



COASTAL RESOURCES DIVISION

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

July 18, 2025

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

FROM: Department Staff to the Committee

APPLICANT: Charles Gaskin
The Bluffs at Laurel View, LLC
2640 Sunbury Road
Midway, GA 31320

AGENT: Sam Larbarba
Labarba Environmental Services
139 Altama Connector, #161
Brunswick, GA 31525

LOCATION: Laurel View River, Liberty County, GA

PROJECT: The proposed project is the construction and maintenance of a community dock facility and bulkhead on Laurel View River in Liberty County, Georgia.

ARMY CORPS NUMBER: SAS-2024-00585

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

SUMMARY OF PUBLIC COMMENTS: The Public Notice of the Coastal Marshlands Protection Committee (CMPC) ran from June 11, 2025, to July 10, 2025. One comment was received during the public notice period. The comment expressed concerns with lack of county approvals, increase in erosion, parking lot locations, and dock and bank stabilization design. The agent has responded to the comment.

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

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

1. The project site currently consists of an undeveloped 1.0 acre parcel of land designated the “Dock Area” and the adjoining tract of undeveloped land to the west (Tax Parcel ID# 320 001). There is currently no bank stabilization in place and there has been active tidal erosion observed at the interface between upland and marsh.
2. The marshlands component of the proposed project consists of a community dock and 372 linear foot bulkhead with a rip rap toe to be constructed in coastal marshlands immediately seaward of the CMPA jurisdiction line.
3. The proposed community dock will originate from the 1.0 acre “Dock area” parcel. The dock will consist of a 6ft. x 200ft. (1,136sq.ft. in CMPA jurisdiction) walkway leading from the upland to a 20ft. x 20ft. (400sq.ft.) covered fixed deck.
4. Two 3ft. x 20ft. (120sq.ft.) ramps will extend from the east and west sides of the fixed deck to access two 10ft. x 60ft. (1,200sq.ft.) floating docks extending upstream and downstream.
5. The proposed community dock will impact approximately 2,857sq.ft. of coastal marshlands.
6. A 222.5 linear foot portion of the bulkhead will be located along the entire shoreline of the “Dock Area” parcel and a 149.5 linear foot portion of the bulkhead will extend to the adjoining parcel to the west (Parcel ID#: 320 001).
7. The proposed bulkhead and associated backfill (1.9sq.ft./0.1cu.yds) will impact approximately 373.9sq.ft. of coastal marshlands.
8. Immediately seaward of bulkhead will be 1,807sq.ft. of rip rap along the “Dock Area” parcel as well as a 984sq.ft. along a portion of the adjoining parcel to the west (Parcel ID#: 320 001) totaling approximately 2,791sq.ft. (155cu.yds.).
9. The channelward edge of the proposed structure will extend approximately 194ft. into the waterway that is approximately 1,117ft. wide at Mean Low Water (MLW).
10. Total impacts to coastal marshlands for the proposed shoreline stabilization are 3,164.9sq.ft.
11. As proposed, the community dock and bulkhead project will impact approximately 6,021.9 square feet (0.14 acres) of coastal marshlands.

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

12. The applicant has stated the proposed project would provide safe and organized docking for the owners of the 9 lots it will serve. The bank stabilization will prevent further erosion of the shoreline to ensure safe riparian access for the residents.

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

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

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

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

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

15. A letter has been received from the Liberty Consolidated Planning Commission that the proposed project does not conflict with any local zoning ordinance. The letter is not conditioned.

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

16. The applicant has stated this site was chosen due to the close proximity to the channel that will minimize the length of the walkway needed for access to the river. The alternative to a community dock was each of the 9 lot owners having the option to construct a private recreational dock. This alternative was not chosen because of the potential to lead to further shoreline instability, greater environmental impacts, and high cost for each lot owner.

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

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

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

18. A 401 Water Quality Certification has been issued in conjunction with the Nationwide Permit #13 for the bank stabilization and a Letter of Permission for the community dock.

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

19. The applicant has stated their intention to adhere to building, land disturbing and storm-water management permit as required by Liberty County.

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

20. Adjacent property owners and interested parties who have requested to be placed on the mailing list were notified in writing of the proposed project. The Public Notice of the Coastal Marshlands Protection Committee (CMPC) ran from June 11, 2025 to July 10, 2025. One comment was received during the public notice period. The comment expressed concerns with lack of county approvals, increase in erosion, parking lot locations, and dock and bank stabilization design. The agent has responded to the comment.

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

21. In passing upon application for a permit, the CMPC shall consider the public interest.
- The design of the project is such that no unreasonably harmful obstruction to or alteration of the natural flow of navigational water within the affected area will arise as a result of the proposal.** The proposed structure will not alter the flow of navigable waters or obstruct navigation. The channelward edge of the proposed structure will extend approximately 194ft. into the waterway that is approximately 1,117ft. wide at MLW. Adequate depth and width will be available for navigation upstream and downstream of the proposed structure.
 - The design of the project is such that no unreasonably harmful or increased erosion, shoaling of the channels, or stagnant areas of water will be created.** The proposed structure is pile-supported and will not increase erosion, shoaling of channels, or create stagnant areas of water.
 - The proposal will not unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, and clams or any marine life or wildlife or other natural resources including but not limited to water and oxygen supply.** The proposed structure will not interfere with the conservation of fish, shrimp, oysters, clams, crabs or other marine life

or other marine life, to wildlife, or other resources, nor affect water and oxygen supply. The West Indian Manatee is an endangered and federally protected species and is known to frequent Georgia's coastal waters.

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

22. The proposed project will not require a waterbottoms lease.

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

- 23. The proposed community facilities are water-dependent. The project cannot be satisfied using an alternative non-marshland site.
- 24. The bank stabilization will prevent further tidal erosion of the shoreline and ensure safe access to the community dock facility.
- 25. Total impacts to jurisdictional coastal marshlands will total approximately 6,021.9 square feet (0.14 acres)

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

- 26. The marshlands component consists of construction of a community dock and a 372 linear foot bulkhead with rip rap toe which will be constructed in coastal marshlands immediately seaward of the CMPA jurisdiction line.
- 27. The upland component of the project totals 28,112sq.ft. for both parcels and all those amenities which are necessary for the function of the marshlands component of the project.

Regulation of Marinas, Community Docks and Commercial Docks, Rule 391-2-3-.03

- 28. The proposed dock structure is considered a Tier Three Community Dock in accordance with O.C.G.A. 391-2-3-.03 "Regulation of Marinas, Community Docks and Commercial Docks."
- 29. The Tier Three Community Dock will serve Lots 2-10 of The Bluffs at Laurel View Subdivision.

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

- 30. The applicant has certified adherence to soil and erosion control responsibilities.
- 31. Land disturbance and construction within the 50ft. marshlands buffer in the upland component of the project is limited to:
 - a) **Construction and maintenance of temporary structures necessary for construction of the marshlands component of the project.** Temporary impacts will consist of excavation and backfill to install tie backs for the proposed bulkhead and will total 4,319sq.ft. After construction of the proposed bulkhead, the site will be stabilized with native coastal vegetation.
 - b) **Construction and maintenance of permanent structures that are required for the functionality of and/or provide permanent access to the marshlands component of the project.** The proposed permanent structures within the 50ft. marshlands buffer include the bulkhead tie back system, portions of a gravel walkway, gravel parking area, and the dock walkway. The tie back system will consist of 47 vertical pilings (47sq.ft.), horizontal pilings (423sq.ft.), and tie rods (423sq.ft.). A 63sq.ft. portion of the dock walkway, a 396sq.ft. portion of gravel walkway, and a 1,890sq.ft. area of the gravel parking area will permanently impact the marshlands buffer.

- c) **Planting and grading with vegetated materials within the marshlands buffer to enhance stormwater management, such as erosion and sediment control measures, and to allow pedestrian access for passive recreation.** No activities are proposed to enhance stormwater management.

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

31. All stormwater from the upland component will percolate naturally into the ground and/or sheetflow into the adjoining upland areas as it does currently.

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

32. The upland component will remain 100% pervious upon project completion.

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

COASTAL MARSHLANDS PROTECTION ACT STANDARD CONDITIONS

1. The project must comply, as applicable, for areas permitted herein, with all other federal, state, and local statutes, ordinances, and regulations and the applicant must obtain all licenses and permits prior to commencement of construction.
2. This permit does not resolve actual or potential disputes regarding ownership of, rights in or over the property upon which the subject project is proposed, and shall not be construed as recognizing or denying any such rights or interests.
3. All plans, documents, and materials contained in this permit application, required by Coastal Marshlands Protection Act of 1970, as amended O.C.G.A. § 12-5-280 et seq. are a part of this permit and conformance to such plans, documents, and materials are a condition of this permit. No change or deviation from these plans, documents, and materials shall be permitted without prior notification and approval by the Department or CMPC.
4. No further encroachment or construction shall take place within state jurisdiction, except as permitted by the CMPC. Any modification of the plans or structure in the jurisdictional area must be reviewed and approved by the Department or the CMPC, as necessary, prior to construction.
5. No construction or alteration of a project may commence until the expiration of 30 days following the date on which the application is approved; provided however that if a timely appeal is filed, no construction or alteration may commence until all administrative and judicial proceedings are terminated.
6. The permit must be posted onsite within twenty-four (24) hours of beginning construction.
7. A copy of these and all permit conditions must be supplied to the person in charge of construction. All contractors and subcontractors are responsible for strict adherence to all permit conditions.
8. All Best Management Practices (BMPs) should be used to prevent any erosion and sedimentation at the site. No equipment, materials, or debris may be placed in, disposed of, or stored in jurisdictional areas. Any visible alterations in the marsh topography will be restored immediately using low-impact hand tools. Any damage to the marsh vegetation that has not recovered naturally during the next growing season will be repaired by a method acceptable to the Department.

9. If the permitted improvements are damaged, fall into disrepair, become dilapidated, or are not meeting their expected usefulness and are not maintained at a serviceable level, it is the responsibility of the owner to remove the improvements. A new permit will be required to retain and repair the structure, improvement, or asset if it loses its structural integrity and is no longer serviceable.
10. The CMPC is not bound in the future to protect any improvement or asset authorized by the permit.

COASTAL MARSHLANDS PROTECTION ACT STANDARD CONDITIONS FOR TIER THREE COMMUNITY DOCKS

1. Floating docks may not rest on the bottom at low tide and must be supported on pilings or by cradle at least two feet above the mud.
2. No dredging is allowed in association with the initial community or commercial dock project.
3. The applicant must operate and maintain the dock in such a manner that will not unreasonably obstruct navigation to and from neighboring properties.
4. The community dock or its operation shall not cause or create a measurable adverse water quality impact to the waterbody in which it is built, as measured by dissolved oxygen, fecal bacteria, or nutrient enrichment.
5. If the Department determines through its own water quality sampling or other resource analyses that there are perceptible environmental impacts associated with the dock development, the Department may require the applicant/permittee at applicant/permittee's expense, to have water, substrate, and/or tissue samples collected and analyzed for metals, petroleum hydrocarbons, or other constituents.
 - i. Sample collection and analyses must be according to methods approved by the Department.
 - ii. All results from such sampling results must be provided to the Department as obtained and may be used by the Department to further restrict the dock to reduce water quality impacts.
6. The applicant /permittee must post temporary manatee awareness signage during construction of the facility and permanent posting and maintenance of the informational display signage, "Manatee Basics for Boater's" post-construction.
7. Permittee must provide a post-construction survey that locates the Tier Three Community Dock or Commercial Dock as indicated in the applications materials. Such survey shall comply with the Georgia Plat Act, O.C.G.A. §15-6-67 et. seq.

SPECIAL CONDITIONS

1. Permittee must provide executed restrictive covenants to the Department precluding private recreational docks on the 9 riparian lots prior to construction.
2. Permittee must also include the bulkhead in the required post-construction survey upon completion of the permitted activity. Such survey shall comply with the Georgia Plat Act O.C.G.A. 15-6-67 et seq.