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[www.ogeecheeriverkeeper.org](http://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: Shawn Gill, Project Manager, Coastal Branch  
100 West Oglethorpe Avenue  
Savannah, Georgia 31401  
[shawn.r.gill@usace.army.mil](mailto:shawn.r.gill@usace.army.mil)

**Re: Comments on Permit Application Number SAS-2022-00220 - Simmons Cortes Industrial Park**

Dear Mr. Gill,

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 Simmons Cortes Industrial Park development near Pooler in Chatham County raises public interest concerns regarding wetlands, fish and wildlife values, flood hazards, recreation, water supply conservation, land use and property ownership, and general conservation and environmental concerns. This action concerningly continues the trend and quickening pace of wetland fill for industrial development in the area. Additionally, there are some discrepancies in both total wetland acres impacted and warehouse square footage that need to be explained and resolved prior to this permit being granted. Until the public interest concerns are fully considered and the discrepancies are explained, ORK calls on the U.S. Army of Corps of Engineers (USACE) withholds its approval.

1. Wetlands Filled - ORK is concerned about the negative impacts to the aquatic and human environments that this proposed development would cause and the negative public interest ramifications. According to the Joint Public Notice documents, the proposed development will fill 6.26 acres of non-tidal wetlands. This continues a harmful trend of fill in the area. Since 2020, the USACE has permitted 829 acres of wetlands to be filled in Bryan, Effingham, and Chatham Counties for new warehouse developments. 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. The proposed Simmons Cortes development will fill additional wetlands and should be considered in the larger trend of fill activity. Especially considering the speculative nature of recent warehouse construction and the recent decline in cargo traffic,<sup>1</sup> ORK opposes filling these additional wetlands.

2. Environmental, Conservation, and Wildlife Impacts from Wetland Fill - The proposed wetland fill will have broad negative impacts to the public interest, including water supply conservation, fish and wildlife values, and recreation, among others. 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. Finally, the loss of green space reduces the environmental health of the area. These concerns all negatively affect the public interest.

The proposed filling, construction, and changes in topography is likely to further impact additional wetlands beyond the 6+ acres that will be filled permanently. The large, contiguous wetland in the northern portion of the property will ultimately be divided into three separate areas, likely damaging their ecology, functionality, and possibly their continued existence. First, the 251,100 sq ft warehouse and its associated parking lots will separate the wetlands.<sup>2</sup> Second, the road construction reflected in Wetlands Impact #1 and #2 will further bifurcate the currently contiguous wetlands. The resulting 'islands' of wetlands will fundamentally change their functionality. Further, the two resulting wetland 'islands' will be negatively impacted by change in topography of the adjacent roads, parking lots, and stormwater management facilities. These proposed features will cause waters that would normally enter these wetlands to be diverted elsewhere while also adding new pollutants from vehicular traffic. These changes are likely to interrupt how these wetlands have functioned previously, possibly resulting in their loss. As such, ORK asks that these wetlands be included in the total calculation of impacted wetlands, to consider their possible loss in the public impact consideration, and to require additional mitigation measures and/or credits. At minimum, the two wetland 'islands' south of the 0.84 acres stormwater management feature and to the west of the 0.73 acre stormwater management feature shown on Sheet #3 require specific additional attention and consideration.

3. Stormwater Impacts from Wetland Fill - In addition, the proposed Simmons Cortes development will increase stormwater-related pressures on the surrounding areas. Wetlands 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

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<sup>1</sup> Savannah Morning News. April 10, 2023. "Georgia Ports see cargo slowdown, but don't ring the alarm just yet" Available at: <https://www.savannahnow.com/story/business/economy/2023/04/10/georgia-ports-cargo-slowdown-updates-on-brunswick-port-birth-expansion/70084397007/>

<sup>2</sup> See "Wetlands Impact #3"

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 speculative benefits of the project.

4. Discrepancies in Warehouse Size and Wetlands Impacted - The figures provided in the Joint Public Notice for wetlands impacted and warehouse square footage both have conflicting numbers based on the information provided. ORK asks the USACE to take no further action on this permit until these discrepancies are resolved and the public be provided with the correct information about these two important measures and the public can provide constructive feedback in light of the correct information.

First, the total wetland acreage impacted stated in the public notice does not reflect the total amount provided in Wetlands Impact Exhibit Sheets. On page 1 of the Joint Public Notice, under the "Description of the Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers" section, it says that "the project would permanently fill 6.26 acres of non-tidal wetland." It is not clear whether this includes the 0.25 acre ditch that would be filled, Regardless, the 6.20 acres of wetland impacts and the 0.25 acres of ditch impact detail on Wetland Impact Exhibit Sheet #1 does not match the 6.26 acres described on page one. Worse, the 6.20 acres on Sheet #1 does not match the total of the individual wetlands impacted detailed on Sheet #2. When manually added, the 8 separate wetlands impacts total 6.37 acres of impact. And when adding the ditch impact, the total impact is 6.62 acres. ORK requests clarification on these discrepancies in the wetland impacts and an opportunity to comment on the correct final total. Additionally, ORK asks the USACE to ensure that the mitigation credits required for this project reflects the actual number of wetland acres that will be impacted by the proposed development.

Second, the calculation for total warehouse square footage being proposed also appears to be incorrect. On page 1 of the Joint Public Notice, under the "Description of the Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers" section, it states that 337,875 square feet of warehouse space will be built. However, when manually adding the three warehouses square footage as detailed in Wetland Impact Exhibit Sheets #1 - 4, the total is short by 100 square feet. While this is a minimal discrepancy, it is still an incorrect conveyance of information. Additionally, when it also accompanies issues with the total wetland impacted, ORK is concerned about how these discrepancies occurred.

ORK asks that the USACE, the applicants, and any other involved party re-evaluate the information provided here to ensure that all of the calculations, numbers, and the full impact of the development are correctly reflected. Without the correct and full picture of these impacts, impacted parties, stakeholders, and the general public is less able to provide full and constructive comment on the proposed action.

The proposed Simmons Cortes Industrial Park development and its accompanying wetland fill raises serious public interest concerns. These harms to the public interest do not outweigh the speculative benefit of building 300,000+ square feet of warehouse space. Likewise, the issues with reported wetlands impacted and warehouse size

raises concerns about the Joint Public Notice as presented to the public. First, before any further consideration is undertaken by the USACE or any other permitting entity, ORK asks that the correct acreage of wetland impact and square footage of warehouses be clarified and communicated with the public. And second, 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](mailto:ben@ogeecheeriverkeeper.org).

Ben Kirsch, Legal Director  
Ogeechee Riverkeeper