



Outlook

FORMAL COMPLAINT - Unlawful Stream Channelization, Improper LIA Permitting, and Inadequate EPD Investigation

From Sherman Hawkins**Date** Thu 3/12/2026 9:34 PM**To** Rabon, Walter <Walter.Rabon@dnr.ga.gov>; Cown, Jeff <Jeff.Cown@dnr.ga.gov>; Cooley, James <James.Cooley@dnr.ga.gov>; Boutelle, Brian <Brian.Boutelle@dnr.ga.gov>; CESAS-RD@usace.army.mil <CESAS-RD@usace.army.mil>**Cc** Wells, Jonathan <jonathan.wells@dnr.ga.gov>; Hicks, Gibson <gibson.hicks@dnr.ga.gov>; CESAS-RD@usace.army.mil <CESAS-RD@usace.army.mil>**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.**FORMAL COMPLAINT****Unlawful Stream Channelization, Improper LIA Permitting, and Inadequate EPD Investigation**

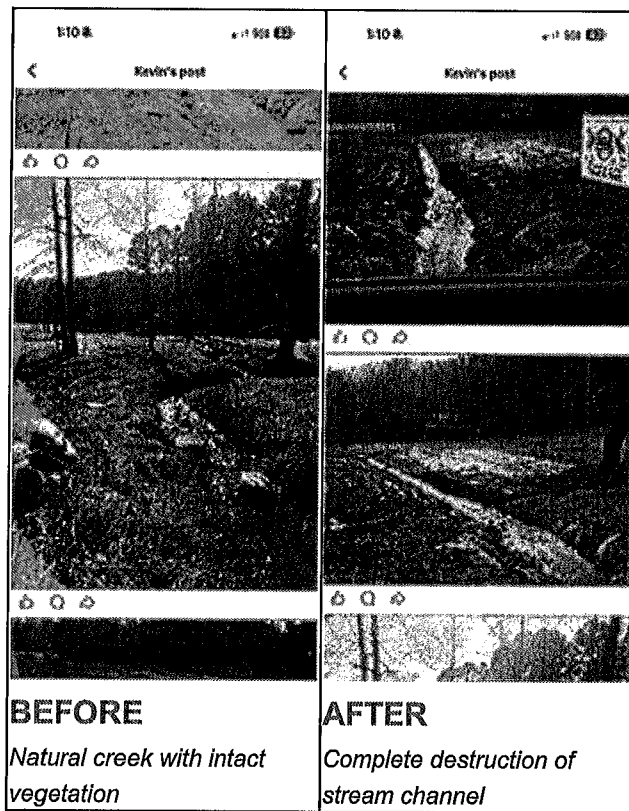
Property: 1047 Legion Road, Ellijay, Gilmer County, GA 30540

Parcel: 3066 042E | Permittee: Emuel Sanford | Acreage: 9.65

LD Permit: LDP-2025-1351 | Prior Complaint: GA EPD ID 114845

Filed by Sherman V. Hawkins | March 12, 2026

TO:**Walter Rabon**, Commissioner, GA Department of Natural Resources
walter.rabon@dnr.ga.gov**Jeff Cown**, Director, Environmental Protection Division
jeff.cown@dnr.ga.gov**James Cooley**, Director of District Operations, EPD
james.cooley@dnr.ga.gov**Brian Boutelle**, District Manager, Mountain District, EPD
brian.boutelle@dnr.ga.gov**Shaun Blocker**, Chief, Regulatory Division, U.S. Army Corps of Engineers, Savannah District
CESAS-RD@usace.army.mil**CC:****Jonathan Wells**, Program Manager, Mountain District-Cartersville, EPD
jonathan.wells@dnr.ga.gov**Gibson Hicks**, Environmental Compliance Specialist III, Mountain District, EPD
gibson.hicks@dnr.ga.gov**USACE Piedmont Branch Regulatory Office**, Savannah District, Morrow, GA
CESAS-OP-FP@usace.army.mil



**RE: FORMAL COMPLAINT – Unlawful Stream Channelization,
Improper LIA Permitting, and Inadequate EPD Investigation
Property: 1047 Legion Road, Ellijay, Gilmer County, GA 30540
Parcel: 3066 042E | Permittee: Emuel Sanford
Prior Complaint: GA EPD Complaint ID 114845
LD Permit: LDP-2025-1351 | Parcel Acreage: 9.65 acres (per Gilmer County Tax
Records)**

Dear Commissioner Rabon et al.:

I am writing to file a formal complaint regarding the unlawful channelization of a stream at 1047 Legion Road, Ellijay, Gilmer County, Georgia (Parcel 3066 042E, 9.65 acres per Gilmer County tax records), owned by Emuel Sanford. This complaint addresses three interrelated failures: (1) the improper issuance of a Land Disturbance Permit by Gilmer County Planning & Community Development, with the knowledge and approval of the Local Issuing Authority, that explicitly authorized stream channelization on a 9.65-acre parcel without requiring Erosion & Sedimentation Control Plans; (2) the unauthorized alteration of state waters without required state and federal permits; and (3) the inadequate investigation and premature closure of the prior complaint (GA EPD Complaint ID 114845) by the assigned EPD investigator.

This complaint is supported by documentary evidence obtained through a Georgia Open Records Act request (O.C.G.A. § 50-18-70 et seq.) fulfilled by Gilmer County on March 10, 2026, including the permit applications, issued permits, and the complete email correspondence between Local Issuing Authority Art Wlochowski and EPD Environmental Compliance Specialist Gibson Hicks. Photographic evidence is attached and referenced throughout as exhibits. Property data referenced herein was obtained from the Gilmer County Tax Assessor's public records (qPublic).

I. BACKGROUND AND FACTUAL RECORD

On October 24, 2025, Gilmer County Planning & Community Development issued Land Disturbance Permit LDP-2025-1351 to Emuel Sanford for property at 1047 Legion Road (Parcel 3066 042E). The permit's Description of Work reads: "DITCHING CREEK OUT IN HAY FIELD." The contractor listed is William R. "Bug" Black Jr. (GSWCC Certification #060003639). The permit fee of \$200 was paid and the permit was authorized for three years.

Gilmer County Tax Assessor records (qPublic) confirm that Parcel 3066 042E is a 9.65-acre parcel classified in the "DLT – River/Creek Parcels" neighborhood—the county's own designation acknowledges the waterway on this property. Despite the parcel's size and the nature of the permitted work, no Erosion and Sedimentation Control Plans (E&S Plans) were required or submitted. The permit application lists the acreage of disturbance as "N/O"—not even filled in—and the application contains a signed certification that the property is "NOT LOCATED WITHIN 200 FEET OF A PERENAIL STREAM AS SET FORTH BY GEORGIA EPD." This certification is **demonstrably false**, as the creek at issue flows from Legion Road into the Coosawattee River—a fact confirmed by both the original complainant and by Art Wlochowski's own communications to EPD.

On December 11, 2025, citizen Michael Fulghum filed Complaint ID 114845 with GA EPD, reporting "complete land alteration on creek, including creek's natural conveyance. No barriers, site and ground alterations on and in creek. Clearly EPA infractions. The creek flows into the Coosawattee River about 100 yards later." The complaint was received by Brian Boutelle and assigned to Gibson Hicks (Environmental Compliance Specialist III, Mountain District) the same day.

II. THE LIA'S RESPONSE AND SELF-SERVING JUSTIFICATION

On December 12, 2025, Gibson Hicks forwarded the complaint to Art Wlochowski, Gilmer County's Local Issuing Authority. Rather than conducting an independent investigation, Mr. Hicks relied entirely on Art Wlochowski's self-serving email responses to resolve the complaint. The email record, obtained through the Open Records request, reveals the following:

At 9:45 AM, Art Wlochowski responded to Hicks admitting he issued the LD permit for the stream work, stating: "I didn't think it was an issue so when he asked for a Land Disturbance Permit to do that, we gave him one." Art described the full scope of Sanford's plans: to "take some trees, fix it up so he could put some livestock there" and "put in a pipe to cross it." **A "pipe to cross" a creek is, by definition, a culvert—a structure that channels a waterway underground to allow surface crossing. The casual language understates the scope of what is being described: the burial of a section of a perennial stream.** Read in context—and alongside Art's later statement that Sanford's field "stayed wet so he couldn't take hay off it either"—these statements collectively describe a project to channelize the creek, pipe it through a culvert to create a dry tractor crossing, and convert more of the property into usable hay field. The pipe appears to be central to the project—it would bury a section of a perennial waterway inside a culvert so that a tractor could cross the creek to hay the other side. That is not ditch maintenance; it is the permanent re-engineering of a state waterway to serve a private agricultural operation. **A properly permitted bridge or engineered crossing would have given Sanford the access he needed without destroying the stream—but that path requires permits, plans, and compliance with the very laws the LIA chose to bypass.** The culvert crossing described by Art has not yet been installed in the channelized section of the creek, which means the most destructive phase of the project—burying the stream inside a pipe—may still be ahead. The removal of large trees along the stream corridor constitutes destruction of the riparian buffer that protects water quality—the very function the 25-foot state buffer is designed to preserve. **He acknowledged the site is on "one of the most heavily traveled roads going into the Coosawattee River Resort and we knew there might be issues."** He also stated: "I see things from my perspective and if I'm wrong someone needs to

tell me.” No one told him he was wrong. Gibson Hicks did not tell him he was wrong. The permit was not revoked, no corrective action was required, and Art’s approval stood.

At 9:51 AM, Art forwarded to Hicks two (before-and-after) photographs that had been “sent to me the other day”—photos from a separate citizen complaint made directly to Art about the stream work, distinct from Fulghum’s EPD complaint. **In the same email, Art made the statement that is central to this complaint: “I don’t feel I can say no if I think it will also improve water quality in the long run.” Whatever Art meant by this statement, the implication is worth examining.** The permitted project included equipment access across the creek. Without a crossing, tractors and equipment ford the stream directly—destroying banks and churning sediment downstream to the Coosawattee River. If that is the water quality problem Art had in mind, the standard protective measure is a properly permitted bridge or engineered crossing—not burying the waterway inside a culvert. **The effect of what was actually permitted is that the stream was destroyed to provide a tractor crossing for agricultural equipment. He added: “I figured sooner or later someone would call you guys.”**

Between 11:48 AM and 3:24 PM, Art sent Hicks five additional emails with site photos and justifications, including: “Upstream is steep and every hard rain floods the road. The banks kept falling off and yes the Coosawattee River is close downstream so all the resultant sediment went to the river.” He stated Emuel Sanford “is retired now and wants to fix it for his kids and grandkids.” He also noted: “The creek constantly washed the road after hard rains and we put in a larger pipe last year when we repaved the road”—revealing that Gilmer County itself had previously modified the drainage in this area. At 12:47 PM, Art reported he had “asked them to cover any bare areas by the weekend if possible.” This was the full extent of the LIA’s corrective action for the unlawful channelization of a perennial stream—not stream restoration, not replanting the destroyed riparian buffer, but a polite request to cover bare dirt, phrased as optional.

Critically, Art’s flooding justification does not withstand scrutiny. The road flooding Art described is caused by an undersized culvert upstream that cannot handle heavy rain events. The channelization work performed on the Sanford property was conducted downstream of this culvert and does nothing to address the upstream capacity problem. The road will continue to flood during heavy rains exactly as it always has, because the cause of the flooding was never addressed. The LIA’s stated rationale for permitting the stream channelization—that it would alleviate flooding and improve conditions—**fails on its own terms**. The work destroyed a natural stream channel without solving the problem it was purportedly intended to fix.

III. SPECIFIC VIOLATIONS AND FAILURES

A. Improper Permitting by the Local Issuing Authority

Gilmer County Planning & Community Development, under the oversight of Art Wlochowski as LIA under the Georgia Erosion and Sedimentation Act (O.C.G.A. § 12-7-1 et seq.), issued a Land Disturbance Permit that explicitly authorized the channelization of a stream (“ditching creek out in hay field”) on a 9.65-acre parcel. A local LD permit does not and cannot authorize work within state waters. Such activity requires, at minimum: (a) a Section 404 permit from the U.S. Army Corps of Engineers; (b) a Section 401 Water Quality Certification from GA EPD; and (c) a buffer variance under O.C.G.A. § 12-7-6(b)(15) if work occurs within the 25-foot state buffer. None of these permits were obtained. No E&S Plans were required or submitted despite the project involving direct work in a stream channel on a nearly 10-acre parcel flowing to a major river. The LIA’s justification—that he personally believed the work would “improve water quality in the long run”—has no legal basis whatsoever and represents a fundamental misunderstanding of an LIA’s authority and obligations. The unlawful channelization of a perennial stream without a Section 404 permit constitutes a violation of the federal Clean Water Act (33 U.S.C. § 1344), enforceable by both the U.S. Army Corps of Engineers and the U.S.

Environmental Protection Agency. The absence of a Section 401 Water Quality Certification constitutes a separate violation under state and federal law. These are not merely state-level permitting oversights—they are federal infractions that implicate the jurisdiction of the Corps of Engineers and the EPA.

B. False Certification on Permit Applications

The LD permit application for Parcel 3066 042E contains a signed certification that the property is “NOT LOCATED WITHIN 200 FEET OF A PERENAIL STREAM AS SET FORTH BY GEORGIA EPD.” This is false. The permit itself describes the work as “DITCHING CREEK OUT IN HAY FIELD”—an explicit description of work performed in a stream. Art Wlochowski’s own December 12, 2025 email to Gibson Hicks states: “yes the Coosewattee River is close downstream so all the resultant sediment went to the river.” The original complainant states the creek flows into the Coosawattee River approximately 100 yards downstream. Gilmer County’s own tax records classify this parcel in the “River/Creek Parcels” neighborhood. The permit was signed by Becky Whitworth, but Art Wlochowski—the LIA responsible for reviewing and approving land disturbance permits—was clearly aware of and involved in the decision to issue this permit, as confirmed by his own statement to EPD: “I didn’t think it was an issue so when he asked for a Land Disturbance Permit to do that, we gave him one.” Whether Art personally reviewed the application or authorized its approval without flagging the false perennial stream certification, the result is the same: Gilmer County Planning & Zoning issued a permit for work described as “ditching creek out” while certifying the property was not within 200 feet of a perennial stream.

C. Failure to Require Erosion & Sedimentation Control Plans

The Georgia Erosion and Sedimentation Act requires E&S Plans for land-disturbing activities under multiple independent triggers. First, any land-disturbing activity within the 25-foot state buffer of a perennial stream requires a variance from the EPD Director—and the variance process itself mandates erosion and sedimentation controls regardless of the acreage disturbed. As established above, the creek on the Sanford property is unquestionably a perennial stream, and the permitted work occurred not merely within the 25-foot buffer but directly in the stream channel itself. No variance was obtained. This alone required E&S Plans.

Second, land-disturbing activities exceeding one acre independently require the preparation and approval of formal E&S Plans. While the stream corridor disturbance alone may not have exceeded one acre, the LIA had an obligation to determine the total acreage of disturbance before issuing the permit—and failed to do so. The permit application lists the acreage of disturbance as “N/O,” meaning no determination was ever made. Without that determination, the LIA had no basis to conclude that E&S Plans were not required under the one-acre threshold.

Yet the permit application lists the acreage of disturbance as “N/O”—the field was not even filled in—and no E&S Plans were required, submitted, or reviewed under either trigger. No erosion controls were implemented for work performed directly in a perennial stream channel on a 9.65-acre parcel flowing to the Coosawattee River. The LIA had an affirmative obligation to require E&S Plans based on the buffer violation alone, and a separate obligation to determine the acreage of disturbance and require E&S Plans if it exceeded one acre. Neither obligation was met. Instead, the acreage field was left blank and the permit was rubber-stamped.

D. Violation of State Buffer and Setback Requirements

Under Georgia law, a “perennial stream” is a watercourse that flows continuously throughout the year—sustained by groundwater discharge even during dry periods—as distinguished from intermittent or ephemeral streams that flow only seasonally or after rainfall. The creek on the Sanford property is unquestionably a perennial stream. I maintain a second home in Ellijay and travel to Gilmer County four to five times per month year-round. I personally travel Legion Road

on a regular basis and have observed this creek flowing continuously in all seasons and all weather conditions without exception. This firsthand observation is corroborated by multiple independent sources: Art Wlochowski's own December 12, 2025 emails describe ongoing water flow ("water is running clear"), **he references the creek's persistent flooding of the road "after hard rains," and the banks "kept falling off"—all characteristics of a perennial waterway with year-round baseflow.** The creek maintains continuous flow into the Coosawattee River approximately 100 yards downstream. There is no legitimate basis for classifying this as anything other than a perennial stream.

Georgia's Erosion and Sedimentation Act establishes a mandatory 25-foot state buffer along perennial state waters. O.C.G.A. § 12-7-6(b)(15) measures this buffer horizontally from the point where vegetation has been wrested by normal stream flow. No land-disturbing activity is permitted within this 25-foot buffer without a variance from the EPD Director. This protection is triggered by the presence of a perennial stream and applies regardless of the type of land disturbance permit issued.

The work authorized by permit LDP-2025-1351 did not merely encroach upon the 25-foot buffer—it **occurred directly within the stream channel itself, the most extreme possible violation of this protection.** The permit application's certification that the property is "NOT LOCATED WITHIN 200 FEET OF A PERENAIL STREAM" is not a marginal misrepresentation; it is a **demonstrably false statement on a government form**, contradicted by the LIA's own communications, by the county's own tax classification of this parcel as "River/Creek Parcels," by the nature of the work described on the permit ("ditching creek out"), and by the physical reality that the work was performed in the creek itself. The LIA had an affirmative duty to verify this certification before approving the permit, particularly when the permit description plainly involved work in a waterway.

E. Unauthorized Alteration of State Waters

The channelization of the stream on the Sanford property constitutes an unauthorized impact to state waters. The photographic evidence below documents the destruction of the natural stream channel, removal of large trees along the stream corridor, clearing of all riparian vegetation, excavation and straightening of the creek bed, and resulting sedimentation. The felling of mature trees along the creek is particularly significant: these trees stabilized the stream banks, filtered runoff, provided shade that regulated water temperature, and formed the core of the riparian buffer that Georgia law protects. **Their removal is irreversible on any short-term timeline and permanently degrades the stream's ecological function and water quality protections.**

Exhibit A shows the natural, undisturbed creek prior to the work—note the intact tree canopy and vegetated banks:

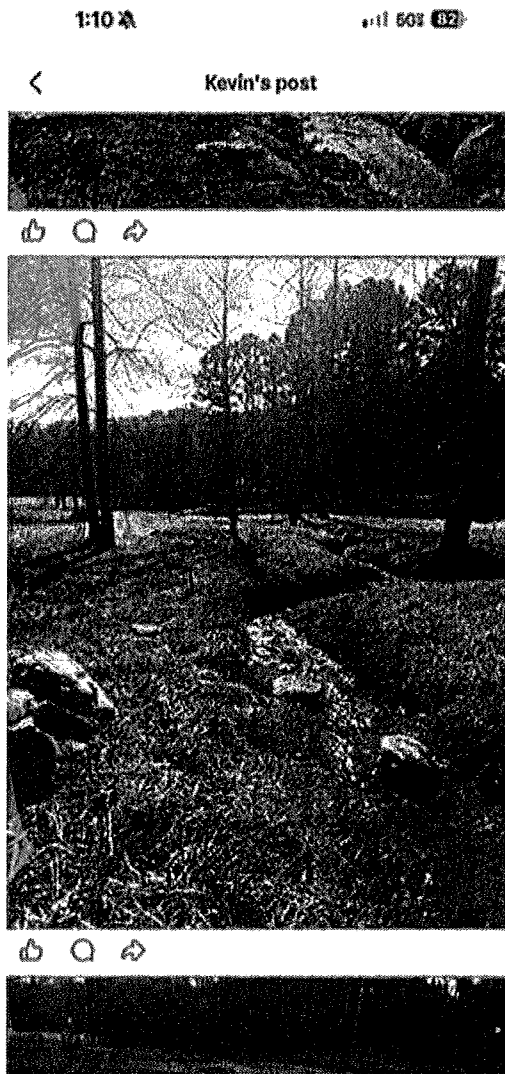


Exhibit A: Creek in natural, undisturbed condition prior to channelization work. Clear water, intact riparian vegetation, natural stream channel.

Exhibit B, taken during the active disturbance, shows massive sediment discharge, complete destruction of the natural channel, and total removal of trees and vegetative cover—directly adjacent to a Sanford Contracting sign:

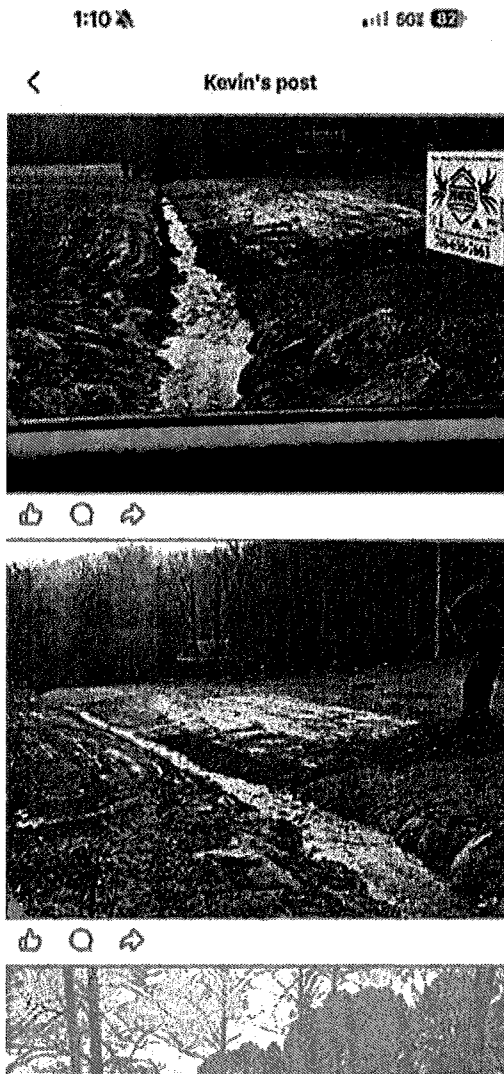


Exhibit B: Creek during active channelization – massive sediment discharge, complete destruction of natural channel, removal of all vegetation. Sanford Contracting sign visible.

Exhibit C provides a wide view from Legion Road showing the extent of land disturbance across the property:



Exhibit C: Wide view from Legion Road showing extent of land disturbance across the Sanford property. Bare earth, heavy equipment, and proximity to roadway are visible.

Exhibit D shows the downstream end of the creek near the Coosawattee River. Of particular note: a corrugated pipe, what appears to be concrete or stone, and sections of PVC pipe are visible at the creek. These man-made materials were present in the waterway at the time the photograph was taken:



Exhibit D: Downstream end of creek near the Coosawattee River. Man-made materials visible in the waterway including a corrugated pipe, what appears to be concrete or stone, and sections of PVC pipe.

F. Inadequate EPD Investigation and Premature Closure

Gibson Hicks, the assigned EPD investigator, resolved Complaint ID 114845 in just eight days—received December 11, 2025, and closed December 19, 2025—without conducting an independent site inspection, requiring stream restoration, or referring the matter for enforcement. **The EPD Complaint Tracking System (CTS) record for this complaint, reproduced below as Exhibit E, speaks for itself. Multiple fields are blank: Review Comments “[Not entered],” Secondary Concern “[Not entered],” Facility ID Number “[Not entered],” Contact Name “[Not entered],” and Attachments: “None.”**

The CTS record contains only two action entries, both by Gibson Hicks. On December 12, 2025, Hicks sent the complaint to the County LIA—the same official who had approved the land disturbance permit authorizing the very stream work being complained about—noting that “they hold primary jurisdiction.” On December 18, 2025, Hicks entered Art Wlochowski’s self-serving email response as the entirety of the investigation record. Hicks did not paraphrase, analyze, or evaluate Art’s statements—he transcribed them. Notably, Art recharacterized the project for EPD’s record. The permit application describes the work as “DITCHING CREEK OUT IN HAY FIELD”—**a straightforward description of stream channelization for agricultural purposes. But in Art’s narrative to Hicks, this became a request to “fix some storm damage to a creek.” A creek responding to storm events is not “damaged”—it is doing what creeks do. Banks erode, channels shift, and sediment moves during high flows—that is how creeks work. These are natural processes, not conditions requiring repair.** The effect of reframing an agricultural improvement project as storm damage repair was to present the work in a more favorable light and obscure the nature of what was actually permitted. Art’s further justification, as recorded in the CTS, was that Sanford’s “tractor fell off into the branch” and the field “stayed wet so he couldn’t take hay off it either.” A tractor falling into a creek is not a legal basis for channelizing a perennial stream without state and federal permits. **Art also offered the contractor’s credentials as a defense, telling Hicks the man doing the work “is a blue**

card holder with many years experience of doing this and does a good job of it.” This is a recurring theme in Art’s communications—deflecting responsibility by vouching for the people involved rather than addressing whether the work was lawful. A GSWCC blue card certification does not excuse violations of the Act; it compounds them. A certified professional is trained in exactly these requirements and cannot claim ignorance. Hicks then recorded Art’s own conclusion—“County did not find any violations at the time of their inspection”—and recommended the case for closure. The LIA investigated himself, found no violations, and the state investigator accepted it verbatim.

Art Wlochowski’s claim that the work would “improve water quality in the long run” was apparently accepted by Mr. Hicks as adequate grounds for closure. This is a trained erosion and sedimentation professional using a subjective, legally baseless justification to excuse unlawful stream channelization, and a state investigator accepting it at face value. **The CTS record documents an investigation that consisted entirely of asking the LIA who approved the permit to evaluate his own decision.**

Exhibit E — GA EPD Complaint Tracking System Record, Complaint ID 114845 (3 pages):

3/30/26, 12:55 PM

Complaint ID 114845 - Complaint Tracking System

Complaint ID 114845 — Public Copy

Report generated March 12, 2025 12:55 PM

o Status: *Approved/Closed*

Complaint Received	December 11, 2025 7:15 AM
Assigned Office	Mountain District
Complaint Closed	December 19, 2025 2:28 PM
Review Comments	Not entered

Nature of Complaint

Tip or Complaint: Complete land alteration on creek, including creek's natural conveyance. No barriers, site and ground alterations on and in creek. Clearly EPA infractions. The creek flows into the Conasautee River about 100 yards later.

Primary Concern	Erosion & Sedimentation Control
Secondary Concern	Not entered

Complaint Location

Location of Complaint	1047 Legion Rd.
City of Complaint	Eljay
County of Complaint	Gilmer County

<https://ga.epd.org/Complaint/114845/View/Details>

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Exhibit E, Page 1 of 3: Status Approved/Closed, Review Comments [Not entered]

3/12/20, 12:59 PM

Complaint ID 114545 - Complaint Tracking System

Source

Source Name Sanford Emuel
Facility ID Number Not entered

Source Contact

Contact Name Not entered
Source Address 1047 Legion Rd.
 Ellijay, Georgia 30540

Actions**Other**

18-Dec-2025 by Gibson Hicks

EPD received a letter from the County LIA saying: "(Redacted) asked if he could fix some storm damage to a creek on his property. He couldn't mow it, his tractor fell off into the branch and the field stayed wet so he couldn't take hay off it either. (Redacted) was raised there and wanted to fence it, take some trees, fix it up so he could put some livestock there. He also wanted to put in a pipe to cross it. I didn't think it was an issue so when he asked for a Land Disturbance Permit to do that, we gave him one. The man doing the work, (redacted), is a blue card holder with many years experience of doing this and does a good job of it. The problem is it is on one of the most heavily traveled roads going into the Coosawattee River Resort..."

County is aware of the disturbance and is monitoring it heavily.

<https://tsa.google.com/Complaint/114545/Source/Profile>

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Exhibit E, Page 2 of 3: Hicks's sole action entry — Art Wlochowski's email transcribed verbatim as the investigation record

3/12/20, 12:59 PM

Complaint ID 114545 - Complaint Tracking System

County did not find any violations at the time of their inspection. At this time, EPD recommends this case for closure.

Other

12-Dec-2025 by Gibson Hicks

EPD sent the CTS to the County LIA as they hold primary jurisdiction.

Attachments

(Attachments may not be available for complaints resolved before April 2018. Please note that not every complaint has attachments.)

None.

Complaint Tracking System
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<https://tsa.google.com/Complaint/114545/Source/Profile>

3/3

Exhibit E, Page 3 of 3: Case recommended for closure, Attachments: None

IV. REQUESTED ACTION

I respectfully request that the Georgia Environmental Protection Division take the following actions:

1. Issue a new Complaint ID for this filing, or at EPD's discretion reopen Complaint ID 114845, and assign the investigation to a different EPD investigator who will conduct an independent on-site inspection of the Sanford property at 1047 Legion Road. The new CTS record should be **fully documented—including the before-and-after photographic evidence attached to this complaint, site inspection findings, and completed data fields**—unlike the original CTS record for Complaint ID 114845, which contained no attachments, multiple "[Not entered]" fields, and no independent findings;
2. Determine whether Emuel Sanford obtained any Section 404 permit, Section 401 Water Quality Certification, or buffer variance for the stream channelization work, and if not, pursue appropriate enforcement (the U.S. Army Corps of Engineers has been copied on this complaint);
3. Investigate Art Wlochowski's performance as Local Issuing Authority, including his role in the approval of a permit explicitly authorizing stream channelization, his acceptance of false perennial stream certifications, and his stated belief that personal opinions about water quality outcomes justify waiving state and federal permitting requirements;
4. Review Gibson Hicks's handling of Complaint ID 114845 and determine whether the investigation met EPD standards, given that the complaint was resolved without an independent site visit and based solely on communications from the LIA who had approved the permit authorizing the work being complained about;
5. **Issue an immediate stop-work order and revoke Land Disturbance Permit LDP-2025-1351—which remains active through October 2028—to prevent the installation of a culvert or any further unpermitted modification to the stream, along with a notice of violation and a requirement for stream restoration to its natural condition;**
6. Coordinate with the U.S. Army Corps of Engineers, Savannah District, regarding potential Section 404 jurisdiction (the Corps has been sent and copied on this complaint);
7. Refer William R. "Bug" Black Jr. (GSWCC Certification #060003639) to the Georgia Soil and Water Conservation Commission for revocation of his blue card certification. Mr. Black is a certified erosion and sedimentation control professional who performed the channelization of a perennial stream without state or federal permits, without E&S Plans, and without any erosion controls—in direct violation of the regulations his certification requires him to know and follow. A blue card holder cannot claim ignorance. His certification exists precisely because the state requires contractors performing land-disturbing activities to demonstrate competency in these requirements. **Performing unpermitted stream channelization is not a minor lapse—it is a fundamental failure of the professional obligations that certification imposes;** and
8. Provide me with written notification of the outcome of this investigation.

STATUTORY COMPLIANCE FRAMEWORK

While the initial channelization of the creek bed is complete, a stop-work order is both applicable and urgent. Permit LDP-2025-1351 was authorized for three years—through October 2028—and the full scope of Sanford's project, as described by Art Wlochowski himself, includes the installation of a pipe to cross the creek. As long as this permit remains active, **Sanford has what he believes is legal authorization to continue modifying the stream, including burying it inside a culvert.** A stop-work order and revocation of the permit would prevent further irreversible damage to a perennial waterway. The Georgia Erosion and Sedimentation Act also provides EPD with the following additional pathways to bring this matter into compliance:

1. **Corrective Action and Stream Restoration.** The violator must restore the site to compliance, which for unlawful stream channelization means restoration of the stream

channel to its **pre-disturbance natural condition—including re-establishment of the natural meander pattern, natural stream banks, and riparian vegetation. A straightened, channelized creek concentrates flow and increases water velocity, delivering accelerated stormwater runoff and sediment downstream to the Coosawattee River.** Restoring the natural channel geometry is essential to reducing erosive velocity and reestablishing the stream's capacity to attenuate flows before they reach receiving waters.

- 2. After-the-Fact Permitting.** The violator must obtain all permits that should have been secured before the work began: a Section 404 permit from the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification from GA EPD, a buffer variance from the EPD Director under O.C.G.A. § 12-7-6(b)(15), and approved E&S Plans. Each of these processes carries its own mitigation requirements.
- 3. Civil Penalties (O.C.G.A. § 12-7-15).** Any person who violates any provision of the Act, any rule or regulation, or any permit condition shall be liable for a civil penalty not to exceed \$2,500.00 per day per violation. Each day the violation continues constitutes a separate violation. In this case, the violations have been ongoing since at least October 24, 2025.

These are not discretionary options—they are the enforcement tools the General Assembly provided for exactly this type of violation. Continued inaction is not among them.

V. EXHIBITS AND REFERENCED DOCUMENTS

Exhibit A: Photograph – Creek in natural condition prior to disturbance (embedded above)

Exhibit B: Photograph – Creek during active channelization showing sediment discharge and destruction (embedded above)

Exhibit C: Photograph – Wide view of disturbed property from Legion Road (embedded above)

Exhibit D: Photograph – Downstream end of creek near Coosawattee River, with man-made materials visible in waterway (embedded above)

Exhibit E: GA EPD Complaint Tracking System (CTS) Record – Complaint ID 114845 (3 pages, obtained from cts.gaepd.org; referenced herein)

Exhibit F: Land Disturbance Permit LDP-2025-1351 and application (Parcel 3066 042E; referenced herein)

Exhibit G: Email chain: Art Wlochowski to Gibson Hicks, December 12, 2025 (all 7 emails obtained via ORR; referenced herein)

Exhibit H: Gilmer County Tax Assessor Records – Parcel 3066 042E (qPublic, 9.65 acres, River/Creek Parcels classification; referenced herein)

— SYSTEMIC FAILURE REQUIRING IMMEDIATE ATTENTION —

A final observation warrants the attention of the Commissioner, the Director, and the U.S. Army Corps of Engineers. Had the LIA simply denied this permit—as he was obligated to do when presented with an application to channelize a creek—none of this would have occurred. The stream would be intact, the riparian buffer undisturbed, and no enforcement action would be necessary. The entire regulatory framework of the Georgia Erosion and Sedimentation Act depends on the LIA serving as the first line of defense against unauthorized land disturbance. When the LIA not only fails to deny an improper application but actively approves it, the system breaks down at the point where it matters most. And because no Section 404 referral was ever made, the Corps of Engineers was never given the opportunity to exercise its own jurisdiction over the discharge of dredged or fill material into a water of the United States.

This case came to EPD's attention only because a private citizen filed a complaint. Consider the violations that are never reported at all. Consider the violations that are reported directly to the LIA but never forwarded to EPD—as this one might have been, had Mr. Fulghum reported it to Gilmer County instead of filing with EPD directly. Art Wlochowski's own emails reveal that a separate citizen had already contacted him about this work before the EPD complaint was filed. There is no indication that Art reported that contact to EPD or took any corrective action in response.

What emerges from this record is not a single isolated failure but a pattern that, left uncorrected, effectively neutralizes the Georgia Erosion and Sedimentation Act at the local level. The LIA decides which permits to approve and which to deny. Certified contractors perform the work relying on the LIA's approval as cover. As this case demonstrates, complaints directed to the LIA risk being absorbed without corrective action. When a complaint reaches EPD, it is routed back to the same LIA for "investigation," and the LIA's self-serving response is accepted as the final word. An LIA operating in this manner has the unchecked power to waive environmental protections for those he chooses to help—and to enforce them selectively against those he does not. That is not regulatory oversight; **it is the absence of it.** The Act **demand[s] enforcement without fear or favor**—not a system where one official decides who gets a pass and who does not. The question is not just what happened on this one stream—it is how many other streams in Gilmer County have suffered the same fate without anyone ever knowing.

A final note: this case is a complete, end-to-end example of how the Georgia Erosion and Sedimentation Act can be rendered ineffective at the local level. A landowner requests a permit to channelize a creek. The LIA approves it. No E&S Plans are required. A false perennial stream certification goes unchallenged. A certified contractor performs the work. A citizen files a complaint with EPD. EPD routes the complaint back to the LIA. The LIA recharacterizes the work, vouches for the people involved, and reports no violations. EPD closes the case without an independent inspection. No referral to the U.S. Army Corps of Engineers is made, and the Corps never learns that a perennial stream was channelized without a Section 404 permit. Every safeguard—state and federal—failed in sequence. If this can happen once—in plain view, on a heavily traveled road, with a citizen complaint on file—there is no reason to believe it has not happened before, and no mechanism currently in place to ensure it does not happen again.

I am available to provide additional information, documentation, or testimony to support this complaint. The evidence obtained through the Open Records Act speaks for itself: the LIA approved stream channelization, the LIA justified it to your investigator with a legally baseless personal opinion, and your investigator accepted that justification without independent verification. I trust that GA EPD and the U.S. Army Corps of Engineers will take the appropriate steps to correct these failures and protect Georgia's waterways.

I affirm that the statements and descriptions contained in this complaint are true and accurate to the best of my personal knowledge, observation, and belief, and that this complaint is submitted in good faith.

Respectfully submitted,

Sherman V. Hawkins