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

August 1, 2025

**Via E-Mail**

Program Manager, Nonpoint Source Program  
Erosion and Sedimentation Control, Georgia Environmental Protection Division  
2 Martin Luther King Jr. Drive SW, Suite 1452 East  
Atlanta, GA 30334

**Re: Birkdale Development (Bulloch) State Water Buffer Variance - BV-016-25-01**

To whom it may concern:

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 20 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 primary roles is as watchdog on new land development projects throughout the watershed that could pose a significant threat to its water quality and aquatic environments.

ORK's comments on the Birkdale Development's state water buffer variance request cover two overarching concerns. First, impacts to stormwater and flooding should take a long-term view of the property and anticipate increasingly frequent and intense storms. Second, careful consideration and specific analysis concerning potential water quality impacts to the already-impaired Little Lotts Creek should be undertaken. Until these concerns are sufficiently addressed, the Environmental Protection Division should not grant this buffer variance.

**1. Stormwater and Flooding**

Stormwater management and flood damage prevention should be of central concern for this buffer variance decision. Current natural features of the buffer, such as wetland's stormwater control, are threatened to be lost with this development. This site, as with Bulloch County and the whole region, is expected to face growing threats from storm and flooding events. As such, consideration and planning must take a forward-looking view when making decisions that could increase stormwater pressure and the risk of flood damage.

EPD should consider impact beyond the currently designated floodplains and go beyond only negating post-construction increases to stormwater runoff. The currently designated floodplains in the area are backwards-looking, as they rely on historic data only. The data these maps are made with are based on historic weather patterns that no longer exist in the area, leaving out the most recent and representative data. In addition, FEMA's flood maps for this area were last updated in 2010.<sup>1</sup> In the intervening 15 years of data, it is likely that the floodplains in the area have shifted. As rain events become stronger and more frequent, the floodplain will expand, representing an increase and expansion of flood risk into previously less-risky areas. As such, EPD should be cautious in relying solely on these maps and should consider how more frequent and intense storms have impacted flood risks in the area.

This additional consideration of new stormwater and flooding pressure should precede any analysis of the specifics proposed of this site. Following that analysis, EPD should carefully consider not just the current-day impacts that would come with this proposed action, but should also assess how it will respond to further-increasing storm frequency, intensity, and flooding. As a proposed residential development, future Georgians will be exposed to the risk of building along waterways, including stormwater and flooding. As such, stormwater management features and facilities should be designed and constructed to handle and process the foreseeable stormwater and flooding risks anticipated in the coming years and decades. Requirements such a *reduction* in post-construction stormwater runoff (as opposed to simply ensuring no net increase) and higher capacity stormwater features may be helpful. Avoid construction in or anywhere near current and anticipated floodplains is also helpful.

Before EPD approves this buffer variance, it should carefully consider whether increased stormwater management pressure or flooding risk will result from the construction or the variance, both in the immediate present and in the coming decades. In addition, EPD should condition its approval or otherwise require forward-looking measures that plan for increasing stormwater and flooding pressure, build resiliency, and protect nearby residents.

## 2. Impacts to Water Quality

The potential effects to Little Lotts Creek's water quality should also be carefully considered before this buffer variance is issued. The impacts to tributary buffers has the potential to further impact an already struggling waterway. As such, EPD should assess how the losses related to this buffer variance would impact Little Lotts Creek and its water quality.

Little Lotts Creek is currently listed as impaired in EPD's 2024 Integrated 303(b)/303(d) List of Streams<sup>2</sup> for multiple segments of the waterway. Downstream of this site, bacteria, nitrogen and phosphorus (NP), iodine (I2), and macroinvertebrate indicators (Bio F), are all indicated as impaired. The additional effects that this buffer variance could further impact these water quality parameters, threatening to delay improvement and compliance, or further exacerbate their noncompliance. In addition, Segment GAR030602030309 of Little Lotts Creek is also listed due to "insufficient data to make an assessment." The unnamed tributary proposed to be impacted by this buffer variance discharges directly below this segment. EPD should make additional assessments and take caution to ensure that this

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<sup>1</sup> FEMA Flood Map Service Center. Flood Map 13031C0217D, effective 8/5/2010. See <https://msc.fema.gov/portal/search?AddressQuery=statesboro%2C%20georgia>

<sup>2</sup> At pages 248 and 249. Available at: <https://epd.georgia.gov/https%3A/epd.georgia.gov/assessment/water-quality-georgia>

proposed buffer variance does not further degrade Little Lotts Creek's water quality. As such, a deeper look into the water quality ramifications stemming from this buffer variance should occur prior to EPD granting approval.

Thank you in advance for your time and consideration; please let me know if you have any questions:  
[ben@ogeecheeriverkeeper.org](mailto:ben@ogeecheeriverkeeper.org).

Ben Kirsch, Legal Director  
Ogeechee Riverkeeper