

**JOINT MEETING OF THE
COASTAL MARSHLANDS and SHORE PROTECTION COMMITTEE**

Friday, April 5, 2024

9:30 a.m.

**Georgia DNR Coastal Regional Office
Susan Shipman Environmental Learning Center
One Conservation Way
Brunswick, Georgia**

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APPEARANCES

COMMITTEE MEMBERS PRESENT:

WALTER RABON, Chairman
BRAD BROOKSHIRE
DR. VALERIE HEPBURN
DAVIS POOLE
CHAD BARROW

COASTAL RESOURCES STAFF PRESENT:

MR. DOUG HAYMANS
MR. PAUL TOBLER
MR. JOSH NOBLE
MS. DEB BARREIRO

ALSO PRESENT:

MS. ROBIN LEIGH
Deputy Attorney General

1 PROCEEDINGS

2 * * *

3 COMMISSIONER RABON: Good morning.

4 SPEAKERS: Good morning.

5 COMMISSIONER RABON: I'd like to call our
6 meeting to order of the Coastal Marshlands
7 Protection Committee Meeting.8 Before we get started, I'd like to
9 introduce a special guest, Ms. Robin Leigh,
10 the -- certainly not a new face but new in her
11 new role as deputy attorney general, so
12 congratulations to you on that, Robin, and thank
13 you for being with us today.14 The order for the projects is as stated on
15 the final agenda. Today we have four projects,
16 three Shore Protection applications and one
17 Coastal Marshland Protection application.18 The first will be from the Shore
19 Protection Act DM-4 SI Properties, LLC for
20 removal and installation of native landscaping
21 and installation of a portion of a pool deck and
22 spa on Atlantic Ocean, Sea Island, Glynn County
23 Georgia.24 The second one will be the Coastal
25 Marshland Protection Act, Department of Natural

1 Resources, Coastal Resources Division,
2 modification and enhancement of the James Allen
3 Williams Champney River Park, Champney River,
4 McIntosh County, Georgia.

5 The third will be for the Shore Protection
6 Act, Michael Bono, construction and maintenance
7 of a retaining wall, installation of native
8 landscaping and modification of an existing
9 single family residence, Number 3, 8th Place,
10 Atlantic Ocean, Tybee Island, Chatham County,
11 Georgia, and then lastly Shore Protection Act,
12 Michael Kirven, construction and maintenance of
13 a residential pool and fence, installation of
14 drainage improvements and landscaping at an
15 existing single family residence, 1923 Chatham
16 Avenue, Atlantic Ocean, Tybee Island, Georgia.

17 So at this time, I would ask for a motion
18 to approve the July 28th, 2023 meeting minutes.

19 SPEAKER: So moved.

20 DR. HEPBURN: Second.

21 COMMISSIONER RABON: All in favor, say
22 aye. Any opposed? Thank you.

23 First let's jump to Josh Noble who will
24 present the first project.

25 MR. NOBLE: Thank you, Commissioner. My

1 name is Josh Noble. And the first project we're
2 going to be evaluating today is the application
3 DM-4 SI Properties, LLC.

4 The project is located at 1312 Caroline
5 Avenue on Sea Island. The applicant proposes
6 the removal and installation of native
7 landscaping and installation of a portion of a
8 pool deck and spa within Shore Protection Act
9 jurisdiction. The proposed project is
10 considered a minor activity under the Shore
11 Protection Act.

12 The public notice of the Shore Protection
13 Committee ran from November 15th through
14 November 30th, 2023. One public comment was
15 received on behalf of the adjacent property
16 owner to the north in opposition to the project
17 after expiration of the public notice period.
18 The agent did provide written responses to the
19 comment.

20 Subsequently a Shore Protection Committee
21 member requested the project to be heard at a
22 public meeting.

23 I now would like to introduce Dan Bucey,
24 the agent for the project.

25 MR. BUCEY: Good morning. I am Dan Bucey

1 with Resource and Land Consultants representing
2 the DM-4 SI Properties, LLC.

3 The property is 26,751 square feet of
4 which 4,078 square feet is located within the
5 jurisdiction.

6 MS. PATRICK: Just let me know when you
7 want to move the slide and the yellow button is
8 the pointer.

9 MR. BUCEY: Thank you.

10 An existing house was located on the
11 property. Demolition started on that house in
12 July of 2022 and a new home is under
13 construction. Could you go to the site plan,
14 please?

15 MS. PATRICK: Site plan you said?

16 MR. NOBLE: Next to the last slide, I
17 believe.

18 MR. BUCEY: So our project as proposed is
19 the removal and reinstallation of native
20 landscaping of 2909 square feet and 213-square-
21 foot section of pool and spa which is just the
22 easternmost sliver within jurisdiction, and 303
23 square foot of existing native area would
24 remain.

25 Upon completion 95 percent of the Shore

1 Protection Act jurisdictional area will remain
2 in the native vegetative and topographic state.

3 The proposed project complies with the
4 provisions of the SPA and meets the public
5 agency's considerations, and we ask that you
6 approve it as proposed.

7 Thank you.

8 COMMISSIONER RABON: Thank you, Dan.

9 Josh will now present the special
10 conditions.

11 MR. NOBLE: Should the committee determine
12 that the project is in the public interest,
13 staff recommends Shore Protection Act standard
14 conditions and the following special conditions.

15 Number 1, in order to minimize the
16 disruption of nesting activities from artificial
17 lighting from the subject parcel, the permittee
18 must comply with the DNR Wildlife Resources
19 Division sea turtle nesting guidelines as well
20 as the lighting ordinance of Glynn County and
21 Sea Island.

22 A final landscape plan depicting native
23 coastal vegetation must be provided to the
24 department for approval prior to installation.
25 And lastly, the permittee may be required to

1 provide a post-construction survey that locates
2 the proposed structure as indicated in the
3 application materials. Such survey shall comply
4 with the Georgia Plat Act.

5 COMMISSIONER RABON: Thank you, Josh.

6 Any questions from the committee? Hearing
7 no questions, I will now entertain a motion.

8 DR. HEPBURN: Do we have any public
9 comments?

10 COMMISSIONER RABON: No public comments.

11 DR. HEPBURN: At all? Okay.

12 MR. BARROW: I make a motion to approve.

13 COMMISSIONER RABON: I have a motion. Do
14 I have a second?

15 MR. POOLE: Second.

16 COMMISSIONER RABON: Having a second, any
17 discussion? Hearing no discussion, all in favor
18 say aye.

19 SPEAKERS: Aye.

20 COMMISSIONER RABON: Any opposed like
21 sign? The motion carries.

22 MR. POOLE: Commissioner, I would like to
23 ask one question.

24 COMMISSIONER RABON: Yes, sir.

25 MR. POOLE: I talked to Josh briefly

1 yesterday. Would there be a way for us to get
2 an -- like an aerial photograph looking down to
3 show a little closer from what we see today if
4 it comes up or it comes up on the public Web
5 site, to have a drone that would show the
6 relevant neighboring properties, especially as
7 we go forward a lot more?

8 COMMISSIONER RABON: I think we can do
9 that.

10 MR. POOLE: Can we do that? Thank you.

11 COMMISSIONER RABON: Good suggestion.

12 DR. HEPBURN: Josh, does that mean you get
13 a helicopter?

14 COMMISSIONER RABON: Get a camera on a
15 long pole.

16 DR. HEPBURN: Come on.

17 COMMISSIONER RABON: All right, we are
18 getting in the ditch already. Paul, if you
19 would, please introduce our next project.

20 MR. TOBLER: Thank you, Mr. Commissioner.
21 This is a CMPA application. The proposed
22 project is to modify and enhance the James Allen
23 Williams Champney River Park located on Champney
24 River in McIntosh County, Georgia. The public
25 notice of the Coastal Marshlands Protection

1 Committee ran from June 15th, 2023 to July 14th
2 2023. No comments were received during the
3 public notice period, and I would like to
4 introduce the agent and/or applicant for the
5 project, Paul Medders.

6 MR. MEDDERS: Thank you, Paul and
7 commissioners. And I would like to thank the
8 committee for being here and helping us
9 administer the Marshland Shore Act.

10 I know it's a tough job sometimes and we
11 appreciate y'all. I also want to shout out to
12 the -- our staff that does all this permitting
13 stuff because they probably, after law
14 enforcement, they have got the toughest job in
15 building, so thank you for what you do for us,
16 too.

17 So my name is Paul Medders. I have the
18 pleasure of leading the group that does habitat
19 restoration and public access right now, and
20 we're going to talk to you about Champney today.

21 This is a GOSA-funded project. We got
22 funding almost about a year and a half. We have
23 been in the design and permitting stage since
24 then, so like -- go to that first slide, please.

25 So the existing conditions, those of y'all

1 that see Champney on a regular basis, you know
2 that the dock is too low. Oftentimes the
3 floating dock floats up higher than the fixed
4 dock putting stress on the gangway.

5 The parking lot is commonly flooded with
6 water, whether that's the parking lot sinking or
7 sea level rising or a combination of both, and
8 the ramp itself is showing its wear, and we want
9 to increase that, so let's go to the next slide.

10 So I think I covered all of them with the
11 exception of in the bottom sort of left corner
12 there's a walkway that goes out -- I guess I
13 could point to it -- right here that's part of
14 the project, too, that goes to the fishing pier
15 that's on the side of Highway 17, the fishing
16 catwalk, as I call it.

17 So we will be renovating the entire
18 parking lot and dock and boat ramp and adding
19 a -- formalizing the barge line.

20 Let's go to the next slide, please. So
21 the boat ramp is going to go -- technically the
22 boat ramp is a double boat ramp now, although
23 most people don't park, use it that way. They
24 go right down the middle so we're going to what
25 really could launch four small boats with a

1 divider in the middle but it will be a wider
2 boat ramp.

3 That's really most of your marsh impact
4 right there in that area by widening that ramp.
5 Everything else is already impacted. It's
6 technically low, but it's already impacted. We
7 are adding a fishing pier that will have ADA
8 accessibility like all our projects do now, and
9 we are extending the floating dock a little
10 further out to the waterway and adding more
11 floating dock to what the existing conditions
12 are.

13 Let's go to the next slide. So Wildlife
14 Resources Division, our sister division,
15 commonly -- they're doing it right now -- they
16 work out of here with barges, like they are
17 trying to repair those dikes and the water
18 control structure around Rhetts and Butler after
19 the hurricanes, and we've never really had a
20 formal barge landing, so we're proposing a grid
21 paved, it's a -- it will be grass over it, but
22 when they do -- they don't do it very commonly
23 but when they do use, run cranes and stuff
24 through there, they will have a protected area
25 to do that, and -- but other pieces -- little

1 odd, there's some concrete structures that have
2 been there since the project was built and never
3 permitted, so we're bringing them into the
4 permitted world so we will have them on record
5 as being permitted structures.

6 Let's go to the next slide. So that's
7 sort of the existing conditions. I will point
8 out that the parking lot does flood and there's
9 not really -- we're not controlling -- there was
10 no attempt back in those days, back in the
11 eighties to control storm water, so in the new
12 design, we are controlling storm water.

13 I think that next slide -- yeah -- shows
14 you where it will be paved in this area and
15 grass paved back here for overflow.

16 We're taking out some of those medians
17 that were in there. I do point out that the
18 design -- I think everyone knows this -- but
19 back in the eighties very few -- the only time
20 you saw a crew cab truck was if it was a DOT
21 truck, right, and now everybody drives a crew
22 cab truck, so the design I think is going to
23 make pulling in and out of the parking lot
24 better.

25 So we're reducing the pervious surfaces

1 and increasing dealing with that marsh runoff
2 into the marshland. Nothing is extended into
3 the buffer. Everything is actually coming in a
4 little inside of where currently it is, and I
5 think that's the last slide. Is there one more
6 or is that it?

7 So the -- yeah, and it's public access,
8 which I think we all hold in high regards.

9 COMMISSIONER RABON: Very good. Thank
10 you, Paul.

11 Paul, will you please present the special
12 conditions?

13 MR. TOBLER: Should the committee
14 determine that the proposed is in the public
15 interest, the staff recommends Coastal Marshland
16 Protection Act standard conditions and the
17 following special conditions. Permittee may be
18 required to provide a post-construction survey
19 to the department upon completion of the
20 permitted activity. Survey should comply with
21 Georgia Plat Act. Number 2, permittee shall
22 install manatee awareness signage during the
23 construction of the project and shall adhere to
24 standard manatee conditions and procedures for
25 aquatic construction as approved by Savannah

1 District of the Army Corps, US Fish and Wildlife
2 and DNR.

3 COMMISSIONER RABON: Thank you, Paul, and
4 we do not have anyone signed up to speak from
5 the public at this time.

6 Are there any questions or deliberations
7 from the committee?

8 MR. POOLE: Commissioner, I have a
9 question, and this is really -- I'm not sure
10 exactly how to ask this question, but I'm
11 intimately involved in this particular project,
12 and I know as a commissioner for that, this
13 county, we would like to better understand what
14 empowerment we have to try to help control some
15 of the commercial activity that exists at
16 this -- you know, crabbers are depending on this
17 facility. They use it in earnest. But we also
18 have other commercial activities like
19 deadheading logging and what-not, which has just
20 created problems in the past, especially when
21 there's limited parking, and it floods on almost
22 a monthly basis, so is there anything as a
23 county we can do to help the DNR, depending on
24 which part of the agency, to enforce or to
25 restrict or to -- and I'm not even sure what the

1 question is going to be -- but give us some
2 teeth to where we can sink in and curtail some
3 of the activities that happen there? I know
4 it's a public access point, and they are near
5 and dear to my heart for sure, but I just know
6 that some of the activity that happens, it's
7 not -- they don't take care of it. They leave
8 bottles in the middle of the road. They throw
9 things in the marsh, bring their equipment and
10 leave it there.

11 Is there anything DNR can help the County
12 do so that we make this investment and it's
13 finalized that we can help make sure it stays?

14 MR. HAYMANS: So I would look to the
15 attorney at the end of the table, but I think
16 there through our memo of agreement for use of
17 the facility where we could write in something
18 where the County can have ordinances of what
19 they want to have occur at that boat ramp since
20 you're invested in it as well. It's your
21 property, right?

22 But off the cuff right now about how that
23 looks, I can't tell you, but I'd say let's sit
24 down and look at the memorandum of agreement.
25 Paul, do we have any other agreements with

1 our public access facilities --

2 MR. MEDDERS: I think technically it's
3 leased to the City right under a 50-year
4 agreement, and you and I have talked about that,
5 Davis, then the -- I think that's how we
6 approached that in the past with our public
7 access facilities when a county or whoever the
8 municipality is has a lease wants to do
9 something, we ask them to establish an ordinance
10 controlling whatever they would like to control,
11 whether it's access or use or whatever. That's
12 I believe what we've done in the past.

13 MR. HAYMANS: I mean, deadhead logging
14 being the example; right? I get it. We would
15 like to sort of protect our ramp, and that's
16 some heavy equipment that comes on and off
17 there, but we are building a barge landing
18 there, which is built to handle heavy equipment.
19 We don't want them to tie the ramp up or any of
20 that but let's work through those issues.

21 MR. POOLE: Very well.

22 MR. HAYMANS: I would think the City would
23 have the same interest as the County would at
24 least in that regard.

25 MR. POOLE: Very good, thank you.

1 COMMISSIONER RABON: Good points. Any
2 other questions from the committee? Hearing
3 none, we would entertain a motion.

4 MR. POOLE: Make a motion to approve.

5 DR. HEPBURN: Second.

6 COMMISSIONER RABON: Have a motion and
7 second, any discussion? Hearing none, all in
8 favor of the motion, aye.

9 SPEAKERS: Aye.

10 COMMISSIONER RABON: Any opposed like
11 sign? The motion is carried. Now call on Deb.
12 Will you introduce the next project.

13 MS. BARREIRO: Thank you. The next
14 project is -- next slide, please. The next
15 project is located on Tybee Island at Number 3
16 8th Place in Chatham County, Georgia. The
17 applicant is proposing to construct and maintain
18 a retaining wall with also native landscaping
19 and modify the existing stairs in the existing
20 family, single-family residential structure.
21 Next or no? Thank you.

22 The public notice of the Shore Protection
23 Committee ran from January 20th, 2024 through
24 February 18th, 2024. No public comments were
25 received in response to the public notice.

1 I'd like to introduce Stuart Sligh who
2 will be presenting the project for the
3 applicant.

4 MR. SLIGH: Good morning. I'm Stuart
5 Sligh. I'm here representing the applicant/
6 owner, Mr. Michael Bono.

7 The project is located, as Deb said,
8 Number 3 8th Place on Tybee Island. The
9 applicant proposes to relocate existing wooden
10 stairs that are being covered with sand, install
11 a retaining wall and install native landscaping.

12 The lot totals 0.353 acres with 0.17 acres
13 within SPA jurisdiction. The existing
14 structures within SPA jurisdiction includes
15 wooden stairs and deck, a screened porch and a
16 portion of the house that was constructed in the
17 1950's.

18 Next slide, please.

19 Existing impacts within SPA jurisdiction
20 total 0.02 acres.

21 Next slide, please.

22 The applicant proposes to remove and
23 relocate wooden stairs -- they currently go that
24 way and he's putting them this way; actually
25 less square footage -- and construct a four-foot

1 tall by 103-foot long vinyl sheet pile bulkhead
2 landward of the toe of the dune and that's this
3 structure here.

4 Next slide, please, yes.

5 Approximately 0.03 acres of maintained
6 lawn that you see there will be improved by
7 installing coastal native grasses and the
8 remainder of the vegetative sand dunes will be
9 retained in a natural condition.

10 Next slide, please.

11 No additional modifications are proposed.
12 Approximately 86 percent of the SPA
13 jurisdictional area will be retained in a
14 natural state. Total impact of the
15 jurisdictional area upon completion of the
16 project totals 14 percent or 0.022 acres.

17 Next slide, please.

18 Standard construction equipment is
19 proposed for project construction. That's
20 the -- that's the house right there.

21 Next slide, please.

22 We agree with staff findings and
23 recommendations. We agree with proposed permit
24 conditions. Pleased to answer any questions.

25 Thank you.

1 COMMISSIONER RABON: Thank you, Stuart,
2 and now, Deb, if you would give us our special
3 conditions.

4 MS. BARREIRO: Should the committee
5 determine the proposed project to be in the
6 public interest, department staff to the
7 committee recommends the following standard and
8 special conditions.

9 First special condition. Concrete is not
10 authorized in the construction of the permitted
11 structure. Construction activities must be
12 conducted landward of the landward toe of the
13 dune as flagged in the field by the department.
14 A final landscape plan depicting native coastal
15 vegetation must be provided to the department
16 for approval prior to installation. This permit
17 does not authorize trimming or removal of any
18 natural dune vegetation seaward of the landward
19 toe of the most landward dune, and in order to
20 minimize disruption of nesting activity, any
21 artificial lighting from the subject parcel will
22 comply with the Department of Natural Resources'
23 Wildlife Resources Division sea turtle nesting
24 guidelines as well as the City of Tybee
25 ordinances, and finally permittee may be

1 required to provide post-construction survey.

2 COMMISSIONER RABON: Thank you, Deb. We
3 don't have anyone signed up to speak from the
4 public.

5 So do we have any questions from the
6 committee or deliberations?

7 MR. BARROW: I just had a question for the
8 applicant, and I'm trying to see if I saw it on
9 this one, and I apologize. It says removal of
10 some trees as well. Can you elaborate on how
11 many?

12 MR. SLIGH: I think it's three or four
13 trees. Can you go back, please, on the slides?
14 Right there.

15 MR. BARROW: Okay.

16 MR. SLIGH: I think there's two little
17 palm trees and like a little scrub oak that's
18 right in this area, and those will be removed.

19 MR. BARROW: Okay.

20 MS. BARREIRO: That's where the stairs
21 are.

22 MR. SLIGH: Exactly. The stairs are
23 coming off here and coming back down this side
24 of the house so the stairs are actually less --
25 less square footage.

1 MR. BARROW: The palms and all that stay.

2 MR. SLIGH: Yes, sir. That's not touched.
3 That's correct.

4 MS. BARREIRO: If you go to the fourth
5 slide, Diana, the one with the house, the yellow
6 house on it, you can see through the carport
7 sort of. It's probably more visible in your
8 PowerPoint. Those are the pines or the palms
9 right under the house.

10 MR. SLIGH: Yeah, the stairs currently go
11 out like that. They go sort of north and these
12 are coming off and it's turning -- you see how
13 the sand is coming, blowing off of the top of
14 the dune and covering the current stairs, so
15 they are going to be actually directed to the
16 west and go right back towards the side of the
17 carport.

18 MS. BARREIRO: So they will come right
19 down to the sand.

20 MR. SLIGH: That's correct.

21 DR. HEPBURN: Mr. Chairman, this is maybe
22 sort of a global question because our next
23 project has a similar situation where we have
24 earlier structures that encroach on the
25 jurisdictional lines that were never permitted,

1 and Deb or Josh, maybe talk about when then
2 somebody seeks a permit at this point in time,
3 how do you work to remedy sort of the violation
4 that already exists as they are seeking
5 permitting to further encroach or maybe in this
6 case lesser encroach?

7 MS. BARREIRO: In this case, the house was
8 actually constructed prior to the Shore Act so
9 it wouldn't -- I wouldn't necessarily consider
10 it to be in violation, but what we would do is
11 work with the applicant to capture all of the
12 impacts, and for a lot of the properties on
13 Tybee, so much of the dune field is within their
14 extended property lines that it minimizes the
15 amount of land that's landward of jurisdiction
16 that can actually be used. Did I answer your
17 question?

18 MR. HAYMANS: So you try to capture the
19 current conditions in any permits from this day
20 forward.

21 MS. BARREIRO: That's been the practice of
22 the department to make sure we included any
23 existing impacts.

24 MR. NOBLE: That's correct and, you know,
25 work with applicants for any modification,

1 addition or removal that would minimize the
2 impact to the sand dune system and here where
3 the stairs are, you know, facing east, and they
4 are going to redirect them in order to try to
5 bring that structure landward in order to occupy
6 the landward area of the subject parcel.

7 MS. BARREIRO: In this instance less than
8 14 percent of the jurisdiction is actually
9 impacted with this project that's proposed.

10 DR. HEPBURN: Again, I think you're
11 pointing it out with this one, but the -- maybe
12 a bit of a tradeoff when you have the
13 opportunity to cure what might not have been a
14 violation but now --

15 MR. HAYMANS: Wouldn't meet the standard.

16 DR. HEPBURN: -- would now better meet the
17 standards at least when someone wants something
18 different done, you have an opportunity to
19 entice them to make some improvements
20 potentially.

21 MS. BARREIRO: Well, in working with the
22 applicant and their agents, that's always part
23 of the discussion.

24 COMMISSIONER RABON: Good discussion. Any
25 other questions? I would now entertain a

1 motion.

2 DR. HEPBURN: So moved that we approve the
3 project.

4 COMMISSIONER RABON: I have a motion to
5 approve. Do I have a second?

6 MR. BROOKSHIRE: Second.

7 COMMISSIONER RABON: Have a second. Any
8 discussion? Hearing none, all in favor say aye.

9 SPEAKERS: Aye.

10 COMMISSIONER RABON: Any opposed like
11 sign? The motion carries, and, Deb, I believe
12 you've got our next project as well.

13 MS. BARREIRO: Thank you. The next
14 project is also on Tybee Island.

15 Next slide, it's located on the south end
16 of the island at 1923 Chatham Avenue. This
17 project is proposing to construct and maintain a
18 residential pool, fence, drainage improvements
19 and landscaping at an existing single family
20 residence.

21 Next slide.

22 A little history on the project includes a
23 2006 SPA permit that took one parcel and
24 subdivided it into three parcels and permitted a
25 footprint for residential structures on the

1 newly subdivided lots.

2 There was an existing garage associated
3 with Lot 1 that predated the Marsh Act and --
4 I'm sorry, the Shore Act, and that was also
5 captured in the 2006 SPA permit.

6 The public notice of the Shore Protection
7 Committee ran from February 29th, 2024 through
8 March 30th, 2024. No comments were received in
9 response to the public notice.

10 At this time, I would like to introduce
11 Mark Boswell. He's representing the applicant
12 for this project.

13 MR. BOSWELL: Good morning, my name is
14 Mark Boswell. I'm the owner's engineer. He
15 could not make it here so I am representing him.
16 I hope I do a good job for him.

17 The applicant's property is approximately
18 12,167 square feet, .28 acres, of which 6393.7
19 square foot, which is .15 acres, is located
20 within the SPA jurisdiction.

21 The area within the SPA jurisdiction
22 consists of outdoor living space, 1810.7 square
23 feet, which is .04 acres, a 23.7-by-21.7 garage,
24 which 502.4 square feet, and vegetated sand
25 dunes, 4,080 square feet, which is .09 acres.

1 Next, please. Thank you very much.

2 The applicant proposes to improve the
3 outdoor living space immediately seaward of the
4 residence by constructing and maintaining a 17-
5 and-a-half-by-26-foot swimming pool, of which
6 approximately 353 square feet, which is .080
7 acres, will be in SPA jurisdiction, an
8 associated fence, which is 207 square feet or
9 .005 acres and installing drainage
10 infrastructure on 661.3 square feet, 0.015
11 acres.

12 Thank you.

13 Impacts to the SPA jurisdiction of the
14 proposed hardscape components of the project are
15 approximately 1221.7 square feet, which is .028
16 acres. The remainder of the outdoor living, 589
17 square feet, and new drainage improvements of
18 661.3 square feet in the jurisdiction will be
19 landscaped using native coastal vegetation,
20 which will be 1250.3 square feet or 0.029 acres.

21 Thank you.

22 Temporary impacts associated with the site
23 preparation and construction include the use of
24 heavy equipment to clear, grade and install
25 drainage infrastructure as well as to construct

1 the swimming pool.

2 Where appropriate, existing vegetation
3 will be removed from the area, soil will be
4 amended, and native coastal vegetation will be
5 reinstalled or installed landward of the toe of
6 the dune.

7 Thank you.

8 An existing at-grade shared beach access
9 foot path associated with the property will
10 remain. A private dune crosswalk is not
11 proposed. The Chatham Avenue public access dune
12 crosswalk is located adjacent to the property
13 driveway.

14 Approximately 4080.6 square feet or 64
15 percent of the SPA jurisdictional area will be
16 retained or improved to a more natural vegetated
17 and topographic state.

18 Proposed total impact to the SPA
19 jurisdiction area including the existing impacts
20 from the existing garage will total
21 approximately 2313.1 square feet or 36 percent.

22 Thank you very much.

23 I'd like to thank Deb for helping me with
24 this. She was a great help. Thank you very
25 much.

1 COMMISSIONER RABON: Thank you, Mr.
2 Boswell. Deb, have you got special conditions?

3 MS. BARREIRO: Should the committee
4 determine the proposed project to be in the
5 public interest, department staff to the
6 committee recommends the following standard and
7 special conditions.

8 Construction activities must occur
9 landward of the landward toe of the landward
10 dune as flagged in the field by the department.
11 In order to minimize the disruption of the
12 nesting activity from the artificial lighting,
13 the subject parcel will comply with WRD's turtle
14 nesting guidelines as well as the City of
15 Tybee's lighting ordinances.

16 Final landscape plan depicting native
17 coastal vegetation must be provided to the
18 department for approval prior to installation,
19 and this permit does not authorize trimming or
20 removal of natural dune vegetation seaward of
21 the landward toe of the most landward dune.

22 Additional, permittee may be required to
23 provide a post-construction survey.

24 COMMISSIONER RABON: Thank you, Deb.

25 I don't believe we have any public

1 comment. So we don't with that. Are there any
2 questions or comments from the committee?

3 Seeing -- yes, ma'am.

4 DR. HEPBURN: Let's talk about the garage.
5 Is the garage used as a garage?

6 MS. BARREIRO: I do not believe that
7 there's vehicular access to the -- to the
8 seaward portion of the lot.

9 The property has a parking spot or two
10 located under the residential structure.

11 MR. BOSWELL: Deb, I think that they store
12 like yard equipment or something in there, but
13 as far as using it as car parking, they couldn't
14 get to it for car parking.

15 MS. BARREIRO: Could you go through that
16 aerials? Here is where that helicopter could be
17 used.

18 You'll see, this is the house. This is
19 Chatham Avenue. That's the garage. The garage
20 is actually in the dunes.

21 DR. HEPBURN: Right.

22 MS. BARREIRO: And it's been there since
23 2006 when we issued the first permit.

24 DR. HEPBURN: But it was sort of
25 grandfathered, grandparented in?

1 MS. BARREIRO: This whole lot used to be
2 one lot.

3 DR. HEPBURN: Right. And that's the old
4 garage.

5 MS. BARREIRO: And, actually, that house
6 is the one was centered on the lot and was
7 relocated to Lot 1, so that's actually the
8 raised cottage, you know, that has been modified
9 over time, but that footprint of that structure
10 is still the original residential structure from
11 I think the thirties.

12 MR. BOSWELL: I think that's right.

13 DR. HEPBURN: And so this gets to my
14 earlier sort of question about curing an
15 existing challenge with a garage in the dunes to
16 maybe was there any consideration in terms of,
17 now with the pool and stuff, possibly returning
18 that dune field to a more natural state with the
19 removal of the garage?

20 MS. BARREIRO: Diana, could you go to the
21 fourth slide with the plan on it? Next, go
22 back. That one.

23 So if you look at the toe of the dune, it
24 actually follows the face of the garage at this
25 location, so in discussions, it would have

1 potentially impacted the dune more to actually
2 remove it.

3 DR. HEPBURN: To move it.

4 MS. BARREIRO: Because the amount of sand
5 that has accreted adjacent to it on the seaward
6 side, it's not buried, but there's, you know,
7 pressure on the walls and stuff that maybe we
8 will talk about removal at some point in time,
9 but that wasn't something that the property
10 owner wanted to undertake.

11 MR. HAYMANS: So the garage preexisted the
12 2006 permit; right?

13 MS. BARREIRO: Correct.

14 MR. HAYMANS: The 2006 permit recognized
15 that the garage was there when it approved
16 moving the house.

17 MS. BARREIRO: That's correct, and we also
18 put the condition on it at that time that no
19 improvements could be made it.

20 MR. HAYMANS: Do we know how old the
21 garage is?

22 MS. BARREIRO: I don't, but it's been
23 there.

24 MR. BOSWELL: It's probably 90 years old
25 or so.

1 MR. HAYMANS: So it may be a historical
2 structure itself.

3 MS. BARREIRO: Yeah.

4 DR. HEPBURN: It may also be floating in
5 the ocean soon.

6 MR. HAYMANS: That's correct.

7 MS. BARREIRO: Diana, could you go to the
8 second slide.

9 So you can actually see in this slide
10 seaward of the property is one of SPA 460's
11 dunes that was created by the City of Tybee
12 Island.

13 This is a really dynamic area. You can
14 see the sandbar down here that changes, you
15 know, on a daily basis, and as we've said, the
16 property -- if you go to the fifth slide, I
17 think, that one -- yeah, that one, you can see
18 approximately of the 12,167 square feet that the
19 parcel occupies, over half of it's in
20 jurisdiction, and that garage is in it.

21 DR. HEPBURN: Yeah.

22 MR. BUCEY: Josh, I don't want -- it may
23 be helpful for Dr. Hepburn to understand how the
24 jurisdictional lines used to be, but probably
25 the entire dwelling and the entire lot was under

1 jurisdiction before the rule changed and it
2 changed kind of delineated the line.

3 MS. BARREIRO: So actually on this lot, it
4 would have all been out of jurisdiction because
5 of the vegetation that's seaward of the house.
6 The old line would have been --

7 MR. BOSWELL: Almost to the beach
8 actually.

9 MS. BARREIRO: You know, the old line
10 would have been on the seaward side of the
11 garage, which is not normally the case, and
12 that's why if you go to -- can you go to Slide
13 Number 2, please -- back one.

14 You see this house? Brand-new
15 construction, did not need a permit, totally out
16 of jurisdiction, and it's because of this
17 vegetation row that's seaward of everything.

18 Not only did they, you know, get their
19 line verified but their house was pulled back
20 landward of the jurisdictional line. They did
21 not need a permit.

22 We worked with the applicant to construct
23 the residence landward of the jurisdiction.

24 So this was one of the incidents, Dan,
25 where it worked in reverse because of the

1 vegetation, which isn't a really common thing.
2 Most people clear for views, and as a result
3 when they cleared for views, they took all the
4 trees, and the old jurisdictional line would go
5 far landward because there was no vegetation
6 here.

7 MR. NOBLE: Similar to the north, right?

8 MS. BARREIRO: Absolutely, the dunes are
9 eroding now.

10 DR. HEPBURN: Dunes do accrete.

11 MS. BARREIRO: Well, we do -- in your
12 findings you may have noticed that we referenced
13 Dr. Alexander's studies for beach monitoring on
14 the island, and this is -- this is an
15 accretional area that we're seeing a nice amount
16 of sand getting deposited seaward of the
17 permitted sand dune for SPA 460, which makes
18 everyone really happy.

19 DR. HEPBURN: Yeah.

20 COMMISSIONER RABON: Any other questions
21 or comments from the committee? Hearing none,
22 we would now entertain a motion.

23 MR. POOLE: Make a motion to approve.

24 COMMISSIONER RABON: Have a motion to
25 approve. Do I have a second?

1 MR. BARROW: Second.

2 COMMISSIONER RABON: Any discussion?
3 Hearing none, all in favor of the motion say
4 aye.

5 SPEAKERS: Aye.

6 COMMISSIONER RABON: Any opposed like
7 sign? The motion is carried.

8 And now I will call on Clayton Davis. We
9 have one more item of business.

10 MR. DAVIS: Good morning. Thank you,
11 commissioner.

12 So I'm presenting the -- sorry, I don't
13 have the slides for this one. Presenting the
14 change in annual lease bottom rate for the 2025
15 fiscal year that is based on Consumer Price
16 Index less food and energy and was calculated by
17 Dr. Matthews at College of Coastal Georgia for
18 us. He's a professor of economics over there,
19 and the source was the Bureau of Labor
20 Statistics.

21 So the 2024, year that we're currently in,
22 the lease per acre for water bottom usage was
23 1364. That new figure is estimated to be
24 1417.60.

25 COMMISSIONER RABON: Any questions of

1 Clayton? No questions? This is an action item
2 so I will need a motion.

3 DR. HEPBURN: I move that we approve the
4 adjusted rate.

5 COMMISSIONER RABON: I have a motion to
6 approve the adjusted rate. Do I have a second?

7 MR. BARROW: Second.

8 COMMISSIONER RABON: Second. Any
9 discussion? Hearing none, all in favor say aye.

10 SPEAKERS: Aye.

11 COMMISSIONER RABON: Any opposed like
12 sign? The motion is carried. Thank you.

13 Let me say thank you to the committee for
14 being here. I know that all of us have received
15 our packages from staff and that has certainly
16 expedited our meeting and cut down on a lot of
17 questions.

18 Let me publicly go on the record in
19 thanking the staff. A lot of work goes into
20 what anyone watching or listening from the
21 public side would say, you know, it's very
22 efficient process and very efficient committee
23 meeting, but we know that a lot of work has gone
24 into that before we get to this day, so thank
25 you to the staff for all the work that you do in

1 preparing your chair and preparing the committee
2 for the meetings.

3 So with that I would like to say that we
4 will adjourn the meeting.

5 (Meeting concluded at 10:14 a.m.)
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1 CERTIFICATE OF COURT REPORTER

2
3 STATE OF GEORGIA:

4 COUNTY OF GLYNN:

5
6 I hereby certify that the foregoing transcript was
7 reported as stated in the caption and the questions
8 and answers thereto were reduced to writing by me;
9 that the foregoing 39 pages represent a true,
10 correct, and complete transcript of the proceedings
11 on Friday, April 5, 2024.12 I certify that I am not disqualified for a
13 relationship of interest under O.C.G.A. 9-11-28(c); I
14 am a Georgia Certified Court Reporter here as an
15 employee of Gilbert & Jones, Inc. who was contacted
16 by Department of Natural Resources to provide court
17 reporting services for the proceedings; I will not be
18 taking these proceedings under any contract that is
19 prohibited by O.C.G.A. 15-14-37(a) and (b) or
20 Article 7.C. of the Rules and Regulations of the
21 Board; and by the attached disclosure form I confirm
22 that neither I nor Gilbert & Jones, Inc. are a party
23 to a contract prohibited by O.C.G.A. 15-14-37(a) and
24 (b) or Article 7.C. of the Rules and Regulations of
25 the Board.

This the 14th day of April 2024.



20
21 DEBBIE GILBERT, CERTIFIED COURT
22 REPORTER, B-515
23
24
25

DISCLOSURE OF NO CONTRACT

I, Debbie Gilbert, do hereby disclose pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia that Gilbert & Jones, Inc. was contacted by Department of Natural Resources to provide court reporting services for these proceedings and there is no contract that is prohibited by O.C.G.A. 15-14-37(a) and (b) or Article 7.C. of the Rules and Regulations of the Board for the taking of these proceedings.

There is no contract to provide reporting services between Gilbert & Jones, Inc. or any person with whom Gilbert & Jones, Inc. has a principal and agency relationship nor any attorney at law in this action, party to this action, party having a financial interest in this action, or agent for an attorney at law in this action, party to this action, or party having a financial interest in this action. Any and all financial arrangements beyond our usual and customary rates have been disclosed and offered to all parties.

This the 14th day of April 2024.



Debbie Gilbert, FIRM
REPRESENTATIVE
Gilbert & Jones, Inc.