



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
SAVANNAH DISTRICT, CORPS OF ENGINEERS  
100 WEST OGLETHORPE AVENUE  
SAVANNAH, GEORGIA 31401-3640

JANUARY 23 2013

Regulatory Division  
SAS-2011-00798

**PUBLIC NOTICE**  
**Savannah District**

The District Engineer has received a Prospectus describing the establishment and operation of a wetland compensatory mitigation bank (Phinizy Swamp Phase II Mitigation Bank) for Federal and State permits as described below:

Application Number: SAS-2011-00798

Applicant: Mr. Elliot Grandin  
ML South Augusta, LLC  
209 7th Street  
Augusta, Georgia 30901

Agent: Mr. Alton Brown, Jr.  
Resource & Land Consultants  
41 Park of Commerce Way, Suite 303  
Savannah, Georgia 31405

This public notice does not imply, on the parts of the Savannah District, U.S. Army Corps of Engineers or other agencies, either a favorable or an unfavorable opinion of the work to be performed, but is issued to solicit comments regarding the factors on which final decisions will be based.

Location of Proposed Work: The project site is approximately 315 acres and is located southeast of the city of Augusta, adjacent to Phinizy Swamp Phase I Mitigation Bank and the Phinizy Swamp State Wildlife Management Area, in Richmond County, Georgia (Latitude 33.4370, Longitude -81.9650). The bank site is located in the Savannah River Basin in Hydrologic Unit Code (HUC) 03060106. See the enclosed Vicinity Map and USGS Topographic Map.

Description of Mitigation Bank: The bank sponsor proposes to establish, design, construct, and operate an approximately 315 acre wetland compensatory mitigation bank. Mitigation activities would include approximately 18 acres of wetland restoration, 155 acres of vegetative and/or hydrologic wetland enhancement, 75 acres of wetland preservation, and 48 acres of lake/open water preservation. Specific activities would include planting of natural wetland

hardwood species (emphasis on mast producing species), fill and excavation to restore wetland elevations, breaches in the berms surrounding Beaver Dam Ditch, and restoration of hydrologic connectivity between the ditch and adjacent overbank floodplain wetlands. The bank sponsor seeks to establish highly functioning wetlands to provide mitigation credits to replace the functions and services of wetlands anticipated to be adversely affected by development and other projects occurring within the primary and secondary geographic service areas. The wetlands within the bank have been impacted by mining and logging operations, along with disturbance of the natural hydrologic regimes associated with construction and maintenance of Beaver Dam Ditch and the adjacent berms. Current and past land use has been primarily mining and logging.

Geographic Service Area: The Geographic Service Area (GSA) is the defined area within which this bank can reasonably be expected to provide appropriate compensation for impacts to aquatic resources. The GSA for this bank would include the Middle and Lower Savannah River Watersheds and the Upper and Lower Ogeechee River Watersheds. The Primary Service Area would include HUCs 03060106, 03060108, and 03060109. The Secondary Service Area would include HUCs 03060201 and 03060202. See the enclosed service area map.

Oversight: This mitigation bank may be considered one of a number of practicable alternatives available to applicants to compensate for unavoidable impacts associated with permits issued under the authority of Sections 404 and 401 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act for projects located within the prescribed GSA.

Oversight of this compensatory mitigation bank will be by a group of Federal and State agency representatives collectively referred to as the Interagency Review Team (IRT). The IRT shall be chaired by the Corps, and is comprised of representatives from the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the Georgia Department of Natural Resources, Environmental Protection Division.

The actual approval of the use of this mitigation bank for a specific project is the decision of the Corps pursuant to Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act. The Corps provides no guarantee that any particular individual or general permit will be granted authorization to use this compensatory mitigation bank to compensate for unavoidable impacts associated with a proposed permit, even though mitigation from this bank may be available.

Authority: A public notice regarding the proposed mitigation bank is required pursuant to Title 33 Code of Federal Regulations Parts 325 and 332 and Title 40 Code of Federal Regulations Part 230, entitled "Compensatory Mitigation for Losses of Aquatic Resources, Final Rule", published in the Federal Register on April 10, 2008.

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 this proposed mitigation bank. The Prospectus can be seen at the U.S. Army Corps of Engineers, Savannah District, Regulatory Division, 100 West

Oglethorpe Avenue, Savannah, Georgia 31401-3640. Written comments received will be considered by the Corps in evaluating this proposal. Comments are used to assess impacts on endangered species, historic properties, conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and, in general, the needs and welfare of the public.

A preliminary review, provided by the bank's sponsor, indicates that: 1) An environmental impact statement will not be required; 2) No species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and, 3) No cultural or historical resources considered eligible or potentially eligible for listing on the National Register of Historic Places will be affected according to a website review of known listed properties. Additional information may change any of these preliminary findings. A request for an expanded preliminary jurisdictional determination is currently under review by the Corps.

Comment Period: Anyone wishing to comment on this proposal should submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Regulatory Division, Attention: Mr. William M. Rutlin, 100 West Oglethorpe Avenue, Savannah, Georgia 31401-3640 no later than 30-days from the date of this notice. Please refer to the mitigation bank name (Phinizy Swamp, Phase II Mitigation Bank) and the Regulatory Division file number (SAS-2011-00798) in your comments.

If you have any further questions concerning this matter, please contact Mr. William M. Rutlin, Regulatory Specialist, Coastal Branch at 912-652-5893.

4 Encls

1. Vicinity Map
2. USGS Topographic Quadrangle Map
3. Treatment Map
4. HUC-8/Service Area Map

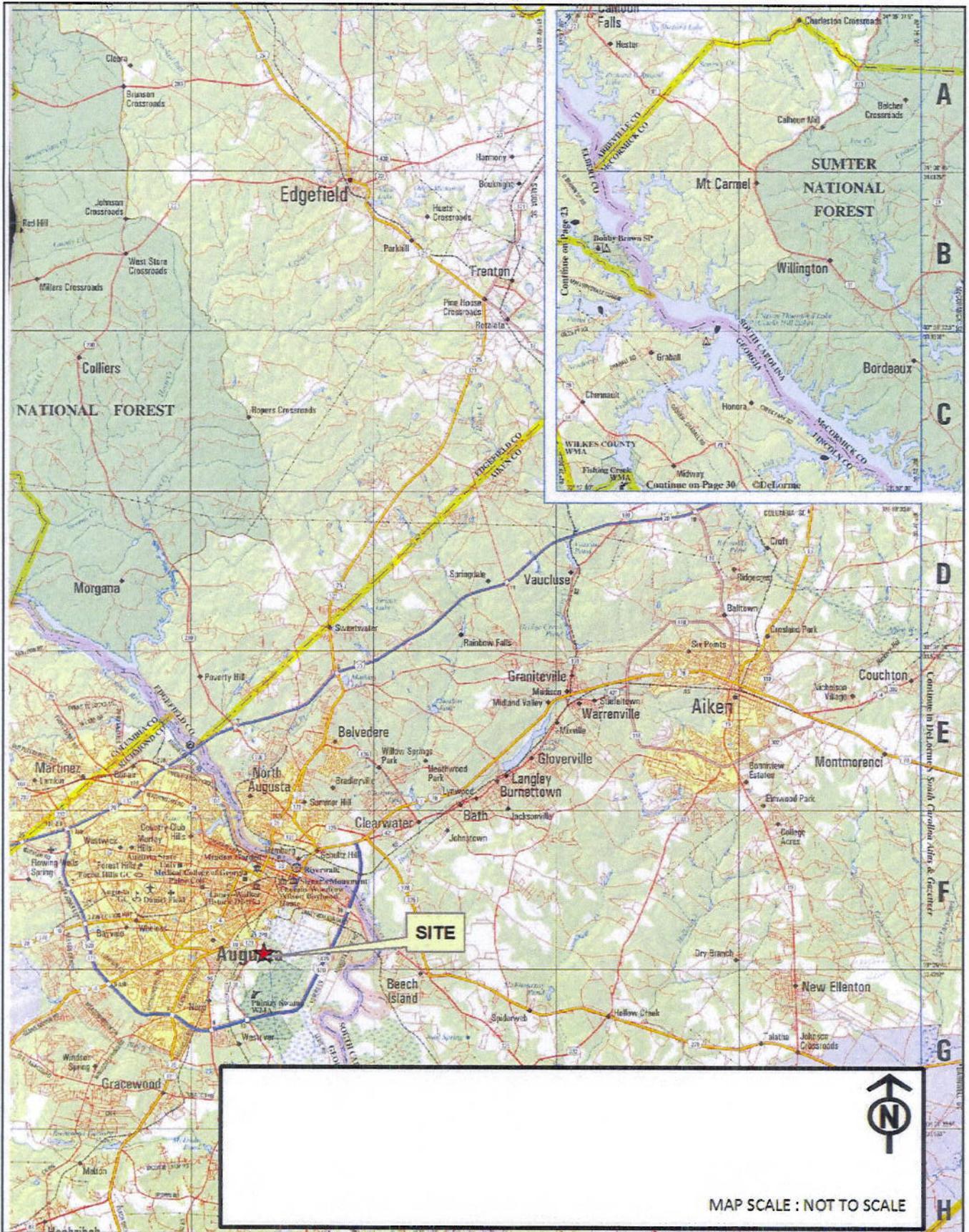


FIGURE 1, SITE LOCATION



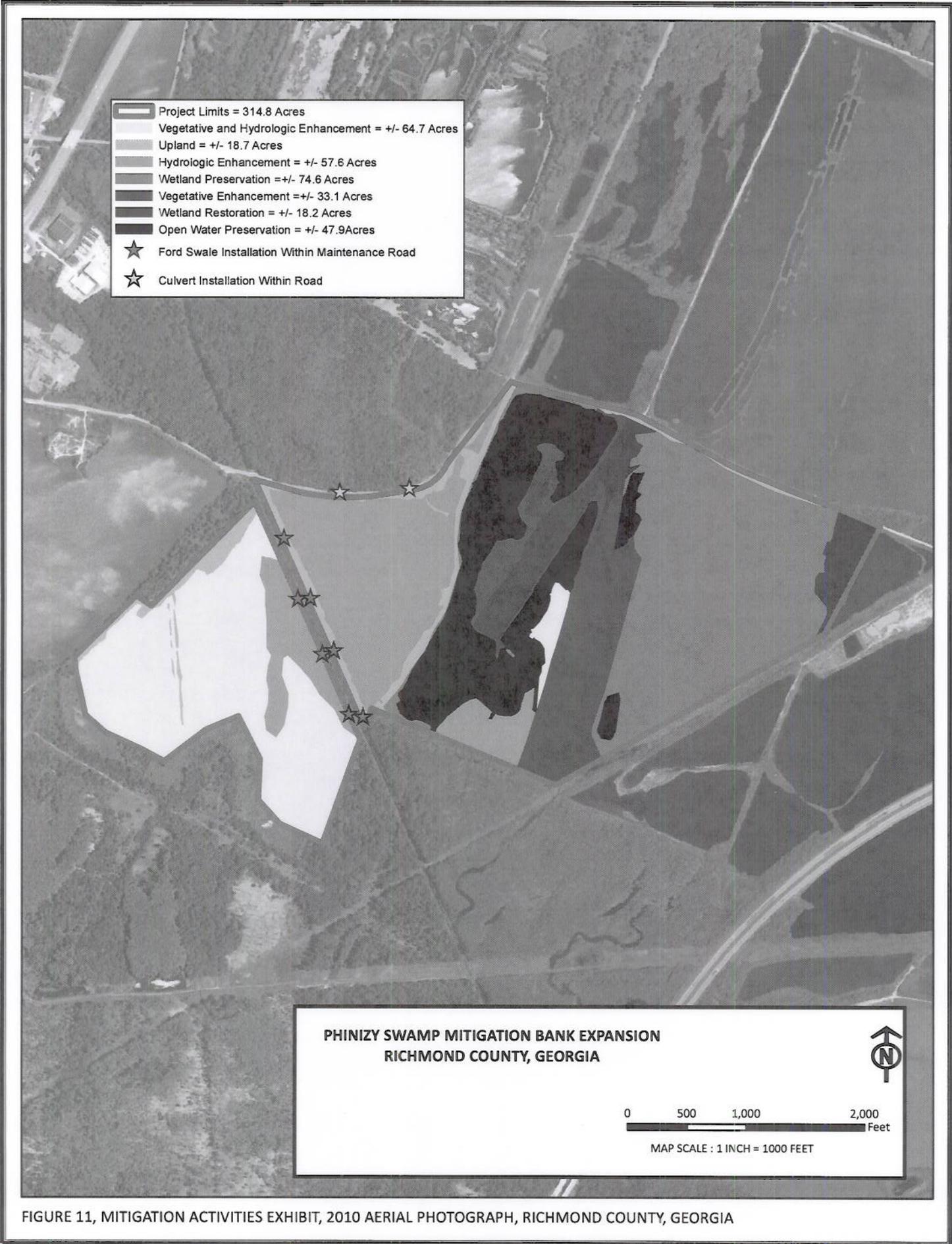


FIGURE 11, MITIGATION ACTIVITIES EXHIBIT, 2010 AERIAL PHOTOGRAPH, RICHMOND COUNTY, GEORGIA

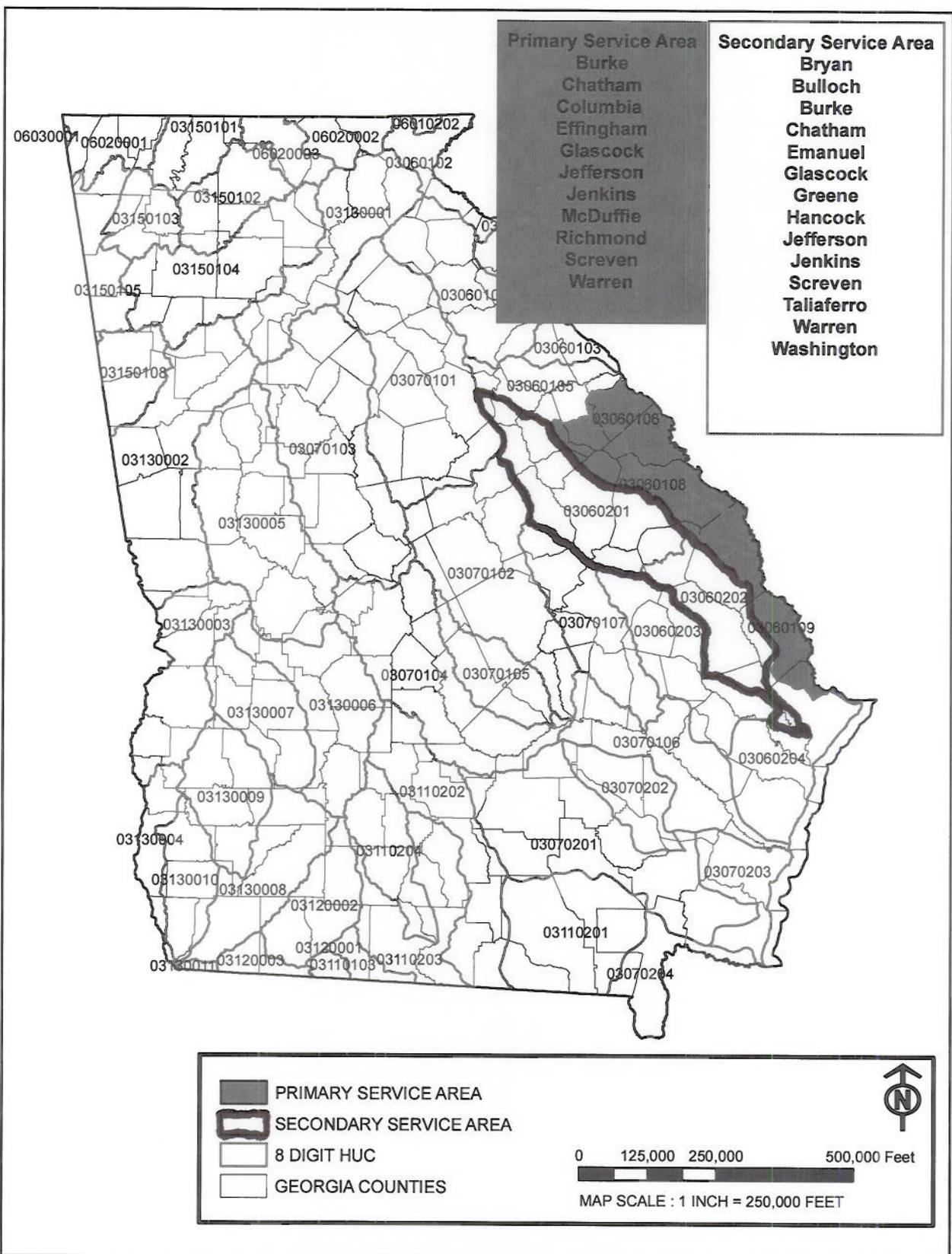


FIGURE 8, SERVICE AREA MAP