



REPLY TO
ATTENTION OF:

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

OCT 06 2004

Regulatory Branch
200414210

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: 200414210

Applicant: Temco Associates, LLC
2500 Windy Ridge Parkway, Suite 1600
Atlanta, Georgia 30339

Agent: GAIA Environmental Consulting
Attention: Mr. Stephen Modica
301 Dogwood Heights, Suite A
Canton, Georgia 30114-7764

Location of Proposed Work: The 716 acre project site is located near Possum Creek and Little Pumpkinvine Creek, within the Coosa Watershed, adjacent to Seven Hills Blvd, near Cedarcrest Road, at latitude 34° 00' 58" North and longitude 84° 47' 37" West, near the City of Acworth, Paulding County, Georgia.

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers: To develop a residential subdivision with impacts to 1,166 linear feet of stream associated with the construction of seven road crossings. The proposed mitigation for impacts to US waters would be accomplished through the purchase of 6,224 stream mitigation credits from an approved mitigation bank. The applicant states that if no mitigation credits were available from an approved mitigation bank, mitigation for the project would be satisfied through the use of in-lieu-fee from the Georgia Land Trust Service Center. The applicant stated that a review of the US Fish & Wildlife Service database and the Georgia Department of Natural Resources Natural Heritage Program database revealed that several protected species occur in Paulding County. The applicant stated that the only protected species known to exist in close proximity to the project site is the Cherokee Darter. The applicant has conducted a Phase I & Phase II cultural resources survey. A total of 26 sites and 12 isolated finds were recorded as a result of the investigation. The Phase II cultural resources survey indicated that several of the sites may be eligible for nomination to the National Register of Historic Places.

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 by an applicant for a Federal Permit to conduct an 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 also be seen in the Savannah District US Army Corps of Engineers, Regulatory Branch, North Section, 1590 Adamson Parkway, Suite 200, Morrow, Georgia.

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 from the US Department of the Interior, Fish and Wildlife Service and the US Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information 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: Northern Section, 1590 Adamson Parkway, Suite 130, Morrow, Georgia 30260-1763, 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 me at (678) 422-2723.

A handwritten signature in black ink that reads "Nicholas Baggett". The signature is written in a cursive style with a large, prominent 'N' and 'B'.

Nicholas Baggett
Regulatory Specialist, Northern Section

Enclosures

1. Site Location Map
2. Master Site Plan
3. Typical Road Crossing Drawing
4. Mitigation Worksheet for Road Crossings