CESAS Form 19 Support Documentation

Fisherman's CO-OP Recreation Area
Bryan County, Georgia

The following information is hereby submitted in association with the attached application requesting authorization to place structures in waters of the U.S. pursuant to Section 10 of the Rivers and Harbors Act of 1899 and the Coastal Marshlands Protection Act of 1970 pursuant to the Official Code of Georgia Annotated, Part 12-5-286 (OCGA).

1.0 Project Description:

Authorization is being sought from the Georgia Department of Natural Resources – Coastal Resources Division (GADNR) and the U.S. Army Corps of Engineers (USACE) to change the use of a commercial marina facility to a public recreational facility on Kilkenny Creek in Bryan County, Georgia. Access to the site is on Kilkenny Road approximately three miles east of Highway 144 in Bryan County, Georgia.

2.0 Background:

The Bryan County Fisherman's CO-OP originally operated from the 1970's through the early 2000's as a commercial 900 foot long dock facility and large pile supported cooler storage facility where commercial boats would off load their catch and seafood could be sold from the cooler storage area to the public. The CO-OP generated approximately Five million dollars annually to the local economy, and the annual Bryan County Seafood festival was held on the CO-OP grounds.

In 2004 Bryan County Fisherman's Cooperative, Inc. sold the property, including the docks, cooler storage facility, and adjacent land (approximately 22 acres), to Kilkenny Waterfront Properties, LLC. Kilkenny Waterfront Properties made plans for a full service recreational marina facility with expanded floating docks, dry stack boat storage facility, and a multi-family condominium development on the adjacent upland. Permit applications for the new facility were submitted to the GADNR and the USACE in May, 2006 requesting authorization for the change in use and an additional 1,490 linear feet of floating docks, 30-foot by 100-foot long concrete boat launching access pad, 225 boat dry stack storage facility on the adjacent upland, and parking area to accommodate the upgraded facilities. This application also proposed a 185-unit condominium development on the adjacent upland. The USACE and GADNR authorized the proposed project in letters dated January 21, 2007 (USACE Permit No. 200601079) and September 18, 2006 (CMPA Permit No. 533) respectfully. Due to the downturn in the economy after permit issuance, the authorized construction was never initiated and permits were ultimately extended through 2016. The construction for the approved project was never initiated and the docks and facilities have fallen into disrepair.

On September 4, 2020 Bryan County purchased the property from Kilkenny Waterfront Properties, LLC for the development of a public recreation area to include a boat access launching facility, public walking trails, picnic areas, and restrooms. The proposed

application is the result of park planning and seeking grants from the Georgia Outdoor Stewardship Program for redevelopment of the site into a public recreation park to serve the general public and residents of Bryan County, Georgia. With approvals from the Georgia Outdoor Stewardship Program and additional funds generated by Bryan County, the County is now in a position to proceed with gaining authorizations and initiating construction for the park to provide much needed public recreation and water access in this area of Coastal Georgia.

3.0 Proposed Project Detail

The applicant proposes to change the use from a dilapidated commercial dock facility into a public recreation facility with picnic areas, walking/wildlife observation trails, fishing piers, and boat launching facilities. Earlier in 2021, and after their purchase of the site, Bryan County requested permission to remove the old cooler storage area from the existing concrete pier due to on-going vandalism and public safety concerns. This work was authorized by Letter of Permission from GADNR in a letter dated July 8, 2021. Since the completion of this authorized clean-up work there has been no additional work on the site.

Bryan County Proposes to remove the existing tanks and block perimeter wall on the north portion of the project site (3,917 sq. ft.). Existing timber piles and remaining commercial dock are to be removed (12,203 sq. ft.). The existing concrete foundation and concrete loading dock and stairs are to be removed (479 sq. ft.). Portion of the existing asphalt driveway and parking area are to be removed (46,232 sq. ft.) There is an existing barge that was located on the site for rail haul out construction that is to be removed from the site (1,520 sq. ft.). Total square footage of dilapidated structures and impervious surfaces to be removed from coastal marshlands and marshland buffer is 64,351 square feet.

The proposed improvements in jurisdictional area include: Installation of a new 70' by 100' concrete slab on the existing pier footprint (7,000 sq. ft), install a new 30' X 30' covered pavilion on the new concrete slab. A new 10' x 12' timber platform will be installed on the north side of the new concrete slab with a 6' X 40' long aluminum gangway attached to a 10' wide X 110' long floating dock. On the south side of the concrete slab the applicant proposes a 10' wide X 110' long wooden fishing boardwalk. The proposed dock structures extend into the waterway a maximum of 65 feet where the waterway is 278 feet wide from mean low water to mean low water (dock structures are to extend less than a quarter width of the waterway).

On the south side of the project the applicant proposes the installation of a concrete boat ramp and adequate trailer/car parking on the adjacent upland. Specifically, the boat ramp will include the installation of a 68-foot wide by 146-foot long concrete boat ramp (0.17 acres of vegetated marsh impact (7,569 sq. ft.) and 0.16 acres of open water impact (6,929 sq. ft.)). The applicant proposes 8-foot wide timber boardwalks on each side of the boat ramp for access to off load and load boats on trailers totaling 1,456 sq. ft. of shading impact. From the end of the boat ramp access boardwalks, two 6'wide X 80' long aluminum ADA accessible gangways will extend seaward along each side of the

boat ramp and connect to two 8' wide by 120' long floating staging docks extending north and south in the waterway on each side of the boat ramp respectfully. The docks will extend a maximum of 61 feet into the waterway where the waterway width is 245 feet from MLW to MLW (less than one-quarter width of the waterway).

The applicant also proposes to install public walking trails through the property. The trails are to be 10-feet wide and will be at grade earthen trails through upland area and elevated 10-foot wide boardwalks across freshwater wetland and marsh area. As per conversation and meeting with GADNR-CRD staff, the proposed board walk that will connect the boat ramp area to the fishing pier on the eastern portion of the site has been reduced to 6 feet wide and shortened from the original 655 feet long to 618 feet in length. The elevated wooden boardwalks will include three 5' X 12' bump-out bench seating areas/wildlife observation areas along the boardwalks. The total area of vegetated marsh shading impact from the elevated boardwalks is 0.14 acres (6,274 sq. ft.).

Restroom facilities are proposed on uplands adjacent to the boat ramp parking area and on the northern portion of the site adjacent to the pavilion parking area. There is an additional restroom facility proposed in uplands in the central portion of the site adjacent to the proposed picnic area. The restroom facilities will be connected to an internal sewer system that will pump all wastewater from the restrooms to the internal sanitary sewer drain field located in uplands on the southern central portion of the site. All stormwater from parking area and impervious surfaces is to be collected and routed through bioretention areas along the perimeter of the site before outfalling into the adjacent marsh. There is no direct discharge of wastewater or storm water from the site to the marsh.

Proposed impacts associated with the project are as follows:

5715 sq. ft (0.17 acres) of salt marsh impacts – proposed concrete boat ramp
1,854 sq. ft. of rip-rap along the sides and end of boat ramp
3,850 sq. ft. (0.09 acres) of temporary construction impacts
Total Impacts = 11,419 sq. ft. or 0.262 acres.

23,742 sq. ft. of shading impacts (pier, fishing boardwalk, dock walkways, gangways, and floating docks), and 6,274 sq. ft of shading from elevated boardwalks/nature trails.

1.34 acres of Marsh Buffer impact associated with parking and public restorrms.

The remaining upland and wetland acreage on the site is to remain natural area open space.

4.0 Threatened and Endangered Species

The property was assessed for the potential occurrence of threatened and endangered species and habitats suitable to sustain these listed species for Bryan County, Georgia. The habitats found on site consist of open water, vegetated marsh, and maintained area. The upland habitat is not suitable to support any protected species. Kilkenny Creek could

potentially support shortnose sturgeon, Atlantic sturgeon, west Indian manatee, and sea turtles. The project consists of boat ramp and dock construction and requires the installation of a relatively small number of small-diameter wood and concrete piles. The small pile size, the small number of piles, and the short construction period combined with the large size of the river indicate that the project would have no effect on either sturgeon species. Also, the pile driving and dock improvements will have no effect on sea turtles. To avoid adverse effects on the west Indian manatee, the U.S. Army Corps of Engineers (USACE) standard manatee conditions will be employed during construction and operations of the public facility.

5.0 Essential Fish Habitat

The proposed waterside activities are located within Kilkenny Creek which has been identified as Essential Fish Habitat (EFH). The proposed project, however, only requires construction of a boat ramp on the edge of the creek and floating dock construction on a previous commercial marina site. The proposed fixed deck will utilize the footprint of the existing fixed deck. The only new footprint over vegetated marsh is the proposed boat ramp and staging floating docks. The remainder of the structures will be over open water. It is widely accepted that structures or shading over deep water is not known to have an adverse affect on the benthic community. Also, the proposed project will clean up existing harmful debris in the waterway such as old pilings, dilapidated fixed dock structures, wood, glass, and an old sunken barge which will be a considerable improvement in the area. It was therefore concluded that the proposed project would not adversely affect EFH.

6.0 Project Justification and Need:

Bryan County purchased the site in September 2020 in order to provide additional public recreational opportunities for the residents of Bryan County. The Bryan County 2018 Comprehensive Plan identified better boating access and public boat ramps were categorized as "Needs and Opportunities". The Bryan County Short Term Work Program within the Comprehensive Plan (2018-2020) identified the need for more boating and kayak access to the waterways as a major priority.

Currently there are six boat ramps in Bryan County. Two are private, two are kayak launching sites, one is located behind a private community gate with limited public use, and one is most often filled to capacity early in the morning. Bryan County is experiencing an increase in demand for use of boat and kayak access facilities, and with the limited access points Bryan County is experiencing capacity issues and safety concerns due to overcrowded boat access facilities.

Prior to purchasing the property and proceeding with the design/permitting stage of the project, Bryan County identified the need for public waterway access facilities as outlined above in their Comprehensive Plan. Marketing analysis in Coastal Georgia has found that the coastal Georgia region is a leisure-oriented environment attractive to tourists and residents due to the long boating season and many waterborne recreational opportunities. Since 2013, participation in recreational boating has increased, and this participation has only increased since the COVID-19 pandemic. The marketing analysis

found that boat registrations representing active boats in the area have increased steadily since 2011 to over 292,600 in 2017. As an example of the growing demand for boat access facilities, the analysis evaluated existing marina facilities in coastal Georgia with a total of 404 wet slips and 754 dry slips. Of the available slips, a total of 381 wet slips were occupied annually (94%) and 692 dry slips were occupied (92%). This varies throughout the year, but seasonal occupancy was found to typically be 100%, and several marinas reported a waiting list for permanent slips. Water access for the boating public is needed, and Bryan County's additional public water access need is clearly justified.

7.0 Upland Component:

The upland component of the project is defined as all the services, amenities, etc. inland of the jurisdiction line that serve to augment the function of the marshlands component. For the proposed public recreational and boat ramp facility project, the upland component has been identified as the proposed parking/landside access to the boat ramp and fishing pier/gazebo area. All of these upland facilities are necessary for the functionality of and/or permanent access to the marshlands component. The applicant took great care to minimize disturbance and new structures within the buffer by utilizing existing disturbed or developed areas. As an example, the applicant is proposing to remove 46,232 square feet of existing asphalt and proposes only 28,937 square feet of paved roads and parking area for the project. The configuration of the property (surrounded by marsh) and amount of buffer on-site dictates that the entire buffer cannot be avoided as access to the marsh component is needed for public access to launch and retrieve boats. The buffer on the northern portion of the site adjacent to the proposed fishing pier is currently disturbed from the previous Fisherman's Co-Op operations and access to the commercial fishing docks, and no additional encroachments into the buffer at this location will be required. Total impact/encroachment to the marsh buffer is 2.19 acres. All other marsh buffer through the remaining portions of the project (4.53 acres) are to remain in a natural and vegetated state, with the exception of pedestrian boardwalk crossings as outlined above.

8.0 Proposed Stormwater Management:

The applicant proposes to utilize green infrastructure throughout the site including pervious paving, stormwater bioretention facilities, and an internal septic system for the proposed restroom facilities. All stormwater runoff is to be treated by infiltration and directing stormwater runoff through bioretention areas before leaving the site. All best management practices will be designed and constructed in accordance with the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual (See Coastal Stormwater Supplement Exhibit attached to this application for detail).

9.0 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-

Kirk Croasman, Bryan County Engineering Director
66 Captain Matthew Freeman Drive
Richmond Hill, Georgia 31324

(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- See attached drawings produced by Thomas & Hutton Engineering Co. titled *Fisherman's CO-OP Recreation Area dated October 16, 2022.*

(3) A plat of the area in which the proposed work will take place- Please see attached Deed and survey by Shupe Surveying Company, P.C. titled *Tracts 1, 2, 3, and 4 Being All of Parcels A, B, C and D of the Bryan Fisherman's Cooperative, Inc.* dated August 28 2020.

(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- Deed for subject property attached to the Application.

(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 of 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-

Rayonier Forest Resources, LP
1 Rayonier Way
Wildlight, FL 32097

(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 violate of any zoning law; See Attached Letter from Bryan County and Zoning.

(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. Applicant will make check payable to GADNR in the amount to be determined by GADNR.

(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 project description.

(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 Bryan 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 for the proposed project, in accordance with Section 401 of the Clean Water Act, will be reviewed in conjunction with the U.S. Army Corps of Engineers Individual Permit process. A copy of this application will be forwarded to the Georgia Department of Natural Resources, Environmental Protection Division, Water Resources Branch for review.

(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 land disturbing and stormwater management permits as required by Bryan 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 project will not alter natural flow of navigable waters nor obstruct public navigation.

(2) Whether or not unreasonably harmful or increased erosion, shoaling of channels, or stagnant areas of water will be created- The proposed project will not increase erosion, shoaling of channels, or create stagnant areas of 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 project 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.

Coastal Marina, Community or Commercial Dock Checklist

(fill in the blanks as indicated or answer yes or no)

LOCATION:

County Bryan
Municipality N/A
Landmarks Bryan County Fisherman's Co-Op
Waterway Kilkenny Creek

FACILITY:

Facility Type ____ Private X Public ____ Commercial ____ Other
Dock Space ____ Leased ____ Sold ____ Rented ____ Other

Size of Upland Area (sq. ft.) 22.68 Acres Size of Submerged Area (sq. ft) 0.16 Acres

WATERWAY INFORMATION:

open water X river ___ creek X basin ___

Tidal Range (ft MLW) +/- 7 feet Water Depth (ft. MLW) +/-10-16 feet
Channel Width (ft. MLW) +/- 238 to 278 feet Depth of Dredging (ft. MLW) N/A

Distance facility will extend into the waterway beyond MLW 58 to 65 feet

EXISTING OR PLANNED SERVICES IN JURISDICTION:

X boat ramp	____ hoist	____ mobile lift	____ vessel TV hookup
____ railway	____ fuel	____ propeller repair	____ electrical repair
____ pump-out vessels	____ hull repair	____ engine repair	____ vessel electric hookup
____ boat building	____ ship's store	____ dockmaster's office	____ fire protection
____ restrooms	____ showers	____ restaurant	____ laundromat
____ hotel	____ Other		

DREDGING/FILLING/SHORELINE STABILIZATION:

No	Will dredging be required for the access channel?
No	Will dredging be required for boat basin?
Yes	Is filling proposed in tidal wetlands?
Yes	Is filling proposed in open water?
No	Will dredge disposal sites be required?
N/A	Have future dredge disposal sites been identified?
N/A	Have future dredge spoil sites been set aside with deeds or easements?
NO	Is shoreline stabilization proposed? If so, what type?
No	Is the project in or near a US Army Corps of Engineers maintained channel or basin with an authorization depth of 12 feet or greater? (if so, contact the Corps of Engineers)

HABITAT/WILDLIFE/CULTURAL RESOURCES: (contact GADNR Wildlife Resources Division, US Fish & Wildlife Service, National Marine Fisheries Service, GADNR Coastal Resources Division Marine Fisheries, OR GADNR Historic Resources Division)

Yes — Is this site located near a wildlife refuge, wilderness area, special management area, or other area specifically located for the protection of fish and wildlife?
If yes, what is the distance? Adjacent to the South

YES — Is this project in an area identified as **"essential fish habitat"**? (contact GADNR CRD Marine Fisheries). The project is located within tidal waters which have been identified as essential fish habitat.

No — Are rare, threatened, endangered or otherwise designated unique or outstanding aquatic or terrestrial species or their habitats known to be present at or near the project site? _____

NO — Do oyster or clam beds occur in or near the project site or access channels?
If yes, what is the distance? _____ If yes, what is the acreage? _____

NO — Is the project site near active crabbing areas? (contact GADNR CRD Marine Fisheries)

NO — Is the project site in designated bait zones? (contact GADNR CRD Marine Fisheries)

NO — Is the project site in or near an area of historic, archeological, or scenic value?
If yes, explain _____

BRYAN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

51 North Courthouse Street
P.O. Box 1071
Pembroke, Georgia 31321
912-653-3893

66 Capt. Matthew Freeman Drive
Suite 111
Richmond Hill, Georgia 31324
912-756-7962

November 23, 2022

Mr. Stuart Sligh
Sligh Environmental Consultants, Inc.
31 Park of Commerce Way, Suite 200B
Savannah, GA 31405

Via Email: s_sligh@slighec.com

Re: Bryan County Coastal Marshlands Protect Act Permit – Fisherman's Co-Op

Dear Mr. Sligh,

Per your request, please let this letter serve as official confirmation from the Bryan County Community Development Department that the proposed improvements and uses constituting the Fisherman's Co-Op project are permitted pursuant to Chapter 114 - Unified Development Ordinance (zoning and subdivision code) and Chapter 113 – Building Regulations- of the Code of Bryan County. Additionally, I have stamped the attached drawings noting compliance with these codes.

If I can be of further assistance, do not hesitate to contact me.

Sincerely,

Audra Miller
Community Development Director
912-622-1031 (c)
amiller@bryan-county.org