

MARK WILLIAMS
COMMISSIONER

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

May 19, 2023

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

FROM: Department Staff to the Committee

APPLICANT: Mr. Pratt Summers
GKT Properties, Inc.
P.O. Box 576
Savannah, GA 31402

AGENT: Brandon Wall
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LOCATION: GKT Properties, Inc. (GKT) is located approximately 2.25 miles upstream of the Talmadge Bridge (US Hwy 17), at the northern terminus of Foundation Drive, on the Savannah River, Chatham County, Georgia

PROJECT: The proposed project includes the extension of the dock on the upstream side of the existing permitted facility and the addition of a new breakbulk berth to accommodate breakbulk cargo at an existing facility located on the Savannah River at 509 Foundation Drive, Chatham County, Georgia.

ARMY CORPS NUMBER: 2005-00435

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

SUMMARY OF PUBLIC COMMENTS: The public notice of the Coastal Marshlands Protection Committee (CMPC) ran from April 12 to May 11, 2023. No comments were received in response to the public notice.

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. CMPA Permit #773, issued April 17, 2020, authorized the existing facility including the 550ft. x 45ft. pile supported concrete deck (24,750sq.ft.) with a 41ft. x 117ft. (4,797sq.ft.) deck extension and 380sq.ft. triangular-shaped access platform on the downstream end and two (2) 28ft. x 100ft. (2,800sq.ft.) access bridges on each end (the southern access bridge is landward of CMPA jurisdiction).
2. On the downstream side of the northern access trestle is a 1,700sq.ft. triangular deck extension. Along the landward side of the dock are six (6) 3ft. x 10ft. pile supported caps (180sq.ft.) and (2) 3ft. x 11ft. (66sq.ft.) pile supported caps supporting a cement unloader and elevated jetty conveyor.
3. Upstream and downstream of the dock are two (2) mooring dolphins (718sq.ft.) connected to the main dock by 5.5ft. wide concrete walkways (735sq.ft.).
4. The shoreline is stabilized with rip-rap totaling approximately 1,250ft. x 25ft. (31,250sq.ft.).
5. An existing 2.24 acre berth is maintained at a depth of -42ft. mean low water (MLW) by annual maintenance dredging authorized under US Army Corps of Engineers project #SAS-2001-12670.
6. Impacts to CMPA jurisdiction associated with the existing dock structure (3,6126sq.ft.) and bank stabilization total 67,376sq.ft. (1.55 acres).
7. The existing dock extends approximately 65ft. into the waterway from MLW where the waterway is approximately 1,060 feet wide MLW to MLW.
8. The applicant recently acquired the adjacent parcel to the northwest that includes an existing inland boat basin and commercial dock facility along the Dundee Canal. Impacts include the existing 355ft. x 45ft. (15,975sq.ft.) main wharf and two (2) 37ft. x 50ft. (3,700sq.ft.) access bridges.
9. Commencing from the upstream end of the main wharf is a 4ft. x 90ft. (360sq.ft.) catwalk connecting to a 12ft. x 12ft. (144sq.ft.) mooring dolphin.
10. Southwest of the main dock is a second 70ft. x 32ft. (2,240sq.ft.) wharf with a 4ft. x 300ft. (1,200sq.ft.) pier extending downstream.
11. The entire shoreline fronting Dundee Canal and the Savannah River is stabilized with rip-rap totaling 1,010ft. x 25ft. (25,250sq.ft.).
12. Impacts within CMPA jurisdiction associated with existing structures on this parcel total approximately 48,869sq.ft. (1.12 acre).
13. Combined impacts from existing structures within CMPA jurisdiction on both GKT Properties total approximately 116,245sq.ft. (2.66 acres).
14. The applicant proposes to extend the dock upstream. Proposed in water construction will occur seaward of the recently acquired parcel and includes the addition of a new breakbulk berth to accommodate breakbulk cargo.
15. An existing 17ft. x 24ft. octagonal mooring dolphin (408sq.ft.) and 5.5ft. x 130ft. (715sq.ft.) catwalk on the northwest end of the existing dock will be removed. The dock extension will consist of an 810ft. x 70ft. pile-supported wharf structure (56,700sq.ft.) with a 57,490sq.ft. apron extending to the upland.
16. On the upstream side of the dock will be a new mooring dolphin (700sq.ft.) connected to the dock with a 60ft. x 5.5ft. (330sq.ft.) catwalk. A total of 15 new cone fenders will be mounted to the face of the dock, each measuring approximately 9.5ft. x 5ft. (713sq.ft. total). The fender line of the dock extension will break slightly to the west from the alignment of the existing seaward face in order to line up parallel with the south edge of the Federal Navigation Channel of the Savannah River at this location.

17. The applicant also proposes to modify the existing dry bulk transfer tower on the existing dock and add a 12ft. x 100ft. (1,200sq.ft.) conveyor from the dock to the upland for the transfer of dry bulk goods.
18. The proposed structures will be no closer than 145ft. from the Federal Navigation Channel. The total area of new pile supported structure is 117,133sq.ft. (2.69acres).
19. As proposed, existing and proposed impacts to CMPA jurisdiction, including the existing docks, bank stabilization, proposed dock, and removal of existing structures will total approximately 232,298 square feet (5.33 acres).
20. To accommodate modern breakbulk cargo vessels, the applicant proposes dredging to a depth of -45ft. MLLW (with a 2ft. overdredge allowance) between the dock face and the Federal Navigation Channel over a 2.78 acre area. All dredging will be in open water averaging approximately -36ft. to -38ft.
21. Impacts associated with dredging the new berth seaward of the wharf addition total approximately 44,500cy (2.78 acre).
22. The existing GKT dry bulk berth seaward of the existing GKT wharf is also proposed to be deepened within its permitted dredging extents (2.24 acres) from the currently authorized -42ft. MLW to -45 mean lower low water (MLLW), with 2ft. overdredge. A 3ft. deep x 8ft. wide trough will be dredged at the fender line. Initial material for both berths will be removed by hydraulic dredging or clamshell methods. Estimated dredging volumes to a depth of -45 MLLW (plus 2ft. overdredge) for both berths total 70,800 cubic yards. The dredge spoils will be deposited into the Georgia Port Authority's Hutchinson Island Tract B Confined Disposal Facility (CDF). Total impacts for the additional dredging of the existing berth seaward of the existing wharf total approximately 26,250cy. (2.24 acre).
23. The applicant proposes annual maintenance dredging of 100,000cy. over both berths to an allowable depth of -45ft. MLLW (plus 2ft. overdredge).
24. Maintenance dredging will be conducted in accordance with USACE terms and conditions outlined in the existing maintenance dredging permit. An NPDES Stormwater Permit (#GAR050000) was issued June 1, 2022.
25. Existing and proposed impacts to CMPA jurisdiction, including the existing docks, bank stabilization, proposed dock, and removal of existing structures will total approximately 232,298 square feet (5.33 acres).
26. Total impacts from the dredging portion of the combined projects for the new berth and deepening of the existing berth are approximately 70,750cy (5.02 acre).

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

27. The proposed modifications to improve safety, access, efficiency, and the loading/unloading capability of the existing GKT facility. The proposed dock modifications are designed to improve efficiency, safety, access, and maintenance of new infrastructure associated with larger dry bulk ships.

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):

28. 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):

29. Applicant has submitted names and addresses of adjoining property owners as well as the non-refundable application fee.

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

30. A letter has been received from the Chatham County Planning and Zoning Department stating that the proposed project does not violate any local zoning laws. The letter is not conditioned.

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

31. The proposed project is the expansion of an existing facility. An alternative site will not satisfy the project's purpose.

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

32. Applicant has reviewed the Hazardous Site Index maintained by the Georgia Environmental Protection Division for Chatham County, Georgia and stated that there are no landfills or hazardous waste sites near the proposed project location.

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

33. A 401 Water Quality Certification was issued by the Georgia Department of Natural Resources Environmental Protection Division on April 2, 2023 for the proposed project.

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

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

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

35. The public notice of the Coastal Marshlands Protection Committee (CMPC) ran from April 12 to May 11, 2023. No comments were received in response to the public notice.

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

36. 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 will not alter natural flow of navigable waters as all proposed structures extending into the waterway are pile supported and will not obstruct navigation.
- 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 entire shoreline is armored. The proposed project will not unreasonably harm or increase erosion, shoaling of the channels, or create stagnant areas of water.
- c) **The proposal will not unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, and clams or any marine life or wildlife or other natural resources including but not limited to water and oxygen supply.** The project is not expected to unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, and clams or any marine life or wildlife or other natural resources including but not limited to water and oxygen supply. The West Indian Manatee is an endangered and federally protected species and is known to frequent Georgia's coastal waters.

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

37. The facility is not required to obtain a waterbottoms lease.

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

38. As proposed, existing and proposed impacts to CMPA jurisdiction, including the existing docks, bank stabilization, proposed dock, and removal of existing structures will total approximately 232,298 square feet (5.33 acres).

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

39. The project is for the expansion of an existing industrial facility located within the Port of Savannah. While designed to minimize impacts to coastal marshlands, the existing and proposed impacts to CMPA jurisdiction, including the existing docks, bank stabilization, proposed dock, and removal of existing structures will total approximately 232,298 square feet (5.33 acres). Total impacts from the dredging portion of the combined projects for the new berth and deepening of the existing berth are approximately 70,750cy (5.02 acre).

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

40. The marsh component for the project consists of the new pile supported structure is 117,133sq.ft (2.69 acres).

41. The upland component associated with the proposed project includes the existing industrial facility that services the existing permitted facility. No changes are proposed to the upland component.

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

COASTAL MARSHLANDS PROTECTION ACT STANDARD CONDITIONS

1. The project must comply, as applicable, for areas permitted herein, with all other federal, state, and local statutes, ordinances, and regulations and the applicant must obtain all licenses and permits prior to commencement of construction.
2. This permit does not resolve actual or potential disputes regarding ownership of, rights in or over the property upon which the subject project is proposed, and shall not be construed as recognizing or denying any such rights or interests.
3. All plans, documents, and materials contained in this permit application, required by Coastal Marshlands Protection Act of 1970, as amended O.C.G.A. § 12-5-280 et seq. are a part of this permit and conformance to such plans, documents, and materials are a condition of this permit. No change or deviation from these plans, documents, and materials shall be permitted without prior notification and approval by the Department or CMPC.
4. No further encroachment or construction shall take place within state jurisdiction, except as permitted by the CMPC. Any modification of the plans or structure in the jurisdictional area must be reviewed and approved by the Department or the CMPC, as necessary, prior to construction.
5. No construction or alteration of a project may commence until the expiration of 30 days following the date on which the application is approved; provided however that if a timely appeal is filed, no construction or alteration may commence until all administrative and judicial proceedings are terminated.
6. The permit must be posted onsite within twenty-four (24) hours of beginning construction.

7. A copy of these and all permit conditions must be supplied to the person in charge of construction. All contractors and subcontractors are responsible for strict adherence to all permit conditions.
8. All Best Management Practices (BMPs) should be used to prevent any erosion and sedimentation at the site. No equipment, materials, or debris may be placed in, disposed of, or stored in jurisdictional areas. Any visible alterations in the marsh topography will be restored immediately using low-impact hand tools. Any damage to the marsh vegetation that has not recovered naturally during the next growing season will be repaired by a method acceptable to the Department.
9. If the permitted improvements are damaged, fall into disrepair, become dilapidated, or are not meeting their expected usefulness and are not maintained at a serviceable level, it is the responsibility of the owner to remove the improvements. A new permit will be required to retain and repair the structure, improvement, or asset if it loses its structural integrity and is no longer serviceable.
10. The CMPC is not bound in the future to protect any improvement or asset authorized by the permit.

SPECIAL CONDITIONS

1. Permittee 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.