



PO Box 16206  
Savannah, GA 31416  
Phone/Fax: 866-942-6222

[www.ogeecheeriverkeeper.org](http://www.ogeecheeriverkeeper.org)  
*Working Together to Protect the Ogeechee, Canoochee and Coastal Rivers*

January 19, 2024

**Via E-Mail**

Jill Andrews, Chief of the Coastal Management Division  
Coastal Resources Division  
One Conservation Way  
Brunswick, GA 31520  
[jill.andrews@dnr.ga.gov](mailto:jill.andrews@dnr.ga.gov)

Dear Chief Andrews,

Ogeechee Riverkeeper 501(c)(3) (ORK) works to protect, preserve, and improve the water quality of the Ogeechee River basin, which includes the Canoochee River, tributary streams, and all of the streams flowing out to Ossabaw Sound and St. Catherine's Sound. The Ogeechee River system drains more than 5,500 square miles across 21 counties in Georgia. ORK works with local communities to retain the ecological and cultural integrity of rivers, streams, wetlands, and related habitats throughout the Basin. One of ORK's roles is to ensure the long-term health of the watershed's aquatic environments, including coastal marshland and their ecologically connected areas.

ORK submits these comments renewing and reiterating our previous comments (found below in Attachment 1) on the proposed rule change to the uplands project components of the Coastal Marshlands Protection Act. Georgia's coastal marshlands plan many vital roles in the state's coastal communities, including resiliency and storm surge protection, pollution filtration and water quality protection, and habitat protection. In light of the quick pace of recent and ongoing industrialization and development in coastal communities, these important resources must, at minimum, maintain their current protections. ORK asks that the Georgia Department of Natural Resources (DNR) and the Coastal Resources Division (CRD) convene a stakeholder group that discusses and considers any change to the Coastal Marshlands Protection Act prior to approving and rule change that impacts these important areas. Short of this, ORK asks that the Georgia Board of Natural Resources deny these proposed rule changes in order to maintain current marshland protections.

The rapid industrialization that Coastal Georgia is facing and will continue to face can have lasting consequences for Georgia's marshes. Development activities harm marshes in multiple ways, such as increasing pollutant runoff into the marsh, altering water flow, and depositing fill material into the marsh.<sup>1</sup> These hydrologic

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<sup>1</sup> U.S. EPA, "Threats to Wetlands" (2001). Available at: [https://www.epa.gov/sites/default/files/2021-01/documents/threats\\_to\\_wetlands.pdf](https://www.epa.gov/sites/default/files/2021-01/documents/threats_to_wetlands.pdf).

alterations can alter the soil chemistry and delicate ecosystems of the marsh, causing significant and lasting damage.<sup>2</sup> Rapid development places a significant strain on marshlands and can overwhelm their capacity to filter pollutants.<sup>3</sup> Marsh degradation caused by human activities also deduces the marsh's ability to absorb floodwaters, resulting in increased damage from extreme weather events.<sup>4</sup> Given the value of Georgia's marshlands and the strain that rapid coastal development places, it is more crucial than ever for Georgia to protect its coastal marshlands. ORK asks the DNR, CRD, and the Georgia Board of Natural Resources to prioritize marshland protection as a form of resiliency for the state's coastal communities by retaining the current rules.

The State of Georgia should not rush into these rule changes without a thorough discussion from the stakeholders who will be most affected. With the seriousness of the potential impacts resulting from these changes, the best decision will be reached only through conversation with the communities, industries, interest groups, and elected officials that will be impacted. Short of these comment periods, the public has not had a true opportunity to sit with state officials and have their needs, concerns, and voices heard on this topic. The 2007 Uplands Stakeholder Committee provided a forum where some of these issues could be discussed, be understood, and a workable solution could result. That 2007 stakeholder committee did not consider or discuss the topics that these rule changes address. Likewise, Georgia's coastal communities look a lot different almost 17 years later. ORK asks the DNR, CRD, and Georgia Board of Natural Resources to reconvene the Uplands Stakeholder Committee, or a similar stakeholder group, to discuss the full ramifications of these rule changes prior to approving any rule changes.

Thank you in advance for your time and consideration. If you have any questions, please reach out to either myself ([damon@ogeecheeriverkeeper.org](mailto:damon@ogeecheeriverkeeper.org)) or our Legal Director, Ben Kirsch ([ben@ogeecheeriverkeeper.org](mailto:ben@ogeecheeriverkeeper.org)).

Damon Mullis, Executive Director and Riverkeeper  
Ogeechee Riverkeeper

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> NOAA Fisheries. "Coastal Wetlands Habitat." *Available at:* <https://www.fisheries.noaa.gov/national/habitat-conservation/coastal-wetland-habitat>.

**Attachment 1**

Ogeechee Riverkeeper's Previous Comment  
on  
Regulation of Upland Component of a Project



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[www.ogeecheeriverkeeper.org](http://www.ogeecheeriverkeeper.org)  
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October 10, 2023

**Via E-Mail**

Doug Haymans, Director  
Jill Andrews, Chief of the Coastal Management Division  
Coastal Resources Division  
One Conservation Way  
Brunswick, GA 31520  
[doug.haymans@dnr.ga.gov](mailto:doug.haymans@dnr.ga.gov)  
[jill.andrews@dnr.ga.gov](mailto:jill.andrews@dnr.ga.gov)

**Re: Proposed Amendments to the Rules of the Department of Natural Resources, Coastal Resources Division, Regulation of Upland Component of a Project, Chapter 391-2-3-.02**

Dear Director Haymans and Chief Andrews:

Ogeechee Riverkeeper's mission is to protect, preserve, and improve the water quality of the Ogeechee River basin, including the Canoochee River and the coastal and tidal rivers of Liberty, Bryan, and Chatham Counties. ORK works with local communities to share and collect information on the ecological and cultural importance of rivers and streams throughout the Basin, and uses that information to amplify the voices of those who speak for the watershed. One of ORK's primary roles is as watchdog on wastewater management projects throughout the watershed that could pose a significant threat to its water quality and aquatic environments.

ORK offers these comments urging the Coastal Resources Division (CRD) to delay the rulemaking process around its update to the uplands project components of the Coastal Marshlands Protection Act. As currently proposed, the rules will weaken long-standing protection of vital upland areas that support these critical resources. Losing these protections will hurt the marshlands' ability to reduce and prevent harmful flooding events caused by storms and rising sea levels. With the recent and rapid industrialization and development of Coastal Georgia expected to continue, the state's marshlands will play an increasingly important role in protecting Georgians and reducing flood-related property damage. ORK calls on the CRD to pause this rulemaking process and actively engage with a wide variety of stakeholders on this topic in order to both clarify the application of these upland project component rules while ensuring these treasured marshland resources are protected for generations to come.

I. Marshlands provide essential stormwater management in Coastal Georgian communities

The importance of marshlands in stormwater management highlights the need to protect these resources. Coastal wetlands act as nature's giant sponges, absorbing floodwaters and dampening storm surge. This enhances property protection from storms by up to 20 percent.<sup>5</sup> In fact, a single acre of wetlands can retain as much as 1.5 million gallons of floodwater.<sup>6</sup> These invaluable wetlands save coastal communities \$23 billion annually by shielding them from the destructive effects of storms, safeguarding people, property, infrastructure, and agriculture.<sup>7</sup> Without these resources, the State of Georgia and its localities would likely be forced to make up that sum in other stormwater management systems that will also require ongoing maintenance. Almost 600,000 Georgians live in coastal areas and directly benefit from coastal wetlands.<sup>8</sup> As development continues at a rapid pace and with sea levels rise and extreme weather events become more frequent, these marshlands will become more important than ever, highlighting the need to protect these critical natural resources.

A. The rapid pace of coastal development threatens coastal wetlands.

Development along the Georgia coast has surged in recent years, driven by increased shipping activity at the Port of Savannah and the Hyundai Motor Group Metaplant America and its network of suppliers. Savannah's port has seen record-breaking shipping activity over the last few years in response to the expansion of the Panama Canal and the COVID-19 pandemic.<sup>9</sup> The Port of Savannah ranks as the second busiest port on the East Coast,<sup>10</sup> and it is currently undergoing an expansion project set to increase its annual container capacity by 50 percent over the next two years.<sup>11</sup> Combined with the construction of Hyundai's electric vehicle plant in Bryan County, industrial growth in Coastal Georgia will continue. These new developments will seek to continue filling wetlands.

The heightened investment in the Savannah port triggered a parallel surge in the development of warehouses and distribution centers near the port.<sup>12</sup> As of February 2023, over 11 million square feet of speculative development was underway in the Savannah area, with many more facilities in the planning stage.<sup>13</sup> Despite the recent cooling in

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<sup>5</sup> NOAA Fisheries. "5 Reasons Why We Love Wetlands." Available at: <https://www.fisheries.noaa.gov/feature-story/5-reasons-why-we-love-wetlands>.

<sup>6</sup> *Id.*

<sup>7</sup> NOAA Fisheries. "Coastal Wetlands Habitat." Available at: <https://www.fisheries.noaa.gov/national/habitat-conservation/coastal-wetland-habitat>.

<sup>8</sup> NOAA Office for Coastal Management. "Georgia" Available at: <https://coast.noaa.gov/states/georgia>.

<sup>9</sup> J. Scott Trubey, Georgia Ports to Expand Savannah's Ocean Terminal for More Containers, Atlanta Journal Constitution. (Dec. 5, 2022). Available at: <https://www.ajc.com/news/georgia-ports-to-expand-savannahs-ocean-terminal-for-more-containers/CW4QC4PE4ZBK5B25OJQGV53JPM>.

See also Benjamin Payne, 'The Perfect Time to Double Down': What the Port of Savannah's Expansion Means for Georgia's Economy, Georgia Public Broadcasting (Mar. 1, 2023), Available at: <https://www.gpb.org/news/2023/03/01/the-perfect-time-double-down-what-the-port-of-savannahs-expansion-means-for>.

<sup>10</sup> Payne, *Id.*

<sup>11</sup> Savannah, Atlanta Industrial Markets Booming, Georgia Ports (Feb. 22, 2023). Available at: <https://gaports.com/blog/savannah-atlanta-industrial-markets-booming>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

shipping demand, developers continue to break ground on new warehousing facilities, even before identifying tenants to fill the space.<sup>14</sup> This unprecedented development prompted coastal Georgia municipalities to implement moratoriums on industrial rezoning and development applications, concerned about their capacity to support rapid industrialization.<sup>15</sup> Local residents and experts are also concerned about the environmental consequences, such as increased flooding and compromised water quality.<sup>16</sup> Since 2020, the USACE has permitted 829 acres of wetlands to be filled in Bryan, Effingham, and Chatham Counties for new warehouse developments. Comparing this total to the three-year period from 2012-2015 following the previous Georgia Port Authority expansion, where only 173 acres of wetland were filled, the recent wetland fill has seen a 479% increase.

This rapid industrialization can have lasting consequences for Georgia's marshes. Development activities harm marshes in multiple ways, such as increasing pollutant runoff into the marsh, altering water flow, and depositing fill material into the marsh.<sup>17</sup> These hydrologic alterations can alter the soil chemistry and delicate ecosystems of the marsh, causing significant and lasting damage.<sup>18</sup> Rapid development places a significant strain on marshlands and can overwhelm their capacity to filter pollutants.<sup>19</sup> Marsh degradation caused by human activities also deduces the marsh's ability to absorb floodwaters, resulting in increased damage from extreme weather events.<sup>20</sup> Given the value of Georgia's marshlands and the strain that rapid coastal development places, it is more crucial than ever for Georgia to protect its coastal marshlands. CRD should continue to protect these natural places by requiring buffers for shoreline hardening projects with an upland component.

B. Sea level rise places additional stress on Georgia's marshlands and their ability to mitigate flooding.

Similar to industrialization and development, sea level rise presents a serious threat to Georgia's coastal marshlands and communities. In Savannah, sea levels have risen almost 10 inches since 1935, and they are projected to rise at least six more inches over the next 50 years.<sup>21</sup> Experts predict that over the next century, sea levels will rise at least three more feet, inundating around 420 square miles of Georgia's coast.<sup>22</sup> Because Georgia's shoreline is only a few feet above sea level, rising sea levels will exacerbate the impact of flooding and storm surges for coastal communities.<sup>23</sup> In

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<sup>14</sup> Kailey Cota, 'Tidal Wave' of New Warehouses Pushes Residents Out, Changes Coastal Landscape, CURRENT (Aug. 28, 2023). Available at:

<https://thecurrentga.org/2023/08/28/tidal-wave-of-new-warehouses-pushes-residents-out-changes-coastal-landscape>.

<sup>15</sup> Nancy Guan, "Industrial Moratoriums in Chatham County Expire Soon. What Have These Cities Accomplished?" Savannah Morning News (Jan. 12, 2023). Available at:

<https://www.savannahnow.com/story/news/2023/01/12/industrial-moratoriums-to-expire-in-west-chatham-ga-cities-whats-next/69796683007>.

<sup>16</sup> Cota, *supra* at Note 10.

<sup>17</sup> U.S. EPA, "Threats to Wetlands" (2001). Available at:

[https://www.epa.gov/sites/default/files/2021-01/documents/threats\\_to\\_wetlands.pdf](https://www.epa.gov/sites/default/files/2021-01/documents/threats_to_wetlands.pdf).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Coastal Wetland Habitat, *supra* at Note 2.

<sup>21</sup> University of Georgia - Marine Extension and Georgia Sea Grant. "Sea Level Rise". Available at:

<https://gacoast.uga.edu/research/major-projects/sea-level-rise>.

<sup>22</sup> *Id.*

See also Larry Keating & Dana Habeeb, "Tracking the Effects of Sea Level Rise in Georgia's Coastal Communities" at page iii. Georgia Institute of Technology (2012). Available at:

<https://repository.gatech.edu/bitstreams/df427a6a-eccb-46d3-ac53-fb42000dce17/download>.

<sup>23</sup> See Sea Level Rise, *supra* at Note 16.

Chatham County, McIntosh County, and Tybee Island, 15 percent of the total population will face inundation within the next century.<sup>24</sup> During the same period, over 200,000 acres of salt marsh will likely flood across these three counties alone.<sup>25</sup>

Coastal wetlands function as natural buffers that protect coastal communities from the detrimental effects of saltwater intrusion and storm surges.<sup>26</sup> As mentioned above, when wetlands are able to migrate as sea levels rise, they can continue to serve this important function, preventing property damage and loss of life. However, when shoreline hardening techniques are used to prevent erosion in the short term, marshes are not able to migrate inland, and the rate of salt marsh loss increases significantly.<sup>27</sup> The effects of sea level rise on coastal marshlands, combined with the negative effects of rapid development discussed above, highlight the importance of protecting Georgia's critical marshlands. CRD should maintain its enforcement of the 50-foot buffer requirement for bulkheads and other shoreline hardening projects with an upland component. This measure will ensure that these coastal marshlands continue to provide benefits to Georgia communities for years to come.

II. CRD has not adequately explained how the proposed changes affect the public interest.

To determine whether a proposed amendment is in the public interest, it's crucial for the public to be able to provide meaningful and informed feedback to guide the decision. However, CRD has not provided sufficient information for the public to provide constructive comments. The agency has not explained the potential impact of this change on current and future projects. Given the expected rise in sea levels, it's highly likely that the number of applications for bulkhead projects will increase dramatically.

Further, CRD does not adequately discuss the benefits for both applicants and the agency itself. For instance, if CRD can redirect substantial resources from processing bulkhead permits, it's essential to know where these resources will be reassigned. If these resources are to be dedicated to enhancing enforcement against CMPA violations, the proposed amendments might lead to a net benefit for the marshlands. However, in the absence of comprehensive information from CRD on this matter, the public lacks the means to determine the benefits of the proposed rule change. ORK asks that stakeholders, impacted communities, and the wider public be given an opportunity to provide feedback after being given sufficient information about the full range of impacts that these rule changes will cause.

Thank you in advance for your time and consideration. If you have any questions, please reach out to either myself ([damon@ogeecheeriverkeeper.org](mailto:damon@ogeecheeriverkeeper.org)) or our Legal Director, Ben Kirsch ([ben@ogeecheeriverkeeper.org](mailto:ben@ogeecheeriverkeeper.org)).

Damon Mullis, Executive Director and Riverkeeper  
Ogeechee Riverkeeper

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<sup>24</sup> See Keating & Habeeb at page v, *supra* at Note 17.

<sup>25</sup> *Id.* at page 114.

<sup>26</sup> *Ibid.*

<sup>27</sup> Samantha A. Burdick. "Effects of Bulkheads on Salt Marsh Loss: A Multi-Decade Assessment Using Remote Sensing," (Apr. 27, 2018). At page 20. Available at: [https://dukespace.lib.duke.edu/dspace/bitstream/handle/10161/16557/SBurdick\\_MPpdf?sequence=1](https://dukespace.lib.duke.edu/dspace/bitstream/handle/10161/16557/SBurdick_MPpdf?sequence=1).