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

September 25, 2026

Via E-Mail

Georgia Environmental Protection Division
Program Manager, Wetlands Unit,
2 Martin Luther King, Jr. Dr. SE, Suite 1052 East,
Atlanta, GA 30334
ATTN: DJ Fontenot
EPD.WQC@dnr.ga.gov
donald.fontenot@dnr.ga.gov

Re: Sec. 401 Water Quality Certification Reuben Clark Apartments - US Army Corps of Engineers Sec. 404 Permit Application - Control Number SAS-1999-05580

To whom it may concern:

Ogeechee Riverkeeper 501(c)(3) (ORK) works to protect, preserve, and improve the water quality of the Ogeechee River basin, which includes the Canoochee River, tributary streams, and all of the streams flowing out to Ossabaw Sound and St. Catherine's Sound. The Ogeechee River system drains more than 5,500 square miles across 20 counties in Georgia. ORK works with local communities to retain the ecological and cultural integrity of rivers, streams, wetlands, and related habitats throughout the Basin. One of ORK's primary roles is as watchdog on permits and certifications throughout the watershed that could pose a significant threat to its water quality and aquatic environments.

ORK's comments on this Clean Water Action(CWA) Section 401 Water Quality Certification concern its impact on attaining water quality standards. The adjacent and downstream waters of the Vernon River and Casey Canal both currently face water quality limitations. The proposed project will result in the loss of wetlands as well as those wetlands' pollution control functions. When combined with the site's location wholly within the FEMA-designated Zone A Special Flood Hazard Area, further contribution to water quality degradation appears likely to result if this project is certified, permitted, and constructed. Unless it is fully convinced that these harms will not result from this proposed project, Ogeechee Riverkeeper calls on the Georgia Environmental Protection Division to affirmatively deny the certification of this project.

In addition to these comments, ORK is attaching our comments on Permit No.: SAS-1999-05580, included below as **Attachment A**.

1. Certifying this project will not contribute to the attainment of water quality standards attainment

Water quality will likely be harmed if this project is certified, permitted, and constructed. As part of the CWA Section 401 Water Quality Certification process, EPD must determine compliance with specified portions of the Clean Water Act [33 U.S.C. § 1341(a)(1)]. Those sections include the effluent limitation is 33 U.S.C. § 1312, which state, in part, that discharges and their control "can reasonably be expected to contribute to the attainment or maintenance of such water quality" [33 U.S.C. § 1312(a)].

ORK is concerned that the already-impaired waters of the Vernon River and Casey Canal will be further impaired if this certification is approved. The Vernon River Basin, and its tributaries including the Casey Canal, have faced significant bacterial pollution for at least the last 20 years and likely much longer. Ogeechee Riverkeeper has been working for years to protect and improve the Vernon River Basin through our "Protect the Vernon" project partnership.[1] This includes creating initial and updated Watershed Management Plans in 2013[2] and 2023[3] respectively. Our monitoring efforts at 61 sites have shown average E. coli counts among all sites is 5,979.4 MPN/100ml and 6,196.8 MPN/100ml for enterococci. The statistical threshold value for E. coli is 410 MPN/100 ml and 130 MPN/100 ml for enterococci.[4] The sources of these bacterial pollution issues are many, and include nonpoint source pollution from stormwater runoff into the Vernon River and its tributaries like the Casey Canal.

As will be discussed below, the loss of wetlands proposed by the project and its location in the Zone A floodplain are likely to further harm the already-impaired water quality. ORK does not see any specific commentary in the project plans that detail how this project can reasonably be expected to contribute to either maintain the already poor water quality or improve the water quality in the adjacent and downstream waters. As such, ORK is concerned that the applicable provisions of the CWA will not be complied with. And as such, ORK raises its concern that EPD cannot approve this Certification.

2. Loss of wetlands will eliminate their pollution control functions

Ogeechee Riverkeeper is concerned that the loss of these wetlands will eliminate their pollution control functions and harm downstream water quality. Wetlands provide natural and no-cost pollution filtration function, in addition to a wider variety of other ecological functions. By filling these wetlands, these natural functions will be lost, requiring expensive replacement through artificial facilities. These replacement facilities often do not operate as effectively as the natural wetlands they attempt to replace. Filling these wetlands will result in less pollution filtration.

The proposed mitigation efforts are not likely to replace the services lost by filling the wetlands. First, the purchase of wetlands mitigation credits are not likely to benefit the Vernon River watershed - the waters whose quality will be directly impacted by this project. Credits are unlikely to be located within the Vernon River watershed and, therefore, will do nothing to improve its water quality. Rather than this approach, ORK suggests onsite or in-basin

[1] Ogeechee Riverkeeper. Protect the Vernon. https://www.ogeecheeriverkeeper.org/vernon/.
[2] 2013 Vernon River Watershed Management Plan. https://www.ogeecheeriverkeeper.org/wp-content/uploads/2020/09/VernonRiver_WMP_030602040302_Y2014.pdf
[3] 2023 Vernon River Watershed Management Plan. https://www.ogeecheeriverkeeper.org/wp-content/uploads/2023/07/Revised-WMP-Vernon-River-2023.pdf
[4] *See* "Download Raw Data - 2012-2026" link at the address in FN 1.

mitigation projects be required to make sure that water quality benefits occur within the Vernon River watershed, not in other watersheds where water quality impacts will not occur. Second, the briefly-discussed onsite stormwater and flood plain management facilities will only be constructed "to satisfy the stormwater management and flood plain mitigation requirements for the project." No discussion of their pollution-reduction function or capacity is presented. Without consideration or discussion of these controls' capabilities, ORK is concerned that the current wetlands' pollution filtration and reduction functions will not be fully replaced, therefore creating new pollution pressure on downstream waters.

3. Location within the designated floodplain increases the likelihood of additional pollution

This site's location fully within a Special Flood Hazard Area highlights it as a likely source of nonpoint source pollution. The increasingly frequent and intense storms and flood events expected in the region suggests the property is likely to face flooding issues, and will be a likely source of nonpoint source pollution. This is exacerbated by the stormwater drainage ditches on the property that empty into the Casey Canal. Without sufficient preservation, mitigation, or controls, this project is likely to harm attainment and maintenance of downstream water quality.

The loss of wetlands and insufficient discussion of site-specific pollution controls raises serious concerns that must be addressed before Certificant can be granted. Science-based analysis of the site's current pollution control capabilities and the proposed control must be compared. Additionally, the proposed mitigation and control must be analyzed for their ability to function during storm and flood events, specifically 100-year storms and flooding events. These intense storms must be considered - over a 30-year period, there is a 26% chance they will occur, a more than 1 in 4 risk. Without these specific considerations, EPD should not approve this Certification.

In summary, ORK asks the EPD:

- Does the proposed project comply with the CWA requirement that the project "can reasonably be expected to contribute to the attainment or maintenance" of the Vernon River and Casey Canal's water quality?
- What are the specific effluent limitations and alternative effluent control strategies that can reasonably be expected to attain or maintain current water quality?
- Has the site's current wetland-based bacterial pollution control capabilities been considered, evaluated, and/or quantified?
- Will the loss of pollution-moderating wetlands negatively impact downstream water quality?
- How will the site's propensity to flood impact the site-specific effluent limitations and alternative effluent control strategies?

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

Attachment A

Ogeechee Riverkeeper
Comments on Permit No.: SAS-1999-05580
for
E. 60th Street and Uruguay Street (Truman Parkway Tract) development

PO Box 16206
Savannah, GA 31416
Phone/Fax: 866-942-6222

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Working Together to Protect the Ogeechee, Canoochee and Coastal Rivers

September 21, 2026

Via E-Mail

Commander, U.S. Army Corps of Engineers, Savannah District
ATTN: William Rutlin
4751 Best Road, Suite 140,
College Park, Georgia 30337
william.m.rutlin@usace.army.mil

Re: E. 60th Street and Uruguay Street (Truman Parkway Tract) - Permit No.: SAS-1999-05580

Dear Mr. Rutlin,

Ogeechee Riverkeeper 501(c)(3) (ORK) works to protect, preserve, and improve the water quality of the Ogeechee River basin, which includes the Canoochee River, tributary streams, and all of the streams flowing out to Ossabaw Sound and St. Catherine's Sound. The Ogeechee River system drains more than 5,500 square miles across 21 counties in Georgia. ORK works with local communities to retain the ecological and cultural integrity of rivers, streams, wetlands, and related habitats throughout the Basin. One of ORK's primary roles is as watchdog on land development projects throughout the watershed that could pose a significant threat to its water quality and aquatic environments.

ORK offers these comments on the application from Mr. Matthew Willis (Resource & Land Consultants) on behalf of Mr. Jakob von Trapp (1800 East 63rd Property Owner, LLC) under Clean Water Act (CWA) Section 404 for the construction of multi-family residential housing located at 1800 East 63rd Street in the city of Savannah, Chatham County, Georgia (Latitude 32.031201, Longitude -81.082726). Hereinafter, the project will be referred to as the "Truman Parkway Tract project."

Our comments address two overarching concerns. First, the alternatives analysis must thoroughly consider both other locations and different layouts that could wholly avoid any wetlands filling and other negative impacts from the proposed project. Second, the cumulative impacts of the proposed project appear to weigh against authorizing this project. ORK urges the U.S. Army Corps of Engineers (USACE) to deny this requested permit unless it is certain that these concerns are fully addressed.

1. Alternatives to the proposed activities do not appear sufficient

Alternative to the proposed action must be considered in reviewing this permit modification application. Before any permitting decision to fill wetlands, it must be conclusively determined that there are no practicable alternatives that are less damaging that would achieve the same purpose of the proposed action. This should include alternative site layouts as well as alternate properties and a "no action" alternative. Unless the USACE considers all of these alternative scenarios and concludes the proposed action is the least environmentally damaging practicable alternative, it should not approve this requested permit.

The proposal appears to overlook less environmentally damaging alternative site layouts. The proposed layout utilizes none of the upland, non-wetland portion of the property - the entirety of the proposed construction occurs in wetlands. This, on its face, suggests that some alternative layouts that utilizes upland areas exist. These alternative layouts would likely further reduce wetland impacts and be less environmentally damaging.

Additionally, an alternative with smaller construction footprints could further reduce wetland impact. This could be achieved in two ways. First, a smaller number of units could shrink the overall footprint of the building and reduce the need for parking areas. Nowhere in the Public Notice identifies a specific number of units needed, just that its goal is to "provide housing" "to serve the needs of the medical community of Candler and Memorial hospitals." This suggests that a smaller number of new housing units, potentially zero new units, are required to meet the need. Second, an alternative layout that build vertically could further reduce wetland impacts. Having a smaller building footprint would necessarily reduce the acreage of wetlands impacted. As such, a taller construction should be considered as a less environmentally damaging alternative. ORK urges the USACE and the applicants to consider approving an alternative layout that includes either a smaller number of housing units or a taller construction with a smaller footprint.

It does not appear that alternative properties were considered as alternatives. No detailed discussion of other nearby properties was included in the "Avoidance and Mitigation" discussion of the Public Notice, beyond merely stating that the applicant "considered" offsite locations. ORK urges the USACE to more thoroughly consider offsite alternatives, as numerous properties without wetlands exist in the area.

Finally, the Public Notice makes no mention of considering a "no action" alternative. As noted above, neither the applicant nor the Public Notice provides any specific metric for the purpose or need for housing. Considering that the facilities are currently operating, the medical community is, theoretically, already being served by the current supply of housing. Without specific metrics of need, the supposed purpose of the project is theoretical and, therefore, should not outweigh the environmental damage caused by wetland filling.

Before approving the filling of these wetlands as requested, the USACE should be able to answer:

- Is there an alternative site layout that would reduce the acreage of wetlands to be filled?
- Is there an alternative layout that could utilize the upland areas of the property?

- Do the application claim that there are specific numbers of housing units it must build? Is this based on any fact-based needs analysis?
- Could a smaller number of housing units be built to meet the suggested purpose of the project while reducing wetland impacts?
- Could a taller, more compact construction achieve the same purposes while impacting fewer acres of wetlands?
- Is the USACE convinced that alternative properties exist that could achieve the purpose of the project that require fewer or no wetland impacts?
- Was a no-action alternative considered? Could the purpose of housing still be achieved if the proposed action is not approved? Are there any fact-based metrics of the supposed need?

2. The public interest review factors do not weigh in favor of approving this project's permit

Any benefits reasonably expected from this proposed project are likely outweighed by the reasonable foreseeable detriments when considering the public review factors. *See* 33 CFR § 320.4. The cumulative effects are not overcome by the suggested medical-related housing. As such, ORK urges the USACE to deny this permit as not in the public interest.

In terms of economics, this project does not clearly benefit the public. As stated above, there is no fact-based justification for the need for "multifamily residential housing…to serve the needs of the medical community of Candler and Memorial hospitals." No specific numbers, studies, or analysis was provided in the Public Notice. As suggested by both facilities currently operating, the medical community appears to be meeting these needs elsewhere. Without a fact-based need, the economic value of this proposed project is not clear.

When considering the continued degradation and destruction of the region's environment, the detriments to the public interest are made clearer. The 800+ acres of wetland destruction in just the last five years makes these aquatic resources a rapidly disappearing resource. The habitat function, pollution filtration, groundwater recharge, and stormwater control role, as well as other environmental functions that wetlands play, continue to disappear. This continued devaluation of wetlands will continue unabated if the USACE does not take an active role in wetlands management. A wetlands protection plan is necessary. The environmental detriment of both the expansion and the original project is not in the public interest.

Further, floodplain management will be negatively impacted by this proposed project. The entirety of the property is located within the Zone AE Special Flood Hazard Area as designated by the Federal Emergency Management Agency (FEMA).[5] Not only will this negatively impact the natural moderation of flooding, it will expose the future residents to increased flood risks. The continued loss of wetlands, ultimately, reduces the safety of the area and the wider region. Wetlands provide important, natural, and free stormwater and flood control functions. These aquatic resources slow down and absorb stormwaters. Paving over these resources not only removes this control and absorption, the impervious surfaces speed up stormwater and exacerbate flooding if left unmitigated. This increased

[5] *See* Attachment A.

flood risk, in an already flood-prone area, threatens the area's safety and property values - clearly a detriment to the public interest.

Before approving the filling of these wetlands as requested, the USACE should be able to answer:

- Is there a fact-based economic benefit to the proposed project?
- Does any economic benefit outweigh the cumulative impacts from:
    - The continued degradation and destruction of the region's environment,
    - The loss of natural moderation of flooding, and
    - The increased flood risks of future residents?

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

Attachment A

Georgia Department of Natural Resources
Flood Map - Flood Risk Viewer
for the
E. 60th Street and Uruguay Street (Truman Parkway Tract) development


Georgia Flood MAP - Flood Risk Viewer
version 2.0
Find address or place
Lexington Ave
Hospital Access Rd
Harry Truman Pkwy
Uruguay St
E 59th St
E 60th St
Costa Rica St
Springhill Rd
E 62nd St
E 63rd St
CHATHAM COUNTY
13051C0162G
8/16/2018
PRELIMINARY
ZONE AE
13
Reuben Clark Dr
CHATHAM COUNTY
13051C0164G
8/16/2018
PRELIMINARY
Metts Dr
200ft
Microsoft, Vantor | Esri, HERE, Garmin, iPC | Esri, HERE, iPC
esri