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JOINT MEETING OF THE
COASTAL MARSHLANDS and SHORE PROTECTION COMMITTEE

November 15, 2024

9:30 o'clock A.M.

GEORGIA DNR COASTAL REGIONAL OFFICE
IN THE CONFERENCE ROOM OF THE DNR OFFICE
ONE CONSERVATION WAY
BRUNSWICK, GEORGIA 31520

LORA H. CARTER
Certified Court Reporter
15 Jerico Marsh Road
Midway, Georgia 31320
912.663.2468
loracarter1234@comcast.net

1 A P P E A R A N C E S

2
3 COMMITTEE MEMBERS PRESENT:

4 WALTER RABON, CHAIRMAN
5 DR. VALERIE HEPBURN
6 CHAD BARROW
7 DAVIS POOLE

8 COASTAL RESOURCES STAFF PRESENT:

9 KARL BURGESS
10 JILL ANDREWS
11 JOSH NOBLE
12 MAITLAND BASS
13 DOUG HAYMANS
14 PAUL TOBLER
15 DEB BARREIRO
16 DIANA PATRICK
17 BETH BYRNES

18 Also in Attendance:

19 ANDREA HARTUNG, Attorney General Office

20 via VIDEOCONFERENCE:

21 Claire Provano, Assistant Attorney General

22 Kyle Pearson, DNR Executive Counsel
23
24
25

1 [NOTE: A meeting having previously been scheduled as stated in
2 the caption, proceeds as follows:].

3 COMMISSIONER RABON: Good morning. I would like to call the
4 November 15th, 2024, meeting of the Coastal Marshlands
5 Protection Act meeting to order.

6 Welcome, everyone. Thank you for being here this morning.

7 I would like to introduce our guest from the Attorney
8 General's office. We have Andrea Hartung.

9 And then on online, I think we have Claire Provano with us.
10 And then I do believe that we have DNR Executive Counsel, Kyle
11 Pearson, on the line with us as well.

12 The order for the projects is as stated on the final agenda.
13 We have six projects today, five from the CPMA applications and
14 one Shore Protection Act application. I'm going to read through
15 the six projects that we'll look through today.

16 The first one is the Coastal Marshlands Protection Act,
17 Joseph Douglas Coty and Brittany Mason Coty. It is the
18 construction of a bulkhead at 101 Anglers Way, Fancy Bluff Creek,
19 Brunswick, Glynn County, Georgia.

20 The second one is a Coastal Marshlands Protection Act, Avery
21 E. Coty, construction much a bulkhead at 103 Anglers Way, Fancy
22 Bluff Creek, Brunswick, Glynn County, Georgia.

23 The third is a Coastal Marshlands Protection Act, U.S.
24 Department of the Interior, National Park Service, Cumberland
25 Island National Seashore, construction and maintenance of the

1 Bank Stabilization Project, Plum Orchard, Brickhill River,
2 Cumberland Island, Camden County, Georgia.

3 Our fourth project will be the Shore Protection Act,
4 NOLA-ROMA Salt Company, LLC, construction and maintenance of
5 amenities associated with a single-family residential structure
6 including a pool, deck, stairs, covered porches, stormwater
7 infrastructure, and landscaping at 16 Sanctuary Place, Tybee
8 Island, Chatham County, Georgia.

9 The fifth project, Coastal Marshlands Protection Act, Sorry
10 Charlie Oyster Company, LLC, construction and maintenance of a
11 commercial dock facility, Bull River, Chatham County, Georgia.

12 And then lastly, our Coastal Marshlands Protection Act,
13 James H. Alexander, Leo K. Sheehan, and Margaret B. Sheehan, is
14 for construction and maintenance of a golf cart bridge and shared
15 private dock, 10 and 12 Horsepen Point Drive, Horsepen Creek,
16 Tybee Island, Chatham County, Georgia.

17 At this time, I'm assuming the Committee has had ample time
18 to review the minutes from our July 12th, 2024 meeting. And I
19 will call for a motion to approve the minutes.

20 MR. POOLE: I make a motion to approve the minutes of
21 July 12th, 2024.

22 DR. HEPBURN: I second it.

23 COMMISSIONER RABON: I have a motion and I have a second.

24 Any discussion?

25 [NOTE: No response.]

1 COMMISSIONER RABON: Hearing none, all in favor say aye.

2 COMMITTEE MEMBERS IN UNISON: Aye.

3 COMMISSIONER RABON: Motion passes.

4 We'll now call on Maitland Bass to introduce our first
5 project.

6 MS. BASS: Thank you, Commissioner.

7 Good morning, everyone. My name is Maitland Bass. The
8 applicant for the Coastal Marshlands Protection Act permit is
9 Joseph and Brittany Coty.

10 The project is located at 101 Anglers Way in Brunswick,
11 Georgia. The applicant is proposing a construction and
12 maintenance of a bank stabilization project along Fancy Bluff
13 Creek.

14 The public notice of the Coastal Marshlands Protection
15 Committee ran from May 7th of 2024 to May 21st of 2024. Two
16 comment were received during the public notice period. The
17 comments expressed concerns that the public notice was
18 misleading and that the proposed bulkhead will have direct
19 impacts on coastal marshlands, and the project is not in public
20 interest. The agent has provided written responses.

21 I would now like to introduce the agent, Sam LaBarba of LaBarba
22 Environmental Services to present the project.

23 MR. LABARBA: Good morning, everyone.

24 COMMISSIONER RABON: Good morning.

25 MR. LABARBA: I thank you for your time.

1 So this project currently consists of an undeveloped
2 residential lot. There is currently no bank stabilization. And
3 the shoreline experiencing extreme erosion and it's undercutting.
4 And there is no marsh vegetation on the adjacent shoreline.

5 The proposed project consists of a 1 foot by 186.5-linear
6 foot timber and vinyl sheet bulkhead with the incorporated riprap
7 toe and a tieback system.

8 The proposed bulkhead will require 77 square feet of
9 backfill. That's in one location where that angle of the CMPA
10 line isn't suitable for the bulkhead to take an angle. So we had
11 to straighten it out a little bit. The rest of the bulkhead
12 would be immediately seaward of the existing bluff.

13 The upland component of the project consists installing in
14 tieback system. It will basically be vertical of the deadman
15 piling system with cable anchored to the face of the facility.

16 COMMISSIONER RABON: Maitland, if will you present our
17 special conditions.

18 MS. BASS: Should the Committee determine that the proposed
19 project to be in public interest, the Department Staff to the
20 Committee recommend standard and the following special
21 conditions.

22 One. Permittee may be required to provide a
23 post-construction survey to the Georgia Department of Natural
24 Resources, Special Resources Division upon completion of the
25 permitted activity. Such survey shall comply with the Georgia

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Plat Act.

Two. The permittee must install manatee awareness signage during construction of the project and adhere to standard manatee conditions and procedures for aquatic construction as approved by the Savannah District Office of the U.S. Army Corps of engineers, U.S. Fish and Wildlife Services, and the Georgia Department of Natural Resources.

COMMISSIONER RABON: Thank you. Does the agent have any response to the comments?

MR. LABARBA: To the written comments?

COMMISSIONER RABON: To the special conditions.

MR. LABARBA: No.

COMMISSIONER RABON: Very good. I believe we don't have anyone from the public that has signed up to speak on this project. At this time, would the Committee like to discuss anything about this project?

MR. POOLE: Let me.

COMMISSIONER RABON: Please.

MR. POOLE: This situation based on the public comments just the clear the air, this type of shore stabilization project would not be eligible the shoreline. Is that correct?

MR. LABARBA: That's correct, sir. Whenever we look the road and shoreline, we always talk to the property owner about their available options whether it be bulkhead, riprap, living shoreline, or anything else that could be done.

1 In this scenario, it's a straight drop from the upland to
2 the mean low water line. So there's no real slope here. The
3 existing bluff is an immediate drop. It's actually undercutting.
4 So in order to do an alternative, such as riprap or a living
5 shoreline, you would have to cut so far into uplands to shape
6 that slope correctly you're going to be causing erosion to the
7 properties next door.

8 The other alternative is, instead of cutting back you can
9 push out a little bit further into the river to get that slope.
10 But this creek is very steep. It's very deep.

11 We talked with other homeowners on the road there. Everyone
12 one of them says that them putting riprap down is like dropping
13 it down into a black hole. It just constantly falls to bottom of
14 the river.

15 So to achieve the slope, a seawall as an alternative is a
16 possibility.

17 MR. POOLE: So when you say cut back into the land, it's
18 almost like -- I guess I'm envisioning like a footprint.

19 MR. LABARBA: Essentially, yes, that's what it would end up
20 looking like, because you would have a high ground to the left
21 and high ground to the right. And so you're basically creating a
22 boat ramp type of look. And then you've got this adjacent
23 property next to you that's not Incorporated into this project.
24 So you've created an edge there where you're going to be subject
25 to a lot more erosion.

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MR. POOLE: Okay. Thank you.

COMMISSIONER RABON: Any other questions from the Committee?

DR. HEPBURN: So this may be for the Staff to address as well as the agent. So the comments received also noted that you put guys a boat ramp in in between the time that the application was submitted initially and when public comments. So there was some question before whether notice was misleading because the construct of the property has changed.

I'm curious -- and again, this might be you, as the agent, what has the boat ramp being added done to change the face of the project and the prospect for concerns on erosion downstream?

MR. LABARBA: I can recap a little bit.

COURT REPORTER: Excuse me. Speak up just a bit more.

MR. LABARBA: Yes, ma'am. Sorry about that.

So we started these applications at the beginning of 2022. And at that time, bulkheads did not require a CMPA permit application. So when we originally submitted applications, we have submitted for a private dock and for a bulkhead, which prior to 2022 time frame, they could have all been permitted at the same time.

And so we committed those applications and asked for a bulkhead under the previous program. We got halted because of the change in the interpretation of the rules or the law. And so that only affected the bulkhead. And so the docks continued to move forward under the same private dock permitting process. And

1 for the bulkheads, we then had to submit the CMPA application.
2 But in terms of how they affect each other, the private docks are
3 exempt from the CMPA.

4 So in any case, the dock will always be permitted separately
5 from the bulkhead.

6 DR. HEPBURN: I guess my question was environmentally did
7 anything change to the dock having been in there with a bulkhead?

8 And again, without a second project, so all of these
9 questions sort of relate to both sets of property.

10 MR. LABARBA: Yes. So the dock doesn't really have any
11 effect. It kinda exacerbates the need for the bulkhead because
12 they had to get the docks installed or else that permit would
13 have expired. So now that the docks are installed, if the
14 erosion continues, the walkways, you're not going to be able to
15 access the docks because the upland where you're currently walk
16 onto will be eroded.

17 So if anything, it has increased the need to stabilize the
18 shoreline.

19 DR. HEPBURN: And then the second question. There's
20 residential property up on one side abutting the properties.
21 What's on the other side there? Because I think that's the
22 concerns for downstream erosion.

23 MR. LABARBA: Yes. So if you're looking at the project
24 location -- okay. Thank you.

25 So if you look at this photo here, everything to the left

1 side is a residential neighborhood. That entire shoreline is
2 armored already. It's a mixture of bulkheads and riprap, but a
3 100% along that shoreline is already protected.

4 Now to right side of that photo is going to be Lot 2, where
5 we're also proposing a bulkhead. And to the right of that is
6 kinda of a marsh swale that kinda comes in there. And you'll
7 notice that is where we ended the bulkhead as well. So we're not
8 proposing as to extend it further than what is required.

9 We're only putting it in the area necessary. And so on that
10 right side where it kinda comes out to a little peninsula, we
11 kinda wrap that corner, and then tie it back in.

12 And the contractor will always put riprap at the edges of
13 the bulkhead. And that just helps prevent that energy from
14 scouring into the marsh. But that whole shoreline is highly
15 erosional.

16 We put in historic waterway maps in our application that
17 show that the whole neighborhood there has had that protection in
18 place for several decades now, has remained relatively stable.
19 Everything from this point to the right has been very highly
20 erosional.

21 And the applicant also owns Lot 3 so that they kinda own all
22 of those, but they're only proposing to put the bulkhead in the
23 area needed. Lot 3 doesn't need a bulkhead because it has that
24 big marsh out in front of it. So that's where it stops.

25 DR. HEPBURN: Thank you.

1 COMMISSIONER RABON: Any other questions?
2 DR. HEPBURN: No, sir.
3 COMMISSIONER RABON: At this time, I will entertain a
4 motion.
5 MR. POOLE: I make a motion to approve the CMPA of Joseph
6 Douglas Coty and Brittany Mason Coty for the construction of a
7 bulkhead -- a motion.
8 COMMISSIONER RABON: I have a motion to approve. Do I have
9 a second?
10 MR. BARROW: Second.
11 COMMISSIONER RABON: A second from Mr.Barrow.
12 And I guess that's with the special conditions, is that the
13 motion?
14 MR. POOLE: Yes.
15 COMMISSIONER RABON: All right. I have a second from
16 Mr.Barrow.
17 I will call a question for a vote. All in favor say aye.
18 COMMITTEE MEMBERS IN UNISON: Aye.
19 COMMISSIONER RABON: Any opposed?
20 [NOTE: No response.]
21 COMMISSIONER RABON: The motion is carried.
22 COURT REPORTER: Mr.Commissioner, could you wait just a bit.
23 COMMISSIONER RABON: Yes.
24 COURT REPORTER: Thank you.
25 [NOTE: Helicopter passing over the building.]

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MS. BASS: Thank you, Mr. Commissioner.

Good morning again. The applicant for this Coastal Marshlands Protect Act permit is Avery Coty. The project is located 103 Anglers Way in Brunswick, Georgia.

The applicant is proposing the construction and maintenance of the bank stabilization project along Fancy Bluff Creek.

The public notice for this Coastal Marshlands Protection Committee ran from May 7th, 2024 to May 21st, 2024.

Two comments were received during the public notice period. The comments expressed concerns that the public notice was misleading and the proposed bulkhead had have a direct impact on the coastal marshlands, and that the project is not in public interest. The agent has provided written responses.

I would like to introduce the Agent Sam Labarba from Labarba Environmental Services to present the project.

MR. LABARBA: Thank you again, Maitland.

So this project is immediately next door to the last one. The previous one was Lot 1. This is Lot 2. As we were looking at the earlier map, this is the right side of it.

Essentially, it's the same designed that's experiencing the same type of erosion. The only thing different with this site is when you get to that -- looking at this photo, it's the further left side is where it ends at that marsh. And so that's where we wrapped that corner of the bulkhead.

So this bulkhead will be 1 foot wide by 199 linear feet

1 timber and vinyl sheet bulkhead with a riprap toe of 4 feet by
2 189 feet.

3 The reason that riprap is a little bit smaller than the
4 bulkhead because of that wrapping around the edge so that the
5 whole bulkhead on that back side will have riprap in front of it
6 where there is not wrapping.

7 As proposed, the project will permanently impact 955 square
8 feet of coastal marshlands. The proposed bulkhead will not
9 require backfill. It will be located immediately seaward of the
10 existing bluff and the CMPA line.

11 The total square feet of the project within CMPA jurisdiction
12 will be 955 square feet. The total volume of fill will be 92.85 cubic
13 feet. The upland component of the project consists of permanent
14 and temporary activities proposed within the 50-foot marshlands
15 buffer, which totals 1,960.75 square feet.

16 The permanent impacts will be the same as before with
17 vertical deadman tiebacks and cables tying into the base of the
18 bulk.

19 The temporary impacts will just be from digging the trench
20 to install the deadman that will be backfilled. And those
21 covered under concrete.

22 COMMISSIONER RABON: Maitland, any special conditions?

23 MS. BASS: Should the Committee determine the proposed
24 project to be in the public interest, Department Staff recommend
25 the standard and special conditions.

1 One: Permittee may be required to provide a
2 post-construction survey to the Georgia Department of Natural
3 Resources, Coastal Resources Division, upon completion of the
4 permitted activity, and such survey shall comply with the Georgia
5 Plat Act.

6 Two: The permittee must install manatee awareness signage
7 during construction of the project and adhere to standard manatee
8 conditions and procedures for aquatic construction as approved by
9 Savannah District Office of the U.S. Army Corps of Engineers,
10 U.S. Fish and Wildlife Services and the Georgia Department of
11 Natural Resources.

12 COMMISSIONER RABON: Okay. We don't have any -- any
13 questions?

14 DR. HEPBURN: So let me clear. This was also, I thought I
15 heard you read it in the previous application, and you did read
16 it in this one. The conditions as written say *permittee is*
17 *required to submit to a post-construction survey*, but you said
18 *may be required*.

19 I want to be clear. What is the special condition? Unless
20 they --

21 MR. NOBLE: A good question. I just noticed that as well,
22 Dr. Hepburn. The power-point is misstating. It is correct in
23 that report that the special conditions in the Staff report says
24 *may be required*.

25 DR. HEPBURN: Okay. So it's optional based on whatever

1 inspection, but it is not required.

2 MR. NOBLE: That's correct.

3 DR. HEPBURN: Okay. We're reading something that you're
4 not reading. So, okay. Thanks.

5 COMMISSIONER RABON: At this time, we have no one signed up
6 for public comment. Any other deliberations from the Committee.

7 MR. BARROW: Mr. Commissioner, I have a question for Staff.
8 Under standard conditions No. 9, it says *if the improvements are*
9 *damaged, fall into disrepair*, et cetera. Obviously they will
10 need to remove them or a new permit.

11 My question pertains to that corner. If that corner gets a,
12 you know -- a lot of erosion, and it falls within the disrepair.
13 Will they come back before the Committee; or, are they allowed to
14 fix this up to a concern point.

15 MR. NOBLE: No. We would definitely -- if the project is
16 permitted and there is some minor changes that need to be made,
17 we would definitely manage that under this permit.

18 You know, any response to any erosion around either the toe
19 or the end of the property.

20 MR. BARROW: Thank you.

21 COMMISSIONER RABON: Any other questions?

22 [NOTE: No response.]

23 COMMISSIONER RABON: Do we have a motion from the Committee?

24 MR. BARROW: I make a motion so approve 103 Anglers Way,
25 Lot 2, Fancy Bluff Creek, Glynn County, Georgia, subject to the

1 standard and special conditions as stated by Staff.

2 COMMISSIONER RABON: I have a motion to approve. Do I have
3 a second?

4 MR. POOLE: Second.

5 COMMISSIONER RABON: I have a second by Mr. Poole.

6 Any other questions?

7 [NOTE: No response.]

8 COMMISSIONER RABON: Hearing none, we'll call the question
9 to a vote. All in favor say aye.

10 COMMITTEE MEMBERS IN UNISON: Aye.

11 COMMISSIONER RABON: The motion is passed.

12 Mr.Tobler.

13 MR. TOBLER: Thank you.

14 All right. Good morning, everybody, thank you,
15 Mr.Commissioner.

16 This is a CMP application from the U.S. Department of
17 Interior, National Park Service, Cumberland Island National
18 Seashore.

19 The project is located in the Plum Orchard Historic District
20 along the Brickhill River, Cumberland Island, Camden County,
21 Georgia. The proposed project is to construct and maintain a
22 bank stabilization project for erosion control at Plum Orchard on
23 the Brickhill River, Camden County, Georgia.

24 Public notice of the Coastal Marshlands Protection Act
25 Committee ran from August 10th, 2024 to September 8th 2024.

1 One comment was received. The commenter expressed concerns over
2 navigation, wildlife and proximity of the project to the
3 Wilderness Boundary on Cumberland Island. The applicant has
4 provided a written response.

5 And I would like to introduce Kayleigh Hendley from
6 Cumberland Island National Seashore to present the rest of the
7 project.

8 MS. HENDLEY: Good morning, everyone.

9 MR. BARROW: Good morning.

10 MS. HENDLEY: So right here we have aerial photos of the
11 Historic Plum Orchard District. You can see the mansion to the
12 left side of the last image. And you can see a small white
13 building in the middle, and then our public dock.

14 And if you will look in the right image that's a little
15 closer, you can see that white building again, and the public
16 dock. And along that white building is a bulkhead, put in
17 previously in the 2000s, and just south of that you can see where
18 we're having active erosion.

19 Next slide, please.

20 So the project, the current conditions for Plum Orchard and
21 the historic district, which was established as a National
22 Historic District in 1984, there's about 1200 linear feet of
23 shoreline associated with that district. And there are several
24 historic structures within the district that include the Plum
25 Orchard mansion, the public dock, that white building which is

1 one of our octagonal sheds. And we have several support
2 structures to the northern side, and a historic man-made
3 duckpond. And the bulkhead is 170 feet.

4 So we have 650 linear feet proposed to this Bank
5 Stabilization Project. It is divided into two approaches. We
6 use that bulkhead to divide it into a northern section and a
7 southern section. And we'll have two different treatments for
8 those sections.

9 Next slide, please.

10 So we start with the southern section which is then
11 subdivided into two different treatments. On the upland side of
12 that we will be putting a layered geotextile fabric down. And
13 we'll have 300 tons of riprap placed on top of that geotextile
14 fabric.

15 Then south of that at mean sea level we'll be placing bagged
16 oyster shell. And then in between the riprap and the oyster bags
17 we'll be placing fill. So the oyster and the fill will be
18 encouraging natural livable landscape.

19 Next slide, please.

20 And so the northern section, north of that bulkhead, we will
21 be doing a different approach, which will be laying 500 tons of
22 surge stone. And then on top of that, we'll have six to eight
23 inches of fill placed on top of that. And once that's there,
24 we'll be putting about 600 *Spartina alterniflora* sprigs along the
25 tidal zone.

1 And on the north end of that, on the upland, we will be
2 placing Wax Myrtle cuttings and Southern Bayberry cuttings.

3 So now we're on the uplands, and this will only have
4 temporary impacts based on the construction and staging where
5 we'll have access. We'll have materials staged and the means of
6 egress for the Staff working there.

7 COMMISSIONER RABON: Do we have any special conditions,
8 Paul?

9 MR. TOBLER: Should the Committee determine that the
10 proposed project is in the public interest, the Department Staff
11 recommends the standard and the following special conditions.

12 The permittee will be required to provide a
13 post-construction survey to the Department of Natural Resources,
14 the Coastal Resources Division upon completion of the permitted
15 activity. Such survey shall comply with the Georgia Plat Act.

16 No. 2: The permittee shall install manatee awareness
17 signage during the construction of the project, and adhere to the
18 standard manatee conditions and procedures for aquatic
19 construction as approved by the Savannah District Army Corps of
20 Engineers, and the Georgia DNR.

21 COMMISSIONER RABON: Thank you, Paul.

22 No one has signed up to speak for this project. Does the
23 Committee have any questions?

24 MR. BARROW: I just have one. Moving that much material
25 over there, where does it go? Where does it come from? A barge,

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I'm assuming.

MS. HENDLEY: So that's a great question. So on the southern end of Cumberland Island we have a dredge spoil key called Racoon Key. So we already have quite a bit of fill down there that was place recently.

And so what we'll do is transfer that by truck on the island by the main road up to the area, and place it.

MR. BARROW: The same with the rock.

MS. HENDLEY: The rock, I believe, will either by that way or by barge. We do plan to have a barge on site at that public dock, placed in that area.

MR. BARROW: Thank you.

COMMISSIONER RABON: Any other questions.

[NOTE: No response.]

COMMISSIONER RABON: At this time, I will call for a motion.

DR. HEPBURN: I make a motion to approve the project based on the Staff's finding with the special conditions for the Cumberland Island National Seashore.

MR. BARROW: Second.

COMMISSIONER RABON: Mr.Barrow gave us a second. I will call the question for a vote. All in favor say aye.

COMMITTEE MEMBERS IN UNISON: Aye.

COMMISSIONER RABON: The motion is passed.

MS. HENDLEY: Thank you.

COMMISSIONER RABON: Deb, the next project.

1 MS. BARRERIO: Thank you. Good morning. It's great to see
2 everyone. It has been a while.

3 COMMISSIONER RABON: Good morning.

4 MS. BARRERIO: My first project today is an SPA application
5 on the northern end of Tybee Island. The address is 18 Sanctuary
6 Place.

7 Public notice for the Shore Protection Committee ran from
8 August 9th, 2024 to September 7th, 2024. No comments were
9 received.

10 COMMISSIONER RABON: Thank you.

11 MR. NOBLE: I think you said 18th.

12 DR. HEPBURN: You did say 18. It's 16.

13 MS. BARRERIO: I'm embarrassed. I apologize. I have another
14 project that you just received yesterday that's 18.

15 The project is located at 16 Sanctuary Place, Tybee Island.
16 The project includes construction and maintenance of amenities
17 associated with a single family residential structure, including
18 a pool, deck, stairs, covered porches, stormwater infrastructure,
19 and landscaping in the Shore Protection Act jurisdiction.

20 I would like to introduce Paul Smith. He is the agent for
21 the applicant. He'll walk you through the project.

22 MR. SMITH: Mr. Commissioner and Board Members, thank you.

23 The applicant's property is Lot A-1, a recombination of lots
24 7, 8 and a portion of Lot 6, is approximately 37,000 and some
25 change square feet which 18,216 is located within the SPA

1 jurisdiction line.

2 The southern limits of the parcel are within the Coastal
3 Marshlands Protection Act jurisdiction. No impacts are proposed
4 to the CMPA jurisdiction.

5 DR. HEPBURN: It's Shore Protection Act. Not --

6 MR. SMITH: I'm sorry.

7 DR. HEPBURN: That's okay.

8 MR. SMITH: Well, there is two.

9 DR. HEPBURN: Oh, yeah, sorry. The one you just read is a
10 SPA.

11 MR. SMITH: Yes. We have the marsh on the southern side,
12 and the SPA on the other. So that would be the north side.

13 Seaward of the landward toe of the dune is an enhanced man
14 made sand dune and the public beach, 16,356 square feet and that
15 is maintained by the City of Tybee.

16 The applicant is proposing to construct and maintain an
17 elevated two-story single-family residence with amenities in the
18 SPA jurisdiction.

19 The impacts on the ground floor include a portion of the
20 residence's concrete pad of 553 square feet. An elevated pool of
21 178 square feet will be installed within the footprint of a
22 concrete pad seaward of the residential structure. A spiral
23 staircase of 22 square feet will provide access to the
24 first-story deck of 211 square feet and a second-story covered
25 porch of 41 square feet, both of which are within the footprint

1 of the ground level concrete pad.

2 If you noticed, this kinda shifted. It is not as symmetric
3 as it once was because through mitigation we shifted everything
4 back towards the east as we were pulling out of the SPA area.
5 But this is several generations of the project.

6 This is a section of the proposed residence. The proposed
7 impacts to the SPA jurisdictional toe are approximately 1106
8 square feet. Temporary impacts associated with the site prep
9 included clearing, grading, filling, removal of trees in the SPA
10 judged, and a private dune crosswalk is not proposed.

11 Temporary impacts associated with the site prep include
12 clearing, grading, filling, and removal of trees within the SPA
13 jurisdiction. And the remainder of the yard in SPA jurisdiction
14 will be used to improve drainage of 98 square feet, and
15 landscaped using native coastal vegetation of approximately 522
16 square feet.

17 COMMISSIONER RABON: All right. Deb, special conditions.

18 MS. BARRERIO: Should the Committee determine the project to
19 be in the public interest, a Department Staff to the Committee
20 recommend the following standard and special conditions.

21 Construction activities must be conducted landward of the
22 landward toe of the dune as flagged in the field by the
23 department.

24 A final landscape plan depicting native coastal vegetation
25 must be provided to the department prior to approval for

1 installation.

2 This permit does not authorize trimming or removal of any
3 natural dune vegetation seaward of the landward toe of the most
4 landward dune.

5 And to minimize the disruption of nesting activity from
6 artificial lighting for the subject parcel, the permittee must
7 comply with the Department of Natural Resources' Wildlife
8 Resources Division's Sea Turtle Nesting Guidelines as well as the
9 City of Tybee Island lighting ordinance.

10 Permittee may be required to provide a post-construction
11 survey.

12 COMMISSIONER RABON: Thank you, Deb.

13 We did not have anyone signed up to speak to this project.
14 Any questions from the Committee?

15 [NOTE: No response.]

16 COMMISSIONER RABON: Hearing none, I will now entertain a
17 motion.

18 MR. POOLE: I make a motion to approve the Shore Protection
19 Act of NOLA-ROMA Salt Company, LLC, construction and maintenance
20 of amenities associated with a single-family residential
21 structure including a pool, deck, stairs, covered porches,
22 stormwater infrastructure, and landscaping at 16 Sanctuary Place.

23 DR. HEPBURN: With special conditions.

24 MR. POOLE: With special conditions.

25 COMMISSIONER RABON: With special conditions. I have a

1 motion. Do I have a second?

2 DR. HEPBURN: I'll second.

3 COMMISSIONER RABON: I have a second. All in favor of the
4 motion say aye.

5 COMMITTEE MEMBERS IN UNISON: Aye.

6 COMMISSIONER RABON: Any opposed?

7 [NOTE: No response.]

8 COMMISSIONER RABON: The motion is approved.

9 Now we have Mr. Tobler again to present our next project.

10 MR. TOBLER: Thank you, Mr. Commissioner.

11 We have a CMPA application provided by Sorry Charlie Oyster
12 Company, LLC. The project location is 230 East Point Drive,
13 Talahi Island, Bull River, Chatham County, Georgia.

14 The proposed project is to construct a commercial dock
15 facility along the Bull River in Chatham County, Georgia.

16 The public notice of the Coastal Marshlands Protection
17 Committee ran from October 3rd, 2024 to November 1st, 2024.
18 Eighteen negative comments and a petition with 58 signatures were
19 received during the public notice period. Two additional
20 negative comments were received after the public notice period
21 expired. The comments expressed concerns with the upland zoning
22 regulations, increased traffic and noise, environmental impacts,
23 proximity to extended the property lines, proximity to an
24 adjacent dock, and decreased property values for neighboring
25 properties. The agent has responded to all comment received

1 during the public notice period.

2 Now I would like to introduce the agent for the project, Sam
3 Labarba of Labarba Environmental.

4 MR. LABARBA: Hello again. I can't read those smaller
5 letters. But basically what we're looking at here on the right
6 side is an aerial image of the existing dock. So this property
7 has an existing dock. Historically it's just a private
8 recreational dock. On the left side are the dimensions of the
9 facility.

10 So the proposed structure incorporates some of the existing
11 structure that's there. One big thing is the causeway that was
12 there is no longer serviceable. It's not in CMPA jurisdiction.

13 So we'll be to extend that walkway all the way back. So it
14 will be 6-foot by 421-foot walkway, 24-foot by 32 foot covered
15 fixed deck, two 13.5 by 30 covered boat hoists with a 5-foot by
16 30-foot catwalk in between. A 6-foot by 32-foot ramp that will
17 lead to a 12-foot by 80-foot floating dock.

18 The extended property lines don't really work in this area.
19 If it's extended straight out, each dock is kinda crossing over
20 each over. That being said, we've still got permission from the
21 property owner to the left, but due to that, we provided the
22 distance to the docks rather than the distance to the property
23 lines.

24 So it's 55-foot to the dock to the west and 208 feet to the
25 dock to the east.

1 The house that a floating dock will be 8-foot by 20-foot
2 floating upweller. It will be on the landward side of that
3 floating dock. And then one bottle upweller and ten drum silo
4 will be attached to the fixed deck.

5 Those are basically -- it's essentially an oyster nursery,
6 but when they first bring in the oysters seed, they'll go into
7 those upwellers until they get to a certain size. And then
8 they're moved out to the farm.

9 MR. TOBLER: There are no special conditions that the Staff
10 recommended other than the commercial dock conditions included
11 under CMPA standard conditions.

12 DR. HEPBURN: So no additional special conditions.

13 MR. TOBLER: No additional special conditions.

14 COMMISSIONER RABON: Okay. No one signed up to speak.
15 I will call upon the public, Mr.Cates. Did I pronounce that
16 correctly?

17 MR. CATES: Yes.

18 COMMISSIONER RABON: And if you don't mind, make sure you
19 limit your commence to three minutes.

20 COMMISSIONER RABON: Is it Michael Cates?

21 MR. CATES: Yes, sir. In the plan, it wasn't addressed. I
22 submit some questions. I own the house between 220 and where
23 this is going on Robin's property. And I own land all the way
24 down Bull River. I submitted to Mr.Tobler a drawing where the
25 easement, where I had the house -- excuse me -- had a survey

1 done.

2 So I have concerns because I do plan, and in the process of
3 submitting an application for a new dock. There's an existing
4 dock there partially. It was destroyed during some prior
5 hurricanes.

6 And secondly, this application to the Corps overlaps a
7 little bit because one of the things, as I noted in here with
8 Robins, and the lease agreement that they have, it actually calls
9 in, not only apply for the dock, which is obviously in question
10 here. But it also called into the play a residential lot next to
11 me, and next to this party would have to use is zoned all one for
12 this operation to exist.

13 And I haven't seen any signed documentation from Chatham
14 County where they have approved that, from the zoning director
15 there.

16 So that's the concerns I have. Thank you.

17 COMMISSIONER RABON: Thank you, sir.

18 Lisa Mason.

19 MS. MASON: Yes, sir.

20 COMMISSIONER RABON: Would you please state your name for
21 the record, and limit your comments to three minutes, please?

22 MS. MASON: Yes. Hi, I'm Lisa Mason. I live at 219 East
23 Point Drive. Across the marsh is a spit of land northeast of
24 along Highway 80 up to the Bull River Bridge, formerly a wooded
25 area that housed Williams Seafood.

1 Today the commercial activity is very busy there. There's
2 the marina, the Flying Fish, the Island Tavern, Golf & Game,
3 other shops at Mercer Crossing, the educational facility, and the
4 animal hospital.

5 I witnessed a lot of changes to the environment across the
6 marsh due to the impact of these business developments. And this
7 has had a profound impact on East Point Drive. The building,
8 expansion of the boat house necessitated the removal of trees,
9 vegetation, and marsh as well as residential dwellings. This
10 development is evidence of a commercial business that says it's
11 going to start small, but it surely can develop into something
12 quite large.

13 Development introduce an increase in noise, odors, light,
14 flooding on East Point Drive. This can -- the whiff of diesel
15 smoke sometimes can be detected. Lights, noises are a whole new
16 level of loudness. Standing water at high tide is quickly
17 eroding the roadbed. Large trucks such as trash, utility, and
18 delivery trucks have further run of the road.

19 This fall, neighbors discovered Sorry Charlie Oyster Company
20 was already under way, noticing changes at the end of the
21 driveway at 228 East Point Drive to include additions to a shed,
22 piles of black boxes, the addition of commercial-size
23 refrigerators, and the sighting of a commercial boat with an
24 industrial oyster sorter active at the residential dock.

25 A sign across the street from this address posted

1 information about the plans to build a dock at the end of this
2 driveway as the intended purpose for the refrigeration for the
3 oyster, a type of holding zone used to transport them back on
4 East Point Drive.

5 For the first time, neighbors understood the back and- forth
6 of trucks regularly on East Point Drive and the presence of
7 equipment and gear related to oyster farming.

8 East Point Drive is coveted by families walking, riding golf
9 carts, children playing, cyclists and nature lovers. The end of
10 the road at Bull River is unique as a space where the breathe of
11 water on the Bull River meets land as it extends toward the sea
12 protected by rich vegetation of the marshes. This is certainly
13 what drew me to this land mass twenty-three years ago.

14 I respect the oyster industry as a valuable business, and an
15 important aspect of Georgia's history and economy. This industry
16 has a huge potential for growth in Georgia coastal waters and
17 what seems like a two to four-truck operation may grow
18 exponentially. East Point Drive is zoned residential, and zoning
19 does not permit commercial activity.

20 An important part of the success of oyster farming includes
21 paths to ensure a viable safe and edible product. Rigorous
22 sanitation standards regarding processing storage and
23 transportation are a part of this demanding commercial activity
24 that just does not really mesh with the residential zoning of
25 East Point Drive.

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Thank you.

COMMISSIONER RABON: Thank you for your comments.

I will now call Mr.Graham up. And for the record, Ms. Diana Graham has requested that her three minutes go to you also. So the Chair will ask you to hold your comments to six minutes.

MR. GRAHAM: Thank you. My name is Lou Graham. I am a property owner of 220 East Point Drive, a proud resident in the Talahi community in Savannah. Thank you for the opportunity to speak with you all today, the Coastal Marshlands Protection Committee.

A commercial dock in a residential area is not in the interest of the local community, neighborhood residents, or the public well being period. There are several factors to bolster this fact. Don't just take my word for it. Our community has demonstrated they do not want this business to operate in our neighborhood based on the signed petition for fifty-three residents and many public comments submitted to the DNR.

The applicant is not an owner of property in the residential neighborhood. The leased property is the residents of his mother-in-law. The reason this property is appealing for business is that it's cheaper than commercially zoned areas since it's residential neighborhood. It's an irrefutable fact the applicant and mother-in-law's main priority in this project is to make money; not acting in the best interest of the neighborhood. It is an irrefutable fact that traffic will increase in the

1 neighborhood from shipping the product and employees traveling to
2 work.

3 The road is where our children run across the street to play
4 with friends. Additional trucks coming and going on a road will
5 not benefit anyone in the community. Neighbors have already
6 noticed the increased traffic on our dead-end road to this
7 operation and are concerned about the safety of neighborhood and
8 its residents.

9 The applicant is just starting this business and is
10 incentivized to expand it over the years. There is no mechanism
11 to keep the scale of this business small as described in its
12 responses.

13 There will be a decrease in property values. Who wants to
14 live near commercial fishing operation? Would you all buy a home
15 next to a commercial dock facility? I wouldn't and I didn't. I
16 would not have bought a house next to a commercial dock facility.

17 The property is already noticeably different than a normal
18 residential home. There are piles of oyster cages visible from
19 the road. There are trailers and boats. And a commercial
20 walk-in cooler is visible from the road. No other residents have
21 a commercial walk-in cooler in the front yard.

22 Zoning is not appropriate for this operation. The applicant
23 makes no mention of using adjacent property at 228 East Point
24 Drive from the plan component description. And although these
25 two properties are two different zones, they're both

1 inappropriate. None of these uses listed for commercial and
2 conservation, marshland conservation of R1A, a residential
3 property, align with a commercial shellfish operation. The use
4 table for these zones are in the public comments pages 38 through
5 51.

6 This is further proven by the fact that the county issued a
7 stop-work order for unpermitted work done on 228 East Point
8 Drive. A roof was extended from an existing building and a
9 commercial walk-in cooler was installed. The county has still
10 not issued a permit for this work.

11 The applicant dock extends over neighboring property lines
12 demonstrating a lack of consideration for the neighbors. The
13 dock would extend over both the property of Michael Cates, as he
14 previously talked about, at 222 East Point Drive and our extended
15 property lines at 220 East Point Drive. My property lines as
16 shown in the applicant's plans, and Mr. Cates, are not
17 acknowledged the applicant did not seek approval from either of
18 us. Instead the applicant notified and got permission from his
19 mother-in-law for adjacent parcels of land, who is leasing the
20 property to the applicant.

21 I understand that we do not own the water. And it is DNR's
22 discretion to decide where a commercial dock is constructed by
23 equitable apportionment. But putting it over other people's
24 property lines and not giving them any kind of notification does
25 not seem equitable. It is not equitable to take away the

1 riparian right that Mr. Cates has to construct a dock by going
2 over his entire property and altering both of our properties and
3 their values forever.

4 The applicant hasn't met his burden to show no feasible
5 alternative dock space exist. A reasonable alternatives analysis
6 should include not only sites where oysters can safely be
7 processed, but also where commercial seafood processing and
8 packaging is a permitted use under the county zoning laws. Other
9 locations are available more suited to a commercial oyster
10 operation.

11 The first example: Bull River Marina is very close to 230
12 East Point Drive, is available for purchase and already zoned
13 commercial. This property has direct access to Route 80, and
14 vehicles transporting oysters will not required traveling through
15 a residential neighborhood.

16 A second example: Old U.S. Highway 80 on Tybee Island is
17 available for purchase. Zoned as a business, in a maritime time
18 district, and has already been used as a dock space for a seafood
19 cob offering fresh local seafood. There are ongoing leases at
20 this location. This property has direct access to Route 80. And
21 there may be other locations that I'm not aware of.

22 I appreciate the fact that the Georgia Coastal Resources
23 Division did a great job of developing robust standards for
24 locating oyster leases and kept community interests in mind. I
25 hope similar considerations are made when reviewing the location

1 of a commercial dock for this industry.

2 In summary, the proposed project at 230 East Point Drive
3 should be denied for the specific location. You all are deciding
4 the fate of our neighborhood if this permit is granted. You are
5 all setting a precedent that any business owner can start a
6 commercial operation in a residential neighborhood across the
7 state. The stakes are high for homeowners and the sanctity of
8 their communities.

9 Thank you for listening to me as a proud resident of the
10 Talahi Island community. I appreciate it.

11 COMMISSIONER RABON: Thank you, sir.

12 Would you like to respond to the public comments?

13 MR. LABARBA: Yes. We appreciate the feedback from the
14 community. We think it's very important to be a good neighbor.
15 And this project is a long-term venture, so we definitely don't
16 want the community upset with us that.

17 That being said, I think the public notice sign kind of put
18 everyone in a little bit of fear. They see a commercial fishing
19 operation. And so just to explain a little bit more about the
20 process, what is their currently.

21 So the building that is located on 228 East Point Drive is
22 in already in operation. It is already approved by the U.S.
23 Department of Agriculture or has been approved, I believe, by the
24 fisheries department of DNR. And so that's -- we're not here
25 today to permit whether that facility can exist in the

1 neighborhood. It already does exist.

2 We've been provided zoning letters from Marcus Lotson of
3 Chatham County. They should be in your packet the first one was
4 in January of this year. And the second zoning letter we
5 received, I believe it was about two weeks ago. So the zoning
6 has been confirmed with Chatham County. The upland building that
7 is there where the freezer is located is already permitted
8 through several agencies and in operation.

9 So what we're here to talk about today is the dock portion
10 of it. And we definitely understand the concern of increased
11 traffic. And when you see a commercial fishery operation you
12 might get the idea of downtown Brunswick's shrimp dock or
13 downtown Darien where you have a bunch of shrimp boats coming and
14 going, these large vessels. So the operation that will be taking
15 place here consists of two to three employees per day coming to
16 work in the morning, getting on a boat. The two boats that will
17 be used in the farming operation are a 24-foot skiff and a
18 26-foot skiff. No larger vessels will be needed to operate the
19 farming.

20 So the vessels that will be used are your standard
21 recreational boat sizes that you can see up and down the river.
22 So two to three people coming to the upland facility, getting on
23 a boat, going out to their lease, and operating the farm.

24 So the farm is not located at this location. So the farm is
25 located on Bull River. That also has already been approved by

1 the DNR. The applicant has been granted a lease.

2 So we have the upland facility fully permitted, operational.
3 We have the farm permitted, fully operational. Now we're talking
4 about how do we connect those two things, how do we move this
5 product. And so when it comes to the traffic concerns, I believe
6 the dock will alleviate most of that. So if the upland building
7 is going to be used whether there's a dock there or not, the
8 alternatives to having a dock located here as the place to load
9 and unload oysters, that will be replaced by loading and
10 unloading somewhere else and having to truck it all into the
11 neighborhood.

12 So instead of two to three people coming to work in the
13 morning, getting on a boat, leaving at the end of the day, you
14 will continually have boats trailered in and out, five or six
15 trips a day back and forth in and out of the neighborhood, to get
16 from here to any other dock facility that could be used.

17 And so in the search of the applicant to start this business
18 and to make it successful was to find where can we operate out of
19 that will meet the requirements of growing oysters. There's very
20 strict time limits that come with this and you can't choose to
21 farm oysters any where you want. These are DNR approved
22 locations. And you have to be located within a certain distance.
23 There's not enough time once you take an oyster out of the water
24 to then unload it at some facility thirty miles away in Effingham
25 County. That makes the oyster no longer suitable for human

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consumption.

So this is the location that we landed on that was available that was properly zoned according to Chatham County. Some of the other concerns that were talked about other than the traffic are the property line extension. So we submitted an exhibit to DNR showing this area. And if you -- like I said in the earlier presentation, if you extend the property line right out on any one of these properties no one's dock is within the property lines. The dock at 220 East Point is actually over the applicant's property line so. It's a situation where DNR doesn't use property lines. They use distance to adjacent docks which is what we've shown on our drawings.

In reference to the potential dock from the property that is between the existing dock here and the neighboring dock, we investigated that. In our findings that parcel has an approximately 20-foot strip of land that may extend back to the marsh. And based on DNR rules or based on the exemption from the CMPA Act for private docks In order to be eligible for a private dock you have to have 50-foot of riparian frontage. So that property would be ineligible for a dock which is why that can't be taken into account.

As Paul stated, we did respond in writing to all the comments we received. We also sent certified mail response letters with an invitation to a community meeting that we held last Friday. Four people attended the community meeting. We

1 invited all 58 signers of the petition. Of the four people that
2 came, there was a couple, the Dove family, who wanted to come and
3 learn more, and then the Whetstone family at 601 Suncrest.

4 I feel like that meeting went really well. The Whetstone
5 family asked us to have for the meeting where they could submit a
6 positive comment, but we were after the period. And they
7 couldn't make it down here today.

8 But we are open to any additional questions. We spent a lot
9 of time researching this. It's hard to put it all into a small
10 presentation like this. So feel free to ask any questions you
11 may have.

12 MS. GNANN: Are we allowed to ask questions?

13 COMMISSIONER RABON: Any comments from the Staff?

14 MR. LABARBA: One more thing to add. One of the objections
15 that was brought up was the scaling of this business. That it's
16 going to grow. Maybe. Right now it's just two to three people
17 coming. But could it grow into something much more?

18 So the business is limited to the lease size that they've
19 been granted by DNR. Like I said, they can only commercially
20 farm in this geographical area that DNR has approved. It's
21 seven-acre lease in the Bull River. So the possibility of this
22 growing into an international oyster-harvesting operation is just
23 not there. It's limited by what DNR allows. The business as it
24 is scaled to fit the maximum of what they can farm on the lease.

25 COMMISSIONER RABON: Staff, any response?

1 I will say if there are questions if you want to fill out a
2 public comment card, we would entertain additional public comment
3 at this time. For the sake of time just fill the card out
4 afterwards.

5 Go ahead with your comments.

6 MS. GNANN: I'm Lisa Gnann. I live at 205.

7 COMMISSIONER RABON: State your name, and we're going to
8 hold you to three minutes.

9 MS. GNANN: Okay. I just have one question, or two. Lisa
10 Gnann. I live it to at 205 East Point Drive. I have lived there
11 since 1989.

12 I have letters that state that no permits or licenses have
13 been granted to the applicants. It also states that they put a
14 stop-work order on everything that has been taking place, but
15 they're still working. So I don't understand how this is even --
16 they're stating that they have permits and licenses. And I have
17 a letter dated November 12th that says they do not.

18 DR. HEPBURN: Who are those letters from?

19 MS. GNANN: Marcus Lotson. And then I have the stop-work
20 order. It's from --

21 DR. HEPBURN: We don't know who Marcus Lotson is.

22 MS. GNANN: He is --

23 DR. HEPBURN: I think he is a planning person.

24 MS. GNANN: Yes.

25 MR. KRINSKY: The stop-work order was in relation to a

1 covered structure that went over the refrigeration. It's not a
2 stop-work order for conducting the business that we already have
3 in the area.

4 The Department of Agriculture's requirement for our oyster
5 operation is to make sure that all refrigeration is under a
6 covered the roofline: And that was done, and there was some
7 confusion. The county came out and saw that it was all up to
8 code. Permits have been submitted. And as far as I know, we're
9 in compliance.

10 I'm Harley Krinsky. I'm the applicant.

11 DR. HEPBURN: What is the designing of the property?

12 MR. TOBLER: I can restate what we have in the zoning letter
13 that was received by the application.

14 DR. HEPBURN: Because the county has given a letter and said
15 the project is in compliance with zoning.

16 MR. TOBLER: Yes ma'am. I'll let you know exactly what the
17 letter said.

18 DR. HEPBURN: Thank you.

19 MR. TOBLER: It's addressed to Mr. Krinsky. *The Chatham*
20 *County Zoning Ordinance identifies allowed uses by zoning*
21 *district for all properties within unincorporated Chatham. Uses*
22 *within these districts is either allowed by right with no*
23 *conditions or subject to approval by the Zoning Board of Appeals.*
24 *Pursuant to your request for information regarding an*
25 *oyster-farming facility relative to zoning, this use is allowed*

1 *at the above-identify property and meets the provision of use as*
2 *defined in Section 4-5.2, allowed uses of the Chatham County*
3 *Zoning Ordinance and the conservation of marsh C-zoning*
4 *classification. No special or conditional use permits are*
5 *required. If you have any questions or need further*
6 *clarification, please let me know.*

7 Signed Marcus Lotson.

8 DR. HEPBURN: What's the date?

9 MR. TOBLER: That was dated January 31st 2024.

10 MS. GNANN: It's been rescinded.

11 MR. CATES: It's been rescinded.

12 MR. TOBLER: We also have a second letter from Marcus Lotson
13 dated November 1st that confirmed the content of the January
14 31st letter.

15 COMMISSIONER RABON: Read that one.

16 MR. TOBLER: Would you like to hear the most recent letter
17 as well?

18 DR. HEPBURN: Yes. I think for the sake of the folks in the
19 audience as well. So this is November 1st; right?

20 MR. TOBLER: This is actually dated -- I'm sorry this is
21 the older one. I have the other one here and I just pulled it
22 out. I apologize.

23 COMMISSIONER RABON: Just take your time. We want to get it
24 right.

25 MR. TOBLER: There were a lot of comments.

1 DR. HEPBURN: While he's getting that, I think for the sake
2 of the folks -- go ahead.

3 MR. LABARBA: I've got it right here. So this one is dated
4 November 1st, 2024. It's addressed to me. *Dear Mr.Labarba:*
5 *In review of the provided documents, the determination has been*
6 *made that Chatham County Building Safety and Regulatory Services*
7 *cannot approve or deny the proposed changes to the East Point*
8 *Drive dock. The construction, maintenance, and restoration of*
9 *these facilities are in the purview of the State of Georgia.*
10 *While the proposed changes do not violate the Chatham County*
11 *Zoning Ordinance, the Department of Natural Resources will*
12 *authorize any modifications.*

13 MR. KRINSKY: This is standard language. The county will
14 typically -- they're not approving or denying. They're just
15 saying you're not violating.

16 I just want to clarify that letter clearly state that
17 they're not approving or denying the dock because they had no
18 purview over the dock. We have the letter of zoning for the
19 land, and they again clarified in their most recent letter they
20 can't approve or deny the dock.

21 MR. GRAHAM: May I say something?

22 COMMISSIONER RABON: A brief comment.

23 MR. GRAHAM: Okay. So it's my understanding that the zoning
24 verification letter the beginning of the year in January was
25 issued without the county fully understanding the scope of this

1 operation even though the zoning letter must be specific to the
2 project. It was the county's understanding that this property
3 would only be used as a business address for the oyster farms.
4 As long as the timeframe ended, there has been communication in
5 between the county and applicant, and the county and DNR.

6 And I think -- I guess just stated the applicant refer to a
7 letter from the county in their response. But regardless the
8 zoning ordinance of Chatham county is clear. There's no
9 appropriate use listed that applies to both the CM and R-1A for
10 this type of operation.

11 COMMISSIONER RABON: A brief comment, sir.

12 MR. CATES: Yes, sir. I got a letter from --

13 MR. POOLE: Would you please state your name?

14 MR. CATES: Michael Cates. I'm next door to this group.
15 And there are two -- there's an A and a B provision for a dock.

16 According to Mr. Tobler's email the law states that the
17 owner of a lot which is a detached, has a detached family
18 residence located on the land adjoining could have requested a
19 dock permit. You do not have to have fifty feet according to
20 what Mr. Tobler sent me. I just wanted to clarify that. And I'm
21 not an environmental engineer.

22 COMMISSIONER RABON: Brief comment.

23 MS. MASON: Hello, Lisa Mason. In my discussion of Marcus,
24 he explained to me that letter on January 31st was a reference to
25 waterways, that the land is a completely different issue. And

1 that's why I think it's important to see this as a kind of a dock
2 on the land and a transportation issue that expand both the DNR
3 waterways and land zoning issues. Thank you.

4 COMMISSIONER RABON: Thank you. Any response from the
5 agent?

6 MR. LABARBA: I would just ask Staff is there any
7 requirement of a 50-foot frontage for a private dock.

8 MR. NOBLE: No. That's a reference to the 12-5-295 7.1
9 exemption in the Marsh Act for private recreational docks. In
10 order to meet that exemption you have to have at least 50 feet of
11 frontage with a lot suitable for a detached single family
12 residence or have an already existing property with a single
13 family detached residence which can have less than 50 feet, that
14 would still then qualify. Subject to the not qualifying under
15 that exemption, then you would request a proposed dock that would
16 then be managed under the Coastal Marshlands Protection Act or
17 evaluated.

18 MR. KRINSKY: And in terms of the zoning, I don't decide the
19 zoning. We don't decide the zoning for Chatham County. We have
20 the letter from Chatham County. I'm not sure what else we can
21 provide to speak to that.

22 MR. LABARBA: I also wanted to add unrelated to these issues
23 in the response to the comment, one of the comments was
24 concerning the noise. So the applicant did make the decision to
25 move something called a tumbler. Essentially when you take the

1 oysters out of the cages out on the farm, you put them in a
2 tumbler which sorts them by size so which one is ready to harvest
3 and which ones are ready to go back. So in response to the
4 comments to reduce any noise that could occur on the dock the
5 tumbler was moved to the lease.

6 So that will be operated on the lease rather than on the
7 dock to try to eliminate any issues.

8 COMMISSIONER RABON: Any questions or deliberations from the
9 committee?

10 DR. HEPBURN: Mr. Chairman, for all of you that came, we are
11 very sympathetic. But we don't have jurisdiction over land
12 issues. You know, we are simply related to the provisions of the
13 Coastal Marshlands Protection Act. And so the determination of
14 this committee all of your concerns, if we lived in your
15 neighborhood, we would all feel the exact same way probably. But
16 they're not things that are within our jurisdiction. They're
17 really related to county zoning and county ordinances.

18 And so for that, we are simply limited from, our attorney is
19 here, to dealing with what are the facts related to the statute
20 over which we have turned. And 99.9% of what you've raised are
21 not things we have jurisdiction over no matter how sympathetic we
22 are to your concerns. And I hope you have addressed these issues
23 with the county.

24 COMMISSIONER RABON: Any other comments or questions?

25 MR. POOLE: But the only question I still have going back as

1 to the dock for Mr. Cates.

2 And I'll ask the Staff on this. Is his property eligible
3 based on the current conditions for the future construction of
4 the private residential property if he doesn't have the 50 feet
5 frontage?

6 MR. NOBLE: That's a great question. And I'll start with
7 the fact that we do not have an application for a project for a
8 dock. And secondary, we did take a look at that 20 I believe it
9 is a 20-foot wide easement. And so when you looking at dock
10 corridor, if you will, or if you use extended property lines,
11 which I think will apply here, If you were to evaluate that the
12 dock had to be located ten feet within -- typically within ten
13 feet of that property on both sides.

14 In other words, it's somewhat limiting if one were to think
15 about or consider placing the dock within a 20-foot easement, the
16 setbacks that are typically required to allow for safe navigation
17 between structures, so we're creating a real challenge there.

18 So I think that's part of what we're seeing here with Bull
19 River in this area. A lot of old docks don't have permit
20 history; right? Some that are not compliant. And so what we're
21 doing is trying to make all those considerations and make the
22 situation the best as possible.

23 As it relates to whether or not a dock could be approved
24 there, I do not know. I would love to entertain application from
25 Mr. Cates. And we'd be happy to work with him on evaluating the

1 site for a dock. But until we do, that Staff stops at this point
2 is we're just looking. We only have a 20-foot easement to
3 evaluate.

4 COMMISSIONER RABON: Questions?

5 DR. HEPBURN: If Chatham County were to indicate that the
6 zoning was not appropriate for a commercial dock, so if we have a
7 letter from them saying it's acceptable and it's non-conditioned
8 at this point -- but if the county came back and said that is not
9 the case, we could not approve a commercial dock there. The
10 application couldn't even go forward. It might meet the Coastal
11 Marshlands Protection Act, but the dock itself would not be
12 considered commercial.

13 Is that correct?

14 MR. NOBLE: Yes, ma'am. So one of the requirements of
15 having a substantially complete CMPA application is to receive a
16 zoning letter stating that it is not violative of any local
17 zoning laws. So outside of us receiving a signed letter from
18 Chatham County Zoning stating that it is violative we can move
19 forward. That meets that requirement.

20 DR. HEPBURN: Yeah, and I guess should we approve this, if
21 Chatham County were to come back and say we erred, then our
22 approval would be in essence voided.

23 See, I knew there was a reason you came all this way,
24 Andrea.

25 MS.HARTUNG: Oh, I don't normally talk at these things. I'm

1 not clear on this point.

2 MS. ANDREWS: We don't have to put her on the spot.

3 MR. NOBLE: Yes. As a matter of -- just from Staff's
4 standpoint, the way I would consider that, that, yes, if Chatham
5 County came back and said that is it is not zoned appropriate and
6 that what's currently ongoing would not be allowed. We would
7 certainly then -- the permit would no longer be valid in my mind.

8 DR. HEPBURN: Right, because it is based on the county
9 having issued a letter saying it's unconditioned. And I guess
10 what I would say is if my colleagues feel that we're in the mood
11 with you, Mr. Chairman, that -- I mean, statutorily the dock
12 itself is in compliance. But could we add a special -- I don't
13 see this as a special condition because it's a regular condition
14 that the county zoning has to be appropriate. But could we
15 request from Staff that we ensure that we triple, quadruple
16 check? Two letters are not enough. And just confirm with the
17 county that in fact the information that we have received from
18 them, or if the county sends us something else.

19 MR. NOBLE: I'm not sure about that to be honest with you,
20 because I think what we would be stating there was that we were
21 not certain if we had a substantially complete application or
22 not.

23 DR. HEPBURN: Right.

24 MR. NOBLE: And if we don't, you don't have to an action to
25 vote upon or to consider.

1 DR. HEPBURN: Right. But we do and you've heard nothing
2 else from the county subsequent -- other than the November one.

3 MR. LABARBA: We did get a third letter, and it's in here.
4 It's of no assistance, and the reason it wasn't given to you
5 because it was receive when.

6 MR. NOBLE: November 7, after the public notice had period
7 expired.

8 DR. HEPBURN: And what does it say?

9 MR. TOBLER: So I had a short phone call with Mr. Lotson
10 after the public notice period had expired on some clarifying
11 things. And this was a result of that. I didn't know he was
12 going to send it. I'll read it to.

13 *As a follow up to our phone conversation on November 5th, I*
14 *thought it may be useful to clarify for public record any*
15 *misunderstandings that may exist regarding the role of Chatham*
16 *County and the Department of Natural Resources review process for*
17 *work and state borders. Our office is often requested to give*
18 *zoning determinations regarding use within our jurisdiction.*
19 *This process requires us to make a determination as to whether it*
20 *uses allowed or not based on the zoning; or, if it is for some*
21 *reason not governed by local ordinances.*

22 *Relative to the East Point Drive dock a request was*
23 *submitted by LaBarba Environmental Services for a determination*
24 *regarding proposed dock modifications. As is our practice we*
25 *advised the consultant in writing that the construction,*

1 demolition, and modification of the dock, docks in state waters
2 do not fall under the purview of Chatham County Department of
3 Building Safety and Regulatory Services, and therefore is not
4 governed by our zoning code. Because of that the dock is not
5 allowed or disallowed by the zoning code we cannot approve or
6 deny proposed construction which falls under the authority of
7 DNR. We can, however, approve or deny land uses on a property
8 within unincorporated Chatham County.

9 In a letter to January 31st, 2024, we did respond to a
10 request regarding oyster farming. Our response is based on our
11 understanding that the operation occurred in the river, although
12 we understand this is not the Board's concern, we have not
13 granted approval of any business uses on the upland property in
14 question. Signed Marcus Lotson.

15 MR. CATES: May I ask a question?

16 COMMISSIONER RABON: We've cut off public comments at this
17 time.

18 MR. POOLE: So again, we fall back to the zoning letters,
19 because I'm having a hard time even understanding what that
20 means.

21 MR. TOBLER: I'm not sure what Mr. Lotson was getting at
22 there. It seemed to muddy the waters.

23 And so what we do is proceed with original zoning letter
24 that was public notice that was available to the public: And
25 that was provided to you in the packets.

1 It is routine matter that we continue to receive emails and
2 information after the final agenda is published and after the
3 public comment period is closed; all of which become a part of
4 the record but don't become part of your decision as a matter of
5 practice.

6 MR. BARROW: So do we I'm sorry, the letters are confusing.
7 So do we have a letter approving the commercial operation; or, do
8 we have a letter not approving; or, do we have no decision from
9 Chatham County?

10 DR. HEPBURN: The November 7th letter sounds like it is
11 negating the January letter.

12 MS. ANDREWS: I didn't get that.

13 MR. NOBLE: No, I didn't either.

14 DR. HEPBURN: The last sentence says *the upland component is*
15 *not approved for commercial use.*

16 MR. TOBLER: The way I interpret that is the zoning is
17 correct, but a business license or business permit license as --
18 you can have the zoning of a property, and then whether someone
19 has a business license currently operating out of that facility,
20 I guess, is how would you do that.

21 Because it's so outside of my realm of comfortability I
22 don't want to try to guess at what Mr. Lotson was getting at
23 there.

24 What we normally look for is that exclusive language about
25 violative or not violative, which he provided in the letter that

1 was provided with the complete application.

2 COMMISSIONER RABON: As a committee I think we've got three
3 options. We can approve. We can disapprove. Or we can chose to
4 tabled.

5 So at this point in time I would ask for the will of the
6 Committee.

7 DR. HEPBURN: I can motion that we tabled the project
8 pending a written clarification from the Chatham County office
9 about whether it is or isn't violative, that we get a final
10 determination from them about whether a commercial dock is
11 appropriate on the property.

12 I recognize there's already a dock there. And the work is
13 already going on their. But I feel like they're backing up on
14 us. And no matter that it was passed the public comment time,
15 It's a jurisdictional issue versus a written comment.

16 So that's my motion.

17 COMMISSIONER RABON: I have a motion to table it. Do I have
18 a second?

19 MR. BARROW: I will second. I think it's pretty material to
20 understand that part before we can vote one way or the other.
21 Obviously we don't have a substantial or complete application.
22 So I would second the motion.

23 COMMISSIONER RABON: I have a second to table this. I will
24 call it to a vote. All in favor say aye.

25 COMMITTEE MEMBERS IN UNISON: Aye.

1 COMMISSIONER RABON: You have voted to table the project.

2 DR. HEPBURN: Mr. Chairman, for the sake of the folks, we
3 will meet again sometime early in 2025, and hopefully will have
4 clarity about this at that point in time. It will maturely move
5 forward, or Chatham County has said that it's in violation.

6 MR. BARROW: And I would strongly encourage the applicant
7 and agent to work closely with the community to clarify any
8 misunderstandings.

9 And I'd like to add that on commercial operations of any
10 sort obviously having this commercial application, business
11 licenses, I'm not sure what that process is. And maybe we can
12 talk about this offline, but I think I'd like to -- from the
13 Staff just maybe try to get a little refresher on that to make
14 sure that we're substantially ironclad on that going forward.

15 DR. HEPBURN: Thank you all for coming.

16 COMMISSIONER RABON: Deb, if you will present our last
17 project.

18 MS. BARRERIO: I would like to introduce the next project.
19 It is a Coastal Marshlands Protection Act permit application.
20 The project is located at 10 Horsepen Point Drive and 12 Horsepen
21 Drive on Tybee Island, Chatham County, Georgia in the Horsepen
22 Creek in Chatham County, Georgia.

23 The applicants are proposing to construct and maintain a
24 golf cart bridge in a private shared-family dock. The public
25 notice of the Coastal Marshlands Protection Committee ran from

1 April 20th, 2024 through May 21st, 2024.

2 We received 66 comments. People responded favorably in
3 support of the applicant for the applicant's project was 16
4 comments. And 50 comments oppose the project citing the
5 following: The proposed location on Horseman Creek was not
6 navigable at mean low water, with negative impacts to
7 navigational site structure, impacts to wildlife and coastal
8 marshlands, as well as concerns with limiting access to
9 tributaries in the project area.

10 In response to comments received during the April 20, 2024
11 public notice the applicants proposed a modified private
12 shared-family dock structure. The revised public notice of the
13 CMPC ran from August 24th, 2024 through September 9th of 2024.
14 15 public comments were received in response to the revised
15 public notice. One comment was received after the public comment
16 period had closed. Eight comments were received in support of
17 the applicant's modified dock proposal. The remaining comments
18 objected to the size, location, and navigational obstruction that
19 would result from the proposed private shared-family dock
20 structure.

21 I'd like to introduce the agent for the applicants, Mr.
22 Alton Brown.

23 MR. BROWN: Good morning. I'm Alton Brown. I'm with
24 Resource and Land Consultants. With me today is one of the
25 applicants, Leo Sheehan -- Jim Alexander was not able to make

1 it -- but Leo is here, Jud Turner who is representing the
2 applicants as counsel, and then Mark Liberman who has been the
3 consulting engineer on the project for the dock.

4 I thought what I do would quickly is try to just kind of run
5 through a little bit of the history and a little bit about the
6 waterway. So an analyzation of aerial imagery would suggest that
7 Horsepen Creek on Tybee Creek to Highway 80 is 10,700 feet.

8 32 docks currently exists on the creek. Two docks have been
9 permitted by this Committee in the past three years, but have yet
10 to be constructed.

11 The low tide aerial imagery that has been provided in
12 various responses -- and hopefully y'all have seen those -- shows
13 that many section of the creek go dry at low tide.

14 And then, you know, most notably one of the docks on the
15 downstream end of the creek at low tide does have some level of
16 obstruction to all of the remaining upstream docks.

17 So a little bit of history, in 2019 Jim Alexander and Leo
18 Sheehan, and another friend of theirs applied for a PGP dock, a
19 shared dock. At that time, they were told that they did not
20 qualify for a PPG, that a coastal marshlands permit would be
21 required. So in 2022 a coastal marshlands application was
22 submitted. With that application, the individual, one of the
23 individuals who was a part of PPG sold his property. And so that
24 application included Jim and Leo, the current applicants, as well
25 as Chris Hutto.

1 Post submittal of that coastal marshlands application Chris
2 decided that he didn't want to participate any more. That
3 impacted the location of the dock. I don't know if you can see
4 it on here. It's downstream. So the red line is the location of
5 the proposed dock. The original location between all three
6 parties was going to be further downstream.

7 I can walk up there and show y'all.

8 So once Chris, who now owns that parcel, decided he was
9 going to participate. The dock was then moved to be shared by
10 Jim and Leo. The small red line at the top of the screen is the
11 location of the proposed access to upland from Jim and Leo's
12 house.

13 Okay. So that's the initial crossing, which is bridge.
14 That provides access to the hammock. Actually, it not a hammock.
15 It's an extension of Horsepen Island or hammock, or whatever.
16 But they don't access through a portion of the upland. So
17 they're coming through there to the portion of the property that
18 they have in their proposed shared dock.

19 So the original Coastal Marshlands Protection Act
20 application was withdrawn because of no longer participating.
21 The dock location was moved. And then Jim and Leo resubmitted.

22 So, as Deb mentioned, the original public notice was in
23 April of 2023 for this particular project. It included a 6 by
24 147 access which is the small -- did I change that? Yes. The
25 small red line is the 6 by 174-foot bridge, which is accessed by

1 the upland, and then included a 6 by 174 dock walkway, 15 by 26
2 deck, two boat hoists 16 by 30 each, a gangway, and then a big 8
3 by 125-foot floating dock.

4 As Deb mentioned, we had a fair number of comments on the
5 project: 66 comments, 35 by way of signature on the petition.
6 Three of those comments supported the dock in a reduced size.
7 And then there were 15 of those comments that supported the dock
8 as currently proposed. The comments were generally focused on
9 navigation, navigation in general, navigation during
10 construction, walkway impacts associated with the dock.

11 So in light of the comments that were received during the
12 initial public notice, and in order to comply with the overall
13 minimization component of the Act, the applicant chose to reduce
14 the size of structure. The way they did that was they removed
15 the two boat hoists in their entirety. They proposed a smaller
16 deck. So it went from 400 square feet the 300 square feet. They
17 shifted the dock downstream to avoid crossing a tributary and
18 shifted the float down. And that shifted the float downstream so
19 that it wouldn't impact entrance to a very small tributary.

20 And then they were able to, by doing that, by shifting the
21 deck and float, the walkway was reduced by seven feet for a total
22 of 22 square feet.

23 In addition, one of the other things they proposed to this
24 was installed free-flow decking for the entirety of the walkway.

25 So in response to that, CRD issued the second public notice

1 with the new dock proposal. And as Deb mentioned, 15 comments
2 were received, 6 opposing, 8 supporting. The opposing comments
3 were for the same generally, impact to navigation. And the
4 supporting comments were the opposite, that this would not have
5 had any negative impact upon navigation.

6 So, we can go through, if you would like. You have this of
7 course, in your packet. But you can see the walkway in the
8 original design where it's crossing the creek in several
9 location. You can see the concern with that very small tributary
10 and how the float was in some capacity obstructing navigation of
11 that very small tributary. You see the two hoists going
12 downstream on this bottom end.

13 So that would have been kinda the original design. And then
14 the revised location. So again, making it much smaller, shifting
15 it downstream, avoiding having to cross that small tributary.
16 And this is more aerial imagery. And that's it.

17 COMMISSIONER RABON: Deb, do we have any special
18 conditions?

19 MS. BARRERIO: Staff reviewed the proposed project and find
20 the amount of marshlands impact to not be minimum in size, per
21 O.C.G.A 12-15-288(b). The final decision as to whether any
22 activity or structure is considered to be in public interest,
23 such that is the proposed project does not unreasonably obstruct
24 or alter navigational waters, cause erosion, shoaling, or
25 stagnation, or interfere with the conservation of the marine life
or wildlife, shall be in the sound discretion of the Committee.

1 Should the Committee find this project to be in the public
2 interest, standard and special conditions may apply.

3 COMMISSIONER RABON: We have two people signed up
4 to speak to this project. I'll call on Mr.Fleetwood.

5 Please limit your comment
6 to three minutes. And state your name for the record, please.

7 MR. FLEETWOOD: My name is Rusty Fleetwood. I live on
8 Tybee, and I've lived on Tybee for about 60 years. I have the
9 privilege of living on Horsepen Creek for about 40 of those
10 years. So I've been on it, under it, in it for a long time. And
11 I have a prospective that most of our neighbors on the creek
12 have, and Tybians in general have that we're blessed to live
13 there. And if you have the double blessing of having water front
14 property, you should be able to use it and have a dock on it. I
15 have one. My dock is in the picture. And so there's seldom been
16 any protests from our neighbors against other people having docks
17 on Horsepen Creek, except for this one.

18 Because of its location on the opposite side of the creek,
19 the western side of the creek from all the other existing docks,
20 and in close proximity of those docks, it's going to be a
21 permanent obstruction and hazard. It doesn't matter whether
22 you're an experienced mariner or an unexperienced mariner, the
23 tides run hard, and the winds coming from a different direction,
24 small boats and large boats get swung around. The risk they
25 will bring -- there's been a lot of blue language said about it.

Just upstream from me, my neighbors have a 50-foot boat.

1 It's going to be very difficult to get in and out. Horsepen
2 Creek dries at low water almost everywhere. There's a tiny
3 channel running right by this dock. And if you're good, you can
4 get in and out in an almost low tide, certainly on a spring tide.

5 So I'm here on behalf of myself and the other neighbors that
6 couldn't be here tonight. My next door neighbors also ask that
7 this project be not approved as it. Even in it's reduced size,
8 it will be a permanent obstruction to navigation, and not in the
9 public interest.

10 Thanks.

11 COMMISSIONER RABON: We also have -- is it Mr. Tuberville?

12 MR. TUBERVILLE: Close enough.

13 COMMISSIONER RABON: You tell us how to pronounce it.

14 MR. TUBERVILLE: Tuberville, the coach, the town.

15 Thank you, guys. First of all, good morning. Thank you,
16 guys, very much for allowing me to speak. And I will say, thank
17 you, Deb, for the great job she does for all of us on Tybee.

18 Basically, more on what Rusty was talking about in, and
19 rather than go through all the formalities, what the island dock
20 is going to be, and all of that kind of thing, and blocking the
21 navigational ability, if you actually reference the bathymetric
22 soundings from 2021, which I believe was -- what page was that,
23 Deb? You had that up there.

24 You had the dock in place with the bathymetric theory.
25 There you go, right there. Can I walk up there just for a

1 second?

2 If you actually look at this, and I'm assuming this is you
3 guys have to base all your findings on is from these soundings.
4 If you notice, that the placement of where they're showing the
5 channel drawn right there [gesturing], it almost like it's drawn
6 to an accommodate the dock. But if you look at the bathymetric
7 soundings, it's right there in the deepest part, the very deepest
8 part of it.

9 So the channel is actually over here. It's not where it's
10 been drawn.

11 So that is one thing I would question, first off, is these
12 seem like they're in conflict with one another.

13 The other part is that -- it's according to the sounding of
14 38 -- yeah, 21 representing -- like I said, a direct conflict.
15 But it's in conflict also with the Staff's findings and
16 recommendations. Page 3, subsection 1, Deb read a portion of it
17 a while ago, *no unreasonable harmful obstruction to or*
18 *altercation of the natural flow of navigational waters is*
19 *expected.*

20 This is in direct conflict with that.

21 It was also stated earlier, I think I heard earlier the
22 gentleman over here talking about dock No. 3, that's the closer
23 to the entrance of Horsepen Creek, there is now another dock
24 there, No. 2. One has not been done yet. I guess it's 1, 2 and
25 3. Yes, 1, 2 and 3.

1 But if you look at the pictures that are on Page 31 -- I
2 don't know. I haven't seen you guys pull up that photo up. Back
3 it's actually a beautiful photo that shows the entrance -- this
4 one.

5 Yeah, this shows, it is a beautiful shot of the creek at
6 dead-low tide. And it had to have been in September at some
7 point when we had our spring tides.

8 But if you are able to pull this up -- I don't to want walk
9 around and show all of this to you guys. But Dock No. 3 is right
10 here. I don't know if y'all can see the sandbar coming out from
11 that. There's Dock 3. It's obvious where that channel, that
12 deeper water is. You can go underneath Dock 3 at dead-low tide.
13 There's ten feet in between the pilings. Most folks with
14 navigate right through there. Not a problem, no issue
15 whatsoever.

16 And this picture proves that. It's absolutely beautiful. I
17 love it. And it also shows where the dock is going to be. The
18 pole -- you can even see the pole that's been put in the water to
19 indicate the corner of the dock. And you can see a slit of blue
20 water. It's the deepest part of the creek.

21 So I kinda question that. If we're basing all of our
22 findings on this, not going through everything else that
23 everybody else has talked about, because I don't want to bore
24 everybody's time. I want to get through this as quickly as
25 possible, and everybody else does. I do not want to take any of

1 more time with this other than to say I've been on a lot of
2 boards through the years. And we always, before we present an
3 issue with somebody or there's a problem, we like to come up with
4 the solution to the problem. Real quick and simple.

5 Move the dock twenty feet towards the Back River, and it
6 will solve the whole issue. Thank you very much.

7 COMMISSIONER RABON: Would the agent like to respond to the
8 public comment?

9 MR. BROWN: No.

10 COMMISSIONER RABON: Any Staff response to the public
11 comments?

12 MS. BARRERIO: No.

13 COMMISSIONER RABON: At this time, any questions or
14 deliberations from the Committee?

15 MR. POOLE: I have a few questions. So we start back on the
16 mainland, I'm trying to better understand, I guess, the ownership
17 that the hammock, coming onto the island or hammock, and the part
18 down the center of that, who owns that land?

19 COMMISSIONER RABON: Deb.

20 MR. POOLE: Is that the State? Is it State property.

21 MS. BARRERIO: No, that's the applicants.

22 MR. POOLE: So jumping across, you have a bridge going to
23 the hammock, and going down and joining back over to the dock.

24 MS. BARRERIO: To the dock. And then there's hammocks in
25 between this area.

1 MR. POOLE: All right. Now these hammocks are owned by --

2 MS. BARRERIO: The State.

3 MR. POOLE: The State. The measurement of the stationary
4 dock from there to there, Staff has worked to verify the length.

5 DR. HEPBURN: Go to one with the red lines. Yeah, there you
6 go.

7 MR. POOLE: So Staff has worked with the agent to measure
8 from the -- let's call it the western side, the left side, all
9 the way down so we know exactly --

10 MS. BARRERIO: They had a survey done.

11 MR. POOLE: Has the Staff validated that survey?

12 MS. BARRERIO: The area seaward of where the dock commences
13 from on the hammock --

14 MR. POOLE: Yes.

15 MS. BARRERIO: -- those upland areas have not been verified
16 by staff.

17 MR. POOLE: The next subject is, you know, going back just
18 in general this obviously exceeds the size of a private
19 recreational dock in terms of square footage. It's falls into
20 this Committee due to the fact that is -- is that correct? So
21 that becomes possible. I want to make sure I understand.

22 The 6 by 40 foot wide, I guess, is that necessary for a golf
23 cart. To my knowledge just under people that have or -- I don't
24 know that is something that we can permit that as a private
25 recreational dock. Is that correct?

1 MR. NOBLE: So the dock as proposed does not meet -- if this
2 were not subject to your review and if it were done just with a
3 revocable license, it would not meet standard operating
4 procedures because it exceeds 3,000 square feet. We would be
5 looking for -- it actually also exceeds the square footage
6 allowable for some of the community docks as well.

7 DR. HEPBURN: Just to clarify. Your findings of the Staff
8 is that the application does not meet public interest
9 considerations, at least not just for navigation but the
10 potential for erosion and shoaling because of the impact in the
11 marsh as well as impact negatively on habitat; correct?

12 MS. BARRERIO: That's correct.

13 COMMISSIONER RABON: I will ask. The gentleman mentioned a
14 solution of extending it 20 feet? Is that a potential solution
15 for the navigation?

16 MS. BARRERIO: It's my understanding it will extend over the
17 property lines of the other property owner.

18 MR. BROWN: I'm not familiar with where the proposal would
19 be. But we have positioned the dock at the property line as
20 close as we could get in order to minimize the length of the
21 walkway as much as possible. So if you shifted it further down
22 to reduce the length of the walkway, you would be over the
23 extended property lines of the two owners.

24 MR. POOLE: Provided there is a path to get there working
25 with the property owner?

1 MR. BROWN: I don't know the answer to the question. We
2 have not approached the adjacent property owner about crossing
3 over the extending property line.

4 MR. POOLE: But addressing the square footage --

5 MR. BROWN: I'm not -- yeah, I don't know how -- because we
6 haven't looked at that I don't know to what the distances would
7 be or how much of a reduction it would be.

8 MR. POOLE: So I think one of my biggest issues is the total
9 square foot. Does it have to be 6-foot wide square foot for a
10 private-shared recreational dock?

11 MR. BROWN: So yeah. So we obviously, and I hope that y'all
12 will see that we've evaluated the requirements with widthwise for
13 docks, I mean historically six feet has been permitted across the
14 coast of Georgia. It has been reduced and certainly in more
15 recent years under the PGP through the Corps of Engineers, and
16 then under the SOP or standards that CRD is using now for
17 single-family docks. But the way we evaluated it was we said,
18 okay, you know, Jim and Leo aren't getting any younger; right?
19 And so in consideration for access in the future what is the
20 minimum that would be required for a golf cart or for a
21 wheelchair, etc.

22 So if you think about a walkway down -- and all of the uses
23 that we all enjoy for docks, right, so anybody that has a dock
24 anybody that's a boater recognizes It's not just an individual
25 walking down the dock. If you're going to go to the beach by

1 boat, you're going to be carrying all, coolers, and chairs, and
2 umbrellas and all of that. So if I'm required to simply walk
3 down the dock, then I'm going to be making numerous trips; right?

4 I'm not saying it can't be done, but the older you get the
5 more challenging that becomes for any length dock as a matter of
6 fact. But so that's one consideration that we're making. **And a**
7 4-foot wide dock could accommodate a wheelchair certainly. I
8 mean, we looked at the measurements and those types of standards.
9 But it's an only -- it's only a one-way pass.

10 So if I'm walking down a 4-foot wide dock, I can't turn a
11 wheelchair round; right? It would need to be wider than four
12 feet.

13 So we evaluated all that and considering the applicants, the
14 applicants' age, their desire to want to enjoy this for the
15 remainder of their life, hopefully many years to come, we have
16 proposed the 6-foot wide walkway which gives the maneuverability
17 that we think would be suitable for them.

18 And then the other thing that we did was we evaluated what
19 has historically been accepted, which is the ThruFlow decking to
20 try to reduce the shading impact. So historically CRD provided a
21 50% credit for the ThruFlow decking, which would take the overall
22 square footage down below the 3,000 square feet. And then more
23 recently, it's been I think 25% credit for that type of
24 alternative decking. And with the 25% credit it's still a little
25 bit more of than it's 3300 square feet of effective shading.

1 So we looked at all of those things in an effort again to
2 minimize the overall impact.

3 MR. TURNER: May I make one response, which I just think --
4 Jud Turner, counsel for Mr. Alexander and Mr. Sheehan. I think
5 if you read the Act, obviously there is a minimization obligation
6 under the Act. And so when you get to Staff's position that this
7 is not minimized, you know, the applicant has explained what went
8 into the considerations for minimization. I think the Committee
9 gets to make a determination of what is acceptable related to
10 minimization.

11 Now I think what the Staff has done is added the total
12 square footage of the dock and the walkway, and that exceeds the
13 SOP. That's factually accurate. The SOP obviously applies if
14 you were involved in a private recreational dock application for
15 a revocable license. And as you will know, Mr. Davis, there's a
16 rule-making going on where some of these issues are being
17 discussed right now about whether the SOP would find its way into
18 the rule.

19 So the considerations around the ThruFlow, and height, and
20 all the things that have been discussed in that stakeholder
21 process relating to private recreational docks, I think are the
22 kinds of things that could be discussed around minimization. And
23 I think that gets open to further discussion around minimization.
24 I just think as a legal matter the Committee gets to determine
25 minimization.

1 You certainly can take notice of the SOP in consideration of
2 that. You could also take notice and consideration of the
3 actions that have been expressed here. My simple point is just I
4 don't think it's legally binding to say an SOP memo, standard
5 operating procedure memo, applied for revocable license is
6 binding on your determination of minimization. It may be a
7 factor. And then you may consider these other factors. And you
8 may also talk to the application. Of course, it's within your
9 purview to talk further about conditions or amendments today.
10 But I just wanted to give that sort of legal perspective of the
11 Act versus a separate memo SOP applying to the revocable license,
12 and whether that would be binding on your minimization
13 determination.

14 COMMISSIONER RABON: Any other questions?

15 DR. HEPBURN: I'm prepared to make a motion, Mr. Chairman.

16 COMMISSIONER RABON: I will entertain your motion.

17 DR. HEPBURN: To make a motion that we disapprove this
18 project based on findings that it is not minimized and is
19 contrary to the public interest.

20 COMMISSIONER RABON: I have a motion to disapprove. Do I
21 have a second?

22 MR. POOLE: I would like to add if I may. I would like to
23 review other options as stated. I mean, there's a lot of things
24 that have been discussed. I don't have a direct answer on the
25 property line. They can go back over that with approval from the

1 adjacent property owners. I think that six all the way down is
2 excessive personally. I think that passing lanes that could
3 possibly be reviewed or created. I think this needs to be in
4 review. And I mean, maybe more importantly to work closely with
5 Staff to come back to us another day.

6 So I guess that would be a second with a request to look at
7 other options. Is that possible?

8 COMMISSIONER RABON: So the motion is to disapprove.

9 MR. POOLE: Yes.

10 COMMISSIONER RABON: But there's nothing that says that they
11 can reapply. Do I have a second for the motion to disapprove?

12 MR. POOLE: So I'll second.

13 COMMISSIONER RABON: I call the question. All in favor say
14 aye.

15 COMMITTEE MEMBERS IN UNISON: Aye.

16 COMMISSIONER RABON: This project is disapproved. But you
17 are more than welcome to come back at a later point.

18 DR. HEPBURN: And with an encouragement to work on an
19 alternatives.

20 COMMISSIONER RABON: That's correct.

21 MR. BARROW: I just wanted to add and same thing that
22 potential moving the dock subject to the property lines. I also
23 wanted to ask about the golf cart. I understand, and sympathize
24 trying to get folks to and from, and equipment. I just like to
25 understand from Staff a little bit more about approval of that if

1 that's even something we can approve from size. I just feel like
2 a golf cart on the dock sit there leaking fluids, battery acid,
3 stuff, it just seems like that's not in the public interest for
4 the water quality there.

5 So it's not that we've seen any of those, but I'd just like
6 to see if there's any rule or regulation upon that we can
7 obviously address here.

8 MR. NOBLE: These are certainly some we'll evaluate should
9 we engage with the applicant on a revised project. Right.

10 MR. BARROW: Obviously I'm throwing that out. Including
11 turn around, and whatnot.

12 DR. HEPBURN: Or for any future applicants.

13 COMMISSIONER RABON: All right. Thank you, all for your
14 efforts today. Thanks to the Staff for the hard work to do on a
15 daily basis.

16 DR. HEPBURN: Sorry. And the risk of belaboring and
17 dragging it out at this time, I have just one request for Staff
18 to work with the Attorney General's office and come back to us at
19 a future meeting.

20 So we have the discretion if the project is a minor project
21 for it to be reviewed by the Committee remotely and then subject,
22 if it is "recommended" by the Staff, if it meets the public
23 interest consideration. And most of the time those very
24 smoothly. We have had over my time on the Committee a few
25 projects that were contrary to the public interest in the Staff's

1 finding, but they were minor projects.

2 And so it became dependent on one of us as a Committee
3 member to actually pull that project so that it would come before
4 the full Committee.

5 I think that is risky business or something where the Staff
6 has concerns. Certainly we as a Committee, to Mr. Turner's
7 point, always have the right to rule that the project is
8 compliant with the Coastal Marshlands Protection Act. But I
9 think all minor projects if they are not positively recommended
10 by Staff should come before the full Committee so that we do not
11 have the risk of inadvertently approving because one of four busy
12 people didn't have time to pull the project and tell Staff to
13 hear it.

14 So I would just like the Staff and the AG's office to look
15 at that and potentially consider having something that we could
16 formalize at a subsequent meeting, if you're comfortable with it,
17 that if it is contrary, minor or not, it has to come before the
18 full Committee so that we could act favorably or uphold the
19 Staff's findings.

20 MR. NOBLE: That's something we can look into, absolutely,
21 Dr. Hepburn.

22 DR. HEPBURN: Thank you.

23 MR. POOLE: So for the future as we go down this path with
24 shore stabilization, clearly it's not going -- I think it's
25 something that I'd like for us to take a peek at, and with Staff

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and the AG's office, to talk about in certification of ensuring shorelines on and going down this path, I think it's something that we should encourage and figure out a way to either further explain the process or what may be to help us to figure out whether it's not going away. We obviously have issues on the coast. We all know that. I just think it's something we should probably look at, I don't know if it takes this body or that body to figure that out we should at least take a hard look at it.

MR. NOBLE: That's something that we can encourage. We can certainly take a look into that even if it's just a fast-tracking of the process. And I know it's all a number, but if it's something that fairly straightforward and, to Jill's point, the work has been done. It's definitely something we should probably get on, that we may consideration.

COMMISSIONER RABON: Any other business?

DR. HEPBURN: No, sir.

COMMISSIONER RABON: With that, we are adjourned.

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STATE OF GEORGIA,
GLYNN COUNTY.

C E R T I F I C A T E

I, Lora H. Carter, do hereby certify that the above and foregoing pages is a true, complete, and accurate transcript of the public meeting as stated in the captioned matter.

This the 10th day of December. 2024.

Lora H. Carter

Certified Court Reporter
15 Jerico Marsh Road
Midway, Georgia 31320
912.442.0399
912.663.2468
LoraCarter1234@comcast.net