



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
100 W OGLETHORPE AVE
SAVANNAH, GEORGIA 31401-3604

August 23, 2024

Mr. Donald D.J. Stack
Stack & Associates, P.C.
23 Delegal Road
Savannah, Georgia 31411

Dear Mr. Stack:

This letter is in response to the August 9, 2024 meeting between the U.S. Army Corps of Engineers (Corps) and the Ogeechee Riverkeepers (ORK), held to discuss the ORK's June 3, 2024 Notice of Intent to Sue. The Corps and ORK agreed that the Corps would provide a response by August 23, 2024. This letter serves as that response and indicates the Corps' planned course of action in relation to Department of Army Permit SAS-2015-00235 authorizing impacts to aquatic resources under Section 404 of the Clean Water Act for the construction of an Electric Vehicle Original Equipment Manufacturing facility in Ellabell, Georgia, now known as the Hyundai Motor Group Metaplant America.

Meeting attendees from ORK were Damon Mullis, Executive Director, Ben Kirsch, Legal Director, and Don Stack, Stack and Associates P.C. Attendees from the Corps were Jason O'Kane, Chief of Regulatory Division, Sarah Wise, Lead Biologist and project manager, and Ellen Spicer, Assistant District Counsel. The Corps and ORK discussed the following topics: 1) the permit process in general, and consideration of water supply and deferring to expert agencies in that process; 2) water supply as a "known" issue in the region; 3) public participation in the process and the ORK's comments on the permit; and 4) a path forward including the potential to avoid litigation.

Based on new information included in the Georgia Department of Natural Resources, Environmental Protection Division (EPD) draft groundwater withdrawal permits for Bryan County and Bulloch County (Georgia EPD permit Nos. 016-0013 and 016-0014) associated with this project, the Corps has determined that reevaluation of its permit decision regarding its effects determination for water supplies is warranted. Enclosed is a copy of the letter the Corps sent to the Savannah Harbor-Interstate 16 Corridor Joint Development Authority and the Georgia Department of Economic Development, the Permittee, invoking our authority under our authority, 33 CFR § 325.7, to reevaluate impacts on municipal and private water supplies as described in 40 CFR § 230.50.

If you have any questions regarding this letter, please contact Assistant District Counsel Ellen M. Spicer at 912-652-6126 or Ellen.Spicer@usace.army.mil.

Sincerely,

ELLEN M. SPICER
Assistant District Counsel

Enclosure