

City of Atlanta Greenway Acquisition Project



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City of Atlanta
Department of Watershed Management

NACWA Legal Affairs Conference
Palm Springs, CA
November 6-9, 2007

This project was undertaken in connection with the settlement of an enforcement action taken jointly by the United States Environmental Protection Agency, the Georgia Environmental Protection Division and Upper Chattahoochee Riverkeeper Fund, Inc., the Chattahoochee Riverkeeper Inc. and W. Robert Hancock, Jr., for violations of the Federal Water Pollution Control Act and Georgia Water Quality Control Act.

SEP Characteristics

- ◆ Relationship between the violation and the health/environmental benefits resulting from the SEP.
- ◆ Improve, protect, or reduce risks to public health or the environment; may provide violator with benefits.
- ◆ Undertaken in settlement of an enforcement action as a project the violator is not otherwise legally required to perform.

Atlanta's SEP

- ◆ Purpose: Environmental Restoration & Protection
 - To “improve the condition of the land, air or water in the area damaged by the violation.”
- ◆ Two projects:
 - Stream Clean-up: \$2.5M
 - Greenway Acquisition Project: \$25M

CSO Consent Decree, Sec. VIII
Civil Action File No. 1:95-CV-2550-TWT
www.cleanwateratlanta.org

Greenway Project Description

acquire and protect streamside properties

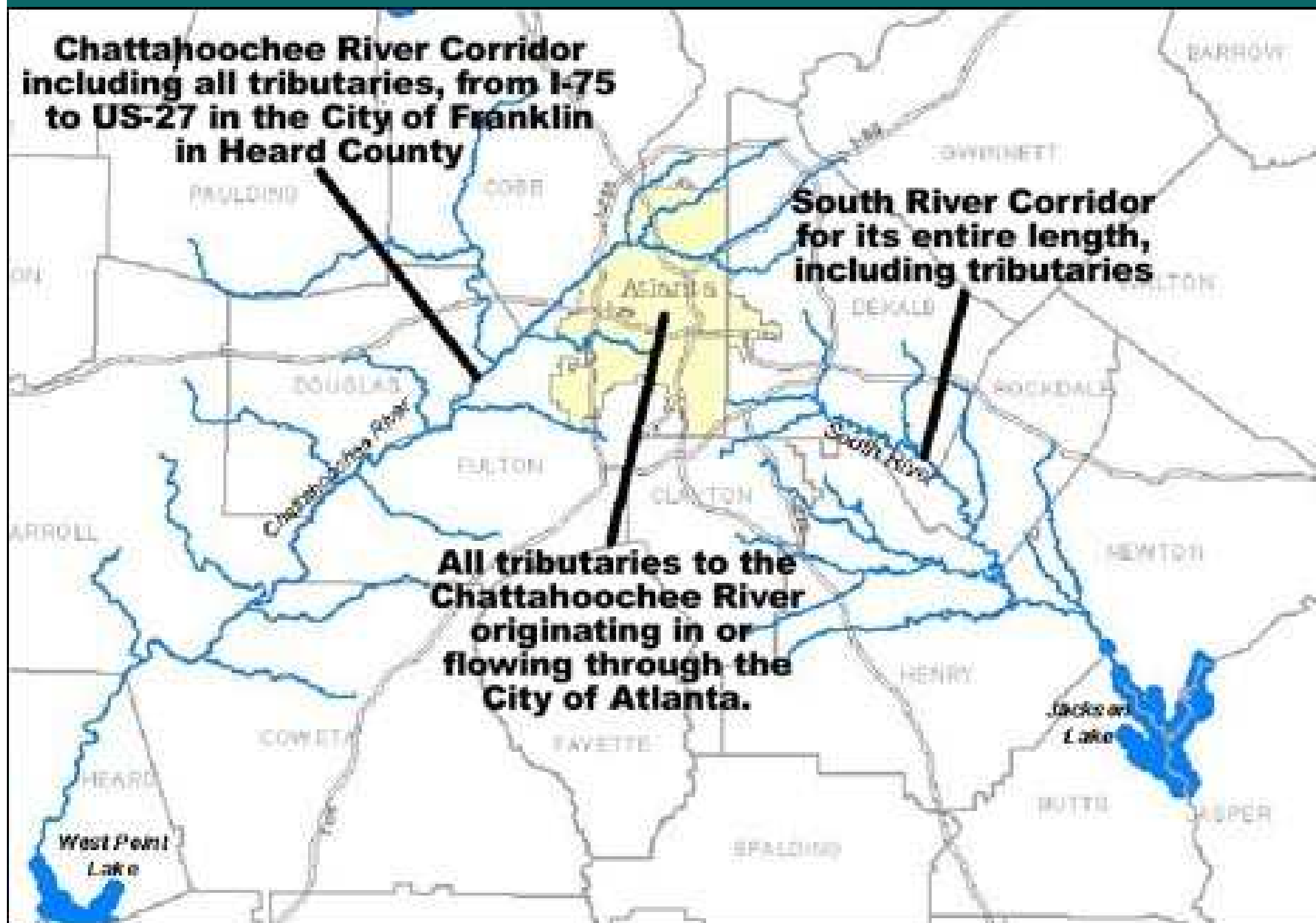
- ◆ maintain in a natural, undisturbed state
- ◆ protect Metro Atlanta rivers and creeks from pollution caused by stormwater runoff and land disturbing activities.



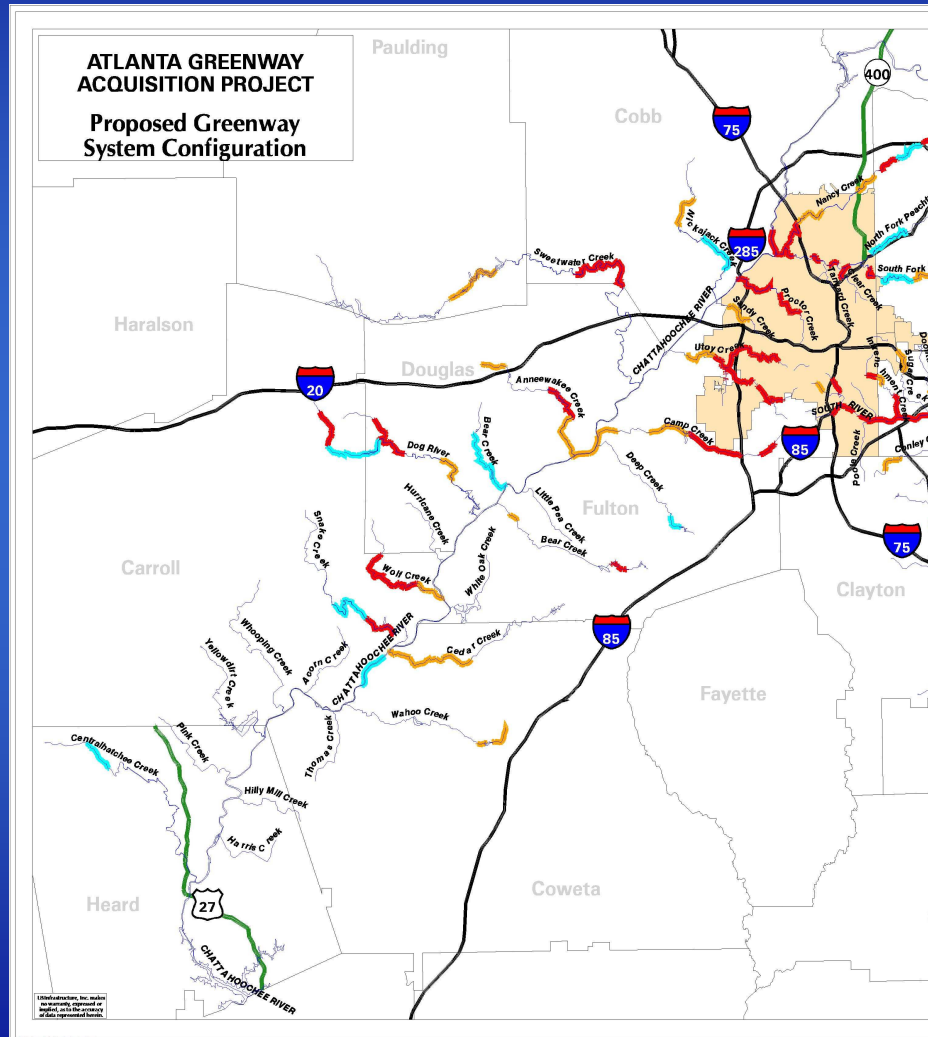
**Chattahoochee River Corridor
including all tributaries, from I-75
to US-27 in the City of Franklin
in Heard County**

**South River Corridor
for its entire length,
including tributaries**

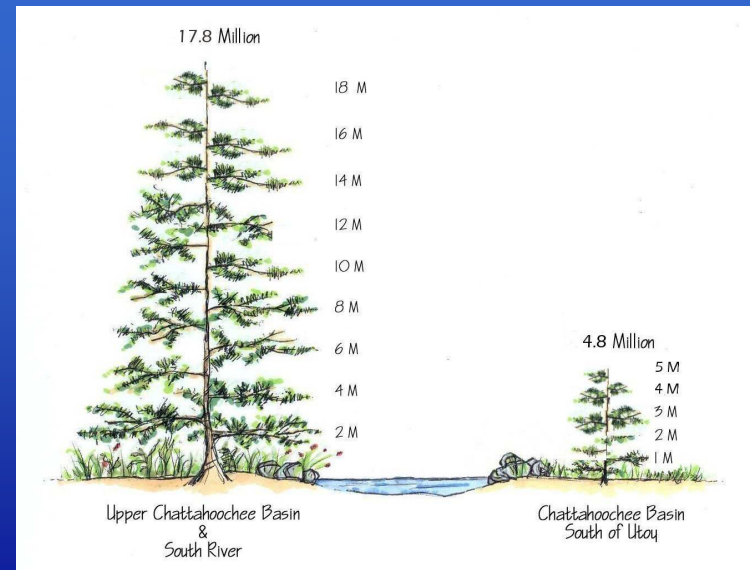
**All tributaries to the
Chattahoochee River
originating in or
flowing through the
City of Atlanta.**



\$25M Expenditure Requirement



- ◆ **10% (\$2.5M) allowable for operating costs**
- ◆ **15% (\$3.75M) must be spent to acquire land on tributaries of the Chattahoochee River south of Utoy Creek**



Definition of a Greenway

- ◆ A network of natural areas in corridors adjacent to surface water systems and managed for conservation, non-point source pollution abatement, and habitat protection.

City of Atlanta Greenway Acquisition
Plan www.cleanwateratlanta.org

Definition of a Greenway

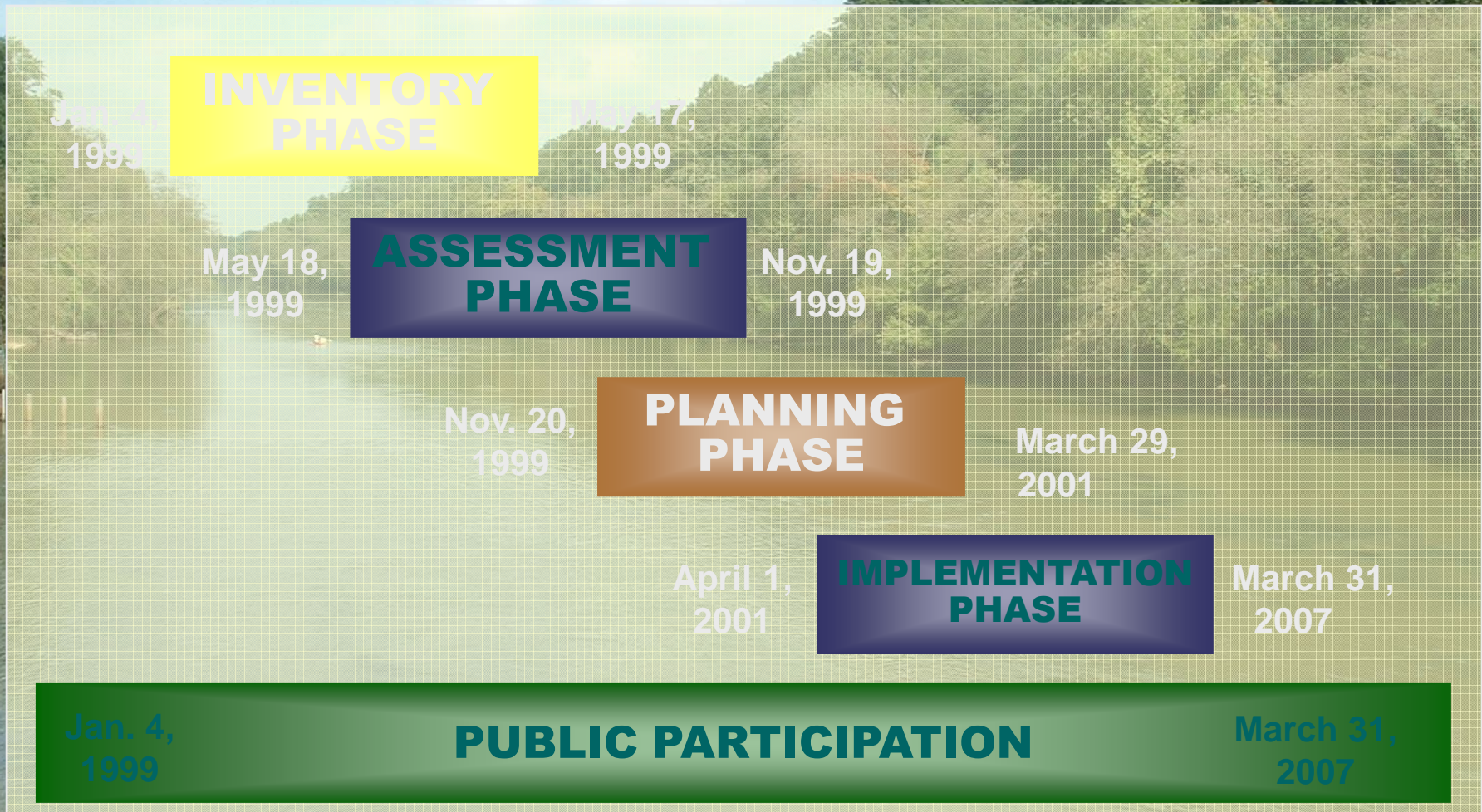
- ◆ Greenways are compatible with low-impact uses by the public (up to 10% of land area).



SEP Advisory Committee Members

Appointee	Affiliation	Appointing Body	Dates of Service
Michael Weaver	Civic leader	Mayor	1998-2000
Stacy Patton	The Nature Conservancy	Riverkeeper	1998-2002
Eric Wilson	Civic leader	Mayor	1998-2002
Linda Jordan (Chair)	Civic leader	Mayor	1998-2002
Harvey Young	Ga. DNR, Coordinator, Georgia Greenspace Program	EPD	1998-2003
Hon. Clair Muller	Atlanta City Council	Council	1998-2003
Gloria Martin	South River Gardens Community	Council	1998-2007
Sally Bethea	Upper Chattahoochee Riverkeeper	Riverkeeper	1998-2007
Hon. Clela Winslow	Atlanta City Council	Council	1998-2007
Dr. James E. Fason	Fulton County Dept. of Environment & Community Development	Fulton County	1999-2003
Rose Pettigrew	Lucent Technologies	Mayor	2002-2004
Buszeda Hudson	SouthTrust Bank	Mayor	2002-2004
Rex Boner	The Conservation Fund	Riverkeeper	2002-2007
Marcia Bansley (Chair)	Trees Atlanta	Mayor	2002-2007
Paul Michael	Ga. Dept. of Natural Resources, Real Estate Division	EPD	2003-2005
Hon. Howard Shook	Atlanta City Council	Council	2003-2005
J Wade	Ga. Dept. of Natural Resources, Real Estate Division	EPD	2005-2007
Nate Clark	Coldwell Banker Real Estate, Beltline TAD Advisory Committee	Mayor	2005-2007
Rochelle Routmann	Wildwood Urban Forest Group, Georgia Power	Council	2005-2007
Howard Franklin	Edison Group	Mayor	2006-2007

Greenway Acquisition Project Planning Process



ATLANTA GREENWAY ACQUISITION PROJECT

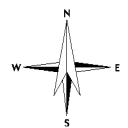
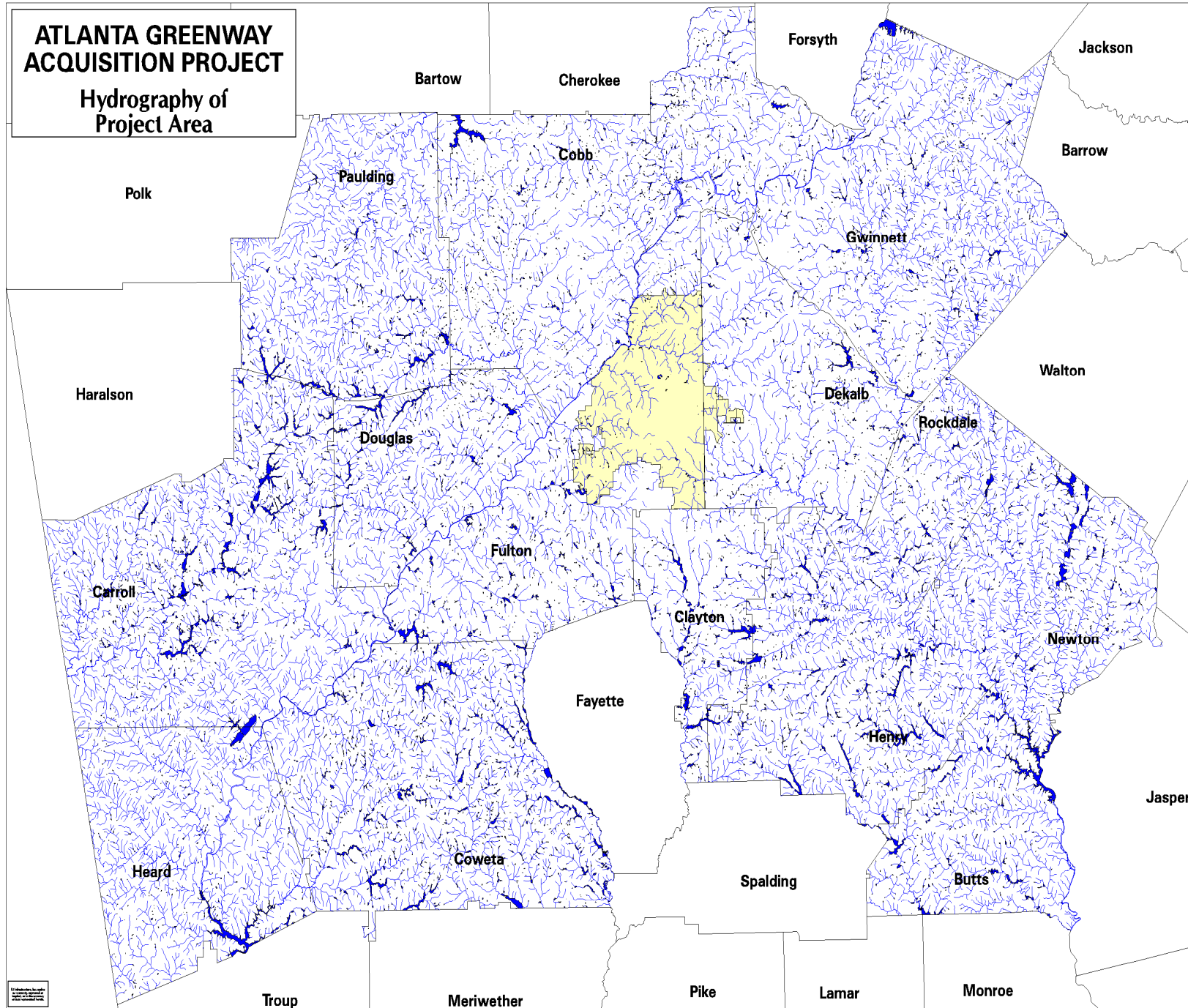
Hydrography of Project Area



CITY OF ATLANTA

LEGEND

- Major Streams
- County Boundaries
- Lakes
- Atlanta City Limits



SCALE 1:250000
0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000
METERS

ATLANTA GREENWAY
ACQUISITION PROJECT
Map B-1
Hydrography of
Project Area

Date: 05/2019

Data Source:
Georgia Department of Transportation
Georgia Department of Natural Resources



1:250,000 Scale
Map B-1
Hydrography of
Project Area

ATLANTA GREENWAY ACQUISITION PROJECT

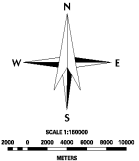
Drainage Areas for Major Streams



CITY OF ATLANTA

LEGEND

- Major Streams
- County Boundaries
- Lakes
- Acorn Creek
- Anneewakee Creek
- Bear Creek
- Bear Creek
- Camp Creek
- Camp Creek
- Cedar Creek
- Centralhatchee Creek
- Chattahoochee River
- Cobbs Creek
- Conley Creek
- Cotton Indian Creek
- Deep Creek
- Dog River
- Doolittle Creek
- Harris Creek
- Hilly Mill Creek
- Honey Creek
- Hurricane Creek
- Intrenchment Creek
- Little Pea Creek
- Mackey Creek
- Nancy Creek
- Nickajack Creek
- Peachtree Creek
- Pink Creek
- Pole Bridge Creek
- Proctor Creek
- Sandy Creek
- Snake Creek
- Snapfinger Creek
- Snapping Shoals Creek
- South River
- Sugar Creek
- Sweetwater Creek
- Thomas Creek
- Utty Creek
- Wahoo Creek
- Walnut Creek
- White Oak Creek
- Whooping Creek
- Wildcat Creek
- Wolf Creek
- Yellow Dirt Creek



ATLANTA GREENWAY ACQUISITION PROJECT

Drainage Areas for Major Streams

Date: 04/23/19 Data Source: Georgia Department of Transportation





CITY OF ATLANTA

LEGEND

- Atlanta City Limits
- Priority 1
- Priority 2
- Priority 3
- Major Streams
- Interstates
- Other Major Highways



SCALE 1:
2000 4000 6000 8000 10000
METERS

ATLANTA GREENWAY
ACQUISITION PROJECT

Proposed Greenway
System Configuration

Date: 6/2/2006

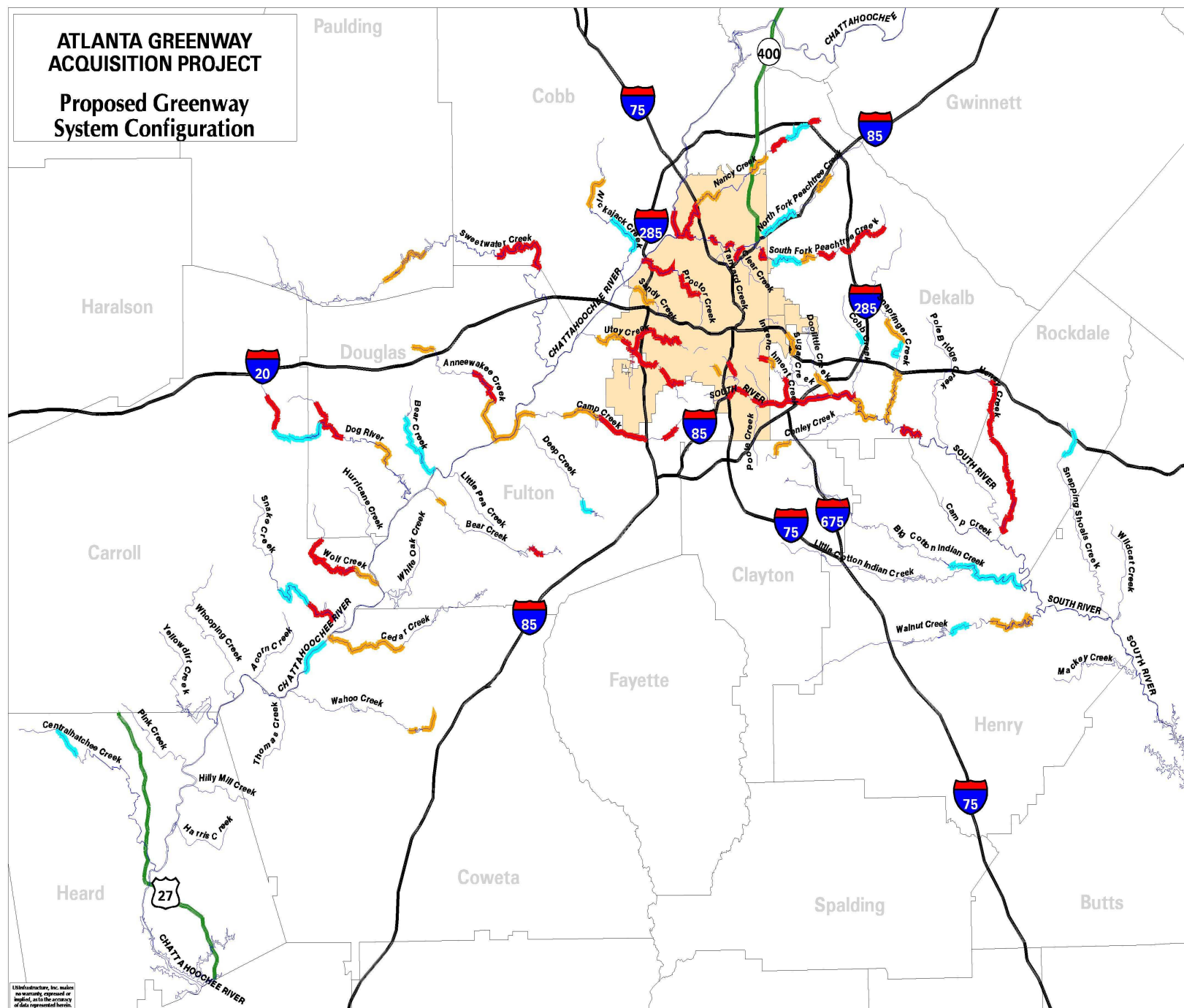
Data Source:
Georgia Department of Transportation
United States Geological Survey



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ATLANTA GREENWAY
ACQUISITION PROJECT

Proposed Greenway
System Configuration



USInfrastructure, Inc. makes
no warranty, expressed or
implied, as to the accuracy
of data represented herein.

Implementation Phase

- ◆ Plan approved April 2001
- ◆ Implementation deadline: March 31, 2007



Selection Criteria: Examples

- ◆ Development pressure
- ◆ Cultural/historical value
- ◆ Environmental justice
- ◆ Ecological value
- ◆ Impacted stream banks
- ◆ Recreation value

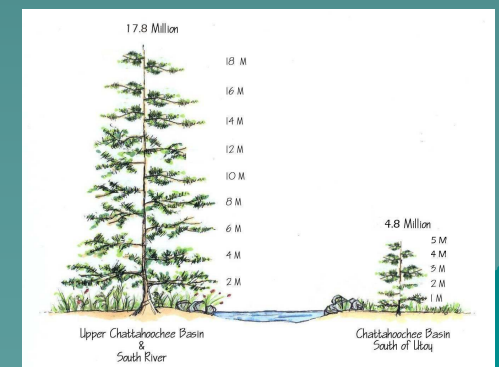
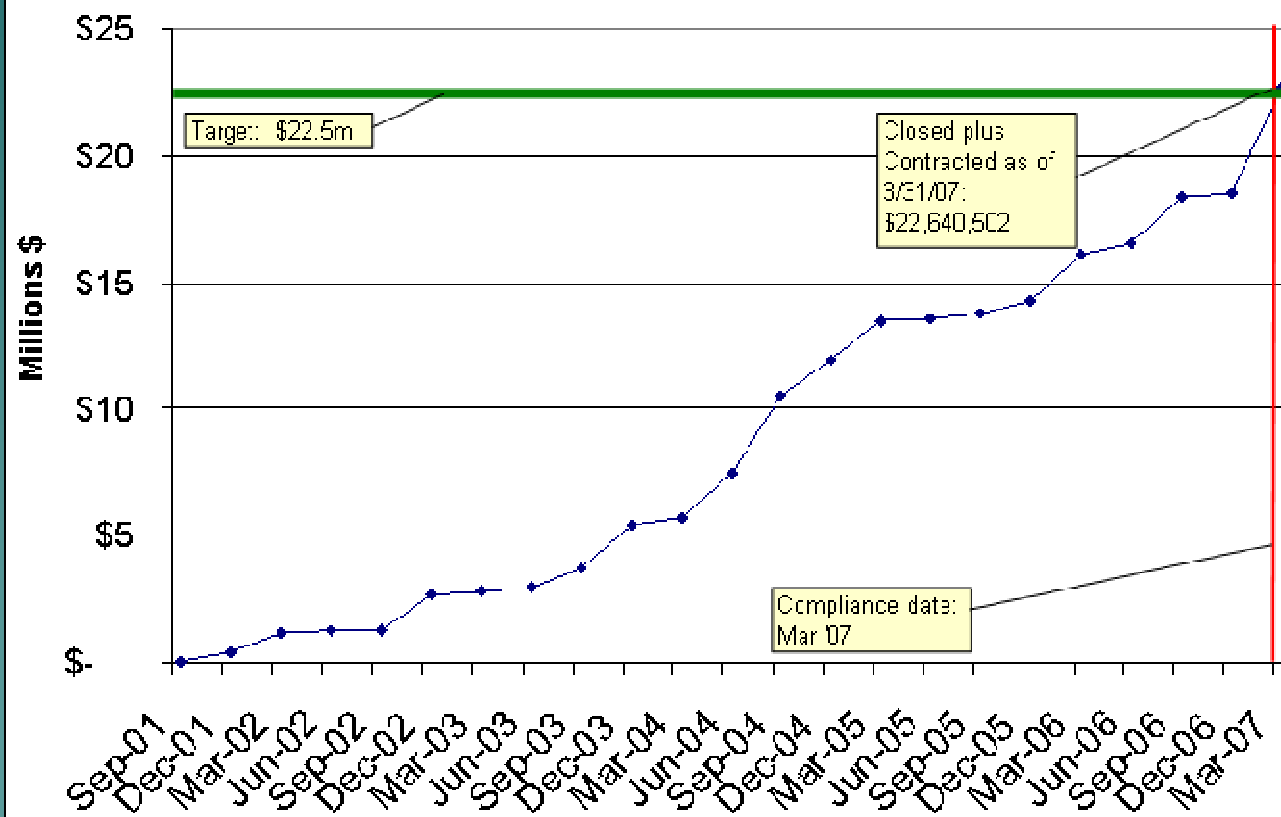
City of Atlanta Greenway Acquisition
Plan www.cleanwateratlanta.org

How Property Owners Can Participate

- ◆ **Donation**
- ◆ **Bargain Sale**
- ◆ **Conservation Easement**
- ◆ **Fee Simple Acquisition**
- ◆ **Voluntary Participation (no condemnation)**

Progress

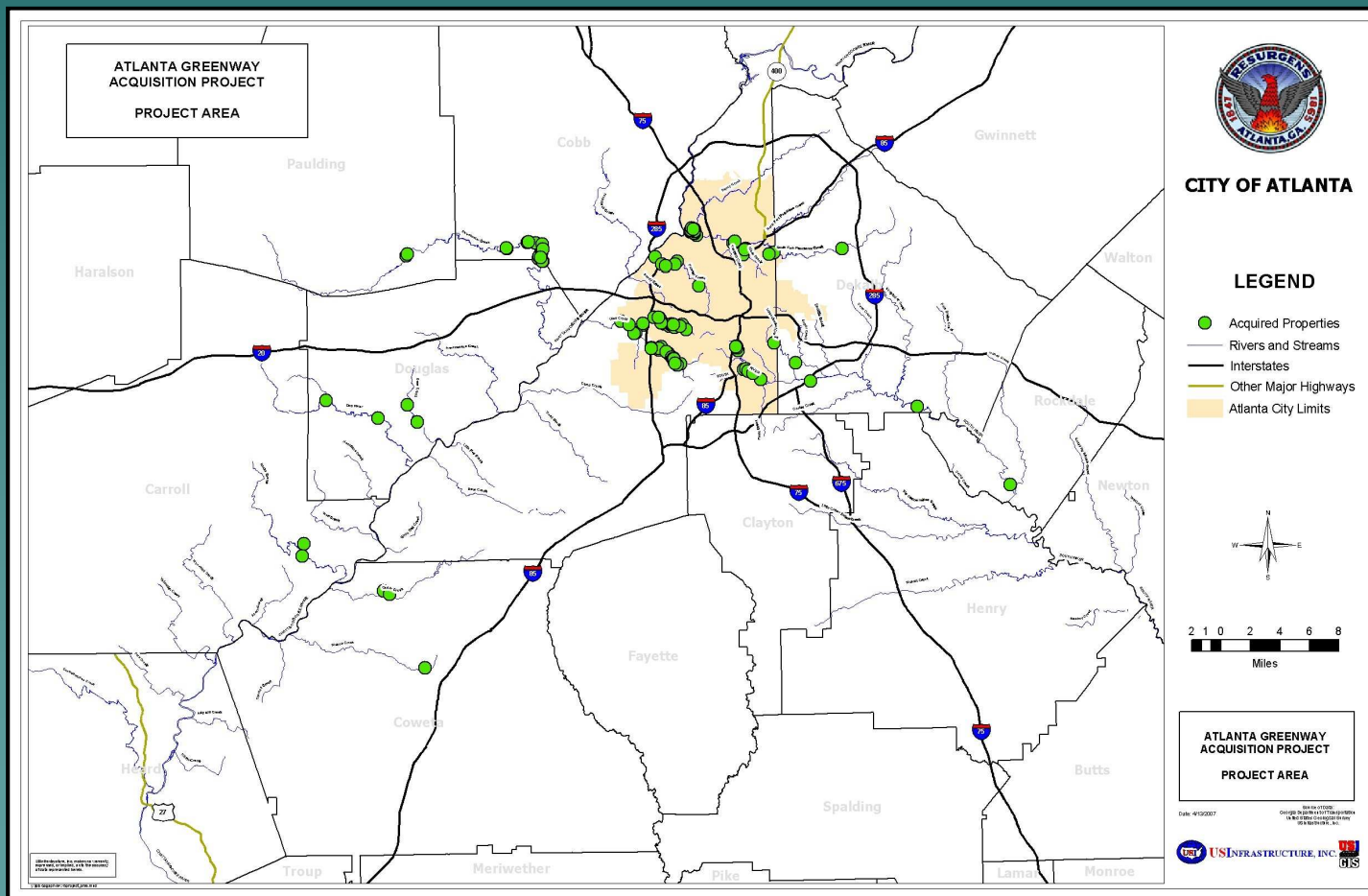
Greenway Acquisition Progress: 2001 - 2007



Results

- ◆ \$ 22.7 million
- ◆ 1,887 acres

- ◆ 160 parcels
- ◆ 24 miles of stream banks



Atlanta Greenway Acquisition Project



Funds Committed North Utoy Creek

Map 1 of 15

Legend

- Acquired
- Under Due Diligence
- Rivers & Streams
- Parcel Boundaries
- Lakes/Ponds

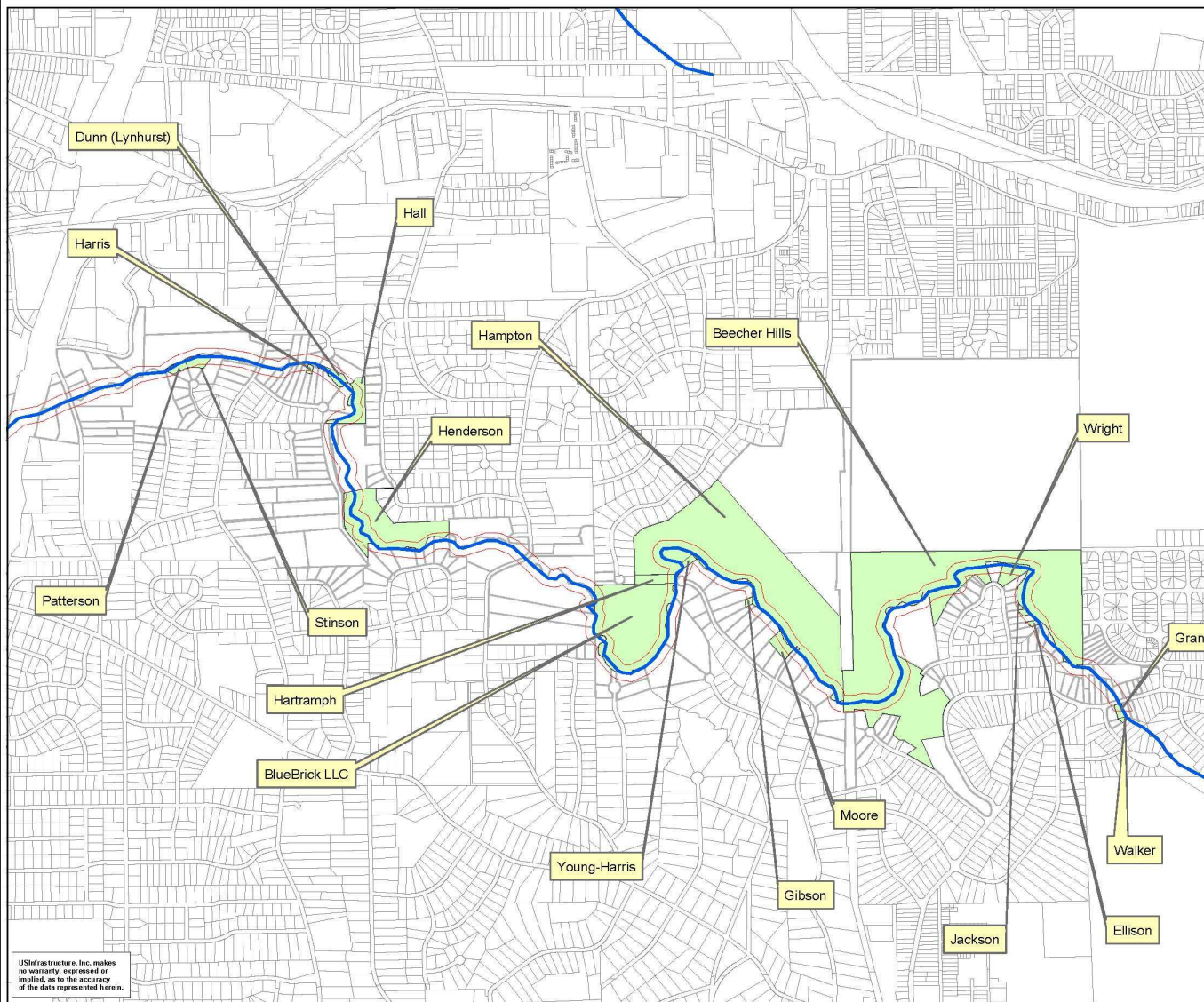
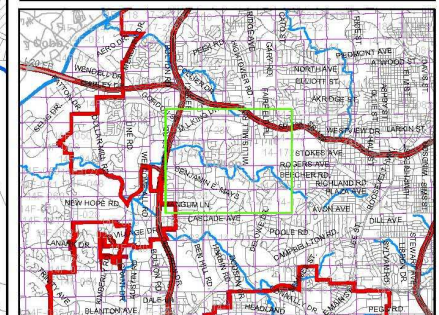
PRIORITY

- 1
- 2
- 3



0 0.1 0.2 0.4 Miles

September 12, 2005



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Utoy Creek



Hampton/Beecher Hills properties

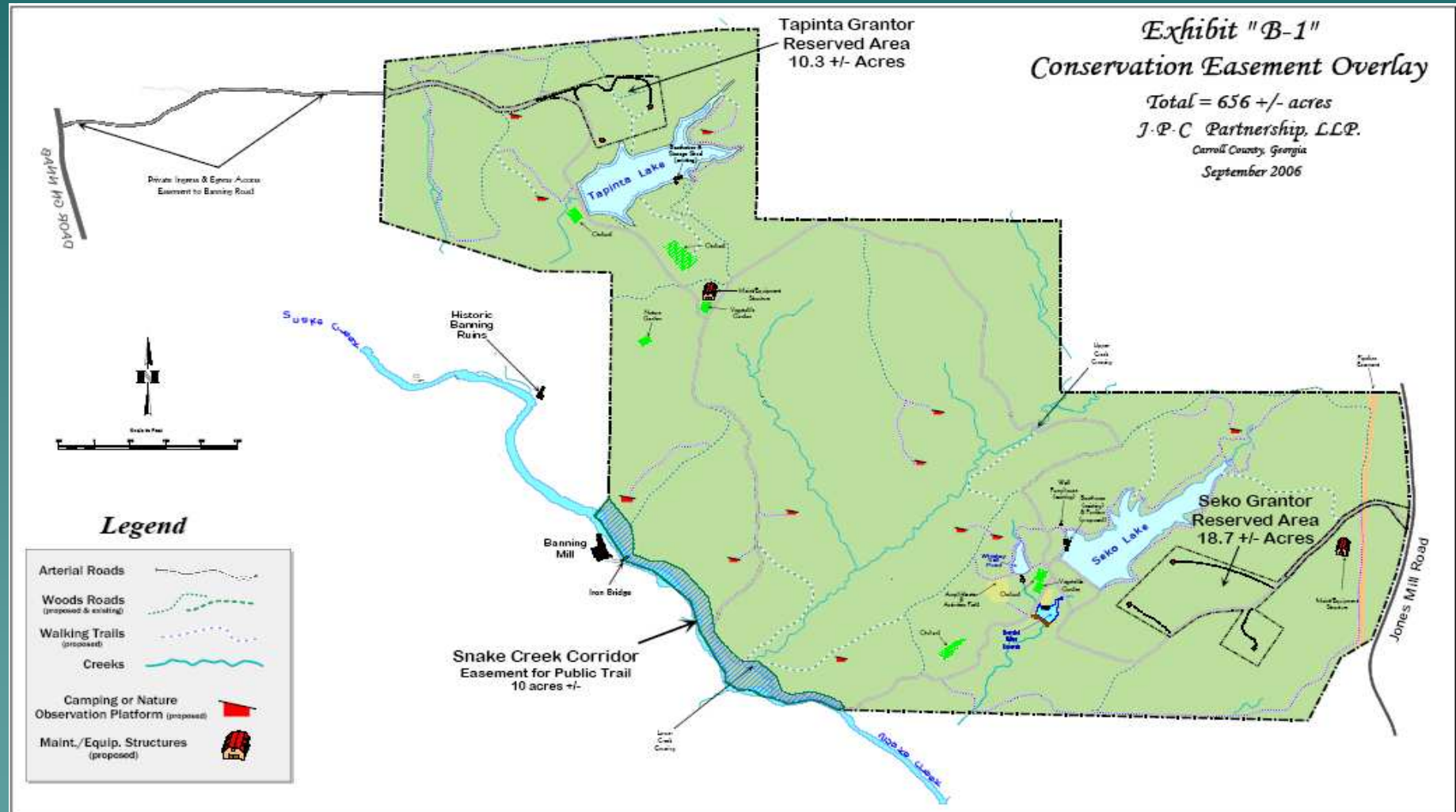


168 acres. 119 housing units proposed prior to acquisition.

Peachtree Creek



Carroll County



Greenway Project Expenditures

Greenway Project Expenditures, 1999 - 2007

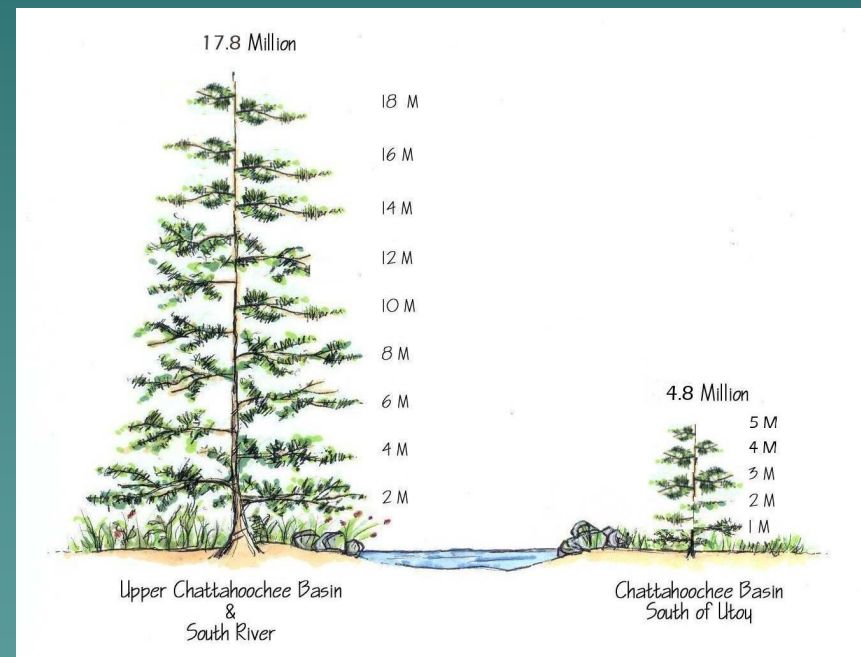
Expenditure Category	Amount Spent
Land Expenditures, April 1, 2001 through March 31, 2007	
Total fee simple and conservation easement Greenway Property acquisitions	\$22,640,502.15
Planning Phase Expenditures, January 1999 through March 2001	
Preparation of the Greenway Acquisition Plan	\$2,197,555.01
Public involvement, environmental justice, and SAC meeting support and coordination during Plan preparation	\$532,445.00
Sub-Total	\$2,730,000.01
Implementation Phase Expenditures, April 1, 2001 through June 30, 2007	
Management and coordination of Greenway Property acquisitions, negotiations and due diligence	\$5,319,503.85
Public involvement and SAC meeting support and coordination	\$298,924.43
Inspection & management	\$12,362.30
Sub-Total	\$5,630,790.58
Total Implementation Expenditures (Land, Implementation, and Management), April 1, 2001 through June 30, 2007	\$28,271,292.73
Total Greenway Acquisition Project Expenditures (Planning, Land, Implementation, and Management), January 1, 1999 through June 30, 2007	\$31,001,292.74

Leveraging

	Funds	Acreage
Non-Greenway	\$5,065,552	253.19
Bargain Sales	\$5,679,372	409.93
Leveraged Grants	\$230,000	1.89
Total All Leveraged	\$10,974,924	665.01

Issues Encountered

- ◆ Acquisition outside City boundaries
 - Lower land values
 - City image



Issues Encountered

- ◆ Performance standards
- ◆ Land protection vs. restoration
- ◆ Buffer widths vs. whole parcels
- ◆ Easement text
- ◆ Consultant contract
- ◆ Staffing
- ◆ No Eminent Domain
- ◆ Mid-course correction
- ◆ Quantification of benefits

Greenway Property Management

The City of Atlanta will forever be responsible for the properties it acquires.



Restrictions and Requirements

- ◆ 10% limitation on public access and use
 - Passive recreation
 - Public utilities
- ◆ If utilities are necessary in the future, all construction activities must abide by Greenway requirements in order to minimize impact on the Greenway Property.

Greenway Property Monitoring & Management



- ◆ Perform twice-yearly inspections
 - ◆ Maintain in a natural condition
- ◆ Future restoration of natural hydrology & ecosystem

Greenway Management Issues



Illegal Dumping



Utility Construction Practices



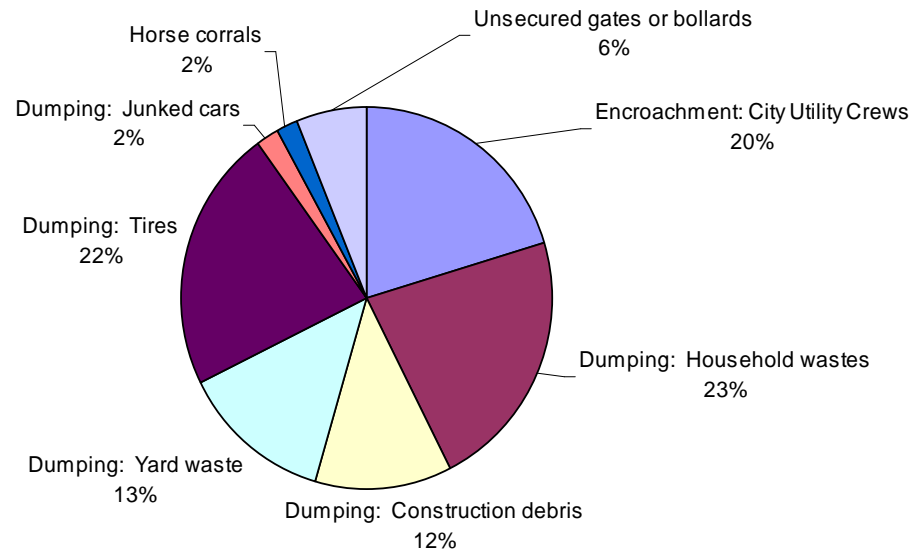
Exotic Invasive Plants

After removal

Greenway Management SOP Violations, Winter 2006

Sources of Non-compliance with Greenway Management SOP

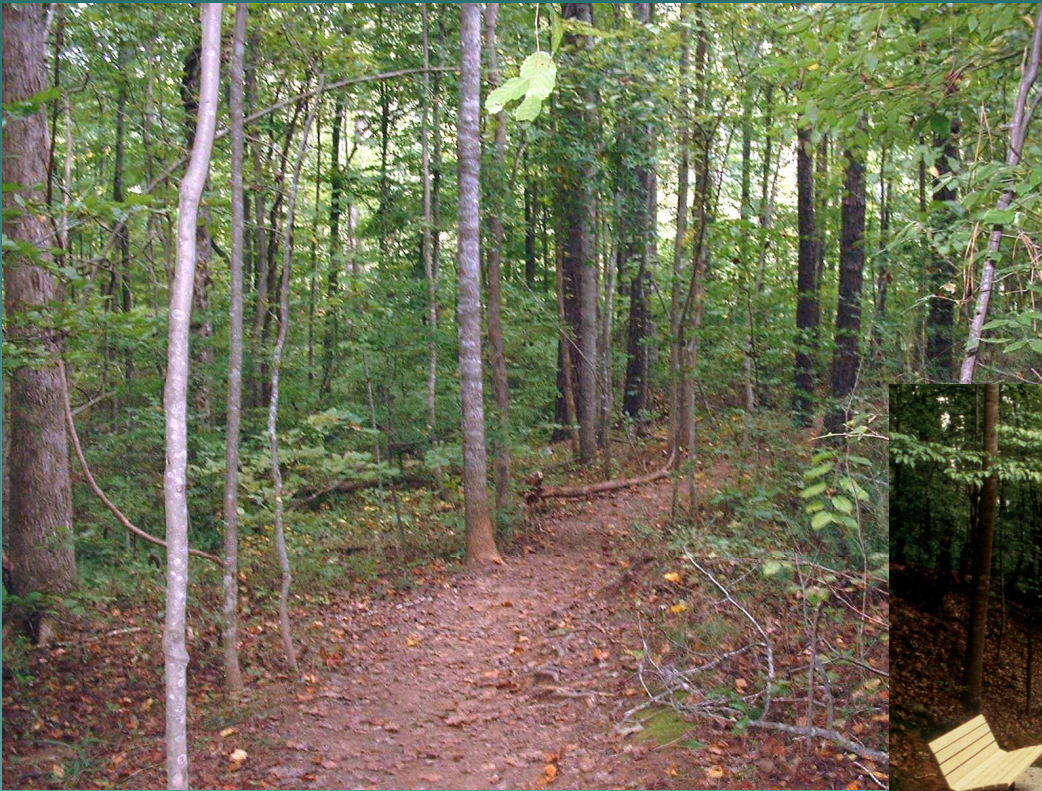
99 Total Violations on 56 parcels



Winter 2006 Inspection Period

Greenway Management

- **Work with communities to provide public access**



Public Outreach & Education



CITY OF ATLANTA GREENWAY PROJECT



Maintaining Your Greenway Property

Through your participation in the City of Atlanta Greenway Acquisition Project, you have officially become part of the solution to improve Metro Atlanta waterways. If you have a *conservation easement* on your property, you, as the property owner are responsible for maintaining your Greenway property in a natural, undisturbed and vegetated state.

When maintained properly, Greenways help to protect water quality, wetlands, and animal and plant habitats from pollution, erosion, sedimentation, and flood damage.



What Are My Responsibilities?



Your primary responsibility is to maintain your Greenway property in an undisturbed, vegetated state. This is easy! You don't need to mow or weed your Greenway property. You only need to ensure that none of the *prohibited activities* occur on your Greenway property (see the list of "Prohibited Activities" on the reverse side of this leaflet). The City of Atlanta will inspect all Greenway properties twice a year to ensure that they are kept in a natural and vegetated state and that prohibited activities are not taking place.

If you would like a more active role in the stewardship of your Greenway, we have included some suggestions on the back of this leaflet.

Your other responsibility is to inform Greenway staff if you sell your property. In order to help the new owners understand the conservation easement requirements, we have to know who they are.

The Following Activities and Practices are Prohibited on Greenways:

- Burning, burying, or dumping of any debris, litter, or trash. This includes organic materials such as yard debris.
- Cutting, trimming, or removing any vegetation. This includes vegetative manicuring along the stream such as mowing, cutting tree limbs, and/or thinning of vegetation.*
- Operation of any wheeled or tracked vehicle or equipment.*
- Handling, storage, or disposal of any hazardous materials
- Disturbance to any waters, wetlands, or stream channels.*
- Purposeful introduction of any exotic plants or other species
- Unauthorized public entry.
- Building or construction activity, except as part of permitted public access development or public utility work.
- Livestock and equestrian facilities.



*Exceptions to these prohibited items may be necessary for public safety, emergency operations, stream bank stabilization, or to prevent spread of invasive plants or vegetative disease.

What Can I Do to Enhance My Greenway Property?

The following activities will help improve the condition of a Greenway property:

- Plant native vegetation along streambanks to help reduce erosion (*for information on plants native to this region, visit the Native Plant Guide at http://www.enature.com/native_invasive/ or www.latwe.org.*)
- Visit your Greenway property occasionally and stay aware of any changes to the vegetation or the stream channel. Inform Greenway staff if you notice changes such as diseased or dying vegetation or increasing erosion.
- Contact Greenway staff (see contact info below) for advice on landscaping adjacent property to reduce pollution, control stormwater, and prevent erosion.

For more information, or to report a problem associated with your Greenway property, please contact:

Mr. Andrew Walter
Department of Watershed Management
City of Atlanta

55 Trinity Avenue, Suite 5400
Atlanta, Georgia 30303-0330

Phone: (404) 865-8439 (until 8/07) or (404) 529-9211
or email: awalter@atlantaga.gov

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Stream Bank Bioengineering & Stabilization

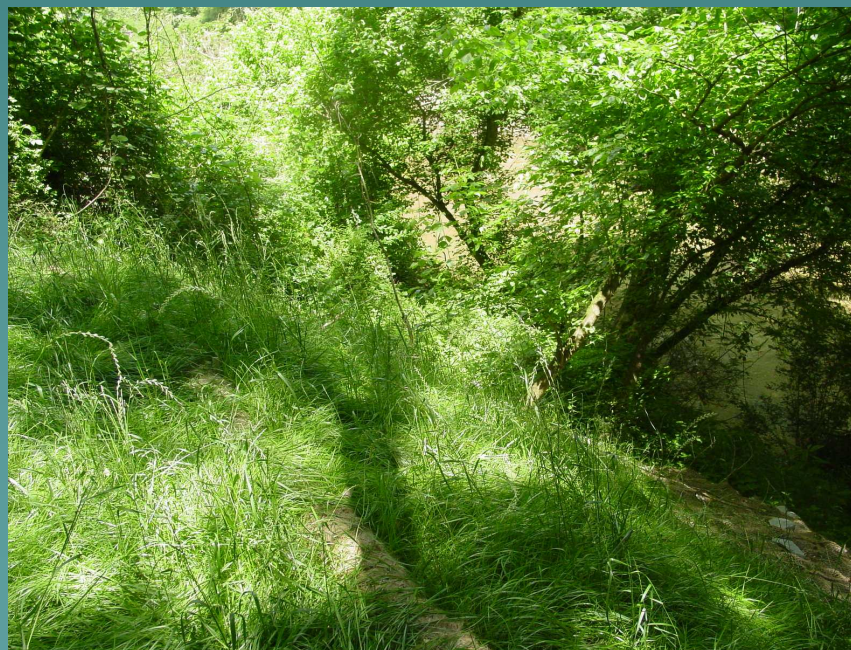


- ◆ Protect water/sewer infrastructure
- ◆ Train & assist City crews
- ◆ Provide information to homeowners
- ◆ Provide natural erosion control materials



Ridgewood Road
Stream bank restoration

Fall 2005



Benefits

- ◆ Restoration
- ◆ Public Access
- ◆ Aesthetics
- ◆ Water Quality



Benefits

- ◆ 1,150 acres protected from development
- ◆ Public Outreach & Education
 - Public meetings
 - Events
 - Owner contact
 - Broadcasts
 - Publications
 - Website

“One of the most important legacies of our lawsuit will be the permanent protection of almost 2,000 acres of riparian lands that will remain green forever, protecting the quality of the water in the Chattahoochee and its tributaries now and for future generations.”

–Sally Bethea, Upper Chattahoochee Riverkeeper

www.cleanwateratlanta.org

www.atlantawatershed.org

