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www.ogeecheeriverkeeper.org
Working Together to Protect the Ogeechee, Canoochee and Coastal Rivers

October 6, 2023

Via E-Mail

Commander, U.S. Army Corps of Engineers, Savannah District
ATTN: Ms. Nicole Liette
4751 Best Road, Suite 140
College Park, Georgia 30337
nicole.m.liette@usace.army.mil

Re: Comments on Permit Application Number SAS-2016-00660 - New Hampstead Planned Unit Development

Dear Ms. Liette,

Ogeechee Riverkeeper's (ORK) mission is to protect, preserve, and improve the water quality of the Ogeechee River basin, including the Canoochee River and the coastal and tidal rivers of Liberty, Bryan, and Chatham Counties. ORK works with local communities to share and collect information on the ecological and cultural importance of rivers and streams throughout the Basin, and use that information to amplify the voices of those who speak for the watershed. One of ORK's primary roles is as watchdog on new land development projects throughout the watershed that could pose a significant threat to its water quality and aquatic environments.

The proposed New Hampstead Planned Unit Development (PUD) raises water quality and public interest concerns on which ORK provides these comments. The combination of lost wetlands and discharge of stormwater into jurisdictional wetlands increases pressure on waters of the United States and Georgia's state waters. Further, the continued trend of wetland filling and impervious surfaces threatens to bring increasing flooding risk to the area.. As such, ORK urges additional permitting and careful consideration of the public interest impacts before the U.S. Army Corps of Engineers (USACE) permits this proposed development and allows filling activity to begin.

1. Water Quality Impacts - The eighteen stormwater pond outfall drainage structures will likely require a National Pollutant Discharge Elimination System (NPDES) permit to be issued by the Georgia Environmental Protection Division (EPD). NPDES permits are required when a pollutant is discharged into a water of the United States from a point source. These eighteen outfalls are all point sources, the majority of which appear to discharge into jurisdictional wetlands. These jurisdictional wetlands are waters of the United States. And the stormwater which is discharged constitutes pollutants. According to 33 U.S.C. § 1311, these outfalls, therefore, require a NPDES permit.

The water quality impacts from these stormwater discharges is unclear from the information provided in this Joint Public Notice. As such, specific constructive feedback beyond the need for further review and permitting cannot be provided.

Generally, wetlands play an important role in aquatic ecosystems. Wetlands play an important role in aquifer recharge, which is of significant concern in this area of concern for the Upper Floridan Aquifer. The loss of the pollution and sediment filtration they provide will harm water quality in nearby water bodies like including the Ogeechee River. Fish, amphibians, and aquatic invertebrates will be harmed not just by this reduced water quality, but also by the loss of wetlands habitat. The harm to the aquatic ecosystem extends as well to the terrestrial wildlife that rely on these species as well. Further, reduced water quality and harm to the fish and game animals reduces the potential for recreation in the surrounding areas. Likewise, the loss of green space reduces the environmental health of the area. As such, the public interest may be negatively impacted by the requested action. ORK asks that this permit not be approved until the Georgia EPD grants a NPDES permit for the proposed development and affirms that the public interest is not negatively affected.

2. Filled Wetlands and Stormwater Impacts - ORK is also concerned about the continuing trend of extensive wetland filling and addition of impervious surface and the negative impacts those actions bring for stormwater management. Since 2020, the USACE has permitted 829 acres of wetlands to be filled in Bryan, Effingham, and Chatham Counties for new warehouse developments alone. Comparing this total to the three-year period from 2012-2015 following the previous Georgia Port Authority expansion, where only 173 acres of wetland were filled, the recent wetland fill has seen a 479% increase. While this is alarming in itself, it leaves out all other types of developments, including but not limited to residential and planned unit developments. Taken as a whole, the cumulative impacts from wetland fill and impervious surface construction raises serious public interest concerns.

Beyond the ecological functions and benefits of wetlands, they also play an important role in slowing down and assimilating stormwater, reducing pressure and stress on existing stormwater infrastructure and reducing flooding and potential property damage. While filling these wetlands alone will increase stormwater flows, the accompanying impervious surfaces of the warehouses and associated parking lots and roads will further increase demand and stress on stormwater infrastructure. As storm frequency and intensity is expected to increase in the coming years and decades, stormwater management will be a continuing problem. The likelihood of property-damaging flooding will increase even without the loss of hundreds of acres of wetlands. These issues are only worse with fewer wetlands. Lost wetlands coupled with insufficient stormwater management infrastructure will lead to increased flooding, more property damage, and the loss of land use potential. These concerns harm the public interest and must be weighed against the benefits of the project.

The proposed New Hampstead PUD raises public interest concerns around water quality and stormwater management. ORK urges the USACE to delay granting this Clean Water Act Section 404 permit and allowing construction to begin until the water quality concerns are sufficiently addressed by the relevant permitting body. Likewise, ORK urges the USACE to carefully consider the cumulative impacts to stormwater management and the public interest prior to permitting this wetlands filling action.

Thank you in advance for your time and consideration; please let me know if you have any questions:
ben@ogeecheeriverkeeper.org.

Ben Kirsch, Legal Director
Ogeechee Riverkeeper