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GA DNR

May 19, 2022

Mr. Josh Noble
Georgia Department of Natural Resources
Coastal Resources Division
One Conservation Way, Suite 300
Brunswick, Georgia 31520-8687

**Subject: Coastal Marshlands Protection Act Permit Modification
Colonel's Island Terminal – Fourth Berth
CMPA Permit #725
SAS-2015-00443
Georgia Ports Authority
Glynn County, Georgia**

Dear Mr. Noble:

Sligh Environmental Consultants, Inc. (SECI) is pleased to submit the attached information in support of modifying the Berth 4 permit at Colonels Island Terminal. The project area is located near the confluence of the South Brunswick River and the Turtle River in southern Glynn County. Minor changes are required to the dock structure due to final design revisions. The modifications will add a worker safety platform on the inside of the dock to aid in loading and unloading cargo from the ships, but will also reduce the widths of two access bridges, catwalks, and will eliminate a breasting dolphin. In all, the proposed modifications will reduce the permitted footprint by 11,278 square feet. No changes are proposed to the approved mitigation impacts or dredging that was approved in the original permit. The modification application includes:

- Joint Application Form
- Revocable License Request Form
- CESAS Form 19 – Supporting Documentation
- Project Area Maps
- Permit Exhibits
- Deed and Plat to the property

To-date, no construction has started on the permitted structure, but shifting cargo trends, changing market factors, and high port growth have made this a priority project for the GPA. We therefore request your urgent attention to this matter. Following your review of this information, please contact us at (912) 232-0451 should you have any questions or require any additional information.

Sincerely,



Brandon W. Wall
Project Biologist
Sligh Environmental Consultants, Inc.

Enclosures

cc: Mr. Brad Woodall – Moffatt & Nichol

CESAS Form 19 Support Documentation

Georgia Ports Authority Colonel's Island Terminal – Fourth Berth Modification Glynn County, Georgia

The following information is submitted as support documentation in association with the attached application requesting authorization to impact waters of the U.S. pursuant to Section 10 of the Rivers and Harbors Act of 1899 and the Coastal Marshlands Protection Act of 1970 pursuant to the Official Code of Georgia Annotated, Part 12-5-286 (OCGA).

1.0 Introduction

On November 9, 2016, the Georgia Ports Authority (GPA) was issued CMPA Permit 725 for construction of a fourth berth at Colonel's Island Terminal (CIT). An Individual Permit was issued by the US Army Corps of Engineers (USACE) on June 24, 2019 under SAS-2015-00443. The project area is located near the confluence of the South Brunswick River and the Turtle River in southern Glynn County. Landside access to the site is via Joe Frank Harris Drive from U.S. Highway 17, approximately 2.5 miles east of Interstate-95. The center coordinates of the project area are approximately 31° 7.792' N, 81° 31.772' W. Due to shifts in cargo demands and various market factors, the berth has not been constructed to-date but final design has been completed. During that process, it was discovered that stronger components were needed on the connector bridge to make the facility "high-and-heavy" compatible, and a wide access platform at the junction of the wharf and the landside connector road was needed for safety purposes. In addition, minor shifts in the connectors roads and mooring/breasting dolphin system are needed.

2.0 Existing Permitted Site Plan – 170,422 sq. ft.

The permitted structure consists of the following components:

- 685' x 54' two lane concrete wharf that connects the new berth to Berth 1 = 36,990 ft²
- 144' x 600' concrete wharf = 86,400 ft²
- 752' x 50' access bridge connecting the new berth to the upland = 37,600 ft²
- (4) 20' x 24' concrete mooring dolphins = 1,920 ft² total
- (4) 27' x 30' concrete breasting dolphins = 3,240 ft² total
- 712' x 6' catwalk system connecting the mooring and breasting dolphins = 4,272 ft²

All permitted structures over jurisdiction total approximately 170,422 ft² (3.912 acre). In addition to the permitted dock structure, the project includes 10.18 acres of dredging totaling 285,000 cubic yards to provide adequate depths for ships. Temporary marsh disturbance totaling 0.88 acre was approved immediately adjacent to the proposed heavy load access bridge to construct the bridge. The application is also proposing to create new marsh area adjacent to the project site behind Berth 1 to mitigate 404 and EFH impacts associated with the U.S. Army Corps of Engineers (USACE) Individual Permit. Approved temporary marsh impacts associated with mitigation construction total 0.635 acre (27,645 ft²)

3.0 Proposed Modifications – 159,144sq. ft.

The proposed modifications to the permitted structure include:

- Narrower connector bridge: 685' x 45' (30,825 ft²) two lane concrete bridge that connects the new wharf to Berth 1 – Reduction of 6,165 ft²
- Narrower landside access bridge: 605' x 45' (27,225 ft²) two lane bridge shifted slightly north – Reduction of 10,375 ft²
- New 105' x 80' (8,400 ft²) platform connecting the landside bridge to the berth.
- Three breasting dolphins instead of four – 810 ft² reduction
- Slightly shifted mooring dolphin configuration
- Width and length of catwalk reduced to: 486' x 4' (1,944 ft²) – Reduction of 2,328 ft²
- No change to dredging
- No change to mitigation area
- No change to wharf

The proposed modifications are depicted on the attached exhibit. The areas shown in yellow are the originally permitted structures that will either not be constructed or are being relocated. The green areas represent the relocated or new structures. The gray areas represent no change. In all, the proposed modifications will reduce the size of the originally approved dock structure by 11,278 square feet (0.259 acre).

4.0 Proposed Activities in Jurisdiction

No changes to the proposed activities within jurisdiction have occurred since approval of the original permit. All activities proposed for the project are water dependent and necessary to provide a safe berth for water borne vessels. Activities include modification of the permitted structure which has not been constructed. The project does not include the construction of non-water dependent structures within jurisdiction. The proposed modifications do not change the projection of the proposed wharf into the waterway. As stated in the original permit, the structures will be positioned no closer than 125 feet from the federally maintained navigational channel line, and the structures will extend no closer than 120 feet into the waterway from mean low water (MLW) where the waterway is at least 900 feet wide (MLW to MLW).

5.0 Project Justification

The proposed modifications to the project are required for the final design of the project and for safety purposes. The only substantive change is a small bump-out platform between the landside access bridge and the wharf. This will provide a safe area for automobiles to enter and exit the ship and to drive to the storage yards on-site. Without the platform, worker safety is at risk. The addition of the safety platform is more than offset by reductions elsewhere on the dock resulting in a reduction of 11,278 square feet of impact.

6.0 Alternatives Analysis

The proposed modifications are to an already permitted and fully approved deep water dock structure. The proposed modifications will reduce the permitted impacts, so no alternatives are applicable.

7.0 Avoidance and Minimization:

As mentioned, the proposed modifications will reduce the project related impacts beyond what has already been approved. Therefore, no additional avoidance/minimization is necessary.

8.0 Threatened and Endangered Species

Potential effects to protected species were addressed in the original Section 404/10 permit in consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). Because the proposed modifications will reduce impacts and result in no substantive changes to the project, no changes have occurred to the effects determinations that were previously reached.

9.0 Essential Fish Habitat

An EFH report was provided to NMFS during the original permit consultation. No substantive changes have occurred to the project that would change the findings reached in the report.

10.0 Upland Component:

There is no upland component for the proposed modifications. All modifications are to the existing dock structure. The upland component to the overall project was addressed in the original permit coordination.

11.0 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-

Georgia Ports Authority
Attn: Mr. Chris Novack, P.E.
P.O. Box 2406
Savannah, Georgia 31402

(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-

See attached drawing from Moffatt & Nichol.

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

See attached recorded plat which was provided for the original Berth 4 application as well as other CMPA actions at CIT.

(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-

Attached is the general warranty deed to the property. The deed was recorded in Deed Book 10X, Page 166 of the office of the Clerk of Superior Court of Glynn County.

(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 of 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-

State of Georgia
Martin Luther King, Jr. Dr.
SE 1454E
Atlanta, GA 30334

Adolfo Correia
P.O. Box 2154
Brunswick, GA 31521

(6) A letter from the local governing authority of the political subdivision in which the property is located, stating that the applicant's proposal does not violate any zoning law;

The GPA was created in 1945 by an Act of the General Assembly and is codified in O.C.G.A. 52-2-1 through 52-2-39. As an instrumentality of the State of Georgia, the GPA is not bound by county ordinances, including zoning ordinances of Glynn County. As stated in O.C.G.A. § 1-3-8;

1958-59 Op. Att'y Gen. p. 5., even a general power granted to a county does not apply to the state or its instrumentalities in the absence of express language in the grant. Instead, the GPA is responsible for making all necessary rules and regulations for its own government as stated in O.C.G.A. 52-2-7. The local zoning issue was specifically addressed in a 1985 Opinion from the Georgia Attorney General, being No. U84-11, where the Attorney General stated that real estate of the GPA is not subject to local zoning ordinances of Glynn County. The proposed modifications to the permitted dock structure conforms to the existing land use at the terminal, but as illustrated by state law and the official Opinion from the Georgia Attorney General, no letter from the Glynn County Zoning & Planning Division is required.

(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.

Attached is a fee in the amount of \$100 as determined by CRD for a simple modification to the permitted structure.

(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-

N/A – the proposed modification will reduce impacts from the original permit

(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 Glynn County, Georgia indicates that the subject property does not contain hazardous waste sites or landfills. Additionally, the applicant previously conducted Tier II sediment testing which revealed no significant contaminants within the proposed dredge area.

(10) A copy of the water quality certification issued by the department if required for the proposed project-

A 401 Water Quality Certification was issued by EPD on July 25, 2016. A copy of the certification may be provided upon request.

(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 state-mandated land disturbing and stormwater management requirements.

(12) Such additional information as is required by the committee to properly evaluate the application.

The GPA was created in 1945 to implement a constitutional mandate to construct and maintain state docks (See Ga. Const. 1945, Art. VII, Sec. II, Para. I(6); Ga. Const. 1983, Art. VII, Sec. III, Para. I(a)). The GPA performs "an essential governmental function" for public purposes for the "benefit of the people of this state" (O.C.G.A. § 52-2-37). With that in mind, this application has been prepared with consideration for the interests of the general public of the State of Georgia as defined in O.C.G.A. § 12-5-286(g). The project is clearly in the public's best interest as it will promote the safe operation of the permitted berth and will reduce impacts beyond what was

originally permitted. The new berth will result in increased jobs, tax revenue, and income for residents of the state.

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 slightly modify the approved dock structure by shifting and reducing the mooring/breasting dolphins and catwalk, narrowing the width of the access bridges, and adding an access platform for worker safety on the inside of the wharf. The dock modifications are all pile supported and will not alter natural flow of navigable waters nor will it obstruct public navigation. The structures will extend no more than 120 feet into the waterway beyond MLW where the waterway is over 900 feet wide (MLW to MLW). It will also extend no closer than 125 feet from the edge of the federal navigation channel.

(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, or wildlife, or other resources, nor affect water and oxygen supply.

sligh environmental consultants, inc

September 9, 2022

Ms. Beth Byrnes
Georgia Department of Natural Resources
One Conservation Way
Brunswick, Georgia 31520

**Re: CMPA Permit #725 - Request for Additional Information
Colonel's Island Terminal Berth 4 Permit Modification
Glynn County, Georgia**

Dear Ms. Byrnes:

We are in receipt of your letter dated August 2, 2022 requesting four additional items for the Berth 4 modification at Colonel's Island Terminal. In accordance with your request, we are pleased to provide you with the following response letter. In addition to your request, the US Army Corps of Engineers (USACE) requested that we provide a complete set of permit drawings that will supersede the original permitted exhibits. Those are attached for your use/consideration.

1. Application Fee in the Amount of \$100

The application fee was hand delivered to your office on September 7.

2. Federal Consistency Certification Statement

Please see attached.

3. 401 Water Quality Certification

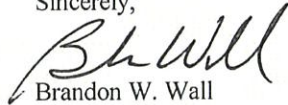
Attached is the 401 Certification issued by EPD on July 25, 2016. In conjunction with the permit modification request to the USACE, we consulted with EPD to determine whether a new 401 Certification is required. They confirmed by email dated August 4, 2022 that the 401 is still valid. Attached is that email.

4. Have you consulted with Clay George regarding manatee conditions and procedures during construction?

During the initial permitting process, the USACE consulted with the U.S. Fish and Wildlife Service (USFWS) for compliance with Section 7 of the Endangered Species Act. By email dated December 22, 2015, USFWS provided comments regarding the project's fender design in regards to potential impacts to manatees during vessel docking procedures. USFWS recommended a minimum 3' standoff when compressed and spacing the fenders 50' apart. The GPA agreed to the recommendations and modified the project drawings accordingly. The GPA also agreed to comply with the Savannah District's Standard Manatee Conditions which are a part of the existing Section 404/10 permit and will carry over to the permit modification. On March 31, 2016, USFWS issued a letter concurring with the USACE's determination of "may affect, not likely to adversely affect" for manatees. There have been no changes to the project that would affect this Section 7 determination.

We hope this letter addresses the additional information request. If you have any additional questions, comments, or concerns, please do not hesitate to call me at (912) 232-0451.

Sincerely,



Brandon W. Wall
Project Biologist
Sligh Environmental Consultants, Inc.

Cc: Mr. Michael Pettijohn – Moffatt & Nichol

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Byrnes, Elizabeth

From: Smith, Bradley <Bradley.Smith@dnr.ga.gov>
Sent: Thursday, August 4, 2022 8:54 PM
To: Brandon Wall
Cc: Wise, Sarah E CIV USARMY CESAS (USA)
Subject: RE: CIT Berth 4 Permit Modification

The existing 401 WQC for the CIT Berth 4 project is still valid for the modification.
Thanks,

Bradley Smith
GA EPD – Wetlands Unit
Coastal District Project Specialist
1050 Canal Road
Brunswick, GA 31525
912-399-6680

From: Brandon Wall <B_Wall@slighec.com>
Sent: Thursday, August 4, 2022 3:47 PM
To: Smith, Bradley <Bradley.Smith@dnr.ga.gov>
Subject: CIT Berth 4 Permit Modification

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Bradley,

In 2019, the Corps issued an IP for construction of Berth 4 at Colonels Island Terminal. The WQC was issued in 2016 for the project. Some minor tweaks to the wharf design are required for safety/operational purposes, so we have requested a permit modification from the Corps (see attached). Overall, it's a reduction in pile supported footprint, but in a slightly different configuration. No changes are proposed to any dredging, dredge disposal, mitigation, etc. from what was already approved in the WQC and IP. This is only for changes to the pile supported platform.

If she hasn't already, I believe Sarah will be reaching out to you on whether the 401 is still valid. The DNR has also requested 401 correspondence. So I thought I would just go ahead and reach out to you. Can you please confirm that the existing 401 certification is still valid?

Attached is the application for this mod and the existing 401. Let me know if you need any other information or have any other questions.

Thanks,

Brandon W. Wall
Project Biologist
sligh **environmental consultants, inc.**
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405

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Georgia Department of Natural Resources
Environmental Protection Division

2 Martin Luther King Jr. Drive, Suite 1456, Atlanta, Georgia 30334
Richard E. Dunn, Director
(404) 656-4713

JUL 25 2016

Mr. Christopher Novack
Georgia Ports Authority
Post Office Box 2406
Savannah, Georgia 31402

Re: Water Quality Certification
Joint Public Notice SAS-2015-00443
Colonels Island Terminal Berth IV
Satilla River Watershed
Glynn County

Dear Mr. Novack:

Pursuant to Section 401 of the Federal Clean Water Act, the State of Georgia issues this certification to the Georgia Ports Authority, an applicant for a federal permit or license to conduct an activity in, on or adjacent to the waters of the State of Georgia.

The State of Georgia certifies that there is no applicable provision of Section 301; no limitation under Section 302; no standard under Section 306; and no standard under Section 307, for the applicant's activity. The State of Georgia certifies that the applicant's activity will comply with all applicable provisions of Section 303.

This certification is contingent upon the following conditions:

1. All work performed during construction will be done in a manner so as not to violate applicable water quality standards.
2. No oils, grease, materials or other pollutants will be discharged from the construction activities which reach public waters.
3. The applicant must notify Georgia EPD of any modifications to the proposed activity.

This certification does not relieve the applicant of any obligation or responsibility for complying with the provisions of any other laws or regulations of other federal, state or local authorities.

It is your responsibility to submit this certification to the appropriate federal agency.

Sincerely,



Richard E. Dunn
Director

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Glynn County

cc: Ms. Sarah Wise, Corps
Mr. Eric Somerville, EPA
Mr. Strant Colwell, FWS
Mr. Pace Wilber, NOAA
Ms. Kelie Moore, CRD
Mr. James Moore, CH2M
Mr. Randy Weitman, GPA

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FEDERAL CONSISTENCY CERTIFICATION STATEMENT

Printed Name of Applicant(s): Georgia Ports Authority - Christopher B. Novack

Applicant Email: cnovack@gaports.com Phone: (912) 964-3922

Agent Name (if applicable): SECI - Brandon Wall Phone: (912) 232-0451


To Whom It May Concern:

This is to certify that I have made application to the U.S. Army Corps of Engineers (USACE) for authorization to impact Waters of the United States and that such proposed work is, to the best of my knowledge, consistent with Georgia's Coastal Management Program.

I understand I must provide this Consistency Certification Statement, along with a copy of my permit application submitted to USACE, to the Georgia Department of Natural Resources Coastal Resources Division (CRD) before they can begin evaluating my proposed project for consistency with Georgia's enforceable policies. I understand additional information may be required to facilitate review.

Once any required authorizations or permits from CRD have been issued, and CRD has concurred with my findings by signing this Consistency Certification Statement, CRD must submit it to USACE in order for them to issue any required federal permits or authorizations, or to validate any provisional authorizations they have already issued. A USACE provisional authorization or permit will not be valid until they receive this Certification Statement signed by CRD.

Attached is a copy of my application to USACE (required)

Signature of Applicant:  Date: 9/9/22

FOR AGENCY INTERNAL USE ONLY:	Date Received (Commencement Date): <u>5/19/2022</u>
USACE Authorization/Permit Number (assigned by USACE):	<u>SAS-2015-00443</u>
USACE Authorization Type (select one):	<input checked="" type="checkbox"/> Individual Permit <input type="checkbox"/> General Permit # ___ <input type="checkbox"/> NWP # ___
USACE Project Manager:	<u>Sara Wise</u>
CRD Authorization/Permit Number (assigned by CRD):	<u>CMP20220021</u>
CRD Project Manager:	<u>Beth Byrnes</u>

CRD CONCURS WITH THIS CONSISTENCY CERTIFICATION STATEMENT TO THE EXTENT THAT USACE AUTHORIZATION IS CONSISTENT WITH THE PROJECT AS DESCRIBED IN ANY CRD AUTHORIZATION.

CRD Signature: _____ Date: _____

Printed Name: _____ Title: _____

For questions regarding consistency with the Georgia Coastal Management Program, please contact the Federal Consistency Coordinator at (912) 264-7218 or visit www.CoastalGADNR.org.

Revised April 11, 2022

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