



DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 889
SAVANNAH, GEORGIA 31402-0889

REPLY TO
ATTENTION OF:

SEP 15 2004

Regulatory Branch
200413640

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: 200413640

Applicant: Gateway Savannah, LLC
Attention: Mr. Jim Martin
1139 Chestnut Hill Circle
Marietta, Georgia 30064

Agent: Environmental Services, Inc.
Attention: Mr. Mike DeMell
204 West St. Julian Street
Third Floor
Savannah, Georgia 31401

Location of Proposed Work: The proposed project site encompasses 77.5 acres and is located near the intersection of Interstate 95 and Highway 204, near the City of Savannah, Chatham County, Georgia.

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers (USACE): The applicant proposes to impact waters of the United States in order to construct a mixed-use development near the City of Savannah. The proposed project would impact a total of 2.98 acres of jurisdictional wetland and 3.27 acres of non-jurisdictional isolated wetland. The jurisdictional wetland impacts are proposed for the following activities: 1.80 acres for site development, 0.59 acre of excavation for stormwater retention basins, 0.09 acre for conversion from forested wetland to emergent wetland, and 0.50 acre for relocation of a jurisdictional ditch. In order to mitigate for these impacts, the applicant would purchase 8.7 mitigation credits from a USACE approved mitigation bank that services the project area and preserve 18.52 acres of on-site jurisdictional wetland. See the attached figures for proposed development plans.

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 Branch, 100 West Oglethorpe Avenue, Savannah, Georgia.

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.

Georgia Coastal Management Program: Prior to the Savannah District Engineer 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, Ecological Services Section, Coastal Resources Division, Georgia Department of Natural Resources, One Conservation Way, Brunswick, Georgia 31523-8600 (Telephone 912-264-7218).

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: The applicant's consultant (ESI) performed a Georgia Archaeological Site File (GASF) search to determine whether any archaeological sites or standing structures have been recorded within or around the Gateway West property (i.e., the project site) and to find out what archaeological studies have been conducted in the vicinity. During a prior project, ESI performed the aforementioned GASF search on another parcel that adjoins the Gateway West property. This search was performed on March 17, 2004, and it is the opinion of ESI that the search results did not warrant updating. Information received from the GASF revealed that there are no recorded sites or structures within the Gateway West property; however, three sites did exist within the search distance (1.0-mile) of the adjoining property that the search was originally conducted for. Due to the location of the Gateway West property in relation to the adjoining property, two of the three discussed sites are located outside of one mile. The records at the GASF also revealed that one federally-mandated archaeological survey was conducted to the east along I-95 in conjunction with the NaviGator System for Hurricane Evacuation. As a result of studies conducted in the project vicinity, and upon reviewing current site conditions, ESI does not believe that this site has the potential to yield significant historic or cultural resources. At present, and given ESI's review, a site specific assessment has not been performed. Presently unknown archaeological, scientific, prehistorical, or historical data may be located at the site and could be affected by the proposed work.

Endangered Species: The applicant's consultant (ESI) conducted a literature review and habitat assessment on the subject property for threatened and endangered species protected by the U.S. Fish and Wildlife Service (USFWS) under the federal Endangered Species Act. Additionally, ESI conducted a land tour with a USFWS representative on August 20, 2004, to review the project area for potential threatened and endangered species habitats and/or populations. It is the opinion of ESI that high quality habitats preferred by the protected species listed by the USFWS and State of Georgia as potentially occurring in Chatham and surrounding counties were not observed on the subject property. Furthermore, no individuals of these species were observed on the subject property. 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.

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.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Commander, US Army Corps of Engineers, Savannah District, Attention: Regulatory Branch, P.O. Box 889, Savannah, Georgia 31402-0889, 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 Lori Beckwith, Regulatory Specialist, at (912) 652-5018.


Stanley J. Knight
Project Manager, Southern Section

Enclosures