



COASTAL RESOURCES DIVISION

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

July 18, 2025

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

FROM: Department Staff to the Committee

APPLICANT: David Lang
110 East St. Marys Street
St. Marys, GA 31558

AGENT: Sam LaBarba
LaBarba Environmental Services
139 Altama Connector, #161
Brunswick, GA 31525

LOCATION: St. Marys, St. Marys River, Camden County, Georgia

PROJECT: The proposed project is to modify and maintain an existing marina facility located on St. Marys River, Camden County, Georgia.

ARMY CORPS NUMBER: SAS-1997-13210

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 February 20, 2025 to March 21, 2025. No comments were received.

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 marina was previously authorized by CMPA Permit #350. The marina was damaged during Hurricane Irma and has since been partially repaired.
2. The existing facility consists of a building that extends from the upland into CMPA jurisdiction. The building is surrounded by a fixed deck that includes a catwalk on the east side for access to a fuel tank, a gangway, and floating dock to moor boats for fueling.
3. The existing building and deck are located directly adjacent to the waterway and extend seaward over the CMPA jurisdiction line impacting approximately 5,453.2sq.ft. of coastal marshlands.
4. There is an existing bulkhead and rip rap on the property that impacts 2,817sq.ft. of coastal marshlands.
5. An existing 103.9sq.ft. ramp extends from the east side of the fixed deck to access a 502sq.ft. floating dock. There is also a 7.5sq.ft. sink that is cantilevered out from the west side of the fixed deck.
6. Existing impacts to coastal marshlands total approximately 8,883.6sq.ft. (0.20 acres).
7. The applicant proposes to modify and maintain the marina facility.
8. A proposed 8ft. x 50ft. (400sq.ft.) ramp will extend channelward from the southern end of the fixed deck to a proposed 10ft. x 18ft. (180sq.ft.) ramp landing.
9. The landing will provide access to a 5,525sq.ft. U-shaped floating dock.
10. The floating dock will be comprised of two 10ft. x 235ft. (4,700sq.ft.) sections oriented parallel to the channel (East to West) connected on their north ends by a 11ft. x 75ft. (825sq.ft.) floating dock.
11. The proposed marina facility will impact approximately 14,988sq.ft. (0.34 acres) of coastal marshlands for a net increase of approximately 6,105sq.ft. (0.14 acres).
12. The proposed marina facility will extend approximately 173ft. beyond Mean Low Water (MLW) at a point where the waterway is approximately 1709ft. wide.

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

13. The proposed marina facility will serve to accommodate the critical need for temporary and permanent boat slips for both recreational and commercial use. The limited availability of mooring spaces in the St. Marys Waterfront area has led to vessels anchoring in the St. Marys River and has potentially deterred visitors that would otherwise visit and support local businesses if safe and reliable mooring was more readily available.

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 was received from the City of St. Marys Community Development Director stating that the project is not violative of zoning law.

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

17. The applicant considered the following alternatives: no action, alternative design with reduced impacts and alternative locations. No-action would only prevent impacts on a site that was historically impacted. It would not address critical issues to the downtown St. Marys area which include increasing safety in the waterway, economic impacts of limited mooring space, and maritime functionality. An alternative design with reduced footprint would fail to meet the current demand for safe mooring on the St. Marys River. An alternative location would potentially result in impacts to an area that may have previously been undisturbed. The proposed project is the rebuilding of a previously existing marina at the site.

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

18. Applicant has reviewed the Hazardous Site Index maintained by Georgia Environmental Protection Division. 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 not required for the proposed project.

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

20. 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):

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 February 20, 2025 to March 21, 2025. No comments were received.

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 proposed project is not expected to alter natural flow of navigable waters nor will it obstruct public navigation. The proposed marina facility will extend approximately 173ft. beyond Mean Low Water (MLW) at a point where the waterway is approximately 1709ft. wide.
- 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 pile supported and is not expected to increase erosion, shoaling of channels, or create 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 proposed project is not expected to interfere with the conservation of fish, shrimp, oysters, crabs, and clams or any marine life. The West Indian Manatee is an endangered and federally protected species and is known to frequent Georgia's coastal waters.

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):

23. The proposed facilities are water-dependent. The project cannot be satisfied using an alternative non-marshland site.
24. The proposed marina facility will impact approximately 14,988sq.ft. (0.34 acres) of coastal marshlands for a net increase of approximately 6,105sq.ft. (0.14 acres).

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

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

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

26. The marshlands component consists of the construction of a private marina facility. When completed, the amount of proposed structures in jurisdiction will total approximately 14,988sq.ft. (0.34 acres) for a net increase of approximately 6,105sq.ft. (0.14 acres).
27. The applicant has stated that there is no upland component for the proposed project.

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

28. The proposed structure qualifies as a Marina in accordance with Rule 391-2-3-.03.
29. 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 and states that the proposed marina facility will serve to accommodate the need for temporary and permanent boat slips for both recreational and commercial use.

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 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 unauthorized 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. Upon completion of construction of the marina the Permittee must contact the Department for a waterbottoms lease prior to operation of the new facility.
2. Permittee is required to provide a post-construction survey of the completed project to the Department prior to the issuance of the waterbottoms lease. Such survey shall comply with the Georgia Plat Act O.C.G.A. 15-6-67 *et seq.*