



REPLY TO
ATTENTION OF:

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

September 15, 2004

Regulatory Branch
200410590

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: 200410590

Applicant: Georgia Department of Transportation
Office of Environment/Location
Attention: Mr. Harvey D. Keeper
3993 Aviation Circle
Atlanta, Georgia 30336-1593

Agent: Georgia Department of Transportation
Office of Environment/Location
Attention: Mr. Galen Barrow
3993 Aviation Circle
Atlanta, Georgia 30336-1593

Location of Proposed Work: The site is located in an unnamed tributaries of Clark Creek and Lake Allatoona, at latitude 34° 05' 36" north and longitude 84° 37' 25" west, near the Town of Center, Cherokee County, Georgia.

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers: The applicant, Georgia Department of Transportation (GDOT), proposes to widen and reconstruct State Route (SR) 92 from the Interstate-75 (I-75) interchange to the Interstate-575 (I-575) interchange to include improvements at the I-75 interchange. The existing SR 92 two-lane roadway would be widened to a rural and urban four-lane facility with a 44-foot depressed grassed median. The total length of the project would be approximately 8.0 miles and for the most part follow the current road alignment. Hunt Road would be realigned to provide 90-degree intersections with the proposed SR 92 and moved approximately 500 feet north of its current centerline. Two new parallel bridges would be required at Clark Creek.

The proposed project would result in impacts to approximately 0.14 acre of wetlands and 557.6 linear feet of streams. The one wetland that would be impacted is a medium quality,

floodplain wetland system that handles floodwaters from an unnamed tributary to Clark Creek along Hunt Road. This unnamed tributary along Hunt Road would be unavoidably impacted for 193.5 linear feet by a culvert during the realignment of Hunt Road. Impacts of 364.1 linear feet would occur during placement of a culvert on an unnamed tributary to Lake Allatoona.

GDOT states that the proposed road alignment was developed considering all potential environmental impacts, with every attempt made to avoid potentially sensitive ecological areas. However, total avoidance of impacts was not possible. GDOT proposes to provide compensatory mitigation for unavoidable impacts to jurisdictional waters by debiting 0.99 wetland credits from their Prater Island Mitigation Bank in Whitfield County, and 2,910.35 stream credits from their Etowah Terrace Mitigation Bank in Cherokee County. GDOT purchased the Etowah Terrace Mitigation Bank site on June 25, 2003. At this time, GDOT has no design plans, no restrictive covenants, nor any design proposal and timeline for this future mitigation bank.

Prior to the approval of the purchase of credits from a mitigation bank, the applicant must demonstrate through documentation to the US Army Corps of Engineers that the option of mitigation on-site and within basin has been thoroughly investigated, with no potential sites located.

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 US Army Corps of Engineers, Savannah District, Regulatory Branch, Northern Section, 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 that 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: Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, we request the Georgia Historical Preservation Division (HPD) or any other interested party review the latest published version of the National Register of Historic Places (NRHP) to determine if the property has or has not any registered properties or properties listed as eligible for inclusion 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.

GDOT conducted a Level II archaeological survey for the proposed project area and determined that there is no existing or eligible National Register resources located within the project's area of potential environmental effect. Georgia HPD concurred with the determination of no effect on January 12, 2004 and has assigned this project number HP-C40108-008.

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.

GDOT researched and field surveyed the project corridor for federally listed species and their habitat. They state that the proposed project would have no effect on federally listed species and that critical habitat is not designated in the State of Georgia for any of the listed species in Cherokee County. In March 1996, GDOT had an aquatic survey performed for listed fish and mussel species in Cherokee County. Based on the aquatic survey, GDOT determined that the streams are no longer capable of supporting any currently protected species

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 that 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.

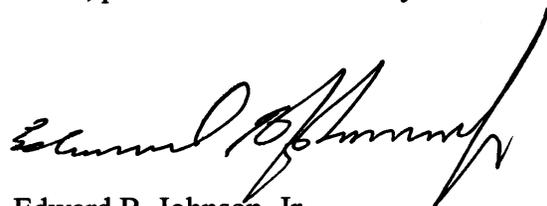
Consideration of Public Comments: The US Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received 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 US Army Corps of Engineers, Savannah District, Regulatory Branch, Northern Section, Attention: Ms. Mary Dills, 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 Ms. Mary Dills of my staff at (678) 422-2727.



Edward B. Johnson, Jr.
Chief, Northern Section

5 Enclosures

1. Project Location Map (2 sheets)
2. Wetland and Stream Location Map (4 sheets)
3. Typical Cross Section
4. Mitigation Worksheet
5. Riverine Worksheet