

St. Marys River Management Committee Minutes
October 3, 2022

Attendees:

Baker: Danny Norton (FL chair), Ed Barber

Nassau: Dean Woerhle, Keith Tindall, Bill Cochran, Paul Lore

Camden: John Meyers, Rick Frey, Jay Smith, Ben Casey

Charlton: Merrill Varn (secretary), Chip Campbell (GA chair)

Other: Courtney Balling (admin), Scott Brazell (Nassau applicant)

Housekeeping:

Meeting was called to order at 7:10

October agenda: approved by committee

September minutes: approved by committee

Treasurer's Report: no change. \$7934.03 balance

Old Business

Land Use (including public access)

○ Baker County

- Boat ramp, Shoals park -The County was notified on September 27th that a reduction in scope was approved for the Phase 1 project. The reduction includes replacement of the retaining wall, dredging and replacement of the boat ramp. The ramp itself will not change in footprint, so it will be the same dimensions as current. This reduction was requested due to the increased cost of construction. The design estimates show that this reduction of scope can be covered with the grant funds without any overages. Phase 2 of this project was for the design and permitting of a bathroom facility and lighting. That project has continued to move through the steps appropriately. The County will continue to seek grant funding to finish the project, including the work removed from phase 1 and construction of phase 2 elements.

○ Camden County

- Blue Bridge access - Judge does not seem to want to hold a hearing. Multiple attempts have been made with no progress
- Temple Creek boat landing - DNR has leased 2 acres so that they can repair the boat ramp
- Spaceport - Camden County is currently the appellant in the Supreme Court of GA in case #S22A0837 CAMDEN COUNTY v. ROBERT SWEAT JR, JUDGE et al. This case involves the interpretation of the GA Constitution regarding the use of referendum to set aside actions of a County Commission.
In 2015, the Camden County Commission took an option to purchase certain real estate in order to have control of property proposed to be used as a vertical launch spaceport facility. CFR Part 420 requires that an applicant for an FAA-approved spaceport must demonstrate control (though not ownership) of the proposed site. Camden took an option to

keep from buying the site in case the FAA would not issue a license. The subject property, a former Union Carbide chemical manufacturing facility, is an abandoned industrial site under an EPA/GA EPD consent order for mitigation of potential groundwater pollution under the Clean Water Act. It is on the Intracoastal Waterway in Camden County just north of the Crooked River (St. Marys Watershed).

In December 2021, after a 6+ year application process, the FAA issued the license to the County. A group of people (not all citizens of the County) opposing the Spaceport circulated a petition claiming authority under Art IX, Par. 2 of the GA Constitution (County Home Rule) to set aside an act of the Commission. The County contends that the GA Constitution does not allow for such action in the case of the exercise of simple functions such as real estate transactions. The County sought injunctive and mandamus relief against the conduct of and certification of the referendum by the Probate Judge and was denied. The petition was accepted by the Probate Court and a referendum was had in March 2022. 17% of the total county electorate participated in the vote and a repeal measure to set aside the option contract was passed by ~70% of the vote which represents 12% of the total electorate of the County.

The Association of County Commissions of Georgia filed an amicus brief supporting the County's position. The appeal seeks to clarify the Constitutional provision relied on for the referendum and, if granted, should restore the County's right to eventually purchase or lease the property and engage in vertical rocket launch activity. A resolution is expected by February 2023.

- Charlton County
 - Camp Pinckney Land - no update
 - Trader's Hill - bids are still out for the revised septic plan

Water Quality

- Temple/Horsepen/Mallet Creek 319 (Phase 3)
 - One more system has been completed and there is one more to go. Work was temporarily suspended for Hurricane Ian.
- NPDES permits
 - Plug Power currently has a withdrawal permit, but it's unclear if it's a renewal or a new permit. Merrill Varn will look further into the details of the permit.
- Spanish Creek (Clay Branch project)
 - Homeland has had a pre-contract meeting with GA EPD. Waiting for a draft of the contract. Process is likely to take many months.
- Septic Think Tank
 - Black River HOA canceled their last meeting, so any progress on bulk pump-outs will take time
- River Corridor/ Land Use/E&S Think Tank
 - No update
- GA EPD Comprehensive Nutrient Permitting Strategy (N,P)
 - Chip Campbell submitted a comment to DNR

Water Quantity

- Four County Stormwater Management
 - Nassau County/Thomas Creek - Flooding along Thomas Creek south of Callahan in Nassau County has been a problem since the area began being developed in the 1950s. Increased housing units and rainfall in the past 20 years has only exacerbated the problem. Efforts to ditch the floodplain and clear/desnag the creek have only provided temporary respite for the approximately 98 lots in the 500 acre area. The county, state, and federal governments and water management district have spent over \$3.3 million to date on mitigation efforts.

In 2019, the county began a Planning Assistance to States (PAS) Study in cooperation with the United States Army Corp of Engineers (USACE) to analyze the creek and propose a long term solution. The study included extensive modeling under numerous scenarios including dredging, culvert installation at the CSX bridge, earthen berm, floodwall/pumps, regional ponds, local ponds, and additional ditch maintenance. Flood levels included 2, 5, 10, 25, and 100 year floodbases. Engineers used Hydrologic Engineering Center-River Analysis System (HEC-RAS) software developed and maintained by USACE. HEC-RAS is widely used commercially for floodplain management and floodplain insurance studies as well as for bridge and culvert design and analysis, levee studies, and channel modification studies.

The Board of Commissioners accepted the study in June 2022 and directed staff to present an implementation plan by year's end. As part of formulating the plan, Katie Peay, Senior Stormwater Engineer, presented the results at a public meeting in August 2022. She discussed the results of the analysis in detail and said that none of the scenarios modeled had adequately reduced flood levels. She added that the best alternative plan, a floodwall and pumps, had been rejected because of the high cost (\$68 million). Instead, the county had opted to pursue grants to buy out properties or elevate structures. Participation in the buy out or elevate program is voluntary.

The total fair market value of the properties in the floodplain area is currently \$8.3 million. The Nassau County Conservation Land Acquisition and Management Committee also recommended removal of all man made improvements (roadways, structures, septic tanks, and wells) and restoration of the floodplain. Other actions taken by the board of commissioners included formation of a Stormwater Department, updating FEMA flood maps, and increased maintenance of drainage ditches.
 - Charlton County - still waiting on a bare earth layer from SGRC
 - Baker County - no update
- Georgia Water Councils
 - No scheduled meetings yet for Coastal or Suwanee Satilla
- SJRWMD water use estimates/ Withdrawal of water from Black Creek
 - Committee still needs to review plan to see if St. Marys is included. Withdrawal from Black Creek is likely. Chip Campbell still plans on sending a letter of concern to SJRWMD

Regulation/Comp Plans

- Nassau County No Wake Zone applications

- Paul Lore is reviewing the GA and FL regulations and creating a map for the county attorney
- Charlton County 100ft overlay
 - Charlton County BOCC wants clarification from EPD about exactly what is required re:ordinances vs. resolutions vs. comp plans and what is enforceable

Administrative

- Nassau and Camden Applicants
 - Bill Cochran and Paul Lore were approved by the Nassau County BOCC. Scott Brazell's approval should be on the agenda for the next Camden BOCC meeting

New Business

- St Marys Minimum Flows
 - Neither GA or FL is focused on minimum flows at the moment and indices to measure appropriate flows would be too difficult to establish currently. Not likely that the committee can make any movement on this right now

Partner Reports

Riverkeeper- Twin Pines, Redesignation

- Hurricane Ian - this may already have been discussed - flooding in downtown St. Marys but no crazy damage reported (to me). Seems like the new shoreline in FB held up well! I have not heard of any leaking septic tanks or wastewater facilities issues. No significant rainfall in the swamp, so the Upper River did not flood as it was originally forecasted to. No big down debris reported either.
- Alligator Creek in Fernandina Beach - toured WestRock property and took samples of Alligator Creek between 8th street and 14th street. Working with WestRock to resolve some of the obvious sources of e. coli, but we are coordinating with FDEP to get them out on site to do DNA tracer testing to identify any other possible sources of contamination.
- Camden Reps may already have presented this - GA DNR Board met last Tuesday in Fargo, GA and it was approved to lease 2.0 acres of Temple Landing Boat Ramp to Camden County. No details provided on what improvements will be made.
- Twin Pines - no public comment period yet. Latest rumor is that nothing will happen until after the November election.
- Gala - everyone come October 14 to Crooked River State Park for a fun time. Tickets and sponsorships are still available.

SJRWMD/GDNR

- No update

Committee Member County Reports

- None

Public Comment None

Adjournment 8:46

Next Meeting – November 7, 2022

DRAFT