

ENVIRONMENTAL PROTECTION DIVISION
PUBLIC NOTICE
WATERSHED PROTECTION BRANCH

May 8, 2026
Notice Issue Date

Acworth and Kennesaw, Cobb County
City / County

June 8, 2026
Notice Close Date

BV-033-25-08
Control Number

Butler Creek Aquatic Ecosystem Restoration (Phase I)
(GPS Coordinates: 34.0098, -84.6271)

Activity

This notice is issued to inform the public of a receipt of an application for a variance submitted pursuant to a state environmental Law. The public is invited to comment during the 30-day period on the proposed activity. Site plans are available for review and are located in the following EPD office: Watershed Protection Branch File Room, 2 MLK Jr. Drive, SW, West Tower, Balcony, Suite 418, Atlanta, GA 30334. Since the EPD has no authority to zone property or determine land use, only those comments addressing environmental issues related to air, water, and land protection will be considered in the application review process. Comments may be submitted via e-mail to: EPDcomments@dnr.ga.gov. Comments may also be provided in writing to: Program Manager, Nonpoint Source Program, Erosion and Sedimentation Control, 2 Martin Luther King Jr. Drive SW, Suite 1452 East, Atlanta, GA 30334. The words "Buffer Variance Comment", including the Control Number shown above, should be placed in the e-mail subject line (if sent via e-mail) or on the top of the first page of written comments to ensure that your comments will be forwarded to the appropriate staff.

Type of Permit Application: Variance to encroach within the 25-foot State waters buffer.

Applicable Law: Georgia Erosion and Sedimentation Act O.C.G.A. § 12-7-1 et seq.

Applicable Rules: Erosion and Sedimentation Control Chapter 391-3-7

Basis under which variance shall be considered {391-3-7-.05 (2)(a-k)}: (a) & (b)

Description and Location of Proposed Activity:

The proposed project is a U.S. Army Corps of Engineers Civil Works aquatic ecosystem restoration project involving grading, armoring, and stabilization. Disturbance of the buffer is necessary in order to restore aquatic habitat and benefit federally listed Cherokee Darter (*Etheostoma scotti*). A Buffer Mitigation Plan and erosion control measures will be implemented to address major impacts. The proposed project will result in 1,270 total linear feet (42,515 total square feet) of buffer disturbance. The project is located on two segments of Butler Creek of the Etowah Watershed (03150104).

Name and Address of Permit Applicant: Ryan B. Crane
U.S. Army Corps of Engineers, Mobile District
100 Canal Street
Mobile, Alabama 36602

Summary of Rules Requirements for Variance Application:

The application for a variance must include an Erosion and Sediment Control Plan with control measures based on sound conservation and engineering practices which meet or exceed the standards in the "Manual for Erosion and Sediment Control in Georgia" and which will minimize erosion and deposition of sediments on adjacent lands or into State waters.

For Additional Information Contact: Samantha DeLucca
Environmental Compliance Specialist
EPD Watershed Protection Branch
Nonpoint Source Program
2 Martin Luther King Jr. Drive SW, Suite 1462 East
Atlanta, GA 30334
Telephone: (470) 684-0095