



COASTAL RESOURCES DIVISION

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**COASTAL MARSHLANDS PROTECTION ACT
STAFF'S FINDINGS & RECOMMENDATIONS**

September 27, 2024

TO: Coastal Marshlands Protection Committee:
Commissioner Walter Rabon, Chairman
Mr. Chad Barrow
Mr. Brad Brookshire
Mr. Davis Poole
Dr. Valerie Hepburn

FROM: Department Staff to the Committee

APPLICANT: U.S. Department of the Interior, National Park Service – Cumberland Island National Seashore

AGENT: Michael Seibert
Cumberland Island National Seashore
101 Wheeler Street
St. Marys, GA 31558

LOCATIONS: Brickhill River, Camden County, Georgia

PROJECT: The proposed project is to construct and maintain a bank stabilization project for erosion control at Plum Orchard, Brickhill River, Camden County, Georgia.

ARMY CORPS NUMBER: SAS-2022-01152

APPLICABLE LAW: O.C.G.A. §12-5-280 *et seq.*, as amended, Coastal Marshlands Protection Act (CMPA) of 1970.

SUMMARY OF PUBLIC COMMENTS: The Public Notice of the Coastal Marshlands Protection Committee (CMPC) ran from August 10, 2024 to September 8, 2024. One comment was received. The commenter express concerns over navigation, wildlife, and proximity of the project to the Wilderness boundary on Cumberland Island. The applicant has provided a written response.

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 project site consists of the Plum Orchard Mansion, a dock, and additional support structures. The mansion and associated structures were listed on the National Register of Historic Places in 1984.
2. The ~1200 linear feet of shoreline associated with the Plum Orchard property is located on the outside bend of the Brickhill River and is naturally susceptible to tidal erosion and severe weather events.
3. There is a 170ft. wooden bulkhead and approximately 200ft. of rip rap to the north of the existing dock and is a factor in accelerating the erosion rates on the adjacent shorelines to the north and south. The shoreline has minimal vegetation and has experienced undercutting in recent years.
4. The proposed project is to construct a 650 linear foot bank stabilization project that includes placement of 460cu.yds. of fill material within CMPA jurisdiction.
5. The marshlands component of the proposed project is divided into two sections, north and south. The two sections are separated by the existing bulkhead and rip rap.
6. The southern section will be comprised of two different bank stabilization treatments.
7. The first treatment will be installed at the upper end of the tidal extent and will consist of 300 tons of rip rap. The rip rap will be installed over a layer of geotextile fabric and impact approximately 3,716sq.ft. (214.3cu.yds.) over 225 linear feet of the southern shoreline.
8. Below the rip rap treatment, 185 linear feet of bagged oyster shell will be placed at 0ft. Mean Sea Level (MSL). Fill will be added to the area of the shoreline between the oyster bags and rip rap to create a livable landscape. The livable landscape area will be planted with 425 *Spartina alterniflora* sprigs on 4ft. centers. The bagged oyster shells and livable landscape will impact approximately 555sq.ft. (54.7cu.yds).
9. The northern section will be comprised of surge stone, fill, and plantings. The proposed surge stone treatment will extend from 0ft. MSL to Mean High Water (MHW) and vary in width from 12ft.-25ft.
10. Approximately 500 tons of surge stone will be placed on top of fill to create a 5/6:1 slope below MHW. The stone will have 6-8in. of soil placed on top to create an area to plant. Proposed plantings include 600 *Spartina alterniflora* sprigs planted on 4ft. centers in the intertidal zone.
11. Further up the slope, 120 Wax Myrtle cuttings will be planted and, at the highest elevations of the surge stone treatment, Southern Bayberry will be planted. The proposed surge stone treatment will impact approximately 10,000sq.ft. (400cu.yds.) over 425 linear feet.
12. Total impacts to coastal marshlands for the proposed project are 14,271sq.ft. (0.33 acres) and will include 1,129cu.yds. of fill.

O.C.G.A. § 12-5-286 (b) (8) requires a discussion of why the permit should be granted.

13. The ~1200ft. shoreline has minimal vegetation and has experienced undercutting in recent years that has created a safety hazard, negatively impacts the surrounding natural environment, is an imminent threat to features of the National Register Plum Orchard Historic District, and threatens habitat. The construction of a bank stabilization project along the shoreline is necessary to mitigate the loss of cultural and natural resources.

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):

14. Applicants have 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):

15. Applicants stated they own all adjoining property.

16. The non-refundable application fee of \$500.00 was submitted.

Local Government Zoning, O.C.G.A. § 12-5-286(b)(6):

17. A letter has been received from the City of St. Marys Community Development Director stating that the project is not in violation of any local zoning ordinances. The letter is not conditioned.

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

18. The proposed project is to construct a bank stabilization; no alternative locations were considered by the applicant, but four alternative methods were considered. The four alternatives are as follows: no action, hardening the shoreline by extending the existing bulkhead, building T-shaped catch basins, and sloping the bluff. The applicants state that construction of a bank stabilization, by the proposed methods, is the preferred alternative to provide long term protection of the resources while enhancing habitat.

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

19. Applicants have reviewed the Hazardous Site Index maintained by the Georgia Environmental Protection Division for Camden County, Georgia and stated that there are no landfills or hazardous waste sites near the proposed project location.

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

20. A 401 Water Quality Certification has been issued in conjunction with the Nationwide Permit #13.

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

21. Applicants have stated their intention to adhere to building, land disturbing and storm-water management authorizations as required by City of St. Marys, Camden County, Georgia.

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

22. Adjacent property owners and interested parties who have requested to be placed on the mailing list were notified in writing of the proposed project. The Public Notice of the Coastal Marshlands Protection Committee (CMPC) ran from August 10, 2024 to September 8, 2024. One comment was received. The commenter expressed concerns over navigation, wildlife, and proximity of the project to the Wilderness boundary on Cumberland Island. The applicant has provided a written response.

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

23. 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.** The construction of the proposed bank stabilization will not impede the navigability of Brickhill River. The project is in an area that was natural marsh until storm damage, boat wakes, and natural erosion led to its eroded status. Therefore, there will be no unreasonably harmful obstruction to or alteration of the natural flow of navigable waters 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.** The project is not expected to create stagnate water or shoaling. The project is designed to create a stable, natural marsh ecosystem.
- 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:

24. The proposed project will not require a water bottoms lease.

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

25. The shoreline adjacent to the National Register Plum Orchard Historic District has experienced dramatic increases in active tidal erosion in the last 30-40 years leading to threats to the natural and cultural resources on the upland. The preferred alternative of constructing the modified bank stabilization within coastal marshlands along the shoreline was chosen to preserve the culturally significant upland area.
26. As proposed the project will impact approximately 14,271sq.ft. (0.33 acres) of coastal marshlands.

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

27. The marshlands component consists of the proposed bank stabilization and associated fill material.
28. The upland component of the project consists of all existing, permanent, and temporary activities taking place within the 50ft. marshlands buffer which totals approximately 34,000sq.ft.

Marshland Buffers for Upland Component of the Project, Rule 391-2-3-.02(4):

29. The applicants have certified adherence to soil and erosion control responsibilities.
30. 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 marshlands component of the project.** All proposed activities will occur within the 50ft. marshlands buffer. The activities within the upland component will consist of

temporary impacts during construction of the marshlands component for access and material storage.

- 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.** There will be no permanent impacts to the 50ft. marshlands buffer as a result of the bank stabilization construction.
- 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.** As part of construction of the bank stabilization., the upland component will be stabilized with native coastal vegetation.

Stormwater Management Standards for the Upland Component of the Project, Rule 391-2-3-.02(5):

- 31. All stormwater from the upland component will percolate naturally into the ground and/or sheetflow into the adjoining tidal areas as it does currently.

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

- 32. Currently, the 50ft. marshlands buffer is 100% pervious. There will be no permanent impacts within the 50ft. marshlands buffer which will remain 100% pervious upon project completion.

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.

SPECIAL CONDITIONS

1. Permittee will be required to provide a post-construction survey to the Georgia Department of Natural Resources, Coastal Resources Division upon completion of the permitted activity. Such survey shall comply with the Georgia Plat Act O.C.G.A. 15-6-67 *et seq.*
2. The permittee must install manatee awareness signage during construction of the project and adhere to standard manatee conditions and procedures for aquatic construction as approved by the Savannah District Office of the US Army Corps of Engineers, US Fish and Wildlife Service, and the Georgia Department of Natural Resources.