



DEPARTMENT OF NATURAL RESOURCES  
COASTAL RESOURCES DIVISION  
ONE CONSERVATION WAY · BRUNSWICK, GA 31520 · 912-264-7218

WALTER RABON  
COMMISSIONER

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DIRECTOR

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

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September 27, 2024

**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:** Avery E. Coty  
430 Picric Street  
Brunswick, GA 31520

**AGENT:** Michael Moody  
Coastal Permitting Services  
256 S. Topi Trail  
Hinesville, GA 31313

**LOCATION:** 103 Anglers Way, Lot 2, Fancy Bluff Creek, Glynn County, Georgia

**PROJECT:** The proposed project is the construction and maintenance of a bank stabilization project at 103 Anglers Way. The proposed project is under 1/10 of an acre, and therefore may be considered a minor alteration of coastal marshlands under O.C.G.A. §12-5-280 *et seq.* Per O.C.G.A. 12-5-283(d), a Committee member requested that the proposed project be presented to the full Committee for broader consideration.

**ARMY CORPS NUMBER:** SAS-2023-00554

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

**SUMMARY OF PUBLIC COMMENTS:** The public notice of the Coastal Marshlands Protection Committee (CMPC) ran from May 7, 2024, to May 21, 2024. Two comments were received during the public notice period. The comments expressed concerns that the public notice was misleading and that the proposed bulkhead will have direct impacts on the coastal

marshlands, and the project is not in the public interest. The agent has provided written responses.

**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 is an undeveloped residential site.
2. The applicant proposes to add 1ft. x 199 linear ft. timber and vinyl sheet bulkhead with a 4ft. x 189 linear foot riprap toe in coastal marshlands seaward of the CMPA jurisdictional line.
3. As proposed the project will permanently impact approximately 955sq.ft. (0.0219 acre) of coastal marshlands.
4. The proposed project is under 1/10 of an acre, and therefore may be considered a minor alteration of coastal marshlands under O.C.G.A. §12-5-280 *et seq.*
5. Per O.C.G.A. 12-5-235(d), a Committee member requested that the proposed project be presented to the full Committee for broader consideration.

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

6. The applicant has stated that the shoreline is experiencing significant erosion.
7. The applicant has stated that the Georgia Wetlands Restoration Access Portal indicates between 0.21 and 1 meter of erosion per year.
8. The applicant has stated that if the shoreline is not stabilized the upland lot will continue to erode causing significant sediment loads to enter the waterway and cause a loss in upland property value.

**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):**

9. 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):**

10. 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):**

11. A letter has been received from Glynn County Community Development Department stating that the proposed project is not violative of the Glynn County zoning ordinance. The letter is not conditioned.

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

12. The applicant stated that the project alternatives include rip rap or a non-action alternative.
13. Applicant states that rip rap would not be suitable in this location because the existing shoreline has an immediate 5-6foot drop from the upland at the marsh/upland interface.

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

14. Applicant has reviewed the Hazardous Site Index maintained by the Georgia Environmental Protection Division for Glynn County and stated the proposed project is not over a landfill or hazardous waste site.

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

15. A 401 Water Quality Certification has been issued in conjunction with Nationwide Permit #13.

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

16. Applicant has stated that the project will conform to all building, land disturbing, and stormwater management requirements of Glynn County.

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

17. The public notice of the CMPC ran from May 7, 2024, to May 21, 2024. Two comments were received during the public notice period. The comments expressed concerns that the public notice was misleading and that the proposed bulkhead will have direct impacts on the coastal marshlands, and this is not in the public interest. The agent has provided written responses.

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

18. In passing upon application for a permit, the CMPC shall consider the public interest.
- a) **The design of the project is such that no unreasonably harmful obstruction to or alteration of the natural flow of navigational water within the affected area will arise as a result of the proposal.** The proposed project will not cause unreasonable harmful obstructions to or alteration of the natural flow of navigational water within the affected area to arise. The project will be located at the marsh/upland interface and will not extend past mean low water.
  - b) **The design of the project is such that no unreasonably harmful or increased erosion, shoaling of the channels, or stagnant areas of water will be created.** The proposed project will not create unreasonably harmful or increased erosion, shoaling of channels, or stagnant areas of water. The purpose of this project is to stabilize the bank to prevent further erosion, shoaling of the channel, and stagnant areas of water.
  - c) **The proposal will not unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, and clams or any marine life or wildlife or other natural resources including but not limited to water and oxygen supply.** The proposed project will not 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 project will not result in a loss of aquatic habitat required for these species, nor will it impact the quality of the existing habitat. There are no existing oyster beds or marsh vegetation within the areas where the rip rap will be installed. 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:**

19. The proposed project does not require a water bottoms 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):**

20. The proposed project is for installation of a new shoreline bank stabilization. The proposed project is water dependent and cannot be satisfied by use of an alternative non-marshland site.

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

21. The proposed project is under 1/10 of an acre, and therefore may be considered a minor alteration of coastal marshlands under O.C.G.A. §12-5-280 *et seq.*

**O.C.G.A. § 12-5-288(b)(1) states that filling of marshlands for residential, commercial, and industrial uses is normally considered contrary to the public interest.**

22. Permanent impacts to coastal marshlands from the proposed structure totals approximately 955sq.ft. (0.0219 acre).

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

23. The marshlands component of the project will consist of the installment of new riprap. As proposed the project will permanently impact approximately 955sq.ft. (0.0219 acre) of coastal marshlands.

24. The upland component of the project consists of temporary construction activities within the 50ft. marshlands buffer which totals 1,960.75sq.ft. (0.045 acre).

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

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

26. 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 construction impacts within the 50ft. marshlands buffer will include the equipment used for staging materials and the movement of heavy equipment such as skid steers and small excavators and placement of natural 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.** Permanent impacts to the upland component will include 228sq.ft. of tieback pilings and 43.75sq.ft. of tie back cables/rods (271.75sq.ft.)
- 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.** Natural vegetation will be installed to stabilize the buffer after construction.

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

27. All stormwater from the upland component will percolate naturally into the ground and sheet flow into lower elevations.

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

28. The upland component will be 100% impervious 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.

### **SPECIAL CONDITIONS**

1. Permittee may be required to provide a post-construction survey to the Georgia Department of Natural Resources, Coastal Resources Division upon completion of the permitted activity. Such survey shall comply with the Georgia Plat Act O.C.G.A. 15-6-67 *et seq.*
2. The permittee must install manatee awareness signage during construction of the project and adhere to standard manatee conditions and procedures for aquatic construction as approved by the Savannah District Office of the US Army Corps of Engineers, US Fish and Wildlife Service, and the Georgia Department of Natural Resources.