

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

ELIZABETH E. CAIN;)
DAVID KAMINSKY and)
LARRY GIBSON,)

Plaintiffs,)

v.)

U.S. ARMY CORPS OF ENGINEERS;)
GEORGIA STATE DEPARTMENT OF)
NATURAL RESOURCES, COASTAL)
RESOURCES DIVISION; SUSAN)
SHIPMAN; MARK A. DANA and)
FRANCES M. DANA,)

Defendants.)

Case No. _____

STATE OF GEORGIA)
COUNTY OF CHATHAM)

AFFIDAVIT OF LARRY GIBSON

1.

PERSONALLY APPEARED before me, an officer duly authorized by law to administer oaths, Larry Gibson, Plaintiff in the above-styled action, who after first being duly sworn, states:

2.

My name is Larry Gibson. I am over the age of 18, and competent in all respects to testify regarding the matters set forth herein. I give this Affidavit voluntarily. I have personal knowledge of the facts stated in the foregoing Complaint and know them to be true and correct.



3.

I have lived at 1406 Walthour Road, Wilmington Island, Savannah, Georgia since 2001.

4.

My wife and I searched for a house on Walthour Rd. because the marshside views from the properties on Walthour Road are so spectacular. The marsh was where I wanted to retire. The marsh near our house teems with wildlife-- blue and gray herons, egrets, bald eagles, clapper rails and many other species--and proximity to the wildlife was a major incentive to buy the property.

5.

Our property at 1406 Walthour Road has a nearly 180° view. When the 980 foot dock with 26 foot tall boathouse is built, our view will be forever ruined. The bright lights around the Dana yard are very jarring at night.

6.

The marsh damage from the massive dock expansion is inevitable. For years, my neighbor Betsy Cain has moved marsh wrack that has been trapped by the small docks. I, too, have moved the wrack out after the tall spring tides leave grass-smothering flotsam on top of the fragile Spartina Grass.

7.

The effect of the wrack build up can be seen from aerial photographs. The damage is also evident on the north side of the Danas' existing 210 ft. dock where the wrack build-up is not removed. In the past, a neighbor who no longer lives in the house next door to me removed the wrack out so that he and his children could canoe out the creek that is at the end of the existing dock. When he moved and the Dana family moved into their house, this portion of the marsh

became neglected. Now the marsh is merely mudflats.

8.

If this dock is completed, it will be an overwhelming job to keep up with protecting the marsh from the wrack build up on a 980 foot dock and accompanying floating and fixed dock, boat hoist and boathouse.

9.

We barely have access now to the deep water, which is only accessible for about two and one half hours before and after each high tide. When the wrack collects and covers the small creeks, the grass will die and the creeks will fill in with mud, thereby forever destroying my access to deep water.

10.

When Mr. Dana applied for the permit, he did not include in the application a description of the several creeks that the massive dock complex will span.

11.

It was only after Mr. Dana's neighbors complained that the DNR advised Mr. Dana that he would have to bridge one creek.

12.

There is at least one more major creek and numerous small creeks and tributaries that will be obstructed by the proposed dock complex. At the foot of the existing 210 foot dock, Mr. Dana had a floating dock which was sitting in a tidal creek.

13.

I applied for a permit in 2003 to rebuild my dock. At that time the DNR, following their own procedures, ensured that I was following the rules. Mr. Miller of DNR made me draw the

plans repeatedly in order to satisfy the requirements.

14.

One of my neighbors applied in the late 1990's to DNR for a permit to allow the expansion of an existing dock 2 additional feet. This application was denied. The DNR's stated reason for the denial was that the extension would shade too much grass.

15.

I am very concerned that the construction of the massive dock complex on the Dana property will cause irreparable harm by leading to severe damage of the fragile marsh ecosystem: including the flora and fauna; will lead to the creation of mudflats; destruction of existing oyster beds and mussel habitat; decrease water quality; interfere with navigation and negatively impact the view from nearby properties, including my own.

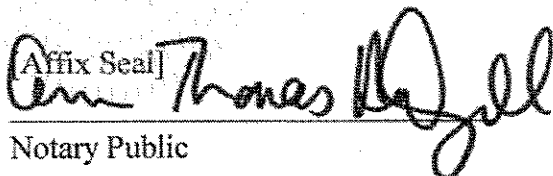
FURTHER AFFIANT SAYETH NOT


LARRY GIBSON

STATE OF GEORGIA

COUNTY OF CHATHAM

Larry Gibson appeared before me,
a Notary Public in and for the above
jurisdiction, this 8th day of January, 2007,
and made the foregoing Affidavit, under oath.

Affix Seal] 
Notary Public

My commission expires: