



Coastal Advisory Council
November 3, 2023
Location: SSEL
Meeting Summary

Welcome and Introductions:

Chairman Mr. Charles McMillan called the meeting to order and introduced the new council member, Mr. Tony Robinson, who is fulfilling an Environmental Organization council position.

Old Business:

Meeting Summary April 26, 2023

Mr. McMillan asked for any questions about the Summer 2023 Meeting summary. None were brought forward.

New Business

Committee Reports

Communications Committee – Stacia Hendricks

No updates at this time.

Legislative Committee – Shawn Jordan

HB 370 did not make it through last year but it may come back;

HR 519- formed a 12-member committee about freshwater access, right to fish intent, oxbow lakes that become private. One concern is using flow of river to determine navigability rather than width of channel. One additional informational meeting is scheduled. Mr. McMillan notes that it will involve much more than right to fish.

HB244- CRD and recording requirements for shellfish, was tabled

Upland Component Stakeholder Rules- Josh Noble

In 2007 the DNR Board adopted the Upland Component Rule (Rule) to incur a 50-foot marshland buffer on upland components of CMPA permitted projects. With recent changes to the implementation of the Coastal Marshlands Protection Act (CMPA) based on legal review, residential projects that have not been regulated under the CMPA in the past were now being required to be regulated under the CMPA.

These residential projects would now trigger the upland component which was not the original intent of the Rule. This update is working to clarify the intent. CRD has initiated a public notice and hosted a public hearing. 74 public comments have been received. A summary of public comments, and revised changes to the Rule update based on public comments, will be created and presented to the DNR Board on November 6th. If the Board approves, CRD will post a new public notice and public hearing to receive comments on modifications made.

Shawn Jordan asked if it would continue to impact fishing access infrastructure. Mr. Noble responded that yes, the Rule will continue to include fishing piers, boat ramps and piers. That was part of the original intent.

Christi Lambert asked if there will there be another draft version released prior to new public notice. Mr. Noble responded that yes, the goal is to have that posted by Dec 7.

WOTUS/Sackett- Alton Brown

The Clean Water Act defines navigable waters but not Waters of the United States (WOTUS). EPA and USACE are tasked with defining WOTUS. This definition has been addressed numerous times since 2019.

In 2020 the Trump administration published a navigable waters rule with updated definition of WOTUS. In 2021 the rule was vacated by two district courts and the Biden administration applied this vacation nationwide and recently published a new rule. In June 2023, the US Supreme Court ruled on the Sackett case regarding property in Idaho, in favor of Sacketts. In response to this ruling EPA/USACE created a revised 2023 rule to comply with the court's ruling. The new rule was published in August 2023 and became effective September 2023. Prior to the Sackett ruling, 27 states had filed suit against Biden administration based on their rule. The definition of adjacent is the major change from the Sackett case ruling- now must have continuous surface connection to fit definition of WOTUS. EPA estimates that over 50% of previously regulated wetlands will no longer be regulated under this new definition. In GA, once the USACE deems the property not regulated by CWA, then the wetland is not regulated in any other capacity (i.e. through any state law). Other states provide additional protection and regulations through other state programs. Savannah district office is still working through how to apply the new rule. Next step for GA if the state values these freshwater wetlands is to take additional steps to regulate from the state perspective.

Questions:

Charles McMillan- Are you seeing that areas where GA does have state waters in coastal area that are now becoming non jurisdictional? Mr. Brown answered that it is far less frequent on the coast but may be seen in some tributaries that may buffer state waters but is seen more frequently as you go inland.

Executive Committee – Charles McMillian

Mr. McMillan stated that there are two CAC member vacancies for state government (non-DNR) or regional commission representatives. A notice for applications will be released soon.

Presentations

NOAA SLR date, resources and tools for GA- Doug Marcy, NOAA OCM

Doug Marcy presented on the NOAA Digital Coast Tools and data available online, including the state of the science with climate data and impacts to Sea Level Rise (SLR). The presentation is located on the CAC website at <https://coastalgadnr.org/CoastalAdvisoryCouncil>

Questions:

Stacia Hendricks asked if there is a digital tool to show how subsidence has changed over time? Mr. Marcy answered that there is a pretty big gap in vertical land motion due to limited benchmark locations- can be very site specific. NASA and USGS using new technology IFSAR- radio waves from satellites, to help with regional subsidence rates. Also hold subsidence rate constant in predictions through 2100 but that is not a known data input. Hoping to use more remote sensing techniques.

Hyde Post asked if the recent rapidly intensifying Mexico hurricane causing US insurance companies to adjust rates or make other changes? Mr. Marcy answered that yes reinsurance companies do catastrophic models on one year analysis; and we are starting to see changes in policies.

Buddy Sullivan asked if they are also seeing an increase in flood insurance? Mr. Marcy noted that FEMA now implementing Risk rating 2.0 which is not as tied to maps as it once was but more of a range.

Clark Alexander asked if using any private or NGO models? Mr. Marcy answered that some are ok if they are using reliable data but they are usually paid services.

Current research findings for GA marsh accretion, long-term health, and SLR- Dr. Clark Alexander

Dr. Clark Alexander presented on various research initiatives studying salt marshes in the face of SLR including Sea Level Affecting Marshes Model (SLAMM), GA Coastal Ecosystems Long Term Ecological Research (LTER) Program, General Marsh Area Loss mapping using satellite imagery, the GA Tech ongoing project installing SLR monitors, Hindcasting and Forecasting Marsh Extent, Tidal Channel Migration, GA marsh sediment accumulation rates, Engineering with Nature, Nature and Nature Based Features; Living Shorelines, and thin layer placement. The presentation is located on the CAC website at <https://coastalgadnr.org/CoastalAdvisoryCouncil>

Questions:

Buddy Sullivan- During the Tropical Storm last November, there was large wrack deposit, but all seems to be dissipated now leaving many marsh flats exposed. Will this grow back? Dr. Alexander answered that yes it should but will be slow. *Spartina* propagates by seed or tillers underground. Seed propagation not as effective here so will need to fill in from the sides.

Hyde Post asked if you can identify and prioritize corridors to protect for salt marsh migration. Dr. Alexander answered that with new elevation data and models we have the potential to integrate parcel data with property ownership to identify lands to prioritize. Mr. Post followed asking if giving credits for carbon sequestration could help with acquiring property for marsh migration? Dr. Alexander noted he would have to think about that. May have certain tax incentives and that the SASMI initiative may be looking into that. Christie Lambert noted that the GA DNR SWAP plan update will include those ideas.

Clay Montague asked if the loss of freshwater wetlands is considered when allowing salt marshes to migrate? Dr. Alexander answered that this is an implication that SLAMM modeling is showing. Not sure how to get around that as you go inland and slopes increase and you have limited width for inland migration.

Tony Robinson noted that he has seen development changes in Myrtle Beach being replicated on Sea Island/St Simons with filling of marshes for development. Dr. Alexander noted that most likely bulkhead placement and backfill and must be permitted through CMPA if within jurisdiction.

Other Announcements

- Jaynie Gaskin provided a brief update on the SARP funded project to assess coastal barriers for stream crossing impacted through culverts. Look for more info in the Coastlines article. Ms. Gaskin introduced two technicians, Ava Myer and Mariana Stonebreaker who have been conducting the field assessments for this project.
- Kelly Hill provided update on the EPD Section 319(h) funded Coastal Stormwater Supplement Update project. Advisory Teams of local practitioners have been formed and the review was kicked off last month. Ms. Hill also noted that the GA Clean Marina Program certified three new marinas in its inaugural year since revamping the program. Newly certified marinas include Delegal Creek Marina, Barbour River Yacht Club, and Savannah Boathouse.
- Shy Duncan updated the Council on the Cycle 27 CIG Request For Proposals (RFP) release. The RFP went live September 18th and pre applications are due Dec 1, 2023. There is approximately \$420,000 available for new projects.
- Jennifer Kline announced that as part of the current GCMP 309 Strategy, projects being completed include a new SLAMM model update, shoreline change rate updates, hazard vulnerability assessment tool to include DFIRM, storm surge models, SLAMM and social vulnerability analysis. The results will prioritize focus areas in the 6 coastal counties. GCMP is also working with CVIOG to host a resiliency academy for local governments.
- Meghan Angelina announced that GCMP was funded starting October 1 to design, construct, and monitor a living shoreline along Newall Creek on Ossabaw Island. Currently partners are assessing locations of cultural sites to finalize shoreline length.
- Jennifer Kline provided an update from Jil Andrews on IJJA/IRA funding relevant to GCMP. Funding opportunities applied for include USACE CAP program at Crooked River, Marine Debris removal app, NOAA habitat application, CELCP full application for land acquisition, DOT BIL app, and a Coastal Management Fellow application. There is also an additional \$750,000 non-competitive funding being awarded through NOAA to the GCMP program. This award may fund projects to gather first floor elevation data, Nature Based Solutions design, starting VDatum decision tool, Low Impact Development stormwater BMPs constructed at school sites, and culvert assessment expansion.

Member Announcements

Charles McMillan- World Heritage Gala for Okefenokee being nominated as a World Heritage Site.