



COASTAL RESOURCES DIVISION
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COASTAL MARSHLANDS PROTECTION ACT STAFF'S FINDINGS & RECOMMENDATIONS

July 17, 2020

TO: Coastal Marshlands Protection Committee:
Commissioner Mark Williams, Chairman
Mr. Zach Harris
Mr. Bill Hodges
Mr. Chad Barrow
Mr. Brad Brookshire

FROM: Department Staff to the Committee

APPLICANT: Bradford Kinzey
319 W 47th Street, LLC
3593 Paces Valley Road
Atlanta, Georgia 30327

AGENT: Dan Bucey
Resource & Land Consultants
41 Park of Commerce Way, Ste. 303
Savannah, Georgia 31405

LOCATION: 319 W 47th Street, Sea Island, Village Creek, Glynn County, Georgia.

PROJECT: The proposed project is to fill coastal marshlands and construct a bulkhead. 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.* Per O.C.G.A. 12-5-283(d), a Committee member requested that the proposed project be seen by the full Committee for broader consideration.

ARMY CORPS NUMBER: SAS-2019-00570

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

SUMMARY OF PUBLIC COMMENTS: The public notice of the Coastal Marshlands Protection Committee (CMPC) ran from June 5, 2020 to July 5, 2020. Three comments were received for the project. One comment was neutral and two comments were opposed to the

project, citing opposition to the fill of marsh for the creation of a residential lawn and suggesting that natural vegetation is a better way to stabilize a bank.

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 an undeveloped residential lot with an authorized private single-family dock.
2. There is currently no bank stabilization in place and erosion has created a non-linear interface between upland and marsh.
3. The marshlands component of the proposed project consists of filling 723 square feet of coastal marshlands with 17.9 cubic yards of fill to create a residential lawn.
4. The proposed 204 linear foot wooden bulkhead will be located seaward of the CMPA jurisdiction line and backfilled to create a level grade.
5. Total impacts within coastal marshlands for the proposed project are 723 square feet (0.017 acres).
6. 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.* Per O.C.G.A. 12-5-283(d), a Committee member requested that the proposed project be seen by the full Committee for broader consideration.

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

7. The applicant has stated that the filling of coastal marshlands is necessary because constructing a bulkhead on the jurisdiction line would be unsightly and a potential future threat to dwellings and infrastructure.
8. The applicant contends that the alternative of following the shoreline would only reduce impacts to coastal marshlands by +/- 400 sq. ft.

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):

9. 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):

10. 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):

11. A letter has been received from the Glynn County Planning and Zoning Division stating that the proposed project is not violative of the Glynn County zoning ordinance. The letter is not conditioned.

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

12. The applicant has stated that an alternative site is not feasible for this project as it is exclusive to the property owned by the applicant.
13. An alternative site placement of the bulkhead within the boundaries of the specific lot was not provided. However, the applicant has stated that closely following the non-linear interface between upland and marsh at this location would only reduce impacts to the predominantly mud shoreline by +/-400 sq. ft.

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

14. Applicant has reviewed the Hazardous Site Index maintained by the Georgia Environmental Protection Division for Glynn County, Georgia and stated the proposed project is not over a landfill or hazardous waste site.

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

15. A 401 Water Quality Certification has been issued in conjunction with Nationwide Permit #18.

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

16. Applicant has stated that the project will conform to all building, land disturbing, and stormwater management requirements of Glynn County.

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

17. The public notice of the Coastal Marshlands Protection Committee (CMPC) ran from June 5, 2020 to July 5, 2020. Three comments were received for the project. One comment was neutral and two comments were opposed to the project, citing opposition to the fill of marsh for the creation of a residential lawn and suggesting that natural vegetation is a better way to stabilize a bank.

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

18. 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.** There is no navigable channel within the footprint or immediately adjacent to the proposed project area. No unreasonably harmful obstruction or alteration of the natural flow of navigable water is expected.
 - 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.** There is no navigable channel within the footprint or immediately adjacent to the proposed project area. No unreasonably harmful or increased erosion, shoaling of the channels, or stagnant areas of water is expected.
 - 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. Any loss of coastal marshlands is expected to have an adverse effect on marine life.

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

19. The proposed project does 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):

20. The proposed project is not for water dependent activities and can be satisfied by use of an alternative non-marshland site.

O.C.G.A. § 12-5-288 (b) requires that the amount of marshlands to be altered are minimum in size.

21. Impacts to coastal marshlands from the proposed bulkhead total approximately 723 square feet (0.017 acre).

22. The proposed project does not minimize the amount of coastal marshlands to be impacted. The applicant has stated that the project could be reduced by +/- 400 sq.ft. using an alternative that follows the shoreline.

23. Per O.C.G.A 12-5-288 (b)(1), filling of marshlands for residential, commercial, and industrial uses is normally considered contrary to the public interest. As proposed, the project will provide a residential use of coastal marshlands for the applicant.

O.C.G.A. § 12-5-288(b)(1) states that filling of marshlands for residential, commercial, and industrial uses is normally considered contrary to the public interest.

24. The proposed project consists of filling coastal marshlands behind the bulkhead to create a level grade. The application states the filled marshlands will be used for a proposed lawn on a residential lot.

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

25. The marsh component for the project consists of the fill of marsh and bulkhead impacting approximately 723 square feet (0.017 acre) of coastal marshlands.

26. The proposed project does not have an upland component.

RECOMMENDATION: Staff recommends denial of this permit application based on O.C.G.A. Section 12-5-288 of the Coastal Marshlands Protection Act.