



COASTAL RESOURCES DIVISION
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COASTAL MARSHLANDS PROTECTION ACT STAFF'S FINDINGS & RECOMMENDATIONS

August 23, 2019

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

FROM: Department Staff to the Committee

APPLICANT: Brian McCarthy
3 Sea Sons, LLC
6 Saint Augustine Bend
Savannah, GA 31404

AGENT: Michael DeMell
Environmental Services, Inc.
2201 Rowland Avenue
Savannah, GA 31404

LOCATION: Bull River, Chatham County, Georgia

PROJECT: The proposed project is the construction and maintenance of a commercial marina facility, The Savannah Boathouse, U.S. Highway 80, Bull River, Chatham County, Georgia.

ARMY CORPS NUMBER: 2019-00138

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 July 13, 2019 to August 12, 2019. Staff received seven (7) comments during the public notice period. Four of the comments objected to the project and three were in favor of the project. The comments that objected to issuance of the permit were related to potential pollutants in the runoff from the wash racks and fuel dispenser; incomplete needs analysis;

inadequate environmental analysis of the upland; the proposed bank stabilization measures; stormwater management; exception to the coastal marshlands 50ft. buffer; potential dangerous and increased traffic on US 80; size of the marshland component; negative effects on the quality of life in the area; increased noise due to forklift operations. The applicant has responded to all comments that were submitted.

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 project site is an existing developed property with associated pile supported structures located within the Bull River and was operated for various commercial uses for the past 90-years. Included in the prior use was the Williams Seafood Restaurant, shrimping operations, and, most recently, the operation of a casino cruise ship company. The proposed project is a redevelopment of the 2.38-acre site to a commercial marina facility that will include a forklift pier, floating docks and gangways, bank stabilization, dry slip marina, parking, office building, marine fuel system, wash down racks, forklift road, and a marine sewage pumpout system.
2. The applicant proposes to remove all remaining existing structures with the exception of the serviceable 6ft. x 50ft. walkway and 21ft. x 21ft. covered fixed deck that total 741sq.ft. (0.02-acre).

Marshlands Component

3. Forklift Pier: A portion of the forklift pier will be constructed channelward of the Coastal Marshlands Protection Act (CMPA) jurisdiction line and will extend into the Bull River. The terminus of the pier will be constructed upon concrete pilings and consist of a 40ft. x 20ft. pier section on the landward side, of which approximately 510sq.ft. is located within jurisdiction. An additional 16ft. x 40ft. (640sq.ft.) pier section will extend seaward to ensure boats can be launched at any tide stage. The proposed forklift pier will impact approximately 1,150sq.ft. (0.03 acre) of jurisdictional marshlands.
4. Floating Docks and Gangways: Two (2) 5ft. x 40ft. (400sq.ft.) gangways will extend from the landward section of the forklift pier to access two (2) 10ft. x 200ft. launch floats (4,000sq.ft.). The launch floats will extend to the northeast, perpendicular to the river. The launch float on the upstream side will support four (4) floating docks that will extend to the northwest parallel to the river. The three (3) landward most floating docks will be 8ft. x 120ft. (2,880sq.ft.) and the channelward most floating dock will be 10ft. x 120ft. (1,200sq.ft.). The launch float on the downstream side will support four (4) floating docks that will extend to the southeast parallel to the river. The three (3) landward most floating docks will be 8ft. x 80ft. (1,920sq.ft.) and the channelward most floating dock will be 10ft. x 80ft. (800sq.ft.). In addition two (2) 4ft. x 20ft. access floats (160sq.ft.), one (1) 4ft. x 16ft. bait station float (64sq.ft.), and one (1) 4ft. x 50ft. Americans with Disabilities Act (ADA) compliant float (200sq.ft.) are proposed. A total of sixteen (16) 8sq.ft. triangular support structures (128sq.ft.) and two (2) 4ft. x 6ft. rectangular support structures (48sq.ft.) will be needed for proper construction of the marina. Fuel dispensers and sewer pumpout will be available in multiple locations on the channelward most floating docks. The proposed floating docks will extend into the waterway approximately 205ft. at a point where the waterway is approximately 720ft. wide at MLW.

5. Bank Stabilization: The northern end of the project site has been subjected to the haphazard placement of revetment materials during prior uses of the property. The area is currently a sparsely vegetated bank; existing revetment materials are unstable in places and are proposed to be fortified with supplemental rip rap. The area to be stabilized measures approximately 110ft. x 20ft. (2,385sq.ft. or 0.05-acres). The purpose for this additional bank stabilization is to enhance the current rip-rap and stabilize this portion of the bank.
6. Total impacts to coastal marshlands associated with the proposed marina are 15,335sq.ft. (0.35 acre). The completed marina facility will extend into the waterway approximately 205ft. at a point where the waterway is approximately 720ft. wide at MLW, and will be approximately 10ft. off the extended property lines to the north and south.

Upland Component

7. Dry Slip Marina: The proposed dry slip marina will utilize a dry stack facility. The dry stack facilities will be located at the southernmost portion of the site and will include 108 dry slips. The facility will include three (3) 35ft. x 150ft. (15,750sq.ft.) open rack systems. Each rack system will be roofed and may be enclosed on three sides. The dry slip marina will include seven (7) 4ft. x 16ft. wash down racks. A 60ft. x 300ft. (18,000sq.ft.) concrete loading and unloading area, 60ft. x 150ft. of which will be covered, will be located central to the wash down racks and dry stack buildings.
8. Parking: Forty (40) 9ft. x 20ft. gravel parking spaces will be located along the southern boundary of the property. Twenty-eight (28) 9ft. x 20ft. pervious paver parking spaces and three (3) handicap parking spaces will be located adjacent to a new 10ft. wide pedestrian path located between the forklift road and wash down racks leading to the office building.
9. Office Building: A 30ft. x 60ft. (1,800sq.ft.) office and a 1,237sq.ft. wooden deck will be located adjacent to the river and just landward of the forklift launching pier.
10. Marine Fuel System: Fueling stations will be provided at two locations in the marina facility: one at the dry rack facility, and one on the northeast floating dock. The fuel system will be designed in accordance with the National Fire Protection Association's (NFPA) Automotive and Marine Service Station Code (NFPA 30A) and will include appropriate leak detection, safety shut-off technology and fire protection. A Spill Prevention Control and Containment (SPCC) Plan will be prepared for the (2) 7,500-gallon Underground Storage Tanks (USTs) located north of the parking and dry stack operations area.
11. Wash Racks and Forklift Road: Seven (7) 4ft. x 16ft. wash racks placed over #57 stone will be located adjacent to the dry stack facility. Six (6) 4ft. x 16ft. wash down racks placed over #57 stone will be located adjacent to the parking lot. A 15ft. x 465ft. concrete road will run the length of the western boundary of the property from the dry stack area to the forklift pier.
12. Marine Sewage Pumpout System: A Marine sewage pumpout station will be installed in an effort to protect water quality in the Bull River. Fixed pumpout stations will be provided at various locations on the floating docks. Sewage pumpout hydrants will be installed along the edge of the dock trees. The pumpout system will connect and discharge to the existing Chatham County municipal wastewater collection and treatment system. The marine sewage pumpout system will be available to vessels berthed at the marina (short and long-term) as well as to the general boating public.

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

13. The applicant has stated that residents of Chatham County have limited facilities that provide for public access to waterways and suitable wet and dry boat storage. Currently there are three

public facilities in the Savannah area that offer dry storage, all exceeding 95% capacity. The marina will also provide transient boaters with additional opportunities for mooring while visiting the Savannah Area. The proposed project will stimulate economic development in this area.

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):

14. 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):

15. 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):

16. A letter has been received from the Camden 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):

17. The proposed project is to construct and maintain a commercial marina facility, so no alternative locations for the proposed project were considered by the applicant. The project site is an existing developed property with associated pile supported structures located within the Bull River and was operated for various commercial uses for the past 90-years. Included in the prior use was the Williams Seafood Restaurant, shrimping operations, and, most recently, the operation of a casino cruise ship company. However, the applicant stated that there were many alternative designs considered.

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

18. Applicant has reviewed the Hazardous Site Index maintained by the Georgia Environmental Protection Division for Camden 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):

19. Water Quality Certification is required for the proposed project. The certification was issued August 9, 2019.

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

20. Applicant has stated their intention to adhere to building, land disturbing and storm-water management authorizations as required by Camden County, Georgia.

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

21. 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 July 13, 2019 to August 12, 2019. Four comments were received in opposition to the project and three were in favor of the project. The

comments that objected to issuance of the permit were related to potential pollutants in the runoff from the wash racks and fuel dispenser; incomplete needs analysis; inadequate environmental analysis of the upland; the proposed bank stabilization measures; stormwater management; exception to the coastal marshlands 50ft. buffer; potential dangerous and increased traffic on US 80; size of the marshland component; negative effects on the quality of life in the area; and increased noise due to forklift operations. The applicant has responded to all comments that were submitted.

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

22. 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 waterway at the project location ranges between 740 and 783ft. wide. The proposed pile-supported marina occupies approximately 32% of the waterway. The depth of the waterway north of the outboard docks ranges between 25ft. to 30ft. deep. Proceeding across the waterway to the north, depths remain greater than 11ft. deep for approximately 370ft. towards the bank opposite of the proposed marina. These conditions provide for safe navigation past the proposed project. No unreasonable harmful obstruction to or alteration of the natural flow of navigational waters is expected.
- 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 is not expected to result in increased erosion, shoaling of channels or stagnant areas of water. As part of the proposed project, rip rap will be placed on the bank to help reduce erosion of the upland. The landward most floating docks are proposed to be located where water depths are approximately 10-16ft. at MLW.
- 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 proposed projects 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 West Indian Manatee is an endangered and federally protected species and is known to frequent Georgia's coastal waters. The marina facility will be required to place the required Manatee awareness signage during and after construction. Regular monthly maintenance of dock facilities, hoses, faucets, or any apparatus or equipment capable of producing a stream of fresh water must be implemented.

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

23. The proposed project will require a waterbottoms lease upon completion of construction.

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):

24. The Savannah Boathouse Marina facilities are water-dependent. The project cannot be satisfied using an alternative non-marshland site.

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

25. The marshlands component consists of the construction of a commercial marina facility. At build out, the amount of proposed structures in jurisdiction will total 15,335sq.ft. (0.35 acre)
26. The upland component of the proposed marina consists of the installation of a dry slip marina, the upland portion of a forklift launch facility to deploy and recover vessels, an office building, parking lot, underground fuel tanks, wash racks, marine sewage pumpout system and other attendant features.

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

27. The 50ft. marshlands buffer applicable to the upland component of the project has been delineated as shown on the submitted plans and drawings.
28. The applicant has certified adherence to soil and erosion control responsibilities.
29. The project is a proposed redevelopment of a previously developed property. Currently, there are no undisturbed areas directly adjacent to the Bull River or the vegetated marshlands to the east and west of the property; the buffer is 100% impacted to date. The proposed project proposes to reduce the amount of impervious surface within the buffer than what is currently existing.
30. Land disturbance and construction within the 50ft. marshlands buffer in the upland component of the project is limited to:
 - a. **Construction and Maintenance of temporary structures necessary for construction of the marshlands component of the project.** There are no temporary structures proposed for construction of the marshlands component.
 - b. **Construction and maintenance of permanent structures that are required for the functionality of and/or provide permanent access to the marshlands component of the project.** New impacts in the buffer will include portions of a forklift launch facility to deploy and recover vessels, an office building, parking lot, underground fuel tanks, wash racks, marine sewage pumpout system and other attendant features, however, these new impacts will be constructed on a portion of the buffer that is already disturbed and/or impervious.
 - c. **Planting and grading with vegetated materials within the marshlands buffer to enhance stormwater management, such as erosion and sediment control measures, and to allow pedestrian access for passive recreation.** Enhancements to the buffer to reduce current, pre-construction impervious surfaces are proposed, to include additional clean-up of previous, existing impacts, supplemental plantings, and introduction of stormwater management tools.

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

31. The proposed project adheres to the Coastal Stormwater Supplement and meets the requirements for quality and quantity.

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

24. The total area of the upland component of the project is approximately 2.38 acres. The upland area is currently approximately 74% impervious and 26% pervious. Following construction of the proposed project, 52% of the upland component will be impervious and 48% will be pervious.
25. The proposed project's existing conditions and post-development pervious/impervious surface calculations provide a net increase of 22% pervious coverage over the current conditions.

Regulation of Marinas, Community Docks and Commercial Docks, Rule 391-2-3-.03

26. The proposed structure qualifies as a Marina in accordance with Rule 391-2-3-.03.

27. O.C.G.A. 391-2-3-.03(6)(c) states that "A needs assessment must be submitted to justify the size of the proposed marina..." The applicant has provided a needs assessment. The applicant contends the construction of the proposed marina is needed to meet the access and storage demands of the recreational boaters in the Savannah area as well as dockage for transient boaters.

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.

**COASTAL MARSHLANDS PROTECTION ACT STANDARD CONDITIONS FOR
MARINAS**

1. Floating docks may not rest on the bottom at low tide and must be supported on pilings or by cradle at least two feet above the mud.
2. The marina proposed to be located in a manatee travel corridor or on a waterway where manatees may be found must have protective measures to minimize manatee/boat interactions to include:
 - a. An education plan for boaters using the marina;
 - b. Regular monthly maintenance of dock facilities' hoses, faucets, or any apparatus or equipment capable of producing a stream of fresh water in close proximity to the access of the facility;
 - c. A contingency plan for emergency repair of freshwater sources;
 - d. Temporary manatee awareness signage during construction of the facility and permanent posting and maintenance of the informational display signage, "Manatee Basics for Boater's" post-construction; and
 - e. Speed zones may be required if the marina is in a manatee travel corridor.
3. No dredging of tidal waterbottoms or vegetated coastal marshlands is allowed in association with the initial marina project.
4. If the marina could require maintenance dredging in the future, a permanent, dedicated spoil site with the capacity for the initial dredge volume and anticipated maintenance needs must be identified at the time of application.
5. The marina should provide onshore restrooms, shower and laundry facilities in the upland component of the project. The applicant/permittee must take specific measures (such as, but not limited to, signs or dock regulations) to encourage boaters to use the washrooms, laundromat and restrooms onshore, if any.
6. The marina must have an approved disposal system for the disposal of wastewater generated by boats and upland facilities at the marina.
7. The marina must install, for collection of solid wastes, trashcans, dumpsters or other suitable containers in compliance with the Act to Prevent Pollution from Ships (33 USCA 1901 and 33 CFR 158). Adequate separate containers for toxic substances shall be available.
8. The marina shall not allow any person to operate a marine toilet at a marina at any time so as to cause or permit to pass or to be discharged into the waters adjacent to the marina any untreated sewage or other waste matter or contaminant of any kind.
 - a. A marina must have a working pump-out facility and dockside waste collection system for the sanitary wastes from vessels adequate for the capacity of the marina (number and size of vessels) and require their use by boats using the marina, unless specific exceptions are allowed by the Coastal Marshlands Protection Committee.
 - b. Pump-out facility maintenance logs must be kept.
 - c. The marina must prominently display signage showing the location of the nearest pump-out facility.

9. If fueling facilities are installed the applicant/permittee must insure installation is according to the USEPA and GADNR/EPD laws and regulations. The following requirements must be met:
 - a. Fuel storage tanks and fuel lines between tank, dock, and vessels shall be equipped with emergency shut off valves.
 - b. Dispensing nozzles shall be the automatic closing type without a hold-open latch.
 - c. A marina must have adequate booms available either on-site or under contract to contain any oil spill.
 - d. The marina shall have a current 'Operations Manual' containing the following:
 - i. Description of how the applicant meets the conditions of this permit,
 - ii. The geographic location of the dock,
 - iii. A physical description of the facility showing mooring areas, fuel storage and dispensing areas, and locations of safety equipment,
 - iv. The names and telephone numbers of the facility, Coast Guard MSO, EPD Emergency Response Center, and other personnel who may be called by employees of the facility in an emergency, including fire and police,
 - v. A description and the location of each emergency shut-off system, and
 - vi. Names and telephone numbers of available hazardous spill clean-up contractors nearest the dock.
10. The Operation Manual must be maintained current and readily available in a conspicuous location for examination by employees of the dock and the Department.
11. The Operations Manual must be submitted to the Department prior to operation of the dock.
12. All components of the marina must be designed, installed, operated and maintained in a manner that will not unreasonably obstruct navigation to and from neighboring properties.
13. The marina or its operation shall not cause or create a measurable adverse water quality impact to the waterbody in which it is built, as measured by dissolved oxygen, fecal bacteria, or nutrient enrichment.
14. If the Department determines through its own water quality sampling or other resource analyses that there are perceptible environmental impacts associated with the dock development, the Department may require the applicant/permittee at applicant/permittee's expense, to have water, substrate, and/or tissue samples collected and analyzed for metals, petroleum hydrocarbons, or other constituents.
 - a. Sample collection and analyses must be according to methods approved by the Department.
 - b. All results from such sampling results must be provided to the Department as obtained and may be used by the Department to further restrict the dock to reduce water quality impacts.
15. The permittee shall permanently post and maintain the informational display sign, "Manatee Basics for Boaters." Instructions for the installation and placement procedure of this sign are enclosed.

SPECIAL CONDITIONS

1. Permittee will be required to provide a post-construction survey to the Georgia Department of Natural Resources, Coastal Resources Division upon completion of the permitted activity. Such survey shall comply with the Georgia Plat Act O.C.G.A. 15-6-67 *et seq.*
2. Upon completion of construction of the marina the permittee must contact the Department for a waterbottoms lease prior to operation of the new facility.