Good afternoon Mr. & Mrs. Tynor,

Below in red are responses to your inquiries about the North Fork Peachtree Creek Greenway project.

If you two have any follow up questions to the responses please let me know and I will do my best to locate information.

Thanks,

[XXXX]

1. All of the documentation we received was for the segment completed between Druid Hills and Briarwood Rd NE in 2019. We know that Brookhaven is planning the next segment now (running north from Briarwood Rd) and Dekalb has looked into the segment further north near Fisher Trail Park (between Century Blvd and Shallowford Rd). *Does your department have any additional riparian buffer waiver requests for the North Fork Peachtree Creek Greenway for any other segments north of Briarwood up to 285? If so, can you please give us the IDs of these requests so that we can find them on your public notice website? (We did look on your website, and were unable to find anything posted there... but we might have missed it.)* **EPD has not received additional PATH Foundation applications for this project.**

2. The documentation schematics show a 75' "impervious" zone but we didn't see mention of this in the written application. *What exactly is the related impervious buffer zone requirement, and are waivers required for use of impervious materials in this 75' zone?* **Impervious Buffer Zones mentioned are adopted by local jurisdictions and are addressed through local authorization procedures. Per O.C.G.A. § 12-7-6 (15-17), the State recognizes 25-ft Warm Water, 25-ft Coastal Marsh, and 50-ft Trout Water buffers. Only the State can authorize variances regarding these buffers but local authorities may be more restrictive in the land use.**

3. The documentation stated that within the 25' riparian buffer, mitigation measures included use of native riparian, multi-trophic grasses/vegetation. *Is mown grass of the type that you normally see in your front/back yard considered native riparian multi-trophic grass/vegetation? We've walked the route and there is quite a lot of mown grass within the 25' buffer zone.* **A fully functional riparian zone includes native riparian vegetation consisting of canopy cover, shrub, brush and small tree structure, grasses, forbs and other vegetation and root systems. This vegetation structure plays an important role in soil stabilization and regeneration, floodplain integrity, water quality, stream inputs, and both upland and aquatic habitat.**

4. The documentation has aerial photos that clearly show the entire area to have been heavily forested prior to this work. The tree canopy in the photo extends all the way to the creek bank. Aerial photos of the PCG route as it currently stands show a wide swathe cleared to make room for the 14' concrete and also a large amount of mown grass on either

side. Some of this clearing is within the 25' buffer, although admittedly much of it is within a 50' buffer range. Nonetheless, this entire area is flood zone and the original tree canopy was highly absorptive and dispersive of rainfall, surely much more so than what is now there. *Is assessment of clearing heavily forested areas within the floodplain considered in the DNR Watershed waiver process, or does that fall to a different department dependent on whether it is inside or outside the 25' riparian buffer?* **All variance requests reviewed by the Director must provide reasonable evidence that impacts to the buffer have been avoided or minimized to the fullest extent practicable. The variance shall be the minimum reduction in buffer width necessary to provide relief. Floodplain and impacts to the FEMA Special Flood Hazard Areas are the responsibility of the local jurisdictions and their Flood ordinances. Per Ga. Comp. R. & Regs. 391-3-7-.05 (4)(b) for major impacts, buffer mitigation plans addressing impacts to critical buffer functions, including water quality and floodplain, watershed and ecological functions based on an evaluation of existing buffer conditions and predicted post construction buffer conditions is reviewed.**

5. We didn't see any documentation of monitoring/inspections during/post construction. *Is the DNR Watershed involved with this? Who is normally responsible for monitoring and inspecting to ensure compliance with the waiver conditions?* **In this case, as a delegated "Issuing Authority," the city of Brookhaven 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. Buffer variance conditions must be incorporated into any Land Disturbing Activity Permit issued by the local issuing authority for the project.**

6. These documents were solely for permitting the NF PCG segment between Druid Hills Rd and Briarwood Rd NE, but the entire NF PCG plan is far larger extending all the way to 285. *Does the DNR Watershed allow for "piecemealing" the permitting process and waiver issuances? ie, Does the DNR Watershed allow applicants to repeatedly ask for waivers on small sections of a large project, treating each waiver request separately from the whole?* **It is current practice to review and authorize projects in "phases" as funding or other external limitations allow applicants to proceed with projects.**

From: Laurie Tynor <ltynor@gmail.com>
Sent: Sunday, January 28, 2024 3:32 PM
To: Water, GORArequest <GORArequest.Water@dnr.ga.gov>
Cc: stynor@gmail.com
Subject: follow-up questions regarding the riparian buffer waiver to PATH/Brookhaven/Dekalb for the North Fork Peachtree Creek Greenway

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: [XXXX]

Thank you very much for your help on Friday in retrieving/copying the documentation regarding North Fork Peachtree Creek Greenway riparian buffer waiver requests. We have read through the documents, and we have a few questions.

1. All of the documentation we received was for the segment completed between Druid Hills and Briarwood Rd NE in 2019. We know that Brookhaven is planning the next segment now (running north from Briarwood Rd) and Dekalb has looked into the segment further north near Fisher Trail Park (between Century Blvd and Shallowford Rd). *Does your department have any additional riparian buffer waiver requests for the North Fork Peachtree Creek Greenway for any other segments north of Briarwood up to 285? If so, can you please give us the IDs of these requests so that we can find them on your public notice website? (We did look on your website, and were unable to find anything posted there... but we might have missed it.)*

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We know these are a lot of questions, but we would greatly appreciate your time in clarifying these things.

Thank you very much,

Laurie and Steve Tynor
ltynor@gmail.com, stynor@gmail.com

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