

APPENDIX C

COORDINATION AND PERMITS

Appendix C

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MARK WILLIAMS
COMMISSIONER

DR. DAVID CRASS
DIVISION DIRECTOR

March 2, 2016

William G. Bailey
Chief, Planning Division
Savannah District, Corps of Engineers
100 West Oglethorpe Avenue
Savannah, Georgia 31401-3640
Attn: Julie Morgan, Archaeologist

**RE: Flood Control Project, Rocky Creek Basin and Augusta Canal
Richmond County, Georgia
HP-050414-001**

Dear Mr. Bailey:

The Historic Preservation Division (HPD) has reviewed the draft report entitled, *Archival Research and National Register of Historic Places Evaluation of Site 9RI1099, Rosedale Pond Dam*, prepared by New South Associates and dated December 23, 2015. Our comments are offered to assist the US Army Corps of Engineers (USACE) in complying with the provisions of Section 106 of the National Historic Preservation Act (NHPA).

Based on the information contained in the report, HPD concurs that Rosedale Pond Dam (9RI1099) is not eligible for listing in the National Register of Historic Places (NRHP).

Please submit one electronic copy of the final report to HPD. Please ensure the electronic copy is an optical character enabled .pdf. For your information, the electronic file will be uploaded to the Georgia Archaeological Site File at the University of Georgia, Athens for permanent retention.

Please refer to project number **HP-050414-001** in any future correspondence regarding this project. If we may be of further assistance, please do not hesitate to contact me at jennifer.dixon@dnr.ga.gov or (770) 389-7851.

Sincerely,

A handwritten signature in blue ink, appearing to read "JD", with a stylized flourish.

Jennifer Dixon, MHP, LEED Green Associate
Program Manager
Environmental Review & Preservation Planning

Cc: David Pugh, USACE

JEWETT CENTER FOR HISTORIC PRESERVATION
2610 GA HWY 155, SW | STOCKBRIDGE, GA 30281
770.389.7844 | FAX 770.389.7878 | WWW.GEORGIAHPO.ORG

**RESPONSE TO COMMENTS
FROM
GEORGIA DEPARTMENT OF NATURAL RESOURCES (GADNR)
HISTORIC PRESERVATION DIVISION (HPD)
Letter Dated March 2, 2016**

USACE RESPONSE: Documents as requested were sent to HPD in March 2016 to close out the consultation to determine National Register of Historic Places eligibility for site 9RI1099. Consultation regarding the determination of effects is ongoing with HPD.



HISTORIC PRESERVATION DIVISION

MARK WILLIAMS
COMMISSIONER

DR. DAVID CRASS
DIVISION DIRECTOR

October 5, 2016

William G. Bailey
Chief, Planning Division
Savannah District, Corps of Engineers
100 West Oglethorpe Avenue
Savannah, Georgia 31401-3604
Attn: Julie Morgan, Archaeologist

RE: Flood Control Project, Rocky Creek Basin and August Canal
Richmond County, Georgia
HP-050414-001

Dear Mr. Bailey:

The Historic Preservation Division (HPD) has received the additional information submitted concerning the above referenced project. Our comments are offered to assist the US Army Corps of Engineers (USACE) in complying with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA). In order for us to complete our review and concur with USACE's assessment of effects, HPD is in need of additional information.

The subject project consists of Phase I, including the improvements to Rosedale Dam, and Phase II, including the acquisition and demolition of five (5) properties to create a recreational area, in Augusta. HPD is unable to concur with USACE's assessment of effects for Phase I of the project. As requested in our letter dated January 27, 2016, and due to the cultural resource report previously provided being over ten (10) years old, HPD requests identification of any structures that are 50 years of age or older that are located in and adjacent to the proposed project tract, including any nearby properties that could have visual or other indirect effects. HPD recommends reviewing topographic maps, the county tax assessor site, and completing a field survey in order to identify resources, some of which may be eligible for listing in the National Register of Historic Places (NRHP).

We look forward to reviewing the requested information and working with you as this project progresses. As part of the Phase II documentation to be provided, HPD recommends also including the above information, along with documentation of previous land use history and current degree of disturbance, maps indicating the APE and surveyed resources, and related information.

Please refer to project number HP 050414-001 in any future correspondence regarding this project. If we may be of further assistance, please do not hesitate to contact me at (770) 389-7851 or Jennifer.dixon@dnr.ga.gov.

Sincerely,



Jennifer Dixon, MHP, LEED Green Associate
Program Manager
Environmental Review & Preservation Planning

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**RESPONSE TO COMMENTS
FROM
GEORGIA DEPARTMENT OF NATURAL RESOURCES (GADNR)
HISTORIC PRESERVATION DIVISION (HPD)
Letter Dated October 5, 2016**

COMMENT 1: HPD requests identification of any structures that are 50 years of age or older that are located in and adjacent to the proposed project tract, including any nearby properties that could have visual or other indirect effects.

USACE RESPONSE: Databases and tax records will be searched to identify buildings and structures that are 50 years of age and older. As the Area of Potential Effects (APE) is confined to the Rosedale Dam and pond area that will be inundated during times of flood, no additional fieldwork is required.

COMMENT 2: As part of the Phase II documentation to be provided, HPD recommends also including the above information, along with documentation of previous land use history and current degree of disturbance, maps indicating the APE and surveyed resources, and related information.

USACE RESPONSE: The requested information will be provided in the report that will be prepared when assessing the Kissingbower Road buildings for the National Register.



MARK WILLIAMS
COMMISSIONER

DR. DAVID CRASS
DIVISION DIRECTOR

January 6, 2017

William G. Bailey, P.E.
Chief, Planning Division
Savannah District, Corps of Engineers
100 West Oglethorpe Avenue
Savannah, Georgia 31401-3604
Attn: Julie Morgan, Archaeologist

RE: Flood Control Project, Rocky Creek Basin and Augusta Canal
Richmond County, Georgia
HP-050414-001

Dear Mr. Bailey:

The Historic Preservation Division (HPD) has received the additional information submitted concerning the above referenced undertaking. Our comments are offered to assist the US Army Corps of Engineers (USACE) in complying with provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA).

The subject project consists of Phase I, including improvements to Rosedale Dam, and Phase II, including acquisition and demolition of five (5) properties in the Kissingbower Road area to create a recreational park, in Augusta. Based on the additional information provided regarding Phase I of the proposed project, HPD finds that the resources on tax parcels 0690015000 (3437 Milledgeville Road), 0680027000 (3461 Milledgeville Road), and 0680032000 are not eligible for listing in the National Register of Historic Places (NRHP). Therefore, HPD concurs that no historic properties that are listed or eligible for listing in the NRHP will be affected by Phase I of this undertaking, as defined in 36 CFR Part 800.4(d)(1). HPD looks forward to continuing consultation and receiving Section 106 documentation regarding Phase II of the proposed project, once available.

Please refer to project number HP-050414-001 in any future correspondence regarding this project. If we may be of further assistance, please do not hesitate to contact me at (770) 389-7851 or jennifer.dixon@dnr.ga.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "JD", with a stylized flourish.

Jennifer Dixon, MHP, LEED Green Associate
Program Manager
Environmental Review & Preservation Planning

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**RESPONSE TO COMMENTS
FROM
GEORGIA DEPARTMENT OF NATURAL RESOURCES (GADNR)
HISTORIC PRESERVATION DIVISION (HPD)
Letter Dated January 6, 2017**

COMMENT 1: Based on the additional information provided regarding Phase I of the proposed project, HPD finds that the resources on tax parcels 0690015000 (3437 Milledgeville Road), 0680027000 (3461 Milledgeville Road), and 0680032000 are not eligible for listing in the National Register of Historic Places (NRHP). Therefore, HPD concurs that no historic properties that are listed or eligible for listing in the NRHP will be affected by Phase I of this undertaking, as defined in 36 CFR Part 800.4(d)(1).

USACE RESPONSE: Noted. Section 106 consultation pertaining to Rosedale Dam and the construction of the detention area has been completed.

COMMENT 2: HPD looks forward to continuing consultation and receiving Section 106 documentation regarding Phase II of the proposed project, once available.

USACE RESPONSE: Information will be provided and coordinated with HPD during PED to complete Section 106 consultation.

Mr. Walker,

Consistent with Section 102(2)(c) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) appreciates the opportunity to provide comments on the referenced project. It is our understanding that the above referenced draft Environmental Assessment (EA) was submitted for a proposed project to address flooding issues in the Rocky Creek basin in Augusta GA. EPA has reviewed the referenced EA and has the following NEPA comments:

- 1) State Water Quality Cert – All project activities proposed under the EA and future maintenance activities should not cause or contribute to violations of State Water Quality Standards (WQS). EPA recommends coordination with the State of GA to ensure compliance with WQS during construction activities. EPA notes that the State 401 Water Quality Cert was issued in 2005. EPA supports additional coordination with GA EPD to determine if the previous 401 cert is still valid. This coordination should be included in the final EA.
- 2) Construction BMPs – EPA recommends that the project engineer design and implement Best Management Practices (BMPs) which will minimize stormwater impacts associated with this project. The construction best management practices plan should include implementable measures to prevent erosion and sediment runoff from the project.
- 3) NPDES Stormwater Permit Coverage - All development projects in Georgia that disturb an acre or more of land require permit coverage and an erosion and sedimentation control plan that has been approved by either the state or a local government with delegated authority. The State of GA has a construction stormwater general permit. See the following website for additional information:
<https://epd.georgia.gov/npdes-construction-storm-water-general-permits>
- 4) Environmental Justice – It is stated in the draft EA that the TSP “would not result in any disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.” However, no detailed EJ analysis was included in the draft EA. EPA recommends the final EA include a more detailed discussion on how the USACE determined that the TSP would not have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.
- 5) Table 4 in Section 205 Feasibility Study - EPA is unclear on how the Average Annual Benefits were calculated in table 4 of the Feasibility Study. A footnote at the bottom of this table describing the source of these estimates would be helpful for the reviewer since these is critical for calculation of the Benefit Cost ratios.

EPA appreciates the opportunity to review the DEA and Feasibility Study for the Augusta Rocky Creek Flood Risk Management Project. If you have any questions related to our comments please give me a call.

Thanks,
Dan

Dan Holliman
USEPA Region 4 | NEPA Program Office
61 Forsyth Street SW | Atlanta, GA 30303
tel 404.562.9531 | holliman.daniel@epa.gov

**RESPONSE TO COMMENTS
FROM
ENVIRONMENTAL PROTECTION AGENCY (EPA)
Email Dated September 9, 2016**

COMMENT 1: State Water Quality Certification - All project activities proposed under the EA and future maintenance activities should not cause or contribute to violations of State Water Quality Standards (WQS). EPA recommends coordination with the State of GA to ensure compliance with WQS during construction activities. EPA notes that the State 401 Water Quality Cert was issued in 2005. EPA supports additional coordination with GA EPD to determine if the previous 401 cert is still valid. This coordination should be included in the final EA.

USACE RESPONSE: Draft EA states further coordination with GA EPD will be conducted for Water Quality Certification. USACE has recently obtained WQ Certification from Georgia EPD (see page 20 below).

COMMENT 2: Construction BMPs - EPA recommends that the project engineer design and implement Best Management Practices (BMPs) which will minimize stormwater impacts associated with this project. The construction best management practices plan should include implementable measures to prevent erosion and sediment runoff from the project.

USACE RESPONSE: If the project is approved and funded, USACE will implement Best Management Practices (BMPs) designed to minimize stormwater impacts during the Design/Implementation (DI) phase of this project. The BMPs will include measures to prevent erosion and sediment runoff from the project. This information has been added to the EA Section 4.4 under Sedimentation and Erosion Impacts.

COMMENT 3: NPDES Stormwater Permit Coverage - All development projects in Georgia that disturb an acre or more of land require permit coverage and an erosion and sedimentation control plan that has been approved by either the state or a local government with delegated authority. The State of GA has a construction stormwater general permit. See the following website for additional information: <https://epd.georgia.gov/npdes-construction-storm-water-general-permits> <https://epd.georgia.gov/npdes-construction-storm-water-general-permits> .

USACE RESPONSE: Concur; if the project is approved and funded, USACE will follow all state and Federal permitting requirements for storm water and erosion control and obtain all required permits during the DI phase of this project.

COMMENT 4: Environmental Justice - It is stated in the draft EA that the TSP “would not result in any disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.” However, no detailed EJ analysis was included in the draft EA. EPA recommends the final EA include a more detailed discussion on

how the USACE determined that the TSP would not have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

USACE RESPONSE: The Draft EA provides significant detail regarding how the TSP would not have adverse impacts to any local communities, including EJ communities. Consequently, since there are no adverse impacts to minority populations and low-income populations, USACE deduces that there would be no disproportionate adverse impacts to EJ communities. A previous version of the Draft EA included extensive discussion of the various benefits to EJ communities from the TSP; however, USACE Office of Counsel recommended deleting this information.

COMMENT 5: Table 4 in Section 205 Feasibility Study - EPA is unclear on how the Average Annual Benefits were calculated in table 4 of the Feasibility Study. A footnote at the bottom of this table describing the source of these estimates would be helpful for the reviewer since these are critical for calculation of the Benefit Cost ratios

USACE RESPONSE: Concur; a footnote has been added to Table 4 that reads: "An overview of the USACE AAE Benefit calculation procedure can be found in section 4.0 of Appendix A."



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
<http://sero.nmfs.noaa.gov>

September 12, 2016

F/SER47:PW/pw

(Sent via Electronic Mail)

Colonel Marvin L. Griffin, Commander
Savannah District, Corps of Engineers
100 West Oglethorpe Avenue
Savannah, Georgia 31401-3640

Attention: David Walker

Dear Colonel Griffin:

NOAA's National Marine Fisheries Service (NMFS) reviewed the Notice of Availability, dated August 17, 2016, for the Draft Feasibility Report, Draft Environmental Assessment (EA), and Draft Finding of No Significant Impact (FONSI) for the *Augusta Rocky Creek Flood Risk Management Section 205 Study, Augusta-Richmond County, Georgia*. Augusta-Richmond County asked the Savannah District for assistance in reducing the risks of flooding along Rocky Creek. In the past, rains from severe thunderstorms caused property damage and reduced public safety. Although Augusta-Richmond County has implemented several measures through the years reducing the vulnerability of its residents to floods, flood risks remain. Under the Section 205 Continuing Authority Program, the Savannah District examined courses of action to reduce those risks. The Tentatively Selected Plan (TSP) includes constructing a detention area at Rosedale Dam, acquiring five residential parcels in the Kissingbower Road area, and converting those parcels into a recreational park. The Savannah District believes the TSP is the most economically efficient way to reduce flood risks and improve the area's resiliency and sustainability for future flood events, while complying with environmental laws and regulations. The proposed dredging is upstream of essential fish habitat (EFH) within the Savannah River; accordingly, the NMFS offers no comments or recommendations under the authorities of the Magnuson-Stevens Fishery Conservation and Management Act. As the nation's federal trustee for the conservation and management of marine, estuarine, and diadromous fishery resources, the NMFS provides the following comments and recommendations pursuant to the Fish and Wildlife Coordination Act.

The Savannah District proposes to renovate Rosedale Dam to create the Rosedale Dam Detention Area by placing a 150-foot long, concrete box culvert (five feet by six feet) through the breached dam in the creek bed; the culvert would allow a normal creek flow. The District would then fill the breach to elevation 232.0 feet NAVD 88 to form a notch for all flows up to the 25-year flood event. The box culvert would be sunk one foot below grade (per the recommendation of the U.S. Fish and Wildlife Coordination Act Report) to allow development of a natural stream channel through the culvert and to facilitate passage of wildlife. The detention area created by the renovated dam would not involve excavation and use the existing flood storage capacity of the existing flood plain/wetland areas for floodwater detention. The District would use rock revetments at the face and outlet of the detention structure to reduce potential erosion and scouring at the structure; with a subsequent reduction in sedimentation and turbidity further downstream. Downstream from the dam, the District would purchase five residential properties, including three affected by recent flooding, and transform these parcels into a public park.

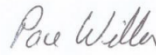
The NMFS supports the project as proposed. Through the Federal Energy Regulatory Commission's hydropower licensing process, the NMFS is pursuing fish passage at the Augusta Diversion Dam and



mills that pass water from the Augusta Canal back to the Savannah River. Currently there are small numbers of American shad, river herring, and American eels that pass above the Augusta Diversion Dam using the remnants of an old fishway. The NMFS and Savannah District also are providing fish passage at New Savannah Bluff Lock and Dam as part of the Savannah Harbor Expansion Project. Improving the quality of aquatic habitat in this portion of the Savannah River and the many streams and creeks connecting to this portion of the river, such as Rocky Creek, would augment efforts by the NMFS to improve public-trust resources in the Savannah River Basin.

Thank you for the opportunity to provide these comments. Please direct related questions or comments to the attention of Pace Wilber at our Charleston Area Office, 219 Fort Johnson Road, Charleston, South Carolina 29412-9110, Pace.Wilber@noaa.gov or by phone at (843)762-8601.

Sincerely,



/ for

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

cc: COE, CESAS-PD@usace.army.mil
FWS, Alice_Lawrence@fws.gov
F/SER47, Fritz.Rohde@noaa.gov

**RESPONSE TO COMMENTS
FROM
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE (NMFS)
Letter Dated September 12, 2016**

COMMENT: The NMFS supports the project as proposed and stated that “through the Federal Regulatory Commission’s hydropower licensing process, the NMFS is pursuing fish passage at the Augusta Diversion Dam and mills that pass water from the Augusta Canal back to the Savannah River. Currently, there are small numbers of American shad, river herring, and American eels that pass above the Augusta Diversion Dam using the remnants of an old fishway. The NMFS and Savannah District also are providing fish passage at New Savannah Bluff Lock and Dam as part of the Savannah Harbor Expansion Project. Improving the quality of aquatic habitat in this portion of the Savannah River and the many streams and creeks connecting to this portion of the river, such as Rocky Creek, would augment efforts by the NMFS to improve public-trust resources in the Savannah River Basin.”

USACE RESPONSE: USACE agrees with the NMFS assessment that this project will improve the quality of aquatic habitat.



MARK WILLIAMS
COMMISSIONER

RUSTY GARRISON
DIRECTOR

September 15, 2016

William Bailey
Chief, Planning Division
Dept. of the Army
Savannah District, Corps. of Engineers
100 W Oglethorpe Avenue
Savannah, GA 31401

Subject: Known occurrences of natural communities, plants and animals of highest priority conservation status on or near Augusta Rocky Creek Flood Risk Management, Chatham County, Georgia

Dear Mr. Bailey:

This is in response to your request of August 17, 2016. According to our records, within a three-mile radius of the project site, there are the following Natural Heritage Database occurrences:

(Site Center: -82.068335, 33.448210, WGS84)

Ambystoma tigrinum tigrinum (Eastern Tiger Salamander) approx. 2.2 mi SW of site
US *Gopherus polyphemus* (Gopher Tortoise) approx. 2.6 mi SW of site
Portulaca umbraticola ssp. coronata (Wingpod Purslane) approx. 1.8 mi NW of site
GA *Stylisma pickeringii* var. *pickeringii* (Pickering's Morning-glory) approx. 2.9 mi SW of site
GA *Stylisma pickeringii* var. *pickeringii* (Pickering's Morning-glory) [HISTORIC] approx. 2.5 mi SW of site
GA *Symphyotrichum georgianum* (Georgia Aster) [HISTORIC] in an uncertain location near the project site
Richmond County Greenspace approx. 2.2 mi SW of site
Savannah River Middle 3 (0306010605) [SWAP High Priority Watershed], on site

Recommendations:

We have no records of high priority species or habitats within the project area. However, a candidate for federal listing, *Gopherus polyphemus* (Gopher Tortoise), has been documented within three miles of the proposed project. To minimize potential impacts to this or other federally listed species, we recommend consultation with the United States Fish and Wildlife Service. For southeast Georgia, please contact Strant Colwell (912) 832-8739 ext 1 or Strant_Colwell@fws.gov. Surveys for species of conservation concern should be conducted prior to commencement of construction.

NONGAME CONSERVATION SECTION
2063 U.S. HIGHWAY 275 S.E. | SOCIAL CIRCLE, GEORGIA 30025-4743
770.915.6411 | FAX 706-557-3550 | WWW.GEORGIAWILDLIFE.COM

We are concerned about stream habitats that could be impacted by construction activities. In order to protect aquatic habitats and water quality, we recommend that all machinery be kept out of streams during construction. We urge you to use stringent erosion control practices during construction activities. Further, we strongly advocate leaving vegetation intact within 100 feet of streams wherever possible, which will reduce inputs of sediments, assist with maintaining riverbank integrity, and provide shade and habitat for aquatic species. We realize that some trees may have to be removed, but recommend that shrubs and ground vegetation be left in place.

Please be aware that the type of erosion control material that is used may have an impact on wildlife, particularly snakes. We recommend natural, biodegradable materials such as 'jute' or 'coir' be used. Mesh strands should be movable, as opposed to fixed. We do not recommend plastic fencing, as it frequently leads to snake entrapment and death.

Disclaimer:

Please keep in mind the limitations of our database. The data collected by the Nongame Conservation Section comes from a variety of sources, including museum and herbarium records, literature, and reports from individuals and organizations, as well as field surveys by our staff biologists. In most cases the information is not the result of a recent on-site survey by our staff. Many areas of Georgia have never been surveyed thoroughly. Therefore, the Nongame Conservation Section can only occasionally provide definitive information on the presence or absence of rare species on a given site. Our files are updated constantly as new information is received. **Thus, information provided by our program represents the existing data in our files at the time of the request and should not be considered a final statement on the species or area under consideration.**

If you know of populations of highest priority species that are not in our database, please fill out the appropriate data collection form and send it to our office. Forms can be obtained through our web site (<http://www.georgiawildlife.com/node/1376>) or by contacting our office. If I can be of further assistance, please let me know.

Sincerely,



Anna Yellin
Environmental Review Coordinator

**RESPONSE TO COMMENTS
FROM
GEORGIA DEPARTMENT OF NATURAL RESOURCES (GADNR)
ENVIRONMENTAL PROTECTION DIVISION (EPD)
WILDLIFE RESOURCES DIVISION
Letter Dated September 15, 2016**

COMMENT 1: We have no records of high priority species or habitats within the project area. However, a candidate for federal listing, *Gopherus polyphemus* (Gopher Tortoise), has been documented within 3 miles of the proposed project. To minimize potential impacts to this or other federally listed species, we recommend consultation with the United States Fish and Wildlife Service. For southeast Georgia, please contact Strant Colwell (912) 832-8739 ext 1 or Strant_Colwell@fws.gov). Surveys for species of conservation concern should be conducted prior to commencement of construction.

USACE RESPONSE: USACE agrees with the need to consult with the United States Fish and Wildlife Service (USFWS) for guidance on minimizing impacts to this species that is a candidate for Federal listing. The USFWS has provided input into this study regarding this issue from their email dated October 26, 2016 (page 18 below), their U.S. Fish and Wildlife Coordination Act Report (FWCAR) in Appendix D of the EA, and various correspondence during the study (referenced in Draft EA). The USFWS “supports the project and does not see any ESA issues....and believes the project impacts would be beneficial”. Surveys for species of conservation concern will be conducted prior to any construction activities.

COMMENT 2: We are concerned about stream habitats that could be impacted by construction activities. In order to protect aquatic habitats and water quality, we recommend that all machinery be kept out of streams during construction. We urge you to use stringent erosion control during construction activities. Further, we strongly advocate leaving vegetation intact within 100 feet of streams wherever possible, which will reduce inputs of sediments, assist with maintaining riverbank integrity, and provide shade and habitat for aquatic species. We realize that some trees may have to be removed, but recommend that shrubs and ground vegetation be left in place.

USACE RESPONSE: USACE agrees with the need to protect stream habitats through minimization and restriction of construction activities. If this project is approved and funded, stream impacts from construction activities will be kept to a minimum. Areas where vegetation is unavoidably disturbed will be revegetated appropriately (seeding, trees, etc.).

During the design phase, a GA EPD stream buffer variance permit from the Coastal District Office will be obtained for this proposed action. The application will be finalized and coordinated with GA EPD during the design phase of the project when plans and specs are closer to final; this will ensure the impacts of the project within the stream buffer are more accurate. The design is not detailed at this time and may change before construction and nullify any permits obtained; thus, GA EPD was in agreement with this approach in discussions with them.

USACE has obtained a FWCAR from the USFWS with recommendations for preserving aquatic

habitat within the project impact area. Consequently, USACE has incorporated into the design of the TSP a box culvert sunk 1 foot below grade (Appendix D: FWCAR) to allow development of a natural stream channel through the culvert and facilitate passage of wildlife. The sunken box culvert at the Rosedale Dam Detention Area would prevent the potential for scouring of the channel bottom along the edge of the culvert, which would create a barrier to wildlife passage through the culvert. This barrier would have created hazards by forcing wildlife to go around the culvert instead of utilizing the safety of the creek for movement/migration through this area. In addition to improving the conditions for wildlife passage along the canal greenway, this culvert modification would provide a more suitable substrate for wildlife that may inhabit or pass through the culvert.

COMMENT 3: Please be aware that the type of erosion control material that is used may have an impact on wildlife, particularly snakes. We recommend natural, biodegradable materials such as ‘jute’ or ‘coir’ be used. Mesh strands should be movable, as opposed to fixed. We do not recommend plastic fencing, as it frequently leads to snake entrapment and death.

USACE RESPONSE: USACE agrees that erosion control material consisting of natural, biodegradable material would be preferable for impacts to wildlife and the environment in general. These methods will be assessed for technical feasibility during the design phase of this project. USACE will take all necessary measures to minimize these potential impacts to wildlife during the design phase of this project, when/if this project is approved and funded.



J. MILTON MARTIN, JR.

MMARTIN@HULLBARRETT.COM

September 14, 2016

Mr. William G. Bailey
Chief, Planning Division
Department of the Army
Savannah District
Corps of Engineers
100 W. Oglethorpe Avenue
Savannah, GA 31401-3604

Subject: Response to Draft Feasibility Report, Draft Environmental Assessment (EA), and Draft Finding of No Significant Impact (FONSI) for the Augusta Rocky Creek Flood risk Management Section 205 Study

Dear Sir:

I am responding for the owners of parcels 0680030000 and 0691012000.

The owners are as follows:

J. Milton Martin, Jr., Attorney at Law, 1/12 ownership interest
Honorable U.S. Federal Judge Dudley and Madeline Martin Bowen, 1/12 ownership interest
John I. Harper, Attorney at Law, 1/12 ownership interest
Janice Davison (husband Vince Davison, Attorney), 1/8 ownership interest
Alice Jones, 1/18 ownership interest
Warren Davis, 1/4 ownership interest
F.N. Harrison Living Trust (Dr. Frank Harrison, Trustee), 1/4 ownership interest.

This property being considered for water detention originally was all owned by five families, including my Grandmother, my Mother's brother, my Mother's sisters, and my family. There was a beautiful 18 acre recreational lake and this lake served as the main detention flood protection for the Rocky Creek area. The State came in after the Toccoa dam break incident and told us we would have to rebuild the entire dam if we wanted to keep the lake. My relatives were all in their sixties and my Grandmother had passed away. The estimates to rebuild the dam were in the hundreds of thousands of dollars, so we were forced by the State to breach the dam

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MAILING ADDRESS: POST OFFICE BOX 1564, AUGUSTA, GEORGIA 30903-1564

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and drain the lake. We explained even then that we were the reason that part of Rocky Creek never flooded since my Dad would close off the spillway during heavy rains and release the water slowly over the next week or so, thereby avoiding any flooding below. Neither the county nor state wanted to listen and we proceeded to breach the dam, which ruined all of our homesites. Eventually, all the land was placed up for sale.

Approximately ten years ago we were approached about drilling to take place on the dam and we never heard anything else about any future plans for this project. We have sold all the tracts except the two tracts listed above.

It is a puzzle to me that the Corps of Engineers or the county can re-establish a detention pond using the same dam that we were told was not safe.

We are not opposed to the county purchasing these two tracts, but it appears you are only proposing a flowage easement and not a total taking.

If the county is backing water up over the 10.17 acre tract, we would not be able to use the land at all. That constitutes a fee simple taking.

My family spent a great deal of money having the studies done to change the flood plain from the entire lake area to the river bed basin as it now exists on all records.

I only speak for myself, but I think I can get the entire family to agree to allow a sale to the County for the fair market value of the land that has been established by the sale of the other parcels we have sold over the past years.

The study you sent was very confusing, skipped around dealing with too many subjects, and was not very understandable.

Thanks for your time. If you need anything from me, let me know. We are in the process of trying to sell these two tracts; therefore, if you want to deal with us and not new owners, contact us fairly quickly.

Very truly yours,



J. Milton Martin, Jr.

/kh

**RESPONSE TO COMMENTS
FROM
J. MILTON MARTIN, JR.
Letter Dated September 14, 2016**

COMMENT # 1: There was a beautiful 18-acre recreational lake and this lake served as the main detention flood protection for the Rocky Creek area. The State came in after the Toccoa dam break incident and told us we would have to rebuild the entire dam if we wanted to keep the lake. My relatives were all in their sixties and my Grandmother had passed away. The estimates to rebuild the dam were in the hundreds of thousands of dollars, so we were forced by the State to breach the dam and drain the lake. We explained even then that we were the reason that part of Rocky Creek never flooded since my Dad would close off the spillway during heavy rains and release the water slowly over the next week or so, thereby avoiding any flooding below. Neither the county nor state wanted to listen and we proceeded to breach the dam, which ruined all of our homesites. Eventually, all the land was placed up for sale. It is a puzzle to me that the Corps of Engineers or the county can re-establish a detention pond using the same dam that we were told was not safe.

USACE RESPONSE: USACE believes there are two large differences between the pre-1980's recreational lake and the proposed project. First, USACE is proposing that the entire dam would be deconstructed and the embankment rebuilt utilizing suitable material and proper dam safety standards.

Secondly, the proposed design does not contain a permanent pool, just temporary impoundment of rainwater runoff. This does not pose the same threat as a sunny day failure, where the old dam may have failed without anyone noticing and caught residents un-prepared. In addition, the old dam with a permanent pool does not provide the same level of flood protection as the proposed design.

COMMENT # 2: We are not opposed to the county purchasing these two tracts, but it appears you are only proposing a flowage easement and not a total taking. If the county is backing up water over the 10.17 acre tract, we would not be able to use the land at all. That constitutes a fee simple taking. My family spent a great deal of money having the studies done to change the flood plain from the entire lake area to the river bed basin as it now exists on all records. I only speak for myself, but I think I can get the entire family to agree to allow a sale to the County for the fair market value of the land that has been established by the sale of the other parcels we have sold over the past years.

USACE RESPONSE: As designed, the detention area on Rocky Creek is expected to hold water 3-4 hours during an average summer rain event; approximately 12 hours during typical flood events; and approximately 21 hours (no more than 36 hours) during the 25-year flood event. The area will remain dry under normal weather conditions; therefore, flowage easements for occasional flooding are the recommended estate to be acquired.

-----Original Message-----

From: Imm, Donald [mailto:donald_imm@fws.gov]
Sent: Wednesday, October 26, 2016 1:12 PM
To: Sirard, Robert J SAS <Robert.J.Sirard@usace.army.mil>
Cc: Debbie Harris <deborah_c_harris@fws.gov>
Subject: [EXTERNAL] Re: Augusta Rocky Creek Report Status

Hi Bob, again sorry for the delay. We support the project, and do not see any ESA issues. The impacts of the project are beneficial. Thus, the project is "not likely to adversely affect" any listed species. Thanks again, Don

On Mon, Oct 24, 2016 at 12:08 PM, Sirard, Robert J SAS <Robert.J.Sirard@usace.army.mil
<mailto:Robert.J.Sirard@usace.army.mil> > wrote:

Don

Savannah District sent you a CD copy of a report for a project we are proposing on Rocky Creek in Augusta Ga on August 17, 2016. However the District hasn't received any response to date. If you are ok with the report please let me know. Or are you still reviewing it and will be making comments please do ASAP? Thanks for the status update in advance.

Bob

Bob Sirard
Project Manager
912-652-5804

--

Donald W. Imm, PhD.
State Supervisor/Project Leader
U.S.Fish & Wildlife Services
Georgia Ecological Services
105 West Park Drive STE D

**RESPONSE TO COMMENT
FROM
U.S. FISH AND WILDLIFE SERVICE
Email Dated October 26, 2016 commenting on Draft Environmental Assessment/FONSI**

COMMENT: By letter email dated October 26, 2016, the USFWS stated “*We support the project, and do not see any ESA issues. The impacts of the project are beneficial. Thus, the project is "not likely to adversely affect" any listed species.*”

USACE RESPONSE: the District agrees with the position of the USFWS.



Richard E. Dunn, Director

EPD Director's Office
2 Martin Luther King, Jr. Drive
Suite 1456, East Tower
Atlanta, Georgia 30334
404-656-4713

JAN 18 2017

Mr. William Bailey
Chief, Planning District
U.S. Army Corps of Engineers, Savannah District
100 West Oglethorpe Avenue
Savannah, GA 31401

Re: Water Quality Certification
Savannah USACE Section 205 Study
Augusta Rocky Creek Flood Risk Management
Savannah River Basin
Richmond County

Dear Mr. Bailey:

Pursuant to Section 401 of the Federal Clean Water Act, the State of Georgia re-issues this certification to the U.S. Army Corps of Engineers, Savannah District, an applicant for a federal permit or license to conduct an activity in, on or adjacent to the waters of the State of Georgia. The original 401 certification was issued on August 31, 2005.

The State of Georgia certifies that there is no applicable provision of Section 301; no limitation under Section 302; no standard under Section 306; and no standard under Section 307, for the applicant's activity. The State of Georgia certifies that the applicant's activity will comply with all applicable provisions of Section 303.

This certification is contingent upon the following conditions:

1. All work performed during construction will be done in a manner so as not to violate applicable water quality standards.
2. No oils, grease, materials or other pollutants will be discharged from the construction activities which reach public waters.
3. The applicant shall consult with the EPD Watershed Protection Branch to determine whether the project may require a Buffer Variance, as provided in the Georgia Erosion and Sedimentation Act of 1975, as amended, O.C.G.A. 12-7-6(b)(15), and obtain any necessary Buffer Variances from the Director of EPD prior to construction. The applicant shall also fulfill any applicable Buffer Variance mitigation requirements prior to final stabilization of permitted land disturbing activities on the project site.

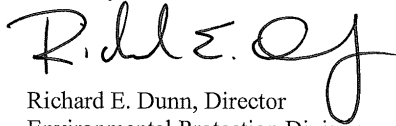
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Augusta Rocky Creek Flood Risk Management
Richmond County

4. The applicant must notify Georgia EPD of any modifications to the proposed activity including, but not limited to, modifications to the construction or operation of any facility.

This certification does not relieve the applicant of any obligation or responsibility for complying with the provisions of any other laws or regulations of other federal, state or local authorities.

It is your responsibility to submit this certification to the appropriate federal agency.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Dunn", with a stylized flourish at the end.

Richard E. Dunn, Director
Environmental Protection Division

**RESPONSE TO COMMENTS
FROM
GEORGIA DEPARTMENT OF NATURAL RESOURCES (GADNR)
ENVIRONMENTAL PROTECTION DIVISION (EPD)
Letter Dated January 18, 2017**

COMMENT 1: Pursuant to Section 404 of the Clean Water Act, the State of Georgia re-issues this certification to the US Army Corps of Engineers, Savannah District, an applicant for a federal permit or license to conduct an activity in, on, or adjacent to the waters of the State of Georgia. The original certification was issued on August 31, 2005.

USACE RESPONSE: The District agrees with the certification from the GADNR EPD.

COMMENT 2: The applicant shall consult with the Watershed Protection Branch to determine whether the project may require a Buffer Variance as provided in the Georgia Erosion and Sedimentation Act of 1975, and obtain any necessary Buffer Variance from the Director of EPD prior to construction. The applicant shall also fulfill any applicable Buffer Variance mitigation requirements prior to final stabilization of permitted land disturbance activities on the project site.

USACE RESPONSE: Previous coordination with Georgia EPD referenced in the Draft EA below indicates that a stream buffer variance is required. Section 4.4 of the Draft EA states “A *determination was made by the GA Environmental Protection Division (EPD) that the project lies within the jurisdiction of State Waters (GA EPD 2015). Therefore, a GA EPD stream buffer variance permit from the Coastal District Office is required for this proposed action (GA EPD 2015). A draft application has been completed for a Stream Buffer Variance Permit. The application will be finalized and coordinated with GA EPD during the D/I phase of the project when plans and specs are closer to final; this will ensure the impacts of the project within the stream buffer are more accurate. The design is not detailed at this time and may change before construction and nullify any permits obtained; therefore, GA EPD was in agreement with this approach (GA EPD 2015).*” Coordination with this agency will resume during the D/I phase of this project for a Stream Buffer Variance.