

MARK WILLIAMS  
COMMISSIONER

DOUG HAYMANS  
DIRECTOR

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

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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:** Glynn County Board of Commissioners  
4145 Norwich Street Extension  
Brunswick, Ga. 31520

**AGENT:** Mr. Dan Bucey  
Resource & Land Consultants  
41 Park of Commerce Way, Suite 303  
Savannah, GA 31405

**LOCATION:** Oak Grove Island Causeway, Cowpen Creek, Glynn County, Georgia

**PROJECT:** The proposed project consists of the temporary installation of coffer dams, replacement of the existing downstream headwalls, replacement of the downstream tide gates, lining the existing culverts, and placement of supplemental rip rap for stabilization. The proposed modification is less than 1/10 of an acre and is considered a minor alteration of coastal marshlands under O.C.G.A. 12-5-280 *et. seq.*

**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 October 2, 2018 to November 1, 2018. Two individuals submitted comments during the Public Notice period. The comments were related to the amount of temporary impacts, manatee presence at the site, alteration of the hydrology of the area, and alternative structures. The agent has provided responses.

**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 proposed project was presented to the CMPC on June 21, 2019.
2. The CMPC tabled the project and requested the applicant provide further information regarding whether or not unreasonable harmful or increased erosion, shoaling of channels or stagnant areas of water will be created, and whether or not a granting of the permit with the completion of the applicant's proposal will unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, clams, and other marine life, wildlife or other resources, including, but not limited to, water and oxygen supply.
3. The applicant submitted a written response for presentation at the August 23, 2019 Joint Meeting on August 13, 2019.
4. The proposed project is located where Oak Grove Island Road crosses Cowpen Creek.
5. The proposed project was presented to the Coastal Marshlands Protection Committee at the June 21, 2019.
6. The project site consists of an existing two-lane asphalt road with vegetated road shoulders and coastal marshlands on each side.
7. The east and west culvert locations each consist of two (2) 48 in. reinforced concrete pipes (RCP) with sheet pile headwalls and concrete caps at the upstream and downstream ends of the pipes.
8. Scattered rip rap is located at the pipes below Mean Low Water (MLW) and along the adjacent shorelines.
9. The proposed project consists of temporary installation of sheet pile coffer dams, replacement of the existing downstream headwalls, replacement of the downstream tide gates, lining the existing pipes, and placement of supplemental rip rap for stabilization.
10. Prior to commencing the proposed project, approximately 175 ft. (11 sq.ft.) of proposed temporary sheet pile coffer dams will be installed to allow for work below MLW. The project area contained within the coffer dams totals 2,100 sq.ft.
11. The existing RCP will be lined with 42 in. high-density polyethylene (HDPE) pipes and low-density cellular grout will be injected to fill the void between the RCP and HDPE pipes.
12. New 42 in. aluminum flap gates will be installed on the downstream ends of the proposed HDPE pipes that will extend beyond the proposed downstream headwalls.
13. The downstream headwalls are compromised and in need of total replacement.
14. Prior to removal of the existing downstream headwalls, new sheet pile headwalls with concrete caps will be constructed approximately 5 ft. seaward of the existing headwalls.
15. Once constructed, the existing headwalls will be removed, and the area between the existing headwall and proposed headwall will be filled with a clay-sand mixture topped with filter fabric.
16. Additional rip rap for erosion protection will be installed at both upstream and downstream ends of the proposed HDPE pipes at an approximate 2:1 slope.
17. The temporary coffer dams will be removed upon project completion.
18. The proposed improvements associated with the western project site would result in 793 sq.ft. (0.018 acres) of permanent impacts to coastal marshlands.
19. The improvements associated with the eastern project site would result in 747 sq.ft. (0.017 acres) of permanent impacts to coastal marshlands.
20. Temporary impacts associated with the proposed coffer dam installation and removal is 2,100 sq.ft (0.05 acres).

21. The proposed project is under 1/10 of an acre, and therefore may be considered a minor alteration of coastal marshlands under O.C.G.A. §12-5-280 *et seq.*

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

22. The proposed project is to conduct maintenance and improvements to existing culverts at two locations on Oak Grove Island Road where it crosses Cowpen Creek.

**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):**

23. 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):**

24. Applicant has submitted names and addresses of adjoining property owners.

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

25. A letter has been received from the Glynn County Community Development Department 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):**

26. The proposed project is to maintain and improve existing culverts under Oak Grove Island Road. The purpose and location of the culverts is to provide drainage of Cowpen Creek under Oak Grove Island Road. The applicant considered fully excavating and replacing the culverts and headwalls but found it would significantly interrupt traffic on the only road that provides access to Oak Grove Island and create significant disturbance to tidal waters. The applicant contends the proposed project is the least environmentally damaging method for the site. An alternative site will not satisfy the project purpose.

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

27. 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):**

28. A 401 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):**

29. Applicant has stated their intention to adhere to building, land disturbing and storm-water management permit as required by Glynn County, Georgia.

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

30. 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 October 2, 2018 to

November 1, 2018. The comments were related to the amount of temporary impacts, manatee presence at the site, alteration of the hydrology of the area, and alternative structures. The agent has provided responses to comments.

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

31. 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 maintenance and repair of existing culverts under a county road. The applicant contends the proposed project will not result in additional obstruction or alteration of navigational water.
- 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 applicant contends the proposed project will reduce erosion at the project location and will not cause 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 applicant contends the project 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.

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

32. 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):**

33. Total permanent impacts to jurisdictional coastal marshlands from the proposed project total approximately 1,540 sq. ft. (0.035 acre).

34. Temporary impacts associated with the proposed coffer dam installation and removal is 2,100 sq.ft (0.05 acres).

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

35. The marsh component for the proposed project totals approximately 1,540 sq. ft. (0.035 acre).

36. The project does not have an upland component.

**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. Such survey shall comply with the Georgia Plat Act O.C.G.A. 15-6-67 et seq.
2. Permittee must submit a plan to the Department for approval 30-days prior to construction describing their use of mitigative measures to prevent negative manatee interactions.