



December 8, 2023

Ms. Elizabeth Byrnes
Coastal Permit Coordinator
Georgia Department of Natural Resources, CRD
One Conservation Way
Brunswick, GA 31520

**RE: DM-SI Properties, LLC 1312 Caroline Lane Response to Public Comments
Sea Island, Glynn County, Georgia**

Dear Ms. Byrnes:

I refer to a public comment forwarded from your office via email of December 5, 2023 regarding the proposed land alterations within Shore Protection Act (SPA) jurisdiction located at 1312 Caroline Lane, on Sea Island, Glynn County, Georgia (31.18798°, -81.33981°).

The public comments were received in response to the public notice issued for land alteration activities proposed in SPA jurisdiction to include installation of native landscaping and construction of a portion of a pool deck and spa. The comments are cited below from Mr. Peter H. Schmidt, II of Taylor, Odachowski, Schmidt & Crossland, LLC on behalf of Ms. Laura Richards (letter dated December 4, 2023), followed by the applicant's response.

(Page 1) The residential structure and its appurtenances will consume most of the Property, which comprises two (2) Sea Island lots. Based on the information available, it appears that the Applicant, its agents, and assigns knew there would be an encroachment before the purchase of the Property on June 9, 2022. My client is unaware of any steps the Applicant took towards avoiding the encroachment and presumably chose to proceed with construction, anticipating DNR approval of the encroachment and permit issuance as a matter of routine. If accurate, the Applicant chose to act contrary to the law and now seeks to offer a "mea culpa" to excuse the violation.

Applicant's Response: The proposed activities are not contrary to law, but instead comply with the SPA. O.C.G.A. § 12-5-231 allows for authorization of projects "...which do not substantially impair the values and functions of the sand sharing system..." As found at O.C.G.A. § 12-5-239(1):

A permit for a structure or land alteration, including, but not limited to, private residences, motels, hotels, condominiums, and other commercial structures, in the dynamic dune field may be issued only when:

- (A) The proposed project shall occupy the landward area of the subject parcel and, if feasible, the area landward of the sand dunes;*
- (B) At least a reasonable percentage, not less than one-third, of the subject parcel shall be retained in its naturally vegetated and topographical condition;*
- (C) The proposed project is designed according to applicable hurricane-resistant standards;*

(D) The activities associated with the construction of the proposed project are kept to a minimum, are temporary in nature, and, upon project completion, restore the natural topography and vegetation to at least its former condition, using the best available technology; and
(E) The proposed project will maintain the normal functions of the sand-sharing mechanisms in minimizing storm-wave damage and erosion, both to the unaltered section of the subject parcel and at other shoreline locations;

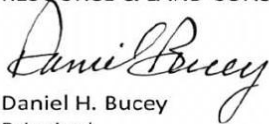
Applicant's Response: The proposed project meets the conditions under which a permit may be granted. The project is located landward of the dune field; approximately 95% of the jurisdictional area will remain in a natural or improved topographic and vegetative condition; construction will meet applicable hurricane resistant standards; temporary impacts associated with construction will be avoided and minimized and affected areas will be restored to at least their former condition upon completion, and; the project will maintain the normal functions of the sand sharing system on the subject parcel and at other shoreline locations. The project is located landward of an existing rock revetment that has been covered with dunes created by past Sea Island shoreline protection projects, which are maintained by Sea Island Company under Federal and State permit conditions to provide shoreline protection and enhance wildlife and recreational values and functions. The project as proposed will only result in 213 ft² (of hardscape within the dune setback

(Page 2) The jurisdictional lines, as set by the DNR and the terms of the Shore Protection Act, are there for a reason, which includes protecting the fragile ecosystem. To find out that the Applicant may have known the location of the jurisdictional line yet moved forward with the design and now construction is worrisome, to say the least. If such is true, but DNR grants the Applicant's permit anyhow, the DNR would be saying that jurisdictional lines can be ignored even when a modest redesign of a structure and/or its appurtenances can eliminate the need for an encroachment in the first place. Such seems to put the interests of a property owner above the societal responsibilities of protecting the shoreline for which laws exist. Obviously, one might say that the permit Applicant seeks minimally impinges the protected land; however, such ignores the more significant implications as property owners, developers, and builders continue to push beyond existing limits with little concern or fear.

Applicant's Response: Land alterations proposed in SPA jurisdiction are allowed as discussed in response to the previous comment and are routinely approved by the Shore Protection Committee when such alterations meet the conditions for approval as stated at O.C.G.A. § 12-5-239(1). The proposed project is consistent with a vast number of previously authorized similar projects, and in fact it is common for proposed alterations in SPA jurisdiction to be approved that far exceed the minimal 213 ft² of hardscape that is proposed in this application. Approximately 95% of the jurisdictional area will remain in a natural or improved topographic and vegetative state when the Act only requires that one-third of the jurisdictional area remain in a natural or improved condition. An applicant possessing knowledge of the SPA jurisdiction limits prior to purchase or planning does not preclude them from developing a plan that includes impacts to the jurisdictional area, provided that they design and implement a site plan that complies with the Act, which is the case for this project.

We trust that this information addresses the questions generated by the public notice advertised for this project. Should you have any questions or require additional information, please contact me at your earliest convenience.

Sincerely,
RESOURCE & LAND CONSULTANTS

A handwritten signature in cursive script that reads "Daniel H. Bucey".

Daniel H. Bucey
Principal

cc: Mr. David Millican; DM-SI Properties, LLC
Ms. Bryce Brock; The Vine