

Georgia Department of Natural Resources
Environmental Protection Division

2 Martin Luther King Jr. Drive, Suite 1456, Atlanta, Georgia 30334
Richard E. Dunn, Director
(404) 656-4713

SEP 02 2016

Mr. Eric Fishman
4300 Columns Drive
Marietta, GA 30067

RE: Request for Variance under Provisions O.C.G.A. 12-7-6(b)(16)
Chattahoochee River Streambank Stabilization
(4300 Columns Drive, Marietta, GA 30067)
Cobb County

Dear Mr. Fishman:

The Georgia Environmental Protection Division's Watershed Protection Branch has reviewed your stream buffer variance application for the subject project. The review was conducted to consider the potential impacts of the proposed project's encroachment on State waters within the context of the Georgia Erosion and Sedimentation Act. This review, and the variance granted herein, is limited to only the request(s) in the stream buffer variance application for permission to conduct land-disturbing activities within 50-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 there is a request in the buffer variance application to conduct land-disturbing activities within 50-foot areas located immediately adjacent to State waters where there is no vegetation that has been wrested by normal stream flow or wave action, such request has not been considered, and is not included as a part of the variance granted herein.

Pursuant to DNR Rule 391-3-7.05(2), criterion (a), authorization is hereby granted to encroach within the 50-foot buffer adjacent to State waters as delineated in your revised application and *Erosion, Sedimentation and Pollution Control Plan* dated June 22, 2016. ***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:

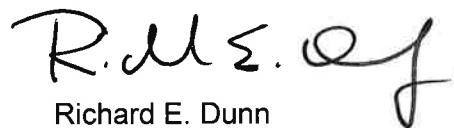
- 1) All graded slopes 3:1 or greater must be hydroseeded and covered with Georgia DOT approved wood fiber matting or coconut fiber matting. If not hydroseeded, Georgia DOT approved matting that has been incorporated with seed and fertilizer must be used. All slopes must be properly protected until a 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 Cobb County for this project;
- 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 Cobb County; and
- 7) This project must be conducted in accordance with the EPD *Streambank and Shoreline Stabilization Guidance* document for *Level 2: Acceptable Integrated Practices*.

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," Cobb 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 Frank M. Carubba, Erosion and Sedimentation Control Unit, NonPoint Source Program, at (404) 651-8550.

Sincerely,



Richard E. Dunn
Director

JHT:fmc

cc: James Cooley, EPD Mountain District – Cartersville
Jeff Durniak, Wildlife Resources Division, Region 1 Fisheries Management
Dana R. Johnson, AICP, Cobb County Community Development Agency
Tim Lee, Chairman, Cobb County Board of Commissioners
John Loughridge, Georgia Soil and Water Conservation Commission, Region I
Alex Ottley, Contour Environmental, LLC

File: TSV-033-16-01

Georgia Department of Natural Resources

Environmental Protection Division • Watershed Protection Branch
2 Martin Luther King Jr. Drive • Suite 1152 East • Atlanta • Georgia 30334
(404) 463-1511; Fax (404) 656-2453
Richard E. Dunn, Director

William L. Cox
Superintendent, U.S. Department of the Interior
National Park Service, Chattahoochee River National Recreational Area
1978 Island Ford Parkway
Sandy Springs, GA 30350

RE: Request for Variance under Provisions O.C.G.A. 12-7-6(b)(15)
Chattahoochee River Streambank Stabilization
(4300 Columns Drive, Marietta, GA 30067)
Cobb County

Dear Mr. Cox:

The Georgia Environmental Protection Division (EPD) received your comments regarding the proposed streambank stabilization project along the Chattahoochee River in Cobb County. EPD requires that applicants respond to all comments. Therefore, your comments were forwarded to Mr. Eric Fishman and Mr. Alex Ottley with Contour Environmental, LLC. On behalf of the applicant, Mr. Ottley provided the attached response to your concerns. EPD has reviewed the applicant's response and is satisfied that your concerns have been adequately addressed.

Please be advised that no other comments were received by EPD concerning the proposed project. Due to the fact that the applicant has met all of 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 Mr. Frank Carubba with the Erosion and Sedimentation Control Unit at (404) 651-8550.

Sincerely,



Glen Behrend, P.E.
Program Manager
NonPoint Source Program

GB:fmc

Attachments

cc: Deanna Greco, U.S. Department of the Interior, National Park Service
Dana R. Johnson, AICP, Cobb County Community Development Agency
Alex Ottley, Contour Environmental, LLC

File: TSV-033-16-01



United States Department of the Interior

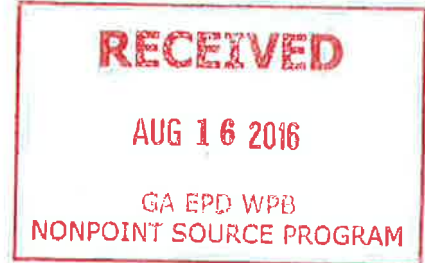


National Park Service
Chattahoochee River
National Recreation Area
1978 Island Ford Parkway
Sandy Springs, GA 30350

IN REPLY REFER TO:
L7619 (CHAT)

August 8, 2016

FILE COPY



Program Manager
NonPoint Source Program, Erosion and Sedimentation Control
2 Martin Luther King Jr. Drive SW, Suite 1462 East
Atlanta, GA, 30334

TSV-033-16-01

Dear Program Manager:

This letter is in response to Public Advisory control number TSV-033-16-01 in Cobb County, Georgia for permission to encroach on the 25-foot State waters buffer. The variance is considered under the Georgia EPD Buffer Variance Criteria and Procedure 391-3-7-11 (2)(a); the project, by its nature, must be located within the buffer. The applicant estimates that 200 linear feet of the Chattahoochee River will be impacted during the streambank stabilization project.

Congress established the Chattahoochee River National Recreation Area (CRNRA), a unit of the National Park Service (NPS), in 1978 to assure the preservation and protection of a 48-mile stretch of the Chattahoochee River from Buford Dam to Peachtree Creek. CRNRA consists of the river and its bed along with the lands, waters, and interests within the park's authorized boundary. The NPS has a vested interest in preserving the water quality, view shed, and the natural condition of the river corridor for the various ecological, biological, and recreational services it provides to the general public.

NPS has administrative jurisdiction over the river up to the ordinary high water mark within the authorized boundary of CRNRA, including the location of this proposed project. Due to the project's location within the authorized boundary of CRNRA, the applicant is required to obtain a NPS permit. The applicant should contact the park directly. No work may occur without a permit issued from the park. The following recommendations provided by NPS are not a substitute for an NPS permit.

Cumulative Impacts

As more individuals apply for river stabilization projects, incremental impacts from many small-scale projects contribute significantly to overall bank disturbance along the Chattahoochee River. In July, three river bank restoration projects within the CRNRA have been proposed. CRNRA is concerned that the growing number of permits issued for construction purposes pose a cumulative threat to the protection of the river corridor.

Recommendation: We request that the EPD review process for all river restoration projects consider the cumulative impacts from erosion and sedimentation from these projects.

Erosion and Sedimentation

If EPD decides to issue authorization, there will be potential for increased erosion and sedimentation. The proposed project is along the Chattahoochee River in a section that is listed on the state of Georgia's 303(d) list as impaired for not fully meeting its designated uses and any addition of sediment or run-off would disrupt the current water quality standard. Therefore, minimizing impacts is critical in preventing further impairment to the water quality of the river. We ask that all construction Best Management Practices (BMPs) be designed and implemented to comply with or exceed the standards and specifications outlined in the *Manual for Erosion and Sediment Control in Georgia* (Georgia Soil and Water Conservation Commission, 2016). An approved erosion and sedimentation control plan should be implemented before soil disturbances occur within the project site to avoid violating the Erosion and Sedimentation Act of 1975.

Recommendation: Impacts to the river should be minimized to avoid an influx of sedimentation from the construction activities. After proper installation, continued and unfailing maintenance and repair of the BMP's should be guaranteed in order to ensure their effectiveness and specifically to control, as far as possible, the effects of this project on the river. Planting should be monitored annual to determine survival. Areas where the plants did not establish should be replanted.

Stream Bank Restoration and Re-vegetation

The proposed project includes the use of vegetation structures including a reinforced soil lift system for stabilization of the streambank and restoration of the riparian buffer.

Recommendation: The NPS requests the final design maintain the naturally occurring bank stabilization structures such as preserving the trees located in the buffer and the down trees acting as toe-wood. Additionally, the design should include the use of native plant species for vegetation structures and restoration. State-approved guidance can be found in the *Streambank and Shoreline Stabilization Guidance Book* (Georgia Department of Natural Resources Environmental Protection Division, 2007).

Introduce/Promote Non-native Species

Construction activities have the potential to transport exotic invasive plant and animal species.

Recommendation: We request that all equipment be washed and cleaned of mud and debris that may transport unwanted pests before being brought on-site. The NPS encourages the project applicant to use only native grass seed or native vegetation for stabilizing the project area following construction. Non-native species are easily transported downstream and can start new colonies in CRNRA.

We appreciate your consideration of these comments. Please feel free to contact park's Natural Resources Program Manager, Deanna Greco, directly if you have any questions or concerns that we could help to address. She can be reached at 678-538-1322 or by email at Deanna_Greco@nps.gov.

Thank you,

A handwritten signature in black ink, appearing to read "William L. Cox". The signature is written in a cursive style with a large, prominent "W" and "L".

William L. Cox
Superintendent

ENVIRONMENTAL PROTECTION DIVISION
PUBLIC NOTICE
WATERSHED PROTECTION BRANCH

July 15, 2016
Notice Issue Date

Cobb County
City / County

August 15, 2016
Notice Close Date

TSV-033-16-01
Control Number

Chattahoochee River – Streambank Stabilization
(4300 Columns Drive, Marietta, GA 30067)

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 immediately available for review and are located in the following EPD office: Watershed Protection Branch, 200 Piedmont Avenue SW, Suite 418 West, Atlanta, GA 30334. Please contact Ms. Thais Edwards at (404) 463-2387 or email thais.edwards@dnr.ga.gov to schedule an appointment to review the plans. 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. Written comments should be submitted to: Program Manager, NonPoint Source Program, Erosion and Sedimentation Control, 2 Martin Luther King Jr. Drive SW, Suite 1462 East, Atlanta, GA 30334.

Type of Permit Application: Variance to encroach within the 50-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-.11 (2)(a-k)}: (a)

Description and Location of Proposed Activity:

The proposed streambank stabilization project will consist of grading the eroding streambank to a more stable slope (2H:1V) and integrated bio-engineering practices (including vegetated geogrids (i.e., soil lifts) with Black Willow and Silk Dogwood live stake cuttings, Southern Lady Fern and Sycamore trees and log and river rock revetments) along the Chattahoochee River at 4300 Columns Drive in Cobb County. This project will result in 200 linear feet (4,845 square feet) of buffer disturbances along the Chattahoochee River in the Upper Chattahoochee Watershed.

Name and Address of Permit Applicant:

Eric Fishman
4300 Columns Drive
Marietta, GA 30067

Summary of Rules Requirements for Variance Application:

The application for a variance must include an approved 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:

Frank M. Carubba, Environmental Engineer
EPD Watershed Protection Branch
NonPoint Source Program
2 Martin Luther King Jr. Drive SW, Suite 1462 East
Atlanta, GA 30334
Telephone: (404) 651-8550

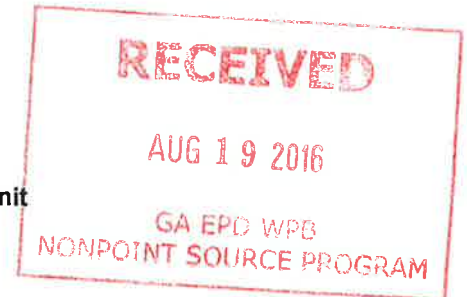


CONTOUR ENVIRONMENTAL, LLC
ENVIRONMENTAL CONSULTING / ENGINEERING / NATURAL RESOURCE SERVICES

TSV-033-16-01

August 18, 2016

FILE COPY



Mr. Frank M. Carubba
Georgia Department of Natural Resources
Environmental Protection Division
Watershed Protection Branch, Erosion and Sedimentation Control Unit
2 Martin Luther King JR Dr. SW, Suite 1462
Atlanta, Georgia 30334

RE: Request for 50-Foot Stream Buffer Variance
Response to Comments Received: GA EPD Control Number- TSV-033-16-01
Chattahoochee River Streambank Stabilization-4300 Columns Drive
Marietta, Cobb County, Georgia
Contour Project No: CE16FIS:01

Dear Mr. Dunn:

On behalf of Mr. and Mrs. Eric Fishman, Contour Environmental, LLC is submitting this response to comments received from the United States Department of the Interior National Park Service (NPS) Chattahoochee River National Recreation Area (CRNRA). These comments have been presented in response to the Public Advisory control number TSV-033-16-01 in Cobb County, Georgia for permission to encroach on the 50-foot State waters buffer. The variance is considered under the Georgia EPD Buffer Variance Criteria and Procedure 391-3-7-11 (2) (a). NPS comments have been bolded and Contour's responses are below NPS comments.

NPS has administrative jurisdiction over the river up to the ordinary high water mark within the authorized boundary of CRNRA, including the location of this proposed project. Due to the project's location within the authorized boundary of CRNRA, the applicant is required to obtain a NPS permit. The applicant should contact the park directly. No work may occur without a permit issued from the park. The following recommendations provided by NPS are not a substitute for an NPS permit.

Contour recognizes the authority and jurisdiction of NPS regarding this area of the Chattahoochee River and has contacted the appropriate personnel within the park administration. Furthermore, on behalf of the applicants, Contour is in the process of obtaining a NPS permit. Construction shall not commence prior to issuance of a NPS permit.

Cumulative Impacts

As more individuals apply for river stabilization projects, incremental impacts from many small-scale projects contribute significantly to overall bank disturbance along the Chattahoochee River. In July, three river bank restoration projects within the CRNRA have been proposed. CRNRA is concerned that the growing number of permits issued for construction purposes pose a cumulative threat to the protection of the river corridor.

Recommendation: We request that the EPD review process for all river restoration projects consider the cumulative impacts from erosion and sedimentation from these projects.

Contour understands that under the Georgia EPD Buffer Variance Criteria and Procedure 391-3-7-11 (2) (a); the review process considers all of the cumulative impacts from individual projects. Contour assures that this proposed streambank stabilization project would result in the stabilization of streambanks and thus reduce the amount of cumulative erosion and sedimentation that occurs within the Chattahoochee River due to high storm flows and is augmented by high waters released from the Morgan Falls dam upstream of the CRNRA. This applicant has encountered significant erosion and loss of streambank on their property, which results in sediment discharge to the Chattahoochee River. By stabilizing exposed soil and strengthening the streambank with soil lifts, existing logs, and natural native vegetation; this streambank restoration project would aid in reducing cumulative impacts from erosion and sedimentation within the Chattahoochee River from this property.

Erosion and Sedimentation

If EPD decides to issue authorization, there will be potential for increased erosion and sedimentation. The proposed project is along the Chattahoochee River in a section that is listed on the state of Georgia's 303(d) list as impaired for not fully meeting its designated uses and any addition of sediment or run-off would disrupt the current water quality standard. Therefore, minimizing impacts is critical in preventing further impairment to the water quality of the river. We ask that all construction Best Management Practices (BMPs) be designed and implemented to comply with or exceed the standards and specifications outlined in the *Manual for Erosion and Sediment Control in Georgia* (Georgia Soil and Water Conservation Commission, 2016). An approved erosion and sedimentation control plan should be implemented before soil disturbances occur within the project site to avoid violating the Erosion and Sedimentation Act of 1975.

Recommendation: Impacts to the river should be minimized to avoid an influx of sedimentation from the construction activities. After proper installation, continued and unfailing maintenance and repair of the BMP's should be guaranteed in order to ensure their effectiveness and specifically to control, as far as possible, the effects of this project on the river. Planting should be monitored annual to determine survival. Areas where the plants did not establish should be replanted.

As per the rules requirement for the Variance Application, the application for a variance must include an approved 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 will help minimize erosion and deposition of sediments on adjacent lands or into State Waters.

The applicant has submitted an appropriate GA EPD Variance Application (TSV-033-16-01), which includes an appropriate Erosion and Sediment Control measures based on sound conservation and engineering practices, conforming to standards in the "Manual for Erosion and Sediment Control in Georgia". Furthermore, as stated in the Application, impacts to the river shall be minimized by restraining streambank stabilization work to times during low flow events. Submitted BMP's shall be properly installed previous to earthwork including continuous and unfailing maintenance and repair continued in order to ensure effectiveness and specifically to control, as far as possible, the effects of this project on the river. Applicant shall monitor the survival of plantings and shall replant within areas where the plants did not establish.

Stream Bank Restoration and Re-vegetation

The proposed project includes the use of vegetation structures including a reinforced soil lift system for stabilization of the streambank and restoration of the riparian buffer.

Recommendation: The NPS requests the final design maintain the naturally occurring bank stabilization structures such as preserving the trees located in the buffer and the down trees acting as toe-wood. Additionally, the design should include the use of native plant species for vegetation structures and restoration. State-approved guidance can be found in the *Streambank and Shoreline Stabilization Guidance Book* (Georgia Department of Natural Resources Environmental Protection Division, 2007).

As discussed during the on-site visit with the NPS and within the Variance Application, the applicant has agreed that the final design shall maintain the naturally occurring bank stabilization structures such as preserving the trees located in the buffer and using the down trees as toe-wood. Additionally, the design includes the use of native plant species for vegetation structures and restoration.

Introduce/Promote Non-native Species

Construction activities have the potential to transport exotic invasive plant and animal species.

Recommendation: We request that all equipment be washed and cleaned of mud and debris that may transport unwanted pests before being brought on-site. The NPS encourages the project applicant to use only native grass seed or native vegetation for stabilizing the project area following construction. Non-native species are easily transported downstream and can start new colonies in CRNRA.

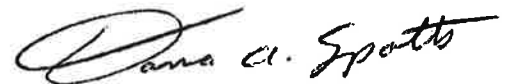
The applicant and/or appropriate representative shall discuss with the proposed contractor before the start of the project and verify that all equipment be washed and cleaned of mud and debris that may transport unwanted pests before being brought on-site. As per the proposed Variance Application, only native grass seed or native vegetation shall be used for stabilizing the project area following construction activities.

If you have any questions regarding this buffer variance application, or any of the attachments, please contact our office at (678) 303-2600.

Sincerely,
CONTOUR ENVIRONMENTAL, LLC



Alex K. Ottley
Project Manager/Ecologist



Dana A. Spotts, REPA, EP
President

Attachments: Addressee Copies: (1)

Cc: Mr. and Mrs. Eric Fishman (1 Copy)