



Shore Protection Act Update

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Shore Protection Act (1979-2018)

O.C.G.A. 12-5-230 through 248:

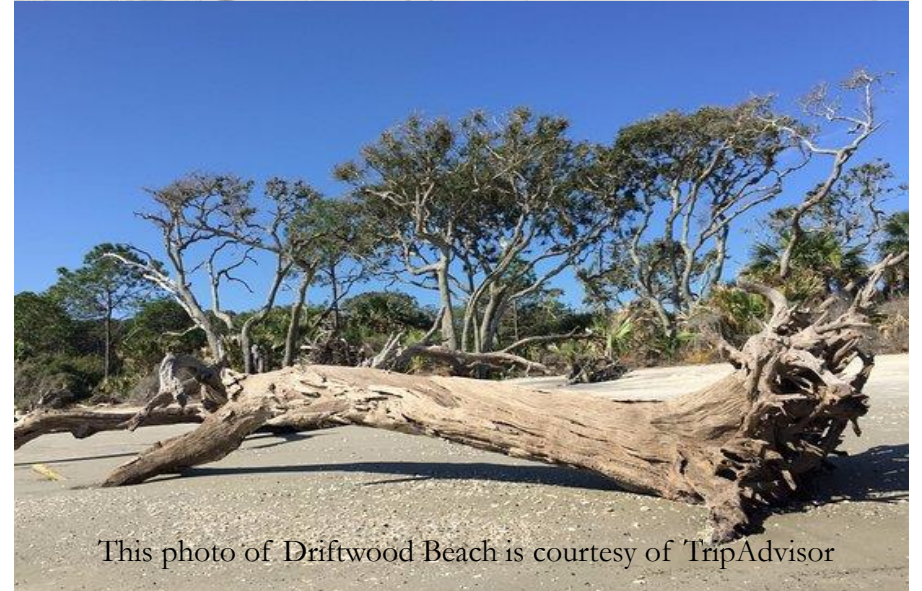
- ❑ General Assembly declared sand dunes, beaches, sandbars, and shoals comprise a “vital natural resource system...”:
 - Buffer from winds, tides, and erosion;
 - Unparalleled natural recreational resource vital to the economy of the entire state;
 - Costly, if not impossible, to reconstruct; and
 - Essential to health, safety, and welfare of citizens.

- ❑ Allows activities and alterations:
 - In the best interest of the state;
 - Do not substantially impair the values and functions of the sand-sharing system.



Shore Protection Act Jurisdiction (Original)

- ❑ Based on the landward boundary of the “dynamic dune field:”
- ❑ First occurrence of live, native trees 20 feet in height or greater, or
- ❑ A structure existing on July 1, 1979.
 - Jurisdictional points were no more than 250 feet apart and also took into consideration site characteristics such as:
 - Topography
 - Dune stability
 - Vegetation
 - Lot configuration
 - Existing structures
 - Distance from the OHWM
 - Other relevant information



This photo of Driftwood Beach is courtesy of TripAdvisor

Changing the Law

❑ 2012-2014 General Assembly

- DNR agency legislation
- House Bill 402
- House and Senate approved changes for LOPs

❑ 2016-2018 General Assembly

- DNR agency legislation
- House Bill 271 as drafted by DNR
- Passed House unanimously
- Stalled in Senate Committee

❑ 2019 General Assembly

- Sponsored by Rep. Hogan (Glynn Co.)
- House Bill 445 - included new exemptions
- Passed House and Senate without exemptions



Shore Protection Act: HB 445 Highlights

- ❑ Redefines “dynamic dune field”:
 - ❑ Does not include stable sand dunes
 - ❑ Landward boundary of the jurisdictional area changed to first occurrence of:
 - Seaward portion of a structure existing July 1, 1979, or
 - 25 feet landward of most landward sand dune, or
 - 25 feet landward from the crest of a functional shoreline stabilization feature (e.g., rock revetment, bulkhead, or seawall), or
 - A distance landward from the ordinary high water mark:
 - 25 feet on non-State lands, or
 - 100 feet on State-owned lands
- ❑ Redefines “stable sand dune” as a dune *not* within the sand sharing system.



Shore Protection Act: HB 445 Highlights



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- ❑ Adds a “minor activity” category of permit:
 - Construction of decks, patios, porches, or native landscaping that impacts less than 1/3 of jurisdictional area
 - Elevated crosswalks to access the beach
 - Allows for public comment periods commensurate with the complexity of the project, but not less than 15 days
- ❑ Set maximum fees for permit renewals
- ❑ Allowed current and new property owners to transfer permits
- ❑ General housekeeping measures to replace archaic/obsolete terms
- ❑ Became effective December 31, 2019





Thank you

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