



COASTAL RESOURCES DIVISION
ONE CONSERVATION WAY · BRUNSWICK, GA 31520 · 912-264-7218

WALTER RABON
COMMISSIONER

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DIRECTOR

**SHORE PROTECTION ACT
STAFF'S FINDINGS & RECOMMENDATIONS**

April 5, 2024

TO: Shore Protection Committee:
Commissioner Walter Rabon
Mr. Chad Barrow
Mr. Brad Brookshire
Mr. Davis Poole
Dr. Valerie Hepburn

FROM: Department Staff to the Committee

APPLICANT: Michael Bono
6320 Wake Forest Avenue
Houston, TX 77005

AGENT: Stuart Sligh
Sligh Environmental Consultants, Inc.
31 Park of Commerce Way, Suite 200B
Savannah, GA 31405

LOCATION: #3 8th Place, Tybee Island, Chatham County, Georgia

PROPOSED PROJECT: The applicant is proposing to construct and maintain a retaining wall, install native landscaping, and modify an existing single-family residential structure.

APPLICABLE LAW: Official Code of Georgia Annotated (O.C.G.A.) §12-5-230 *et. seq.*
Shore Protection Act

SUMMARY OF PUBLIC COMMENTS: The Public Notice of the Shore Protection Committee ran from January 20, 2024 through February 18, 2024. No public comments were received in response to the public notice.

FINDINGS: Department Staff to the Committee make the following findings regarding this application:

Project Scope and Justification: O.C.G.A. § 12-5-238:

1. The applicant's parcel is 15,374sq.ft. (0.353 acres), of which approximately 7,202sq.ft. (0.17 acres) is located within the State's Shore Protection Act (SPA) jurisdiction.
2. Existing impacts within SPA jurisdiction associated with the single-family residence include wooden stairs, a wooden deck, a screened and covered porch, and a portion of a the existing 1950's raised house with a rooftop deck.

3. Total existing impacts within SPA jurisdiction associated with the existing house at this location are approximately 863sq.ft. (0.02 acres).
4. To minimize the accumulation of wind-blown sand on the property and the existing residential structure, the applicant proposes to construct and maintain a 4ft. x 1ft. x 103ft. (103sq.ft.) vinyl sheet pile bulkhead with a timber cap immediately landward of the landward toe of dune.
5. The existing 8ft. x 8ft. (64sq.ft.) stairs on the seaward side of the residence that are partially covered with sand will be removed. A proposed 4ft. x 4ft. stairway landing will lead to new 4ft.x 13ft. (52sq.ft.) stairs to be directed to the west.
6. The remainder of the SPA jurisdictional area includes vegetated sand dunes (4,679q.ft.) that shall be retained in their naturally vegetated and topographical condition, and approximately 1,660sq.ft. (0.03 acre) of maintained lawn that will be improved by installing coastal native grass and temporary irrigation.
7. Temporary impacts associated with site preparation include the use of heavy equipment, grading, and the removal of trees in SPA jurisdiction.
8. No additional modifications are proposed to the existing single-family residence.
9. A private dune crosswalk is not proposed.
10. As proposed, total jurisdictional impacts would be approximately 982sq.ft. (14%).
11. Approximately 6,232sq.ft. (86%) of the SPA jurisdictional area will be retained or restored to its natural vegetated and topographic state.

Application Form, Applicant Name and Address, Project Site Plan, Plat, Deed or other instrument, Written permission to carry out project by owner of land, O.C.G.A. § 12-5-238(1-5, 8):

12. Applicant has submitted the application form, name and address, project site plan, plats, and deed.

Adjoining Landowners, Non-refundable application fee, O.C.G.A. § 12-5-238(6,7):

13. Applicant has submitted names and addresses of adjoining property owners as well as the non-refundable application fee as required.

Hurricane Resistant Standards, O.C.G.A § 12-5-238(9):

14. Jason Ball, Engineer (Ga License No. 31999), has submitted a certification that the project meets all applicable hurricane standards.

Local Government Zoning, O.C.G.A. § 12-5-238(11):

15. Applicant has provided a statement from George Shaw, Planning & Zoning Manager for the City of Tybee Island that the project application was approved by special review of the Mayor and City Council on July 13, 2023.

Landfill, Hazardous Waste Inquiry, O.C.G.A. § 12-5-238(12):

16. Applicant has made an inquiry to the Hazardous Site Index of Georgia as to the existence of hazardous waste at the site. The project area was not found to be over a hazardous waste site or landfill.

Notification of Proposed Project, O.C.G.A. § 12-5-239(b):

17. Interested parties who have requested to be placed on the regulatory mailing list and adjacent property owners were notified in writing of the proposed project. The Public Notice of the Shore Protection Committee ran from January 20, 2024 through February 18, 2024. No public comments were received in response to the public notice.

Requirements and Restrictions Regarding the Issuance of a Permit, O.C.G.A. § 12-5-239(c):

18. No permit shall be issued except in accordance with the following provisions:

- (1) A permit for a structure or land alteration, including, but not limited to, private residences, motels, hotels, condominiums, and other commercial structures, in the dynamic dune field may be issued only when:**
 - A. The proposed project shall occupy the landward area of the subject parcel and, if feasible, the area landward of the sand dunes;** The proposed retaining wall will be constructed at the landward toe of the most landward dune at this location. The dynamic dune field in these areas consists of mature dunes that extend seaward approximately 550ft. from the project location. The proposed structure will occupy the landward area of the dynamic dune field.
 - B. At least a reasonable percentage, not less than one-third, of the subject parcel shall be retained in its naturally vegetated and topographical condition;** As proposed, total jurisdictional impacts would be approximately 982sq.ft. (14%).
 - C. The proposed project is designed according to applicable hurricane-resistant standards;** Jason Ball, Engineer (Ga License No. 31999), has submitted a certification that the project meets all applicable hurricane standards.
 - D. The activities associated with the construction of the proposed project are kept to a minimum, are temporary in nature, and, upon project completion, restore the natural topography and vegetation to at least its former condition, using the best available technology;** Heavy equipment used in association with the project will access the area from the applicant's property. The applicant has stated that all construction activities associated with the proposed project will be kept to a minimum and are temporary in nature.
 - E. The proposed project will maintain the normal functions of the sand sharing mechanisms in minimizing storm-wave damage and erosion, both to the unaltered section of the subject parcel and at other shoreline locations;** Historical monitoring of coastal dunes have shown that the frontal or most seaward dune, which is closest to the beach, is an ephemeral and unstable feature. Sand dunes typically accrete or expand under the force of onshore winds and an ample supply of sand, but they can erode quickly under severe wave energy at times of high tide or elevated sea level. Dunes, whether modern, manmade, or Pleistocene, can be expected to retreat quickly under rising sea levels and larger waves. Beach erosion is monitored quarterly on Tybee Island. The monitoring includes erosion rates and volumes. The proposed project consists of the construction and maintenance of a retaining wall in an area of the beach that has been identified as accretional. As proposed, the retaining wall should not impact the normal function of the sand sharing system on the public beach.
- (2) No permits shall be issued for a structure on beaches, eroding sand dunes areas, and submerged lands; provided, however, that a permit for a pier, boardwalk, or crosswalk in such an area may be issued, provided that:**
 - A. The activities associated with the construction of the proposed land alterations are kept to a minimum, are temporary in nature, and, upon project completion, the natural topography and vegetation shall be restored to at least their former condition, using the best available technology;** The applicant as stated all construction activities associated with the proposed project will be kept to a minimum and are temporary in nature.
 - B. The proposed project maintains the normal functions of the sand-sharing mechanisms in minimizing storm-wave damage and erosion, both to the unaltered section of the subject parcel and at other shoreline locations;** East

of the subject property are three (3) primary dune ridge lines varying in elevation from +20ft to +12ft. within the project area. Approximately 18ft. east of the subject parcel is the City of Tybee Island's buried concrete and steel seawall. The distance from the easternmost point of the subject parcel to the ordinary highwater mark is approximately 550ft.

Public Interest Considerations, O.C.G.A. § 12-5-239(i):

19. In passing upon application for a permit, the Committee shall consider the public interest:

- A. The project will not result in unreasonably harmful, increased alteration of the dynamic dune field or submerged lands, or function of the sand-sharing system;** As proposed, the retaining wall should not impact the normal function of the sand sharing system on the public beach. East of the subject property are three (3) primary dune ridge lines varying in elevation from +20ft to +12ft. Approximately 18ft. east of the subject parcel is the City of Tybee Island's buried concrete and steel seawall that was constructed on the island in 1973. The distance from the easternmost point of the subject parcel to the ordinary highwater mark is approximately 550ft.
- B. The project will not unreasonably interfere with the conservation of marine life, wildlife, or other resources;** The beaches of Tybee Island serve as nesting site for sea turtles (May 1 through October 31st) and roosting locations for several migratory shorebirds. East of the subject property are three (3) primary dune ridge lines varying in elevation from +20ft to +12ft. The applicant contends that the proposed activities will not unreasonably interfere with the conservation of marine life, wildlife, or other resources.
- C. The project will not unreasonably interfere with reasonable access by and recreational use and enjoyment of public properties.** The project is located on private property and as proposed will not unreasonably impact recreational use and access to the beach.

RECOMMENDATIONS: Should the Committee determine the proposed project to be in the public interest, Department Staff to the Committee recommends the following standard and special conditions:

SHORE PROTECTION ACT O.C.G.A. § 12-5-230
STANDARD PERMIT CONDITIONS

1. The project must comply, as applicable, for areas permitted herein, with all other Federal, State, and local statutes, ordinances, and regulations, and the applicant must obtain all licenses and permits prior to commencement of construction.
2. This permit does not resolve actual or potential disputes regarding ownership of or rights in or over the property upon which the subject project is proposed and shall not be construed as recognizing or denying any such rights or interests.
3. All plans, documents, and materials contained in this permit application, required by the Shore Protection Act O.C.G.A. 12-5-230 *et seq.* are a part of this permit and conformance to such plans, documents, and materials are a condition of this permit. No change or deviation from these plans, documents, and materials shall be permitted without prior notification and approval by the Department or Committee.
4. No further encroachment or construction shall take place within State jurisdiction, except as permitted by the Shore Protection Committee. Any modification of the plans or structure in the jurisdictional area must be reviewed and approved by the Department prior to construction.

5. A construction placard will be required to be obtained from the Department up to 30 days prior to the start of project construction and must be posted at the site. This placard will include certain steps in the construction of the permitted project that must be approved by the Department prior to construction.
6. The exact location and configuration of this project must be reviewed onsite and approved by Department staff immediately prior to beginning construction. Minor changes to the location may be allowed or required in areas that have eroded or accreted subsequent to the original jurisdictional determination.
7. No construction materials may be disposed of in the jurisdictional area of the Shore Protection Act.
8. Any incidental impacts associated with the construction of this project must be rectified by restoring areas to their pre-construction topographic and vegetative states.
9. The public shall maintain rights of ingress and egress on the foreshore beach area seaward of the ordinary high-water mark.
10. If the permitted improvements are damaged, fall into disrepair, become dilapidated, are not meeting their expected usefulness, or are not maintained at a serviceable level, then it is the responsibility of the owner to remove the improvements. A new permit will be required to retain and repair the structure, improvement or asset if it loses its structural integrity and is no longer serviceable.
11. The Shore Protection Committee is not bound in the future to protect any asset or improvements authorized by the permit.
12. The permit must be posted onsite within twenty-four (24) hours of beginning construction.
13. A copy of the above conditions must be supplied to the person in charge of construction.

SPECIAL CONDITIONS

1. Concrete is not authorized in construction of the permitted structure.
2. Construction activities must be conducted landward of the landward toe of the dune as flagged in the field by the Department.
3. A final landscape plan depicting native coastal vegetation must be provided to the Department for approval prior to installation.
4. This permit does not authorize trimming or removal of any natural dune vegetation seaward of the landward toe of the most landward dune.
5. In order to minimize the disruption of nesting activity from artificial lighting from the subject parcel, the Permittee must comply with the Department of Natural Resources' Wildlife Resources Division's Sea turtle nesting guidelines as well as the City of Tybee Island lighting ordinance.
6. Permittee may be required to provide a post-construction survey that locates the proposed structure as indicated in the application materials. Such survey shall comply with the Georgia Plat Act, O.C.G.A. § 15-6-67 et seq.