

RLC#: 17-277

24 June 2024

Georgia Department of Natural Resources Coastal Resources Division Attn: Ms. Deb Barreiro One Conservation Way Brunswick, Georgia 31520-8687

RE: Response to Public Notice Comments

Horsepen Point Shared Recreational Dock

Chatham County, Georgia

Dear Ms. Barreiro:

On 20 April 2024, the Georgia Department of Natural Resources Coastal Resource Division (CRD) published a public notice for the Alexander and Sheehan Golf Cart Bridge and Shared Private Dock located on Horsepen Creek, Tybee Island, Georgia (32.001651°, -80.853894°). In response to the public notice, CRD received approximately 66 comments opposing the proposed dock (34 by way of signature on a petition), three comments supporting a dock of reduced size and 15 comments supporting the proposed dock. The following provides a summary of comments and the applicant's response.

General Navigation: Many of the comments received during the public notice were directed toward navigation. Those opposed to the project stated that the proposed dock would significantly restrict the ability to navigate the creek. Those supporting the project stated that navigation of the waterway is already restricted due to the size, depth and location of the channel and location of existing docks.

As part of the initial design process and prior to submittal of the application, the applicant completed a bathymetric survey to determine the width and depth of the water at the location of the proposed dock. Based on the bathymetric survey, the proposed dock will not further restrict access within the waterway. In addition, and in response to the public notice comments, the applicant completed an assessment of Horsepen Creek from Tybee Creek upstream to Highway 80. Aerial imagery captured at high tide and low tide was evaluated to determine the number of existing docks (constructed and permitted) and the width of open water as measured from existing structures. The following provides a summary of the dock assessment.

The assessment included importing aerial photography that depicted Horsepen Creek at or near low tide and high tide within Horsepen Creek. All existing and proposed docks were assigned a number. Based on aerial imagery, 32 docks currently exist within Horsepen Creek and available information documents two docks have been approved by the Coastal Marshlands Protection Committee in the past 3 years but have not been constructed. Docks that have not been constructed and were not visible on the aerial imagery were superimposed. Once all docks were labeled, the distance of open water measured from the outermost portion of each dock was measured to estimate the width of channel at low tide and hightide. The measurements were then overlayed on the aerial imagery. In addition, a spreadsheet was created to summarize the data including estimated width of the waterway at low tide and estimated width of waterway at high tide. While the depth of water and therefore true navigability cannot be determined from aerial imagery, bathymetric data for the entire

tributary is not available. For this reason, the width of open water within the creek provided a practicable method for comparing existing conditions without the proposed dock and potential impacts to navigation following installation of the dock.

Based on aerial imagery, Horsepen Creek measures approximately 10,700 feet from Tybee Creek to Highway 80. Low tide aerial photography documents that sections of the creek are completely dry at low tide while navigation of other sections of the creek is prohibited by existing docks. Most notable is the obstruction created by Dock # 3 (identified in the attached exhibits). This dock is located approximately 840 feet upstream of Tybee Creek and at low tide this dock blocks the entire channel prohibiting access upstream or downstream. As a result, low tide access is limited to +/- 840 feet (7%) of Horsepen Creek and the remaining 31 upstream docks and +/- 9,860 feet (93%) of the creek is not accessible to or from Tybee Creek at low tide. While the proposed dock will maintain a minimum width of 42 feet at low tide, which is a greater width than 32 of the existing/approved docks, Dock # 3 located downstream completely obstructs the channel. Due to these existing obstructions, the proposed dock will have no impact on the navigability of Horspen Creek at low tide.

Review of aerial imagery at high tide documents that the proposed dock will maintain minimum channel width of 39 feet at high tide. Post construction, the proposed dock will be a minimum of 39 feet from Dock #6 located downstream and a minimum of 47 feet from Dock #8 located upstream. This minimum width is greater than 18 of the existing/approved docks. Thus, the proposed dock will have no impact on the navigability of Horspen Creek at high tide when compared to the existing docks.

When considering the existing condition of Horsepen Creek including the widths of the water way at low tide and high tide and considering the existing navigability limitation created by the existing docks, the proposed dock will have no measurable impact on general navigation.

Navigation During Construction: Several commentors stated that the proposed dock will create navigational issues and concerns during construction. As documented above, Horsepen Creek at the proposed dock location is only accessible during mid-tide and high tide. The applicant has consulted with a marine contractor and confirmed that the dock can be constructed without obstructing navigation. The walkway will be constructed from the upland and will not require any staging equipment on a barge in the creek. While constructing the deck and floating dock and considering the width of the creek at mid-tide and high-tide, a contractor will be able to position the barge at a location that maintains the current access.

Impacts to Marsh Associated with Walkway: Several comments stated that the proposed walkway would result in excessive impacts to the marsh. The applicant has proposed the minimum size walkway feasible. First, the applicants have proposed a shared dock rather than two single family docks. This has reduced the square footage of walkway that could be constructed by over 50%. Second, the applicant has positioned the dock as close to the downstream property line as possible (10 feet off the property line) so that the walkway is the minimum length possible. Positioning the dock at any other location upstream would require a longer walkway. Lastly, the applicant has proposed the minimum width required to provide suitable access. The coastal population has a sincere appreciation and respect for the coastal environment and weather patterns (summer heat, rapidly developing afternoon thunderstorms, etc.) and our coastal environment is a factor for any outdoor recreation activity particularly for water dependent activities. No matter the walkway length, simply walking to deck during the summer can be challenging at best and at times unsafe for many of the coastal public. This is a far greater concern when transporting everyday supplies such as life jackets, boat coolers, beach coolers, chairs, umbrellas, fishing gear, crabbing equipment, etc. Mr. Sheehan is 59 years of age and Mr. Alexander is 80 years of age.

Unfortunately, Mr. Alexander was recently involved in an accident which required three surgeries (knee, spine and ankle) and as a result, Mr. Alexander will require some form of mobile assistance to access the deck and float.¹

Accounting for physical conditions, the coastal environment and the Outdoors Beyond Barriers program, RLC evaluated appropriate walkway widths required to provide current and future access for the applicant. This evaluation included review of reasonable widths required to support both wheelchair and golf cart to access the end of the dock. Figure 1. provides the standard dimensions of a wheelchair (30 inches by 48 inches).

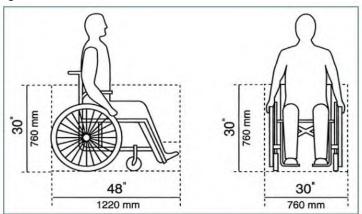


Figure 1. Wheelchair Dimensions.

While a 3-foot-wide walkway is suitable for one way wheelchair access down the walkway, a 6-foot minimum width would be required for a person in a wheelchair or person assisting someone in a wheelchair to reasonably turn around on the walkway. If an individual in a wheelchair were required to reverse course due to an emergency, rapidly changing weather conditions, or when meeting someone walking in the opposite direction on the walkway it would be unreasonable to require them to back all the way up the walkway for any extended length and a minimum width greater than 4 feet would be required to turn around in a wheelchair. The proposed width of 6 feet provides a reasonable width for a wheelchair to turn around on the walkway or for two individuals to pass on the walkway (i.e. a person in a wheelchair and a pedestrian) which is more likely with a shared dock.

Use of a golf cart was also evaluated considering the need for the transport of supplies to and from the dock (life jackets, cooler, chairs, umbrellas, fishing gear, etc.). Figure 2 provides standard dimensions for a golf cart (4 feet wide).

¹ The April 2024 Coastlines Georgia publication reported a renewed commitment of the Georgia Department of Natural Resources Outdoors Beyond Barriers program to provide recreational opportunities for those with mobility impairments. As noted in the article, "Outdoors Beyond Barriers seeks to educate, encourage, and empower Georgians with mobility impairments to connect with nature," said Walter Rabon, Commissioner of Georgia DNR. "With March being National Disability Awareness Month, we want to ensure everyone is aware of the efforts being made by our department to remove obstacles associated with getting outdoors for those who are mobility impaired." "We're dedicated to expanding our offerings, giving people different opportunities from one side of Georgia to the other," said Rabon. "Public-private partnerships will be critical as we move forward, and we're thankful for the landowners who have already stepped up, volunteering to host events on their personal properties." Without an appropriate walkway width for private docks on the coast, the ability for private landowners, like Mr. Munger, to host events open to members of the public who also have mobility challenges will not be supported by certain CRD licensure restrictions.

Figure 2. Golf Cart Dimensions.

Seats	Length	Width	Height
2 Seat	~ 92 inches (7ft 8in)	~ 48 inches	~ 70 - 80 inches
4 Seat	~ 110 inches (9ft 2in)	~ 48 inches	~ 70 - 80 inches
6 Seat	~ 144 inches (12 ft)	~ 48 inches	~ 70 - 80 inches

The average golf cart dimensions are approximately 92x48x75 inches for a two-seat golf cart. While the dimensions vary the most in length, the width is 4 feet. Considering the golf cart specifications above, the proposed 6-foot-wide walkway provides the minimum width for a golf cart that is 4 feet wide while allowing 12 inches on either side of the golf cart for safe operation.

Based on the evaluation above, the applicant has proposed the minimum walkway width which provides safe and reasonable access to the deck and float.

Community Dock: Several comments stated that the applicants should use the existing community dock for Horsepen Point. Horsepen Point does not have a community dock. A copy of the covenant amendment dated August 13, 1985 which deleted the community dock from Horsepen Point is attached to this letter.

Proposed Dock Revisions and Minimization: While the applicant has sufficiently demonstrated based on the information provided above that the proposed dock will not further restrict the navigation of Horsepen Creek or prohibit access to the existing or proposed docks upstream or downstream, the applicant evaluated the proposed dock considering the public comments and incorporated the following design modifications in an effort to address some of the public comments and further minimize any impacts related to the the size of the dock.

- The two boat hoists have been removed from the dock plan resulting in a 1,054 square foot reduction.
- Because the hoists were removed, the deck and float were shifted downstream to reduce the amount
 of structure within the channel of Horsepen Creek and to maintain access to the small marsh
 tributary.
- 3. The deck of the dock has been reduced from 400 square feet to 300 square feet resulting in 100 square feet of reduction.
- 4. The float has been reduced from 8' x 125' (1000 square feet) to 8' x 60' (480 square feet) resulting in a 520 square foot reduction.
- 5. The walkway has been relocated to reduce the linear footage from 747 linear feet to 740 linear feet resulting in a 42 square foot reduction. This alignment not only reduces the length of walkway but also avoids crossing the small marsh tributary.

6. The applicant is proposing to include ThruFlow alternative decking during construction of the walkway. As defined by 391-2-3-.03 Regulation of Marinas, Community Docks and Commercial Docks, ""Effective shading" means the amount of shading realized by utilizing alternative walkway decking." CRD has stated for the purpose of calculating shading impacts, a 25% to 50% reduction can be applied to the walkway square footage (see attached USACE PGP FAQs). By proposing to construct the walkway with ThruFlow alternative decking the effective shading for this dock will total 2,200 square feet to 3,300 square feet depending on the percent reduction applied.

In total, the proposed minimization efforts result in a 1,716 square foot reduction in structure and up to 3,916 square foot reduction in impact when considering effective shading.

In summary, the applicants have considered all public comments, have evaluated opportunities to minimize the square footage of the structure and have revised the proposed dock plans to reduce the overall size of the structure within Horsepen Creek. These minimization efforts include the applicant's commitment to construct one shared dock rather than two single family docks, reduce the size of the structure by 1,716 square feet, shifting the location of the structure downstream to ensure that impacts to navigation are avoided and incorporation of grated decking for the entire length of walkway.

For your review and use, the attached information includes the following:

- Creek Assessment Data
- Low Tide Assessment Exhibits
- High Tide Assessment Exhibits
- Site Photograph of Existing Conditions
- A copy of the Amendment to Declaration of Covenants
- Revised dock drawings

If you have any questions or require additional information, please do not hesitate to contact us at (912) 443-5896.

Sincerely,

Alton Brown, Jr. Principal

Resource & Land Consultants

Enclosures

cc: Mr. Jim Alexander

Mr. Leo Sheehan

Mr. Marc Liverman - Atlantic Coast Consultants

Mr. Jud Turner - Gilbert Harrell Sumerford & Martin P.C.



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APPENDIX A:

Creek Assessment Data

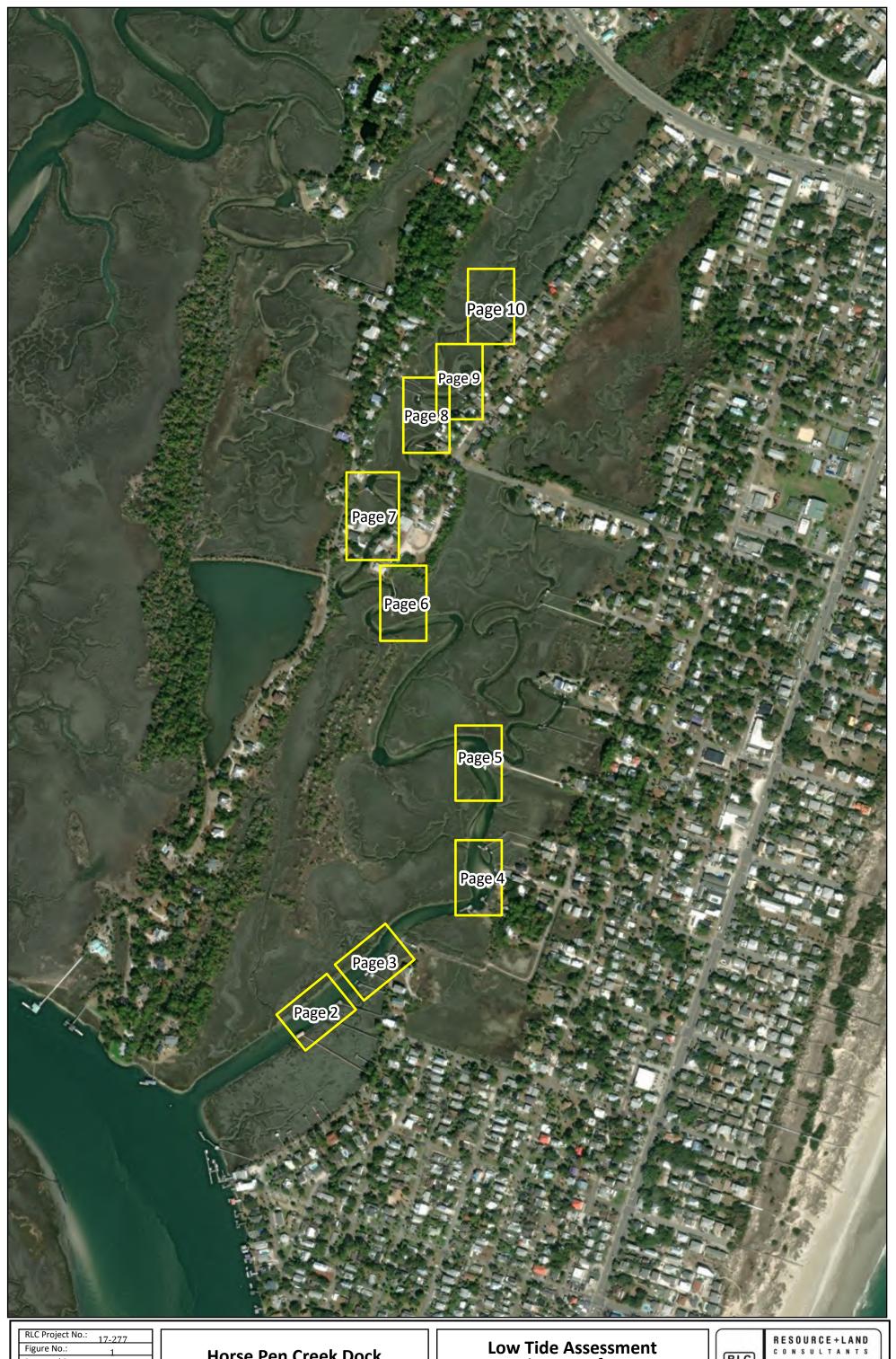
Dock#	Estimated Width (feet) of Waterway Riverward of Structure (Low Tide)	Estimated Width (feet) of Waterway Riverward of Structure (High Tide)	Float on Mud (Y/N)
1	11	109	N
2	11	118	N N
3	0	76	Y
4	28	119	Y
5	24	84	Y
6	38	69	Υ
7 (Proposed Dock)	49	72	N
8	57	69	Υ
9	45	99	Υ
10	5	37	Υ
11	39	47	N
12	Braided Channel/Not Located Within Main Channel	100	Υ
13	Braided Channel/Not Located Within Main Channel	169	Υ
14	Braided Channel/Not Located Within Main Channel	169	Υ
15	Braided Channel/Not Located Within Main Channel	N/A	Υ
16	40	55	Υ
17	No Water At Low Tide	69	Υ
18	No Water At Low Tide	21	Υ
19	7	14	N
20	26	31	Υ
21	11	13	N (no float)
22	26	26	Υ
23	36 (no water immediately upstream)	42	N (no float)
24	23	39	N (no float)
25	5	10	Υ
26	30	33	Υ
27	11	11	N
28	No Water At Low Tide	29	N (no float)
29	6	14	N
30	5	20	N
31	17	20	N (no float)
32	3	11	Υ
33	5	11	Υ
34	17	18	N (no float)
35	No Water At Low Tide	22	Υ



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APPENDIX B:

Low Tide Assessment Exhibits



Prepared By: MG 6/21/2024 Sketch Date: Map Scale :

Horse Pen Creek Dock

Chatham County, Georgia

Low Tide Assessment
Figure 1 of 11
Prepared For: Leo Sheehan & Jim Alexander

RLC 41 Park of Commerce Way, Ste 101 Savannah, GA 31405 tel 912.443.5896 fax 912.443.5898

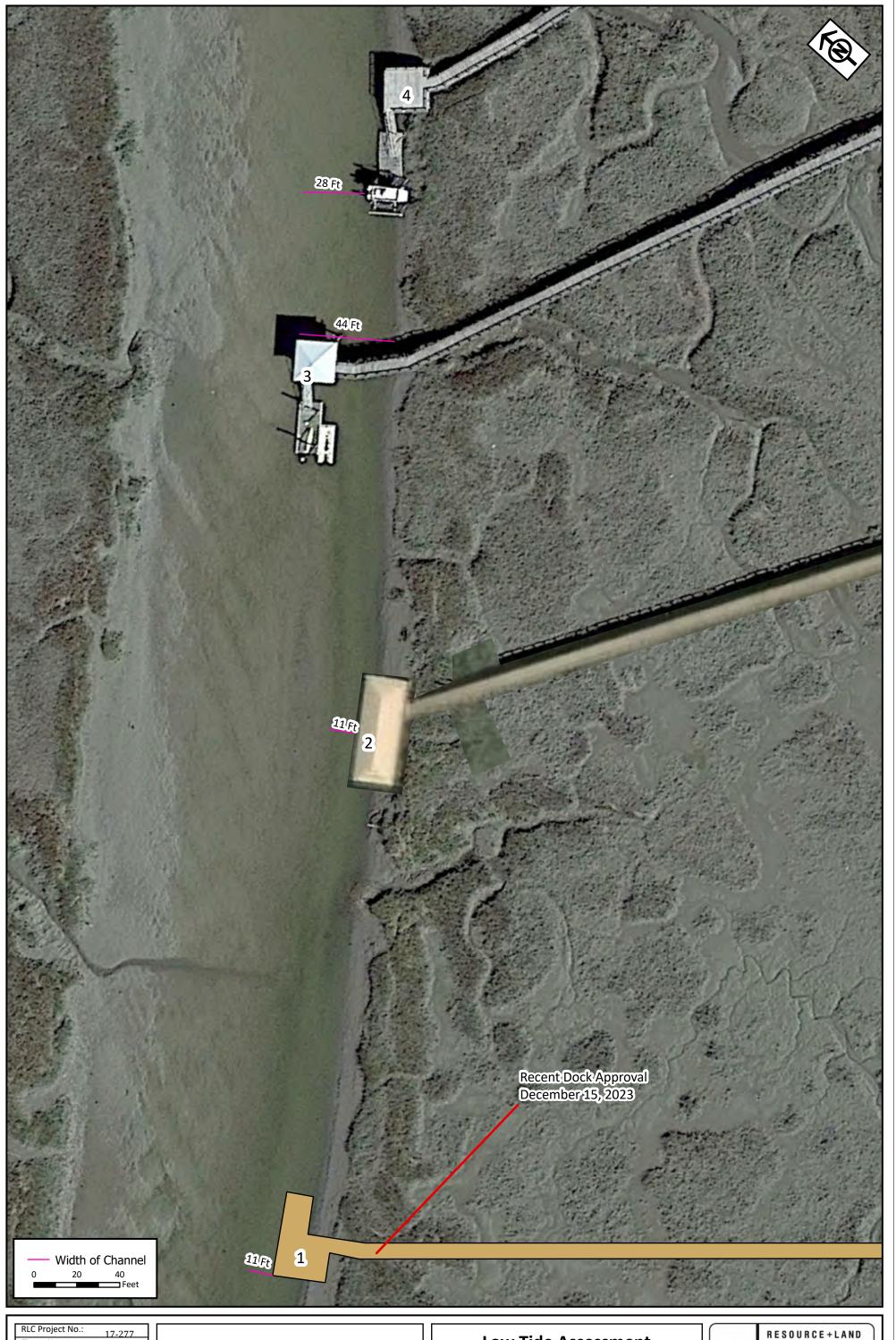


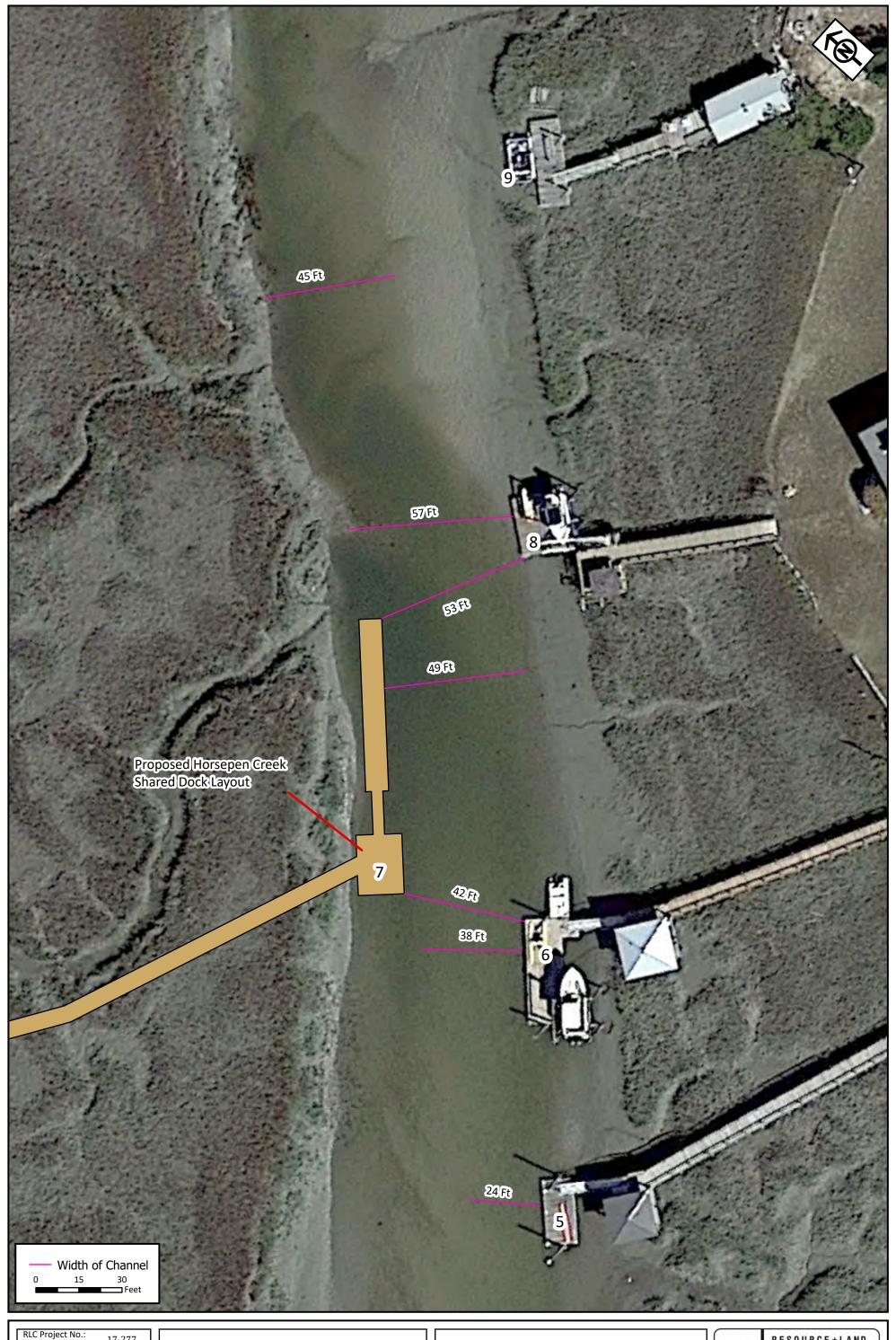
Figure No.: Prepared By: MG 6/21/2024 Sketch Date: 1:480 Map Scale :

Horse Pen Creek Dock

Chatham County, Georgia

Low Tide Assessment Figure 2 of 10 Prepared For: Leo Sheehan & Jim Alexander





 RLC Project No.:
 17-277

 Figure No.:
 3

 Prepared By:
 MG

 Sketch Date:
 6/21/2024

 Map Scale :
 1:360

Horse Pen Creek Dock

Chatham County, Georgia

Low Tide Assessment
Figure 3 of 10
Prepared For: Leo Sheehan & Jim Alexander

RLC



Prepared By: MG Sketch Date: 6/21/2024 Map Scale :

Horse Pen Creek Dock

Chatham County, Georgia

Figure 4 of 10
Prepared For: Leo Sheehan & Jim Alexander

RLC



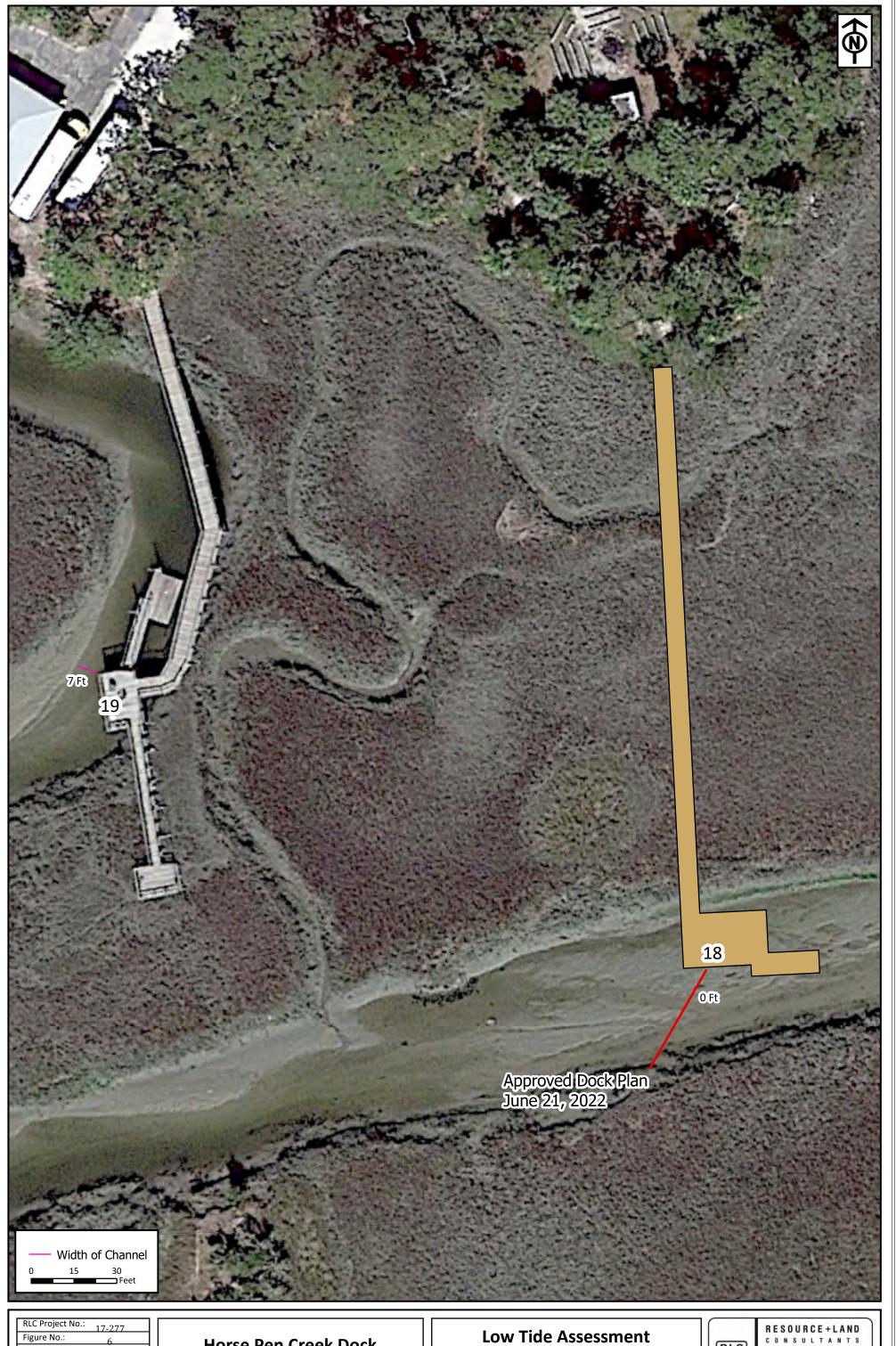
Figure No.: Prepared By: MG 6/21/2024 Sketch Date: Map Scale :

Horse Pen Creek Dock

Chatham County, Georgia

Low Tide Assessment
Figure 5 of 10
Prepared For: Leo Sheehan & Jim Alexander

RLC 41 Park of Commerce Way, Ste 101 Savannah, GA 31405 tel 912.443.5896 fax 912.443.5898



Prepared By: MG Sketch Date: 6/21/2024 Map Scale :

Horse Pen Creek Dock

Chatham County, Georgia

Figure 6 of 10
Prepared For: Leo Sheehan & Jim Alexander

RLC



RLC Project No.: 17-277

Figure No.: 7

Prepared By: MG

Sketch Date: 6/21/2024

Map Scale: 1:480

Horse Pen Creek Dock

Chatham County, Georgia

Low Tide Assessment
Figure 7 of 10
Prepared For: Leo Sheehan & Jim Alexander

RLC



RLC Project No.: 17-277

Figure No.: 8

Prepared By: MG

Sketch Date: 6/21/2024

Map Scale: 1:360

Horse Pen Creek Dock

Chatham County, Georgia

Low Tide Assessment
Figure 1 of 11
Prepared For: Leo Sheehan & Jim Alexander



RLC Project No.: 17-277

Figure No.: 9

Prepared By: MG

Sketch Date: 6/21/2024

Map Scale: 1:360

Horse Pen Creek Dock

Chatham County, Georgia

Low Tide Assessment
Figure 1 of 11
Prepared For: Leo Sheehan & Jim Alexander

RLC



Prepared By: MG Sketch Date: 6/21/2024 Map Scale :

Chatham County, Georgia

Figure 10 of 10
Prepared For: Leo Sheehan & Jim Alexander

RLC 41 Park of Commerce Way, Ste 101 Savannah, GA 31405 tel 912.443.5896 fax 912.443.5898



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APPENDIX C:

High Tide Assessment Exhibits



RLC Project No.: 17-277

Figure No.: 1

Prepared By: MG

Sketch Date: 6/21/2024

Map Scale:

Horse Pen Creek Dock

Chatham County, Georgia

High Tide Assessment
Figure 1 of 10
Prepared For: Leo Sheehan & Jim Alexander

RLC



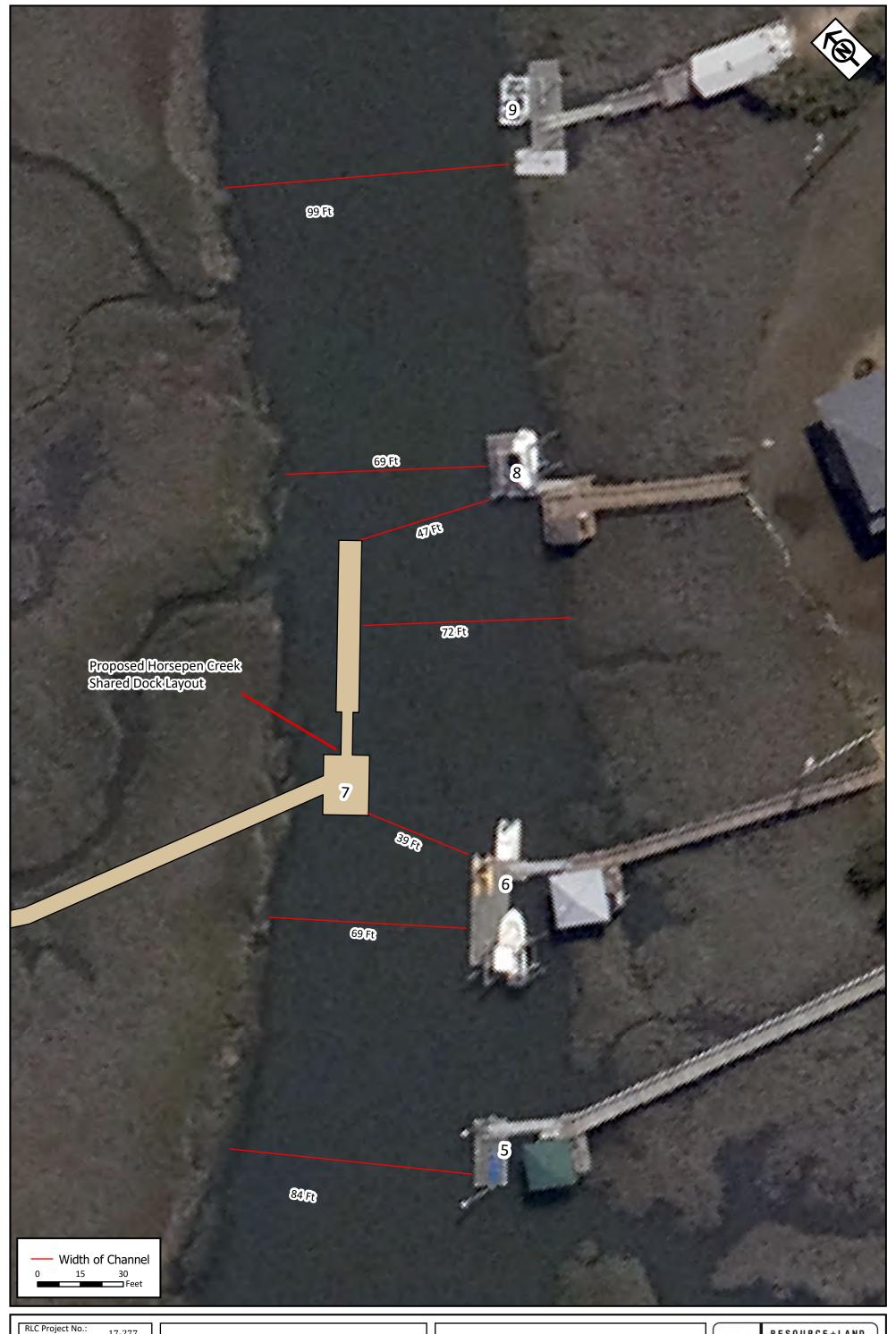
Figure No.: Prepared By: MG 6/21/2024 Sketch Date: 1:480 Map Scale :

Horse Pen Creek Dock

Chatham County, Georgia

High Tide Assessment Figure 2 of 10 Prepared For: Leo Sheehan & Jim Alexander





 RLC Project No.:
 17-277

 Figure No.:
 3

 Prepared By:
 MG

 Sketch Date:
 6/21/2024

 Map Scale :
 1:360

Horse Pen Creek Dock

Chatham County, Georgia

High Tide Assessment
Figure 3 of 10
Prepared For: Leo Sheehan & Jim Alexander



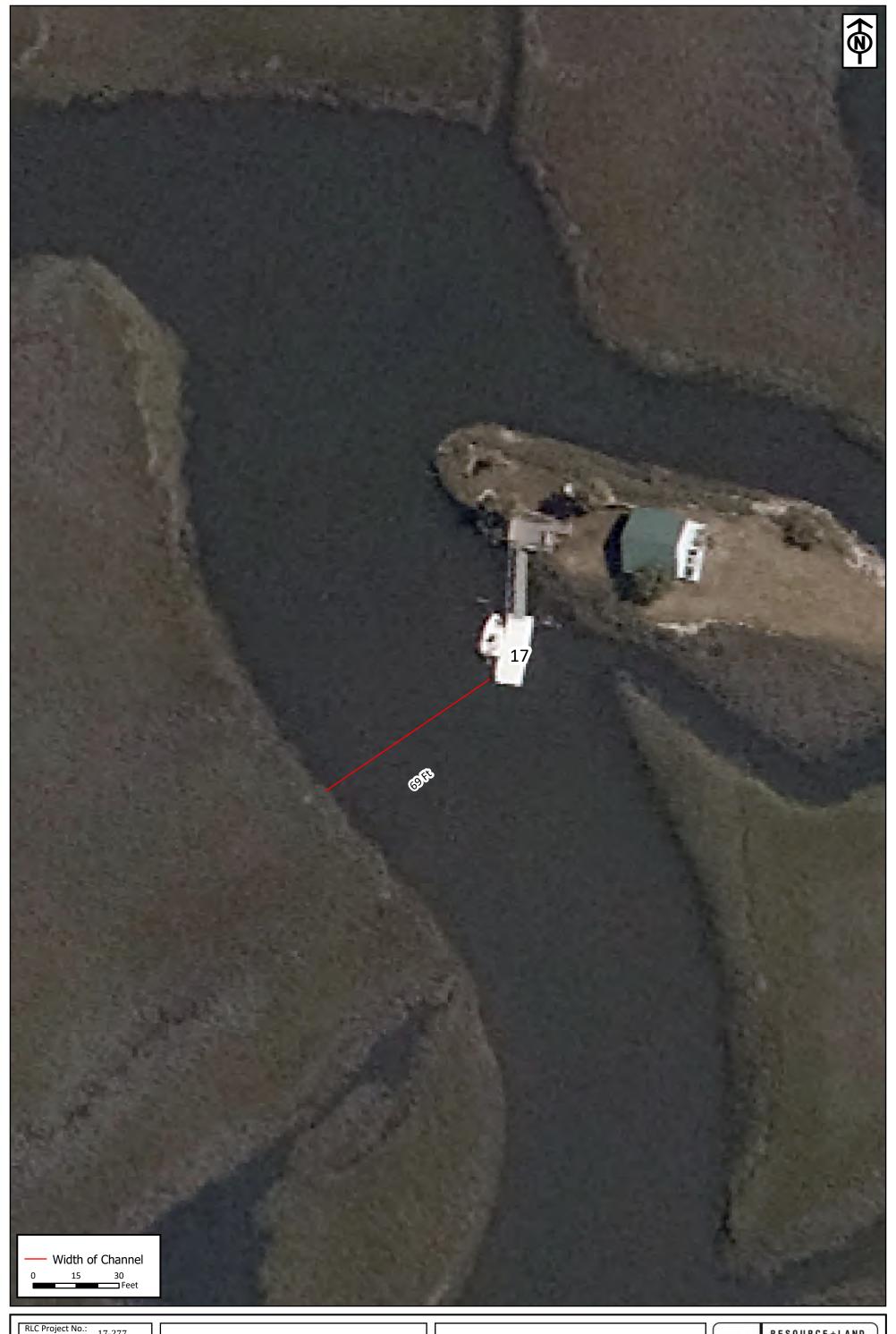
Prepared By: MG Sketch Date: 6/21/2024 Map Scale :

Horse Pen Creek Dock

Chatham County, Georgia

High Tide Assessment
Figure 4 of 10
Prepared For: Leo Sheehan & Jim Alexander

RLC



RLC Project No.: Figure No.: Prepared By: MG Sketch Date: 6/21/2024 Map Scale :

Horse Pen Creek Dock

Chatham County, Georgia

High Tide Assessment
Figure 5 of 10
Prepared For: Leo Sheehan & Jim Alexander

RLC



RLC Project No.: 17-277

Figure No.: 6

Prepared By: MG

Sketch Date: 6/21/2024

Map Scale: 1:360

Horse Pen Creek Dock

Chatham County, Georgia

Low Tide Assessment
Figure 6 of 10
Prepared For: Leo Sheehan & Jim Alexander

RLC



RLC Project No.: 17-277

Figure No.: 7

Prepared By: MG

Sketch Date: 6/21/2024

Map Scale: 1:480

Horse Pen Creek Dock

Chatham County, Georgia

High Tide Assessment
Figure 7 of 10
Prepared For: Leo Sheehan & Jim Alexander

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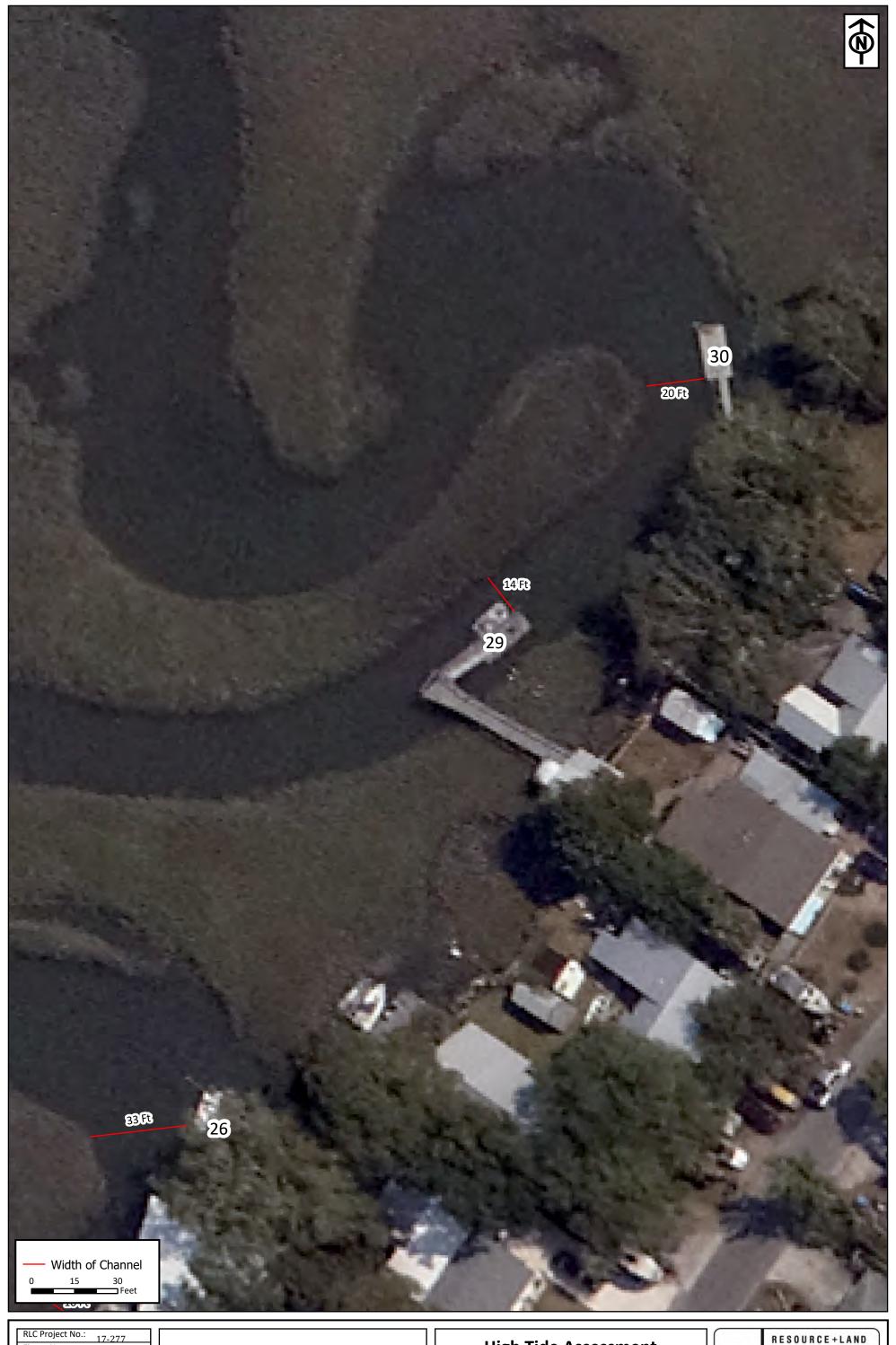


Figure No.: Prepared By: MG Sketch Date: 6/21/2024 Map Scale :

Horse Pen Creek Dock

Chatham County, Georgia

High Tide Assessment
Figure 8 of 10
Prepared For: Leo Sheehan & Jim Alexander



RLC Project No.: 17-277

Figure No.: 9

Prepared By: MG

Sketch Date: 6/21/2024

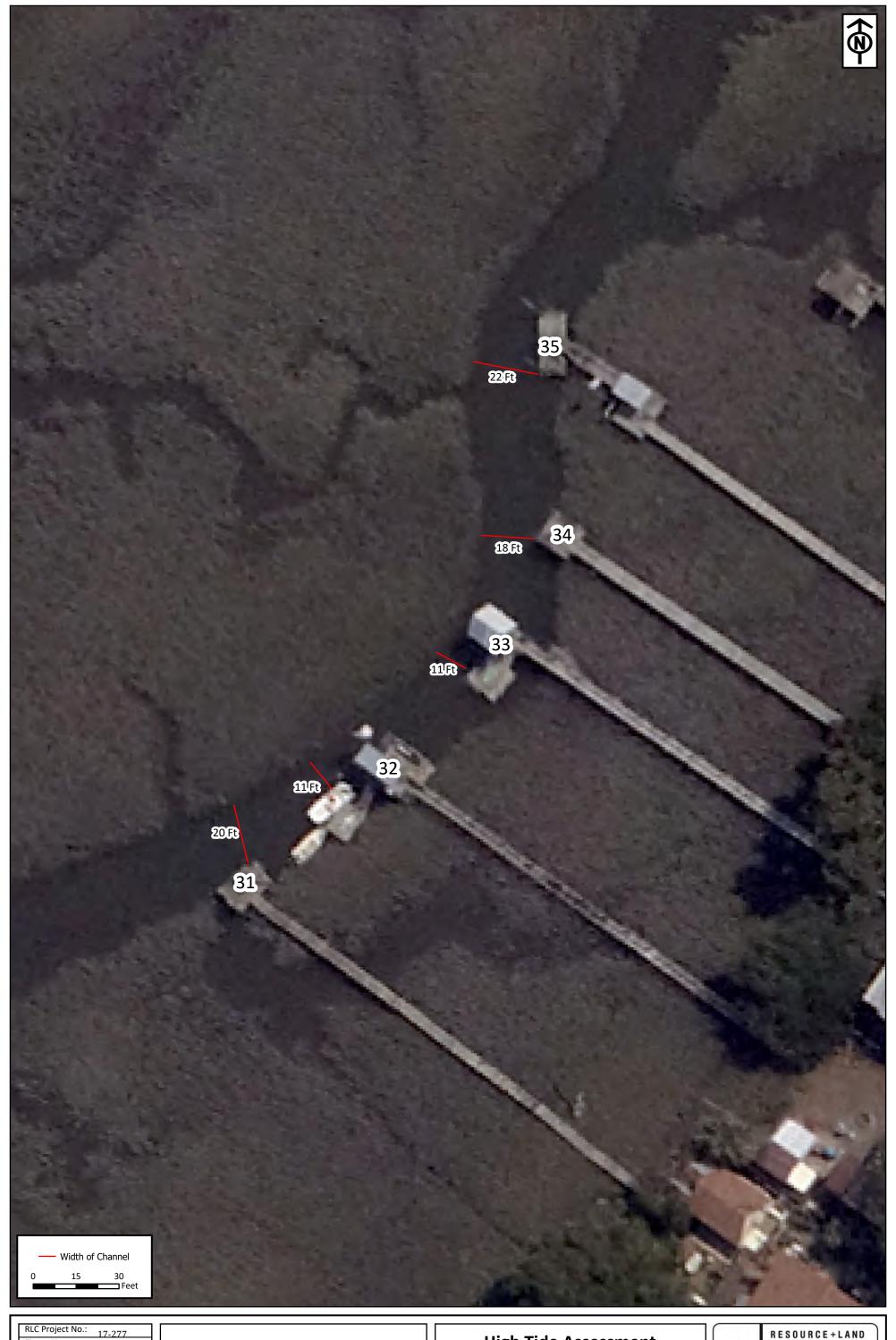
Map Scale: 1:360

Horse Pen Creek Dock

Chatham County, Georgia

High Tide Assessment
Figure 9 of 10
Prepared For: Leo Sheehan & Jim Alexander

RLC



RLC Project No.: 17-277

Figure No.: 10

Prepared By: MG

Sketch Date: 6/21/2024

Map Scale: 1:360

Horse Pen Creek Dock

Chatham County, Georgia

High Tide Assessment Figure 10 of 10 Prepared For: Leo Sheehan & Jim Alexander

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APPENDIX D:

Site Photograph of Existing Conditions





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C O N S U L T A N T S

APPENDIX E:

Amendment to Declaration of Covenants

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HORSEPEN POINT, TYBEE ISLAND, GEORGIA

This Amendment to the Declaration of Covenants, Conditions and Restrictions for Horsepen Point, Tybee Island, Georgia (the "Amendment") made this 121 day of (11, 12, 17), 1985.

Will The SSETH:

WHEREAS, on June 29, 1981, Horsepen Point, Inc. recorded in the records of the Clerk of Superior Court of Chatham County, Georgia, in Record Book 116-W, Folio 755, that certain Declaration of Covenants, Conditions and Restrictions For Horsepen Hammock, Tybee Island, Georgia, dated June 10, 1980 (the "Declaration") for a certain tract of land on Tybee Island, Chatham County, Georgia, specifically described in the Declaration (the "Property"); and

WHEREAS, under Article 10.3 of the Declaration it is provided that the Declaration may be amended by an instrument signed by not less than two-thirds (2/3) of the Horsepen Point lot owners; and

WHEREAS, all of the lot owners wish to amend the Declaration to relieve Horsepen Point, Inc. from any obligation to convey community dock facilities to the Horsepen Point Owners Association, Inc. (the "Association").

NOW, THEREFORE, the Declaration is hereby amended as follows:

- 1. All reference contained in the Declaration to docks, floats, floating docks or community dock area are hereby deleted from the Declaration and any requirement contained in the Declaration for Horsepen Point, Inc. to convey title to dock improvements or community dock area to the Association is hereby deleted from the Declaration.
- 2. Article 4.1(a) and Article 4.1(e) are hereby deleted from the Declaration.
- 3. The last two sentences of Article 2.4 are hereby deleted from the Declaration.

All other provisions contained in the Declaration shall remain of full force and effect.

IN WITNESS WHEREOF, the undersigned, being all of the lot owners of Horsepen Point, Inc., have hereunto caused this Amendment to be executed the day and year first above written.

Betty Houck Utsey, signed, scaled and delivered, in the presence of:

| Indicate | Indic

As to Horsepen Point, Inc., signed, sealed and delivered in the presence of:

As to James E. Utsey and

Jan Claners

Chatham County, Georgia

HORSEPEN POINT, INC.

is: Howing

President

Attest: The Course

Secretary

As to John T. Hosey and
Margaret A. Hosey, signed,
sealed and delivered in the
presence of:

John T. Hosey

(L.S.)

Notary Public,
Chatham County, Georgia

(L.S.)

Margaret A. Hosey

(L.S.)

Nation Public, Obstantin County, GA:
NY Company September 24, 1985



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APPENDIX F:

Revised Dock Drawings



