



DEPARTMENT OF NATURAL RESOURCES  
COASTAL RESOURCES DIVISION  
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## COASTAL MARSHLANDS PROTECTION ACT STAFF'S FINDINGS & RECOMMENDATIONS

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March 7, 2025

**TO:** Coastal Marshlands Protection Committee:  
Mr. Chad Barrow  
Mr. Brad Brookshire  
Mr. Davis Poole  
Dr. Valerie Hepburn

**FROM:** Department Staff to the Committee

**APPLICANT:** Blue Moon Marinas, LLC  
Emile Bootsma  
2705 River Drive  
Thunderbolt, Georgia 31404

**AGENT:** Alton Brown  
Resource Land Consultants  
41 Park of Commerce Drive, Suite 101  
Savannah, GA 31405

**LOCATION:** 3110 River Drive, Thunderbolt, Wilmington River, Chatham County, Georgia.

**PROJECT:** The proposed project is to modify and maintain an existing commercial marina facility on the Wilmington River in the Town of Thunderbolt, Chatham County, Georgia.

**ARMY CORPS NUMBER:** 1997-03450

**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 January 29, 2025, through February 27, 2025. No comments were received in response to the public notice.

**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 existing commercial marina facility has been historically known as Thunderbolt Fisherman's Seafood, where local watermen sold fresh caught seafood to wholesale and retail customers.
2. The existing commercial facility consists of a 7,486sq.ft. concrete pierhead (197ft. x 38ft.). A 28ft. x 8ft. (224sq.ft.) timber pier extends from the northwestern portion of the concrete pierhead, and a 357ft. x 8ft. (2,856sq.ft.) timber pier extends from the northeastern portion of the concrete pierhead. The shoreline along the project site is stabilized with riprap totaling approximately 3,000sq.ft. (0.07 acre).
3. Total impacts to coastal marshlands for the existing commercial structure and bank stabilization project are approximately 13,566sq.ft. (0.29 acre).
4. An existing 62ft. x 34ft. (2,108sq.ft.) metal shed is located on the northeastern section of the concrete pierhead.
5. In February 2024, a portion of the existing concrete pierhead collapsed. A registered engineer stated that the existing concrete platform, supported by eighty-five (85) concrete piles, is serviceable. As part of the proposed project, the existing metal shed on the concrete platform will be disassembled, stored, and reinstalled. The collapsed wharf and pierheads will be removed and transported off-site to an approved landfill.
6. The applicant proposes to modify the existing commercial facility to serve as a private yacht facility.
7. The concrete pierhead will be replaced with a 200ft. x 37ft. (7,400sq.ft.) concrete wharf. The applicant has stated the proposed concrete wharf will be used to position a small mobile dock crane to load and unload machinery, provisions, life rafts, and tenders, etc. to and from yachts moored at the facility. The wharf will also facilitate the use of a pump out tanker truck to be used for larger vessels. A mobile pump cart will be used for smaller transient vessels.
8. The metal shed will be re-assembled and installed on the new concrete wharf in the same location as previously existed. The reassembled metal shed on the concrete wharf will be used for storage of maritime equipment and materials. No residential amenities are proposed in association with the metal shed.
9. Extending seaward from the southwestern edge of the concrete wharf will be a 5ft. x 45ft. (225sq.ft.) gangway that will provide access to a 12ft. x 550ft. (6,600sq.ft.) concrete floating dock that will replace the existing timber pier and timber pier extension.
10. One mooring dolphin (7.5sq.ft.) will be installed northwest of the concrete floating dock. A second 5ft. x 80ft. (400sq.ft.) gangway will extend from the northeast side of the concrete wharf to a 16ft. x 20ft. (320sq.ft.) concrete landing float with an associated 3ft. x 75ft. (225sq.ft.) floating dock landward of the gangway.
11. Water, electric, and sewage pump-out will service the docks. No fueling systems are proposed.
12. The applicant estimates the proposed facility will provide mooring space for two (2) mega-yachts or multiple smaller yachts.
13. The private marina would extend approximately 98ft. into the Wilmington River where the waterway is approximately 395ft. wide at Mean Low Water (MLW).
14. The ICW channel is approximately 200ft. wide at this location. As proposed, the seaward limit of the floating dock will be no closer than 100ft. from the southern limits of the ICW. The floating dock will be approximately 46ft. from the extended property line to the east and the mooring dolphin will be approximately 45ft. from the extended property line to the west.
15. The parcel includes approximately 0.78 acre of upland landward of Coastal Marshlands Protection Act (CMPA) jurisdiction.

16. The applicant proposes the installation of a two steel sheet pile bulkheads and placement of additional rip rap in association with the private marina.
17. Approximately 50 linear feet (LF) bulkhead with 74 cubic yards (CY) of rip rap will be installed on the northern side and a 57 LF bulkhead with 85CY of rip rap will be installed on the southern side. An additional 644CY of rip rap (207 LF) will be installed underneath the concrete wharf.
18. Total impacts to coastal marshlands for the proposed bank stabilization include the bulkheads and riprap and total approximately 5,850sq.ft. (0.13 acres). Total impacts to coastal marshlands for the proposed installation of a new wharf, floating docks, and mooring dolphin total approximately 15,177sq.ft. (0.35 acres).
19. Total impacts to coastal marshlands for the proposed project are 21,027sq.ft. (0.48 acres).

**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):**

20. 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):**

21. 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):**

22. A letter has been received from the Town of Thunderbolt Zoning Administrator stating that the proposed project does not violate any local zoning laws. The letter is not conditioned.

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

23. The proposed project is sited at an existing commercial facility and has been modified to minimize impacts to CMPA jurisdiction.

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

24. Applicant has reviewed the Hazardous Site Index maintained by the Georgia Environmental Protection Division for Chatham County, Georgia and stated that there are no landfills or hazardous waste sites on or near the proposed project location.

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

25. Water Quality Certification is not required for the dock. A 401 Water Quality Certification was issued in conjunction with a NWP#13.

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

26. Applicant has stated their intention to adhere to building, land disturbing and storm-water management permit as required by Local Issuing Authority.

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

27. The public notice of the Coastal Marshlands Protection Committee (CMPC) ran from January 29, 2025, through February 27, 2025. No comments were received in response to the public notice.

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

28. 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.** At Mean Low Water (MLW), the proposed structure would extend approximately 98ft. into the Wilmington River where the waterway is approximately 395ft. wide. The ICW channel is approximately 200ft. wide at this location. As proposed, the seaward limit of the floating dock will be no closer than 100ft. from the southern limits of the ICW. The floating dock will be approximately 46ft. from the extended property line to the east and the mooring dolphin will be approximately 45ft. from the extended property line to the west. No unreasonable harmful obstruction to, or alteration of, the natural flow of navigational water is expected as a result of the proposed project.
  - 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.** As proposed, no dredging is required. The proposed project will not unreasonably harm or increase erosion, shoaling of the channels, or create 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, and clams or any marine life or wildlife or other natural resources including but not limited to 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:**

29. A waterbottoms lease is required for the proposed project.

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

30. The proposed project is sited at an existing historical commercial facility. The proposed floating docks are water dependent structures and cannot be satisfied using an alternative non-marshland site. Total impacts to coastal marshlands for the proposed installation of a new wharf, floating docks, and mooring dolphin total approximately 15,177sq.ft. (0.35 acres). Total impacts to coastal marshlands for the proposed bank stabilization include the bulkheads and riprap and total approximately 5,850sq.ft. (0.13 acres).

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

31. The project will replace structures on site and is designed to minimize impacts to coastal marshlands.

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

32. The marshlands component of the project includes the proposed bulkheads and riprap and the installation of a new wharf, floating docks, and mooring dolphin.
33. The upland component of the project area totals approximately 0.78 acre of upland. Approximately 0.35 acre is located within the 50ft. CMPA marshlands buffer.

**Marshlands Buffer For Upland Component, Rule 391-2-3-.02(4):**

34. The 50ft. coastal marshlands buffer applicable to the upland component of the project area totals approximately 0.78 acre of upland, 0.35 acre is located within the 50ft. marshlands buffer.
35. Approximately 0.33 acre currently consists of impervious surface (exposed concrete pavement, gravel pavement, and icehouse foundation) and 0.45 acre consists of pervious surface (grassed area and shoulder slope from river drive). The total area of existing impervious surface within the upland component is approximately 21%.
36. Impacts from proposed activities within the 50ft. marshlands buffer include installation of the concrete apron (102sq.ft.), removal and replacement of concrete/gravel pavement (9,961sq.ft.), installation of concrete sidewalk (235sq.ft.), installation of four (4) storm bollards (1,600sq.ft.) and construction of the marina services building (324sq.ft.).
37. The marina services building will provide bathroom and laundry services for staff and employees and will be tied into the Town of Thunderbolt water and sewer system.
38. The infrastructure proposed for the upland component will be subject to Land Disturbance Best Management Practices as part of the Town of Thunderbolt's permitting process.
39. Total impacts to the 50ft. marshlands buffer for the proposed project includes 1,860sq.ft. (0.04acre) pervious impacts and 4,796sq.ft. (0.11 acre) impervious impacts.
40. 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 marshland component of the project.** Temporary impacts to the 50ft. marshlands buffer include demolition and construction activities needed to construct portions of the marshland component. This will include erosion and sedimentation controls needed to contain the site during construction.
  - 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.** Impacts from proposed activities within the 50ft. marshlands buffer include installation of the concrete apron (102sq.ft.), removal and replacement of concrete/gravel pavement (9,961sq.ft.), installation of concrete sidewalk (235sq.ft.), installation of four (4) storm bollards (1,600sq.ft.) and construction of the marina services building (324sq.ft.). The marina services building will provide bathroom and laundry services for staff and employees and will be tied into the Town of Thunderbolt water and sewer system. Following the completion of the project, the impervious area within the upland component will total 37%. The pervious area will total approximately 63%. The 50ft. marshlands buffer for the project area is 15,353sq.ft. (0.35acre). Total impacts to the 50ft. marshlands buffer for the proposed project includes 1,860sq.ft. (0.04acre) pervious impacts and 4,796sq.ft. (0.11 acre) impervious impacts.
  - 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 planting or grading within the coastal marshlands buffer to enhance stormwater management is proposed.

**Stormwater Management Standards For Upland Component, Rule 391-2-3-.02(5):**

41. The infrastructure proposed for the upland component will be subject to Land Disturbance Best Management Practices as part of the Town of Thunderbolt's permitting process.

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

42. Approximately 0.33 acre currently consists of impervious surface (exposed concrete pavement, gravel pavement, and icehouse foundation) and 0.45 acre consists of pervious surface (grassed area and shoulder slope from river drive).
43. Following the completion of the project, the impervious area within the upland component will total 37%. The pervious area will total approximately 63%.

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

44. The proposed facility is considered a marina in accordance with O.C.G.A. 391-2-3-.03 "Regulation of Marinas, Community Docks and Commercial Docks."

**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 MARINAS**

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. The marina proposed to be located in a manatee travel corridor or on a waterway where manatees may be found must have protective measures to minimize manatee/boat interactions to include:
  - a. An education plan for boaters using the marina;
  - b. Regular monthly maintenance of dock facilities' hoses, faucets, or any apparatus or equipment capable of producing a stream of fresh water in close proximity to the access of the facility;
  - c. A contingency plan for emergency repair of freshwater sources;
  - d. 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; and
  - e. Speed zones may be required if the marina is in a manatee travel corridor.
3. No dredging of tidal waterbottoms or vegetated coastal marshlands is allowed in association with the initial marina project.
4. If the marina could require maintenance dredging in the future, a permanent, dedicated spoil site with the capacity for the initial dredge volume and anticipated maintenance needs must be identified at the time of application.
5. The marina should provide onshore restrooms, shower and laundry facilities in the upland component of the project. The applicant/permittee must take specific measures (such as, but not limited to, signs or dock regulations) to encourage boaters to use the washrooms, laundromat and restrooms onshore, if any.
6. The marina must have an approved disposal system for the disposal of wastewater generated by boats and upland facilities at the marina.
7. The marina must install, for collection of solid wastes, trashcans, dumpsters or other suitable containers in compliance with the Act to Prevent Pollution from Ships (33 USCA 1901 and 33 CFR 158). Adequate separate containers for toxic substances shall be available.
8. The marina shall not allow any person to operate a marine toilet at a marina at any time so as to cause or permit to pass or to be discharged into the waters adjacent to the marina any untreated sewage or other waste matter or contaminant of any kind.
  - a. A marina must have a working pump-out facility and dockside waste collection system for the sanitary wastes from vessels adequate for the capacity of the marina (number and size of vessels) and require their use by boats using the marina, unless specific exceptions are allowed by the Coastal Marshlands Protection Committee.
  - b. Pump-out facility maintenance logs must be kept.
  - c. The marina must prominently display signage showing the location of the nearest pump-out facility.
9. If fueling facilities are installed the applicant/permittee must insure installation is according to the USEPA and GADNR/EPD laws and regulations. The following requirements must be met:

- a. Fuel storage tanks and fuel lines between tank, dock, and vessels shall be equipped with emergency shut off valves.
  - b. Dispensing nozzles shall be the automatic closing type without a hold-open latch.
  - c. A marina must have adequate booms available either on-site or under contract to contain any oil spill.
  - d. The marina shall have a current 'Operations Manual' containing the following:
    - i. Description of how the applicant meets the conditions of this permit,
    - ii. The geographic location of the dock,
    - iii. A physical description of the facility showing mooring areas, fuel storage and dispensing areas, and locations of safety equipment,
    - iv. The names and telephone numbers of the facility, Coast Guard MSO, EPD Emergency Response Center, and other personnel who may be called by employees of the facility in an emergency, including fire and police,
    - v. A description and the location of each emergency shut-off system, and
    - vi. Names and telephone numbers of available hazardous spill clean-up contractors nearest the dock.
10. The Operation Manual must be maintained current and readily available in a conspicuous location for examination by employees of the dock and the Department.
  11. The Operations Manual must be submitted to the Department prior to operation of the dock.
  12. All components of the marina must be designed, installed, operated and maintained in a manner that will not unreasonably obstruct navigation to and from neighboring properties.
  13. The marina 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.
  14. 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.
    - a. Sample collection and analyses must be according to methods approved by the Department.
    - b. 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.
  15. The permittee shall permanently post and maintain the informational display sign, "Manatee Basics for Boaters." Instructions for the installation and placement procedure of this sign are enclosed.

#### **SPECIAL CONDITIONS**

1. Permittee is required to provide a post-construction survey that locates the marshlands and upland components of the project. Such survey shall comply with the Georgia Plat Act O.C.G.A. 15-6-67 *et seq.*
2. Upon completion of construction of the marina the permittee must contact the Department for a waterbottoms lease prior to operation of the new facility.
3. The reconstructed metal shed shall be for storage purposes only. Authorized utilities for the facility include water and electric, only.
4. The installation of sewage lines in CMPA jurisdiction is prohibited.