



MARK WILLIAMS
COMMISSIONER

A.G. 'SPUD' WOODWARD
DIRECTOR

**COASTAL MARSHLANDS PROTECTION ACT
STAFF'S FINDINGS & RECOMMENDATIONS**

August 11, 2017

TO: Coastal Marshlands Protection Committee:
Commissioner Mark Williams, Chairman
Mr. Henry Morgan
Mr. Rick Gardner
Mr. Zach Harris
Mr. Bill Hodges

FROM: Department Staff to the Committee

APPLICANT: Enmark Properties, LLC
Attn: William A. Baker, Jr.
101 North Lathrop Avenue
Savannah, GA 31402

AGENT: Alton Brown
Resource and Land Consultants
41 Park of Commerce Drive, Suite 303
Savannah, GA 31405

LOCATION: 301 Lathrop Avenue, Savannah, Savannah River, Chatham County, Georgia

PROJECT: The proposed project is to modify the existing yacht maintenance facility

ARMY CORPS NUMBER:

APPLICABLE LAW: O.C.G.A. §12-5-280 *et seq.*, as amended, Coastal Marshlands Protection Act of 1970.

SUMMARY OF PUBLIC COMMENTS: The public notice of the Coastal Marshlands Protection Committee (CMPC) ran from May 6, 2017 to June 6, 2017. No comments were received in response to the public notice.

FINDINGS: Department Staff to the CMPC make the following findings regarding this application:

Project Scope and Justification: O.C.G.A. § 12-5-286(b): O.C.G.A § 12-5-286 (b) (8) requires a discussion of why the permit should be granted.

1. The existing structures were constructed in 1987 and have been historically used primarily for vessel service and maintenance.
2. The facility currently contains approximately 13.46 acres of upland industrial development and 2.1 acres of open water associated with the parcel. Impacts in the State's CMPA jurisdiction include a traveling marine railway, an existing slip, floats, pile supported structures, and a bulkhead totaling approximately 0.52 acres.
3. The applicant is proposing the removal of the steel framed movable marine platform and pile supported traveling railway system (14,260sq.ft. or 0.327 acres), approximately 6,500sq.ft. (0.149 acres) of pile supported concrete platform and underlying backfill, 1,370sq.ft. (0.03 acres) of floating barges, 180 linear feet of bulkhead, and six (6) concrete piles and a steel pile dolphin. Total impact for structures in jurisdiction that will be removed is approximately 22,130sq.ft. (0.506 acres).
4. The applicant is proposing to dredge approximately 15,570 cubic yards of material from the existing slip to obtain a depth of approximately -30 feet.
5. Georgia Ports Authority has approved the placement of approximately 10,000 cubic yards of sediment to be placed on Tract "B" spoil area on Hutchinson Island. The remaining 5,570 cubic yards of material will be transported to Republic Industrial Landfill located at 84 Clifton Boulevard, Savannah, GA.
6. To maintain the slip at approximately -30 feet, the applicant is proposing the installation of a silt suspension system that uses a system of near bottom water jets to prevent the deposition of sediment in the slip area. Daily operation of the silt suspension system would be computer controlled. The jetting would create a sequence of overlapping patterns during the outgoing tide. The applicant has stated the jetting would be strong enough to prevent shoaling but would not cause erosion.
7. In addition, the applicant is proposing the construction of a new Syncrolift system comprised of 235ft. x 57ft. steel framed/timber decked hoist platform supported by fourteen (14) concrete platforms on concrete pilings. The platform will be installed at a storage elevation of approximately +19.0 Mean Low Water (MLW).
8. Approximately 2,200sq.ft. of pile supported access platforms will be constructed adjacent to the Syncrolift platform to provide access. Syncrolift impacts total approximately 19,443sq.ft. (0.446 acres).
9. Additionally, 439 linear feet of new bulkhead will be installed in association with the new Syncrolift system. Approximately 4,160sq.ft. of backfill will be installed landward of the new bulkhead at the southern end of the slip.
10. Two (2) pile timber mooring dolphins, consisting of seven (7) pilings each, will be installed seaward of the new Syncrolift. Jurisdictional impacts associated with the Syncrolift, bulkhead and fill total approximately 23,603sq.ft. (0.54 acre).
11. East of the modified slip, 8,440 sq. ft. (0.19 acres) of new concrete floats will be installed parallel to the bulkhead for in-water berthing. Three (3) concrete platforms, each 352sq.ft. will provide access to the new floats. Jurisdictional impacts associated with the concrete floats and platform total approximately 9,496sq.ft. (0.22 acres).
12. The entire structure will extend approximately 141ft. seaward of MLW and will be no closer than 135ft. from the southern edge of the Savannah River Navigational Channel at a point where the Savannah River is approximately 1,150ft. wide at MLW.

13. The entire floating dock will extend approximately 40ft. seaward of the existing bank stabilization and be no closer than 130ft. from the southern edge of the Savannah River Navigational Channel.
14. The existing structure is constructed approximately 12 ft. from the extended property line to the east and 10ft. from the extended property line to the west.
15. Proposed impacts for the existing structures and proposed structures total approximately 33,779sq.ft. (0.77 acre).

O.C.G.A. § 12-5-286 (b) (8) requires a discussion of why the permit should be granted.

16. The proposed modifications to the existing facility will allow the historically used commercial parcel to expand the yacht maintenance and service operations to accommodate vessels in excess of 200 feet in length.

Application Form, Applicant Name and Address, Project Plans, Plat, Deed or other instrument, Written permission to carry out project by owner of land, O.C.G.A. § 12-5-286(b)(1-4):

17. Applicant has submitted the application form, name and address, project plans, plats, and deed.

Adjoining Landowners, Non-refundable application fee, O.C.G.A. § 12-5-286 (b)(5,7):

18. Applicant has submitted names and addresses of adjoining property owners as well as the non-refundable application fee.

Local Government Zoning, O.C.G.A. § 12-5-286(b)(6):

19. A letter has been received from the Chatham County Department of Building Safety & Regulatory Services stating that the proposed project does not violate any local zoning laws. The letter is not conditioned.

Alternative Sites Description and Feasibility 12-5-286 (b)(8):

20. The proposed project is site specific. An alternative site will not satisfy the project purpose.

Landfill, Hazardous Waste Inquiry, O.C.G.A. § 12-5-286(b)(9):

21. Applicant has reviewed the Hazardous Site Index maintained by the Georgia Environmental Protection Division for Chatham County, Georgia and stated that there are no landfills or hazardous waste sites near the proposed project location.

Water Quality Certification, O.C.G.A. § 12-5-286(b)(10):

22. A Water Quality Certification was issued for on August 2, 2017.

Adherence to Erosion and Sediment Control Responsibilities, O.C.G.A. § 12-5-286 (b)(11):

23. Applicant has stated their intention to adhere to building, land disturbing and storm-water management permit as required by Chatham County, Georgia.

Notification of Proposed Project, O.C.G.A. § 12-5-286(d)(e):

24. Adjacent property owners and interested parties who have requested to be placed on the mailing list were notified in writing of the proposed project. The public notice of the Coastal Marshlands Protection Committee (CMPC) ran from May 6, 2017 to June 6, 2017. No comments were received in response to the public notice.

Public Interest Considerations, O.C.G.A. § 12-5-286(g):

25. In passing upon application for a permit, the CMPC shall consider the public interest.
- a) **The design of the project is such that no unreasonably harmful obstruction to or alteration of the natural flow of navigational water within the affected area will arise as a result of the proposal.** The proposed dredging project may alter the natural flow of navigational water, but not in an unreasonable manner. The vessel-lift structure and silt suspension system will not cause unreasonable or harmful obstruction to navigation.
 - b) **The design of the project is such that no unreasonably harmful or increased erosion, shoaling of the channels, or stagnant areas of water will be created.** The area of the proposed dredging project is subject to daily tidal flows and will not create stagnant areas of water. The depth of the newly dredged area will taper into the existing contour of the adjacent waterbottoms so there should not be unreasonably harmful or increased erosion and/or shoaling. The silt-suspension system discharges water in a sweeping arc motion at a low velocity. The jetting action is strong enough to prevent shoaling, but not enough to cause erosion. As a result, no additional sediment or turbidity is created in the water column. The pile-supported vessel-lift system will be positioned at elevation 19ft. Mean Low Water (MLW) to allow for storage of the platform above Mean High Water (MHW).
 - c) **The proposal will not unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, and clams or any marine life or wildlife or other natural resources including but not limited to water and oxygen supply.** The facility must install manatee awareness signage during construction of the facility and adhere to standard manatee conditions and procedures for aquatic construction as approved by the Savannah District Office of the US Army Corps of Engineers. The project is not expected to unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, and clams or any marine life or wildlife or other natural resources including but not limited to water and oxygen supply.

Restriction on granting of permits; size restriction; activities and structures considered contrary to the public interest, O.C.G.A. § 12-5-288 (a) and (b):

26. The proposed project is water related and water dependent and cannot be satisfied by use of a non-marshland alternative site.

Leasing of state owned marshland or water bottoms, O.C.G.A. § 12-5-287:

27. The proposed project has no mooring space associated with it, therefore it is not required to have a waterbottoms lease.

O.C.G.A. § 12-5-288(b) requires that the amount of marshlands to be altered are minimum in size.

28. Proposed impacts for the existing structures and proposed structures total approximately 33,779sq.ft. (0.77 acre).

Determining Project Boundaries, Rule 391-2-3-.02(3):

29. The marsh component for the project includes the proposed modification to the existing yacht maintenance and service facility. Proposed impacts for the existing structures and proposed structures total approximately 33,779sq.ft. (0.77 acre).
30. The upland component for the project consists of the existing, industrial facility on the 15.56-acre parcel. There are no proposed activities or changes to the upland component.

RECOMMENDATION: Should the Committee determine that the proposed project is in the public interest, Department staff recommends the following **STANDARD and SPECIAL conditions:**

COASTAL MARSHLANDS PROTECTION ACT STANDARD CONDITIONS

1. The project must comply, as applicable, for areas permitted herein, with all other federal, state, and local statutes, ordinances, and regulations and the applicant must obtain all licenses and permits prior to commencement of construction.
2. This permit does not resolve actual or potential disputes regarding ownership of, rights in or over the property upon which the subject project is proposed, and shall not be construed as recognizing or denying any such rights or interests.
3. All plans, documents and materials contained in this permit application, required by Coastal Marshlands Protection Act of 1970, as amended O.C.G.A. § 12-5-280 et seq. are a part of this permit and conformance to such plans, documents, and materials are a condition of this permit. No change or deviation from these plans, documents, and materials shall be permitted without prior notification and approval by the Department or CMPC.
4. No further encroachment or construction shall take place within state jurisdiction, except as permitted by the CMPC. Any modification of the plans or structure in the jurisdictional area must be reviewed and approved by the Department or the CMPC, as necessary, prior to construction.
5. No construction or alteration of a project may commence until the expiration of 30 days following the date on which the application is approved; provided however that if a timely appeal is filed, no construction or alteration may commence until all administrative and judicial proceedings are terminated.
6. The permit must be posted onsite within twenty-four (24) hours of beginning construction.
7. A copy of these and all permit conditions must be supplied to the person in charge of construction. All contractors and subcontractors are responsible for strict adherence to all permit conditions.
8. All Best Management Practices (BMPs) should be used to prevent any erosion and sedimentation at the site. No equipment, materials, or debris may be placed in, disposed of, or stored in jurisdictional areas. Any visible alterations in the marsh topography will be restored immediately using low-impact hand tools. Any damage to the marsh vegetation that has not

recovered naturally during the next growing season will be repaired by a method acceptable to the Department.

9. If the permitted improvements are damaged, fall into disrepair, become dilapidated, or are not meeting their expected usefulness and are not maintained at a serviceable level, it is the responsibility of the owner to remove the improvements. A new permit will be required to retain and repair the structure, improvement, or asset if it loses its structural integrity and is no longer serviceable.
10. The CMPC is not bound in the future to protect any improvement or asset authorized by the permit.

SPECIAL CONDITIONS

1. Dredging activities may only occur as specified in the conditions of the 401 Water Quality Certification issued by the Director of the State of Georgia Environmental Protection Division issued August 2, 2017. No dredging will be conducted during the striped bass spawning period from April 1 to May 15 of each year. No dredging activities will be conducted between July 1 and September 30 due to low dissolved oxygen levels in the harbor.
2. Permittee must provide the Department with a project schedule for all dredging operations. The schedule must be received no less than five (5) days prior to commencing the dredging activities.
3. Permittee must install manatee awareness signage during construction of the facility and permanent signage post-construction. The permittee shall adhere to standard manatee conditions and procedures for aquatic construction as approved by the Savannah District Office of the US Army Corps of Engineers, US Fish and Wildlife Service, and the Georgia Department of Natural Resources.
4. Each contractor is required to instruct all personnel associated with the dredging project about the possible presence of manatees in the area. Dredges are required to stop, alter course or otherwise maneuver to avoid approaching the known location of a manatee.
5. Permittee may be required to provide a post-dredging hydrographic survey within 30 days of project completion. The survey must be performed by a surveyor registered in the State of Georgia and must comply with appropriate professional industry standards.
6. Permittee may be required to provide a post-construction survey to the Georgia Department of Natural Resources, Coastal Resources Division within 30 days of completion of the permitted activity. Such survey shall comply with the Georgia Plat Act O.C.G.A. 15-6-67 *et seq.*