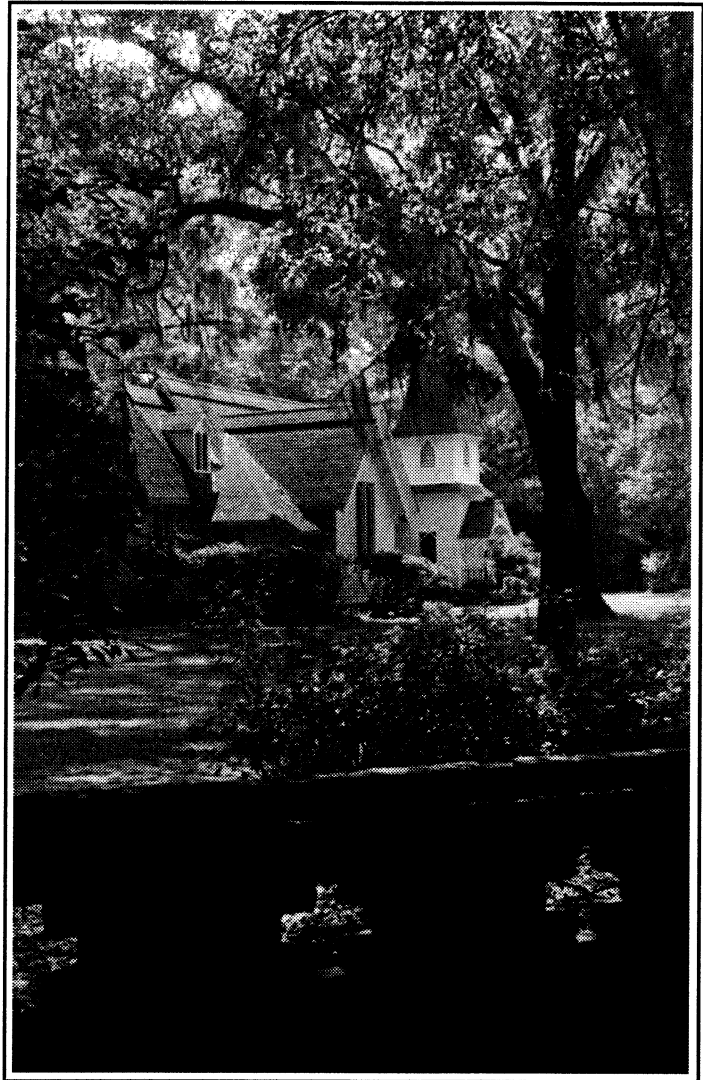


## **CHAPTER FOUR:**

---

## **BOUNDARY AND ORGANIZATION**



Our entire society rests upon -- and is dependent upon -- our water, our land, our forests, and our minerals. How we use these resources influences our health, security, economy, and well-being.

John F. Kennedy



**SECTION I:  
COASTAL AREA BOUNDARY**

There are four elements to a state's coastal area boundary: the seaward boundary, the interstate boundary, the inland boundary, and areas excluded from the boundary. The area within the boundary includes those lands necessary to control the shorelands, the uses of which have a direct and significant impact on the coastal waters. This section describes the boundaries of the coastal area subject to the Georgia Coastal Management Program.

**A. Seaward Boundary**

The seaward boundary of Georgia's coastal area extends to the outer limits of State jurisdiction, which is three nautical miles seaward from the mean low watermark. Included within the coastal area are both waters of the state and submerged lands.

**B. Interstate Boundary**

Georgia's coastal area interstate boundaries include the South Carolina state border on the north and the Florida state border on the south. Georgia's coastal area boundary extends farther inland than South Carolina's. The entire state of Florida is included in the Florida coastal zone. Consultations with coastal management program officials from South Carolina and Florida have revealed no problems with the compatibility of the interstate boundaries of either state.

**C. Inland Boundary**

The inland boundary of Georgia's coastal area is the political boundaries of the eleven counties: Effingham, Chatham, Bryan, Liberty, Long, McIntosh, Wayne, Glynn, Brantley, Camden, and Charlton. Encompassed within this boundary are all upland areas in these eleven counties, as well as all waters of the state and all submerged lands within the defined coastal area. The eleven counties described by the coastal management area contain all of the tidally-influenced waters of the State, which was the rationale used to determine this inland boundary. Figure 4.1 depicts the area that falls within the jurisdiction of the Georgia Coastal Management Program.

**CHAPTER FOUR**

*FIGURE 4.1: Georgia's Coastal Area*



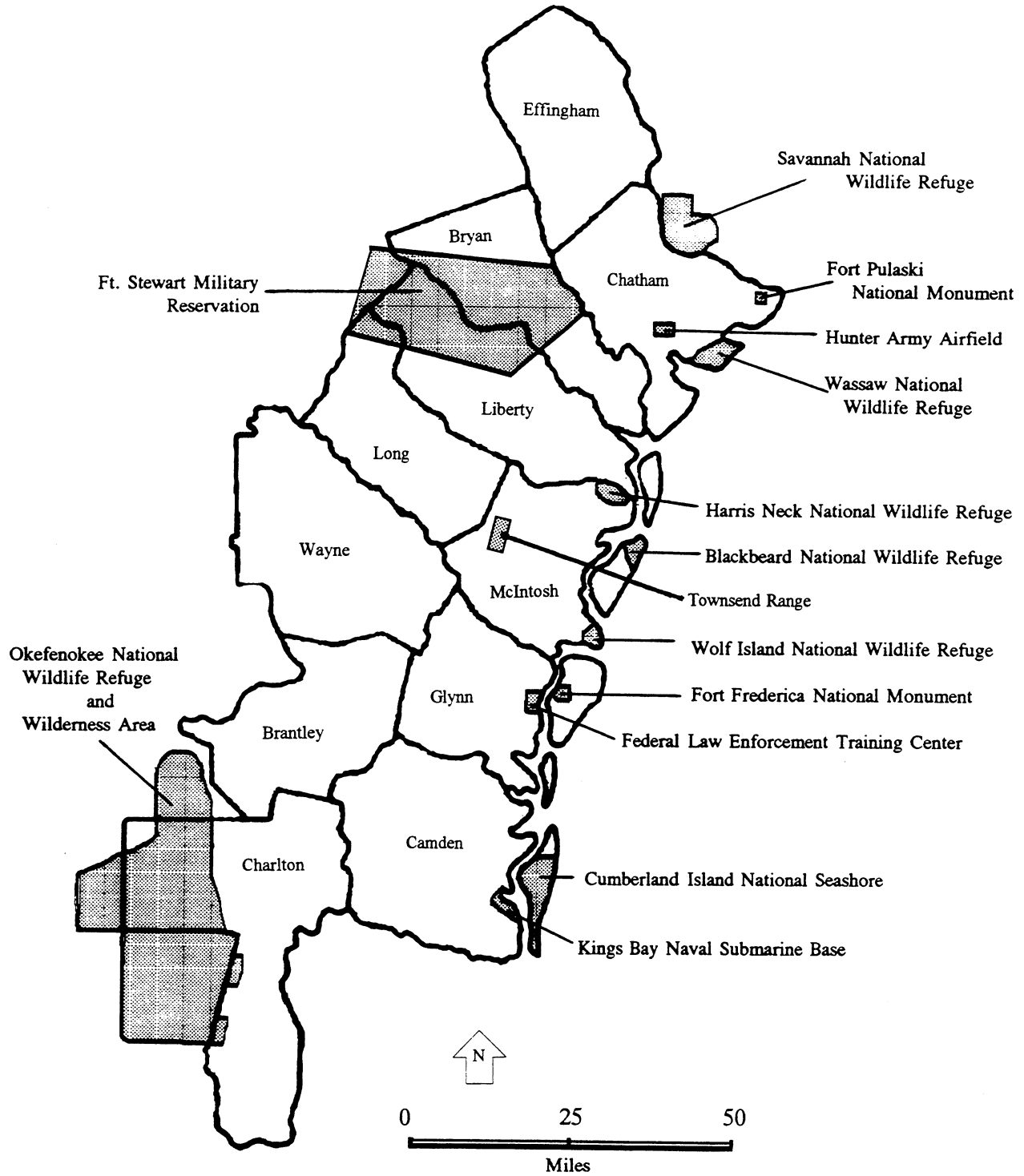
**D. Areas Excluded from the Boundary**

The jurisdiction of the Georgia Coastal Management Program does not include lands that are subject solely to the discretion of, or held in trust by, the federal government. Federal land areas are not subject to the direct management authority of the Management Program and are generally exempt from State permits and other regulation. However, activities occurring on federal lands that affect any land or water use or natural resource of the coastal area must be consistent with the Georgia Coastal Management Program (See Chapter Eight, "Federal Consistency").

**TABLE 4.1: Major Federal Land Holdings in Coastal Georgia**

1.	<b>Savannah National Wildlife Refuge</b> Department of the Interior, U.S. Fish and Wildlife Service	Chatham / Effingham 11328.8 acres
2.	<b>Wassaw National Wildlife Refuge</b> Department of the Interior, U.S. Fish and Wildlife Service	Chatham 10049.0 acres
3.	<b>Hunter Army Airfield</b> Department of Defense, U.S. Army	Chatham 5372.0 acres
4.	<b>Fort Pulaski National Monument</b> Department of the Interior, National Park Service	Chatham 5365.0 acres
5.	<b>Fort Stewart Army Base</b> Department of Defense, U.S. Army	Bryan / Liberty / Long 280279.0 acres
6.	<b>Harris Neck National Wildlife Refuge</b> Department of the Interior, U.S. Fish and Wildlife Service	McIntosh 2691.3 acres
7.	<b>Blackbeard National Wildlife Refuge</b> Department of the Interior, U.S. Fish and Wildlife Service	McIntosh 5617.6 acres
8.	<b>Wolf Island National Wildlife Refuge</b> Department of the Interior, U.S. Fish and Wildlife Service	McIntosh 5125.8 acres
9.	<b>Fort Frederica National Monument</b> Department of the Interior, National Park Service	Glynn 210.7 acres
10.	<b>Federal Law Enforcement Training Center</b> Department of the Treasury	Glynn 1525.6 acres
11.	<b>Cumberland Island National Seashore</b> Department of the Interior, National Park Service	Camden 12688.0 acres
12.	<b>Kings Bay Naval Submarine Base</b> Department of Defense, U.S. Navy	Camden 16250.0 acres
13.	<b>Okefenokee National Wildlife Refuge</b> Department of the Interior, U.S. Fish and Wildlife Service	Charlton 178776.7 acres
14.	<b>Townsend Range</b> Department of Defense, U.S. Marine Corps	McIntosh 5183.4 acres

FIGURE 4.2: Major Federal Land Holdings in Coastal Georgia



**SECTION II:  
PROGRAM IMPLEMENTATION --  
STATE AUTHORITIES, NETWORK, AND PROCEDURES**

**A. State Legal Authorities and Networking**

Administered by the Department of Natural Resources, Coastal Resources Division, the Georgia Coastal Management Program is implemented and enforced through State laws, rules and regulations, and programs. The Coastal Management Program is a *networked* program that relies on existing authorities to execute the full range of policies and management techniques identified as necessary for coastal management purposes. Each party exercising statutory authority that is part of the Program is bound to conformance with relevant policies by State law (Georgia Coastal Management Act, O.C.G.A. 12-5-320, *et seq.*) and through a Memorandum of Agreement.

The Coastal Resources Division has the direct authority over certain programs and permits. Additional authorities necessary to implement the networked Coastal Management Program are administered by other State agencies as described in Chapter Five. Memoranda of Agreement between agencies help ensure cooperation and coordination of activities. Regular interagency meetings provide an open forum for communication. Coastal Resources Division staff provides technical assistance to cooperating agencies to ensure their full understanding of the Georgia Coastal Management Program. This section describes the direct permit authorities and the networked authorities of the Georgia Coastal Management Program. It also explains the administration of program authorities and describes the interagency coordination process.

Created through the Georgia Coastal Management Act (O.C.G.A. 12-5-260), the legal framework for the Georgia Coastal Management Program involves three methods of implementation. First, the Coastal Resources Division, through the Shore Protection Committee and the Coastal Marshlands Protection Committee, has direct permitting authority for any alteration within the jurisdictions of the Shore Protection Act (O.C.G.A. 12-5-230) and the Coastal Marshlands Protection Act (O.C.G.A. 12-5-280). The Division also has permitting authority under the Revocable License Program (O.C.G.A. 50-16-61). Second, all agencies exercising regulatory authority or management or planning authority within the coastal area are required to be consistent with the Georgia Coastal Management Program (O.C.G.A. 12-5-236), and may be networked through Memoranda of Agreement. Third, authorized agencies patrol and enforce applicable laws and rules and regulations within the eleven-county coastal area. Interagency meetings help coordinate these legal activities.

## **CHAPTER FOUR**

---

### **1. Coastal Resources Division: Direct Permitting Authority**

Specific areas of the coastal environment are more vulnerable to the effects of human activities than others. Environmentally-sensitive areas of Georgia's coast include the beaches, dynamic dune fields, submerged shoreline lands, salt marshlands, all tidally-influenced waters, and tidal water bottoms. The Coastal Resources Division, through the Coastal Marshlands Protection Committee and the Shore Protection Committee, has direct authority to issue permits for any alterations of these environmentally critical areas.

#### *a. Coastal Marshlands Protection Act*

The Coastal Resources Division, through the Coastal Marshlands Protection Committee, has the direct authority to permit or deny any alteration to, or construction on or over, the marshlands or water bottoms within the estuarine area of the State.

The Coastal Marshlands Protection Act states:

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 of the Department of Natural Resources. A permit may authorize the construction or maintenance of the project proposed in the application. After construction, pursuant to a permit, a project may be maintained without a permit so long as it does not alter the natural topography or vegetation at the project site (O.C.G.A. 12-5-286).

The jurisdiction of the Coastal Marshlands Protection Act encompasses over 700,000 acres and includes all salt marsh, as defined by presence of specified vegetation, intertidal areas, mudflats, and tidal water bottoms within the estuarine area of the State. The estuarine area of the State is defined as all tidally-influenced waters, marshes, and marshlands lying within a tide-elevation range from 5.6 feet above mean tide level and below.

The Coastal Marshlands Protection Act created the Coastal Marshlands Protection Committee which is composed of three members: the Commissioner of the Department of Natural Resources and two other persons from the coast who are selected by the Board of Natural Resources. This committee is empowered to issue all orders and grant, deny, revoke, and amend all permits and leases required by the provisions of the Coastal Marshlands Protection Act. The Committee has delegated their enforcement authority directly to the Coastal Resources Division.

Marinas requiring leases of State-owned marshlands and/or water bottoms require a special type of lease as provided by the Coastal Marshlands Protection Act (O.C.G.A. 12-5-287). Marina leases are issued by the Coastal Marshlands Protection Committee and administered by the Coastal Resources Division.



The Coastal Marshlands Protection Act provides both criminal and civil penalties for violations of the provisions, rules, and regulations of the Act. The criminal provisions establish any violation of the act as a misdemeanor which, in the State of Georgia, carries a penalty of a maximum \$1,000 fine and/or up to 12 months imprisonment. The civil penalty provisions for violations of the act are civil fines not to exceed \$10,000 for each violation and \$10,000 for each day such violation continues as well as liability for any actual or projected costs and expenses incurred by the State in restoring as nearly as possible the natural movement of the waters in the marshlands and replacing the vegetation and aquatic life destroyed by the illegal activity. The Coastal Marshlands Protection Committee may also issue cease and desist orders for activities in violation of the Coastal Marshlands Protection Act.

Since 1970, the Coastal Marshlands Protection Act has well served the intended purpose to protect the marshlands. Georgia has about one-third of the remaining salt marsh on the eastern coast of the United States. Extensive case law exists, and appeals to the Coastal Marshlands Protection Act have been pursued all the way to the State Supreme Court. All appeals litigated under the Coastal Marshlands Protection Act have been resolved in the favor of the State including those claiming that the Act constitutes a taking of property.

The Coastal Marshlands Protection Act permit application requirements, permit evaluation procedures, and appeals process are explained in Part B of this Section, "Project Evaluation Procedures."

*b. Shore Protection Act*

The Coastal Resources Division, through the Shore Protection Committee, has the direct authority to permit or deny any alteration to or construction on or over the dynamic dune fields and submerged shoreline lands of the State.

The Georgia General Assembly enacted the Shore Protection Act in 1979. The jurisdiction of the Shore Protection Act includes the beaches and dynamic dune fields located on Georgia's barrier islands and the submerged shoreline lands adjacent to such beaches and dynamic dune fields extending seaward to the limit of the State's jurisdiction in the Atlantic Ocean. The landward boundary of the jurisdiction is defined as the first occurrence of either a live native tree 20 feet in height or greater or of a structure existing on July 1, 1979.

The Shore Protection Act, in Code Section 12-5-237, states:

- (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 therefore 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

## ***CHAPTER FOUR***

---

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.

The Shore Protection Act also makes unlawful the operation of 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. The storage or parking of sailboats, catamarans, or other commercial or recreational marine craft in any dynamic dune field is prohibited without proper authorization.

The Shore Protection Act created the Shore Protection Committee which is composed of three members: the Commissioner of the Department of Natural Resources and two other persons appointed by the Board of Natural Resources. This committee is empowered to issue all orders and grant, deny, revoke, modify, suspend, and amend all permits required by the provisions of the Shore Protection Act.

The Shore Protection Committee may issue cease and desist orders for activities in violation of the Shore Protection Act and require corrective action to return the sand dunes, beaches, and submerged lands to their condition prior to the violation. The Shore Protection Act establishes civil penalties for violations of the provisions, rules, and regulations in the form of monetary fines up to \$10,000 for each violation and \$10,000 for each day such violation continues. Any actual or projected costs and expenses incurred by the State in restoring the natural topography of the sand-sharing system and replacing the vegetation destroyed by an illegal alteration of the dynamic dune field or submerged lands are recoverable in civil actions. Violations of the provisions which prohibit the operation of motorized vehicles on or over the dynamic dune fields or beaches and the provisions prohibiting the parking or storing of marine craft in the dune field are misdemeanors under Georgia law and carry a maximum penalty of \$1000 fine and/or 12 months imprisonment.

The Shore Protection Act has legally protected Georgia's beach and dune areas since 1979. The importance of the Act is evident when considering that over 80% of Georgia's beach and dune areas are located on undeveloped barrier islands where human activities have not extensively altered the natural sand-sharing system. Extensive case law exists that supports the provisions of the Shore Protection Act. The courts have determined that the provisions of the Shore Protection Act do not constitute a taking of property.

The Shore Protection Act permit application requirements, permit evaluation procedures, and appeals process are explained in Part B of this Section, "Project Evaluation Procedures."

*c. Revocable License*

The Coastal Resources Division has the direct authority to issue Revocable Licenses. Section 50-16-61 of the Official Code of Georgia Annotated establishes the State's authority to require a Revocable License for encroachment upon State-owned lands, and establishes the Governor's responsibility to protect State-owned lands. Based on Old English Common Law that provides owners of land adjacent to water the riparian rights of access to such water, this authority requires a Revocable License that grants permission for property owners to transgress on State-owned lands and water bottoms in order to facilitate riparian access. The license does not convey any rights, title, estate, interest, or easement with regard to the licensed premises. The license merely provides the licensee a privilege subject to revocation, cancellation, or termination at the pleasure of the State.

The Coastal Resources Division has the authority to issue, deny, and repeal the Revocable License required for projects that encroach on State-owned lands and tidal water bottoms within the coastal area. The authority to issue Revocable Licenses is delegated to the Coastal Resources Division by the Governor, through the Commissioner of the Department of Natural Resources.

Permit applications pursuant to the Coastal Marshlands Protection Act can serve as joint applications for a Revocable License. Although private docks are exempt from the requirements of the Coastal Marshlands Protection Act, they do require a Revocable License when they occur over State-owned water bottoms. The Revocable License provides the Coastal Resources Division a mechanism to address the issue of cumulative environmental and aesthetic impacts resulting from the proliferation of private docks within specific areas. The Revocable License also provides the State authority over other activities such as pipelines, power lines, mooring dolphins, bridges, and other activities that require the use of the water bottoms of the State. The requirement for a Revocable License applies unless an original King's land grant can be demonstrated.

Although recreational docks are exempt from the requirement for Marsh Permits under the Coastal Marshlands Protection Act, they do require a State Programmatic General Permit. In order to minimize paperwork and decrease the time required for issuance, the administration of this permit has been delegated to the Coastal Resources Division by the Army Corps of Engineers. A State Programmatic General Permit for the construction of recreational docks can be obtained in conjunction with a Revocable License. The application and review criteria are similar and a joint application is more efficient.

## **CHAPTER FOUR**

---

The Revocable License application requirements and evaluation procedures are explained in Part B of this Section, "Project Evaluation Procedures."

### **2. Section 401 Water Quality Certification**

The Georgia Water Quality Control Act (O.C.G.A. 12-5-20, *et seq.*) designates the Environmental Protection Division of the Georgia Department of Natural Resources as the State agency authorized to regulate water quality control program. The Coastal Resources Division assists the Environmental Protection Division in administering the Section 401 Water Quality Certification for projects within the coastal area. Created through the federal Clean Water Act, the intent of the Section 401 Water Quality Certification is to provide states with the ability to review and control the type of federal licenses or permits issued within the boundaries of the state. Therefore, any federal license or permit issued by a federal agency that may result in a discharge to the waters of the United States is required to receive the applicable Section 401 Water Quality Certifications from the state before it is valid. The waters of the United States include rivers, streams, lakes, and wetlands.

Through a Memorandum of Agreement, the Coastal Resources Division provides technical assistance to the Environmental Protection Division in administering the Section 401 Water Quality Certification within the eleven-county coastal area of Georgia. Through the 401 Certification process, each federal permit or license application undergoes a comprehensive review process based upon State water quality standards and other applicable state laws. By law, this certification and other State authorities are issued in a manner that is consistent with the policies of the Georgia Coastal Management Program (O.C.G.A. 12-5-326).

Examples of federal permits requiring a Section 401 Water Quality Certification are the following.

- Clean Water Act, Section 404 Wetlands Dredge and Fill Permits;
- Federal Energy Regulatory Commission Permits for Hydro Power Projects;
- Sections 9 and 10, Rivers and Harbors Act of 1899;
- Coast Guard Permits for Bridges Spanning Navigable Waters;
- Certain Nationwide and State Programmatic General Permits; and,
- Any other applicable federal licenses or permits.

### **3. State Agency Coordination: Networking Through Memoranda of Agreement**

The Georgia Coastal Management Program is a networked program relying on a number of State agencies to implement and enforce coastal resource policies. By law, all State agencies exercising regulatory authority or management or planning authority in the coastal area shall administer such authority in a manner consistent with the Georgia Coastal Management Program

## ***BOUNDARY AND ORGANIZATION***

---

(O.C.G.A. 12-5-326). The Coastal Resources Division, lead agency for the Coastal Management Program, functions within this network to coordinate activities among agencies. In its role as lead agency and coordinator, the Coastal Resources Division acts as a clearing house for information and ensures that all relevant State permits are issued prior to federal activities (See Chapter Eight, Federal Consistency). The Coastal Resources Division also sponsors regular interagency meetings to foster coordination and cooperation. This coordination is formalized through Memoranda of Agreement signed between the Coastal Resources Division and agencies exercising State statutory authority within the coastal area. The effect of this networking process is to unify the implementation and enforcement of individual authorities into a comprehensive framework. This framework creates a comprehensive management program to assess and control the direct and significant impacts of activities on coastal land and water resources.

### *a. Agencies Networked Through Memoranda of Agreement*

A number of State agencies exercise regulatory and/or planning/management authority for activities which will have reasonably foreseeable effects upon land use, water use, or natural resources of the coastal area. Responsible agencies include the following.

- DNR Coastal Resources Division
- DNR Environmental Protection Division
- DNR Historic Preservation Division
- DNR Parks, Recreation, & Historic Sites Division
- DNR Wildlife Resources Division
- Department of Community Affairs
- Department of Human Resources
- Department of Transportation
- Georgia Forestry Commission
- Georgia Ports Authority
- Jekyll Island Authority
- Office of the Secretary of State
- Public Service Commission

Memoranda of Agreement are implemented between the Department of Natural Resources, Coastal Resources Division and these agencies to coordinate the permit and regulatory activities cited in the following list.

#### *Georgia Department of Natural Resources -- Environmental Protection Division*

- Permit for air emissions (Georgia Air Quality Act, O.C.G.A. 12-9-2, *et seq.*)
- Permit for solid waste disposal facilities siting, design, construction, and operation (Georgia Comprehensive Solid Waste Management Act, O.C.G.A. 12-8-20, *et seq.*)
- Permit for hazardous waste facility construction and operation (Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60, *et seq.*)
- Permit for ground-water withdrawal in excess of 100,000 gallons per day (Groundwater Use Act, O.C.G.A. 12-5-90, *et seq.*)
- Permit for surface water withdrawal, diversion, or impoundment in excess of 100,000 gallons per day (Georgia Water Quality Control Act, O.C.G.A. 12-9-1, *et seq.*)
- Permit for wastewater systems disposing sewage, industrial wastes, or other wastes into any waters of the State (Georgia Water Quality Control Act, O.C.G.A. 12-9-1, *et seq.*)
- Permit for public water systems (Georgia Safe Drinking Water Act, O.C.G.A. 12-5-170, *et seq.*)
- Permit for surface mining operations (Georgia Surface Mining Act, O.C.G.A. 12-4-70, *et seq.*)

## ***CHAPTER FOUR***

---

- Permit for drilling for exploration or production of oil and gas, any well for exploration or production of other minerals greater than 1800 feet in depth, or any well for exploration or production of any mineral located within the coastal area which is drilled to a depth sufficient to penetrate the fresh water aquifer system (Georgia Oil and Gas and Deep Drilling Act, O.C.G.A. 12-4-40, *et seq.*)
- Permit for any land change that may result in soil erosion from water or wind and the movements of sediments into state waters (Georgia Erosion and Sedimentation Act, O.C.G.A. 12-7-1, *et seq.*)
- Permit for construction, operation, or removal of certain dams and artificial barriers that impound or divert water (Georgia Safe Dams Act, O.C.G.A. 12-5-370, *et seq.*)
- Permit for certain municipal and industrial storm water discharges (delegated by EPA -- federal Clean Water Act, 33 U.S.C. § 1251, *et seq.*)
- National Pollutant Discharge Elimination System (NPDES) permits (delegated by EPA -- federal Clean Water Act, 33 U.S.C. § 1251, *et seq.*)
- Section 401 Water Quality Certification pursuant to the federal Clean Water Act -- review and recommendations are made by the Coastal Resources Division to the Environmental Protection Division for those activities located within the eleven-county coastal area (33 U.S.C. § 1251, *et seq.*)
- Management authority for State-wide program regulating design, construction, installation, and substances stored in underground tanks (Georgia Underground Storage Tank Act, O.C.G.A. 12-13-1, *et seq.*)
- Authority for oil or hazardous material spills notification requirements and clean up procedures (Oil or Hazardous Materials Spills or Releases, O.C.G.A. Title 12, Chapter 14)

### *Georgia Department of Natural Resources -- Parks, Recreation, and Historic Sites Division*

- Permit to recognize scientific institutions or qualified individuals to conduct field archeological research on State properties (O.C.G.A. 12-3-52)
- Permit for investigation, survey, or recovery operations of submerged cultural resources (O.C.G.A. 12-3-82)
- Authority to construct, maintain, operate, and control uses of all State parks and historic sites in the State (O.C.G.A. Title 12, Chapter 3)
- Authority to identify and plan a scenic trails system, to acquire land, and to construct, manage, and maintain the system (O.C.G.A. 12-3-110)

### *Georgia Department of Natural Resources -- Historic Preservation Division*

- Responsible for: establishing, maintaining, and expanding an inventory and register of historic places in the State known as the Georgia Register of Historic Places which shall include all properties listed in the National Register of Historic Places pursuant to the National Historic Preservation Act; conducting a survey of historic and archeological resources; reviewing all federally-funded, -licensed, or -permitted projects in Georgia for effects to historic resources; and conducting information and education programs (O.C.G.A. 12-3-50.2)

### *Georgia Department of Natural Resources -- Wildlife Resources Division*

- Registration of any person engaged in aquaculture activities (Georgia Aquaculture Development Act)
- Responsible for the protection of the State's natural wildlife resources through promulgation, administration, and enforcement of laws, rules, and regulations pertaining to hunting, fishing, boating, endangered species, and litter control; issues licenses to hunters and persons harvesting fish or wildlife for commercial purposes; issues licenses to recreational anglers utilizing fresh waters of the State; issues permits for scientific collecting (O.C.G.A. Title 27, Chapters 1-5 and Title 52, Chapter 7)
- Authority to acquire, manage, operate, and control uses of Wildlife Management Areas and Public Fishing Areas (O.C.G.A. Title 27, Chapter 1)

### *Georgia Department of Human Resources -- Through County Health Departments*

- Authority to promulgate State-wide minimum standards for individual sewage management systems (septic tanks) for adoption and enforcement by each county board of health (O.C.G.A. Title 31)

## ***BOUNDARY AND ORGANIZATION***

---

### *Office of the Secretary of State*

- License to dig, mine, or remove phosphate deposits from the navigable streams or waters of the State, or from any public lands on the banks or margins thereof (O.C.G.A. 12-4-100)

### *Jekyll Island Authority*

- Authority to manage and control uses of Jekyll Island (O.C.G.A. 12-3-232)

### *Georgia Ports Authority*

- Authority to acquire, construct, maintain, operate, develop, and manage the port facilities and harbors of the State (O.C.G.A. 52-2-4)

### *Georgia Department of Transportation*

- Responsible for the systematic planning, construction, maintenance, and operation of the State highway system (O.C.G.A. Title 32)

### *Georgia Forestry Commission*

- Responsible for the management of State forests and woodlands and with advising and cooperating with private land owners in the promotion of forest management practices (O.C.G.A. Title 12, Chapter 6)

### *Georgia Public Service Commission*

- Regulates railroads, public transit systems, telephone and telegraph companies, and gas or electric light and power companies in the State (O.C.G.A. Title 46).

### *Georgia Department of Community Affairs --*

#### *Coastal Georgia Regional Development Center*

#### *Altamaha-Georgia Southern Regional Development Center*

#### *Southeast Georgia Regional Development Center*

- Responsible for assisting local governments in meeting the requirements of the Georgia Planning Act including the process for reviewing proposed development projects likely to create regional impacts (O.C.G.A. Title 50, Chapter 8)

### *b. Description of Agreements*

Memoranda of Agreement (MOAs) are negotiated among the State agency participants in the Georgia Coastal Management Program network. These MOAs are used to coordinate the relevant authorities of State agencies, thus establishing the cooperative networking process necessary to implement and enforce the Program. Participating agencies recognize that the Program is based upon State laws and rules and regulations, and that coordination of activities helps maximize resources and improve coastal management. Each agency administers its coastal resource protection responsibilities as designated by Georgia State law, and cooperates with the Coastal Resources Division to implement Program policies. In return, the Coastal Resources Division provides information and technical assistance to agencies and to permit applicants about the networked program, and may provide additional enforcement of Georgia law. The Coastal Resources Division also hosts regular interagency meetings to air issues and discuss activities. Sample Memoranda of Agreement may be found in Appendices V and VI.

## **CHAPTER FOUR**

---

### **B. Project Evaluation Procedures of State Authorities**

The Coastal Resources Division implements the Georgia Coastal Management Program through direct permitting authorities and through Memoranda of Agreement as described in the previous section. The Division hosts regular interagency meetings to coordinate activities among agencies. In addition, the Division may concur with or object to a consistency certification or determination made by an applicant for a federal permit or by a federal agency (See Chapter Eight). Finally, the Division provides technical assistance to facilitate permitting processes.

This section describes the permit application evaluation process for activities within the jurisdictions of the Coastal Marshlands Protection Act and the Shore Protection Act, and the issuance of the Revocable License required for activities encroaching upon State-owned water bottoms. Two key components of the project evaluation procedure are the optional project review service and the optional interagency coordination meetings. The Coastal Resources Division encourages people and agencies to take advantage of the technical expertise within the Division through participation in these services. These benefits are also described in Part 4, "Technical Assistance for Project Development."

#### **1. General Project Review Procedure**

Each agency with permitting authority in the coastal area reviews permit applications based on that agency's legal criteria for evaluation. Through the cooperative process established by the Georgia Coastal Management Program, networked agencies are encouraged to apply the following considerations as appropriate.

- (1) Consider the extent to which the project will have adverse impacts on the environmentally sensitive areas within the jurisdiction of the Shore Protection Act and the Coastal Marshlands Protection Act (beaches, dynamic dune fields, tidally-influenced waters, salt marshlands, and submerged shoreline lands), the Revocable License (State-owned tidal water bottoms), and the Section 401 Water Quality Certification Program (waters of the U.S.).
- (2) Consider the extent to which the project will protect, maintain, or improve water quality, particularly in coastal aquatic areas of special resource value, for example, wildlife spawning areas or shellfish areas.
- (3) Consider the extent to which the project will meet existing State and federal requirements for protection of inland wetlands and for waste discharges, specifically point sources of air and water discharge.



- (4) Consider the extent to which the project takes into account the maintenance or improvement of the economic stability of coastal communities.
- (5) Consider the extent to which the project is in compliance with local or regional zoning and/or comprehensive plans.
- (6) Consider the possible long-range, cumulative effects of the project, both positive and negative, when reviewed in the context of other possible development.
- (7) Consider the extent and significance of negative impacts on Special Management Areas (SMAs). The determination of negative impacts is made in each case with reference to the priorities of use for the particular SMA.
- (8) Consider the extent and significance of impacts on the quality or quantity of unique natural features such as endangered wildlife and vegetation, significant marine species, and existing water quality standards.
- (9) Consider the extent to which the project is in the national and/or regional interest.

## 2. Project Evaluation Procedures: Coastal Resources Division

The procedures for obtaining permits required by the Coastal Marshlands Protection Act and the Shore Protection Act as well as the process for obtaining a Revocable License are explained in this section. These permits and licenses are issued directly by the Coastal Resources Division through the Coastal Marshlands Protection Committee, the Shore Protection Committee, or Division staff. Applicants should refer to cited statutes for specific information on permit requirements. Determinations on approval or denial of permit applications are based on the individual merits of each application. In general, Coastal Resources Division staff apply the following considerations.

- (1) Consider the extent to which the project requires a waterfront location.
- (2) Consider the extent to which the project would harmfully obstruct the natural flow of navigable water.
- (3) Consider the extent to which the project would affect the production of fish, shrimp, oysters, clams, crabs, or any marine life or wildlife or other natural resources in a particular area including, but not limited to, water and dissolved oxygen supply.

## **CHAPTER FOUR**

---

- (4) Consider the extent to which the project could cause erosion, shoaling of channels, or creation of stagnant water.
- (5) Consider the extent to which the project could affect existing public access to tidal and submerged lands, navigable waters, beaches, and other recreational coastal resources.
- (6) Consider the extent to which the project could affect the habitats for rare and endangered species of wildlife or irreplaceable historic and archeological sites of Georgia's coastal area.
- (7) Consider the extent of any adverse environmental impact which cannot be avoided by reasonable safeguards.
- (8) Consider the extent to which all feasible safeguards are taken to avoid adverse environmental impacts resulting from the project.
- (9) Consider the extent to which the project could affect the value and enjoyment of adjacent riparian owners.

For direct permitting authorities, the Coastal Resources Division staff has a regular, established process for project review. Each staff member with review responsibility completes an evaluation sheet for each permit application or review and certification project. This evaluation becomes part of the permanent application file. Evaluations are made by biologists, planners, engineers, or other professional staff. The evaluation sheets require that information be compiled and issues addressed to develop a comprehensive review of each project, including project description, site analysis, applicable program policies, rules and regulations, and possible impacts of the proposal on coastal land or water resources. On-site inspections are made by professional staff for all project proposals within the direct permitting authority of the program and for projects requiring review. Staff reviewing projects hold regular meetings to discuss all direct permit applications and review projects at or near completion before permit or certification decisions are made.

The Coastal Resources Division encourages the submission of development plans for preliminary review by staff, and assists in expediting the filing of applications for all necessary permits. Applications for Coastal Marshlands Protection Act permits, Shore Protection Act permits, and Revocable Licenses are filed with Coastal Resources Division staff.

*a. Coastal Marshlands Protection Act Permits*

Activities that require a permit pursuant to the Coastal Marshlands Protection Act also require a Revocable License for use of State-owned lands and often require a Section 404 permit from the U.S. Army Corps of Engineers, Savannah District. Certain projects also require a Section 401 Water Quality Certification. The Coastal Resources Division utilizes a joint application form that meets the application requirements of the Coastal Marshlands Protection Act, the Corps of Engineers, the Revocable License, and the Section 401 Water Quality Certification. Projects that do not meet the enforceable policies of the Georgia Coastal Management Program are not issued permits.

Refer to O.C.G.A. 12-5-283 and 12-5-286 for application requirements, public notice requirements, permit conditions, and the appeals process for permit applications. In general, projects requiring a Coastal Marshlands Protection Act permit must submit to the Coastal Resources Division the following: an application form, site map or survey, landfill/hazardous site determination letter, zoning letter, soil and erosion control letter, plan with jurisdiction, copy of deed with plat, adjoining landowner notice, fees, and any other applicable leases, licenses, or certifications. Technical assistance in completing permit applications is available from the Coastal Resources Division.

*b. Shore Protection Act Permits*

The Coastal Resources Division receives applications for permits pursuant to the Shore Protection Act. The staff identifies projects within the jurisdiction of the Shore Protection Act which may also require a Revocable License, a Section 404 permit from the Corps of Engineers, Savannah District, and/or a Section 401 Water Quality Certification issued by the Environmental Protection Division. Projects that do not meet the enforceable policies of the Georgia Coastal Management Program are not issued permits.

Refer to O.C.G.A. Sections 12-5-238, 12-5-239, and 12-5-244 for application requirements, public notice requirements, permit conditions, and the appeals process for permit applications. In general, projects requiring a Shore Protection Act permit must submit to the Coastal Resources Division the following: an application form, site map or survey, landfill/hazardous site determination letter, zoning letter, soil and erosion control letter, plan with jurisdiction, copy of deed with plat, adjoining landowner notice, fees, plans with jurisdiction and all improvements, architect's certification, and signed Revocable License. Technical assistance in completing permit applications is available from the Coastal Resources Division.

## ***CHAPTER FOUR***

---

### *c. Revocable License Program & State Programmatic General Permit for Recreational Docks*

The Coastal Resources Division has the authority to issue, deny, and revoke the Revocable License required for projects that encroach on State-owned lands and tidal water bottoms within the eleven-county coastal area. Permit applications pursuant to the Coastal Marshlands Protection Act, the Shore Protection Act, and the Section 401 Water Quality Certification also serve as joint applications for a Revocable License. In general, other projects requiring a Revocable License must submit to the Coastal Resources Division the following: an application for a Joint Army Corps of Engineers/State of Georgia Marshlands Protection Permit or a State Programmatic General Permit for Private Docks, signed Revocable License application form, copy of deed with plat, plan or drawing of proposal and manner or method proposal will be accomplished, project plans, and adjoining landowner notice if applicable. Technical assistance in completing license and permit applications is available from the Coastal Resources Division.

Applications for Revocable License are evaluated concurrently with other necessary permit applications, including marina leases and applicable State Programmatic General Permits. Coastal Resources Division staff may conduct site visits to ascertain riparian rights of access before recommending issuance of the Revocable License. Individuals have no legal rights to encroach on State-owned lands or water bottoms and, therefore, have no right to appeal a denial or revocation of a license other than legal action brought directly in the courts against the State.

Through this process, a State Programmatic General Permit for recreational docks may be issued by the Division. The criteria for these permits are: (1) the walkway width must be six feet or less; (2) the total area of a fixed dock must be 576 square feet or less; (3) the total area of a floating dock must be 288 square feet or less; and (4) the maximum distance into the waterway is 25 feet or one-third the width of the channel, whichever is less. The administration of the State Programmatic General Permit has been delegated to the Coastal Resources Division by the Army Corps of Engineers to minimize paperwork and to decrease the time required to issue these permits. Applications for State Programmatic General Permits for recreational docks are reviewed in conjunction with Revocable License applications.

### *d. Appeal Procedures for Direct Permitting Authorities*

If the applicant for any of the Coastal Resources Division's direct permitting authorities disagrees with the Division's finding, there is a formal appeal process available. The appeal process varies, depending upon the type of permit, license, lease, or certification in question. These appeal processes are described below:

- (a) For decisions involving permits of the Coastal Marshlands Protection Act or the Shore Protection Act any person or agency who is aggrieved or adversely affected by any order or action, upon petition within 30 days after the issuance of such order

or taking of such action, has a right to a hearing before an administrative law judge. The hearing before the administrative law judge shall be conducted in accordance with O.C.G.A. Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." The decision of the administrative law judge shall constitute the final decision and any party to the hearing, including the Committee, shall have the right of judicial review thereof in accordance with O.C.G.A. Chapter 13 of Title 50.

- (b) For those matters under the provisions of the Revocable License, there is no provision of administrative law judge review. Instead, persons have access to the State court process, as defined by Georgia law.

### 3. Project Evaluation Procedures: Policies Implemented by Other Agencies

In addition to the direct authorities of the Coastal Resources Division discussed in the section above, some Georgia Coastal Management Program authorities are administered by other State agencies. The Georgia Coastal Management Act as well as the Memoranda of Agreement with applicable State agencies include a provision that State agencies will issue authorizations only to projects that are consistent with the policies of the Coastal Management Program.

#### *a. Notification of Coastal Management Activities*

For projects in the coastal area, the Coastal Resources Division receives notification of activities requiring authorization through several sources. The Memorandum of Agreement with each permitting agency stipulates the process whereby the Coastal Resources Division receives notice of each permit or other authority issued. Projects may also be brought up and discussed prior to issuance of authorization at the interagency meetings hosted by the Coastal Resources Division.

The Coastal Management Program also receives project notifications through the Executive Order 12372 Review Process, a Statewide clearinghouse for comments administered by the Georgia Office of Planning and Budget. Other sources of project notification are the Environmental Impact Statement required for major federal or federally-funded projects by the National Environmental Policy Act, and the Environmental Effects Report required for major State and State-funded projects by the Georgia Environmental Policy Act.

#### *b. Review Procedure*

The Coastal Resources Division is not required to review projects being permitted by other State agencies, although it may provide technical assistance to other agencies at their request. Each State agency with permitting authority in the coastal area includes as part of its review process a check for consistency with Georgia State law under its authority. The Georgia Coastal

## ***CHAPTER FOUR***

---

Management Act requires all State agencies with regulatory authority or management or planning authority in the coastal area to administer such authority in a manner consistent with the Coastal Management Program (O.C.G.A. 12-5-326). Memoranda of Agreement between the Division and other State agencies with responsibility in the coastal area help ensure that all parties understand their responsibilities for compliance and enforcement under the Coastal Management Program. Thus, consistency with the Georgia Coastal Management Program is achieved through State agency adherence to Georgia State law, including the Coastal Management Act, and through adherence to the Memoranda of Agreement with the Coastal Resources Division. Regular interagency meetings allow cooperating agencies to coordinate activities. Each State agency conducts its project evaluation procedure in accordance with State law. The Coastal Resources Division provides coordination among agencies, serving as a clearinghouse to notify other agencies (including federal) and the applicant when all permits have been issued (or denied). Refer to Chapter Five for a description of management authorities.

### *c. Appeal Procedures for Projects Authorized by Other Agencies*

The appeal process for those authorities issued through other State agencies networked with the Georgia Coastal Management Program is defined by State law for the applicable permit or regulatory process. Refer to Chapter Five for a description of management authorities.

## 4. Technical Assistance for Project Development

The Coastal Resources Division provides technical assistance to individuals through its preliminary project review service and project coordination meetings, and to other agencies through quarterly interagency coordination meetings and occasional project coordination meetings. In addition, any person or agency requiring technical expertise with regard to coastal resource issues may contact the Division at any time for assistance or referral.

### *a. Project Review Service*

Though not required, the Coastal Resources Division encourages people to submit preliminary development plans for consultation. Division staff reviews plans for potential conflicts with the policies of the Georgia Coastal Management Program, and provides technical assistance to help modify proposals and resolve conflicts. The staff also identifies any required permits, licenses, or certifications relative to specific projects submitted for consultation and makes every effort to assist in expediting the application process for necessary permits, licenses, and/or certificates. This consultation project review service is available for any proposed development or activity within the eleven-county coastal area.

*b. Interagency Coordination Meetings*

On a quarterly basis, the Coastal Resources Division hosts an interagency coordination meeting to allow agencies with regulatory and/or management or planning authority in the coastal area to coordinate policy and procedures, air issues, and improve coordination. The purpose of these meetings is to foster agency coordination and improve cooperation. The meetings are not intended to review individual projects.

The following State agencies with regulatory and/or management authority in the eleven-county coastal area are invited to attend.

- DNR Coastal Resources Division\*
- DNR Environmental Protection Division\*
- DNR Historic Preservation Division\*
- DNR Parks, Recreation, & Historic Sites Division
- DNR Wildlife Resources Division\*
- Department of Community Affairs
- Department of Human Resources\*
- Department of Transportation\*
- Georgia Forestry Commission
- Georgia Ports Authority
- Jekyll Island Authority
- Office of the Secretary of State
- Public Service Commission\*

*\* Denotes agency with regulatory authority.*

In addition to State agencies, the following federal agencies with regulatory and/or management authority in coastal Georgia are invited to attend.

- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- U.S. National Marine Fisheries Service

Since they hold key regulatory authority, every effort is made to ensure that representatives from the Department of Natural Resources Environmental Protection Division, the Department of Natural Resources Historic Preservation Division, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and the U.S. Fish and Wildlife Service are present at the quarterly meetings.

In addition to the above-mentioned agencies, any federal, State, regional, or local agencies with an interest in coastal resource management are encouraged to attend the interagency coordination meetings. The Coastal Resources Division publicizes meetings in advance, and welcomes participation from other agencies.

## ***CHAPTER FOUR***

---

### *c. Project Coordination Meetings*

The Coastal Resources Division organizes occasional interagency meetings, at the request of applicants, to discuss project proposals. The purpose of the meetings is to foster agency coordination and cooperation with respect to specific projects, and is not intended as an additional public review of the merits of the proposed project. Project coordination meetings allow potential applicants to meet relevant State and federal permitting agencies during the planning process for their project. The meetings also allow permitting agencies to provide input during the planning and design phase of a project. This helps the applicant avoid delays during construction, helps avoid conflict between agency recommendations, and helps avoid "last-minute" change requests to the various agencies.

### *d. Other Technical Services*

The Coastal Resources Division makes every effort to educate individuals and other agencies about permit requirements and coastal resource issues. Any individual or agency may contact the Division during normal working hours to receive technical assistance. To the extent possible given limited staff and resources, the Division promotes and supports education and outreach activities.

## **C. Enforcement and Compliance of State Legal Authorities**

Each of the policies of the Georgia Coastal Management Program is based on a legal authority that is enforceable under Georgia law. The law cited for each policy has a concomitant penalty for violation of law or the rules and regulations implementing that law. Officers and conservation rangers of the Department of Natural Resources are authorized to enter property and to inspect activities for adherence to promulgated requirements and compliance with permit conditions as defined by the applicable Georgia law.

The Coastal Resources Division has an enforcement and compliance function which includes State-certified law enforcement officers. Division staff, with support from the Wildlife Resources Division's Law Enforcement Section, conducts compliance inspections of permitted activities within the eleven-county coastal area. Individuals with enforcement responsibility also seek out activities in violation of Georgia Coastal Management Program policies and the rules and regulations of the State through routine air, water, and land patrols.

Public awareness and involvement in the protection of Georgia's coastal resources is a top priority of the enforcement and compliance officers. The initial emphasis of the enforcement and compliance staff is public education through dissemination of information on the Georgia Coastal Management Program requirements and the underlying Georgia law.



#### **D. Water and Air Quality Standards**

The Georgia Department of Natural Resources, Environmental Protection Division is the State agency responsible for implementing the requirements of the federal Clean Water Act (33 U.S.C. § 1251, *et seq.*) and federal Clean Air Act (42 U.S.C. § 7401, *et seq.*). For federal permits or licenses issued for activities within the coastal area or significantly impacting coastal resources, the Coastal Resources Division assists the Environmental Protection Division with its administration of the Section 401 Water Quality Certification. The Georgia Air Quality Act (O.C.G.A. 12-9-1, *et seq.*) and Georgia Water Quality Control Act (O.C.G.A. 12-5-20, *et seq.*), administered by the Environmental Protection Division, establish the criteria necessary to meet the mandated requirements of the federal Clean Air Act and federal Clean Water Act.

The Coastal Resources Division and the Environmental Protection Division are within the same State agency, the Department of Natural Resources, with the same governing body, the Board of Natural Resources. Although administered by the Coastal Resources Division, Georgia's Coastal Management Program relies on the support, input, and cooperation provided by the Environmental Protection Division. The Memorandum of Agreement between the Coastal Management Program and the Environmental Protection Division addresses the requirement for incorporating the mandates of the federal Clean Air Act and federal Clean Water Act into the Coastal Management Program.

#### **E. Program Amendment Procedures**

Due to the dynamic nature of the coastal area, even a flexible management program requires periodic updating. Upon implementation of the Georgia Coastal Management Program, the efficiency and effectiveness of the organizational structure, policies and other authorities, and the procedural processes of the program must be continually evaluated by those associated with or impacted by the Coastal Management Program including the Coastal Resources Division staff, the Board of Natural Resources, the General Assembly, the general public, special interest groups, and federal, State, regional and local agencies. In addition, changes in coastal resources concerns, evolving coastal issues, and changes in public priorities and expectations may necessitate modifications to the Coastal Management Program. The following procedures for program amendments and refinements provide for such modifications related to: (1) uses subject to management; (2) special management areas; (3) boundaries; (4) authorities and organization; and (5) coordination, public involvement, and the national interest.

Proposals for any change in the Georgia Coastal Management Program may originate within the Department of Natural Resources, within a federal, State, or local government unit, within a special interest organization, or with the general public. In all instances, the Coastal

## **CHAPTER FOUR**

---

Resources Division may consider the proposal for a period of 30 days before determining whether modification procedures should be initiated. Upon decision that a proposed program modification is warranted, the Coastal Resources Division staff will determine whether the proposed change constitutes an amendment or a routine program change, according to federal criteria (C.F.R. 15 §§ 923.80-923.84). The National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management has the ultimate authority to decide whether a proposed program change is a routine program change or an amendment.

Amendments to the Coastal Management Program will require review and approval of the Commissioner of the Department of Natural Resources. Amendments also require at least one public hearing preceded by a 30 day public notice period. Since policies within the Coastal Management Program are State laws, these may only be changed by an act of the Georgia General Assembly and are initiated following regular legislative processes. All substantive changes to the Georgia Coastal Management Program must also be approved by the Office of Ocean and Coastal Resource Management (C.F.R. 15 §§ 923.80-923.84).

### **F. Conflict Resolution**

While the Georgia Coastal Management Program seeks to improve interagency cooperation and coordination, occasionally interagency conflicts may arise. Disagreements among agencies in the coastal management network may occur, for example, over terms or implementation of a Memorandum of Agreement, or if one agency believes the other is not adequately complying with the Coastal Management Act. Every effort shall be made to resolve potential interagency conflicts during informal interagency meetings. If, however, there is a disagreement that cannot be resolved informally, the Attorney General's office has the authority to investigate the matter and render a decision.

**SECTION III:  
LOCAL GOVERNMENT COORDINATION**

**A. Recognition of Local Governments**

The Coastal Resources Division recognizes the importance of extensive local government input and coordination in the development and implementation of the Georgia Coastal Management Program. Representatives from the eleven counties and municipal governments within the coastal area are included on the Coastal Management Program mailing list. These representatives receive notices of all Coastal Advisory Committee meetings, as well as general program information. In addition, local governments are offered a seat on the Coastal Advisory Committee.

All county and municipal governmental units within the coastal area were provided a copy of the draft Coastal Management Program Document. Local government comments and recommendations were incorporated into the Management Program wherever feasible. Coastal Resources Division staff made individual contacts with each local government within the coastal area in order to present information about the Georgia Coastal Management Program.

Each county and city within the coastal area is represented by at least one member on the Coastal Advisory Committee, to ensure direct participation by local interests in development of the Georgia Coastal Management Program.

**B. Local Government Involvement**

Through the Georgia Coastal Management Program, the Coastal Resources Division has established a mechanism for continuing consultation and coordination with local governments, interstate agencies, regional agencies, and other agencies within the coastal area, in order to ensure full participation of local governments and agencies in program development and implementation.

The Coastal Georgia Regional Development Center, the Heart of Georgia Regional Development Center, and the Southeast Georgia Regional Development Center are an integral part of the Coastal Management Program's coordination with local governments within the coastal area. The Georgia Planning Act established the Department of Community Affairs as the principal department for local government affairs within the executive branch of State government. Seventeen Regional Development Centers were created as the mechanism to provide local governments, on both an individual and regional basis, with professional technical assistance in meeting the Act's requirements. Under the Georgia Planning Act, local governments are

## ***CHAPTER FOUR***

---

required to prepare comprehensive plans using State minimum planning standards promulgated by the Department of Community Affairs.

The Regional Development Centers are responsible for reviewing these plans, as well as large-scale projects known as "developments of regional impact" that may have adverse effects beyond the jurisdiction of the city or county in which they occur. A Memorandum of Agreement between the Coastal Resources Division, the Department of Community Affairs, and the Regional Development Centers within the coastal area establishes a procedure for reviewing local government comprehensive plans to identify conflicts with the policies of the Coastal Management Program and eliminate duplication of efforts.

Headquartered in Brunswick, the Coastal Georgia Regional Development Center encompasses eight of the eleven counties of the coastal area (Bryan, Camden, Chatham, Effingham, Glynn, Liberty, Long, and McIntosh). The Heart of Georgia Regional Development Center includes one second tier coastal county -- Wayne County. The Southeast Georgia Regional Development Center contains two second tier counties -- Brantley and Charlton.

The Regional Development Centers assist in disseminating Coastal Management Program information to local governments. Coordination with each of the three Regional Development Centers occurred during program development, and the Coastal Georgia Regional Development Center in particular has been extensively involved. The completed draft document describing the Coastal Management Program was provided to each of the three Regional Development Centers for review, comment, and recommendations.

In the process of educating people about the Coastal Management Program, Coastal Resources Division staff met with all local governments in the coastal area. Subsequently, many of these local governments passed resolutions indicating their support of the Program. As representatives of the citizens of coastal Georgia, local government officials recognize the importance of balancing economic development with natural resource protection, and view the Georgia Coastal Management Program as a mechanism to further that goal.

### **C. Local Level Program Implementation**

Through the Georgia Coastal Management Program, the Coastal Resources Division encourages the development and implementation of local capabilities for managing growth and development. The Coastal Resources Division encourages local planning, permitting, and administrative functions to be conducted in concert with the policies of the Georgia Coastal Management Program by providing technical assistance directly to local governmental entities and to Regional Development Centers. Coastal Incentive Grants are awarded on a competitive basis

to local governments and state agencies (including Regional Development Centers) to fund projects that address specific local coastal needs or problems.

The management approach described in the Georgia Coastal Management Program Document addresses the potential impacts of coastal activities on coastal resources rather than the general land uses with which certain coastal activities are associated. The legal framework and policies of the Program encourage, support, or establish conditions for specific coastal activities on the basis of actual or potential effects on coastal land and water resources -- they do not dictate or establish land use or zoning classifications. Land use planning and zoning continue to be the responsibility of local governments. While the Georgia Planning Act requires municipal and county governments to develop comprehensive plans that address natural and historic resources, there is no requirement for implementation and enforcement of such plans.

Under the Erosion and Sedimentation Act (O.C.G.A. 12-7-1 *et seq.*), local governments are responsible for adopting comprehensive ordinances establishing procedures governing land-disturbing activities. Complying local governments are delegated authority to issue Erosion and Sedimentation, or "land-disturbing," permits. To date, eight of the eleven counties and 20 of the 32 municipalities have adopted such ordinances within the coastal area. Therefore, the Erosion and Sedimentation Act is implemented at the local level throughout the majority of the coast. The Environmental Protection Division continues to implement the program in areas that have not yet adopted ordinances. Refer to the paragraphs describing Erosion and Sedimentation in Chapter Five for additional information. While Erosion and Sedimentation permits are issued at the local level, variances to these permits are issued by the State Environmental Protection Division.

The permit process outlined in the Georgia Coastal Management Program Document is coordinated with local governments. Permits administered directly by the Coastal Resource Division through its direct permitting authorities are described in Chapter Four. Private recreational dock projects, which are exempt from the Coastal Marshlands Protection Act, are required to obtain a Revocable License from the Coastal Resources Division for encroachment upon State-owned lands and water bottoms. Local municipalities and counties are forwarded notification of any Revocable License issued within their jurisdiction.

These procedural requirements of the Georgia Coastal Management Program ensure coordination and communication between the Coastal Resources Division and local regulatory authorities. Coordination between the Regional Development Centers and the Georgia Coastal Management Program also establish strong local relationships. Local government units and the Regional Development Centers may initiate, through the Coastal Resources Division, amendments and modifications to the Management Program using the procedures outlined in Chapter Four.

## ***CHAPTER FOUR***

---

The 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, as described in Appendix VIII. Projects must fulfill the goals of the Program as stated in Chapter Three, and priority is given to projects that address Public Task Force recommendations listed in Appendix VIII. Many resource issues, including groundwater concerns, historic resource identification, beach access, and others can best be solved through education and outreach rather than regulations. Project funding through Coastal Incentive Grants provides a mechanism to address these types of local and regional issues, thereby fulfilling the goals of the Coastal Management Program proactively.

The Coastal Resources Division is developing "the Coastal Ark," a public and local government outreach and technical assistance initiative. The Ark is a mobile resource platform that will be driven to local communities to provide information and management tools directly to resource users and local decision-makers. The Ark is an important component of the Georgia Coastal Management Program's efforts to provide technical assistance to local governments.

In summary, local governments have special needs and priorities specific to their communities. With the Georgia Coastal Management Program, the role of the Coastal Resource Division is to provide technical assistance to local governments in order to address priority issues. Many concerns and information needs are most appropriately addressed at the local level. Through technical assistance and Coastal Incentive Grants, the Coastal Resources Division uses Coastal Management Program resources to support local projects. The Coastal Management Program does not change the authority of local governments over zoning and land use planning; rather, it enhances the ability of local governments to address local issues by facilitating funding and technical support.

**SECTION IV:  
PUBLIC PARTICIPATION**

The Georgia Coastal Management Program was developed with full participation by all interested parties, public and private, including State agencies, local governments, regional organizations, and port authorities. The Georgia Department of Natural Resources Commissioner, upon Georgia's re-entry into the coastal management program development process in October 1992, stated that the development of the Program would be guided and directed by a consensus of the citizens of coastal Georgia and the State.

Several methods have been used to make available general information regarding the Program's design, content, and status throughout the development process. The initial efforts of the Coastal Resources Division staff were focused on acquainting the public with the concepts and basic premises of coastal management, on a state and national basis, in order to build a strong and active public participation component. A brochure entitled "Georgia's Coastal Management Program," which explains the history, need, basic requirements, benefits, and the State's concept of coastal management was developed and widely distributed. The Coastal Resources Division staff made presentations to a variety of citizens groups in order to explain the Program.

In October 1992, the Governor appointed a 25-member Coastal Zone Advisory Committee which represented a diverse cross-section of the coastal Georgia citizenry. The primary function of this committee was to provide a mechanism for public participation and input during program development. Advisory Committee meetings were held at least quarterly at locations throughout the coastal area, and were open to the public. Notice of Advisory Committee meetings were provided at least ten days in advance to over fifty media contacts throughout the State, including radio stations, television stations, and newspapers located in coastal Georgia and north Florida. Notices were also sent to everyone on the Coastal Management Program mailing list. As of August 1997, this mailing list includes approximately 1,100 individuals.

Coastal Zone Advisory Committee meetings provided updates on the progress and general direction of the Management Program, and opportunities for public comment and recommendations. The Coastal Zone Advisory Committee formed three subcommittees (Land Resource Goals Subcommittee, Water Resource Goals Subcommittee, Associated Resource Goals Subcommittee) to develop public consensus on broad goals for the Management Program's resource protection policies. These Resource Goals Subcommittees consisted of over fifty citizens representing business, industry, government, environmental groups, regional development centers, and the general public. Resource Policy Citizen Task Forces, using the resource goals developed by the three Subcommittees and the draft Coastal Management Program resource policies, recommended over 330 resource policies on the activities identified to impact coastal land and water resources.

## ***CHAPTER FOUR***

---

When the two-year appointment of the Coastal Zone Advisory Committee ended in September of 1994, the committee sunsetted. In November 1994, the Commissioner of the Department of Natural Resources appointed a new committee called the Coastal Advisory Committee. All members of the previous Advisory Committee were offered the opportunity to continue service. Individuals declining reappointment were replaced with others who represented their county or general constituency. The primary role of this Committee is to review the draft Program Document, to assist with public education and outreach activities throughout the development process, and to provide technical assistance. In June, 1997, the Coastal Advisory Committee was expanded to increase participation from local governments. Their function in the future will be to develop annual themes and funding criteria for Coastal Incentive Grants.

In November 1995, the draft Georgia Coastal Management Program Document was made available to the public for review. Formal public notice was posted and several public meetings were held. These sessions provided interested parties the opportunity to comment on the Program and the Program Document. In addition to the public meetings, the Coastal Advisory Committee reviewed the Program Document and provided written comments.

In response to public input, the Georgia General Assembly passed a resolution in March, 1996 creating a Joint House/Senate Coastal Management Study Committee. The purpose of the Study Committee was to decide whether or not to pursue a federally-approved coastal management program in Georgia. Committee members were appointed in July 1996.

In September 1996, the Joint House/Senate Coastal Management Study Committee met for an informational meeting presented by individuals from the Coastal Resource Division, the National Oceanic and Atmospheric Administration, and the Coastal Advisory Committee. This meeting was to educate the Study Committee about the history of coastal management in Georgia, existing management efforts, the public process, the federal program, how Georgia meets federal guidelines, the enabling legislation, and the benefits of the program to Georgia. Members of the Coastal Advisory Committee and the public had the opportunity to voice opinions about the Coastal Management Program.

The November, 1996 draft Georgia Coastal Management Program Document was available for public comment from October 28, 1996 to January 6, 1997. Two public hearings were held, in Brunswick on November 6 and in Richmond Hill on November 13. Public response was overwhelmingly supportive of the Program. On November 26, 1996, the Legislative Study Committee met in Atlanta to review public comments and make their recommendation. The Committee voted unanimously that enabling legislation for the Georgia Coastal Management Program should proceed to the full General Assembly for consideration. On December 3, 1996, Governor Zell Miller announced his endorsement of the Program, based on public support, Advisory Committee support, and the Study Committee recommendation. The Governor included the proposed Georgia Coastal Management Act as part of his legislative package for the 1997



session of the General Assembly. On January 31, 1997, the Georgia Coastal Management Act bill passed the Georgia House of Representatives by a vote of 154 to 8. None of the dissenting votes came from members of the coastal delegation. On February 27, 1997, the Georgia Coastal Management Act bill passed the Georgia Senate unanimously by a vote of 54 to 0. Governor Zell Miller signed the bill into law on Earthday, April 22, 1997.

Regarding other public outreach efforts, the Coastal Resources Division employs a full-time public outreach and education specialist. This position's responsibilities include developing educational and technical materials for the public and for specific audiences. In response to the need for public outreach and education on coastal issues, various information materials were produced. These materials include: a Georgia Coastal Management Program brochure, Fact Sheets, a portable display, and a quarterly newsletter. The newsletter, entitled "The Georgia Sound," informs the public on Program developments and coastal issues and events; it is distributed free of charge to everyone on the mailing list.

Another public outreach initiative is the annual "CoastFest" fair hosted by the Coastal Resources Division. A public celebration of Georgia's coastal resources, this educational event features programs involving live animals and expert biologists, as well as displays representing environmental organizations, commercial fishing industries, recreational fishing clubs, sea kayaking companies, and other federal, State, and local organizations. In 1996, 17 organizations participated in CoastFest, and approximately 800 people, including hundreds of local school children, attended the festival.

Throughout the implementation of the Coastal Management Program, public outreach and education activities will continue to be developed and improved. The Coastal Resources Division is developing a "Coastal Ark" mobile resource platform that will carry technical assistance and educational materials to local governments, classrooms, public festivals, and other events throughout the State. This project will require a cooperative effort between federal agencies (e.g., the National Oceanic and Atmospheric Administration and the U.S. Environmental Protection Agency), State agencies (e.g., the Coastal Resources Division, the Historic Preservation Division, and the University of Georgia), and local agencies. Corporate and non-profit sponsorship will also be needed. Staff will operate the mobile classroom, provide technical and logistical support, develop educational materials, collect and maintain specimens, schedule events, and coordinate with other educational entities. The Coastal Ark is envisioned to be the focal point of a coastal technical assistance initiative and environmental education curriculum.

In addition to outreach and education activities, the public is directly involved in policy-making through the public hearing process required by State law. Under the Georgia Administrative Procedures Act, agencies must provide methods whereby the public may obtain information or make submissions or requests. Agencies must adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a

## ***CHAPTER FOUR***

---

description of all forms and instructions. Agencies must make available for public inspection all rules and other written statements of policy or interpretations formulated, adopted, or used in the discharge of agency functions. Also, agencies must make available for public inspection all final orders, decisions, and opinions except those expressly made confidential or privileged by statute (O.C.G.A. 50-13-3). Through the Georgia Coastal Management Program, the Coastal Resources Division will facilitate public involvement by hosting interagency meetings and working to coordinate State agencies.

This commitment of personnel, along with a long term outreach and technical assistance strategy, reflects the Coastal Resources Division's commitment to keeping the public informed and involved in the development and implementation of the Georgia Coastal Management Program.

**SECTION V:  
FEDERAL COORDINATION**

Every effort has been made to involve federal agencies in the Program and to ensure a thorough understanding of the policies and procedures of the Program. Federal agency participation ensures their active role in program development. Active federal agency participation during program development and implementation is necessary to establish the level of coordination required for a successful management program. Through the Georgia Coastal Management Program, the Coastal Resources Division has endeavored to establish close ties with relevant federal agencies in order to facilitate a mutual understanding of each other's programs, goals, and procedures, and to develop workable arrangements that will accommodate the needs of all concerned.

Those federal agencies that are affected by, or have an influence on, coastal management in Georgia were identified early in the program development process. The following federal agencies have been identified as having an interest in Georgia's coastal area.

- Department of Agriculture
  - Farm Service Agency
  - Rural Economic and Community Development
  - Forest Service
  - Natural Resource Conservation Service
- Department of Commerce
  - National Marine Fisheries Service (NOAA)
  - Office of Ocean and Coastal Resource Management (NOAA)
  - South Atlantic Fishery Management Council (NOAA)
- Department of Defense
  - Department of the Army
  - Department of the Army, Corps of Engineers, Savannah District
  - Department of the Navy
- Department of Energy
- Department of Health and Human Services
- Department of Housing and Urban Development
- Department of the Interior
  - Bureau of Land Management
  - Fish and Wildlife Service
  - Geological Survey
  - National Park Service
  - Minerals Management Service
  - Office of Surface Mining
- Department of Justice

## ***CHAPTER FOUR***

---

- Department of Transportation
  - Federal Highway Administration
  - Federal Railroad Administration
  - Maritime Administration
  - United States Coast Guard
- Department of Treasury
  - Federal Law Enforcement Training Center
- Environmental Protection Agency
- Federal Aviation Administration
- Federal Emergency Management Agency
- Federal Energy Regulatory Commission
- Federal Maritime Commission
- General Services Administration
- Interstate Commerce Commission
- National Aeronautics and Space Administration
- Nuclear Regulatory Commission

To ensure that federal agencies with an interest in Georgia's coastal area were kept informed during program development, a contact person was designated within each agency. The federal agency contacts are included on the Coastal Management Program's mailing list and have thus received notification of all Coastal Advisory Committee meetings, public meetings, and public hearings. They have also received copies of the Coastal Management Program Document, permitting rules and regulations, and other pertinent data relevant to the Program as they developed.

A consultation meeting between relevant federal agency representatives, Coastal Resources Division staff, and Office of Ocean and Coastal Resource Management officials was held in Atlanta, Georgia in July 1993. The primary purpose of this meeting was to develop mutual arrangements and understandings regarding each federal agency's participation and input during program development. In an attempt to ascertain what federal agencies perceive to be their own, as well as the national interest in the coastal area, the Coastal Resources Division sent federal agency contacts an information-gathering questionnaire early in the program development process. Federal agency contacts were asked to list activities and projects as well as their primary functions and responsibilities in the coastal area. Responses were used to further the staff's understanding of national interest considerations and coordination needs.

Throughout the development of the Georgia Coastal Management Program input was sought from affected federal agencies. Coordination with federal agencies is critical to the success of a federally-approved program. Meetings and communication with affected federal agencies will continue throughout the implementation of the Coastal Management Program.