



MARK WILLIAMS  
COMMISSIONER

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DIRECTOR

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

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April 28, 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:** Mr. Nick Milonis  
Chatham County Department of Engineering  
P.O. Box 8161  
Savannah, GA 31412-7818

**AGENT:** Mr. Russell Parr  
RLC  
31 Park of Commerce Way, Suite 200B  
Savannah, GA 31405

**LOCATION:** Norwood-Skidaway Avenue, Herb Creek, Chatham County, Georgia

**PROJECT:** The proposed project is to modify and maintain the existing storm water drainage network east of Norwood Avenue and north of Skidaway Avenue in an attempt to reduce the frequency and duration of flooding events in adjacent residential and commercial areas.

**ARMY CORPS NUMBER:** SAS- 2011-00613

**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 January 12, 2017 to February 11, 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. Existing drainage channels in the Chatham County stormwater drainage network adjacent to residential and commercial development in the area will be realigned, sloped and graded to stabilize eroding banks and increase stormwater holding capacity.
2. The proposed project includes the replacement of the existing culvert associated with Glenda Drive, which will be removed and replaced with a 56 linear ft. reinforced concrete box culvert resulting in the fill of approximately 870sq.ft. (0.02 acres) of coastal marshlands.
3. Additional impacts include the excavation of approximately 450 linear feet of open ditch impacting approximately 2,614sq.ft. (0.05 acres) of coastal marshlands and the installation of 600 linear feet of concrete storm water pipe resulting in the fill of approximately 4,573sq.ft. (0.105 acres) of coastal marshlands.
4. Construction of a concrete flume and headwall and the installation of grouted riprap wing walls will result in the fill of approximately 217sq.ft. (0.005 acres) of coastal marshlands.
5. Fill of coastal marshlands totals approximately 0.14 acres and excavating of coastal marshlands totals approximately 0.05 acres of coastal marshlands.
6. Total impacts to coastal marshlands from the proposed drainage improvements total 8,274 square feet (0.19 acres).

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

7. The purpose and goal of the proposed project is to provide adjacent commercial and residential properties relief from frequent flooding events.

**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):**

8. 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):**

9. 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):**

10. 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):**

11. 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):**

12. 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):**

13. Water Quality Certification was issued April 19, 2017.

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

14. 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):**

15. 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 January 12, 2017 to February 11, 2017. No comments were received in response to the public notice

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

16. 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 existing, non-navigable drainage ditches will be realigned, sloped and graded to stabilize eroding banks and increase stormwater holding capacity. The proposed project proposes improvements to Chatham County's stormwater drainage network. No unreasonably harmful obstruction to or alteration of the natural flow of navigational water within the affected area is expected from the proposed project.
- 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 proposed project will be constructed and maintained in an effort to decrease the frequency and duration of flooding events in the area and is not expected to result in increased erosion, shoaling of channels or stagnant areas of water.
- 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 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):**

17. The proposed project is designed to alleviate current erosion and flooding that occurs in the area by increasing the carrying capacity of the existing stormwater management drainage ditches at this location.

18. A portion of the project occurs within a tidally influenced, county maintained, open drainage ditch system that is a conduit for stormwater runoff from upland areas into jurisdictional

coastal marshlands. The project is designed to minimize impacts to coastal marshlands by decreasing erosion from stormwater runoff into jurisdictional coastal marshlands.

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

19. 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.**

20. Existing conditions within the drainage network have been minimized to include excavation of coastal marshlands totaling approximately 0.05 acres and fill of coastal marshlands totaling approximately 0.14 acres.

21. Total impacts to coastal marshlands from the proposed drainage improvements total 8,274 square feet (0.19 acres).

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

22. The marshland component of the project includes the vegetated and non-vegetated, tidally influenced drainage ditches within project area. Total impacts to coastal marshlands from the proposed drainage improvements total 8,274 square feet (0.19 acres).

**Marshland Buffers for Upland Component of the Project, Rule 391-2-3-.02(4):**

23. Land disturbance and construction within the marsh buffer of the upland component is limited to:

- A. Construction and maintenance of temporary structures necessary for the construction of the marshland component of the project.
- B. Piping and filling of the non-CMPA jurisdictional portion of the drainage ditch which is required for the functionality of the marshland component of the project.

24. The marsh component for the project includes excavation of coastal marshlands totaling approximately 0.05 acres and fill of approximately 0.14 acres of coastal marshlands for combined impacts totaling 0.19 acres.

**Stormwater Management Standards for the Upland Component of the Project, Rule 391-2-3-.02(5):**

25. Discharge of untreated stormwater from a piped drainage system is generally unavoidable except for the alternative, which would be to leave the ditch in its present open and vegetated condition. However, as it currently exists, continued erosion and flooding of developed areas adjacent to the existing ditch network make this impractical.

26. Stormwater will be managed in accordance with the latest edition of the Georgia Stormwater Management Manual.

**Impervious Surface Rule 391-2-3-.02(6)**

27. The upland component totals approximately 1.1 acres and will consist of a pervious maintenance road which would be used to access the project corridor in the future.

**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. 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.*