



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

CESAM-PD-EI
PUBLIC NOTICE NO. FP10-DK02-6

3 September 2010

**PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS**

**PIPER DRIVE PROPOSED STORMWATER
INFRASTRUCTURE UPGRADE
CHATTAHOOCHEE RIVER DRAINAGE
DEKALB COUNTY, GEORGIA**

A FEDERALLY AUTHORIZED PROJECT

Interested persons are hereby notified that the United States Army Corps of Engineers (USACE), Mobile District and DeKalb County, Georgia, propose to upgrade stormwater infrastructure to provide additional stormwater capacity at the Piper Drive road crossing and catch basin inlet within Valley Brook Estates subdivision in the Chattahoochee River Basin portion of DeKalb County. The USACE is the responsible Federal agency and DeKalb County is the non-Federal sponsor for this project. The old structure is failing and inadequately sized to handle the storm flows experienced in the area. This project is proposed to be funded through the American Reinvestment and Recovery Act (ARRA).

This public notice is issued in accordance with rules and regulations published in the *Federal Register* on 26 April 1988. These regulations provide for the review of dredging programs for federally authorized projects under the Clean Water Act (33 U.S.C. 1344) whenever dredged or fill materials may enter waters of the United States.

The recipient of this notice is requested specifically to review the proposed action as it may impact water quality, relative to the requirements of Section 404(b)(1) of the Clean Water Act. We also ask your comment on any other potential impact.

WATERWAY AND LOCATION: Tributaries of Peachtree and Nancy Creeks, Chattahoochee River Basin.

PROJECT AUTHORIZATION: The proposed action is being conducted under the authority of Section 219 of the Water Resources and Development Act (WRDA) of 1992, as amended, in subsection "c (2) Atlanta, Georgia. – A combined sewer overflow treatment facility for the City of Atlanta, Georgia." In 1996, this authority was "modified to include

watershed restoration and development in the regional Atlanta watershed, including Big Creek and Rock Creek” and to provide “(e) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION ASSISTANCE. – There are authorized to be appropriated for providing construction assistance under this section – (5) \$25,000,000 for the project described in subsection(c) (2).”

DESCRIPTION OF THE PROPOSED ACTION: The Corps has identified five (5) undersized corrugated metal pipe (CMP) cross drains of varying sizes and a few conveyance system runs in Valley Brook Estates that have reached their anticipated life expectancy (four sites covered in an EA/FONSI/404(B) Evaluation Report that was completed May 2010 (see Figure 1). Those four culvert/drainageway upgrades are located downgradient on the same small stream as Piper Drive (Figure 2). The culvert at 3086 Piper Drive includes a 30-inch CMP lined with polyvinyl chloride (PVC) at the lower elevations and a 24-inch CMP at a higher elevation. This location will require 87 feet of culvert replacement, with approximately 27 feet underneath the pavement of Piper Drive and 60 feet underneath the right of way for Piper Drive. The project also provides for approximately 50 feet of bank shaping/rock stabilization upstream or downstream of the enlarged culvert with an adequate amount of stone material to accomplish the work if needed to provide a transition zone between the new upgraded structure and the adjacent stream. The desired results will provide upgraded flow capacity at the Piper Drive cross drain and the adjoining system.

WATER QUALITY CERTIFICATION: On 21 May 2010, the Georgia Department of Natural Resources-Environmental Protection Division issued Water Quality Certification for this project. Through email correspondence dated 15 July 2010, with Mr. Keith Parsons of the Georgia Department of Natural Resources, it was determined that the proposed project modification to include culvert replacement at Piper Drive in DeKalb County is found to be consistent with the conditions of the existing certification issued 21 May 2010, and that no further coordination would be required by that agency.

State-owned Property and Resources: The Federal and/or non-Federal project sponsors may also require assent from the State of Georgia, which may be in the form of a license, easement, lease, permit or other appropriate instrument.

USE BY OTHERS: During construction activities the roadway at the Piper Drive culvert location will be temporarily inaccessible to traffic in this area of Valley Brook Estates subdivision.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) CONSIDERATIONS: The proposed drainage/culvert replacement project was addressed in a Draft Environmental Assessment (EA). This Draft EA indicates an environmental impact statement for the Piper Drive drainage/culvert replacement is not needed. The EA is available for review at the USACE, Mobile District webpage: <http://www.sam.usace.army.mil/pd/Pd1.htm>. Upon

completion of the coordination period set forth in this notice, comments received will be incorporated into the EA and a final determination of NEPA documentation requirements made. If the determination is to finalize the EA and prepare a Finding of No Significant Impact (FONSI), these documents will be placed on the USACE, Mobile District webpage for future reference.

SECTION 404(b)(1) EVALUATION REPORT: Water quality impacts associated with the placement of fill material into waters of the United States, as a result of the proposed work, have been addressed in a preliminary evaluation report prepared in accordance with guidelines promulgated by the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act. The preliminary determination of this evaluation is that the proposed discharge of fill material complies with the guidelines. The preliminary evaluation report is available for review at the USACE, Mobile District Office and on the above-referenced webpage, and will be finalized upon completion of the coordination of this notice.

HISTORIC PROPERTY CONSIDERATIONS: As per requirements outlined in Section 106 of the National Historic Preservation Act of 1966 as amended (NHPA), and its implementing regulations at 36 CFR 800, the Mobile District must consider the effects of the proposed action on historic properties. Historic properties are defined as cultural resources determined to be eligible for inclusion on the National Register of Historic Places (NRHP). A literature and background check for previously recorded cultural resource sites and surveys was made of the project Area of Potential Effect (APE). In addition to the background research, a reconnaissance survey was made of the area by a USACE staff archaeologist. No cultural resource sites or areas considered to have potential for historic properties were identified within the project APE. Therefore, the Mobile District has determined no historic properties affected by the proposed Chattahoochee River Basin drainage/culvert replacement project in DeKalb County as per 36 CFR 800.4(d)(1).

The Corps findings for Valley Brook Estates subdivision and other DeKalb County Section 219 projects were coordinated with the Georgia SHPO and appropriate tribes by letters dated 23 March 2010. A letter of concurrence dated 7 May 2010 was received from the Georgia SHPO.

ENDANGERED/THREATENED SPECIES: Review of the proposed activities and the U.S. Department of Interior, Fish and Wildlife Service List of Endangered and Threatened Wildlife and Plants, indicates that several species potentially are located and have habitat in the DeKalb County, Georgia area. In addition, several state protected species are potentially located in the area and are included in the following list.

Species	Federal Status	State Status	Habitat
Bird			
Bald eagle <i>Haliaeetus leucocephalus</i>	T	E	Inland waterways and estuarine areas in Georgia.
Fish			
Bluestripe shiner <i>Cyprinella callitaenia</i>	No Federal Status	T	Brownwater streams
Plant			
Bay star-vine <i>Schisandra glabra</i>	No Federal Status	T	Twining on subcanopy and understory trees/shrubs in rich alluvial woods
Black-spored quillwort <i>Isoetes melanospora</i>	E	E	Shallow pools on granite outcrops, where water collects after a rain. Pools are less than 1 foot deep and rock rimmed.
Flatrock onion <i>Allium speculae</i>	No Federal Status	T	Seepy edges of vegetation mats on outcrops of granitic rock
Granite rock stonecrop <i>Sedum pusillum</i>	No Federal Status	T	Granite outcrops among mosses in partial shade under red cedar trees
Indian olive <i>Nestronia umbellula</i>	No Federal Status	T	Dry open upland forests of mixed hardwood and pine
Piedmont barren strawberry <i>Waldsteinia lobata</i>	No Federal Status	T	Rocky acedic woods along streams with mountain laurel; rarely in drier upland oak-hickory-pine woods
Pool Sprite, Snorkelwort <i>Amphianthus pusillus</i>	T	T	Shallow pools on granite outcrops, where water collects after a rain. Pools are less than 1 foot deep and rock rimmed

This public notice is being coordinated with the U. S. Fish and Wildlife Service and preliminary consultation on the listed species above determined that the proposed action was “not likely to adversely affect” federally protected species or critical habitat.

EVALUATION: The decision whether to proceed with the proposed action will be based on evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be reasonably expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

Inasmuch as the proposed work would involve the discharge of materials into waters of the United States, designation of the proposed discharge site associated with this Federal project is being made through application of guidelines promulgated by the Administrator of the Environmental Protection Agency in conjunction with the Secretary of the Army.

COORDINATION: The USACE, Mobile District is soliciting comments from the general public; Federal, State, and local agencies, and officials; American Indian Tribes, and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be used by the USACE, Mobile District to determine whether or not to proceed with the proposed action. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity and in preparing an Environmental Assessment and/or an Environmental Impact Statement pursuant to the NEPA compliance.

Among the agencies receiving copies of the Public Notice are:

Region IV, U. S. Environmental Protection Agency
Field Supervisor, Fish and Wildlife Service
Georgia State Historic Preservation Officer
Georgia Department of Natural Resources, Wildlife Resources Division
Georgia Department of Natural Resources, Environmental Protection Division

You are requested to communicate the information contained in this notice to any other parties who may have an interest in the proposed action.

PUBLIC HEARING: Any person who may be affected by the discharge of this fill material may request a public hearing. The request must be submitted in writing to the District Commander within the comment period of this public notice. The request must clearly set forth the interest which may be affected and the manner in which the interest may be affected by this activity.

CORRESPONDENCE: Correspondence concerning this public notice should refer to **Public Notice Number FP10-DK02-6** and should be directed to the Commander, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628, Attention: CESAM-PD-EI (Ms. Crystal Taylor) within 15 calendar days from the date of this public notice. Ms. Crystal Taylor may be contacted at telephone number **(251)694-4099** or e-mail address **crystal.e.taylor@usace.army.mil** for additional information.



CURTIS M. FLAKES
Chief, Planning and Environmental
Division

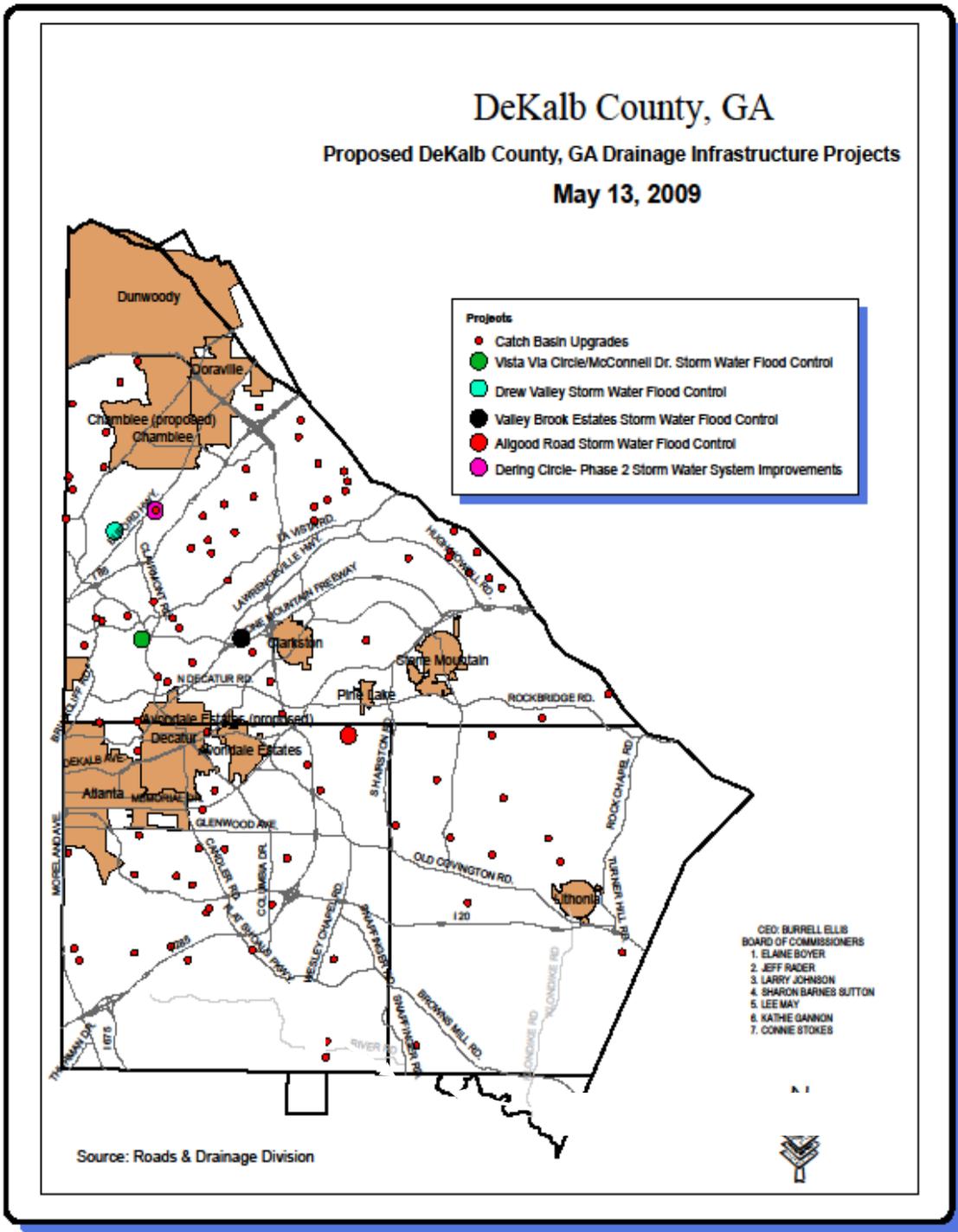


Figure 1. Vicinity Map

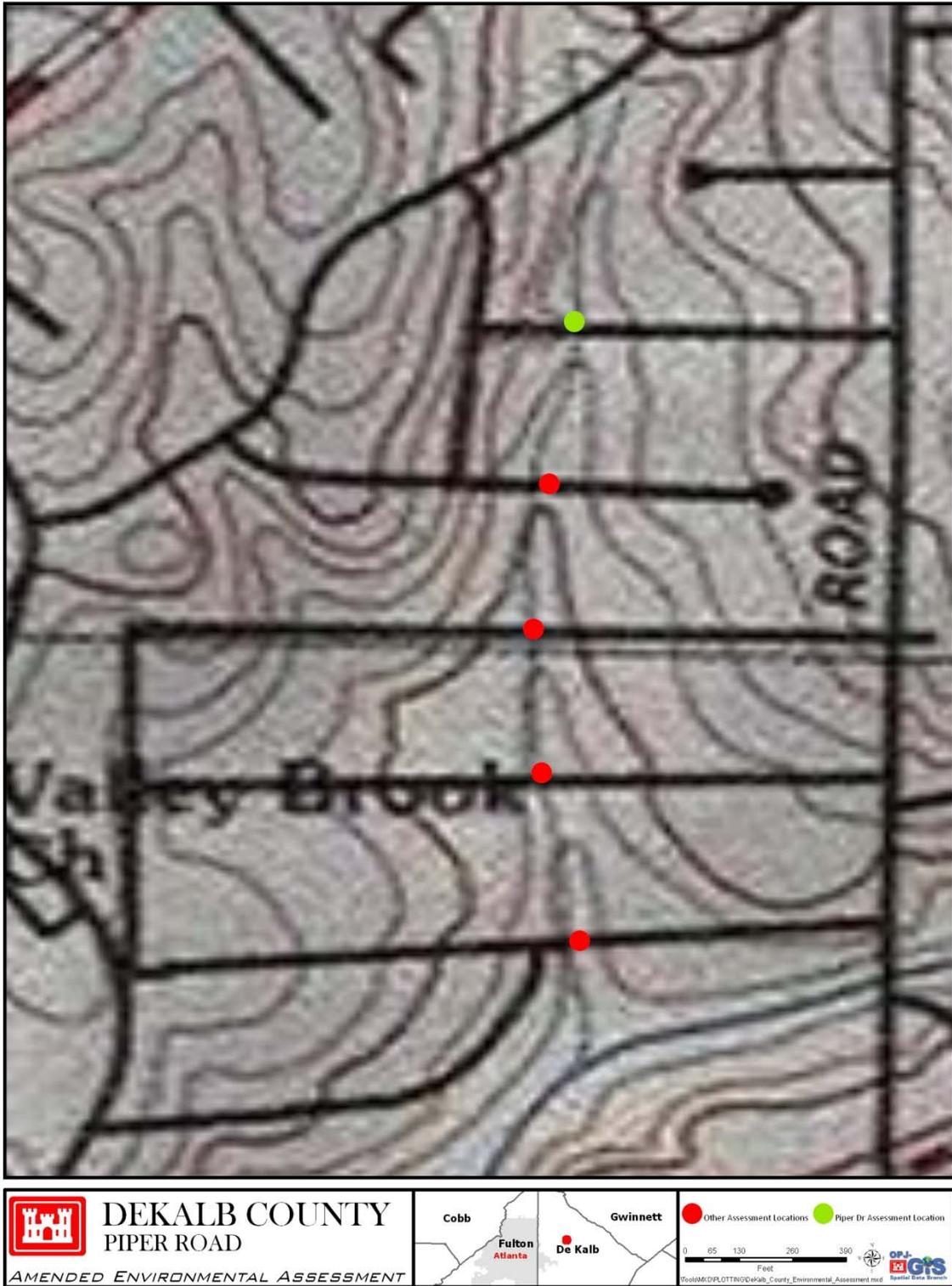


Figure 2. Valley Brook Estates Site