



# Proposed Amendment – 391-2-3-.02

## Regulation of Upland Component of a Project

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# Background – Regulation of Upland Components

- Rule developed by an Upland Stakeholder Committee; adopted in 2007.
- Applies to commercial, community and public projects such as marinas, community docks, fishing piers, boat ramps and bridges.
- Rules do not apply to projects that do not require a CMPA permit.
- Imposes marshlands buffer, stormwater management and impervious cover standards only for those projects permitted under the Coastal Marshlands Protection Act (CMPA).





# Background – Regulation of Upland Components

**Upland Component** is a service area, amenity or recreational area that augments the functioning of a CMPA permitted project, or those facilities intended to exclusively serve the users of the CMPA project, such as:

- Dry stack storage
- Dockmaster shop
- Restrooms
- Fuel storage
- Delivery facilities
- Other facilities determined by the Coastal Marshlands Protection Committee as likely to alter coastal marshlands



# Proposed Amendments 391-2-3-.02

## Coastal Marshlands Upland Component

391-2-3-.02

(2) **Definitions** - proposed to be amended:

(q) Upland Component of a Project: add “associated with marinas, community docks, commercial docks, fishing piers, boat ramps and bridges.”

(h) Marshlands Buffer: minor housekeeping to correct “a long” to “along.”

The purpose of the proposed amendment is to clarify the Rule is to apply only to marinas, community and commercial docks, fishing piers, boat ramps and bridges.





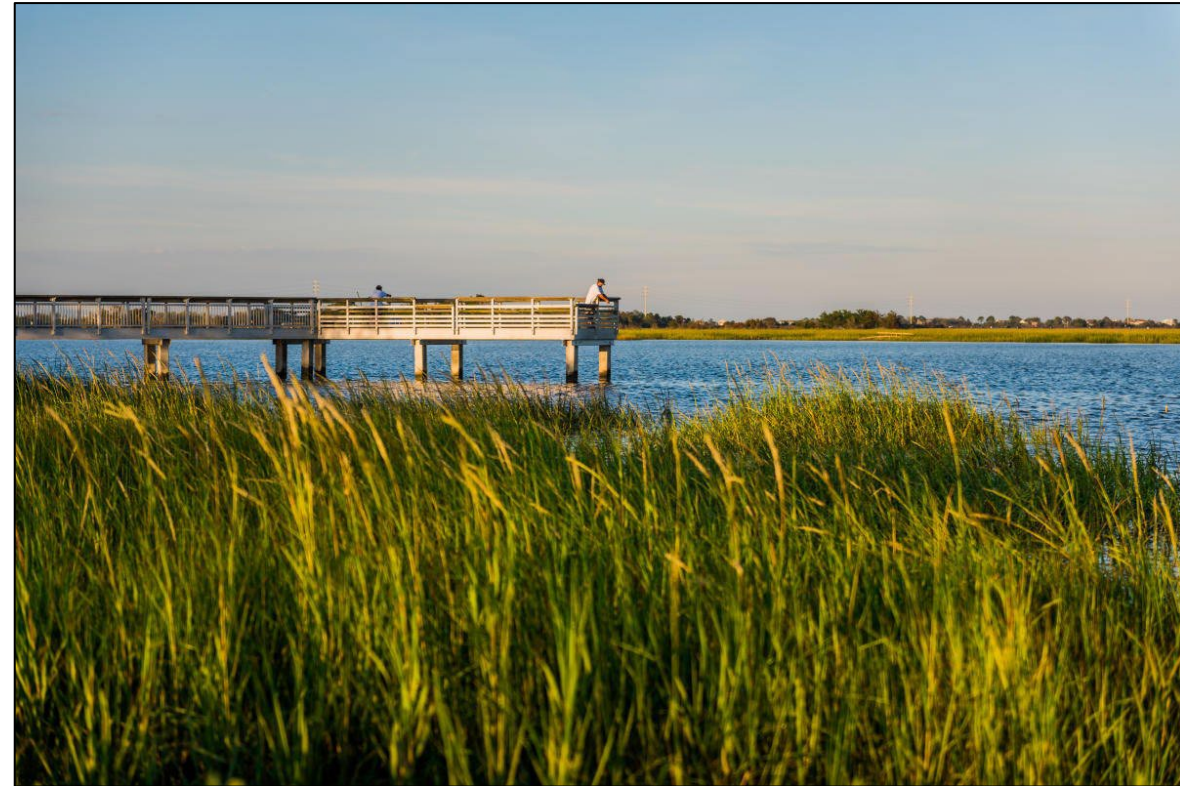
# Proposed Amendments 391-2-3-.02

## Coastal Marshlands Upland Rule

Impact of Rule change:

**DNR will CONTINUE to:**

- Regulate marsh impacts resulting from marinas, community and commercial docks, fishing piers, boat ramps and bridges.
- Regulate upland component for recreational areas and amenities that directly support the marshland component of such projects.
- Regulate bulkheads, living shorelines and bank stabilization projects in marshlands.
- Regulate government projects in marshlands not otherwise exempt from CMPA.



# Proposed Regulation of Upland Components

## **This Rule change will not:**

- Regulate upland components or 50ft. marsh buffers for projects that are not marinas, community/commercial docks, fishing piers, boat ramps or bridges; or
- Affect local or State Environmental Protection Division regulation of buffers along coastal marshlands.
- Marsh buffers associated with shoreline stabilization projects will be regulated in the same manner as prior to 2022.



# Public Participation Plan

- August 22, 2023 Briefed Board on proposed amendment.
- August 23, 2023 Public Notice of comment period.
- Sept. 6, 2023 Public Hearing held in Brunswick.
- Sept. 25, 2023 Original public comment period deadline.
- Oct. 10, 2023 Extended public comment deadline.
- Dec. 5, 2023 Re-briefed Board on revisions to proposed rule.
- Dec. 6, 2023 Public Notice of comment period.
- Jan. 4, 2024 Public Hearing in Brunswick.
- Jan. 19, 2024 Public comment period closed.
- Feb. 27, 2024 Proposed final action by Board.



Questions?

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# Current Regulation of Upland Components

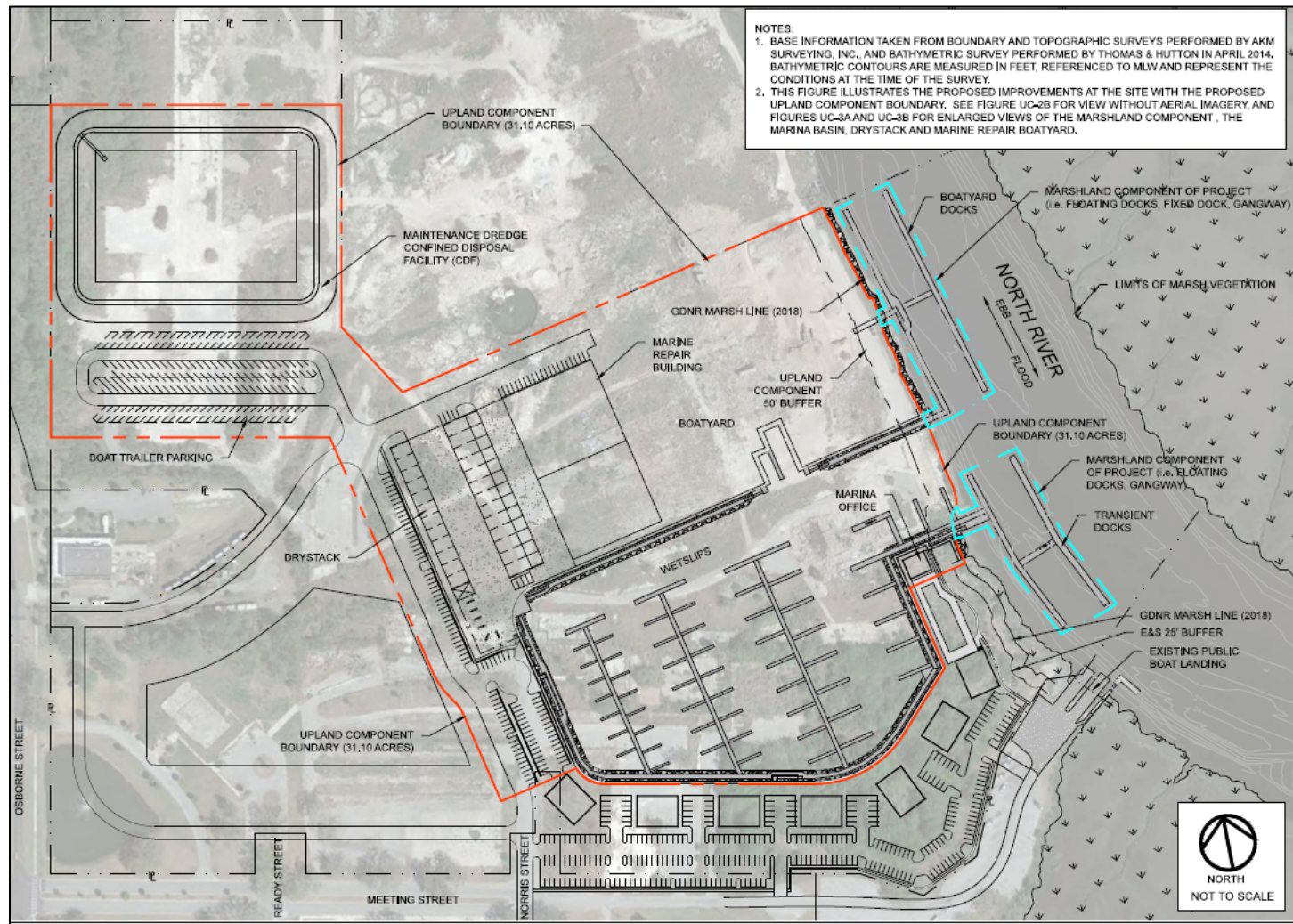


## **Savannah Boathouse Upland Component:**

- Included entire parcel
  - Dry stack boat storage
  - Parking
  - Office building
  - Marine fuel system
  - Washracks
  - Forklift access
  - Marine pumpout system



# Current Regulation of Upland Components



## The Wharf Upland Component:

- ~31-acres
  - 9.36-acre upland dug basin
  - Wet Slip Docks
  - Boatyard Facility
  - Dry-Slip Facility
  - Boat Trailer Parking
  - Marina Store
  - Confined Dredge Disposal Facility

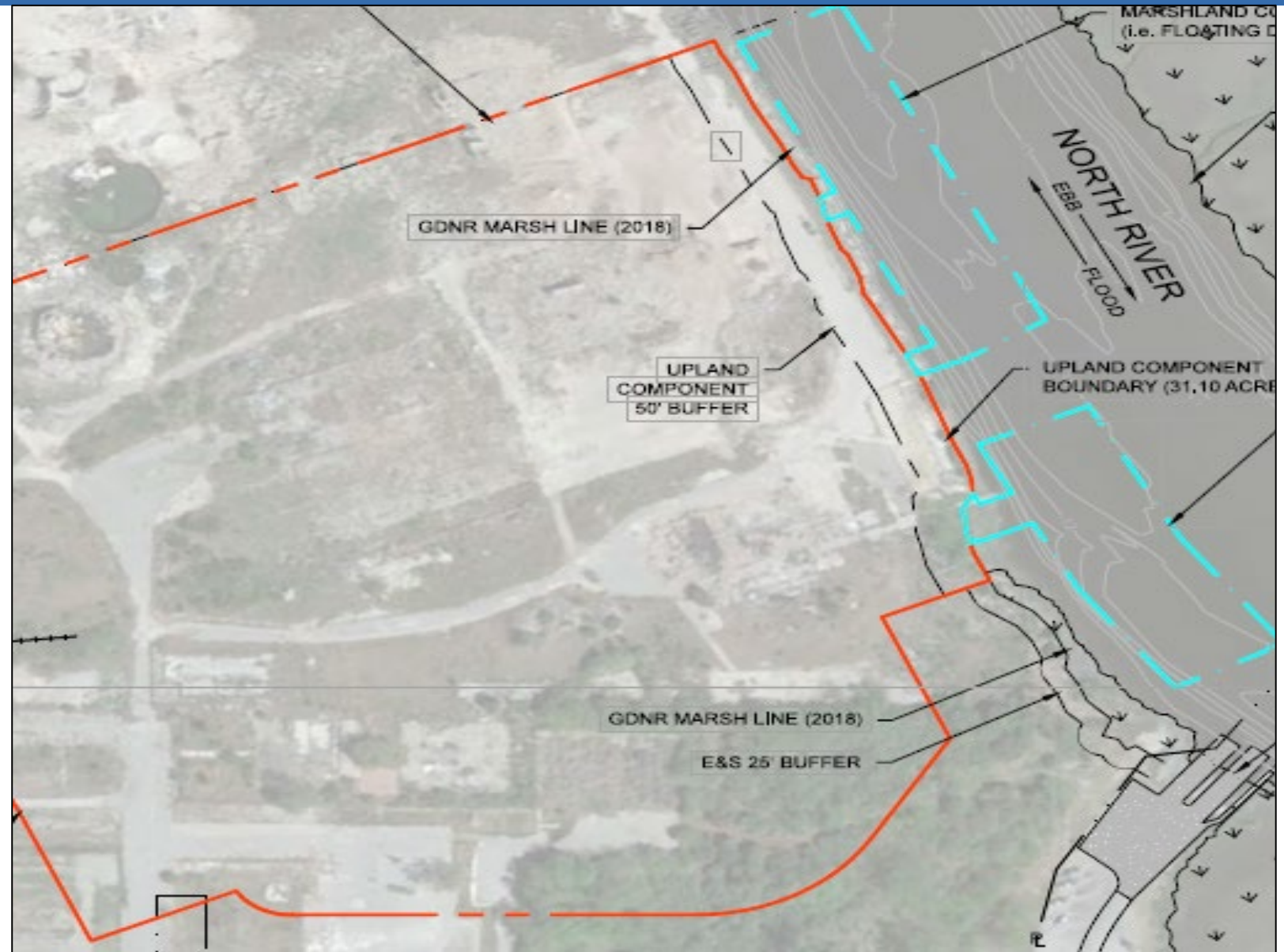


# Current Regulation of Upland Component: Buffer

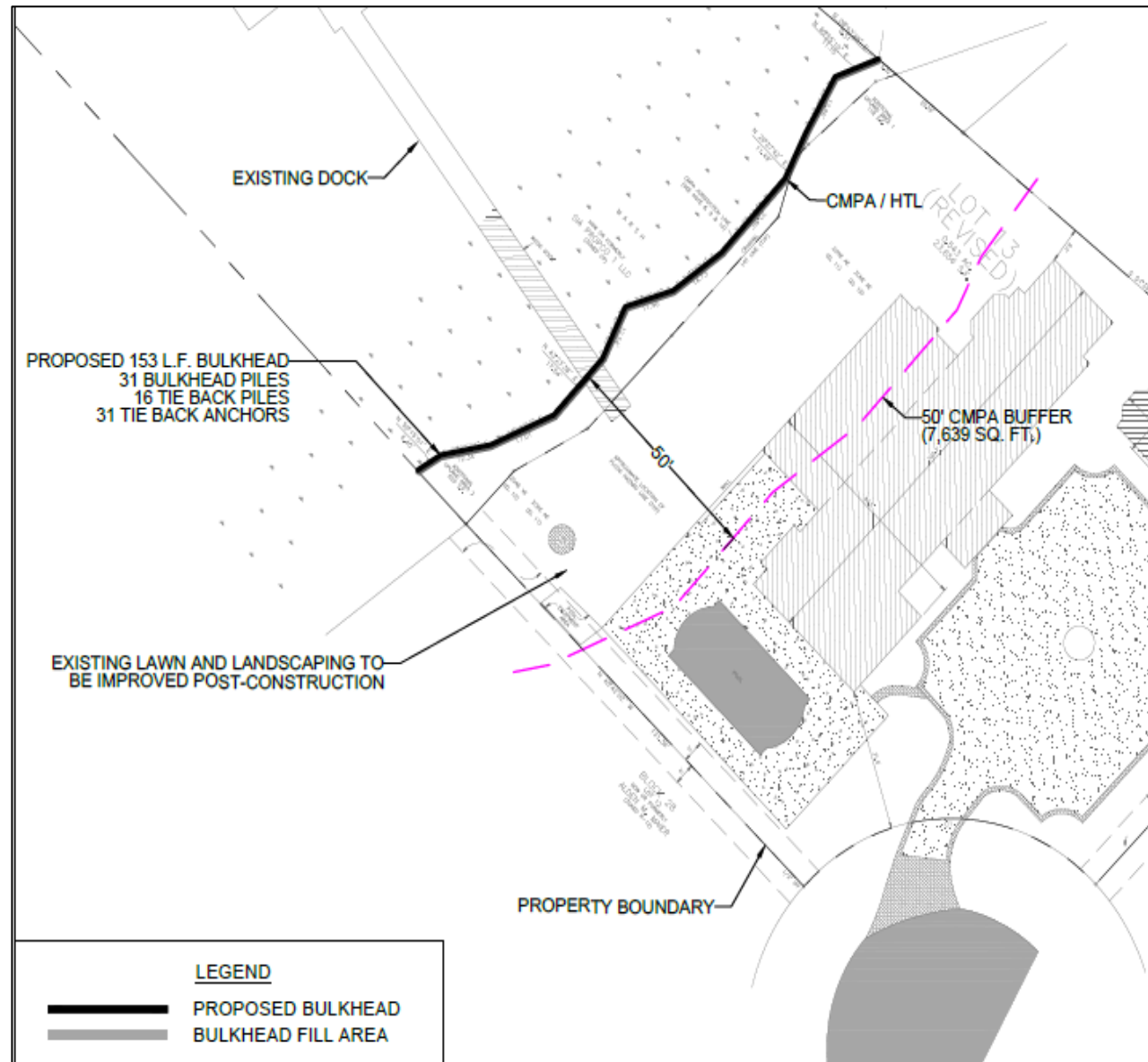
Three allowable activities in a marshland buffer:

- Construction and maintenance of temporary structures for building the marshlands component;
- Construction/maintenance of permanent structures for functionality and/or access to marshlands component;
- Planting and grading; pedestrian access for passive recreation

Buffer hardships may be granted by the Committee.



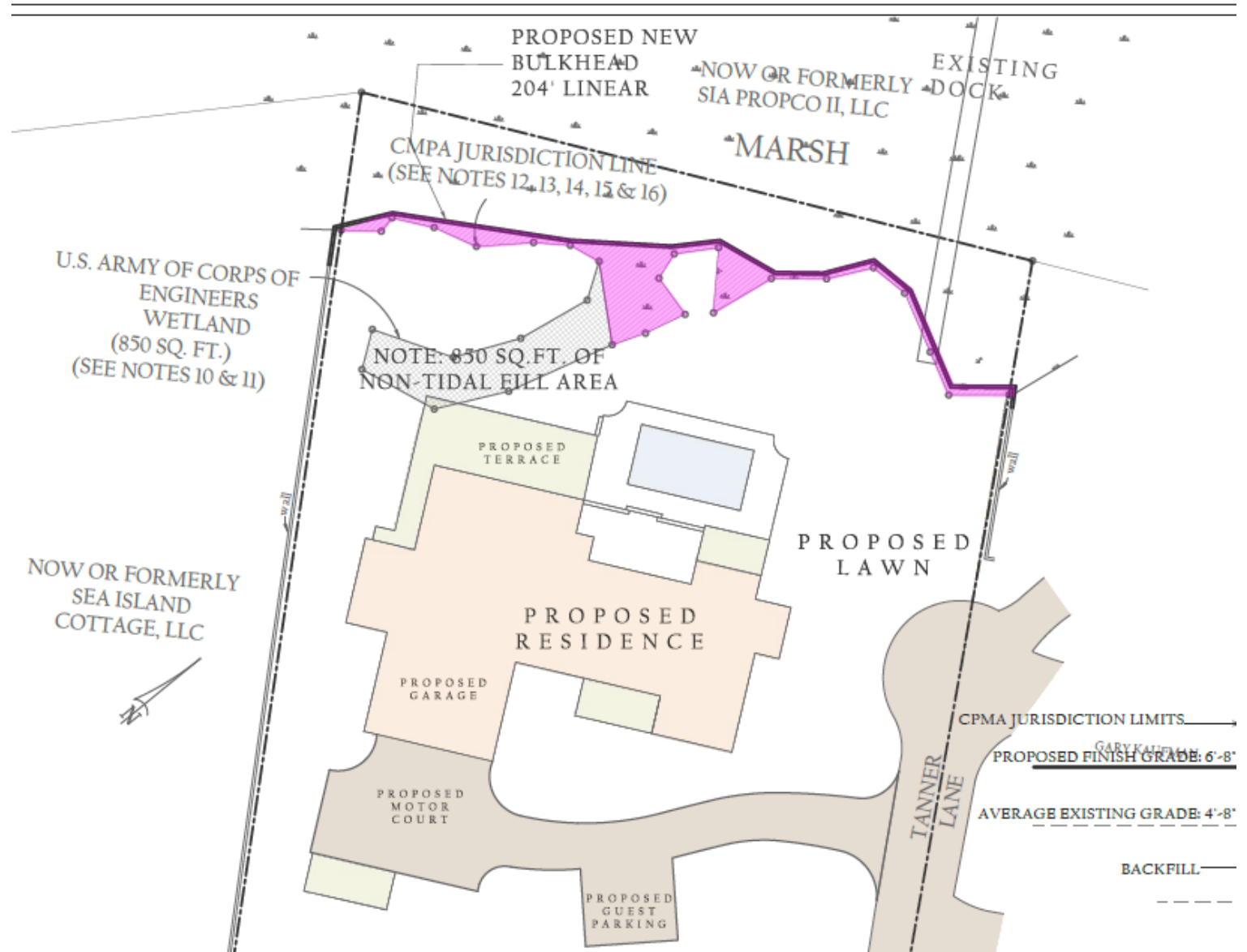
# Regulation of Upland Components: Shoreline Stabilization



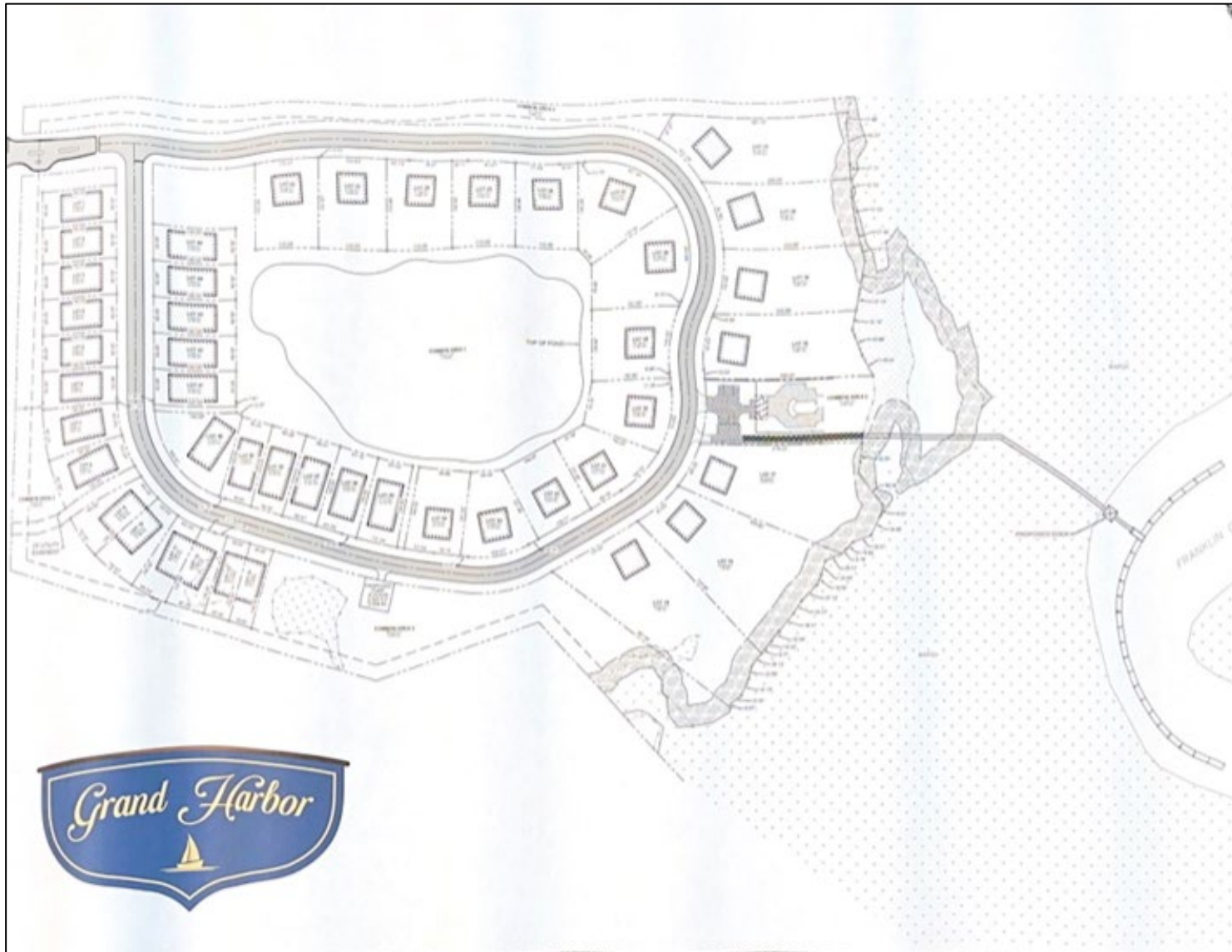
- Prior to 2022, small shoreline stabilization projects were *not* regulated under CMPA.
  - Includes Living Shorelines, riprap and bulkheads.
  - Previously were not subject to Upland Rule.
  - Primarily located on residential properties.
- Upland structures for bulkheads are generally underground and do not generate stormwater; Living Shorelines are typically vegetated to curb stormwater.
- 50ft. buffer regulates temporary activities for construction/maintenance. Other structures in buffer may not meet definition of upland component (e.g., sheds, pools, decks) and therefore are not regulated by the Rule.



# Regulation of Upland Components: Shoreline Stabilization



# Current Regulation of Upland Components



## **Grand Harbor Community Dock Upland Component:**

- Consists of 1 community parcel
  - Pervious parking
  - Pervious walkway
  - Landscaping