

Dec 07, 2023

L. Taylor Robertson
Robertson Access
315 River Valley Trail
Dawsonville, GA 30534

RE: Request for Variance under the Provisions of O.C.G.A. § 12-7-6(b)(15)
Robertson Access
Dawson County
File: BV-042-23-01

Dear Mr. L. Taylor Robertson:

The Georgia Environmental Protection Division (EPD) has reviewed your stream buffer variance application for the above-referenced project. The review was conducted to consider the potential impacts of the proposed project's encroachment on buffers to State waters within the context of the Georgia Erosion and Sedimentation Act and the potential impact to State waters within the context of Georgia's National Pollutant Discharge Elimination System (NPDES) General Permits for Stormwater Discharges Associated with Construction Activities. This review, and the variance granted herein, is limited to only the request(s) in the application that you submitted for permission to conduct land-disturbing activities within 25-foot areas located immediately adjacent to the banks of State waters where vegetation has been wrested by normal stream flow or wave action. To the extent that your buffer variance application includes a request to conduct land-disturbing activities within 25 feet of State waters where there is no vegetation that has been wrested by normal stream flow or wave action, such request has not been considered by EPD, and the related activity is not addressed in the variance granted herein.

Pursuant to Ga. Comp. R. and Regs. 391-3-7-.05(2)(c) and subject to the conditions and contingencies described further below, authorization is hereby granted to encroach within the 25-foot buffer adjacent to State waters as delineated in your application dated June 7, 2023. ***Buffer impacts authorized by this variance must be completed within five years of the date of this approval letter. If the approved buffer impacts cannot be completed prior to the expiration date, a time extension must be requested in writing at least 90 calendar days prior to the expiration date with justifiable cause demonstrated.***

Authorization for the above referenced project is subject to the following conditions and contingencies:

- 1) All graded slopes 3:1 or greater must be hydroseeded and covered with Georgia DOT approved wood fiber matting or coconut fiber matting. If not hydroseeded, Georgia DOT approved matting that has been incorporated with seed and fertilizer must be used. All slopes must be properly protected until a permanent vegetative stand is established;

- 2) The amount of land cleared during construction must be kept to a minimum;
- 3) All disturbed areas must be seeded, fertilized, and mulched as soon as the final grade is achieved. Also, these disturbed areas must be protected until permanent vegetation is established;
- 4) A double row of Georgia DOT type "C" silt fence or an approved high performance silt fence must be installed between the land disturbing activities and State waters where appropriate;
- 5) Buffer variance conditions must be incorporated into any Land Disturbing Activity Permit issued by the Dawson County for this project; and
- 6) This project must be conducted in strict adherence to the approved erosion and sedimentation control plan and any Land Disturbing Activity Permit issued by Dawson County.

The granting of this approval does not relieve you of any obligation or responsibility for complying with the provisions of any other law or regulations of any federal, local or additional State authority, nor does it obligate any of the aforementioned to permit this project if they do not concur with its concept of development/control. As a delegated "Issuing Authority," Dawson County is expected to ensure that the stream buffer variance requirements are met for this project and is empowered to be more restrictive in this regard.

If you have questions concerning this letter, please contact Madison McCrary, Erosion and Sedimentation Control Unit, Nonpoint Source Program, at (470) 524-0622.

Sincerely,



Jeffrey W. Cown
Director

JWC:mm

cc: Robbie Irvin, Stormwater Manager, Dawson County
Billy Thurmond, Chairman, Dawson County
Anthony Rabern, Wildlife Resources Division, Region 2 Fisheries Management
Robert Amos, Georgia Soil and Water Conservation Commission, Region I
Brian Boutelle, EPD Mountain District Office, Cartersville

File: BV-042-23-01

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Georgia Environmental Protection Division
Watershed Protection Branch

November 6, 2023

L. Taylor Robertson
315 River Valley Trail
Dawsonville, GA 30534

Ms. Madison McCrary
Erosion and Sedimentation Control Unit
Georgia Environmental Protection Division
2 Martin Luther King Jr. Drive SW
Suite 1462
Atlanta, GA 30334

Dear Ms. McCrary:

In response to your letter of October 27, 2023, I offer the following information:
(Ms. Hunt has been copied on this response).

The scope of this project is to provide minor grading and placing gravel on an existing dirt road. The area within the buffer is limited to approximately 1,000 square feet. On a long-term basis, the gravel road should prove to be more effective in reducing silt runoff than the existing dirt road. The plans submitted provide for proper erosion control measures as called for in Georgia's Manual for Erosion Control. Because of these measures, silt will be controlled and sediment will not adversely affect the stream.

My property includes over 700 linear feet of frontage on this unnamed stream and over 800 linear feet of frontage on the Etowah River with a single-family residence.

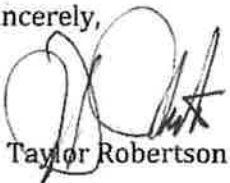
No one cares more about this stream than I do as the following example illustrates:

In early April 2023 I noticed visible pollution in the stream. On April 16, 2023 I notified GA EPD of this concern. On April 27, 2023, I sent additional information to the GA EPD. On April 30, 2023, I notified the GA EPD of this continuing pollution. On May 21, 2023, I again expressed my concern to GA EPD. On June 6, 2023, GA EPD was again notified that this pollution was still occurring. After not having the issue resolved by GA EPD, I decided to try to find the source myself. As the result of several attempts, I was able to locate the source. On June 11, 2023, I provided GA EPD with the name and address of the source of this pollution. On July 11, 2023, I notified GA EPD that the pollution was continuing. Sometime after this date, the pollution seems to have ceased. I was not notified by GA EPD if they had taken action on this matter and if so, what that action was.

My neighbor has noted to me that he has found a number of dead crayfish in the stream. The pollution in this stream is coming from industrial uses/landfills at the source of this stream. If you have interest in the quality of this stream you should monitor the stream below the input of these industrial uses/landfills. No pollution leaves my site at this time. No pollution will leave my site during the placing of gravel on the dirt road and no pollution will leave my site after the placing of gravel on this road.

I believe my application is sufficient to answer Ms. Hunt's concerns and ask that the application be approved.

Sincerely,



L. Taylor Robertson

Cc: Maggie Aduddell Hunt, Wildlife Biologist

Jeffrey W. Cown, Director

Watershed Protection Branch
2 Martin Luther King, Jr. Drive
Suite 1470A, East Tower
Atlanta, Georgia 30334
404-463-1511

DEC 08 2023

Maggie Hunt
Georgia DNR Wildlife Resources Division
maggie.hunt@dnr.ga.gov

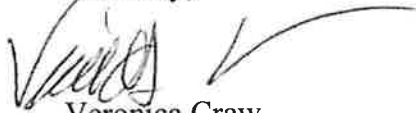
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Robertson Access
Dawson County
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Dear Mrs. Hunt:

The Georgia Environmental Protection Division (EPD) received your comments regarding the proposed gravel road project located in Dawson County. EPD requires that applicants respond to all comments. Therefore, your comments emailed October 30, 2023 were forwarded to the applicant, Mr. L. Taylor Robertson. The applicant has provided the attached response to your concerns. EPD has reviewed the applicant's response and is satisfied that your concerns have been adequately addressed.

Since the applicant has met all the applicable requirements, EPD has granted the requested stream buffer variance and a copy is enclosed. If additional information is required, please do not hesitate to contact Madison McCrary with the Nonpoint Source Program at (470) 524-0622.

Sincerely,



Veronica Craw
Program Manager
Nonpoint Source Program

VC:mm

Attachments

cc: L. Taylor Robertson