

### **1.0 INTRODUCTION:**

The applicants, Benjamin & Katherine Neufeld, are seeking authorization under Section 10 of the Rivers and Harbors Act of 1899 and the Coastal Marshlands Protection Act of 1970 for a proposed pedestrian boardwalk that will provide access to the southern portion of the property which must currently be accessed through the adjacent property owners driveway. The project site is located at 503 Herb River Drive on Dutch Island in Chatham County, Georgia (32.009870°, -81.040079°). The project is located within the 03006109-Lower Savannah Hydrologic Unit Code (HUC). Location maps and aerial photographs depicting the general project limits are provided in Appendix A of this document.

### **2.0 BACKGROUND AND PROJECT PURPOSE:**

The proposed project includes the construction of a timber pedestrian boardwalk that will provide access to the southern portion of the property. Current access to the upland area within the southern portion of the property is only afforded through traversing the marsh or using the adjacent property owner's driveway.

The purpose of the project is to provide reasonable access to all portions of the property.

### **3.0 EXISTING SITE CONDITIONS:**

The current site is comprised of a developed and cleared lot with tidal marsh bisecting the upland areas. The U.S. Army Corps of Engineers (USACE) in a letter dated 31 August 2016 and the Georgia Department of Natural Resources – Coastal Resource Division (GADNR – CRD) in a letter dated 7 September 2016, verified the limits of jurisdiction under their respective regulatory programs (Appendix B). Based on the wetland survey provided by EMC Engineering, the 1.597 acre site contains 1.002 acre of upland and 0.595 acre of tidal wetland.

The upland portions of the property are located within the northern and central portions of the property. The northern portion of the property consists of a residence and a manicured lawn. Vegetation within this area is dominated by loblolly pines (*Pinus taeda*) in the overstory and St. Augustine grass (*Stenotaphrum secundatum*). The upland area located within the central portion of the property is dominated by loblolly pines and cabbage palmetto (*Sabal palmetto*) in the overstory and bahia grass (*Paspalum notatum*) in the understory.

Tidal marsh bisects the upland areas and is also located on the southern portion of the property. The tidal marsh is dominated by black needle rush (*Juncus roemerianus*) although saltgrass (*Distichlis spicata*), sea oxeye (*Borrchia frutescens*), and silverling (*Baccharis halimifolia*) are present.

### **4.0 PROPOSED PROJECT:**

The proposed project generally includes the construction of an outdoor patio area that will be accessed by a 6' wide pedestrian timber boardwalk. The timber boardwalk will span approximately 87.6 feet of tidal marsh. The elevations on either side of the boardwalk are 6.5' MSL and the middle section of the boardwalk will be 7.5' MSL to allow for full tidal exchange. The proposed project will result in 0.024 acre of temporary construction access impact and 0.012 acre of permanent impact as a result of shading. Detailed permit drawings depicting the site plan and typical sections of the boardwalk are provided within Appendix C. The boardwalk will provide access to the outdoor patio areas that the applicant will construct.

#### **4.1 Marshlands & Upland Component:**

As defined by the GADNR, the marshlands component of a project means the part of the project in an estuarine area or any structure on or over an estuarine area requiring a permit under the Coastal Marshlands Protection Act. The upland component is defined as all those service areas, amenities, and recreational areas located inland of the Coastal Marshlands Protection Act jurisdiction line that serve or augment the function of the marshlands component of the project. For this project, the marshlands component would include the proposed pedestrian boardwalk that would provide access between the two upland components of the residence and outdoor patio area.



For CMPA projects, GADNR rules require that pervious surfaces must be maximized and total impervious area minimized in the project area when practicable, with a goal of no more than 15% effective impervious cover, taking into consideration existing structures and available land within the upland component of the project area. Impervious surfaces will be limited to the outdoor patio and will be minimized to the greatest extent practicable.

**5.0 ALTERNATIVES ANALYSIS**

No offsite alternatives were considered as part of the alternatives analysis based on the nature of proposed project. The applicant considered the installation of a road and culverts to allow for access to the upland on the southern portion of the property. The construction of the road would result in impacts to the tidal regime upstream of the dam and was therefore not a viable option. The proposed boardwalk construction alleviates any concern of tidal regime alteration and provides the least environmentally damaging practicable alternative.

**6.0 BUFFER VARIANCE:**

As a result of the type of project being proposed work must occur within the tidal buffer; however, all activities within the buffer are exempt from buffer variance requirements. A buffer determination request has been included in Appendix D. All portions of the outdoor patio construction will occur outside of the 25’ tidal water buffer and 35’ Chatham County Overlay.

**7.0 PROJECT JUSTIFICATION:**

The proposed project will provide reasonable access to upland areas with the property that are currently not accessible without encroaching on other private property.

**8.0 COMPENSATORY MITIGATION:**

The applicant is not proposing compensatory mitigation as part of the proposed project as a result of the minimal impacts to tidal waters.

**9.0 ESSENTIAL FISH HABITAT**

The proposed project is located within a tidal high marsh area, which has been identified as essential fish habitat for the shrimp, red drum, and snapper-grouper complexes. However, the proposed timber boardwalk will not preclude the utilization of the tidal marsh by any marine species.

**10.0 THREATENED AND ENDANGERED SPECIES:**

RLC conducted a threatened and endangered species survey to determine the potential occurrence of animal and plant species (or their preferred habitats) currently listed as threatened or endangered by state and federal regulations [Federal Endangered Species Act of 1973 (16 USC 1531-1543)]. The U.S. Fish and Wildlife Service (USFWS) lists the following plant and animal species as endangered or threatened in Chatham County, Georgia (Appendix E):

**PLANTS**

Pondberry (*Lindera melissifolia*)

**MAMMALS**

Northern Atlantic Right Whale (*Eubalaena glacialis*)

Manatee (*Trichechus manatus*)

**BIRDS**

Piping Plover (*Charadrius melodus*)

Red Knot *Calidris canutus rufa*)

Red-Cockaded Woodpecker (*Picoides borealis*)

Wood Stork (*Mycteria americana*)

**REPTILES**

Eastern Indigo Snake (*Drymarchon corais couperi*)

Kemp's Ridley Sea Turtle (*Lepidochelys kempii*)

Leatherback Sea Turtle (*Dermochelys coriacea*)

Loggerhead Sea Turtle (*Caretta caretta*)

**AMPHIBIAN**



Frosted Flatwoods Salamander (*Ambystoma cingulatum*)

**FISH**

Atlantic Sturgeon (*Acipenser oxyrhincus oxyrhincus*)

Shortnose Sturgeon (*Acipenser brevirostrum*)

The upland area associated with the project does not contain habitat required for support of any listed species. The wetland portion of the project contains tidal waters. Several protected species frequent coastal waters of Georgia, including the Northern Right Whale, West Indian Manatee, 3 species of sea turtle, and the Shortnose Sturgeon. Although the aforementioned species utilize the coastal waters of Georgia, the tidal areas located within this project area are located within the high marsh and cannot be utilized by these species. No wood storks were observed during the field reconnaissance; however, it is possible that they could use the area for feeding grounds. The proposed pedestrian boardwalk will have no impact on the wood storks ability to utilize the project area. Therefore no listed species will be impacted by the proposed project.

**11.0 CULTURAL RESOURCE**

This project includes providing access to a fully developed lot within a suburban environment. Based on the current site conditions and the proposed activities, no impacts to sites listed or eligible for listing are anticipated. A copy of the NRHP information is provided in Appendix F.

**12.0 COMMERCIAL BAIT SHRIMP, OYSTER, AND CRABBING AREAS**

The proposed project is not located in a designated bait shrimp zone according to Georgia Department of Natural Resources *Commercial and Recreational Bait Shrimp Zones, Coastal Georgia* map. The project area is not listed on the *Georgia Harvester Reported Crabbing Areas* list, and the project area is not located in designated commercial or recreational oyster harvest areas.

**13.0 IMPAIRED WATERS**

Grimball Creek is not listed on the U.S. Environmental Protection Agency 303(d) list for impaired water bodies (Appendix A).

**14.0 SUPPLEMENTAL INFORMATION**

This additional information is provided for compliance with Coastal Marshlands Protection Act of 1970 information requirements:

*OCGA 12-5-286. Permits to fill, drain, etc., marshlands.*

*(b) Each application for such permit shall be, properly executed, filed with the department on forms as prescribed by the department, and shall include:*

- (1) The name and address of the applicant-  
Benjamin & Katherine Neufeld  
503 Herb River Drive  
Savannah, GA 31406*
- (2) A plan or drawing showing the applicant's proposal and the manner or method by which such proposal shall be accomplished. Such plan shall identify the coastal marshlands affected- Please refer to attached drawings produced by EMC Engineering (Appendix C).*
- (3) A plat of the area in which the proposed work will take place- See Appendix C.*
- (4) A copy of the deed or other instrument under which the applicant claims title to the property or, if the applicant is not the owner, then a copy of the deed or other instrument under which the owner claims title together with written permission from the owner to carry out the project on his land. In lieu of a deed or other instrument referred to in this paragraph, the committee may accept some other reasonable evidence of ownership of the property in question or other lawful authority to make use of the property; The committee*



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*will not adjudicate title disputes concerning the property which is the subject of the application; provided, however, the committee may decline to process an application when submitted documents show conflicting deeds-* Deeds for subject property and referenced plat is included in Appendix G.

- (5) *A list of all adjoining landowners together with such owners' addresses, provided that if the names or addresses of adjoining landowners cannot be determined, the applicant shall file in lieu thereof a sworn affidavit that a diligent search, including, without limitation, a search of the records for the county tax assessor's office, has been made but that the applicant was not able to ascertain the names or addresses, as the case may be, of adjoining landowners-* Adjacent landowner information is provided in Appendix H.
  - (6) *A letter from the local governing authority of the political subdivision in which the property is located, stating that the applicant's proposal is not in violation of any zoning law;* The proposed plans have been submitted by the Chatham County Zoning Department and a copy of the submittal is included in Appendix I.
  - (7) *A non-refundable application fee to be set by the board in an amount necessary to defray the administrative cost of issuing such permit. Renewal fees shall be equal to application fees, which shall not exceed \$1,000.00 for any one proposal and shall be paid to the department.* Check for \$100.00 is attached.
  - (8) *A description from the applicant of alternative sites and why they are not feasible and a discussion of why the permit should be granted-* Please refer to Section 5.0 for alternative analysis.
  - (9) *A statement from the applicant that he has made inquiry to the appropriate authorities that the proposed project is not over a landfill or hazardous waste site and that the site is otherwise suitable for the proposed project-* A review of the Hazardous Site Index for Chatham County, Georgia indicates that the subject property does not contain hazardous waste sites or landfills. A copy is provided in Appendix J.
  - (10) *A copy of the water quality certification issued by the department if required for the proposed project-* A copy of this package was provided to EPD and a copy of the Water Quality Certification will be submitted to both the USACE and CRD if required.
  - (11) *Certification by the applicant of adherence to soil and erosion control responsibilities if required for the proposed project-* The project will conform to all required building, land disturbing, and stormwater management permits as required by the Chatham County, Georgia.
  - (12) *Such additional information as is required by the committee to properly evaluate the application-* This application has been prepared with consideration for the interests of the general public of the State of Georgia as defined in OCGA 12-5-286(g): OCGA 12-5-286. Permits to fill, drain, etc. marshlands.
- (g) *In passing upon the application for permit, the committee shall consider the public interest, which, for purposes of this part shall be deemed to be the following considerations:*
- (1) *Whether or not 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 project will not alter natural flow of navigable waters or obstruct public navigation.
  - (2) *Whether or not unreasonably harmful or increased erosion shoaling of channels, or stagnant areas of water will be created-* The proposed pedestrian boardwalk project is

designed to allow unrestricted tidal flow within a low energy, high marsh area. No erosion, shoaling of channels or stagnant areas of water will result from the proposed project.

- (3) *Whether or not the granting of a permit and the completion of the applicant's proposal will unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, clams, or other marine life, or wildlife, or other resources, including but not limited to water and oxygen supply-* The proposed pedestrian boardwalk will not interfere with the conservation of fish, shrimp, oysters, crabs, clams, or other marine life, or wildlife, or other resources, nor affect water and oxygen supply.

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Marsh & Shore Mgt. Program

### **Upland Component**

The proposed project consists of the construction of a bridge that will provide access between upland areas within the subject parcel. The marshland component, the access bridge, does not provide access to coastal marshlands. Therefore, there is no upland component associated with the project that would serve or augment the marshland component as defined under the Rules of Georgia Department of Natural Resources, Coastal Resources Division Chapter 391-2-3.02(2)(q). No stormwater management plan is required for the upland component of the project as there is no upland component.

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