction of numerous building pads, road crossings, and parking facilities throughout the project area. In accordance with the Savannah District's Standard Operating Procedure (SOP) for Compensatory Mitigation, the above impacts will require a total of 370 stream credits and 15.95 wetland credits as compensatory mitigation. Please see the attached Jurisdictional Impacts figure (Figure 10) for specifics on the proposed project impacts onsite.

For additional information, see the attached "Supplemental Documentation" supplied by the applicant. The opinions, views and/or conclusions that are expressed by the applicant in this narrative do not necessarily reflect those of the US Army Corps of Engineers.

BACKGROUND

This Joint Public Notice announces a request for authorizations from both the US Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required by an applicant for a Federal

Permit to conduct an activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can also be seen in the Savannah District US Army Corps of Engineers, Regulatory Division, Piedmont Branch, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260.

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.

US 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: Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, we request the Georgia Historical Preservation Division (GAHPD) or any other interested party review the latest published version of the National Register of Historic Places (NRHP) to determine if the property has or has not any registered properties or properties listed as eligible for inclusion located at the site or in the area affected by the proposed work.

The applicant has completed a Phase I Cultural Resources survey for this project. USACE is in the process of reviewing this information to ensure that the proposed project will be in compliance with Section 106 of the National Historic Preservation Act of 1966. Following our review of the project documentation, we will forward our comments to GAHPD for review and comment.

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 from the US Department of the Interior, Fish and Wildlife Service and the US Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information on whether any species listed or proposed for listing may be present in the area.

The applicant's consultant indicated that there will be no impacts to threatened and endangered species as a result of the proposed project.

Mitigation: Mitigation will be required for the project impacts to 100 linear feet of stream and 2.33 acres of wetland. Based on the USACE's 2004 SOP for mitigation, the proposed project would require 370 stream credits and 15.95 wetland credits. The applicant has proposed to purchase these credits from the Monastery of the Holy Ghost Mitigation Bank (USACE #199604000), based upon the bank's proximity to the project site and availability of credits. The Monastery of the Holy Ghost Mitigation Bank is approved to service the project area, which is located in the Upper Ocmulgee River basin.

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 US Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the US Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army Permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial

information necessary in evaluating the proposed project. The county has held public meetings regarding this project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Savannah District, US Army Corps of Engineers, Piedmont Branch, Attention: Mr. Justin Hammonds, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777, no later than 30 days from the date of this notice. Please refer to the project name: **Gwinnett Medical Office and Retail Center, USACE Project Number 200801317.**

If you have any further questions concerning this matter, please contact Mr. Justin Hammonds at (770) 904-2365.

5 Enclosures

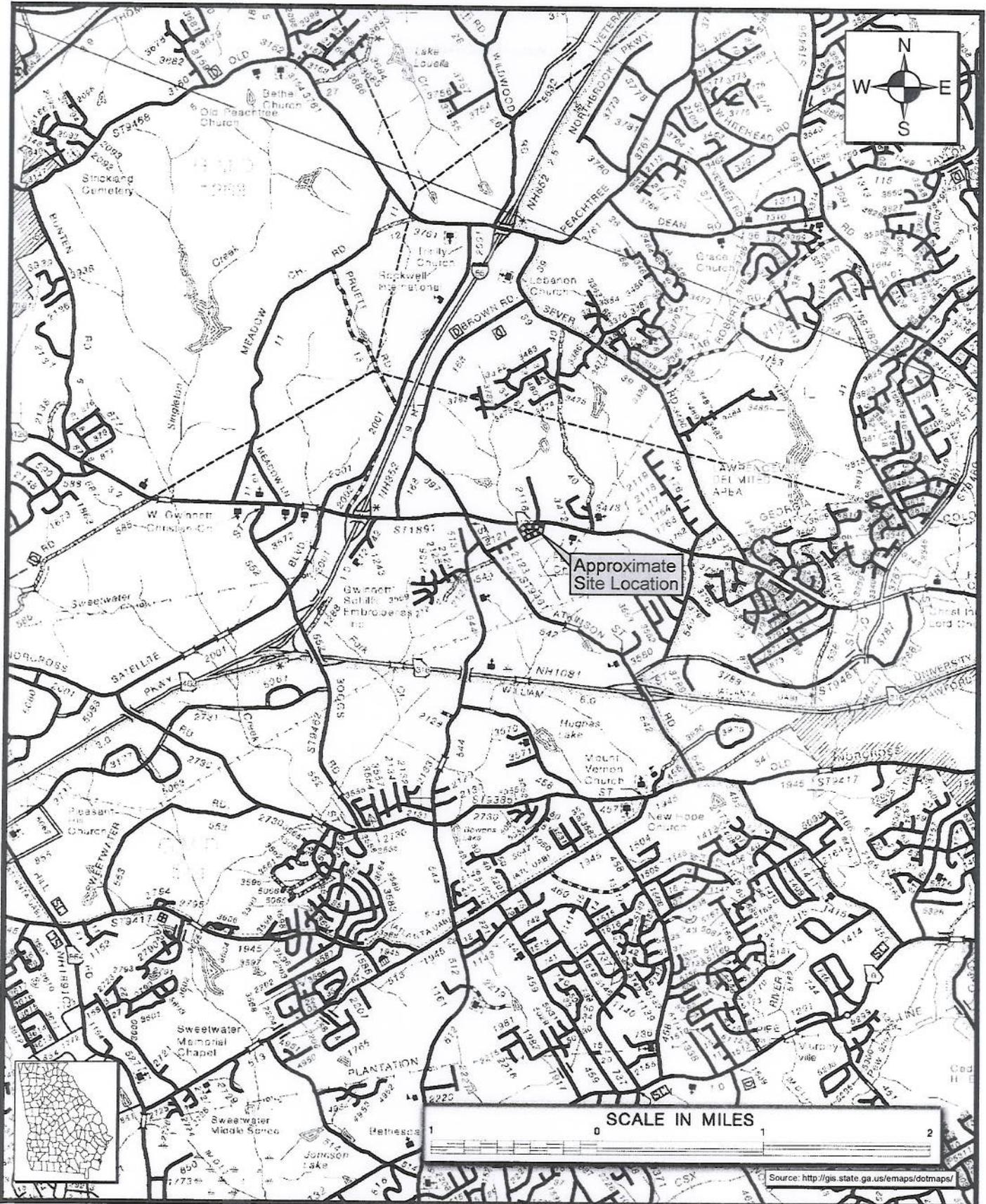
Figure 1: Site Location Map (1 page)

Figure 2: Site Topographic Map (1 page)

Figure 3: Jurisdictional Systems (1 pages)

Figure 10: Jurisdictional Impacts (1 pages)

Supplemental Documentation (14 Pages)



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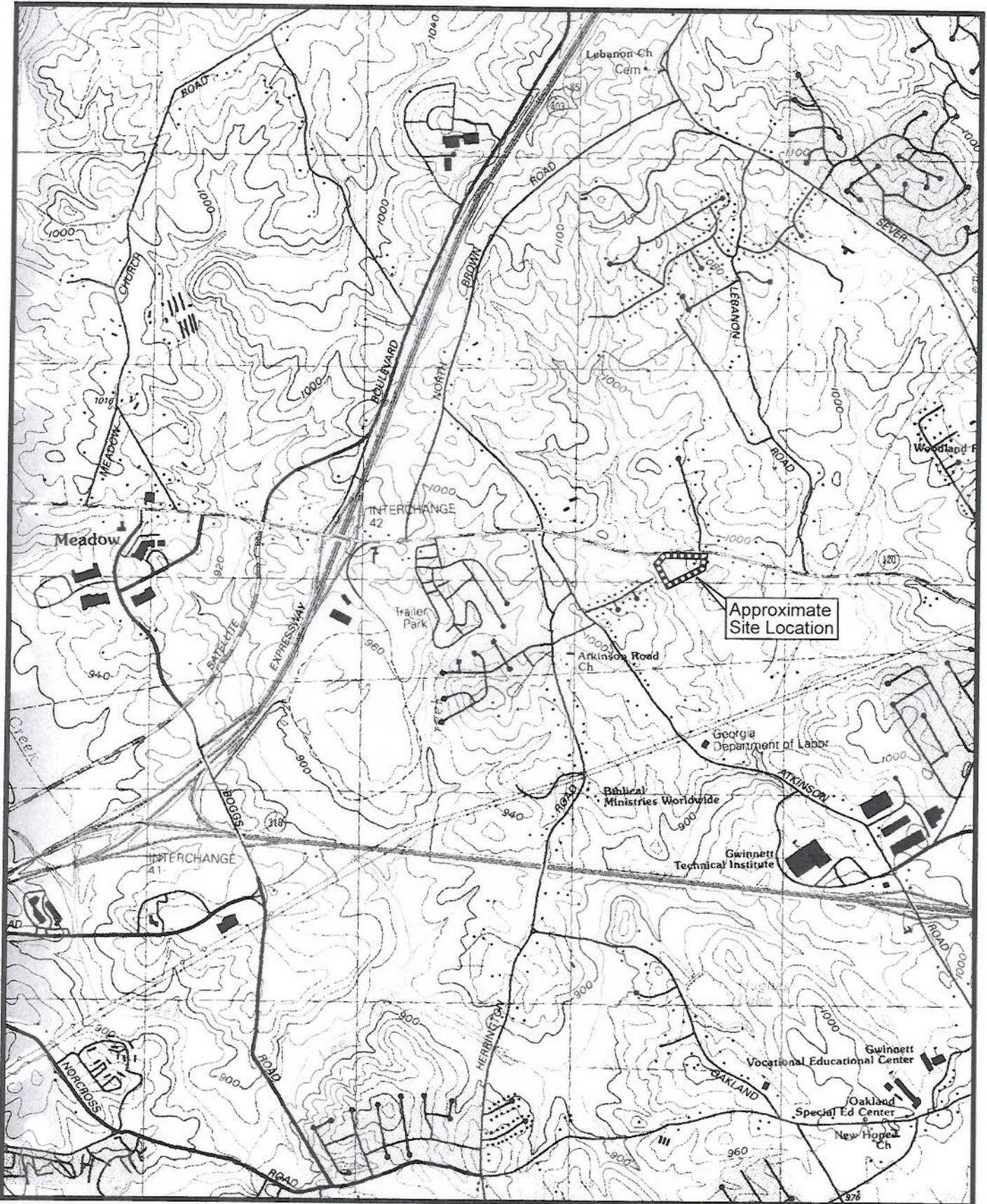


MD Soft, Inc.
 Medical Office and Retail Center
 Sugarloaf Parkway at Duluth Highway

September 2008
 30790-001

Site Location Map

Figure 1



30790-001_IPprep Grphs.rh11

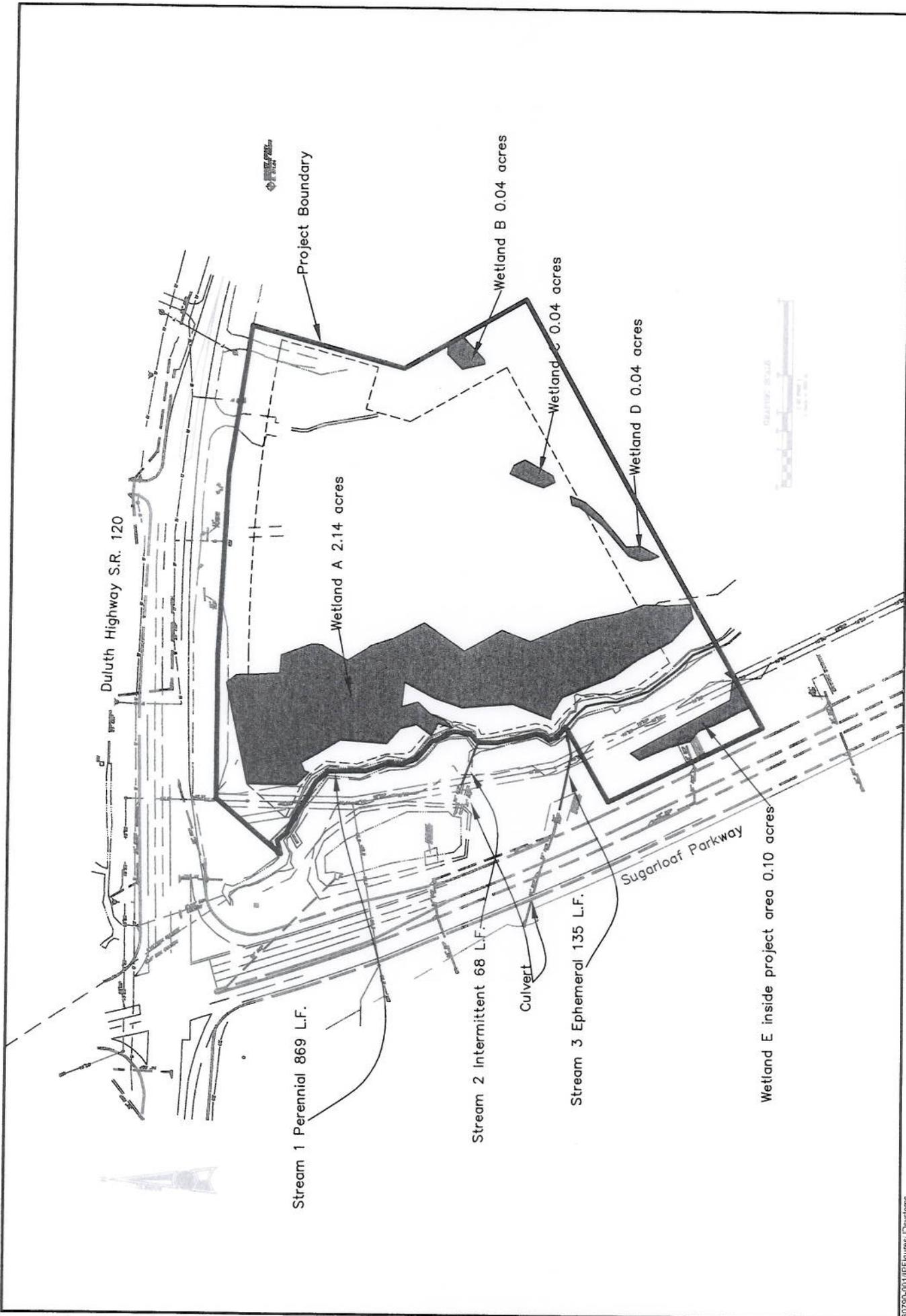
Ecological Solutions Inc.

MD Soft, Inc.
 Medical Office and Retail Center
 Sugarloaf Parkway at Duluth Highway

September 2008
 30790-001

Site Topographic Map

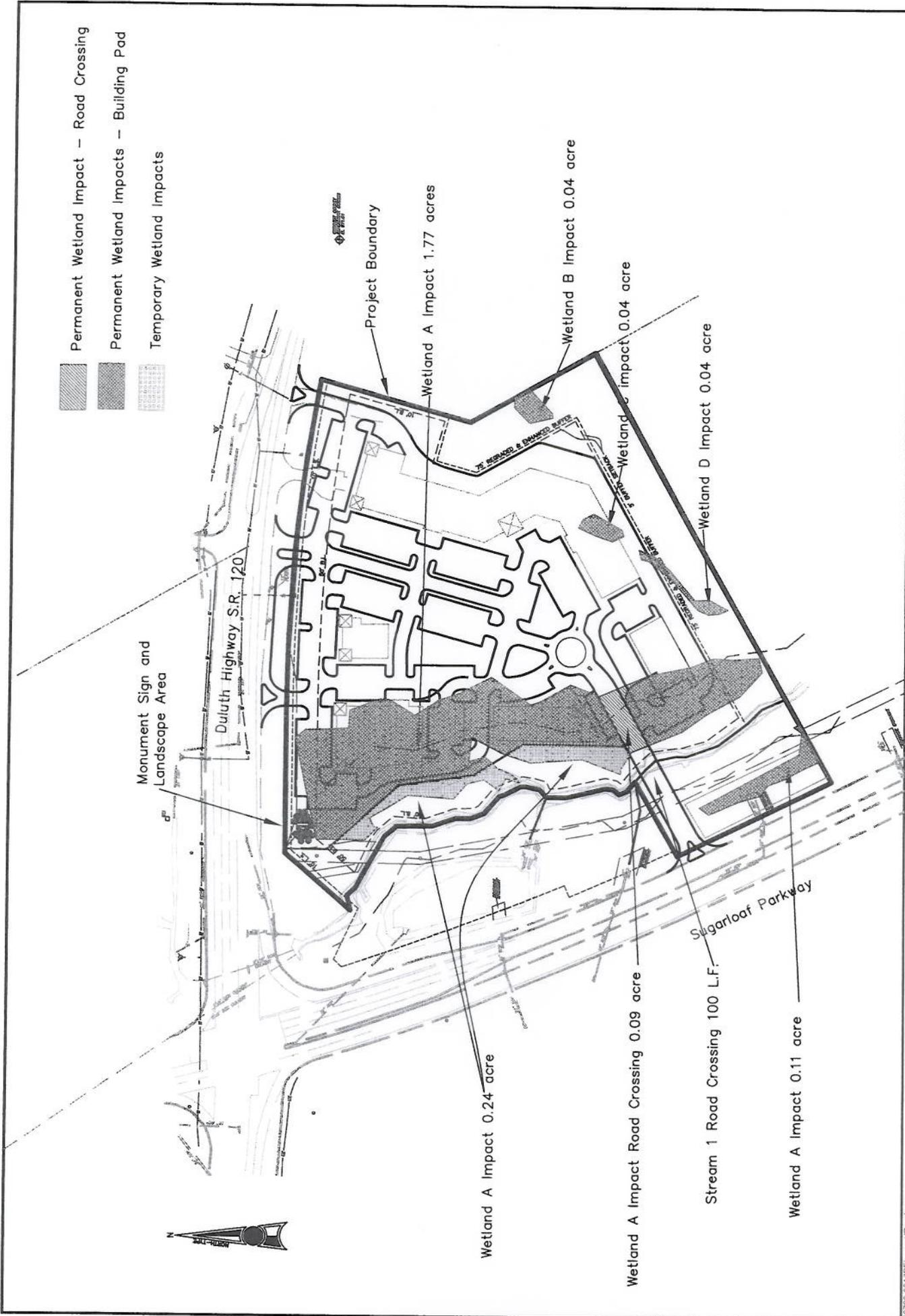
Figure 2



September 2008
 1 Inch = 200 Feet
 30790-001
Figure 3
 Drawn By:WW

MD Soft, Inc.
 Medical Office & Retail Center
 Sugarloaf PKWY @ Duluth HWY

Jurisdictional Systems



September 2008
 1 Inch = 200 Feet
 30790-001
Figure 10
 Drawn By:WW

MD Soft, Inc.
 Medical Office and Retail Center

Jurisdictional Impacts



30790-001/JPF/figures/Daystems

EXECUTIVE SUMMARY

Ecological Solutions, Inc. was retained by MD Soft, Inc. to assist in the Section 404 permitting for a proposed Medical Office and Retail Center development in Gwinnett County, Georgia. Section 404 permitting is required because construction activities associated with the proposed development would impact areas under U.S. Army Corps of Engineers (USACE) jurisdiction. As provided by this document, adverse effects to the natural environment have been avoided and minimized to the maximum extent practicable.

In response to the growing demand for Urgent Care medical facilities in the project area and the need for retail space in Gwinnett County and the Atlanta metropolitan area, MD Soft, Inc. proposes development of a Medical Office and Retail Center, able to accommodate both medical and retail services. The Medical Office and Retail Center project is a new construction development featuring an Urgent Care medical facility and several anchor stores. Entrances to the shopping center will be located on Sugarloaf Parkway and State Route 120 (Duluth Highway), providing easy access from both northern and western sides of the property.

The site is located in Gwinnett County approximately six miles west of the City of Lawrenceville, Georgia and is situated in the southeast quadrant of the intersection of Sugarloaf Parkway and State Route 120. According to the 1974 Hydrologic Unit Map of Georgia, the project area is located within the South Atlantic-Gulf Unit Code 03070103 of the Upper Ocmulgee River Watershed. The site is located at 34.97556°N and 84.07278°W on the Luxomni, United States Geological Survey (USGS) 7.5-minute topographic map. Current land use of the site consists of successional farmland, commercial trucking facilities, and relict residential lots. Forested areas consisting of a mixture of pine and hardwoods are located along stream banks and relict agricultural fields. Field surveys of the tract identified five jurisdictional wetlands (Wetland A through E), one perennial stream (Lee Daniel Creek), one intermittent stream, and one ephemeral stream (Streams 1 through 3) onsite.

The site is located in an area meeting site selection requirements such as proximity to major thoroughfares, adequate acreage, and consistency with zoning. Proposed jurisdictional waters impacts are associated with site access, floodplain management, and overall site development. These impacts are necessary for fulfillment of the project purpose. Impacts resulting from the project development total 2.09 acres of permanent wetland impact, 0.24 acre of temporary wetland impact, and 100 linear feet of permanent stream impact. Use of the Standard Operating Procedure for Compensatory Mitigation determined that 15.95 wetland credits and 370 stream credits are required for this project. The applicant has evaluated on-site mitigation opportunities and has determined that on-site jurisdictional areas cannot be preserved because minimum buffer requirements cannot be met due to maintenance requirements associated with existing infrastructure including a sewer line that parallels Lee Daniel Creek. No enhancement or restoration opportunities are present on-site; therefore, the applicant proposes to purchase mitigation credits from an approved mitigation bank that services the area or to purchase the credits through the in-lieu fee system should credits not be available for purchase. Several mitigation banks service the project area and at this time the applicant proposes to purchase credits from the Monastery of the Holy Ghost mitigation bank. The applicant reserves the right



to select an alternative bank prior to permit issuance based on credit availability and other factors.

Below is a table of summary information regarding the project.

Table 1. Project Summary Information

| | |
|---|--------|
| Existing Site Information | |
| Total Site Acreage | ±11.3 |
| Total Linear Feet of Streams | 1,035 |
| Total Wetland Acreage | 2.48 |
| Proposed Site Development | |
| Total Acres Developed | ± 9.26 |
| Total Acres of Wetland Impacts | 2.33 |
| Total Linear Feet of Perennial Stream Impacts | 100 |

PURPOSE AND NEED

Gwinnett County's population is rapidly increasing as demonstrated by the fact that population increased by 28.7 percent from 2000 to 2006. In addition to being one of the fastest growing counties in Georgia, Gwinnett County is ranked 62nd in the top 100 fastest growing counties in the United States based on the most recent data available from the U.S. Census Bureau. Gwinnett County has led the metropolitan Atlanta area in job creation for the past five years (Gwinnett County Chamber of Commerce). The rapid influx of people into the Gwinnett County area has created a demand for the availability of Urgent Care medical facilities.

Urgent Care facilities provide an important service by offering walk-in, flexible hour access for the treatment of illness and injury. Options beyond Urgent Care include primary care physicians or emergency rooms. Primary care physicians typically do not offer extended hours and it can be very difficult to secure an appointment on short notice. Many emergency rooms have high case loads which often lead to long wait times to receive diagnosis and treatment. A Center for Disease Control study determined that approximately 80-percent of cases in emergency rooms are not true emergencies. Many of these patients likely would have received more timely treatment at an Urgent Care facility such as the one proposed by this project.

Urgent Care facilities focus their efforts on the treatment of non-life threatening illness and injury. Meeting this need is an important community service provided by Urgent Care facilities. This is particularly true in an area such as Gwinnett County that has seen a rapid growth in population. According to the Gwinnett County Department of Financial Services, healthcare and social services continue to be a growing sector within the County.

Gwinnett County's growth has also led to an increased demand for retail services. The overall economy in Gwinnett County has been impacted by the recent national economic downturn; however, information provided by the Gwinnett County Department of Financial Services indicates that much of this downturn has been in the housing market, manufacturing industries, information services, and administrative and support services. There continues to be a need for selected retail services. This is particularly true in an area of Gwinnett County that is serviced by Interstate 85 and State Route 316 and that has successfully established retail areas such as the shops at Discovery Mills.

In response to this demand for Urgent Care medical facilities and retail space in Gwinnett County, MD Soft, Inc. proposes development of the Medical Office and Retail Center shopping center.

PROJECT DESCRIPTION

The Medical Office and Retail Center project is an Urgent Care medical facility and retail development with several anchor stores. Included in the site design are medical offices, retail shops, restaurants, outparcels, parking, and storm water management facilities. To ensure that

the project purpose and need as well as urgent care needs of patients in the area are met, the Urgent Care facility will be open 24 hours per day, seven days per week. Entrances to the shopping center will be located on both Sugarloaf Parkway and State Route 120, providing easy access from both northern and western sides of the property.

Appropriate infrastructure is also proposed such as internal access roads, storm water management facilities, and patron parking areas. These supporting structures are proposed surrounding the commercial and retail stores for easy access to the different shopping locales.

SITE LOCATION AND DESCRIPTION

The site is located in Gwinnett County approximately six miles west of the City of Lawrenceville, Georgia and is situated at the southeast quadrant of the intersection of Sugarloaf Parkway and State Route 120 (Figure 1). According to the 1974 Hydrologic Unit Map of Georgia, the project area is located within the South Atlantic-Gulf Unit Code 03070103 of the Upper Ocmulgee River Watershed. The site is located at 34.97556°N and 84.07278°W on the Luxomni, United States Geological Survey (U.S.G.S.) 7.5-minute topographic map (Figure 2). Names and addresses of adjacent property owners are provided in Attachment A.

DESCRIPTION OF JURISDICTIONAL SYSTEMS

Field surveys of the tract identified five jurisdictional wetlands (Wetland A through E), one perennial stream, one intermittent stream, and one ephemeral stream (Streams 1 through 3) onsite. Please refer to Figures 3 through 8 for a detailed location of jurisdictional systems onsite and representative photographs. A man-made detention facility is located on the west side of Stream 1. Routine wetland data sheets are provided in Attachment B.

Wetland A is characterized as a palustrine forested system located in the central portion of the property parallel to Stream 1 (Lee Daniel Creek). The canopy layer is characterized by tulip poplar (*Liriodendron tulipifera*) and red maple (*Acer rubrum*), Virginia willow (*Itea virginica*) and winterberry (*Ilex verticillata*) in the shrub layer, and netted chainfern (*Woodwardia areolata*) in the herbaceous layer. This wetland is in the floodplain of Stream 1 and is partially drained by a pre-existing pipe in a cut ditch.

Wetland B is characterized as a palustrine forested system located within a low lying area in the southeastern portion of the property. The canopy layer is characterized by red maple, the shrub and sapling layer is characterized by black willow (*Salix nigra*), tag alder (*Alnus serrulata*), and Chinese privet (*Ligustrum sinense*), and the herbaceous layer is characterized by netted chainfern, Virginia creeper (*Parthenocissus quinquefolia*), and false-nettle (*Boehmeria cylindrica*).

Wetland C is characterized as a palustrine emergent system and is also located within a low lying area in the southeastern portion of the property. The herbaceous layer is characterized by cattails (*Typha latifolia*), tag alder seedlings, soft rush (*Juncus effusus*), Chinese privet, and straw-colored flatsedge (*Cyperus strigosus*).

Wetland D is very similar to Wetland C and is also characterized as a palustrine emergent system located within a low lying area in the southeastern portion of the property. The herbaceous layer is characterized by cattails, tag alder seedlings, soft rush, Chinese privet, and straw-colored flatsedge.

Wetland E is characterized as a palustrine forested system located in the southeastern portion of the property and is adjacent to Stream 1. The canopy layer is characterized by red maple, sweetgum (*Liquidambar styraciflua*), and black gum (*Nyssa sylvatica*), the herbaceous layer is characterized by soft rush, sedges (*Carex* spp.) and Japanese honeysuckle (*Lonicera japonica*).

Stream 1, Lee Daniel Creek, is a perennial stream averaging six feet in width, with sand, gravel, and cobble substrates. Stream 1 originates off site and enters the site at a culvert under State Route 120 at the northern boundary line. Stream 1 flows south thru the project site. This stream is stable and has forested buffers except where a sewer line parallels the western side of the stream. A portion of the floodplain located along Lee Daniel Creek has been classified as a 100-year floodplain. The location of the mapped floodplain is provided on Figure 9. More detailed information regarding the floodplain is provided in the proposed impacts section of this document.

Stream 2 is a three-foot wide intermittent channel originating from a culvert below the man-made detention pond in the western portion of the project area. The stream is located immediately downstream of an existing detention facility and likely is charged by drainage from this system. Stream 2 flows directly into Stream 1. This stream has a sand and gravel substrate and forested buffers.

Stream 3 is a one to two foot wide ephemeral channel. This stream had no evidence of perennial flow, no hydric soils were observed in the bed or banks, and there were no saturated sections, however, there were areas exhibiting scour and wretched vegetation within the channel.

ALTERNATIVES ANALYSIS – 404(b)(1)

MD Soft, Inc. has implemented the Section 404(b)(1) analysis process for this project. This implementation has reduced jurisdictional impacts through avoidance, minimization, and mitigation. As it pertains to this project, each step of the 404(b)(1) analysis process is discussed below, beginning with an intensive site selection for suitable properties followed by site-specific avoidance/minimization measures.

Site Selection Criteria

Based on information provided by the applicant, available properties must satisfy the following site selection criteria for development of a suitable commercial and retail center:

1) Minimum parcel size/Undeveloped parcel

The applicant seeks to maximize developable areas in order to maximize medical and retail space, which is needed to meet the project purpose and need. A minimum parcel size of 10 to 15 acres is necessary in order to meet the purpose and need and to make the project economically viable. Additionally, several sites with existing available commercial buildings are located in Gwinnett County; however, the specific nature of the Urgent Care service requires a building that meets specific requirements for various medical equipment and procedures. These requirements essentially require the construction of a new facility to meet the project need and purpose.

2) Adequate zoning

Site selection focused on parcels meeting zoning requirements for medical and retail developments. Because of the difficult and time-consuming nature of the rezoning process, properties already zoned for commercial developments are more desirable. Additionally, finding properties that are adequately zoned allow for the development process to continue without delay, reducing additional costs.

3) Site location with Adequate Road Frontage and Existing Infrastructure

The purpose of the development is to provide medical and retail space to area residents and commuters. In order to maximize client influx, the location of existing development and road frontage is a key site selection criterion. Additionally, existing roads and multiple access points are favored in order to dissipate traffic in and out of the development, without negatively impacting existing traffic patterns in the area. It is also very important to locate the proposed development within close proximity of sanitary sewer services and other utilities capable of servicing the project with minimal additional costs to the applicant or the municipality in which it resides.

4) Environmental impacts

Environmental impacts were also taken into account during the site selection process. Compliance with Section 404(b)(1) guidelines is required, and extended impacts to jurisdictional systems may dramatically increase development costs. It is important to consider sites where impacts to wetlands, streams, and floodplains would be minimized to the extent practicable during site development.

Site Selection Alternatives

Based on the listed criteria, six options were identified for potential development of the Urgent Care and retail center. The options include a “no-build” scenario and four alternative sites.

Available sites in the project vicinity were identified by reviewing available listings in the area. Each of the sites has been evaluated using the aforementioned site selection criteria.

Alternative one – No build

The demand for Urgent Care medical facilities and retail opportunities in the Gwinnett County area is rapidly growing, paralleling the growing population of Gwinnett County and the Metropolitan Atlanta area. A significant amount of time and resources has been invested toward project planning and market research. Such investments include preliminary engineering, cultural resources studies, environmental studies, and the assemblage and maintenance of the rights to the proposed project site. Opting for the “no-build” scenario would result in significant financial losses to the applicant, as well as not meeting the project purpose and need. Additionally, possible tax and revenue losses to Gwinnett County would result in an economic period where tax collection is below projected rates in the County. Therefore the “no build” option would not meet the project’s purpose and need.

Alternative two – ± 20-acre site

Locating suitable sites meeting all site selection criteria is a demanding task due to the fact that sites with the necessary road frontage, utility availability, adequate ingress and egress access, appropriate zoning, and parcel size within the area of interest are sparse. Alternative two is a confidential site located in the vicinity of Boggs Road. The site has good access to both Interstate 85 and State Route 316 and is located in a highly visible location. Based on review of National Wetland Inventory (NWI) maps and confidential communication regarding the site, approximately three-quarters of the site consists of jurisdictional wetlands. Development of the site to meet the purpose and need would impact at least five acres of wetlands. This site was removed from consideration due to potential environmental impacts.

Alternative three – ± 10-acre site

Alternative three is an approximately 10-acre site located along Georgia Highway 20 in Gwinnett County, Georgia. The confidential site is in the vicinity of existing shopping centers, restaurants, and surrounding subdivisions and has good access from a major roadway. The site is rectangular shaped and field review determined that a perennial stream bisects the majority of the site. An intermittent tributary is also located on the site. The perennial stream runs parallel to Highway 20 and the majority of the channel is located within the developable portion of the site. The intermittent tributary is perpendicular to Highway 20 and also flows through the developable portion of the site. Development of this site would impact more than 1,000 linear feet of stream that flows directly to the Chattahoochee River. Because development of this site would impact a significant amount of stream that flows directly into the Chattahoochee River, the site was removed from consideration.

Alternative four – ± 19.3-acre site

An approximately 19.3-acre tract located at the intersection of Buford Highway and Sugarloaf Parkway was considered for the proposed development. Although the site meets some of the site

selection criteria, such as road frontage and zoning, the property has several restrictions including the presence of a gas line easement and power line easement. These easements present significant limitations to site development as they reduce developable space. Relocation of these easements is not an option due to potential additional environmental impacts associated with relocation. Additionally, the cost of design and construction for the relocation significantly outweighs the benefit. An environmental impacts analysis was conducted by reviewing on-line National Wetland Inventory (NWI) data provided on the U.S. Geological Soil Survey National Map Viewer. This review did not indicate the presence of jurisdictional areas on this site. The site was removed from consideration due to constraints posed by existing site infrastructure.

Alternative five – ± 11.3-acre site (Preferred Site)

Alternative six is the preferred site for the proposed development. This site is in a coveted location with road frontage along two major roads, State Route 120 and Sugarloaf Parkway with easy access from Interstate 85 and State Route 316. The site is located in the preferred project vicinity due to its proximity to the Discover Mills area.

With the difficult and time-consuming nature of the rezoning process, properties already zoned for business developments are more desirable. The site is currently zoned commercial which is the most compatible designation for the proposed development. Jurisdictional studies were conducted within the property boundaries. These studies identified three streams and five wetlands. Development of this site will impact jurisdictional systems; however, these impacts are less than those that would occur likely result from development of Alternative sites two, three, and four. Avoidance/minimization of impacts to these systems is discussed below.

Avoidance and Minimization

Development of the majority of the property is necessary to meet the project purpose and need as well as to obtain a positive return on investment. Stream 1, Lee Daniel Creek, bisects the site north to south. The only proposed impact to Stream 1 is a single road crossing. No additional impacts to any of the three streams are proposed. Total avoidance of Stream 1 would limit site accessibility as well as limit potential alternative ingress/egress routes in an emergency situation. Impacts to Stream 1 will be minimized by embedding the proposed culvert at least 20% into the streambed so that the stream does not aggrade or degrade as a result of the road crossing and to promote fish passage.

An initial site development plan called for placing the majority of Stream 1 into a pipe so that developable area could be maximized. This alternative development plan would have impacted more than 700 linear feet of Lee Daniel Creek. The site plan was modified so that proposed impacts to Stream 1 have been reduced by approximately 600 linear feet or 86 percent.

A total of five wetlands occur within the site. The majority of the wetland acreage on-site is located within Wetland A, which is located east of and parallel to Lee Daniel Creek. The extent of this wetland makes avoidance impossible while still meeting the project purpose and need. A total of 1.86 acres of this wetland will be permanently filled. Minimization of impacts to this



system will be accomplished by restoring vegetation within approximately 0.24 acres that will be temporarily impacted through the implementation of a compensatory cut necessary to accommodate flood flow from Lee Daniel Creek.

Wetlands B, C, and D are small pocket wetlands that have been partially impacted by past land use activities. Impacts to these degraded systems are unavoidable. Wetland E, which is located on the west side of Lee Daniel Creek has previously been impacted by sewer line construction and impacts to this degraded system are unavoidable.

Water quality treatment will be provided in non-state water areas in accordance with State design standards. A detailed storm water management plan will be prepared prior to construction but as noted water quality will be provided in uplands and on-line detention is not proposed. Additional avoidance and minimization cannot be implemented while still meeting project purpose and need. Cumulative stream impacts total 100 linear feet of perennial stream and cumulative wetland impacts total 1.98 acre of permanent impact and 0.24 acres of temporary impacts, all associated with site development and grading activities.

During development, all construction activities will adhere to Best Management Practices as specified on the Erosion and Sediment Control Plan. Erosion and sedimentation control measures have been designed in accordance with the *Manual for Erosion and Sediment Control in Georgia*. Because site disturbance from construction will exceed one acre, this site will also comply with the National Pollutant Discharge Elimination System (NPDES) permit requirements for General Construction Activities. This permit authorizes stormwater discharges from construction activities as long as appropriate documentation has been prepared and submitted to Georgia EPD. Also required are weekly site inspections by qualified personnel to determine if the site is adequately preventing sediment from escaping the project site, stormwater monitoring to identify turbidity levels in receiving waters, and monthly reports submitted to EPD. These measures will serve to minimize jurisdictional impacts to the extent practicable.

Adverse Effects without Project

The proposed development is expected to meet the medical care needs for patients in the project vicinity with non-life threatening illness and injury. Not providing this care would require patients to either delay treatment or to seek other alternatives such as primary care physicians or emergency rooms. Primary care physicians often are not available after hours and are not available on short notice during normal office hours. Emergency room visits can require long waits to receive treatment for non-life threatening situations. Adverse effects resulting from non-implementation of this project could include a decrease in the options for medical treatment for residents of the area.

A number of employment opportunities will be created by both the medical and retail component of the development, proving to be beneficial to the community. Furthermore, the applicant has invested substantial time and resources towards the proposed development including costs related to land acquisition, engineering and planning costs, and environmental and cultural resources services. The abandonment of this project would result in a significant financial loss

for the applicant, as well as the loss of potential revenue and employment opportunities for local communities.

Highest and Best Use of the Land (Economic and Environmental)

The proposed Medical Office and Retail Center shopping center may be considered the best use of the land. Due to the quickly growing population of Gwinnett County, as well as the large amount of State Route 120 commuters, demand for medical services and retail areas has increased within the community.

JURISDICTIONAL IMPACTS

Proposed jurisdictional waters impacts are associated with the site access, floodplain management, and overall site development. These impacts are necessary for the fulfillment of the project purpose. Impacts resulting from the project development total 0.24 acres of temporary wetland impact, 2.09 acres of permanent wetland impact, and 100 linear feet of permanent impacts to a perennial stream. Refer to Figure 10 for the jurisdictional impact layout. Refer to Table 2 for a summary of proposed stream and wetland impacts relative to the jurisdictional system that will be affected.

Table 2. Summary of Jurisdictional Impacts

| Jurisdictional System | Wetland Impact (Acres) | Stream Impact (L.F.) |
|------------------------------|-------------------------------|-----------------------------|
| Perennial Stream 1 | N/A | 100 |
| Wetland A (permanent) | 1.86 | N/A |
| Wetland A (temporary) | 0.24 | N/A |
| Wetland B | 0.04 | N/A |
| Wetland C | 0.04 | N/A |
| Wetland D | 0.04 | N/A |
| Wetland E | 0.11 | N/A |
| Total Impacts | 2.33 | 100 |

Impacts to Stream 1 would occur as a result of constructing an entrance road from Sugarloaf Parkway into the site. This entrance is needed to provide ingress/egress into the site directly from Sugarloaf Parkway. This access point is also needed to provide alternative entrance/exit routes should an emergency occur at the site. Installation of a culvert within the stream will permanently impact 100 linear feet of stream. In an effort to minimize impacts, 20% of the culvert will be embedded into the channel substrate to reduce the potential occurrence of aggradation or degradation within Stream 1.

Both temporary and permanent impacts will occur within Wetland A. Approximately 1.86 acres of Wetland A will be permanently filled as a result of access road and overall site construction. As previously noted, impacts to this system cannot be avoided. Development of the site will require the placement of fill material within a mapped floodplain (Figure 9). This loss of floodplain area will require implementing a “compensatory cut” on-site. This will be accomplished by constructing a retaining wall from the Sugarloaf Parkway access point north to State Route 120 along the east side of Lee Daniel Creek (Figure 10). Fill material for the development portion of the site will be placed against the east side of the retaining wall so that appropriate construction grades can be established and maintained. The area between the retaining wall and Lee Daniel Creek will be excavated to compensate for the lost floodplain area.

The compensatory cut will begin approximately 10 feet from the top of bank along Lee Daniel Creek and proceed eastward to the retaining wall. The average depth of the cut will be 2 feet. The existing, intact riparian area located from the ordinary high water mark outward 10 feet will be left undisturbed. Following completion of the required grading, the temporarily disturbed area will be revegetated with a native plant mix including trees and shrubs. A wetland system should redevelop within this temporary disturbance area. Encroachment within the floodplain will require coordination with Gwinnett County and the Federal Emergency Management Agency. Based on preliminary analysis conducted by the project engineer, the proposed compensatory cut will result in a no-rise situation. A Conditional Letter of Map Revision and Letter of Map Revision will be obtained prior to placement of fill material within mapped floodplain areas.

Wetlands B, C, and D are small pocket wetlands located within the floodplain of Stream 1. These wetlands appear to have been disturbed as a result of past landuse practices and will be permanently filled as a result of site development activities. Wetland E is a linear wetland system that has previously been impacted by sewer line construction and will be permanently filled as a result of development activities.

PROTECTED SPECIES

An office review of available information regarding the potential presence of threatened and endangered species was conducted prior to field investigations. This review of the United States Fish and Wildlife Service (USFWS), Georgia Ecological Services internet website (<http://www.fws.gov/athens/endangered/counties>) indicated that two federally protected flora species are known to occur in Gwinnett County. Please refer to Table 3 for a summary of federal listed species of possible occurrence in Gwinnett County, the appropriate federal designation for each species, and a brief description of their respective habitats.

Table 3. Federally Listed Species Known to Occur in Gwinnett County, Georgia

| Scientific Name | Common Name | Federal Status* | Preferred Habitat |
|-----------------------------|--------------------------|-----------------|--|
| Flora Species | | | |
| <i>Isoetes melanospora</i> | Black-spored quillwort | E | shallow pools on granite outcrops, where water collects after a rain. Pools are less than 1 foot deep and rock rimmed. |
| <i>Amphianthus pusillus</i> | Pool Sprite, Snorkelwort | T | shallow pools on granite outcrops, where water collects after a rain. Pools are less than 1 foot deep and rock rimmed |

*T = Threatened; E = Endangered

Below is a brief overview of federally listed species known from Gwinnett County.

Black-spored Quillwort (*Isoetes melanospora*) — This perennial species is restricted to shallow flat-bottomed depressions on granite outcrops where water collects after a rain. This plant is identified by spore wall sculpturing and quill-like leaves, spore-producing basal cavities and conspicuous cross walls dividing the air chambers. The spores are produced sporadically, mostly early May to June. Losses of populations are attributed to the mining of granitic outcrops. No habitat for this species occurs within the project area.

Pool Sprite, Snorkelwort (*Amphianthus pusillus*) — This annual herb is restricted to shallow, flat-bottomed depressions on granite outcrops (no greater than one foot deep), where water collects after a rain. It has two types of leaves; paired floating leaves and lance-shaped submerged leaves. The white to pale violet flowers can be found among both the emergent and submergent leaves March through April. The plant fruits April through May. After the fruiting period, the plants rapidly disintegrate. Losses of populations are attributed to the mining of granitic outcrops. No habitat for this species occurs within the project area.

A search was performed by quarter-quad on the Georgia National Heritage Program (GNHP) website (<http://georgiawildlife.dnr.state.ga.us/content/displaycontent.asp?txtDocument=89>) for state ranked and listed protected species. The project falls into one quarter-quad and the search resulted in one state listed floral species that has been documented in the northwest Luxomni quarter-quad. Please refer to Table 4 for a summary of the species of state concern and a brief description of its respective habitat.

Table 4. State Listed Species Known to Occur in Northwest Luxomni Quarter Quad, Gwinnett County, Georgia

| Scientific Name | Common Name | State Status* | Preferred Habitat |
|----------------------------|------------------|------------------------|---|
| Flora Species | | | |
| <i>Panax quinquefolius</i> | American Ginseng | State Rare or Uncommon | Mesic hardwood forests; cove hardwood forests |

Protected Species Conclusion

No state or federally listed protected species or suitable habitat for these species were observed during the field studies; therefore, construction of this project should not have an effect on any protected species.

HISTORIC PROPERTIES

A Section 106 cultural resources survey was conducted for the site on September 18 and 19, 2007 by TRC Solutions. A Cultural Resources Survey Summary was prepared by TRC Solutions dated September 21, 2007 stating that both a background research and field investigations were conducted in the Area of Potential Effect (APE), none of which produced artifacts that should be considered eligible for the National Register of Historic Places (NRHP). The final report is currently being produced and will be provided to the USACE following completion. The final report is provided in Attachment C.

CONCEPTUAL MITIGATION PLAN

Impacts to jurisdictional waters associated with the development of the Medical Office and Retail Centers include 100 linear feet of stream, 0.24 acres of temporary wetland impact, and 2.09 acres of permanent wetland impact. According to the Savannah District, March 2004 Standard Operating Procedure for Compensatory Mitigation, 15.95 wetland credits and 370 stream credits are required for this project (Attachment D). The applicant has evaluated on-site mitigation opportunities and has determined that on-site jurisdictional areas cannot be preserved because minimum buffer requirements cannot be met due to maintenance requirements associated with existing infrastructure including a sewer line that parallels Lee Daniel Creek. No enhancement or restoration opportunities are present on-site; therefore, the applicant proposes to purchase mitigation credits from an approved mitigation bank that services the area or to purchase the credits through the in-lieu fee system should credits not be available for purchase. Several mitigation banks service the project area and at this time the applicant proposes to purchase credits from the Monastery of the Holy Ghost mitigation bank. Selection of this bank was based on the proximity of the bank to the impact site and the ability to buy stream and wetland credits from the same bank. Based on information available at the Savannah District’s website at the time of permit submittal, six approved commercial banks are located within the Upper Ocmulgee primary service area. Three of these are stream only banks. The three



remaining are wetland and stream banks. The two banks nearest the impact site, Monastery of the Holy Ghost Mitigation Bank and Snapfinger Creek Mitigation Bank have both wetland and stream credits making them the preferred credit providers. Each bank was contacted but to date a response has been received only from the Monastery of the Holy Ghost; therefore, the applicant has selected this bank to provide required credits. The applicant reserves the right to select an alternative bank prior to permit issuance based on credit availability and other factors.

CONCLUSIONS

The proposed Medical Office and Retail Center development consists of an Urgent Care facility and retail center located in Gwinnett County, Georgia. The development is needed to meet both current and projected growth within the project vicinity. Support for the development is provided through current and project growth rates, economic studies, and infrastructure improvements in the surrounding area including the widening and improving of major thoroughfares. The site selection process was conducted in compliance with Section 404(b)(1) guidelines. Impacts resulting from the project development total 0.24 acres of temporary wetland impact, 2.09 acres of permanent wetland impact, and 100 linear feet of permanent impacts to streams. Avoidance and minimization measures have been implemented to satisfy the 404(b)(1) guidelines. A total of 15.95 wetland credits and 370 stream credits are necessary to compensate for unavoidable impacts. Compensatory mitigation is proposed through purchasing credits from an approved mitigation bank that services the area. Several mitigation banks service the project area and at this time the applicant proposes to purchase credits from the Monastery of the Holy Ghost mitigation bank. The applicant reserves the right to select an alternative bank prior to permit issuance based on credit availability and other factors. Both a threatened and endangered species survey and a cultural resources survey were conducted, and it has been determined that this project will have no adverse impacts on protected species or cultural resources. Based on the discussions provided, we believe this project qualifies for authorization through the U.S. Army Corps of Engineers due to the site's ability to meet the project's purpose and needs while being the most feasible and practical location for the proposed activities.

WATER QUALITY CERTIFICATIONS

Please see attached letter from MD Soft, Inc. addressing the water quality certification requirements. The following statements reiterate those expressed in the letter:

1. All activities will be performed in a manner to minimize turbidity in the streams.
2. No oils or other pollutants released from the proposed activities which will reach any of the streams or jurisdictional systems onsite.
3. All work performed during construction will be done in a manner to prevent interference with legitimate water uses.