

1.0 Introduction

SSI-FR LLC (Applicant) is seeking authorization under Section 10 of the Rivers & Harbors Act of 1899 (RHA) and the Coastal Marshlands Protection Act of 1970 (CMPA) to change the use of and modify an existing private single-family dock to service owners and guests of Frederica Estates located on the Frederica River at Lot 203, west of Pike's Bluff Road, on St. Simons Island, Glynn County, Georgia (31.24634 N, -81.38362 W).

The proposed community dock will provide water access for owners and guests of Frederica Estates, a twenty-one-lot gated community located within the Frederica development west of Lawrence Road on the north end of St. Simons Island. The upland component of the project consists of a dock access walkway, access road, parking, and an onshore restroom. The marshlands component of the project consists of an existing pile-supported dock that would be modified by adding a 10' x 150' floating dock and gangway and converting an existing boat hoist to a fixed deck. The proposed activity would result in the addition of 1,584 ft² (0.03 acre) of structure within jurisdiction and thus would qualify as a minor alteration as defined at O.C.G.A. §12-5-282(9).

2.0 Existing Conditions

The proposed project is located on the eastern shoreline of the Frederica River, approximately 5,900' upstream from the Frederica River / Mackay River confluence. The subject property is 1.260 acres in size; no buildings or structures are present except for a portion of the existing dock walkway. The CMPA jurisdiction limits were verified by CRD staff via letter of October 15, 2021. The Applicant purchased the property in July of 2021. An existing single-family dock is located on the lot which occupies 2,787 ft² (0.06-acre) of tidal waters. An existing private single-family dock is located +/-144' upstream from the existing dock location. No docks are currently located downstream of the existing dock; however, an application has been filed for a private single-family dock for Lot 201. Once authorized and constructed, the Lot 201 dock would be located approximately 237' from the northern (downstream) end of the floating dock proposed in this application. The proposed floating dock would extend beyond the extended Lot 202 / Lot 203 common lot line. The Applicant also owns Lot 202 and will execute a restrictive covenant over the lot that would prohibit any additional docks located within the remaining Lot 202 riparian boundary.

3.0 Project Description

The proposed community dock will provide mooring space for owners and guests of Frederica Estates, a four hundred-fifty (450) acre, twenty-one (21) lot gated community located within the Frederica development. The community dock would be utilized by owners and guests of Frederica Estates on a first-come first-served basis. Upon modification, the proposed community dock would occupy 4,371 ft² (0.10 acre) of tidal waters.

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3.1 Marshlands Component

The existing portion of the marshlands component of the project occupies 2,787 ft² (0.06-acre) of tidal waters and consists of a 6' x 195' timber walkway (1,170 ft²), a 19.8' x 19.7' covered fixed deck (390 ft²), a 17' x 33' boat hoist (561 ft²), a 6' x 39' catwalk (234 ft²), a 6' x 8' (48 ft²) landing, a 3.5' x 24' aluminum gangway (84 ft²), and a 10' x 30' floating dock (300 ft²). The existing structure extends +/-40' beyond MLW at a location on the river that is +/-272' wide from MLW to MLW.

The Applicant proposes to modify the existing structure by converting the existing No-profile boat hoist to a fixed deck and to add a 10' x 150' (1,500 ft²) floating dock extending north from the existing fixed deck and landing, which would be accessed by a new 3.5' x 24' aluminum gangway (Attachment C, Sheets 1 & 2). The modified structure would extend +/-70.59' beyond MLW at a location on the river that is +/-258.15' wide from MLW to MLW (+/-27% of the width of the waterway at MLW).

The existing dock is located only a few feet north of the southern (upstream) extended property line and +/-162' south of the northern (downstream) extended property line of lot 202. Water and electric service is present at the existing dock.

3.2 Upland Component

Lot 203 consists of 53,940 ft² of upland. The upland component of the project consists of a 377 ft² pervious walkway providing access through the CMPA fifty-foot (50') buffer to access the marshlands component of the project, a 5,522 ft² pervious access road and parking, and a 120 ft² impervious on-shore restroom (Attachment C, Sheet 3). Only approximately two percent (2%) of the upland component would be constructed of impervious materials. The Applicant will implement a landscape plan utilizing native species within the remainder of the CMPA buffer to prevent erosion and improve the stormwater function and aesthetic nature of the shoreline. Stormwater runoff from the access road, parking, and restroom areas will be collected in a stormwater inlet and piped back to the existing Pikes Bluff Drive stormwater system. No direct discharge of stormwater into coastal marshlands would result from construction of the upland component of the project.

4.0 Needs Assessment

The applicant proposes to provide mooring space for up to twenty-one (21) owners and guests of the Frederica Estates community. It is contemplated that owners would own vessels that would average twenty-five feet (25') in length or more. As proposed, the existing and proposed floating docks would provide only 330' of mooring space. At one-hundred percent utilization, the community dock size is less than what would be necessary to provide mooring for every owner of the Estates. However, the facility would offer use on a first-come first-served basis, and it is anticipated that owners would utilize the facility on a rotational basis seasonally and dependent upon various lengths of stay at their

properties. As proposed, the size of the community dock is conservative and justified per the requirements of Rule 391-2-3-.03(5)(c).

5.0 Alternative Sites Considered

The applicant considered utilization of existing off-site alternative water access facilities to provide owners the opportunity to access coastal waters. The Frederica Estates development is designed and marketed to potential non-waterfront buyers that would desire in-water mooring to coastal waters within the Frederica development. There is very limited public access to the surrounding waters on St. Simons Island. A public boat ramp is located at Village Creek. However, parking is limited and Village Creek is very shallow at this location at low tide and suitable only for smaller boats and skiffs for most of the tidal cycle. Lift access and in-water mooring is available at the St. Simons Marina and at the Hampton River Marina. Trailering and launching vessels at these locations would not be preferable due to the time necessary to launch and retrieve vessels and limiting hours of operation. These limitations would not meet the requirements of the Frederica Estates owners, who will require on-site mooring as opposed to off-site launching and limited mooring time, as well as the off-site storage and commuting to such facilities that this alternative would require. Additionally, by providing on-site mooring at the proposed location, it will free up space for non-waterfront and transient boaters that may utilize these limited alternative facilities on St. Simons Island.

The project as proposed represents the most feasible option to provide necessary mooring on-site for owners and the increased demand that will occur in this area while protecting the general public's ability to continue to use existing public facilities without undue demand and crowding.

6.0 Project Justification

The proposed project would provide in-water mooring for up to twenty-one (21) owners and guests of the Frederica Estates community. An average vessel of twenty-five feet (25') for each member would require at least a thirty-foot (30') slip, which would require total mooring capacity of six hundred-thirty feet (630'). As designed, the one hundred-fifty foot (150') floating dock would provide mooring on both sides for three hundred linear feet of mooring space, with an additional thirty feet (30') available at the existing float. By limiting its use to a first-come first-served basis, the proposed facility is the minimum necessary to provide the service to the members while limiting structures located in jurisdiction. The project as proposed project will meet the applicant's overall project purpose with a very limited amount (1,584 ft², 0.03 acre) of additional structures in jurisdiction.

7.0 Supplemental Information

This additional information is provided for compliance with Coastal Marshlands Protection Act of 1970 information requirements:

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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-*

SSI-FR LLC
Attn: Mr. Mike Collison
555 17th St. 2400
Denver, Colorado 80802

(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 drawings titled *Dock Exhibit Plan, Frederica Lot 203, St. Simons Island, GA*, Sheets 1-3, dated October 12, 2021 (Attachment C). The work will be accomplished by equipment from floating barge; no equipment will be operated in vegetated marshlands.

(3) *A plat of the area in which the proposed work will take place-* Attachment F contains a plat produced by Shupe Surveying Company, P.C. titled *Development Survey Of: Lot 203, Frederica Township (Phase IV), 25th G.M.D., St. Simons Island, Glynn County, Georgia*, dated August 24, 2021.

(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-* A Warranty Deed transferring ownership of the subject lot from Davis M. Love, III and Robin B. Love to SSI-FR LLC, recorded in the office of the Clerk of Superior Court in Glynn County, Georgia at Deed Book 4507, page 60 is included in Attachment B.

(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 E.

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- (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;* Applicant has submitted a request to Glynn County Planning and Zoning Department requesting verification that the project is not in violation of applicable zoning regulations. Certification will be forwarded upon receipt. (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.* Check for \$250.00 has been submitted with the 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 for discussion of alternative sites considered.
- (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.
- (10) *A copy of the water quality certification issued by the department if required for the proposed project-* It is the Applicant's opinion that Water Quality Certification (WQC) is not required since no fueling facilities are proposed and no discharge of fill material is proposed as regulated under the Clean Water Act. If required, WQC will be initiated during processing of the proposed activity by the USACE.
- (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 the Glynn 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 existing and proposed structures are pile-supported and will not alter natural flow of navigable waters or obstruct public navigation. The structure would occupy 27% of the

waterway at MLW, extending +/-70.59' beyond MLW at a location on the Frederica River that is +/-258.15' wide from MLW to MLW. Adequate depth and width is available for navigation around the proposed structure.

- (2) ***Whether or not unreasonably harmful or increased erosion, shoaling of channels, or stagnant areas of water will be created-*** The proposed facility will be pile-supported and will allow tidal waters to ebb and flood around and through the structure. The piles will not divert water in a manner that would increase erosion, cause shoaling of channels, or create areas of stagnant 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 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. Standard manatee protection measures will be implemented during construction and during the operation and use of the facility.