



MARK WILLIAMS
COMMISSIONER

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**SHORE PROTECTION ACT
STAFF'S FINDINGS & RECOMMENDATIONS**

April 28, 2017

TO: Shore Protection Committee:
Commissioner Mark Williams, Chairman
Mr. Richard Gardner
Mr. Henry Morgan
Mr. Zach Harris
Mr. William Hodges

FROM: Department Staff to the Committee

APPLICANT: Jekyll Island Authority (JIA)

AGENT: Ben Carswell
Jekyll Island Authority
100 James Road
Jekyll Island, GA 31527

LOCATION: Jekyll Island, Glynn County, Georgia

PROPOSED PROJECT: The applicant is proposing a Beach Stewardship General Permit.

APPLICABLE LAW: Official Code of Georgia Annotated (O.C.G.A.) §12-5-230 *et. seq.*
Shore Protection Act

SUMMARY OF PUBLIC COMMENTS:

The public notice of the Shore Protection Committee ran from March 15, 2017 through April 14, 2017. There were forty-five (45) public comments received during the notice and four (4) received after the comment period ended. The applicant has provided a response. Below is a summary of concerns or questions:

- Area limits for projects not defined.
- How will BMPs (Best management Practice) that relate to a cumulative term be included in permit?
- What criteria will JIA use for projects under this permit to qualify for EAP?

- How will BMP details be developed and stated for projects covered in the application?
- How will CRD's conditions be developed that reflect standards as specific and descriptive as those in the SPA?
- How would adaptive management alterations be processed and incorporated into permit?
- A request to remove reference to any major activity that would require individual permit.
- A request to remove any reference to 'sandbank'.
- Wide scale-scope must be narrowed. BMP should be specific.
- No public input was accepted prior to application. No way to comment on a permitted activity before it takes place and no mechanism for external evaluation after a permitted activity takes place.
- Permit is described as "beach conservation/maintenance permit" to include revisions: permit process to mandate public hearing, no allowance for either beach driving nor for the use of heavy equipment within the dune/beach, unless a separate permit has been issued.
- JIA has not provided updated conservation plan, no specificity in regards to location of projects, no specificity in regards to BMP, allowance for major activities including removal and storage of sand with the use of heavy machinery. A separate permit should be issued for these projects.

FINDINGS: Department Staff to the Committee make the following findings regarding this application:

Project Scope and Justification: O.C.G.A. § 12-5-238:

1. The goal and purpose of the proposed application is to obtain a General Permit to afford JIA and the Georgia Department of Natural Resources' Coastal Resources Division (GADNR/CRD) a management tool to facilitate more efficient and effective management of the dynamic, sensitive, and valuable beachfront-shoreline on Jekyll Island.
2. Activities conducted under this General Permit would only apply to actions carried out by JIA on non-leased lands within the jurisdiction of the Shore Protection Act (SPA) seaward of the sand dunes, within the sand dunes, and landward of the sand dunes.
3. JIA Conservation staff will be the stewards of the General Permit and ensure activities planned and designed under the General Permit are in accordance with the scope of the General Permit and the JIA Conservation Plan. JIA staff will then provide GADNR/CRD staff project specific proposals in order to verify the proposed activity is consistent with the scope of the General Permit.
4. The General Permit will consist of two main categories: Natural Resource Management and Public Access. Natural Resource Management will include Vegetative Management and Localized Sand Management. Public Access will include Access Management, Signage, Management and Maintenance of Existing Public Use Facilities, and Marine Debris and Unauthorized Structure Removal.
5. **Natural Resource Management- Vegetative Management**
 - a. Vegetative Management will include the removal of invasive plant species and planting or promotion of beneficial native vegetation. The purpose and goal is to promote and/or stabilize sand dune growth as well as enhance habitat value for wildlife.

- b. Periodic maintenance would include using hand tools, temporary irrigation, or other targeted and controlled means, such as trimming vegetation to manage the growth and successional dynamics of plant communities.
 - c. In addition, vegetative management will include non-destructive harvest of seeds from various native plants. These harvested seeds will be used only for restoration projects and other native plantings which will help ensure plant success and vitality with locally adapted genetic stock.
- 6. Natural Resource Management- Localized Sand Management**
- a. Localized Sand Management will include the use of sand fencing and dune-vegetation biomimicry in order to manage sand around beach access routes and structures, as well as promoting dune growth.
 - b. Sand fencing use will be designed and installed in accordance to the GADNR Sand Fencing Guidelines.
 - c. In addition, Localized Sand Management will include the collection and storing/banking of sand that has intruded upon existing permitted hardscape or mowed turf grass located landward of the sand dunes. This “nuisance sand” would be removed and stored/banked in non-jurisdictional areas (sand bank) to be used in future small-scale, beneficial dune protection or restoration projects. No sand will be removed from the seaward side of the sand dunes.
 - d. In response to public comments, JIA has clarified that the intent of the collection of sand is not to use in large-scale distribution projects. JIA has stated a limitation capping any single beneficial use of material from the proposed sand bank at no more than 100 cubic yards. In addition, the volume of sand collected within a one-week period would not be expected to exceed three (3) cubic yards of material.
- 7. Public Access-Access Maintenance**
- a. The purpose and goal of Access Maintenance is to ensure access to and from the beach in a safe and ecologically sensitive manner.
 - b. Maintenance of existing, permitted dune crossover structures would be included in the General Permit. Such maintenance would include the use of mechanized equipment where reasonable and justified.
 - c. In areas landward of the sand dunes, additional activities under Access Maintenance include the use of fencing to assist in controlling pedestrian access to and from existing, designated beach access routes, and trimming of vegetation that may be obstructing established, designated pedestrian and vehicular beach access routes.
 - d. In areas within the sand dunes Access Maintenance would include the use and maintenance of nonstructural components such as Mobi-Mats. Such components would be used to connect existing dune crossovers to the seaward toe of the sand dunes. No mobi-mat applications beyond (seaward) of the seaward toe of the dune are proposed.
- 8. Public Access- Signage**
- a. The Signage component of the General Permit purpose and goal is to include signs that post a safety advisory or a notice of a particular ordinance.
 - b. These signs will be designed, installed, and maintained in a manner that will be sustainable given the dynamics and stresses associated with exposure to the elements.
 - c. Most signs will be installed either on the landward side of the sand dunes or within an existing access route through the sand dunes. However, there may be occasions

of a reasonable, justified need for a sign to be located and maintained seaward of the sand dunes.

9. Public Access- Management and Maintenance of Existing Public Use Facilities

- a. The Management and Maintenance of Existing Public Use Facilities component of the General Permit is limited to areas landward of the sand dunes.
- b. The purpose and goal is to afford the opportunity to perform maintenance and manage these facilities. This would include reasonable and justified activities, plantings, and placement of moveable objects within areas that are manicured park spaces and/or constructed artificial hardscapes. Examples include such things as bike racks, trashcans, or outdoor showers/wash-down areas.
- c. This would not include any expansion of existing developed-use footprints.

10. Public Access- Marine Debris and Unauthorized Structure Removal

- a. The Marine Debris and Unauthorized Structure Removal component of the General Permit is limited to areas seaward of the sand dunes.
- b. Occasionally, anthropogenic marine debris is deposited, abandoned, or placed along the beachfront and can be very large and/or heavy. Such debris may pose hazards for both beach-users and wildlife, or may otherwise be incompatible with stewardship goals.
- c. Mechanized equipment may be required to address these problems, but will only be used when considered reasonable and justified. This may include removal of such things as abandoned or derelict vessels and unapproved structures.

Do they have to contact CRD? BMPs? Proper disposal?

Application Form, Applicant Name and Address, Project Site Plan, Plat, Deed or other instrument, Written permission to carry out project by owner of land, O.C.G.A. § 12-5-238(1-5, 8):

11. Applicant has submitted the application form, name and address, project site plan, plats, and deed.

Adjoining Landowners, Non-refundable application fee, O.C.G.A. § 12-5-238(6,7):

12. Applicant has submitted names and addresses of adjoining property owners as well as the non-refundable application fee required.

Hurricane Resistant Standards, O.C.G.A § 12-5-238(9):

13. Jonathan Roberts, Engineer (Ga License No. 034205), has submitted a certification that the project meets all applicable hurricane standards.

Local Government Zoning, O.C.G.A. § 12-5-238(11):

14. Applicant has provided a statement from Daniel Stowe, Legal Associate for JIA that the project is not violative of any zoning law.

Landfill, Hazardous Waste Inquiry, O.C.G.A. § 12-5-238(12):

15. Applicant has made an inquiry to the Hazardous Site Index of Georgia as to the existence of hazardous waste at the site. The project area was not found to be over a hazardous waste site or landfill.

Notification of Proposed Project, O.C.G.A. § 12-5-239(b):

16. Interested parties who have requested to be placed on the mailing list were notified in writing of the proposed project. The public notice of the Shore Protection Committee ran from February 15, 2017 through March 14, 2017. There were forty-five (45) public comments received during the notice and four (4) received after the comment period ended. The agent has provided a response.

Requirements and Restrictions Regarding the Issuance of a Permit, O.C.G.A. § 12-5-239(c)

17. No permit shall be issued except in accordance with the following provisions:

(1) A permit for a structure or land alteration, including, but not limited to, private residences, motels, hotels, condominiums, and other commercial structures, in the dynamic dune field may be issued only when:

- A. The proposed project shall occupy the landward area of the subject parcel and, if feasible, the area landward of the sand dunes;** Land alteration activities associated with the Natural Resource Management-Vegetative Management component is limited to the removal of invasive species and planting or promotion of beneficial native vegetation within the sand dunes and immediately landward of the sand dunes.

Land alteration activities associated with the Natural Resource Management-Localized Sand Management component includes the placement of sand fencing within and seaward of the sand dunes and removal "nuisance sand" that has intruded onto existing permitted hardscape or mowed turf located landward of the sand dunes.

Land alteration activities associated with the Public Access-Signage component include the placement of safety advisory or notification signs. Typically signs will be located landward of the sand dunes or within the footprint of an existing access route through the dunes. Only when reasonable and justified will such signs be located seaward of the sand dunes.

Land alteration activities associated with the Public Access-Management of Existing Public Use Facilities includes the management and placement of moveable objects within areas that are manicured park spaces and/or constructed artificial hardscapes landward of the sand dunes.

- B. At least a reasonable percentage, not less than one-third, of the subject parcel shall be retained in its naturally vegetated and topographical condition;** There is no new hardscape or permanent structures proposed within the jurisdictional areas. (how are we to know)
- C. The proposed project is designed according to applicable hurricane-resistant standards;** Jonathan Roberts, Engineer (Ga License No. 034205), has submitted a certification that the project meets all applicable hurricane standards.
- D. The activities associated with the construction of the proposed project are kept to a minimum, are temporary in nature, and, upon project completion, restore the natural topography and vegetation to at least its former condition, using the best available technology;** All activities

associated with components of the Beach Stewardship General Permit will be designed by JIA and reviewed by Coastal Resources Division (CRD) staff to insure individual projects are kept to a minimum and are temporary in nature to insure the goals of the authorization are met and compliant.

E. The proposed project will maintain the normal functions of the sand-sharing mechanisms in minimizing storm-wave damage and erosion, both to the unaltered section of the subject parcel and at other shoreline locations; The purpose and goal of the proposed Beach Stewardship General Permit is to provide a management tool to JIA in order to assist in facilitating a more efficient and effective positive management of the dynamic, sensitive, and valuable beachfront-shoreline on Jekyll Island.

(2) No permits shall be issued for a structure on beaches, eroding sand dunes areas, and submerged lands; provided, however, that a permit for a pier, boardwalk, or crosswalk in such an area may be issued, provided that:

A. The activities associated with the construction of the proposed land alterations are kept to a minimum, are temporary in nature, and, upon project completion, the natural topography and vegetation shall be restored to at least their former condition, using the best available technology; The Public Access-Access Maintenance component of the proposal includes the maintenance of existing, permitted dune crossovers, the use of fencing on landward side of the sand dunes to control pedestrian access, and the use of nonstructural components such as Mobi-Mats to provide more consistent and reliable access through and over the sand dunes. The use of mechanized equipment will only be used when reasonable and justified.

B. The proposed project maintains the normal functions of the sand-sharing mechanisms in minimizing storm-wave damage and erosion, both to the unaltered section of the subject parcel and at other shoreline locations; JIA and CRD staff will review site specific projects to insure projects meet the intent, purpose, and goals. Such review will include an evaluation to insure individual projects do not have a negative impact to the subject parcel and surrounding areas.

Public Interest Considerations, O.C.G.A. § 12-5-239(i):

16. In passing upon application for a permit, the Committee shall consider the public interest:

A. The project will not result in unreasonably harmful, increased alteration of the dynamic dune field or submerged lands, or function of the sand-sharing system; The proposed Beach Stewardship General Permit will not unreasonably alter the function of the sand-sharing system. The proposal includes some minor land alterations to the existing dynamic dune field. Applicable and appropriate BMP's will be followed and all decisions will be made by JIA, and reviewed by CRD staff, with the goal of keeping the function of the sand sharing system intact while still providing public access and promoting habitat enhancement and restoration.

B. The project will not unreasonably interfere with the conservation of marine life, wildlife, or other resources; The proposed Beach Stewardship General Permit will not unreasonably interfere with the conservation of marine life,

wildlife or other resources. Applicable and appropriate BMP's will be followed and all decisions will be made by JIA, and reviewed by CRD staff, with the goal of enhancing habitat opportunities and diversity.

- C. The project will not unreasonably interfere with reasonable access by and recreational use and enjoyment of public properties.** The proposed Beach Stewardship General Permit will not unreasonably interfere with reasonable access by and recreational use and enjoyment of public properties. All projects would be on non-leased, public land managed by JIA. Applicable and appropriate BMP's will be followed and all decisions will be made by JIA, and reviewed by CRD staff, with the goal of providing reliable, consistent, and reasonable public access.

RECOMMENDATIONS: Should the Committee determine the proposed project to be in the public interest, Department Staff to the Committee recommends the following standard and special conditions:

SHORE PROTECTION ACT O.C.G.A. § 12-5-230
STANDARD PERMIT CONDITIONS

1. The project must comply, as applicable, for areas permitted herein, with all other Federal, State, and local statutes, ordinances, and regulations, and the applicant must obtain all licenses and permits prior to commencement of construction.
2. This permit does not resolve actual or potential disputes regarding ownership of or rights in or over the property upon which the subject project is proposed, and shall not be construed as recognizing or denying any such rights or interests.
3. All plans, documents, and materials contained in this permit application, required by the Shore Protection Act O.C.G.A. 12-5-230 *et. seq.* are a part of this permit and conformance to such plans, documents, and materials are a condition of this permit. No change or deviation from these plans, documents, and materials shall be permitted without prior notification and approval by the Department or Committee.
4. No further encroachment or construction shall take place within State jurisdiction, except as permitted by the Shore Protection Committee. Any modification of the plans or structure in the jurisdictional area must be reviewed and approved by the Department prior to construction.
5. ~~A construction placard will be required to be obtained from the Department up to 30 days prior to the start of project construction and must be posted at the site. This placard will include certain steps in the construction of the permitted project that must be approved by the Department prior to construction.~~
6. The exact location and configuration of this project must be reviewed onsite and approved by Department staff immediately prior to beginning construction. Minor changes to the location may be allowed or required in areas that have eroded or accreted subsequent to the original jurisdictional determination.
7. No construction materials may be disposed of in the jurisdictional area of the Shore Protection Act.
8. Any incidental impacts associated with the construction of this project must be rectified by restoring areas to their pre-construction topographic and vegetative states.

9. The public shall maintain rights of ingress and egress on the foreshore beach area seaward of the ordinary high water mark.
10. If the permitted improvements are damaged, fall into disrepair, become dilapidated, are not meeting their expected usefulness, or are not maintained at a serviceable level, then it is the responsibility of the owner to remove the improvements. A new permit will be required to retain and repair the structure, improvement or asset if it loses its structural integrity and is no longer serviceable.
11. The Shore Protection Committee is not bound in the future to protect any asset or improvements authorized by the permit.
- ~~12. The permit must be posted onsite within twenty-four (24) hours of beginning construction.~~
13. A copy of the above conditions must be supplied to the person in charge of construction.

SPECIAL CONDITIONS

1. The permittee shall provide CRD staff with the specific location, drawings, project scope and a statement of justification for review and approval within 15 business days prior to conducting any activities under the Beach Stewardship General Permit.
2. All plans submitted by Permittee for CRD review under the Beach Stewardship General Permit shall include project BMPs to minimize impacts in the Shore Protection Act jurisdiction. All approved projects under the Beach Stewardship General Permit must adhere to the stated BMPs.
3. All sand fencing to be located in and seaward of the sand dunes shall be designed and installed in accordance to the GADNR Sand Fencing Guidelines.
4. Sand collected or removed from jurisdiction in relationship to the Localized Sand Management shall not exceed three cubic yards of material within a one-week period. No sand is authorized to be removed seaward of the landward toe of the most landward sand dunes under this permit.
5. Any project that is designed to redistribute sand collected must be small-scale and shall not exceed more than 100 cubic yards of material.
6. No mobi-mat applications beyond (seaward) of the seaward toe of the dune are approved under this permit.
7. JIA staff must maintain a log of all activities considered, requested and executed under the Beach Stewardship General Permit.
8. JIA staff must develop and submit a monitoring plan for activities associated with this permit to CRD staff for review and approval by no later than 90-days following issuance of this Permit. Such plan shall include measurable means to document the success or short comings as it relates to the goals and objectives of this Beach Stewardship General Permit.
9. The activity log referenced in Special Condition #5 above and the findings of the monitoring plan referenced in Special Condition #6 above must be presented to the Shore Protection Committee prior to any modifications or extension of the permit.