

Appendix I

THE GEORGIA COASTAL MANAGEMENT ACT

**APPENDIX I:
THE GEORGIA COASTAL MANAGEMENT ACT**

**OFFICIAL CODE OF GEORGIA ANNOTATED
VOLUME 10, TITLE 12: CONSERVATION AND NATURAL RESOURCES
CHAPTER 5: WATER RESOURCES,
ARTICLE 4: COASTAL WATERS, BEACHES, SAND DUNES, ETC.
PART 6: GEORGIA COASTAL MANAGEMENT ACT**

12-5-320. Short title.

This part shall be known and may be cited as the "Georgia Coastal Management Act."

12-5-321. Legislative purpose.

The General Assembly finds and declares that the coastal area of Georgia comprises a vital natural resource system. The General Assembly recognizes that the coastal area of Georgia is the habitat of many species of marine life and wildlife which must have clean waters and suitable habitat to survive. The General Assembly further finds that intensive research has revealed that activities affecting the coastal area may degrade water quality or damage coastal resources if not properly planned and managed. The General Assembly further finds that the coastal area provides a natural recreation resource which has become vitally linked to the economy of Georgia's coast and to that of the entire state. The General Assembly further finds that resources within this coastal area are costly, if not impossible, to reconstruct or rehabilitate once adversely affected by human related activities and it is important to conserve these resources for the present and future use and enjoyment of all citizens and visitors to this state. The General Assembly further finds that the coastal area is a vital area of the state and that it is essential to maintain the health, safety, and welfare of all the citizens of the state. Therefore, the General Assembly declares that the management of the coastal area has more than local significance, is of equal importance to all citizens of the state, is of state-wide concern, and consequently is properly a matter for coordinated regulation under the police power of the state. The General Assembly further finds and declares that activities and structures in the coastal area must be regulated to ensure that the values and functions of coastal waters and natural habitats are not impaired and to fulfill the responsibilities of each generation as public trustees of the coastal waters and habitats for succeeding generations.

12-5-322. Definitions.

As used in this part, the term:

(1) "Activity" or "activities" means an action or actions which will have reasonably foreseeable effects upon land use, water use, or natural resources of the coastal area.

(2) "Board" means the Board of Natural Resources.

(3) "Certification of consistency" means a certification made by a person in connection with an application for a federally administered permit to conduct an activity or activities as defined in this Code section. Such certification of consistency shall be based on determination of the activity's compliance with the policies of the Georgia coastal management program. Only those activities requiring a federally administered permit will require such certification of consistency.

(4) "Coastal area" or "coastal zone" means all tidally influenced waters and submerged land seaward to the state's jurisdictional limits and all lands, submerged lands, waters, and other resources within the counties of Brantley, Bryan, Camden, Charlton, Chatham, Effingham, Glynn, Long, Liberty, McIntosh, and Wayne.

(5) "Department" means the Department of Natural Resources.

(6) "Determination of consistency" means a determination made by a federal agency proposing an activity or activities as defined in this Code section. Such determination of consistency shall be based on a determination of the activity's effects upon the coastal area. Only those activities proposed to be undertaken by a federal agency will be subject to a determination of consistency.

(7) "Federal agency" means the United States government and all its departments, boards, bureaus, commissions, and wholly owned corporations owned by the federal government.

(8) "Federally administered permit" means only those permits, licenses, or approvals required by federal law or regulation and issued by an agency of the federal government.

(9) "Georgia coastal management program" means a compilation of policies to guide the public and private uses of land and waters within the coastal area administered by the department in consultation with the state agencies and local governments of the coastal area and approved by the Secretary of Commerce in accordance with the requirements of the federal Coastal Zone Management Act of 1972, as amended, 16 U.S.C. Sections 1451 and following.

(10) "Local government" means a county, as defined by Code Section 36-1-1, or an incorporated municipality, as defined by Code Section 36-40-21, or any combination thereof, which has been authorized by an Act of the General Assembly, any of which has within its jurisdiction any coastal area.

(11) "Person" means any individual, partnership, corporation, municipal corporation, local government, association, state agency, or public or private authority.

(12) "Policy" or "policies" of the Georgia coastal management program means the enforceable provisions of present or future applicable statutes of this state or regulations duly promulgated thereunder.

(13) "State agency" means this state and all its departments, boards, authorities, bureaus, and commissions.

(14) "State permit" means all those permits, licenses, or approvals, whether required by a federal or state law, which are administered by a state agency.

(15) "Submerged land" means all lands lying or being under tidally influenced waters of the state.

(16) "Tidally influenced waters" means any water where the tide ebbs and floods on a daily basis.

12-5-323. Powers and duties of the Department as to coastal area, generally.

(a) The department shall have the following authority, which shall not be delegated to any other state agency:

(1) To prepare and administer a Georgia coastal management program and to monitor and inform appropriate local, state, and federal agencies concerning enforcement of this part and all rules, regulations, and orders upon which the Georgia coastal management program is based;

(2) To accept, expend, grant, and administer moneys that are available from persons or federal agencies to carry out the provisions of this part;

(3) To conduct public hearings on the Georgia coastal management program or any actions taken under this part;

(4) To concur or object to a certification of consistency filed by a person only in connection with an application for a federally administered permit and to concur or object to a determination of consistency filed by a federal agency in connection with a federal activity based on the policies of the Georgia coastal management program established pursuant to this part; provided, however, that if, prior to completion of review of a federally administered permit or federal activity under this part, the department receives notice of the denial of a state permit necessary for the activity, the department shall object to all certifications of consistency or determinations of consistency relating to the proposed activity filed by such person or federal agency; provided, further, that nothing in this part shall be construed to prevent the department from withdrawing such objection; and

(5) To exercise all incidental powers necessary to carry out the purposes of this part.

12-5-324. Powers of Board as to coastal area generally.

The board shall have the authority to promulgate rules and regulations for the implementation of the Georgia coastal management program in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

12-5-325. Inspection of project areas by officers of Department and conservation rangers.

The department shall, in addition to its other duties prescribed by law, coordinate and cooperate with other state agencies, as necessary, as provided in paragraph (1) of subsection (a) of Code Section 12-5-323, and to make reasonable inspections within the coastal area where activities have been proposed to determine whether the proposed activities are consistent with this part and the policies of the Georgia coastal management program as provided in paragraph (4) of subsection (a) of Code Section 12-5-323.

12-5-326. Other agencies to cooperate; agreements; local governments.

All state agencies shall coordinate and cooperate with the department in the administration of this part. All state agencies exercising regulatory authority or management or planning authority in the coastal area shall administer such authority in conformity with the provisions of this part and shall apply such regulatory authority in a manner consistent with the policies of the Georgia coastal management program. All state agencies and local governments exercising statutory authority in the coastal area are authorized to enter into agreements regarding implementation of the Georgia coastal management program within their legal authority.

12-5-327. Powers of the Governor.

(a) The department shall prepare a document reflecting the Georgia coastal management program for submission to the Governor. The Governor shall have the authority to review and approve

such document. Once approved, the Governor shall have the authority to submit the document reflecting the Georgia coastal management program to the Secretary of Commerce for approval as outlined in the federal Coastal Zone Management Act of 1972, as amended. At any time, the Governor, with the concurrence of the General Assembly, may withdraw the state from participation in the federal Coastal Zone Management Act of 1972 if it is determined that continued participation is not in the best interest of the state.

(b) The department shall make a report every three years of its activities under this part to the Governor and General Assembly. The report shall include a summary of the effectiveness of the program, a survey of user groups, and the department's opinion of the value of Georgia's continued participation in the program. Copies of the report shall be provided to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Chairperson of the House Natural Resources and Environment Committee, the Chairperson of the Senate Natural Resources Committee, and the Board of Natural Resources.

12-5-328. Eleventh Amendment immunity.

Nothing contained in this part shall be construed as a consent to waiver of immunity under the Eleventh Amendment of the United States Constitution or consent for any other state to exercise regulatory jurisdiction within the boundaries of this state.

12-5-329. Repeal of part.

Unless reestablished or continued by the General Assembly, this part shall stand repealed in its entirety on July 1, 2004."

*Ref: State of Georgia Peachnet Internet Site, <http://www.ganet.org/services/>
Downloaded June 15, 1997*

Appendix II

DRAFT DEPARTMENT OF NATURAL RESOURCES RULES TO IMPLEMENT THE GEORGIA COASTAL MANAGEMENT ACT

**APPENDIX II:
DRAFT DEPARTMENT OF NATURAL RESOURCES RULES TO IMPLEMENT THE
GEORGIA COASTAL MANAGEMENT ACT**

Coastal Management Program

Chapter XXX-X-X

-- DISCUSSION DRAFT --

**RULES OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION**

By authority of the Georgia Coastal Management Act, O.C.G.A., Title 12, Chapter 5, Article 4, Rules XXX-XX-X, relating to the Coastal Management Program, is amended by adding Rules to read as follows:

**CHAPTER XXX-XX-X
COASTAL MANAGEMENT PROGRAM**

XXX-X-X.01 Public Notice.

State agencies exercising regulatory authority in the coastal area shall cooperate in administering their regulatory authorities relative to proposed activities that will have reasonably foreseeable effects upon land use, water use, or natural resources of the coastal area. Joint public notices shall be used whenever possible for projects requiring authorization from two or more agencies. The agency issuing the public notice shall include the following statement:

"Notification of Consistency with the Georgia Coastal Management Program: This notice serves as notification of consistency with the policies of the Georgia Coastal Management Program. The activity(s) proposed by this notice complies with all state laws, and rules and regulations cited as policies, as described in the Georgia Coastal Management Program Document. Comments concerning this action should be submitted to the Coastal Resources Division, Georgia Department of Natural Resources, One Conservation Way, Suite 300, Brunswick, GA 31520-8687."

XXX-X-X.02 Revision of Application Form to Include Consistency Statement.

State agencies exercising regulatory authority in the coastal area shall add to their application forms an applicant certification of consistency to read as follows:

"This project is consistent with the policies of the Georgia Coastal Management Program. The activity(s) proposed by this project complies with all state laws, and rules and regulations cited as policies, as described in the Georgia Coastal Management Program Document."

XXX-XX-X.03 Notification of Permit Application and Issuance.

State agencies exercising regulatory authority in the coastal area shall notify the Department of Natural Resources, Coastal Resources Division of the receipt of a request for a license or permit that will have reasonably foreseeable effects upon land use, water use, or natural resources of the coastal area. Upon receipt of such notification, the Coastal Resources Division shall notify any federal agency(s) having regulatory authority for the proposed activity(s).

State agencies exercising regulatory authority in the coastal area shall subsequently notify the Coastal Resources Division upon issuance or denial of the state authority. The Coastal Resources Division shall, upon notification from the state agency(s), notify the relevant federal agency(s) of the state's consistency decision based on the issuance or denial of state authorities. The Coastal Resources Division will not evaluate another state agency's action nor conduct a separate review of a project.

XXX-XX-X.04 No Delays in Permit Evaluation.

There shall be no delay in evaluation of a project by one state agency based on its legislated responsibilities and evaluation criteria while awaiting the evaluation of another state agency. All required state agencies shall conduct their evaluations concurrent with other agencies to minimize delays to the applicant.

XXX-XX-X.05 Interagency Meetings.

State agencies exercising regulatory authority or management or planning authority in the coastal area shall be invited by the Department of Natural Resources, Coastal Resources Division to attend regular interagency meetings to coordinate agency policies and procedures. The Coastal Resources Division shall organize such meetings on a quarterly basis.

In addition to quarterly coordination meetings, the Coastal Resources Division shall organize meetings, at the request of applicants, of all state and federal agencies exercising regulatory authority or management or planning authority in the coastal area. A representative from each agency shall be invited and urged to attend these meetings. The purpose of the meetings is to foster coordination among agencies with respect to specific projects, and is not intended as another public review of the merits of the project.

Authority Ga. L. 1997, p. XXX, as amended; O.C.G.A. 12-5-320 *et seq.*

Appendix III

THE GEORGIA COASTAL MARSHLANDS PROTECTION ACT

**APPENDIX III:
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**OFFICIAL CODE OF GEORGIA ANNOTATED
VOLUME 10, TITLE 12: CONSERVATION AND NATURAL RESOURCES
CHAPTER 5: WATER RESOURCES
ARTICLE 4: COASTAL WATERS, BEACHES, SAND DUNES, ETC.
PART 4: COASTAL MARSHLANDS**

12-5-280. Short title.

This part shall be known and may be cited as the "Coastal Marshlands Protection Act of 1970."

12-5-281. Legislative purpose.

The General Assembly finds and declares that the coastal marshlands of Georgia comprise a vital natural resource system. It is recognized that the estuarine area of Georgia is the habitat of many species of marine life and wildlife and, without the food supplied by the marshlands, such marine life and wildlife cannot survive. The General Assembly further finds that intensive marine research has revealed that the estuarine marshlands of coastal Georgia are among the richest providers of nutrients in the world. Such marshlands provide a nursery for commercially and recreationally important species of shellfish and other wildlife, provide a great buffer against flooding and erosion, and help control and disseminate pollutants. Also, it is found that the coastal marshlands provide a natural recreation resource which has become vitally linked to the economy of Georgia's coastal zone and to that of the entire state. The General Assembly further finds that this coastal marshlands resource system is costly, if not impossible, to reconstruct or rehabilitate once adversely affected by man related activities and is important to conserve for the present and future use and enjoyment of all citizens and visitors to this state. The General Assembly further finds that the coastal marshlands are a vital area of the state and are essential to maintain the health, safety, and welfare of all the citizens of the state. Therefore, the General Assembly declares that the management of the coastal marshlands has more than local significance, is of equal importance to all citizens of the state, is of state-wide concern, and consequently is properly a matter for regulation under the police power of the state. The General Assembly further finds and declares that activities and structures in the coastal marshlands must be regulated to ensure that the values and functions of the coastal marshlands are not impaired and to fulfill the responsibilities of each generation as public trustees of the coastal marshlands for succeeding generations.

12-5-282. Definitions.

As used in this part, the term:

- (1) "Applicant" means any person who files an application under this part.
- (2) "Board" means the Board of Natural Resources.
- (3) "Coastal marshlands" or "marshlands" means any marshland intertidal area, mud flat, tidal water bottom, or salt marsh in the State of Georgia within the estuarine area of the state, whether or not the tidewaters reach the littoral areas through natural or artificial watercourses. "Vegetated marshlands" shall include those areas upon which grow one, but not necessarily all, of the following: salt marsh grass (*Spartina alterniflora*), black needlerush (*Juncus roemerianus*), saltmeadow cordgrass (*Spartina patens*), big cordgrass (*Spartina cynosuroides*), saltgrass (*Distichlis spicata*), coast dropseed (*Sporobolus*

virginicus), bigelow glasswort (Salicornia bigelovii), woody glasswort (Salicornia virginica), saltwort (Batis maritima), sea lavender (Limonium nashii), sea oxeye (Borrchia frutescens), silverling (Baccharis halimifolia), false willow (Baccharis angustifolia), and high-tide bush (Iva frutescens). The occurrence and extent of salt marsh peat at the undisturbed surface shall be deemed to be conclusive evidence of the extent of a salt marsh or a part thereof.

(4) "Commissioner" means the commissioner of natural resources.

(5) "Committee" means the Coastal Marshlands Protection Committee created by this part.

(6) "Eligible person" means any person who is the owner of high land adjoining the state owned marshland or water bottoms, or combination thereof, sought to be leased by said person such that at least 100 percent of the landward boundary of the state owned marshland or water bottom, or combination thereof, sought to be leased is bordered by said adjoining high land.

(7) "Estuarine area" means all tidally influenced waters, marshes, and marshlands lying within a tide-elevation range from 5.6 feet above mean tide level and below.

(8) "Live-aboard" means a floating vessel or other water craft which is moored to a dock, tree, or piling or anchored in the estuarine waters of the state and is utilized as a human or animal abode. Live-aboards include but are not limited to monohulls, multihulls, houseboats, floating homes, and other floating structures which are used for human or animal habitation.

(9) "Minor alteration" means any change in the marshlands which, taken singularly or in combination with other changes, involve less than 0.10 acres. Minor alteration also includes renewal of permits previously issued by the committee.

(10) "Person" means any individual, partnership, corporation, municipal corporation, county, association, or public or private authority, and shall include the State of Georgia, its political subdivisions, and all its departments, boards, bureaus, commissions, or other agencies, unless specifically exempted by this part.

(11) "Political subdivision" means the governing authority of a county or a municipality in which the marshlands to be affected or any part thereof are located.

(12) "Private dock" means a structure built onto or over the marsh and submerged lands which is used for recreational fishing and other recreational activities, is not available to the public, does not have enclosures, and does not create a navigation hazard; provided, however, that a private dock may be covered and screened with wainscotting not higher than three feet and may be equipped with a hoist.

12-5-283. Coastal Marshlands Protection Committee created, members, powers, administrative hearings and review.

(a) There is created the Coastal Marshlands Protection Committee to be composed of three members. The commissioner of natural resources and two persons selected by the board shall be the members of this committee. Both persons selected by the board shall be residents of Camden, Glynn, McIntosh, Liberty, Bryan, or Chatham County. The committee shall issue all orders and shall grant, deny, revoke, and amend all permits and leases provided for by this part. The members of the committee shall be entitled to reimbursement of actual expenses and mileage together with a per diem as set by the board to be paid out of funds appropriated for use by the department.

(b) Any person who is aggrieved or adversely affected by any order or action of the committee shall, upon petition within 30 days after the issuance of such order or the taking of such action, have a right to a hearing before an administrative law judge appointed by the board. The hearing before the

administrative law judge shall be conducted in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," and the rules and regulations adopted by the board pursuant thereto. The decision of the administrative law judge shall constitute the final decision of the board and any party to the hearing, including the committee, shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50.

(c) Persons are "aggrieved or adversely affected" where the challenged action has caused or will cause them injury in fact and where the injury is to an interest within the zone of interests to be protected or regulated by this part. In the event the committee asserts in response to the petition before the administrative law judge that the petitioner is not aggrieved or adversely affected, the administrative law judge shall take evidence and hear arguments on this issue and thereafter make a ruling on this issue before continuing with the hearing. The burden of going forward with evidence on this issue shall rest with the petitioner.

(d) Any permit for minor alteration of the marshlands may be issued by the commissioner based on the recommendations of staff, past committee actions, and the results of public comments. The commissioner may refer the application to the committee to decide on permits for minor alterations that, in his judgment, should receive broader consideration. A committee member may choose to have the full committee decide on permit applications for minor alterations that the member feels should receive broader consideration.

12-5-284. Powers and duties of Department as to coastal marshlands generally.

(a) The department shall have the following authority:

(1) To administer and enforce this part and all rules, regulations, and orders promulgated under this part and to determine jurisdiction under this part;

(2) To accept moneys that are available from persons, government units, and private organizations;

(3) To conduct public hearings and institute and prosecute court actions as may be necessary to enforce compliance with this part and any rules and regulations promulgated hereunder, provided that all such actions shall be in the name of the department; and

(4) To exercise all incidental powers necessary to carry out the purposes of this part.

(b) The foregoing powers and duties may be exercised and performed by the department through such duly authorized agents and employees as it deems necessary and proper.

12-5-285. Powers of Board of Natural Resources as to coastal marshlands generally.

The board shall have power to promulgate rules and regulations for the implementation and enforcement of this part.

12-5-286. Permits to fill, drain, etc. marshlands.

(a) No person shall remove, fill, dredge, drain, or otherwise alter any marshlands or construct or locate any structure on or over marshlands in this state within the estuarine area thereof without first obtaining a permit from the committee or, in the case of minor alteration of marshlands, the commissioner. A permit may authorize the construction or maintenance of the project proposed in an application. After

construction pursuant to a permit, a project may be maintained without a permit so long as it does not further alter the natural topography or vegetation at the project site.

(b) Each application for such permit shall be properly executed and filed with the department on forms prescribed by the department and shall include:

- (1) The name and address of the applicant;
- (2) A plan or drawing showing the applicant's proposal and the manner or method by which such proposal shall be accomplished. Such plan shall identify the coastal marshlands affected;
- (3) A plat of the area in which the proposed work will take place;
- (4) A copy of the deed or other instrument under which the applicant claims title to the property or, if the applicant is not the owner, then a copy of the deed or other instrument under which the owner claims title together with written permission from the owner to carry out the project on his land. In lieu of a deed or other instrument referred to in this paragraph, the committee may accept some other reasonable evidence of ownership of the property in question or other lawful authority to make use of the property. The committee will not adjudicate title disputes concerning the property which is the subject of the application; provided, however, that the committee may decline to process an application when submitted documents show conflicting deeds;
- (5) A list of all adjoining landowners together with such owners' addresses, provided that if the names or addresses of adjoining landowners cannot be determined, the applicant shall file in lieu thereof a sworn affidavit that a diligent search, including, without limitation, a search of the records of the county tax assessor's office, has been made but that the applicant was not able to ascertain the names or addresses, as the case may be, of adjoining landowners;
- (6) A letter from the local governing authority of the political subdivision in which the property is located, stating that the applicant's proposal is not violative of any zoning law;
- (7) A nonrefundable application fee to be set by the board in an amount necessary to defray the administrative cost of issuing such permit. Renewal fees shall be equal to application fees, which shall not exceed \$1,000.00 for any one proposal and shall be paid to the department;
- (8) A description from the applicant of alternative sites and why they are not feasible and a discussion of why the permit should be granted;
- (9) A statement from the applicant that he has made inquiry to the appropriate authorities that the proposed project is not over a landfill or hazardous waste site and that the site is otherwise suitable for the proposed project;
- (10) A copy of the water quality certification issued by the department if required for the proposed project;
- (11) Certification by the applicant of adherence to soil and erosion control responsibilities if required for the proposed project; and
- (12) Such additional information as is required by the committee to properly evaluate the application.

(c) A copy of each application for a permit shall be delivered to each member of the committee at least seven days prior to any meeting of the committee.

(d) The department, after receipt of an application, shall notify in writing all adjoining landowners that the application has been received. Such notice shall indicate the use the applicant proposes to make of the property. Should the applicant indicate that any adjoining landowner is unknown or that the address of such landowner is unknown, then the department shall, after receipt of a completed application, cause a notice of the proposed activity and a brief description of the affected land to be published in the legal organ of or a newspaper of general circulation in the county or counties in which such land lies. Cost of such publication shall be paid by the applicant. Should the property to be affected by the applicant be bordered on any side or on more than one side by other property of the applicant, the applicant shall supply the names and addresses of the nearest landowners whose land borders on his land. If the names or addresses, or both, of the nearest landowners cannot be ascertained, the applicant shall supply a sworn statement of diligent search as provided in this Code section. The landowners named by the applicant shall be notified either directly or by advertisement as provided in this Code section. The department may also make inquiry to adjoining landowners to ascertain whether or not there is objection to issuance of a permit.

(e) The committee shall provide notice of applications by either public notice distributed jointly with the United States Army Corps of Engineers or public notice distributed by the committee. In no instance shall a public notice be issued for less than seven days prior to the meeting at which the committee reviews the subject of the public notice. Public notices shall be distributed to all persons who have requested to be placed on the mailing list. Such request shall be made in writing and shall be renewed in December of each year. Failure to renew the request shall result in the removal of such name from the mailing list.

(f) Whenever there appears to be sufficient public interest, the committee may call a public hearing.

(g) In passing upon the application for permit, the committee shall consider the public interest, which, for purposes of this part, shall be deemed to be the following considerations:

(1) Whether or not unreasonably harmful obstruction to or alteration of the natural flow of navigational water within the affected area will arise as a result of the proposal;

(2) Whether or not unreasonably harmful or increased erosion, shoaling of channels, or stagnant areas of water will be created; and

(3) Whether or not the granting of a permit and the completion of the applicant's proposal will unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, clams, or other marine life, wildlife, or other resources, including but not limited to water and oxygen supply.

(h) It is the responsibility of the applicant to demonstrate to the committee that the proposed alteration is not contrary to the public interest and that no feasible alternative sites exist. If the committee finds that the application is not contrary to the public interest and no feasible alternative sites exist, as specified in this subsection, it shall issue to the applicant a permit. Such permit may be conditioned upon the applicant's amending the proposal to take whatever measures are necessary to protect the public interest.

(i) The committee shall act upon an application for a permit within 90 days after the application is complete; provided, however, that this provision may be waived upon the written request of the applicant. An application must be complete sufficiently in advance of the committee meeting at which the project will be considered to allow for public notice and evaluation by the department. An application is complete when it contains substantially all of the written information, documents, forms, fees, and materials required by this part.

(j) In the event a majority of the members of the committee determine that a permit should be denied, the application for permit shall be denied. Any applicant who is aggrieved or adversely affected thereby shall have the right to appeal as provided in Code Section 12-5-283.

(k) Should a majority of the members of the committee agree that a permit should be conditional, the permit shall be issued on such conditions as a majority of the committee directs. Any applicant who is aggrieved or adversely affected thereby shall have the right to appeal as provided in Code Section 12-5-283.

(l) Every permit shall require that the proposed project be completed within five years after the date of the issuance of the permit and such permit shall expire five years after the date of issuance. Such time may be extended an additional five years upon showing that all due efforts and diligence toward the completion of the work have been made. Any permit may be revoked by the committee for noncompliance with or for violation of its terms after written notice of intention to do so has been furnished to the holder thereof.

(m) A permit to alter marshlands that has been granted by the committee becomes final immediately upon issuance, but no construction or alteration may commence until the expiration of 30 days following the date of the committee meeting at which the application is approved; provided, however, that if a timely appeal is filed, no construction or alteration may commence until all administrative and judicial proceedings are terminated.

(n) Issuance of a permit under this part and construction of the permitted project shall not remove the designated property from the jurisdiction of this part. All changes in permitted uses which increase impacts to any land subject to the provisions of this part must be assessed by the committee to determine if the proposed change is consistent with this part and the permit. Each permitted alteration of marshlands shall be reviewed by the department on a five-year basis, or when noncompliance with the purpose for which the permit was issued is evident, to determine if the use of the marshland is consistent with the intent of this part. If the permit holder is found not to be in compliance with this part, the committee shall take action as authorized under Code Section 12-5-291.

(o) All plans, documents, and materials contained in any application for any permit required by this part shall be made a part of the permit, if granted, and conformance to such plans, documents, and materials shall be a condition of the permit. No change or deviation from any such plans, documents, or materials shall be permitted without the prior notification and approval of the committee.

(p) The permittee shall notify the department of completion of a project within 30 days of completion.

(q) If, prior to completion of review of an application under this part, the committee receives notice of the denial of a permit or authorization necessary for the project, review of the project shall be suspended and, if the denial becomes final, the application shall stand denied.

(r) If an area has both marshlands as defined in Code Section 12-5-282 and dynamic dune fields as defined in Code Section 12-5-232, it shall be subject to the jurisdiction of both such parts. In the event of a conflict between this part and Part 2 of this article, the commissioner shall determine which part shall apply so as to best protect the public interest.

12-5-287. Leasing of state owned marshland or water bottoms.

(a) The committee, acting for and on behalf of and in the name of the state, is further authorized and empowered to grant and convey to any eligible person a lease of state owned marshland or water bottoms, or a combination thereof, upon such terms and conditions as the committee deems

advisable for the purpose of constructing, operating, and maintaining thereupon a marina or marinas or dock providing more than 500 linear feet of dock space, including the installing, maintaining, repairing, removing, and replacing of buildings, structures, piers, docks, floating docks, marine railways, dolphins, pilings, appurtenances thereto, and all facilities and improvements that shall be reasonably used for or in connection therewith, subject always to the initial and continuing compliance by the lessee with all applicable laws pertaining to the use of the leased property and subject always to the use and enjoyment of the public of any navigable waters upon or over the leased property. The applicant for any such lease shall inform the committee of the total linear footage of dock space proposed, but the final decision as to the total dock space available to moor boats shall be in the sound discretion of the committee.

(b) Upon application by any interested person for a lease pursuant to this Code section, the committee shall determine whether or not the applicant is an eligible person. The committee must also determine whether or not the applicant has sufficient lands properly to service the area to be leased. If the committee determines that the applicant is an eligible person and that sufficient lands exist to service the marina or dock, then the committee is authorized to grant and convey to the applicant a lease of the state owned marshland or water bottoms, or a combination thereof, described in the application without the necessity of public bid.

(c) The application for the lease shall be in writing and shall contain a request for a lease of the state owned property described therein. Such application shall include all of the information required for a permit under this part. The entire application must be in a form acceptable to the committee.

(d) Each lease granted under this Code section shall be upon such provisions, requirements, and conditions as the committee shall make and shall, except as provided in subsections (g) and (h) of this Code section, provide for a primary term of not more than ten years. Each lease, except as provided in subsections (g) and (h) of this Code section, shall require the payment of an annual rental fee set by the committee which shall be not less than the fair market rental value of the state owned marshland or water bottoms leased thereby and may provide for two renewal terms, each of which shall not be for a term of more than equal duration to the primary term. Rental fees shall be paid in one installment to the department not later than July 15 of each year. A penalty of 10 percent of the annual rental shall be assessed for late payment. Failure to pay rental by August 1 of the year due shall result in the cancellation of the lease.

(e) Each lease granted under this Code section shall protect the interest of owners of marshland and high land adjoining the high land of the lessee upon which the lessee's eligibility for lease was based to a right of access to the state owned marshland or water bottoms adjoining the state owned marshland or water bottoms leased to the applicant; provided, however, said owners of adjoining high land may assign their rights in writing in favor of the applicant and such written assignment may be used to determine the percentage of landward boundary required for eligibility to lease the state owned marshland and water bottoms described in the application.

(f) If the eligible person desires the ability to transfer or convey ownership interests in the leasehold to individuals purchasing or leasing on a long-term basis the slips of the marina or marinas, each lease granted under this Code section shall require the formation of a condominium pursuant to Code Section 44-3-72.

(g) Upon application of any eligible person who either is the owner of a marina in existence on March 1, 1989, or holds a permit subsequently granted by the committee under this part on an application for a permit filed with the committee prior to March 1, 1989, the committee shall grant to that eligible person a lease of the state owned marshland or water bottoms upon which such marina is actually located for a term of 20 years beginning March 1, 1989, with a nominal rental of \$1.00 per year; provided, however, that any extensions of the dock space or expansion of the area of state owned marshland or water bottoms actually used in conjunction with the marina shall be subject to the provisions of subsection (d) of this Code section; and provided, further, that any such application made on or after January 1, 1999, shall be subject to the provisions of subsection (d) of this Code section.

(h) Upon application of any eligible person who is either a nonprofit corporation, a nonprofit organization, or a public entity, the committee may grant a lease of state owned marshland or water bottoms for the construction and operation of a marina as a community or public dock. Each lease granted under this subsection shall be for a term of ten years from the date of its execution with a nominal rental of \$1.00 for the entire term.

(i) The department shall make an annual report of its activities each calendar year to the General Assembly. The report shall include a summary of all applications received and leases granted, including length of terms, rentals, and locations. Copies of the annual report shall be provided to the director of the State Properties Commission, the chairperson of the House Natural Resources and Environment Committee, the chairperson of the House Committee on State Institutions and Property, the chairperson of the Senate Natural Resources Committee, and the chairperson of the Senate Committee on State and Local Governmental Operations.

(j) The committee may place such terms, limitations, restrictions, and conditions in such leases as are deemed necessary to ensure that the utilization of the property is in the public interest. Leased areas shall be deemed to be areas where resources are managed by the state and lessee for the protection of wildlife and other natural resources.

(k) The committee may designate staff of the department to act on its behalf to evaluate, enforce, and execute leases issued under this part.

(l) A lease granted under this part shall be issued only to applicants who agree not to discriminate against any person on the basis of race, gender, color, national origin, religion, or disability. Discrimination by lessee may be punished by termination of the lease, by injunction, or by any other legal remedy available to the committee.

12-5-288. Guidelines for alteration of marshlands.

(a) If the project is not water related or dependent on waterfront access or can be satisfied by the use of an alternative nonmarshland site or by use of existing public facilities, a permit usually should not be granted pursuant to Code Section 12-5-286.

(b) The amount of marshlands to be altered must be minimum in size. The following activities and structures are normally considered to be contrary to the public interest when located in coastal marshlands but the final decision as to whether any activity or structure is considered to be in the public interest shall be in the sound discretion of the committee:

- (1) Filling of marshlands for residential, commercial, and industrial uses;
- (2) Filling of marshlands for private parking lots and private roadways;
- (3) Construction of dump sites and depositing of any waste materials or dredge spoil;
- (4) Dredging of canals or ditches for the purpose of draining coastal marshlands;
- (5) Mining;
- (6) Construction of lagoons or impoundments for waste treatment, cooling, agriculture, or aquaculture which would occupy or damage coastal marshlands or life forms therein;
- (7) Construction of structures which constitute an obstruction of view to adjoining riparian landowners, including signs and enclosures; and

(8) Occupying a live-aboard for more than 30 days during any calendar year; provided, however, that the commissioner may grant extensions of time beyond 30 days to persons making a request in writing stating the reasons for such extension. Owners of docks where live-aboards are moored as well as owners and occupants of live-aboards are responsible under this part.

12-5-289. Inspection of marshlands by officers of department and conservation rangers.

The department, through its officers, staff, and conservation rangers, shall, in addition to its other duties prescribed by law, make reasonable inspections of the marshlands to ascertain whether the requirements of this part and the rules, regulations, and permits promulgated or issued under this part are being faithfully complied with.

12-5-290. Jurisdiction of superior court to grant injunctive relief.

The superior court of the county in which land or any part thereof lies or in which jurisdiction is appropriate shall have jurisdiction to restrain a violation of this part at the action of any person.

12-5-291. Enforcement of part.

(a) In order to enforce this part or any orders issued under this part or any rules and regulations promulgated under this part, any one or any combination of any or all of the following methods may be employed:

(1) Whenever any person not exempted from this part by Code Section 12-5-295 is altering the marshlands without a permit, altering the marshlands in violation of the terms and conditions of a permit, or violating this part in any other manner, the committee may, prior to any hearing, issue a cease and desist order or other appropriate order to such person; provided, however, that the issuance of such order shall not affect the availability of relief under paragraph (4) of this subsection. Any such order becomes final unless the person named therein requests in writing a hearing before a hearing officer appointed by the board no later than ten days after the issuance of such order. Review of such order shall be available as provided in subsection (b) of Code Section 12-5-283;

(2) Whenever, after a hearing is held in accordance with Code Section 12-5-283 and Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," at the request of the committee, for the imposition of civil penalties, the administrative law judge determines that any person has failed, neglected, or refused to comply with any provision of this part or any order of the committee or administrative law judge, the administrative law judge may issue an order imposing a civil penalty not to exceed \$10,000.00 for such violation and an additional civil penalty not to exceed \$10,000.00 for each day during which such violation continues. All penalties and interest recovered as provided in this Code section, together with the cost thereof, shall be paid into the state treasury to the credit of the general fund

(3) The committee may file in the superior court in the county in which the person under order resides or in the county in which the violation occurred or, if the person is a corporation, in the county in which the corporation maintains its principal place of business a certified copy of the final order of the committee or administrative law judge, unappealed from, or of a final order of the administrative law judge affirmed upon appeal; whereupon the court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect, and all proceedings in relation thereof shall thereafter be the same, as though such judgment has been rendered in an action duly heard and determined by the court;

(4) Whenever the committee, either before or after a hearing, determines that any person is or has been violating any of the provisions of this part or any orders issued under this part or any rules and regulations promulgated under this part, the committee may file a petition for injunction in the proper superior court of this state against such person for the purpose of enjoining such actions or, if appropriate, may make application for a writ of mandamus in the proper superior court of this state against such person for the purpose of compelling the proper performance of his official duty. It shall not be necessary for the committee to allege or prove that it has no adequate remedy at law; and

(5) The superior court, upon finding that any person is or has been violating any of the provisions of this part or any orders issued under this part or any rules and regulations promulgated under this part, may order the person to restore, as nearly as possible, all marshland to the condition existing prior to the alteration of the marshland.

(b) Owners of property with knowledge of unauthorized activities occurring thereon are responsible under this part.

12-5-292. Posting of permit, etc.

A copy of every permit issued to an applicant shall be prominently displayed within the area of proposed activity. If the committee deems it advisable, the applicant may be required to cause a sign to be erected bearing the permit number, date of issuance, name of applicant, and such other information as the committee may reasonably require. The committee may specify the type of sign to be erected and may designate, within reasonable dimensions, the size of the sign.

12-5-293. Effect on permit of conveyance, etc., of land.

If a permit holder sells, leases, rents, or otherwise conveys the land or any portion thereof for which the permit was issued, and if the permittee has notified the department within 30 days of such transfer or conveyance, such permit shall be continued in force in favor of the new owner, lessee, tenant, or other assignee so long as there is no change in the use of the land as set forth in the original application.

12-5-294. Effect of emergency on operation of part.

In the event of an emergency, whether created by act of God or by actions of domestic or foreign enemies, or in circumstances where grave peril to human life or welfare exists, the committee shall issue an order reciting the existence of such an emergency and requiring or allowing that such action be taken as it deems necessary to meet the emergency. Notwithstanding any other provisions of this part to the contrary, such order shall be effective immediately. If an order requiring a person to take action is issued pursuant to this Code section, such person shall be entitled to a hearing within ten days of the date of issuance of the order.

12-5-295. Applicability of part.

This part shall not apply to the following:

(1) Activities of the Department of Transportation incident to constructing, repairing, and maintaining a public road system in Georgia;

(2) Activities of the Department of Transportation and political subdivisions in maintaining existing drainage systems and ditches as long as such activities do not impact additional marshlands;

(3) Agencies of the United States charged by law with the responsibility of keeping the rivers and harbors of this state open for navigation, and agencies of this state charged by existing law with the responsibility of keeping the rivers and harbors of this state open for navigation including areas for utilization for spoilage designated by such agencies;

(4) Activities of public utility companies regulated by the Public Service Commission incident to constructing, erecting, repairing, and maintaining utility lines for the transmission of gas, electricity, or telephone messages;

(5) Activities of companies regulated by the Public Service Commission incident to constructing, erecting, repairing, and maintaining railroad lines and bridges;

(6) Activities of political subdivisions incident to constructing, repairing, and maintaining pipelines that have been approved by the department or appropriate authority for the transport of drinking water and sewage;

(7) The building of private docks on pilings, the walkways of which are above the marsh grass not obstructing tidal flow, by the owners of detached single-family residences located on high land adjoining such docks; or

(8) The reclamation of manmade boat slips as a part of any publicly funded construction project and ancillary development projects including, without limitation, hotels, restaurants, retail facilities, and recreational facilities, whether public or private, within any industrial areas continued in existence pursuant to Article XI, Section I, Paragraph IV, subparagraph (d) of the Constitution which are wholly contained on an island.

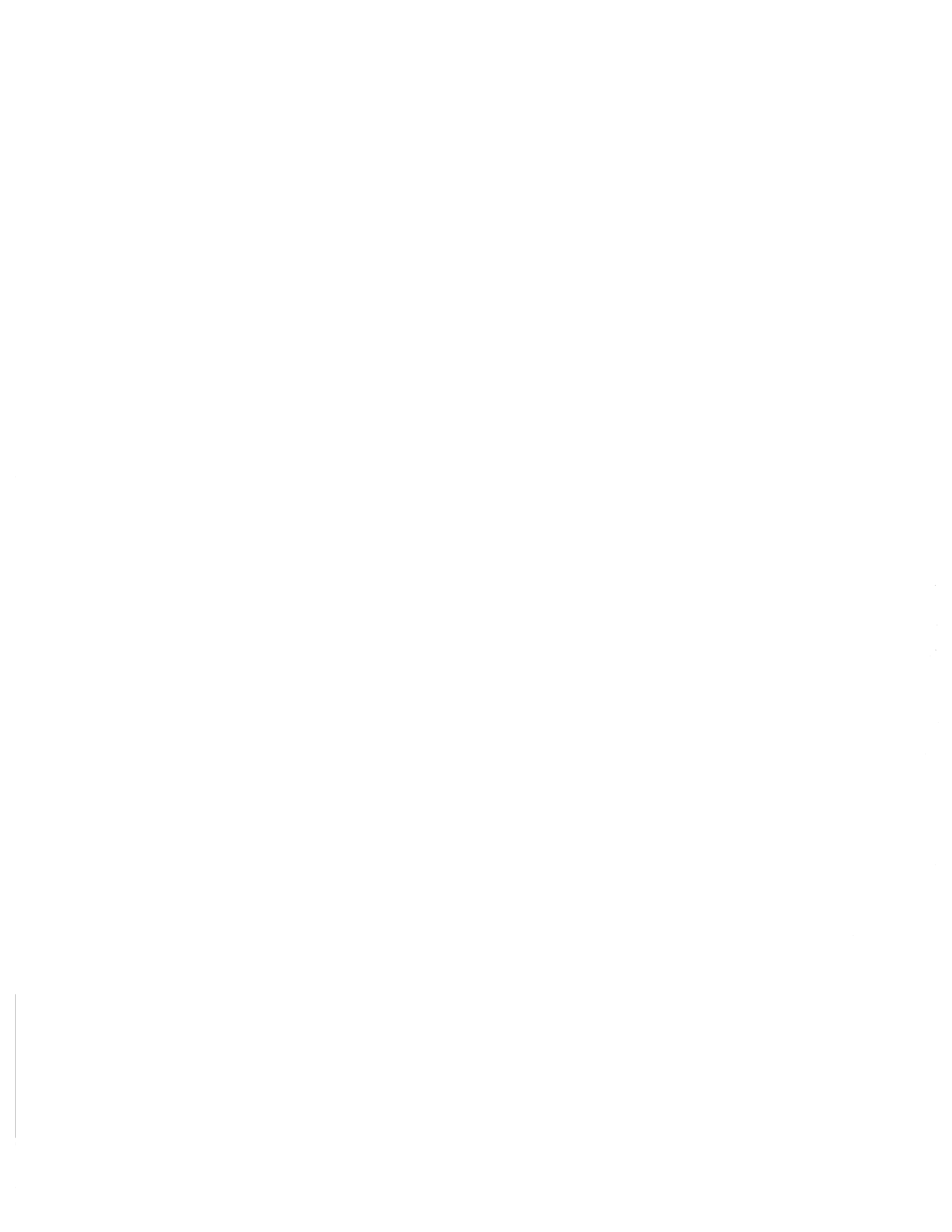
12-5-296. Penalty.

Any person violating any of the provisions of this part shall be guilty of a misdemeanor.

12-5-297. Civil liability.

Any person who causes or permits any removal, filling, dredging, or draining or other alteration of marshlands in this state within the estuarine area thereof without first obtaining a permit from the committee shall be liable in damages to the state and any political subdivision thereof for any and all actual or projected costs, expenses, and injuries occasioned by such alteration of the marshlands. The amount of damages assessed pursuant to this Code section shall include, but shall not be limited to, any actual or projected costs and expenses incurred by the state or any political subdivision thereof in restoring as nearly as possible the natural movement of the waters in the marshlands and replacing the vegetation and aquatic life destroyed by any alteration of marshlands. Damages to the state shall be recoverable in a civil action instituted by the department and shall be paid to the department to cover the cost of restoration. Damages to a political subdivision shall be recoverable in a civil action instituted by said subdivision.

*Ref: State of Georgia Peachnet Internet Site, <http://www.ganet.org/services/>
Downloaded June 15, 1997*



Appendix IV

THE GEORGIA SHORE PROTECTION ACT

**APPENDIX IV:
THE GEORGIA SHORE PROTECTION ACT**

**OFFICIAL CODE OF GEORGIA ANNOTATED
VOLUME 10, TITLE 12: CONSERVATION AND NATURAL RESOURCES
CHAPTER 5: WATER RESOURCES,
ARTICLE 4: COASTAL WATERS, BEACHES, SAND DUNES, ETC.
PART 2: ENGINEERING, CONSTRUCTION, ETC. ALONG SHORELINE**

12-5-230. Short title.

This part shall be known and may be cited as the "Shore Protection Act."

12-5-231. Legislative purpose.

The General Assembly finds and declares that coastal sand dunes, beaches, sandbars, and shoals comprise a vital natural resource system, known as the sand-sharing system, which acts as a buffer to protect real and personal property and natural resources from the damaging effects of floods, winds, tides, and erosion. It is recognized that the coastal sand dunes are the most inland portion of the sand-sharing system and that because the dunes are the fragile product of shoreline evolution, they are easily disturbed by actions harming their vegetation or inhibiting their natural development. The General Assembly further finds that offshore sandbars and shoals are the system's first line of defense against the potentially destructive energy generated by winds, tides, and storms, and help to protect the onshore segment of the system by acting as reservoirs of sand for the beaches. Removal of sand from these bars and shoals can interrupt natural sand flows and can have unintended, undesirable, and irreparable effects on the entire sand-sharing system, particularly when the historical patterns of sand and water flows are not considered and accommodated. Also, it is found that ocean beaches provide an unparalleled natural recreation resource which has become vitally linked to the economy of Georgia's coastal zone and to that of the entire state. The General Assembly further finds that this natural resource system is costly, if not impossible, to reconstruct or rehabilitate once adversely affected by man related activities and is important to conserve for the present and future use and enjoyment of all citizens and visitors to this state and that the sand-sharing system is an integral part of Georgia's barrier islands, providing great protection to the state's marshlands and estuaries. The General Assembly further finds that this sand-sharing system is a vital area of the state and is essential to maintain the health, safety, and welfare of all the citizens of the state. Therefore, the General Assembly declares that the management of the sand-sharing system has more than local significance, is of equal importance to all citizens of the state, is of state-wide concern, and consequently is properly a matter for regulation under the police power of the state. The General Assembly further finds and declares that activities and structures on offshore sandbars and shoals, for all purposes except federal navigational activities, must be regulated to ensure that the values and functions of the sand-sharing system are not impaired. It is declared to be a policy of this state and the intent of this part to protect this vital natural resource system by allowing only activities and alterations of the sand dunes and beaches which are considered to be in the best interest of the state and which do not substantially impair the values and functions of the sand-sharing system and by authorizing the local units of government of the State of Georgia to regulate activities and alterations of the ocean sand dunes and beaches and recognizing that, if the local units of government fail to carry out the policies expressed in this part, it is essential that the department undertake such regulation.

12-5-232. Definitions.

As used in this part, the term:

- (1) "Applicant" means any person who files an application for a permit under this part.
- (2) "Bare sand surface" means an area of nearly level unconsolidated sand landward of the ordinary high-water mark which does not contain sufficient indigenous vegetation to maintain its stability.
- (3) "Barrier islands" means the following islands: Daufuskie, Tybee, Little Tybee, Petit Chou, Williamson, Wassaw, Ossabaw, St. Catherines, Blackbeard, Sapelo, Cabretta, Wolf, Egg, Little St. Simons, Sea, St. Simons, Jekyll, Little Cumberland, Cumberland, Amelia, and any ocean-facing island which is formed in the future and which has multiple ridges of sand, gravel, or mud built on the seashore by waves and currents; ridges generally parallel to the shore; and areas of vegetation.
- (4) "Beach" means a zone of unconsolidated material that extends landward from the ordinary low-water mark to the line of permanent vegetation.
- (5) "Board" means the Board of Natural Resources.
- (6) "Boardwalk" or "crosswalk" means a nonhabitable structure, usually made of wood and without a paved or poured surface of any kind, whose primary purpose is to provide access to or use of the beach, while maintaining the stability of any sand dunes it traverses.
- (7) "Committee" means the Shore Protection Committee.
- (8) "Dynamic dune field" means the dynamic area of beach and sand dunes, varying in height and width, the ocean boundary of which extends to the ordinary high-water mark and the landward boundary of which is the first occurrence either of live native trees 20 feet in height or greater or of a structure existing on July 1, 1979. The landward boundary of the dynamic dune field shall be the seaward most line connecting any such tree or structure as set forth in this part to any other such tree or structure if the distance between the two is a reasonable distance not to exceed 250 feet. In determining what is a reasonable distance for purposes of this paragraph, topography, dune stability, vegetation, lot configuration, existing structures, distance from the ordinary high-water mark, and other relevant information shall be taken into consideration in order to conserve the vital functions of the sand-sharing system. If a real estate appraiser certified pursuant to Chapter 39A of Title 43 determines that an existing structure, shoreline engineering activity, or other alteration which forms part of the landward boundary of the dynamic dune field has been more than 80 percent destroyed by storm driven water or erosion, the landward boundary of the dynamic dune field shall be determined as though such structure had not been in existence on July 1, 1979.
- (9) "Erosion" means the wearing away of land whereby materials are removed from the sand dunes, beaches, and shore face by natural processes, including, but not limited to, wave action, tidal currents, littoral currents, and wind.
- (10) "Local unit of government" means a county, as defined by Code Section 36-1-1, or an incorporated municipality, as defined by Code Section 36-40-21, or any combination thereof which has been authorized by an Act of the General Assembly, any of which has within its jurisdiction any sand dune or beach.

(11) "Ordinary high-water mark" means the position along the shore of the mean monthly spring high tide reached during the most recent tidal epoch. This term is not synonymous with "mean" high-water mark.

(12) "Ordinary low-water mark" means the position along the shore of the mean monthly spring low tide reached during the most recent tidal epoch. This term is not synonymous with "mean" low-water mark.

(13) "Permit-issuing authority" means the Shore Protection Committee or a local unit of government which has adopted a program of shore protection which meets the standards of this part and which has been certified by the board as an approved program.

(14) "Person" means any association, individual, partnership, corporation, public or private authority, or local unit of government, and shall include the State of Georgia and all its departments, boards, bureaus, commissions, authorities, any other government agencies or instrumentalities, and any other legal entity.

(15) "Sand dunes" means mounds of sand deposited along a coastline by wind action, which mounds are often covered with sparse, pioneer vegetation and are located landward of the ordinary high-water mark and may extend into the tree line.

(16) "Sand-sharing system" means an interdependent sediment system composed of sand dunes, beaches, and offshore bars and shoals.

(17) "Shoreline engineering activity" means an activity which encompasses any artificial method of altering the natural topography or vegetation of the sand dunes, beaches, bars, submerged shoreline lands, and other components of the sand-sharing system. This includes, but is not limited to, such activities as:

(A) Grading, clearing vegetation, excavating earth, or landscaping, where such activities are for purposes other than erection of a structure;

(B) Artificial dune construction;

(C) Beach restoration or renourishment;

(D) Erosion control activities, including, but not limited to, the construction and maintenance of groins and jetties;

(E) Shoreline stabilization activities, including, but not limited to, the construction and maintenance of seawalls and riprap protection; and

(F) The construction and maintenance of pipelines and piers.

(18) "Stable sand dune" means a sand dune that is maintained in a steady state of neither erosion nor accretion by indigenous vegetative cover.

(19) "Structure" means an institutional, residential, commercial, or industrial building.

(20) "Submerged shoreline lands" means the intertidal and submerged lands from the ordinary high-water mark seaward to the limit of the state's jurisdiction in the Atlantic Ocean.

(21) "Tidal epoch" means the variations in the major tide-producing forces that result from changes in the moon's phase, declination of the earth, distance of the moon from the earth,

and regression of the moon's modes, and which go through one complete cycle in approximately 19 years.

12-5-233. Area of operation of part.

The area of operation of this part shall be:

- (1) The dynamic dune fields on the barrier islands of this state as determined by reference to Code Section 12-5-232. Such determination shall be made by the permit-issuing authority on the basis of site inspection and evaluation of other pertinent information as provided for in subsection (d) of Code Section 12-5-239;
- (2) The submerged shoreline lands of this state from the seaward limit of this state's jurisdiction landward to the dynamic dune fields or to a line projected from the westernmost point of the dynamic dune field on the southern end of a barrier island, to the westernmost point of the dynamic dune field on the northern end of the adjacent barrier island to the south; and
- (3) If an area has dynamic dune fields as defined by Code Section 12-5-232, and marshlands as defined by Code Section 12-5-282, it is subject to the jurisdiction of this part and Part 4 of this article. In the event of a conflict between this part and Part 4 of this article, the commissioner shall determine which part shall apply so as to best protect the public interest.

12-5-234. Powers and duties of the Department as to coastal shoreland generally.

- (a) The department shall have the following authority:
 - (1) To administer and enforce this part and all rules, regulations, and orders issued pursuant to this part;
 - (2) To accept moneys from persons, government units, and private organizations;
 - (3) To conduct public hearings and to institute and to prosecute court actions as may be necessary to enforce compliance with this part and any rules and regulations promulgated pursuant to this part; provided, however, that all such actions shall be in the name of the department;
 - (4) To make reasonable inspections of the lands within jurisdiction of this part to ascertain whether the requirements of this part and the rules, regulations, and permits promulgated or issued pursuant to this part are faithfully complied with; and
 - (5) To exercise all incidental powers necessary to carry out the purposes of this part.
- (b) The foregoing powers and duties may be exercised and performed by the department through such duly authorized agents and employees as it deems necessary and proper.

12-5-235. Creation of Shore Protection Committee; members; powers of committee generally.

- (a) There is created the Shore Protection Committee within the department. The committee shall be composed of three members, the commissioner of natural resources and two people selected by the board. A person selected by the board shall be a resident of one of the following counties: Camden, Glynn, McIntosh, Liberty, Bryan, or Chatham. The members of the committee shall be entitled to and shall

be reimbursed from moneys appropriated to the department for their expenses, such as mileage and per diem, as set by the board.

(b) The committee, in the absence of an approved local shore protection program as provided by this part, shall act as permit-issuing authority and shall have the authority to issue orders and to grant, suspend, revoke, modify, extend, condition, or deny permits as provided in this part. Permits may, at the committee's discretion, be revoked, suspended, or modified upon a finding that the permittee is not in compliance with permit conditions or that the permittee is in violation of any rule or regulation promulgated pursuant to this part.

(c) The chairman of the committee, upon application by the permittee, may issue renewal of a permit previously granted by the committee. Such action must be based upon recommendations of staff, past committee actions, and the results of public comments. The chairman may refer the request for renewal to the committee to decide on renewals that, in his judgment, should receive broader consideration. A committee member may choose to have the full committee decide on renewals that the member feels should receive broader consideration.

12-5-236. Adoption and promulgation by board of rules and regulations.

The board shall have the power to promulgate rules and regulations for the implementation and enforcement of this part consistent with the purpose of this part.

12-5-237. Requirements as to permits for persons engaged in shoreline engineering activity, etc., generally.

(a) No person shall construct or erect any structure or construct, erect, conduct, or engage in any shoreline engineering activity or engage in any land alteration which alters the natural topography or vegetation of any area within the jurisdiction of this part, except in accordance with the terms and conditions of a permit therefor issued in accordance with this part. A permit may authorize the construction or maintenance of the project proposed in an application. After construction of a project pursuant to a permit, the project may be maintained without a permit so long as it does not further alter the natural topography or vegetation of the site or increase the size or scope of the project.

(b) No permit shall be required for a structure, shoreline engineering activity, or land alteration which exists as of July 1, 1979, provided that a permit must be obtained for any modification which will have a greater adverse effect on the sand-sharing system or for any addition to or extension of such shoreline engineering activity, structure, or land alteration; provided, further, that, if any structure, shoreline engineering activity, or land alteration is more than 80 percent destroyed by wind, water, or erosion as determined by an appraisal of the fair market value by a real estate appraiser certified pursuant to Chapter 39A of Title 43, a permit is required for reconstruction.

12-5-238. Contents of permit application.

All applications for permits required by this part must be on forms prescribed by the permit-issuing authority, must be properly executed, and must include the following:

- (1) The name and address of the applicant;
- (2) A brief description of the proposed project;

- (3) Construction documents showing the applicant's proposed project and the manner or method by which the project shall be accomplished. Such document shall identify the dynamic dune field affected;
- (4) A copy of the deed or other instrument under which the applicant claims title to the property or, if the applicant is not the owner, a copy of the deed or other instrument under which the owner claims the title together with written permission from the owner to carry out the project on his land. In lieu of a deed or other instrument referred to in this paragraph, the permit-issuing authority may accept some other reasonable evidence of ownership of the property in question or other lawful authority to make use of the property. If all or any part of the proposed construction or alteration shall take place on property which is owned by the State of Georgia, the applicant shall present an easement, revocable license, or other written permission from the state to use the property for the proposed project; in the alternative, the permit-issuing authority may condition the issuance of the permit on the requirement to obtain written permission from the state. The permit-issuing authority will not adjudicate title disputes concerning the property which is the subject of the application; provided, however, that the permit-issuing authority may decline to process an application when submitted documents show conflicting deeds;
- (5) A plat showing the boundaries of the proposed project site;
- (6) The names and addresses of all landowners of property adjoining or abutting the parcel of land on which the proposed project is to be located. If the property to be altered is bordered on any side by other property of the applicant, the applicant shall supply the names and addresses of the nearest landowners, other than the applicant, of property adjoining the applicant's property. If the applicant cannot determine the identity of adjoining landowners or their addresses, the applicant shall file in lieu thereof an affidavit stating that a diligent search, including a search of the records of the county tax assessor's office, has been made but that the applicant was not able to ascertain the names or addresses of adjoining landowners;
- (7) An application fee in such reasonable amount as is designated by the permit-issuing authority or, if the committee is the permit-issuing authority, a nonrefundable application fee as set by the board which reflects the cost to the department to evaluate the application. Fees for the renewal of a permit shall be equal to the application fee. Application fees shall not exceed \$1,000.00 for any one proposal. If the committee is the permit-issuing authority, such fees shall be paid to the department;
- (8) Site plans for the proposed project site showing existing and proposed streets, utilities, buildings, and any other physical structures;
- (9) A certification by a registered architect or engineer licensed by this state certifying that all proposed structures, if any, for which the permit is applied are designed to meet suitable hurricane-resistant standards;
- (10) Any and all other relevant data required by the permit-issuing authority for the purposes of ascertaining that the proposed improvements, activities, and uses will meet the standards of this part;
- (11) A certificate or letter from the local governing authority or authorities of the political subdivision in which the property is located stating that the applicant's proposal is not violative of any zoning law; and
- (12) A statement from the applicant that he has made inquiry to the appropriate authorities that the proposed project is not over a landfill or hazardous waste site and that the site is otherwise suitable for the proposed project.

12-5-239. Permit issuance.

(a) The permit-issuing authority shall take action on each permit application within 90 days after the application is completed; provided, however, that this provision may be waived upon the written request of the applicant. An application is complete when it contains substantially all of the written information, documents, forms, fees, and materials required by this part. An application must be completed sufficiently in advance of the permit-issuing authority meeting at which the project will be considered to allow for public notice and evaluation by the permit-issuing authority.

(b) After receipt of a completed application and at least 30 days prior to acting on the application, the permit-issuing authority shall notify all persons identified by the applicant as owning land adjacent to the location of the proposed project and to all persons who have filed a written request with such permit-issuing authority that their names be placed on a mailing list for receipt of such notice. Any person desiring to be placed on such mailing list must so request in writing and renew such request in December of each year. The name of any person who has not renewed such request shall be removed from the list. The landowners who have not requested to be placed on a mailing list shall be notified in writing if their addresses are known. Such notice shall be in writing and shall include a general description of the proposed project and its location. The applicant shall post such notice in a conspicuous place on the subject property at or prior to the time the permit-issuing authority issues public notice of the application. If the applicant has filed an affidavit that the names or addresses of the adjoining landowners were not ascertained after a diligent search, the permit-issuing authority shall cause a notice of the proposed activity and a brief description of the land to be affected to be published in the legal organ or a newspaper of general circulation in the county in which such land lies. Cost of such public notices shall be paid by the applicant. Whenever there appears to be sufficient public interest, the permit-issuing authority may call a public hearing.

(c) 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;

(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;

(C) The proposed project is designed according to applicable hurricane-resistant 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; and

(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;

(2) No permits shall be issued for a structure on beaches, eroding sand dune 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; and
- (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;
- (3) A permit for shoreline engineering activity or for a land alteration on beaches, sand dunes, and submerged lands may be issued only when:
- (A) The activities associated with the construction of the proposed project are to be temporary in nature, and the completed project will result in complete restoration of any beaches, dunes, or shoreline areas altered as a result of that activity;
- (B) The proposed project will insofar as possible minimize effects to the sand-sharing mechanisms from storm-wave damage and erosion both to the subject parcel and at other shoreline locations;
- (C) In the event that shoreline stabilization is necessary, either low-sloping porous rock structures or other techniques which maximize the dissipation of wave energy and minimize shoreline erosion shall be used. Permits may be granted for shoreline stabilization activities when the applicant has demonstrated that no reasonable or viable alternative exists; provided, however, that beach restoration and renourishment techniques are preferable to the construction of shoreline stabilization activities; and
- (D) A copy of the permit application has been transmitted to the local unit of government wherein the project site lies, if such local unit of government has been certified by the board, requesting comments on such application.
- (d) In evaluating a permit application in order to determine compliance with the provisions set forth in subsection (c) of this Code section, the permit-issuing authority may use the following assessment tools and techniques, as appropriate and as available:
- (1) Historic photographs and topographic data of the project site, which can be used in determining the impact of a proposed project on the stability of the shoreline;
- (2) On-site inspections to determine the impact of a proposed project on topographic and vegetative conditions, erosion or accretion rates, and other factors influencing the life cycles of dune plants;
- (3) Any recognized or accepted scientific investigations necessary to determine the proposed project's impacts on the surrounding biological and geological systems, and the historic and archeological resources;
- (4) When present, the potential effects of shoreline engineering structures (seawalls, groins, jetties, etc.), their condition, and their apparent influence on the sand-sharing system as it relates to the proposed project;
- (5) Historic, climatological, tidal data, and meteorological records of the vicinity of the project and possible potential effects of a proposed project upon erosion and accretion rates; and
- (6) New scientific information which, through recent advances, would effect a more competent decision relative to wise use and management of Georgia's sand-sharing system.

(e) Every permit shall require that the proposed project be completed within five years after the date of issuance of the permit and shall expire five years after the date of issuance. Such time may be extended five additional years upon a showing that all due efforts and diligence toward the completion of the project have been made. If a permit holder sells, leases, rents, or otherwise conveys the land or any portion of the land for which the permit was issued, such permit shall be continued in force in favor of the new owner, lessee, tenant, or other assignee so long as there is no change in the use of the land as set forth in the original application. The permittee must notify the permit-issuing authority within 30 days after change of ownership of property.

(f) All plans, documents, and materials contained in any application for any permit required by this part shall be made a part of the permit, if granted, and conformance to such plans, documents, and materials shall be a condition of the permit. No change or deviation from any such plans, documents, or materials shall be permitted without the prior notification and approval of the permit-issuing authority.

(g) Compliance with all other federal, state, and local statutes, ordinances, and regulations shall also be a condition of every permit issued pursuant to this part. If, prior to completion of review of an application under this part the committee receives notice of the denial of a permit or authorization necessary for the project, review of the project shall be suspended and, if the denial becomes final, the application shall stand denied.

(h) All permit-issuing authorities may place such conditions on any permit issued under this Code section as are necessary to carry out this part.

(i) In passing upon the application for a permit, the permit-issuing authority shall consider the public interest which for purposes of this part shall be deemed to be the following considerations:

(1) Whether or not unreasonably harmful, increased alteration of the dynamic dune field or submerged lands, or function of the sand-sharing system will be created;

(2) Whether or not the granting of a permit and the completion of the applicant's proposal will unreasonably interfere with the conservation of marine life, wildlife, or other resources; and

(3) Whether or not the granting of a permit and the completion of the applicant's proposal will unreasonably interfere with reasonable access by and recreational use and enjoyment of public properties impacted by the project.

(j) Issuance of a permit under this part and construction of the permitted project shall not remove the designated property from the jurisdiction of this part. All changes in permitted uses which increase impacts to any land subject to the provisions of this part must be ruled upon by the permit-issuing authority to determine if the proposed change is consistent with this part and the permit. Each permitted alteration within the area of operation of this part shall be reviewed by the permit-issuing authority on a five-year basis or when noncompliance with the purpose for which the permit was issued is evident to determine if the use within the area of operation of this part is consistent with the intent of this part. If the permit holder is found not to be in compliance with this part, the permit-issuing authority shall take action as authorized under Code Section 12-5-247.

(k) (1) A permit granted by the permit-issuing authority becomes final immediately upon issuance, but no construction or alteration may commence until the expiration of 30 days following the date of the permit-issuing authority meeting at which the application is approved, except as otherwise provided in paragraph (2) of this subsection; provided, however, that if a timely appeal is filed, no construction or alteration may commence until all administrative proceedings are terminated except as otherwise provided in paragraph (2) of this subsection.

(2) If the permit-issuing authority, either at the request of the applicant or on its own motion, finds that an emergency exists in any particular geographic area or in regard to any particular permit issued by the permit-issuing authority, the permit-issuing authority is authorized to allow a permittee to commence immediately or to continue the construction or alteration authorized by the permit. The permit-issuing authority in determining an emergency shall base its determination on imminent peril to the public health, safety, or welfare or a grave danger to life, real property, structures, or shoreline engineering activities. If the permit-issuing authority makes such a finding of an emergency, the permittee may commence immediately or continue the construction or alteration authorized by the permit, but such construction or alteration is undertaken at the risk to the permittee of an administrative or judicial order requiring the sand dunes, beaches, and submerged lands to be returned to their condition prior to such construction or alteration.

(l) When work has been completed in accordance with provisions of a permit, the permittee shall so notify the permit-issuing authority in writing within 30 days of such completion.

12-5-240. Posting of permit.

A copy of every permit issued to an applicant shall be prominently displayed within the area of proposed activity. If the permit-issuing authority deems it advisable, the applicant may be required to cause a sign to be erected bearing the permit number, date of issuance, name of applicant, and such other information as the permit-issuing authority may reasonably require. The permit-issuing authority may specify the type of and, within reasonable dimensions, the size of the sign.

12-5-241. Local shore protection programs.

(a) If a local unit of government has enacted ordinances which meet or exceed the standards, requirements, and provisions of this part, and which are enforceable by such local unit of government, the board may certify such local unit of government as a permit-issuing authority. In areas in which a local shore protection program has been certified by the board, the local unit of government shall have all permitting authority described in this part, except for shoreline engineering activities and activities proposed to occur in whole or in part on submerged shoreline lands or on other state owned lands. The committee shall exercise exclusive permitting authority for shoreline engineering activities and activities proposed to occur in whole or in part on submerged shoreline lands. Local units of government are authorized to enact ordinances meeting or exceeding the requirements of this part.

(b) The board shall periodically review the actions of local units of government which have approved local shore protection programs and may revoke its certification of such programs if it determines that such ordinances are not being sufficiently enforced to carry out the intent of this part.

(c) In all areas of the state within the areas of operation of this part where no local shore protection program has been certified by the board or where such certification has been revoked by the board, the provisions of this part shall be carried out by the committee.

(d) From appropriations of the General Assembly made to the department for such purposes, the department shall be authorized to provide state grants to local units of government for any one or more of the following purposes:

- (1) Construction and maintenance of boardwalks;
- (2) Dune stabilization programs;
- (3) Beach restoration and renourishment;

- (4) Public purchase of rights of way to beaches; and
- (5) Construction or removal of shoreline engineering activities.

12-5-242. Assistance by Department to local governments in developing ordinances.

The department shall provide technical assistance to any local unit of government which requests such assistance in order to develop an ordinance meeting the requirements of this part. The department shall also develop a model ordinance which may be used by such local units of government.

12-5-243. Effect of part on power of local governments to adopt more restrictive ordinances.

Nothing in this part shall be construed as prohibiting a local unit of government from adopting ordinances more restrictive in regard to activity on sand dunes and beaches than the standards set forth in this part.

12-5-244. Administrative and judicial review.

(a) Any person who is aggrieved or adversely affected by any order or action of the committee shall, upon petition within 30 days after the issuance of such order or taking of such action, have a right to a hearing before an administrative law judge appointed by the board. The hearing before the administrative law judge shall be conducted in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," and the rules and regulations adopted by the board pursuant thereto. The decision of the administrative law judge shall constitute the final decision of the board and any party to the hearing, including the committee, shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50.

(b) Where a local unit of government has, pursuant to this part, granted, suspended, modified, extended, conditioned, or denied a permit, any person aggrieved or adversely affected by such action shall be afforded a right to administrative and judicial review of such action.

(c) Persons are "aggrieved or adversely affected" where the challenged action has caused or will cause them injury in fact and where the injury is to an interest within the zone of interests to be protected or regulated by this part. In the event the committee or local unit of government, as appropriate, asserts in response to the petition before the administrative law judge that the petitioner is not aggrieved or adversely affected, the administrative law judge shall take evidence and hear arguments on this issue and thereafter make a ruling on this issue before continuing with the hearing. The burden of going forward with evidence on this issue shall rest with the petitioner.

12-5-245. Injunctive relief.

Any activity in violation of this part or of any ordinance or regulation adopted pursuant to this part shall be a public nuisance; and such activity may be enjoined or abated by an action filed in the appropriate superior court by the Attorney General on behalf of the department, by any local unit of government affected, or by any person. Upon showing of any activity in violation of this part or of any ordinance or regulation adopted pursuant to this part, a temporary restraining order, a permanent or temporary injunction, or other order shall be granted without the necessity of showing lack of an adequate remedy at law and irreparable injury. The relief granted by the court in an action filed pursuant to this Code section may include, but shall not be limited to, an order requiring the sand dunes, beaches, and submerged lands to be returned to their condition prior to such violation.

12-5-246. Jurisdiction of superior court.

The superior court of the county in which the land or any part thereof is located or in which jurisdiction is otherwise proper shall have jurisdiction to restrain a violation of this part at the action of any person.

12-5-247. Enforcement of part; civil penalty.

(a) If the department determines that any person is violating any provision of this part or any rule or regulation adopted pursuant to this part or the terms and conditions of any permit issued under this part, and such violation is in an area where the committee is the permit-issuing authority, the department may employ any one, or any combination of any or all, of the enforcement methods specified in paragraphs (1) through (4) of this subsection:

(1) The department may issue an administrative order specifying the provision of this part or the rule, or both, alleged to have been violated and require the person so ordered to cease and desist from such activity and to take corrective action within a reasonable period of time as prescribed in the order; provided, however, that the issuance of such order shall not affect the availability of relief under Code Section 12-5-244. Such corrective action may include, but shall not be limited to, requiring that the sand dunes, beaches, and submerged lands be returned to their condition prior to the violation of this part or a rule adopted pursuant to this part. Any such order shall become final unless the person named therein requests in writing a hearing before a hearing officer appointed by the board no later than ten days after the issuance of such order. Review of such order shall be available as provided in subsection (a) of Code Section 12-5-244;

(2) Whenever the committee finds that an emergency exists requiring immediate action to protect the public or private interest where the public interest is served, it may issue an order reciting the existence of such an emergency and requiring or allowing that such action be taken as it deems necessary to meet the emergency. Notwithstanding any other provision of this part, such order shall be effective immediately. If an order requiring a person to take action is issued pursuant to this paragraph, such person shall be entitled to a hearing within ten days of the date of issuance of the order. Any person who is aggrieved or adversely affected by an emergency order of the committee, upon petition within ten days after issuance of such order, shall have a right to a hearing before an administrative law judge appointed by the board. The committee shall hold a meeting no sooner than 30 days after the issuance of an emergency order to review such order to determine whether the order has been complied with, whether the order should continue in force, and any possible effects of such order on the sand-sharing system;

(3) The committee may file in the appropriate superior court a certified copy of an unappealed final order of the administrative law judge or of a final order of the administrative law judge affirmed upon appeal or other orders of the committee, whereupon the court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect, and all proceedings in relation thereof shall thereafter be the same, as though such judgment has been rendered in an action duly heard and determined by the court; and

(4) The department may seek injunctive relief pursuant to Code Section 12-5-245.

(b) Any person who violates any provision of this part or any rule or regulation adopted under this part, any permit issued under this part, or final or emergency order of the department shall be subject to a civil penalty not to exceed \$10,000.00 for each act of violation. Each day of continued violation shall subject said person to a separate civil penalty. An administrative law judge appointed by the board after a hearing conducted in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," shall determine whether or not any person has violated any provision of this part, any rule or regulation

adopted under this part, any permit, or any final or emergency order of the department or permit-issuing authority and shall upon proper finding issue an order imposing such civil penalties as provided in this subsection. Review of such order shall be available as provided in subsection (a) of Code Section 12-5-244. All civil penalties recovered by the department as provided in this subsection shall be paid into the state treasury to the credit of the general fund.

(c) Any person who causes or permits any removal, filling, or other alteration of the dynamic dune field or submerged lands in this state without first obtaining a permit from the permit-issuing authority shall be liable in damages to the state and any political subdivision of the state for any and all actual or projected costs and expenses and injuries occasioned by such alteration of the dynamic dune field or submerged lands. The amount of damages assessed pursuant to this Code section shall include, but shall not be limited to, any actual or projected costs and expenses incurred or to be incurred by the state or any political subdivision thereof in restoring as nearly as possible the natural topography of the sand-sharing system and replacing the vegetation destroyed by any alteration of the dynamic dune field or submerged lands. Damages to the state shall be recoverable in a civil action instituted by the department and shall be paid to the department to cover cost of restoration. Damages to a political subdivision shall be recoverable in a civil action instituted by said subdivision.

(d) Owners of property with knowledge of unauthorized activities occurring thereon are responsible under this part.

12-5-248. Operation of motorized vehicles, sail boats.

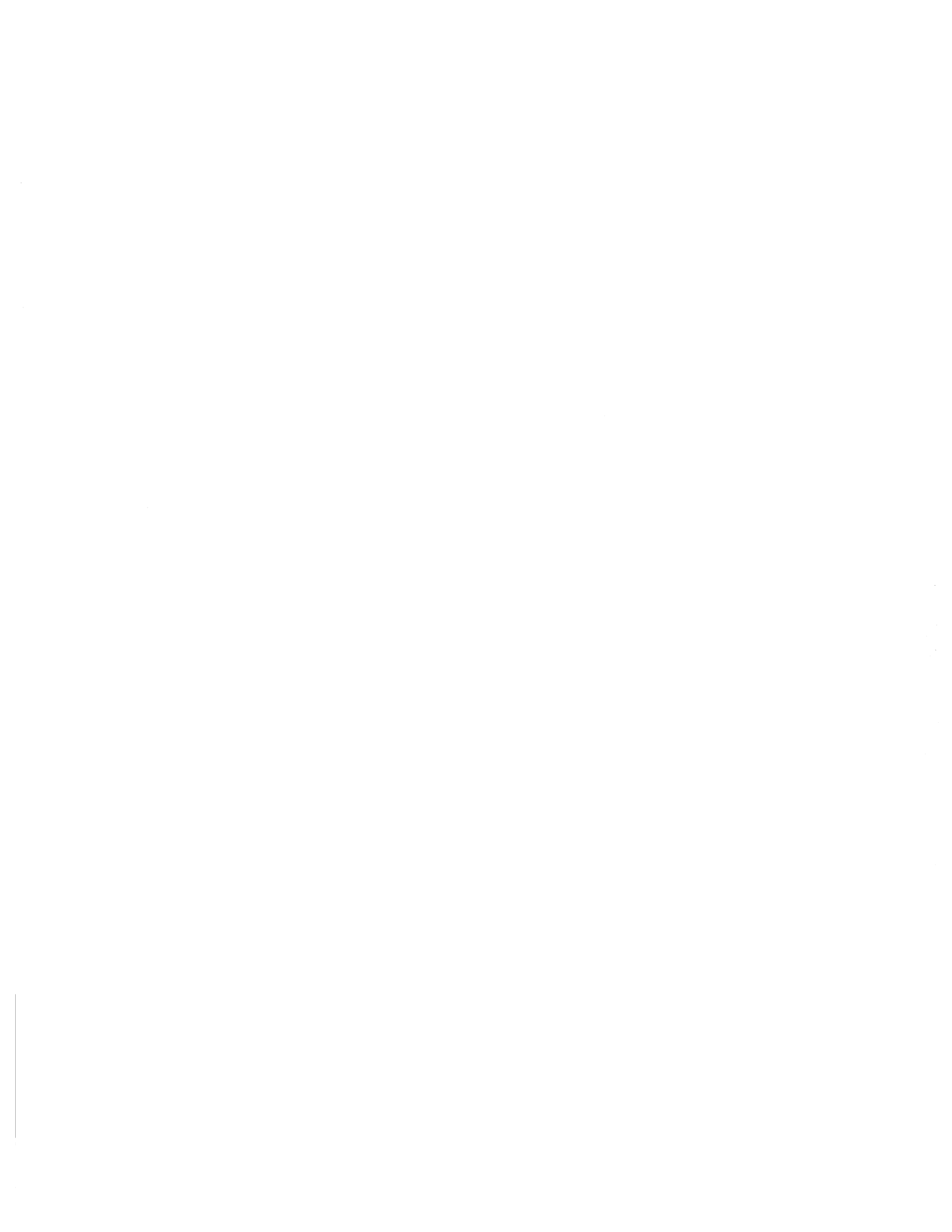
(a) It shall be unlawful for any person to:

(1) Operate any motorized vehicle or other motorized machine on, over, or across the dynamic dune field or beaches except as authorized by the permit-issuing authority, except that individual disability vehicles, emergency vehicles, and governmental vehicles utilized for beach maintenance or research may operate within the dynamic dune field and beaches without authorization from the permit-issuing authority as long as those vehicles operate across existing cross-overs, paths, or drives; or

(2) Store or park sailboats, catamarans, or other commercial or recreational marine craft in any dynamic dune field.

(b) Any person violating the provisions of subsection (a) of this Code section shall be guilty of a misdemeanor.

*Ref: State of Georgia Peachnet Internet Site, <http://www.ganet.org/services/>
Downloaded June 15, 1997*



Appendix V

MEMORANDUM OF AGREEMENT BETWEEN THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION AND THE GEORGIA COASTAL RESOURCES DIVISION

MEMORANDUM OF AGREEMENT

between

GEORGIA DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION

and

GEORGIA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

This memorandum constitutes an agreement between the Coastal Resources Division and the Environmental Protection Division of the Georgia Department of Natural Resources concerning implementation of a program to balance economic development in Georgia's coastal area with preservation of natural, environmental, historic, archeological, and recreational resources for the benefit of Georgia's present and future generations. This agreement is based upon each Division's statutory and regulatory authorities and commitment to appropriate planned development and conservation of Georgia's coastal resources.

The Georgia Department of Natural Resources has been designated by the Georgia General Assembly as the lead Department to prepare and administer the State's Coastal Management Program (O.C.G.A. 12-5-323). Within the Department of Natural Resources, the Coastal Resources Division is responsible for coastal management issues, including preparing and administering a comprehensive coastal management program for the eleven-county coastal area of Georgia as set forth in the Coastal Management Program document. The eleven counties that comprise the coastal area of Georgia are: Brantley, Bryan, Camden, Charlton, Chatham, Effingham, Glynn, Liberty, Long, McIntosh, and Wayne.

The Coastal Resources Division has the responsibility for administering the Coastal Marshlands Protection Act, the Shore Protection Act, the Revocable License Program, and State Programmatic General Permits for recreational docks; for educating the general public about conservation of resources in the coastal area; and for programs for coastal fisheries resource management, and others. The Environmental Protection Division has the responsibility to administer State laws and rules and regulations for the protection of the environment throughout Georgia including surface waters, underground waters, and air. These responsibilities may be accomplished by enforcement of regulations, and issuance of permits.

This agreement sets out the terms of the relationship between the Coastal Resources Division, hereinafter referred to as CRD, and the Environmental Protection Division, hereinafter referred to as EPD, in connection with the State's fulfillment of its responsibilities under the Georgia Coastal Management Act (O.C.G.A. 12-5-320, *et seq.*).

I. Objectives

To the extent consistent with their respective statutory authorities and responsibilities, EPD and CRD agree to cooperate and coordinate their respective regulatory efforts in a manner consistent with the policies of the Georgia Coastal Management Program, as required by law (O.C.G.A. 12-5-326). These objectives include the following:

- (1) The goals and standards of the federal Clean Water Act as implemented by the Georgia Water Quality Control Act, the Georgia Safe Drinking Water Act, and others; and

- (2) The goals and standards of the federal Clean Air Act as implemented by the Georgia Air Quality Act; and
- (3) The goals and objectives of the Coastal Marshlands Protection Act, the Shore Protection Act, and other laws regulating land disturbing activities in the coastal area.

II. Specific Functions to be Coordinated

1. Water Quality Resources Management and Regulation

Pursuant to the Official Code of Georgia Annotated, Article 1, Section 12-2-2, EPD is responsible for the State's water quality management; for regulating discharges into the waters of the State; and for permitting activities. In carrying out this responsibility, EPD is charged with ensuring water quality that conserves, preserves, and allows for proper uses; and for protecting public health; including administration of Section 401 of the federal Clean Water Act, Water Quality Certification. The administration of Section 401 Water Quality Certification includes the following:

- Review and certification of any and all applications for a federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States in Georgia, to ensure that any such discharge will be regulated to comply with the applicable provisions of the federal Clean Water Act.

By way of this memorandum, CRD shall assist EPD with its administration of the Section 401 Water Quality Certification program within the eleven counties that constitute the coastal area of Georgia. EPD shall retain certification responsibility of this program throughout the State, including the coastal area. EPD and CRD shall consult and coordinate responsibilities to ensure administration of this program within the coastal area shall be consistent with the administration of this program throughout the remainder of Georgia. The purpose of this agreement is to reduce administrative overlap and to make administrative procedures more efficient; CRD already implements similar programs in the coastal area of Georgia, such as the Coastal Marshlands Protection Act which requires evaluation of water quality impacts. Within the eleven-county coastal area, when 401 Certification is requested for a project, CRD shall review the project and make recommendations to EPD as to certification. EPD shall consider CRD recommendations prior to rendering certification decisions. There shall be no delay in project evaluation resulting from this agreement.

2. Project Evaluation, Interagency Task Force, and Review Procedures

EPD implements permit-related activities that may affect the land, air, and water resources of the State. By way of this memorandum, EPD shall notify CRD via its public notice mailing list of the receipt of any permit application that may affect such resources of the coastal area. Upon receipt of such notification, CRD shall notify any relevant federal agencies that might also be considering authorizations for the project. CRD shall follow up with EPD to determine when the permit is issued for projects needing federal authorization. CRD shall then notify the relevant federal agencies of the State's consistency decision based on the issuance or denial of State authorities. CRD will not evaluate EPD's action nor conduct a separate review of a project. There shall be no delay in project evaluation resulting from this agreement.

Generally, when a federal permit program has been delegated to the State of Georgia, State implementation of the federal permit is not subject to the federal consistency process. Examples of state-issued federal permits not subject to federal consistency include National Pollution Discharge Elimination System (NPDES) permits. CRD and EPD recognize that while authority for some federal environmental programs has been delegated from the U.S. Environmental Protection Agency to EPD and therefore is not subject to the federal consistency process, other federal authorities, federal actions, and federal assistance activities require a consistency decision from CRD. CRD shall render such decision based upon issuance of EPD permits and other state authorities.

By way of this memorandum, CRD will organize quarterly meetings of all State and federal permitting agencies exercising regulatory authority or management or planning authority in the coastal area. A representative from EPD shall be invited and urged to attend these meetings. The purpose of the meetings is to foster agency coordination with respect to agency policies and procedures, air issues, and improve cooperation. The meetings are not intended to review individual projects.

CRD shall also organize occasional meetings, at the request of applicants, of all State and federal agencies exercising regulatory or management or planning authority in the coastal area. A representative from EPD shall be invited and urged to attend these meetings. The purpose of these meetings is to foster coordination among agencies with respect to specific projects and provide technical assistance to applicants, and is not intended as an additional public review of the merits of the project.

III. Appeal Procedures

The applicant for any permit activity has the right to the appeals process defined for the applicable permit. CRD shall provide technical assistance to EPD for any appeals based on CRD recommendations for 401 Water Quality Certifications.

IN WITNESS WHEREOF, the contents of this memorandum of agreement have been accepted and approved by the Department of Natural Resources, Environmental Protection Division and Coastal Resources Division this 8th day of July, 1997.

Louise C. Barrett 8/4/97 Date
Louise C. Barrett, Commissioner
Georgia Department of Natural Resources

Duane Harris 7/8/97 Date
Duane Harris, Director
Coastal Resources Division

Harold Reheis 7/15/97 Date
Harold Reheis, Director
Environmental Protection Division

Appendix VI

MEMORANDUM OF AGREEMENT BETWEEN THE GEORGIA SOIL AND WATER CONSERVATION COMMISSION AND THE GEORGIA COASTAL RESOURCES DIVISION

MEMORANDUM OF AGREEMENT

Between

GEORGIA DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION

And

GEORGIA SOIL AND WATER CONSERVATION COMMISSION

This memorandum constitutes an understanding between the Georgia Department of Natural Resources, Coastal Resources Division and the Georgia Soil and Water Conservation Commission concerning implementation of a program to balance economic development in Georgia's coastal area with preservation of natural, environmental, historic, archeological, and recreational resources for the benefit of Georgia's present and future generations. This understanding is based upon each Department's statutory and regulatory authorities and commitment to appropriate planned development and conservation of the land, rivers, sounds, marshes and other waters of Georgia's coast, including the submerged lands seaward of the coast to the extent of Georgia's jurisdiction.

The Georgia Department of Natural Resources has been designated by the Georgia General Assembly as the lead Department to prepare and administer the State's Coastal Management Program (O.C.G.A. 12-5-323). Within the Department of Natural Resources, the Coastal Resources Division is responsible for coastal management issues, including preparing and administering a comprehensive coastal management program for the eleven-county coastal area of Georgia as set forth in the Coastal Management Program Document. The eleven counties that comprise the coastal area of Georgia are Brantley, Bryan, Camden, Charlton, Chatham, Effingham, Glynn, Liberty, Long, McIntosh, and Wayne.

The Coastal Resources Division has the responsibility for administering the Coastal Marshlands Protection Act, the Shore Protection Act, the Revocable License Program, and State Programmatic General Permits for recreational docks; for educating the general public about conservation of resources in the coastal area; and for programs for coastal fisheries resource management, and others. The Soil and Water Conservation Commission has the responsibility to provide guidance, coordination and assistance to Georgia's 40 Soil and Water Conservation Districts; coordinate USDA's Watershed Program within the State; conduct urban and rural erosion control programs; and conduct rural nonpoint source pollution control program.

This agreement sets out the terms of the relationship between the Coastal Resources Division, hereinafter referred to as CRD, and the Soil and Water Conservation Commission, hereinafter referred to as SWCC, in connection with the State's fulfillment of its responsibilities under the Georgia Coastal Management Act (O.C.G.A. 12-5-320, *et seq.*).

I. Objectives

To the extent consistent with their respective statutory authorities and responsibilities, SWCC and CRD agree to cooperate and coordinate their respective regulatory efforts in a manner consistent with the policies of the Georgia Coastal Management Program, as required by law (O.C.G.A. 12-5-326). These objectives include the following:

(1) The goals and objectives of Georgia's Soil and Water Conservation Districts Act, Erosion and Sedimentation Control Act, and the Federal Watershed Protection and Flood Prevention Act, Clean Water Act and the current Federal Farm Bill.

(2) The goals and objectives of the Coastal Marshlands Protection Act and the Shore Protection Act.

II. Specific Functions to be Coordinated

1. Project Evaluation, Interagency Task Force, and Review Procedures

SWCC assists with and implements erosion and sedimentation oversight and educational control programs, nonpoint source pollution control program and projects, river basin and watershed management programs and projects, and programs and project authorized by the Federal Farm Bill. By way of this memorandum, the SWCC shall notify CRD of the receipt of any permit application or project request that may affect resources of the coastal area. Upon receipt of such notification, CRD shall notify any relevant federal agencies that might also be considering authorizations for the project. CRD shall follow up with SWCC to determine when the permit is issued for projects needing federal authorization. CRD shall then notify the relevant federal agencies of the State's consistency decision based on the issuance or denial of State authorities. CRD will not evaluate SWCC action nor conduct a separate review of a project. There shall be no delay in project evaluation resulting from this agreement.

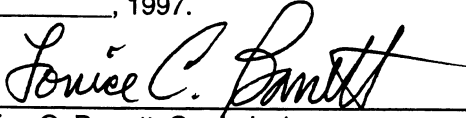
By way of this memorandum, CRD will organize quarterly meetings of all State and federal permitting agencies exercising regulatory authority or management or planning authority in the coastal area. A representative from SWCC shall be invited and urged to attend these meetings. The purpose of the meetings is to foster agency coordination with respect to agency policies and procedures, air issues, and improve cooperation. The meetings are not intended to review individual projects.

CRD shall also organize occasional meetings, at the request of applicants, of all State and federal agencies exercising regulatory or management or planning authority in the coastal area. A representative from SWCC shall be invited and urged to attend these meetings. The purpose of these meetings is to foster coordination among agencies with respect to specific projects and provides technical assistance to applicants, and is not intended as an additional public review of the merits of the project.

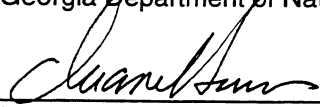
III. Appeal Procedures

The applicant for any permit activity has the right to the appeals process defined for the applicable permit.

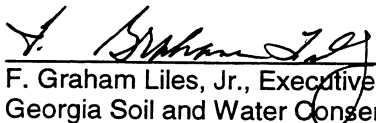
IN WITNESS WHEREOF, the contents of this memorandum of agreement have been accepted and approved by the Georgia Soil and Water Conservation Commission and the Department of Natural Resources, Coastal Resources Division this _____, day of _____, 1997.



Lonice C. Barrett, Commissioner
Georgia Department of Natural Resources
8/25/97
Date



Duane Harris, Director
Coastal Resources Division
8/22/97
Date



F. Graham Liles, Jr., Executive Director
Georgia Soil and Water Conservation Commission
09 SEPT 97
Date

Appendix VII

MEMORANDUM OF AGREEMENT BETWEEN THE U.S. FISH AND WILDLIFE SERVICE AND THE GEORGIA COASTAL RESOURCES DIVISION

MEMORANDUM OF AGREEMENT

between

**GEORGIA DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION**

and

**UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE**

This memorandum constitutes an agreement between the Georgia Coastal Resources Division and the U.S. Fish and Wildlife Service concerning implementation of a program to balance economic development in Georgia's coastal area with preservation of natural, environmental, historic, archeological, and recreational resources for the benefit of Georgia's present and future generations. This understanding is based upon each agency's statutory and regulatory authorities and commitment to appropriate planned development and conservation of the land, rivers, sounds, marshes and other waters of Georgia's coast, including the submerged lands seaward of the coast to the extent of Georgia's jurisdiction.

The Georgia Department of Natural Resources has been designated by the Georgia General Assembly as the lead Department to prepare and administer the State's Coastal Management Program (O.C.G.A. 12-5-323). Within the Department of Natural Resources, the Coastal Resources Division is responsible for coastal management issues, including preparing and administering a comprehensive Coastal Management Program for the eleven-county coastal area of Georgia as set forth in the Coastal Management Program Document. The eleven counties that comprise the coastal area of Georgia are: Brantley, Bryan, Camden, Charlton, Chatham, Effingham, Glynn, Liberty, Long, McIntosh, and Wayne.

The Coastal Resources Division has the responsibility for administering the Georgia Coastal Marshlands Protection Act, the Georgia Shore Protection Act, the Revocable License Program, and State Programmatic General Permits for recreational docks; for educating the general public about conservation of resources in the coastal area; and for programs for coastal fisheries resource management, and others. The U.S. Fish and Wildlife Service has the responsibility for working with others to conserve, protect and enhance fish and wildlife and their habitats for the continuing benefit of people. This includes responsibility for the following public trust resources: migratory birds, anadromous fish, endangered species, and wetland-related habitat.

The U.S. Fish and Wildlife Service shares with the Department of Commerce, National Marine Fisheries Service responsibility for administration of the Federal Endangered Species Act. In general, the Fish and Wildlife Service is responsible for terrestrial and freshwater species, migratory birds, and some marine mammals. The Fish and Wildlife Service Field Office in Brunswick, Georgia implements the Endangered Species Act for federally-listed threatened and endangered species in Georgia. The National Oceanic and Atmospheric Administration administers the Federal Coastal Zone Management Act and, under the Endangered Species Act, retains certain responsibilities for the conservation of federally-listed species that include ensuring Endangered Species Act compliance of Section 306A low cost construction projects authorized by 16 U.S.C. § 1455(a).

This agreement sets out the terms of the relationship between the Coastal Resources Division, hereinafter referred to as CRD, and the U.S. Fish and Wildlife Service hereinafter referred to as FWS in connection with the State's fulfillment of its responsibilities under the Georgia Coastal Management Act (O.C.G.A. 12-5-320, *et seq.*).

2. Interagency Meetings

By way of this memorandum, CRD will organize quarterly meetings of all State and Federal permitting agencies exercising regulatory authority or management or planning authority in the coastal area. A representative from FWS shall be invited and urged to attend these meetings. The purpose of the meetings is to foster agency coordination with respect to agency policies and procedures, air issues, and improve cooperation. The meetings are not intended to review individual projects.

CRD shall also organize occasional meetings, at the request of applicants, of all State and Federal agencies exercising regulatory or management or planning authority in the coastal area. A representative from FWS shall be invited and urged to attend these meetings. The purpose of these meetings is to foster coordination among agencies with respect to specific projects and provide technical assistance to applicants, and is not intended as an additional public review of the merits of the project.

III. Appeal Procedures

Coastal Incentive Grants are reviewed by CRD according to criteria developed by the Coastal Advisory Committee. Once made, funding decisions are final. Projects conducted under Coastal Incentive Grant funding are subject to all applicable Local, State, and Federal laws.

The applicant for any permit activity has the right to the appeals process defined for the applicable permit. Appeals processes for federal consistency reviews are defined by 16 U.S.C. § 1456(c)(3)(A),(B), and (d).

IN WITNESS WHEREOF, the contents of this memorandum of agreement have been accepted and approved by the U.S. Fish and Wildlife Service, Brunswick Office and the Department of Natural Resources, Coastal Resources Division this 17 day of October, 1997.



Duane Harris, Director
Coastal Resources Division

10/17/97

Date



Mitch King, Project Leader
U.S. Fish and Wildlife Service, Brunswick Office

10/17/97

Date

2. Interagency Meetings

By way of this memorandum, CRD will organize quarterly meetings of all State and Federal permitting agencies exercising regulatory authority or management or planning authority in the coastal area. A representative from FWS shall be invited and urged to attend these meetings. The purpose of the meetings is to foster agency coordination with respect to agency policies and procedures, air issues, and improve cooperation. The meetings are not intended to review individual projects.


CRD shall also organize occasional meetings, at the request of applicants, of all State and Federal agencies exercising regulatory or management or planning authority in the coastal area. A representative from FWS shall be invited and urged to attend these meetings. The purpose of these meetings is to foster coordination among agencies with respect to specific projects and provide technical assistance to applicants, and is not intended as an additional public review of the merits of the project.

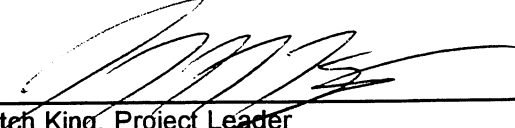
III. Appeal Procedures

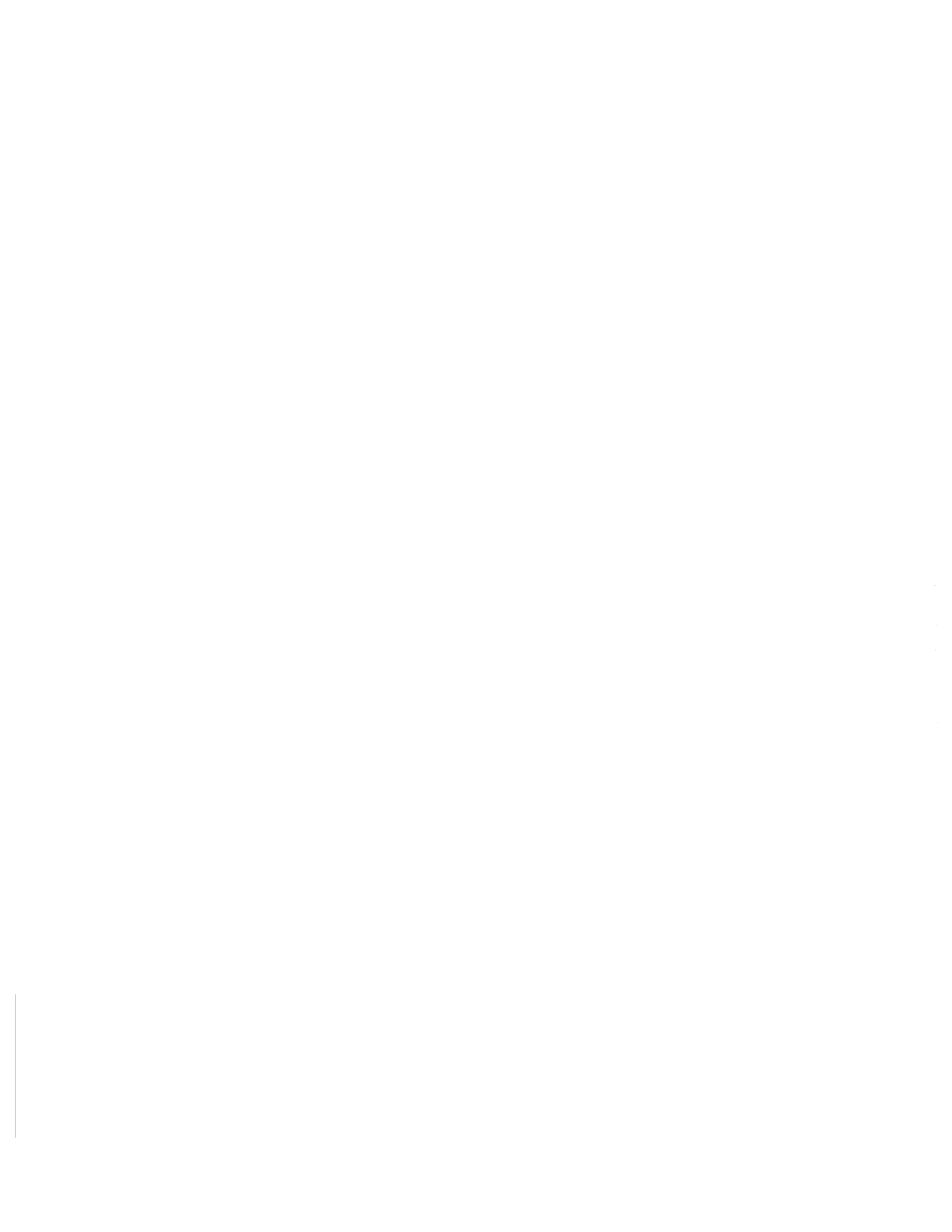
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IN WITNESS WHEREOF, the contents of this memorandum of agreement have been accepted and approved by the U.S. Fish and Wildlife Service, Brunswick Office and the Department of Natural Resources, Coastal Resources Division this 17 day of October, 1997.


 _____ 10/17/97
 Duane Harris, Director Date
 Coastal Resources Division


 _____ 10/17/97
 Mitch King, Project Leader Date
 U.S. Fish and Wildlife Service, Brunswick Office



Appendix VIII

SAMPLE MEMORANDUM OF AGREEMENT BETWEEN OTHER AGENCIES AND THE GEORGIA COASTAL RESOURCES DIVISION

**APPENDIX VIII:
SAMPLE MEMORANDUM OF AGREEMENT BETWEEN OTHER
AGENCIES AND THE GEORGIA COASTAL RESOURCES DIVISION**

-- Generic Discussion Draft --

MEMORANDUM OF AGREEMENT

between

**GEORGIA DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION**

and

[ADD AGENCY NAME HERE]

This memorandum constitutes an understanding between the Georgia Coastal management Program and the *[Agency]* concerning implementation of a program to balance economic development in Georgia's coastal area with preservation of natural, environmental, historic, archeological, and recreational resources for the benefit of Georgia's present and future generations. This understanding is based upon each Department's statutory and regulatory authorities and commitment to appropriate planned development and conservation of the land, rivers, sounds, marshes and other waters of Georgia's coast, including the submerged lands seaward of the coast to the extent of Georgia's jurisdiction.

The Georgia Department of Natural Resources has been designated by the Georgia General Assembly as the lead Department to prepare and administer the State's Coastal Management Program (O.C.G.A. 12-5-323). Within the Department of Natural Resources, the Coastal Resources Division is responsible for coastal management issues, including preparing and administering a comprehensive coastal management program for the eleven-county coastal area of Georgia as set forth in the Coastal Management Program Document. The eleven counties that comprise the coastal area of Georgia are: Brantley, Bryan, Camden, Charlton, Chatham, Effingham, Glynn, Liberty, Long, McIntosh, and Wayne.

The Coastal Resources Division has the responsibility for administering the Coastal Marshlands Protection Act, the Shore Protection Act, the Revocable License Program, and State Programmatic General Permits for recreational docks; for educating the general public about conservation of resources in the coastal area; and for programs for coastal fisheries resource management, and others. The *[Agency]* has the responsibility for *[Insert agency's responsibilities]*.

This agreement sets out the terms of the relationship between the Coastal Resources Division, hereinafter referred to as CRD, and the *[Agency]*, hereinafter referred to as *[Agency abbreviation]*, in connection with the State's fulfillment of its responsibilities under the Georgia Coastal Management Act (O.C.G.A. 12-5-320, *et seq.*).

I. Objectives

To the extent consistent with their respective statutory authorities and responsibilities, *[Agency]* and CRD agree to cooperate and coordinate their respective regulatory efforts in a manner consistent with the policies of the Georgia Coastal Management Program, as required by law (O.C.G.A. 12-5-326). These objectives include the following:

- (1) *[Insert objectives of agency.]*

(2) The goals and objectives of the Coastal Marshlands Protection Act and the Shore Protection Act.

II. Specific Functions to be Coordinated

1. Project Evaluation, Interagency Task Force, and Review Procedures

[Agency] implements [Describe agency's activities]. By way of this memorandum, [Agency] shall notify CRD via its public notice mailing list of the receipt of any permit application that may affect resources of the coastal area. Upon receipt of such notification, CRD shall notify any relevant federal agencies that might also be considering authorizations for the project. CRD shall follow up with [Agency] to determine when the permit is issued for projects needing federal authorization. CRD shall then notify the relevant federal agencies of the State's consistency decision based on the issuance or denial of State authorities. CRD will not evaluate [Agency's] action nor conduct a separate review of a project. There shall be no delay in project evaluation resulting from this agreement.

By way of this memorandum, CRD will organize quarterly meetings of all State and federal permitting agencies exercising regulatory authority or management or planning authority in the coastal area. A representative from [Agency] shall be invited and urged to attend these meetings. The purpose of the meetings is to foster agency coordination with respect to agency policies and procedures, air issues, and improve cooperation. The meetings are not intended to review individual projects.

CRD shall also organize occasional meetings, at the request of applicants, of all State and federal agencies exercising regulatory or management or planning authority in the coastal area. A representative from [Agency] shall be invited and urged to attend these meetings. The purpose of these meetings is to foster coordination among agencies with respect to specific projects and provide technical assistance to applicants, and is not intended as an additional public review of the merits of the project.

[2. Other?]

III. Appeal Procedures

The applicant for any permit activity has the right to the appeals process defined for the applicable permit.

IN WITNESS WHEREOF, the contents of this memorandum of agreement have been accepted and approved by the [Agency] and the Department of Natural Resources, Coastal Resources Division this _____ day of _____, 1997.

Lonice C. Barrett, Commissioner
Georgia Department of Natural Resources Date

Duane Harris, Director
Coastal Resources Division Date

[Agency representative] Date

Appendix IX

DESCRIPTION OF GEORGIA'S COASTAL NONPOINT SOURCE PROGRAM

APPENDIX IX: DESCRIPTION OF GEORGIA'S COASTAL NONPOINT SOURCE PROGRAM

A. Introduction

This appendix describes the nonpoint source pollution control efforts conducted in Georgia, and, more specifically, the coastal components of the nonpoint programs that relate to Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). Section 6217 of CZARA, entitled "Protecting Coastal Waters," is intended to help address the problem of nonpoint source pollution and its effect on coastal waters. Section 6217 requires coastal states with approved coastal zone management programs to address nonpoint pollution impacting or threatening coastal waters. The administration of Section 6217 at the federal level is a joint responsibility of the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA). The purpose of Section 6217 is to strengthen the links between federal and state coastal zone management and water quality programs in order to enhance state and local efforts to manage land use activities that degrade coastal waters and habitats.

Each state program must contain the following components:

- Coordination with existing state programs
- Determination of 6217 management area
- Identification and implementation of additional management measures
- Technical assistance
- Public participation
- Administrative coordination
- Identification of enforceable policies and mechanisms
- Monitoring
- Implementation of management measures in conformity with (g) guidance

A brief description of how Georgia intends to comply with each of these program components follows. This appendix is not intended to be an exhaustive description of the nonpoint source program in Georgia. It is only intended to be a brief description of the program components. The State of Georgia believes that there are existing state, local, or industry programs that will ensure compliance with all of the components of Section 6217, including all 56 of the (g) measures. Georgia will submit a complete Coastal Nonpoint Program description to NOAA and EPA 30 months following NOAA's approval of the Georgia Coastal Management Program.

B. Coordination with Existing State Programs

The Georgia Coastal Management Program is a networked program, coordinated by the Coastal Resources Division (CRD) of the Georgia Department of Natural Resources (DNR). The Environmental Protection Division (EPD) of DNR has primary responsibility for administration of state water quality laws, including Section 401 Water Quality Certification Authority for the state. CRD and EPD have agreed to coordinate responsibilities for nonpoint source pollution management in the coastal area. EPD will retain all regulatory authority as prescribed by Georgia law. CRD will provide a coordination role for all matters that affect the coastal area, including monitoring, enforcement, education, and identification of a need for additional management measures. CRD provides technical assistance for Section 401 Certification authority for the coastal area. CRD and EPD will continue to work closely on water quality issues in the coastal area. In addition to EPD, CRD will coordinate with the Georgia Department of Transportation, the Georgia Forestry Commission, the Georgia Soil and Water Conservation Commission, and other pertinent agencies for activities conducted within the coastal zone to ensure that siting and design of structures and activities are done in such a way to minimize damage to state waters.

C. Determination of 6217 Management Area

The Georgia Coastal Management Program boundary defined in the Georgia Coastal Management Act will be used as the 6217 management area. This area consists of the eleven coastal counties that encompass all of the tidally influenced state waters. The counties, from north to south, are: Effingham, Chatham, Bryan, Liberty, Long, McIntosh, Wayne, Glynn, Brantley, Camden, and Charlton.

D. Identification and Implementation of Additional Management Measures

The EPD policy for nonpoint source management is problem driven, and limited agency resources do not allow a comprehensive assault on all sources of nonpoint pollution. Therefore, the agency relies on River Basin Management Planning to address the specific problems within each particular watershed. Each year, two to four watersheds comprising one river basin group will be targeted for the development of a management plan, to be reviewed and updated on a five-year cycle. The plans are to include: a description of the basin or watershed; identification of local governments in each watershed; land use inventories; and a description of plan goals which may include providing environmental education, improving water quality, reducing pollution at the source, improving aquatic habitat, reestablishing native fish species, restoring and protecting wildlife habitat, and providing recreational benefits. A description of the strategies and measures to accomplish the goals is to be a part of each management plan. In some areas urban runoff may be the primary culprit leading to degraded water quality, while in other areas it may be agricultural grazing, forestry roads, marina runoff, or some other nonpoint source. In each of the watersheds, an advisory group works to identify the primary sources of nonpoint source pollution and develop a plan to remedy the situation. The plan that is developed might require management measures

that are not listed as one of the 56 (g) measures -- in fact, some unique solutions may result. Management of nonpoint source pollution is not limited to the River Basin Management Plans. Several legislative authorities can be used to assert control over various sources of pollution (See "Identification of Enforceable Policies and Mechanisms").

E. Technical Assistance

EPD, using Section 319 funds and other resources, provides technical assistance to local governments and other user groups for control of nonpoint source pollution. EPD has arranged by Memorandum of Understanding for the Georgia Soil and Water Conservation Commission to provide technical assistance, especially for feedlot operations and other agricultural practices to minimize nonpoint source pollution.

F. Public Participation

As mentioned above, EPD has embarked on a management strategy based on river basin planning for the fourteen watersheds of Georgia. Within each watershed an advisory group, composed of seven local citizens, helps to identify problems and solutions to nonpoint source pollution. This active participation by the public involves education and consensus building efforts by EPD.

G. Administrative Coordination

EPD has a Nonpoint Source Program manager within the Water Protection Branch. In addition to management of Section 319 grants, the EPD Nonpoint Source Program provides technical assistance, education, and coordination activities statewide. CRD will coordinate closely with EPD on nonpoint source issues that may affect the coastal zone.

H. Identification of Enforceable Policies and Mechanisms

Throughout this appendix, reference is made to the enforceable policies and mechanisms used to implement the nonpoint source management programs throughout the State. The primary enforceable mechanisms are listed below.

- Georgia Water Quality Control Act (O.C.G.A. 12-5-20, *et seq.*) provides the authority for EPD to regulate the waters of the state for public and private water supply, and for agricultural, industrial, and recreational uses. The Act requires EPD to restore and maintain a reasonable degree of purity in the waters of the state, to maintain an adequate supply of such waters, to require where necessary reasonable usage of state waters, and to

require reasonable treatment of sewage, industrial wastes, and other wastes prior to their discharge into such waters.

- Erosion and Sedimentation Act (O.C.G.A. 12-7-1, *et seq.*), administered by EPD, requires each county or municipality to adopt a comprehensive ordinance establishing procedures governing land-disturbing activities based on the minimum requirements established by the Act. The rules, regulations, ordinances, or resolutions adopted for purposes of controlling land-disturbing activities under this Act require, at a minimum, sound conservation and engineering practices to prevent and minimize erosion and sedimentation. Permits are required for specified "land disturbing activities," including some construction activities, certain activities associated with transportation facilities, activities on marsh hammocks, etc. EPD may periodically review county or municipality implementation of erosion and sedimentation standards and, if such review indicates that the local authority has not administered or enforced the ordinances that have been approved for this purpose, EPD may enforce the local ordinances.
- Metropolitan River Protection Act (O.C.G.A. 12-5-440, *et seq.*) requires buffers and limits land disturbing activities in designated corridors adjacent to rivers in certain metropolitan areas. The Act prohibits the erection of any structure that may adversely affect the waterflow or increase siltation or other pollution of state waters. The Act provides the state with the authority to protect the waters of major streams while protecting the private property rights of landowners; prevents activities that contribute to floods and flood damage; controls erosion, siltation, and intensity of development; and provides for location and design of land uses to minimize the adverse impacts of development on streams and flood plains. The authority is provided for those streams in metropolitan areas with a population greater than 1,000,000. Since there are no metropolitan areas in coastal Georgia that meet the minimum population requirements this law currently is not pertinent; with a growing coastal population, however, it may become effective.
- Coastal Marshlands Protection Act (O.C.G.A. 12-5-280, *et seq.*) requires a permit for certain activities within the coastal marshes of Georgia and includes water quality protection requirements.
- Shore Protection Act (O.C.G.A. 12-5-230, *et seq.*) requires a permit for activities along beaches and requires designs to limit erosion of dunes and dune fields.
- Comprehensive Planning Act (O.C.G.A. 45-12-200, *et seq.*) asserts the interests of the state in setting minimum standards for land use in order to protect natural resources including water supply watersheds, wetlands, and groundwater recharge areas.
- River Corridor Protection Act (O.C.G.A. 12-2-8, *et seq.*) requires that local governments adopt a river corridor management plan as part of their Comprehensive Management Plan. Such a plan requires the local government to identify the river corridor as defined by the Act, identify land uses, and ensure that forestry and agricultural activities are consistent

with the best management practices established by the Georgia Forestry Commission or the Georgia Soil and Water Conservation Commission. The Act sets minimum standards for protecting buffers on either side of rivers with a mean annual flow of 400 cubic feet per second or greater.

- River Basin Management Plan Act (O.C.G.A. 12-5-520, *et seq.*) requires that a plan be developed for each of the fourteen river basins in Georgia. These plans should include: a description of the basin or watershed; identification of local governments in each watershed; land use inventories; and a description of plan goals which may include providing environmental education, improving water quality, reducing pollution at the source, improving aquatic habitat, reestablishing native fish species, restoring and protecting wildlife habitat, and providing recreational benefits. A description of the strategies and measures to accomplish the goals is to be a part of each management plan. The law requires a seven person local advisory committee be appointed to provide advice and council to EPD during the development of the plan. The basin management plans address nonpoint source pollution, among other issues. An assessment of the water quality for each basin is conducted, the issues are prioritized, and implementation strategies are presented to address each of the issues. EPD and CRD coordinate closely on the plans, goals, and implementation strategies for those management plans that affect the coastal region -- the Savannah-Ogeechee, the Altamaha, the Satilla, and the St. Marys watershed areas.
- Georgia Hazardous Waste Management Act (O.C.G.A. 12-8-60, *et seq.*) governs storage, transport, disposal, labeling, etc. of hazardous wastes throughout Georgia.
- Underground Storage Tank Law (O.C.G.A. 12-3-1, *et seq.*) governs installation, maintenance, inspection, and permitting for underground storage tanks.

Other, non-enforceable, mechanisms that are used throughout Georgia are:

- BMPs for Silviculture, Agriculture, Urban Areas The Agricultural and Forestry communities offer protection to the state waters largely through the use of Best Management Practices (BMPs). BMPs depend on voluntary compliance by farmers, ranchers, and timber harvesters. The Georgia Forestry Commission and the Georgia Soil and Water Conservation Commission have developed BMPs for silvicultural and agricultural activities, respectively, based on the recommendations of several sources, including: the U.S. Environmental Protection Agency, the University of Georgia Cooperative Extension Service, the U.S. Department of Agriculture Natural Resource Conservation Service, the U.S.D.A. Forest Service, the Georgia Forestry Commission, and the Georgia Department of Natural Resources, among others. BMPs for Urban Areas are currently under development by the Atlanta Regional Development Center on a grant provided by EPD using Section 319 funds. The Urban Area BMPs are being developed with the condition that they can be implemented statewide.

- The Georgia Department of Transportation (DOT) has responsibility for all road and bridge construction activities in Georgia. Although DOT is exempt from the permit requirements of the Erosion and Sedimentation Act, the Coastal Marshlands Protection Act, and certain other provisions of state law, they must comply with the spirit of the law. DOT has developed its own standards specifications manual which describes the acceptable construction standards for road and bridge contractors. Included within these standards are specifications for "Construction Erosion Control," such as embankment stabilization, sediment barriers, etc. The standards describe the construction practices. There are provisions for penalties for non-compliance with the standards.
- Adopt-A-Stream Program is a volunteer program designed to encourage local civic groups to "adopt" a section of a stream or river for protection. Litter control, stormwater drain stenciling, education, and other activities are done with the technical assistance of EPD.
- River Care 2000 is a program implemented by Governor Zell Miller in 1994 that is designed to acquire and maintain property in natural condition along Georgia rivers for recreation, flood control, water quality, and natural habitat.
- Clean Water Act, Section 401 Water Quality Certification The Georgia Attorney General has determined that the conditions of this section are non-enforceable under Georgia law. The U.S. Army Corps of Engineers must enforce this section.
- Nationwide Permits are issued by the U.S. Army Corps of Engineers for certain activities. EPD reviews preconstruction notifications for nationwide permit numbers 8, 12, 14, 18, 26, 27, 29, 31, 33, 37, and 38 for certain applications, including: the proposed activity is located on high quality wetland as determined by the Georgia National Heritage Program; the proposed activity is within a seven-mile radius in the watershed of a drinking supply reservoir; the proposed activity is located on the 303(d) list for the State of Georgia; and others. Review of Nationwide Permits is conducted within the EPD Water Protection Branch's Nonpoint Source Program, and adequate management for sources of nonpoint source pollution shall be one of the review parameters. Georgia will issue, issue with conditions, waive, or deny water quality certification under Section 401 based on its review of the proposed projects.
- Georgia Nonpoint Source Management Program (Section 319) The program that was developed by the DNR's Environmental Protection Division pursuant to Section 319 of the CWA, addresses nonpoint pollution from urban sources, agriculture, forestry, stormwater, erosion and sedimentation, and surface mining. The program also stresses education, citizen input (Adopt-a-Stream), and watershed assessment and monitoring. The program was developed in 1989 and updated in 1995. The Environmental Protection Division has designated the Georgia Soil and Water Conservation Commission the lead agency to address agricultural nonpoint sources of pollution and the Georgia Forestry Commission as the lead agency to address nonpoint source pollution from silviculture. The 319 program is generally focused on urban sources of pollution in the Atlanta

metropolitan area, although there are projects specific to the coastal area, such as the Savannah Urban Stream Management Program, and statewide projects such as promotion and funding of agricultural and silvicultural best management practices. Several examples of 319-funded activities are cited throughout this document.

- Others Local efforts often include wetlands education, shore and marsh appreciation and education, pollution prevention activities and strategies, and others.

I. Monitoring

EPD continues to monitor rivers and streams throughout Georgia. There are approximately 37 permanent monitoring stations established throughout the state, and another 100 (approximate) stations that are established within those watershed areas for which management plans are under development. This approach allows for comprehensive evaluation of a given watershed every five years while maintaining a baseline of data for Georgia waters at large.

J. Implementation of Management Measures in Conformity with (g) guidance

Agriculture

Agricultural BMPs address management measures for this category. Erosion and sediment control is accomplished through a voluntary BMP program implemented by the Satilla River and Coastal Soil and Water Conservation Districts. The Soil and Water Conservation Districts educate landowners and users on tillage practices, cover crops, etc. and promotes conservation measures through a low-cost equipment rental program. Agricultural erosion and sedimentation may be incorporated into applicable River Basin Management Planning in the near future.

Through a Memorandum of Understanding between EPD, the Natural Resource Conservation Service, and the Georgia Soil and Water Conservation Commission, no direct discharge from confined animal feedlot operations into surface waters is allowed. The Memorandum of Understanding also contains design criteria. Land discharge permits are required for large facilities and the Commission recommends manure disposal management plans, including construction of cost-share lagoon systems.

The Natural Resource Conservation Service and Cooperative Extension Service recommend nutrient management plans for all crops. Nutrification of coastal waters is not a significant issue in Georgia. The Natural Resource Conservation Service and the Soil and Water Conservation Districts also provide pesticide management education. BMPs suggest the use of companion crops that introduce beneficial insects.

There is very little impact in the coastal zone from grazing due to low topography and slope in the area, and the small number and extent of grazing lands. BMPs limit grazing access to

streams and protect sensitive areas. Land owner education, cost-share programs, and EPD-funded demonstration projects have been effective in reducing animal access to streams.

Irrigated lands are limited and little or no chemigation is done in the coastal zone. The Georgia Water Wells Standards Act requires protection against the entrance of pollutants into wells through construction standards. Agricultural BMPs address irrigation water management. A groundwater management strategy for the coastal zone is currently under development by EPD in coordination with local governments and industry.

Forestry

A forestry BMP manual has been developed by the Georgia Forestry Commission which addresses the management measures for this category. Many of the major timber companies, as well as the Georgia Forestry Commission, offer landowner assistance programs incorporating preharvest plans. A separate preharvest planning section is being considered in upcoming forestry BMP manual revisions. Turbidity standards contained in the Georgia Water Quality Control Act are used for sedimentation issues.

A Streamside Management Zone BMP recommends a 20 foot wide management area on either side of a stream in the lower coastal plain of Georgia. Practices to be avoided include fire, roads or trails unless unavoidable, mechanical site preparation, and aerial pesticide and herbicide application, among others.

Construction and reconstruction of forestry roads are managed by forestry BMPs and the 156 federally mandated road crossing BMPs for waters of the United States. EPD and the Georgia Forestry Commission conduct periodic compliance surveys. Forestry BMPs recommend: stabilization of roadbeds with mulch or seed; retirement of unused roads; adequate culvert sizing; soil stabilization; use of prescribed slope angle for roads construction and stream crossings; avoidance of anything which would impede the free flow of water; and keeping road construction as far away as possible from Stream Management Zones. The revision of the Georgia BMPs for Forestry will include the federal requirements.

In addition to the road construction BMPs listed above, road management BMPs recommend: avoiding constant use of soft roads during wet ground conditions; use of drainage crossings and culverts; and retirement of temporary access roads, which includes reshaping, mulching, and seeding, in combination with water bars. Federal mandate requires that temporary road crossings be removed in their entirety and the area restored to its original elevation.

Timber harvesting is also managed by Forestry BMPs. BMPs recommend: skidding should not be done straight down steep slopes (there are no steep slopes in coastal Georgia); skid trails should alternate between several different skid trails to minimize soil exposure and disturbance; logging debris is to be left on soil, dry washes and at points of concentrated drainage from skid trails; on saturated soils, concentrate skid trails to minimize compaction and soil disturbance; sawdust and sawmill waste should not be discharged into streams and lakes; and

recommends avoiding leaving trees or tops in water of streamside management zones. Cable yarding is not significant in Georgia. Federal mandates also apply to skid trails that cross streams.

Site preparation and forest regeneration BMPs take into account all Streamside Management Zone BMPs as well as recommending: construction of planting beds should be done on the contour; avoidance or careful use of wheeled or tracked vehicles of any kind in Streamside Management Zones; removal of debris in live or wet-weather streams; orientation of debris on the contour when windrowing; use of fire breaks; and suspension of operations during wet periods. Different wetland types and recommended site preparation methods are covered by BMP. A new EPA wetland guidance addresses mechanical site preparation in certain wetland types for the purpose of pine conversion, which may require a permit from the U.S. Army Corps of Engineers.

Forestry BMPs describe measures related to prescribed burns. The Certified Burner program, administered by the Georgia Forestry Commission, is designed to educate Georgians about safe burning techniques. BMPs for fire lines describe a need for water bars placed in firebreak lines in areas where the grade is over five percent, to be placed at frequent intervals to slow the water and disperse it. The BMP also recognizes that wildfire suppression lines are made during high-stress times and therefore the implementation of BMPs should be left to the discretion of the landowner.

Forestry BMPs do not call for revegetation of disturbed areas. Rather, they say that reforestation is not a threat to water quality and BMPs are not necessary, but if you do revegetate, then certain BMPs should be followed. In practice, pine forests are replanted at appropriate times of year, generally in the fall. With Georgia's climate and long growing season, natural revegetation occurs almost immediately during the growing season. Planting beds in wet areas usually requires one to two months to allow the soil to settle, forcing removal of air pockets that could be detrimental to new seedling survival. Because artificial regeneration takes place from December to March after site-prep, revegetation cannot always be accomplished immediately following disturbance of an area. If other BMPs are followed -- stabilization of decks, skid trails, stream crossings, etc -- water quality will not be impaired through revegetation.

Forest chemicals are managed by BMPs as well as by state and federal laws. State law provides authority for regulatory control of pesticides throughout Georgia. There are requirements for licensing for contractors and applicators, as well as labeling and other requirements. The Georgia Pesticide Use and Application Act provides for equipment inspection, transport, storage, disposal of pesticides, accident reporting procedures, etc. Spill contingency plans for coastal waters are coordinated by the U.S. Coast Guard, with input from the National Oceanic and Atmospheric Administration, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the Georgia Department of Natural Resources.

Wetlands are addressed by Forestry BMPs. Additionally, wetlands are considered waters of the state and as such are under the jurisdiction of EPD. Federal mandates and mechanical site preparation guidance address this measure.

Urban Areas

The "Manual for Erosion and Sediment Control in Georgia," developed by the Georgia Soil and Water Conservation Commission, provides a reference for development of erosion and sedimentation plans. The Erosion and Sedimentation Act provides EPD with authority to issue permits for land disturbing activities, including construction, with certain exemptions. The Georgia Department of Transportation is exempt from the Erosion and Sedimentation Control Act but has established standards for sediment control. The Georgia Water Quality Control Act provides some backup authority for protection of water supplies. Urban area BMPs, currently under development by the Atlanta Regional Development Center, provide guidance for urban activities and are envisioned for use throughout Georgia. The Urban Area BMPs are scheduled for completion by 1998. The River Basin Planning Act requires development of river basin management plans for all major rivers in the coastal area. These plans may address many management measures for this category. EPD uses Section 319 funds for education and encouragement to local governments for stormwater control and water quality management issues, and for development of guides and model ordinances.

The University of Georgia School of Design has been awarded a grant to develop revised building codes for Georgia that will minimize water quality impacts. Requirements for maintenance of postdevelopment runoff rates at predevelopment levels is done in a number of urban areas by local ordinance.

EPD also issues stormwater permits that may include nonpoint source pollution measures as permit conditions to urban governments as NPDES permits. EPD can also condition municipal stormwater management permits such that storm water management programs and necessary ordinances be developed to monitor, assess, and implement a plan that might incorporate these measures, but such conditions must be based on an identified need specific to the area.

The Pollution Prevention Assistance Division (P2AD) of the Georgia DNR addresses pollution prevention by providing education and technical assistance to citizens, community organizations, industries, schools, and other groups. P2AD is relatively new program, but it has been very well received since it provides an opportunity for potential polluters to receive technical assistance before they get into trouble. The University of Georgia Horticulture Extension Service, through a grant from the P2AD, is developing guidelines and educational materials for turf management throughout Georgia. There is a litter control law in Georgia, but a great deal of the litter management effort in Georgia is conducted by volunteer groups such as garden clubs and Adopt-A-Highway and Adopt-A-Stream programs. Commercial activities such as parking lots, gas stations, etc that are not under NPDES purview are still subject to other authorities administered by EPD, such as the Water Quality Control Act, the Hazardous Waste Management Act and Department of Transportation standards. EPD also provides pollution prevention education using Section 319 funds.

Georgia has a Hazardous Waste Management Act and an Oil and or Hazardous Material Spills or Releases Act that address construction hazards. Georgia's Litter Control Law and the

solid waste rules and regulations also apply to construction activities. Other authorities or programs that address these measures are the River Care 2000 program and the River Corridor Protection Act.

State law describes the establishment of County Boards of Health, which have the responsibility for enforcing the regulations for onsite sewage management systems. Each of the eleven counties in Georgia's coastal area has a Board of Health, and each has adopted rules for sewage management. The agency with responsibility is the Georgia Department of Human Resources. Each county has permit requirements and monitoring (usually on a "complaint driven" basis). Disposal of pet excrement is not a significant problem in coastal Georgia and is addressed by local ordinances.

Roads, highways, and bridges are under the purview of the Georgia Department of Transportation and are addressed by the BMP manual "Georgia DOT Standard Specifications: Construction of Transportation Systems."

Marinas and Recreational Boating

Coastal Georgia has an average eight foot daily tidal range that provides exceptional flushing for most areas. The Georgia Coastal Marshlands Protection Act prohibits the construction of marinas or any other structures that adversely impact marshlands unless there are no feasible alternatives, and includes a "public interest" test that includes criteria for water quality and flushing. Water quality assessment management is currently not required for marina siting, but may be considered as a condition for NPDES and other permits. Potential impacts to designated uses are assessed prior to permit issuance. CRD reviews all U.S. Army Corps of Engineers permit applications for compliance with the antidegradation rules of Section 404(b) of the federal Clean Water Act. Approved and restricted shellfish areas are considered existing resources, and therefore are afforded the protection of this section. Aquatic habitat is also protected under the Coastal Marshlands Protection Act and the Shore Protection Act. Permanent structures, including marinas, piers, etc. are prohibited on Georgia's beach areas by the Shore Protection Act as a means of protecting the dunes and sand sharing system. At marinas, NPDES permits are required for stormwater discharges from onshore hull maintenance areas, fueling areas, and areas where chemicals or hazardous materials are used. There are few proposed new and expanding marinas in coastal Georgia. Waste water discharge requires a permit from EPD. The Water Quality Control Act is effective for regulating certain water quality violations. NPDES permits are required for onshore fueling areas. The Coastal Marshlands Protection Act requires contingency plans for spills, shutoff valves for fuel pumps, etc. Most marinas in the coastal area have and maintain a pumpout station.

NPDES Permits are required for stormwater discharges from onshore hull maintenance areas. The Coastal Marshlands Protection Act and the Georgia Litter Control Act are also applicable. Fish wastes are not a problem in coastal Georgia since marinas located in the coastal zone are subject to tidal ranges averaging over eight feet, which provides excellent flushing. The Litter Control Law prohibits depositing any litter, including "dead animals" and other waste on

public or private property or in any waters of the state. Public education regarding proper disposal of fish waste can be provided via technical assistance from the Pollution Prevention Assistance Division and other divisions of the Georgia DNR. Permits issued under the Georgia Coastal Marshlands Protection Act are conditioned to include requirements for proper operation and maintenance. The Georgia Hazardous Waste Management Act governs the storage, transport, and disposal of hazardous wastes. The Georgia Underground Storage governs underground storage. The U.S. Coast Guard has primary responsibility and jurisdiction for all vessel-related oil/fuel spills in Georgia. EPD coordinates closely with the Coast Guard on all spills, and has cited vessels for violation of the Georgia Water Quality Control Act that requires that state waters remain free of oil. The Coast Guard Auxiliary conducts boating education courses in Georgia that include discussion of safe fueling practices. The Coastal Marshlands Protection Act permits are conditioned to minimize impacts from hull scrubbing, etc. Boat use in shallow areas is naturally restricted by geography and tides -- the creeks become too shallow to navigate. Due to the natural turbidity in Georgia waters there is no submerged aquatic vegetation. There is no evidence that shallow water habitats such as mud flats and sand bars are adversely impacted by boat use.

Hydromodification: Channelization and Channel Modification, Dams, and Streambank and Shoreline Erosion

A Section 401 Water Quality Certification is required for any channelization. Channel modification projects would most likely be accomplished by the U.S. Army Corps of Engineers and would, therefore, be subject to federal consistency review. Any channelization projects in the coastal zone would require a permit issued under the authority of the Coastal Marshlands Protection Act unless conducted by an exempted agency.

Dam construction is not an issue in coastal Georgia, given the flat topography. There are no dams in Georgia's eleven-county coastal area, and no plans to build any.

Streambank and shoreline erosion are managed using BMPs and state laws. A "Streambank Stabilization Manual" for non-tidal areas has been developed using Section 319 funds. The Coastal Marshlands Protection Act and the Shore Protection Act provide needed authority for tidal areas. The Shore Protection Act provides for the stabilization of developed upland areas to protect against erosion.

Wetlands, Riparian Areas, and Vegetated Treatment Systems

The Georgia Water Quality Control Act provides the authority to manage wetlands and other waters of the state based on water quality standards. Section 401 Water Quality Certification provides the state with authority over federally permitted activities. EPD has authority under the Georgia Water Quality Act to require permits for all point sources and nonpoint sources of pollution in state waters. Point source permits (NPDES) are only issued for no-discharge wastewater land application systems. River Basin Management Plans may include wetlands protection measures.

The Georgia DNR is a signatory to the U.S. Army Corps of Engineers "Wetlands Mitigation Strategy for Georgia." The mitigation strategy is sequential: the first step is to avoid impact to wetlands; the second step is to minimize damage to wetlands; the third step is to mitigate for damages to wetlands. Mitigation involves a system of points to be awarded for various restoration and/or preservation functions. For example, vegetative treatment systems as buffer zones are awarded a higher percentage of points than re-creation of a wetlands. Completely surrounding a wetland area with a vegetative buffer is worth more than just doing one side of the area. Restoration of wetlands and riparian areas is a major component of the program. Preservation is limited to a maximum of fifty percent of a mitigation project and the rest must be creation or restoration, with the emphasis on restoration.

Monitoring and Tracking

Section 6217 calls for a description of any necessary monitoring techniques to accompany the management measures to assess over time the success of the measures in reducing pollution loads and improving water quality. Georgia's River Basin Management Plan provides the framework for intensive monitoring of each of Georgia's watersheds on a five-year cycle. Interim monitoring is done, but on a less intensive basis. EPD publishes a report on the state of Georgia waters every two years.

Georgia Department of Natural Resources

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Lonice C. Barrett, Commissioner

Duane Harris, Director

Coastal Resources Division

912/264-7218

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August 15, 1997

Mr. Jeffrey R. Benoit, Director
Office of Ocean and Coastal Resource Management
NOAA - U.S. Department of Commerce
1305 East-West Highway, N/ORM3
Silver Spring, MD 20910

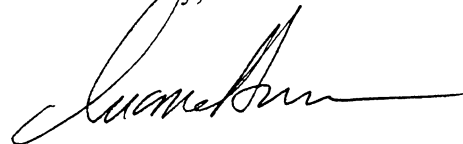
Dear Mr. Benoit,

Governor Zell Miller has submitted the Georgia Coastal Management Program (GCMP) to the National Oceanic and Atmospheric Administration (NOAA) for federal approval. After federal approval, the nonpoint source pollution control provisions of Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 will apply to the GCMP.

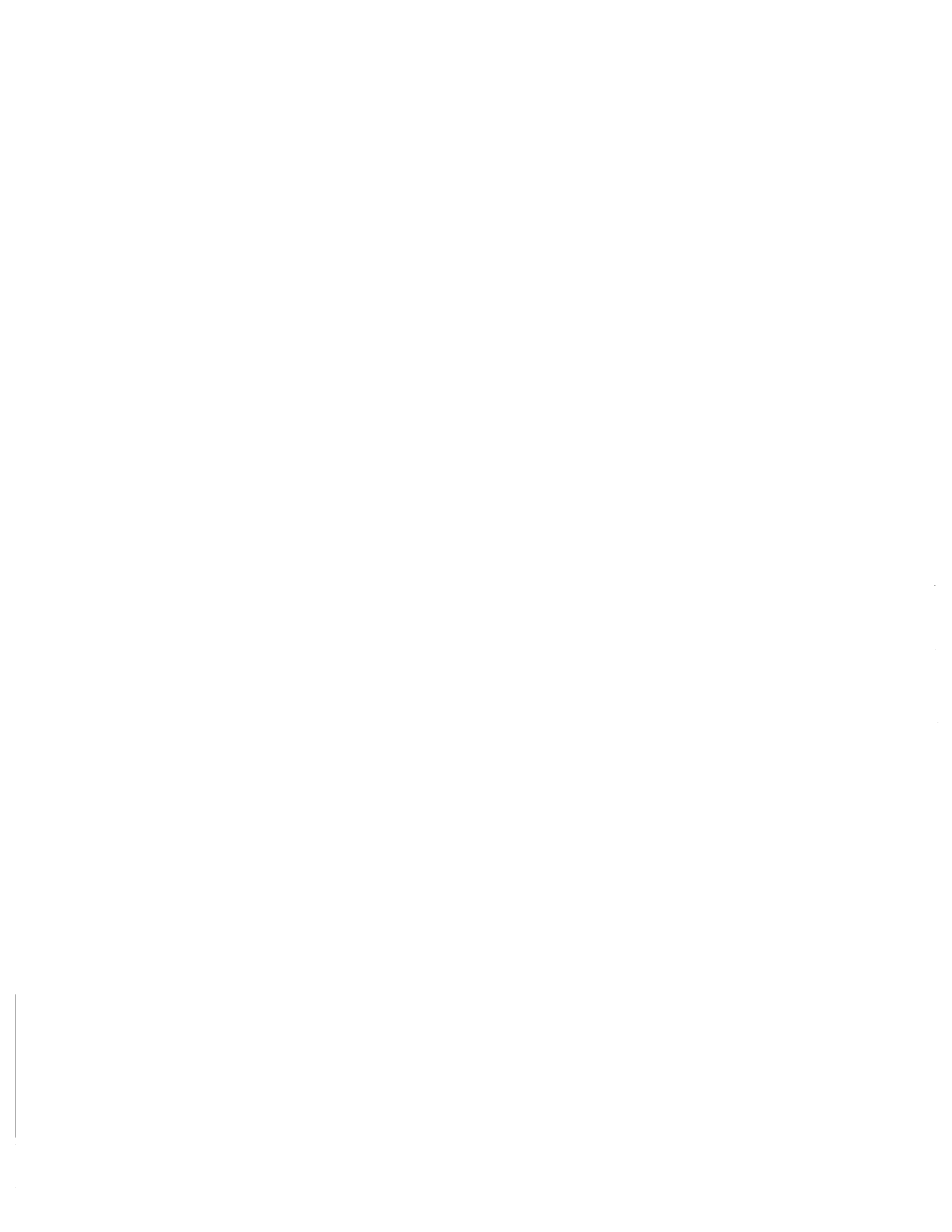
The State of Georgia believes that its existing comprehensive Nonpoint Source Pollution Management Program contains the authorities, assessment, and implementation activities that provide the basis for an approvable coastal nonpoint source pollution control program. This program is administered cooperatively by the Georgia Department of Natural Resources, Environmental Protection Division (EPD) and other state agencies. We recognize, however, that NOAA and the U.S. Environmental Protection Agency (EPA) cannot make a final finding on that issue because the type and amount of information included in Appendix 7 of the GCMP Draft Environmental Impact Statement clearly does not constitute a complete description and assessment of Georgia's program under the requirements set out in NOAA and EPA's Coastal Nonpoint Program guidance dated January 1993 and March 16, June 21, and June 28, 1995.

The State of Georgia commits to submitting its coastal nonpoint source pollution management program to NOAA and EPA within thirty months of GCMP approval. We look forward to working with you and your staff on this matter.

Sincerely,



Duane Harris



Appendix X

PUBLIC TASK FORCE RECOMMENDATIONS

APPENDIX X: PUBLIC TASK FORCE RECOMMENDATIONS

The federal Coastal Zone Management Act provides funding assistance to states with approved coastal management programs for the purpose of program implementation and administration. This administrative funding is an annual, non-competitive, formula-driven, allocation based upon the linear distance of the coastline and the population of the prescribed coastal area. Georgia's anticipated allocation (subject to Congressional appropriations) is approximately \$950,000 per year. The Coastal Resources Division estimates Georgia Coastal Management Program implementation costs to be approximately \$400,000 annually, leaving a balance of about \$550,000. That balance of annual administrative funding not utilized in program implementation will be passed through to local governments, educational and research institutions, and state agencies as competitive "Coastal Incentive Grants." Through these grants, coastal issues can be defined at the grass-roots level and the Coastal Resources Division can provide local entities with the financial assistance to research, develop, and implement solutions.

Coastal Incentive Grants available through the Georgia Coastal Management Program are directed at addressing specific information needs or projects that are local and regional priorities. Annual themes and funding criteria are developed by the Coastal Advisory Committee. Projects must fulfill the goals of the Coastal Management Program, and priority is given to projects that address the public Task Force recommendations presented in this appendix. Many resource issues, including groundwater concerns, historic resource identification, beach access, and others can best be solved through education and outreach rather than regulations. Coastal Incentive Grants provide a mechanism to address these types of local and regional issues, thereby fulfilling the goals of the Coastal Management Program proactively.

In the Spring of 1994, the Coastal Zone Advisory Committee, the predecessor of the Coastal Advisory Committee, established Task Forces to consider issues in coastal Georgia and make recommendations as to how the Coastal Management Program should address those issues. More than two hundred people from throughout the coastal area volunteered to serve on a Task Force in one of nine respective issue areas. By June of that year, the Task Forces had developed a comprehensive list of recommendations that were subsequently adopted by the Advisory Committee. This appendix presents the Task Force recommendations verbatim, as developed by the public and as prioritized by the Coastal Zone Advisory Committee. In determining funding criteria for Coastal Incentive Grants, the Coastal Advisory Committee will fully consider these recommendations. These recommendations are not policies of the program. The policies of the Coastal Management Program are found in Chapter Five of the Coastal Management Program Document, and are comprised solely of the enforceable provisions of Georgia state law as described in that chapter.

Announcements regarding funding priorities will be made ninety days in advance of application closing dates, applications will be evaluated by staff according to established selection criteria, and project awards will be made by staff subject to criteria approved by the Coastal

Advisory Committee. The Committee will meet annually to review the selection criteria, to establish funding priorities, to assist staff with evaluating the grant review and selection efforts, and to ensure that each step in the award process complies with the Georgia Fair and Open Grants Act. Activities conducted using grant monies must comply with all relevant state and federal laws and rules and regulations, and obtain all necessary state and federal authorities. Technical assistance is available from Coastal Resources Division to determine requirements.

A. Fish & Wildlife Task Force

- Develop educational materials targeted for our school systems as well as the general public, to educate them on the importance of wildlife, fisheries and their related habitats.
- Research should be done prior to the addition of any new regulations, with the data having gone through sufficient peer review.
- Research should be analyzed to determine where we have large gaps in our existing research data on fisheries and wildlife issues.
- Fisheries management decisions should be based on scientific technical data with input from citizen advisory committees.
- Improve the transfer of technology and information between the research community and the involved parties (users). Examples: between various state agencies; between research groups; between research and industry; and between research and private landholders
- Stable and consistent funding for research, management and law enforcement for game and non-game programs is essential.
- Georgia DNR should continue to pursue opportunities to purchase areas of critical or unique habitat and utilize as wildlife management areas.
- Encourage development of a system for resolving tension between the need to manage and regulate for the common good and the rights of private property owners. For example, compensation, case-by-case for landowners severely burdened with cost of management or loss of income due to endangered species on property.
- Recognize importance of corridors for wildlife movement.
- Establish a mechanism to help coordinate these education efforts, involving all parties in the development of the educational materials.
- Foster cooperation between local, state, interstate and federal jurisdictions dealing with fish and wildlife enforcement issues.
- Stable, sufficient funding for the coastal fisheries program is essential and especially needed for the research. Possible sources of funds include: percentage of existing DOT state fuel tax funds (same percentage as used by boats); saltwater fishing license as additional funding on coastal fisheries program; and, general fund (increase percentage distributed to DNR)
- The value of critical wildlife, fisheries, and threatened and endangered species habitat should be recognized as a key to healthy populations.
- In all aspects of fisheries, wildlife, and threatened and endangered species, additional research should be directed towards gathering data to specific problems, concerns, and opportunities.
- Research should be broad enough to include the biological as well as the socio-economic impacts involved with the issues being studied.
- Continually develop educational materials on the importance of adherence to existing laws relating to the introduction on non-native species.
- Revitalization of urban and industrial areas -- stay near the existing infrastructure.

- Develop a long term strategic plan for public access, public facilities, and stock enhancement (reefs, structure).
- Georgia DNR should develop fisheries management plans that would establish priorities, identify problems (overfishing, estuarine problems, allocations) and identify research priorities needed to accomplish the goals of the plans.
- Increase law enforcement manpower and resources for fisheries and wildlife in the coastal zone. Example: dedicated marine patrol for coastal waters.
- Widely publicize the conviction and associated penalties of violators of fish and wildlife laws. Alternative penalties (community service, lifetime loss of license for repeat offenders of serious violations, etc.) should be considered in lieu of small monetary fines.
- Penalties for many fish and wildlife associated violations should be increased as added deterrents.
- Encourage and support a system of incentives or rewards for providing information leading to the arrest and conviction of violators of fish, wildlife and endangered species laws. Example: DNR's Turn in Poachers Program.
- Should encourage private landowners to practice wildlife management to improve the quality of existing habitat. Example: Encourage prescribe burning as a management tool. (Limit liability exposure when prescribe burning.) Support the Certified Burner program offered by Georgia Forestry Commission.
- Should recognize non-game as well as game species (vertebrate and invertebrate) as important components of the wildlife community of all ecosystems.
- Should recognize hunting as an important and necessary wildlife population and habitat management tool.
- Recognize importance of maintaining bio-diversity in fish and wildlife populations.
- New manufacturing facilities of chemicals harmful to the environment which are banned for use in the United States should not be allowed to relocate to the coastal zone.
- Should look for and develop alternative solutions when dealing with endangered species on private lands. Example: Relocate isolated populations of endangered species to public lands with suitable habitat for that species.
- Recognize that local influences into the jurisdictional system can result in diminished penalties or convictions.
- Provide incentives for revitalization of urban areas as an alternative to urban sprawl and loss of habitat.

B. Agriculture & Silviculture Task Force

- It shall be the policy of the Georgia Coastal Management Program to provide support for research to investigate issues of water quality and quantity and the effects on fresh water, ground water, and estuarine areas. It shall further be the policy of the Georgia Coastal Management Program to support research to investigate the effects of agricultural and silvicultural chemicals on freshwater, groundwater, and estuarine waters.
- It shall be the policy of the Georgia Coastal Management Program to support a goal of zero loss of wetlands and support voluntary restoration efforts.

- It shall be the policy of the Georgia Coastal Management Program to ensure compliance with relative existing laws and regulations through enhanced enforcement, education, and technical assistance.
- It shall be the policy of the Georgia Coastal Management Program to support programs which recognize unique and sensitive habitats on private and public lands and encourage responsible uses and management practices through economic incentives including special tax treatment to maintain diversity of plants and wildlife habitat in an economically and environmentally sound manner.
- It shall be the policy of the Georgia Coastal Management Program to support 100% compliance to voluntary Forestry and Agriculture Best Management Practices. CZM will provide educational and technical assistance to achieve this.
- It shall be the policy of the Georgia Coastal Management Program to support programs which recognize a sensitivity to aesthetics and encourage the judicious use of buffer zones and other techniques, such as rapid regeneration and replanting, to enhance scenic qualities.
- It shall be the policy of the Georgia Coastal Management Program to ensure that, in areas of rural/urban interface (transition areas), the establishment of buffers shall be the responsibility of the party making the land use change.
- It shall be the policy of the Georgia Coastal Management Program to support the continued use of prescribed fire as an integral tool of agriculture and silviculture practices when conducted in accordance with state law.

C. Public Service Facilities

- Study downstream impacts prior to further permitting.
- Industries should be encouraged to further reduce their dependence on the Floridan aquifer.
- Reclamation and reuse of water should be encouraged.
- The Georgia Coastal Management Program provides technical assistance to local governments and planning agencies.
- The appropriate erosion control measures shall be employed during the crossing of wetland areas. Revegetation with suitable wetland species shall be required. This regards hydrologic regimes.
- Alignments of new projects shall be designed to utilize existing rights-of-way and topographic features wherever possible.
- For locations immediately adjacent to the shoreline, the water-dependent nature of the structure shall be demonstrated.
- Research and development studies directed towards improved construction of right-of-ways in order to create the minimum impact on the environment, scenic value, and maximize pollution control.
- All publicly or privately owned treatment works shall have enforceable industrial pre-treatment programs to preclude the discharge of toxics to sewage treatment works.
- Alignments of new projects shall be designed to utilize existing rights-of-way and topographic features wherever possible.
- Visual buffer areas around sewage treatment facilities should be provided.

- Discourage development of sewage infrastructure in excess of population projections.
- Destroyed and removed vegetation shall be replaced with suitable plantings of native vegetation, consistent with the intended use, to restore as nearly as possible the original appearance, to control runoff, and to prevent pollution. In the case of service roads as little bare surface as possible shall be retained to permit the passage of vehicles. Where possible, access by other than authorized vehicles shall be prevented.
- Suitable erosion controls shall be installed and maintained in accordance with Georgia's Erosion and Sedimentation Act.
- There shall be coordination with the Environmental Protection Division to ensure protection of unique or fragile vegetation, wildlife, and water sources. Existing right-of-ways shall be used where feasible and where possible in order to limit or prevent further damage.
- Serve as a clearinghouse for new technologies for source reduction, recycling, and disposal.
- The siting of nonwater-dependent structures shall be prohibited over water and/or wetland areas.
- Maintain a directory of points of contact for all federal, state, and local regulatory bodies.
- Development of local plans and regulations that address the location and design of public/quasi-public buildings are encouraged.
- The design of such right-of-ways shall meet all applicable federal, state, and local construction and environmental protection standards. Additionally, the design shall cause minimal impact on the vegetation, scenic value, and wildlife habitat.
- Erosion and sedimentation runoff with subsequent pollution of submerged areas must be prevented. All applicable standards for dredging and filling shall be adhered to. Additionally, the guidelines below should be followed.
 - Dimensions of excavated ditches for buried cables, pipelines, storm drains, and similar buried item right-of-ways shall be the minimum required. Permanently open channels shall not be used.
 - Construction of such facilities, water supply lines, in or adjacent to freshwater wetlands shall be prohibited unless no feasible alternatives exist. Construction activities should be timed so as not to disrupt fishery spawning seasons or migratory fish populations.
- Water supply facilities and transmission systems in the coastal zone shall meet applicable federal, state, and local construction and drinking water standards. The Georgia Environmental Protection Division is the focal point for permitting withdrawals from the aquifers and/or surface water in the region. The federal Clean Water Act shall be complied with for effluent discharges.
- The Environmental Protection Division and the U.S. Geological Survey have the ability to decide whether or not further withdrawals should be permitted. The federal Safe Drinking Water Act must be complied with for drinking water monitoring and standards.
- Dredging and filling for water supply projects in wetland areas shall be undertaken only if that activity is water-dependent and there are no feasible alternatives.
- Within the jurisdiction of the Coastal Marshlands Protection Act, excavation activities for the installation of pipelines and transmission lines should be designed to minimize adverse environmental impacts.
- Creation of permanent open water canals to install pipelines shall be denied.

- Bridges and roadways traversing wetland or water areas should consider inclusion of pipelines to avoid additional impacts to these areas.
- Educate local governmental units and industries on existing solid waste regulations (e.g., Coastal Georgia Regional Development Center -- Regional Solid Waste Plan).
- Review federal, state, and local laws for overlapping or conflicting rules. Distribute results for all regulatory groups.
- Maintain a directory of points of contacts for all federal, state, and local regulatory groups.
- Sewage treatment facilities and transmission systems in the coastal zone shall meet applicable federal, state, and local construction and water quality standards.
- The Coastal Management Program will coordinate with the Environmental Protection Division and other agencies with responsibility for implementing comprehensive plans affecting sewage treatment to ensure that proposed projects are compatible with growth and development plans and that alternative locations for sewage treatment facilities are considered.
- Construction of such facilities in freshwater or saltwater wetlands should not be approved by state agencies where feasible alternatives exist. For locations adjacent to such sensitive habitats, priority considerations will be given to major facilities over small plants.
- Construction of facilities shall be consistent with local, state, and federal regulations in regard to water quality.
- Outfall locations shall consider water depth, circulation, and mixing in order to protect water quality. Effluent shall not be discharged or flushed into wetland areas unless the wetlands are specifically designed for such purposes.
- Maximum study and analysis shall be given to no discharges and/or tertiary treatment alternatives to conventional treatment methods; for example, land disposal, water conservation techniques, land application, wetlands creation, and overland flow.
- The Coastal Management Program will ensure that plans for all proposed septic systems requiring a state permit will meet current Environmental Protection Division standards and regulations. Septic systems can degrade both underground and surface water. These shall only be installed after a study and analysis of the soil conditions has been conducted by qualified public health and technical personnel.
- The Coastal Management Program will also coordinate with local health departments, the Environmental Protection Division, and other implementing agencies to ensure that septic systems standards and regulatory enforcement are adequate to protect coastal resources.
- Applications for the construction of unlined lagoons or impoundments for water treatment facilities, and similar activities shall be denied by applicable authorities, where adverse effects on protected wetlands or tidelands will result or where aquifers may be harmed. Lagoons and impoundments shall have a monitoring system to check on leakage.
- Waste treatment facilities shall be designed in such a manner that no effluent will be discharged into areas adjacent to or approved for shellfish harvesting.
- Construction of facilities shall be consistent with local, state, and federal regulations in regards to water quality.

- Excavation activities within the jurisdiction of the Coastal Marshlands Protection Act and/or the Shore Protection Act are sometimes required for the installation of sewage lines. These installations shall be designed to minimize adverse environmental impacts. In addition to standards for dredging and filling, the following standards are required.
 - Creation of permanent open water canals to install pipelines shall be prohibited.
 - Wherever feasible all excavation in wetland areas shall be backfilled with the excavated material after installation of the appropriate structure, while maintaining the original marsh elevation.
 - The appropriate erosion control measures shall be employed during the crossing of wetland areas. Destroyed and removed vegetation shall be replaced with suitable plantings of native vegetation, consistent with the intended use, to restore as nearly as possible the original appearance.
 - Discharges across public beaches shall be prohibited.
- Speculative excess capacity in treatment facilities should not be approved unless the projects meet population projections for the area.
- Permanent alterations to freshwater wetlands, from either dredging or filling for the construction of public buildings shall be prohibited unless no feasible alternatives exist or there is an overriding public interest or need, and must comply with federal wetlands regulations.
- Construction methods and site drainage plans which reduce erosion hazards and limit the direct discharge of storm water run-off shall be utilized to protect coastal water quality. To the extent feasible, public buildings should not be located in high flood zone areas, as designated under the National Flood Insurance Program.
- Plans for major public buildings or complexes shall include adequate sewage disposal capacity meeting federal Environmental Protection Agency, Georgia Environmental Protection Division, and local health department standards.
- The siting of buildings within eroding dune fields or on beaches shall be prohibited.
- All such development should conform to applicable local and/or regional plans and zoning requirements.
- Educate local governments and private industries on the existing dam and reservoir regulations. To include low flow dams.
- Appropriate sections of the Coastal Marshlands Protection Act, Shore Protection Act, Safe Dams Act, and Scenic Rivers Act should be applied.
- Pipelines traversing beaches shall be prohibited.
- Dimensions of excavated canals for cables and pipelines shall be minimal.
- Monitor Environmental Protection Agency, Environmental Protection Division, Police and Code Enforcement records for current legal and illegal waste handling practices. Serve as an information clearinghouse for existing data.
- Dimensions of excavated canals for cables and pipelines shall be minimal.
- Review federal, state, and local regulations for overlapping or conflicting rules. Notify all regulatory groups of the findings.

D. Marine Related Facilities

- Recreational docks and piers shall not be permitted on lots with less than 100 linear feet of waterfront property. Community docks or individual recreational docks and piers shared by adjacent landowners are encouraged. Consider: (1) carrying capacity; and (2) master plan for docks in new development.
- Provision of dry storage facilities, where possible.
- Marinas and community docks shall avoid or minimize disruption of currents. Dead-end or deep canals without adequate circulation or tidal flushing will not be permitted, unless it can be determined that water quality will not be designed to prevent long-term degradation of water quality.
- The Georgia Ports Authority should not have jurisdiction over private projects; perhaps DNR holds jurisdiction.
- Provision of loading/unloading docks on new public boat ramps, where construction is feasible.
- Boat ramp locations that require dredging of wetlands to provide channel access to deep water will be prohibited.
- The following priorities will be considered when justifying boat ramp location in sensitive areas: (i) public use -- open to all citizens; (ii) restricted use -- open to citizens of a particular area or organization only; and (iii) private use -- use for one citizen or family.
- Recreational docks and piers shall be constructed in a manner that does not restrict waterflow.
- In review and certification of marinas and community dock permit applications, the extent of public demand for the facilities, as demonstrated by the applicant, will be considered.
- Construction of marinas or community docks within 1,000 feet of approved or restricted shellfish harvesting areas shall be prohibited.
- Excavation of boat basins in marshlands shall be prohibited.
- Marinas and community docks shall be located in areas where the least amount of initial and maintenance dredging will be required. No project will be certified if initial and maintenance dredging will result in dissolved oxygen or turbidity levels not in compliance with the Georgia Erosion and Sedimentation Act or current Corps of Engineers dredging guidelines. Applications for marinas and community docks shall include maintenance dredging and schedules and dredged material disposal sites when applicable.
- Excavation of boat basins in upland areas shall be permitted provided other criteria in this section and all applicable local, state, and federal specifications and requirements are met. An upland boat basin is defined as a facility built at greater than 5'6" above mean sea level, with positive natural flushing or a lock system. Depth of the basin cannot exceed the depth of the adjoining water body. Canal width shall be no greater than the minimum required for boat ingress and egress. Canal length shall be as short as possible, based on site-specific parameters. Facilities will not be allowed on access canals.
- Provision of adequate parking facilities and transportation access from the landward side.
- Construction of joint use or community piers rather than individual structures.
- Recreational docks and piers shall not impede navigation or restrict reasonable public use of the waters.
- Siting of public use boat ramps in easily accessible areas, such as bridged and dead-end causeways.
- Provision of telephones accessible to Emergency 911.

- Marinas and community docks shall be located in areas that will have the least potential adverse impact on wetlands and water quality as stated in Section 404 of the federal Clean Water Act and following sequencing requirements as described in the Corps of Engineers 404(b)(1) guidelines.
- Marinas and community dock designs shall minimize the need for excavation and filling of shoreline areas and salt marsh as stated in Section 404 of the Clean Water Act and following sequencing requirements as described in the Corps of Engineers 404(b)(1) guidelines.
- Marinas and community docks shall be located in areas that will have the least potential adverse impact on federal and state listed species and migratory birds, as stated in the federal Endangered Species Act, the Georgia Endangered Species Act, and the federal Migratory Bird Treaty Act. U.S. Fish and Wildlife Service and Corps of Engineers Standard Manatee Conditions for construction activities and manatee awareness will apply to all new marinas and community docks.
- Marinas and community docks shall be prohibited in the jurisdictions of the Shore Protection Act in those areas on the Atlantic Ocean.
- Buildings associated with marinas and community docks shall not be constructed within the wetland setback required by county ordinance and/or state law, whichever is wider.
- New marinas shall provide facilities for proper handling and disposal of fuel, lubricants and other petroleum products; wastes from cleaning, painting, maintenance, and repair operations; and sewage, litter, waste, storm water and wash water runoff, in accordance to all applicable local, state, and federal specifications and requirements. New community docks with launch and haul-out facilities must provide facilities for proper handling and disposal of storm water and wash water runoff. Boat maintenance areas in new marinas and community docks shall be designed so that all bottom scraping and painting is conducted over dry land with proper control and deposition of residues, spills, and storm water runoff.
- New marinas shall provide pump-out facilities and trash receptacles. New community docks must provide trash receptacles. All pump-out and sewage facilities shall be included in the public notice and certified by the Environmental Protection Division or appropriate authority before permit approval. Proper trash receptacles or similar facilities should be plentiful and convenient for proper disposal of trash, waste, and noxious materials such as paints, rags, and oil cans required for normal boat maintenance and repair.
- Marinas and community docks with fueling facilities shall have an approved contingency plan for spills of petroleum projects, as required by the Corps of Engineers and the Coast Guard.
- Before any state-issued permit, license, or lease shall be renewed, marinas and community docks existing at the time of approval of the Georgia Coastal Management Program must not be in violation of any applicable local, state, or federal law, policy, specification, or requirement.
- Provision of upland facilities at new marinas that are compatible with and enhance recreational boating opportunities (such as bathrooms, showers, laundry facilities, and telephone accessible to Emergency 911).
- Provision and maintenance of recycling containers.
- Georgia tax incentives and technical assistance will be provided for recreational docks and piers that are constructed using less toxic alternatives to new CCA-treated wood, including plastic lumber, untreated wood, salvaged dock materials, and concrete.
- The size and extension of a recreational dock or pier shall be limited to that reasonable for the intended use. To preclude shading of marsh vegetation, decks shall not be located over vegetated marsh and walkways to the dock or pier that are built over vegetated marsh shall not exceed six feet in width and shall

be elevated at least three feet above mean high water. Docks that extend more than 1,000 feet from the top of the bank shall not be permitted.

- Construction of recreational docks and piers within 1,000 feet of approved or restricted shellfish harvesting areas shall be prohibited.
- Projects shall include facilities for proper handling of litter, waste, and refuse, where applicable. No disposal of petroleum products will be permitted at private recreational docks and piers.
- Recreational docks and piers are prohibited in areas subject to the jurisdiction of the Shore Protection Act.
- Use of easily maintained and repaired construction materials.
- Provision of dry storage facilities, where possible.
- Fill of productive salt, brackish, or freshwater wetlands for boat ramp construction will be prohibited unless no feasible alternatives exist in adjacent non-wetland areas. Boat ramp designs shall minimize the need for excavation and filling of shoreline areas and salt marsh as stated in Section 404 of the federal Clean Water Act and following sequencing requirements as described in the U.S. Army Corps of Engineers 404(b)(1) guidelines.
- Boat ramps shall be constructed of environmentally acceptable materials, such as concrete or oyster shell. Environmentally unacceptable materials include, but are not limited to, roofing shingles, asphalt, and old tires.
- Construction of boat ramps within 1,000 feet of approved or restricted shellfish harvesting areas shall be prohibited.
- Provision of adequate parking facilities and transportation access from the landward side.
- Provision and maintenance of trash receptacles and recycling containers.
- Incorporation of public boat ramps with other public boating facilities to improve recreational opportunities.
- Construction and maintenance of new public docks to minimize damage to vehicles, boats, and trailers during loading and unloading.
- A study should be conducted to evaluate the impact of wash water runoff (soap and water washing or rinsing after boat pulled out of water) on wetland resources.

E. Transportation Task Force

- Maximize reuse/beneficial use of materials (active/passive) through improved interagency coordination.
- It should be recognized that harbor maintenance has impacts on sand-sharing system.
- Explore county-to-county consistency in implementation of standards.
- Balance access and impacts on resources such as barrier islands.
- Provide for multiagency (all) acceptance of an existing standard application for permits.

- Quality assurance process for environmental studies.
- Dredging of commercial/industrial berthing areas must be conducted in accordance with existing water quality standards for the appropriate river classification, in light of new technologies and research finding.
- Require peer review of scientific data for developing, establishing or revising policies/regulations. Require development of peer review process prior to initiation of specific study.
- Issue CZM "updates", i.e., newsletter, on proposed/ongoing studies. Available to the general public.
- Maximize uses of current industrial/commercial areas prior to developing outside existing industrial/commercial areas.
- Consolidate wetland crossings to a single point wherever possible.
- Infrastructure and access on publicly held lands must be compatible with the purpose for which these lands were established.
- Encourage public acquisition of privately held islands.
- Encourage and facilitate general consistency determinations for agency O&M operation and maintenance activities, e.g., dike repair, water control, dredging, disking, prescribed burns, HAZMAT transfer/transport.
- Recognize ports/harbors as an economic resource that should be kept economically viable.
- Areas of special consideration within the coastal zone (e.g., national/state parks or wildlife refuges, public lands) should be restricted from incompatible uses such as jet skis, billboards, or other degrading factors. Use should not ruin the special consideration of the area.
- Make available informal preplanning guidelines for all permittees, agencies, and potential mitigation landowners.
- Develop/implement educational program to foster awareness of CZM-related requirements for permits, etc.
- Maximize life of existing disposal areas.
- Establish and maintain efficient intermodal links.
- Establish program to encourage responsible disposal of abandoned vehicles/vessels. When such efforts fail, levy appropriate penalties to the offender.
- All man-made structures within the coastal zone will be designed to utilize best management practices (BMPs) for controlling non-point source discharges.
- Assure facilities designed, built, and operated within the coastal zone adhere to BMPs for transfer of oil and hazardous materials.
- Enforce laws and regulations concerning dumping along transportation corridors (roadways, rivers, streams, railroads, pipelines).
- Ensure compliance with existing test requirements. Implies good tests now, some tests unnecessary. New technology demands flexibility in requirement/testing.

- Retain current easements for future use where possible. Government will acquire and retain land often for uncertain reasons.

F. Areas of Special Concern Task Force

- Discourage additional development on barrier islands without causeway access (e.g., no state tax benefits, no state grants or loans in support of such development, and state compliance with federal Coastal Barrier Island Improvement Act for state-owned barrier islands, or portions thereof).
- Encourage use of land in areas most suitable for such uses; discourage development of areas not within existing public service areas. (Use city, county, and state tax incentives, location or public facilities and services, acquisition and maintenance of conservation easements, and zoning, subdivision regulations, performance standards, and other local land use management controls.)
- Conduct geological studies of the system-wide effects of beach, dune, and inlet dynamics on all developed barrier islands (Tybee, Saint Simons, Sea Island, Jekyll). Incorporate already existing studies such as the Corps of Engineers study of Jekyll, Saint Simons, Sea Island, and Little Saint Simons Islands.
- Develop and implement public education and training programs to enhance understanding about special areas and their importance.
- Require water management plans to be developed and implemented by local governments; develop new regional plans.
- Water conservation measures need to be enacted and enforced now -- residential, commercial, and industrial. Encourage innovative measures to decrease amount of water used. (Such as: treated wastewater on golf courses and lawns instead of using aquifer drinking water, etc.) Require water conservation in individual homes, commercial, and industry -- ALL water users. Encourage low-use plumbing codes and ordinances changes.
- To hammocks larger than two acres that are accessible by motor vehicle apply the following provisions.
 - Hammocks larger than two acres that are accessible either by existing causeways or on existing navigable creek or channel may be developed provided that a setback buffer (25 feet) of natural vegetation be preserved on the borders of the hammocks facing waterways and marshes, except under special appeal. This setback is consistent with the Erosion and Sedimentation Act and is subject to alteration if justified by further study. Construction within the buffer should be discouraged but may be allowed under a special appeals process.
 - Consistently analyze the resource impacts of development on hammocks through local evaluation studies paid for by CZM program funds. Subsequently utilize findings of such studies in stipulating conditions applied to development and use of property under the authority of state and local government.
 - Encourage use of land in areas most suitable for such uses; discourage development of areas not within existing public service areas. (Use city, county, and state tax incentives, location of public facilities and services, acquisition, and maintenance of conservation easements, and zoning, subdivision regulations, performance standards, and other local land use management controls.)
 - Maintain the scale and visual character of hammocks by developing and implementing locally enforced standards and local government policies to ensure the following.
 - Adequate protection of native vegetation and wildlife.
 - Control of building size, height, and density.
 - Limitations on impervious surfaces (paving and buildings).
 - Adequate capacity, appropriate location, and design of public service systems, including water and sewer, drainage, roads, and lighting, signage, recreation facilities/areas, and provision of open space and publicly accessible natural areas.

- Any hammock of any size that is isolated, either because it is surrounded by marsh or accessible at mean high water only by a tidal creek impassable by boats larger than 14 feet should be left in its natural state. Engineering modifications to provide access to hammocks should be discouraged.
- Hammocks of two acres or less should be left in natural condition.
- Strict consistent and prompt enforcement of all existing laws and regulations regarding aquifer protection, management, and monitoring.
- Provide CZM-funded technical support in determining the areas and activities most suitable for sustainable economic development throughout coastal Georgia.
- Discourage development on hammocks larger than two acres without motor vehicle access (e.g., no state tax benefits, no state or local grants or loans in support of such development).
- Research existing studies and programs to compile a list of description of all areas in coastal Georgia that are environmentally unique or vulnerable.
- Use funding from CZM in combination with other state and federal sources to secure additional public access areas to coastal waters, as determined by access studies.
- Monitor effects of silviculture and agriculture practices for impact on freshwater wetlands and for compliance with "Best Management Practices for Forested Wetlands in Georgia" (Published by Georgia Forestry Association -- Wetlands Committee, July 1990).
- Update/upgrade identification of and protect aquifer recharge areas for both the Floridan and the Miocene aquifers. Use CZM funds to support local governments in their efforts to implement protective measures addressed in their comprehensive plans.
- Seek and implement alternative sources for secondary uses of water by industry, golf courses, lawn care, etc.
- Ensure that all industrial effluent meets or exceed existing water quality standards.
- All future wastewater treatment plants that are sited on rivers or drain into a river system (watershed) will provide, as a minimum, [tertiary] treatment of the effluent -- sewage treatment for removal of nutrients.
- Due to sediment flow restrictions and water quantity/quality problems created by dams, no new dams shall be built on rivers in Georgia below those already in place. This applies to rivers with a flow rate of 400 cubic feet per second or greater. Investigate downriver effects of any proposed alteration of Georgia rivers (such as channelization, discharge, dredging, and operation of dams). Based on these findings, propose further controls in the public interest. No more big dams in the state.
- Identify, manage, and protect areas of special concern along our rivers such as unique plant communities and other areas of ecological significance, consistent with the general policies. Encourage sustainable yield practices.
- Use CZM funding to support local governments in developing and implementing land use and zoning policies that address the specific needs of our riverine systems, consistent with requirements of the Mountain and River Corridor Protection Act. Use as baseline the "Recommended River Corridor Protection" developed by the Coastal Georgia Regional Development Center. Use landsat and other "state-of-the-art" technology to delineate these areas.

- Identify, cap, and monitor abandoned wells, especially on or near hazardous waste sites and military facilities, to avoid contamination. Federal standards need to be met or exceeded.
- Review all applications for permits to the U.S. Army Corps of Engineers for Section 404 activity.
- Identify management concerns for sites. Examples include impacts from recreational use, deposition of dredge spoil, and any other activity which might adversely impact shorebird nesting.
- Use state tax incentives for environmentally sensitive areas.
- Public access to publicly- and privately-owned barrier islands and other publicly-owned lands should be managed so as to reduce conflicts with the functions of such areas to ensure compliance with management plans.
- Minimize length of docks with criteria to include: aesthetics; navigation; environmental; safety.
- Planning efforts in the coastal zone should be incorporated into large area development (malls, highways, industrial parks, etc.) to keep deforestation to a minimum. Existing large trees should be kept and trees planted where possible.
- Prohibit dredging or excavation of any new shipping channels from the Atlantic Ocean to inland waters. Examples of areas protected by this policy include the Altamaha, Ogeechee, and Satilla rivers, and sounds that are not currently being dredged.
- Review proposals for deepening or extending existing channels in terms of impacts on erosion, freshwater and saltwater habitat, wildlife refuges, water quality, and other measures of environmental stability.
- 25-foot vegetative buffer adjacent to marshes should be maintained as required under the Erosion and Sedimentation Act.
- All development adjacent to marshlands will apply a 25-foot buffer of natural vegetation.
- Yearly survey of potential shorebird nesting sites on public and private lands to determine nesting activity and the need for protection. This could be coordinated by the Department of Natural Resources and/or the U.S. Fish and Wildlife Service, and utilize volunteers, seasonal sea turtle interns, and agency personnel.
- Open space standards should be provided/established for each coastal county to be enforced through the planning and zoning process established by respective communities or municipalities.
- Provide and distribute information about the location and features of public access facilities as a means for ensuring their maximum benefit to both resident and tourists.
- Encourage research to determine best construction designs and materials to use in dock construction, especially in the area of fuel storage and handling over or adjacent to coastal waters.
- Based on findings of this evaluation, establish a coastal resources public access program, including priorities and funding recommendations for easement acquisition and maintenance and for facility construction, improvement, and maintenance.
- In an effort to reduce the amount of time required to assess sites of potential significance, form a citizen review committee of qualified individuals. They will initiate action upon notification by the State Historic and Preservation office to research and evaluate property proposed for development or as requested.

- The state shall identify and map areas of archaeological interest within the coastal zone by interviewing professional and non-professional archaeologist and combine with existing information. Archaeological field surveys should be undertaken on these sites on a priority basis by the state with the assistance of a citizens advisory committee. (Utilize universities and colleges to take on investigation and research of this program. Adequate supervision will be required.)
- Initiate studies of various resource systems and areas to determine carrying capacity/sustainable use conditions, to ensure adequate biodiversity, and adopt management plans that include controls and incentive measures to ensure compliance with findings of these studies. Encourage private financial participation in such studies for large development projects.
- Devise management plans for all areas of special concern, including those that are privately owned, integrating such plans into the local comprehensive planning process to the maximum extent possible.
- Establish monitoring programs to be used on a continuing basis to determine the existing condition and use of special areas.
- Consistently analyze the resource impacts of development on barrier islands through local evaluation studies paid for by CZM program funds. Subsequently utilize findings of such studies in stipulating conditions applied to development and use of property under the authority of state and local governments.
- Maintain the scale and visual character of barrier islands by developing and implementing locally enforced standards and local government policies to ensure the following.
 - Adequate protection of native vegetation and wildlife;
 - Control of building size, height, and density;
 - Limitations on width of roads and streets; and,
 - Limitations on impervious surfaces (paving and buildings).
- Consistently analyze the resource impacts of development on barrier islands through local evaluation studies paid for by CZM program funds. Subsequently utilize findings of such studies in stipulating conditions applied to development and use of property under the authority of state and local governments.
- Research and set a percentage to reduce aquifer water use by industry and communities by the year 2000.
- Develop and enforce a program for long-term management of the sand-sharing system based on these studies. Management program should include cost/benefit analysis of its implementation and detailed analysis of financing and pay-back for recommended projects. Make a cost analysis of the pay-back to the public, including tourism, and recreational benefits for the publicly-funded portions of all future projects.
- Based on these studies, determine relationship between channel maintenance and sand-sharing system, and recommend related policies and procedures for protecting shorelines from erosion. When dredging shipping lands, opening sand-clogged inlets, or in other ways artificially taking sediment out of the natural system, the sediment should be placed in favorable down-draft positions so as to re-enter the littoral stream. No new shipping channels should be developed on the Georgia coast.
- If and when beach renourishment projects are used as part of the sand-sharing system management program, ensure that the material used exceeds minimum standards of quality, as measured in chemical composition and physical characteristics, consistent with applicable state and federal water quality standards. Use dredge material whenever it is available, provided that it meets or exceeds these standards.
- Avoid using engineered structures, or other beach modifications, that prevent full function of the sand-sharing system in adjacent areas, or which degrade physical, biological, or chemical effects or functions, or the appearance or recreational use of the shoreline.

- Establish cooperative partnerships between regional and local organizations, for the purpose of developing and applying the leadership needed to ensure properly balanced and successful economic development.
- Through assistance from the Georgia Coastal Management Program, encourage counties lacking state-recognized Erosion and Sedimentation Control Ordinances to adopt and implement them to obtain state certification under the Erosion and Sedimentation Act. The Coastal Management Program should sign-off before issuance of permit.
- All storm sewer discharge will be removed from sewage treatment systems and treated, as needed, through a separate system.
- Potential sites for landfill and/or dredged materials disposal which encompass significant historic, cultural, or archaeological areas shall not be approved.
- Include vertebrate Paleolithic remains dating to the late Pleistocene (20,000 BC).
- Basic survey information of unsurveyed and partially surveyed counties should be completed by the state so that consistent, reliable, and up-to-date field survey information is available to make informed decisions regarding historic properties within the coastal zone. Analysis and synthesis of survey data on a county by county and regional basis should be undertaken to augment the development of historic contexts by providing solid information on historic properties.
- Develop and implement financial techniques, tax incentives, and state and local protection ordinances to protect archaeological sites within the coastal zone that have been identified. Tax incentives should be afforded developers who plan construction and development which takes into account historic, cultural, or archaeological areas within the proposed development area, as approved by the State Historic Preservation Office.
- Develop criteria and procedures to ensure that sites for development which encroach upon historic, cultural, or archaeological sites on ALL property will not be approved without actions being taken to ensure adequate mapping and exploration or avoidance of said areas. This will require elimination of certain existing public exemptions. (Possibly use as a guide Hilton Head and Jasper County, South Carolina archaeological resource preservation ordinance.) Adequate tax incentives are provided the developer to meet or exceed the cost of such mapping and exploration.
- Nontitled land within the coastal zone which includes historic, cultural, or archaeological sites should be deemed state property so that they may be adequately protected from harm.
- Take advantage of existing corridors (canals, parkways, etc.) to provide space for recreational, aesthetic, or wildlife benefits.
- Inventory and evaluate the adequacy of public access locations and facilities throughout coastal Georgia.
- Establish a monitoring program to periodically re-evaluate the adequacy and use of coastal public access areas and facilities.
- Where a residential community is sited, a community dock should be built instead of individual docks.
- Docks should be permitted with consideration for impacts to the marsh, shellfish, and water flow.
- Docks should be constructed of materials that are the least harmful to the environment (pollution, chemicals, etc.)

- Coastal habitats are numerous and varied, each with its unique value. The public should be allowed access to representative areas for enjoyment, relaxation, and education.
- Coastal counties should be inventoried to identify areas that could be purchased or preserved for open space.
- Additional open land corridors should be provided for alternative forms of transportation, i.e., bicycling.
- Determine need for additional research required to identify such areas, including technical criteria to be used.
- Promote state and non-profit acquisition and management of highest priority areas (refer to Heritage Trust and Preservation 2000 Programs, but other areas may be added).
- Install signage as needed in critical areas to inform the public about restrictions on activities (by season and activity), consistent with special area management plans.
- Establish fund and long-term program of implementation for property acquisition or purchase of all or partial development rights and/or conservation easements from private landowners.
- Investigate the feasibility of providing additional incentives for contribution of property or development rights by private landowners to public agencies (state or local government or non-profit corporations).
- Adequate capacity, appropriate location, and design of public service systems, including water and sewer, drainage, roads, lighting, signage, recreation facilities/areas, and provision of open space and publicly accessible natural areas.
- Require a copy of all U.S. Army Corps of Engineers letters certifying Section 404 Wetland Delineation and surveys within the Georgia coastal zone be sent to the Georgia Coastal Management Program.
- Certify proposed U.S. Army Corps of Engineers Permits that comply with federal guidelines.
- Analyze feasibility of Mitigation Banking for Freshwater Wetlands.
- Use the findings of such studies to support local land use decisions, investment in capital improvements, promotion of business and industry, and other actions related to economic development.
- Use CZM-funded staff to help local governments develop and implement strategic economic development programs, consistent with the above policies, to achieve more complementary relationships between economic development and resource management.
- Ensure the state investments and permitting activities are consistent with the above policies, in an effort to achieve better coordination between local and state economic development programs, while promoting predictable and sustainable use of resources.
- Provide incentives for developers to encourage use of management plans meeting or exceeding criteria to be established by the local governments in cooperation with the state.
- Encourage, promote, and monitor the use of Agricultural and Silvicultural Recommended Best Management Practices.
- Monitor and increase quality (where justified) of rivers to comply with the Georgia Water Quality Control Act. Investigate the river and water classification procedures and their application to coastal rivers and based on this research upgrade the classification to reflect the actual quality of the water.

- Initiatives should be taken to upgrade existing sewage treatment facilities that are sited on river systems in order to conform with these policies.
- Establish legal mechanism to seasonally protect sites from activities which might have negative impacts on shorebird nesting.
- Provisions in tax laws to protect culturally unique communities from rising property taxes where the community retains right-of-first-refusal when culturally unique areas are for sale.
- Use the CZM program to help create jobs with upward mobility and long-term stability for regional residents, especially for the unemployed or underemployed, with an emphasis on enterprises based on sustainable use of resources.
- Private islands should be protected against trespassing (above high water line).
- Public access for other reasons should be avoided within 2,000 feet of historic sites (on the National Register of Historic Places), national wildlife refuges, state management areas, and other environmentally-sensitive areas. Within this zone, nationwide/county permits would not apply, and formal permitting process would be required.

G. Manufacturing Task Force

- Potential and rate of growth outside the coastal zone should be recognized (i.e., downstream effects, and watershed impacts as groundwater use).
- The use of groundwater should be controlled to ensure the withdrawal rate is not greater than the recharge rate.
- Landowners should be compensated for loss of use due to environmental regulation.
- Develop adequate means for resolving potentially competing concerns of various jurisdictions.
- Ground regulations in sound science -- provide funds for literature and field studies.
- Existing industrial users should be encouraged to reduce the use of groundwater through recycling or location of alternative sources.
- Growth of environmentally compatible industries should be encouraged.
- Uniform application of regulations is necessary.
- Surface water should be the primary source of water for most new industrial uses.
- Some consideration should be given to the priority of use of groundwater with respect to need and cost.
- Industry needs to know in advance what new regulations are likely to be imposed for realistic implementation time frame.
- Development of environmental standards for existing industry should include consideration of economic needs of a community as a factor.
- Current industrial users of water should be encouraged to utilize surface water where it is economically feasible to do so.

- There must be in place a scientific procedure to locate and identify those parameters of water quality which are real concerns to the resources of the area. Industry should then make the necessary changes.
- Current regulations of wetlands are strong enough to control the industrial impact on wetland areas.
- The ability to evaluate the effects of smaller and smaller levels of air emissions combined with new regulations under development will address many concerns.
- Dedicate funds to a survey of unexplored subject areas and their biological significance to the coastal region.
- CZM should act as a "clearing house" for permitting processes (without eroding DNR's "one-stop permitting" or adding layers of regulation or permit review).
- Incentives should be provided to encourage existing facilities to upgrade to current environmental standards.
- Existing regulations should be enforced.
- Storm water runoff regulations should only reflect existing controls which will prevent adverse impacts from industrial sites.

H. Residential, Commercial, and Industrial Development Task Force

- Design, implement, and enforce a master drainage plan at the county, regional, and watershed level.
 - a. Facilitate retention and reuse of runoff water for irrigation, etc.
 - b. Consider tree ordinances.
- Seek the establishment of a "green belt" or a continuous natural landscaped buffer between development and the marshes, salt water, or major fresh water rivers.
 - a. Consider establishing scenic corridor zoning.
 - b. Consider tree and lighting ordinances.
- Do not let standards slide and preserve "fishing" grade water quality standards for all coastal rivers in the short term, and move toward "recreational" standards; with Georgia Environmental Protection Division and U.S. Environmental Protection Agency established timetables.
- Implement a large-scale study to determine, track, and continuously model sustainable use of coastal aquifers.
 - a. Bring all large-scale users into the model, including agricultural users.
 - b. Identify potential users of non-aquifer and non-potable water supplies.
 - c. Relate study to comprehensive growth management plans.
 - d. Identify interstate issues and potential solutions.
 - e. Identify and plan ahead for alternative water sources, costs, and implementation schedules.
 - f. Minimize delays and encourage implementation.
 - g. Recommend an effective implementation and regulatory strategy and mechanism, such as a state or regional water commission.
- Design surfaces to facilitate absorption by local soils and wetlands.
 - a. Use trees and grass islands in parking lots.

- b. Design drainage to slow and divert flow. Consider alternatives to curbs and gutters, such as drainage ditches.
 - c. Reduce and control slopes.
 - d. Protect tree cover.
- DNR accelerate the development of artificial reefs.
- Conduct studies to determine reasonable limits and capacity for development in coastal region. Develop incentives and controls to apply the findings of the studies. Provide an opportunity for public input before implementing any findings from the studies.
- The use of the Floridan aquifer should be prioritized for drinking (domestic) consumption. All new development must provide for its water supply in accordance with a comprehensive regional water use and allocation plan.
 - a. Relate implementation to factual data from the study.
 - b. Give priority to development in areas with available capacity.
 - c. Discourage development in areas with insufficient capacity.
- Fully fund and staff wetlands delineation, permitting, and enforcement programs.
- Minimize the construction of impervious surfaces.
 - a. Use grass lawns for overflow parking.
 - b. Lay out compact car spaces in parking lots.
 - c. Use permeable parking surfaces (such as "popcorn asphalt").
 - d. Manage growth.
 - e. Require subdivision drainage plans and review existing subdivision drainage engineering requirements.
- Promote quality, affordable housing with performance standards.
 - a. Discourage mobile homes.
 - b. Avoid 100-year floodplains.
 - c. Consider public transportation accessibility in site selection.
 - d. Encourage the use of existing infrastructure.
- Environmental Protection Division reduce permitted toxic discharge (per NPDES permits) in all areas draining into fisheries and prohibit additional toxic discharge from new development.
- Conduct a cost/benefit analysis of proposed actions including internal, external, and quality of life considerations.
- Prohibit the construction of all new revetments on the coast of Georgia.
- Conduct a review of the existing regulatory structure.
- Respect individual property rights -- but not preeminent to the needs of the community.
- Conduct regional studies to determine the specific protective measures for different wetland types and areas.
 - a. Study the appropriate sizes of buffers between development and wetlands or rivers.
 - b. Use the study to determine allowable variances and subdivision guidelines.
 - c. Identify wetlands possibly requiring government acquisition for protection.
 - d. Determine appropriate grandfathering practices and policies for existing development.
 - e. Determine adequate funding and staffing for wetlands delineation, permitting, and enforcement.

- Encourage the study and development of alternative energy sources in the coastal zone.
 - a. Prohibit the development or expansion of "Waste-to-Energy" municipal garbage incinerators.
 - b. Investigate the utilization of wood debris, and other forms of biomass, as an energy source.
 - c. Investigate the utilization of wave energy and other aquatic-based sources of energy.
 - d. Solar, wind, and other "clean" alternatives should also be investigated.
- Discourage the establishment of fission nuclear power plants in coastal Georgia.
- Discourage the use of energy-efficient materials, methods, and equipment in all new construction through the use of county building codes and other means.
- Avoid and reduce the disturbance of soils and ground cover at construction sites.
- Encourage the use of non-polluting alternatives to substances contained in runoff waters.
 - a. Consider alternatives to pesticides and fertilizers.
 - b. Require leaking automobiles to be corrected.
- Prioritize waterfront property use by water-dependent development in accordance with long-term comprehensive area planning.
- Minimize dependence on "stocking" for maintaining fish populations in natural areas.
- Consolidate the permitting process without reducing the authority of existing regulatory bodies.
 - a. Provide a single point of contact for permits.
 - b. Provide time limits for response from regulators
 - c. Provide adequate funding for permit staff.
 - d. Regulators should provide applicants with a team review of reasons for denial of a permit.
- Locate new development to maximize use of existing infrastructure.
 - a. Encourage compact growth.
 - b. Encourage new development to go in between existing developments, not in undeveloped areas (in-filling).
 - c. Reuse existing structures and sites.
- Planning for highways should include an evaluation of their impact on land use.
- Base taxes on a property's current use, rather than highest and best use.
 - a. Assist historical and cultural land use.
 - b. Encourage counties to factor in existence of conservation and other restricted-use conservation easements in their tax assessment process.
 - c. Protect long-term residents from being dispossessed by reason of tax reevaluation.
 - d. Protect historically- and culturally-significant communities from dispossession by reason of tax reevaluations.
- Maximize the use of non-aquifer water, particularly for new developments where appropriate.
 - a. Use "gray" and recycled sewage water for irrigation.
 - b. Use the lowest quality waters for their highest and best use, prior to utilizing the highest quality waters.
 - c. Reuse waters on site, where economically feasible.
 - d. Reuse storm water runoff.
 - e. Provide incentives for all of the above.

- Implement water conservation measures for all new development.
 - a. Use "xeric" landscaping.
 - b. Meter water use for all new development.
 - c. Encourage low use plumbing.
 - d. Provide incentives for all innovative solutions.

- Residential, commercial, and industrial development should occur outside of wetland areas, and impact wetland areas as little as possible.
 - a. Require buffers between development and wetlands.
 - b. Don't subdivide properties into parcels that make the parcels difficult or impossible to build on without a variance to wetland regulations.
 - c. Facilitate undivided ownership in natural areas common to a subdivision.
 - d. Allow some flexibility in local subdivision rules (such as minimum property sizes or setbacks) to facilitate the protection of wetlands.
 - e. Consider the implementation of closely-regulated permit variances for access when there is no practical alternative.

- Identify and restrict sources of land erosion and sedimentation at construction sites -- consider buffer zones between construction and drainage systems.

- Hold new development to stricter standards of water effluent quality than existing development.

- Site landfills away from aquifer recharge and drainage zones.
 - a. Encourage source reduction.
 - b. Encourage recycling.
 - c. Provide incentives.

- Provide an adequate amount (green zones) of land for agriculture and silviculture use through state growth management planning, i.e., conservation easements for family lands.
 - a. Consider rural preservation zoning districts.
 - b. Encourage growth within existing cities and towns as an alternative to suburban development.
 - c. Establish goals for agricultural, silvicultural, and developmental acreage according to local needs and requirements.

I. Tourism and Recreation Task Force

- Promote ecotourism.
- DNR must consider recreational fishing during any discussions concerning fishing.
- CZM should identify and acquire scenic easements.
- Encourage communities to identify scenic areas and take steps to preserve them.
- A permanent funding source, such as user fees, should be explored in order to develop low-impact recreational pursuits and education programs.
- CZM should identify and encourage preservation of historic and archaeological sites on both public and private land.
- When decisions are made regarding new development, maintaining lakes, streams, etc., in good condition for tourism and recreation should be a top priority.

- CZM should develop tax incentives (easy to use) in order to encourage the protection of cultural entities.
- CZM should actively research, recognize, and educate tourists about cultural entities and foster and preserve such cultures that still exist.
- When decisions are made regarding new development, maintaining groundwater in good condition for drinking should be a top consideration.
- CZM should encourage tourism- and recreation-oriented users of groundwater to conserve as much water as possible.
- Be sensitive to wetlands and surrounding areas in all proposed developments.
- Encourage tourism and recreation-oriented use of wetlands which do not have a negative impact on the area.
- DNR's canoe trips on the Altamaha should be continued or expanded.
- All fishing, both fresh water and salt water, be subject to licensing with limits imposed (if fish stocks are low and selective fish breeding is not a cost-effective option).
- CZM should provide public access to publicly-owned areas so that visitors can see native wildlife and plants.
- Provide public access to scenic areas.
- Develop primitive camping on at least one barrier island.
- Any recreational development on a state-owned island shall have minimal negative impact to the environment.
- Maintain clean water so that habitats for fish are not reduced.
- Increase fish stocks by either licensing or selective fish breeding.
- Any taking of minerals should be done with a minimum impact.

Appendix XI

GLOSSARY

APPENDIX XI: GLOSSARY

"A Zone" -- that portion of the 100 year flood plain not subject to wave action. The residual forward motion of the breaking wave may be present in this zone.

Access canals -- waterways designed and constructed strictly for passage to and from marinas and other launch facilities.

Activity -- an action or actions which will have reasonably foreseeable effects upon land use, water use, or natural resources of the coastal area.

Agency -- see definitions for Federal Agency and State Agency.

Applicant -- any person or agency who files an application for a permit.

Aquaculture -- the extensive or intensive farming of aquatic animals or plants.

Bare sand surface -- an area of nearly level unconsolidated sand landward of the ordinary high-water mark which does not contain sufficient indigenous vegetation to maintain its stability.

Barrier islands -- the following islands: Tybee, Little Tybee, Petit Chou, Williamson, Wassaw, Ossabaw, St. Catherines, Blackbeard, Sapelo, Cabretta, Wolf, Egg, Little St. Simons, Sea, St. Simons, Jekyll, Little Cumberland, Cumberland, and any ocean-facing island which is formed in the future and which has multiple ridges of sand, gravel, or mud built on the seashore by waves and currents; ridges generally parallel to the shore; and areas of vegetation.

Beach -- a zone of unconsolidated material that extends landward from the ordinary low-water mark to the line of permanent vegetation.

Best Management Practice (BMP) -- a method, activity, maintenance procedure, or other management practice for reducing the amount of pollution entering a waterbody. BMPs generally fall into two categories: source control BMPs and nonpoint source control BMPs. The term originated from the rules and regulations developed pursuant to Section 208 of the federal Clean Water Act (40 CFR 130).

Board -- the Board of Natural Resources.

Boardwalk or crosswalk -- a nonhabitable structure, usually made of wood and without a paved or poured surface of any kind, whose primary purpose is to provide pedestrian access to or use of the beach, while maintaining the stability of any sand dunes it traverses.

Certification of Consistency -- a certification made by a person in connection with an application for a federally administered permit to conduct an activity or activities as previously defined. Such certification of consistency shall be based on determination of the activity's compliance with the policies of the Georgia Coastal Management Program Document. Only those activities requiring a federally administered permit will require such certification of consistency.

C.F.R. or CFR -- U.S. Code of Federal Regulations, where the regulations of all departments of the United States Government are published or "codified."

Coastal area or coastal zone -- all tidally influenced and submerged lands seaward to the state's jurisdictional limits and all lands, submerged lands, waters, and other resources within the counties of Brantley, Bryan, Camden, Charlton, Chatham, Effingham, Glynn, Long, Liberty, McIntosh, and Wayne.

Coastal marshlands or marshlands -- any intertidal area, mudflat, tidal water bottom, or salt marsh in the state of Georgia within the estuarine area of the state, whether or not the tidewaters reach the littoral areas through natural or artificial watercourses. "Vegetated marshlands" shall include those areas upon which grow one, but not necessarily all, of the following: salt marsh grass (*Spartina alterniflora*), black needlerush (*Juncus roemerianus*), saltmeadow cordgrass (*Spartina patens*), big cordgrass (*Spartina cynosuroides*), saltgrass (*Distichlis spicata*), coast dropseed (*Sporobolus virginicus*), bigelow glasswort (*Salicornia bigelovii*), woody glasswort (*Salicornia virginica*), saltwort (*Batis maritima*), sea lavender (*Limonium nashii*), sea oxeye (*Borrichia frutescens*), silverling (*Baccharis halimifolia*), false willow (*Baccharis angustifolia*), and high-tide bush (*Iva frutescens*). The occurrence and extent of salt marsh peat at the undisturbed surface is deemed to be conclusive evidence of the extent of a salt marsh or a part thereof.

Coastal Management Program Document or Program Document or Plan -- that management plan prepared by the Department in consultation with the agencies and local governments exercising statutory authority in the coastal area and in accordance with the requirements of the federal Coastal Zone Management Act of 1972, as amended (P.L. 92-583).

Coastal Wetlands -- see "wetlands."

Commissioner -- the Commissioner of the Department of Natural Resources.

Conservation easement -- a legally binding agreement between a property owner and a governmental body or land trust that restricts the type and amount of development and use that may take place on the property. A conservation easement may be arranged for conservation purposes, to allow public access to beaches or other areas, to provide hiking trails, or for other similar objectives.

Consistency -- the compliance with the resource policies and requirements as outlined in the Coastal Management Program Document (O.C.G.A. 12-5-260 *et seq.*).

Crosswalk -- see "Boardwalk."

Demand-side Capacity Option -- A program proposed by a utility or the Public Service Commission for the reduction of future electricity requirements the utility's Georgia retail customers would otherwise impose, including but not limited to energy efficiency and energy management options (together known as demand-side resources), and co-generation and renewable resource technologies. Co-generation and renewable resource technologies are generally included among supply-side resources because they add to the total amount of electrical energy produced by society.

Department -- the Department of Natural Resources.

Determination of Consistency -- a determination made by a federal agency proposing an activity or activities as previously defined. Such determination of consistency shall be based on a determination of the activity's effects upon the coastal area. Only those activities proposed to be undertaken by a federal agency will be subject to a determination of consistency.

Disposal site -- That portion of the "waters of the United States" where specific disposal activities are permitted and consist of a bottom surface area and any overlying volume of water. In the case of wetlands on which surface water is not present, the disposal site consists of the woodland surface area. Upland locations can also constitute disposal sites.

Dolomitic -- geologic term, referring to material that consists of or contains dolomite, a rock or mineral consisting of calcium and magnesium carbonate.

Dredged material -- Material that is excavated or dredged from waters of the United States.

Dynamic dune field -- the dynamic area of beach and sand dunes, varying in height and width, the ocean boundary of which extends to the ordinary high-water mark and the landward boundary of which is the first occurrence either of live native trees 20 feet in height or greater or of a structure existing on July 1, 1979. The landward boundary of the dynamic dune field shall be the seaward most line connecting any such tree or structure as set forth in the Shore Protection Act to any other such tree or structure if the distance between the two is a reasonable distance not to exceed 250 feet. In determining what is a reasonable distance for purposes of this paragraph, topography, dune stability, vegetation, lot configuration, existing structures, distance from the ordinary high-water mark, and other relevant information shall be taken into consideration in order to conserve the vital functions of the sand-sharing system. If a real-estate appraiser certified pursuant to Chapter 39A of Title 43 of the Official Code of Georgia Annotated determines that an existing structure, shoreline engineering activity, or other alteration which forms part of

the landward boundary of the dynamic dune field has been more than 80 percent destroyed by storm driven water or erosion, the landward boundary of the dynamic dune field shall be determined as though such structure had not been in existence on July 1, 1979.

Easement -- A right, other than the acquisition of title, acquired to use or control property for a designed purpose.

Electrical plant -- Any facility, or portion of a facility, that produces electricity, or is intended to produce electricity, for a utility's Georgia retail customers. "Electric plant" includes the realty, ancillary facilities, and associated facilities required to interconnect the electric plant with the bulk power supply system.

Eligible person -- any person who is the owner of high land adjoining the state owned marshland or water bottoms, or combination thereof, sought to be leased by said person such that at least 100 percent of the landward boundary of the state owned marshland or water bottom, or combination thereof, sought to be leased is bordered by said adjoining high land.

Energy facilities -- any equipment or facility which is or will be used primarily in the exploration for or the development, production, conversion, storage, transfer, processing, or transportation of, any energy resource; or for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any of these activities.

Environmental integrity -- a complete or whole natural system, unimpaired by physical alteration or contamination to function as an ecosystem.

Erosion -- the wearing away of land whereby materials are removed from the sand dunes, beaches, and shore face by natural processes, including, but not limited to, wave action, tidal currents, littoral currents, and wind.

Estuarine area -- all tidally influenced waters, marshes, and marshlands lying within a tide-elevation range from 5.6 feet above mean tide level and below.

Federal agency -- the United States government and all its departments, boards, bureaus, commissions, and wholly owned corporations owned by the federal government.

Federal Insurance Administration -- A section of the Federal Emergency Management Agency (FEMA) that administers the National Flood Insurance Program.

Federal Emergency Management Agency (FEMA) -- The agency charged with the responsibility of administering the National Flood Insurance Program through the Federal Insurance Administration.

Federally administered permit -- only those permits, licenses, or approvals required by federal law or regulation and issued by an agency of the federal government.

Feral -- having reverted from domestication back to the original wild or untamed state, such as feral horses and pigs on Georgia's barrier islands.

Flood hazard areas -- Areas designated by the Federal Insurance Administration as flood-prone. These areas include all land inundated by the flood that has a one percent chance of being equalled or exceeded in any given year (also known as the "base flood" or "100 year flood"). Flood hazard areas are categorized into two zones: A Zones and V Zones.

Floodplain -- a plain bordering a river and made of sediment deposited during floods.

Freshwater wetlands -- those wetland areas that are characterized by vegetation adapted to saturated conditions, but are not tolerant of saline conditions.

GCMP -- the Georgia Coastal Management Program.

Georgia Coastal Management Program -- a compilation of policies to guide the public and private uses of land and waters within the coastal area administered by the Department of Natural Resources in consultation with the state agencies and local governments of the coastal area and approved by the Secretary of Commerce in accordance with the requirements of the federal Coastal Zone Management Act of 1972, as amended, 16 U.S.C., Section 1451 and following.

Greenbelt -- a vegetated area of various widths provided between or surrounding an area, often used to provide a natural barrier between industrial and residential areas, airports, etc. Greenbelts provide air and water filtration, habitat for plants and animals, noise reduction, and visual and aesthetic improvement.

Groundwater -- water that flows or seeps downward and saturates soil or rock, supplying springs and wells. The upper level of this saturated zone is called the water table.

Hammock(s) -- forested islands adjacent to salt marshes that exist as a result of a number of processes such as: the remnants of old barrier islands formed during times of higher sea level; islands separated from larger islands by erosion; formations from ballast dumped by ships during the colonial era; or, dredge spoil sites.

Highway, Road, Street -- Each of these words is a general term denoting a public way for the purpose of vehicular travel including the entire area within the rights of way.

Hydric soils -- a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Hydrologic -- having to do with water and its properties, physical laws, geographical distribution, etc., as in hydrologic cycle.

Hydrophytic vegetation -- plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Integrated Resource Plan (IRP) -- A utility resource planning process defined in O.C.G.A. 46-3A, in which an integrated combination of demand-side and supply-side resources is selected to satisfy future energy service demands at least cost (considering both direct and indirect costs) to society, balancing the interests of utility customers, utility shareholders and society-at-large. In Integrated Resource Planning, all resources reasonably available to meet future energy supply demands are considered by the utility on a fair and consistent basis.

Land-disturbing activity -- any activity that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land other than federal and state lands, except that the term shall not include those activities exempted by O.C.G.A. 12-7-17.

Land trust -- Land trusts are non-profit corporations whose purpose includes acquiring and holding land and interests in land for conservation purposes. Land trusts are recognized as publicly-supported charitable organizations by the Internal Revenue Service.

Liquified Natural Gas (LNG) -- Natural gas that has been made liquid by reducing its temperature to minus 260 degrees Fahrenheit at atmospheric pressure. Liquified natural gas is 1/600th of its original gas volume.

Litter -- all discarded sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description which are not waste as such term is defined in Paragraph 6 of O.C.G.A. Section 16-7-51.

Live-aboard -- a floating vessel or other water craft that is moored to a dock, tree, or piling, or anchored in the estuarine waters of the state and is utilized as a human or animal abode. Live-aboards include but are not limited to: monohulls, multihulls, houseboats, floating homes, and other floating structures that are used for human or animal habitation. See also "Riverhouse Structure."

Local government -- a county, as defined by O.C.G.A. 36-1-1, or an incorporated municipality, as defined by O.C.G.A. 36-40-21, or any combination thereof, which has been authorized by an Act of the General Assembly, any of which has within its jurisdiction any coastal area.

Marl -- a loose, crumbly rock material or earthy deposit containing clay and calcium carbonate. Marl is used as fertilizer.

Marshlands -- See "coastal marshlands."

Midden -- loosely consolidated structures associated with native American habitation, often composed of the "by-products" of daily living, including such refuse as bones, shell fragments, pottery pieces, and charred materials. Middens vary in size but are generally less than ten feet in diameter and five feet in depth. Middens should not be confused with burial mounds.

Minor alteration -- any change in the marshlands which, taken singularly or in combination with other changes, involve less than 0.10 acres.

Mitigation -- a term that encompasses a broad array of activities, especially as applied to wetlands management. Mitigation describes the efforts to minimize, or compensate for, the impacts of a development project. The process of mitigation follows a preferred sequence of options, as defined by the National Environmental Policy Act (NEPA).

- (A) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (B) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- (C) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (D) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of an activity; and,
- (E) Compensating for the impact by replacing or providing substitute resources or environments.

MOA -- Memorandum of Agreement, a formal agreement signed by two or more parties.

National Flood Insurance Program -- Initiated by Congress in 1968, this program makes flood insurance available to communities with flood hazard areas while regulating new construction and development in special flood hazard areas. This program is administered by the Federal Insurance Administration section of the Federal Emergency Management Agency.

Nationwide Programmatic General Permit (NWP) -- a type of general permit issued on a nationwide basis by the U.S. Army Corps of Engineers that authorizes activities that are substantially similar in nature and cause only minimal individual or cumulative impacts. NWPs are designed to reduce regulatory delays for certain activities with minimal environmental impacts.

Navigable waters -- as defined in the federal Clean Water Act (33 USC § 1362(7)), and interpreted by the courts to mean the "waters of the United States," which includes wetlands that are adjacent to waters associated with interstate commerce, as well as certain intrastate "isolated" wetland areas located great distances from streams and navigable water bodies.

NOAA -- the National Oceanic and Atmospheric Administration, an agency within the U.S. Department of Commerce. NOAA is the parent agency for the Office of Ocean and Coastal Resource Management (OCRM), the office that administers the federal Coastal Zone Management Act.

Nonpoint source -- any source that discharges pollutants into the waters of the state from other than a point source. Such sources include, but are not limited to, agricultural, silvicultural, stormwater, and urban runoff.

Nursery areas -- habitat areas that provide suitable safety and food supply for young fish.

Ordinary high-water mark -- the position along the shore of the mean monthly spring high tide reached during the most recent tidal epoch. This term is not synonymous with "mean" high-water mark.

O.C.G.A. or OCGA -- Official Code of Georgia Annotated. All of the laws of Georgia are in the O.C.G.A. The O.C.G.A. is arranged by titles, chapters, and sections; the Shore Protection Act is cited as O.C.G.A. 12-5-230, *et seq.*, because it is codified at Title 12 Chapter 5 Section 230. The term *et seq.* is used to indicate that the sections following the one cited are also applicable.

Ordinary low-water mark -- the position along the shore of the mean monthly spring low tide reached during the most recent tidal epoch. This term is not synonymous with "mean" low-water mark.

Permeable or permeable zone -- the property of a material that allows the passage or diffusion of liquids. Permeable zones refer to those areas that have soil characteristics that allow infiltration of water.

Permit-issuing authority -- the Shore Protection Committee, the Coastal Marshlands Protection Committee, or a local unit of government which has adopted a program of shore protection which meets the standards of the Shore Protection Act and which has been certified by the board as an approved program.

Person -- any individual, partnership, corporation, municipal corporation, local government, association, state agency, or public or private authority.

P.L. or PL -- Public Law of the United States.

Pocosin -- evergreen shrub swamps or bogs, common to the Southeast United States. Pocosins, and shrub swamps in general, tend to be transitional systems between marsh and upland areas.

Point source -- any discernible, confined, or discreet conveyance, including, but not limited to: any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated feedlot operation, or vessel or other floating craft, from which pollutants are or may be discharged.

Policy or policies of the Georgia Coastal Management Program -- the enforceable provisions of present or future applicable statutes of this state or regulations duly promulgated thereunder.

Political subdivision -- the governing authority of a county or a municipality in which the marshlands to be affected or any part thereof are located.

Pollution -- any manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of the environment.

Private dock -- a structure built onto or over the marsh and submerged lands that is used for recreational fishing and other recreational activities, is not available to the public, does not have enclosures, and does not create a navigation hazard; provided, however, that a private dock may be covered and screened with a wainscoting not higher than three feet and may be equipped with a hoist.

Reason to believe -- Subpart G of the Corps of Engineers 404(b)(1) guidelines requires the use of available information to make a preliminary determination concerning the need for testing of material proposed for dredging. This principle is commonly known as "reason to believe," and is used in Tier I evaluations to determine acceptability of the material for discharge without testing. The decision not to perform additional testing based on prior information must be documented, in order to provide a "reasonable assurance that the proposed discharge material is not a carrier of contaminants."

Recreational dock -- See definition for "Private Dock."

Revetment -- A facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by wave action or currents.

Riverhouse structure -- Any structure located upon any tidewaters of the State of Georgia, where such structure is floating upon such tidewaters and is made fast by the use of lines, cables, anchors, or pilings, or any combination thereof, or is built upon anchors, or pilings, or any combination thereof, or is built upon pilings embedded in the beds of such tidewaters when such structure is being or has been used or is capable of being used as a place of habitation, dwelling, sojournments, or residence for any length of time; is not being used or is not capable of being used as a means of transportation upon such tidewaters; and is used as a means of transportation upon such tidewater; and is not owned, occupied, or possessed pursuant to a permit issued by the Commissioner of the Department of Natural Resources under Code Section 52-1-10.

Sand dunes -- mounds of sand deposited along a coastline by wind action, that mounds are often covered with sparse, pioneer vegetation and are located landward of the ordinary high-water mark and may extend into the tree line.

Sand-sharing system -- an interdependent sediment system composed of sand dunes, beaches, and offshore bars and shoals.

Shall or will -- A *mandatory* condition. When certain requirements are described with the "shall" or "will" stipulation, it is mandatory that the requirements be met.

Shoreline engineering activity -- an activity that encompasses any artificial method of altering the natural topography or vegetation of the sand dunes, beaches, bars, submerged shoreline lands, and other components of the sand-sharing system. This includes, but is not limited to, such activities as:

- (A) Grading, clearing vegetation, excavating earth, or landscaping, where such activities are for purposes other than erection of a structure;
- (B) Artificial dune construction;
- (C) Beach restoration or renourishment;
- (D) Erosion control activities, including, but not limited to, the construction and maintenance of groins and jetties;
- (E) Shoreline stabilization activities, including, but not limited to, the construction and maintenance of seawalls and riprap protection; and
- (F) The construction and maintenance of pipelines and piers.

Should -- An *advisory* condition. Considered to be recommended but not mandatory.

Silviculture -- the practice of applied forest ecology. As used in the timber industry, the practice of considering all aspects of the forest community for management of the forest for timber harvesting, such as using sound practices to avoid introduction of sediment and contaminants into streams and waterways, avoid disruption of spawning and nursery grounds, and maintenance of forest habitat.

Spawning areas -- areas that provide suitable habitat for deposition of eggs or sperm directly into the water by aquatic animals, such as fish, shellfish, frogs, etc.

Stable sand dune -- a sand dune that is maintained in a steady state of neither erosion nor accretion by indigenous vegetative cover.

State agency -- this state and all its departments, boards, authorities, bureaus, and commissions.

State permit -- all those permits, licenses, or approvals, whether required by federal or state law, which are administered by a state agency.

State Programmatic General Permit (SPGP) -- a type of general permit issued, on a statewide basis, by the U.S. Army Corps of Engineers that authorizes, for purposes of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act, certain activities that are also regulated by state, regional, or local regulatory programs. As with nationwide permits, they are issued for activities that are substantially similar in nature and cause only minimal individual or cumulative impacts. SPGPs are designed to reduce regulatory delays for certain activities with minimal environmental impacts, and they serve to augment the requirements and environmental features of the state, regional, or local program by adding specific conditions to those programs. They are intended to avoid unnecessary duplication of regulatory control by other agencies.

Stormwater runoff -- overland flow from rainfall that does not infiltrate the ground or evaporate but instead flows onto adjacent land or watercourses or is routed into drain/sewer systems.

Structure -- an institutional, residential, commercial, or industrial building (O.C.G.A. 12-5-230 *et seq.*).

Submerged land -- all lands lying in or being under tidally influenced waters of the state.

Surficial -- found at or near the surface, especially as related to water found near the surface of the soil.

Temporary -- as used in shore structures, means those structures that are not intended to remain in place except for a very short period of time and that may be used for special events. Such structures include, but are not limited to, tents, signal towers, and fences.

Tidal epoch -- the variations in the major tide-producing forces that result from changes in the moon's phase, declination of the earth, distance of the moon from the earth, and regression of the moon's nodes, and which go through one complete cycle in approximately 19 years.

Tidal water bottoms -- the bed or bottom of all tidewaters within the state. The State of Georgia continues to hold title to all tidal water bottoms within the state, except where title in a private party can be traced to a valid Crown of England and by the common law.

Tidal wetlands -- those wetland areas that are influenced primarily by tidal inundation of salt or brackish water. Plants and animals in these systems are adapted to the stresses of salinity, periodic inundation, and extremes in temperature.

Tidally influenced waters -- any water where the tide ebbs and floods on a daily basis.

Tiered approach -- A structured, hierarchical procedure for determining data needs relative to decision-making, which involves a series of tiers of levels of intensity of investigation. Typically, tiered testing involves decreased uncertainty and increased available information with increasing tiers. This approach is intended to ensure the maintenance

and protection of environmental quality, as well as the optimal use of resources. Specifically, the least effort is required in situation where clear determination can be made of whether (or not) unacceptable adverse impact are likely to occur based on available information. The most effort is required where clear determination cannot be made with available information.

U.S.C or USC -- United States Code. All of the statutes passed by Congress are in the United States Code. The U.S.C. is arranged by titles and sections; the Endangered Species Act, for instance, is cited as 16 U.S.C. §§ 1531 to 1544, because it is codified in Title 16 of the United States Code at sections 1531 through 1544. The titles are arranged by subject matter. The term *et seq.* is sometimes used to indicate the sections following the one cited are also applicable.

"V Zone" (Velocity Zone) -- That portion of the coastal 100 year flood plain that would be inundated by tidal surges with velocity wave action. Generally, the V Zone indicates the inland extent of a three-foot breaking wave, where the stillwater depth during the 100 year flood decreases to less than four feet.

Water dependent -- Water related, dependent on waterfront access, or cannot be satisfied by the use of an alternative nonmarshland site. (Modified from the Coastal Marshlands Protection Act.)

Waters or waters of the State -- any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Watercourse -- a flowing, channelized water system.

Wetlands or coastal wetlands -- those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. (See 33 CFR § 323.2, and 40 CFR § 230.3). Wetlands include both freshwater and tidal wetlands. (This definition is taken from the "U.S. Army Corps of Engineers Wetlands Delineation Manual," published in January 1987. This definition shall be used until such time as a more generally accepted definition is developed.)

Appendix XII

LIST OF PARTICIPANTS

APPENDIX XII: LIST OF PARTICIPANTS

This document was produced in cooperation with the citizens of Georgia.

THE COASTAL ADVISORY COMMITTEE

Dewey Benefield	Bill Foster, Sr.	Don Mendosa
George "Bubba" Bird, III	Virginia Gunn	Danny Norman
Tom Bordeaux	Huey Ham	Walter Parker
Ben Brewton	Charles E. Hartzog	Joe Murray Rivers
Allan Bryant	Vernon J. Henry	Rebecca Shortland
A. Rundle Cook	Sanford Hershey	Larry Stuber
John Eden	Vernon Martin	Daniel L. Williams, Jr.
Jimmy M. Floyd	Jerry McCollum	Herb Windom

Note: Former members of the Coastal Advisory Committee and its predecessor, the Coastal Zone Advisory Committee include Jack Blanton, William "Jackie" Carter, Dennis Duke, Jim Kundell, Randal Morris, Lee Noel, Delores Roberson, Robert Russell, and Julie Smith.

THE GOALS SUBCOMMITTEES

(Note: Affiliation listed is that provided at the time of participation, 1993-1994.)

Associated Resources Subcommittee

Charles H. Boles (Richmond Hill Heritage Trust Prog.)	Alan McGregor (The Sapelo Fndtn.)
Ben Brewton (Bryan Co. Planning Comm.)	Don Mendonsa (Savannah City Mgr.)
Sarah Brown (Historic Savannah Fndtn.)	Carl Paulsen (Nat'l Coalition for Marine Conservation)
Jack D'Antignac (GA Fisherman's Assoc.)	Eric Peterson (Coastal GA RDC)
Royce Hayes (St. Catherine's Isl. Fndtn.)	John Robinette (U.S. Fish & Wildlife Svc.)
Vernon J. Henry (GA Southern Univ.)	Kirk Schlemmer (Coastal GA RDC)
Billy Herrin (GA Board of Natural Resources)	Susan Shipman (GA DNR)
Linda King (Coastal GA Historical Society)	Rebecca Shortland (The GA Conservancy)

Land Resources Subcommittee

John Breen (Ft. Pulaski Nat'l Monument)	Brice Ladson (Attorney)
Ben Brewton (Bryan Co. Planning Comm.)	Richard Madray (Wayne Co. Comm.)
David Ferrell (Soil Conservation Svc.)	Gwen McKee (Coastal GA Land Trust)
Bill Foster, Sr. (Thomas & Hutton Engineering)	Mara Peterson (City of Kingsland)
Frank Green (GA Forestry Comm.)	Robert Randall (Glynn Environmental Coalition)
Charlie Hartzog (Citizen)	Garland Reyna (Georgia Pacific)
Louise Hill (GA Farm Bureau)	Rebecca Shortland (The GA Conservancy)

Water Resources Subcommittee

Ben Brewton (Bryan Co. Planning Comm.)
Jackie Carter (Charlton Co. Comm.)
Bill Cozine (GA Marine Businessmen's Assoc.)
Allen Cywin (Citizen)
Matt Gignilliat (Savannah Electric)
Charles Griffin (GA Ports Authority)
Vernon J. Henry (GA Southern Univ.)

David Rutherford (Metropolitan Planning Comm.)
Bob Scanlon (Kemira, Inc.)
Rebecca Shortland (The GA Conservancy)
Claudia Taylor (Glynn Environmental Coalition)
Michael Terry (Elizabeths on 37th)
Stan Whonic (Citizen)
Carlton L. Windsor (ITT Rayonier)

THE RESOURCE POLICY TASK FORCES

(Note: Affiliation listed is that provided at the time of participation, 1993-1994.)

Agriculture/Silviculture Task Force

Wayne Adkins (UGA CES Engineering)
Jack L. Amason (GA Fishermen's Assoc.)
Ben Brewton (Bryan Co. Planning Comm.)
Tee Brower (The Sierra Club)
David A. Ferrell (Soil Conservation Svc.)
Frank Green (GA Forestry Comm.)
John Godbee (Union Camp)
Alva J. (Joe) Hopkins, III (Toledo Mfg. Co.)
Frank Ivey (Stone Sav. R. Pulp & Paper)
Bob Izlar (GA Forestry Assoc.)
Thomas L. Joyner (Soil & Water Cons. Comm.)
David M. Karwacki (GA Watermen's Assoc.)
Jerry Lee (Wight Nurseries, Inc.)
John F. McCormick (GAP, PEER, AFSEE)
Tyler Mitchell (GA Milk Producers Assoc.)

Richard Morgan (U.S. Army Corps of Engineers)
Neil W. Nichols (Farmer)
Tom Norris (Interstate Paper, GA Forestry Assoc.)
Gordon Rogers (GA DNR)
John R. Sanders (Georgia Pacific)
Claude (Joe) Sears (Citizen)
Bill Simpson (ITT Rayonier)
J. Owens Smith (Univ. of Georgia)
Steve Swanberg (Southern Shellfish)
Stanley M. Whitt (The Whitt Co.)
Boyd Walden (Union Camp)
Ronald Wilkinson (Kings Bay Naval Sub. Base)
Buron Jed Wilson (Southeast GA Farm Credit)
Alton L. Wooten (Glynn Co. Farm Bureau)

Areas of Special Concern Task Force

Steve Applegate (Applegate Film & Video)
Rick Causey (Soil Conservation Svc.)
Jack D'Antignac (GA Fishermen's Assoc.)
Lorraine Dusenbury (Coastal GA Audubon Soc.)
Willard Fell (GA Forestry Comm.)
Bill Foster, Sr. (Thomas & Hutton Engineering)
W. R. Gwin (Citizen)
Royce Hayes (St. Catherine's Isl. Fndtn.)
Vernon J. Henry (GA Southern Univ.)
Dave Kyler (Coastal GA RDC)
Kevin McIntyre (Little St. Simons Isl.)
Mark J. Musaus (U.S. Fish & Wildlife Svc.)
Ronnie Perry (Glynn Co. Wetlands Task Force)

Jean Poleszak (Jekyll Isl. Citizens Assoc.)
Carl A. Poppell, Sr. (Commercial Crabber)
Gene Rigdon (Citizen)
John A. Rust (Ogeechee Audubon Soc.)
Chris Schuberth (Sav. Science Museum)
Newton Sikes (Cumberland Isl. Nat'l Seashore)
Hudson Slay (U.S. EPA, Region IV)
Claudia Taylor (Glynn Environmental Coalition)
Diana Vance (Citizen)
Heidi M. Whitt (Citizen)
W.B. Wikoff (Union Camp)
Sam Wilcox (Citizen)
Anton S. Withington (Union Camp)

Fish and Wildlife Task Force

Jack Amason (Sea Garden Seafoods)	James Karwacki (Commercial Fisherman)
Lee Andrews (Maguire Associates)	Eugene P. Keferl (Brunswick Coll.)
George E. Argo (Citizen)	Steve Lewis (Union Camp)
John D. Breen (Ft. Pulaski Nat'l Monument)	Richard H. Madray (Wayne Co. Comm.)
Mark Bujold (Attorney)	Neil W. Nichols (Nichols Farm)
Paul Christian (Univ. of GA Marine Extension Svc.)	Carl Paulsen (Nat'l Coalition for Marine Conservation)
Jim H. Daniel (Union Camp)	Mallory Pearce (City of Tybee Environmental Comm.)
L. B. Davenport, Jr. (Ret'd, Armstrong State Coll.)	Carl A. Poppell, Sr. (Commercial Crabber)
Fred Dennis, Jr. (GA Fishermen's Assoc.)	John Robinette (U.S. Fish & Wildlife Svc.)
John D. Enlow (Union Camp)	Newton Sikes (Cumberland Isl. Nat'l Seashore)
Ruth Mannebach Geib (S&ME, Inc.)	Boyd Walden (Union Camp)
Sandy Gorse (ITT Rayonier)	Daniel L. Williams, Jr. (Camden Co. Comm.)
Curtis Gowen (Citizen)	Robert Wood (Stone Sav. R. Pulp & Paper)
David D. Johns (Union Camp)	John C. Wylly, Jr. (John Wylly Real Estate)

Manufacturing Task Force

James R. Baker (Union Camp)	Alan McGregor (The Sapelo Isl. Fndtn.)
W.F. Baker (Union Camp)	Gary McKay (Geoss, Inc.)
Phillip Flournoy (GA DNR)	Andrew Rea (The Sierra Club)
Matt Gignilliat (Savannah Electric)	Gene Rigdon (Citizen)
John W. Hicks (Sav. Area Chamber of Commerce)	Karen Robertson (Union Camp)
Ed Hummel (Insteel Construction Systems, Inc.)	Dave Rutherford (Metropolitan Planning Comm.)
Mike Kelly (Savannah Foods & Industries)	Rebecca Shortland (The GA Conservancy)
Christy Lambert (The Nature Conservancy)	Steve Swanberg (Southern Shellfish)
Steve Lewis (Union Camp)	Jim Van Horn (Stone Sav. R. Pulp & Paper)
Joseph T. Lott (Georgia Pacific)	Buron "Jed" Wilson (Southeast GA Farm Bureau)
Roberta Marinelli (Skidaway Inst. of Oceanography)	

Marine Related Facilities Task Force

Lodwick Alford (Ret'd Navy)	Jim A. Johnson (Union Camp)
Fred N. Beason, Jr. (Peoples Industries)	Jim Livingston (Wheeler Co. Emergency Mgt. Agency)
Richard M. Bourgeois, Jr. (Palmer Johnson Sav., Inc.)	Boyce Mann (Golden Isles Marina)
Paul Christian (Univ. of GA Marine Extension Svc.)	Tomas L. Moore (GA Ports Authority)
William Guy Clark (Citizen)	Jim More (Kings Bay Naval Sub. Base)
Ralph V. Croft (Golden Isles Chamber of Commerce)	Bill Parker (Golden Isles Chamber of Commerce)
William C. Fleetwood, Jr. (WBG Marine)	Jim Patterson (Branigar Organization)
H. Lynn Gaskins, Jr. (Glynco Machine & Tool Co.)	Barnard M. Portman (Bull R. Marina)
Martin O. Gillette (Martin Gillette, Inc.)	Michael M. Sancomb (Tidewater Boatworks)
Paul Glenn (Marina Development & Mgt. Co.)	Steve Swanberg (Southern Shellfish)
Robin Goodloe (U.S. Fish & Wildlife Svc.)	Michael Terry (Elizabeths on 37th)
Vernon J. Henry (GA Southern Univ.)	W.B. Wikoff (Union Camp)
Dan Jensen (Camden Co. Planning & Bldg. Dept.)	Daniel L. Williams, Jr. (Camden Co. Comm.)
David D. Johns (Union Camp)	Herb Windom (Skidaway Inst. of Oceanography)

Public Service Facilities Task Force

Gene Ashley (GA Air Nat'l Guard)
Scott T. Ashworth (Union Camp)
Danny Blitch (Coastal GA RDC)
Allen Cywin (Citizen)
Huey R. Ham (Judge, Brantley Co.)
Thomas D. Houston (Dept. of the Army, Ft. Stewart)
Dudley Kyle (Citizen)
Kirk Lee (Union Camp)

Deb L. Nahikian (Union Camp)
Robert W. Peery, Jr. (Farmers Home Admin.)
David Remick (Waste Mgt., Inc.)
Charles L. Samz (The Sierra Club)
Monroe Todd (Charlton Co. Emergency Mgt. Agency)
Carr Tyndall (Stone Sav. R. Pulp & Paper)
Ronald E. Widener (Toombs Co. Emerg. Mgt. Agency)

Residential, Commercial, & Industrial Development Task Force

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Neel Ackerman (Branigar Organization)
Edwin Byck (Attorney)
Melinda Byck (Attorney)
E. Cameron Bland (Union Camp)
Loretta Conner (City of St. Marys)
A. Rundle Cook (McIntosh Co. Econ. Dev. Comm.)
Jane DelMestro (Branigar Organization)
Bill Dorroh (Citizen)
Mary Gibson (Citizen)
Robert Gilleski (Citizen)
Jo Hickson (Land Planning & Landscape Architecture)
Terri Mason (Citizen)
Jim Morrison (GA Game & Fish Federation)

John A. Murphy (Hartford Construction Co.)
Mara S. Peterson (City of Kingsland)
Robert Randall (Glynn Environmental Coalition)
Andrew Rea (The Sierra Club)
Allen Rigdon (Soil Conservation Svc.)
Gene Rigdon (Citizen)
Kirk Schlemmer (Coastal GA RDC)
Lawrence Shaffield (Clean Coast)
Larry Stuber (EMC Engineering)
Tom Thompson (GA Milk Producers Assoc.)
Ken Tollison (Citizen)
Charlie Von Ohsen (GA Inst. of Technology)
Betty Lou Wood (Citizen)
Robert Wood (Stone Sav. R. Pulp & Paper)

Tourism and Recreation Task Force

Skip Adamson (Jekyll CVB, Jekyll Business Assoc.)
Gerald V. Allen (Union Camp)
Sarah Brown (Historic Savannah Fndtn.)
John Enlow (Union Camp)
Fred Haeussler (Union Camp)
Mike Jacobs (GA DNR)
Ronald C. King (McSap Dev.)
Walter Lawson (GA Regional Hospital)
Harris K. Lentini (Citizen)

Gwen McKee (Coastal GA Land Trust)
Ward T. Milner (Citizen)
Jane Perry (Glynn Co. Health Dept.)
Kevin Runner (Golden Isles Chamber of Commerce)
Mike Tennent (Ft. Frederica Nat'l Monument)
Doug Traub (Jekyll Isl. Auth.)
Cynthia D. Williams (Glynn Co. Rec. & Parks Dept.)
May Howard Zipperrer (Coastal Heritage Society)

Transportation Task Force

Jack Alderman (Citizen)
Charles H. Boles (Richmond Hill Heritage Soc.)
Denise Bonnette (Union Camp)
John P. Davis (U.S. Fish & Wildlife Svc.)
Susan Durden (U.S. Army Corps of Engineers)
Keith Flanagan (Glynn Co. Public Works Dept.)
Charles F. Griffen (GA Ports Authority)
Vernon J. Henry (GA Southern Univ.)
Thomas F. Howard (Armstrong State Coll.)
William M. Jordan (Union Camp)

Jim Knight (Stone Sav. R. Pulp & Paper)
Jim McDonald (Coast Guard Marine Safety Ofc.)
J. Larry Miles, Jr. (S&ME Inc, Chatham Env'l Forum)
Charles Milmine (Citizen)
Thomas L. Moore (GA Ports Authority)
Jim More (Kings Bay Naval Sub. Base)
Erik Peterson (Coastal GA RDC)
John Phillips (GA Dept. of Transportation)
Herb Windom (Skidaway Inst. of Oceanography)

**THE JOINT HOUSE/SENATE
COASTAL MANAGEMENT STUDY COMMITTEE**

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**DEPARTMENT OF NATURAL RESOURCES STAFF
ASSISTING WITH PROGRAM DEVELOPMENT**

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Lonice Barrett	Duane Harris	Stuart Stevens
Kelie Cochran	Tami Hunter	Susan Wentworth
Janet Evans	Rhonda Knight	Terry West
Christina Faughnan	Tiffany Lutterman	Kathryn Zagzebski

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ASSISTING WITH PROGRAM DEVELOPMENT**

Jeffrey Benoit	Clement Lewsey	LCDR Tim Steele
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