



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
SAVANNAH DISTRICT, CORPS OF ENGINEERS  
1590 ADAMSON PARKWAY, SUITE 200  
MORROW, GEORGIA 30260-1777

FEBRUARY 15 2012

Regulatory Division  
SAS-2011-01014

**JOINT PUBLIC NOTICE**  
**Savannah District/State of Georgia**

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), as follows:

Application Number: SAS-2011-01014

Applicant: Ms. Micheline Kenny  
350 Camp Dobbs Road  
Jasper, Georgia 30143

Agent: Mr. J. Michael Lucas  
1705 Meredith Park Drive  
Post Office Box 1687  
McDonough, Georgia 30253

Location of Proposed Work: The project site is located at 350 Camp Dobbs Road, near its intersection with Finch Road, near the City of Jasper in Pickens County, Georgia (latitude 34.3888, longitude -84.4833).

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers: To build a new dam downstream of an existing dam to increase a 1-acre recreational pond to a 5-acre recreational pond. The new dam would be approximately 175 feet in width, 300 feet in length, 15 feet in height and impound water within approximately 350 feet of perennial stream. Upon completion of the new dam, the existing dam would be removed. To mitigate for impacts to waters of the US, the applicant would purchase 2,353.73 credits from the Banister Creek Mitigation Bank.

Please see applicant's Supporting Documentation for more information. The views expressed by the applicant are not necessarily those of US Army Corps of Engineers (USACE).

**BACKGROUND**

This Joint Public Notice announces a request for authorizations from both the US Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

## STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required for a Federal Permit to conduct activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can be reviewed in the Savannah District, US Army Corps of Engineers, Regulatory Division, 1590 Adamson Parkway, Suite 200 Morrow, Georgia 30260-1777.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia, which may be in the form of a license, easement, lease, permit or other appropriate instrument.

## US ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Cultural Resources Assessment: Review of the latest published version of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion are located at the site or in the area affected by the proposed work. Presently unknown archaeological, scientific, prehistorical or historical data may be located at the site and could be affected by the proposed work.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request information from the US Department of the Interior, Fish and Wildlife Service, the US Department of Commerce, the National Oceanic and Atmospheric Administration, and the National Marine Fisheries Service; or, any other interested party, on whether any species listed or proposed for listing may be present in the area.

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered including the cumulative effects thereof; among

those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The US Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the US Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army Permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Commander, US Army Corps of Engineers, Savannah District, Attention: Megan C. Singleton, 1590 Adamson Parkway, Suite 200 Morrow, Georgia 30260-1777, no later than 30 days from the date of this notice. Please refer to the applicant's name and the application number in your comments.

If you have any further questions concerning this matter, please contact Megan C. Singleton, Regulatory Specialist, Piedmont Branch at 678-422-2723.

3 Enclosures

1. Applicant's Supporting Documentation
2. Location Map
3. Land Disturbance Plans

**Introduction**

The applicant is proposing to build a new dam further downstream of the existing dam of the 1-acre pond currently located on the subject property. The existing pond and proposed enlarged pond are to be located on an unnamed tributary of Rock Creek located entirely within the limits of the subject property. The new dam would increase the capacity of the pond to approximately 5-acres. Following completion of the new dam, the old dam would be removed. The unnamed tributary on which the existing and proposed pond sites are located flow north to a portion of Rock Creek that flows through the 248-acre tract of land located at 350 Camp Dobbs Road in the Pickens County, Georgia. The applicant would like to increase the size of the existing pond to make it more functional for recreational use as well as providing an open water habitat for native species. The applicant purchased the subject property in 2010. The site is currently maintained for use as a ranch. The tract is zoned rural agricultural. Proposed jurisdictional impacts associated with the project are approximately 525 linear feet of perennial stream. The proposed new dam will be approximately 175-feet in width and impound water in approximately 350-feet of perennial stream.

**Existing Site Conditions**

The site has historically been a mix of wooded and agricultural land. The site contains two homes, three barns and a utility building. The subject property is a mix of open pasture and wooded land.

**Alternatives, Avoidance and Minimization**

The Section 404 (b)(1) Guidelines provide that the discharge of dredge or fill materials into waters of the United States will not be permitted “if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.” The guidelines further provide that “[a]n alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology and logistics in light of the overall project purposes.” Considering evaluation criteria such as site location, wetland area, wetland type and economic factors, the applicant evaluated different alternatives to minimize jurisdictional impacts while allowing the proposed project to proceed.

**Alternative Sites**

**Alternative 1: Alternative Location**

The applicant already owns the 248-acre subject property. Due to the added expense associated with an additional land purchase, no off-site alternative locations were evaluated. Even though alternative site locations were not evaluated, it is anticipated that

similar tracts in the Blue Ridge Region with sufficient drainage area to support a pond would result in similar impacts to jurisdictional waters.

#### Alternative 2: Modify Existing Dam

Modification of the existing dam to enlarge the existing 1-acre pond's surface area to approximately 5-acres would be cost prohibitive and more destructive to the natural environment of the site. Due to the steep topography of the area surrounding the existing 1-acre pond, per foot increases in the existing dam height would only produce incremental increase in the surface area of the pond. The increase in pond surface would also impact two wetland areas upstream that currently remove pollutants and sediments from waters flowing into the existing pond. In order to produce the approximate 5-acre pond size extensive excavation would be required to widen the existing pond site.

#### Alternative 3: New Dam Location (Preferred Alternative)

Construction of the new dam to increase the pond size would be more cost efficient for the applicant due to the ability to produce the desired results while lessening impacts to the natural environment of the site without having to excavate excessively to increase the surface area of the pond. A review of the stream impacts associated with the new dam location indicated that the dam construction in this location would result in impacts to 600 linear feet of perennial stream. The perennial stream ranges from 1 to 3 feet in width. Removal of the existing dam following the construction of the new dam should serve to preserve water quality at the site and downstream. The applicant has not solicited formal cost estimates for the construction of a dam in the new location, however it was determined that the mitigation cost for impacts to jurisdictional waters and cost for dam construction, site clearing and grading would be less costly for the new dam location.

### **Threatened and Endangered Species**

PACE reviewed the list of Federal and State listed threatened and endangered species for Pickens County, Georgia available on the United States Fish and Wildlife Service website. Based on the information attained, PACE completed a preliminary threatened and endangered species survey within the proposed project area. Based on the information attained and a review of the proposed project area it was determined that suitable habitat for the listed species was not present within the proposed project area.

### **Cultural Resources**

A review of the National Register of Historic Places database for Pickens County, Georgia was performed. The review of the database yielded no known listings near or within the proposed project area. Due to the lack of occurrences, historic land disturbance and steep slopes within the proposed project area, the potential to disturb sites eligible for listing on the National Register of Historic Places would be low. A field-level site verified cultural resources survey has not been completed within the proposed project area.

### **Mitigation for Impacts**

Upon approval of a permit by the USACE, the client will purchase 2,353.75 stream credits from a USACE approved mitigation bank. The client plans to purchase the credits from a mitigation bank located within the primary service area. The client understands that if credits are not available in the primary service area, credits can be purchased from a mitigation bank that services the secondary service area for the proposed project, with prior USACE approval.

### **Permit Application Required Statements:**

1. All activities will be conducted in a manner to minimize turbidity in the stream.
2. No oils or other pollutants will be released from the proposed activities that will reach the stream.
3. All work will be performed in a manner to not interfere with legitimate water uses.

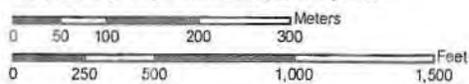
Soil Map—Cherokee, Gilmer, and Pickens Counties, Georgia



84° 29' 18"



Map Scale: 1:7,570 if printed on A size (8.5" x 11") sheet



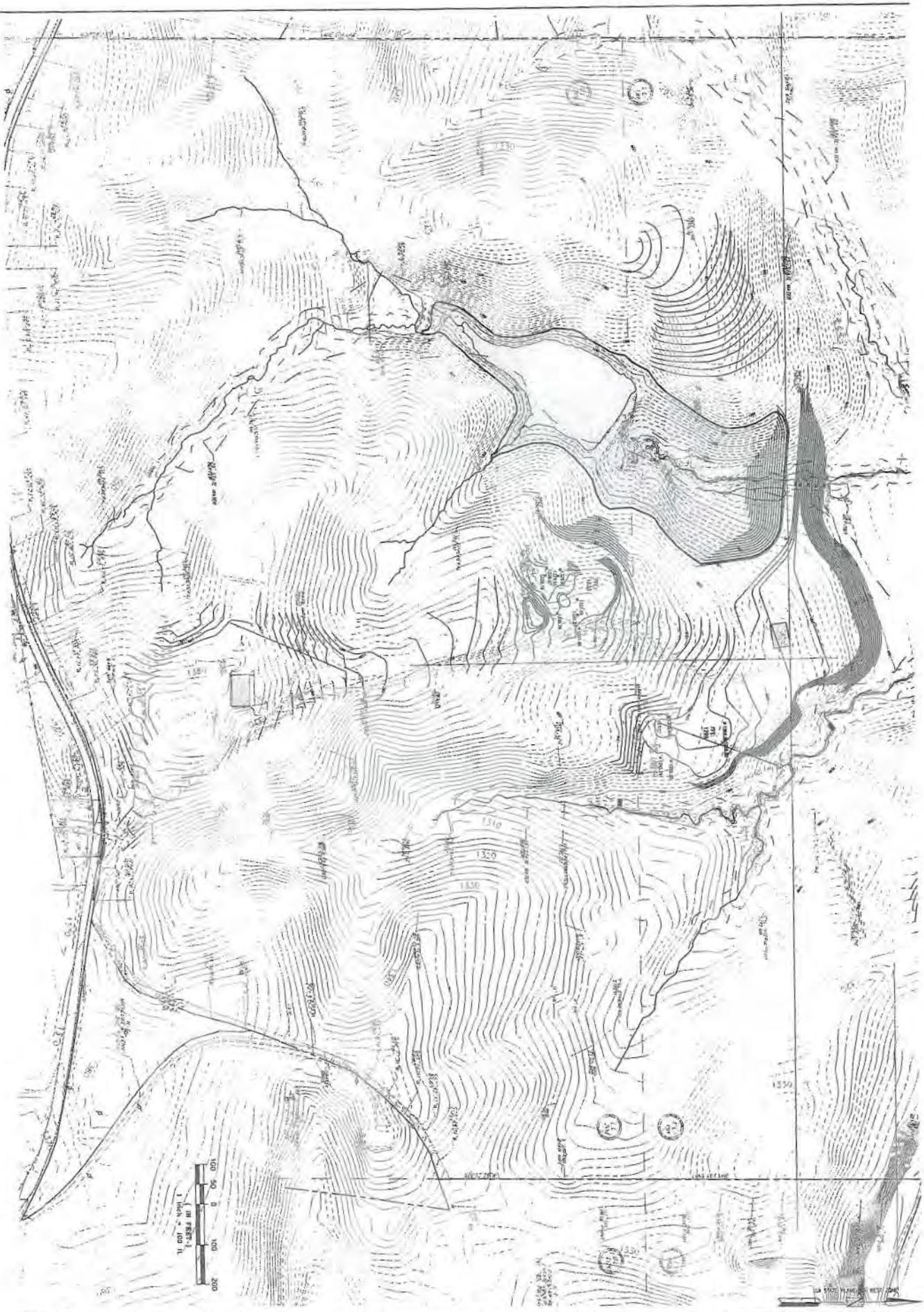
84° 28' 32"



Natural Resources Conservation Service

Web Soil Survey  
National Cooperative Soil Survey

8/16/2010  
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**GREYDEN**  
 ENGINEERING - LAND PLANNING  
 5328 HUNTERS OAKS DRIVE  
 ALPHARETTA, GEORGIA 30306  
 PH: 770-973-4881 FAX: 770-962-4262

OU. **LAND DISTURBANCE PLANS**  
 FOR  
**Y OF THE MOUNTAINS CATHOLIC CHURCH**  
 LOCATED IN LAND LOT 127, 13TH DISTRICT, 2ND SECTION  
 PICKENS COUNTY, GEORGIA  
**GRADING & DRAINAGE PLAN**

CLIENT  
**Our Lady of the Mountains**  
 Roman Catholic Church  
 1818 HUNTERS OAKS DRIVE  
 JASPER, GA 30143  
 IN HIS CONTACT, CARL FREDERICK (404) 848-7478

NO.	DATE	REVISIONS