

**Buffer Variance Comment”, Notice Close Date Lamar County City / County BV-085-24-01
Control Number Hillwood Riverview Business Center
(GPS Coordinates: 33.2045, -84.0471)**

Comments are being submitted as per the conditions set forth in the above referenced Public Notice that are limited to environmental issues related to air, water, and land **protection** relative to the following:

“This proposed project involves buffer encroachments necessary to construct a business center and associated infrastructure off Barnesville-Jacksonville Road and Riverview Park Road east of Interstate 75 Lamar County.

The project will require 90.94 acres of disturbance including permanent impacts (pipe/fill) to 210 total linear feet (11,385.94 total square feet) of buffer along an unnamed tributary to Towaliga River in the Upper Ocmulgee Watershed (03070103).”

A request to review the project plan was submitted, as per the Public Notice instructions, on May 31, 2024; the first available appointment was June 13, 2024. This delay severely impacted the much-needed time to properly prepare comments. Therefore, the variance request should be denied on this basis alone.

The limited review of the plans indicates the disturbance, required for the pipe/fill installation, is directly connected to a catchment entering High Falls State Park Lake, a part of the Towaliga Watershed that begins in Henry County and joins the Ocmulgee River at Juliette, GA. The following are impacts directly linked to this potential for contamination and justification for objecting to the issuance of this variance.

High Falls State Park Lake has been identified by the Georgia Environmental Protection Division, Assessment Unit ID: GAR030701031118 as a 303(d) impaired lake as established by the Federal Clean Water Act (CWA).¹ This means that the proposed project would result in a *point source* of contamination (waters listed for impairments from single identifiable source of air, water, thermal, noise or light pollution stormwater sources).

As per the Middle Ocmulgee Region Water Plan² the Georgia EPD has identified much of the Towaliga Watershed as part of 95 impaired streams that reach a total impaired length of 685.2 miles and 4 impaired lakes with a total area of 1,464 acres. Impairments can be based on various parameters such as fecal coliform, copper, biota (aquatic species), fish consumption guidance, pH, and toxicity. The most common pollutants coming from stormwater sources include sediment, pathogens, nutrients and metals.

These impaired waters need a Total Maximum Daily Load (TMDL), which identifies the total pollutant loading that a waterbody can receive and still meet water quality standards and specifies a pollutant allocation to specific point and nonpoint sources.³ States and EPA Regions have used a variety of methods to develop stormwater-source TMDLs and have expanded regulations to smaller municipalities and smaller construction activities. Although the proposed plan states “compliance with the Georgia erosion and sedimentation act (GESA) will ensure that the pollutant loadings from the proposed construction site will be at or below the TMDL targets for the pollutants of concern,” the point source is extremely close to the flood plain and is less than 1,500 feet from the headwaters of a flow-through lake that is already suffering from overdevelopment leaving little margin for error.

Georgia Wildlife Resource Division (WRD) manages several properties within the Ocmulgee River basin and in that includes High Falls State Park Lake. The basin is home to nine aquatic species found on Georgia’s list of protected animals: Altamaha shiner (state Threatened), Goldstripe darter (state Rare), Atlantic Sturgeon (state Endangered), Altamaha arc mussel (state Threatened), Chattahoochee crayfish (state Threatened), Savannah Lilliput (state Threatened), Shortnose sturgeon (state Endangered), Altamaha Spiny mussel (state Endangered), and Robust redbreast (state Endangered, see below). More information about these species can be found through the Georgia DNR Biodiversity Portal (georgiabiodiversity.org). Federally listed species can

¹ <https://mywaterway.epa.gov/waterbody-report/21GAEPD/GAR030701031118/2022>

² [file:///C:/Users/Sharon/Downloads/Middle%20Ocmulgee%20RWP%202023%20\(12\).pdf](file:///C:/Users/Sharon/Downloads/Middle%20Ocmulgee%20RWP%202023%20(12).pdf)

³ <https://www.epa.gov/tmdl/impaired-waters-and-stormwater>

be found through the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPAC) system (<https://ipac.ecosphere.fws.gov/>) WRD monitors and manages the sportfish populations in the Ocmulgee River and its tributaries. Popular fisheries include largemouth bass, shoal bass, Altamaha (Redeye) bass, redbreast, bluegill, redear, and channel catfish. The world record largemouth bass was caught in an oxbow of the Ocmulgee River. American shad and striped bass are both anadromous species that are experiencing population declines.

The following research supports the objection to point source contamination of High Falls State Park Lake, a lake *owned by the citizens of the State of Georgia*.

“Headwater streams are among the most sensitive freshwater ecosystems due to their intimate linkage with their catchments and how easily they are impacted. As a unique ecosystem with many specialist species, headwater streams deserve better stewardship.”⁴

“The biota of headwater streams can be placed in five broad groups: (1) species that are unique to these small ecosystems; (2) species that are found in these and larger streams, although their abundance may vary with stream size; (3) species that move into headwaters seasonally as the stream network expands and contracts or as downstream conditions grow less favorable; (4) species that spend most of their lives in downstream ecosystems, but require headwaters at particular life history stages (e.g., for spawning or nursery areas); and (5) species that live around but not in headwater streams, requiring the moist habitat they provide or feeding on the products of headwaters (e.g., benthic, emerging or drifting insects).”⁵

“Our synthesis of existing watershed research and the modeling assessment of northeastern U.S. streams demonstrate the important role that headwaters play in the supply, transport, and fate of water and nitrogen in river networks. This provides important information for the water-resource community regarding decisions on the regulation and management of headwater streams. The results also provide scientific information that potentially broadens understanding of the extent of Federal CWA jurisdiction in waters of the United States, a topic of continuing importance as indicated by recent U.S. Supreme Court cases. The procedures for establishing Federal jurisdiction that have emerged from these cases stress the need for technical and scientific information about whether a “significant nexus” exists between upland waters and downstream navigable waters and their tributaries. Such a connection could be based on evidence that the use, degradation, or destruction of non-navigable headwaters demonstrably influences the waters covered by the CWA.”⁶

The Watershed Protection Branch manages water resources in Georgia through regulatory and protection programs, monitoring, assessment and planning. The Branch issues permits to local governments and industry to discharge treated wastewater and stormwater and to local governments, industry, farmers and subdivisions for surface water and groundwater withdrawals. The Branch ensures that Georgia's public water systems are operating properly to supply safe drinking water to citizens and controls nonpoint sources of pollution through grants and volunteer programs such as Rivers Alive and Adopt-a-Stream⁷. The Branch also conducts monitoring and modeling of Georgia's waters. The High Falls Lake Association Adopt-A-Stream group have added the following locations to the monthly testing locations that are along catchments surrounding the pending development. (1) 33.210359, -84.047294; (2) 33.207846, -84.046393; (3) 33.208097, -84.043839; (4) 33.204156, -84.042066

Signature: _____ Date: _____

Address: _____

Email; _____ Phone: _____

⁴ <https://www.semanticscholar.org/paper/Biological-Diversity-in-Headwater-Streams-Richardson/677d8f3c3d0fc07cd6ece07c514bae66e0b567f1>

⁵ <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1752-1688.2007.00008.x>

⁶ <https://www.usgs.gov/publications/role-headwater-streams-downstream-water-quality>

⁷ <https://epd.georgia.gov/about-us/watershed-protection-branch>