

## 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 need to protect the shoreline at the marsh/upland interface, there are no non-marsh alternatives that will satisfy the project requirements.

## 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-***

John H. Irby & Sarah C. Irby  
1035 Nawench Drive  
Atlanta, Georgia 30327

**(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 ***Proposed Bulkhead Plan 260 West 10th Street-Cottage 347 Street Sea Island, Georgia*** Dated March 25, 2022 (Attachment C).

**(3) *A plat of the area in which the proposed work will take place-*** Attachment F contains a survey produced by Shupe Surveying Company, P.C. titled ***Lot 13, Block '31', Sea Island Subdivision No. 1 (Revised) and Additional Property*** dated July 22, 2010.

**(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 B contains the following documents:

- Warranty Deed conveying the property from Elizabeth F. Irby nka Elizabeth I. Jolley to John H. Irby and Sarah C. Irby dated April 28, 2006 recorded at Superior Court of Glynn County, Georgia in Deed Book 1933, page 463
- Warranty Deed dated July 29, 2010 conveying a strip of land from Sea Island Company to John H. Irby & Sarah C. Irby, recorded at Superior Court of Glynn County, Georgia in Deed Book 2476, page 359
- Quit Claim Deed dated September 7, 2022 conveying a strip of land from SIA PROPCO I, LLC to John H. Irby & Sarah C. Irby, recorded at Superior Court of Glynn County, Georgia in Deed Book 4738, page 431

**(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.

**(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 letter from Glynn County Community Development Department stating that the proposed bulkhead does not conflict with current Glynn County zoning regulations is provided 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 \$100.00 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 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-** 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 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 proposed bulkhead is located immediately adjacent to the shoreline on the east side of the subject over 110' from the navigable waters of Black Bank River. 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 and subsidence at the project location. The proposed bulkhead is not located along a navigable channel and 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 densely vegetated marsh that is only inundated for a short time at high tide 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 and subsidence.



May 27, 2023

Mr. Josh Noble  
Marsh and Shore Management Program Manager  
Georgia Department of Natural Resources, CRD  
One Conservation Way  
Brunswick, GA 31520

**RE: John & Sarah Irby Shoreline Stabilization Project  
Sea Island, Glynn County, Georgia**

Dear Mr. Noble:

I refer to your letter of May 19, 2023 regarding the proposed shoreline stabilization project for John and Sarah Irby located at 260 West 10<sup>th</sup> Street, Sea Island, Glynn County, Georgia (31.18793, -81.34543).

The proposed project consists of the construction of a wood bulkhead that will closely follow the shoreline along the marsh/upland boundary and would be approximately 153' in length and require approximately 6" of fill below the high tide line resulting in impacts to 153 ft<sup>2</sup> of tidal waters (0.004 acres, 1.89 cyds below the high tide line, 0.012 cyds / LF).

The aforementioned letter requests the following information:

**1. Signed Joint Application**

**Applicant's Response:** The Savannah District U.S. Army Corps of Engineers verified that the shoreline stabilization project was provisionally authorized under Nationwide Permit 18 via letter of February 7, 2023 (attached). A signed CESAS Form 19 *Joint Application For A Department of the Army, Corps of Engineers Permit, State of Georgia Marshland Protection Permit, Revocable License Agreement And Request For Water Quality Certification* is attached for your use, but has not been submitted to the Corps since they have already approved the project under NWP 18.

**2. The proposed application is for fill of marsh and is classified as a Moderate Project in relationship to the application fee schedule. Please provide a \$250.00 check or money order made payable to the Georgia Department of Natural Resources;**

**Applicant's Response:** A check in the amount of \$150.00 is attached, to be added to the original fee of \$100.00 submitted with the application on November 2, 2022.

**3. Property boundary plat showing all existing and proposed structures;**

**Applicant's Response:** Attached is a site plan prepared by Roberts Civil Engineering dated 12/15/2022 that depicts the surveyed boundary and CMPA jurisdiction limits, the fifty-foot upland component buffer,

the proposed bulkhead, and existing structures to include portions of the house, patio, fire pit, and previously authorized private single-family dock.

**4. A description and depiction of the marshlands component of the project;**

**Applicant's Response:** The drawing by Roberts dated 12/15/2022 depicts the proposed bulkhead closely following the marsh/upland boundary. The proposed bulkhead would be approximately 153' in length and require approximately 6" of fill below the high tide line resulting in impacts to 153 ft<sup>2</sup> of tidal waters (0.004 acres, 1.89 cyds below the high tide line, 0.012 cyds / LF).

**5. A description and depiction of the upland component of the project, including the coastal marshlands buffer;**

**Applicant's Response:** The drawing by Roberts dated 12/15/2022 depicts the fifty-foot (50') CMPA buffer for the upland component of the project. The upland component of the project consists of the upland lawn area landward of the proposed bulkhead necessary for access and construction of the marshlands component of the project. Impacts to the upland component include access by construction equipment for construction of the bulkhead, staging of materials, and installation of the sub-surface tie-back system. Existing structures within the upland component buffer include portions of the house, patio, a fire pit, and a portion of a previously authorized private single-family dock. No additional structures are proposed in the upland component buffer. Upon completion of the bulkhead construction, the existing landscaping will be repaired and/or replaced.

**6. A calculation of the effective impervious coverage of the upland component of the project;**

**Applicant's Response:** There are no new structures proposed within the upland component buffer. The existing upland component buffer will be one-hundred percent (100%) pervious except for the existing portions of the house, patio, and fire pit.

**7. An electronic copy of all application materials**

**Applicant's Response:** An electronic copy of the application was provided via email of November 2, 2022. An electronic copy of this additional material will be provided.

Per the aforementioned letter, Staff also requested clarification on the following:

- 1. OCGA 12-5-286(b)(8) requires: "A description from the applicant of alternative sites and why they are not feasible and a discussion of why the permit should be granted" In the alternative analysis you state there is no possibility of an alternative location for this retention wall. Please provide further alternative analyses of why the bulkhead cannot be constructed landward of the CMP A jurisdiction line without the filling of coastal marshlands.**

**Applicant's Response:** Stabilizing a shoreline is a water-dependent activity and requires some method of stabilization (rock revetment, bulkhead, etc.) to be placed at a reasonable location seaward of the shoreline. Industry standards defines a bulkhead as being located in jurisdiction below the high tide line to protect the shoreline, whereas a retaining wall would be located outside of jurisdiction and generally is constructed for retention of upland fill. Constructing a bulkhead with driven support pilings and sheet

pilings closely following the shoreline minimizes impacts to jurisdictional waters and minimizes the amount of disturbance to exiting buffers. Constructing a bulkhead landward of a shoreline would require a significant amount of excavation to erect a bulkhead, creating potential impacts to nearby exiting structures and increasing potential disturbance to adjacent jurisdictional waters. Construction of a retaining wall landward of jurisdiction at this location would require a variance from the Environmental Protection Division under the Georgia Erosion and Sedimentation Act. For buffer encroachments on designated coastal marshlands, the proposed buffer disturbance must meet one or more of eleven (11) criteria to be considered. Typically, a bulkhead would meet criteria (j), where:

*The proposed land disturbing activity includes an alteration within the buffer that has been authorized pursuant to a permit issued by the United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act of 1972, as amended, or Section 10 of the Rivers and Harbors Act of 1899;*

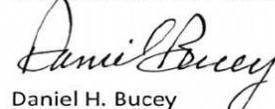
Where the bulkhead be relocated landward of jurisdiction (and thus becoming a “retaining wall”), the project would no longer require a Department of the Army permit, and thus would not be eligible for a variance under this criteria. Further, bank and shoreline stabilization in the coastal marshlands buffer are not eligible for Variance by Rule at 391-3-7-.01(r). As found at O.C.G.A. § 12-7-6(b)(17)(iii), the 25’ marsh buffer shall not apply to projects where alterations within the buffer are authorized pursuant to Code Section 12-5-286. When an activity is authorized under 12-5-286, the buffer is alternatively regulated under Rule 391-2-3-.02(4), and the applicant’s proposal will comply with this rule.

**2. OCGA 12-5-286(g)(3) states:" Whether or not the granting of a permit and the completion of the applicant's proposal will unreasonably interfere with the conservation of fish, s shrimp, oysters, crabs, clams, or other marine life, wildlife, or other resources, including but not limited to water and oxygen supply." The proposed bulkhead will involve filling of tidally influenced coastal marshlands. Please provide further explanation of your submitted response that the proposed project will not interfere with the conservation of the items states in OCGA 12-5-286(g) (3).**

**Applicant’s Response:** The proposed activity would only result in approximately 6” of fill along +/-153’ of shoreline, with backfill of 1.89 cyds (0.012 cyds / LF). Upon completion the project will merely result in a slight shift of the shoreline into jurisdiction at this high-marsh habitat. The resulting shoreline shift would not impede existing migration of species that would be found along this shoreline, and the loss of 153 ft<sup>2</sup> of tidally influenced waters along this landscaped shoreline would not result in a measurable effect on water or oxygen supply. Therefore the proposed project would not unreasonably interfere with any marine or other wildlife.

We trust that this information addresses your questions for this project. Should you have any questions or require additional information, please contact me at your earliest convenience.

Sincerely,  
RESOURCE & LAND CONSULTANTS

  
Daniel H. Bucey  
Principal

Enclosures  
cc: John & Sarah Irby



June 27, 2023

Mr. Paul Tobler  
Coastal Permit Coordinator  
Georgia Department of Natural Resources, CRD  
One Conservation Way  
Brunswick, GA 31520

**RE: John & Sarah Irby Shoreline Stabilization Project  
Sea Island, Glynn County, Georgia**

Dear Mr. Tobler:

I refer to your email correspondence of June 15, 2023 regarding the proposed shoreline stabilization project for John and Sarah Irby located at 260 West 10<sup>th</sup> Street, Sea Island, Glynn County, Georgia (31.18793, -81.34543).

The proposed project consists of the construction of a wood bulkhead that will closely follow the shoreline along the marsh/upland boundary and would be approximately 153' in length and require approximately 6" of fill below the high tide line resulting in impacts to 153 ft<sup>2</sup> of tidal waters (0.004 acres, 1.89 cyds below the high tide line, 0.012 cyds / LF).

The aforementioned email requested the following information:

1. The approximate proposed temporary and permanent impacts (i.e.; tie-backs, dead man, excavation, etc.) within the 50 ft. buffer delineated on the most recent version of the plans
2. Calculations of existing structures within the 50 ft. buffer associated with the existing residential home; and,
3. Calculation of entire 50 ft. buffer

The 50 ft. upland component buffer on the subject lot totals 7,639 ft<sup>2</sup>. Attached is a revised project drawing depicting the requested information, summarized in Table 1 and Table 2:

**TABLE 1  
TEMPORARY IMPACTS IN 50' CMPA UPLAND COMPONENT BUFFER**

| ITEM                            | AREA (FT <sup>2</sup> ) |
|---------------------------------|-------------------------|
| TIE-BACK PILES                  | +/-13                   |
| TIE-BACK CABLES / RODS          | +/-435                  |
| EQUIPMENT WORK ZONE             | +/-585                  |
| <b>TOTAL TEMPORARY IMPACTS*</b> | <b>+/-1,033</b>         |

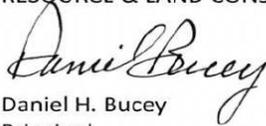
\*TEMPORARY IMPACTS TO BE GRADED AND LANDSCAPED WITH NATIVE SPECIES

**TABLE 2**  
**EXISTING STRUCTURES WITHIN 50' CMPA UPLAND COMPONENT BUFFER**

| ITEM                  | SIZE (FT <sup>2</sup> ) |
|-----------------------|-------------------------|
| Wall                  | +/-22                   |
| Concrete              | +/-424.2                |
| Home                  | +/-584.3                |
| Fire Pit              | +/-32.7                 |
| Dock walkway          | +/-66.8                 |
| <b>Total Existing</b> | <b>1,130.1</b>          |

We trust that this information addresses your questions for this project. Should you have any questions or require additional information, please contact me at your earliest convenience.

Sincerely,  
 RESOURCE & LAND CONSULTANTS



Daniel H. Bucey  
 Principal

Enclosures

cc: John & Sarah Irby  
 Judson Turner; Gibert Harrell