



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT
4751 BEST ROAD, SUITE 140
COLLEGE PARK, GEORGIA 30337

October 10, 2023

Regulatory Division
SAS-2023-00402

Mr. Cory Rayburn
City of Johns Creek
11360 Lakefield Drive
Johns Creek, Georgia 30097

Dear Mr. Rayburn:

I refer to the Pre-Construction Notification received on May 19, 2023, and supplemental information transmitted via email on August 22, 2023, submitted on your behalf by Kimley-Horn and Associates, requesting verification for use of Nationwide Permits (NWP) 3, 13, 42, and 43 in conjunction with proposed temporary impacts to 0.024-acre of two open water ponds, permanent impacts to 0.122-acre of two wetlands, 0.33-acre of one open water pond and 372 linear feet of perennial stream channel for maintenance, dredging to remove accumulated sediment, construction of a littoral wetland shelf, streambank stabilization and construction of pedestrian trails. The approximately 98-acre project site is located east of State Route 141/ Medlock Bridge Road, and west of Lakefield Drive at Johns Creek City Hall (centered approximately at latitude: 34.0599, longitude: -84.1710). This project has been assigned number SAS-2023-00402, and it is important to reference this number in all communication concerning this matter.

The project involves sediment removal to restore two existing impoundments (upper pond (OW1) and lower pond (OW2)) to original design capacities, perennial Stream 1 streambank stabilization, construction of pedestrian trails, and enhancement of the lower pond to construct a littoral wetland shelf to improve water quality.

The sediment removal would be completed using NWP 3 and the material would be placed in uplands at Cauley Creek Park. Approximately 25,385 cubic yards of material would be removed from the ponds and would temporarily impact 0.017-acre of the upper pond (OW1) with access within 4.33-acre of the upper pond for sediment removal. Additionally, the other existing impoundment (OW2, lower pond) would have repairs made to the outlet control structure (OCS) and would temporarily impact 0.007-acre of the pond.

The streambank stabilization will be completed using NWP 13. There will be streambank stabilization on the northern portions of the in-line perennial stream channel impounded by these two ponds. The streambank stabilization would include 50 cubic

yards of material along 372 linear feet of streambank of perennial Stream 1. The materials included toe stone protection, a J-hook, grading, coir matting and vegetation. Construction of the pedestrian trails will be completed using NWP 42. The pedestrian trail construction will permanently impact to 0.34-acre of upper pond, 0.093-acre of Wetland A, and 0.029-acre of Wetland B, to install a pedestrian walkway.

The enhancement of the lower pond will be completed using NWP 43, the proposed impacts are permanent to install a littoral (emergent) wetland shelf within the lower pond to improve the functionality of the existing ponds which were originally constructed as in-line stormwater retention basins. The activity would help reduce sedimentation into the water and deter nuisance wildlife (Canadian geese) from polluting the stormwater retention basins (impoundments). The use of NWP 43 is intended to reduce pollution in waters. For the construction of the littoral shelf within the lower pond the permanent impacts total 0.33-acres of open water of the lower pond (OW2).

The details of the proposed project are depicted on the five (5) enclosed exhibits collectively entitled, "Creekside Buffer and Pond Impacts Post-Construction", as prepared by Foresite Group, dated January 23, 2023. The plans include Figure 9: Overall Plan, Figure 10a: Open Water 1/ Upper pond Site Plan, Figure 10b: Opne Water 1 / Upper Pond Site Plan, Figure 11: Open Water 2 / Lower Pond Site Plan, and Figure 12: Proposed Conditions – Streambank Stabilization.

The enclosed exhibit entitled, "Figure 8: Delineated Aquatic Resources Map, Johns Creek Creekside City of Johns Creek", as prepared by Kimley-Horn and Associates, dated May 2023, identifies the delineation limits of all aquatic resources within the project area. The wetlands were delineated in accordance with criteria contained in the 1987 "Corps of Engineers Wetland Delineation Manual," as amended by the most recent regional supplements to the manual. Please note, should this delineation require reverification, it is subject to change based on site conditions at the time of reevaluation.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

We have completed coordination with other federal and state agencies as described in Part C (32)(d) of our NWP Program, published in the January 13, 2021, Federal Register, Vol. 86, No. 8, Pages 2744-2877 (86 FR) and/or the December 27, 2021,

Federal Register, Vol. 86, No. 245, Pages 73522-73583 (86 FR). The NWP's and Savannah District's Regional Conditions for NWP's can be found on our website at <http://www.sas.usace.army.mil/Missions/Regulatory/Permitting/GeneralPermits/NationwidePermits.aspx>. During our coordination procedure, no adverse comments regarding the proposed work were received.

As a result of our evaluation of your project, we have determined that the proposed activity is authorized as described in Part B of the NWP Program. Your use of this NWP is valid only if:

- a. The activity is conducted in accordance with the information submitted and meets the conditions applicable to the NWP, as described at Part C of the NWP Program and the Savannah District's Regional Conditions for NWP's.
- b. Prior to the commencement of any permitted work in aquatic resources, the permittee shall purchase 1.84 legacy wetland mitigation credits from the Demorest Lake Mitigation Bank and submit documentation of this credit purchase to the U.S. Army Corps of Engineers. The credit purchase documentation must reference the Corps file number assigned to the permitted project. If all or a portion of the required credits are not available from the Demorest Lake Mitigation Bank, the permittee shall obtain written approval from the Corps prior to purchasing credits from an alternate mitigation source.
- c. You shall notify the Corps, in writing, at least 10 days in advance of commencement of work authorized by this permit.
- d. You fill out and sign the enclosed certification and return it to our office within 30 days of completion of the activity authorized by this permit.

This proposal was reviewed in accordance with Section 7 of the Endangered Species Act. Based on the information we have available; we have determined that the project would have no effect on any threatened or endangered species nor any critical habitat for such species. Authorization of an activity by a NWP does not authorize the "take" of threatened or endangered species. In the absence of separate authorization, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act. See Part (C) of 86 FR for more information.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWP's are scheduled to expire on March 14, 2026. It is incumbent upon you to remain informed of changes to the NWP's. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

This authorization should not be construed to mean that any future projects requiring Department of the Army authorization would necessarily be authorized. Any new proposal, whether associated with this project or not, would be evaluated on a case-by-case basis. Any prior approvals would not be a determining factor in deciding on any future request.

Revisions to your proposal may invalidate this authorization. In the event changes to this project are contemplated, I recommend that you coordinate with us prior to proceeding with the work.

This communication does not relieve you of any obligation or responsibility for complying with the provisions of any other laws or regulations of other federal, state, or local authorities. It does not affect your liability for any damages or claims that may arise as a result of the work. It does not convey any property rights, either in real estate or material, or any exclusive privileges. It also does not affect your liability for any interference with existing or proposed federal projects. If the information you have submitted and on which the Corps bases its determination/decision of authorization under the NWP is later found to be in error, this determination may be subject to modification, suspension, or revocation.

An electronic copy of this letter is being provided to the following party: Mr. Marcus Rubenstein of Kimley-Horn and Associates, via email at: marcus.rubenstein@kimley-horn.com.

Thank you in advance for completing our on-line Customer Survey Form located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. We value your comments and appreciate you taking the time to complete a survey each time you interact with our office.

If you have any questions, please contact me at (678) 422-6572 or jade.r.bilyeu@usace.army.mil.

Sincerely,

Jade R. Bilyeu
Regulatory Specialist, Piedmont Branch

Enclosures

Regulatory Division

CERTIFICATION OF COMPLIANCE
WITH DEPARTMENT OF THE ARMY
NATIONWIDE PERMITS (3, 13, 42, 43)

PERMIT FILE NUMBER: SAS-2023-00402

PERMITTEE/ADDRESS: Mr. Cory Rayburn, City of Johns Creek, 11360 Lakefield Drive, Johns Creek, Georgia 30097.

LOCATION OF WORK: The project site is located east of State Route 141/ Medlock Bridge Road, and west of Lakefield Drive at Johns Creek City Hall (centered at approximately: latitude: 34.0599, longitude: -84.1710).

PROJECT DESCRIPTION: The project involves sediment removal to restore two existing impoundments (upper pond (OW1) and lower pond (OW2)) to original design capacities, perennial Stream 1 streambank stabilization, construction of pedestrian trails, and enhancement of the lower pond to construct a littoral wetland shelf to improve water quality.

WATERS OF THE UNITED STATES IMPACTED: Temporary impacts to two impoundments totaling 0.024-acre of open water for sediment removal, and permanent impacts to 372 linear feet of stream channel for streambank stabilization, 0.34-acre of open water, and 0.122-acre of two wetlands for construction of a pedestrian walkway, and permanent impacts to 0.33-acre of open water for construction of an emergent wetland shelf to enhance the open water stormwater retention basin.

DATE WORK IN WATERS OF UNITED STATES COMPLETED: _____

COMPENSATORY MITIGATION REQUIRED: 1.84 legacy wetland mitigation credits are required.

DATE MITIGATION COMPLETED OR PURCHASED (include name of mitigation source(s)):

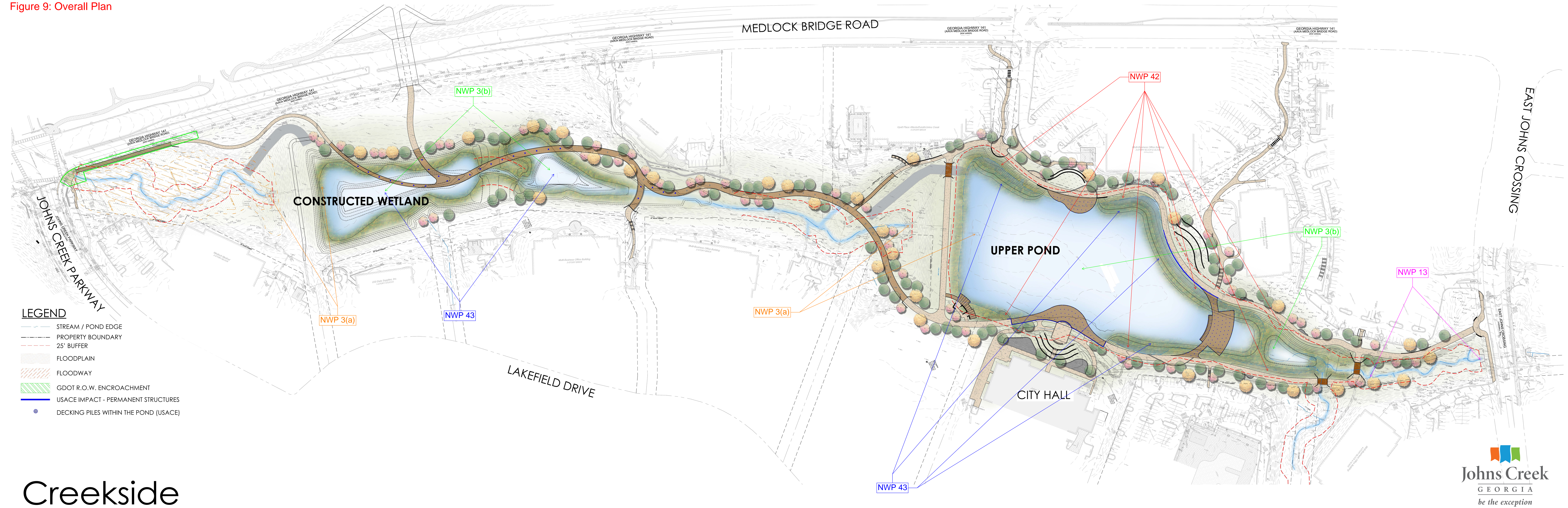
I understand that the permitted activity is subject to a U.S. Army Corps of Engineers' Compliance Inspection. If I fail to comply with the permit conditions at Part C of the Nationwide Permit Program, published in the January 13, 2021, Federal Register, Vol. 86, No. 8, Pages 2744-2877 (86 FR) and/or the December 27, 2021, Federal Register, Vol. 86, No. 245, Pages 73522-73583 (86 FR), it may be subject to suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced permit as well as any required mitigation (if applicable) has been completed in accordance with the terms and conditions of the said permit.

Signature of Permittee

Date

Figure 9: Overall Plan



- LEGEND**
- STREAM / POND EDGE
 - PROPERTY BOUNDARY
 - 25' BUFFER
 - FLOODPLAIN
 - FLOODWAY
 - GDOT R.O.W. ENCROACHMENT
 - USACE IMPACT - PERMANENT STRUCTURES
 - DECKING PILES WITHIN THE POND (USACE)

Creekside

BUFFER & POND IMPACTS - POST-CONSTRUCTION

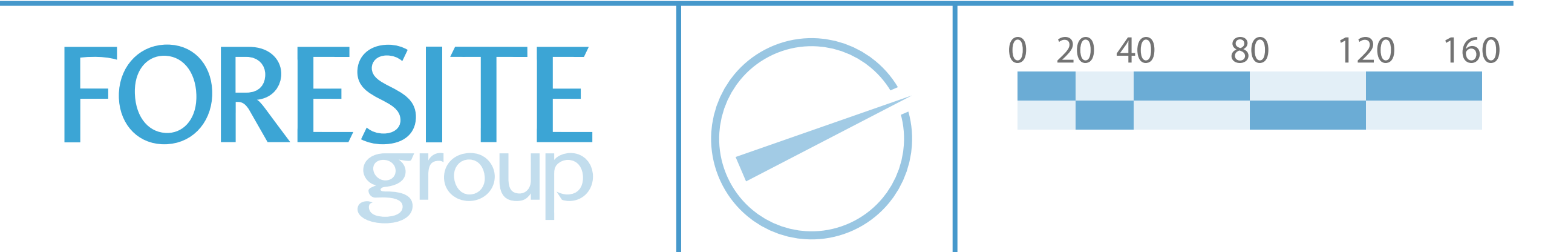
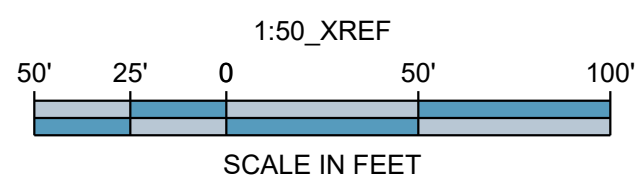
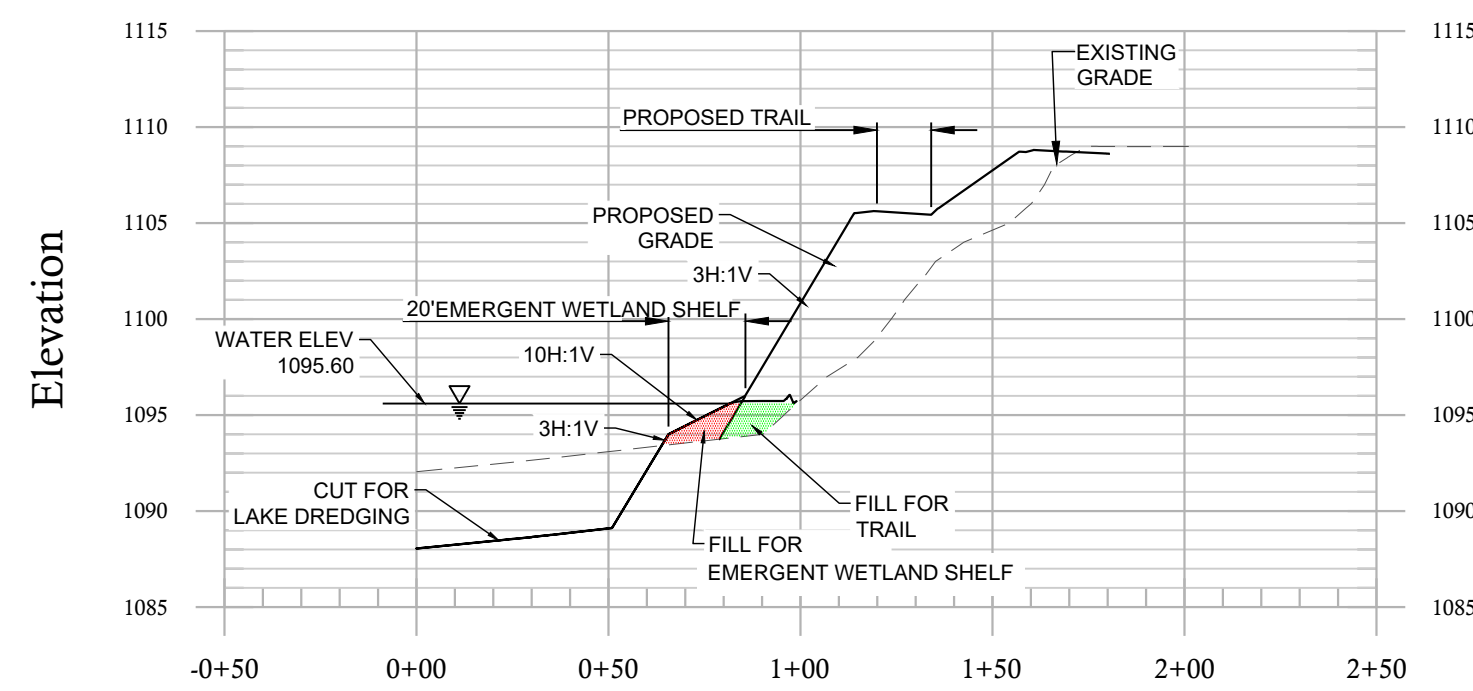


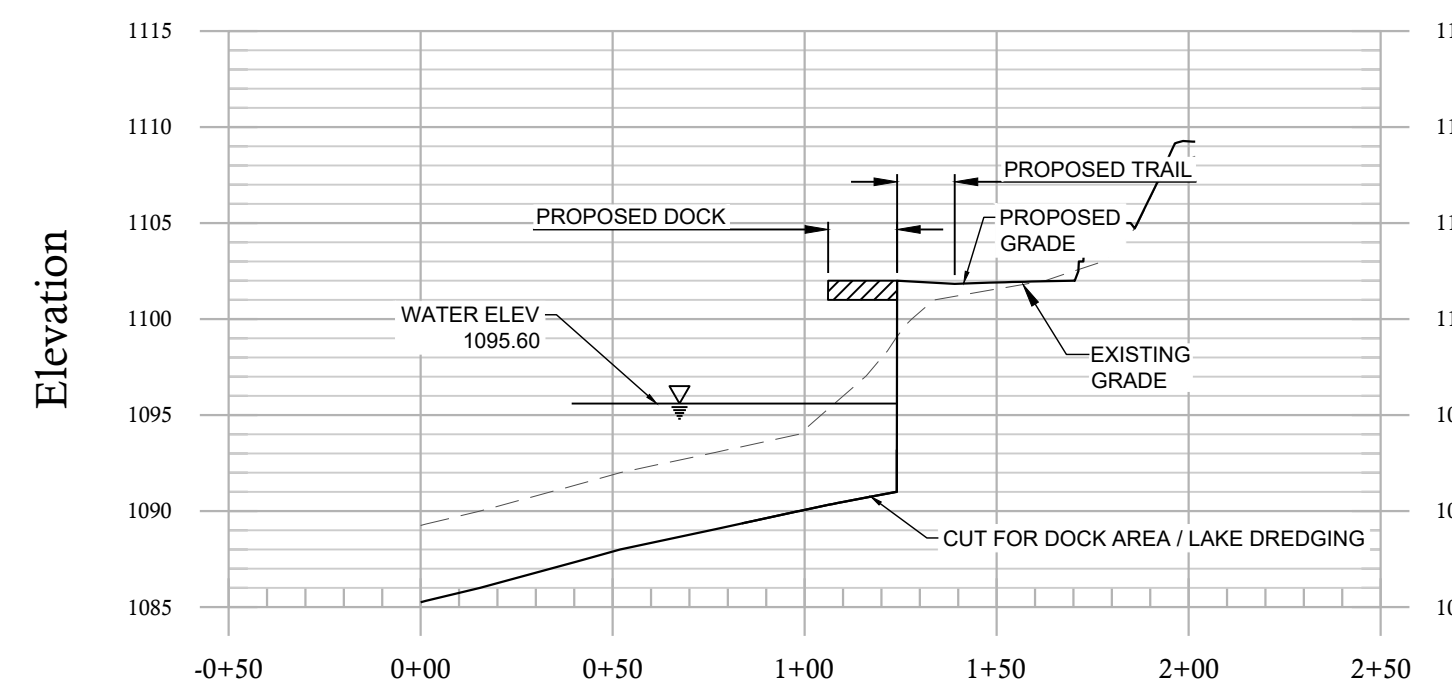
Figure 10a: Open Water 1 / Upper Pond Site Plan



EMERGENT WETLAND SHELF PROFILE
1" = 50' H, 1" = 10' V



SECTION 2 - CUT AT DOCK AREA
1" = 50' H, 1" = 10' V



LEGEND	
	FILL BELOW WATER SURFACE FOR TRAIL
	FILL BELOW WATER SURFACE FOR EMERGENT SHELF

PROPOSED FILL AREA BELOW WATER ELEV (1095.6)
TOTAL FILL: 28,469 S.F. (0.66 AC.)

FILL FOR TRAIL: 14,699 S.F. (0.34 AC.)
FILL FOR EMERGENT WETLAND SHELF: 13,770 S.F. (0.32 AC.)

PROPOSED CUT/FILL VOLUMES BELOW WATER ELEV (1095.6)
CUT: 6182 CY (166,914 CF)
FILL: 1246 CY (33,642 CF)

BREAKDOWN OF FILL VOLUME BELOW WATER ELEV
FILL FOR TRAIL: 203 CY (5,481 CF) (16.3% OF FILL)
FILL FOR EMERGENT WETLAND SHELF: 1043 CY (28,161 CF) (83.7% OF FILL)

ENGINEER:
FORESITE
group
Foresite Group, LLC. 3740 Davinci Ct. Suite 100 Peachtree Corners, GA 30092
www.fg-inc.net | 770.368.1399 | 770.368.1944

DEVELOPER:
Johns Creek
GEORGIA
be the exception
CITY OF JOHNS CREEK
11360 LAKEFIELD DRIVE
JOHNS CREEK, GA 30097
(678) 512-3200
CONTACT: ERICA MADSEN, P.E.

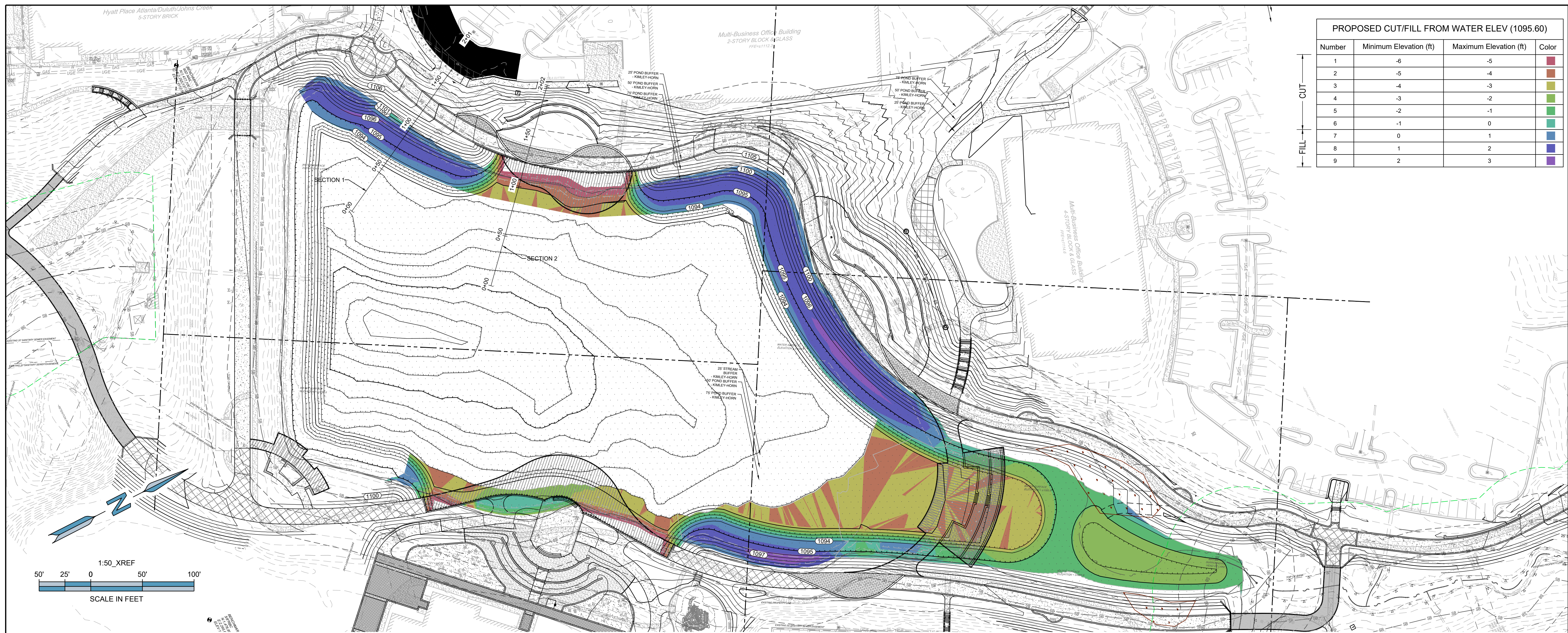
PROJECT:
CREEKSIDE PARK
30% SCHEMATIC DESIGN
11360 LAKEFIELD DRIVE
JOHNS CREEK, GA 30097
11-0381, 0382, 0375, 0374
PARCEL #: ---, PERMIT #-#####

SEAL:

REVISIONS	DATE
30% SCHEMATIC DESIGN	01/23/23
PROJECT MANAGER:	PT
DRAWING BY:	YH
JURISDICTION:	JOHNS CREEK, GA
DATE:	2023-01-23
SCALE:	1" = 20'
TITLE:	

UPPER LAKE CUT-FILL EXHIBIT
(AREAS)
SHEET NUMBER:
EX-1
COMMENTS: NOT RELEASED FOR CONSTRUCTION
JOB/FILE NUMBER: 939.011

Figure 10b: Open Water 1 / Upper Pond Site Plan

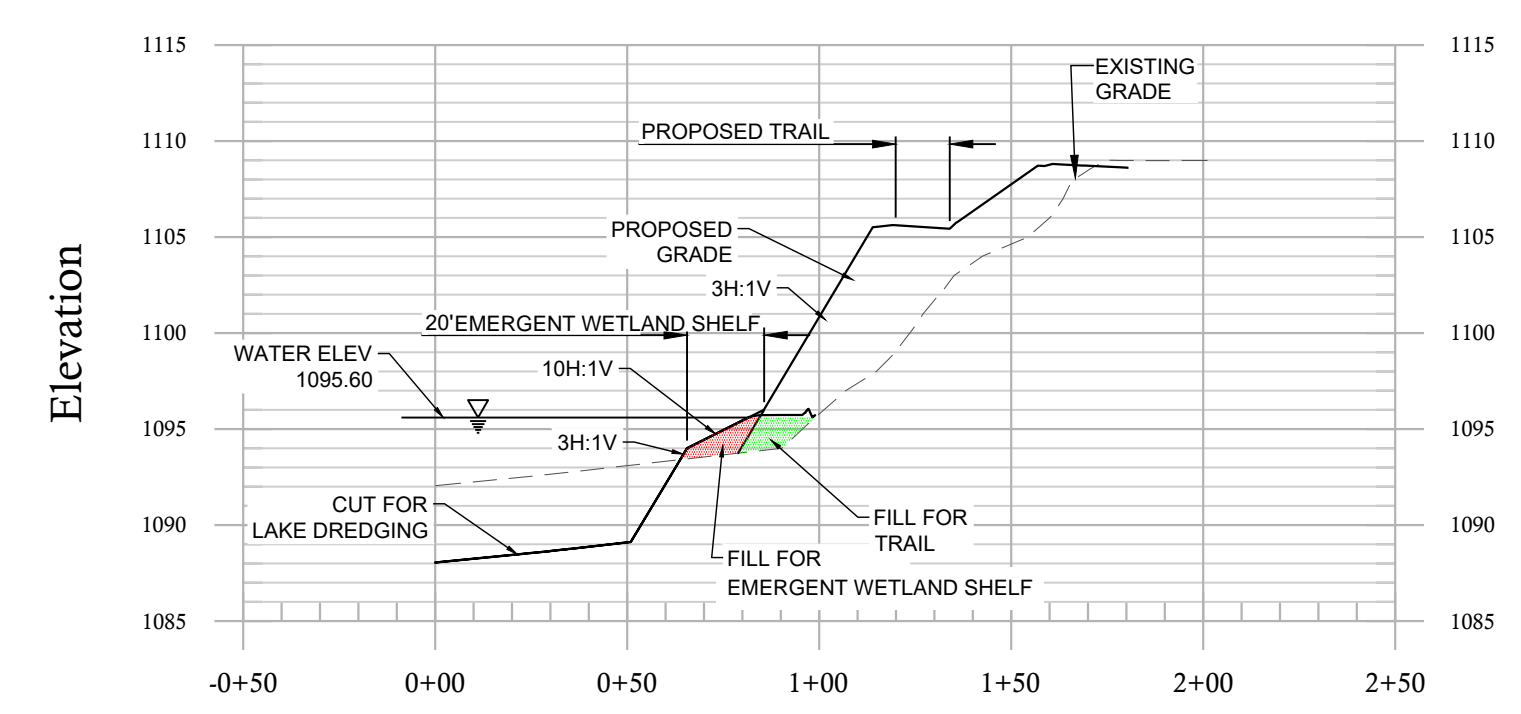


ENGINEER:
FORESITE group
 Foresite Group, LLC. | www.fg-inc.net
 3740 Davinci Ct. | 770.368.1399
 Suite 100 | 770.368.1944
 Peachtree Corners, GA 30092

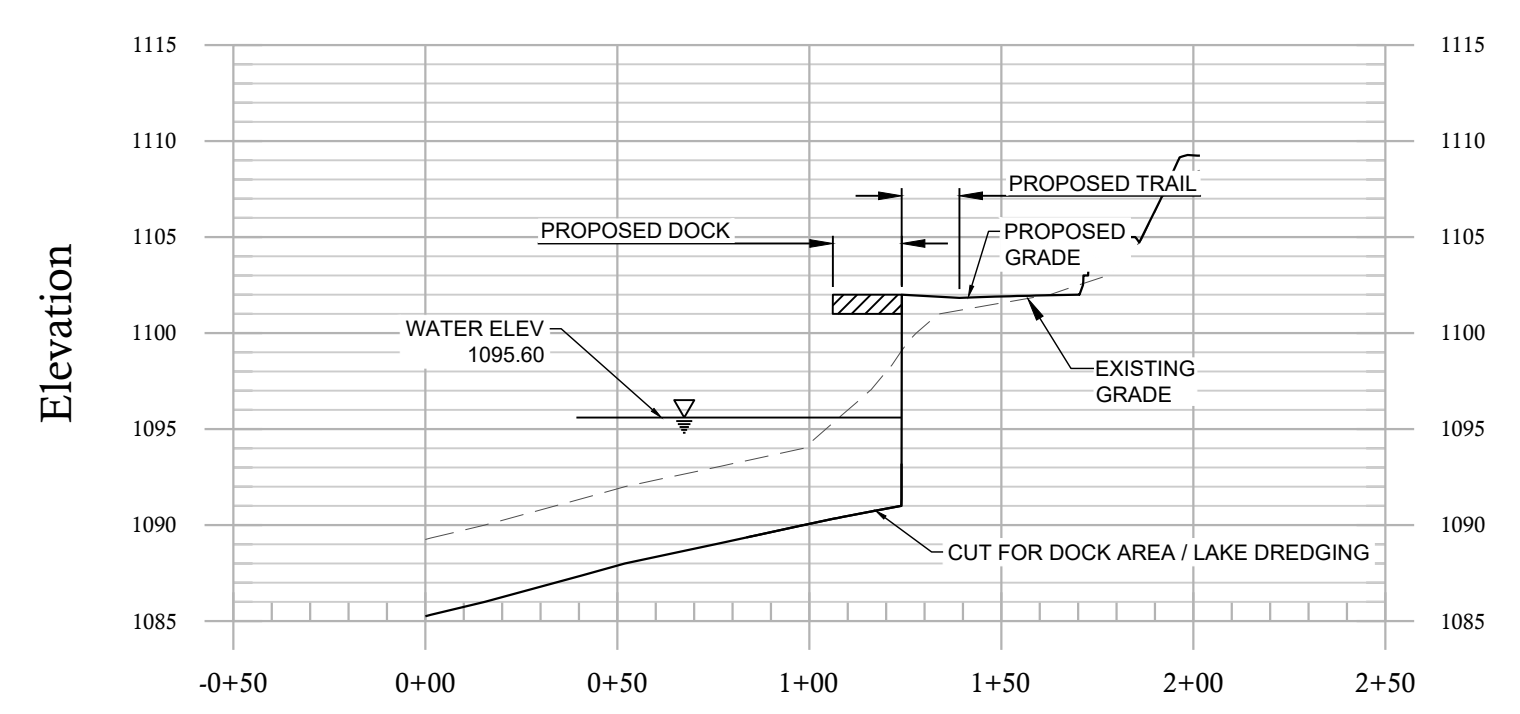
DEVELOPER:
Johns Creek GEORGIA
be the exception
 CITY OF JOHNS CREEK
 11360 LAKEFIELD DRIVE
 JOHNS CREEK, GA 30097
 (678) 512-3200
 CONTACT: ERICA MADSEN, P.E.

PROJECT:
CREEKSIDE PARK
 30% SCHEMATIC DESIGN
 11360 LAKEFIELD DRIVE
 JOHNS CREEK, GA 30097
 11-0381_0382_0375_0374
 PARCEL #: ---, PERMIT #-#####

EMERGENT WETLAND SHELF PROFILE
 1" = 50' H, 1" = 10' V



SECTION 2 - CUT AT DOCK AREA
 1" = 50' H, 1" = 10' V



PROPOSED CUT/FILL VOLUMES BELOW WATER ELEV (1095.6)
 CUT: 6182 CY (166,914 CF)
 FILL: 1246 CY (33,642 CF)

BREAKDOWN OF FILL VOLUME BELOW WATER ELEV
 FILL FOR TRAIL: 203 CY (5,481 CF) (16.3% OF FILL)
 FILL FOR EMERGENT WETLAND SHELF: 1043 CY (28,161 CF) (83.7% OF FILL)

SEAL:

REVISIONS	DATE
30% SCHEMATIC DESIGN	01/23/23
PROJECT MANAGER:	PT
DRAWING BY:	YH
JURISDICTION:	JOHNS CREEK, GA
DATE:	2023-01-23
SCALE:	1" = 20'
TITLE:	

UPPER LAKE CUT-FILL EXHIBIT
 (VOLUMES)

SHEET NUMBER:
EX-2

COMMENTS: NOT RELEASED FOR CONSTRUCTION

JOB/FILE NUMBER: 939.011

Figure 11: Open Water 2 / Lower Pond Site Plan

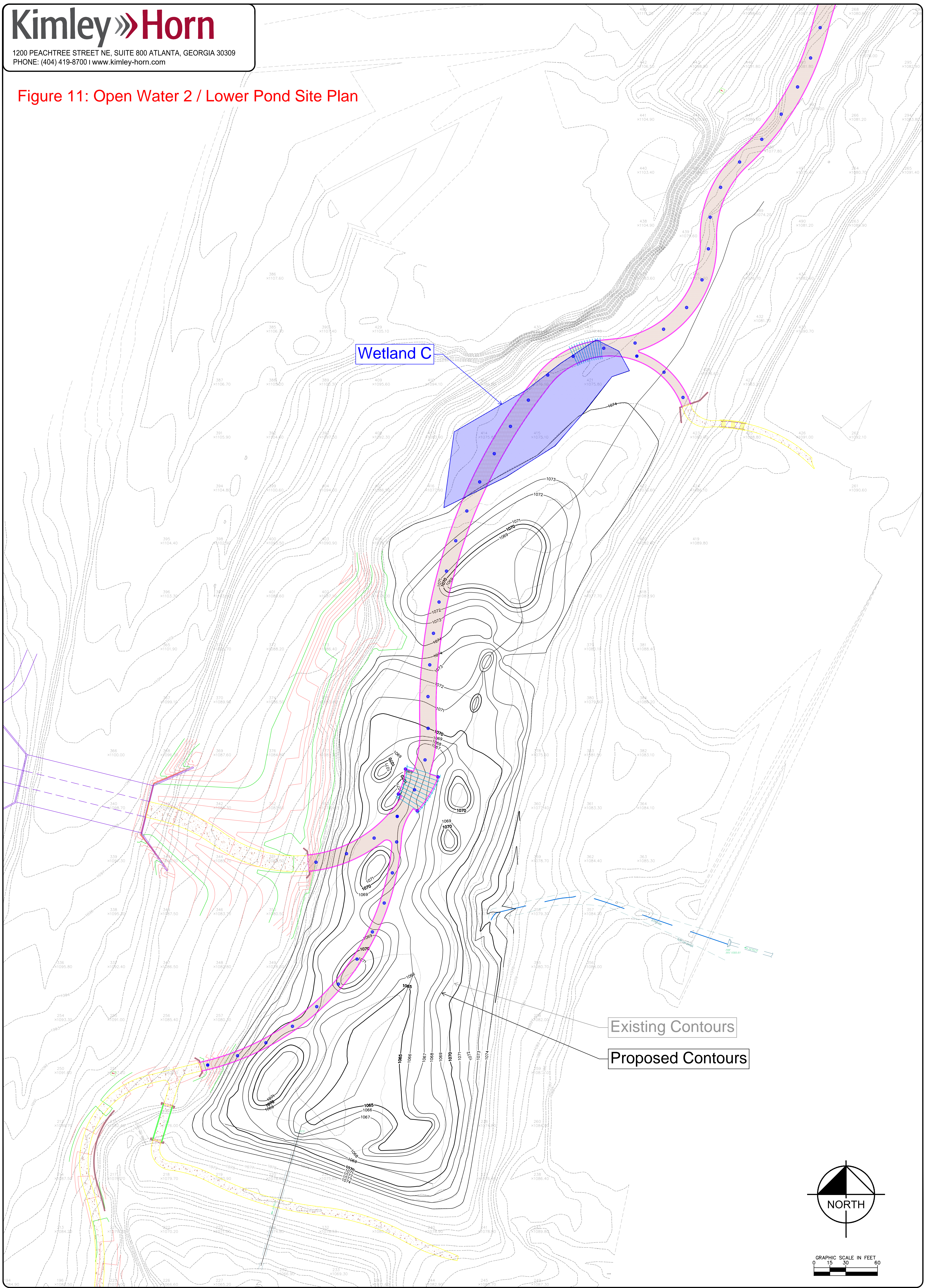
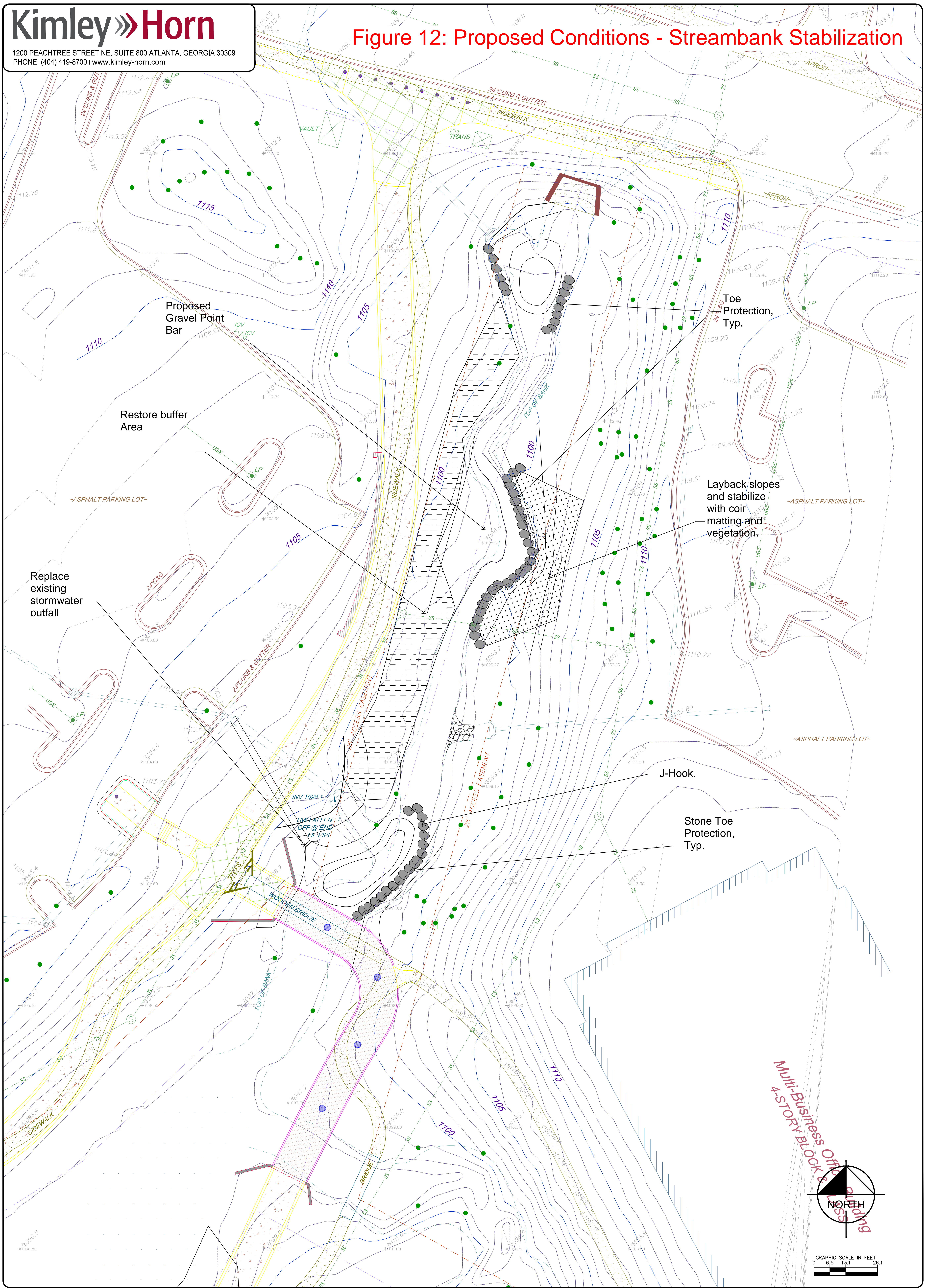
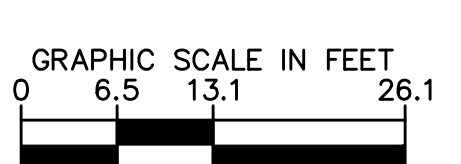
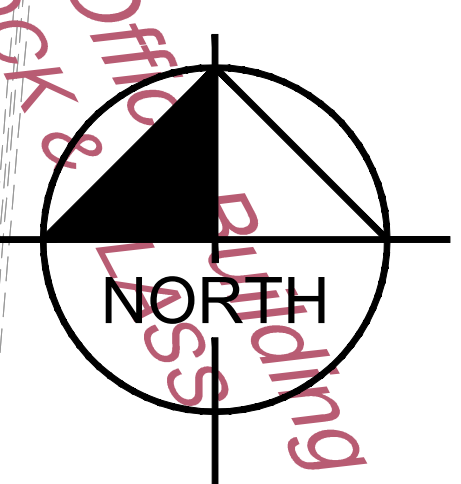
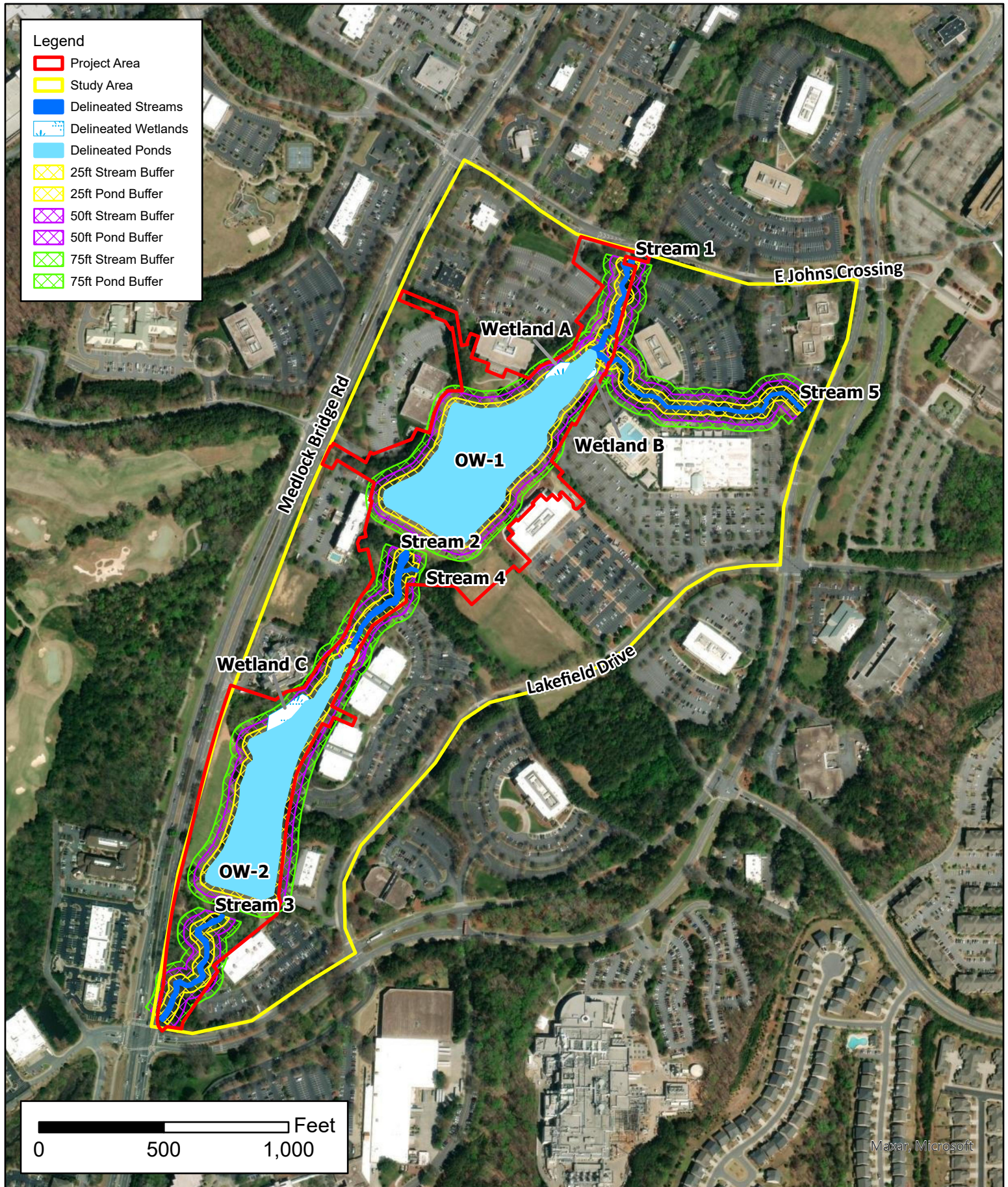


Figure 12: Proposed Conditions - Streambank Stabilization

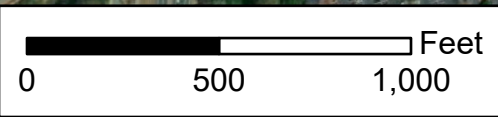


Multi-Business Office Building





- Legend**
- ▭ Project Area
 - ▭ Study Area
 - ▭ Delineated Streams
 - ▭ Delineated Wetlands
 - ▭ Delineated Ponds
 - ▭ 25ft Stream Buffer
 - ▭ 25ft Pond Buffer
 - ▭ 50ft Stream Buffer
 - ▭ 50ft Pond Buffer
 - ▭ 75ft Stream Buffer
 - ▭ 75ft Pond Buffer



Maxar, Microsoft