

ENVIRONMENTAL PROTECTION DIVISION
PUBLIC NOTICE
WATERSHED PROTECTION BRANCH

April 21, 2026
Notice Issue Date

Cobb County
City / County

May 21, 2026
Notice Close Date

BCRP-2026
Control Number

Sec. 401 Water Quality Certification
Butler Creek Restoration Project – US Army Corps of Engineers Civil Works Project

This notice is issued to inform the public that a request has been received for water quality certification (WQC) in accordance with Section 401 of the Clean Water Act. The public is invited to comment during this 30-day period on the proposed activity. Information pertaining to the project is attached to this notice. Since the request is specific to 401 WQC, only comments pertaining to water quality are considered under the certification review process. Comments may be submitted via e-mail to: EPD.WQC@dnr.ga.gov. Comments may also be provided in writing to: Program Manager, Wetlands Unit, 2 Martin Luther King, Jr. Dr. SE, Suite 1052 East, Atlanta, GA 30334. Include the words “Water Quality Certification Comment” and the Control Number above in the e-mail subject line or on the top of the first page of written comments to ensure that your comments will be forwarded to the appropriate staff. For additional information, contact Dewey Richardson at dewey.richardson@dnr.ga.gov.

Type of Permit Application: 401 Water Quality Certification

Applicable Law: Federal Clean Water Act, 33 U.S.C. § 1341

Applicable Rules: 40 CFR part 121

Description and Location of Proposed Activity:

U.S. Army Corps of Engineers, Mobile District, is seeking a Section 401 Water Quality Certification for an aquatic ecosystem restoration of Butler Creek in the Atlanta metropolitan area, located in Cobb County, Georgia near the City of Kennesaw. The project site consists of two locations: Site 1 and Site 5. Site 1’s construction and restoration activities include bank re-grading, toe stabilization, and planting of the project area along 336 linear feet of Butler Creek. Site 1 is currently experiencing bank failure along the northern portion which is eroding to a near-vertical 10-foot-high scarp of exposed soil extending approximately 200 linear feet. This undermines the adjacent upland area, posing a threat to private property and contributing to increased sediment transport to the downstream system. Site 5’s construction and restoration activities will include bank armoring and planting of the riparian area along 934 linear feet of Butler Creek. Site 5 channel morphology indicates significant aggradation where sediment from upstream sources, including Site 1, has been deposited. This has created a flattened uniform channel bed lacking the natural pool-and-riffle sequences vital for a healthy aquatic ecosystem.

Name and Address of Permit Applicant: Ms. Heather Bulger, Inland Environment Team Chief
U.S. Army Corps of Engineers Mobile District
Planning and Environmental Division
100 Canal Street
Mobile, AL 36602



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
100 CANAL STREET
MOBILE, AL 36602-1901

April 15, 2026

Inland Environment Team
Planning and Environmental Division

Dr. Wei Zeng
Chief, Water Supply Program
Georgia Department of Environmental Protection
2 Martin Luther King Jr. Drive – Ste 1470
Atlanta, Georgia 30334

Dear Dr. Zeng:

Pursuant to the requirements of the Clean Water Act, the U.S. Army Corps of Engineers (USACE), Mobile District requests Section 401 water quality certification for the federally authorized Butler Creek Aquatic Ecosystem Restoration Project in Cobb, County Georgia. A stream buffer variance was submitted to the Georgia Environmental Protection Division for the subject project. A Section 404(b)(1) Evaluation Report on the subject project is enclosed.

The proposed action involves aquatic ecosystem restoration of Butler Creek in the Atlanta metropolitan area, located in Cobb County, Georgia near the City of Kennesaw. The project site consists of two locations: Site 1 and Site 5. Site 1's construction and restoration activities include bank re-grading, toe stabilization, and planting of the project area along 336 linear feet of Butler Creek. Specifically, the existing near-vertical bank will be excavated and graded back to an approximate slope at 2:1 or 3:1 ratio. To protect the base of the newly graded slope from undercutting by streamflow, riprap will be installed at the toe of the bank for stabilization. This rock will be keyed into the streambed to create a permanent, stable foundation for the upper slope. Following this grading activity, the entire disturbed slope will be covered with topsoil and seeded with a native herbaceous seed mix. An erosion control blanket will be installed to protect the soil surface while vegetation is established. The slope will then be densely planted with native trees and shrubs to create a durable, multi-layered riparian buffer that provides long-term stability and ecological benefits. Site 5's construction and restoration activities will include bank armoring and planting of the riparian area along 934 linear feet of Butler Creek. Class III riprap will be strategically placed along the outside bends and other vulnerable sections to prevent further bank migration and protect the riparian area. Armoring will absorb the energy during high-flow events, allowing the restored buffer to mature with minimal erosive forces. The primary activity at this site is the comprehensive restoration of the riparian buffer. The disturbed buffer zone, totaling approximately 1.19 acres, will be re-planted with a dense community of native trees, shrubs, and herbaceous plants.

The proposed action is authorized under the Continuing Authorities Program's Section 206 of the Water Resources and Development Act of 1996 – Aquatic Ecosystem Restoration.

Formal consultation under the Endangered Species Act was concluded on December 10, 2025 which includes a construction restriction window stating, "Construction activities that disturb the stream channel or stream banks must occur between the dates of June 16th and March 14th. No construction activities that disturb the stream channel or stream banks shall occur between the dates of March 15th and June 15th."

In accordance with 40 C.F.R. 121.5 Requests for Certification, the following details are consolidated from the 404(b)(1) Evaluation Report:

1. A description of the proposed activity, including purpose of proposed activity and type(s) of discharge(s) that may result from the proposed activity.

The proposed action is an aquatic ecosystem restoration project and will be conducted in two separate phases: Phase I and Phase II. This Water Quality Certification request is for Phase I activities. Phase I will encompass two site locations – Site 1 and Site 5 – along Butler Creek in Cobb County, Georgia.

Site 1 activities include bank regrading, toe stabilization, and planting along 336 linear feet of Butler Creek. The existing near-vertical bank will be excavated and graded and rip rap will be installed at the toe for stabilization to protect from streamflow undercutting. The disturbed slope will be covered with top soil and seeded with native herbaceous seed mix with an erosion control blanket to protect the soil surface while vegetation is installed. Vegetation to be planted on the slope will include native trees and shrubs for a multi-layered riparian buffer for long-term stability and ecological benefits.

Site 5 activities include bank armoring and planting along 934 linear feet of Butler Creek. The primary activity at this site is the comprehensive restoration of the riparian buffer. Class III riprap will be placed along the outside bends and other vulnerable sections to prevent further bank migration and protect the riparian areas. The disturbed buffer zone will be re-planted with native trees, shrubs, and herbaceous plants.

2. The specific location of any discharge(s) that may result from the proposed activity.

Sites 1 and 5 would require activities below the Ordinary High Water Mark such as toe stabilization at Site 1 and bank armoring at Site 5. The proposed action also includes excavation from Sites 1 and 5. Excavated material will be placed in a City and/or County approved upland Disposal Areas (DAs) which are yet to be determined.

3. Map or diagram of the proposed activity site, including proposed activity boundaries in relation to local streets, roads, and highways.

Site 1 is located at Butler Creek Park at the end of Woodland Place NW in Kennesaw. Site 5 is located upstream of Cobb Parkway and can be accessed from Creel Chase Parkway using the powerline easement adjacent to Brookpointe Dental. See Attachment 2 for location map.

4. Description of current activity site conditions, including but not limited to relevant site data, photographs that represent current site conditions, or other relevant documentation.

Site 1 is currently experiencing bank failure along the northern portion which is eroding to a near-vertical 10-foot-high scarp of exposed soil extending approximately 200 linear feet. This undermines the adjacent upland area, posing a threat to private property and contributing to increased sediment transport downstream system. Site 5 channel morphology indicates significant aggradation where sediment from upstream sources, including Site 1, has been deposited. This has created a flattened uniform channel bed lacking the natural pool-and-riffle sequences vital for a healthy aquatic ecosystem. See Enclosed 5 for site photographs depicting current conditions.

5. Date(s) on which the proposed activity is planned to begin and end and, if known, the approximate date(s) when any discharges may commence.

Construction duration will be approximately 3 months. Short-term localized discharge plumes will form during construction activities but will dissipate shortly afterwards.

6. A list of all other Federal, interstate, Tribal, state, territorial, or local agency authorizations required for the proposed activity and the current status of each authorization.

- A 25-foot stream buffer variance is required, and coordination is ongoing.
- A 404(b)(1) was completed in accordance with Section 404 of the Clean Water Act (CWA).
- Prior to implementation, a National Pollutant Discharge Elimination System permit will be obtained in accordance with Section 402 of the CWA.
- USACE is not required to obtain any local Land Disturbance Permits (LDPs) since LDPs are not federally mandated and since this project is compliant with other applicable Federal laws which govern erosion and sediment control.

7. Documentation that a pre-filing meeting request was submitted to certifying authority in accordance with applicable submissions procedures, unless the pre-filing meeting request requirement was waived.

See Enclosed 6.

USACE, Mobile District requests your concurrence and issuance of Section 401 water quality certification for the proposed action. If you have any questions, please contact Ms. Heather Bulger via email at heather.p.bulger@usace.army.mil or via phone at (251) 694-3889.

Sincerely,

JACOBSON.JENNI
FER.L.1230598386

Digitally signed by
JACOBSON.JENNIFER.L.12305
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Date: 2026.04.15 13:56:43 -05'00'

Ryan B. Crane
Chief, Planning and Environmental
Division

Enclosures

