



COASTAL RESOURCES DIVISION

ONE CONSERVATION WAY · BRUNSWICK, GA 31520 · 912-264-7218

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COMMISSIONER

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

March 7, 2025

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

FROM: Department Staff to the Committee

APPLICANT: Garrow Alberson
City of Brunswick
525 Lakewood Avenue
Brunswick, GA 31520

AGENT: Cohen Carpenter
GWES, LLC
511 Gloucester Street
Brunswick, GA 31520

LOCATION: Tidal Ditches, Glynn County, Georgia

PROJECT: The project is to stabilize and maintain two stormwater drainage ditches and install a tide control valve at one existing stormwater outfall location within the City of Brunswick, Glynn County, Georgia.

ARMY CORPS NUMBER: SAS-2024-00550, SAS-2024-00623, SAS-2024-00624

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

SUMMARY OF PUBLIC COMMENTS: The Public Notice of the Coastal Marshlands Protection Committee (CMPC) ran from January 29, 2025 to February 27, 2025. No comments were received during the public notice period.

FINDINGS: Department Staff to the CMPC make the following findings regarding this application:

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

1. The two existing drainage ditches and the existing outfall have been identified as priority areas on the City's western border as part of the City of Brunswick Masterplan to reduce flooding and increase resilience.
2. The ditches are located to the west of Highway 341. One ditch is located adjacent to Palmetto Cemetery and the other is adjacent to T Street and Greenwood Cemetery. The outfall is located on Georgia Ports Authority property on the East River at the end of the Howe Street Right-of-Way.
3. Approximately 782 linear feet of the tidally influenced Palmetto Cemetery ditch will be impacted. First, approximately 116cu.yds. of material will be excavated from the ditch slopes and replaced with 116cu.yds of rip rap for toe protection.
4. After the channel is redefined, approximately 380cu.yds of fill dirt and topsoil will be placed on the banks to achieve the desired slope. Finally, 104cu.yds of Flexamat and geotextile fabric will be installed over the topsoil to stabilize the modified banks. The Flexamat will be planted with native coastal vegetation.
5. The improvements to the Palmetto Cemetery ditch will impact approximately 7,128sq.ft. (0.16 acres) of CMPA jurisdictional area.
6. Approximately 415 linear feet of the tidally influenced T street ditch will be impacted. The T Street ditch currently has 3,258sq.ft. of existing rip rap located within jurisdictional areas.
7. First, approximately 103cu.yds. of material will be excavated from the ditch slopes and replaced with 103cu.yds of rip rap for toe protection.
8. After the channel is redefined, approximately 480cu.yds of fill dirt and topsoil will be placed on the banks to achieve the desired slope. Finally, 94cu.yds of Flexamat and geotextile fabric will be installed over the topsoil to stabilize the modified banks. The Flexamat will be planted with native coastal vegetation.
9. The improvements to the T Street ditch will impact approximately 9,252sq.ft. (0.21 acres) of CMPA jurisdictional area.
10. The Howe Street outfall located on East River has an existing unserviceable metal tide control flap gate which is not functional and serves as a conduit for tidal flooding.
11. The proposed improvements to the Howe Street Outfall will consist of installing a 60in. Tideflex check valve on the existing 40in. outfall pipe. Total proposed impacts to coastal marshlands will be approximately 729sq.ft. (0.02 acres).
12. Total proposed impacts to coastal marshlands are 17,109sq.ft. (0.39 acres).

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

13. The two existing drainage ditches and the existing outfall have been identified as priority areas on the City's western border as part of the City of Brunswick Masterplan to reduce flooding and increase resilience. The Palmetto Cemetery outfall ditch and T-Street outfall ditch will benefit from bank stabilization as long-term erosion has endangered sensitive cemetery property at the Palmetto Cemetery and the Greenwood Cemetery. Roadway safety is also of significant concern at both ditches due to erosion. The Howe Street outfall located on East River has an existing unserviceable metal tide control flap gate which is not functional and serves as a conduit for tidal flooding.

Application Form, Applicant Name and Address, Project Plans, Plat, Deed or other instrument, Written permission to carry out project by owner of land, O.C.G.A. § 12-5-286(b)(1-4):

14. Applicant has submitted the application form, name and address, project plans, plats, and deed.

Adjoining Landowners, Non-refundable application fee, O.C.G.A. § 12-5-286 (b)(5,7):

15. Applicant has submitted names and addresses of adjoining property owners. A non-refundable application fee of \$250.00 was submitted with the application.

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

16. A letter has been received from the City of Brunswick Planning, Development, and Codes Department stating that the proposed project does not violate City Zoning Ordinances. The letter is not conditioned.

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

17. Alternative sites are limited because relocation of the existing outfalls would result in additional marsh impacts. Channelizing the ditch with rip rap was evaluated, but the chosen methods were favored as they better support the establishment of native plants and ecological communities. The chosen method is designed for impact avoidance and overall minimization of impacts to jurisdictional areas.

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

18. Applicant has reviewed the Hazardous Site Index maintained by Georgia Environmental Protection Division. There are no landfills or hazardous waste sites at the proposed project locations.

Water Quality Certification, O.C.G.A. § 12-5-286(b)(10):

19. A 401 Water Quality Certification has been issued in conjunction with two (2) Nationwide Permits #54, for the T Street and the Palmetto Cemetery Ditches.
20. A 401 Water Quality Certification has been issued in conjunction with the Nationwide Permit #7 for the Howe Street Outfall.

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

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

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

22. Adjacent property owners and interested parties who have requested to be placed on the mailing list were notified in writing of the proposed project. The public notice of the Coastal Marshlands Protection Committee (CMPC) ran from January 29, 2025 to February 27, 2025. No comments were received during the public notice period.

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

23. In passing upon application for a permit, the CMPC shall consider the public interest.
- a) **The design of the project is such that no unreasonably harmful obstruction to or alteration of the natural flow of navigational water within the affected area**

will arise as a result of the proposal. The proposed project is not expected to alter natural flow of navigable waters nor will it obstruct public navigation. The proposed structures will not extend into navigable waterways.

- b) The design of the project is such that no unreasonably harmful or increased erosion, shoaling of the channels, or stagnant areas of water will be created.** The proposed project is not expected to increase erosion, shoaling of channels, or create stagnant areas of water. The purpose of the project is to mitigate flooding and prevent scour and erosion of existing tidally influenced drainage ditches.
- c) The proposal will not unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, and clams or any marine life or wildlife or other natural resources including but not limited to water and oxygen supply.** The proposed project is not expected to interfere with the conservation of fish, shrimp, oysters, crabs, and clams or any marine life. The West Indian Manatee is an endangered and federally protected species and is known to frequent Georgia's coastal waters.

Restriction on granting of permits; size restriction; activities and structures considered contrary to the public interest, O.C.G.A. § 12-5-288 (a) and (b):

24. The proposed drainage improvement project cannot be satisfied by the use of an alternative non-marshland site.

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

25. The drainage improvement project will not result in a need for a water bottoms lease.

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

26. The improvements to the Palmetto Cemetery ditch will impact approximately 7,128sq.ft. (0.16 acres) of CMPA jurisdictional area.
27. The improvements to the T Street ditch will impact approximately 9,252sq.ft. (0.21 acres) of CMPA jurisdictional area.
28. The improvements to the Howe Street Outfall will impact approximately 729sq.ft. (0.02 acres) of CMPA jurisdictional area.
29. Total proposed impacts to coastal marshlands are 17,109sq.ft. (0.39 acres).

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

30. The marshlands component of the proposed project consists of excavating, grading, and stabilizing the banks of the T Street and Palmetto Cemetery ditches and installing a tide control system on an existing stormwater outfall. Total proposed impacts to coastal marshlands are 17,109sq.ft. (0.39 acres).
31. The applicant has stated that there is no upland component for the proposed ditch projects. The upland component for the Howe Street outfall will be limited to temporary impacts occurring within the 50ft. marshlands buffer adjacent to the project area landward of the Coastal Marshlands Protection Act (CMPA) jurisdiction line.

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

32. The applicant has certified adherence to soil and erosion control responsibilities.

33. Land disturbance and construction within the 50ft. marshlands buffer in the upland component of the project is limited to:
- a) **Construction and maintenance of temporary structures necessary for construction of the marshlands component of the project.** All proposed activities will occur within the 50ft. marshlands buffer. These activities will consist of temporary impacts during construction of the marshlands component for access and erosion control.
 - b) **Construction and maintenance of permanent structures that are required for the functionality of and/or provide permanent access to the marshlands component of the project.** There are no permanent structures proposed as part of the project.
 - c) **Already existing impervious surfaces and structures within the marshlands buffer may remain and be maintained, provided the replacement, modification or upgrade does not increase any encroachment upon the required marshlands buffer in effect at the time of replacement, modification or upgrade.** There are no existing impervious surfaces within the marshlands buffer. The site will remain 100% pervious after construction of the proposed project.

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

34. The purpose of the project is to reduce the likelihood of tidal flooding, enhance resilience, and optimize overall drainage of stormwater. Stormwater from the area directly adjacent to the project sites will continue to sheet flow into the new and existing drainage structures.

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

35. The proposed project will not increase impervious surface. The project site will remain 100% pervious after completion of the project.

RECOMMENDATION: Should the Committee determine that the proposed project is in the public interest, Department staff recommends the following STANDARD and SPECIAL conditions:

COASTAL MARSHLANDS PROTECTION ACT STANDARD CONDITIONS

1. The project must comply, as applicable, for areas permitted herein, with all other federal, state, and local statutes, ordinances, and regulations and the applicant must obtain all licenses and permits prior to commencement of construction.
2. This permit does not resolve actual or potential disputes regarding ownership of, rights in or over the property upon which the subject project is proposed, and shall not be construed as recognizing or denying any such rights or interests.
3. All plans, documents and materials contained in this permit application, required by Coastal Marshlands Protection Act of 1970, as amended O.C.G.A. § 12-5-280 et seq. are a part of this permit and conformance to such plans, documents, and materials are a condition of this permit. No change or deviation from these plans, documents, and materials shall be permitted without prior notification and approval by the Department or CMPC.

4. No further encroachment or construction shall take place within state jurisdiction, except as permitted by the CMPC. Any modification of the plans or structure in the jurisdictional area must be reviewed and approved by the Department or the CMPC, as necessary, prior to construction.
5. No construction or alteration of a project may commence until the expiration of 30 days following the date on which the application is approved; provided however that if a timely appeal is filed, no construction or alteration may commence until all administrative and judicial proceedings are terminated.
6. The permit must be posted onsite within 24 hours of beginning construction.
7. A copy of these and all permit conditions must be supplied to the person in charge of construction. All contractors and subcontractors are responsible for strict adherence to all permit conditions.
8. All Best Management Practices (BMPs) should be used to prevent any erosion and sedimentation at the site. No unauthorized equipment, materials, or debris may be placed in, disposed of, or stored in jurisdictional areas. Any visible alterations in the marsh topography will be restored immediately using low-impact hand tools. Any damage to the marsh vegetation that has not recovered naturally during the next growing season will be repaired by a method acceptable to the Department.
9. If the permitted improvements are damaged, fall into disrepair, become dilapidated, or are not meeting their expected usefulness and are not maintained at a serviceable level, it is the responsibility of the owner to remove the improvements. A new permit will be required to retain and repair the structure, improvement, or asset if it loses its structural integrity and is no longer serviceable.
10. The CMPC is not bound in the future to protect any improvement or asset authorized by the permit.

SPECIAL CONDITIONS

1. Permittee will be required to provide a post-construction survey to the Department upon completion of the permitted activity. Such survey shall comply with the Georgia Plat Act O.C.G.A. 15-6-67 *et seq.*
2. Permittee must install manatee awareness signage during construction of the project and shall adhere to standard manatee conditions and procedures for aquatic construction as approved by the Savannah District Office of the US Army Corps of Engineers, US Fish and Wildlife Service, and the Georgia Department of Natural Resources.
3. Erosion control structures, such as silt fences, must be maintained during construction and removed immediately once construction is complete at each individual site.