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

REPLY TO
ATTENTION OF

FEBRUARY 6 2013

Regulatory Division
SAS-2005-01966

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

The Savannah District has received a request for Modification of Department of the Army Permits SAS-1999-17380 and SAS-2005-01966, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), as follows:

Permit Numbers: SAS-1999-17380 and SAS-2005-01966

Permittee: Mr. Les Callahan
BC Waycross Associates, LLP.
8100 Roswell Road, Suite 201
Atlanta, Georgia 30350

Agent: Mr. Stuart Sligh
Sligh Environmental Consultants, Inc.
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405

Location of Proposed Work: The 64.33-acre mixed use development is located north of the intersection of U.S. Highway 1 and Morris Road, in the City of Waycross, Ware County, Georgia (Latitude 31.1930, Longitude -82.3117).

Site History and Current Proposal: In 2001, the Savannah District, U.S. Army Corps of Engineers issued a permit (SAS-1999-17380) to impact 7.7 acres of wetlands for construction of a retail and office complex. The original compensatory mitigation plan included on-site wetland preservation, off-site preservation, and mitigation credit purchase. A permit modification (SAS-2005-01966) to extend the construction window until October 31, 2006, was issued on November 2, 2005. A second modification request dated July 31, 2006, extended the construction window until October 31, 2011, and amended the mitigation plan to purchase 12 wetland mitigation credits instead of the off-site wetland preservation. To date, all mitigation credits have been purchased and a restrictive covenant has been placed on the 9.792 acres of wetlands and upland buffers on-site.

The applicant is proposing to impact a portion of the currently preserved wetland for road realignment. The owner states that the relocated road would provide safe ingress and egress onto U.S. Highway 1 for the existing residential subdivision, car dealership and commercial/retail development. As a potential alternative to the applicant's preferred alternative, the applicant has investigated relocating the existing median cut in U.S. Highway 1 to match with the current intersection of Morris Road. To compensate for the removal of the restrictive covenant from

0.657 acre of land (0.33 acre of wetland and 0.327 acre of upland buffer), the landowner is proposing to purchase 1.7 wetland mitigation credits. This purchase is proposed to offset the 0.92 credit loss from extinguishing a portion of the covenant. The request to modify restrictive covenants was advertised in a public notice dated December 12, 2012. Additional mitigation is required for the proposed wetland impacts. Based on the 2004 mitigation Savannah District Standard Operating Procedure, an additional 5.016 wetland mitigation credits would be required for permanent impacts to the wetland. Therefore total mitigation for removal of a portion of the restrictive covenant and to compensate for the wetland impact would be 6.72 wetland mitigation credits. The applicant is proposing to purchase the credits from the Offerman Mitigation Bank or Broadfield Mitigation Bank.

Additional information regarding this proposal, including project background, existing conditions, proposed impacts and mitigation, and site plans are attached as references.

STATE OF GEORGIA

Water Quality Certification: By letter dated November 7, 2000, the Georgia Department of Natural Resources, Environmental Protection Division (Georgia EPD) issued Water Quality Certification (WQC) pursuant to Section 401 of the Clean Water Act for the original permit authorizing construction of the proposed mixed use development. The Georgia EPD will review the proposed modification and verify whether or not the previously issued WQC remains valid. Should Georgia EPD determine that the original WQC issued for the proposed development is still valid, no further review or action would be necessary.

Should Georgia EPD determine that the original WQC is not valid, then they would intend to certify the modified proposal 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 permit modification request 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 permit modification request can be reviewed in the Regulatory Division Savannah District, U.S. Army Corps of Engineers, 100 West Oglethorpe Avenue, Savannah, Georgia 31401-3640.

U.S. ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Cultural Resources Assessment: Review of the latest published version of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion are located at the site or in the area affected by the proposed work. Presently unknown archaeological, scientific, prehistorical or historical data may be located at the site and could be affected by the proposed work.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request information from the U.S. Department of the Interior, Fish and Wildlife Service, the U.S. Department of Commerce, the National Oceanic and Atmospheric Administration, and the 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 modification 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.

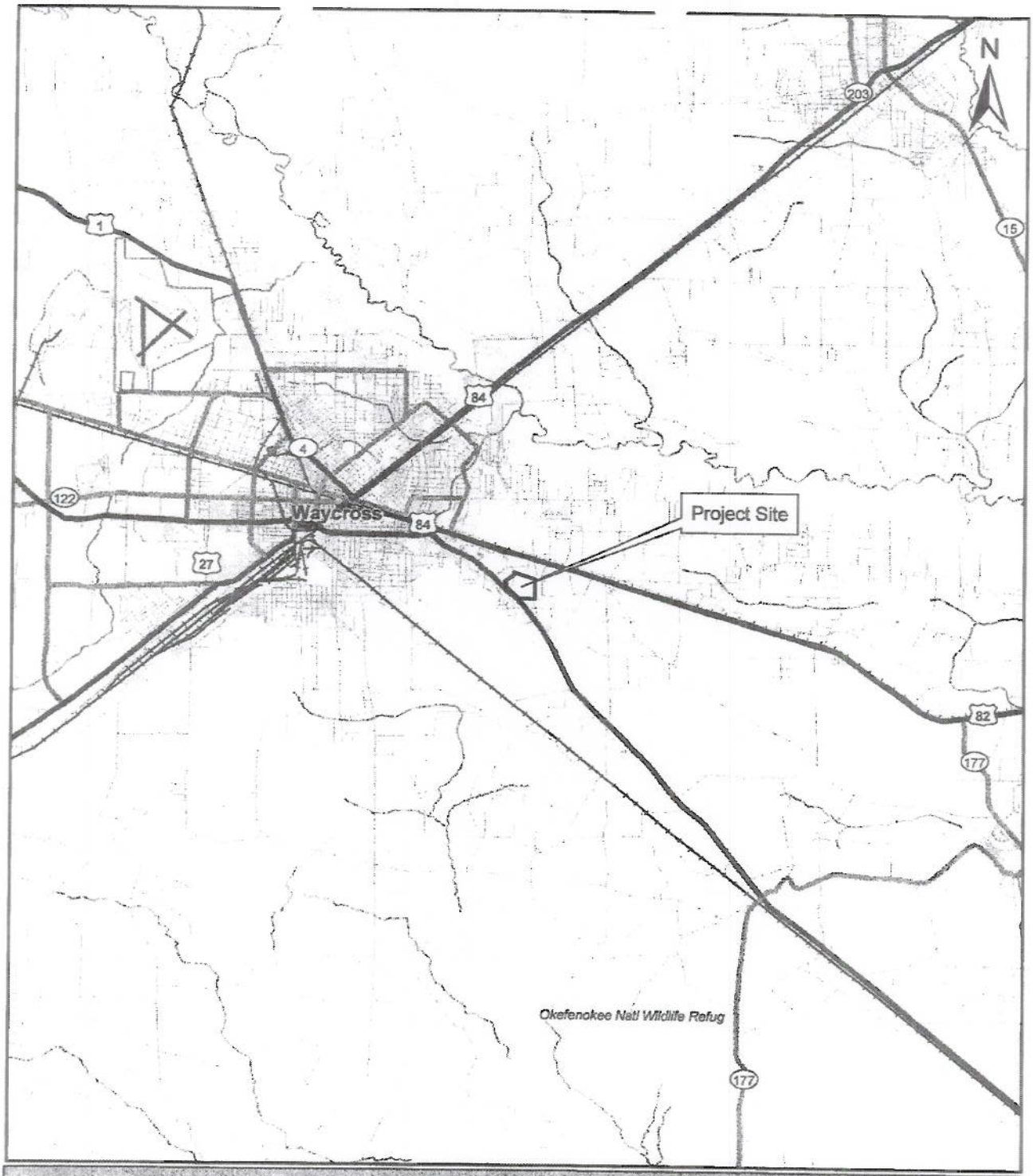
Consideration of Public Comments: The U.S. Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny the permit modification. 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 modification. 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 modification should submit comments in writing to the Commander, Savannah District U.S. Army Corps of Engineers, Attention: Mr. Forrest Vanderbilt, 100 West Oglethorpe Avenue, Savannah, Georgia 31401-3640, no later than 15 days from the date of this notice. Please refer to the applicant's name and the application number in your comments.

Enclosures
1. Vicinity Map
2. Project Description Morris Road Realignment
3. Proposed Commercial Development



Approximate Project Limits

Prepared By:
sligh environmental consultants, inc.
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405
phone (912) 232-0451
fax (912) 232-0453

Project Location Map
Morris Road Realignment
Ware County, Georgia

2 Miles

Exhibit Date: October 16, 2012
Drawn By: BWW
Reviewed By: SES
Job Number: 01-06-126

Project Description
Morris Road Realignment
USACE Project Nos. 990017380 and 200501966
October 16, 2012

Project Overview:
BC Waycross Associates, LLP (applicant) is proposing to realign Morris Road in order to provide a safer intersection at U.S. Highway 1. The proposed project requires 0.33 acre of impact to unavoidable wetland which is currently preserved with restrictive covenants. As detailed below, the owner wishes to amend the existing restrictive covenants to allow the road serving an existing residential subdivision, a Kia Dealership, and an existing commercial/retail development to be permitted for relocation within the 0.33-acre wetland area. The realignment will match an existing Georgia Department of Transportation (GDOT) median cut in U.S. Highway 1 adjacent to the project area. The proposed project is located in Waycross, Ware County, Georgia approximately one mile southeast of the intersection of U.S. Highway 1 and Highway 82.

Project Background:
The original permit for this project was issued on February 23, 2001 and authorized 7.7 acres of jurisdictional wetland impact associated with the construction of a retail/office complex development on a 64.33 acre site. The compensatory mitigation plan included on-site wetland preservation, off-site preservation, and mitigation credit purchase. A permit modification was received on November 2, 2005 which extended the expiration date until October 31, 2006. Another modification was received on August 29, 2006 which extended the permit to October 31, 2011 and amended the mitigation plan to purchase 12 mitigation credits in lieu of off-site wetland preservation. Since the issuance of the permit modification, the applicant has completed all of the mitigation credit purchase requirements and provided your office with receipt of mitigation credit purchase. In addition, the applicant finalized the recording of restrictive covenants on the 9.792 acres of wetlands and upland buffers that were to be preserved on-site and provided your office with a recorded copy of the restrictive covenants in a letter dated June 20, 2006. The permitted activity is in full compliance with the permit conditions, and there are no outstanding issues associated with this permit.

Purpose and Need:
The purpose and need of the proposed project is to realign the existing Morris Road to provide safe ingress and egress for the existing residential areas, the existing Kia Dealership, and the existing commercial/retail development located on the BC Waycross, LLP site. The basic purpose of the project is to realign Morris Road. The overall project purpose is to realign Morris Road in order to provide safe ingress and egress onto and off of U.S Highway 1.

Proposed Project:
During the development and construction of the permitted commercial/retail development, the applicant has become acutely aware that the access from Morris Road on the southeastern portion of the property to U.S. Highway 1 is unsafe for several reasons. Morris Road serves a number of homes located east of and adjacent to the subject development and a Kia Dealership located south of the development. There is currently an existing GDOT median cut on U.S. Highway 1 approximately 125 feet northwest of the intersection of Morris Road. This median cut allows westbound motorists to enter existing commercial developments located on the southern side of U.S. Highway 1, and it allows motorists leaving these developments to cross Highway 1 and travel west, but it does not safely allow vehicles leaving Morris Road to travel east. Because the median cut is 125 feet to the west of the Morris Road intersection, vehicles wishing to travel east on U.S. Highway 1 from Morris Road must make a right turn onto U.S. Highway 1 (heading west), quickly cross 2 lanes of west bound traffic, get to the far left lane and make a U-turn through the median cut to travel back to the east. The existing configuration is very dangerous and could eventually result in a life safety issue if the problem is not corrected. With the on-going development of the BC Waycross, LLP site and the anticipated increase in future traffic flows in the area, this unsafe problem is only expected to become compounded. The proposed site plan includes realigning a 430-foot

portion of Morris Road to the north in order to match the existing GDOT median cut. The realigned Morris Road and the improved intersection will meet GDOT safety standards and will provide a much safer, reliable, and convenient intersection.

Alternatives Analysis:
The Section 404 (b)(1) Guidelines provide that the discharge of dredged or fill material into waters of the United States will not be permitted "if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." 40 C.F.R. ∝230.10(a). The guidelines further provide that "[a]n alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes." Considering factors such as site location, availability, site access, wetland area, and a variety of economic concerns, the applicant evaluated a number of different alternatives to provide suitable and safe access.

Alternative Sites:
The proposed project consists of transportation safety improvements associated with an existing intersection. Since the project consists of the realignment of an existing intersection, it is not applicable to evaluate alternative sites. The applicant did, however, evaluate several alternative plans in order to avoid and minimize wetland impacts to the greatest extent practicable.

Alternative 1 (Do Nothing):
The "do nothing" alternative would not solve the unsafe problem associated with the existing Morris Road/U.S. Highway 1 intersection. As mentioned above, Morris Road currently serves multiple residences and a Kia auto dealership. The road will also serve the existing commercial/retail development located north of Morris Road. If the road remains in its current alignment, it will continue to provide unsafe travel conditions. Also, the increase in projected traffic flows utilizing the road will result in additional unsafe conditions for not only the citizens living off of Morris Road, but also the people using the commercial development, patrons and employees of the Kia Dealership, and motorists traveling U.S Highway 1. Alternative 1 is therefore not a practicable alternative.

Alternative 2:
The applicant has had conversations with GDOT concerning relocating the existing median cut in U.S. Highway 1 to fit with the existing intersection of Morris Road; however, this alternative is not feasible. The existing median cut services several businesses on the southern side of U.S. Highway 1. Moving the median cut would not only place undue hardship on these businesses, but it would also interfere with another existing intersection and turn lanes located to the southeast. Shifting the median cut would create additional safety problems on the south side of U.S. Highway 1 and is therefore not practicable.

Alternative 3 (Preferred):
The only viable alternative is to relocate Morris Road (an existing compacted earth and gravel road) slightly to the northwest so that its intersection with U.S. Highway 1 is at the location of the existing median cut. Unfortunately, this alternative would require unavoidable impacts to the 0.33-acre preserved wetland and adjacent upland buffer which is located immediately northwest of Morris Road. The 0.33-acre preserved wetland area is a small narrow wetland immediately adjacent to Morris Road and connects to an existing road side drainage ditch along U.S. Highway 1. The wetland is dominated by sapling species including water oak, red maple, sweetgum, and loblolly pine. There is a thick shrub layer dominated by wax myrtle and fetterbush, and Virginia chain fern dominates the herbaceous layer. The adjacent upland buffer is dominated by loblolly pine with very little understory. The location of the wetland and upland buffer immediately adjacent to U.S. Highway 1 and Morris Road allows road-side trash and debris to collect within the wetland area and upland buffer. In addition, the natural hydrology within this preserved wetland area has been altered by the existing road side ditch adjacent to U.S. Highway 1. In an effort to improve safety concerns for access to U.S. Highway 1 from Morris Road, the applicant is requesting to amend the restrictive covenants to allow Morris Road to encroach within the 0.657-

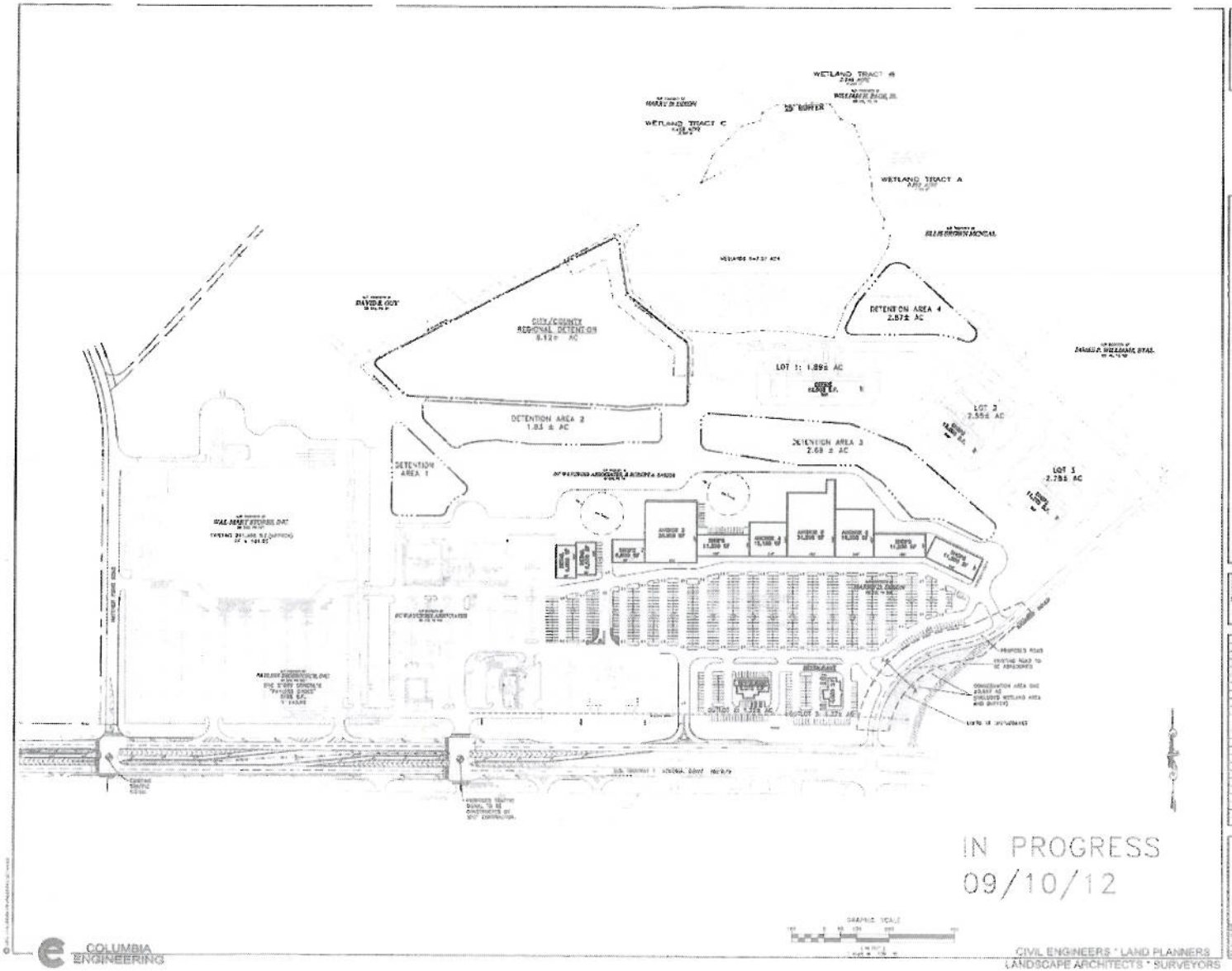
acre restricted area (0.33-acre wetland and 0.327-acre upland) to properly align with the existing GDOT median cut in U.S. Highway 1. In addition, the remaining portion of the restricted area not filled for the roadway will need to be maintained for vehicles entering U.S. Highway 1 to have clear visual sight to oncoming traffic.

Mitigation Plan:
Based on previous restrictive covenant amendment requests processed by the Savannah USACE and using the SOP calculations for wetland and upland buffer preservation that were applied to the original permit, the on-site wetland preservation with preserved upland buffer generates approximately 1.3 credits per acre (Note that the current preservation SOP values are less). The Applicant is proposing to purchase 1.7 mitigation credits to remove the restrictive covenants from the 0.33-acre preserved wetland and 0.327-acre upland buffer, which is double the required and standard credit number for wetland preservation for this project. As mitigation for the required fill for the proposed road, the Applicant has utilized the existing SOP worksheets and is proposing to purchase an additional 5.016 credits (double the required credit amount) for the proposed impacts. In total the Applicant is proposing to purchase 6.72 mitigation credits from an approved wetlands mitigation bank that services this project area in an effort to improve the safety concerns for vehicles accessing U.S. Highway 1 from Morris Road. This proposed mitigation credit purchase includes the purchase of 1.7 credits for the restrictive covenants removal and the purchase of 5.016 credits for the proposed road fill, which is close to triple the amount of credits that would normally be required for 0.33 acres of wetland impact.

Threatened and Endangered Species:
SECI has completed a threatened and endangered species survey within the proposed project area where plant communities and habitats were observed and noted to determine if they match the habitat types where the listed species have potential to occur. The upland area consists of maintained road right-of-way and pine forest. Jurisdictional area consists of an early successional, low quality freshwater wetland. The habitats on-site are not suitable to support any of the listed species for Ware County. Due to the lack of suitable habitat and because no listed species were observed during the survey, it was concluded that the proposed activities associated with the project are not expected to impact any individual or population of a listed threatened or endangered species.

Cultural Resources:
In July of 2000, Environmental Services, Inc (ESI) conducted a preliminary cultural resources assessment of the proposed commercial/retail development site. The report concluded that there were no observed artifacts or other cultural resources, and the site provided a low to moderate probability of containing eligible sites. In November of 2000, ESI completed an intensive cultural resources assessment of the property. One archeological site was located on the property, and it was concluded that the potential for the site to generate significant new data was low. The site was therefore concluded to be not eligible for inclusion in the National Register of Historic Places. This site is located well away from the proposed intersection realignment. No other sites were identified in the report by ESI within or adjacent to the project area of the proposed Morris Road realignment. It is therefore not anticipate that the proposed project would have an adverse affect on cultural resources.

Conclusion:
In summary, BC Waycross Associates, LLP is proposing the realignment of the existing Morris Road in order to provide safe ingress and egress onto U.S. Highway 1 for the nearby residences, an existing Kia Dealership, and an existing commercial/retail development. The proposed realignment will match an existing GDOT median cut on U.S. Highway 1 and will not provide a safe intersection and travelway. In order to provide the proposed safety improvements, the project requires 0.33 acre of preserved wetland impact. The applicant is proposing to amend the existing restrictive covenants which exist on this wetland and provide adequate compensatory mitigation. The applicant has avoided and minimized wetland impacts to the greatest extent practicable while still satisfying the project purpose. All development activities will be performed using best management practices (silt fencing, grassed slopes, etc.) to further avoid and minimize impacts to jurisdictional areas.



COLUMBIA ENGINEERING
2783 MEADOW CHURCH RD
SUITE 100
DULUTH, GEORGIA 30097
(770) 925-0057

PROJECT
PROPOSED COMMERCIAL DEVELOPMENT
U.S HIGHWAY 1
WAYCROSS, WARE COUNTY, GEORGIA

CLIENT
S.C. WAYCROSS ASSOCIATES, L.L.P.
5100 ROSWELL ROAD, SUITE 103
ATLANTA, GEORGIA 30350-2603

APPROVED FOR CONSTRUCTION
NOT APPROVED FOR CONSTRUCTION

REVISIONS	DATE
CLIENT COMMENT	4/25/08
CLIENT COMMENT	6/30/08
CLIENT COMMENT (pm)	7/09/08
CLIENT COMMENT	26/10/12
ROADWAY REVISION	In progress

DRAWING TITLE
PRELIMINARY SITE PLAN

P-1