

COOLEY HEAD DRIVE SHORELINE STABILIZATION PROJECT

COASTAL MARSHLANDS PROTECTION ACT
PERMIT APPLICATION
SEPTEMBER 21, 2023

APPLICANT:

MR. ROCKY COOLEY



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1.0 Introduction

Rocky Cooley is seeking authorization from the Coastal Marshlands Protection Committee (CMPC) to construct a bulkhead in tidal waters for the residence at Lot 4 Block D Sapelo Gardens, Townsend, McIntosh County, Georgia (31.528894° latitude, -81.373646° longitude).

The project would result in the alteration of +/- 66 ft² (0.002-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 December 14, 2021 (Attachment E). The project area is located at Lot 4 Block D Sapelo Gardens adjacent to Blackbeard Creek. An existing single-family residence is located on the lot. The jurisdiction line is located at the high tide line at the base of the slope. An existing dock is located on Blackbeard Creek, with 98 ft² of the walkway located within the 50' upland component buffer. An existing vinyl fence is located along the top of the bank. The bank is experiencing extreme erosion and the upland structures and dock are threatened (Attachment F, Site Photograph).

3.0 Marshlands Component

As depicted on the exhibit titled *Site Overview Cooley Res. Bulkhead Townsend, Georgia* Dated July 11, 2023 (Attachment C), the marshland component of the project consists of a +/-66 l.f. bulkhead. The bulkhead will require backfill of 66 ft² (0.002 acre) of tidal waters. Total backfill below the high tide line is +/-0.81 cubic yards (0.012 cy/ft). The wall would be constructed by barge from Blackbeard Creek and 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 steep eroding bank and a portion of the yard. A 98ft² portion of the dock walkway and a vinyl fence are located within the buffer. Work proposed within the upland buffer consists of temporary impacts associated with the construction of the bulkhead and installation of the upland tie-back system. Upon completion of the marshlands component and upland tie-back system, the disturbed area will be stabilized with native vegetation.

5.0 Alternatives Sites Considered

The proposed shoreline stabilization will protect the existing shoreline at the subject lot location and cannot be located at an alternative site. Due to the steep slope, rocks or other non-structural alternatives are not feasible without significant re-sloping of the shoreline. There are no non-marsh alternatives that will satisfy the project requirements at this location.

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-

Rocky Cooley
206 N B Street
Easley, South Carolina 29640

- (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 Roberts Civil Engineering titled ***Site Overview Cooley Res. Bulkhead Townsend, Georgia*** Dated July 11, 2023 (Attachment B).

- (3) A plat of the area in which the proposed work will take place-*** Attachment A contains a survey produced by Jackson Surveying, Inc. titled ***Lot 4, Block D, Sapelo Gardens, 1515th G.M.D. McIntosh County, Georgia*** dated January 13, 2022.

- (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 A contains the following document:

- Warranty Deed conveying the property from John Daniel Stephens to Lee Pursley Cooley and Crystal James Cooley dated October 6, 2020 recorded at Superior Court of McIntosh County, Georgia in Deed Book 662, page 526

(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 D.

(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 for zoning certification has been sent to the McIntosh County Building and Zoning Department (copy 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 McIntosh 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 will be reviewed during the processing of the federal Nationwide Permit that has been submitted to the Savannah District Corps of Engineers.

(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 McIntosh 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 on Blackbeard Creek and will result in a small (1' to 2') shift of the shoreline. 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 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 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 the shoreline along a highly eroded bank with numerous private docks 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.

ATTACHMENT C



September 19, 2023

McIntosh County Building & Zoning
Attn: Mr. Brian Boone
100 Madison Street
Darien, Georgia 31305

**RE: Rocky Cooley Shoreline Protection Project
Parcel 0061B 0029 Townsend, McIntosh County, Georgia**

Dear Mr. Boone:

Resource & Land Consultants, on behalf of Rocky Cooley, is submitting an application to the Georgia Department of Natural Resources, Coastal Resources Division (CRD) requesting authorization under the Coastal Marshlands Protection Act (CMPA) (O.C.G.A. §12-5-280) to conduct activities within CMPA jurisdiction at Lot 4, Block D, Sapelo Subdivision, located on the Sapelo River, in Townsend, McIntosh County, Georgia (31.52916, -81.37367).

Mr. Cooley proposes to construct a bulkhead along the subject property on the Sapelo River. The existing shoreline is severely eroding and jeopardizing upland located structures on the property. The applicant is seeking authorization to construct the bulkhead in CMPA jurisdiction, which is depicted on the attached drawing prepared by Roberts Civil Engineering titled Cooley Res. Bulkhead, Townsend GA, dated July 11, 2023.

In accordance with O.C.G.A. § 12-5-286(b)(6), the applicant must submit a letter from the local zoning authority in which the project is located stating that the proposed activities do not conflict with current zoning laws. In addition, it is the CRD's policy to request that the attached plans be initialed and/or stamped as part of your review.

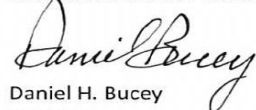
The applicant understands that your preliminary approval of the proposed concept plan does not constitute approval of the project itself or any associated facilities. The applicant further understands that all necessary permits and approvals for activities associated with the construction will be secured prior to construction.

At your earliest convenience, please provide a letter stating whether or not the applicant's proposal is consistent with applicable McIntosh County zoning regulations governing the project location. Please send your letter, along with the initialed or stamped copies of the permit drawing, to CRD in the enclosed pre-addressed stamped envelope. The letter should be addressed to:

Josh Noble
Marsh & Shore Management Program Manager
GADNR Coastal Resources Division
One Conservation Way
Brunswick, Georgia 31520

We appreciate your timely response to this request. Please notify us if there are any fees required to complete this request. If you should have any questions or require additional information, please contact me at your earliest convenience.

Sincerely,
RESOURCE & LAND CONSULTANTS



Daniel H. Bucey
Principal



McIntosh County Building and Zoning Office

Post Office Box 2694
Darien, GA 31305

Bryan Boone, Administrator
Donna Moody, Inspector
Glenda Davis, Permit Technician

Phone: 912-437-6603
FAX: 912-437-5088

Dear Mr. Noble,

Mr. Cooley's proposal at:

Parcel ID - 0061B 0029
Address - LT 4 BLK D SAPELO G

is consistent with all applicable zoning ordinances for this location and purpose.

Please feel free to contact us if further guidance or questions arise with this project.

Thank you,

Bryan Boone

Bryan Boone
Building and Zoning Administrator,
McIntosh County
(912)-437-1133



PROJECT INFORMATION
Owner: Rocky Cooley

SITE DATA
Site Address: 1077 Head Lane NE, Townsend, McIntosh County, GA 31331
Parcel Number: 0061B 0029
Map# Block Lot: Lot 4 Block D
Waterway: Black Beard Creek

NOTES:

1. THE PLANS SHOWN HEREIN SHALL BE USED ONLY AS AN EXHIBIT FOR PERMITTING WITH THE GEORGIA DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS
2. THE DIAGRAM IS NOT INTENDED TO BE USED FOR CONSTRUCTION DRAWINGS
3. THE LOT BOUNDARIES AND CMPA LINE LOCATION ARE BASED ON A SURVEY MADE BY SHUPE SURVEYING ON 02/09/2021. THE MHW LOCATION IS OBTAINED THROUGH GIS

McIntosh County Building & Zoning Department

APPROVED
SCALE: 1" = 80'

ROBERTS CIVIL ENGINEERING
10000 Highway 1, Lawrenceville, Georgia 30046
WWW.ROBERTSCIVILENGINEERING.COM

Initials: *WBS* Date: 10/4/23

BLACKMEAD CREEK



PROPOSED BULKHEAD

PROPERTY BOUNDARY

-
- | Government | Percentage |
|---------------------|------------|
| Current Government | 60% |
| Previous Government | 40% |



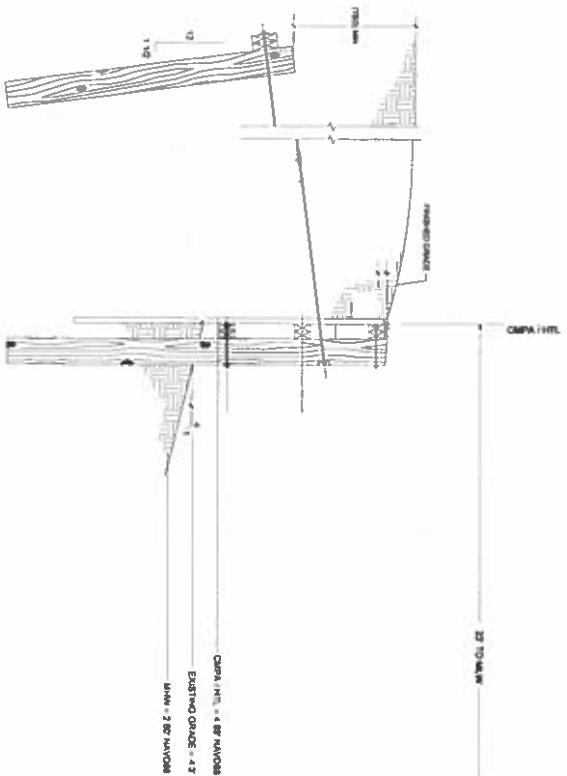
ROBERTS
CIVIL ENGINEERING
P. Spence (Chair) | S. Sweeney | M. McDermott | D. Walker
WWW.ROBERTSCIVILENGINEERING.COM

DATE: 2023-07-11
PROJECT NO.: 23101
DRAWN BY: DM
CHECKED BY: AC
SCALE: 1" = 30'

**SITE OVERVIEW
COOLEY RES. BULKHEAD
TOWNSEND, GA**

PREPARED FOR:
ROCKY COOLEY

ROBERTS CIVIL ENGINEERING
301 SEA ISLAND ROAD, SUITE 10
ST. SIMONS, GA 31522
912-638-9681 OFFICE
912-289-0339 FAX



NOTE

780' MEANS TO BE DETERMINED BY THE DESIGN PROFESSIONAL.

PROPOSED BULKHEAD = 66 LF

66 LF x 1.0' = 66 SF

66 SF x 0.33' = 22 / 27 = 0.81 CY
OF FILL

0.81 CY / 66 LF = 0.012 CY OF FILL
PER LF

BULK HEAD DETAIL

NTS

McIntosh County
Building & Zoning Department
APPROVED
Initials: *[Signature]*
Date: *10/4/23*

NOTES:

1. THE PLANS SHOWN HEREIN SHALL BE USED ONLY AS AN EXHIBIT FOR PERMITTING WITH THE GEORGIA DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.
2. THE DIAGRAM IS NOT INTENDED TO BE USED FOR CONSTRUCTION DRAWINGS
3. THE LOT BOUNDARIES AND CMPA LINE LOCATION ARE BASED ON A SURVEY MADE BY SHUPE SURVEYING ON 02/09/2021. THE MHW LOCATION IS OBTAINED THROUGH GIS.

N.T.S.



ROBERTS
CIVIL ENGINEERING
1700 Peachtree Dunwoody Road, Suite 100
Atlanta, GA 30329
WWW.ROBERTSCIVILENGINEERING.COM

3

DATE: 2023-07-11
PROJECT NO.: 23101
DRAWN BY: DM
CHECKED BY: AC
SCALE: N.T.S.

**SITE OVERVIEW
COOLEY RES. BULKHEAD
TOWNSEND, GA**

**PREPARED FOR:
ROCKY COOLEY**

**ROBERTS CIVIL ENGINEERING
301 SEA ISLAND ROAD, SUITE 10
ST. SIMONS, GA 31522
912-638-9681 OFFICE
912-289-0339 FAX**



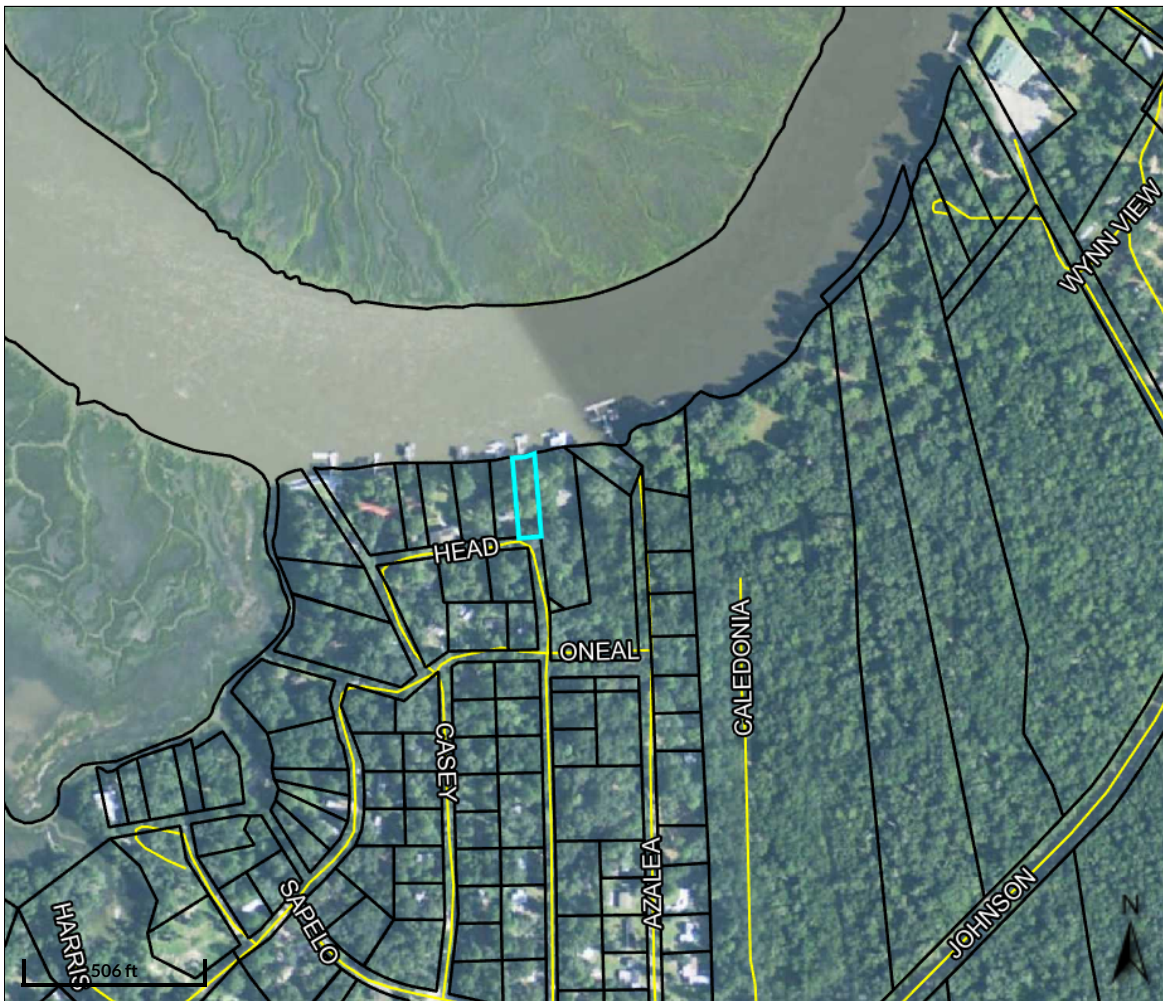
RLC Project No.: 21-463
Figure No.: 1
Prepared By: DB
Sketch Date: 9/21/2023
Map Scale : 1 inch = 2,000 feet

**Cooley Head Lane
Bulkhead**
McIntosh County, Georgia

Site Photograph
Prepared For: Rocky Cooley





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



Overview



Legend

-  Parcels
-  Roads

| | | | | | | | |
|-----------------|-------------|------------------|------------------------------------|--------------|----------|-------------------|------|
| Parcel ID | 0061B 0029 | Owner | COOLEY LEE PURSLEY & CRYSTAL JAMES | Last 2 Sales | | | |
| Class Code | Residential | | 206 NORTH B STREET | Date | Price | Reason | Qual |
| Taxing District | COUNTY | | EASLEY, SC 29640 | 10/6/2020 | \$331000 | Fair Market Value | Q |
| Acres | 0.3 | Physical Address | LT 4 BLK D SAPELO G | 3/28/2005 | \$350000 | Fair Market Value | Q |
| | | Assessed Value | Value \$385360 | | | | |

(Note: Not to be used on legal documents)

Date created: 9/19/2023
Last Data Uploaded: 9/19/2023 1:33:17 PM

Developed by  Schneider GEOSPATIAL



ATTACHMENT D



Overview



Legend

-  Parcels
-  Roads

Parcel ID 0061B 0028
 Class Code Residential
 Taxing District COUNTY
 Acres 0.3

Owner USSERY HERBERT W & ELOISE
 1071 HEAD LN NE
 TOWNSEND, GA 31331
 Physical Address LT 5 BLK D SAPELO G
 Assessed Value Value \$248260

| Last 2 Sales | | | |
|--------------|-------|--------|------|
| Date | Price | Reason | Qual |
| n/a | 0 | n/a | n/a |
| n/a | 0 | n/a | n/a |

(Note: Not to be used on legal documents)

Date created: 8/8/2023

Last Data Uploaded: 8/8/2023 1:35:58 PM



Developed by  Schneider
 GEOSPATIAL



Overview



Legend

-  Parcels
-  Roads

Parcel ID 0061B 0048
 Class Code Residential
 Taxing District COUNTY
 Acres 1.06

Owner MATHIS GREGORY F &
 SALLY STONEWALL MATHIS
 2011 BROCK ROAD
 ATHENS, GA 30607
 Physical Address THOMPSON
 Assessed Value Value \$409750

| Last 2 Sales | | | |
|--------------|-------|--------|------|
| Date | Price | Reason | Qual |
| 1/11/1993 | 0 | Gift | U |
| n/a | 0 | n/a | n/a |

(Note: Not to be used on legal documents)

Date created: 8/8/2023
 Last Data Uploaded: 8/8/2023 1:35:58 PM

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 GEOSPATIAL

ATTACHMENT E



COASTAL RESOURCES DIVISION

ONE CONSERVATION WAY • BRUNSWICK, GA 31520 • 912-264-7218

WALTER RABON
INTERIM COMMISSIONER

DOUG HAYMANS
DIRECTOR

July 27, 2023

Rocky Cooley
206 N B Street
Easley, SC 29640

Re: Coastal Marshlands Protection Act (CMPA), Jurisdictional Determination Verification, Lot 4 Block D, Sapelo Gardens Subdivision, Blackbeard Creek, McIntosh County, Georgia

Dear Mr. Cooley:

Our office has received the survey and plat, dated January 13, 2022, prepared by Jackson Surveying, Inc., No. 3395 entitled "*Map to Show Boundary of Lot 4, Block D, Sapelo Gardens, 1515th G.M.D., McIntosh County, Georgia (According to Deed Recorded in D.B. 662, PG. 524 of the Public Records of Said County)*" prepared for Lee P. & Crystal J. Cooley. Based on my site inspection, on July 21, 2023, this plat and survey generally depict the delineation of the coastal marshlands boundary as required by the State of Georgia for jurisdiction under the authority of the Coastal Marshlands Protection Act O.C.G.A. § 12-5-280 et seq.

The Coastal Marshlands Protection Act O.C.G.A. § 12-5-280 et seq. delineation of this parcel is subject to change due to environmental conditions and legislative enactments. This jurisdiction line is valid for one year from date of the delineation. It will normally expire on July 21, 2024 but may be voided should legal and/or environmental conditions change.

This letter does not relieve you of the responsibility of obtaining other state, local, or federal permission relative to the site. Authorization by the Coastal Marshlands Protection Committee or this Department is required prior to any construction or alteration in the marsh jurisdictional area. We appreciate you providing us with this information for our records. If you have any questions, please contact me at (912) 264-7218.

Sincerely,

Beth Byrnes
Coastal Permit Coordinator
Marsh and Shore Management Program

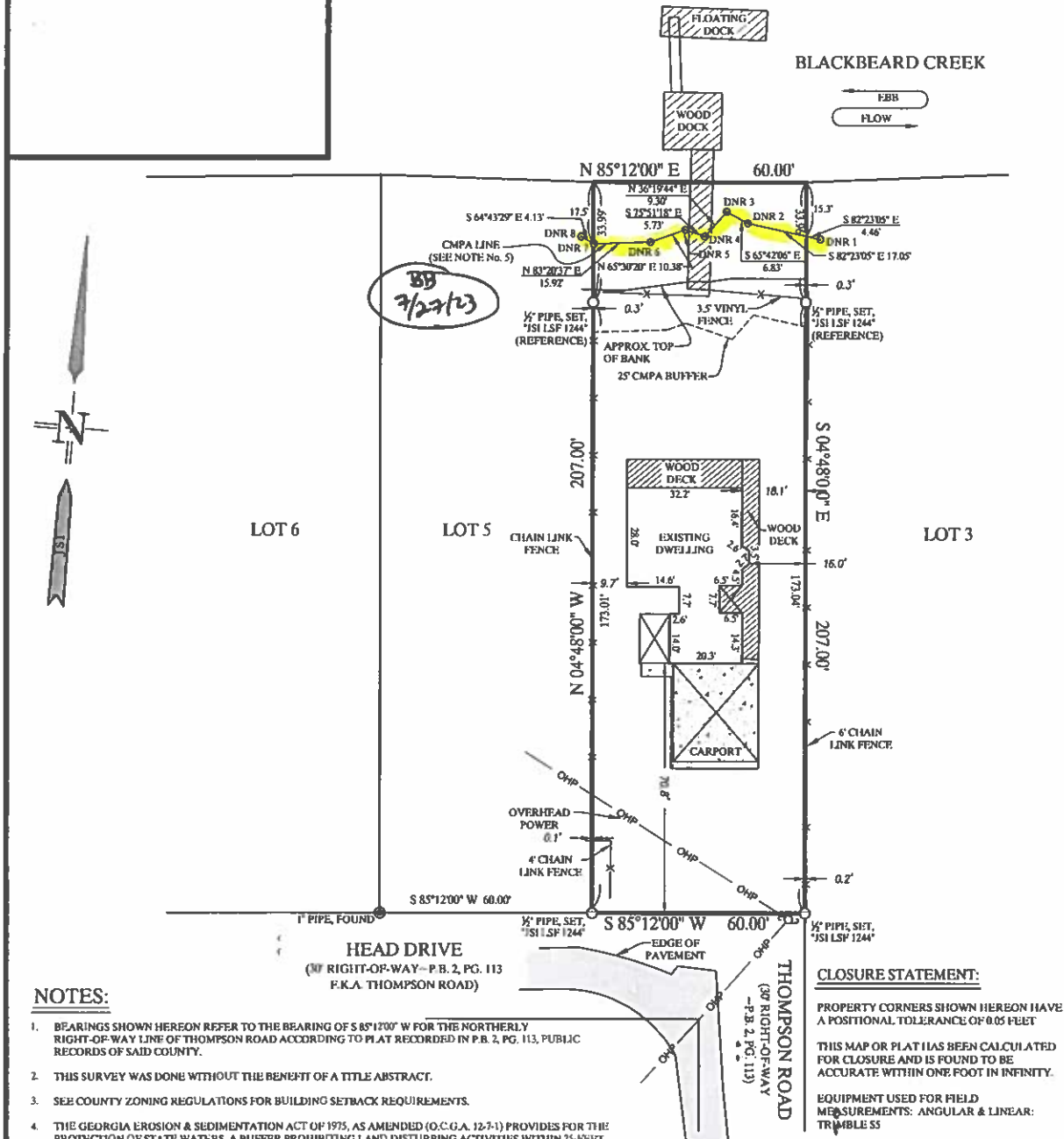
Enclosure: *Map to Show Boundary of Lot 4, Block D, Sapelo Gardens, 1515th G.M.D., McIntosh County, Georgia (According to Deed Recorded in D.B. 662, PG. 524 of the Public Records of Said County)*

File: JDS20230203

MAP TO SHOW BOUNDARY SURVEY OF
LOT 4, BLOCK D, SAPELO GARDENS,
1515th G.M.D., MCINTOSH COUNTY, GEORGIA

(ACCORDING TO DEED RECORDED IN D.B. 662, PG. 524 OF THE PUBLIC RECORDS OF SAID COUNTY)

FOR: LEE P. & CRYSTAL J. COOLEY



NOTES:

1. BEARINGS SHOWN HEREON REFER TO THE BEARING OF S 85°12'00" W FOR THE NORTHERLY RIGHT-OF-WAY LINE OF THOMPSON ROAD ACCORDING TO PLAT RECORDED IN P.B. 2, PG. 113, PUBLIC RECORDS OF SAID COUNTY.
2. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE ABSTRACT.
3. SEE COUNTY ZONING REGULATIONS FOR BUILDING SETBACK REQUIREMENTS.
4. THE GEORGIA EROSION & SEDIMENTATION ACT OF 1975, AS AMENDED (O.C.G.A. 12-7-1) PROVIDES FOR THE PROTECTION OF STATE WATERS. A BUFFER PROHIBITING LAND DISTURBING ACTIVITIES WITHIN 25-FEET OF SPECIFIED STATE WATERS MAY BE REQUIRED.
5. THE COASTAL MARSHLANDS PROTECTION ACT (CMPA) JURISDICTION LINE SHOWN HEREON WAS DELINEATED DECEMBER 2021 BY THE GEORGIA DEPARTMENT OF NATURAL RESOURCES.
6. THERE MAY EXIST RESTRICTIONS OR ENCUMBRANCES AFFECTING THE SUBJECT PROPERTY THAT ARE NOT KNOWN TO JACKSON SURVEYING, INC.

SURVEYOR'S CERTIFICATION

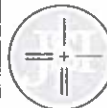
THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THIS DOCUMENT, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



DAVID E. DOWDY
GA. PROFESSIONAL SURVEYOR No. 3395

DATE OF PLAT: JANUARY 13, 2022

DATE OF FIELD SURVEY: JANUARY 10, 2022



JACKSON SURVEYING, INC.

Surveyors and Land Planners
LSF001244

207 ROSE DRIVE
BRUNSWICK, GEORGIA 31520
email: info@brunswicksurveyor.com

Ofc. (912) 265-3856

DRAWN BY: K.C.J.
DWG. NO.: 80919-1-00-22-03638

CHKD. BY: D.E.D.
FB. 134, PG. 44