

CESAS Form 19 Support Documentation

Georgia Ports Authority Colonel's Island Terminal Outfall Upgrades Glynn County, Georgia

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

1.0 Introduction

The Georgia Ports Authority (GPA) is proposing to improve three exiting stormwater outfalls on the western side of the Colonel's Island Terminal. The project will protect the outfalls from erosion providing a benefit to the receiving waterbody. The project area is located near the confluence of the South Brunswick River and the Turtle River in southern Glynn County. Landside access to the site is via Joe Frank Harris Drive from U.S. Highway 17, approximately 2.5 miles east of Interstate-95. The coordinates of the center outfall are approximately 31.13385° N, 81.534367° W.

2.0 Existing Condition

The three subject outfalls are located on the northwestern-most portion of the existing terminal. They all discharge stormwater received on Parcel 1A northward into Fancy Bluff Creek. The eastern and middle outfalls are similar. They both consist of a single 48" pipe connected to a storm structure located on the landside. The structure collects stormwater and directs it to the outfall where it is discharged into the river. Rip-rap surrounds the storm structure and helps treat stormwater before it is discharges. The outfall pipes are also stabilized with rip-rap on the waterside. The outfalls are in good condition, but there are currently no stabilization materials downstream of the outfalls. The western outfall (Outfall 3) consists of a concrete flume that exhibits partial collapse as it meets the waterway. No stabilization materials exist in the waterway downstream of the outfall. All three outfall locations discharge into small inlets off of the main channel of Fancy Bluff Creek. The marshline delineation was completed by SECI in July 2019. Jurisdictional area consists of open water and intertidal flat immediately downstream of each outfall with adjacent vegetated *Spartina alterniflora* marsh. Upland consists of mixed pine hardwood upland dominated by loblolly pine, water oak, live oak, and sweetgum.

3.0 Project Need & Purpose

Outfall 3 exhibits collapse of the concrete flume near the outfall. The receiving waterbody is also showing some signs of erosion, though some of this may be due to tidal exchange. The other two outfalls are relatively stable, but some signs of erosion are present. Though there is rip-rap around Outfalls 1 and 2, there is very little or no stabilization materials downstream of the outfall structures. A significant storm discharge event at low tide could have the potential to cause erosion. The goal of the project is therefore to repair the collapsing concrete flume at Outfall 3 and provide preventative erosion control measures to prevent any future issues.

4.0 Proposed Activities in Jurisdiction

The applicant will install gabion matting downstream of each outfall to stabilize the stream bed and prevent erosion or scouring during large storm discharge events. The matting consists of 2' x 3' x 3' baskets containing rock material fixed together. The matting is supported by a base layer of rock aggregate underneath it.

Outfall 1: The applicant will install a new flared end section at the end of the existing 48" pipe. Downstream of the new end section will be a 24' wide gabion matt extending approximately 44.5 feet into jurisdiction (1,067 sq. ft. total). Temporary disturbance required for installation of the new end section and matting will not exceed 614 sq. ft.

Outfall 2: The applicant will install a new flared end section at the end of the existing 48" pipe. Downstream of the new end section will be a new 24' x 33.5' gabion mat totaling 805 sq. ft. Temporary disturbance required for installation of the new end section and matting will not exceed 496 sq. ft.

Outfall 3: The applicant will reconstruct the existing concrete flume in order to repair the collapsed portions. An approximately 12' x 42.5' gabion mat (508 sq. ft. total) will be placed downstream of the outfall. Temporary disturbance required for installation of the matting and for reconstructing the flume will not exceed 366 sq. ft.

The proposed project will improve and protect water quality by protecting against erosion and preventing sedimentation into the waterway. Total project related impacts include 2,380 sq. ft. of gabion mat placement and 1,473 sq. ft. of temporary disturbance necessary during construction. Any areas disturbed during construction will be restored to pre-existing contours if necessary. Vegetation will be allowed to naturally regenerate. No fill beyond the structures required for the waterbottom protection (gabion mat and aggregate base) is proposed. Some minor excavation within the footprint of the gabion matting may be necessary to achieve proper top elevations of the gabions but no other excavation within jurisdiction is proposed. The proposed activities will be limited to the small inlets in which the stormwater outfalls discharge. No structures will extend into the waterway. Fancy Bluff Creek is approximately 105 feet wide at MLW at the project site.

5.0 Alternatives Analysis

Prior to deciding on a final site for the proposed improvements, the applicant evaluated several alternatives. Alternative 1 consisted of placing a large rip-rap apron within each of the tidal inlets. This would result in additional material being placed within jurisdiction and on top of vegetated marsh. Due to the impacts to vegetation, the applicant discarded this alternative. Alternative 2 consisted of doing nothing. While this alternative may suffice for the short term, it is possible that erosion could accelerate in the future. The proposed project will preventatively fix any potential for future erosion at the project site. If left unchecked, future after-the-fact resolution of erosion problems could require a higher level of impact to stabilize the bed and bank. The preferred alternative is to stabilize each discharge point with a gabion mat consisting basically of 2' x 3' x 3' rock baskets connected together. The baskets will still be covered with tide water at mid to high tide and will provide habitat for a multitude of fish, shellfish, and colonizing crustaceans (barnacles, oysters, etc.). The preferred alternative requires only a temporary and minor disturbance to jurisdiction while providing a long term solution to potential erosion issues and good habitat for aquatic organisms.

6.0 Avoidance and Minimization:

In order to minimize the effects of the proposed project, all development activities will be performed using best management practices to further avoid and minimize impacts to upstream and downstream waters. In order to minimize the effects to protected species and habitats, the applicant will follow standard manatee conditions. Temporary disturbance outside the footprint of the gabion mats may be required during construction, but these areas will be restored upon project completion and left to naturally regenerate. It is anticipated that these measures will minimize the effect of the project to not only avoided waters, but also to protected species and habitats.

7.0 Threatened and Endangered Species

The property was assessed for the potential occurrence of threatened and endangered species and habitats suitable to sustain these listed species for Glynn County, Georgia. The habitats found on site consist of open water and mixed pine-hardwood forest adjacent to a developed port facility. The aquatic habitat could support the shortnose sturgeon, Atlantic sturgeon, west Indian manatee, and sea turtles during certain times of the year. Additionally, foraging habitat may be present for wood stork. The applicant will abide by standard manatee conditions during construction to avoid potential impacts to manatees. It is not expected that the minimal level of disturbance associated with the project would impact wood storks or any other protected species. It was therefore determined that the proposed project would have no adverse effect on any listed species.

8.0 Essential Fish Habitat

The proposed waterside activities are located within coastal waters identified as Essential Fish Habitat (EFH). The gabion matting will be placed within the small inlets at the outfall of the pipes which consist of open water and mud flat. Some vegetated marsh may be disturbed during construction, but these areas will be restored to natural contours and allowed to naturally regenerate. The environmental benefits of protecting against erosion and sedimentation will outweigh any temporary effects during construction, and the project would not result in the loss of aquatic habitat. The gabion matting will provide habitat for a variety of fish, shellfish, and other aquatic organisms. It was therefore determined that the proposed project would not adversely affect EFH.

9.0 Impaired Waters

The Turtle River system at the project site is listed on the 303(d) list of impaired waters (in 2012) as not supporting the use of aquatic life harvesting, PCB's, and other causes. The project will protect against erosion and sedimentation during stormwater discharge events thereby improving water quality in the waterway.

10.0 Upland Component:

It was determined that there is no upland component for the project. The stormwater drainage infrastructure already exists, and no modifications to the uplands are proposed.

11.0 Supplemental Information

This additional information is provided for compliance with Coastal Marshlands Protection Act of 1970 information requirements:

OCGA 12-5-286. Permits to fill, drain, etc., marshlands.

(b) Each application for such permit shall be, properly executed, filed with the department on forms as prescribed by the department, and shall include:

(1) The name and address of the applicant-

Georgia Ports Authority
Attn: Mr. Chris Novack, P.E.
P.O. Box 2406
Savannah, Georgia 31402

(2) A plan or drawing showing the applicant's proposal and the manner or method by which such proposal shall be accomplished. Such plan shall identify the coastal marshlands affected-

See attached drawings from AECOM.

(3) A plat of the area in which the proposed work will take place-

Find attached the plat to the property.

(4) A copy of the deed or other instrument under which the applicant claims title to the property or, if the applicant is not the owner, then a copy of the deed or other instrument under which the owner claims title together with written permission from the owner to carry out the project on his land. In lieu of a deed or other instrument referred to in this paragraph, the committee may accept some other reasonable evidence of ownership of the property in question or other lawful authority to make use of the property; The committee will not adjudicate title disputes concerning the property which is the subject of the application; provided, however, the committee may decline to process an application when submitted documents show conflicting deeds-

Attached is the general warranty deed to the property. The deed was recorded in Deed Book 10X, Page 166 of the office of the Clerk of Superior Court of Glynn County.

(5) A list of all adjoining landowners together with such owners' addresses, provided that if the names or addresses of adjoining landowners cannot be determined, the applicant shall file in lieu thereof a sworn affidavit that a diligent search, including, without limitation, a search of the records of the county tax assessor's office, has been made but that the applicant was not able to ascertain the names or addresses, as the case may be, of adjoining landowners-

State of Georgia
Martin Luther King, Jr. Dr.
SE 1454E
Atlanta, GA 30334

Adolfo Correia
P.O. Box 2154
Brunswick, GA 31521

(6) A letter from the local governing authority of the political subdivision in which the property is located, stating that the applicant's proposal does not violate any zoning law;

The GPA was created in 1945 by an Act of the General Assembly and is codified in O.C.G.A. 52-2-1 through 52-2-39. As an instrumentality of the State of Georgia, the GPA is not bound by county ordinances, including zoning ordinances of Glynn County. As stated in O.C.G.A. § 1-3-8; 1958-59 Op. Att'y Gen. p. 5., even a general power granted to a county does not apply to the state or its instrumentalities in the absence of express language in the grant. Instead, the GPA is responsible for making all necessary rules and regulations for its own government as stated in O.C.G.A. 52-2-7. The local zoning issue was specifically addressed in a 1985 Opinion from the Georgia Attorney General, being No. U84-11, where the Attorney General stated that real estate of the GPA is not subject to local zoning ordinances of Glynn County.

The proposed project conforms to the existing land use at the terminal, but as illustrated by state law and the official Opinion from the Georgia Attorney General, no letter from the Glynn County Zoning & Planning Division is required.

(7) A non-refundable application fee to be set by the board in an amount necessary to defray the administrative cost of issuing such permit. Renewal fees shall be equal to application fees, which shall not exceed \$1,000.00 for any one proposal and shall be paid to the department.

The applicant will provide the appropriate application fee once the amount is set/requested by CRD.

(8) A description from the applicant of alternative sites and why they are not feasible and a discussion of why the permit should be granted-

See above project description

(9) A statement from the applicant that he has made inquiry to the appropriate authorities that the proposed project is not over a landfill or hazardous waste site and that the site is otherwise suitable for the proposed project-

A review of the Hazardous Site Index for Glynn County, Georgia indicates that the subject property does not contain hazardous waste sites or landfills.

(10) A copy of the water quality certification issued by the department if required for the proposed project-

The project will be authorized by a Nationwide Permit for maintenance and repair from the US Army Corps of Engineers which has already been authorized by EPD. No 401 Individual Water Quality Certification will be required.

(11) Certification by the applicant of adherence to soil and erosion control responsibilities if required for the proposed project-

The project will conform to all state-mandated land disturbing and stormwater management requirements.

(12) Such additional information as is required by the committee to properly evaluate the application.

The GPA was created in 1945 to implement a constitutional mandate to construct and maintain state docks (See Ga. Const. 1945, Art. VII, Sec. II, Para. I(6); Ga. Const. 1983, Art. VII, Sec. III, Para. I(a)). The GPA performs "an essential governmental function" for public purposes for the "benefit of the people of this state" (O.C.G.A. § 52-2-37). With that in mind, this application has been prepared with consideration for the interests of the general public of the State of Georgia as defined in O.C.G.A. § 12-5-286(g). The project is in the public's best interest as it will protect against future erosion and sedimentation in the waterway thereby protecting water quality and water dependent public uses in the waterway.

OCGA 12-5-286. Permits to fill, drain, etc., marshlands.

(g) In passing upon the application for permit, the committee shall consider the public interest, which, for purposes of this part, shall be deemed to be the following considerations:

(1) Whether or not unreasonably harmful obstruction to or alteration of the natural flow of navigational water within the affected area will arise as a result of the proposal-

The proposed project will not alter natural flow of navigable waters nor will it obstruct public navigation. The proposed structures will be limited to small inlets off of Fancy Bluff Creek and will not extend into the river. The creek is 105 feet wide at the project site (MLW to MLW).

(2) Whether or not unreasonably harmful or increased erosion, shoaling of channels, or stagnant areas of water will be created-

The proposed project will not increase erosion, shoaling of channels, or create stagnant areas of water.

(3) Whether or not the granting of a permit and the completion of the applicant's proposal will unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, clams, or other marine life, or wildlife, or other resources, including but not limited to water and oxygen supply-

The proposed project will not interfere with the conservation of fish, shrimp, oysters, crabs, clams, or other marine life, or wildlife, or other resources, nor affect water and oxygen supply. The proposed gabion baskets will provide habitat for aquatic organisms.