



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

Mr. A.G. "Spud" Woodward
Director, Coastal Resources Division
Georgia Department of Natural Resources
One Conservation Way
Brunswick, Georgia 31520-8686

MAY 25 2017

Dear Mr. Woodward:

Thank you for the Georgia Department of Natural Resources April 17, 2017, request that changes to various statutes and regulations be incorporated into the Georgia Coastal Management Program. You requested that the changes described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and the National Oceanic and Atmospheric Administration's (NOAA's) Office for Coastal Management's *Program Change Guidance (July 1996)*.

Based on our review of your submission, we concur that the changes are RPCs and approve the incorporation of the changes as enforceable policies of the Georgia Coastal Management Program. Federal Consistency will apply to the approved changes to enforceable policies only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4) and the Office for Coastal Management's *Addendum to the July 1996 Program Change Guidance (November 2013)*. Please include in the public notice the list of changes provided in this letter, and send a copy of the notice to the Office for Coastal Management.

CHANGES APPROVED

See enclosed Table of Approved Changes.

QUALIFICATION

The following standard qualification applies to all program changes approved by the Office for Coastal Management.

States may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document (hereinafter "referenced policy"), the referenced policy itself must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. Therefore, no referenced policy in these approved enforceable policies may be applied for federal consistency unless that referenced policy has been separately approved by the Office for Coastal Management. The Shore Protect Rules require construction permits to meet the South Florida Building Code with respect to hurricane resistant construction standards. The Code has not been submitted for review

and approval as an enforceable policy for determining federal consistency pursuant to the requirements of the CZMA and cannot be applied as such.

Thank you for your cooperation in this review. Please contact Kerry Kehoe at 240-533-0782, if you have any questions.

Sincerely,



Joelle Gore, Chief
Stewardship Division

Enclosure(s): Table of Approved Changes

Table of Approved Changes May 25, 2017

Enclosure to the Office for Coastal Management's May 25, 2017, Approval of the Incorporation of Changes to the Georgia Coastal Management Program			
All changes are to enforceable policies of the Georgia Coastal Management Program for federal consistency review purposes under the federal Coastal Zone Management Act.			
Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
ADDED:			
Rules of the Department of Natural Resources Environmental Protection Division Relating to Environmental Planning Criteria	DNR Rules and Regulations, Chapter 391-3-16	7/2/2007	7/22/2007
Rules of the Department of Natural Resources Coastal Resources Division Relating to Shore Protection (Note: The Florida Building Code may not be applied as an enforceable policy for CZMA federal consistency review purposes)	DNR Rules and Regulations, Chapter 391-2-2	12/7/2015	12/27/2015
Rules of the Department of Natural Resources Environmental Protection Division Relating to Safe Drinking Water	DNR Rules and Regulations, Chapter 391-3-5	1/8/2014	1/28/2014
MODIFIED:			
Coastal Marshlands Protection Act	O.C.G.A. 12-5-282	2013	7/1/2013
Coastal Marshlands Protection Act	O.C.G.A. 12-5-284	2013	7/1/2013
Coastal Marshlands Protection Act	O.C.G.A. 12-5-286	2013	7/1/2013
Coastal Marshlands Protection Act	O.C.G.A. 12-5-287	2015	7/1/2015
Environmental Policy Act	O.C.G.A. 12-16-3	2004	7/1/2004
Environmental Policy Act	O.C.G.A. 12-16-6	2004	7/1/2004
Environmental Policy Act	O.C.G.A. 12-16-7	2004	7/1/2004
Environmental Policy Act	O.C.G.A. 12-16-8	2004	7/1/2004
Environmental Policy Act	O.C.G.A. 12-16-9	2016	4/20/2016
Shore Protection Act	O.C.G.A. 12-5-232	2013	7/1/2013
Shore Protection Act	O.C.G.A. 12-5-234	2013	7/1/2013
Shore Protection Act	O.C.G.A. 12-5-235	2015	7/1/2015
Shore Protection Act	O.C.G.A. 12-5-237	2013	7/1/2013
Shore Protection Act	O.C.G.A. 12-5-241	2015	7/1/2015
Water Well Standards Act	O.C.G.A. 12-5-122	2010	7/1/2010
Water Well Standards Act	O.C.G.A. 12-5-124	2003	7/1/2003
Water Well Standards Act	O.C.G.A. 12-5-125	2010	7/1/2010
Water Well Standards Act	O.C.G.A. 12-5-127	2011	7/1/2011
Water Well Standards Act	O.C.G.A. 12-5-129	2003	7/1/2003
Water Well Standards Act	O.C.G.A. 12-5-130	2003	7/1/2003
Water Well Standards Act	O.C.G.A. 12-5-133	2015	7/1/2015
Water Well Standards Act	O.C.G.A. 12-5-134	2010	7/1/2010
Water Well Standards Act	O.C.G.A. 12-5-135	2010	6/3/2010
Water Well Standards Act	O.C.G.A. 12-5-137	2015	7/1/2015
Water Well Standards Act	O.C.G.A. 12-5-138	2003	7/1/2003
Game and Fish Code, Shellfish	O.C.G.A. 27-4-190	2012	1/1/2013
Game and Fish Code, Shellfish	O.C.G.A. 27-4-194	2012	1/1/2013

Routine Program Change to the State of Georgia Coastal Management Program

Request for Concurrence

April 2017

Submitted by: The Georgia Department of Natural Resources
Coastal Resources Division
1 Conservation Way
Brunswick, GA 31520



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INTRODUCTION

The following constitutes a request by the State of Georgia for the National Oceanic and Atmospheric Administration (NOAA) Office of Coastal Management (OCM) to concur in the incorporation of Routine Program Changes (RPC) to the State of Georgia's Coastal Management Program (CMP).

Since 1997, there have been several State legislative and regulatory changes to numerous Acts and associated regulations. The submitted changes fall under existing State authority within the Georgia CMP and are not so substantial as to require an Amendment.

In accordance with requirements for RPC as set forth in 15 CFR 923.84 and the guidelines for RPC contained in OCM's Program Change Guidance from July 1996, the State of Georgia has prepared the following analysis of the routine changes to Georgia's enforceable policies. The analysis explains 1) why the submitted changes to the State CMP are RPC and not Amendments and 2) identifies the statutory and regulatory changes to the policies.

ANALYSIS OF CHANGES

Under 15 CFR 923.80(d), Amendments are defined as substantial changes in one or more of five listed coastal management program areas. Further, OCM's Program Change Guidance from July 1996 states that a substantial change is a high threshold based on a case-by-case determination. Such determination is made by reviewing indicators of substantial change, such as whether new or revised enforceable policies address coastal uses or resources not previously managed are major changes in the way a state CMP manages coastal uses or resources. OCM's Program Change Guidance also states that an explanation why a proposed change will not result in an Amendment should describe the elements of the State CMP that are affected.

Georgia's CMP enforceable policies are based on State regulations and were incorporated into the Georgia CMP Final Environmental Impact Statement (FEIS) at the time of the Georgia CMP approval in December 1997. However, over time, these regulations are periodically amended. Prior to the amended regulations becoming part of the CMP, they must first be approved by OCM through the RPC process. The submitted program changes amend five of the State's Acts and associated regulations for the State of Georgia. The State submits these changes as Routine Program Changes pursuant to 15 CFR 923.84.

The submitted routine changes to these five State of Georgia Acts and associated regulations addresses statutory and regulatory changes the State has adopted since 1997. These changes could be interpreted as affecting elements of the State CMP within the State coastal zone, however they do not substantially change the authorities and organization of the Georgia CMP. The submitted changes are minor clarifications of existing CMP authority that NOAA and the U.S. Environmental Protection Agency (EPA) recommended in order to increase environmental protection within the State's coastal zone and of the State's coastal resources. The submitted

changes include definition additions, terminology clarifications, committee name changes, clarification of exemptions, removal of repetitive language, and the addition of Rules associated with the various Acts.

The submitted routine changes fall within the existing State authority of the approved Georgia FEIS and included in the CMP and do not substantially change the State's enforceable policies. The changes to these five Acts and associated regulations fall under the existing State CMP authority to create minor amendments to that policy to further the effective management of the State's coastal resources. The following section discusses changes to the regulations currently in the CMP, as well as new authorities and/or regulations to be added. Descriptions of each program change are included in the analyses below, which identify the enforceable policies to be modified, describe the nature of the program changes, and identify impacts the changes will have on the existing State CMP. The analyses demonstrate that the submitted program changes are not substantial in nature and are therefore not considered program amendments.

PROPOSED CHANGES

ACTS

Coastal Marshland Protection Act

During the 2013 and 2015 sessions, the Georgia legislature amended the Coastal Marshland Protection Act (CMPA) (O.C.G.A. 12-5-280, et seq.) in a variety of ways. The following table summarizes the nature of the amendments in each section of the CMPA as well as the implementation impact to the Georgia CMP. These amendments do not affect new uses subject to management (subpart B) or special management areas (subpart C), results in no changes to program boundaries (subpart D) or authorities and organization (subpart E), and does not affect coordination, public involvement and national interest (subpart F). The full text of the CMPA amendments, in underline/strike-through format, is provided in Appendix A.

Code Section	Nature of Amendment	CMP Impact
12-5-282	Definitions were amended (2013)	Two definitions were added; no impact
12-5-284	Authority of DNR was amended (2013)	Clarified letters of permission; no impact
12-5-286	Applications for permit to remove, fill, dredge, or drain were amended (2013)	Clarified letters of permission; no impact
12-5-287	Leases of state owned marshland or water bottoms was amended (2013, 2015)	Clarified committee name change and paragraph designation; no impact

Environmental Policy Act

During the 2004 and 2016 sessions, the Georgia legislature amended the Environmental Policy Act (EPA) (O.C.G.A. 12-16-1, et seq.) in a variety of ways. The following table summarizes the nature of the amendments in each section of the EPA as well as the implementation impact to the Georgia CMP. These amendments do not affect new uses subject to management (subpart B) or special management areas (subpart C), results in no changes to program boundaries (subpart D) or authorities and organization (subpart E), and does not affect coordination, public involvement and national interest (subpart F). The full text of the EPA amendments, in underline/strike-through format, is provided in Appendix B.

Code Section	Nature of Amendment	CMP Impact
12-16-3	Definitions were amended (2004)	Clarified terminology; no impact
12-16-6	Review of authority, regulations, policies, and procedures; proposals to bring into conformity with law was amended (2004)	Clarified terminology; no impact
12-16-7	Effect upon other laws; compliance with article was amended (2004)	Clarified terminology; no impact
12-16-8	Guidelines to assist government agencies in preparation of environmental effects reports was amended (2004)	Clarified terminology; no impact
12-16-9	Exemptions Section was added (2016)	Exemptions for the construction or improvement of public roads or airports from environmental evaluation and reports

Shore Protection Act

During the 2004, 2013, and 2015 sessions, the Georgia legislature amended the Shore Protection Act (SPA) (O.C.G.A. 12-5-230, et seq.) in a variety of ways. The following table summarizes the nature of the amendments in each section of the SPA as well as the implementation impact to the Georgia CMP. These amendments do not affect new uses subject to management (subpart B) or special management areas (subpart C), results in no changes to program boundaries (subpart D) or authorities and organization (subpart E), and does not affect coordination, public involvement and national interest (subpart F). The full text of the SPA amendments, in underline/strike-through format, is provided in Appendix C.

Code Section	Nature of Amendment	CMP Impact
12-5-232	Definitions were amended (2013)	Three new definitions were added; no impact
12-5-234	Authority of DNR was amended (2013)	Letters of permission were added; no impact
12-5-235	Shore Protection Committee creation and powers was amended (2004, 2015)	Clarified committee member numbers and authority; no impact
12-5-237	Permits required and permit exceptions was amended (2013)	Added a new permit condition

Water Well Standards Act

During the 2003, 2009, 2010, 2011, and 2015 sessions, the Georgia legislature amended the Water Well Standards Act (WWSA) (O.C.G.A. 12-5-120, et seq.) in a variety of ways. The following table summarizes the nature of the amendments in each section of the WWSA as well as the implementation impact to the Georgia CMP. These amendments do not affect new uses subject to management (subpart B) or special management areas (subpart C), results in no changes to program boundaries (subpart D) or authorities and organization (subpart E), and does not affect coordination, public involvement and national interest (subpart F). The full text of the WWSA amendments, in underline/strike-through format, is provided in Appendix D.

Code Section	Nature of Amendment	CMP Impact
12-5-122	Definitions were amended (2003, 2010)	Added terms; no impact
12-5-124	Powers and duties of the council was amended (2003)	Clarified section language; no impact
12-5-125	License and professional geologist or engineer was amended (2010)	Added geothermal borehole language; no impact
12-5-127	Application for license, requirements for licenses, exceptions, and continuing education language was amended (2003, 2011)	Fee was specified, pronoun language clarified, license language clarified, Board name clarified; no impact
12-5-129	Suspension, revocation and reissuance of licenses was amended (2003)	Clarified language; no impact
12-5-130	Renewal of licenses was amended (2003)	Fee price was clarified; no impact
12-5-133	Violations was amended (2015)	Clarified language; no impact
12-5-134	Standards applicable to wells and boreholes was amended (2003, 2009, 2010)	Added aquifer injection restrictions and

		geothermal borehole standards
12-5-135	Bond or letter of credit was amended (2003, 2009, 2010)	Clarified language; no impact
12-5-137	Confiscation of illegally used equipment was amended (2015)	Removed repetitive language; no impact
12-5-138	Certification of persons who install pumps on water wells and penalties was amended (2003)	Added certification and penalty language

Game and Fish Code, Shellfish Regulation

During the 2012 session, the Georgia legislature amended the Shellfish section of the Game and Fish Code (O.C.G.A. 27-4-190, *et seq.*) in a variety of ways. The following table summarizes the nature of the amendments in each section of the Shellfish section as well as the implementation impact to the Georgia CMP. These amendments do not affect new uses subject to management (subpart B) or special management areas (subpart C), results in no changes to program boundaries (subpart D) or authorities and organization (subpart E), and does not affect coordination, public involvement and national interest (subpart F). The full text of the Shellfish Regulation section amendments, in underline/strike-through format, is provided in Appendix E.

Code Section	Nature of Amendment	CMP Impact
27-4-190	Master collecting permits and recreational harvesting of shellfish was amended (2012)	Added marine toilet condition to code; no impact
27-4-194	Restrictions for taking of shellfish for commercial or recreational purposes was amended (2012)	Added commercial oyster shell size collection restriction to two inches

RULES

Rules for Environmental Planning Criteria, Chapter 391-3-16

During the 2007 session, the Georgia legislature adopted the Rules of the Georgia Department of Natural Resources Environmental Protection Division relating to Environmental Planning Criteria, Chapter 391-3-16. Large drainage basins are less vulnerable to contamination by land use development than small basins. Therefore, more stringent watershed protection criteria are needed for water supply watersheds less than 100 square miles in size. Since existing water supply sources, as well as future sources, must be protected, with the criteria applying to both existing and future water supply watersheds. Watersheds are not identical, consequently alternate criteria may be adopted by local governments to protect water supply watersheds. This rule establishes a basis to be used by local governments to allow development of a water supply

watershed without contaminating the water source to a point where it cannot be treated to meet drinking water standards. This rule accomplishes this by establishing buffer zones around streams and by specifying allowable impervious surface densities within watersheds. The rule also includes protection of water supply reservoirs by buffer zones and management practices to be established by reservoir owners and approved by the Department of Natural Resources. This protection is necessary for the enhancement of public health, safety, and welfare as well as to assure that surface sources of drinking water are of high quality in order to be treated to meet all State and Federal drinking water standards. This rule does not add any additional enforceable policies on resources not previously managed, nor does it change any of the five program areas described in 15 C.F.R. Part 923. It does not affect new uses subject to management (subpart B) or special management areas (subpart C), results in no changes to program boundaries (subpart D) or authorities and organization (subpart E), and does not affect coordination, public involvement and national interest (subpart F). The full text of the Rules of the Department of Natural Resources Environmental Protection Division Relating to Environmental Planning Criteria, Chapter 391-3-16 as adopted by the Georgia Department of Natural Resources Board of Commissioners in July 2007 is provided on the enclosed CD as Appendix F.

Shore Protection Rules, Chapter 391-2-2

During the 2015 session, the Georgia legislature adopted the Rules of the Georgia Department of Natural Resources Coastal Resources Division relating to Shore Protection, Chapter 391-2-2. The State of Georgia has dynamic beaches and shores due to high amplitude tides, strong currents, and low-lying areas subject to high storm surge. Development and use standards are necessary to protect the shoreline's resiliency. This rule requires construction permits that meet the South Florida Building Code with respect to hurricane resistant construction standards. The rule also provides the authority of the Board of Natural Resources to establish criteria under which the Shore Protection Committee may issue authorizations to drive motor vehicles on Georgia's dynamic dune fields and beaches that are consistent with the purposes of the Shore Protection Act. This rule does not add any additional enforceable policies on resources not previously managed, nor does it change any of the five program areas described in 15 C.F.R. Part 923. It does not affect new uses subject to management (subpart B) or special management areas (subpart C), results in no changes to program boundaries (subpart D) or authorities and organization (subpart E), and does not affect coordination, public involvement and national interest (subpart F). The full text of the Rules of the Department of Natural Resources Coastal Resources Division Relating to Shore Protection, Chapter 391-2-2 as adopted by the Georgia Department of Natural Resources Board of Commissioners in December 2015 is provided on the enclosed CD as Appendix G.

Rules for Safe Drinking Water, Chapter 391-3-5

During the 2014 session, the Georgia legislature adopted the Rules of the Georgia Department of Natural Resources Environmental Protection Division relating to Safe Drinking Water, Chapter

391-3-5. The purpose of these Rules is to establish policies, procedures, requirements and standards to implement the Georgia Safe Drinking Water Act of 1977 (Act No. 231 O.C.G.A. Section 12-5-170 et seq., as amended), and to carry out the purposes and requirements of the Federal Safe Drinking Water Act (PL 93-523). These Rules are promulgated so that the citizens of the State of Georgia shall be assured adequate, safe drinking water of the highest quality. This rule does not add any additional enforceable policies on resources not previously managed, nor does it change any of the five program areas described in 15 C.F.R. Part 923. It does not affect new uses subject to management (subpart B) or special management areas (subpart C), results in no changes to program boundaries (subpart D) or authorities and organization (subpart E), and does not affect coordination, public involvement and national interest (subpart F). The full text of the Rules of the Department of Natural Resources Environmental Protection Division Relating to Safe Drinking Water, Chapter 391-3-5 as adopted by the Georgia Department of Natural Resources Board of Commissioners in January 2014 is provided on the enclosed CD as Appendix H.

PUBLIC NOTICE

This Routine Program Change Request for Concurrence was publicly advertised on April 17, 2017 through the Brunswick News and the Savannah News. This RPC was also distributed as a public notice through the legal organ of the eleven coastal zone counties as well as through the DNR GovDelivery system, and on the DNR website at <http://coastalgadnr.org/cm/about/pdoc>. Copies of the legal ad and public notice announcements are provided in Appendix I. A hard copy of the published legal ad will be forwarded to NOAA.

CONCLUSION

Pursuant to Coastal Zone Management Act and 15 CFR 923.80, the Georgia Department of Natural Resources (GDNR) has reviewed the regulatory changes submitted for incorporation into the State CMP and have concluded that the submitted program changes are not Amendments. GDNR believes that these changes will not substantially change the enforceable authorities of the CMP, uses subject to management under the State CMP, or national interests in the State's coastal zone. The GDNR also believes that the submitted changes increase the ability of the State to manage, preserve, and sustain the coastal resources of the State of Georgia. Therefore, according to the standards set forth by 15 CFR 923.80(d), 15 CFR 923.84 and the OCM's Program Change Guidance from July 1996, the State of Georgia submits these changes as Routine Program Changes and requests and recommends the OCM's concurrence with this action for incorporation into the State CMP.

Table 1. Summary of Proposed Changes

Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
ADDED:			
Rules of the Department of Natural Resources Environmental Protection Division Relating to Environmental Planning Criteria	DNR Rules and Regulations, Chapter 391-3-16	7/2/2007	7/22/2007
Rules of the Department of Natural Resources Coastal Resources Division Relating to Shore Protection	DNR Rules and Regulations, Chapter 391-2-2	12/7/2015	12/27/2015
Rules of the Department of Natural Resources Environmental Protection Division Relating to Safe Drinking Water	DNR Rules and Regulations, Chapter 391-3-5	1/8/2014	1/28/2014
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Coastal Marshlands Protection Act	O.C.G.A. 12-5-282	2013	7/1/2013
Coastal Marshlands Protection Act	O.C.G.A. 12-5-284	2013	7/1/2013
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Environmental Policy Act	O.C.G.A. 12-16-8	2004	7/1/2004
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Shore Protection Act	O.C.G.A. 12-5-235	2015	7/1/2015
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Shore Protection Act	O.C.G.A. 12-5-241	2015	7/1/2015
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Water Well Standards Act	O.C.G.A. 12-5-135	2010	6/3/2010
Water Well Standards Act	O.C.G.A. 12-5-137	2015	7/1/2015
Water Well Standards Act	O.C.G.A. 12-5-138	2003	7/1/2003
Game and Fish Code, Shellfish	O.C.G.A. 27-4-190	2012	1/1/2013
Game and Fish Code, Shellfish	O.C.G.A. 27-4-194	2012	1/1/2013

APPENDIX A

Coastal Marshland Protection Act Legislative Amendments

Legislative amendments to Georgia's **Coastal Marshland Protection Act** between 2012 and 2017 (TEXT: Inserted text, ~~TEXT~~: Deleted text).

Code Section	Legislative Amendment
O.C.G.A. 12-5-282	<p>(7.1) 'Letter of permission' means written authorization from the department to conduct a proposed activity in an area subject to the jurisdiction of this part, provided such activity is either within the physical perimeter of an existing serviceable project or involves the construction and removal of a project or other temporary activity that concludes within six months, inclusive of the time needed to return all affected areas to a condition approximate to, or better than, that which existed prior to the commencement of such activity.</p> <p>(13) 'Serviceable' means usable as is or with only minor maintenance but not so degraded as to essentially require reconstruction, as determined by the department.</p>
O.C.G.A. 12-5-284	<p>(a)(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; <u>and</u></p> <p><u>(a)(4) To issue letters of permission and impose a reasonable fee for processing such letters of permissions; and</u></p> <p><u>(a)(4)(5) To exercise all incidental powers necessary to carry out the purposes of this part.</u></p>
O.C.G.A. 12-5-286	<p>(a) The department shall have the following authority:</p> <p>(1) To administer and enforce this part and all rules, regulations, and orders;</p> <p>(2) To accept moneys that are available from person, government units, and private organizations;</p> <p>(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; <u>and</u></p> <p><u>(4) To issue letters of permission and impose a reasonable fee for processing such letters of permission; and</u></p> <p><u>(4)(5) To exercise all incidental powers necessary to carry out the purposes of this part.</u></p>
O.C.G.A. 12-5-287	<p>(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 Environmental Committee, the chairperson of the <u>House Committee on State Institutions and Properties</u><u>House Committee on State Properties</u>, the chairperson of the Senate Natural Resources and the Environment Committee, and the chairperson of the Senate Committee on State and Local Governmental Operations. The department shall not be required to distribute copies of the annual report to the members of the General Assembly but shall notify the members of the availability of the annual report in the manner which it deems to be most effective and efficient.</p> <p>(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 <u>subsections (g)</u> <u>and subsection (h)</u> of this Code section, provide for a primary term of not more than ten years. Each lease, except as provided in <u>subsections (g)</u> <u>and subsection (h)</u> of this Code section, shall require the payment of an annual rental fee which, as of May 5, 2009, shall be \$1,000.00 per acre, which acreage shall consist of the covered area of dock structures and a ten-foot buffer surrounding such dock structures; and the committee shall in each calendar year thereafter adjust the amount of the annual rental fee per acre to reflect the effect of annual inflation or deflation for the immediately preceding calendar year in accordance with</p>

rules and regulations adopted by the board, which rules and regulations may use for this purpose the Consumer Price Index as reported by the Bureau of Labor Statistics of the United States Department of Labor or any other similar index established by the federal government, if the board determines that such federal index reflects the effect of inflation and deflation on the lessees. Except as provided in subsections (g) and subsection (h) of this Code section, an initial lease shall be for the annual fee in effect and established by the committee at the time such lease is entered into. Such lease shall be adjusted annually thereafter as provided in this subsection. Each lease 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.

(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. Reserved.~~

APPENDIX B

Environmental Policy Act Legislative Amendments

Legislative amendments to Georgia's **Environmental Policy Act** between 1997 and 2017
(TEXT: Inserted text, ~~TEXT~~: Deleted text).

Code Section	Legislative Amendment
O.C.G.A. 12-16-3	Struck the word "chapter" and inserted "article" in lieu thereof wherever the former term appeared.
O.C.G.A. 12-16-6	Struck the word "chapter" and inserted "article" in lieu thereof wherever the former term appeared.
O.C.G.A. 12-16-7	Struck the word "chapter" and inserted "article" in lieu thereof wherever the former term appeared.
O.C.G.A. 12-16-8	Struck the word "chapter" and inserted "article" in lieu thereof wherever the former term appeared.
O.C.G.A. 12-16-9	<u>When a project of a department, municipality, county, or authority to construct or improve a public road or airport does not exceed \$100 million in costs, such project shall not constitute a proposed governmental action which may significantly adversely affect the quality of the environment and the requirements of this article shall not be applicable, except that an environmental evaluation shall be considered in the decision-making process, consistent with paragraph (3) of Code Section 12-16-2, when it is probable to expect significant adverse impact on historical sites or buildings and cultural resources.</u>

APPENDIX C

Shore Protection Act Legislative Amendments

Legislative amendments to Georgia's **Shore Protection Act** between 1997 and 2017 (TEXT: Inserted text, ~~TEXT~~: Deleted text).

Code Section	Legislative Amendment
O.C.G.A. 12-5-232	<p>(6.1) 'Commissioner' means the commissioner of natural resources.</p> <p>(9.1) 'Letter of permission' means written authorization from the department to conduct a proposed activity in an area subject to the jurisdiction of this part, provided such activity is either within the physical perimeter of an existing serviceable project or involves the construction and removal of a project or other temporary activity that concludes within six months, inclusive of the time needed to return all affected areas to a condition approximate to, or better than, that which existed before commencement of the activity.</p> <p>(16.1) 'Serviceable' means usable as is or with only minor maintenance, but not so degraded as to essentially require reconstruction, as determined by the department.</p>
O.C.G.A. 12-5-234	<p>(a) The department shall have the following authority:</p> <ul style="list-style-type: none">(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; <u>and</u>(5) To issue letters of permission and impose a reasonable fee for processing such letters of permission; <u>and</u>(5)(6) To exercise all incidental powers necessary to carry out the purposes of this part.
O.C.G.A. 12-5-235	<p>(a) There is created the Shore Protection Committee within the department. The committee shall be composed of three<ins>five</ins> members, including the commissioner of natural resources and two<ins>four</ins> people selected by the board. A person<ins>Each of three persons</ins> selected by the board shall be a resident of one of the following counties: Camden, Glynn, McIntosh, Liberty, Bryan, or Chatham County. <ins>Three members of the committee shall constitute a quorum.</ins> 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.</p> <p>(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.</p>
O.C.G.A. 12-5-237	<p>(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</p>

	<p>maintained without a<ins>an</ins> additional 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, <ins>and remains in serviceable condition.</ins></p> <p>(b)(1) 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.</p> <p><ins>(2) No permit shall be required for any activity conducted pursuant to a letter of permission. At least 15 days prior to the commencement of any activity authorized pursuant to a letter of permission, the department shall provide public notice describing such activity and the location thereof; provided, however, that public notice shall not be required for any such activity that is necessary for public safety or the delivery of public services.</ins></p>
O.C.G.A. 12-5-241	Repealed.

APPENDIX D

Water Well Standards Act Legislative Amendments

Legislative amendments to Georgia's **Water Well Standards Act** between 1997 and 2017
TEXT: Inserted text, ~~TEXT~~: Deleted text).

Code Section	Legislative Amendment
O.C.G.A. 12-5-122	<p>(13) 'Driller' means any person who engages in drilling or drilling operations and the installation of pumps and pumping equipment. Driller shall not include a person who only installs, services, and repairs pumps and pumping equipment.</p> <p>(17.1) 'Geothermal borehole' means any hole in the earth which is drilled for the purpose of installing piping for heating and air conditioning systems through which water, antifreeze, water mixtures, Freon, or other media are circulated to exchange heat with the earth for the purpose of heating or cooling, or both.</p> <p>(27.1) 'Pump contractor' means any person who engages in the business of installing, servicing, or repairing pumps and pumping equipment for water wells but who is not a driller or water well contractor.</p> <p>(32) 'Water well contractor' means any person engaging in the business of constructing water wells and installing pumps and pumping equipment. Water well contractor shall not include a person who only installs, services, and repairs pumps and pumping equipment.</p>
O.C.G.A. 12-5-124	<p>In carrying out this part, the council shall have the following powers and duties:</p> <p>(1) To adopt and amend rules and regulations which may be reasonably necessary to govern the licensing of water well contractors and the regulation of proceedings before the council and to carry out such other powers and duties assigned to the council under this part. The council and all of its rules, regulations, and procedures are subject to and shall comply with the provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act';</p> <p>(2) To pay into the state treasury all fees and moneys received by it;</p> <p>(3) To adopt and have an official seal;</p> <p>(4) To set the amount of all fees required by this part;</p> <p>(5) To license water well contractors and certify pump contractors;</p> <p>(6) To review the effect and practicality of standards set up in this part and recommend to the General Assembly adjustments and changes to achieve the purposes of this part;</p> <p>(7) To review and recommend to the General Assembly any legislation which would improve the quality of relations between the water well drilling industry and the public; and</p> <p>(8) To conduct hearings and institute and prosecute court actions as may be necessary to enforce compliance with any provisions of this part and any rules and regulations promulgated pursuant to this part that relate to water wells.</p>
O.C.G.A. 12-5-125	Except as provided in subsection (f) of Code Section 12-5-127, no person shall drill a water well or geothermal borehole without first having a water well contractor's license issued by the council. No person, including licensed water well contractors, shall drill any other kind of well, borehole, or corehole, other than a water well or geothermal borehole, unless such person is acting under the direction of a professional geologist or a professional engineer.
O.C.G.A. 12-5-127	<p>(a) Any person desiring to engage in the business of water well construction in this state shall apply to the council for a license as a water well contractor. All such applications shall be made on forms provided by the division and shall be accompanied by a fee to be prescribed by the council but not exceeding \$400.00 per license period.</p> <p>(b) An applicant for a license as a water well contractor shall be required to have two years' experience working in the water well construction business under a licensed water well contractor and shall be required to pass an examination administered by the council. The examination may be written, oral, or practical work, or any combination of the three. The</p>

examination shall relate to the applicant's knowledge of basic ground water, basic well construction, and the general contents of this part.

(c) Satisfactory proof of two years' experience in the water well construction business shall be made by presenting certified affidavits from one or more licensed water well contractors that the applicant has had at least two years of full-time water well construction experience. If the required experience was obtained under two or more licensed water well contractors, then a certified affidavit specifying exact dates of such experience shall be required from each licensed contractor. In lieu of the method described above, an applicant may present other proof satisfactory to the council of two years' experience constructing water wells. The council may require the applicant and the water well contractors who swear to such affidavits to appear before the council to discuss the applicant's qualifications.

(d)(1) Any person wishing to engage in the water well construction business shall designate himself or herself or at least one partner, officer, or full-time employee to fulfill the above requirements. If the requirements are satisfactorily fulfilled, the person shall be granted a license under this part, and such license shall cover water well construction activities for which the person is responsible and so licensed. The partners, officers, and employees of the person shall be allowed to engage in the activities covered by the license if the individual who fulfilled the licensing requirements has performed or approved such activities and such approval is posted at the site of the activity on forms to be provided by the council for that purpose. Any such license shall be valid so long as the designated partner, officer, or full-time employee is associated with the licensee or until it otherwise expires.

(2) The provisions of paragraph (1) of this subsection notwithstanding, the water well construction activities of the partners, officers, and employees of the individual who fulfilled the licensing requirements shall continue to be authorized under a license which was valid at the time of the licensee's death for a period of 180 days following the date of such death.

(e) The council, upon application, may issue an appropriate license to any person who holds a similar license in any state, territory, or possession of the United States, if the requirements for the license do not conflict with this part and are of a standard not less than that specified by this part and by rules and regulations promulgated under this part; provided, however, that such other state, territory, or possession grants similar reciprocity to license holders in this state.

(f) Nothing in this Code section shall be construed to require the registration of a person who constructs a well on his or her own or leased property intended for use only in a single-family house which is his or her permanent residence or intended for use only for farming purposes on his or her farm, which well produces less than 25,000 gallons per day, so long as the waters to be produced are not intended for use by the public or in any residence other than his or her own.

(g) The State of Georgia preempts the field of licensing water well contractors. Licenses issued by the council shall authorize bona fide holders thereof to engage in the business authorized by such licenses anywhere within the territorial limits of the state. No provision of this part shall be construed as prohibiting or preventing a municipality or county from fixing, charging, assessing, or collecting any business license fee, registration fee, tax, or gross receipt tax on any profession covered by this part or upon any related profession or anyone engaged in any related profession governed by this part.

(h)(1) Beginning July 1, 1995, the The council shall be authorized to require persons seeking renewal of licenses under this Code section to complete continuing education of not more than four hours annually. The council may provide courses and shall approve such courses offered by the division, institutions of higher learning, technical colleges, and trade, technical, or professional organizations; provided, however, that continuing education courses or programs related to water well construction or standards provided or conducted by public utilities, equipment manufacturers, or institutions under the State Board of Technical and Adult Education shall constitute acceptable continuing professional education programs for the purposes of this subsection. Continuing education courses or programs shall be in the areas of safety, environmental protection, ground-water geology, technological advances, business management, or government regulation. Continuing education courses shall be designed for water well contractors having variable educational

	<p>backgrounds. Courses or programs conducted by manufacturers specifically to promote their products shall not be approved.</p> <p>(2) All provisions of this subsection relating to continuing professional education shall be administered by the council.</p> <p>(3) The council shall be authorized to waive the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the council deems appropriate.</p> <p>(4) This Code section shall apply to each licensing and renewal cycle which begins after the 1993-1994 renewal.</p> <p>(i) No license shall be granted unless the council specifically authorizes the granting of such license. Staff members of the council may not issue licenses without the specific authorization of the council.</p> <p>(j) Any person who violates the provisions of this Code section with regard to licensing shall not be eligible to apply for or receive a license under this Code section for a period of two years after being convicted of such violation.</p>
O.C.G.A. 12-5-129	<p>(a) The council shall <ins>may</ins> suspend or revoke a license upon a finding of one or more of the following grounds:</p> <p>(1) Material misstatement in the application for license;</p> <p>(2) Willful disregard or violation of Code Section 12-5-133 or any law of the State of Georgia relating to wells, including any violation of standards or rules adopted pursuant to this part;</p> <p>(3) Willfully aiding or abetting another in the violation of Code Section 12-5-133 or any law of the State of Georgia relating to wells;</p> <p>(4) Incompetency in the performance of the work of a water well contractor;</p> <p>(5) Making substantial misrepresentations or false promises in connection with the occupation of a water well contractor;</p> <p>(6) Failure to provide and maintain on file at all times with the director a performance bond or irrevocable letter of credit as required by Code Section 12-5-135; and</p> <p>(7) Allowing an unlicensed driller to use or to work under such licensee's license in any way. However, this paragraph shall not apply to any employee of a licensed driller who receives only a salary or hourly wage or a bona fide business partner.</p>
O.C.G.A. 12-5-130	All licenses expire biennially. All applications for renewal shall be filed with the division prior to the expiration date, accompanied by a renewal fee not exceeding \$400.00 per renewal period as prescribed by the division. A license which has expired for failure to renew may be restored only after application and payment of the prescribed restoration fee. A new license to replace any license lost, destroyed, or mutilated may be issued, subject to the rules of the council and payment of a fee set by the council.
O.C.G.A. 12-5-133	<p>(a) Any person who engages in or follows the business or occupation of, or advertises, holds himself or herself out, or acts, temporarily or otherwise, as a water well contractor without having first secured the required license or renewal thereof or any person who otherwise violates any provisions of this part shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100.00 and not more than \$1,000.00. Each day during which such violation exists or continues shall constitute a separate offense. In addition to or in lieu of any fine imposed for acting without the required license, any person violating any provision of this part may have his or her drilling rigs and commercial vehicles confiscated in accordance with Code Section 12-5-137.</p>
O.C.G.A. 12-5-134	(1)(L) The drilling contractor shall maintain in his or her office and shall furnish the owner a copy of the well construction data within 30 days of the well completion. The data shall include: name of the owner of the well, location of the well, size of pump installed if pump is installed by the drilling contractor, total depth of well, borehole diameter, casing depth, size and type of casing material, grouting information, static water level, pumping water level and yield if test pumped, confirmation of well disinfection and description of method used for disinfection, dates of well construction, name and address and state certificate number of pump installer if the contractor does not install the pump, name and address of contractor, and water well contractor's license number. Any estimate of gallons per minute of water that the well is expected to produce shall not be considered under any

	<p>circumstances to be a guarantee of the quantity of the water produced by the well. The failure of any water well contractor to provide any of such written information shall not subject such contractor to any <u>applicable</u> penalty by the council;</p> <p><u>(5)(G) Geothermal boreholes that penetrate into ground water shall be grouted from bottom to top by forced injection using impervious grouting material designed for such purpose. Geothermal boreholes shall be constructed or located at a safe distance from any potential source of contamination. The minimum safe distance from the following sources of contamination shall be:</u></p> <ul style="list-style-type: none"> <u>(i) Ten feet from sewer lines;</u> <u>(ii) Twenty-five feet from septic tanks;</u> <u>(iii) Fifty feet from septic drain fields;</u> <u>(iv) Ten feet from a connection between a house and a septic tank; and</u> <u>(v) Ten feet from a connection between a house and a sewer line;</u> <p><u>(7) No well or borehole shall be drilled or used for the purpose of injecting any surface water into the Floridan aquifer in any county governed by the Georgia coastal zone management program provided by Code Section 12-5-327 before July 1, 2014.</u></p>
O.C.G.A. 12-5-135	<p>(i) No bond or irrevocable letter of credit provided for in this Code section shall be accepted by the director from any water well contractor or driller who shall drill any well or borehole for the purpose of injecting any surface water into the <u>floridan</u> <u>Floridan</u> aquifer in any county governed by the Georgia coastal zone management program provided by Code Section 12-5-327 <u>after July 1, 1999, and before December 31, 2002 after July 1, 2003 and before July 1, 2014.</u></p>
O.C.G.A. 12-5-137	<p>(a) All drilling rigs or commercial vehicles used to drill any well and other equipment used to drill any well by a person who is not a licensed water well contractor or driller or who is not acting under the direction of a professional engineer or professional geologist as required by this part are declared to be contraband subject to forfeiture <u>and confiscation and seizure by any peace officer, who shall forthwith deliver such rigs and equipment to the district attorney whose circuit includes the county in which a seizure is made or to his duly authorized agent within ten days of the seizure in accordance with Chapter 16 of Title 9.</u></p> <p>(b) The district attorney whose circuit includes the county in which the seizure is made, within 30 days after the seizure of any illegal drilling equipment, shall institute proceedings by petition in the superior court of any county where the seizure was made against the property so seized and against any and all persons known to have an interest in or right affected by the seizure or sale of such property. A copy of such petition shall be served upon the owner or lessee of such property, if known, and upon the person or persons having custody or possession of such property at the time of the confiscation or seizure. If the owner or lessee, or person or persons having custody or possession of such property at the time of seizure is unknown, notice of such proceedings shall be published once a week for two consecutive weeks in the newspaper in which sheriff's advertisements of the county are published. Such publication shall be deemed notice to any and all persons having an interest in or right affected by such proceedings and any sale of the property resulting therefrom. If no defense or intervention shall be filed within 30 days from the filing of the petition, judgment by default shall be entered by the court; otherwise the case shall proceed as in other civil cases. Should the drilling equipment be found to be illegal within the sense of this part, the same shall be decreed to be contraband and ordered sold under such terms as the judge in his order may direct. The proceeds arising from such sale shall be applied:</p> <ul style="list-style-type: none"> (1) To the payment of proper costs and expenses, including expenses incurred in the seizure; (2) To the payment of the cost of the court and its officers; (3) To the payment of any cost incurred in the storage, advertisement, maintenance, or care of such property; and (4) If any money remains, to the general funds of the county. <p>(c) Where the owner or lessee of any property seized for purpose of condemnation shall abscond or conceal himself so that the actual notice of the condemnation proceedings cannot</p>

	<p>be served upon him, he shall be served by publication as is provided in this Code section in the case of an unknown owner or lessee.</p> <p>(d) All proceedings against any alleged illegal drilling equipment for the purpose of condemnation shall be proceedings in rem against the property, and the property shall be described only in general terms. It is the intent and purpose of the procedure provided by this Code section to provide a civil remedy for the condemnation and sale of contraband property.</p> <p>(e) Any party at interest may appear, by answer under oath, and make his defense. The owner, lessee, security interest holder, or lienholder shall be permitted to defend by showing that the property seized, if illegally used by another, was used without the knowledge, connivance, or consent, expressed or implied, of the owner, lessee, security interest holder, or lienholder. The holder of any bona fide lien on or security interest in the property shall be protected to the full extent of his lien or security interest, respectively; provided, however, that nothing contained in this Code section shall be construed to obligate the district attorney whose circuit includes the county in which a seizure is made beyond the proceeds of any such sale less the actual costs incurred by him.</p>
O.C.G.A. 12-5-138	<p>(a)(1)(A) The <u>Board of Natural Resources council</u> is authorized and directed to establish rules and regulations to provide for the certification of <u>persons pump contractors</u> who install, service, and repair pumps on or in water wells regulated under the provisions of <u>subsection (b) of Code Section 12-5-133 this part</u> and to provide standards for installation of such pumps in order to protect public health and safety. The council shall provide for classes of certificates which distinguish the levels of competencies of certificants to perform various tasks associated with such services. The <u>Board of Natural Resources council</u> is authorized to establish fees and the director is authorized to charge such fees for such certification and the annual renewal thereof; provided, however, that the fee for the pump <u>installer contractor</u> shall not exceed the fee for the licensed water well contractor. The director may require any person to meet certain qualifications in order to be eligible for certification as a pump <u>installer contractor</u>. The director may provide that persons who can document that they have been in the business of installing, servicing, and repairing pumps and pumping equipment prior to <u>July 1, 2001 December 31, 2003</u>, may be granted a certification by paying the appropriate fees but without any requirement to pass any type of test.</p> <p>(B) Any person wishing to engage in the business of a pump contractor shall designate himself or herself or at least one partner, officer, or full-time employee to fulfill the above certification requirements. If the requirements are satisfactorily fulfilled, the person shall be granted a certification under this Code section, and such certification shall cover pump contracting activities for which the person is responsible and so certified. The partners, officers, and employees of the person shall be allowed to engage in the activities covered by the certification if the individual who fulfilled the certification requirements has performed or approved such activities and such approval is posted at the site of the activity on forms to be provided by the council for that purpose. Any such certification shall be valid so long as the designated partner, officer, or full-time employee is associated with the certificant or until the certificate otherwise expires.</p> <p>(2) The provisions of paragraph (1) of this subsection notwithstanding, the pump contracting activities of the partners, officers, and employees of the individual who fulfilled the certification requirements shall continue to be authorized under a certificate which was valid at the time of the certificant's death for a period of 180 days following the date of such death.</p> <p>(3) The provisions of this subsection shall not prohibit a person licensed as an electrical contractor, master plumber, or journeyman plumber under Chapter 14 of Title 43 from engaging in any business activities or practices within the scope of such license without being certified as a pump contractor.</p> <p>(b) Any person who installs any pump on or in a water well in violation of any installation standards adopted by the council pursuant to subparagraph (a)(1)(A) of this Code section which violation causes or has the potential for causing contamination of ground water shall be subject to civil penalties as provided in Code Section 12-5-133.1.</p>

APPENDIX E

Game and Fish Code, Shellfish Regulation Legislative Amendments

Legislative amendments to Georgia's **Game and Fish Code, Shellfish Regulation** between 1997 and 2017 (TEXT: Inserted text, ~~TEXT~~: Deleted text).

Code Section	Legislative Amendment
O.C.G.A. 27-4-190	<p>(a)(1) It shall be unlawful to take or possess shellfish in commercial quantities or for commercial purposes without first having obtained a master collecting permit or without proof of purchase that such shellfish were purchased from a certified shellfish dealer. Master collecting permits shall specify whether the permittee is authorized to take oysters, clams, or other shellfish and shall only be issued to persons certified by the Department of Agriculture to handle shellfish unless permission to take and possess shellfish for mariculture purposes has been granted by the department as described in subsection (d) of Code Section 27-4-197. Such permits shall be provided annually at no cost by the department but shall only be issued to persons with the right to harvest shellfish pursuant to Code Sections 44-8-6 through 44-8-8 or to holders of leases from such persons. A permittee may request authorization from the department for employees or agents, who shall be referred to as pickers, of such permittee to take shellfish from permitted areas. Such request shall be in writing to the department and shall include the name, address, and personal commercial fishing license number of the picker. It shall be unlawful for pickers to take or possess shellfish as authorized under their employer's master collecting permit unless they carry on their person while taking or in possession of shellfish a picker's permit as provided by the department indicating the exact area and circumstances allowed for taking. Such pickers' permits and charts shall be provided annually by the department at no cost and shall be in a form as prescribed by the department. Pickers must possess a valid personal commercial fishing license as provided for in Code Section 27-4-110 and, when a boat is used, a valid commercial fishing boat license as provided in Code Section 27-2-8. Master collecting permits and pickers' permits shall not be issued to persons who have been convicted three times in the two years immediately preceding the filing of an application for a permit of violations of this Code section, subsection (b) of Code Section 27-4-193, subsections (a) and (b) of Code Section 27-4-195, or Code Section 27-4-199. Master collecting permits and pickers' permits issued to master collecting permittees' agents shall be surrendered to the department upon termination of Department of Agriculture certification for handling shellfish, upon termination of right to harvest shellfish, or upon violation of any provision of this title. If a picker is removed from authorization to take shellfish by the master collecting permittee, that picker shall immediately surrender to the department his picker's permit. It shall be unlawful to possess unauthorized pickers' permits or pickers' permits issued to another person.</p> <p style="padding-left: 2em;">(2) All commercially licensed vessels engaged in commercial shellfish harvest or transport, whether with shellfish on board or not, shall have a portable marine toilet on board, as the term is defined in Code Section 52-7-3.</p>
O.C.G.A. 27-4-194	<p>(a)(1) It shall be unlawful to take any oysters for noncommercial purposes when the shells of the oysters measure less than three inches from hinge to mouth, except that oysters less than three inches from hinge to mouth may be removed if attached to an oyster of that minimum size and the oyster so attached cannot be removed without destroying the three-inch oyster.</p> <p style="padding-left: 2em;">(2) It shall be unlawful to take any oysters for commercial purposes when the shells of the oysters measure less than two inches from hinge to mouth, except that oysters less than two inches from hinge to mouth may be removed if attached to an oyster of that minimum size and the oyster to which it is so attached cannot be removed without destroying the two-inch oyster.</p>

	<p>(3) It shall also be unlawful for any person engaged in shucking or canning oysters for market to shuck, can, purchase, or have in possession any quantity of oysters containing more than 5 percent of oysters of prohibited size as defined in this Code section. Smaller oysters may be taken incidentally with such minimum-size oysters when they are directly attached to the minimum-size oysters. Oysters of prohibited size as defined in this Code section may be taken or possessed if prior written approval has been obtained from the department and such approval is on the person of the harvester or person in possession of the oyster."</p>
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APPENDIX F

Rules of the Department of Natural Resources Environmental Protection Division Relating to Environmental Planning Criteria, Chapter 391-3-16

The full text of the Rules are saved as a [pdf document](#) on the enclosed CD.

APPENDIX G

Rules of the Department of Natural Resources Coastal Resources Division Relating to Shore Protection, Chapter 391-2-2

The full text of the Rules are saved as a [pdf document](#) on the enclosed CD.

APPENDIX H

Rules of the Department of Natural Resources Environmental Protection Division Relating to Safe Drinking Water, Chapter 391-3-5

The full text of the Rules are saved as a [pdf document](#) on the enclosed CD.

APPENDIX I

PUBLIC NOTICES

Legal Ad
The Brunswick News
Savannah Morning News

Public Notice
Georgia Coastal Management Program
Request for Program Changes

The Georgia Department of Natural Resources Coastal Resources Division (CRD) is submitting to the National Oceanic and Atmospheric Administration's (NOAA) Office for Coastal Management (OCM) a request for approval of Routine Program Changes (RPC) to the Georgia Coastal Management Program. The request includes changes to the enforceable policies to be used by the state for reviewing federal actions pursuant to the authority provided the state under the federal Coastal Zone Management Act. The State considers the Program Changes to be routine and not substantial changes to the authorities of the Georgia Coastal Management Program. CRD is seeking OCM's concurrence in this determination.

Program Changes include legislative amendments to the Coastal Marshland Protection Act, Environmental Policy Act, Shore Protection Act, Water Well Standards Act, and the Shellfish Regulation of the Game and Fish Code; as well as the addition of the Rules for Environmental Planning Criteria, the Shore Protection Rules, and the Rules for Safe Drinking Water. A copy of the RPC request may be obtained by contacting the Coastal Resources Division or visiting the web site at <http://coastalgadnr.org/cm/about/pdoc>.

Any comments on whether this request for Program Changes does or does not constitute routine changes must be submitted directly to the NOAA Office for Coastal Management, 1305 East-West Highway (N/OCM6), Silver Spring, Maryland 20910, attention Joelle Gore, Chief, Stewardship Division within three weeks of the issuance of this public notice.

If you have questions regarding the Georgia Coastal Management Program please contact Jan Mackinnon at (912) 264-7128.

Media Contact: Nancy Butler (912) 262.3140 or nancy.butler@dnr.ga.gov

Public Notice
GA DNR Requests Routine Program Changes to
Georgia Coastal Management Program

BRUNSWICK, GA (April 17, 2017) -- The Georgia Department of Natural Resources Coastal Resources Division (CRD) is submitting to the National Oceanic and Atmospheric Administration's (NOAA) Office for Coastal Management (OCM) a request for approval of Routine Program Changes to the Georgia Coastal Management Program. The request includes changes to the enforceable policies to be used by the state for reviewing federal actions pursuant to the authority provided the state under the federal Coastal Zone Management Act. The State considers the Program Changes to be routine and not substantial changes to the authorities of the Georgia Coastal Management Program. CRD is seeking OCM's concurrence in this determination.

Program Changes include legislative amendments to the Coastal Marshland Protection Act, Environmental Policy Act, Shore Protection Act, Water Well Standards Act, and the Shellfish Regulation of the Game and Fish Code; as well as the addition of the Rules for Environmental Planning Criteria, the Shore Protection Rules, and the Rules for Safe Drinking Water. A copy of the RPC request may be obtained by contacting the Coastal Resources Division or visit the web site at <http://coastalgadnr.org/cm/about/pdoc>.

Any comments on whether this request for Program Changes does or does not constitute routine changes must be submitted directly to the NOAA Office for Coastal Management, 1305 East-West Highway (N/OCM6), Silver Spring, Maryland 20910, attention Joelle Gore, Chief, Stewardship Division within three weeks of the issuance of this public notice.

If you have questions regarding the Georgia Coastal Management Program please contact Jan Mackinnon at (912) 264-7218.

Media Contact: Nancy Butler at (912) 262.3140 or nancy.butler@dnr.ga.gov

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