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JOINT MEETING OF THE  
COASTAL MARSHLANDS and SHORE PROTECTION COMMITTEE  
July 28, 2023  
9:30 o'clock A.M.

GEORGIA DNR COASTAL REGIONAL OFFICE  
One Conservation Way  
Susan Shipman Building  
BRUNSWICK, GEORGIA 31520

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Midway, Georgia 31320  
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1 A P P E A R A N C E S

2  
3 COMMITTEE MEMBERS PRESENT:

4 WALTER RABON, CHAIRMAN  
5 BRAD BROOKSHIRE  
6 CHAD BARROW  
7 DAVIS POOLE  
8 DR. VALERIE HEPBURN

9 COASTAL RESOURCES STAFF PRESENT:

10 KARL BURGESS  
11 JILL ANDREWS  
12 JOSH NOBLE  
13 PAUL TOBLER  
14 DOUG HAYMANS  
15 DEB BARREIRO  
16 DIANA PATRICK  
17 BETH BYRNES

18 Also in Attendance:

19 ROBIN LEIGH, Attorney General Office

20 ANDREA HARTUNG, Attorney General Office

21 CORPORAL COLTE SHASKE, DNR Law Enforcement

1 [NOTE: A meeting having previously been scheduled as stated in  
2 the caption, proceeds as follows:]

3 INTERIM COMMISSIONER RABON: Good morning. Let's call the  
4 meeting to order. Welcome to everyone.

5 I would like to introduce Corporal Shaske, our law  
6 enforcement officer that's in attendance.

7 And then I will introduce myself, I'm Walter Rabon, the  
8 Interim Commissioner of the Department of Natural Resources, and  
9 a quick few bullets about myself. I've been with the Department  
10 for a little over thirty years now, serving in various roles. I  
11 do reside in Mansfield, Georgia up in Jasper County. The most  
12 important points I have to cover is my three sons have provided  
13 me with five grandchildren under the of age 2, and expecting a  
14 sixth in November. Now my wife is off my list, and I have  
15 covered the important stuff. But I will say it is an honor to  
16 serve with this Committee and to be a part of it today.

17 And as we move forward, we've got a very robust agenda. The  
18 order for the projects are as stated on the agenda. Today we  
19 have seven projects, four SPA applications and three CMPA  
20 applications.

21 The first project is a Shore Protection Act for the City of  
22 Tybee Island, construction and maintenance of a public amenities,  
23 Atlantic Ocean, Tybee Island, Chatham County, Georgia.

24 The second project, the Coastal Marshlands Protection Act,  
25 Bryan County Engineering Department, construction and maintenance

1 of a public marina and public amenities at an existing commercial  
2 facility, Bryan County, Fishermen's Co-Op, Kilkenny Creek, Bryan  
3 County, Georgia.

4 The third Item Is a Coastal Marshlands Protection Act, the  
5 City of Brunswick, Brunswick outfall improvements, City of  
6 Brunswick, Glynn County.

7 The fourth project, Coastal Marshlands Protection Act, John  
8 H. Irby and Sarah C. Irby, construction of a bulkhead, 260 West  
9 10<sup>th</sup> Street, Sea Island, Georgia, Black Banks River, Glynn  
10 County, Georgia.

11 The fifth project Is the a Shore Protection Act, Happiest  
12 Camper, LLC, removal and installation of native landscaping, 110  
13 East Twenty-Seventh Street, and a portion of the East  
14 Twenty-Seventh Street right of way, Atlantic Ocean, Sea Island,  
15 Glynn County, Georgia.

16 Our sixth project will be a Shore Protection Act, John C.  
17 Shelton, and Pamela A. Flick, removal and installation of native  
18 landscaping, removal of a portion of sandbags, and installation  
19 of a retaining wall, pool and spa, pool deck and coping, fire  
20 pit, and fencing, 4212 Thirteenth Street, Atlantic Ocean,  
21 St. Simons Island, Glynn County, Georgia.

22 And lastly, the seventh item will be Shore Protection Act,  
23 VMG properties, LLC, removal and installation of native  
24 landscaping and installation of a pool and spa, pool deck, house  
25 deck, and fencing, 826 Park Way, Atlantic Ocean, St. Simons

1 Island, Glynn County, Georgia.

2 And at this time, I would ask for a motion to approve the  
3 minutes from the May 19<sup>th</sup>, 2023 meeting.

4 MR. BARROW: I make a motion we approve the minutes from the  
5 May 19<sup>th</sup> meeting.

6 INTERIM COMMISSIONER RABON: We have a motion.

7 MR. BROOKSHIRE: Second.

8 INTERIM COMMISSIONER RABON: We have a second. Any  
9 discussion?

10 [NOTE: No response.]

11 INTERIM COMMISSIONER RABON: No discussion.

12 All in favor say aye.

13 MR. BROOKSHIRE: Aye.

14 MR. POOLE: Aye.

15 DR. HEPBURN: Aye.

16 MR. BARROW: Aye.

17 INTERIM COMMISSIONER RABON: Any opposed?

18 [NOTE: No response.]

19 INTERIM COMMISSIONER RABON: The motion carries.

20 Deb Barreiro will now present the City of Tybee Island's  
21 project.

22 MS. BARREIRO: Thank you.

23 The Shore Protection Act Permit 169 authorized the  
24 construction of most of the City of Tybee Island's public dune  
25 crosswalks.

1           The primary purpose of the public dune crosswalk structure  
2 is to provide access to the beach while maintaining the stability  
3 of any sand dunes it traverses. SPA Permit 169 did not authorize  
4 the construction of benches, pavilions, or swings.

5           I would like to present Alan Robertson. He's the agent for  
6 the City of Tybee, and he will be presenting it.

7           MR. ROBERTSON: Good morning, everyone. It's always a  
8 pleasure to be in front of you, and I appreciate your support of  
9 the City of Tybee Island as they try to improved resiliency of  
10 the island generally.

11           In this instance, as Deb said, we're looking for a permit to  
12 basically cover the various structures that are currently on the  
13 island, on the beach, and the crosswalks. Having not been here  
14 in history, I couldn't speak to how this all came to be. But  
15 what we're asking for are four projects.

16           We currently have benches on the crosswalks. We would like  
17 to maintain those. We removed a few of them when we maintained  
18 some crosswalks in the event of a beach nourishment. We would  
19 like to replace those.

20           We have two pavilions. One is on the north end and one is  
21 on the south end. We would like to maintain those. We have  
22 swings up and down the beach, mostly at the crosswalk entrances.  
23 They have fallen into disrepair, and as the dunes have accreted,  
24 some of them have been lost to the dunes. We would like to  
25 replace and maintain some of those.

1                   And fourthly, traditionally we have had three vendors of  
2 seasonal rental equipment, and of chairs and umbrellas. They  
3 keep their boxes on the beach. They store the umbrellas. They  
4 put them out every day during the season.

5                   In the past, they individually have come to the DNR for a  
6 letter of permission every year. The City of Tybee would like to  
7 take that over and manage that.

8                   The benches on the crosswalks, we have a lot of public  
9 comment on this; all very much in favor. We currently have two  
10 benches on every crosswalk, and they are towards the beach end of  
11 the crosswalks.

12                   What we're asking for is maintenance of one bench on  
13 crosswalks in the residential areas. They are an amenity that  
14 have been enjoyed primarily by the elderly and the handicapped.  
15 And that's who has come out in support of this.

16                   There's a long history of this. They've been there twenty  
17 plus years. Everybody speaks to the memories of being able to  
18 sit and enjoy the beach even if they can't quite get to the sand.

19                   They currently are on the beach end of the crosswalks. In  
20 working with DNR Staff, we would like to maintain them a 100 feet  
21 landward of the most seaward dune. It keeps them out of the  
22 sand-sharing system. They've all been marked. I've looked at  
23 them personally. They are all terrific views, ocean breeze;  
24 everything that people could want.

25                   We ask for one because two create too much congestion as

1 people are trying to get on the crosswalks and cross over. We  
2 say the south side because of the sun, just to keep it out of  
3 their faces.

4 We're proposing that they are built exactly as they are  
5 today, to the same specifications.

6 The swings are the same way. We would intend to simply  
7 replace what is existing there. Once again, they were put on the  
8 beach at the ends of the crosswalks. Working with DNR Staff,  
9 we're proposing that they be placed in residential areas, and in  
10 a manner that would minimize any potential impact to nesting sea  
11 turtles. That would be an obvious issue for any structures on  
12 the beach, would be getting in the way of nesting sea turtles.

13 We think that we've done a nice job at minimizing that risk.

14 The two pavilions, one is at 19<sup>th</sup> Street. One is up at  
15 North Beach. Nice size pavilions, again, offer shade and a nice  
16 place for primarily elderly and handicapped. Sometimes  
17 children's groups are hosted there. They are both extremely  
18 landward of the seaward dune; not really in the sand-sharing  
19 system at all. We would like to be able to maintain those.

20 And then finally, as I said, this is an example of the kind  
21 of rental equipment we have on the beach. Every season,  
22 primarily from St. Patrick's day to just after Labor Day, it's  
23 chairs and umbrellas, and you've seen the size of the boxes for  
24 storage.

25 Once again, the City believes that it has more control over



1 the placement of those boxes, where they are done, how close they  
2 are, and how much space it all takes up.

3 I believe the DNR gains in this by holding a city  
4 municipality responsible rather than three individual vendors.

5 The City perfectly well understands that were you to grant  
6 this application, the onus is them to make sure that things are  
7 done right, and maintained right. And we will put the processes  
8 into place to make sure that's done.

9 The total impact is minimal because it's up and down the  
10 three, three and a half miles of beach that we have.

11 MS. BARREIRO: Thank you, Alan.

12 Public notice of the Shore Protection Committee ran from  
13 June 17<sup>th</sup>, 2023 through July 16<sup>th</sup>, 2023. Public comments  
14 received during the public notice period included 159 form  
15 letters. There were two different actual versions of pretty much  
16 the same form letter. 33 emails, 8 individually written  
17 comments. The two form letters were supportive of the benches  
18 with most of the public comments referring to personal enjoyment  
19 of the public beach. Most of the letters also supported the  
20 swings.

21 There were 8 comments in favor of maintaining the pavilions.  
22 Four comments were critical of the storage of rental equipment on  
23 the beach. One individual also express concern for the impacts  
24 to sea turtle nesting habitat from the installation of swings on  
25 the beach.

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The agent has provided written comments for the comments received during the public notice.

Should the Committee find in the interest of the public interest, Department Staff to Committee make the following standard and special conditions associated with this project.

No. 1, dune crosswalk benches are authorized on permitted City of Tybee public access crosswalks in residentially zoned areas at Chatham Avenue, 13<sup>th</sup> Street, 12<sup>th</sup> Street, 11<sup>th</sup> Street, 10<sup>th</sup> Street, 9<sup>th</sup> Street, 8<sup>th</sup> Street, 7<sup>th</sup> Street, and 6<sup>th</sup> Street, as well as the ADA dune crosswalk at Eastgate.

To maintain the integrity of the seaward dunes, no crosswalk bench shall be located closer than 100 feet landward of the landward toe of the most seaward dune, as verified in the field by the Department prior to construction.

All permitted benches must be constructed on the south side of the dune crosswalk.

No more than one bench may be constructed on a permitted City of Tybee dune crosswalk. Each crosswalk bench will be no larger than 8' by 4'. No more than 3' by 8' of decking associated with extending the crosswalk on the southern side of the crosswalk is authorized to support the bench and the safety railings associated with each bench. No additional support pilings are authorized in association with the construction of these benches. The underside of the stringers associated with

1 the permitted benches must be no less than 3 feet above the  
2 existing vegetation of each location.

3 All existing benches shall be brought into compliance with  
4 the special conditions of this permit when maintenance is  
5 performed.

6 The two existing octagonal, covered pavilions associated  
7 with the existing public dune crosswalks located at 19<sup>th</sup> Street  
8 and North Beach can be maintained in their current footprint.

9 All swings shall be no less than 90 feet landward of the  
10 current ordinary high water line, no less than 10 feet seaward of  
11 the seaward toe of the most seaward dune, and may be no closer  
12 than 100 feet from the terminal end of the City of Tybee dune  
13 crosswalk. All existing swings that do not meet the criteria  
14 must be removed by cutting supports at the ground level using  
15 hand tools only. The lumber must be disposed of at an upland  
16 facility.

17 To help minimize risks to nesting sea turtles, the bottom of  
18 the swing must not rest on the beach.

19 No concrete is authorized in the construction of the  
20 permitted swings.

21 An annual assessment of the swings shall be conducted prior  
22 to sea turtle nesting season to identify any swings that do not  
23 meet the above criteria. The identified swings will be relocated  
24 or removed from the beach prior to May 1<sup>st</sup>.

25 All licensed beach rental vendors may place no more than two

1 10' by 15' by 4' wooden storage containers, no closer than  
2 50 feet seaward of the seaward toe of the most seaward dune, and  
3 not less than 100 feet landward of the ordinary high water at  
4 each approved location.

5 No beach rental vendors are authorized to drive on the beach  
6 under the permit. Each vendor must contact the Department for  
7 individual beach driving authorizations prior to placing and  
8 removing equipment.

9 In the case of an anticipated storm event, the City of Tybee  
10 shall ensure that all beach rental vendors remove all  
11 recreational equipment and storage containers.

12 INTERIM COMMISSIONER RABON: Thank you, Deb.

13 All right. Is there anyone that wishes to speak to this  
14 project that did not sign up ahead of time?

15 We've got one speaker, Ms. Jane Fraser.

16 Let me remind all of our speakers, please keep your comments  
17 specific to the project that's being reviewed at this time, and  
18 please keep your comments to three minutes or less.

19 Ms. Fraser.

20 MS. FRASER: I will not be commenting on this project.  
21 Thank you very much.

22 INTERIM COMMISSIONER RABON: Okay. Thank you.

23 Does the agent or the staff have any other topics they would  
24 like to discuss?

25 [NOTE: No response.]

1 INTERIM COMMISSIONER RABON: Hearing none, are there any  
2 questions or comments from the Committee?

3 MR. POOLE: I have a few, if I may.

4 Alan, so in today's environment, the vendors that are there,  
5 are they under a contract with the City of Tybee or a letter of  
6 permission?

7 MR. ROBERTSON: They are under a business license. So they  
8 apply in the City every year for a business license. They tell  
9 us where they're going to place, what equipment they're going to  
10 place, when they're going to place it.

11 Up to this point, they submit a letter of permission request  
12 to Deb or the DNR's approval of that.

13 MR. POOLE: Got it. And so if that relationship goes away,  
14 the City of Tybee takes it over. And so one more question would  
15 be will the locations vary on a day-by-day basis; or, are they  
16 going to be established?

17 MR. ROBERTSON: Yes, sir. The starting -- we have to  
18 develop a process by which the City manages this. We will start  
19 with their existing locations as you see them today, and as they  
20 have traditionally been.

21 You see the special conditions. What will be new is Deb,  
22 and probably Mark Dodd will come out every spring. The City  
23 tills the beach every spring in anticipation of turtle nesting  
24 season. Mark comes out and does a compaction test. Probably Deb  
25 will come out with him, and we'll not just do the compaction

1 test, but we will identify where the rental boxes are, how are  
2 the swings doing with the high tides and the dunes, and what  
3 conditions are your crosswalk benches in.

4 That's the intention. We will probably do that February or  
5 March.

6 MR. POOLE: Okay. No more questions.

7 INTERIM COMMISSIONER RABON: Mr. Barrow.

8 MR. BARROW: Yes, I have questions for the applicant.  
9 You're talk about maintenance of these once you get these done.  
10 What are the inspection intervals? Is this yearly, annually, or  
11 I mean, quarterly?

12 MR. ROBERTSON: Yes, the inspection cycles are annually. We  
13 typically go out in the spring, getting ready for the season. We  
14 examine the crosswalks, primarily the decking and handrails to  
15 see what kind of shape they're in.

16 What is most impactful is in the middle of the island,  
17 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, that's where the  
18 dunes accrete dramatically, if you've been down there. They are  
19 the highest dunes. They grow quickly. We always have to watch  
20 that the crosswalk meets its function, and does not clog up with  
21 sand. Occasionally what we have to do is take off the seaward  
22 end and lift it up three feet, and extend it out over the dune  
23 where the dune wants to grow.

24 We do that every, we do that every spring.

25 MR. BARROW: Thank you. Also you mentioned about some

1 swings, some existing swings that need to be removed. How many  
2 of those do you know you need to do away with?

3 MR. ROBERTSON: Well, the intention is we would remove all  
4 of the swings, just to start from scratch.

5 MR. BARROW: Gotcha.

6 MR. ROBERTSON: And then we would build where the Committee  
7 would allow us to build.

8 MR. BARROW: And the last question. When is all this work  
9 going to take place?

10 MR. ROBERTSON: If the Committee approves this, there's a  
11 30-day stay. So that would be -- you are effectively into Labor  
12 Day. Working with the staff, if they would allow us to build  
13 during the end of turtle season, which is November 1<sup>st</sup>, we  
14 could do some of the benches because they are way landward of the  
15 seaward toe of the dune. But it could be that we would do it in  
16 the offseason, say between November 1<sup>st</sup> and March. We  
17 typically go to May 1<sup>st</sup>, which is the start of the turtle  
18 season.

19 Everything we do is always off turtle season.

20 MR. BARROW: Thank you.

21 DR. HEPBURN: Just following up on Mr. Poole's inquiry about  
22 the vendors, the proposal that you've submitted says you will do  
23 up to three vendors.

24 MR. ROBERTSON: Yes.

25 DR. HEPBURN: But I don't see anything in the special

1 conditions that we are limiting them. So it's possible that the  
2 City could decide this is a pretty good deal. We could put more  
3 vendors out here.

4 MR. ROBERTSON: Yes, highly unlikely.

5 DR. HEPBURN: True. But is it appropriate for us to  
6 potentially impose that limitation in keeping with the  
7 applications?

8 MS. BARREIRO: One thing that was considered is that the  
9 locations that are identified in the permit are in the commercial  
10 district. And the commercial vendors are limited to the  
11 commercial district with their business licenses.

12 DR. HEPBURN: That is true, Deb. But would it -- you could  
13 have five vendors.

14 MS. BARREIRO: True.

15 MR. ROBERTSON: Tybee has a -- Tybee has, currently on its  
16 municipal code, it has an ordinance that there will be no more  
17 vendors. That can always change.

18 DR. HEPBURN: Right. I mean, I'm sort of thinking forward.  
19 Again, I think you intend to limit it; just wanted to be sure  
20 that we don't inadvertently let a subsequent administration be  
21 less conscientious.

22 INTERIM COMMISSIONER RABON: Any other questions or  
23 comments?

24 DR. HEPBURN: I'm just curious; not that it's relevant to  
25 this, how did all of this happen without being permitted over the



1 years that --

2 MS. BARREIRO: Over the years during the off season, I would  
3 say that there were downtimes. And people looked to do things  
4 that maybe filled their days. And maybe afforded them amenities  
5 that they did not know or chose not to get authorized. They did  
6 not consult with us. But during the past decade, our  
7 relationship with the City of Tybee has improved greatly. And we  
8 have the support of the city manager, the acting city manager,  
9 and the mayor. And we've been given the opportunity to work with  
10 the consultant who actually coordinates with us on a regular  
11 basis, which is much different than in the past.

12 It was always something that was tacked on to the additional  
13 responsibilities of someone else's job. And they had enough to  
14 do with their job let alone to coordinate with the Department on  
15 a regular basis.

16 So, having had the opportunity to work with the contract  
17 consultant at the City on their request has really facilitated  
18 helping the City move forward, and bring all the projects into  
19 compliance.

20 MR. POOLE: One more thing. To Dr. Hepburn's comments,  
21 these are -- in reading through the comments, it looks like  
22 they've been there for decades.

23 MR. ROBERTSON: They have been. They have been.

24 MS. BARREIRO: And one of the things was when they were  
25 identified, we didn't talk about removing them at that time, but

1 when maintenance would be performed, they would be removed and  
2 brought into compliance at that time.

3 So they were built, we saw them and in the effort to maybe  
4 work with the City, we identified that as an issue. And then  
5 moving forward, we started removing benches. And, you know,  
6 we've been removing benches for the last five years during  
7 maintenance periods.

8 And then it sort of it hit a critical mass. And that's when  
9 the community started to recognize the fact that the benches and  
10 swings were going away. And that's when we started to work with  
11 the City to figure out how to authorize them.

12 MR. POOLE: Thank you.

13 INTERIM COMMISSIONER RABON: Any other questions or comments  
14 of the Committee?

15 [NOTE: No response.]

16 INTERIM COMMISSIONER RABON: Hearing none, I will entertain  
17 a motion.

18 MR. POOLE: I make a motion to approve the City of Tybee  
19 Island's construction and maintenances of public amenities  
20 Atlantic Ocean, Tybee Island, Chatham County, Georgia with  
21 regular and special conditions.

22 INTERIM COMMISSIONER RABON: I have a motion. Do I have a  
23 second?

24 MR. BARROW: Second.

25 INTERIM COMMISSIONER RABON: I have a second. Any

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discussion?

[NOTE: No response.]

INTERIM COMMISSIONER RABON: Hearing no discussion, all in favor say aye.

MR. POOLE: Aye.

DR. HEPBURN: Aye.

MR. BARROW: Aye.

MR. BROOKSHIRE: Aye.

INTERIM COMMISSIONER RABON: Any opposed?

[NOTE: No response.]

INTERIM COMMISSIONER RABON: Hearing none, the motion passes.

Deb, I believe you've got Bryan County Engineering Department.

MS. BARREIRO: Thank you.

The next project is Bryan County Engineering, the project is located at Bryan County Fisherman's Co-Op Road on Kilkenny Creek in Bryan County, Georgia.

The proposed project is construct and maintain a public marina, and associated public amenities including a wharf, fishing pier, boat ramp, service docks, recreational trails, wildlife viewing platforms at the existing commercial facility.

I would like to introduce Stuart Sligh. He is the agent for the applicant.

MR. SLIGH: Thank you, Deb.

1 Good morning. My name is Stuart Sligh. I am here  
2 representing Bryan County, the applicant for the proposed  
3 project. I'm also joined by Mr. John Giordano, who is the project  
4 engineer with Thomas & Hutton.

5 The proposed project is located at the end of Bryan County  
6 Fisherman's Co-Op Road at the site of the old Fisherman's  
7 Co-Operative adjacent to Kilkenny Creek in Bryan County, Georgia.  
8 The project is a redevelopment of the old co-op into a  
9 recreational public area with water access facilities, fishing  
10 pier, and service docks, recreational walking trails, and  
11 wildlife viewing platforms.

12 The co-op ceased operations in the early 2000. The previous  
13 CMPA Permit No. 533 was issued in 2006 authorizing a 185-unit  
14 condominium development, 1490 feet of floating docks, concrete  
15 boat launching pads, and 225 boat dry-stack storage facility on  
16 this same site. The project was never initiated and the permit  
17 has since expired.

18 Bryan County purchased the 20-acre site in 2020 as part of  
19 their comprehensive plan. The goals were to provide additional  
20 public water access facility.

21 The project includes replacing a 70 by 100-foot wharf within  
22 the existing footprint, adding a 30 by 30 covered pavilion. On  
23 the north side of the platform, the applicant proposes a 10 by  
24 110-foot long floating dock. On the south side of the platform,  
25 the applicant proposes a 10 by 100-foot long public fishing pier.

1 The applicant also proposes to remove 18,119 square feet of  
2 dilapidated dock, concrete retaining wall, and foundation, and an  
3 old barge from coastal marshlands as part of the redevelopment.

4 On the south side of the project, the applicant proposes a  
5 four-lane concrete boat ramp with 6 by 120-foot long floating  
6 service docks extending north and south at the end of the ramp.

7 The project also includes elevated board walks, connected to  
8 wildlife viewing platforms with benches.

9 The total impacts to coastal marshlands for the  
10 above-described public facilities total 0.75 acres.

11 The marshlands buffer totals 7.24 acres. The applicant  
12 proposes to remove 40,468 square feet of asphalt road and  
13 parking, and replace with 46,420 square feet of road, parking,  
14 boat trailer parking within the upland buffer.

15 Other amenities within the buffer include public rest rooms,  
16 earthen trails, bio retention swales. Total impact to the  
17 marshlands buffer totals 1.4 acres. The remaining 6.18 acres is  
18 to be left in the natural vegetated state.

19 We agree with Staff's findings and recommendations, and  
20 permit conditions. And we're pleased to answer any questions.

21 MS. BARREIRO: Thank you.

22 MR. SLIGH: Thank you.

23 MS. BARREIRO: Thank you, Stuart.

24 The public notice of the Coastal Marshlands Protection  
25 Committee ran from April 6<sup>th</sup>, 2023 to May 6<sup>th</sup>, 2023. No

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comments were received in response to the public notice.

Should the Committee consider the project to be in the public interest, Staff recommends the standard and special conditions.

The permitted facility is for recreational use only.

The proposed 6 by 618-foot pile supported, elevated walkway across vegetated jurisdictional marshlands is not permitted. The applicant must submit a revised plan to the Department depicting this change prior to commencing with construction.

The permittee shall permanently post and maintain an informational display sign for Right Whales. Instructions for installation and placement procedure of this sign are enclosed. The sign must be approved by the Department.

Permittee must install manatee awareness signage during construction of this facility, and shall adhere to the standard manatee conditions and procedures for aquatic construction as approved by the Savannah District Office of the U.S. Army Corps of Engineers, U.S. Fish and Wildlife, and the Georgia Department of Natural Resources.

Permittee may be required to provide a post-construction survey.

Thank you.

INTERIM COMMISSIONER RABON: All right. We have two speakers signed up. Is there anyone that did not sign up to speak to the Bryan County project?

1 With that in mind, we have Mr. Giordano. Did I butcher that?

2 MR. GIORDANO: I'm with Stuart. I'm here on behalf of the  
3 applicant.

4 INTERIM COMMISSIONER RABON: Okay. Very good. And then  
5 Ms. Fraser.

6 MS. FRASER: I was confused by the card. I want to  
7 apologize. It asked me what I was speaking on, and I didn't --  
8 so we wonder if we can improve this card so people who don't  
9 know, and like you just did, ask if anyone from the public would  
10 like to speak.

11 Thank you very much. I apologize for taking up your time.

12 INTERIM COMMISSIONER RABON: Thank you.

13 All right. So no public comments. Any questions or  
14 comments from the Committee?

15 MR. POOLE: I have one. Good morning. So today it belongs  
16 to Bryan County; correct?

17 MS. BARREIRO: Yes, it does.

18 MR. POOLE: The public access point, how does that stay in  
19 perpetuity? And I only ask that because I've been involved in  
20 one in McIntosh, and it's a county-owned project. But it was put  
21 into a trust back in the early 1900s. And it's a great model for  
22 public access that can never be converted into private. I'm just  
23 curious if this has ever been considered.

24 MR. SLIGH: I don't know. We can certainly find out. Bryan  
25 County is not here today, unfortunately, but we can certainly

1 find out. But I can tell you it was part of their comprehensive  
2 plan in 2018 to find public water access. Recreational  
3 facilities is a part of their goal.

4 So that's how this came about. And, you know, we certainly  
5 think it's a great public project. And how, 50 years from now, I  
6 don't know, but it's some sort of trust.

7 MR. POOLE: I would agree. Just look at it.

8 MR. SLIGH: Certainly. We'll certainly follow up and talk  
9 about that. Thank you.

10 MR. GIORDANO: I'll add that the access component is a goal  
11 of the project.

12 MR. POOLE: Awesome.

13 MR. GIORDANO: As is funding the boat ramps, and the public  
14 access facilities.

15 MR. POOLE: Good enough. Thank you.

16 MS. BARREIRO: And any permit would need to be transferred.  
17 So it would have to go through legal review as well.

18 MR. POOLE: Awesome.

19 DR. HEPBURN: I just think we commend the County for saving  
20 us from a lot of condominiums and putting in a really nice  
21 recreational project. So please take back both Mr. Poole's  
22 recommendation and our commendations for coming up with it, and  
23 Deb for you guys getting rid of that elevated walkway.

24 We appreciate that. That comforts us. And if there aren't  
25 other questions, I'm happy to make the motion that we approve it



1 with the regular and special conditions. Thank you.

2 INTERIM COMMISSIONER RABON: I have a motion.

3 MR. BROOKSHIRE: Second.

4 INTERIM COMMISSIONER RABON: Any discussion?

5 [NOTE: No response.]

6 INTERIM COMMISSIONER RABON: Hearing no discussion, all in  
7 favor say aye.

8 MR. BROOKSHIRE: Aye.

9 DR. HEPBURN: Aye.

10 MR. POOLE: Aye.

11 MR. BARROW: Aye.

12 INTERIM COMMISSIONER RABON: Any opposed, like sign.

13 [NOTE: No response.]

14 INTERIM COMMISSIONER RABON: The motion carries.

15 All right. Paul.

16 MR. TOBLER: Thank you, Commissioner.

17 So we have a CMPA application. The applicant is the City of  
18 Brunswick. The project locations, there are multiple locations,  
19 on the Back River, and the Marshes of Terry Creek in the City of  
20 Brunswick, Glynn County, Georgia.

21 One of the project locations is the eastern most terminus of  
22 Parkwood Drive, right next to the St. Marks Towers, the outfall  
23 there. The other six outfalls are located in the Riverside  
24 Subdivision.

25 The proposed project is to improve all seven stormwater

1 outfalls within the City of Brunswick, Glynn County, Georgia.

2 Now I would like to introduce Ben Pierce with GWES  
3 Engineering.

4 MR. PIERCE: Thank you, Paul.

5 Yes, my name is Ben Pierce. I'm with GWES. We are the  
6 engineer of record on the project, representing the City of  
7 Brunswick.

8 And as Paul was mentioning, there are seven total outfalls  
9 that the City has programmed to improve; six of which are in the  
10 Riverside community, and one is at the end of Parkwood Drive.

11 This is the improvement schematic here of the outfall at  
12 Parkwood Drive to replace the existing head wall with a new head  
13 wall with tide gates keeping the existing underground storm sewer  
14 system currently in place.

15 The other community, Riverside, there are several  
16 improvements to the existing outfalls. Many are in conditions  
17 where there is no in-treatments, no head walls, no in-protection,  
18 no erosion protection. And the improvements are going to include  
19 in many of these locations improvements to the head wall,  
20 replacing the older system, creating a new tide gate at the end  
21 of the storm sewer system, and providing some erosion prevention  
22 around each outfall.

23 Over on St. Catherine's Lane, very similar application,  
24 replacing the older pipe with a new head wall And a new tide flex  
25 tide gate as well as erosion prevention around it.

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Very similar situations at Black Beard Circle.

At 5018 Riverside Drive, we've identified some temporary areas outside of the permanent impacts where we're just trying to provide some extra room for construction activities to mobilize.

Again, a very similar situation at the end at 5031 Riverside Drive, just making those outfall improvements.

Sapelo island, Sapelo Island Drive, this is a little bit further out from the paved area, but going and replacing that outfall system with a new head wall, tide flex, tide gate and erosion prevention as well.

MR. TOBLER: Thank you, Ben.

The public notice of the Coastal Marshlands Protection Act Committee ran from June 17<sup>th</sup>, 2023 to July 16<sup>th</sup>, 2023. One comment was received. The commenter express concerns that having tide control structures on the outfalls would increase the flooding problems during higher than average tides.

The agent provided a written response.

Should the Committee find this in the public interest, Staff recommends the following special conditions.

The permittee will be required to provide a post-construction survey to the Department upon completion of the permitted activity. The survey shall comply with the Georgia Plat Act.

No. 2, dredging in CMPA jurisdictional areas is not authorized with this permit.

1           No. 3, the permittee must install manatee awareness signage  
2 during construction of the project, and shall adhere to standard  
3 manatee conditions and procedures for proper aquatic construction  
4 as approved by the Savannah District Office of the U.S. Army  
5 Corps of Engineers, U.S. Fish and Wildlife Service, and the  
6 Georgia Department of Natural Resource.

7           No. 4, erosion control structures, such as silt fences, must  
8 be maintained during construction, and removed immediately once  
9 construction is completed at each individual site.

10           INTERIM COMMISSIONER RABON: All right. We one speaker  
11 signed up for public comment. Mr.Hunt.

12           MR. HART: Hart. Didn't I close my A, H A?

13           INTERIM COMMISSIONER RABON: Mr.Hart.

14           MR. HART: I'm sorry. My wife complains constantly.

15           I've got some pictures I'd like to pass out just to show you  
16 what the flooding situation is. My name is Hal Hart.

17           I live at 106 Talahi Island Lane in Riverside. I love where  
18 I live, I'll tell you. You can talk to anybody on Riverside, and  
19 they'll tell you the same thing. It is paradise.

20           Paradise has its perils, and flooding is one of them.  
21 Hurricanes are another. The pictures I'm passing out are not  
22 hurricane pictures. They are 8-foot tides with a nor'easter that  
23 kills us. This is a tide table that's marked 8-foot tides. It  
24 shamelessly advertises my business. I apologize for that.

25           I don't know if these projects are going to help my house

1 specifically. The pictures I'm passing out, the road in front of  
2 our house, Riverside Drive, goes under water. I've got pictures  
3 of people driving through it. I don't know if they don't know  
4 about salt water, what it does to a car, but I've replaced brakes  
5 on my truck twice. My van, I've replaced brake lines.

6 Hopefully you guys will pass this. I don't know -- again, I  
7 don't know if this will help me. It will help my neighbors, I  
8 think. I know Rob has got some questions, legitimate questions.

9 I hope that the City of Brunswick, y'all can coerce the City  
10 of Brunswick to raise Riverside Drive. Nobody should have to  
11 drive through salt water. And this is -- as you'll see from the  
12 tide tables, it's a coming thing.

13 And climate warming, I don't know if that's -- I've never  
14 seen it. I've lived here all my life. I have never seen so many  
15 8-foot tides in what we've had in the last four or five years.  
16 It's incredible. And I'm sure it's a cycle, and hopefully it  
17 will go back down.

18 But I appreciate speaking in front of you. Any questions  
19 you may have for me?

20 [NOTE: No response.]

21 MR. HART: Thank you very much.

22 INTERIM COMMISSIONER RABON: Thank you, Mr.Hart.

23 MR. HART: I appreciate it, Paul.

24 MR. TOBLER: Yes, sir, thank you.

25 INTERIM COMMISSIONER RABON: Is anyone else that would wish

1 to speak to this project?

2 Would the agent like to respond to the comment? It seems  
3 favorable.

4 MR. BUCEY: Yes. The City of Brunswick is intending to  
5 improve the stormwater condition as it's flowing out into the  
6 tidal areas. And Mr.Hart is right. Yes, these project areas are  
7 not in his area of the neighborhood, but certainly will improve  
8 stormwater flow as it goes -- as it's leaving the subdivision out  
9 into the marsh as well as preventing the tide from coming back  
10 into the stormwater system, which not only has flowing aspects,  
11 but also deposit silt and erosion into those storm sewer systems.  
12 And that's a continuing maintenance issue.

13 INTERIM COMMISSIONER RABON: Okay. Paul, anything you would  
14 like to follow up with?

15 MR. TOBLER: Just to address one of Mr.Hart's comments. We  
16 recently did a jurisdictional determination for a section of  
17 Riverside Drive to raise the road. And I'm not sure when that  
18 project is coming, but we did the JD line. And they are plaining  
19 on raising a section of that road.

20 INTERIM COMMISSIONER RABON: Any questions or comments from  
21 the Committee?

22 [NOTE: No response.]

23 INTERIM COMMISSIONER RABON: No questions or comments, I  
24 will entertain a motion.

25 DR. HEPBURN: I make a motion that we approve the project

1 with the special conditions, and hope that the outfalls will work  
2 this time as opposed to just sitting there.

3 So thank you.

4 INTERIM COMMISSIONER RABON: I have a motion. Can I get a  
5 second?

6 MR. BROOKSHIRE: Second.

7 INTERIM COMMISSIONER RABON: Thank you, sir. Any  
8 discussion?

9 [NOTE: No response.]

10 INTERIM COMMISSIONER RABON: Hearing no discussion, all in  
11 favor of the motion say aye.

12 MR. POOLE: Aye.

13 DR. HEPBURN: Aye.

14 MR. BROOKSHIRE: Aye.

15 MR. BARROW: Aye.

16 INTERIM COMMISSIONER RABON: Any opposed?

17 [NOTE: No response.]

18 INTERIM COMMISSIONER RABON: The motion carries.

19 Paul, I think you have our next project as well.

20 MR. TOBLER: Thanks again, Mr. Commissioner.

21 This is a CMPA application project. The applicants are John  
22 H. Irby and Sarah C. Irby.

23 The project location is 260 West Tenth Street, Sea Island,  
24 Black Banks River, Glynn County, Georgia.

25 The project description is the proposed project is to

1 construct a bulkhead. The proposed project is under a tenth of  
2 an acre, and therefore may be considered a minor alteration of  
3 the coastal marshlands under the Official Code of Georgia,  
4 12-5-280.

5 Three CMPC members requested the project be brought before  
6 the Committee for a full consideration.

7 Now I would like to introduce Dan Bucey, the agent from  
8 Resource and Land Consultants.

9 MR. BUCEY: Good morning, my name is Dan Bucey with Resource  
10 and Land Consultants. With me today is Judd Turner, counsel for  
11 Mr.Irby, that will speak to some of the permit history on this  
12 project.

13 As Paul stated, the project is located on Tenth Street on  
14 Sea Island. Some aerial photographs, please note in this  
15 particular photograph the existing bulkhead north of Mr.Irby's  
16 lot and also south of Mr.Irby's lot.

17 The project site, Mr.Irby has lived there for close to 50  
18 years, currently landscaped, has a pool and a house, portions of  
19 which are in the 50-foot upland buffer that we'll speak to later.

20 Here's the site plans showing the upland component buffer,  
21 would be this red line. And the proposed bulkhead is closely  
22 following the jurisdiction line, which is the heavier black line.  
23 And you can see existing portions of the pool deck and house are  
24 within the 50-foot upland component buffer, along with a small  
25 fire pit.



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The marshlands component of the project consists of constructing a bulkhead in jurisdiction for shoreline protection along 153 linear feet of the shoreline abutting his lot.

The impacts would be 153 square feet of marshlands with 1.89 cubic yards of backfill below the high tide line, which would be 12/1000<sup>th</sup> of a cubic foot per running foot along the length of the project.

The upland component of the project consists of the 50-yard area landward of the -- consisting of an existing lawn, landscaping, and existing structures, including a portion of the masonry wall, a dock walkway, concrete pool deck, fire pit, and then portions of residential dwelling.

The activities proposed within the upland buffer include the temporary impacts necessary for the construction of the wall, staging of materials and installation of the tieback system.

The total temporary impacts in the upland component would be 1,033 square feet. The disturbed area would be landscaped with native species upon completion of the bulkhead construction.

No additional structures are proposed within the upland component.

There's some photographs taken by Staff. I think that was January, February of last year, or this year, excuse me.

You see the lawn on this particular photograph. To the right, you can see the neighbor's bulkhead and the difference in the elevation of the lots. And the marsh line for Mr. Irby will

1 be just down in this general area. There's a nontidal vegetation  
2 growing above the marsh line.

3 These additional photos, we provided to show the need for  
4 Mr. Irby's particular situation on his lot.

5 In the Staff's findings, it was asserted there was no  
6 visibly erosion on the property, which is the case. Mr. Irby has  
7 a subsidence problem, which shows the purpose and need for this  
8 project.

9 This palm tree has been at this lot. This is not recently  
10 planted. This palm tree used to be level along with his lawn and  
11 you can see how much it drops off there now.

12 The second photo to the right, a little hard to see, but  
13 this black thing right here is a water junction box that was  
14 installed for providing water to the dock that we permitted back  
15 in '14, I believe. And when they installed this particular box,  
16 the top of that box was level with the decking. And you can see  
17 it has dropped over a foot.

18 When I delineated, re-delineated the property several years  
19 ago, the box was actually sloped toward the marsh. So they have  
20 leveled it out, but it has significantly dropped.

21 Here are cracks developing in his pool deck. And you can  
22 see they are not on the grout line coming across, which is a good  
23 indication of subsidence. There is a very large crack going  
24 right down the center, again, across, not on the grout line, but  
25 across the center line of the tiles.

1           The photograph on the right would be the neighbors to the  
2 south. And they're both in, I guess, I'll just show the  
3 conditions of the neighbors to the north.

4           At this time, Mr. Turner is going to speak to some of the  
5 history of this project.

6           Judd.

7           MR. TURNER: Good morning. It's good to see everybody.  
8 Judd Turner representing the Irbys in this matter. And I really  
9 just wanted to, first on behalf John and Sarah, we thank the  
10 Department for working with us on this, because there's not a  
11 complication related to the upland component. We appreciate the  
12 ability to process this. It has been a long road for a lot of  
13 the bulkhead applicants.

14           And I know the Department is working procedurally to move  
15 from the licensure mechanism that was used historically for  
16 bulkheads to coming to you guys of the Committee. And so I know  
17 that there are discussions about applicants that have upland  
18 components, and therefore some of that work is continuing within  
19 the Department. But because Mr. Irby, Sarah and John, don't have  
20 anything other than the tiebacks into the upland plan, there's  
21 not an upland component complexity.

22           So we thank you for processing the application. It has been  
23 a long road. I think Mr. Irby's original application for  
24 licensure is like three years. So I thought he reapplied through  
25 the permit process in November of last year. So it has been

1 eight months.

2 However, the recommendation that came out, and the reason  
3 that I'm here to address a few points relates to the Staff's  
4 recommendation and findings.

5 No. 1, I don't know that this is clearly -- I think the  
6 staff's approach was to look for active erosion, and you see that  
7 in the context with a tidal creek. But in many of the lots of  
8 which we looked at, I mean, he's got bulkheads -- my client has  
9 got bulkheads that have been permitted through the licensure  
10 procedure on the right and left of him.

11 And so it not a situation where you have an active eroding  
12 bank for a tidal creek, but you have a subsidence problem. And I  
13 think the evidence is clear.

14 I don't know if Staff looked at that. Certainly we were not  
15 asked for that evidence in the process. And we were happy to  
16 provide it. But as we move from a -- and I understand in my  
17 previous life as EPD director, I dealt with that 25-foot buffer  
18 that runs landward of the CMPA line.

19 And so I'd like to just briefly address the two issues. One  
20 is that characterization by Staff that this application is an  
21 application to fill marshland to put in the bulkhead in  
22 jurisdiction for a residential use. And we just object to that  
23 characterization.

24 The statute does provide that language, that fill for an  
25 industrial, commercial, or residential use is presumed to be not

1 in the public interest. But that determination is for this  
2 Committee to make.

3 What would I tell you, however, is we have been consistent  
4 in this application, and I believe in the licensure procedures  
5 that the staff used prior to look at these bulkheads of which are  
6 permitted up and down Sea Island as shore stabilization. And in  
7 this case, and in most of the cases that I'm aware of on Sea  
8 Island, it's a subsidence question.

9 Most of them you're going to have a lawn coming down and  
10 transitioning into the marsh grass. But that root ball that the  
11 picture was shown -- I don't know how to operate this thing --  
12 yeah, that one is, you know, I think it's prototypical evidence  
13 of subsidence.

14 And I don't know how we didn't get that worked out with  
15 Staff ahead of time, but we are where we are. I think this  
16 evidence is clear. And this is not -- if you think about the  
17 purpose of the act, this is not to extend your lawn into the  
18 marsh to get more room to build a pool, to build -- to have a  
19 larger -- that's what that language in the Act is for.

20 So stabilize what you have is not that. And it is not  
21 contrary to the public interest, and it's consistent with what  
22 the staff viewed these other bulkheads that had been permitted  
23 through the licensure procedure.

24 And I would say if this Committee -- and I understand the  
25 procedural change to move from a licensure to a permit through

1 the CMPA and through your Committee. I understand that. But if  
2 you were to find that Mr. Irby's is for a residential use, thus  
3 contrary to that, I would question every bulkhead on Sea Island  
4 underpinning authorization.

5 I don't think we have that problem, because I think those  
6 were appropriately permitted for shore stabilization, and this  
7 should be appropriately permitted. But it is unfortunate that we  
8 had a recommendation that was not for approval kicked to the  
9 Committee, and left this question about residential use.

10 So that's one.

11 My second point I need to make is there's a lot of  
12 discussion about alternatives. Could you build this wall in the  
13 upland? Could you come back a foot and build in the upland? The  
14 answer to that is that's not a reasonable alternative for the  
15 landowner to need to do.

16 First, the Irbys would have to get a variance from EPD,  
17 which has not been the procedure before. EPD is under -- having  
18 been the director and led the agency, I dealt with many of these.  
19 In fact, I was director when we reestablished the way to measure  
20 the buffer for the marshland. For a while, it was only from  
21 wrested vegetation and its application with coast was  
22 particularly bad, because in many cases wrested vegetation, as  
23 you all know, is out here somewhere in the marsh where the creek  
24 is running. But the real CMPA line is where the buffer should be  
25 measured from.

1           So we amended the statute when I was director to recognize  
2           that 20-foot upland buffer for E and S protection, measure from  
3           the CMPA line. And in that statute, it was anticipated and  
4           understood that there will be projects like bulkheads in the  
5           jurisdictional marsh that tie back into the buffer. And so in  
6           those cases, where there's a Coastal Marshlands permit the  
7           E and S requirement, you don't need -- you don't have to get a  
8           variance for upland impacts.

9           So it's anticipated in those amendments that in the case of  
10          a buffer -- I mean, in the case of a permit from the Committee,  
11          you would also need to get a variance for that tieback.

12          So but the applicant is in a position, we were clear in our  
13          response to comments from the staff on this, that it is not a  
14          reasonable alternative to be forced to move into your upland to  
15          protect your upland. It actually is more invasive to trench out  
16          and do that work, you know, a foot or two back into your upland.  
17          You are tying into bulkheads that are on either side of you that  
18          are already in jurisdiction.

19          And furthermore, you've got EPD who is under a strict --  
20          when you get a buffer variance, it's not much discretion for the  
21          director. It has to fit in a category. The only category that  
22          I'm aware of is that it would be a structure that has to be in  
23          the buffer. For EPD, I can tell you having talked to Staff,  
24          their answer well, you don't have to be in the buffer. You can  
25          historically put a bulkhead right in the edge of CMPA

1 jurisdiction.

2 So, there's no ground for -- so we've got two agency doing  
3 this. It needs to be fixed, but it doesn't need to be Mr. Irby  
4 who has been trying to follow the law here and get a permit, and  
5 do it the right way is left with this recommendation.

6 So, on behalf of my client, we hope that there's ample  
7 evidence of subsidence presented here today for the Committee to  
8 find that it is a shore stabilization project. This is not an  
9 extension of some lawn into the marsh.

10 And also, I would ask, as a lawyer, that the Committee find  
11 the appropriate additional findings that would be contrary to the  
12 characterization this is a bulkhead for a residential use, but  
13 instead a shore stabilization.

14 So thank you for the chance to address those issues. And  
15 again, we appreciate working with Staff. I know it's a  
16 transition period. So some of these things have to be worked  
17 out, but the recommendation does present some challenges as  
18 worded.

19 INTERIM COMMISSIONER RABON: Okay. Thank you, Judd.  
20 We have one speaker, Mr. Kilgore.

21 MR. KILGORE: thank you for the opportunity to address this  
22 body. I have a fair amount of experience serving on boards, and  
23 dealing with rules, laws, regulations, compliance. In my  
24 experience, when you begin to grant variances and violations, and  
25 permit things that are beyond what the ordinance or the law



1 permits, then you have an erosion of your authority, and you  
2 have -- as has just been pointed out -- that there's bulkheads  
3 and structures that have been permitted over time. It's three  
4 feet into the JD, into the jurisdictional area today. It's five  
5 feet, a month from now. Seven feet, and then ten feet.

6 At some point you're going to have to say no. And so I'm  
7 just -- I'm not here to comment on the Irby application. I had  
8 to sign in to speak on some issue. And so I picked the first  
9 one.

10 I understand totally a landowner, a property owner's  
11 inclination to maximize the aesthetic appeal of the yard and to  
12 protect the property from erosion. So I'm not speaking  
13 necessarily in opposition to anything other than we as common  
14 citizens look to this agency for enforcement. And when you grant  
15 special permits and accommodations, we lose faith and competence  
16 in our institutions.

17 And so I just ask that as you -- this is a relatively new  
18 group. And so I just wanted to take the opportunity to say  
19 please be mindful of what we as citizens are looking for you to  
20 do in terms of enforcement and protection, both under the SPA and  
21 the CMPA.

22 Thank you very much.

23 INTERIM COMMISSIONER RABON: Please keep your comments to  
24 this project.

25 MS. FRASER: Thank you very much. My name is Jane Fraser.

1 I live on the marsh at 16<sup>th</sup> Street on Sea Island. So I am only  
2 six blocks from where this project is going to take place.

3 I am on the marsh, as I said. And I, too, have noticed  
4 erosion. And my solution has been native plants, wax myrtles. I  
5 lived through two hurricanes. So I saw what the water can do.

6 So rather than putting a bulkhead, which will be eaten out  
7 from underneath -- and by the way, I do believe that Sea Island  
8 is subsiding. My neighbor on the 16<sup>th</sup> has a floor which is  
9 cracking. So this was not a problem just because of the Irbys'  
10 home, but it is a problem on Sea Island.

11 I don't think bulkheads are the solution. I think that  
12 natural vegetation is. We've seen over and over again these  
13 applications to destroy the natural habitat. We've seen the  
14 disappearance of the wildlife. And so we would hope, too, that  
15 this Committee would chose this opportunity. And I agree that  
16 Mr.Irby should have the right to protect his property. It is the  
17 first time that I have seen an actual bulkhead be proposed in the  
18 marsh. To me, it's in the marsh.

19 I did ask to visit the property. I was not allowed to. And  
20 I understand that. They live there. They don't want people  
21 coming in their backyard. But I think if you are on the agenda,  
22 that you are opening yourself up at least for inspection.

23 So I would have liked to have seen it before my comments.  
24 But because I'm only six blocks up, I'm definitely affected by  
25 this bulkhead. And so are my neighbors. One of my neighbors is

1 my children. They are also on the marsh. So that's four of us.

2 So thank you very much for your consideration. Thank you  
3 for your time.

4 INTERIM COMMISSIONER RABON: Thank you, Ms. Fraser.  
5 Does the agent chose to reply?

6 MR. BUCEY: In response to Ms. Fraser's comment about  
7 vegetation, we already have a vegetated shoreline, a little  
8 shadowy, but, you know, there's a band of nontidal plants, and  
9 the marsh line is just in front of this. There are some myrtles  
10 and other, you know, it's heavily vegetated. The problem is not  
11 a surface erosion problem. It's an underneath subsidence. The  
12 tide comes up; it recedes every day. It pulls those vines out of  
13 that soil, and then it collapses.

14 Now Mr.Irby has a very fine landscaping crew. I did a  
15 permit last year that didn't involve the marsh. It was a Corps  
16 of Engineers permit only for Mr.Holmes on 29<sup>th</sup> Street. His  
17 landscapers are not as good. And you can see multiple pockets  
18 where the lawn was actually receded, sloughed off. And they  
19 threw some seed on it. But they didn't fix it.

20 Mr.Irby has a very good landscaper. Otherwise, I'm almost  
21 certain we'd have the same visual indicators. I did go to the  
22 site on Tuesday. You get down into the last several feet of his  
23 lawn. It's like walking on a sponge. That ground underneath is  
24 giving, and it will give, and it will continue, and having plants  
25 in there is not the answer.

1 Sheet piles driven into the ground to the appropriate amount  
2 to keep that water interface from going up underneath the lawn  
3 towards his building is the answer.

4 INTERIM COMMISSIONER RABON: Thank you. Any responses?

5 [NOTE: No response.]

6 INTERIM COMMISSIONER RABON: Any questions or comments from  
7 the Committee?

8 MR. BARROW: Yes. I have a question for the applicant.

9 First off, when was the house built? And you mentioned 50  
10 years ago.

11 MR. BUCEY: I believe Mr. Irby said that he has lived there  
12 for 47 or some years, something to that effect.

13 MR. BARROW: And has there been any, I'd say -- well, living  
14 on the marsh myself, obviously settling occurs. And it's just  
15 natural, but is there anything abnormal in the housing structure  
16 that you guys have noticed in the settling?

17 MR. BUCEY: According to Mr. Irby, besides the cracks in the  
18 pool deck, there is one picture that was along a grout line, in  
19 the actual entrance from the pool into the house. Nothing else  
20 in the house that I'm aware of settling, at least visible at this  
21 point, but certainly the pool deck and very significant amount of  
22 subsidence is happening closer to the marsh. And it's working  
23 its way inlet. So it's only a matter of time, I would assume.

24 MR. BARROW: Thank you.

25 INTERIM COMMISSIONER RABON: Other questions or comments.

1 DR. HEPBURN: I would just like to hear the staff talk a  
2 little bit about the permitting of the bulkheads on either side  
3 of the Irby property, and how the alignment of this proposed  
4 project basically squares with those bulkheads.

5 Obviously that was a process before my time on this board  
6 and the Committee. We've exclusively talked about sort of moving  
7 in jurisdiction considerations from a staff consideration related  
8 to bulkheads to the Committee consideration. And so  
9 understanding, when were they permitted and are they in the  
10 marsh?

11 MR. NOBLE: Yes, ma'am, Dr. Hepburn. So we looked into the  
12 history on both sites. I probably get it confused from one or  
13 the other as far as when they were timed, north and south, but  
14 one was 2013. One was 2021.

15 Those were both -- those projects were both initiated with a  
16 request to do a Coastal Marshlands Protection Act jurisdiction  
17 line, and subsequently, we issued revocable licensure for a  
18 bulkhead on those properties.

19 Those bulkheads were located just seaward of the line. And  
20 so to say whether or not there was visibly erosion at the time,  
21 files really didn't reflect that, but the authorizations were for  
22 bulkheads to be placed just seaward of the line, with a maximum  
23 volume of material which neither project got near that volume.  
24 It was a cubic yard per running foot is the acceptable volume.  
25 And that's sort of how the Department had limited the seaward

1 extent of the project into the marsh from the upland previously.

2 So that's the background and the site history on those that  
3 we have.

4 DR. HEPBURN: So in that respect, how is this different? As  
5 you know, I am inclined to support the staff's perspective, but I  
6 want to understand what our distinction is relative to this  
7 project than, say, the 2021 project.

8 MR. NOBLE: So we re-examined existing rules and laws. And  
9 based upon that examination, the policy has been updated to  
10 basically to comply with the requirements of the Coastal  
11 Marshlands Protection Act.

12 So the Committee is going to, most likely, be seeing many  
13 more of these very similar types of projects for shoreline  
14 stabilization. And, you know, that's what Staff's role is, is to  
15 work with applicants in order to determine what sort of technique  
16 is to be employed at each site. And so basically that's where we  
17 are now versus last year.

18 MR. TOBLER: And just to add to that, Dr. Hepburn, that as  
19 field staff, the lens changes when you know that these are  
20 regulated under the Coastal Marshlands Protection Act, like Josh  
21 said. So your lens kinda works through the law a little bit  
22 differently than it did when it was with the license procedure.

23 MR. BUCEY: May I?

24 INTERIM COMMISSIONER RABON: Go ahead.

25 MR. BUCEY: I've been working in the coast here or for

1 Savannah for 25 years doing this. And I don't even know if I  
2 could keep track of how many shoreline stabilization projects  
3 that I've permitted through the staff in tidal waters and the  
4 Corps of Engineers. And the process to obtain a Corps of  
5 Engineer's permit, Section 10-404, typically a Nationwide 13 or  
6 18, and a license from the staff prior to last November, and as  
7 Josh had mentioned, the conditions was less than 500 feet, less  
8 than a cubic yard per running foot, then it was approved through  
9 the license program at a staff level.

10 The Corps of Engineers' requirement are the same. And  
11 anything that exceeded that would have to come to Committee, and  
12 I've only had one come to the Committee. And it wasn't because  
13 of the threshold. There was a different situation where a couple  
14 of trees were involved. So the requirement has always been  
15 closely following the shoreline one to two feet out, keep well  
16 under those thresholds, and it was permitted, again through the  
17 staff and the Corps.

18 And the only thing different about this, we've already  
19 obtained the Corps permit, Nationwide 18. Our numbers are  
20 minuscule, 0004, for 1,000<sup>th</sup> of an acre of fill.

21 When procedures changed, then we submitted the Coastal  
22 Marshlands permit last November. So at that time, of course, the  
23 status were still the same, plus we followed the shoreline, keep  
24 well under the thresholds.

25 DR. HEPBURN: Thanks, Dan.

1 INTERIM COMMISSIONER RABON: Other questions or comments of  
2 the Committee?

3 MR. BROOKSHIRE: What kind of issues does it create for the  
4 property on with bulkheads on either side? Does that negatively  
5 affect it; or, is it affected at all?

6 MR. BUCEY: From a high tide and shoreline, or a storm surge  
7 prospective, absolutely. That would create a funnel in the storm  
8 surge situation that I'm sure would be devastating to his lawn.

9 MR. BARROW: I have a question for the staff. I'm sorry.  
10 I'm trying to understand. You said there was a previous rule of  
11 fill rate of one cubic -- is it one cubic yard per running foot?  
12 Is that what I heard on the previous determination?

13 MR. NOBLE: Yes, sir. The management limits for many years  
14 with the Nationwide 13 Federal Permitting Guidelines for bank  
15 stabilization, which included one cubic yard per running foot.  
16 And that's what the Department had adopted as a policy as how we  
17 would manage the shoreline stabilization projects. That's where  
18 that value was derived.

19 MR. BARROW: And what is that rate here with this project?

20 MR. NOBLE: I think Dan had a very finite note on that.

21 MR. BUCEY: It's .102 or .012. Excuse me. .012 cubic yards  
22 per foot. That's the amount of fill below the tide line. So the  
23 finish height will be a couple of feet higher, you know, level it  
24 out. But the only point that's regulated is the high tide level.

25 MR. BARROW: Thank you.



1 INTERIM COMMISSIONER RABON: Any other questions or  
2 comments?

3 [NOTE: No response.]

4 INTERIM COMMISSIONER RABON: I will entertain a motion.

5 MR. POOLE: I make a motion to approve this project with two  
6 special conditions. Special Condition One, permittee may be  
7 required to provide a post-construction survey to the Georgia  
8 Department of Natural Resources, Coastal Resources Division.

9 And secondly, the permittee must install manatee awareness  
10 sinage during construction of the project, and give standard  
11 manatee conditions and procedures required for aquatic  
12 construction as approved.

13 And just to note, after a long review of this project -- I  
14 know we've had a lot of questions. What I would consider is  
15 incidental fill to protect the property. Subsidence is a real  
16 thing. I've got personal experience with that.

17 And then long term, considering the climate change, we'll  
18 probable see a lot more of these as Josh noted, and with Mr.  
19 Kilgore's respect, each and every project will be reviewed  
20 independently.

21 But for this project, I think I make a motion to approve  
22 this with the two special conditions.

23 INTERIM COMMISSIONER RABON: I have a motion to approve with  
24 two special conditions. Do I have a second?

25 MR. BROOKSHIRE: Second.

1 INTERIM COMMISSIONER RABON: I have a second. Any  
2 discussion?

3 MR. BARROW: I just want to make another comment that, you  
4 know, and I'm speaking for myself individually. I take our  
5 responsibilities on this board very seriously and in terms of the  
6 public about not letting this be a slippery slope. I think the  
7 fact that this is an existing residence, obviously we are seeing  
8 evidence of subsidence. I think people have a right to protect  
9 their property.

10 As you mentioned, you know, waters are rising, et cetera,  
11 but I also do agree there has to be a demarcation line in which,  
12 you know -- and I appreciate, you know, the staff in its previous  
13 efforts, and rulings, and obviously coming here. I understand  
14 this, you know, is going to set a precedent. So I think I just  
15 want to go on note that obviously moving forward, you know, this  
16 is something that has got to continue to update coming in front  
17 of the Committee, but existing residents protecting their  
18 property rights, I think it's something we ought to take  
19 seriously concern with what's happening.

20 INTERIM COMMISSIONER RABON: Thank you, sir. Yes, ma'am.

21 DR. HEPBURN: And also on that note, just to follow up. I  
22 am actually going to reluctantly support this. That is not  
23 necessarily in my nature, but I do believe that the ground rules  
24 have changed a little bit; no pun intended, but since we've moved  
25 from licensing to now coming before the Committee -- and also to

1 both Jack and Jane's point, and others, we live on an island. So  
2 it shouldn't come as a surprise to people that, you know, that  
3 tides and marshes, and it's getting worse, and we do have climate  
4 change, and so on to take on.

5 So I think we also need to be careful that we don't, you  
6 know, build bulkheads everywhere just because people wake up in  
7 the morning and suddenly realize they live on an island. I just  
8 think we need get higher both as a Committee and a staff to  
9 understanding how we're going to deal with these projects, and  
10 make it very clear to applicants that with the exception of  
11 minimal, you know, potentially purging, we're going to hold  
12 strong to the CMPA statute and guidelines if in fact the  
13 Committee is going to be doing this. But for the moment, for  
14 somebody that has been in this three-year reign, I almost feel  
15 like we need to hold them to a permitting standard with the  
16 licensure standard under which they originally applied versus  
17 potentially the Act's stronger regulatory guidelines which we  
18 then need to uphold in future projects, I hope.

19 If that makes sense. Thank you.

20 INTERIM COMMISSIONER RABON: It did.

21 MS. FRASER: Would you mind kindly reading the decision,  
22 because we could not hear what was being suggested as the special  
23 conditions. In other words, what will you be voting on?

24 MR. TOBLER: Diana, could you pull up the last line of the  
25 power point, please. I think that will -- Mr. Poole was reading

1 the conditions. We have those, as always, drafted.

2 Thank you.

3 INTERIM COMMISSIONER RABON: All right. On the screen we  
4 have the two special conditions attached to the motion from  
5 Mr.Davis. Calling the question to a vote, all in favor of the  
6 motion as stated, say aye.

7 DR. HEPBURN: Aye.

8 MR. BROOKSHIRE: Aye.

9 MR. BARROW: Aye.

10 MR. POOLE: Aye.

11 INTERIM COMMISSIONER RABON: Any opposed?

12 [NOTE: No response.]

13 INTERIM COMMISSIONER RABON: The motion carries.

14 DR. HEPBURN: And just to clarify for the members in the  
15 audience, Mr.Chairman, the regular conditions all still apply as  
16 well. These are just the special conditions. So there are a  
17 number of guidelines that go with it.

18 INTERIM COMMISSIONER RABON: Yes, ma'am. Good point.

19 MR. BUCEY: Thank you.

20 INTERIM COMMISSIONER RABON: All right, Beth.

21 MS. BYRNES: Thank you, Commissioner. And good morning,  
22 everyone. My name is Beth Byrnes.

23 The applicant for the Shore Protection Act permit  
24 application is the Happiest Camper, LLC. The project is located  
25 at 110 East Twenty-Seventh Street and, a portion of the East

1 Twenty-Seventh Street right of way on Sea Island.

2 The applicant is proposing removal and installation of  
3 native landscaping within the State's Shore Protection Act  
4 jurisdiction.

5 I would now like to introduce the agent, Dan Bucey, from  
6 Resource & Land Consultants to present the project.

7 MR. BUCEY: Thank you, Beth. Dan Bucey, Resource & Land  
8 Consultants, agency for Mr. Costello.

9 As you can see, the project is located on 110 East  
10 Twenty-Seventh Street. The project will take place on that lot,  
11 also on a portion of the adjacent Sea Island right of way for  
12 which the applicant has already obtained permission.

13 The subject lot is 58,328 square feet, with 3,767 square  
14 feet within jurisdiction. And that project area also includes a  
15 1,494 square-foot portion of the adjacent Sea Island right of  
16 way.

17 As you see on the photograph, the area within jurisdiction  
18 was formerly lawn they haven't maintained since they began  
19 construction. So there's a lot of weeds growing up. But there  
20 is an existing rock revetment underneath the dune line there, and  
21 the Shore Protection Act jurisdiction line was properly marked  
22 and verified by the Corps -- excuse me -- by the staff.

23 There is a picture of the back of the dune, and then  
24 construction fencing, and then the area here which has been  
25 unmaintained since they started construction on the house.

1           There is a portion of the right of way. It shows the right  
2 of way with the existing beach crossover. And that was an access  
3 looking back down the south end of the lot.

4           So the applicant proposes activities to include some minor  
5 grading, and install native landscaping within jurisdiction,  
6 again both on the subject lot and on the adjacent Sea Island  
7 right of way, to kinda tie it all together.

8           As always, a final landscape plan would be provided to the  
9 staff for approval prior to installation.

10          Thank you.

11          INTERIM COMMISSIONER RABON: Thank you, Dan.

12          I don't believe we have anyone signed up for public comment  
13 on this project.

14          Do you have comments for this project?

15          MS. FRASER: Yes. Again, Jane Fraser. And I don't live  
16 very far from this project, but of course, as far as I'm  
17 concerned, everything that affect the shoreline is going to  
18 affect the backside of the island as well.

19          And I do have some pictures here. And what Mr. Bucey calls  
20 *weeds*, are exactly what I call *natural vegetation*. It's what's  
21 holding this island. And if you fly over it now, you will see  
22 that much of the natural vegetation has been ripped out by people  
23 who have bought homes here. They wanted to look like New York  
24 City or Atlanta.

25          And this is what holds this island together. So that's my

1 objection.

2 I also object to taking out pine trees, which as many of you  
3 who have been at the DNR for a while know that the pine trees  
4 were the demarcation of the jurisdictional line.

5 So I know that has been changed now, unfortunately. But of  
6 course, as Ms. Campbell wrote, Ms. Campbell unfortunately  
7 couldn't be here, but she walks that area every night, knows the  
8 birds, knows the birds that are in those trees that are going to  
9 be destroyed. The marsh bunnies have no place to live any more.  
10 This is their habitat.

11 And so I feel that it is the job of the Committee to protect  
12 this habitat, which in turn is what's holding that island.

13 I was also told by Mr. Bucey that we're not a barrier island.  
14 But I think we are a barrier island. Both ends of Sea Island are  
15 shifting constantly. And as we've just heard, the entire island  
16 is subsiding and shifting.

17 So, please don't destroy what is holding our island in  
18 place, and try to protect it. This is what the Shore Protection  
19 Act is all about.

20 Thank you very much.

21 INTERIM COMMISSIONER RABON: Thank you, Ms. Fraser.  
22 Beth, if you would present the special conditions, please.

23 MS. BYRNES: The public notice of the Shore Protection  
24 Committee ran from April 15<sup>th</sup>, 2023 through April 30<sup>th</sup>, 2023.

25 Six public comments were received opposing the project. The

1 comments included concerns regarding hydrology, the listing of  
2 nonnative vegetation in the plant drawings, value of currently  
3 landscaped to wildlife and function, and the stability of the  
4 dunes.

5 The agent has provided written responses to the comments.

6 Should the Committee determine the proposed project to be in  
7 the public interest, the Department staff to the Committee  
8 recommends the following special conditions.

9 No. 1, in order to minimize the disruption of nesting  
10 activity from artificial lighting from the subject parcel, the  
11 permittee must comply with the Department of Natural Resources,  
12 Wildlife Resources Division sea turtles nesting guidelines as  
13 well as the lighting ordinance of Glynn County.

14 No. 2, a final landscape plan must be provided to the  
15 Department for approval prior to installation. Only vegetation  
16 native to Georgia may be utilized.

17 INTERIM COMMISSIONER RABON: Thank you, Beth.

18 Mr. Bucey, would you like to respond to public comment?

19 MR. BUCEY: I think Ms. Fraser was mentioning some pine  
20 trees removed. My understanding is pine trees were removed  
21 outside of jurisdiction.

22 I'm not quite sure when I instructed her that Sea Island is  
23 not a barrier island, I'm not familiar with that. Certainly it's  
24 an island exposed to the sea for sure.

25 And then as far as the vegetation goes, the area used to be



1 landscaped. It's going to be landscaped. Right now, it's just  
2 it has not been maintained, which is typical for these projects.  
3 They take several years to build a house on Sea Island. And they  
4 will comply with the Act, and everything that is put back will be  
5 native, and will be approved by the staff before that is approved  
6 and put in the ground. And the root masses, and the  
7 stabilization that was there will be replaced in kind.

8 Thank you.

9 INTERIM COMMISSIONER RABON: Beth, do you have any comments?

10 MS. BYRNES: No.

11 INTERIM COMMISSIONER RABON: Okay. Any questions or  
12 comments?

13 MR. POOLE: Just so I'm clear, once the plan is submitted  
14 with the native plants, then a revised plan will be sent out that  
15 would review the project.

16 MR. NOBLE: Yes, sir, that's correct, Mr. Poole.

17 MR. POOLE: Thank you.

18 DR. HEPBURN: Mine is probably very similar. Most of the  
19 comments dealt with concern about nonnative vegetation. And we  
20 have cleared that up. It will be native vegetation.

21 MR. BUCEY: Yes, ma'am.

22 DR. HEPBURN: And the bunnies can be happy in it?

23 MR. BUCEY: Yes, ma'am.

24 INTERIM COMMISSIONER RABON: Any other questions or  
25 comments?

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[NOTE: No response.]

INTERIM COMMISSIONER RABON: Hearing none, I'll entertain a motion.

MR. BARROW: I make a motion to approve subject to the standard and special conditions.

INTERIM COMMISSIONER RABON: I have a motion.

DR. HEPBURN: I'll second it.

INTERIM COMMISSIONER RABON: We have a second. Any further discussion?

[NOTE: No response.]

INTERIM COMMISSIONER RABON: Hearing none, all in favor of the motion say aye.

MR. POOLE: Aye.

MR. BARROW: Aye.

MR. BROOKSHIRE: Aye.

DR. HEPBURN: Aye.

INTERIM COMMISSIONER RABON: Any opposed?

[NOTE: No response.]

INTERIM COMMISSIONER RABON: The motion carries.

Thank you.

MR. BUCEY: Thank you.

INTERIM COMMISSIONER RABON: Beth, I think you have our next project.

MS. BYRNES: Again, my name is Beth Byrnes. The applicant for this Shore Protection Act permit application is John C.

1 Shelton and Pamela A. Flick.

2 The project is located at 4212 Thirteen Street on St. Simons  
3 Island. The applicant is proposing removal and installation of  
4 the native landscape plan escaping, removal of a portion of  
5 sandbags and installation of a retaining wall, pool and spa, pool  
6 deck and coping, fire pit, and fencing within the State Shore  
7 Protection Act jurisdiction.

8 I would now like to introduce the agent, Blake Hightower,  
9 from Land Design & Associates to present the project.

10 MR. HIGHTOWER: Thank you, Committee. Blake Hightower from  
11 Land Design & Associates.

12 As you see, the property on East Beach had a history of  
13 emergency authorization for some sandbags being placed. Our  
14 project now is to remove a few of -- excuse me -- to remove the  
15 walkway that has now been previously removed with the scaffolding  
16 you don't see here in this photo. That was previously approved  
17 by the DNR.

18 We were going to excavate a portion of the sandbags that  
19 cuts across the property itself. The plan is to install a pool  
20 spa and a retaining wall to help reinforce the landward side of  
21 the sandbags that do remain, and to have help reinsure the area  
22 that we are removing sandbags from to help establish the area for  
23 the pool itself.

24 The area of the property is 6,500 feet. The area of  
25 jurisdiction is 1735.

1           Upon completion, the existing proposed impacts within the  
2 jurisdiction will total to 61.6%, and approximately 38% of the  
3 State jurisdictional area will remain in the natural or improved  
4 vegetated condition.

5           As you see here, this is the area of a sandbags that we're  
6 proposing to remove, and reestablish with the retaining wall.  
7 We're planning to run it the entire length of the property line  
8 history. The sandbags currently run through the county right of  
9 way and into an additional parcel of which during the emergency  
10 process, the Sheltons -- John Shelton and Pamela Flick purchased  
11 and installed themselves to help create an establishment of the  
12 dune line for them and their neighbors behind them.

13           And here's the plan for this. The fire pit, as mentioned,  
14 is not a permanent structure. It's a modular pit, not to be  
15 build in permanency in that area, but the sand set pool pavers  
16 will allow permeability, along with the native vegetation of  
17 which we will provide a completed landscape design upon approval  
18 and prior to installation.

19           I thank you for your time.

20           INTERIM COMMISSIONER RABON: Okay, Beth, please present the  
21 special conditions.

22           MS. BYRNES: The public notice of the Shore Protection  
23 Committee ran from June 23<sup>rd</sup>, 2023 through July 22<sup>nd</sup>, 2023.  
24 Two public comments were received in opposition of project, and  
25 then subsequently withdrawn after stating they had discussions

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with the property owner.

The agent has provided written responses to the comments.

Should the Committee determine the proposed project to be in the public interest, the Department staff to the Committee recommends the following conditions.

1. 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 sea turtles nesting guidelines as well as the lighting ordinance of Glynn County.

No. 2. A final landscape plan must be provided to the Department for approval prior to installation. Only vegetation native to Georgia may be utilized.

No. 3. Only beach quality sand suitable for the sea turtle nesting, successful incubation and hatchling emergence shall be used on the project site. Fill material must be comparable in both coloration and grain size. All fill material shall be free of construction debris, rocks, or other foreign matter, and shall not contain on average greater than 10% fines (i.e. silt and clay; passing through a No. 2 sieve), and shall not contain on average greater than 5% coarse gravel or cobbles retained by a No. 4 sieve.

No. 4. Permittee may be required to provide a post-construction survey that locates the proposed structure as indicated in the application materials. And such survey shall

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comply with the Georgia Plat Act.

INTERIM COMMISSIONER RABON: Thank you, Beth.

I don't believe we have anyone signed up to speak for this project. Any questions or comments of the Committee?

MR. POOLE: No questions.

INTERIM COMMISSIONER RABON: No questions. With that, we would entertain a motion.

DR. HEPBURN: I make a motion to approve the project for the Sheltons.

INTERIM COMMISSIONER RABON: Thank you, Dr. Hepburn. So do I have a second?

MR. POOLE: I have a second.

DR. HEPBURN: Oh, with the special conditions.

INTERIM COMMISSIONER RABON: We have a motion to pass with the special conditions. We have a second. Any discussion?

[NOTE: No response.]

INTERIM COMMISSIONER RABON: Hearing none. I call the question. All in favor say aye.

DR. HEPBURN: Aye.

MR. POOLE: Aye.

MR. BROOKSHIRE: Aye.

MR. BARROW: Aye.

INTERIM COMMISSIONER RABON: Any opposed?

[NOTE: No response.]

INTERIM COMMISSIONER RABON: Hearing none, the motion

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carries.

Beth.

MS. BYRNES: The applicant for this Shore Protection Act permit application is VMG properties, LLC. The project located at 826 Parkway on St. Simons Island.

The applicant is proposing removal and installation of native landscaping, and installation of a pool and spa, pool deck, house deck, and fencing within the State Shore Protection Act jurisdiction.

An additional agent was added to this project to work in conjunction with Land Design Associates. Dan Bucey with Resource Land and Consultants will be speaking on behalf of this project.

MR. BUCEY: Thank you, Beth.

VMG is the applicant for this property located on St. Simons at 826 Parkway. She's proposing the removal and installation of native landscaping, installation of a pool and spa, pool deck, house deck, and fencing within jurisdiction.

The landward area of jurisdiction consists of a lawn. There's a 30-foot existing cinderblock wall on the seaward side of the property. A portion of a property owner's wall encroached onto the property in jurisdiction as well as the other property line. So they have two encroaching walls.

Here's a picture of the existing conditions. There is the existing house, lawn area, and then the Shore Protection area. So there is a cinderblock wall out in that overgrown vegetation.

1           So as I stated summary-wise earlier, the specific project  
2 description is remove the cinderblock wall, install a 335  
3 square-foot pool and spa, 369 pool deck, 266 square-foot portion  
4 of a two-story deck that would be extending off the house, which  
5 is landward of the jurisdiction, And a 9-square foot aluminum  
6 fence that with surround the perimeter within jurisdiction.

7           The remaining 535 square feet of land would be restored to  
8 at least its current condition or a better condition through the  
9 installation of sand and/or native landscaping, or a combination  
10 of the two. And as required, the final landscape plan would be  
11 submitted to Staff for the approval prior to installation.

12           Here's a copy of the site plan. The red portion there would  
13 be the portion of the decks within the jurisdictional area. The  
14 pool and pool deck, and then the remaining areas would be the  
15 landscaping that would remain would be improved.

16           INTERIM COMMISSIONER RABON: Okay. Beth, do you have some  
17 special conditions?

18           MS. BYRNES: Yes. The public notice of the Shore Protection  
19 Committee ran from June 27<sup>th</sup>, 2023 through July 16<sup>th</sup>, 2023.  
20 No comments were received.

21           Should the Committee determine the proposed project to be in  
22 the public interest, Department staff to the Committee recommends  
23 the following special conditions.

24           No. 1. In order to minimize the disruption of nesting  
25 activity from artificial lighting from the subject parcel, the



1 permittee must comply with the Department of Natural Resources,  
2 Wildlife Resources Division sea turtles nesting guidelines as  
3 well as the lighting ordinance of Glynn County.

4 No. 2. A final landscape plan must be provided to the  
5 Department for approval prior to installation. Only vegetation  
6 native to Georgia may be utilized.

7 No. 3. Only beach quality sand suitable for the sea turtle  
8 nesting, successful incubation and hatchling emergence shall be  
9 used on the project site. Fill material must be comparable in  
10 both coloration and grain size. All fill material shall be free  
11 of construction debris, rocks, or other foreign matter, and shall  
12 not contain on average greater than 10% fines (i.e. silt and  
13 clay; passing through a No. 2 sieve), and shall not contain on  
14 average greater than 5% coarse gravel or cobbles retained by a  
15 No. 4 sieve.

16 No. 4. Permittee may be required to provide a  
17 post-construction survey that locates the proposed structure as  
18 indicated in the application materials. And such survey shall  
19 comply with the Georgia Plat Act.

20 INTERIM COMMISSIONER RABON: Thank you, Beth. Anyone wish  
21 to make any public comment for this project?

22 Ms. Fraser.

23 MS. FRASER: Jane Fraser. My comments are specific to  
24 vegetation native to Georgia. It would really be helpful,  
25 because I think Ms. Campbell pointed out that the vegetation

1 suggested for twenty-seventh street was not native to the coast,  
2 if your wording read *vegetation native to the Georgia coast*.

3 I mean things that look beautiful in Atlanta, they aren't  
4 necessarily going to hold our coast. This is the goal here, is  
5 to hold the sand in place, to hold the marsh in place. So  
6 vegetation native to the coastal area rather than just native to  
7 Georgia. That's a huge difference. And that is specificity that  
8 we need.

9 Thank you.

10 INTERIM COMMISSIONER RABON: Mr. Bucey, do you wish to  
11 respond?

12 MR. BUCEY: Yes, Blake will speak to vegetation.

13 INTERIM COMMISSIONER RABON: Okay.

14 MR. HIGHTOWER: So, again, Blake Hightower with Land Design  
15 Associates.

16 For the vegetation native to Georgia, and understanding the  
17 coastal piece of it, we do a lot of landscape plans in this area,  
18 inspect a lot of plant material for the coastal Georgia. We know  
19 what we're doing, what plant material does well here, and  
20 survives here. And the plans will reflect that.

21 DR. HEPBURN: Blake, so are you comfortable with taking that  
22 as an amendment if I --

23 MR. HIGHTOWER: I'm perfectly fine. If you want to say to  
24 coastal Georgia. We're going to use what works in this area, and  
25 survives salt spray and the soil conditions of what this is.

1           So if it's an amendment to be coastal Georgia plants or just  
2 coastal plants in general --

3           DR. HEPBURN: Obviously that will potentially affect  
4 conditions that we have previously approved in the future.

5           MR. HIGHTOWER: And may I add one more thing to that?

6           INTERIM COMMISSIONER RABON: Go ahead.

7           MR. HIGHTOWER: And even native to Georgia, but where our  
8 location is and how close we are to north Florida, we use a lot  
9 of north Florida, south, plants that have transition to this  
10 area. So to your point, I think coastal vegetation rather than a  
11 native to the State is more prevalent in this situation.

12           And if that needs to be amended to the last ones, too, or at  
13 least for ours.

14           DR. HEPBURN: Maybe we could just ask the staff to look at  
15 wording that might be forward thinking, but also to clarify this  
16 clearly, you know, to Blake's point. If it's Nassau County grass  
17 is probable going to do better than if it's Fannin County grass.

18           MR. HAYMANS: And when the landscape plan comes back to the  
19 Committee for the staff to look at, they'll approve --

20           DR. HEPBURN: Yes, you can insure that, but maybe the  
21 wording might make others feel better.

22           MR. HAYMANS: If you would like that, if you guys could do  
23 that, moving forward, we can change to coastal.

24           DR. HEPBURN: Yes. I think that might help. And again,  
25 optics and understanding, we trust you guys, but the rest of the

1 folks don't know when it comes back to you that you are making  
2 that happen.

3 So, thank you. Thank you, Jane.

4 INTERIM COMMISSIONER RABON: Good points.

5 MR. HIGHTOWER: Thank you.

6 INTERIM COMMISSIONER RABON: Any other questions or comments  
7 from the Committee?

8 [NOTE: No response.]

9 INTERIM COMMISSIONER RABON: Hearing none, we will entertain  
10 a motion.

11 MR. POOLE: I make a motion that we approve the Shore  
12 Protection Act project for VMG Properties, LLC for the removal  
13 and installation of native landscaping and installation of a pool  
14 and spa, pool deck, house deck, fencing at 826 Parkway, Atlantic  
15 Ocean, St. Simons island, Glynn County, Georgia.

16 INTERIM COMMISSIONER RABON: I have a motion.

17 MR. POOLE: And special and standard conditions.

18 DR. HEPBURN: I second it. I'll second it.

19 INTERIM COMMISSIONER RABON: We have a second. Any other  
20 discussion?

21 [NOTE: No response.]

22 INTERIM COMMISSIONER RABON: Hearing none. I will call the  
23 question. All in favor say aye.

24 DR. HEPBURN: Aye.

25 MR. POOLE: Aye.

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MR. BROOKSHIRE: Aye.

MR. BARROW: Aye.

INTERIM COMMISSIONER RABON: Any opposed?

[NOTE: No response.]

INTERIM COMMISSIONER RABON: Hearing none, the motion carries.

I will ask do we have any other business that the Committee wishes to discuss today?

I don't see no one ready to speak. I will say that the Chair in his first meeting failed to introduce who is the most important individuals in the room, the attorneys that keep us out of trouble from the AG's office.

The Chair would like to recognize Robin Leigh and Andrea Hartung. Thank y'all for being here today with us.

And I will thank the Committee. Thank you for making my first Committee meeting very easy and smooth. So with that being said, no other business, we will adjourn the meeting.

I would call for that motion.

DR. HEPBURN: Motion to adjourn, Mr.Chairman.

INTERIM COMMISSIONER RABON: Seconded.

MR. BARROW: Second.

INTERIM COMMISSIONER RABON: No discussion. All in favor, let's leave.

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STATE OF GEORGIA,  
GLYNN COUNTY.

C E R T I F I C A T E

I, Lora H. Carter, do hereby certify that the above and foregoing pages is a true, complete, and accurate transcript of the joint meeting as stated the captioned matter.

I further certify that I am a disinterested party to this action.

This the 19th day of August, 2023.

Lora H. Carter

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