



DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION
ONE CONSERVATION WAY · BRUNSWICK, GA 31520 · 912-264-7218

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

March 7, 2025

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: Vaden Enterprises, L.L.P.
Jane Thacher
12020 Abercorn Street
Savannah, Georgia 31419

AGENT: Russell Parr
Resource and Land Consultants
41 Park of Commerce Way, Suite 101
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LOCATION: 113 Meriweather Drive, Dutch Island, Chatham County, Georgia

PROJECT: The proposed project is to fill coastal marshlands for the construction of a private residential driveway. The proposed project is under 1/10 of an acre, and therefore may be considered a minor alteration of coastal marshlands under O.C.G.A. §12-5-280 et seq.

ARMY CORPS NUMBER: SAS-2019-00900

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 2, 2024 to August 16, 2024. No comments were received in response to the public notice.

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 applicant has held an interest in 119 Meriweather Drive since 1994 and constructed a single-family residential structure on the property in 1998.
2. In 2020, the applicant created a 30ft. access & utility easement on 119 Meriweather Drive and subdivided the property. Parcel 2, known as 113 Meriweather Drive, was recorded by Chatham County Clerk of Superior Court June 19, 2020. The applicant sold 119 Meriweather Drive on September 7, 2020.
3. Parcel 2 is a 134,594sq.ft./3.09 acre residential property and contains +/-1.57 acres upland, 0.15 acre non-tidal freshwater wetlands, and 1.37 acres of coastal marshlands. The upland is bisected by coastal marshlands (and non-tidal freshwater wetlands) into two separate upland areas.
4. The front upland area (southern portion) of the residential parcel is currently accessible by the existing 30ft. access easement.
5. The applicant states the proposed project on Parcel 2, 113 Meriweather Drive is required to access the rear upland area (northern portion) of the residential parcel. The coastal marshlands to be crossed are approximately 10ft. wide at the location of the proposed driveway.
6. To provide vehicular access to the northern portion of the residential parcel, the applicant proposes filling an area of coastal marshlands +/-10ft. wide by 56ft. long, or approximately 577sq.ft. (0.013 acre), to construct a driveway which will consist of a 20ft. wide pervious access road, two (2) 4ft. grass shoulders abutting the access road on the eastern and western sides, and additional fill to create a 2.5:1 slope along the eastern and western sides. Under the pervious access road will be two (2) 15in. reinforced concrete pipe (RCP) culverts to facilitate tidal flow through coastal marshlands.
7. The project also includes placement of approximately 3c.y. of rip rap at the eastern and western terminal ends of the RCP culvert outfalls.
8. The United States Army Corps of Engineers (ACOE) has issued a Nationwide #14 for the construction of a driveway that includes a cumulative total of 0.65 acre impacts to aquatic resources (0.052 acre wetlands and 0.013 acre tidal wetlands).
9. Total impacts to CMPA jurisdiction for the proposed project are 577sq.ft. (0.013acre).
10. The proposed project is under 1/10 of an acre, and therefore may be considered a minor alteration of coastal marshlands under O.C.G.A. §12-5-280 et seq.

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

11. The applicant has stated the proposed project is necessary to provide access to the northern portion of the parcel which is currently bisected by tidal and freshwater wetlands.

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):

12. Applicant has 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):

13. Applicant has submitted names and addresses of adjoining property owners as well as the non-refundable application fee.

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

14. A letter has been received from the Chatham County Planning and Zoning Department stating that the proposed project does not violate any local zoning laws. The letter is not conditioned.

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

15. The parcel currently has vehicular access through an existing 30ft. easement. The applicant proposes filling an approximately 10ft. wide tidal ditch within CMPA jurisdiction on the property to access the northern portion of the parcel.

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

16. Applicant has reviewed the Hazardous Site Index maintained by the Georgia Environmental Protection Division for Chatham County 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):

17. A 401 Water Quality Certification has been issued in conjunction with the USACE provisional Nationwide Permit #14.

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

18. Applicant has stated their intention to adhere to building, land disturbing and storm-water management permit as required by Chatham County, Georgia.

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

19. 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 CMPC) ran from August 2, 2024 to August 16, 2024. No comments were received in response to the public notice.

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

20. 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 proposed project will be constructed in tidally influenced coastal marshlands and includes additional 0.052 acres of impacts to non-tidal jurisdictional wetlands on the property. The proposed project does not cross or initially impact a navigable waterway.
- 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 proposed project will be constructed in tidally-influenced coastal marshlands. The impacts associated with the placement of fill over vegetated and non-vegetated coastal marshlands will prevent the growth of emergent coastal marshlands vegetation in the project area. The proposed project includes the placement of 3 cubic yards of rip rap on each pipe end. No additional erosion control features are associated with the 577sq.ft. of fill of coastal marshlands. There is a potential for increased erosion and stagnant areas of water as a result of driveway. Two culverts are proposed within the project area. Within the project corridor project, erosion or accretion may occur if tidal flow is restricted.

- 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.** Staff has observed tidal influence in the area proposed to be filled, including inundation by saltwater, jurisdictional vegetation, and active crab burrows. The proposed private driveway will involve filling vegetated, tidally influenced coastal marshlands. This habitat is considered Essential Fish Habitat for penaeid shrimp and red drum by the South Atlantic Fisheries Management Council. GADNR's 2008 fisheries management plan states that upper marsh estuarine areas are considered to be critical blue crab habitat in Georgia. Loss of coastal marshlands may have an adverse effect on marine life.

Leasing of state owned marshland or water bottoms, O.C.G.A. § 12-5-287:

21. The proposed project will not require a Waterbottoms 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):

22. The applicant contends the project has been designed to minimize impacts to coastal marshlands.
23. Impacts to CMPA jurisdiction associated with the private drive to the northern upland area total approximately 0.013 acre. Based on submitted plans, the applicant proposes to construct a 20ft. wide pervious travel lane, with 4ft. shoulders on either side and a gravel slope of 2.5:1 to the desired elevation, with additional rip rap fill to stabilize the RCP culvert outfalls. Total impacts to coastal marshlands for the proposed project are approximately 0.013 acre.
24. The applicant has stated that the finished grade for the travel lane is 7.0 ft. No monitoring or maintenance plan is provided to ensure this proposed project remains at this target elevation and will not further impact coastal marshlands in the future. The applicant has not provided information on the proposed project lifespan and planned maintenance needs.
25. The applicant has stated that reliable transportation will be provided by the construction of the project as proposed. The applicant does not include any data to substantiate that the coastal marshlands and hydrology within the project area will support the weight of the fill within the project footprint.
26. The applicant has not proposed a maintenance plan for the fill and associated culverts.
27. Per O.C.G.A. 12-5-288(b)(1), filling of marshlands for residential, commercial, and industrial uses and O.C.G.A. 12-5-288(b)(2), filling of marshlands for private parking lots and private roadways is normally considered contrary to the public interest. The purpose of the proposed project is a private driveway on a parcel that already has existing upland access but that is bisected by coastal marshlands.

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

28. The applicant has stated in their response to staff's request for additional information, dated April 17, 2024, that the marshlands component includes the proposed impact areas associated with the construction of a private driveway, culverts, and rip-rap.

Marshlands Buffer For Upland Component, Rule 391-2-3-.02(4):

29. The 50ft. marshlands buffer applicable to the upland component of the project has been delineated as shown on the submitted plans and drawings.

30. Current conditions on Parcel 2 include unimproved, wooded upland areas and both coastal marshlands and USACE non-tidal freshwater wetlands.
30. The existing upland component is approximately 100% pervious.
31. The proposed upland component of the proposed project includes all temporary and permanent activities for the project. All upland component activities will occur in the 50ft. marshlands buffer.
32. The 50ft. marshlands buffer associated with Parcel 2 totals 15,054sq.ft. (0.35 acre).
33. 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 marshland component of the project.** Approximately 41% of the 50ft. marshlands buffer (6,116sq.ft. / 0.14 acre) will be impacted by clearing and grading for the driveway corridor.
 - 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.** Proposed permanent structures include fill for a pervious surface associated with the proposed driveway. The project will permanently impact approximately 27% of the 50ft. marshlands buffer (4,090sq.ft. / 0.09 acre). Installation of driveway shoulder/slopes, to be planted with native coastal vegetation, will impact and additional 14% of the 50ft. marshlands buffer (2,026sq.ft. / 0.05 acre).
 - 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.** Installation of driveway shoulder/slopes planted with native vegetation within the coastal marshlands buffer are proposed to enhance stormwater management.

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

34. The applicant has stated that the upland component will be 100% pervious following construction of the proposed project.

RECOMMENDATION:

In accordance with O.C.G.A. Section 12-5-288(b), the decision as to whether the proposed project may be approved shall be in the sound discretion of the Committee. Should the Committee approve this project, it is within the Committee's discretion to adopt such standard and special permit conditions as it deems appropriate.