



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL OCEAN SERVICE
 OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
 Silver Spring, Maryland 20910

NOV 2 - 2010

Brad Gane, Assistant Director for Ecological Services
 Georgia Department of National Resources
 Coastal Resources Division
 One Conservation Way
 Brunswick, GA 31520-8686

Dear Mr. Gane:

Thank you for the Georgia Department of Natural Resources' August 2, 2010, request to incorporate changes to the Georgia Coastal Management Act (O.C.G.A. Section 12-5-329), the Coastal Marshlands Protection Act (O.C.G.A. 12-5-295-7.1), and the DNR Rules and Regulations (Chapter 391-2-3-.02) into the Georgia Coastal Management Program (CMP). You requested that changes to the Georgia Coastal Management Act (O.C.G.A. Section 12-5-329), the Coastal Marshlands Protection Act (O.C.G.A. 12-5-295-7.1), and the DNR Rules and Regulations (Chapter 391-2-3-.02) 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 Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (July 1996). OCRM received the request on August 2, 2010 and OCRM's decision deadline was extended until November 5, 2010.

Based on our review of your submission, we concur that the changes to the Georgia Coastal Management Act (O.C.G.A. Section 12-5-329) and the additions to the Coastal Marshlands Protection Act (O.C.G.A. 12-5-295-7.1) and the DNR Rules and Regulations (Chapter 391-2-3-.02) are RPCs and we approve the incorporation of the changes as enforceable policies of the Georgia CMP. Federal Consistency will apply to the approved changes only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4). Please include in the public notice the list of changes to enforceable policies provided in this letter, and please send a copy of the notice to OCRM.

CHANGES APPROVED

Name/Description of State or Local Law/Regulation/Policy/Program Authority or Change	State/Local Legal Citation	Date Adopted by State	Date Effective in State
ADDED:		mm/dd/yyyy	mm/dd/yyyy
Regulations for the upland component of a project that requires a Coastal Marshlands Protection Act permit	DNR Rules and Regulations, Chapter 391-2-3-.02	February, 28 2007	March 26, 2007
Coastal Marshlands Protection Act permit exemption for building of a single private dock by the owners of up to four adjoining riparian lots	O.C.G.A Section 12-5-295-7.1	May 6, 2008	July 1, 2008



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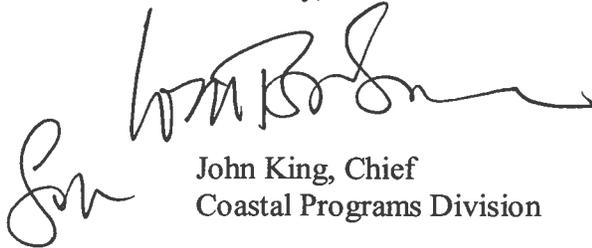
Name/Description of State or Local Law/ Regulation/Policy/Program Authority or Change	State/Local Legal Citation	Date Adopted by State	Date Effective in State
DELETED:			
Sunset language that required reauthorization of the Georgia Coastal Management Program	O.C.G.A Section 12-5- 329	May 6, 2008	July 1, 2008

PUBLIC AND FEDERAL AGENCY COMMENTS

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Sarah van der Schalie at (301) 713-3155, extension 106, if you have any questions.

Sincerely,



John King, Chief
Coastal Programs Division

**Routine Program Change
to
State of Georgia Coastal Management Program**

**Request for Concurrence
July 2010**

Official Code of Georgia, Title 12, Chapter 5, Article 4, Part 6
Official Code of Georgia, Title 12, Chapter 5, Article 4, Part 4
Georgia Department of Natural Resources Rules and Regulation, Chapter 391-2-3

Submitted by: The Georgia Department of Natural Resources
Coastal Resources Division
Coastal Management Program
One Conservation Way
Brunswick, Georgia 31520

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INTRODUCTION

The following constitutes a request by the Georgia Department of Natural Resources, Coastal Resources Division (GADNR) for the National Oceanic and Atmospheric Administration (NOAA) Office of Ocean and Coastal Resource Management (OCRM) to concur in the incorporation of Routine Program Changes to the State of Georgia's Coastal Management Program (CMP).

The State of Georgia recently enacted legislative and regulatory changes to the State's enforceable policies under the Coastal Management Program. The changes repealed a sunset clause within the Georgia Coastal Management Act (O.C.G.A 12-5-329); provided an exemption for multi-owner private docks (Coastal Marshlands Protection Act, O.C.G.A. 12-5-295); and incorporated an upland component into permitting requirements as defined in Georgia Department of Natural Resources Rules and Regulations, Chapter 391-2-3-.02. All of the submitted changes fall under existing State authorities within the Program and are not substantial changes to the State's management of coastal resources.

ANALYSIS OF CHANGES

Descriptions of each submitted Program Change are included in the analyses below, which identify the enforceable policies to be modified, describe the nature of the program change, and identify impacts the change will have on the existing Program. The analyses demonstrate that the submitted Program Changes are not substantial in nature and are not considered Program Amendments, defined under 15 C.F.R. § 923.80(d) as substantial changes in one or more of five coastal management program areas. Indicators of substantial change include whether the new or revised policies address coastal uses or resources not previously managed or result in major changes to the way the state CMP manages coastal uses or resources.

Reauthorization of State Coastal Management Program

The routine change to Georgia Coastal Management Act rescinds the repeal language in O.C.G.A. 12-5-329, thereby reauthorizing Georgia's continued participation in the federal Coastal Zone Management Program. The CMP will now continue as it has since its inception without a requirement for program reauthorization. This change does not affect any of the five Program Areas described in 15 C.F.R. Part 923 as it does not impact uses subject to management (subpart B), special management areas (subpart C), or boundaries (subpart D); does not alter authorities and organization (subpart E); and does not affect coordination, public involvement and national interest (subpart F).

Coastal Marshland Protection Act (CMPA): Exemption for Multi-Family Private Docks

The routine change to the Coastal Marshlands Protection Act (O.C.G.A. 12-5-280 *et. seq.*) provides an exemption for the construction of a single private dock by the owners of up to four adjoining riparian lots (O.C.G.A 12-5-295). Previously, two adjacent riparian lot owners were allowed to construct a shared private dock without obtaining a permit under the CMPA. This new exemption is in addition to the previous single-family exemption and now allows up to four

adjacent lot-owners to construct a single private dock without obtaining a CMPA permit. This exemption applies only if the owners of each adjoining lot individually qualify for the existing single-family exemption and enter into a binding covenant that prohibits the building of any future private docks on the other lots. This exemption encourages multi-family docks in order to lessen cumulative impacts of multiple single-family docks. The process for obtaining a multi-owner private dock permit would be the same as that used for single-owner private docks. This exemption does not change any other procedures or rules of the Act. This exemption 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 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).

Coastal Marshlands Protection Act: Regulation of Upland Component of a Coastal Marshlands Project

The change to the Department of Natural Resources Rules and Regulations Chapter 391-2-3-.02 addresses the regulation of the defined upland component of a project requiring a Coastal Marshland Protection Act permit. The Rule change applies to commercial, community and public projects such as marinas, community docks, fishing piers, boat ramps, and bridges that require a CMPA permit. The Rule defines the upland component of a permitted project as “all those service areas, amenities, and recreational areas located inland of the CMPA jurisdiction line, that serve or augment the functioning of the marshlands component of the project, such as, but not limited to, dry stack boat storage; dockmaster shop; fuel storage and delivery facilities to serve the marshlands component of the project; and restrooms intended for users of the marshlands component of the project.” The Rule also establishes a 50-foot marshlands buffer applicable to the upland component, defines how to measure that buffer, and requires that the buffer remain in an undisturbed, naturally vegetated condition [391-2-3-.02(4)]. The rule further states in 391-2-3-.02(5) that untreated stormwater may not be discharged from the upland component without a waiver from the Coastal Marshlands Protection Committee. A waiver may only be granted due to unique site or project characteristics, lack of a feasible alternative, and minimal impact. Discharged stormwater must meet the standards of the most recent edition of the Georgia Stormwater Management Manual. Greenspace must be retained where practicable and appropriate. Finally, pervious surfaces must be maximized and total impervious area minimized in the project area when practicable, with a goal of no more than 15% effective impervious cover [391-2-3-.02(6)].

Under 15 C.F.R Part 923 and OCRM’s Guidance, this change is routine in nature as it does not substantially affect the five Program Areas. Specifically, the change has no affect on special management areas (subpart C), boundaries (subpart D), authorities and organization (subpart E), or coordination, public involvement and national interest (subpart F). The change does affect Uses Subject to Management (subpart B) and enforceable policies of the program. It clarifies the definition of the upland component of a permitted project and places conditions for buffers, impervious surfaces and stormwater discharge on the activities that are currently permissible under the Coastal Marshlands Protection Act. As the Rule does not result in any further substantial changes to enforceable policies of the CMP, it is considered routine.

CONCLUSION

The Georgia Department of Natural Resources, Coastal Resources Division has reviewed the legislative and regulatory changes submitted for incorporation into the State CMP according to the Coastal Zone Management Act §306(e) and 15 C.F.R. 923.80. The GADNR concludes that the submitted routine 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 and, therefore, do not meet the definition of Program Amendment. The submitted changes increase the ability of the State to manage and protect the coastal resources of the State of Georgia. The submitted changes will ensure the continuation of the State's program and further the quality and protection of Georgia's coastal marshlands. As outlined in 15 C.F.R. §923.80(d), 15 C.F.R. §923.84, and the OCRM's Program Change Guidance from July 1996, the State of Georgia submits these Routine Program Changes and requests the OCRM's concurrence for incorporation into the State CMP.

Changes to the GEORGIA COASTAL MANAGEMENT PROGRAM

Name/Description of State or Local Law/Regulation/Policy/Program Authority or Change	State/Local Legal Citation	Enforcement Mechanism(s)	Date Adopted by State	Date Effective in State
ADDED:				
Regulation of Upland Component of a Project	DNR Rules and Regulations, Chapter 391-2-3-.02	Coastal Marshlands Protection Permit	February, 2007	March 26, 2007
Exemption for multi-family (up to four) private docks	O.C.G.A Section 12-5-295-7.1	Revocable License issued in lieu of Coastal Marshlands Protection Act permit	May 6, 2008	July 1, 2008
DELETED:				
Reauthorization of State Coastal Management Program	O.C.G.A Section 12-5-329	Georgia Coastal Management Act	May 6, 2008	July 1, 2008

TEXT OF STATUTES

Georgia Coastal Management Act

O.C.G.A. § 12-5-329

GEORGIA CODE
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*** Current through the 2008 Regular Session ***

TITLE 12. CONSERVATION AND NATURAL RESOURCES
CHAPTER 5. WATER RESOURCES
ARTICLE 4. COASTAL WATERS, BEACHES, AND SAND DUNES
PART 6. COASTAL MANAGEMENT

O.C.G.A. § 12-5-329 (2008)

§ 12-5-329. Repeal of part on July 1, 2009

Reserved. Repealed by Ga. L. 2008, p. 117, § 2, effective July 1, 2008.

[Repealed]

Coastal Marshlands Protection Act

O.C.G.A. § 12-5-295

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*** Current through the 2008 Regular Session ***

TITLE 12. CONSERVATION AND NATURAL RESOURCES
CHAPTER 5. WATER RESOURCES
ARTICLE 4. COASTAL WATERS, BEACHES, AND SAND DUNES
PART 4. COASTAL MARSHLANDS

O.C.G.A. § 12-5-295 (2008)

§ 12-5-295. Applicability of part

This part shall not apply to the following:

- (1) Activities of the Department of Transportation incident to constructing, repairing, and maintaining a public road system in Georgia;
- (2) Activities of the Department of Transportation and political subdivisions in maintaining existing drainage systems and ditches as long as such activities do not impact additional marshlands;
- (3) Agencies of the United States charged by law with the responsibility of keeping the rivers and harbors of this state open for navigation, and agencies of this state charged by existing law with the responsibility of keeping the rivers and harbors of this state open for navigation including areas for utilization for spoilage designated by such agencies;
- (4) Activities of public utility companies regulated by the Public Service Commission incident to constructing, erecting, repairing, and maintaining utility lines for the transmission of gas, electricity, or telephone messages;
- (5) Activities of companies regulated by the Public Service Commission incident to constructing, erecting, repairing, and maintaining railroad lines and bridges;
- (6) Activities of political subdivisions incident to constructing, repairing, and maintaining pipelines that have been approved by the department or appropriate authority for the transport of drinking water and sewage;
- (7) The building of a private dock exclusively for the noncommercial use of the owner or his or her invitees and constructed on pilings, the walkways of which are above the marsh grass not obstructing tidal flow, by:
 - (A) The owner of a lot on which a detached single-family residence is located on high land adjoining such dock; or
 - (B) The owner of a lot having at least 50 front feet of land abutting the

marshlands which contains high land suitable for the construction of a detached single-family residence and where the construction of such a residence is not prohibited.

The lot owner shall and is authorized to maintain the structure in good condition and repair the same as necessary, and the use of repair or replacement materials comparable in quality to the original authorized materials shall be sufficient for such purposes;

(7.1) The building of a single private dock by the owners of up to four adjoining lots, each of which is riparian and would qualify for an exemption as provided in paragraph (7) of this Code section, for the exclusive noncommercial use of such owners or their invitees and constructed as a single walkway on pilings above the marsh grass not obstructing tidal flow and in a size to be determined by the department taking into consideration the number of adjoining lots utilizing the dock; provided, however, that the exemption provided by this paragraph shall apply only if each of the owners of such adjoining lots has entered into a binding covenant that runs with the land, in favor of the state, which covenant prohibits the building of any future private dock on his or her lot unless the dock exempted pursuant to this paragraph is removed or converted to a single-family private dock which would qualify for an exemption as provided in paragraph (7) of this Code section. The granting of the exemption provided by this paragraph shall be the state's consideration for the covenant of each such lot owner. The lot owners shall and are authorized to maintain the structure in good condition and repair the same as necessary, and the use of repair or replacement materials comparable in quality to the original authorized materials shall be sufficient for such purposes; or

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

HISTORY: Ga. L. 1970, p. 939, § 11; Code 1981, § 12-5-292; Ga. L. 1989, p. 574, § 4; Code 1981, § 12-5-295, as redesignated by Ga. L. 1992, p. 2294, § 1; Ga. L. 1995, p. 462, § 2; Ga. L. 2003, p. 316, § 1; Ga. L. 2008, p. 117, § 1/HB 68.

Top of Form

TEXT OF REGULATIONS

391-2-3-.02 Regulation of Upland Component of a Project

(1) Findings and Purpose.

(a) Findings. In promulgating this Rule, the Board declares the following:

1. Georgia's coastal marshlands have long been recognized by the General Assembly and the Board as a vital natural resource system, a vital area of the state, and essential to maintain the health, safety, and welfare of all the citizens of the State.

2. The Coastal Marshlands Protection Act (CMPA) provides a grant of authority to the Board of Natural Resources and Coastal Marshlands Protection Committee to regulate certain activities that affect or have the potential to affect the coastal marshlands of the state, to ensure the values and functions of the coastal marshlands are not impaired and to protect the public interest.

3. Stormwater management measures, impervious surface coverage standards, and marshlands buffer design and maintenance measures as applied to projects which are subject to permitting under the Coastal Marshlands Protection Act are warranted so as to protect this vital area and to protect the public interest.

(b) Purpose. The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations for permitting under and enforcement of the Coastal Marshlands Protection Act. This Chapter establishes procedures and criteria to be applied by the Coastal Marshlands Protection Committee when reviewing applications for a permit to remove, fill, dredge, drain, or otherwise alter any marshlands or construct or locate any structure on or over marshlands within the estuarine area of the state.

(2) Definitions used in this Rule.

(a) "Applicant" means any person who files a permit application under the Coastal Marshlands Protection Act.

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

(c) "Committee" means the Coastal Marshlands Protection Committee.

(d) "Effective impervious cover" is the percentage derived when total impervious area is adjusted to reflect the fact that a site design results in the actual impervious surface characteristics of a site with a lower total impervious area, supported by scientific and engineering studies and findings.

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

- (f) “Greenspace” means vegetative upland or wetland that remains in its natural state or has been developed only to the extent consistent with natural ecological systems protection.
- (g) “Impervious Surface” means any surface such as pavement, roofs, roadways or other surface material through which water does not permeate.
- (h) “Marshlands buffer” means a zone or strip of land of a specified width along the riparian border of the project that serves as a protective setback.
- (i) “Marshlands component of the project” means the part of the project in an estuarine area or any structure on or over an estuarine area, including but not limited to marinas, community docks, bridges, piers, and bulkheads, requiring a permit under the Coastal Marshlands Protection Act pursuant to O.C.G.A. Section 12-5-286.
- (j) “Nonstructural Stormwater Management Practice” means any naturally occurring or planted vegetation or other pervious component of a stormwater management plan that provides for, or enhances, stormwater quality and/or reduces stormwater quantity or provides other stormwater management benefits.
- (k) “Person” means any individual, partnership, corporation, municipal corporation, county, association, or public or private authority, and shall include the State of Georgia, its political subdivisions, and all its departments, boards, bureaus, commissions, or other agencies, unless otherwise specifically exempted by the Coastal Marshlands Protection Act.
- (l) “Project” means the proposed construction or maintenance activity identified in an application for a marshlands permit within the contemplation of the Coastal Marshlands Protection Act. A project may consist of two components: a marshlands component and an upland component, as defined herein.
- (m) “Stormwater Treatment” means a process of remediation, reduction and/or elimination of the undesirable characteristics of runoff including, but not limited to, peak runoff rate, velocity, volume, and quantity of solids and pollutants.
- (n) “Total Impervious Area” means all impervious surface in a specified area as calculated as a percent of the total area.
- (o) “Untreated Stormwater” means runoff that is discharged without previously being managed by one or a combination of techniques that remediate, reduce and/or eliminate undesirable characteristics of the runoff.
- (p) “Upland” means lands that are neither coastal marshlands nor wetlands.
- (q) “Upland component of the project” is all those service areas, amenities, and recreational areas located inland of the Coastal Marshlands Protection Act jurisdiction line, that serve or augment the functioning of the marshlands component of the project, such as, but not limited to, dry stack boat storage; dockmaster shop; fuel storage and delivery facilities to serve the marshlands component of the project; and restrooms intended for users of the marshlands component of the project. This term may extend to and cover such facilities adjacent to or in proximity to the marshlands component of the project that are intended to serve exclusively or primarily the users of the marshlands component of the project if the Committee finds in its sole discretion that such facility is likely to alter the marshlands.
- (r) “Wetlands” means areas that are inundated or saturated by surface or ground water often and long enough to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, marshes, bogs, and floodplains.

(3) Procedure for Determining Project Boundaries. The applicant shall delineate the boundaries of the proposed project. Such boundaries shall be subject to review and validation by the staff of the Department of Natural Resources to ensure that the entire project is delineated. Such boundaries shall be included in the application proposed for consideration by the Committee. In this regard, the applicant shall submit documentation identifying all areas that are planned to be used in connection with the project which is delineated, to allow the Coastal Marshlands Protection Committee to verify the extent of the project.

(4) Marshlands Buffers for Upland Component of the Project.

(a) There is established a 50-foot marshlands buffer applicable to the upland component of the project as measured horizontally inland from the coastal marshlandupland interface, which is the Coastal Marshlands Protection Act jurisdiction line, so as to ensure the project does not result in the filling or other alteration of the coastal marshlands.

(b) The applicant for a permit under the Coastal Marshlands Protection Act and these rules shall certify adherence to soil and erosion control responsibilities, which, for purposes of the Coastal Marshlands Protection Act shall include recognition of and compliance with the following requirements unless in conflict with a criterion or exception established by the Environmental Protection Division of the Department of Natural Resources.

1. Except as provided in subparagraph 2. of this paragraph and paragraphs (d) and (g) below, no land-disturbing activities within the project boundaries shall be conducted within the 50-foot marshlands buffer, and such marshlands buffer shall remain in its natural, undisturbed state of vegetation, so as to naturally treat stormwater during both construction and post construction phases of the upland component of the project.

2. Land disturbance and construction of structures within the 50-foot marshlands buffer in the upland component of the project shall be limited to the following:

(i) Construction and maintenance of temporary structures necessary for construction of the marshlands component of the project;

(ii) Construction and maintenance of permanent structures that are required for the functionality of and/or provide permanent access to the marshlands component of the project; and

(iii) Planting and grading with vegetated materials within the marshlands buffer to enhance stormwater management, such as erosion and sediment control measures, and to allow pedestrian access for passive recreation.

(c) After such land disturbing activities associated with (b) 2. (i) above are completed, and except as allowed for in (b) 2. (ii) and (iii) above, the marshlands buffer must be restored to and maintained in a natural vegetated state or in a vegetated state at least as protective or better than pre-construction conditions, subject to hand trimming and thinning as authorized in the permit.

(d) Already existing impervious surfaces and structures within the marshlands buffer area may remain and be maintained, provided the replacement, modification or upgrade does not increase any encroachment upon the required marshlands buffer in effect at the time of the replacement, modification or upgrade.

(e) Marshlands buffers shall be designed, installed and/or maintained sufficiently such that stormwater discharge to coastal marshlands from the marshlands buffer is managed according to the policy, criteria, and information including technical

specifications and standards in the latest edition of the Georgia Stormwater Management Manual, and as amended to address coastal specific issues.

(f) Nothing in this Rule shall be construed to limit the power or authority of the Director of the Environmental Protection Division.

(g) The Coastal Marshlands Protection Committee, in its sole discretion, is authorized to grant a permit that includes an exception to the 50-foot marshlands buffer if the Committee finds that three conditions are met:

1. Application of the marshlands buffer requirement will create a substantial hardship on the applicant; and

2. The purpose, function and treatment capabilities of the marshlands buffer can be or has been achieved by alternative means, such that the stormwater discharge to coastal marshlands from the marshlands buffer is managed according to the policy, criteria, and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual, and as amended to address coastal specific issues, and is protective of water quality; and

3. Consistent with the purpose and reasonable use of the proposed project, the smallest practicable encroachment into the marshlands buffer is being utilized.

4. For purposes of this part, substantial hardship means a significant, site-specific and demonstrable condition exists that precludes the project from being constructed. The Coastal Marshlands Protection Committee shall consider the following factors in their evaluation of whether a substantial hardship exists:

i. If the applicant complies with the required marshlands buffer width, the property cannot practicably be used for the proposed project. Merely proving that the exception would permit a greater profit from the property shall not be considered adequate justification for an exception; and

ii. The substantial hardship results from application of the marshlands buffer width to the property separately or in conjunction with other factors such as unrelated deed restrictions, other state, federal or local government restrictions or ordinances; and

iii. The substantial hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography; and

iv. The applicant or predecessor in title did not, by deed, covenant, or other voluntary act after March 26, 2007, create a situation where the application of the marshlands buffer would create a substantial hardship on the applicant.

(5) Stormwater Management Standards for the Upland Component of the Project.

(a) There shall be no discharge of untreated stormwater from developed or disturbed areas, whether surface or piped, to coastal marshlands from the upland component of the project. The Committee is authorized to waive this requirement if the Committee finds that the site or project characteristics prohibit treatment, there is no practicable alternative, and it has minimal adverse impact.

(b) In addition to the requirements of Section (5)(a) above, discharged stormwater from the upland component of the project shall be managed according to the policy, criteria, and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual, and as amended to address coastal specific issues.

(c) As a component of the stormwater treatment system, greenspace shall be retained and interconnected where practicable and appropriate.

(d) The use of non-structural stormwater management and stormwater better site

design practices, such as those listed in the latest edition of the Georgia Stormwater Management Manual, and as amended to address coastal specific issues, shall be utilized to the maximum extent practicable.

(6) Impervious Surface. Pervious surfaces shall be used to the maximum extent practicable, and total impervious area shall be minimized with the goal of achieving no more than 15% effective impervious cover where practicable taking into account existing structures that are part of the project and the available land area that is part of the upland component of the project.

(7) Required Information. The Coastal Marshlands Protection Committee shall establish an application checklist to assist applicants. A copy of the application checklist may be obtained by contacting the Committee at its administrative headquarters: Coastal Resources Division, One Conservation Way, Suite 300, Brunswick, Georgia 31520, 912-264-7218.

Authority O.C.G.A. Title 12, O.C.G.A. Sec. 12-5-285.**History.** Original Rule entitled "Permit Procedures" was filed on January 15, 1975 as Rule 391-4-12-.02; effective February 4, 1975. (By Certification filed on December 28, 1979, Rule 391-4-12-.02 was renumbered as 391-2-3-.02; effective January 17, 1980.)
Repealed: F. Jun. 26, 1992; eff. Jul. 16, 1992. **Amended:** New Rule entitled "Regulation of Upland Component of a Project". F. Mar. 6, 2007; eff. Mar. 26, 2007. **Amended:** F. July 25, 2007; eff. Aug. 14, 2007.

PUBLIC NOTICES

Georgia Department of Natural Resources

One Conservation Way Suite 300, Brunswick, Georgia 31520-8687

Chris Clark, Commissioner

Spud Woodward

Coastal Resources Division

912/264-7218

FAX 912/262-3131

For more information contact:

Wylie Goodloe

Habitat Management Program

July 19, 2010

PAID LEGAL AD FOR PUBLICATION IN THE FOLLOWING ISSUE:

“The Savannah Morning News” Chatham County

One –Time Run July 22, 2010

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 of Ocean and Coastal Resource Management (OCRM) a request for Routine Program Changes (RPC) to the approved Georgia Coastal Management Program. 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 OCRM’s concurrence in this determination.

The request for Program Changes include the following; a copy of the complete program change request may be obtained by calling Coastal Resources Division or visit <http://crd.dnr.state.ga.us/content/displaynavigation.asp?TopCategory=302>

Any comments on this whether this request for Program Changes does or does not constitute routine changes may be submitted directly to the Office of Ocean and Coastal Resource Management (OCRM) at the National Oceanic and Atmospheric Administration (1305 East-West Highway (N/ORM3), Silver Spring, Maryland 20910, attention John King, Chief, Coastal Programs Division). Comments are due to NOAA by August 12, 2010. If you have questions regarding the Georgia Coastal Management Program please contact Jennifer Kline at (912) 264-7218.

##

Georgia Department of Natural Resources
One Conservation Way Suite 300, Brunswick, Georgia 31520-8687
Chris Clark, Commissioner
Spud Woodward, Director
Coastal Resources Division
912/264-7218
fax 912/262-3131

For more information contact:
Wylie Goodloe
7/19/10

PAID LEGAL AD FOR PUBLICATION IN THE FOLLOWING ISSUE:
The Brunswick News:
One Time Run- Thursday July 22

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 of Ocean and Coastal Resource Management (OCRM) a request for Routine Program Changes (RPC) to the approved Georgia Coastal Management Program. 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 OCRM's concurrence in this determination.

The request for Program Changes include the following; a copy of the complete program change request may be obtained by calling Coastal Resources Division or visit <http://crd.dnr.state.ga.us/content/displaynavigation.asp?TopCategory=302>

Any comments on this whether this request for Program Changes does or does not constitute routine changes may be submitted directly to the Office of Ocean and Coastal Resource Management (OCRM) at the National Oceanic and Atmospheric Administration (1305 East-West Highway (N/ORM3), Silver Spring, Maryland 20910, attention John King, Chief, Coastal Programs Division). Comments are due to NOAA by August 12, 2010. If you have questions regarding the Georgia Coastal Management Program please contact Jennifer Kline at (912) 264-7218.

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