

## Brad Callender

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**From:** Frank Bishop (fb@thebishopcompany.com)  
**Sent:** Wednesday, September 17, 2008 9:27 AM  
**To:** Brad Callender  
**Cc:** BR White; Melvin Davis  
**Subject:** Comments on the DRI Findings for the ACOE  
**Attachments:** Response to DRI to ACOE 080908.doc

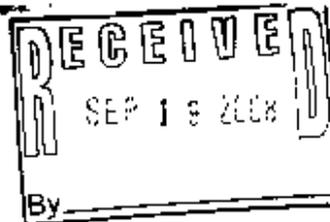
Brad,

*Attached FYI is a copy of our comments on the DRI that were submitted to Justin Hammond at the Army Corp of Engineers.*

Let us know if you have any questions, and talk to you soon.

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MEMO



To: Justin Hammond, Arny Corp of Engineers  
From: Frank Bishop, Oconee 316 Associates, LLC  
Date: August 30, 2008  
Ref: DRI – Development of Regional Impact – July 9, 2008 Report by Northeast Georgia RDC  
DRI ID Number 1861

Oconee 316 Associates, LLC was informed in February by Kendall Cochran of Acer Environmental, Inc., that comments from a Development of Regional Impact (DRI) would be required to complete the ACOE permit for the proposed Epps Bridge Centre development. Oconee 316 Associates, LLC began working with the Planning Department of Oconee County to prepare a submission of the DRI Application. In order to move forward with the proper procedures, a Rezoning Application was required by Oconee County which was filed on March 13, 2008. Two additional submissions were filed with Oconee County on April 29, 2008 and May 7, 2008. Oconee County then submitted the Initial DRI Information Form on May 13, 2008 to the Northeast Georgia Regional Development Center (RDC). The RDC issued the DRI Determination May 16, 2008 stating that the development warranted regional review. The Additional DRI Information Form was submitted to the RDC on May 20, 2008. The RDC issued the Completeness Certification on June 4, 2008 followed by issuance of the Request for Comments on June 11, 2008. The DRI Findings were completed and published on July 9, 2008.

Our issues with the DRI Findings include the fact that no one from the RDC contacted Oconee County nor Oconee 316 Associates, LLC to determine if any of their concerns were being addressed. Also, the "reasons for this findings" were unwarranted as we were addressing them in our planning process.

The DRI Finding was: "After review of information submitted by the host government and comments received from affected agencies, the Northeast Georgia RDC finds that the development is not in the best interest of the Region and therefore the State". The Committee noted the positive impacts of this development specifically related to the economy of the applicant county and the region and the creation of jobs. However, the committee felt the negative impacts of the project outweighed the positive economic impacts and job creation.

The reasons for the findings and our response are as follows:

1. Reason: The amount of impervious surface and the potential effects of stormwater runoff and the subsequent impact on water quality. Response: All stormwater runoff will be handled in a stormwater collection and treatment system that will be designed by one of the best civil engineering firms in the state to be equal to or exceed the stormwater best management practices as prescribed in the State of Georgia Stormwater Management Blue Book.
2. Reason: The mitigation site is downstream. Response: We initially contacted all the existing mitigation banks in our basin and there were not sufficient credits available for purchase. We then embarked on the journey to establish our own mitigation bank to insure the availability of sufficient credits and searched for available sites within the basin that would be in compliance with federal and state regulations. We were able to acquire property within this basin which is located in the middle of the Oconee National Forest. The mitigation bank property is designed to include a portion specifically set aside for direct mitigation for this development and the overall mitigation bank design was enhanced by providing connectivity with the Oconee National Forest. The bank permit was issued June 30, 2008 by the ACOE.
3. Reason: Potential for the degradation of traffic service on Epps Bridge Road. Response: The amount of and opening of the development will be designed and phased so that it is coordinated with the opening of the Jennings Mill Parkway road project to offset potential degradation of traffic service on Epps Bridge Road.
4. Reason: The removal of the existing tree canopy and vegetation will adversely impact water and air quality. Response: No one affiliated with RDC ever made contact with Oconee 316 Associates,

LLC or Oconee County Planning Department to research this point. Furthermore, the landscaping plan will be designed so that at maturity the tree canopy will exceed the canopy of the existing trees and will have enhanced vegetation.

The recommendations and our responses are as follows:

1. Recommendation: Address the project layout to reduce the amount of impervious area. Response: No one affiliated with the RDC made contact with the Oconee County Planning Department nor Oconee 316 Associates, LLC to research this. The amount of impervious area for the project has been taken into consideration and the parking ratios were reduced from historic industry standards and share parking between the business establishments is enhanced which allows for an increased concentration of business establishments providing goods and services to citizens of the area. Another benefit here of the increased concentration of business establishments is reduced vehicular travel for citizens of the region and thus improved air quality along with increased time efficiency resulting in additional leisure time for personal activities.
2. Recommendation: Conserve and utilize on-site natural features to protect water quality. Response: Some existing on-site wetland areas are being maintained. A stormwater collection and treatment system that will be designed by one of the best civil engineering firms in the state will incorporate the retention of these existing wetland areas into a design that will be equal to or exceed the stormwater best management practices as stated in the State of Georgia Stormwater Management Blue Book that may include the utilization of bioretention and bioswales.
3. Recommendation: Locate and purchase mitigation credits within the sub-watershed from the mitigation bank on the Middle Oconee River in Clarke County with available credits. Response: There is no mitigation bank located in Clarke County.
4. Recommendation: The project should be phased concurrent with available infrastructure to support the additional growth, specifically the Jennings Mill Parkway project. Response: No one affiliated with the RDC contacted the Oconee County Planning Department nor Oconee 316 Associates, LLC during the research of this. Oconee County has water and sewer available to serve this project. The development and opening of the project will be designed and phased so that it is coordinated with the opening of the Jennings Mill Parkway road project.
5. Recommendation: Improvements discussed in the traffic study should be implemented. Response: No one affiliated with the RDC contacted Oconee County nor Oconee 316 Associates, LLC while researching this. Oconee 316 Associates, LLC is coordinating with Oconee County and the Georgia Department of Transportation improvements surrounding this project and has been for numerous years.
6. Recommendation: Preserve a greater percentage of existing tree canopy as this is a heavily wooded site providing significant contribution to the region's air and water quality. Response: This site is not heavily wooded as a timber harvest was performed on the property in 2005 by the previous owner. Furthermore, the landscaping plan will be designed so that at maturity the tree canopy will exceed the canopy of the existing trees and will have enhanced vegetation, both of which will contribute to the region's air and water quality.

