



May 11, 2023

Mr. Dillon Richter  
Coastal Permit Coordinator  
Georgia Department of Natural Resources, CRD  
Brunswick, GA 31520

**RE: Grand Harbor Community Dock Response to Public Comments  
Skidaway Island, Chatham County, Georgia**

Dear Mr. Richter:

I refer to public comments forwarded from your office regarding the proposed community dock application for Grand Harbor Subdivision located east of Green Island Road, on Franklin Creek, Chatham County, Georgia (31.910999, -81.068814).

The public comments were received in response to the public notice that was issued on or about April 11, 2023 and expired on May 11, 2023, for activities proposed in tidal waters subject to Coastal Marshlands Protection Act (CMPA) jurisdiction. The comments are cited below from each commenter, followed by the applicant's response.

**Richard and Kristine Nelson** (via email transmittal dated 5/1/2023)

*We are opposed to the proposed Marina based on three criteria:*

- 1) Environmental: This is a Creek not a river or coastal location. Too narrow to accommodate waterway traffic. On plan narrowest is 155' less 52" dock allowance less width of boat on sharp turn in the Creek! Large number of 14" driven piles. Stated marsh impact is over 15,000sq.ft. which is significant for a small Creek. What is the impact with fuel and oil contamination and other waste issues. Light and noise pollution and traffic effects with up to 100 boat Marina? Current low draft and sholling issues at Delagal Marina.*

**Applicant's Response:** There is no differentiation in the CMPA between a creek or river. According to USGS topographic map, the waterway is named Franklin Creek. In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. Piling spacing is consistent with industry standards for support of the walkway, fixed deck, and floating docks. No pilings are proposed to be placed outside of the footprint of the structure itself, and therefore will not impede navigation. CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties. The amount of structure to include the walkway, fixed deck, gangway, and floating docks is 8,806 ft<sup>2</sup> within CMPA jurisdiction. There is no fuel or waste disposal service proposed for this facility. Lighting for the dock will comply with local, state, and federal

regulations. The community dock will require the development and implementation of dock rules that will be vested to the HOA or similar on-site governing agency, which will establish and enforce the hours of operation, noise abatement, etc. for all users of the facility. Given the increasing popularity of boating in coastal Georgia waters, the increase in boat traffic due to this facility would not be out of the ordinary for a development of this size. While individual boat sizes will vary, the facility is designed to accommodate mooring for 45 residents of Grand Harbor at approximately 25' each. A modest twenty-foot (20') boat would occupy a 25' slip. Some boats will be longer, some may be shorter. As length of individual boats increase, the amount of remaining available space will decrease, so it is possible (and most likely) that there will be less than but a maximum of forty-five (45) vessels using this marina, limited to lot owners of the Grand Harbor subdivision. Two (2) of the floating dock sections at the end of the gangway will be reserved for pick up / drop off and no permanent mooring will be authorized. Individual boat operators using this facility will be expected to adhere to all boating laws and regulations and exhibit courtesy during use of Franklin Creek and other waterways in the State, therefore safe operating conditions on Franklin Creek and other waterways should be maintained. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum).

*2) Application issues: Stated purpose is "private", "The proposed project would provide water access for 45 residents at Grand Harbor." Design is for up to 50 25foot floating docks or 100 BOATS! Parking is for 8 cars for 100 slips! No restroom facilities, waste disposal or handicap provisions. THIS LOOKS A PLAN FOR A PUBLIC MARINA. Real-estate agents are stating that there will dock space for rent.*

**Applicant's response:** The proposed design is for up to 45 residents of Grand Harbor only; Twenty-five (25) floating dock sections twenty-five feet (25') in length with a boat on each side. Due to variations in individual boat length, it is likely that there may be less than 45 vessels. Two (2) of the floating dock sections at the end of the gangway will be reserved for pick up / drop off and no permanent mooring will be authorized. The applicant has provided for limited parking within the upland component of the project that can accommodate cars and carts, first-come first-served. Like many similarly designed community docks, it is anticipated that many users will drop off people and equipment when the lot is full and park at their residence, and subsequently walking or riding bicycles to the facility. Providing restrooms is not required, but dock users may use their personal residences or pool / clubhouse amenities not associated with the community dock. Dock rules mandate that the applicant provide suitable containers for the collection of solid waste, which will be provided within the upland component of the project and will be maintained in accordance with the community dock operation manual. While classified as a marina under Rule 391-2-3-.03 *Regulation of Marinas, Community Docks and Commercial Docks* since it will provide more than five-hundred (500') linear feet of mooring space, the dock will be reserved for the exclusive use of residents of Grand Harbor.

*3) Personal obligations: Current Creek is residential not commercial with a limited number of small PRIVATE docks. Stated use for 45 residences and a 100 boat marina is misleading to avoid application for a public marina! A small tidal Creek should not have a Marina.*

**Applicant's Response:** Applicant is not aware of any zoning designations in Chatham County that apply to a state-owned tidal waterway. As required under the CMPA, the project requires certification from the local governing agency that the project does not conflict with local zoning regulations. Chatham County certified that the proposed community dock does not conflict with current zoning ordinance via letter of June 1, 2022 that was included in the application. As stated previously, the community dock is classified as a marina under Rule 391-2-3-.03(2)(q) since it will provide more than 500 linear feet of dock space. The marina classification does not imply that it is for otherwise public use by persons other than residents of the Grand Harbor development. There is no prohibition of marinas based upon the size of the waterway, other than it must be sited on the first navigable creek that has a defined channel and adequate width and depth for its intended use. The facility has been designed to meet the requirement of the CMPA and associated rules, encroaching no more than 33% of the width of the waterway at MLW.

**John Marich (via email transmittal dated April 30, 2023)**

*...I have two concerns regarding the proposed marina development.*

- 1. The proposed development will restrict navigation of vessels in the area outlined in red below at low tides, especially if boats are moored to the floating dock. This would significantly impact the enjoyment of use of the creek to me and all property owners to the north of the development. This restriction on use could significantly lower property values as well.*

**Applicant's Response:** In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties.

- 2. The development is excessive in terms of comparison to the existing docks on Franklin Creek as well as for the size of the residential development that the proposed marina is intended to support. Existing docks on Franklin Creek are limited in square footage for both pier and dock area. While there are no multi family or community docks in existence on Franklin Creek, it has been pointed out by a neighbor that Dutch, Island, a community of 1247 residents has a community dock of only 440 linear feet. This begs the question of why a community of approximately 50 residential units requires 625 linear feet of dock.*

*It seems to me that a logical solution to these issues would be to reduce the length of the floating especially away from the area where Franklin Creek makes the tight turn from the southwest to the southeast (The area indicated in the red box). If the property limits allow, I would not object to the extension of the floating dock to the northeast to accommodate additional mooring space as long as this would not result in boats being moored in the navigable areas of the creek when at low tide.*

**Applicant's Response:** In accordance with the CMPA rules for community docks and marinas, the applicant completed a needs assessment for the size of the proposed facility. The size of the facility has been designed to accommodate water access for the residents of Grand Harbor on-site, alleviating congestion at other public launching locations, which are already at or over capacity at peak times. Existing marinas are already over-capacity, where the nearby Landings marinas have up to a ten-year waiting list. The proposed facility will be phased in accordance with CMPA policy to insure that the final size up to the permitted maximum will not be constructed until Phase I is being utilized at capacity. Based upon the approved subdivision plat, up to seven (7) individual docks could be constructed for riparian lot owners. In return for obtaining authorization for the community dock, no other docks originating from the Grand Harbor development will be constructed on Franklin Creek, and thus the total amount of potential structures in jurisdiction will be drastically reduced. While Dutch Island indeed has more residents, their +/-440' community dock is severely undersized. Based upon personal observations from past and current residents, their facility during peak times can be completely full, with boats tied-off two-deep. Based upon the usage conditions, Dutch Island certainly would be eligible for an expansion permit modification if they sought to apply.

**Walter Lewis (via email transmittal dated May 3, 2020)**

*Living on Ritter Hammock with a dock on Delegal Creek, I have a couple concerns with the Grand Harbor marina as proposed.*

*I navigate the nearby waterways and occasionally ride up Franklin Creek where I believe the proposed marina is to be located, not on Delegal Creek as stated in the public notice posted at Grand Harbor's Green Island Rd entrance. Franklin Creek is a very narrow creek. A dock extending 50' out into that narrow creek significantly reduces the width of the navigable waterway and since the proposed marina would be located in the center of a blind curve, boaters' visibility of oncoming traffic is significantly reduced from an already compromised vantage point. If I'm not mistaken, I believe there is a sandbar somewhere in the vicinity of the proposed marina, reducing the width of the waterway even further. When considering the unfortunate fatalities that occurred at Richardson Creek last year where two boats collided in or close to a blind curve, I believe reducing the navigable portion of Franklin Creek in a blind curve is dangerous and certainly is not in the best interest of public safety. Over the last several years, I have observed an increasing number of kayaks in both Delegal and Franklin creeks. Since kayaks are not as easily seen by oncoming boaters, I believe any additional boat traffic in such a narrow creek poses a significant hazard to kayakers.*

**Applicant's Response:** In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). The Georgia Boat Safety Act generally designates specific no-wake zones on certain waterbodies in the location of blind curves, bridges, marinas, hazardous areas, public access ramps/docks, and general restricted use areas. Regardless of whether or not the community dock were to be constructed, it is expected that all users of Franklin Creek would operate vessels safely at blind curves such as this.

*Secondly, I also feel the number of docks proposed seems excessive for a 45 home development.*

**Applicant's Response:** In accordance with the CMPA rules for community docks and marinas, the applicant completed a needs assessment for the size of the proposed facility. The size of the facility has been designed to accommodate water access for the residents of Grand Harbor on-site, alleviating congestion at other public launching locations, which are already at or over capacity at peak times. Existing marinas are already over-capacity, where the nearby Landings marinas have up to a ten-year waiting list. The proposed facility will be phased in accordance with CMPA policy to insure that the final size up to the permitted maximum will not be constructed until Phase I is being utilized at capacity. Based upon the approved subdivision plat, up to seven (7) individual docks could be constructed for riparian lot owners. In return for obtaining authorization for the community dock, no other docks originating from the Grand Harbor development will be constructed on Franklin Creek, and thus the total amount of potential structures in jurisdiction will be drastically reduced.

**Michael Andrechak (via email transmission dated May 8, 20203)**

*I hope that you are visiting this lovely natural area as a part of the review process. The scale of the project will cause grave damage to this magnificent creek. The proposed marina is three or four times the size of a reasonable project and, aside from the environmental damage it will cause, it will create safety issues for the motor boaters and kayakers sharing the narrow and shoaling waters. The destruction of marsh and danger of increased traffic in shoaling waters call for, at minimum, a reduction in the size of the project. A more reasonable response is to totally reject this project. This area is an example of humans living with a delicate ecosystem in a balanced manner. A project of any size will have a significant impact on this living shoreline.*

**Applicant's Response:** The scale of the proposed project is suited for the size of the development it will serve and as proposed meets navigation requirements regulated by the U.S. Army Corps of Engineers and the Shore Protection Committee. A "reasonable" size project is determined by the applicant based upon the overall project purpose and need, which in this case is to provide water access for residents of the Grand Harbor subdivision via one structure as opposed to providing access to only a limited number of lots with individual docks that would cumulatively result in a larger footprint within jurisdiction. In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties. Existing regulations governing safe operation of vessels on Georgia's waters will apply to all boaters operating in the state, including all future residents of Grand Harbor. The Georgia Boat Safety Act generally designates specific no-wake zones on certain waterbodies in the location of blind curves, bridges, marinas, hazardous areas, public access ramps/docks, and general restricted use areas. The proposed community dock will be constructed on pilings and will not destroy the marsh.

**Carol Barnard (via email transmission dated May 7, 2023)**

*I am writing to you about the application to build a 625' long dock in Franklin Creek off of Skidaway Island in Savannah, GA. I am vehemently opposed to this project.*

*1) I can't find an environmental study on the impact this will have on the marsh and creek.*

**Applicant's Response:** An environmental study is not required under the CMPA. The CMPA generally restricts projects that are not water dependent and that are considered to be contrary to the public interest such as filling of marshlands for development, construction of disposal sites, drainage structures, mining, construction of cooling, wastewater, agriculture, or aquaculture ponds, or construction of signs or enclosures. For water-dependent projects authorized by the CMPC, the Committee must consider the public interest as it relates to the following: the unreasonable obstruction or alteration of the natural flow of navigable waters; the unreasonably harmful or increased erosion, shoaling of channels, or creation of stagnant areas of water; and whether or not authorization and construction of the proposed project will unreasonably interfere with the conservation of marine life and wildlife. These public interest factors were properly evaluated in the application for this project. The proposed community dock is in character with numerous other similar facilities that have been approved by the CMPC on the Georgia coast, none of which have been found to be contrary to the aforementioned public interest review. The U.S. Army Corps of Engineers completed their evaluation under Section 10 of the Rivers and Harbors Act of 1899, which includes compliance with multiple federal regulations including but not limited to Section 7 of the Endangered Species Act, and provisionally approved the project on January 11, 2023.

*2) Many of us who live on Skidaway Island kayak or paddle board in Delegal Creek and Franklin Creek and this large of a dock will impact the serenity and visual impact of this area.*

**Applicant's Response:** The proposed facility will result in less visual impacts and a reduced footprint in jurisdiction by allowing only one dock across the entire property as opposed to multiple single-family docks for riparian lot owners.

*3) This proposal has the dock sticking out in the creek 1/3 of the width.*

**Applicant's Response:** In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum).

*4) When two boats pass on a body of water they are supposed to pass port to port, so when a power boat is coming out of the creek from the creek head it heads to the outside edge of the creek and we paddlers take the inside edge. The power boats will now have 1/3rd less room to maneuver. This is worse of course if it is a power boat passing another power boat.*

**Applicant's Response:** It would be expected that a vessel under power upon approaching kayaks or other small boats would slow down to idle speed for safety, and at least as a courtesy. Given two-thirds of the waterway would be available to safely navigate around the dock on this portion of Franklin Creek,

and that all vessels in this area would comply with existing boating laws governing idle speed operation in proximity to other vessels and rules for passing and/or overtaking other vessels.

*5) I can't find anything that tells me how many boats will be tied up to the dock. Also, will boats be on both sides of the dock or just the outside edge?*

**Applicant's Response:** The proposed design is for up to 45 residents of Grand Harbor only; Twenty-five (25) floating dock sections twenty-five feet (25') in length with a boat on each side. Due to variations in individual boat length, it is likely that there may be less than 45 vessels. Two (2) of the floating dock sections at the end of the gangway will be reserved for pick up / drop off and no permanent mooring will be authorized.

*6) Will there be a limit as to the length of boat that is allowed to tie up at the dock?*

**Applicant's Response:** The dock space will be offered on a first-come, first-served basis with no minimum or maximum length prohibitions.

*7) I would appreciate knowing if there will be any public hearings on this application. The DNR needs to take a stand against this type of extremely large development.*

**Applicant's Response:** There are no public hearings scheduled for this application. The DNR does not issue permits, but instead processes permit applications in accordance with applicable law and presents findings to the permit authority, the CMPC.

**Timothy Clemm (via email transmission of May 7, 2023)**

Mr. Clemm did not provide any comments, simply a link to the public notice

**Deborah Conway (via email transmission of May 7, 2023)**

*The large c shaped curve of this marina being built along the curve of the river has environmental implications (the proposal doesn't mention living shorelines which should be key in the approval process for new marina projects). In addition, the design would seem dangerous to boaters, especially concerning the fairly recent tragic boat accident on Wilmington Island.*

**Applicant's Response:** Living shorelines refer to an alternative method for shoreline stabilization. The subject application is not proposing any shoreline stabilization. The Georgia Boat Safety Act generally designates specific no-wake zones on certain waterbodies in the location of blind curves, bridges, marinas, hazardous areas, public access ramps/docks, and general restricted use areas. Regardless of whether or not the community dock where to be constructed, it is expected that all users of Franklin Creek would operate vessels safely at blind curves such as this.

*The entry/exit of Delegal creek to Ossabaw sound is an ever changing, difficult approaching dangerous, passage. To place the boat traffic from a planned marina in Delegal creek is a problem waiting to happen. Please consider this fact in the permitting process.*

**Applicant's Response:** The proposed facility has been properly sited on Franklin Creek after completion of a hydrographic survey of the waterway and meets CMPA and USACE requirements to maintain

navigation upstream and downstream of the facility. Navigation issues at other locations not under the control of the applicant are beyond the scope of effect for this project. CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties.

**Julie Estvander (via email transmission of May 8, 2023)**

*Please reconsider the permit application for grand harbor on green island road. The building of the marina on the curve is a serious safety concern. Living shorelines seems to have been omitted from this application and truly should be an integral part of this consideration.*

**Applicant's Response:** Living shorelines refer to an alternative method for shoreline stabilization. The subject application is not proposing any shoreline stabilization. The Georgia Boat Safety Act generally designates specific no-wake zones on certain waterbodies in the location of blind curves, bridges, marinas, hazardous areas, public access ramps/docks, and general restricted use areas. Regardless of whether or not the community dock where to be constructed, it is expected that all users of Franklin Creek would operate vessels safely at blind curves such as this.

**Laurie Etherington (via email transmission of May 7, 2023)**

*I understand there is the potential of a community marina being built by Grand Harbor Development. From what I have read it seems quite unsafe to locate a marina on a curve plus it sounds like it will be quite unsightly sticking out in Delegal Creek.*

**Applicant's Response:** The proposed facility will result in less visual impacts and a reduced footprint in jurisdiction by allowing only one dock across the entire property as opposed to multiple single-family docks for riparian lot owners. The Georgia Boat Safety Act generally designates specific no-wake zones on certain waterbodies in the location of blind curves, bridges, marinas, hazardous areas, public access ramps/docks, and general restricted use areas. Regardless of whether or not the community dock where to be constructed, it is expected that all users of Franklin Creek would operate vessels safely at blind curves such as this.

**Lynn Gensamer (via email transmission of May 7, 2023)**

*As a resident of The Landings who is concerned with safety on the water, I am encouraging the denial of the Grand Harbor Development Group, LLC permit application for a "community marina" on Franklin Creek.*

**Applicant's Response:** The Georgia Boat Safety Act generally designates specific no-wake zones on certain waterbodies in the location of blind curves, bridges, marinas, hazardous areas, public access ramps/docks, and general restricted use areas. Regardless of whether or not the community dock where to be constructed, it is expected that all users of Franklin Creek would operate vessels safely at blind curves such as this.

**Jim Graham (via email transmission of May 8, 2023)**

*I reviewed the proposed plan for the "Grand Harbor Development Group, LLC Construction of a Community Marina Delegal Creek, Chatham, Georgia". I urge DNR to deny this proposal. There is*



*considerable boat traffic in that area and that part of the river is very narrow. I fear tragic boating accidents if this project was approved to proceed.*

**Applicant's Response:** In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum).

The Georgia Boat Safety Act generally designates specific no-wake zones on certain waterbodies in the location of blind curves, bridges, marinas, hazardous areas, public access ramps/docks, and general restricted use areas. Regardless of whether or not the community dock where to be constructed, it is expected that all users of Franklin Creek would operate vessels safely at blind curves such as this.

**Janet Heath (via email transmission of May 9, 2023)**

*Hi Dillon, my name is Janet Heath, 218 Green Island Rd, just a few hundred yards from the new development Grand Harbor. I have seen the marina plans, and I'm very much opposed and extremely concerned about the size of it. I have absolutely no objection to folks utilizing the waterways and building docks responsibly! However, an enormous floating dock extending around that bend will alter the water flow and potentially make it a dangerous corner. The flow of water into and out of Franklin Creek would be significantly impacted by a large obstacle 1/3 of the way into that channel. Additionally, let's also remember Franklin Creek is a popular kayak and small watercraft area as well! There's only one narrow way in, and one narrow way out! My husband and I have taken our boat at low tide to the proposed site several times over the last week or so, and there seems to be no way that the dock size will be reasonable in that narrow switchback. I have no problem with a smaller marina, but to build one so comparatively large (taking into account the lesser number of homes) is irresponsible, in my opinion. It would make more sense to limit the number of slips to 15-20, after reviewing statistics for neighboring community marina occupancy rates.*

**Applicant's Response:** In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum).

The Georgia Boat Safety Act generally designates specific no-wake zones on certain waterbodies in the location of blind curves, bridges, marinas, hazardous areas, public access ramps/docks, and general restricted use areas. Regardless of whether or not the community dock where to be constructed, it is expected that all users of Franklin Creek would operate vessels safely at blind curves such as this. The proposed facility construction will be phased, with approximately one-half of the structure to be constructed upon approval, and the remaining portion of the facility being constructed only after providing documentation that the first phase is being utilized to capacity. It is our understanding that waiting times for a marina slip at nearby private locations is currently up to ten years, which supports the need for community-based docks to meet the current demand.

**Sue Jones (via email transmission of May 8, 2023)**

*After looking at plans for the Marina proposed on Franklin Creek, not Delegal River as listed, I am Concerned that the scope of this project is much too big for the area and Franklin Creek. The permit was not checked for disturbing wetlands and I do not understand how a dock with access from The high ground could be built to the creek without disturbing the wetland. We use this waterway for canoeing and kayaking and the sight line would be diminished with the size of this proposed project.*

**Applicant's Response:** The application correctly identified the proposed community dock location as Franklin Creek. In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). No discharge of dredged or fill material has been proposed or will occur associated with the dock. The USACE approved the facility on January 11, 2023 under Section 10 of the Rivers and Harbors Act of 1899, with no authorization for discharge of dredged or fill material. The proposed facility will result in less visual impacts and a reduced footprint in jurisdiction by allowing only one dock across the entire property as opposed to multiple single-family docks for riparian lot owners.

**Dan Mahowald (via email transmission of May 7, 2023)**

*My name is Dan Mahowald and I live 3 lots away upstream of the proposed marina. My wife and I go by that corner every time we take our boat out. I have no objection whatsoever on people utilizing the waterways and building docks in a responsible fashion. Having that large of a floating dock extending around that curve will alter the water flow and, from experience, make it a dangerous corner. This doesn't even take into account the MULTIPLE kayakers that use Franklin Creek every day as well.*

*My wife and I took our boat out this weekend and went past where this marina and the docks are supposed to go near low tide. There is no way that the proposed size of that is even close to being reasonable in that narrow of a switchback corner. Our neighbors have lived here for over 25 years and they are perplexed on how such a large floating dock would even pass the reasonableness test. I would have absolutely no problem with a smaller marina but to make it so large compared to, for instance, Dutch Islands in relation to the number of homes seems irresponsible.*

*Again, I always side with the landowner and their rights but this is just too much in my opinion. It would make a lot more sense to limit it to say 15 or so and call it a day. There are no developments I can think of this large that have the capacity for everyone to have a dock slip. Also, the flow of water into and out of Franklin Creek would for sure get impacted by that large of an obstacle 1/3 of the way into the channel.*

**Applicant's Response:** In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-

thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum).

The Georgia Boat Safety Act generally designates specific no-wake zones on certain waterbodies in the location of blind curves, bridges, marinas, hazardous areas, public access ramps/docks, and general restricted use areas. Regardless of whether or not the community dock where to be constructed, it is expected that all users of Franklin Creek would operate vessels safely at blind curves such as this. The proposed facility construction will be phased, with approximately one-half of the structure to be constructed upon approval, and the remaining portion of the facility being constructed only after providing documentation that the first phase is being utilized to capacity. It is our understanding that waiting times for a marina slip at nearby private locations is currently up to ten years, which supports the need for community-based docks to meet the current demand.

**Ken Mangelsdorf (via email transmission of May 1, 2023)**

*I live at 226 Green Island Road and also have a lot next door, Brown Properties, 230 Green Island Road which is adjacent to the Grand Harbor development. I see the proposed Marina development is referred to as located on Delegal Creek. It is my understanding that my property and the Grand Harbor marina is on Franklin Creek? My concern is the size of this proposed Marina located in this small creek on a narrow curve. It appears the developer is trying to accommodate in-water boat slips for each homeowner which would be around 45 based on the home site plan. There is already a lot of boat and Kayaking traffic coming from Delegal Marina due to the residents, boat club, kayak and paddle board rentals located in that marina. Adding a marina in order to be able to accommodate an additional 45 boat owners in this size of a water way is not right. The responsible thing would be to accommodate the waterfront property owners, not the entire development. This amount of boat traffic is setting up nothing but problems. I have enjoyed living quietly on this creek being able to enjoy my surroundings safely. My family enjoys being able to swim and kayak or put out floats off the dock safely. I do not feel there will be sufficient safe passing area between boats or kayakers with that amount of floating dock and boats on a tight curve. I do not object to waterfront property owners in this single family development being able to have a dock, single or dual dock as with all the other properties located on Franklin Creek. There is only one dock or less per track of property down Green Island Road located on Franklin Creek. Grand Harbor development consists of four tracks of land. I would not have any problems with having a dock per track of property or a dock for the waterfront lots to have dockage. Looking at the amount of floating dock between phase one and phase two of this development is way in excess of what I feel should be allowed in this small of a creek for the safety of all boaters. Additionally consider the environmental pollutants impact, in this small creek with that amount of boats. I have lived on this creek for 22 years and have seen significant change in that area of the creek. There has been a build up of silt and sand bars going both north and south in the creek. With that amount of in-water floating dock it would seem, it will slow down the water and create additional silting. I would request the DNR to make a thorough in the water low tide evaluation of the site. Keeping in mind spring low negative tides also, with a long term forecast. In the absence of water the boaters slips on the marsh side of the dock would be forced to tie up on the outside, creek side of the docks thus possibly having to double up to other boats tied up impeding the creek even more. My own floating dock at low tide now has minimal water, negative tides, no water on the marsh side.*

**Applicant's Response:** The application correctly identified the proposed community dock location as Franklin Creek. In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). The proposed facility will result in less visual impacts and a reduced footprint in jurisdiction by allowing only one dock across the entire property as opposed to multiple single-family docks for riparian lot owners. In accordance with the CMPA rules for community docks and marinas, the applicant completed a needs assessment for the size of the proposed facility. The size of the facility has been designed to accommodate water access for the residents of Grand Harbor on-site, alleviating congestion at other public launching locations, which are already at or over capacity at peak times. Existing marinas are already over-capacity, where the nearby Landings marinas have up to a ten-year waiting list. The proposed facility will be phased in accordance with CMPA policy to insure that the final size up to the permitted maximum will not be constructed until Phase I is being utilized at capacity. Based upon the approved subdivision plat, up to seven (7) individual docks could be constructed for riparian lot owners. In return for obtaining authorization for the community dock, no other docks originating from the Grand Harbor development will be constructed on Franklin Creek, and thus the total amount of potential structures in jurisdiction will be drastically reduced. CMPA Standard Conditions for Tier III community docks and marinas require that the authorized facility not cause or create measurable adverse water quality impacts, and that if the Department determines that adverse water quality impacts occur, that the permittee must provide water, substrate and/or tissue samples for testing for metals, petroleum hydrocarbons, or other contaminants. The Department may then employ measures to rectify the adverse effect and reduce water quality impacts. The CMPC has the authority to condition a permit to prohibit double-mooring of vessels in waterways were it deems appropriate.

**Mike McGough (via email transmission dated May 11, 2023)**

*I am writing to express my concern over the proposed grand harbor marina project. I live on Skidaway Island near the Delegal Creek marina. I have reviewed the drawings of the proposed grand harbor project and believe that the area proposed for this marina is not sufficiently large to accommodate such a structure. I believe that this proposed structure would create a navigational hazard, and potentially disrupt the Marine life in the area. I probably will not be able to attend the public meetings, so wanted to write to express my opposition to this project, and my strong concerns that it is not in the best interest of the community or of the ecosystem of our beloved area .*

**Applicant's Response:** In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation. CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties.

**Capt. Bob Morrissey (via email transmission of May 8, 2023)**

*I am 100% FOR this marina to be built as the existing marinas on Skidaway Island are closed to all non residents of the Landings Subdivision. Not only do they not let the public in, but they are completely filled to capacity and have extremely long waiting list for applicants. This is long overdue.*

**Applicant's Response:** In accordance with the CMPA rules for community docks and marinas, the applicant completed a needs assessment for the size of the proposed facility. The size of the facility has been designed to accommodate water access for the residents of Grand Harbor on-site, alleviating congestion at other public launching locations, which are already at or over capacity at peak times. Existing marinas are already over-capacity, where the nearby Landings marinas have up to a ten-year waiting list. The applicant concurs with Capt. Morrissey's statement.

**[myandsasfrank@aol.com](mailto:myandsasfrank@aol.com) (via email transmission of May 7, 2023)**

*Please delay the decision until additional information and more studies can be done. Once the flow of the Creek is altered it can never be returned to its original state.*

**Applicant's Response:** The proposed dock is pile-supported and will sustain tidal flow around and under the structure.

**Bruce Nesbitt (via email transmission of May 8, 2023)**

*I would like to express my concerns over the proposed Grand Harbor Development Group, LLC for a Coastal Marshlands Protection Act (CMPA) permit under Official Code of Georgia (O.C.G.A.) 12-5-280 et seq., to construct a community marina facility located on Delegal Creek, Chatham County, Georgia. Not sure how this is going to work in this environment with marsh shoals that don't stop shifting just because we build on them. Additionally, the permit application doesn't mention living shorelines with regard to protecting that eco system, which should be key considerations in any new construction project in our marshes.*

**Applicant's Response:** The proposed dock is located on Franklin Creek. In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation. CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties. Living shorelines refer to an alternative method for shoreline stabilization. The subject application is not proposing any shoreline stabilization.

**Tara Packer (via email transmission of May 7, 2023)**

*I live on Franklin Creek, Skidaway Island, Chatham County and am deeply concerned about the impact of the proposed development of a marina by Grand Harbor Development Group, LLC. I*

*cannot find any reference to an environment impact study. With just over the 6 years I have lived on the creek, the water flow has changed dramatically for reasons I can only explain come from the development around the area. I also kayak on Franklin Creek from Delegal and find traveling on the creek even in a kayak can be challenging. How does one expect boats to easily and safely maneuver through the creek on low tide? Will dredging be in our future with this development? I hope not! What impact will there be on the marsh and fish in the creek? And although there will be no fueling station as part of the initial proposed marina, what happens when a boat leaks fuel?*

**Applicant's Response:** An environmental study is not required under the CMPA. The CMPA generally restricts projects that are not water dependent and that are considered to be contrary to the public interest such as filling of marshlands for development, construction of disposal sites, drainage structures, mining, construction of cooling, wastewater, agriculture, or aquaculture ponds, or construction of signs or enclosures. For water-dependent projects authorized by the CMPC, the Committee must consider the public interest as it relates to the following: the unreasonable obstruction or alteration of the natural flow of navigable waters; the unreasonably harmful or increased erosion, shoaling of channels, or creation of stagnant areas of water; and whether or not authorization and construction of the proposed project will unreasonably interfere with the conservation of marine life and wildlife. These public interest factors were properly evaluated in the application for this project. The proposed community dock is in character with numerous other similar facilities that have been approved by the CMPC on the Georgia coast, none of which have been found to be contrary to the aforementioned public interest review. The U.S. Army Corps of Engineers completed their evaluation under Section 10 of the Rivers and Harbors Act of 1899, which includes compliance with multiple federal regulations including but not limited to Section 7 of the Endangered Species Act, and provisionally approved the project on January 11, 2023. The applicant is not aware of any development in coastal marshlands that could have resulted in a dramatic change in water flow. The proposed project is pile-supported and will maintain tidal flows around and under the pilings.

The proposed dock is located on Franklin Creek. In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation. CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties. No dredging is proposed for the construction or operation of the proposed community dock. The proposed dock is in character with similar structures approved by the CMPC and USACE and will not adversely effect marine life or wildlife. Once authorized and constructed, the community dock will be required to develop dock rules which will include procedures to both prevent and mitigate fuel spills.

**Robert Romanelli (via email transmission of May 10, 2023)**

*My name is Robert Romanelli and I am a long time resident living at 170 Green Island Road with property, including a dock, adjoining Franklin Creek. My property is approximately 1500 feet from the Grand Harbor Development. For over 16 years I've watched Franklin Creek grow into one of the most pristine tidal creeks surrounded by untouched marsh. In all these years, I haven't seen more than 30 boats pass by my dock! Other than occasional kayaks, the creek is*

*basically untouched by humans. The waters of Franklin Creek are visited almost daily with porpoises, sea otters, and in the summer, manatees, often with calves. The width of this creek is quite narrow and at low tide often less than 6 feet near my property. My dock houses a boat lift and proof of the ever changing water depth is the fact that I can now only launch my boat during high tide as the shoreline mud is slowly encroaching into the creek. If there were power boats and manatees in the water at the same time, the manatees would be in imminent danger of being hit! There is not enough depth nor width to avoid hitting them. The creek and surrounding marsh are loaded with oysters which have been flourishing and expanding throughout the marsh. Redfish fry, shrimp, crabs, and many other species of small fish begin their lives in Franklin Creek and thrive in the surrounding marsh. It's hard to imagine the DNR allowing a marina along this creek loaded with boats, people and the inevitable pollution and damage that follows. Allowing Grand Harbor a permit to build such a large marina for 45 residences is unreasonable. Franklin Creek has only 6 residential docks in its entirety, running over 2 miles. This is a creek, not a river or coastal area. The impact would be an environmental disaster. The fact that the proposed marina is to be built along a sharp curve jutting into the deep part of the creek presents another real danger. There is not a lot of deep water past where the docks are supposed to be built. Two way boat traffic would be extremely hazardous to boaters, kayaks and sea animals, especially manatees. At lower tides there is a possibility of boat collisions or running aground. Alarming to me, is that Grand Harbor is touting in their advertisements they are going to "offer/rent" boat slips to nonresidents? Is this development proposing a "commercial" marina, or is this a "private" dock? It appears there has to be an obvious impact to the environment with such a large marina jutting into Franklin Creek. It's hard to ascertain, but it appears this permit proposal allows for a minimum of 50 / 25' slips. Bottom line: Franklin Creek is a small tidal creek, pristine in every way to buffer and protect the surrounding marsh and wildlife and should not allow a marina to be built on it. We oppose this proposal. We oppose a marina being built period.*

**Applicant's Response:** In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation. CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties. The latest Google Earth aerial photograph shows seven (7) docks upstream of the proposed facility. Most appear to extend into the waterway at a similar percentage of the proposed community dock. The dock located at the most upstream location is located in a sharp curve of Franklin Creek similarly situated to what is proposed for the proposed community dock. As reviewed and approved by the USACE in accordance with Section 7 of the Endangered Species Act, the dock will be constructed and operated in accordance with federal Standard Manatee Conditions to minimize potential conflicts with the species. CMPA rules require docks located in Manatee travel corridors or in waterways where Manatees may be found to implement protective measures to minimize interaction with the species. For water-dependent projects authorized by the CMPC, the Committee must consider the public interest as it relates to the following: the unreasonable obstruction or alteration of the natural flow of navigable waters; the unreasonably harmful or increased erosion, shoaling of channels, or creation of stagnant areas of water; and whether or not authorization and construction of the proposed project will unreasonably interfere with the conservation of marine

life and wildlife. These public interest factors were properly evaluated in the application for this project. The proposed community dock is in character with numerous other similar facilities that have been approved by the CMPC on the Georgia coast, none of which have been found to be contrary to the aforementioned public interest review. The proposed dock will occupy much less area within jurisdiction as opposed to allowing riparian lot owners of Grand Harbor to seek and construct multiple individual docks. The riparian lots on Grand Harbor will be deed restricted to prohibit any structures within jurisdiction and will limit the entire tract to one community dock. The dock will be limited to use by only owners of lots within the Grand Harbor development.

**Dave Shatto (via email transmission of May 7, 2023)**

*Writing to a press my concern about this proposal. The proposed location won't work for a number of reasons. It's on a bend in the creek which is very narrow. The impact on the marsh would be significant, I, along with most in this island, don't believe we need another marina here.*

**Applicant's Response:** In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation. CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties. The applicant completed a needs assessment for the size of the proposed facility. The size of the facility has been designed to accommodate water access for the residents of Grand Harbor on-site, alleviating congestion at other public launching locations, which are already at or over capacity at peak times. Existing marinas are already over-capacity, where the nearby Landings marinas have up to a ten-year waiting list. The proposed facility will be phased in accordance with CMPA policy to insure that the final size up to the permitted maximum will not be constructed until Phase I is being utilized at capacity.

**David A. Sikkema (via email transmission of May 10, 2023)**

*As a resident of Skidaway Island I wanted to convey my strong opposition to the issuance of the permit by DNR for this proposed facility. It is my understanding that manatees frequently are found in this waterway and that no Environmental Impact Statement was completed by the Corps of Engineers of the potential impacts of this facility on this endangered manatee. Furthermore, the location of this proposed facility within the bend of the creek presents both stream integrity as well as navigational problems. I would also strongly advise that you request the Corps of Engineers withdrawal their permit and complete the needed environmental impact study needed to properly assess the impacts and benefits of this project.*

**Applicant's Response:** An environmental study is not required under the CMPA. The CMPA generally restricts projects that are not water dependent and that are considered to be contrary to the public interest such as filling of marshlands for development, construction of disposal sites, drainage structures, mining, construction of cooling, wastewater, agriculture, or aquaculture ponds, or construction of signs or enclosures. For water-dependent projects authorized by the CMPC, the



Committee must consider the public interest as it relates to the following: the unreasonable obstruction or alteration of the natural flow of navigable waters; the unreasonably harmful or increased erosion, shoaling of channels, or creation of stagnant areas of water; and whether or not authorization and construction of the proposed project will unreasonably interfere with the conservation of marine life and wildlife. These public interest factors were properly evaluated in the application for this project. The proposed community dock is in character with numerous other similar facilities that have been approved by the CMPC on the Georgia coast, none of which have been found to be contrary to the aforementioned public interest review. The U.S. Army Corps of Engineers completed their evaluation under Section 10 of the Rivers and Harbors Act of 1899, which includes compliance with multiple federal regulations including but not limited to Section 7 of the Endangered Species Act, and provisionally approved the project on January 11, 2023. The U.S. Army Corps of Engineers completed their evaluation under Section 10 of the Rivers and Harbors Act of 1899, which includes compliance with multiple federal regulations including but not limited to Section 7 of the Endangered Species Act, and provisionally approved the project on January 11, 2023. The USACE authorization includes special conditions that the construction and operation of the facility must comply with federal Standard Manatee conditions to minimize risk to the species. CMPA rules require docks located in Manatee travel corridors or in waterways where Manatees may be found to implement protective measures to minimize interaction with the species. In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties. The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation.

**Lawrence Wills (via email transmission of May 6, 2023)**

*The proposal for a marina at Grand Harbor is misleading and we are opposed to it being constructed. The proposal for up to 100 boat slips to serve 45 residents makes no sense. This is a proposal for ultimately a public marina and real estate representatives are talking about it as such. Further, this is a creek, not a river and, it is too narrow to allow for the proposed docks. I have owned 3 power boats and I have been a Power Squadron instructor. I do know about boating and marinas. Where is there parking to support a public marina? What about bath rooms and laundry facilities normally found in such developments? Waste disposal is a problem with marinas as are oil and fuel contamination and noise. Finally, marinas typically have lights. Our home is across the marsh from the proposed facility and the lights will be a major problem for us.*

**Applicant's Response:** The proposed facility is not designed to accommodate 100 boat slips. The proposed design is for up to 45 residents of Grand Harbor only; Twenty-five (25) floating dock sections twenty-five feet (25') in length with a boat on each side. Due to variations in individual boat length, it is likely that there may be less than 45 vessels. Two (2) of the floating dock sections at the end of the gangway will be reserved for pick up / drop off and no permanent mooring will be authorized. In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to

identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation. CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties. The proposed dock is for residents of Grand Harbor only and is not a public marina. There will be limited parking within the upland component of the project and most users may have to park at their homes. As this facility is limited to use by lot owners of Grand Harbor only, no laundry or bathroom facilities are necessary. CMPA rules governing community docks and marinas require that the permittee provide trash cans, dumpsters, or other suitable containers for the collection of solid waste. Once authorized and constructed, the community dock will be required to develop dock rules which will include procedures to both prevent and mitigate fuel spills. The USACE authorization requires that the permittee install and maintain lights and signals prescribed by the United States Coast Guard. Lighting will be oriented and/or shielded to minimize effects on surrounding properties.

**Richard Wolfert (via email transmission of May 7, 2023)**

*I am a retired science teacher, and an active environmentalist. I have reviewed the summary of plans for this development and believe it to be an ill-conceived idea. Others have pointed out issues of building in Franklin Creek, and building on the curve of the waterway. Those are valid and important concerns. But there will also be a very large negative environmental impact by such a development. Please choose somewhere else where people can have the benefits of such a Marina without creating devastation to a pristine environment.*

**Applicant's Response:** In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation. CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties. The applicant completed a needs assessment for the size of the proposed facility. The size of the facility has been designed to accommodate water access for the residents of Grand Harbor on-site, alleviating congestion at other public launching locations, which are already at or over capacity at peak times. Existing marinas are already over-capacity, where the nearby Landings marinas have up to a ten-year waiting list. The proposed facility will be phased in accordance with CMPA policy to insure that the final size up to the permitted maximum will not be constructed until Phase I is being utilized at capacity. An environmental study is not required under the CMPA. The CMPA generally restricts projects that are not water dependent and that are considered to be contrary to the public interest such as filling of marshlands for development, construction of disposal sites, drainage structures, mining, construction of cooling, wastewater, agriculture, or aquaculture ponds, or construction of signs or enclosures. For water-dependent projects authorized by the CMPC, the Committee must consider the public interest as it relates to the following: the unreasonable obstruction or alteration of the natural flow of navigable waters; the unreasonably harmful or increased erosion, shoaling of channels, or creation of stagnant areas of water; and whether or not authorization and construction of the proposed project will unreasonably interfere with the conservation of marine life and wildlife. These public interest factors were properly evaluated in the application for this project.

The proposed community dock is in character with numerous other similar facilities that have been approved by the CMPC on the Georgia coast, none of which have been found to be contrary to the aforementioned public interest review. The U.S. Army Corps of Engineers completed their evaluation under Section 10 of the Rivers and Harbors Act of 1899, which includes compliance with multiple federal regulations including but not limited to Section 7 of the Endangered Species Act, and provisionally approved the project on January 11, 2023. While Mr. Wolfert has implied that there will be a very large negative environmental impact, he has not provided any specific concerns related to this assertion.

**Diane Thompson (via email transmission dated May 11, 2023)**

*I am writing to request your office deny the permit application for the proposed marina on Skidaway Island. Docks and piers have proven to be detrimental to marshlands and this would be no exception. The Georgia coast is one of the most important estuaries in the country and your office should be protecting it against unwarranted development.*

**Applicant's Response:** The applicant is not aware of any studies that have proven docks and piers to be detrimental to marshlands. The CMPA generally restricts projects that are not water dependent and that are considered to be contrary to the public interest such as filling of marshlands for development, construction of disposal sites, drainage structures, mining, construction of cooling, wastewater, agriculture, or aquaculture ponds, or construction of signs or enclosures. For water-dependent projects authorized by the CMPC, the Committee must consider the public interest as it relates to the following: the unreasonable obstruction or alteration of the natural flow of navigable waters; the unreasonably harmful or increased erosion, shoaling of channels, or creation of stagnant areas of water; and whether or not authorization and construction of the proposed project will unreasonably interfere with the conservation of marine life and wildlife. These public interest factors were properly evaluated in the application for this project. The proposed community dock is in character with numerous other similar facilities that have been approved by the CMPC on the Georgia coast, none of which have been found to be contrary to the aforementioned public interest review.

**Jack Eleftheriou (via email transmission dated May 10, 2023)**

*My wife and I moved to Skidaway Island in October of 2020 to escape the pandemic from up north. Our house is located at The Landings near Delegal Creek with panoramic view of the marshland. I must say this move has been one of the wisest decisions my wife and I have made. Living in this wonderful community for three years and surrounded by all the natural beauty, we've learned that most of us are like minded folk that want to protect what we are blessed with. It is our duty, every one of us to be the custodians and protectors of this magical but fragile Eden we live in.*

**Applicant's Response:** Mr. Eleftheriou has not provided any specific concerns regarding the proposed project. If interpreted as a general concern, please refer to all of the responses previously provided.

**Norman Jacobs (via email transmission dated May 11, 2023)**

*I am writing to express concern about the proposed marina on Franklin Creek. Both the safety of the manatee population that uses this waterway and safe navigation on Delegal Creek would be adversely affected by this proposed marina. Please evaluate this project with these specific concerns in mind.*

**Applicant's Response:** The U.S. Army Corps of Engineers completed their evaluation under Section 10 of the Rivers and Harbors Act of 1899, which includes compliance with multiple federal regulations including but not limited to Section 7 of the Endangered Species Act, and provisionally approved the project on January 11, 2023. The USACE authorization includes special conditions that the construction and operation of the facility must comply with federal Standard Manatee conditions to minimize risk to the species. CMPA rules require docks located in Manatee travel corridors or in waterways where Manatees may be found to implement protective measures to minimize interaction with the species. In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties. The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation.

**John Duren (via email transmission dated May 10, 2023)**

*I wish to call attention to two issues associated with this project that need thoughtful consideration as it is being evaluated. One is environmental impact. Manatees frequent the creek during summer months. Kayakers use the creek but there is little power boat traffic in the creek at present. The impact of more boat traffic on the manatees and their safety should be evaluated. I could not tell from the information on the DNR website if an environmental impact analysis has been done for the project. I understand the Corps of Engineers has signed off on navigation issues but in my opinion, there are concerns. As the project is described, the floating dock will be located along the deep water channel of the creek. With boats secured alongside the dock, there may be insufficient water depth for safe passage for other vessels, perhaps even resident vessels attempting to reach the upstream portion of the dock. I personally support public access to marine resources so am not generally opposed to marina development. If the reviewers of this project have concerns about the advisability of approving the project as described, there is perhaps an option that could satisfy boater needs with less impact. There is another marina on Delegal Creek, a short distance from Grand Harbor that is situated on a much larger body of water. If the Grand Harbor developer could work with the owner of the Delegal Creek marina to expand and satisfy Grand Harbor boating needs, it could perhaps satisfy boater access with much less environmental or other adverse impact. I have not spoken with anyone about this option, but it seems worthy of consideration.*

**Applicant's Response:** The U.S. Army Corps of Engineers completed their evaluation under Section 10 of the Rivers and Harbors Act of 1899, which includes compliance with multiple federal regulations including but not limited to Section 7 of the Endangered Species Act, and provisionally approved the project on January 11, 2023. The USACE authorization includes special conditions that the construction and operation of the facility must comply with federal Standard Manatee conditions to minimize risk to the species. CMPA rules require docks located in Manatee travel corridors or in waterways where Manatees may be found to implement protective measures to minimize interaction with the species. In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway

for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties. The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation. With a waiting period of up to ten years for a slip at the Landings' marinas, expansion of the existing facilities would seem to have already occurred or at least have been contemplated to satisfy that demand.

**Melissa O'Brien (via email transmission dated May 11, 2023)**

*As a frequent kayaker of these waters, I feel it would be irresponsible to locate additional boating in these areas. I have encountered feral pigs, dolphins, bonnet head sharks, assortment of birds in or around these waters. To add more motorized boats in such a narrow space: coupled with our tides swings, puts all the lives in danger.*

**Applicants Response:** Feral hogs are a nuisance non-native species and extremely destructive to native habitat and prefer terrestrial habitat. The proposed dock is located in tidal waters. The project has been evaluated in accordance with the public interest factors as required under the CMPA, which requires that the project not unreasonably interfere with the conservation of marine life and wildlife. In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation. CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties.

**Tony Martin (via email transmission dated May 12, 2023)**

*I'm going to piggy back off Mr. McCoy's comments below as I completely agree with him and couldn't have said it any better than he did. To summarize, I oppose the proposed dock permit for the Grand Harbor Subdivision and request that this email be considered by The Coastal Marshlands Protection Committee as part of the record. I also reside on the south end of Skidaway island and maintain a boat at Delegal Creek Marina. My wife and I have 2 boys (ages 11 and 8), so we spend a lot of time in Delegal Creek and Franklin Creek boating, fishing and kayaking. Mat is correct in all three of these points listed below. Additionally, I'd like to emphasize point #1. There are a lot of families and kids that gravitate to these creeks due to the proximity to Delegal Creek marina adding to the danger of significantly increasing the boat traffic in an area where the ability to navigate is already restricted.*

**Applicant's Response:** Mr. Martin's observations on the number of families and children using Franklin Creek seems to be contrary to Mr. Romanelli's observations of only 30 boats in over sixteen years. In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway

for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation. CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties.

**Mathew McCoy (via email transmission dated May 11, 2023)**

*Mr. Richter – I reside on south end of Skidaway Island, I keep a boat at Delegal Creek Marina, and I spend a lot of my free time boating, paddleboarding, and fishing in Delegal Creek, its tributaries (including Franklin Creek) and the adjacent marshlands. Please allow this email to serve as my formal opposition to the above-referenced application for a dock permit. I respectfully request that this email be considered by The Coastal Marshlands Protection Committee as part of the record. In particular, I oppose Phase II of proposed permit on the basis that the proposed dock plan is not in the public interest. Below are my comments addressing the four factors to be considered by The Coast Marshlands Protection Committee in determining whether the application is in the best interest of the public. It is the applicant's burden and responsibility to demonstrate or prove that the proposed project serves the public interest. I submit that the proposed application, in particular, Phase II of the proposed application does not serve the public interest, the applicant has not satisfied its burden, and the permit should be denied.*

*Factors to be considered by the committee in determining whether the application is in the public interest:*

***1. Whether or not 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 plan, in particular, the scale of the proposed plan will undeniably obstruct the natural flow of navigational water in Franklin Creek. Franklin Creek is a narrow creek and, at low tide, it is very difficult to navigate. In the areas of Franklin Creek where docks currently exist (very few docks), it is very difficult to pass another oncoming boat and very few of those dock owners moor boats in the creek. The proposed plan with over 1000' of mooring space in Franklin Creek at a narrow bend in the creek will create a severe challenge, if not, total obstruction to navigation at low tide. The addition of twelve (12) 10.5' x 25' sections of floating dock extending South during Phase II will only compound the problem. Boats attempting to dock and moor on the outside of the proposed dock will undeniably obstruct and severely interfere with navigation.*

**Applicant's Response:** In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation. CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties.

**2. Whether or not unreasonably harmful or increased erosion, shoaling of channels, or stagnant areas of water will be created;** *The eastern bank of Delegal Creek south of the mouth of Franklin Creek is severely eroded and, each year, more and more sediment is created as the bank erodes. The erosion is very evident and observable at mid tide and lower. Look for the dead cypress trees on the eastern bank of Delegal Creek between the mouth of Franklin Creek and the Delegal Creek Marina. This increased erosion accumulates at the mouth of Delegal Creek which has always been narrow and difficult to navigate. The increased boat traffic from the proposed dock will undeniably cause additional erosion in Delegal Creek leading to accumulation of sediment at the mouth of Delegal Creek.*

**Applicant's Response:** Erosion and accretion in the estuarine area of Georgia is a natural process. Being a saltwater estuarine habitat, the presence of cypress trees along the bank of Delegal creek between Franklin Creek and Delegal Creek Marina seems unlikely. Delegal Creek and Franklin Creek are public navigable waters, and as such, are subject to varying levels of use by vessels. Some commenters have stated that there is frequent use of these waterways, while others have stated that very few boats have been present in over sixteen years. Public interest in owning watercraft has steadily increased and the demand for water-access facilities is underserved. Growth in the use and enjoyment of public navigable waters will continue to increase and therefore it can be expected that increased boat traffic in all waterways of the state may have a negligible effect on erosion of shorelines. Intermittent boat traffic can be expected to have less of an effect on erosion than the natural daily tidal flows that naturally occur with definitive frequency. However, the CMPA requires an applicant to assess whether or not a proposed project may *unreasonably* increase erosion, shoaling of channels, or create stagnant areas of water. For a dock located in proximity to an existing marina, multiple private docks, and waterways easily accessible to public navigation, the minimal effect of the proposed project with up to 45 vessels would not be classified as unreasonable.

**3. Whether or not the granting of a permit and completion of the applicant's proposal will unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, clams, or other marine life, wildlife or other resources, including but not limited to water and oxygen supply.**

*The granting of the permit and completion of the proposed construction will undeniably interfere with the conservation of marine life, in particular, redfish, trout, deer, and rails, a/k/a marsh hens. Franklin Creek marsh or the area lying east of Franklin Creek between Franklin Creek and western shore or high ground of Skidaway Island is a very unique salt water / brackish flat. Marsh hens and deer nest and bed in the marsh. Trout and redfish migrate in and out of Franklin Creek on the tide to feed on fiddler crabs and shrimp. Franklin Creek is the primary feeder creek for the entire Franklin Creek marsh ecosystem. Permitting a dock of this size and scale in the primary feeder creek to this important and fragile ecosystem will have an undeniable adverse impact on marine life.*

**Applicant's Response:** The habitat in the vicinity of the proposed project would not be considered unique as the Georgia coast contains over one-half million acres of marshland, which ranks second in size for the United States. The applicant is unaware of the source of any significant freshwater source that would influence the estuary to be classified as brackish, especially considering its location only a short distance from the open Atlantic Ocean waters. Marsh hens are highly mobile and not affected by stationary dock structures as evident of their apparent presence in the area in spite of seven existing private docks and a marina. While deer may bed from time to time in the upland/marsh edge, it is unlikely that they would bed and therefore be disturbed by a community dock located over 200' from

the shoreline. There is no evidence that pile-supported docks prevent migration of gamefish or other marine life.

**Julian Lewis (via email transmission dated May 10, 2023)**

*My family of 5 resides on the south end of Skidaway Island on Ritter Hammock. Our property is at the end of Green Island Rd. and adjacent to the Grand Harbor development with a dock on Delegal Creek. My wife and I have concerns with the Grand Harbor marina as proposed. If you would allow, I'd like to note that the public posted notice at the entrance of the development references the marina is scheduled to be built on Delegal Creek. We believe this public notice to be in error as the Grand Harbor project has frontage on Franklin Creek, and that creek empties into Delegal Creek. Assuming the notice is incorrect, that may in itself be grounds for refusal of the permit. Regardless, I would like to share a few concerns that a marina with multiple 325' ft floating docks would pose to the passage in Franklin Creek. Given the severity of tides in the last few years, Franklin Creek at the bend in the river where this marina is proposed gets quite low. Much lower than what is proposed in the public notice. A dock extending 50' out into that narrow creek significantly reduces the width of the navigable waterway and since the proposed marina would be located in the center of a blind curve, boaters' visibility of oncoming traffic is significantly reduced from an already compromised vantage point. Per the diagram below, I believe two vessels that are headed opposite directions, who meet at the apex of the corner in the creek, presumably at a low tide would be able to navigate past one another without endangering the people or boats that are tied up at the marina, swimming around the boats and docks and for the passengers of the vessels on the water. In my opinion, less than 100' is not enough room to safely navigate that turn for multiple vessels. Additionally, boats parked on the marsh side of any floating dock would be in the mud at low tide, and as a result will end up double tied to other boats on the creek side of this floating dock. Given the sandbar that exists in this section of the creek, I believe the dock would present an unnavigable channel on a mid to low outgoing tide or low to mid incoming tide. My second concern is safety for smaller vessels. My three children kayak in Franklin Creek regularly and given the already narrow section of creek plus the blind curve, the proposed marina seems out of alignment with public safety. Lastly, from a quantitative standpoint, I believe the number of docks proposed is excessive for a 45 home development. As a prior resident of Dutch Island, a development on the Herb river where they have 480 houses and ~400' of dock space. I would encourage the Coastal Marshlands Protection Committee and the DNR to consider the size of the dock proposed relative to the amount of homes in the development.*

**Applicant's Response:** The application submitted correctly identified the project location being on Franklin Creek. In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation. CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties. The applicant completed a needs assessment for the size of the proposed facility. The size of the facility has been designed to accommodate water access for the residents of Grand Harbor on-site, alleviating congestion at other public launching locations, which are



already at or over capacity at peak times. Existing marinas are already over-capacity, where the nearby Landings marinas have up to a ten-year waiting list. The proposed facility will be phased in accordance with CMPA policy to insure that the final size up to the permitted maximum will not be constructed until Phase I is being utilized at capacity. The Georgia Boat Safety Act generally designates specific no-wake zones on certain waterbodies in the location of blind curves, bridges, marinas, hazardous areas, public access ramps/docks, and general restricted use areas. Regardless of whether or not the community dock where to be constructed, it is expected that all users of Franklin Creek would operate vessels safely at blind curves such as this. Even is the proposed dock was not constructed, it would be prudent for all vessels to approach the proposed project location at idle speed only during lower tides when opposing traffic cannot be seen. According to the bathymetric survey, the marsh side of the proposed floating dock would have between 5' to 15' depths MLLW. The CMPC has the ability to restrict mooring to prohibit mooring more than one vessel wide. While Dutch Island indeed has more residents, their +/- 440' community dock is severely undersized. Based upon personal observations from past and current residents, their facility during peak times can be completely full, with boats tied-off two-deep or more. Based upon the usage conditions, Dutch Island certainly would be eligible for an expansion permit modification is they sought to apply.

**Sonny Jones (via email transmission dated May 11, 2023)**

*It is my observation that the proposed phase one floating docks appear somewhat reasonably proportionate with the Grand Harbor development total marsh frontage but maximum in scale with the size of Franklin Creek. The proposed phase two floating docks that wrap around the sharp bend of the creek, producing perhaps a dangerous visibility situation for boaters and paddlers, is excessive in size and scale for Franklin Creek. Just because the demand for additional floating docks could be demonstrated in the future shouldn't automatically allow more floating docks in phase 2 to be installed. What if Grand Harbor was twice as large, would the Department allow twice the linear footage of floating docks in the relatively small creek? I would hope not.*

**Applicant's Response:** The authorized size of a community dock is not based upon the length of a development's riparian shoreline but rather upon the demonstrated need and the physical characteristics of the waterway to support such need. The applicant properly identified their need in the required needs assessment. The demand for water access in local coastal waters is currently underserved. The applicant has received many inquiries from existing residents of the nearby Landings development due to the lack availability of water access at that location, with a reported waiting period of up to ten years for a marina slip. The phasing of the construction will insure that the size of the facility is commensurate with the need and will eliminate unnecessary structures in jurisdiction. The Georgia Boat Safety Act generally designates specific no-wake zones on certain waterbodies in the location of blind curves, bridges, marinas, hazardous areas, public access ramps/docks, and general restricted use areas. Regardless of whether or not the community dock where to be constructed, it is expected that all users of Franklin Creek would operate vessels safely at blind curves such as this. Even is the proposed dock was not constructed, it would be prudent for all vessels to approach the proposed project location at idle speed only during lower tides when opposing traffic cannot be seen.

**Michael Paderewski (via email transmission dated May 11, 2023)**

*Mat McCoy and the CCA have brought to my attention the proposed dock / marina on Franklin Creek. Mr. McCoy shared his comments with me and I couldn't agree more. The*

*scope and size of such a dock for such a small waterway makes no sense and would create tight and dangerous situations for vessels in that area. The impact on everything from fish to the sandbars would be greatly affected in what I deem a negative manner and surely not to the best interest of the general public. I understand that there would be substantial value added to the development but at what cost to the environment and public well being.*

**Applicant's Response:** In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation. CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties. The Georgia Boat Safety Act generally designates specific no-wake zones on certain waterbodies in the location of blind curves, bridges, marinas, hazardous areas, public access ramps/docks, and general restricted use areas. Regardless of whether or not the community dock where to be constructed, it is expected that all users of Franklin Creek would operate vessels safely at blind curves such as this. Even is the proposed dock was not constructed, it would be prudent for all vessels to approach the proposed project location at idle speed only during lower tides when opposing traffic cannot be seen. For water-dependent projects authorized by the CMPC, the Committee must consider the public interest as it relates to the following: the unreasonable obstruction or alteration of the natural flow of navigable waters; the unreasonably harmful or increased erosion, shoaling of channels, or creation of stagnant areas of water; and whether or not authorization and construction of the proposed project will unreasonably interfere with the conservation of marine life and wildlife. These public interest factors were properly evaluated in the application for this project. The proposed community dock is in character with numerous other similar facilities that have been approved by the CMPC on the Georgia coast, none of which have been found to be contrary to the aforementioned public interest review.

**Chris Sywassink (via email transmission dated May 11, 2023)**

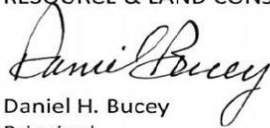
*I hope this email finds you well. I am writing this morning in regards to the proposed Grand Harbor development and their request for a community marina on Delegal Creek. My name is Chris Sywassink, I live and own the property at 180 Green Island road. I have a dock on Delegal Creek and I have reservations regarding this proposal. My reservations rest with the size of the project as well as the potential damage and effects to my property value and use as well as several other dock owners upstream from the proposed site. The proposed scope of the project in the creek leaves me with questions of how does Grand Harbor plan on mediating creek siltation upstream of its neighbors? Will this project affect any of the native wildlife within the waterway? Why is the proposed project so large compared to the size and need of the proposed Grand Harbor Development community? Many other communities in the area are larger in population but their marinas are smaller in size compared to what Grand Harbor has requested a permit to construct? A project of this size will change the natural water flow upstream thus restricting access and use of the waterway during all tides by all waterway users upstream from this site. I would hope the DNR will take these issues into consideration while determining their decision of what size of marina they approve if at all. I am*

*not against any development of private property but I would ask for common sense when determining what is best for all users of Delegal Creek.*

**Applicant's Response:** The proposed dock is located on Franklin Creek and it is the applicant's understanding that your dock is also located on Franklin Creek. In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation. CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties. By insuring that the proposed dock will not unreasonably obstruct navigation, there should be no negative effect on your property values as a result of the authorization of this project. The proposed dock is pile-supported and will not alter the existing tidal flow as the water will flow around and under such a structure, and subsequently will not unreasonable increase erosion, shoaling of channels, or create stagnant areas of water. There is no indication that a typical dock such as proposed will unreasonably effect marine life or wildlife, and the USACE authorization as well as CMPA rules require implementation of Manatee protection measures.

We trust that this information addresses the questions generated by the public notice advertised for this project. Should you have any questions or require additional information, please contact me at your earliest convenience.

Sincerely,  
RESOURCE & LAND CONSULTANTS



Daniel H. Bucey  
Principal

cc: David Hornsby; Grand Harbor  
enclosures



May 12, 2023

Mr. Dillon Richter  
Coastal Permit Coordinator  
Georgia Department of Natural Resources, CRD  
Brunswick, GA 31520

**RE: Grand Harbor Community Dock Response to Public Comments  
Skidaway Island, Chatham County, Georgia**

Dear Mr. Richter:

I refer to the public comment from 100 Miles dated May 11, 2023 forwarded from your office regarding the proposed community dock application for Grand Harbor Subdivision located east of Green Island Road, on Franklin Creek, Chatham County, Georgia (31.910999, -81.068814).

The public comment was received in response to the public notice that was issued on or about April 11, 2023 and expired on May 11, 2023, for activities proposed in tidal waters subject to Coastal Marshlands Protection Act (CMPA) jurisdiction. Note that the letter references the proposed dock location to be on Delegal Creek, when in fact the proposed location is on Franklin Creek. The comments are cited below, followed by the applicant's response:

*The CMPA describes restrictions on granting permits for activities and structures that are "considered contrary to the public interest." The list of activities "normally considered to be contrary to the public interest when located in coastal marshlands" includes O.C.G.A Section 12-5-288 (b)(1). The proposed project does not provide for public services, only as a private dock for a residential development. Limiting accessibility to a creek system for private dock usage is contrary to the public interest.*

**Applicant's Response:** Projects "considered contrary to the public interest" are defined at O.C.G.A. § 12-5-2889b):

(b) The amount of marshlands to be altered must be minimum in size. The following activities and structures are normally considered to be contrary to the public interest when located in coastal marshlands but the final decision as to whether any activity or structure is considered to be in the public interest shall be in the sound discretion of the committee: O.C.G.A. § 12-5-280

- (1) Filling of marshlands for residential, commercial, and industrial uses;
- (2) Filling of marshlands for private parking lots and private roadways;
- (3) Construction of dump sites and depositing of any waste materials or dredge spoil;
- (4) Dredging of canals or ditches for the purpose of draining coastal marshlands;
- (5) Mining;
- (6) Construction of lagoons or impoundments for waste treatment, cooling, agriculture, or aquaculture which would occupy or damage coastal marshlands or life forms therein;

- (7) Construction of structures which constitute an obstruction of view to adjoining riparian landowners, including signs and enclosures; and
- (8) Occupying a live-aboard for more than 90 days during any calendar year; provided, however, that the commissioner may grant extensions of time beyond 90 days to persons making a request in writing stating the reasons for such extension. Owners of docks where live-aboards are moored as well as owners and occupants of live-aboards are responsible under this part.

The CMPA does not define a private community dock or marina as being “contrary to the public interest”. The referenced O.C.G.A. 12-5-282(b)(1) specifically states that *filling* of marshlands for residential, commercial, and industrial uses is normally considered contrary to the public interest, not community docks or marinas. Community docks have been favorably reviewed and approved by the Coastal Marshlands Protection Committee throughout its history. Community docks are an effective way in which to provide water access for residents of residential developments while limiting the amount of structures within jurisdiction. In the case of Grand Harbor, Chatham County approved seven (7) lots on the riparian shoreline that could potentially seek authorization for private single-family docks. In lieu of seven individual structures with a far greater amount of structure within jurisdiction, the applicant will deed-restrict all riparian lots to prohibit construction of individual docks and instead provide one individual community dock for use of Grand Harbor lot owners. This action by the applicant complies with the intent of 12-5-288(b), where “The amount of marshlands to be altered must be minimum in size”.

***We recommend that the Committee deny the CMPA permit to the applicant for the following reasons:***

*1) Design – A curved dock design is inappropriate for small creeks. While rarely seen, curved docks are not new. Dock specialists are able to create them but they are utilized for marinas in large rivers, bays, and oceanfronts - not small rivers. Conversations with a variety of dock builders, local and national, have revealed that not one existing curved dock has been built in a small river. Curved docks are an alternative in open water sites and are not designed to be built around the curve of a small waterway, like Franklin or Delegal Creeks.*

**Applicant’s Response:** As stated by the commentor, a curved dock design may be unusual, but in some locations a dock located on the bend of a waterway offers the best siting option due to the existing depth and width of the waterway. For Grand Harbor, alternate locations on Franklin Creek would result in a substantially longer walkway located over vegetated marshlands and locations in proximity to existing shoals as identified by hydrographic survey. There is no industry standard that limits a curved dock design to only large rivers, bays, and oceanfronts. In fact, a curved dock is located in a sharp bend of Franklin Creek approximately 3,700’ upstream of the proposed Grand Harbor dock. The location and size of a proposed community dock or marina is dictated by the capacity of the waterway due to depth and width at low tide. The Grand Harbor dock was sited as proposed due to the favorable depths in this bend of Franklin Creek, and the proposed structure will extend only one-third of the width of the waterway at low tide.

*2) Site Location - The project is proposed on a dangerous curve in the creek channel. Coastal Georgia waterways are renowned for our incredible tidal range, but these conditions can be very challenging for boaters to navigate, particularly new boaters. With practice, boaters can become familiar with the challenges of coastal Georgia's small rivers and tidal creeks. Over time, we better understand shoal buildup on one side of a curve in the river, and deep-water cuts on the other side. Boaters learn to navigate through the deep-water cuts and avoid the shoals. But the freedom of navigation through the deep-water cuts makes them the most dangerous places on our tidal rivers. Boaters with powerful motors enjoy speeding along familiar waterways. However, at mid-to-low tides, the ability to see over the marsh and identify on-coming boats is severely limited or non-existent. As two boats approach each other from opposite directions around a curve, with limited or no visibility, the potential for boat collisions are drastically increased. Couple that with limited navigability (that this proposed dock would create) and the additional boats entering and exiting the new marina, and safety becomes an obvious and detrimental concern.*

**Applicant's Response:** The Georgia Boat Safety Act generally designates specific no-wake zones on certain waterbodies in the location of blind curves, bridges, marinas, hazardous areas, public access ramps/docks, and general restricted use areas. Regardless of whether or not the community dock where to be constructed, it is expected that all users of Franklin Creek would operate vessels safely at blind curves such as this. No responsible boater in a vessel of any size should be operating at any speed other than idle when approaching a blind curve in any waterway at a tide level that prevents them from seeing what lies ahead.

*3) Navigation - The proposed marina will inappropriately restrict navigable waterways. Currently, the docks along Delegal Creek do not limit the navigation of boaters, even at the lowest of tides. The proposed development will certainly restrict navigation of vessels to a very narrow corridor, specifically at low tide. Adding moored boats to the docks (which is the likely scenario) limits navigation even further. The applicant projects that some vessels being docked at this facility will be larger "larger than average." This will create even more "pinching" of the navigability of Franklin and Delegal Creeks.*

**Applicant's Response:** In compliance with the CMPA, the community dock is designed to not encroach more than one-third (33%) of the width of the waterway at mean low water (MLW), allowing for two-thirds (66%) of the waterway for safe passage at MLW. A hydrographic survey of the waterway was conducted prior to design to identify shoals and shallow areas. As shown on the plan detail, the waterway adjacent to the proposed dock would have between 4' to 17' feet of depth at low tide (MLLW datum). The USACE reviewed and approved the structure on January 11, 2023 with no determination of adverse effect on navigation. CMPA Standard Conditions for Tier III Community Docks and Marinas mandate that the facility must be operated and maintained in a manner that will not unreasonably obstruct navigation to or from neighboring properties.

*4) Alternative sites – The applicant has not appropriately considered alternative sites for the marina. While the applicant investigated an alternative site for the marina on the Skidaway River within three miles of the accompanying private residential*

*development. The applicant listed the alternative site was not desirable because it was:*

*a. Public and busy on holidays. Not exclusive use only.*

*b. May be difficult for large vessels to tow/haul and store.*

*These reasons for abandoning the alternative site are actually justifications for not approving the site at the proposed location. Both are contrary to the public interest and contrary to maintaining navigable and safe waterways.*

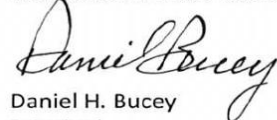
**Applicant's Response:** In accordance with the CMPA rules for community docks and marinas, the applicant completed a needs assessment for the size of the proposed facility. The size of the facility has been designed to accommodate water access for the residents of Grand Harbor on-site, alleviating congestion at other public launching locations, which are already at or over capacity at peak times. Existing marinas are already over-capacity, where the nearby Landings marinas have up to a ten-year waiting list. The proposed facility will be phased in accordance with CMPA policy to insure that the final size up to the permitted maximum will not be constructed until Phase I is being utilized at capacity. Community docks have routinely been reviewed and approved by the CMPC as an effective way to provide access to coastal waters while reducing the number of structures in jurisdiction by limiting private single-family docks that only service one household. As stated in the response to the first comment, private community docks and marinas are not contrary to the public interest.

*The project will require shore stabilization, and we recommend implementation of a living shoreline. There is a large volume of research on the impacts of riprap, or hard armoring that is traditionally utilized for minimizing erosion along shorelines and banks. While covering the soil with riprap helps protect it from being washed away in the short term, it is limited in its long-term erosion control.*

**Applicant's Response:** Grand Harbor is not proposing any shoreline stabilization and is unaware of why several commentors have stated that the project will *require* shoreline stabilization. The shoreline is located no closer than +/-218' from Franklin Creek and is separated from Franklin Creek by thick marsh vegetation.

We trust that this information addresses the questions generated by the public notice advertised for this project. Should you have any questions or require additional information, please contact me at your earliest convenience.

Sincerely,  
RESOURCE & LAND CONSULTANTS



Daniel H. Bucey  
Principal

cc: David Hornsby; Grand Harbor