



Press Release

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On behalf of the Center for a Sustainable Coast, attorney Jon Schwartz filed a motion for summary judgment with the U.S. District Court for the Southern District of Georgia concerning an unlawful permit to construct a private dock within Cumberland Island National Seashore. The motion alleges that the U.S. Army Corps of Engineers violated the National Environmental Policy Act (NEPA) and Cumberland Island's enabling legislation which decrees that "the seashore shall be permanently preserved in its primitive state" except for certain areas used for public recreation.

Lumar LLC sought permission from the Corps to build a large dock on an 87-acre parcel in the most visited part of the National Seashore. The site is dense forest with live oaks, Spanish moss, and saw palmetto.

NEPA requires federal agencies to take a "hard look" at the environmental impact of proposed actions. But the Corps claimed the dock was "categorically excluded" from an environmental assessment under NEPA by finding that it "should encounter no opposition." Based on this finding, the Corps issued a permit in 2016 without any public notice or opportunity to comment. The public didn't know about the permit until the dock was under construction in 2018

The Corps failed to consider how the dock — and any consequent development — may affect Cumberland Island National Seashore's primitive state. A few months after the Corps approved the dock, Lumar LLC applied for a hardship variance from Camden County to subdivide the property for ten houses.

"The construction of a large dock on an undeveloped tract of dense maritime forest in Cumberland Island National Seashore is the first step to building a housing development in a place the U.S. Congress intended to become less developed over time," said Karen Graineey, Co-Director of the Center for a Sustainable Coast. "The Corps illegally enabled Lumar LLC to shield a project from public scrutiny that will flagrantly compromise the renowned natural beauty of the island," added David Kyler, the Center's other co-director.

[Click here](#) to see a copy of the motion.

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