July 9, 2020

Ms. Amy Flowers
Coastal Permit Coordinator
Georgia Department of Natural Resources, CRD
Brunswick, GA 31520

RE: Oaks on the River CMPC Response to Public Comments
Darien, McIntosh County, Georgia

Dear Ms. Flowers:

I refer to multiple public comments received from your office regarding the proposed community dock located at the Oaks on the River condominiums, located approximately 450’ east of U.S. 17, on the Darien River, McIntosh County, Georgia.

The public comments were received in response to the public notice that was issued on June 4, 2020 and expired on July 4, 2020, for activities proposed in tidal waters subject to Coastal Marshlands Protection Act (CMPA) jurisdiction. The comments are summarized below from each commenter, followed by the applicant’s response.

Ms. Deborah Sheppard (letter not dated; email transmittal dated 6/24/2020)
Comment 1: “The project information fails to reflect an “agreement” made with OOR and Darien, whereby the City of Darien would provide a variance from its 10 foot public access walkway in exchange for the dock that is to be torn down in the request that is now before you.”

Applicant’s Response: The decision as to whether or not the City of Darien would take possession of and repair and maintain the existing dock was subject to costs and feasibility of using the dock as-is or with some level of maintenance. At the time that the application was filed, no decision by the City had been made, thus the applicant accurately presented the project description that the existing dock would be removed, as it has no association with the community dock and it’s serviceability was in question. By letter dated July 1, 2020, Darien City Manager Richard Braun cites an inspection of the existing dock by a civil engineer that determined that the “dock at the above location is not economically repairable. Therefore, the City of Darien will not be taking possession of the dock”. The letter further states that the “City of Darien, the McIntosh County Industrial Development Authority, and the Darien Downtown Development Authority may pursue a plan to place a new dock in that location in the future to be used as a continuation of the present IDA walkway.”. By authorizing the proposed community dock in accordance with existing CMPA regulations, it would not impair nor change the City’s ability to seek an extension for the existing IDA walkway. Future construction of a city public access walkway, should it occur, would be subject to CMPA and Department of the Army regulations for its construction and intended use.

Comment 2: “It is not possible to make functional written comments in a timely manner when the project continues to change in such dramatic ways. Given the significant public interest and concern surrounding this evolving project, the application should be held and the comment period extended to reflect that new
conditions (City consideration of taking dock to be previously demolished) are currently placed on the plan approved by the City in 2019.”

Applicant’s Response: As stated in response to comment 1, no changes in the present proposal have occurred. The CMPA provides at O.C.G.A. § 12-5-286(e) that “The committee shall provide notice of applications by either public notice distributed jointly with the United States Army Corps of Engineers or public notice distributed by the committee. In no instance shall a public notice be issued for less than seven days prior to the meeting at which the committee reviews the subject of the public notice. Public notices shall be distributed to all persons who have requested to be placed on the mailing list. Such request shall be made in writing and shall be renewed in December of each year. Failure to renew the request shall result in the removal of such name from the mailing list.” In accordance with current policy, a full 30-day notice was provided by the Department, including a notice in the local newspaper.

Comment 3: “The local watermen and recreational boaters who use the Darien River have great knowledge of this unique tidal river system that is not reflected in any of the application materials. Given the long lasting impact of the proposed project, it is only prudent to ensure that the public interest is protected by actually consulting with and hearing from the people who know and love the resource. The current timeframe for comments and format for hearing cannot accommodate that need.”

Applicant’s Response: The customary 30-day notice should provide for adequate time for interested parties to voice their concerns or support for the project. Thirty-day notices have provided sufficient time for commenters for many projects much more complex than that which is proposed. No specific conditions or unique features that could be harmed by the proposed project have been provided. The proposed community dock is similar in character (and actually smaller) than existing public docks located immediately upstream of the proposed project.

Comment 4: “There is great confusion in Darien surrounding this application since it says something very different from what has been discussed in public meetings and in the media. Please extend the comment period to allow 30 days for comments from the time that a decision is made regarding the demolition of the dock and postpone placing this on the agenda until the public can be heard on this matter.”

Applicant’s Response: The proposed project as advertised by public notice has not changed. The existing dock is proposed for demolition as it is not usable by the City in its current condition. Since the project was correctly noticed, an extension of the public comment period is not warranted.

Comment 5: (from letter to Darien City Council dated 12/4/2019): “An initial review reveals significant concerns. They include:

- The revised proposal continues to create safety and navigational hazards.
- The proposed “party pavilion” is not a water dependent use and creates additional navigation hazards.
- The Oaks project is being presented for review in separate pieces instead of as a total project. It is important to assess the storm water implications of the project as they relate to dock permitting and water pollution.

Applicant’s Response: The proposed project is similar in location and size to other public and community docks in the vicinity. The proposed dock would extend +/-93’ beyond MLW at a location on the Darien River that is +/-350’ wide at MLW. The proposed structure would occupy only +/-26% of the width of the
waterway at MLW. The existing IDA dock located immediately upstream extends approximately 95’ into the river from the existing bulkhead. The existing fenders at the U.S. 17 bridge are located on the south shore of the Darien River, opposite of both the existing docks in the vicinity and the proposed dock. Given the size and position of existing facilities, and that approximately 257’ of water beyond the proposed dock would be available for navigation, it is unlikely that the proposed dock would negatively affect navigation or contribute to safety concerns.

The proposed “party pavilion” is in fact a fixed terminal platform, a typical and allowable component of most docks, including single-family, community, and commercial, providing shelter from storms and sun at the seaward end of a dock. As stated at Rule 391-2-3-.03(2)(i) Regulation of Marinas, Community Docks and Commercial Docks, fixed terminal platforms are defined as “the platform constructed on pilings at the terminal, waterward end of a dock”. Such platforms are allowable subject to being no more than 400 ft² in size, cannot be located over vegetated marshlands, cannot be fully enclosed (but can be screened), may have a roof no more than 12’ high above the decking, and that it may not possess a second deck, attic, or ceiling storage.

The marshlands component and the associated upland component have been proposed in accordance with rule 391-2-3-.02 Regulation of Upland Component of a Project. The upland component of the proposed project has been correctly identified and consists only of the walkway necessary to provide access to the marshlands component of the project. The walkway is 100% pervious with no direct discharge into tidal waters. Stormwater management of remaining portions of the property are under the jurisdiction of other state and local agencies and will be reviewed and approved accordingly by them.

Debbie Gignilliat Buckner (letter of June 30, 2020)

Comment 1: “First and foremost, the proposed dock will impede navigation of the river. According the plan and the submitted drawings the proposed dock will extend 92.8 feet into the Darien River, past the current dock. This extension toward the center of the River will impede shrimp boats and barges from passing to either service the bridge or have access to the other docks upriver”.

Applicant’s Response: The proposed project is similar in location and size to other public and community docks in the vicinity. The proposed dock would extend +/-93’ beyond MLW at a location on the Darien River that is +/-350’ wide at MLW. The proposed structure would occupy only +/-26% of the width of the waterway at MLW. The existing IDA dock located immediately upstream extends approximately 95’ into the river from the existing bulkhead. The existing fenders at the U.S. 17 bridge are located on the south shore of the Darien River, opposite of both the existing docks in the vicinity and the proposed dock. Given the size and position of existing facilities, and that approximately 257’ of water beyond the proposed dock would be available for navigation, it is unlikely that the proposed dock would negatively affect navigation or contribute to safety concerns.

Comment 2: “This proposed dock would prevent needed space for the shrimp boats to pass during the Annual Blessing of the Fleet”.

Applicant’s Response: Given the existing conditions on the Darien River at this location, it is clear that the boats must pass under the U.S. 17 bridge between the existing fenders located on the shoreline opposite of the proposed dock and south of the existing IDA dock which extends approximately 95’ into the river from the shoreline.
Comment 3: “I find it extraordinarily disingenuous that the application states there are no historical, archeological, or scenic sites disturbed by the construction of the new dock and pavilion”.

Applicant’s Response: The project site was most recently occupied by a jelly ball processing facility. The majority of the property was extensively developed by modern buildings and accessory infrastructure and did not reflect historic resources or land uses that may have been present but destroyed during its construction and use.

Diane Sudina (email of 7/1/2020)

Comment 1: “First, it is my understanding that the use and maintenance of the existing dock at 205 Fort King George Drive has been turned over to the City of Darien for a bike/walk path that will link businesses and residents East of the Highway 17 bridge to those West of the bridge. Such a path would greatly benefit and support community activities, as well as have a positive impact on the value of Oaks on the River condominiums. How can the applicant proceed with the proposed removal and new construction application, if they no longer have full ownership and use of the structures in question?”

Applicant’s Response: See applicant response to Sheppard, comment number 1.

Comment 2: “Secondly, I am deeply worried that the proposed new community dock will infringe on the ability of the commercial water vessels to assemble for the annual Blessing of the Fleet festival”.

Applicant’s Response: See applicant response to Buckner, comments number 1 and 2.

Michael & Jan Russell (via email of 6/30/2020)

Comment 1: “The Darien City Council relinquished a public access requirement in the City building code in favor of rehabbing the existing dock as a substitute. This freed up land-side area in favor to the developer and shifted the access to over the river. At the time of this action by the Council, it was quite clear no one had any idea how this rehabilitation was to be paid for other than “grants might be available” Since that action, nothing has occurred to promote confidence the existing docks will get any improvement. A cynic might say this ambiguity was the real point”.

Applicant’s Response: See applicant response to Sheppard, comment 1.

Comment 2: “This request indicates a new dock will extend into the river at 90 degrees to the existing dock approximately mid way the dock/dockside’s length. This raises questions of continuity of public access conflicting with “private” usage. The request you are now reviewing indicates that the existing dockside will be removed, this, if you approve, will remove all public access wisely required by City Code years ago. We think a resolution by City and Developer must take place before a DNR permit is issued”.

Applicant’s Response: Approval and construction of the proposed project will not prevent future public access over state-owned waterbottoms. Should the City provide application for a future boardwalk, the applicant will support access across the riverfront for public use.

Comment 3: “In general we are just opposed to taking a public resource and turning it over for private use by a limited number of users. Most egregious is the idea of a “party pavilion” out in the river.”

Applicant’s Response: When located with the riparian landowners extended property boundaries, privately-owned and operated water-dependent structures such as community docks are authorized to
be constructed in accordance with applicable regulations and Revocable License authority. Applicant’s response to “party pavilion” can be found in response to Sheppard at comment 5.

**Comment 4:** “While we are not skilled boaters, we can not help to estimate that the proposed design will pose unnecessary boating complications. We thought this river front, given its long history as a working marine environment, should be facilitated rather than saddled by another imposition”.

**Applicant’s Response:** See applicant’s response to Sheppard, comment 5.

**Harriet Langford** (letter not dated; email received 6/24/2020)

**Comment 1:** “A projected hotel on the waterfront also part of Mr. Lucas’ project recently was given a variance for more rooms from 35 -40 to 53. He has stated that he wants to provide water sports activities to guests. Is he going to allow usage of the condo docks? Public access and usage of the waterfront is narrowing. This planned dock for the condo owners is excessive”.

**Applicant’s response:** The project as proposed provides for usage of the dock for condominium owners. Future changes to that usage, should they occur, would require approval by CMPC. By providing dock space for new owners of the condominium project, an increase in demand by new residents for existing public facilities will be avoided. The size of the proposed dock is in character with existing facilities permitted by the CMPC. As proposed, each resident would be assigned a 25’ section of floating dock. Any change in the intended use once permitted would require modification of the permit.

**Griffin Lotson** (via letter dated 6/30/2020)

**Comment 1:** “I, Griffin Lotson support the dock for the Oaks on The River project in Darien, GA. The project needs the dock to help promote economic development in downtown Darien”.

**Applicant’s Response:** The applicant agrees that the proposed project will improve the Darien riverfront and promote economic development and improvement in downtown Darien.

**Mark Yeager** (via email of 7/3/20)

**Comment 1:** “Until the terms of the proposed deal between City of Darien and the Applicant are resolved, it is not known whether a proposed new dock will need to be reconfigured in response to possible re-utilization of the existing dock in lieu of demolition, to meet commitments of the Applicant to the City of Darien”.

**Applicant’s response:** See response to Sheppard, comment 1.

**Comment 2:** “A 20 X 20 ft proposed covered deck could hold up to 26 people with tables and chairs per International Building Code. The deck juts out into the river beyond the floating dock and there is no indication in the design of any safety measures for structure protection from collision or illumination along the navigation channel. GA DOT plans to replace the existing HWY 17 bridge in the near future. It would be prudent to have DOT review the proposal for potential conflicts with marine cranes, personnel, materials and supplies, etc. transported on the river, necessary to bridge construction”.

**Applicant’s response:** See response to Sheppard, comment 5.

**Comment 3:** “Because there is so much impervious surface planned for the project area and because no filtering stormwater detention has been or will be constructed in the project area, non-point source
contaminants and pollutants sheet-flowing from adjacent street surfaces into on-site storm drains will be piped straight into the river”.

**Applicant’s response:** See response to Sheppard, comment 5.

**Comment 4:** “PS This site on the Darien waterfront is well known for its history and archaeological resources as the Applicant attests in a web page devoted to it (attached). The answer to the last question in the Checklist of Attachment ‘G’ is “Yes”.

**Applicant’s response:** See response to Buckner, comment 1.

**Tina Ridley** (letter not dated; email dated 7/4/2020)
**Comment 1:** “First, it is my understanding that the use and maintenance of the existing dock at 205 Fort King George Drive has been turned over to the City of Darien for a bike/walk path that will link businesses and residents East of the Highway 17 bridge to those West of the bridge”.

**Applicant’s response:** See response to Shepard, comment 1.

**Comment 2:** “Secondly, I am deeply worried that the proposed new community dock will infringe on the ability of the commercial water vessels to assemble for the annual Blessing of the Fleet Festival”.

**Applicant’s response:** See response to Buckner, comments 1 & 2.

**Dr. Tanya Payne** (via letter dated 7/4/2020)
**Comment 1:** “The following reasons are why this application should be rejected: it does not reflect the current agreement with the City of Darien for the existing dock, it will impede and create navigational difficulties for the Darien River, and the application states there is no historic, archeological, or scenic value, which is incorrect”.

**Applicant’s response:** See response to Sheppard, comments 1 & 5, and Buckner, comment 1.

**Wesley F. Tippins** (via letter dated 7/4/2020)
Exact same letter at Dr. Payne (and apparently the same cellular phone number); see above response to Payne.

**Richard D. Lang** (via email dated 7/3/2020)
**Comment 1:** “I am concerned with the current dock proposal as submitted by Mr. Lucas the developer of Oaks on the River. I have examined the original proposal that was approved in January of this year by the city of Darien and I have serious doubts and believe that this original proposal would when built create a navigational hazard. Furthermore, the Party Pavilion in itself creates a visual hazard. Now as to the revised plan that has been submitted. it still extends too far into the Darien River. and the Party Pavilion is still there and my opinion of it remains the same”.

**Applicant’s response:** See response to Sheppard, comment 1 & 5.

**Comment 2:** “It is a well known fact that the currents especially east of the US Hwy 17 bridge can be tricky and create difficulty when trying to maneuver and when docking. So far I have addressed only the
commercial vessels being operated by skilled captains. Should Mr. Lucas have it his way, there will be private vessels belonging to the condo owners who in most cases will have no knowledge as to navigating the Darien River and the treacherous currents that I mentioned earlier”.

Applicant’s response: The same currents that would be experienced by future users of the proposed dock have existed and have been overcome by users of the upstream docks, and by other boaters who have successfully navigated the river. Operating a boat in the currents found in the tidal waters of Georgia is not unique to this location.

Alice Keyes; One Hundred Miles (vial letter of 7/2/2020)
Comment 1: “Oaks on the River has not proven to CRD and the Committee that all municipal code and ordinance conditions have been met”.

Applicant’s response: The applicant possesses a letter from the City of Darien, dated December 18, 2019, specifically relating to the construction of the new dock, and the demolition of the old dock. The letter states that the proposed dock “does not violate any of the zoning or building ordinances of the City of Darien. As you know, Georgia Department of Natural Resources (DNR) must be contacted before proceeding with any construction. In addition, removal of the current dock also requires a demolition application to the City of Darien and DNR”. There is no expiration date or time constraints mentioned in the letter.

Comment 2: “Oaks on the River proposed dock jeopardizes public safety and navigation on the Darien River”.

Applicant’s response: See response to Buckner, comments 1 & 2, and Yeager comment 2.

Comment 3: “Oaks on the River has not provided sufficient assessment of the need for the project as it is currently proposed”.

Applicant’s response: The needs assessment was completed in accordance with current guidelines. The Oaks on the River condominiums were designed and are marketed with the inclusion of water access on site. This project purpose cannot be satisfied at alternative sites, and in fact will alleviate pressure on nearby publicly available launch and docking facilities. The length of the dock was designed based on current standards of 25’ per owner. Current demand and interest in the project is directly related to the availability of water access. It is possible that some owners will have large boats and could require more than 25’ of dock space. At project completion, it is possible that more dock space may be necessary than the minimum proposed, and if so, modification of the permit would be sought.

Comment 4: “Second, the 20’ x 20’ fixed deck, as it is currently described, is not a necessary component to meet the needs described in the application material, which is described in the application packet section 7.0 Project Justification to “… provide water access for twelve (12) residents of the Oaks On The River condominiums.” Because the proposed fixed deck is unnecessary to achieve the justified need, it should be eliminated from the proposed dock plan, reducing the length of the proposed dock by 20 feet. This plan adjustment will address the numerous concerns expressed by One Hundred Miles and other members of the public related to navigability and safety of boat traffic in the of Darien River (see comment #2 above)”.

Applicant’s response: See response to Sheppard, comment 5.
Comment 5: “Oaks on the River has overlooked the historical and cultural significance of the site”.

Applicant’s response: See response to Buckner, comment 3.

Comment 6: “Oaks on the River has not provided the appropriate certification needed to document the impact removal activities will have on water quality and habitat for marine life”.

Applicant’s response: Removal of existing derelict docks is a common process. Pilings are pulled by crane on floating barge in most cases. Temporary turbidity is possible. 401 Water Quality Certification (WQC) is only required on Department of the Army Section 10 authorizations that include fueling facilities and should not be required for this project. 401 WQC review is solicited by the U.S. Army Corps of Engineers during their Section 10 permit process.

Jane Fraser (via letter of July 3, 2020)
Applicant’s response: Ms. Fraser’s comments appear to be CMPC permit process related and directed to staff.

Christa F. Hayes (via email dated 7/3/2020)
Comment 1: “I am writing to voice my concern regarding the request by Oaks on the River to build a private dock jutting 120 feet into the Darien River: The lack of clear communication, conflicting statements about public access, and possible omission of public process associated with the dock permit. Because of these things, much confusion as to the true intent and outcome of this project has been generated”.

Applicant’s response: The proposed dock does not “jut 120 feet into the Darien River”. The dock extends 92.8’ past MLW at a location on the river that is +/-350’ wide at MLW, as depicted on the drawings supplied with the application. For remaining comment regarding agreement with the City, see response to Sheppard, comment 1, page 1.

Comment 2: “Navigational obstruction in a dangerously swift and commercially active waterway”.

Applicant’s response: See response to Sheppard, comment 5.

Comment 3: High safety risk for boaters and vacationers, especially a clientele unaccustomed to powerful tidal rivers, which the river is along this stretch. Who will bear the burden of increased boat accidents, injuries to visitors, or even of lives harmed?

Applicant’s response: See response to Lang, comment 2.

Comment 4: “Diminishment of true public access along the river walkway”.

Applicant’s response: The existing dock at this location was not connected to, intended for, or safe for public use. The existing proposal does not prohibit future riverfront access to the City of Darien over state-owned tidal waters.

Deborah Sheppard (2nd Letter, no date, via email dated 7/3/2020)
Comment 1: “This project as presented creates unreasonable obstruction and alters the flow of navigational waters. It will increase danger in an already dangerous river”.

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**Applicant’s response:** See response to Sheppard, comment 5, page 1 and response to Lang, comment 2, page 6.

**Comment 2:** “You are now contemplating permitting the additional obstructions of the proposed dock and party pavilion. It will serve boaters who may not have experience and skill in a fast moving tidal river using boats of various sizes and power levels”.

**Applicant’s response:** See response to Sheppard, comment 5, page 2 and response to Lang, comment 2, page 7. Additionally, the proposed dock will pose no more threat to existing conditions than the already existing IDA public dock located immediately west of the proposed dock.

**Comment 3:** “There is a total lack of clarity about who this project will actually serve... Please clarify how the conflicting public statements about who will use the dock/party pavilion and how it will be used are viewed in the permitting process”.

**Applicant’s response:** The applicant has applied for a community dock to be used for owners of condominiums at Oaks on the River. “Community dock” is defined under Rule 391-2-3-.03(2)(e):

> “Community dock” means a dock providing 500 linear feet or less of docking space which is a subdivision or community recreational amenity providing water access for residents, and which may or may not entail a fee. A dock meeting this definition, but providing more than 500 feet of docking space shall be treated as a marina, as defined in these rules.

For this project, the dock will service the “subdivision” of Oaks on the River. Any change in the intended use of the dock would require modification of the permit once issued.

**Altamaha Riverkeeper c/o Susan Inman** (via letter dated 7/3/2020)

**Comment 1:** “In reference to the Project Description letter from Mr Bucey to Ms Flowers on April 30, 2020, submitted for the application for the Oaks on The River, LLC: Question # 2 answer is misleading the public by referring to the dock as a “community dock”. When it is stated in question #9: “note that the applicant has decided that in lieu of allowing dock usage on a first-come first-serve basis, dock space would be assigned to individuals upon purchase of a qualifying condominium unit.” Therefore, there is no proposed community dock only private dock and is misleading the community on the dock intentions”.

**Applicant’s response:** See response to Sheppard, comment 3, page 2.

**Comment 2:** “Question #6 answer: “There is no stormwater management plan for the upland component.” Which again is a misrepresentation of what has already occurred due to the upland development”.

**Applicant’s response:** See response to Sheppard, comment 5, page 2.

**David Stevens** (letter not dated; via email of 7/3/2020)
Comment 1: “Many have gone to great lengths recently to clean up our working waterfront here on the Darien River and make it a beautiful gateway. This project site was most recently the site of a commercial cannonball jellyfish processing facility, with all the odors that accompany such a project”.

Applicant’s response: The applicant concurs that the previous land use was unsightly and served no use for public access or enjoyment. The existing dock, as certified by a recent engineering report, cannot be repaired at a reasonable cost, and it would serve no functional purpose for public access for recreational users.

Comment 2: “Mr. Lucas’s plan for re-development of this working waterfront is exactly the type of business we are embracing and fits in to the eco-tourism strategy we are working toward. I strongly believe that this project is not contrary to the public interest”.

Applicant’s response: The applicant concurs with Mr. Stevens assessment. The previous use of the property was unsightly and provided little public benefit. The proposed use will provide significant needed tax revenues and will spur interest in the town and specifically the riverfront, which in turn will drive economic development in the area. It will not change any existing public use of the property and will allow for future public access should the City propose an extension of the riverfront boardwalk.

Michell Mansour (letter not dated; received via CRD email dated 7/6/2020)
Comment 1: “The following reasons are why this application should be rejected: it does not reflect the current agreement with the City of Darien for the existing dock, it will impede and create navigational difficulties for the Darien River, and the application states there is no historic, archeological, or scenic value, which is incorrect”.

Applicant’s response: See comment 1 from Payne, page 6. See response to Sheppard, comments 1 & 5, page 1, and Buckner, comment 1.

Kim Raulerson (letter not dated, received via CRD email dated 7/6/2020)
Comment 1: “The following reasons are why this application should be rejected: it does not reflect the current agreement with the City of Darien for the existing dock, it will impede and create navigational difficulties for the Darien River, and the application states there is no historic, archeological, or scenic value, which is incorrect”.

Applicant’s response: See comment 1 from Payne, page 6. See response to Sheppard, comments 1 & 5, page 1, and Buckner, comment 1.

Ed Perry (via letter dated June 29, 2020)
Comment 1: “Over the last 4 years I have been involved with Darien and McIntosh county to bring agritourism to the area and this additional dockage will enhance tourism in Darien. It also will bring in boaters going up and down the intercoastal waterway”.

Applicant’s response: The applicant concurs with Mr. Perry’s statement and believes that the project will spur interest in the town and specifically the riverfront, which in turn will drive economic development in the area.

McIntosh County Industrial Development Authority c/o Dawn Malin (via letter dated 7/2/2020)
Comment 1: “The addition of the Oaks on the River dock will enhance the experience of any resident or visitor to McIntosh County. This project is a huge benefit to growth and eco-tourism”.

Applicant’s response: The applicant concurs with Ms. Malin’s statement and believes that the project will spur interest in the town and specifically the riverfront, which in turn will drive economic development in the area.

The Darien News c/o Kathleen Russell (via letter dated 7/1/2020)
Comment 1: “The Oaks On The River project that includes a boutique hotel, condominiums and a restaurant are a quality project for this community and a boost for our economy. The dock is an integral part of the project, which will provide access to our vast waterways. Oaks On The River will be providing charters for our visitors to explore the beauty of the mighty Altamaha River, as well as fishing inshore and offshore, and kayaking. A community dock will be an asset to Darien!”

Applicant’s response: The applicant concurs with the statement that the project will provide a boost to the local economy. The dock is necessary for the viability of the condominium project and will not prohibit or negatively affect the waterway. As proposed, the dock will service only the condominium owners. Should the intended use of the dock change, a modification to the permit would be required.

Barbara Shaw, Mayor Pro-tem City of Darien (via letter dated 7/1/2020)
Comment 1: “I Mayor Pro-tem Barbara Shaw, is in full support of Mr. Art Lucas. Mr. Lucas is helping our city and community in so many ways, growth, economically for our future generation”.

Applicant’s response: The applicant concurs with the statement that the project will boost the local economy and provide sensible development of the downtown and riverfront area.

Missy Wilson (via email dated 7/2/2020)
Comment 1: “The following reasons are why this application should be rejected: it does not reflect the current agreement with the City of Darien for the existing dock, it will impede and create navigational difficulties for the Darien River, and the application states there is no historic, archeological, or scenic value, which is incorrect. “

Applicant’s response: See comment 1 from Payne, page 6. See response to Sheppard, comments 1 & 5, page 1, and Buckner, comment 1.

We trust that this information answers the questions related to the public comments received for the Oaks on the River 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
From:
Griffin Lotson
Global and State Goodwill Ambassador.
Former Mayor Pro Tem, City of Darien, Georgia.
1033 Poppell Dr. Darien, Ga.
(912) 571-9014
griffinlotson@gmail.com

To:
Amy Flowers
Dept. of Natural Resources
One Conservation Way
Brunswick GA 31520

Dear Amy Flowers DNR:

I, Griffin Lotson support the dock for the Oaks on The River project in Darien, GA. The project needs the dock to help promote economic development in downtown Darien. In order to market/sell the condominiums, the dock is vitally needed.

I’m also appreciative of the existing public right away land and dock usage that the city of Darien citizens and guess will be able to enjoy, thanks to the Oaks on the river developer project in Darien Georgia.

Thank you for your consideration.

Griffin Lotson

June 30, 2020
July 4, 2020

Coastal Marshlands Protection Committee
Georgia Department of Natural Resources
C/O: Amy Flowers
Department of Natural Resources
One Conservation Way
Brunswick, Georgia 31520

Re: Removal of Existing Dock and Construction of Community Dock and Pavilion for Oaks on the River

As a local resident of Darien, who lives across the street from the Oaks on the River Project at 206 Fort King George Drive, I want to oppose the dock application for 205 Fort King George Drive. The application calls for the existing dock close to shore to be demolished, and a new dock 92.8 feet into the river to be built.

First of all, I was present at the City Council meeting when the city Council voted to keep the old dock in lieu of the 10ft public access easement that was required by ordinance. Until the application is correct it should not go forward for any consideration at all! You wouldn’t consider an incorrect application from anyone else, why Oaks on the River?

The following reasons are why this application should be rejected: it does not reflect the current agreement with the City of Darien for the existing dock, it will impede and create navigational difficulties for the Darien River, and the application states there is no historic, archeological, or scenic value, which is incorrect.

The application states that there are no historical, archeological, or scenic sites disturbed by construction of the new dock and pavilion. This is untrue as the Cultural, Resource Impact Mitigation for the Darien Sewer System by Water and Air Research, Inc., 1986, documents the Native American, specifically Deptford and Swift Creek cultures, Colonial, Antebellum, and early Twentieth Century history of the site which will be impacted in this application. In the 2001 National Register Nomination and Early Days on the Georgia Tidewater by Buddy Sullivan, this property is referenced also as the site of Fort Darien, a colonial fort established in 1736 by the Scottish Highlanders of Clan McIntosh brought to the Georgia colony by General
James Oglethorpe, and located on the Darien Waterfront. Please remember Fort Darien’s actual location has never been identified! We only know from historical records that it was somewhere on the waterfront. Any opportunity to search for the actual location of Fort Darien should be utilized.

Darien was an international port from its prominence in the 1820s until the early twentieth century. In 1863, the buildings and wharf were burned during the Burning of Darien during the Civil War June 11, 1863. These buildings and wharfs are still documented by Sanborn Fire Insurance Maps for Darien into the 1920s. As one can see, significant events in Georgia and American history have happened directly on the site this application references and further archeological studies should be conducted.

Again, we must also remember that during the February 2020 City of Darien City Hall meeting, at which many residents attended to voice their disapproval of the project, a motion was made to convey a right of way to Oaks on the River in trade for the original dock along the Darien River, which in this application is being demolished, and so does not properly reflect this agreement, whereby the City of Darien would provide a variance from its 10 foot public access walkway in exchange for the dock. The application should be withdrawn at least until it is corrected.

Furthermore, the dock extend 92.8 feet into the Darien River, past the current dock. Due to the Darien River's tidal and navigational difficulties including its very swift current, the dock will impede shrimp boats from passing, and barges needed to service the bridge and the other 2 docks. There are no locations on the west side of the proposed dock for a barge to enter or other public access to the City public dock. Sufficient space is also needed for shrimp boats to pass and turn around to receive their Priestly Holy Water Blessing from the Darien Bridge during the Annual Blessing of the Fleet each spring. Not only is this an annual event for the local area, but a significant economic impact for local businesses and charities with the substantial increase in tourism this weekend.
With these considerations, I ask that you deny this application until it reflects the current agreement with the city, has significantly studied the impact on the historical resources of the site and is shortened in length to not impede waterways or public access to public docks.

If you have any questions or comments, please feel free to call my cell at any time at 912-242-1668.

Sincerely,

[Signature]
Dr. Tania Payne
206 Fort King George Dr.
Darien, GA 31305
June 29, 2020

Dear Amy,

I am Ed Perry from Nashville, GA and also Darien, GA. I am writing on behalf of Lucas Properties and Oaks on the River to encourage the DNR to grant a permit to build new dockage on the Darien River on the East side of the bridge on U.S. 17.

Over the last 4 years I have been involved with Darien and McIntosh county to bring agritourism to the area and this additional dockage will enhance tourism in Darien. It also will bring in boaters going up and down the intercoastal waterway.

There is a nice hotel being built with a seafood restaurant next door that boaters will use when the boat is docked at the new docks.

In the 1990’s I was Vice Chairman of Natural Resource in the Senate and Chairman of Fish and Game. When Gray’s Reef was dedicated, I was there to officially open it. This dockage on the Darien River will have just as much economic impact as Gray’s Reef.

Thank you for your consideration on this subject and thank you and Commissioner Mark Williams on a job well done for Georgia.

I am, [Signature]
Ed Perry
Coastal Marshlands Protection Committee
Georgia Department of Natural Resources
C/O: Amy Flowers
Department of Natural Resources
One Conservation Way
Brunswick, Georgia 31520

Re: Removal of Existing Dock and Construction of Community Dock and Pavilion for Oaks on the River

As a local resident of Darien, who lives across the street from the Oaks on the River, I want to oppose the dock application for 205 Fort King George Drive. The application calls for the existing dock close to shore to be demolished, and a new dock 92.8 feet into the river to be built. The following reasons are why this application should be rejected: it does not reflect the current agreement with the City of Darien for the existing dock, it will impede and create navigational difficulties for the Darien River, and the application states there is no historic, archeological, or scenic value, which is incorrect.

The application states that there are no historical, archeological, or scenic sites disturbed by construction of the new dock and pavilion. This is untrue as the Cultural, Resource Impact Mitigation For the Darien Sewer System by Water and Air Research, Inc., 1986, documents the Native American, specifically Deptford and Swift Creek cultures, Colonial, Antebellum, and early Twentieth Century history of the site which will be impacted in this application. In the 2001 National Register Nomination and Early Days on the Georgia Tidewater by Buddy Sullivan, this property is referenced also as the site of Fort Darien, a colonial fort established in 1736 by the Scottish Highlanders of Clan McIntosh brought to the Georgia colony by General James Oglethorpe, and located on the Darien Waterfront. It was an international port from its’ prominence in the 1820s until the early twentieth century. In 1863, the buildings and wharf were burned during the Burning of Darien during the Civil War June 11, 1863. These buildings and wharfs are still documented by Sanborn Fire Insurance Maps.
for Darien into the 1920s. As one can see, significant events in Georgia and American history have happened directly on the site this application references.

In addition, during the February 2020 City of Darien City Hall meeting, which many residents attended to voice their disapproval of the project, a motion was made to convey a right of way to Oaks on the River in trade for the original dock along the Darien River, which in this application is being demolished, and so does not properly reflect this agreement, whereby the City of Darien would provide a variance from its 10 foot public access walkway in exchange for the dock. The pavilion also prohibits access, impedes navigation, and is not needed as it will not enhance waterway activity for Oaks on the River.

Furthermore, the dock and pavilion extend 92.8 feet into the Darien River, past the current dock. Due to the Darien River’s tidal and navigational difficulties, the dock and pavilion will impede shrimp boats from passing, and barges needed to service the bridge and the other 2 docks. There are no locations on the west side of the proposed dock for a barge to enter. Sufficient space is also needed for shrimp boats to pass and turn around to receive their Priestly Holy Water Blessing from the Darien Bridge during the Annual Blessing of the Fleet each spring. Not only is this an annual event for the local area, but a significant economic impact for local businesses and charities with the substantial increase in tourism this weekend.

With these considerations, I ask that you deny this application until it reflects the current agreement with the city, has significantly studied the impact on the historical resources of the site, is shortened in length to not impede waterways, and removes the pavilion, as it is not needed to enhance waterway activity in the Darien River.

Sincerely

Kim Raulerson  
912-282-5566  200 C Fort  King George Drive

*There was standing room only for these Planning and Zoning meetings with many local meetings shrimpers voicing their disapproval with the negative effect on their*
July 1, 2020

To Whom It May Concern:

I am in support of the construction of a community dock at 205 Fort King George Drive in Darien, Ga.

The Oaks On The River project that includes a boutique hotel, condominiums and a restaurant are a quality project for this community and a boost for our economy.

The dock is an integral part of the project, which will provide access to our vast waterways. Oaks On The River will be providing charters for our visitors to explore the beauty of the mighty Altamaha River, as well as fishing inshore and offshore, and kayaking.

A community dock will be an asset to Darien!

Sincerely,

Kathleen Russell
Publisher/Editor
The Darien News
Mr. Bucey,

Please see below for a public comment related to the Oaks On The River CMPA Application.

Please provide a response to the public comment. Please send all public comment responses to Josh Noble and I, and we will disseminate to the appropriate commenter.
If you have any questions, please let me know.

Sincerely,

Amy Flowers
Coastal Permit Coordinator
Coastal Resources Division
(912) 262-3109 | M: (912) 266-0642
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GEORGIA DEPARTMENT OF NATURAL RESOURCES

From: Jan Russell <rf422@aol.com>
Sent: Tuesday, June 30, 2020 10:47 AM
To: Noble, Josh <Josh.Noble@dnr.ga.gov>
Subject: Dock application by Oaks on the River, Darien Georgia

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Amy Flowers and Josh Noble

Ref: Request by developer Oaks on the River 1, LLC

Hi,

My wife and I live at 901 Fort King George Drive, Darien. We urge rejection of the reference request. Our reasons:

1. The Darien City Council relinquished a public access requirement in the City building code in favor of rehabbing the existing dock as a substitute. This freed up land-side area in favor to the developer and shifted the access to over the river. At the time of this action by the Council, it was quite clear no one had any idea how this rehabilitation was to be paid for other than “grants might be available” Since that action, nothing has occurred to
promote confidence the existing docks will get any improvement. A cynic might say this ambiguity was the real point.

2. This request indicates a new dock will extend into the river at 90 degrees to the existing dock approximately midway the dock/dockside’s length. This raises questions of continuity of public access conflicting with “private” usage. The request you are now reviewing indicates that the existing dockside will be removed, this, if you approve, will remove all public access wisely required by City Code years ago. We think a resolution by City and Developer must take place before a DNR permit is issued.

3. In general we are just opposed to taking a public resource and turning it over for private use by a limited number of users. Most egregious is the idea of a “party pavilion” out in the river.

4. While we are not skilled boaters, we can not help to estimate that the proposed design will pose unnecessary boating complications. We thought this river front, given its long history as a working marine environment, should be facilitated rather than saddled by another imposition.

This project has a history of newly found obstacles that the developer has turned to the City for help. This has required constant attention by the community. We note that there is no posted notice of “Public Comment” at the site. This again will fall in to the category of: “I was not aware”.

Please reject this request.

Thank you
Michael and Jan Russell
email: rf422@aol.com
July 1, 2020

To Whom It May Concern:

I am in support of the construction of a community dock at 205 Fort King George Drive in Darien, Ga.

The Oaks On The River project that includes a boutique hotel, condominiums and a restaurant are a quality project for this community and a boost for our economy.

The dock is an integral part of the project, which will provide access to our vast waterways. Oaks On The River will be providing charters for our visitors to explore the beauty of the mighty Altamaha River, as well as fishing inshore and offshore, and kayaking.

A community dock will be an asset to Darien!

Sincerely,

Kathleen Russell
Publisher/Editor
The Darien News
July 1, 2020

TO WHOM IT MAY CONCERN,

I, Mayor Pro-Tem Barbara Shaw, am in full support of Mr. Art Lucas.

Mr. Lucas is helping our city and community in so many ways, growth, economically for our future generations.

Thank You
Mayor Pro-Tem Barbara Shaw
617 678 8925
Re: Removal of Existing Fixed Dock and Construction of Community Dock and Party Pavilion for Oaks on the River

Thank you for the opportunity to comment on the request for dock and party pavilion submitted by Oaks on the River (OOR).

The request as published fails to provide accurate and timely information about the status of the project and its impact on the existing use of the Darien River. The project information fails to reflect an "agreement" made with OOR and Darien, whereby the City of Darien would provide a variance from its 10 foot public access walkway in exchange for the dock that is to be torn down in the request that is now before you.

There are numerous additional issues with this project related to the creation of navigation hazards and lack of water dependent use of its party pavilion. Additional comment will be provided on these matters in separate comments once the actual project is clarified. These comments are submitted as background on a project that stands to forever change the public use of the Darien River for members of the fishing community and boating public.

**Background:**
I was introduced to this project in late 2019 through the Zoning Board hearing to discuss and approve the dock request. This public hearing drew a standing room only crowd concerned about a variety of navigational and safety issues as well as how this proposed dock and party pavilion would impact existing uses of the Darien River, including dockage for commercial and recreational fishing boats and historic Blessing of the Fleet events. Many speakers expressed concerns with navigation and safety and offered to work with the applicant to improve the project.

People in attendance left believing that their concerns would be addressed before the Zoning Board moved the proposal forward for City Council approval. My attached comments to the Darien City Council (12/14/19) describe how the applicant returned to the Zoning Board meeting the following night with a slightly revised plan
which failed to address most of the concerns. The Darien City Council approved the plan stating that they did not have the resources to review it and that CRD would do the real review of the project and address the concerns raised by local people.

In early 2020, OOR requested a variance to the City Ordinance requiring a 10 foot public access walkway to be provided along the riverfront by any new development. The applicant stated he was unaware of this ordinance earlier and would not go forward with the project if he had to provide public access. The variance request went before the Planning and Zoning Board. Again, many citizens came forward in the Zoning Board public hearing to discuss the reason for the public access and oppose granting of the variance. Again, the applicant returns the next night to the Zoning Board with a "new proposal" to give the City the dock (described in the application as to be demolished) to provide public access in exchange for a variance to the ordinance. The Zoning Board passed this on to the City Council.

The City Council agreed that if OOR offered the current dock as the walkway that OOR would be granted the variance from providing actual land for the walkway. The offer was made and the variance given, but the City has not yet accepted the dock as City property (as of 6/24/20).

I’ve been told by City officials that Darien has gone to the expense of bringing in engineers and trying to determine the cost associated with the acceptance of the dock. If the dock can be refurbished for a moderate amount of money the removal part of the OOR application will be pulled.

I am attempting to secure minutes or some kind of record of those meetings to provide to the committee and to be clear on exactly what was agreed upon. I attended all of the meetings described herein and was not clear at the time on the wording of decisions that were made.

As of today, there is no clarity about whether the project that has been submitted to CRD is the project that will be pursued or whether another project that involves the City of Darien refurbishing that dock to provide public access will be pursued.

**Public Interest Concerns**

It is not possible to make functional written comments in a timely manner when the project continues to change in such dramatic ways. Given the significant public interest and concern surrounding this evolving project, the application should be held and the comment period extended to reflect that new conditions (City consideration of
taking dock to be previously demolished) are currently placed on the plan approved by the City in 2019.

I am concerned that the members of the public most likely to be harmed by the proposal (whatever form it takes) will have difficulty participating in the July 17, 2020 Webinar meeting where this project is scheduled to be discussed. The local watermen and recreational boaters who use the Darien River have great knowledge of this unique tidal river system that is not reflected in any of the application materials. Given the long lasting impact of the proposed project, it is only prudent to ensure that the public interest is protected by actually consulting with and hearing from the people who know and love the resource. The current timeframe for comments and format for hearing can not accomodate that need.

There is great confusion in Darien surrounding this application since it says something very different from what has been discussed in public meetings and in the media. Please extend the comment period to allow 30 days for comments from the time that a decision is made regarding the demolition of the dock and postpone placing this on the agenda until the public can be heard on this matter.

Thank you for your consideration of these comments and for your ongoing work to protect Georgia's coastal ecosystem.

Sincerely,
Deborah Sheppard
P.O. Box D 1050
Darien, Georgia  31305
Mr. Bucey,

Please see below for a public comment related to the Oaks On The River CMPA Application.

Please provide a response to the public comment. Please send all public comment responses to Josh Noble and I, and we will disseminate to the appropriate commenter. If you have any questions, please let me know.

Sincerely,

Amy Flowers
Coastal Permit Coordinator
Coastal Resources Division
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GEORGIA DEPARTMENT OF NATURAL RESOURCES

From: Deb Sheppard <debshep@darientel.net>
Sent: Tuesday, June 30, 2020 7:34 PM
To: Noble, Josh <Josh.Noble@dnr.ga.gov>
Subject: Permit deficiencies and suggestions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

June 30, 2020

Josh Noble, Permit Coordinator @ Josh.Noble@dnr.ga.gov

CC: Amy Flowers
Greetings Josh,

Thanks for talking with me yesterday about the lack of public notice signage on Ft. King George Drive for the proposed Oaks on the River dock permit. As I mentioned, on June 28 there was no CRD public notice sign in place. I asked people who live nearby and frequent the area and no one remembered seeing the green permit application sign at all. The only signs visible on the property are the large signs advertising the condominiums featuring a boat slip with every condo.

It is no wonder that many local people are not aware of the pending Oaks request to CRD and the upcoming July 4th comment deadline. The only signage on site advertises boat slips that have not been permitted, much less constructed. It is easy to be confused.

You explained to me that the initial sign placed there by DNR promptly disappeared. I now understand that a new sign was placed several blocks away at the McIntosh Courthouse. While I appreciate that effort, it fails to serve as notice to the public that there is an active CRD permit request for the Oaks site. The many people who are interested in this project and who are concerned about what is happening with new structures in the Darien River are not going by the Courthouse or anywhere else to look for public notice. They are looking for notice on the site and it has not been there as the deadline for comments rapidly approaches. Even in normal times, there is very little traffic at the Courthouse. The Oaks site is highly visible. There are many locations where a sign could be posted and monitored. Local law enforcement could be asked to watch out for it. So could the applicant.
I also mentioned the lack of posting of the Oak’s “Coastal Marina, Community or Commercial Dock Checklist” with the application materials on the website. This is an important document and needs to be seen by those reviewing the request as some of the applicant’s responses to the Habitat/Wildlife/Cultural Resources questions appear to be deficient and incorrect.

The notice as posted does not include an email address, causing some to think that comments can only be mailed. This is another hurdle to participation that could be reduced by prominently including an email for receipt of comments on all permit application notices. You mentioned a contact phone number on the notice as well, to allow for interested parties to call CRD for clarification or information. I don’t readily see that on the electronic link, but having that alongside other CRD contact information would be useful.

Thanks also for talking me through the new Covid 19 process for CMPC meetings. I commend you all for rising to this difficult occasion and attempting to create a workable process. I am challenged by all this, but I was able to find the links for the meetings and the webinar registration after about 15 minutes of moving around the website. I would suggest that full information about the CMPC meetings and webinar registration be included in all communications about the permit, including responses to comments.

As you know, the general public is not familiar with the dock permitting process and the role and deliberations of the Coastal Marshland Protection Committee. As agencies evolve the processes for public participation in decision making, it is more important than ever to make everything clear, visible and easy to access. I appreciate your willingness to hear these concerns and hope they are helpful to staff in facilitating participation.

The historic and natural resources of the Darien River are unsurpassed. Decisions that will determine the future use of
our river should be made with the input and full participation of the people who know, love, and use it. Given the notice deficiencies noted above, I respectfully request that the comment period for this project be extended to begin running no sooner than 30 days from the posting and maintenance of the notice signage on Ft. King George at the location of the proposed project. This would allow the people most interested in this matter to be aware of the application and the process for participation.

Thank you and everyone at CRD for the work you do to protect our coastal resources.
Sincerely,
Deborah Sheppard
Attn: Amy Flowers
Georgia Department of Natural Resources
Coastal Resources Division
1 Conservation Way
Brunswick Ga. 31520

Re: Community dock at 205 Fort King George Drive, Darien, McIntosh County, Georgia

My name is David Stevens and I am a resident of McIntosh County, residing at 1092 Guale Point Road SE, Darien, Georgia. Although I am a County Commissioner, I am writing this correspondence in my individual capacity.

Many have gone to great lengths recently to clean up our working waterfront here on the Darien River and make it a beautiful gateway. This project site was most recently the site of a commercial cannonball jellyfish processing facility, with all the odors that accompany such a project. An old wooden pile fixed dock exists for the vessels associated with that activity. For this site to be used by non-commercial pleasure craft, the old piles and elevated walkway will need to be removed and switched to a floating type dock. There is not a scenario where eliminating the marine access from the site would serve the overall public interest. Boating and fishing are a heritage enjoyed by coastal residents before and since the founding of Georgia. Per the Public Trust Doctrine (as I understand it) access to tidal waters for public use is a fundamental priority for the State of Georgia through its Department of Natural Resources.

The State of Georgia, according to the FY2016 State Properties Commission Portfolio Report, has total state-owned acreage in McIntosh County of 60,232.83 acres. Nearly one-third of the land area in the county (85,232.83 acres) is owned by the state and federal governments. The 2018 McIntosh County Comprehensive Plan focused of Eco-Tourism and public access to the water resources. While McIntosh County is honored to carry the water for the entire state in the name of conservation and preservation, we must educate our children and provide basic services to residents. The loss of a third of the tax base contributes to making this a difficult situation. Mr. Lucas’s plan for re-development of this working waterfront is exactly the type of business we are embracing and fits in to the eco-tourism strategy we are working toward. I strongly believe that this project is not contrary to the public interest.

In their application for this permit, the applicants have provided statements that this project will not cause unreasonably harmful obstruction to or alteration of the natural flow of navigational water within the affected area. The proposed project will not cause unreasonably harmful or increased erosion, shoaling of channels, nor create stagnant areas of water. I do not expect significant impacts to the ecology of the creek or adjacent marshes. The granting of the permit and completion of the applicant’s proposal will not unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, clams, or other marine life, wildlife, or other resources, including but not limited to water and oxygen.
I sincerely hope you will approve this long-awaited project as soon as possible. Thank You for allowing me the opportunity to comment on this permit process.

Sincerely,

[Signature]

David Stevens
Mr. Bucey,

Please see below for a public comment related to the Oaks On The River CMPA Application.

Please provide a response to the public comment. Please send all public comment responses to Josh Noble and I, and we will disseminate to the appropriate commenter. If you have any questions, please let me know.

Sincerely,

Amy Flowers
Coastal Permit Coordinator
Coastal Resources Division
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Ms. Amy Flowers and Mr. Josh Noble
Georgia DNR, Coastal Resources Division
One Conservation Way
Brunswick, GA 31520

RE: Comments concerning Oaks on the River permit application to remove existing shrimp dock and construct community dock

Dear Ms. Flowers and Mr. Noble,

I am writing to express my concern for the application submitted to the Coastal
Resources Division (CRD) by Oaks on the River for the removal of an existing dock and the construction of a community dock on the Darien River in Darien, Georgia.

The project site is essential to many communal activities enjoyed by residents and visitors of McIntosh County and Darien. Construction activities that only benefit home or condominium owners who have use of public resources must not impede the community’s ability to gather and convene as we have done for generations.

First, it is my understanding that the use and maintenance of the existing dock at 205 Fort King George Drive has been turned over to the City of Darien for a bike/walk path that will link businesses and residents East of the Highway 17 bridge to those West of the bridge. Such a path would greatly benefit and support community activities, as well as have a positive impact on the value of Oaks on the River condominiums. How can the applicant proceed with the proposed removal and new construction application, if they no longer have full ownership and use of the structures in question?

Secondly, I am deeply worried that the proposed new community dock will infringe on the ability of the commercial water vessels to assemble for the annual Blessing of the Fleet festival. This weekend-long celebration is a major draw for our community, bringing in tens of thousands of visitors every year—a huge economic boost for local businesses. Although our shrimping fleet has diminished in recent years, the Blessing of the Fleet is the largest of its kind on the East Coast, involving many boats that require room to maneuver in the Darien River channel. Considering the existing dock capacity at the river edge, are there alternative designs that the applicant could consider that upholds the public’s interest and ensures Darien’s most important festival is not affected?

Thank you for your consideration of these questions and for helping ensure the City of Darien’s waterfront community area is protected for generations to come.

Sincerely,

Diane Sudina
1200 Bond Rd SE, Darien
912-230-8099
dcoder11@gmail.com
July 4, 2020

Coastal Marshlands Protection Committee
Georgia Department of Natural Resources
C/O: Amy Flowers
Department of Natural Resources
One Conservation Way
Brunswick, Georgia 31520

Re: Removal of Existing Dock and Construction of Community Dock and Pavilion for Oaks on the River

As a local resident of Darien, who lives across the street from the Oaks on the River Project at 206 Fort King George Drive, I want to oppose the dock application for 205 Fort King George Drive. The application calls for the existing dock close to shore to be demolished, and a new dock 92.8 feet into the river to be built.

First of all, I was present at the City Council meeting when the city Council voted to keep the old dock in lieu of the 10ft public access easement that was required by ordinance. Until the application is correct it should not go forward for any consideration at all! You wouldn’t consider an incorrect application from anyone else, why Oaks on the River?

The following reasons are why this application should be rejected: it does not reflect the current agreement with the City of Darien for the existing dock, it will impede and create navigational difficulties for the Darien River, and the application states there is no historic, archeological, or scenic value, which is incorrect.

The application states that there are no historical, archeological, or scenic sites disturbed by construction of the new dock and pavilion. This is untrue as the Cultural, Resource Impact Mitigation for the Darien Sewer System by Water and Air Research, Inc., 1986, documents the Native American, specifically Deptford and Swift Creek cultures, Colonial, Antebellum, and early Twentieth Century history of the site which will be impacted in this application. In the 2001 National Register Nomination and Early Days on the Georgia Tidewater by Buddy Sullivan, this property is referenced also as the site of Fort Darien, a colonial fort established in 1736 by the Scottish Highlanders of Clan McIntosh brought to the Georgia colony by General
James Oglethorpe, and located on the Darien Waterfront. Please remember Fort Darien’s actual location has never been identified! We only know from historical records that it was somewhere on the waterfront. Any opportunity to search for the actual location of Fort Darien should be utilized.

Darien was an international port from its prominence in the 1820s until the early twentieth century. In 1863, the buildings and wharf were burned during the Burning of Darien during the Civil War June 11, 1863. These buildings and wharfs are still documented by Sanborn Fire Insurance Maps for Darien into the 1920s. As one can see, significant events in Georgia and American history have happened directly on the site this application references and further archeological studies should be conducted.

Again, we must also remember that during the February 2020 City of Darien City Hall meeting, at which many residents attended to voice their disapproval of the project, a motion was made to convey a right of way to Oaks on the River in trade for the original dock along the Darien River, which in this application is being demolished, and so does not properly reflect this agreement, whereby the City of Darien would provide a variance from its 10 foot public access walkway in exchange for the dock. The application should be withdrawn at least until it is corrected.

Furthermore, the dock extend 92.8 feet into the Darien River, past the current dock. Due to the Darien River's tidal and navigational difficulties including its very swift current, the dock will impede shrimp boats from passing, and barges needed to service the bridge and the other 2 docks. There are no locations on the west side of the proposed dock for a barge to enter or other public access to the City public dock. Sufficient space is also needed for shrimp boats to pass and turn around to receive their Priestly Holy Water Blessing from the Darien Bridge during the Annual Blessing of the Fleet each spring. Not only is this an annual event for the local area, but a significant economic impact for local businesses and charities with the substantial increase in tourism this weekend.
With these considerations, I ask that you deny this application until it reflects the current agreement with the city, has significantly studied the impact on the historical resources of the site and is shortened in length to not impede waterways or public access to public docks.

If you have any questions or comments, please feel free to call my cell at any time at 912-242-1668.

Sincerely,

Wesley F. Tippins
206 Fort King George Dr.
Darien, GA 31305
Coastal Marshlands Protection Committee  
Georgia Department of Natural Resources  
C/O: Amy Flowers  
Department of Natural Resources  
One Conservation Way  
Brunswick, Georgia 31520

Re: Removal of Existing Dock and Construction of Community Dock and Pavilion for Oaks on the River

As a resident of McIntosh County, retired architect, and former member of the McIntosh Historic Preservation Commission, I am writing in opposition to certain aspects of the dock application for 205 Fort King George Drive. The following are a few of the reasons why this application should be revised and resubmitted: 1) A deal is pending between the Applicant and the City of Darien proposed in February 2020 for the repair and re-use of the existing dock as public access; 2) The proposed “covered fixed pier” (Applicant page 1. 4.0) or “covered fixed deck” (Applicant drawing Att. ‘C’) will impede river navigation on the Darien River, and likely impose life safety hazards by the proposed structure; 3) Applicant cannot reasonably say “there will be no oils or other pollutants released from the proposed activities which will reach the stream” (Application Attachment G Checklist) because oil and other pollutants carried by stormwater collected from adjacent public streets, Ft. King George Drive and Franklin Street, will enter storm drains and pipes in the project area and be discharged without detention directly into the Darien River.

1) The Pending Existing Dock Deal with City of Darien

Until the terms of the proposed deal between City of Darien and the Applicant are resolved, it is not known whether a proposed new dock will need to be reconfigured in response to possible re-utilization of the existing dock in lieu of demolition, to meet commitments of the Applicant to the City of Darien.

2) Covered Fixed Pier or Deck presents a hazard to marine craft and life safety
A 20 X 20 ft proposed covered deck could hold up to 26 people with tables and chairs per International Building Code. The deck juts out into the river beyond the floating dock and there is no indication in the design of any safety measures for structure protection from collision or illumination along the navigation channel.

GA DOT plans to replace the existing HWY 17 bridge in the near future. It would be prudent to have DOT review the proposal for potential conflicts with marine cranes, personnel, materials and supplies, etc. transported on the river, necessary to bridge construction.

3) Expect additional pollution entering the Darien River from off-site sources

Because there is so much impervious surface planned for the project area and because no filtering stormwater detention has been or will be constructed in the project area, non-point source contaminants and pollutants sheet-flowing from adjacent street surfaces into on-site storm drains will be piped straight into the river.

On the basis of the above, I ask that you deny this application until the deal with the City of Darien is resolved, the covered fixed pier is deleted from the project or re-configured to a safe location, GA DOT has reviewed the proposed structure for compatibility with bridge construction, and stormwater runoff from public ways are diverted to detention areas.

PS This site on the Darien waterfront is well known for its history and archaeological resources as the Applicant attests in a web page devoted to it. (attached) The answer to the last question in the Checklist of Attachment ‘G’ is “Yes”.

Sincerely,

Mark Yeager

1175 Julington Rd NE
Townsend, GA 31331
Traveling along US 17, visitors who fail to explore this quiet town will pass by without the realization of its historical significance and role in Georgia’s history.

**COLONIAL PERIOD**

In 1720, 13 years before Savannah and the colony of Georgia were founded, John Barnwell, a successful planter from the Carolina colony, persuaded the British government to allow building of a fort on the Altamaha to defend Charles Town (Charleston) from the Spanish in Florida. Building began one year later and the fort became Fort King George, the southernmost outpost of the British empire in North America at the time. After seven years, the garrison of the fort was withdrawn to Port Royal, over 140 soldiers died of sickness, and the fort was abandoned. It remains constitute the oldest fort on the Georgia coast.

The Spanish threat to British colonies continued on the Southern coast, and in 1733 James Oglethorpe founded the town of Savannah and the colony of Georgia. Three years later, 177 Scottish Highlanders arrived at Barnwell's Bluff on the Prince of Wales and the town of Darien (originally known as New Inverness) was born. Named for the Darien Scheme, a former Scottish colony in Panama, Darien was laid out in accordance with the now-famous Oglethorpe Plan. Recruited by Oglethorpe, the Scottish settlers—soldiers of Darien protected the frontiers of Georgia from not only the Spanish in Florida, but also the French in the Alabama basin and the Indian allies of each colonial enterprise.

Despite the continuing Spanish threat, the arrival of the Scots flourished in the southern Georgia coastal areas of Darien and nearby Fort Frederica on St. Simons Island, also established by Darien natives in 1736. War between Britain and Spain was formally declared in 1739. Oglethorpe summoned the Highlanders of Darien to assist in the defense of Fort Frederica during the attack of 1742, and they distinguished themselves in the Battle of the Bloody Marsh. The British victory would be the end of the Spanish threat to the English colonies in America.

In the peace following, the Scots built the thriving community of Darien. Lands were cleared for prosperous plantations and the colony was divided into parishes, with Darien being part of the St. Andrews Parish. The Revolutionary War wrote the name McIntosh in American history, as General Lachlan McIntosh commanded the first Georgia militia. His brothers William and John were also officers for the Patriot’s cause. Lachlan McIntosh is best known for his duel fought with Button Gwinnett, signer of the Declaration of Independence. He was also president of the Revolutionary Government of Georgia, a battle between men reflecting the times and Scottish clan structure of Darien. Gwinnett died of his wounds and McIntosh was sent north as a brigadier general to fight against the British.

The new state of Georgia, following the Revolution, was reorganized into counties, most of which were named for Revolutionary heroes. St. Andrews Parish became part of Liberty County, and in 1793, McIntosh County was split off from Liberty County and renamed after its most famous family. The county government seat was established at Sapelo Main (now Eulonia) and court was held in the home of John Houston McIntosh until a new courthouse could be built.

**CIVIL WAR AND AFTER**

The Altamaha River became the Highway for great rafts of pine, oak and cypress, and plantations produced cotton, rice, and indigo for world markets, making this a time of great prosperity for Darien. This growth of economic life in McIntosh County brought the seat from Eulonia to Darien in 1819, however during this same decade a few years early, a great fire ravaged the town in 1813 and a disastrous hurricane came a year later. The most severe threat to Darien, however, came in the year 1863 when the Union troops attacked from St. Simons and burned virtually every building down in Darien.

Following the Civil War, Darien was rebuilt with the financial aid coming in small part from the family of Colonel Robert Gould Shaw, who had been killed in the War but had written his family of his shame in participating in the destruction of Darien. The town was fully recovered when the era of lumbering reached its peak after the war, and Darien became one of the largest Southeastern ports of the 1890's. By 1900, the depletion of the forests brought the boom to an end. Darien was now a fishing village, known primarily for its Georgia wild shrimp and oysters.

In the 21st century, Darien has continued to grow as US 17 pushed south in the 1920's. With the formation of the Interstate Highway System, Interstate 95 was constructed and passes six miles west of the city, resulting in the growth of businesses and residents away from the city center. Today, downtown Darien has continued to flourish with an emphasis on its historic heritage and the waterfront views. While much of the physical evidence of this colorful history is no longer present, the beauty of the countryside remains and businesses continue to open, reclaiming the charming and inviting downtown.
June 30, 2020

Coastal Marshlands Protection Committee
Georgia Department of Natural Resources
C/O Amy Flowers
Department of Natural Resources
One Conservation Way
Brunswick, GA 31520

RE: REMOVAL OF EXISTING DOCK AND CONSTRUCTION OF COMMUNITY DOCK AND PAVILION FOR THE OAKS ON THE RIVER PROJECT, DARIEN, GEORGIA

I am writing to state my opposition to the dock application for 205 Fort King George Drive which calls for the closing of the existing shore side dock on the Darien River and for that dock to be demolished with a new 92.8 foot dock to be built.

I request a full hearing before the Coastal Marshlands Protection Committee regarding the approval or disapproval of this application. This application will change the historic landscape and has the potential of negatively impacting the local economy. The citizens deserve to have their voices heard and their concerns considered in an open meeting.

The reasons for my opposition to this application include the following:

First and foremost, the proposed dock will impede navigation of the river. According the plan and the submitted drawings the proposed dock will extend 92.8 feet into the Darien River, past the current dock. This extension toward the center of the River will impede shrimp boats and barges from passing to either service the bridge or have access to the other docks upriver.

Although it has flippantly been mentioned verbally, that shrimp boats can just “park” on the other side of the river it should be obvious to all that is not available, nor practical and has extremely detrimental environmental impacts.

This proposed dock would prevent needed space for the shrimp boats to pass during the Annual Blessing of the Fleet. The Georgia Department of Transportation has historically incorporated a platform for the Priestly Holy Water Blessing both in the current bridge and the plans for the future replacement bridge on State Route 17. This is a cherished spring ritual, at the opening of the shrimp season, is a deeply embedded tradition in the community’s cultural life as well as a significant economic impact for the community.
I find it extraordinarily disingenuous that the application states there are no historical, archeological, or scenic sites disturbed by the construction of the new dock and pavilion. The historical significance of this river and its banks are clearly documented and date back to the days of the Deptford and Swift Creek Native American cultures, Colonial, Antebellum periods and through the Twentieth Century. It was an international port of great prominence in the 1820’s, was the site of the Burning of Darien on June 11, 1863 during the Civil War, and from the early 1900’s until today that river front has been the scene of hard work, determination, and gratefulness of the bounty of God’s wonderful creation to provide food and finances for the community.

I cannot imagine crossing the Darien River Bridge and gazing over to the right and there being no sign of shrimp boats as I enter the city from the south. The boats, the huge live oak trees, the Spanish moss, the tabby ruins and the turn of the century buildings are the basis of the tourism industry the developer is banking on yet this application endangers all of those very elements.

This very property in question was originally referred to as Fort Darien, a colonial fort established in 1736. General James Oglethorpe, brought the Scottish Highlanders Clan of McIntosh to the newly created colony of Georgia and located them on the Darien waterfront to help protect the area from the Spaniards who threatened to invade from the south.

Those Scottish Highlanders are my ancestors, out of concern for the loss of the history associated with this site, the negative impact on the local fishing, shrimping and tourism industries I ask that you deny this application. The dock length should be confined to the current width so as not impede waterways, the pavilion needs to be denied.

If you should have any questions of me please feel free to contact me at 706-987-0894.

Thank you for your consideration,

[Signature]
Debbie Gignilliat Buckner
106 North Way
Darien, Georgia 31305
1471 W Black Island Rd, SE  
Darien, Georgia 31305  
June 15, 2020

Amy Flowers  
Georgia Department of Natural Resources  
One Conservation Way, Brunswick, GA 31520

I am writing to express concern about the request from Art Lucas owner of The Oaks on the River for his proposed dock on the Darien River in Darien, GA. Although the dock appears to have checked off what he needs to on the application, I want to ask the decision-makers to please consider the loss for the Darien waterfront. What a gorgeous sight to ride north on US 17 and see the shrimp boats docked at Darien below the bluff on the Darien River. These boats have been part of the popular Blessing of the Fleet tradition at this site near the bridge each spring since 1968 and their presence has given Darien a unique and charming view to visitors and residents alike. Quite a few boats have already been displaced and are no longer a part of this site.

A projected hotel on the waterfront also part of Mr. Lucas’ project recently was given a variance for more rooms from 35 -40 to 53. He has stated that he wants to provide water sports activities to guests. Is he going to allow usage of the condo docks? Public access and usage of the waterfront is narrowing. This planned dock for the condo owners is excessive.

I am not opposed to thoughtful well-planned growth and change, but it is reasonable to consider the look and feel of a small town with a huge asset like the Altamaha delta, and another dock that will extend well into the river that will be solely? for the use of 12 residents of Mr. Lucas’ expensive condo project at this site is not needed. On the other side of the bridge, a large dock was approved for Settler’s Bluff condos. The most boats seen there is around five, with a much larger number of condos to serve – unattractive, unneeded slips. Darien is fast approaching a cluttered riverfront with little public access, the loss of a children’s playground, and more pain from these big projects which will require parking that no one is discussing. Please consider rejecting this application and help prevent the loss of another piece of Darien’s heart.

Sincerely,

Harriet Langford

Helpful link from Google Earth that shows the waterfront prior to The Oaks on the River:  
https://earth.google.com/web/@31.3679428,-81.435621575,33696158a.416,48954721d.35y.0,22780864h.0t.0r  
Note that you can measure dock lengths and other distances on Google Earth as well.
Ms. Amy Flowers and Mr. Josh Noble
Georgia DNR, Coastal Resources Division
One Conservation Way
Brunswick, GA 31520

RE: Comments concerning Oaks on the River permit application to remove existing shrimp dock and construct community dock

Dear Ms. Flowers and Mr. Noble,

I am writing to express my concern for the application submitted to the Coastal Resources Division (CRD) by Oaks on the River for the removal of an existing dock and the construction of a community dock on the Darien River in Darien, Georgia.

The project site is essential to many communal activities enjoyed by residents and visitors of McIntosh County and Darien. Construction activities that only benefit home or condominium owners who have use of public resources must not impede the community’s ability to gather and convene as we have done for generations.

First, it is my understanding that the use and maintenance of the existing dock at 205 Fort King George Drive has been turned over to the City of Darien for a bike/walk path that will link businesses and residents East of the Highway 17 bridge to those West of the bridge. Such a path would greatly benefit and support community activities, as well as have a positive impact on the value of Oaks on the River condominiums. How can the applicant proceed with the proposed removal and new construction application, if they no longer have full ownership and use of the structures in question?

Secondly, I am deeply worried that the proposed new community dock will infringe on the ability of the commercial water vessels to assemble for the annual Blessing of the Fleet festival. This weekend-long celebration is a major draw for our community, bringing in tens of
thousands of visitors every year – a huge economic boost for local businesses.

Although our shrimping fleet has diminished in recent years, the Blessing of the Fleet is the largest of its kind on the East Coast, involving many boats that require room to maneuver in the Darien River channel. Considering the existing dock capacity at the river edge, are there alternative designs that the applicant could consider that upholds the public’s interest and ensures Darien’s most important festival is not affected?

Thank you for your consideration of these questions and for helping ensure the City of Darien’s waterfront community area is protected & safe for generations to come.

Sincerely,

Tina Ridley
1217 Lake Drive, SE
Darien, GA  31305
912-437-5287
ridley_tina@hotmail.com
July 3, 2020

Ms. Amy Flowers  
Georgia Department of Natural Resources  
Coastal Resources Division  
One Conservation Way  
Brunswick, Georgia 31520

RE: Comments on Permit Application for the Removal of an Existing Fixed Dock and Construction of a Community Dock at 205 Ft. King George Drive in Darien

Dear Ms. Flowers,

Thank you for the opportunity to comment on the Coastal Marshlands Protection Act permit application submitted to the Georgia Department of Natural Resources, Coastal Resources Division (CRD) by Oaks on the River, LLC for the removal of the existing fixed dock and the construction of a new community dock on the Darien River in Darien, Georgia. These comments are submitted to you on behalf of One Hundred Miles, a non-profit organization dedicated to protecting and preserving Georgia’s 100-mile coast through education, advocacy, and community engagement. We represent more than 800 members in coastal Georgia and throughout the nation.

The Darien River is a public resource that has served the residents and visitors of coastal Georgia for thousands of years. The river supports industrial, commercial and recreational uses and is a driving feature in the economy of the City of Darien – especially the revenue generated through the commercial fishing, recreational boating, access to commercial establishments, and public festivals. These comments are respectfully submitted for consideration by CRD staff and members of the Coastal Marshlands Protection Committee (the Committee).

1) Oaks on the River has not proven to CRD and the Committee that all municipal code and ordinance conditions have been met.

The application packet includes a letter from the City of Darien dated December 18, 2019, confirming approval of a special permit request from Oaks on the River. However, since that time, Oaks on the River has submitted to both the Darien Planning and Zoning Board (February 10, 2020) and the City Council (February 18, 2020), requests for a variance to the city code that requires a 10-foot easement of any private development in the Cultural Heritage Tourism Historic District of Darien. Oaks on the River lies within this important district and therefore is subject to the conditions of local ordinance Appendix C – Cultural and Heritage Tourism, Subsection G, which states:

"New development parcels adjacent to the riverfront shall provide continuous public access along the riverfront. Such public access shall have a minimum width of ten feet, shall have unobstructed views of the river for 75 percent of the length of the
riverfront, and shall connect with, or provide for future connection with, adjacent parcels' riverfront access.”

Deliberations among Planning and Zoning board members, City Council members and discussions with concerned members of the public, as well as commitments by the Oaks on the River are documented through Planning and Zoning board meeting recording available online, minutes from City Council meetings (see Appendix A), and in articles from the Darien News (see Appendix B).

Of particular concern and relevance to this Committee’s consideration of the application is that we cannot find evidence that the City has officially granted Oaks on the River the necessary variance to the ordinance that governs activities in the Darien’s Cultural and Heritage Tourism Historic District. A local variance is required to fulfill the activities described in the application and to comply with the condition set forth in O.C.G.A. 12-5-286 that the project does not violate local zoning code.

Specifically, on February 18, 2020, the Darien City Council considered the Planning and Zoning Board recommendations related to this dock project. The result was a vote and approval for City Council to, “…renew Memorandum on use and repair of Fort King George Drive,” (see Appendix A for the Minutes of the City of Darien Council Meeting). The referenced memorandum was signed into effect on January 2, 2019, by the City of Darien and Oaks on the River (see Appendix C for a copy of the memorandum). The 2019 memorandum initiated a 90-day moratorium on the enforcement of provisions of the city code related to Appendix C: Subsections H, I and K, but does not mention Subsection G, related to public access on the riverfront. Furthermore, the 2019 memorandum includes the allowance of additional 90-day extensions at the request of the City Manager, but specifies the extensions shall NOT exceed past December 31, 2019. Even if the extensions were granted (which we have not been able to verify), the inclusion of a sunset clause means the conditions of the 2019 memorandum would no longer be in effect, requiring a new memorandum to be executed between the City of Darien and Oaks on the River. In short, the memorandum adopted by City Council on February 18, 2020, does not address appropriate city code related to riverfront public access, and the memorandum includes a sunset date of December 31, 2019.

The evidence provided in this letter and Appendices demonstrates the extensive activities and communications that have transpired between the Oaks on the River and city officials since the date of the letter of compliance included in the application. As such, the letter included in the application packet should not be sufficient to demonstrate that Oaks on the River is in compliance with local zoning and planning codes. Given the uncertainty of compliance with Darien municipal code, and confusion over commitments made by Oaks on the River, the Committee should decline to process the application until the issue is resolved and clarity is provided by the City Council and the Mayor of Darien.

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1 City of Darien Code of Ordinance, Appendix C – Cultural and Heritage Tourism (CHT), G.7 - Open space requirements. Available online at: https://librarystage.municode.com/ga/darien/codes/code_of_ordinances?nodeId=PTIICOGEOR_APXCCUHET_OCH
2 Recording of the February 10, 2020 meeting, Darien Zoning and Planning – Art Lucas variance request available online at: https://www.youtube.com/watch?v=KK2gG0vmtU&feature=youtu.be
2) **Oaks on the River proposed dock jeopardizes public safety and navigation on the Darien River.**

The Darien River is a high velocity tidal system that, according to experienced boat captains, can be dangerous to maneuver. The river is part of the complex Altamaha River system and mean water levels can change up to eight feet twice a day. Currently, the existing docks and Highway 17 bridge supports allow boats to pass and to turn around in maneuvers essential for commercial and recreational activities, including the “blessing” that occurs as part of the weekend-long Blessing of the Fleet annual festival. This festival is the largest of its kind on the East Coast, bringing a huge economic boost for local businesses. It is one of the most important community events in McIntosh County.

Additionally, the Georgia Department of Transportation will soon begin efforts to replace the Highway 17 bridge that crosses the Darien River west of the proposed dock. Barges will likely be used to bring in the heavy equipment and supplies needed to replace this critical gateway bridge into Darien. In short, the proposed project is likely to cause navigational problems for activities that are necessary to maintain Darien’s economy and protect future opportunities for improvement and growth.

3) **Oaks on the River has not provided sufficient assessment of the need for the project as it is currently proposed.**

First, the needs assessment provided in the application packet assumes that future owners of all twelve (12) of the newly-constructed condominiums will require a wet slip to dock large boats. Currently, these condominiums are vacant, so it is presumptuous to assume that future buyers will require wet slips.

Second, the 20’ x 20’ fixed deck, as it is currently described, is not a necessary component to meet the needs described in the application material, which is described in the application packet section 7.0 Project Justification to “… provide water access for twelve (12) residents of the Oaks On The River condominiums.” Because the proposed fixed deck is unnecessary to achieve the justified need, it should be eliminated from the proposed dock plan, reducing the length of the proposed dock by 20 feet. This plan adjustment will address the numerous concerns expressed by One Hundred Miles and other members of the public related to navigability and safety of boat traffic in the of Darien River (see comment #2 above).

Should the Committee proceed with processing the application with the fixed deck, a phased approach to construction of the dock, pier, and deck may be the most appropriate path to meet the needs of the applicant and protect the public interest and safety. Phase 1 could include the removal of the existing fixed dock (after Oaks on the River complies with local code), or construction of the community walkway (as expected by Darien residents). Phase 2 and other subsequent phases could address accommodations for condominium owners’ boats and the recreational fixed deck.
4) **Oaks on the River has overlooked the historical and cultural significance of the site.**

The application claims that the proposal will not disturb historical, archeological, or scenic assets on the site. However, the lands west of the Highway 17 bridge have been designated a Cultural and Heritage Tourism Historic District because of the well-documented historical significance of the area. Native Americans and colonial Americans utilized the site extensively³ and that the area could have been the site of Fort Darien, a colonial fort established in 1736 by the Scottish Highlanders who accompanied General James Oglethorpe and helped settle Georgia.⁴ These aspects of downtown Darien are not only points of pride for local residents, but a draw for tourism and justifiably protected through local code and law.

The current cultural significance of this area has also been overlooked. Page 2 of application packet states, "The project as proposed represents the most feasible option to provide necessary wet slips for new residents and the increased demand that will occur in this area while protecting the general public’s ability to continue to use existing public facilities without undue demand and crowding." This statement could not be further from the truth. Should the existing fixed dock be demolished and the proposed “community dock” be constructed, members of the public that have relied on the fixed dock for decades, including commercial shrimpers and festival participants, will lose their historic access. The only people that will have access the riverfront at this location are the owners of the new condominiums, and possibly visitors to the yet-to-be constructed hotel planned by owner of Oaks on the River. This is an egregious disregard for the public interest and the ordinances adopted to protect the riverfront as a valuable historic, public resource that should be protected (see comment #1).

5) **Oaks on the River has not provided the appropriate certification needed to document the impact removal activities will have on water quality and habitat for marine life.**

Should the existing dock structure be removed “...in its entirety prior to constructing the proposed dock,” more information must be provided regarding the methodology to remove the structure. In response letter sent to CRD staff on April 30, 2020, the applicant responded to questions about methods to remove the existing fixed dock by stating that the removal would be done by a marine contractor and that decking and supports will be removed. While removal of decking will not diminish water quality or affect marine habitats, the removal of supports will certainly have an impact on local water quality as well as the habitat provided by the existing structure. As such, a water quality certification must be issued as a condition of the permit for removal of the existing fixed dock.

To conclude, while CRD staff and the Committee must carefully weigh all the aspects of the permit application as identified in state code and regulations, it is important to recognize that this project sets a precedent for permitted developments along all coastal Georgia’s

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³ National Register of Historic Places -West Darien Historic District. 2001
https://npgallery.nps.gov/GetAsset/6d7c699a-791-14f1-43da-bf7-3ee8eda14058

culturally and naturally-rich tidal rivers. Thus, it is imperative that the Committee confirms compliance with local code and carefully considers the historical and cultural significance of riverfront areas before proceeding to process this and all other applications that affect our marshes and shorelines.

Thank you for your consideration of these comments. Contact me at any time if you have questions or need additional information. I can be reached at (912)230-6494 or alice@onehundredmiles.org

Sincerely,

Alice M. Keyes

Alice M. Keyes
Vice President of Coastal Conservation
One Hundred Miles

CC:  Mr. Josh Noble, GA DNR Coastal Resources Division – josh.noble@dnr.ga.gov
Ms. Sarah Wise, U.S. Army Corps of Engineers - sarah.e.wise@usace.army.mil
Appendix A

Minutes of the City of Darien Regular Council Meeting
February 18, 2020
Minutes of the
City of Darien Regular Council Meeting
February 18, 2020
David Bluestein Meeting Room, City Hall

CALL TO ORDER: Mayor Hugh “Bubba” Hodge called the meeting to order at 5:30 p.m.

MEMBERS PRESENT: Mayor Hugh “Bubba” Hodge, Councilmember Morris Butler, Councilmember Augustus Skeen, Mayor Pro-tem Barbara Shaw and Councilmember Marcy Goodyear.

MEMBERS ABSENT: None

STAFF PRESENT: City Clerk Priscilla Taylor and City Manager/Attorney Richard Braun.

Mayor Hodge announced Richy Braun as City Manager. Mr. Braun will serve a 3-year term.

APPROVAL OF AGENDA: A motion was made to approve the February 18th Agenda.

Motion: Mayor Pro-tem Shaw
Second: Councilmember Goodyear
Vote: Unanimous

APPROVAL OF MINUTES: A motion was made to approve the minutes from the January 20th Work-session and January 21 Regular meeting.

Motion: Councilmember Goodyear
Second: Mayor Pro-tem Shaw
Vote: Unanimous

PUBLIC HEARING: None

VISITOR PRESENTATION:
A. Brandi Fisher – Keep McIntosh Beautiful community wide clean-up.

B. Mandy Harrison/Kelly McClellan – Blessing of the Fleet.

C. Eunice Moore/Bill Barton – Weeping Time Proclamation.

UNFINISHED BUSINESS: None

NEW BUSINESS:
A. A motion was made to accept variance request from Oaks on the River.

Motion: Councilmember Goodyear
Second: Councilmember Butler
Vote: Roll Call

Councilmember Skeen – yes
Councilmember Butler – yes
Mayor Pro-tem Shaw – yes
Councilmember Goodyear – yes
B. A motion was made to appoint Marcy Goodyear to the Darien Downtown Development Authority Board. (see OCCGA 36-42-4)

Motion: Councilmember Butler
Second: Councilmember Skeen
Vote: Unanimous

C. A motion was made to appoint blank and blank to the Planning Commission for a four-year term beginning March 1, 2020. (see Darien Code of Ordinances 2-137)

Item was tabled until the March 2020 regular meeting.

D. A motion was made to appoint blank and blank to the Darien Downtown Development Authority for a four-year term. (see OCCGA 36-42-4)

Item was tabled until the March 2020 regular meeting.

E. A motion was made to renew Memorandum on use and repair of Fort King George Drive. This is the letter in reference to sections H, I and K of Appendix C for the provisions of overlay for the Oaks on the River Property.

Motion: Councilmember Goodyear
Second: Councilmember Butler
Vote: Unanimous

F. A motion was made to accept variance request from Zack Rath to reduce the side setback at 606 Franklin Street from 25 feet to 10 feet.

Motion: Councilmember Goodyear
Second: Councilmember Skeen
Vote: Roll Call
  Councilmember Skeen – yes
  Mayor Pro-tem Shaw – yes
  Councilmember Goodyear – yes
  Councilmember Butler – no

G. A motion was made to amend the Darien Downtown Development Authority budget.

Item was tabled until the July 2020 regular meeting.
H. A motion was made to approve the Special Event Permit Application and waive fee for the 52nd Annual Blessing of the Fleet.

Motion: Mayor Pro-tem Shaw  
Second: Councilmember Goodyear  
Vote: Unanimous

I. A motion was made to renew the State Properties Commission license for the Fort King George lift station.

Motion: Councilmember Skeen  
Second: Councilmember Goodyear  
Vote: Unanimous

REPORTS:
Councilmember Augustus Skeen: Gave report.
Mayor Pro-tem Barbara Shaw: Gave report.
Councilmember Morris Butler: Gave report.
Councilmember Marcy Goodyear: No report.
Mayor Hugh “Bubba” Hodge: Gave report.
Interim Manager/City Attorney Richard Braun: Gave report.

EXECUTIVE SESSION: None

ADJOURNMENT: There being no further business, the meeting adjourned at 6:30 pm.

Priscilla Taylor, City Clerk
Appendix B

Relevant Articles from the Darien News
City Planning & Zoning votes to recommend to City approval of variance, with Lucas offering docks to city for public access

Josh Amerson Receives Daughters of the American Revolution Good Citizen Award

MCA Principal Wolski to become principal at Lincoln County High School; Willis to become MCA principal for 2020–2021 school year

Search suspended for man thrown in Darien River after his motorcycle rams the bridge railing
Bar, waterfront park. Lucas, has given two easements to the park, and the public has access to its grounds. Currently, the public has 250 feet of beach access that is 24/7 and open. There is no time that we are giving this away. This is retained. The reason we got the access is because Mr. Lucas is because it is a historic vacation destination. This project allowed for the old jail full of people to release into a bright area, allowing them potential for expansion. This is important, because Mr. Lucas’ project falls in line with what the community has identified as growing tourism. We see Mr. Lucas’ project as being prosperous for the community! Yes, we do. The amount of revenue that can be generated through this project will help aid our infrastructure, our roads, our schools. We want people to be able to come to $200,000 and enjoy a year in our community, supporting our community. Lucas then stepped to the podium. He gave an update on Phase II which includes the 12-and-14 unit condo that should be completed in about two weeks and the restaurant that is under construction at the foot of the Savannah River Bridge and should be completed in 30 days. In Phase II, up to 50 to 50 rooms hotel is in the design stages. Lucas described it as a destination hotel where the construction can begin in four to six months, and construction should take about two years. That’s a lifespan with a swimming pool and fall of the deck. Carlson Snyder suggested putting the existence near the river. Planning and Zoning Director Kenan McCallum said, “We are in Moon 2016, and we need architects and contractors for the project and in an environmental meeting, there were 10-foot easement issues made to Mr. Lucas’ organization. McCallum responded, “I didn’t know about it. If I did, I couldn’t have it here. If you’re talking about it, I think you mentioned it a couple times. I would not have been surprised. I seem to have forgotten about something like that.” Mark Snyder of Harris Nole spoke. He is not opposed to the development. However, he is concerned that the covenant inherent in this Harris Nole covenant is being placed at risk by the developer’s variance request. I am a retired architect and I believe from here, some of the first historic preservation and development guidelines can be found in the state of Georgia and any state. Therefore, I am opposed to some aspects of the development that are outstanding, including this variance request. For the public good and betterment of the public, I must express my concern. As the developer, he should be expected, then we will fully support the variance request for the public good, my concern. I regard to the public good, and I would be expected,” he said. “The variance is being placed at risk by the developer’s variance request. I am a retired architect and I believe from here, some of the first historic preservation and development guidelines can be found.” The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request. The variance is being placed at risk by the developer’s variance request.
"The Weeping Time: Our Ancestors Will Not Be Denied" commemoration event will be held here on March 7.

The reason for the sale? Butler had to re-cover debts secured by his company's gambling debts and pecan orchard improvements.

Elections 2020 Dates to Remember
Qualifying for McIntosh County Offices:
March 25-26, Monday through Friday
8 a.m. to 5 p.m.
February 8

President's Preference
Primary:
Tuesday, March 24
Last Day to Register: Monday, Feb. 24
Early Voting 7:30 a.m. to 5:00 p.m. Early voting starts March 9
Receipt of Election
General Primary:
Tuesday, May 18
Last Day to Register: Monday, April 20
Early Voting April 27-May 15
Saturday voting May 9

General Primary Runoff:
Tuesday, July 21
General Election
Tuesday, Nov. 3

Practice on New Voting Machines
Monday, Friday, 8 a.m.-6 p.m.

MONTICELLO COUNTY
BOARD OF ELECTIONS
103 Jefferson St.
Across from Darton Post Office

FRED G. MILLS, CPA, LLC
P.O. Box 450
Brunswick, GA 31515
Tel: 912-759-1555
Fax: 912-759-0742
fpmills@fmr-llc.com

AUSTIN DEL MURRO
TRAILBLAZING AFRICAN-AMERICAN WOMEN OF COASTAL GEORGIA
February 28 and 29, 2020
The Next Generation of Women: A Celebration of Black Women's History Month
Thursday, February 20, 2020
10:00 a.m. to 4:00 p.m.

GALIN HULETT
Re-Elect GALIN HULETT
District 2
Board of Education

THE DARING NEWS February 21, 2020 Page 3
City Council names Richy Braun as Manager, who serves as City Attorney

Darien Town Council has named City Attorney Richy Braun as the new Manager, effective immediately. The decision was made at the Town’s regular meeting on Feb. 17, when Mayor Judith Bolen announced the new appointment to the council. "Richy has been an integral part of our team for many years," Bolen said. "He brings a wealth of knowledge and experience to this position." Braun has been working with the town since 2004, handling a variety of legal matters including contracts, negotiations, and real estate transactions.

Bolen added that Braun’s appointment is a natural progression in the town’s management structure. "Richy’s leadership and dedication to the town will be invaluable as we continue to grow and develop," she said.

Richy Braun, a local attorney with extensive experience in municipal law, brings a wealth of knowledge and expertise to his new role as Manager. His appointment follows a comprehensive search process that lasted several months, during which the Town Council reviewed numerous candidates.

Bolen noted that Braun’s appointment is part of ongoing efforts to modernize and improve the town’s operations. "We are committed to providing the best possible services to our residents," she said. "Richy’s leadership will help us achieve that goal."
City Council

Continued from Page 2

This week's meeting of the City Council was held on Monday, March 12, 201

City Manager

Continued from Page 2

The city manager's budget would be increased to include funds for a new fleet of vehicles. The budget would also include funding for the purchase of new equipment, such as a new police cruiser and a new fire truck. The city manager would also receive a pay raise to $100,000 per year. The city's property tax rate would remain unchanged.

The city council approved the budget with a vote of 8-0. The budget will now be sent to the state for approval.
Appendix C

Memorandum between City of Darien and Oaks on the River
January 2, 2019
Oaks on the River
301 Sea Island Road, Suite 6
St Simons Island, GA 31522
2 January 2019

Subject: Use and Repair of Fort King George Drive and Franklin Street

WHEREAS, the duly elected governing authority of the City of Darien, Georgia is authorized under Article 9, Section 2, of the Constitution of the State of Georgia to enact reasonable ordinances to protect the health, safety and general welfare of the public; and

WHEREAS, the duly elected governing authority of the City of Darien, Georgia is the Mayor and City Council thereof;

WHEREAS, the City of Darien is authorized to provide for the health, safety, morals, convenience, order, propriety, and general welfare of the people of the City of Darien, Georgia;

WHEREAS, certain provisions of the current Darien Code of Ordinances are lawful and appropriate, but render a technical impossibility for the completion of the development known as Oaks on the River (“Project”):

WHEREAS, the Mayor and Council recognize the economic and tourism potential of the development of the Project and desire its completion in a timely and efficient manner;

The Council of the City of Darien hereby has resolved that the following provisions of the Municipal Code of Darien remain in effect, but hereby issue a moratorium on the enforcement of these provisions to allow the Project to proceed in a timely and efficient manner:

Appendix C: Subsections H, I, and K
The Development Standards of the City of Darien, as adopted November 21, 2006

This moratorium shall be for an initial period of ninety (90) days and shall be renewed each ninety (90) days at the request of the City Manager for an additional ninety (90) day period, however, in no event shall the renewal period exceed past December 31, 2019. If no such request is made, the moratorium shall cease to be in effect. By placing a moratorium on the enforcement of the above provisions, the City of Darien, in no way, relinquishes its right to legal redress for damages done to City rights-of-way.
This moratorium shall only apply to the streets marked on the attachment labeled Exhibit A to this letter.

Sincerely,

[Signature]

Timothy Sweezey
City Manager
City of Darien

AGREED AND UNDERSTOOD:

[Signature]  1/4/19

Oaks on the River
Ms. Amy Flowers and Mr. Josh Noble  
Georgia DNR, Coastal Resources Division  
One Conservation Way  
Brunswick, GA 31520 

Re: Oaks on the River: Permit for dock removal and construction of community dock and party pavilion 

I am writing to voice my concern regarding the request by Oaks on the River to build a private dock jutting 120 feet into the Darien River: 
• The lack of clear communication, conflicting statements about public access, and possible omission of public process associated with the dock permit. Because of these things, much confusion as to the true intent and outcome of this project has been generated. 
• Navigational obstruction in a dangerously swift and commercially active waterway. 
• High safety risk for boaters and vacationers, especially a clientele unaccustomed to powerful tidal rivers, which the river is along this stretch. Who will bear the burden of increased boat accidents, injuries to visitors, or even of lives harmed? 
• Diminishment of true public access along the river walkway. 
• One more hardship placed upon a pressured seafood industry. 

I urge you to deny this application as it stands. 

Thank you for your good work protecting this coast and its waters. 

Sincerely, 
Christa F. Hayes 
404-272-1660 christafhayes@icloud.com
July 3, 2020

VIA ELECTRONIC MAIL

Amy Flowers  
Department of Natural Resources  
One Conservation Way  
Brunswick, Georgia 31520.

Re: Comments on the Oaks On The River I, LLC, Removal of Existing Fixed Dock and Construction of a Community Dock, 205 Fort King George Drive, Darien, McIntosh County, Georgia.

Dear Ms Flowers,

I am writing to you today to share comments and concerns on the Oaks On The River I, LLC, Removal of Existing Fixed Dock and Construction of a Community Dock, 205 Fort King George Drive, Darien, McIntosh County, Georgia.

The following comments are submitted on behalf of the members of Altamaha Riverkeeper. Altamaha Riverkeeper is an advocacy group that supports swimmable, fishable and drinkable water for everyone.

In reference to the Project Description letter from Mr Bucey to Ms Flowers on April 30, 2020, submitted for the application for the Oaks on The River, LLC:

Question # 2 answer is misleading the public by referring to the dock as a “community dock”. When it is stated in question #9: “note that the applicant has decided that in lieu of allowing dock usage on a first-come firstserve basis, dock space would be assigned to individuals upon purchase of a qualifying condominium unit.” Therefore, there is no proposed community dock only private dock and is misleading the community on the dock intentions.

Question #6 answer:“There is no stormwater management plan for the upland component.” Which again is a misrepresentation of what has already occurred due to the upland development.
You can see in the Photo #2 submitted in the public application as ‘Site Photos’ that there is significant sediment runoff from the development into the river, as seen at low tide in photo.

The “existing culvert” from the new parking lot that drains directly onto this area then into the waterway. There needs to be a stormwater management plan to stop further erosion and pollution from the same upland development parking lot into the waterway. To not have a plan, in this highly vulnerable area, is a problem for the future of the waterway.

In conclusion, Altamaha Riverkeeper offers these comments in anticipation that the waterway stays clean and fair to the public. We look forward to working together to ensure that the water quality stays a high priority for the community in its future use of the land and water.

Thank you for considering these comments. Contact me at any time if I can be of assistance or if you need additional information- 321-331-0912 or Sue@altamahariverkeeper.org

Sincerely,

Susan Inman
Coastkeeper
Altamaha Riverkeeper
Coastal Marshlands Protection Committee  
Georgia Department of Natural Resources  
C/O: Amy Flowers  
Department of Natural Resources  
One Conservation Way  
Brunswick, Georgia 31520

**Re: Removal of Existing Dock and Construction of Community Dock and Pavilion for Oaks on the River**

As a local resident of Darien, who lives across the street from the Oaks on the River Project, I want to oppose the dock application for 205 Fort King George Drive. The application calls for the existing dock close to shore to be demolished, and a new dock 92.8 feet into the river to be built. The following reasons are why this application should be rejected: it does not reflect the current agreement with the City of Darien for the existing dock, it will impede and create navigational difficulties for the Darien River, and the application states there is no historic, archeological, or scenic value, which is incorrect.

The application states that there are no historical, archeological, or scenic sites disturbed by construction of the new dock and pavilion. This is untrue as the Cultural, Resource Impact Mitigation For the Darien Sewer System by Water and Air Research, Inc., 1986, documents the Native American, specifically Deptford and Swift Creek cultures, Colonial, Antebellum, and early Twentieth Century history of the site which will be impacted in this application. In the 2001 National Register Nomination and Early Days on the Georgia Tidewater by Buddy Sullivan, this property is referenced also as the site of Fort Darien, a colonial fort established in 1736 by the Scottish Highlanders of Clan McIntosh brought to the Georgia colony by General James Oglethorpe, and located on the Darien Waterfront. It was an international port from its’ prominence in the 1820s until the early twentieth century. In 1863, the buildings and wharf were burned during the Burning of Darien during the Civil War June 11, 1863. These buildings and wharfs are still documented by Sanborn Fire Insurance Maps.
for Darien into the 1920s. As one can see, significant events in Georgia and American history have happened directly on the site this application references.

In addition, during the February 2020 City of Darien City Hall meeting, which many residents attended to voice their disapproval of the project, a motion was made to convey a right of way to Oaks on the River in trade for the original dock along the Darien River, which in this application is being demolished, and so does not properly reflect this agreement, whereby the City of Darien would provide a variance from its 10 foot public access walkway in exchange for the dock. The pavilion also prohibits access, impedes navigation, and is not needed as it will not enhance waterway activity for Oaks on the River.

Furthermore, the dock and pavilion extend 92.8 feet into the Darien River, past the current dock. Due to the Darien River’s tidal and navigational difficulties, the dock and pavilion will impede shrimp boats from passing, and barges needed to service the bridge and the other 2 docks. There are no locations on the west side of the proposed dock for a barge to enter. Sufficient space is also needed for shrimp boats to pass and turn around to receive their Priestly Holy Water Blessing from the Darien Bridge during the Annual Blessing of the Fleet each spring. Not only is this an annual event for the local area, but a significant economic impact for local businesses and charities with the substantial increase in tourism this weekend.

With these considerations, I ask that you deny this application until it reflects the current agreement with the city, has significantly studied the impact on the historical resources of the site, is shortened in length to not impede waterways, and removes the pavilion, as it is not needed to enhance waterway activity in the Darien River.

Sincerely

Michell Mansour 770-301-4968
Good Evening,

Please see my letter below, and as an attachment as a response to the Oaks on the River dock application at 205 Fort King George Drive, Darien, Ga. If you have any further questions, please feel free to contact me.

Missy Brandt Wilson

Coastal Marshlands Protection Committee  
Georgia Department of Natural Resources  
C/O: Amy Flowers  
Department of Natural Resources  
One Conservation Way  
Brunswick, Georgia 31520

Re: Removal of Existing Dock and Construction of Community Dock and Pavilion for Oaks on the River

As a local resident of Darien, I want to oppose the dock application for 205 Fort King George Drive. The application calls for the existing dock close to shore to be demolished, and a new dock 92.8 feet into the river to be built. The following reasons are why this application should be rejected: it does not reflect the current agreement with the City of Darien for the existing dock, it will impede and create navigational difficulties for the Darien River, and the application states there is no historic, archeological, or scenic value, which is incorrect.

The application, in its’ checklist, states that there are no...
historical, archeological, or scenic sites disturbed by construction of the new dock. This is untrue, as I am a former McIntosh County Historic Preservation Commission Chair, and am very familiar with the following reports. The *Cultural, Resource Impact Mitigation For the Darien Sewer System by Water and Air Research, Inc.*, 1986, documents the Native American, specifically Deptford and Swift Creek cultures, Colonial, Antebellum, and early Twentieth Century history of the site which will be impacted in this application. In the 2001 National Register Nomination and *Early Days on the Georgia Tidewater* by Buddy Sullivan, this property is referenced also as the site of Fort Darien, a colonial fort established in 1736 by the Scottish Highlanders of Clan McIntosh brought to the Georgia colony by General James Oglethorpe, and located on the Darien Waterfront. Just as a significant portion of the original footprint of Fort King George is now located in the marsh near Black Island, the same may be true of Fort Darien.

It was also an international port from its’ prominence in the 1820s, until the early twentieth century. In 1863, the buildings and wharf were burned during the Burning of Darien during the Civil War on June 11, 1863. These buildings and wharfs are still documented by Sanborn Fire Insurance Maps for Darien into the 1920s, and photographs taken in the 1870s. As one can see, significant events in Georgia and American history have happened directly on the site this application references. As such, Oaks on the River should have an archeological study performed before any disruption to the site, in accordance to the 1991 Advisory Council on Historic Preservation’s Memorandum of Agreement with the City of Darien concerning future development on the Darien Waterfront, also signed by the U.S. Army Corp of Engineers, Savannah District. As other developments along the Darien waterfront necessitated archeological studies prior to development, so should this one.

During the February 2020 City of Darien City Hall meeting, which many residents attended to voice their disapproval of the project, a motion was made to convey a right of way to Oaks on the River, in trade for the original dock along the Darien River, which in this application is being demolished, and does not properly reflect this agreement. Whereby, the City of Darien would provide a variance from its 10 foot
public access walkway in exchange for the dock. The City of Darien is recently saying they cannot afford the current dock, and will explore a partnership with the local Development Authorities for a boardwalk or dock in the future. This agreement with the City and the current dock, or the land where the dock is located should be reflected in this application, which it is not. It is simply demolished with no reference to the right of way. Nor did the application allow the City of Darien a proper time frame to explore partnerships or grant and foundation possibilities for the dock/boardwalk, especially during the fiscally uncertain time of Covid-19. More time should be allotted to allow the City of Darien to meet with community stakeholders about the dock given by Oaks on the River, as a right of way, before it is demolished.

Furthermore, the dock and pavilion extend 92.8 feet into the Darien River, past the current dock. Due to the Darien River's tidal and navigational difficulties, the dock and pavilion will impede shrimp boats from passing, and barges needed to service the bridge and the other 2 docks. There are no locations on the west side of the proposed dock for a barge to enter. Sufficient space is also needed for shrimp boats, to pass, and turn around to receive their Holy Water Blessing from local ministers, including my father, from the Darien Bridge during the Annual Blessing of the Fleet each spring. Not only is this an annual imbedded cultural event for the local area, but a significant economic impact for local businesses and charities with the substantial increase in tourism this weekend. The pavilion, seen in the application renderings, will also impede the Darien River water way.

With these considerations, I ask that you deny this application until it reflects the current agreement with the city and allows them a proper time frame to create a plan for the given dock with local stakeholders, has significantly studied the impact on the historical resources of the site, is shortened in length to not impede waterways,
and removes the pavilion, as it is not needed to enhance waterway activity in the Darien River.

Sincerely

**Missy Wilson**

1114 Scott Rd SE

Darien, GA 31305
Ms Amy Flowers and Mr. Josh Noble  
Georgia DNR, Coastal Resources Division  
One Conservation Way  
Brunswick, GA 31520  

RE: Oaks on the River Construction of Private Community Dock and Party Pavilion  

Dear Ms Flowers and Mr. Noble,  

Please allow me, first of all to establish my credentials. I am an architect, life long builder and developer with over 50 years experience.  

I am concerned with the current dock proposal as submitted by Mr. Lucas the developer of Oaks on the River. I have examined the original proposal that was approved in January of this year by the city of Darien and I have serious doubts and believe that this original proposal would when built create a navigational hazard. Furthermore, the Party Pavilion in itself creates a visual hazard.  

Now as to the revised plan that has been submitted. it still extends too far into the Darien River. and the Party Pavilion is still there and my opinion of it remains the same.  

What Mr. Lucas is doing is extremely self serving in order to promote the sales of his Oaks on the River condos and he is not thinking what his proposed dock would do to hinder the comings and goings of the commercial vessels that rely on room to maneuver safely.It is a well know fact that the currents especially east of the US Hwy 17 bridge can be tricky and create difficulty when trying to maneuver and when docking.  

So far I have addressed only the commercial vessels being operated by skilled captains. Should Mr. Lucas have it his way, there will be private vessels belonging to the condo owners who in most cases will have no knowledge as to navigating the Darien River and the treacherous currents that I mentioned earlier.  

I ask those in authority both the city and the DNR and others to carefully consider what I have stated.  

Yours truly,  

Richard D. Lang  
Retired