

Feb 05, 2026

Ms. Amber Phillips, State Environmental Administrator
Georgia Department of Transportation
Office of Environmental Services
600 W. Peachtree Street, NW, 16th Floor
Atlanta, Georgia 30308
Attention: Sujai Veeramachaneni

Re: Request for Variance under the Provisions of O.C.G.A. § 12-7-6(b)(15)
GDOT Project PI # 122900
SR 515/2/US 76 from West of SR 11 to East of Earl Shelton Road
File: BV-0144-25-01

Dear Ms. Phillips,

On January 26, 2026 the Georgia Environmental Protection Division (EPD) approved a stream buffer variance for impacts to 641.34 linear feet (32,139.05 square feet) of buffer adjacent to a tributary to Butternut Creek, within the Hiwassee River watershed for improvements along SR 515/2/US 76 from West of SR 11 to East of Earl Shelton Road in Union County. It has come to our attention that the variance was not approved under the appropriate criterion provided in Ga. Comp. R. and Regs. 391-3-7-.05(2). The variance request was submitted to EPD for consideration under criterion 391-3-7-.05(2)(h). EPD reviewed the request in accordance with Ga. Comp. R. and Regs. 391-3-7-.05(2)(h) and issued a public notice proposing to approve the variance under 391-3-7-.05(2)(h). The public notice expired on January 20, 2026. No public comments were received. The variance was mistakenly routed for approval and ultimately approved under criterion 391-3-7-.05(2)(a). Therefore, the following revisions are provided.

This revision to a previously approved buffer variance will not affect the project's original concept, does not change the amount of buffer encroachments and will formally memorialize that pursuant to Ga. Comp. R. and Regs. 391-3-7-.05(2)(h) 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 October 23, 2024. The proposed revisions will not require further application to GAEPD. Conditions 1 – 4 specified in the attached January 26, 2026 approval remain in effect.

Condition #5 is added as follows:

- 5) The applicant must purchase 1.62 wetland mitigation credits from within the same 8-digit HUC as the buffer impacts and the sales receipt verifying the credit purchase shall be forwarded to the EPD by return receipt certified mail (or similar service) or delivery receipt email by the applicant to document buffer mitigation compliance at least 14 days prior to any land disturbance on site. Proof of delivery and receipt is the applicant's responsibility.

Condition #6 is added as follows:

- 6) Before you may conduct any land-disturbing activity in the buffer areas, you must: a) receive authorization from the United States Army Corps of Engineers (USACE) to act under an individual, regional, or nationwide permit issued pursuant to Section 404 of the Clean Water Act; and b) at least 14 days prior to any land disturbance on site, submit to EPD a copy of that authorization by return receipt certified mail (or similar service) or delivery receipt email. Proof of delivery and receipt is the applicant's responsibility.

You remain obligated and responsible for complying with the provisions of any other law or regulations of any federal, local or additional State authority; **however, the aforementioned are not obligated to permit this project if they do not concur with its concept of development/control.**

If you have any questions concerning this letter, please contact please contact Jonathan Calabria-Russell, Erosion and Sedimentation Control Unit, Nonpoint Source Program, at (470) 512-9182.

Sincerely,



Jeffrey W. Cown
Director

JWC: jc-r

cc: Kolu Samuels, GDOT Project Manager
Laurel Corrao, GDOT Environmental Analyst
GDOT Environmental Inbox
Daryl Williams, GDOT ECB
Lisa Westberry, GDOT Mitigation
EPD-GDOT Inbox
GDOT IOEQ
Robert Dollar (GDOT EPM)
Pierce Nordone, Consultant (HNTB)
Harold Collins, Union County Sole Commissioner
Brian Boutelle, Program Manager Mountain District (Cartersville)
John Lee Thomson, Region 2 fisheries