



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

February 27, 2026

TO: Coastal Marshlands Protection Committee:
Commissioner Walter Rabon, Chairman
Mr. Brad Brookshire
Mr. Davis Poole
Dr. Valerie Hepburn
Mr. Bart Gobeil

FROM: Department Staff to the Committee

APPLICANT: C. Brock Woodson
University of Georgia
302 East Campus Drive
ISTEM II, Rm. 3211
Athens, GA 30602

LOCATION: Sapelo Island, Cabretta and Big Hole Creeks, McIntosh County, Georgia

PROJECT: The proposed project is to restore and enhance oyster reefs located in Cabretta and Big Hole Creeks, Sapelo Island, McIntosh County, Georgia

ARMY CORPS NUMBER: SAS-2023-00353

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

SUMMARY OF PUBLIC COMMENTS: The Public Notice of the Coastal Marshlands Protection Committee (CMPC) ran from January 16, 2026 to February 14, 2026. Ten comments were received. Five of the comments supported the project and five comments had questions and concerns with the project. The comments addressed proximity to Hogg Hummock, water quality, applicant clarity, community engagement, permitting, site locations and adjacent landowners. The applicant has provided written responses to each of the comments.

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 applicant has proposed placing oyster cultch materials at 100 locations within Big Hole and Cabretta creeks.

2. Approximate site locations have been chosen for permitting purposes, exact locations will be determined based on traditional ecological knowledge and a coupled ocean oyster growth model that predicts currents, water levels, and optimal sites for oyster growth. The model is being developed as part of the proposed oyster restoration project.
3. Once exact locations are determined by the applicant, they will be individually reviewed and approved by the Department.
4. All sites will be located on state owned tidal waterbottoms in the intertidal areas between Mean Low Water (MLW) and the vegetated marsh edge.
5. Cultch material will consist of oyster shell (bagged and loose) and/or bundled wood mounds on wooden pallets for a foundation.
6. Each cultch location will consist of 2-3 plots approximately 15sq.ft. in area. Each of the locations will not exceed 50sq.ft. of total impacts and no greater than 5cu.yds. of fill.
7. Impacts to coastal marshlands will total no more than 5,000sq.ft. (0.11 acres).

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

8. Oyster reefs provide food, cover, shelter, spawning sites and nursery areas for marine and estuarine fish and invertebrate species and have been declared “essential fish habitat” by the South Atlantic Fishery Management Council (SAFMC) and the National Marine Fisheries Service (NMFS). The project goals also include restoring culturally and historically important oyster reefs adjacent to the Hogg Hummock community, enhancing existing reefs by providing additional substrate for oyster spat recruitment, and improving water quality within the vicinity.

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):

9. 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):

10. The project site is in state owned tidal waterbottoms. A non-refundable application fee of \$500.00 was submitted with the application.

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

11. A letter has been received from the McIntosh County Building and Zoning Office stating that the proposed oyster reef restoration does not violate McIntosh County zoning ordinances. The letter is not conditioned.

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

12. No alternative sites were considered because the purpose of the project is to enhance and restore oyster reefs to the intertidal banks of Big Hole and Cabretta Creeks.

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

13. Applicant has reviewed the Hazardous Site Index maintained by the Georgia Environmental Protection Division for McIntosh County, Georgia and stated that there are no landfills or hazardous waste sites near the proposed project location. The applicant also received a letter from McIntosh County confirming 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):

14. A 401 Water Quality Certification has been issued in conjunction with Nationwide Permit #27 issued by USACE.

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

15. Applicant has stated the intention to adhere to soil and erosion control responsibilities.

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

16. 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 16, 2026 to February 14, 2026. Ten comments were received. Five of the comments supported the project and five comments had questions and concerns about the project. The comments addressed proximity to Hogg Hummock, water quality, applicant clarity, community engagement, permitting, site locations and adjacent landowners. The applicant has provided written responses to each of the comments.

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

17. 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 project will involve the placement of approved cultch material within the intertidal zone to allow for safe navigation. The cultch material will not cause harmful obstruction to or alteration of the natural flow of navigational waters.
- 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.** There will be no unreasonably harmful or increased erosion, shoaling of channels, or stagnant areas of water as a result of this project. Oyster clutch materials located in the intertidal zone will reduce erosion/sedimentation and assist with bank stabilization.
- 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.** Oyster reefs are considered "Essential Fish Habitat (EFH)" by SAFMC and NMFS. EFH is defined as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity" (16 U.S.C. I 802 (10)). Section 303 (a) (7)). Oyster habitat is deemed essential to the enhancement of commercial and recreational species including oysters, shrimp, clams, fish, crabs, and several other species. Additionally, this project fortifies the state's efforts focusing on the management and conservation of marine life, wildlife, and natural resources through habitat restoration and enhancement. Oysters are filter feeders and have been shown to improve water quality by filtering large quantities of suspended organic and inorganic particulate matter. Reduction of particulate matter in the water column increases dissolved oxygen levels thus improving water quality. Therefore, the granting of this permit will not interfere with the management and conservation of marine life, wildlife, or any other resources and will improve water quality.

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

18. The proposed project will not require a waterbottoms lease.

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):

19. The proposed projects are water dependent and cannot be satisfied using an alternative non-marshland site.

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

20. Impacts to coastal marshlands will total no more than 5,000sq.ft. (0.11 acres).

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

21. The marshlands component of the project includes the proposed oyster restoration and enhancement.

22. There is no upland component for the proposed project.

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. The permittee shall provide the Department the specific location, distance from navigational channels, depth and widths of waterways, the specific method and materials of restoration/enhancement that will be utilized and the total square footage of impact of each individual project footprint for approval 10 business days prior to installation.
2. The permittee shall post signage at each site to inform constituents of the benefits of oyster restoration/enhancement, minimize the potential of vessel interactions and to indicate the site is closed to shellfish harvesting. Signage must be pre-approved by the Department prior to installation.
3. The permittee shall monitor the stability of the constructed oyster reefs biannually after placement and after major storm events. Photographic documentation and a short description of the condition of the reefs after these observation periods must be provided to the Department within one month of the observation. This condition applies for the lifetime of the reef structure or until the structure is shown by the permittee to be stabilized and incapable of movement under normal conditions.
4. Permittee must inform the Department prior to the removal of oyster cultch materials as a result of a determination being made that the project has been unsuccessful.