



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

REPLY TO  
ATTENTION OF

SEP - 4 2014

Regulatory Division  
SAS-2000-03600

**PUBLIC NOTICE**  
**Savannah District**

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

The comment period for the Department of the Army Permit application will close 15 days from the date of this public notice. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons thereof, are being solicited from anyone having interest in this permit, and must be submitted so as to be received on or before the last day of the comment period. Written comments concerning the Department of the Army Permit application must reference the Applicant's name and the Permit Application Number, and be forwarded to the Corps of Engineers at the above address.

Application Number: SAS-2000-03600

Applicant: Newton County  
Attention: Chairman Keith Ellis  
1124 Usher Street  
Covington, Georgia 30014

Agent: Law Office of Wm. Thomas Craig, LLC  
Attention: Tommy Craig  
1144 College Avenue  
P.O. Box 1587  
Covington, Georgia 30015

Location of Proposed Work: The Applicant intends to modify the previously proposed location of the dam to service a proposed public water supply reservoir on Bear Creek. The dam would be moved upstream approximately 2,200 feet, to a location approximately 600 feet to the east of Henderson Mill Road, in southeast Newton County, Georgia (Latitude 33.46028, Longitude -83.80139).

Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers: The Applicant is not proposing a modification to the elevation of the proposed reservoir pool; however, the normal pool area of the reservoir, as currently proposed, will be reduced from 1,304 acres to 1,244 acres, based on a revised survey of the project site.

Construction of the proposed reservoir will result in impacts to 103,977 linear feet of streams, 31.68 acres of wetlands, and 7.96 acres of open waters. Relocating the dam will result in a reduction in total project impacts to streams by 4,525 linear feet, wetlands by 3.70 acres, open waters by 4.16 acres, relative to the previously proposed design.

The Applicant has also determined that construction of a new water treatment facility and transmission lines must be incorporated into the project scope. No impacts to jurisdictional waters will result from the placement of this infrastructure.

In order to offset unavoidable impacts to jurisdictional waters on the project site, the Applicant is proposing to perform compensatory mitigation on four (4) separate sites located in Newton County, and one site in Jones County, Georgia. The conceptual mitigation plan, as proposed, has been tentatively approved by the Corps of Engineers. Proposed compensatory mitigation includes stream channel restoration, riparian restoration and/or enhancement, and riparian preservation, to offset project stream impacts, and wetland enhancement, and wetland and upland buffer preservation, to offset project wetland and ephemeral stream impacts.

## **BACKGROUND**

This Public Notice announces a request for authorizations from the U.S. Army Corps of Engineers. The Applicant's proposed work may also require local governmental approval.

The original project design would have required the relocation of Henderson Mill Road along the top of the proposed dam. Due to the existing topography, the alignment of the original dam would cause water to be impounded downstream of the structure along the right-hand portion of the dam. Construction of a bridge would have been required to cross the inlet channel to access the proposed downstream service spillway. The original design also required three dam embankment sections, in order to prevent the movement of water from the downstream impoundment, and to convey water into the proposed spillway.

Similar to the previously-proposed layout, the currently proposed dam is an earthen embankment structure. As currently planned, the spillway for the revised dam is located on a topographic high point between two dam embankment sections. The Applicant has detailed a number of factors that have contributed to the current design revision, including the following: the alignment of a more hydraulically efficient spillway is less likely to impact the stability of the dam, the proposed dam alignment significantly reduces public safety risks and the need to relocate Henderson Mill Road or nearby utilities; and the current design reduces the quantity of wave action protection and potential for future erosion relative to the original proposal.

## STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, previously issued certification for the project under Section 401 of the Clean Water Act on February 1, 2013. This certification is required for a Federal Permit to conduct activity in, on, or adjacent to the waters of the State of Georgia. The associated water withdrawal permits were issued to the Applicant on October 19, 2010. The application can also 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 further 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: A Memorandum of Agreement (MOA) was executed for the reservoir and intake on December 3, 2013. Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, we request the Georgia Historical Preservation Division or any other interested party review the latest published version of the National Register of Historic Places to determine if the proposed water treatment plant and distribution pipeline may have any registered properties listed as eligible for inclusion located at the site or in the area affected by the proposed work. Presently unknown archaeological, scientific, pre-historical, or historical data may be located at the project site and could be affected by the proposed work.

The Applicant has performed an Addendum to the Phase I Cultural Resources Survey to include the proposed water treatment plant and distribution line and believes that there are no archeological sites present within the Area of Potential Effect; however, the project may result in additional impacts to the Gaither's Plantation Historical District. The Applicant proposes to mitigate effects to the District as contemplated in the existing MOA. The existing MOA also addresses the modified dam site, as it is located within the original study area.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.), we request information from the U.S. Department of the Interior, Fish and Wildlife Service, the U.S. 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.

Federally listed species were not known to occur within the project area as previously proposed. However, obligations under the Act must be reconsidered if (1) the project is modified in a manner not considered in this assessment; (2) a new species is listed or critical habitat is determined that may be affected by the project, or (3) new information indicates that the project may affect listed species or critical habitat in a manner not previously considered.

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 U.S. 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 U.S. 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

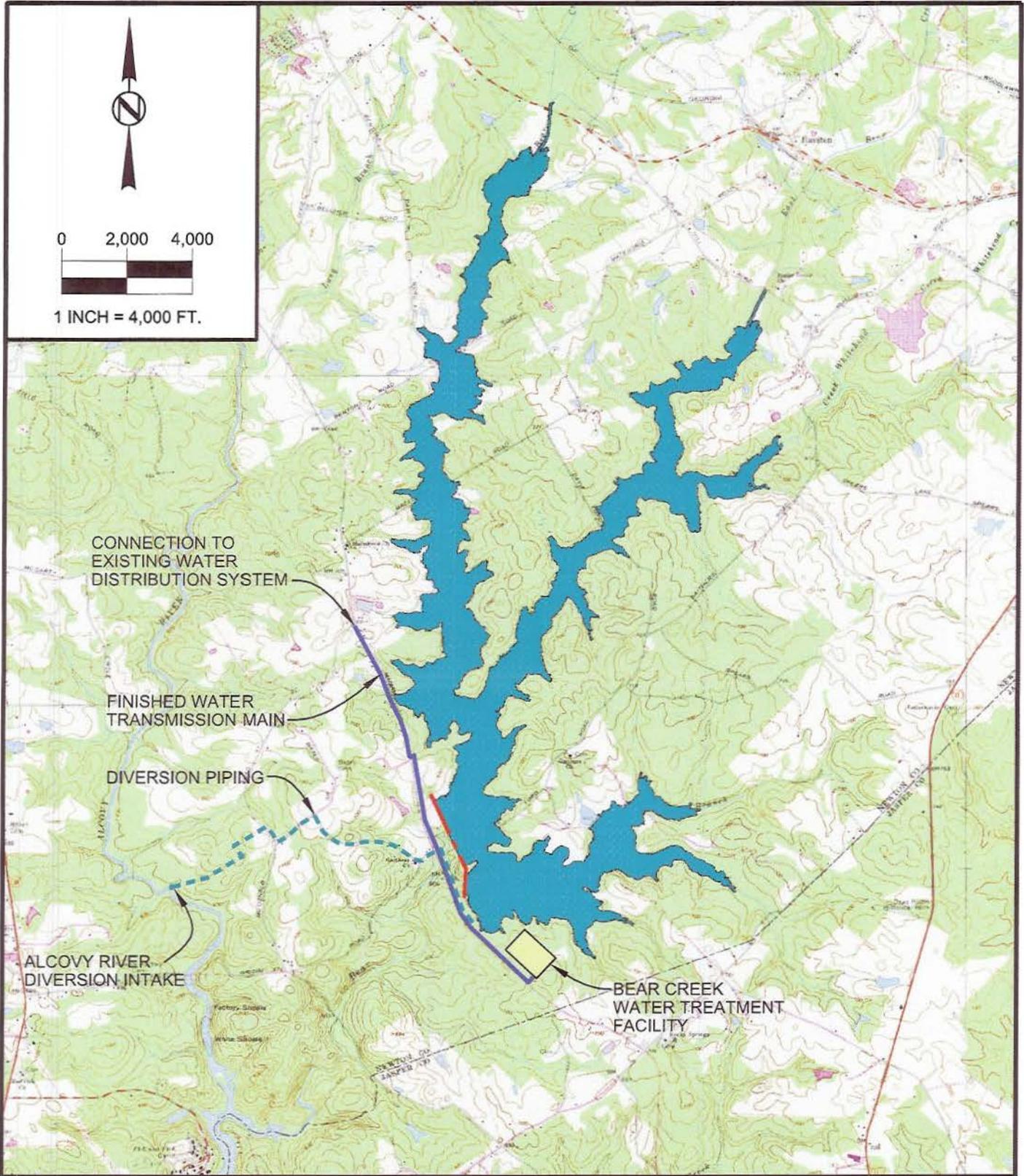
particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to: Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Adam White, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777, no later than 15 days from the date of this notice. Please refer to the Applicant's name (Newton County) and the application number (SAS-2000-03600) in your comments.

If you have any further questions concerning this matter, please contact Adam White, Project Manager, Piedmont Branch at [adam.f.white@usace.army.mil](mailto:adam.f.white@usace.army.mil), or 678-422-2730.

**\*\*Encls**

1. Figure 1 – Overall Map (Draft), 05-22-14
2. Figure 2 – Dam Relocation Map, 06-13-14
3. Figure 3 – Conceptual Dam Site Plan

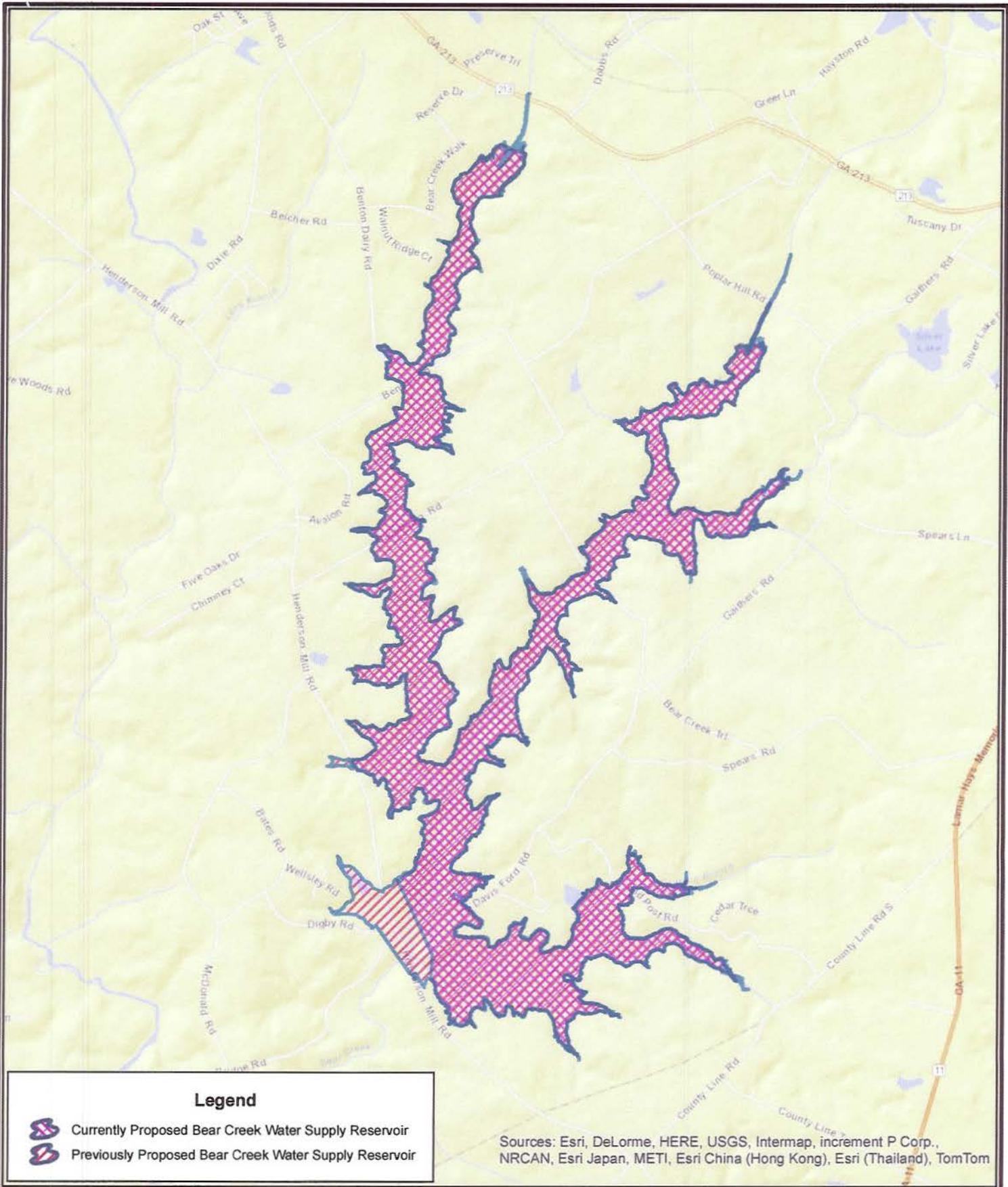


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SHEET TITLE	
OVERALL MAP (DRAFT)	
SHEET NO.	PROJECT NO. 14040
FIG. 1	SCALE 1" = 4,000'
	DATE 05-22-14

NEWTON COUNTY  
 BEAR CREEK RESERVOIR  
 NEWTON COUNTY, GEORGIA





**Legend**

-  Currently Proposed Bear Creek Water Supply Reservoir
-  Previously Proposed Bear Creek Water Supply Reservoir

Sources: Esri, DeLorme, HERE, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom



**Bear Creek Reservoir**  
**Newton Co., GA**  
 USACE SAS#2000-03600  
 1:42,000

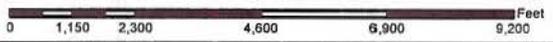
**FIGURE 2**  
**Dam Relocation Map**  
**World Street**



Drawn by: ABO | Print Date: 6/13/14

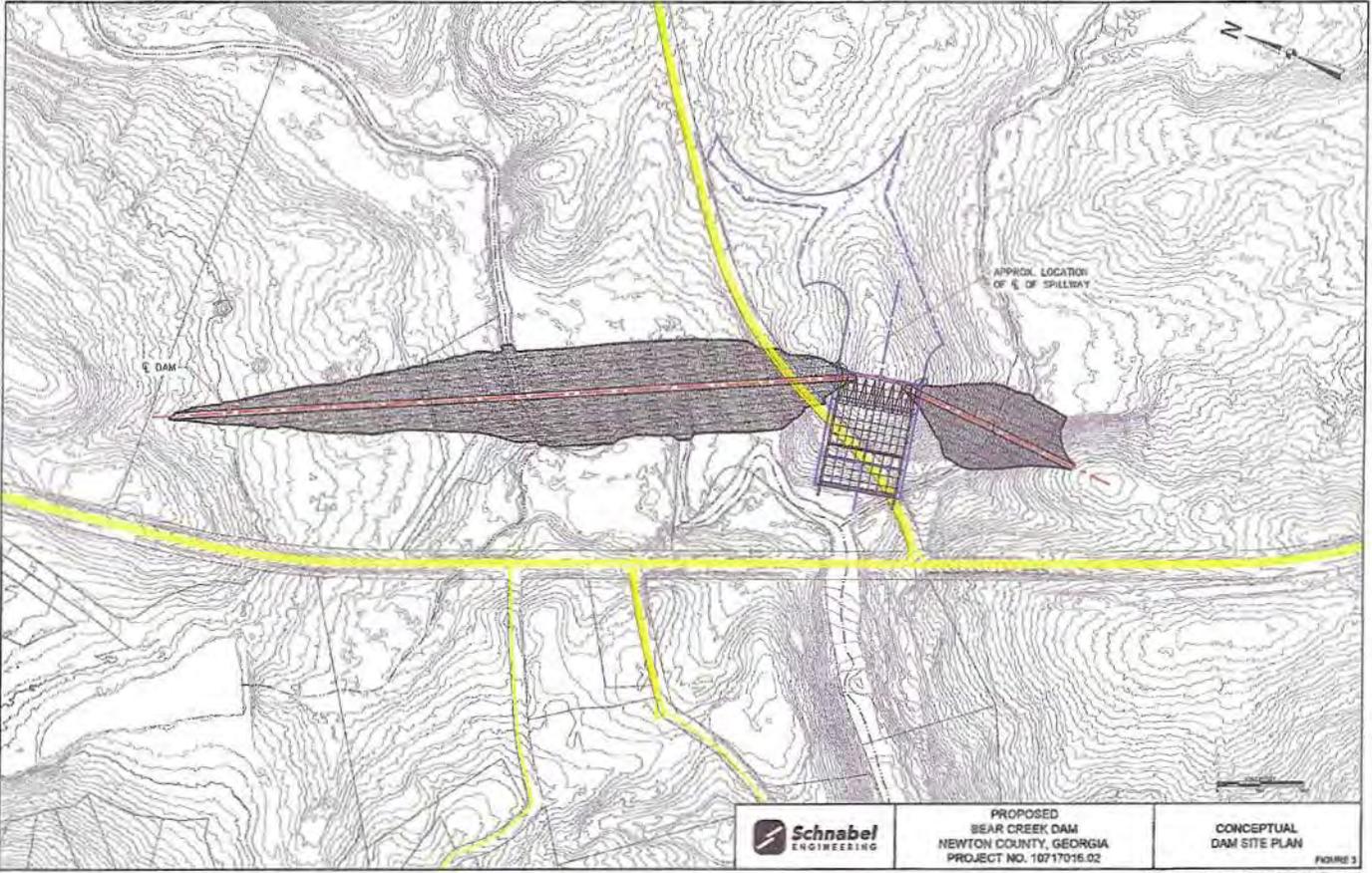
Prepared For: NCBOC

ETC File: LV2013050



Imagery Source: ESRI

©2019 JOB#101610 BDE JOB#10171016 OF BEAR CREEK NEWTON CO CONCEPTUAL DESIGN/DRAWINGS/PCS-CONCEPTUAL DESIGN/BEAR CREEK - CONCEPTUAL SITE PLAN 05.10.14.DWG



	PROPOSED BEAR CREEK DAM NEWTON COUNTY, GEORGIA PROJECT NO. 10717016.02	CONCEPTUAL DAM SITE PLAN FIGURE 3
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