



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
SAVANNAH DISTRICT
100 WEST OGLETHORPE AVENUE
SAVANNAH, GEORGIA 31401-3604

January 25, 2021

Regulatory Division
SAS-2016-00047

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-2016-00047, Georgia Department of Transportation P.I. # Nos 0014131, 0014132, 0014133, 0002862 and 0003682

Applicant: Mr. Eric Duff
State Environmental Administrator
Georgia Department of Transportation
600 West Peachtree Street NW, 16th Floor
Atlanta, Georgia 30308

Project Purpose as Proposed by Applicant: The applicant has proposed roadway infrastructure improvements along SR 20 between Scott Road and North Corners Parkway in order to address high crash rates, reduce traffic congestion, and improve east/west mobility and connectivity between the Cities of Canton and Cumming, Georgia.

Location of Proposed Work: The project site is located along State Route (SR) 20 between Scott Road and North Corners Parkway, in Cherokee and Forsyth Counties, Georgia (Latitude 34.2486 and Longitude -84.3079). The aquatic resources located on-site drain to the Etowah River and Upper Chattahoochee River, which are Traditional Navigable Waterways (TNW).

Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers: The applicant is proposing permanent impacts to a total of 6,728 linear feet (0.98-acre) of streams, 0.55 acre of wetland, and 0.08 acre of open water to widen and realign 18.5 miles of SR 20. Proposed fill activities would include the extension and/or replacement of culverts, placement of rip-rap for scour protection, clearing/grubbing for grading and channel relocation activities. To offset the loss in aquatic function associated with these impacts to streams and wetlands, the applicant has proposed the purchase of 47,693 grandfathered (3,994 2018 SOP) stream mitigation credits and 3.24 grandfathered (0.40 2018 SOP) wetland mitigation credits from a U.S. Army Corps of

Engineers approved mitigation bank servicing the project area. The project is hydrologically connected to both the Etowah River Watershed and the Upper Chattahoochee River Watershed.

BACKGROUND

The Georgia Department of Transportation (GDOT) project, US Army Corps of Engineers (Corps) file number SAS-2016-00047 (GDOT PI Nos 0014131, 0014132, 0014133, 0002862, and 0003682) has been ongoing since 2012. A Practicable Alternative Review was completed on June 21, 2017. An Aquatic Resource Delineation Review verification was issued by the Corps on September 5, 2018. A Memorandum of Agreement for cultural resources for this project was ratified on April 29, 2020.

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

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Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division will review the proposed project for water quality certification, in accordance with the provisions of Section 401 of the Clean Water Act. Prior to issuance of a Department of the Army permit for a project location in, on, or adjacent to the waters of the State of Georgia, review for Water Quality Certification is required. A reasonable period of time, which shall not exceed one year, is established under the Clean Water Act for the State to act on a request for Water Quality Certification, after which, issuance of such a Department of the Army permit may proceed. The applicant requested a pre-certification meeting on November 23, 2020, with Georgia EPD prior to submitting their application for a permit under Section 404 of the Clean Water Act.

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.

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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: Review of the latest published version of the National Register of Historic Places and the Georgia Natural, Archeological and Historic Resources GIS database, indicates that 65 National Register eligible properties, including four (4) archeological resources are located on the project site. A Memorandum of Agreement for cultural resources for this project was ratified on April 29, 2020.

Endangered Species: A preliminary review of the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) and the National Marine Fisheries Service's Protected Resource Division's (NMFSPRD)'s list of Endangered and Threatened Species indicates the following listed species may occur in or near the project area: Cherokee darter (*Etheostoma scotti*), Etowah darter (*Etheostoma etowahae*), Gray bat (*Myotis grisescens*), Northern longeared bat (*Myotis septentrionalis*), Amber darter (*Percina antesella*), Finelined pocketbook (*Lampsilis altilis*) and White fringeless orchid (*Platanthera integrilabia*).

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 U.S. Department of the Interior, Fish and Wildlife Service, the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, 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 Corps 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 Corps 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 by email to Nicole.M.Liette@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Ms. Nicole Liette, 4751 Best Road, Suite 140, College Park, Georgia 30337, 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 Nicole Liette, Project Manager, Piedmont Branch at (678) 422-2729.

Enclosures:

1. Figure 1 – Vicinity Map
2. Plan and Profile Drawings