

105 NETHERCLIFT WAY SHORELINE STABILIZATION PROJECT

COASTAL MARSHLANDS PROTECTION ACT
PERMIT APPLICATION
OCTOBER 20, 2022

Revised December 4, 2023

APPLICANT:

STEPHEN R. LUFBURROW



1.0 Introduction

ALSL Enterprises LP, c/o Stephen R. Lufburrow is seeking authorization from the Coastal Marshlands Protection Committee (CMPC) to construct a +/-289' long concrete bulkhead in tidal waters to protect an existing access road at 105 Netherclift Way, Chatham County, Georgia (31.9121° latitude, -81.07826° longitude).

The project would result in the alteration of +/- 867 ft² (0.02-acre) of tidal waters subject to the jurisdiction of the Coastal Marshlands Protection Act of 1970 (CMPA). As the alteration would be less than one-tenth acre, it would be considered a minor alteration as defined at O.C.G.A. § 12-5-282(9). We respectfully request that authorization of the project be granted by the Commissioner of the Georgia Department of Natural Resources in accordance with O.C.G.A. § 12-5-283(d).

2.0 Existing Conditions

The limits of CMPA jurisdiction were verified by CRD staff via letter of November 12, 2021 (Attachment F). The project area is located on the west side of South Harbor Subdivision on marsh adjacent to Delegal Creek. Three (3) platted single-family lots are accessed by an existing earthen causeway. The shoreline along the causeway is exhibiting varying states of erosion, with numerous trees exhibiting exposed roots due to undercutting by tidal action and portions of the road shoulder eroding into the marsh. The causeway accesses an island, and the tide ebbs and floods from each side of the causeway. No culverts currently exist under the causeway and are not necessary to maintain tidal flows to the marsh adjacent to the causeway.

Application for Nationwide Permit verification for the proposed bulkhead was made to the USACE and CRD on March 25, 2022. USACE verified that the applicant was authorized to use NWP 18 for the proposed work via letter of December 7, 2022, SAS-2022-00339. Due to recent policy changes, the Revocable License was not issued, and the Applicant is seeking authorization under the CMPA.

3.0 Marshlands Component

As depicted on the exhibit titled *South Harbor Hammock Bulkhead Permit Plans* dated December 16, 2021 (Attachment C), the marshland component of the project consists of a +/-289 l.f. concrete bulkhead with proposed backfill of +/-867 ft², or 20.44 cy (0.07 cy / running foot below the high tide line). The wall would be constructed from the uplands, and then backfilled to stabilize the existing shoreline. BMPs would be implemented during construction to minimize secondary impacts to tidal waters.

4.0 Upland Component

The upland component for the project consists of the +/-3,080 ft² (0.07 acre) upland road area necessary for access and construction of the marshlands component of the project. Impacts to the upland component include access by construction equipment for construction of the bulkhead and staging of materials. Upon completion of the marshlands component, the upland component (the existing access road) would be graded and stabilized, and a pervious surface would be installed.

5.0 Alternatives Sites Considered

The proposed shoreline stabilization will protect the existing access road and cannot be located at an alternative site. Due to the need to protect the shoreline at the marsh/upland interface, there are no non-marsh alternatives that will satisfy the project requirements. Constructing the bulkhead landward of the jurisdiction line would result in a reduction in road width and would not meet county requirements for fire and safety access.

6.0 Supplemental Information

This additional information is provided for compliance with Coastal Marshlands Protection Act of 1970 information requirements:

OCGA 12-5-286. Permits to fill, drain, etc., marshlands.

(b) Each application for such permit shall be, properly executed, filed with the department on forms as prescribed by the department, and shall include:

(1) *The name and address of the Applicant-*

ALSL Enterprises, LP c/o Stephen R. Lufburrow
7025 Hodgson Memorial Drive Suite H
Savannah, Georgia 31406

(2) *A plan or drawing showing the Applicant's proposal and the manner or method by which such proposal shall be accomplished. Such plan shall identify the coastal marshlands affected-* Please refer to attached drawing produced by Thomas & Hutton titled ***South Harbor Hammock Bulkhead Permit Plans***, dated December 16, 2021 (Attachment C). The work will be accomplished by heavy equipment from upland locations.

(3) *A plat of the area in which the proposed work will take place-* Attachment F contains a survey produced by Thomas & Hutton titled ***A Plat Of South Harbor Phase K Lots 117, 118, & 119 Being A Portion Of "Parcel B"***, dated July 21, 2021.

(4) A copy of the deed or other instrument under which the Applicant claims title to the property or, if the Applicant is not the owner, then a copy of the deed or other instrument under which the owner claims title together with written permission from the owner to carry out the project on his land. In lieu of a deed or other instrument referred to in this paragraph, the committee may accept some other reasonable evidence of ownership of the property in question or other lawful authority to make use of the property; The committee will not adjudicate title disputes concerning the property which is the subject of the application; provided, however, the committee may decline to process an application when submitted documents show conflicting deeds- Attachment B contains the following documents:

- Warranty Deed conveying the subject property from Bette S. Lufburrow to ALSL Enterprises LP on the 31st of May 2007, recorded on June 16, 2007 with the Clerk of Superior Court of Chatham County, Georgia, Deed Book 327 J, page 755
- Agreement Of Limited Partnership Of The ALSL Enterprises LP

(5) A list of all adjoining landowners together with such owners' addresses, provided that if the names or addresses of adjoining landowners cannot be determined, the Applicant shall file in lieu thereof a sworn affidavit that a diligent search, including, without limitation, a search of the records for the county tax assessor's office, has been made but that the Applicant was not able to ascertain the names or addresses, as the case may be, of adjoining landowners- Adjacent landowner information is provided in Attachment E.

(6) A letter from the local governing authority of the political subdivision in which the property is located, stating that the Applicant's proposal is not in violation of any zoning law; A request has been made to the Chatham County Development Services department. A response will be forwarded upon receipt. The request is attached at Attachment D.

(7) A non-refundable application fee to be set by the board in an amount necessary to defray the administrative cost of issuing such permit. Renewal fees shall be equal to application fees, which shall not exceed \$1,000.00 for any one proposal and shall be paid to the department. An application fee in the amount of \$250.00 has been included with this application.

(8) A description from the Applicant of alternative sites and why they are not feasible and a discussion of why the permit should be granted- Please refer to Section 5.0, page 2.

(9) A statement from the Applicant that he has made inquiry to the appropriate authorities that the proposed project is not over a landfill or hazardous waste site and that the site is otherwise suitable for the

proposed project- A review of the Hazardous Site Index for Chatham County, Georgia indicates that the subject property does not contain hazardous waste sites or landfills.

(10) A copy of the water quality certification issued by the department if required for the proposed project- Water Quality Certification in accordance with Section 401 of the Clean Water Act was reviewed during the processing of the federal Nationwide Permit that was issued for this project (Attachment G).

(11) Certification by the Applicant of adherence to soil and erosion control responsibilities if required for the proposed project- The project will conform to all required building, land disturbing, and stormwater management permits as required by Chatham County.

(12) Such additional information as is required by the committee to properly evaluate the application- This application has been prepared with consideration for the interests of the general public of the State of Georgia as defined in OCGA 12-5-286(g):

OCGA 12-5-286. Permits to fill, drain, etc. marshlands.

(g) In passing upon the application for permit, the committee shall consider the public interest, which, for purposes of this part shall be deemed to be the following considerations:

(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 bulkhead is located immediately adjacent to the shoreline of the existing causeway on the east side of the subject property over 500' from the navigable waters of Delegal Creek. No fill or other alterations are proposed that would unreasonably obstruct or alter navigable waters.

(2) Whether or not unreasonably harmful or increased erosion, shoaling of channels, or stagnant areas of water will be created- The construction of the bulkhead will eliminate erosion at the project location. The proposed bulkhead is not located along a navigable channel and would not alter existing flows that could increase erosion at other locations. The backfill to the marsh/upland interface would eliminate stagnant water landward of the wall and would not create areas of stagnant water seaward of the wall. Given the projects close proximity to the existing shoreline, distance from the navigable channel, and the fact that the project would eliminate erosion of sediments from the existing

causeway's shoreline, the proposed project will not cause shoaling of nearby channels.

- (3) ***Whether or not the granting of a permit and the completion of the Applicant's proposal will unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, clams, or other marine life, or wildlife, or other resources, including but not limited to water and oxygen supply-*** The proposed structure will not interfere with the conservation of fish, shrimp, oysters, crabs, clams, or other marine life, or wildlife, or other resources, nor affect water and oxygen supply. The proposed project is located immediately adjacent to an existing causeway along a densely vegetated marsh that is only inundated for a short time at high tide and does not provide significant habitat for fish, oysters, clams, or other marine life. The project will merely result in a very minor seaward shift of the existing shoreline and will reduce the negative effects of the existing erosion.