

1.0 INTRODUCTION & BACKGROUND:

Chatham 701 13th, LLC (Applicant) is requesting Section 10 of the Rivers and Harbors Act and the State of Georgia Coastal Marshlands Protection Act permit authorization to modify an existing single-family recreational dock. The property is located at Lots 358A and 359A on Venetian Drive within the City of Tybee, Chatham County, Georgia (31.998111°, -80.853234°). Due to the size of the upland area adjoining the dock, the proposed improvements require a CMPA permit because the lot does not meet the exemption requirement for a single-family dock under O.C.G.A. § 12-5-295 7(A) "The owner of a lot on which a detached single-family residence is located on high land adjoining such dock."

2.0 PROJECT PURPOSE:

The purpose of the project is to modify an existing recreational dock to provide better accessibility through all tide cycles.

3.0 PROPOSED PROJECT:

The proposed project includes extension of an existing wooden recreational dock. The following provides a summary of the existing and proposed dock dimensions:

Existing Dock:

- 4.75'x 37.4' (2,868 ft²) wooden walkway.
- 210 ft² deck with a 12' x 12' roof
- 3'x26' (36 ft²) gangway
- 8'x26' (208 ft²) floating dock

Proposed Dock:

- 6'x478' (2,868 ft²) wooden walkway.
- 15'x20' (300 ft²) deck with a roof
- 3'x12' (36 ft²) gangway
- 12'x25' (300 ft²) floating dock

The new facility will total 3,504 sf over coastal marshlands. The new dock will extend between 17.95' into the channel past MLW. The creek is approximately 147.2' wide grass to grass MWH and 72.24' at MLW. The dock is 17.44' and 13.2' from the upstream and downstream extended property lines. A bathymetric survey was performed within Horsepen Creek and based on the survey, the channel is approximately 10' deep at MHW and 1.5' deep at MLW. A complete copy of the survey data is available upon request.

3.1 Marshlands Component:

The marshlands component of the project is defined as the part of the project in an estuarine area or any structure on or over an estuarine area, including but not limited to marinas, community docks, bridges, piers and bulkheads, requiring a permit under the Coastal Marshlands Protection Act. The marshlands component of the project includes the proposed dock.

3.2 Upland Component:

The upland component of the project is defined as all those service areas, amenities and recreational areas located inland of the Coastal Marshlands Protection Act jurisdiction line, that serve or augment the functioning of the marshlands component of the project such as but not limited to dry stack boat storage, dock master shop, fuel storage and delivery facilities to serve the marshlands component of the project. As stated in the Coastal Marshlands Protection Rules, land disturbance and construction of structures within the 50-foot marshlands buffer in the upland component of the project shall be limited to the following: Construction and maintenance of permanent structures that are required for the functionality of and/or provide permanent access to the marshlands component for the project. For this project, the

maintained grass road shoulder of Venetian Drive is the upland component. While pedestrian access to the dock through the upland area will occur, no other activities or structures are proposed within upland.

3.3 Stormwater Management:

The proposed project does not include site development activities and development of a stormwater management plan is not required. The upland component is currently and will remain 100% pervious. The project will implement standard BMP's during the construction phase for sedimentation and erosion control purposes and to protect adjacent tidal waters and marsh.

3.4 GADNR-EPD 401 Water Quality Certification (WQC): The proposed project does not include any activities during construction or facilities post construction (i.e. fueling) that required a WQC.

4.0 ALTERNATIVES ANALYSIS AND MINIMIZATION:

No offsite alternatives were considered as part of the alternatives analysis based on the nature of proposed project. The applicant has proposed the minimum dock requirements to achieve the project purpose and therefore no alternatives were afforded.

5.0 ESSENTIAL FISH HABITAT:

The proposed project includes installation of a wooden dock for recreational purposes. No loss of essential fish habitat will occur as part of the project.

6.0 THREATENED AND ENDANGERED SPECIES:

Coordination with US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) was conducted to assess potential impacts to federally protected species on the project site. The results of this consultation, the Official Species List, is attached to this document. In addition to the database query, a pedestrian survey was conducted on-site and no federally listed species were observed. The following provides a brief description of each species listed a threatened or endangered.

West Indian Manatee (*Trichechus manatus*): The West Indian manatee is a large aquatic mammal whose habitat consists of warm coastal and spring fed waters. It is listed as endangered under both its state and federal status. They are large, gray aquatic mammals with bodies that taper to a flat, paddle-shaped tail. They have two forelimbs, called flippers, with three to four nails on each flipper. Their head and face are wrinkled with whiskers on the snout. During winter months these mammals are primarily confined to the coastal waters of the southern half of Florida and the spring fed rivers of Florida and Georgia. During the summer months as the water temperature rises, the manatees' range expands as far north as Virginia and it is during these months that the "manatees" may occasionally utilize the estuaries of coastal Georgia. Critical habitat for this species has been identified as large portions of coastal Florida including the St. Mary's River.

Eastern Black Rail (*Laterallus jamaicensis ssp. Jamaicensis*): The Eastern black rail is a small bird living in salt and freshwater marshes in portions of the United States, Central America, and South America. Males and females are similar in size and adults are generally pale to blackish-gray, with a small blackish bill and bright red eyes. Eastern black rail habitat can be tidally or non-tidally influenced, and range in salinity from salt to brackish to fresh. Tidal height and volume vary greatly between the Atlantic and Gulf coasts and therefore contribute to differences in salt marsh cover plants in the bird's habitat. Diet includes Insects, snails, seeds, etc. Loss of habitat is the main threat to this species; however, where quality habitat numbers are likely stable.

Wood Stork (*Mycteria americana*): The wood stork was listed endangered by the USFWS on 28 February 1984 (Federal Register 49 (4):7332-7335). It is listed as endangered under both its state and federal status. Wood storks use freshwater and estuarine wetlands as feeding, nesting, and roosting sites, and annual population fluctuations are closely related to the year-to-year differences in the quality and quantity of suitable habitat. The overall decline in wood stork numbers is attributed to the loss or degradation of essential wetland habitat primarily in

southern Florida. The adult is a large bird 33-45 inches tall and 58-71 inches in wingspan. Males typically weigh 5.5-7.3 lbs; females weigh 4.4-6.2 lbs. They appear all white on the ground, with blackish-gray legs and pink feet. In flight, the trailing edge of the wings is black. The head is dark brown with a bald, black face, and the thick down curved bill is dusky yellow. Juvenile birds are a duller version of the adult, generally browner on the neck, and with a paler bill. They nest colonially with up to twenty-five nests in one tree. Breeding once a year, a female lays 3-5 eggs in the typical clutch. The eggs are incubated 27-32 days by both sexes.

Red Knot (*Calidris rufa*): The red knot is found in Argentina, Aruba, Bahamas, Barbados, Belize, Brazil, British Virgin Islands, Canada, Cayman Islands, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, El Salvador, French Guiana, Guadeloupe, Guatemala, Guyana, Haiti, Jamaica, Mexico, Panama, Paraguay, Suriname, Trinidad and Tobago, Uruguay, U.S. Virgin Islands, and Venezuela. Within the U.S., the red knot is found in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Virginia, West Virginia, and Wisconsin. The red knot is a sandpiper that feeds on invertebrates, especially small clams, mussels, and snails, but also crustaceans, marine worms, and horseshoe crab eggs.

Piping Plover (*Charadrius melodus*): As documented by USFWS, Piping Plovers are small shorebirds approximately seven inches long with sand-colored plumage on their backs and crown and white underparts. Breeding birds have a single black breastband, a black bar across the forehead, bright orange legs and bill, and a black tip on the bill. During winter, the birds lose the black bands, the legs fade to pale yellow, and the bill becomes mostly black. In recent decades, piping plover populations have drastically declined, especially in the Great Lakes. Breeding habitat has been replaced with shoreline development and recreation. Availability of quality foraging and roosting habitat in the wintering grounds is necessary in order to ensure that an adequate number of adults survive to migrate back to breeding sites and successfully nest.

Eastern Indigo Snake (*Drymarchon corais couperi*): The Eastern indigo snake is a large nonpoisonous, stout bodied snake averaging six to seven feet in length. Its federal status is listed as Not Applicable and its state status is listed as threatened. The snake is smooth scaled and uniform glossy blue-black throughout its body except for some reddish orange or cream color suffusion on its throat, cheeks and chin. This coloration varies with some individuals having distinct coloration and others with no coloration. In the extreme southern reaches of its range (South Florida), the snake is less restricted and inhabits flatwoods, tropical hammocks, dry glades and moist bogs. In this region of its range, overwintering sites include tree stumps and other underground dens. In the northern portion of its range, including south Alabama, the indigo snake requires deep sand ridges and is often associated with the gopher tortoise. The indigo snake is dependent upon the deep burrows dug by the gopher tortoise and uses them as a refuge from the extreme hot and cold temperatures. This restricted habitat is even more isolated by the snakes' preference for the interspersed wet lowlands and cypress ponds.

Frosted Flatwoods Salamander (*Ambystoma cingulatum*): The flatwoods salamander is a small (9-13.5 cm total length), elongate species of mole salamander. It is listed as threatened under both its state and federal status. It has a small, indistinct head, short legs, and a long, rounded tail. Typical coloration consists of a background of brownish black to purplish black overlaid with narrow gray or silvery white reticulations (net-like markings), bands, or diffuse spotting. The gilled aquatic larvae are distinctly colored, having a series of bold brown and yellow longitudinal stripes. The range of the flatwoods salamander is confined to the southeastern coastal plain of the United States. It inhabits seasonally wet pine flatwoods and savannas. They breed within isolated, depressional wetlands within the wiregrass dominated pine plantations. Their habitat destruction is a result of agricultural and silvicultural practices, fire suppression and development.

Pondberry (*Lindera melissifolia*): Pondberry or pond spicebush, is a stoloniferous, deciduous, aromatic shrub in the laurel family. This federally listed endangered species is native to the southeastern United States, and its demise is associated with habitat loss from extensive drainage of wetlands for agriculture and forestry. Pondberry occurs in dense thickets with erect or ascending shoots up to 2 m tall and few branches; stems are connected underground by stolons. Pondberry occurs in shallow depression ponds in wetland habitats with hydric soils, along margins of cypress ponds, and in seasonally wet, low areas among bottomland hardwoods. At present there are some 36 populations in Alabama, Arkansas, Georgia, Mississippi, Missouri, North Carolina, and South Carolina. Many of the existing colonies of pondberry are small, and occupy only a portion of the apparently suitable habitat.

Green Sea Turtle (*Chelonia mydas*), Hawksbill Sea Turtle (*Eretmochelys imbricata*), Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), Leatherback Sea Turtle (*Dermochelys coriacea*), Loggerhead Sea Turtle (*Caretta caretta*):These large marine turtles inhabit the offshore waters of the Atlantic and Caribbean. During nesting periods which fall within the summer months, these species leave the water to nest on sandy beaches and primary coastal dunes.

Several protected species listed above frequent coastal waters of Georgia and tidal habitats. The proposed project includes a recreational dock modification. Given the location of the proposed project and proposed activities associated with the construction phase of the project, no adverse impacts to any individual or population of protected species is anticipated.

7.0 COMMERCIAL BAIT SHRIMP, OYSTER, AND CRABBING AREAS

The proposed project is not located in a designated bait shrimp zone according to Georgia Department of Natural Resources *Commercial and Recreational Bait Shrimp Zones, Coastal Georgia* map. The project area is not listed on the *Georgia Harvester Reported Crabbing Areas* list, and the project area is not located in designated commercial or recreational oyster harvest areas.

8.0 IMPAIRED WATERS

The subject waterway is not listed on the U.S. Environmental Protection Agency 303(d) list for impaired water bodies.

9.0 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-*

See attached application form

(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 permit drawings.

(3) *A plat of the area in which the proposed work will take place-* See attached.

- (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-* See attached.
- (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-* See attached.
- (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 submitted to the City of Tybee and a copy of that request is included in this package. The response from the City of Tybee will be provided upon receipt.*
- (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.* See attached.
- (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-* See attached project description.
- (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. A copy is attached.
- (10) *A copy of the water quality certification issued by the department if required for the proposed project-* Not applicable.
- (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 building, land disturbing, and stormwater management requirements of Chatham County and the City of Tybee.

(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.

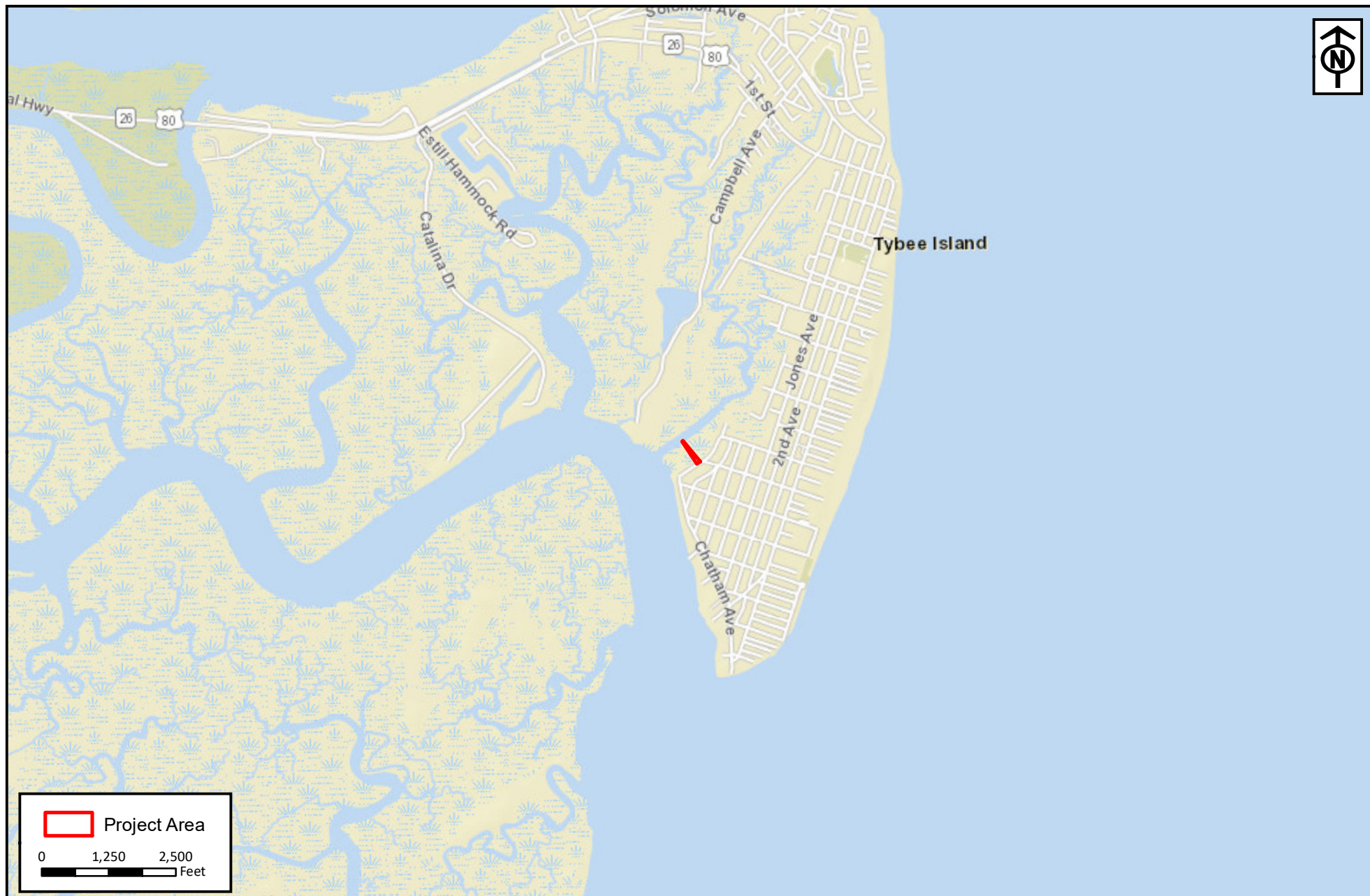
(g) In passing upon the application for permit, the committee shall consider the public interest, which, for purposes of this part shall be deemed to be the following considerations:

- (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 project will not alter natural flow of navigable waters or obstruct public navigation.
- (2) Whether or not unreasonably harmful or increased erosion shoaling of channels, or stagnant areas of water will be created-** The proposed project will not increase erosion, shoaling of channels, or create stagnant areas of water.
- (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 project will not interfere with the conservation of fish, shrimp, oysters, crabs, clams, or other marine life, wildlife, or other resources, nor affect water and oxygen supply.

Adjacent Property Owners

CULLUM, PATRICIA
81 SHIPWATCH RD
SAVANNAH, GA 31410-2917

HUTTON JOHN J & JEAN F
PO BOX 1307
TYBEE ISLAND GA 31328



RLC Project No.:	21-454
Figure No.:	1
Prepared By:	JP
Sketch Date:	5/5/2022
Map Scale :	1 inch = 2,500 feet

Venetian Drive Dock

Chatham County, Georgia

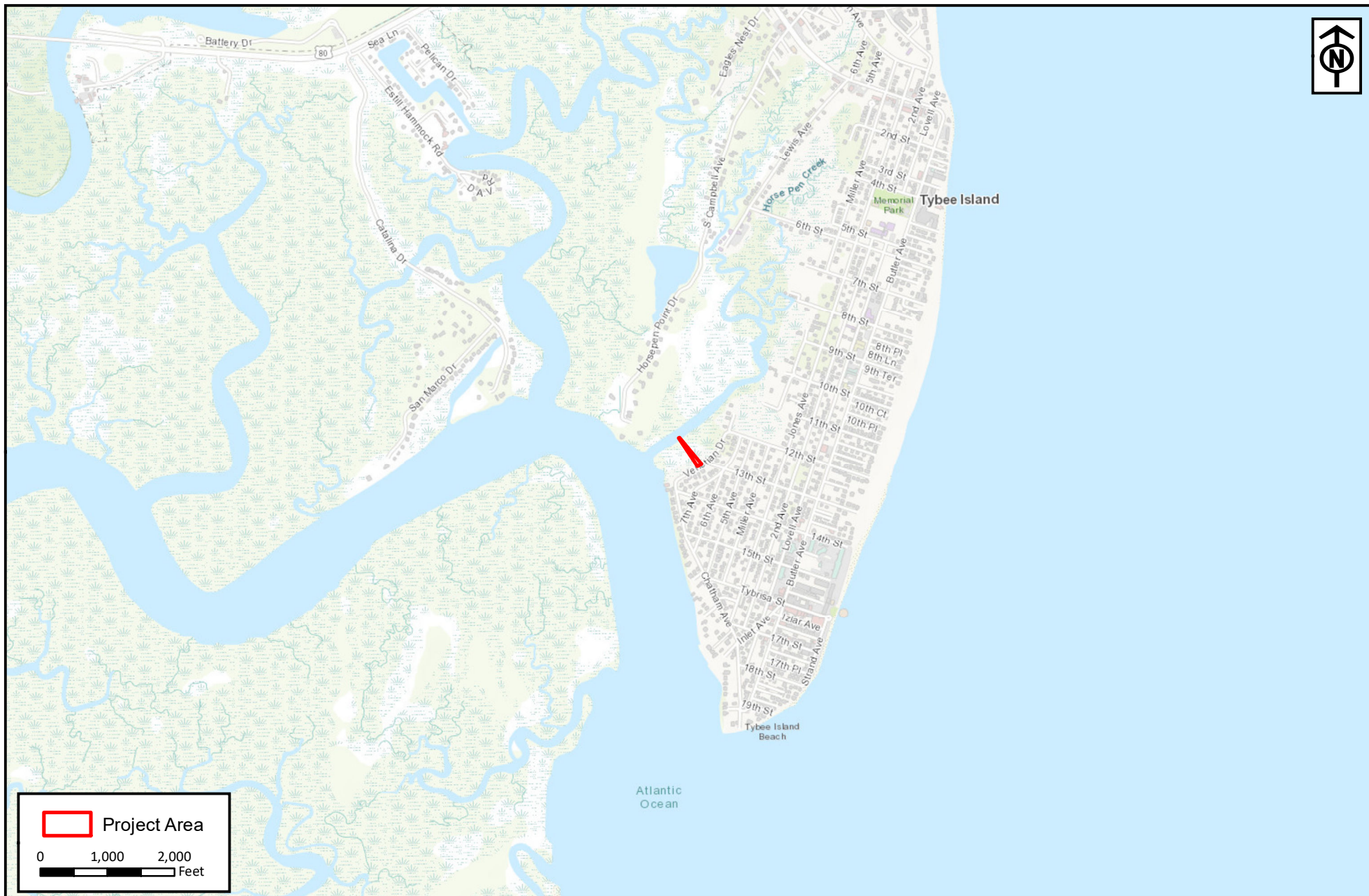
Project Location Map

Prepared For: Chatham 701 13th, LLC



RESOURCE+LAND
CONSULTANTS

41 Park of Commerce Way, Ste 101
Savannah, GA 31405
tel 912.443.5896 fax 912.443.5898



RLC Project No.: 21-454
 Figure No.: 2
 Prepared By: JP
 Sketch Date: 5/5/2022
 Map Scale : 1 inch = 2,000 feet

Venetian Drive Dock

Chatham County, Georgia

USGS Topographic Map

Prepared For: Chatham 701 13th, LLC



RESOURCE+LAND
CONSULTANTS
 41 Park of Commerce Way, Ste 101
 Savannah, GA 31405
 tel 912.443.5896 fax 912.443.5898



RLC Project No.:	21-454
Figure No.:	3
Prepared By:	JP
Sketch Date:	5/5/2022
Map Scale :	1 inch = 150 feet

Venetian Drive Dock

Chatham County, Georgia

2019 Ortho Aerial

Prepared For: Chatham 701 13th, LLC



RESOURCE+LAND
CONSULTANTS

41 Park of Commerce Way, Ste 101
Savannah, GA 31405
tel 912.443.5896 fax 912.443.5898

MAYOR
Shirley Sessions

CITY COUNCIL
Barry Brown Mayor pro tem
Jay Burke
Nancy DeVetter
Michael "Spec" Hosti
Monty Parks
Brian West



CITY MANAGER
Shawn Gillen

CITY CLERK
Janet LeViner

CITY ATTORNEY
Edward M. Hughes

CITY OF TYBEE ISLAND

April 27, 2023

Brent Watts
701 13th St.
Tybee Island, GA 31328

Re: PIN 40011 09021

Dear Mr. Watts,

Parcel 40011 09021 is in the R-2 zoning district. Our code does not address docks in this district. The City has no objection to the repair and expansion of this dock.

Sincerely,

George Shaw
Community Development Director
912-472