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

Debbie Gilbert, RPR, Certified Court Reporter, B-515
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
COMMISSIONER RABON: Good morning.

SPEAKERS: Good morning.

COMMISSIONER RABON: I'd like to call our meeting to order of the Coastal Marshlands Protection Committee Meeting.

Before we get started, I'd like to introduce a special guest, Ms. Robin Leigh, the -- certainly not a new face but new in her new role as deputy attorney general, so congratulations to you on that, Robin, and thank you for being with us today.

The order for the projects is as stated on the final agenda. Today we have four projects, three Shore Protection applications and one Coastal Marshland Protection application.

The first will be from the Shore Protection Act DM-4 SI Properties, LLC for removal and installation of native landscaping and installation of a portion of a pool deck and spa on Atlantic Ocean, Sea Island, Glynn County Georgia.

The second one will be the Coastal Marshland Protection Act, Department of Natural
Resources, Coastal Resources Division, modification and enhancement of the James Allen Williams Champney River Park, Champney River, McIntosh County, Georgia.

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

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

SPEAKER: So moved.

DR. HEPBURN: Second.

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

First let’s jump to Josh Noble who will present the first project.

MR. NOBLE: Thank you, Commissioner. My
name is Josh Noble. And the first project we're going to be evaluating today is the application DM-4 SI Properties, LLC.

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

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

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

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

MR. BUCEY: Good morning. I am Dan Bucey
with Resource and Land Consultants representing the DM-4 SI Properties, LLC.

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

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

MR. BUCEY: Thank you.

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

MS. PATRICK: Site plan you said?

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

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

Upon completion 95 percent of the Shore
Protection Act jurisdictional area will remain in the native vegetative and topographic state.

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

Thank you.

COMMISSIONER RABON: Thank you, Dan.

Josh will now present the special conditions.

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

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

A final landscape plan depicting native coastal vegetation must be proved to the department for approval prior to installation.

And lastly, the permittee may be required to
provide a post-construction survey that locates
the proposed structure as indicated in the
application materials. Such survey shall comply
with the Georgia Plat Act.

COMMISSIONER RABON: Thank you, Josh.

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

DR. HEPBURN: Do we have any public
comments?

COMMISSIONER RABON: No public comments.

DR. HEPBURN: At all? Okay.

MR. BARROW: I make a motion to approve.

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

MR. POOLE: Second.

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

SPEAKERS: Aye.

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

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

COMMISSIONER RABON: Yes, sir.

MR. POOLE: I talked to Josh briefly
yesterday. Would there be a way for us to get an -- like an aerial photograph looking down to show a little closer from what we see today if it comes up or it comes up on the public Web site, to have a drone that would show the relevant neighboring properties, especially as we go forward a lot more?

COMMISSIONER RABON: I think we can do that.

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

COMMISSIONER RABON: Good suggestion.

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

COMMISSIONER RABON: Get a camera on a long pole.

DR. HEPBURN: Come on.

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

MR. TOBLER: Thank you, Mr. Commissioner. This is a CMPA application. The proposed project is to modify and enhance the James Allen Williams Champney River Park located on Champney River in McIntosh County, Georgia. The public notice of the Coastal Marshlands Protection
Committee ran from June 15th, 2023 to July 14th 2023. No comments were received during the public notice period, and I would like to introduce the agent and/or applicant for the project, Paul Medders.

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

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

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

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

So the existing conditions, those of y'all
that see Champney on a regular basis, you know that the dock is too low. Oftentimes the floating dock floats up higher than the fixed dock putting stress on the gangway.

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

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

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

Let's go to the next slide, please. So the boat ramp is going to go -- technically the boat ramp is a double boat ramp now, although most people don't park, use it that way. They go right down the middle so we're going to what really could launch four small boats with a
divider in the middle but it will be a wider boat ramp.

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

Let's go to the next slide. So Wildlife Resources Division, our sister division, commonly -- they're doing it right now -- they work out of here with barges, like they are trying to repair those dikes and the water control structure around Rhetts and Butler after the hurricanes, and we've never really had a formal barge landing, so we're proposing a grid paved, it's a -- it will be grass over it, but when they do -- they don't do it very commonly but when they do use, run cranes and stuff through there, they will have a protected area to do that, and -- but other pieces -- little
odd, there's some concrete structures that have been there since the project was built and never permitted, so we're bringing them into the permitted world so we will have them on record as being permitted structures.

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

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

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

So we're reducing the pervious surfaces
and increasing dealing with that marsh runoff into the marshland. Nothing is extended into the buffer. Everything is actually coming in a little inside of where currently it is, and I think that's the last slide. Is there one more or is that it?

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

COMMISSIONER RABON: Very good. Thank you, Paul.

Paul, will you please present the special conditions?

MR. TOBLER: Should the committee determine that the proposed is in the public interest, the staff recommends Coastal Marshland Protection Act standard conditions and the following special conditions. Permittee may be required to provide a post-construction survey to the department upon completion of the permitted activity. Survey should comply with Georgia Plat Act. Number 2, permittee shall install manatee awareness signage during the construction of the project and shall adhere to standard manatee conditions and procedures for aquatic construction as approved by Savannah
District of the Army Corps, US Fish and Wildlife and DNR.

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

Are there any questions or deliberations from the committee?

MR. POOLE: Commissioner, I have a question, and this is really -- I'm not sure exactly how to ask this question, but I'm intimately involved in this particular project, and I know as a commissioner for that, this county, we would like to better understand what empowerment we have to try to help control some of the commercial activity that exists at this -- you know, crabbers are depending on this facility. They use it in earnest. But we also have other commercial activities like deadheading logging and what-not, which has just created problems in the past, especially when there's limited parking, and it floods on almost a monthly basis, so is there anything as a county we can do to help the DNR, depending on which part of the agency, to enforce or to restrict or to -- and I'm not even sure what the
question is going to be -- but give us some teeth to where we can sink in and curtail some of the activities that happen there? I know it's a public access point, and they are near and dear to my heart for sure, but I just know that some of the activity that happens, it's not -- they don't take care of it. They leave bottles in the middle of the road. They throw things in the marsh, bring their equipment and leave it there.

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

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

But off the cuff right now about how that looks, I can't tell you, but I'd say let's sit down and look at the memorandum of agreement.

Paul, do we have any other agreements with
our public access facilities --

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

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

MR. POOLE: Very well.

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

MR. POOLE: Very good, thank you.
COMMISSIONER RABON: Good points. Any other questions from the committee? Hearing none, we would entertain a motion.

MR. POOLE: Make a motion to approve.

DR. HEPBURN: Second.

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

SPEAKERS: Aye.

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

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

The public notice of the Shore Protection Committee ran from January 20th, 2024 through February 18th, 2024. No public comments were received in response to the public notice.
I'd like to introduce Stuart Sligh who will be presenting the project for the applicant.

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

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

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

Next slide, please.

Existing impacts within SPA jurisdiction total 0.02 acres.

Next slide, please.

The applicant proposes to remove and relocate wooden stairs -- they currently go that way and he's putting them this way; actually less square footage -- and construct a four-foot
tall by 103-foot long vinyl sheet pile bulkhead landward of the toe of the dune and that's this structure here.

Next slide, please, yes.

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

Next slide, please.

No additional modifications are proposed.

Approximately 86 percent of the SPA jurisdictional area will be retained in a natural state. Total impact of the jurisdictional area upon completion of the project totals 14 percent or 0.022 acres.

Next slide, please.

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

Next slide, please.

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

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

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

First special condition. Concrete is not authorized in the construction of the permitted structure. Construction activities must be conducted landward of the landward toe of the dune as flagged in the field by the department. A final landscape plan depicting native coastal vegetation must be provided to the department for approval prior to installation. This permit does not authorize trimming or removal of any natural dune vegetation seaward of the landward toe of the most landward dune, and in order to minimize disruption of nesting activity, any artificial lighting from the subject parcel will comply with the Department of Natural Resources' Wildlife Resources Division sea turtle nesting guidelines as well as the City of Tybee ordinances, and finally permittee may be
required to provide post-construction survey.

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

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

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

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

MR. BARROW: Okay.

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

MR. BARROW: Okay.

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

MR. SLIGH: Exactly. The stairs are
coming off here and coming back down this side
of the house so the stairs are actually less --
less square footage.
MR. BARROW: The palms and all that stay.

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

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

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

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

MR. SLIGH: That's correct.

DR. HEPBURN: Mr. Chairman, this is maybe sort of a global question because our next project has a similar situation where we have earlier structures that encroach on the jurisdictional lines that were never permitted,
and Deb or Josh, maybe talk about when then
somebody seeks a permit at this point in time,
how do you work to remedy sort of the violation
that already exists as they are seeking
permitting to further encroach or maybe in this
case lesser encroach?

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

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

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

MR. NOBLE: That's correct and, you know,
work with applicants for any modification,
addition or removal that would minimize the impact to the sand dune system and here where the stairs are, you know, facing east, and they are going to redirect them in order to try to bring that structure landward in order to occupy the landward area of the subject parcel.

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

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

MR. HAYMANS: Wouldn't meet the standard.

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

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

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

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

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

MR. BROOKSHIRE: Second.

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

SPEAKERS: Aye.

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

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

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

Next slide.

A little history on the project includes a 2006 SPA permit that took one parcel and subdivided it into three parcels and permitted a footprint for residential structures on the
newly subdivided lots.

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

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

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

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

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

The area within the SPA jurisdiction consists of outdoor living space, 1810.7 square feet, which is .04 acres, a 23.7-by-21.7 garage, which 502.4 square feet, and vegetated sand dunes, 4,080 square feet, which is .09 acres.
Next, please. Thank you very much.

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

Thank you.

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

Thank you.

Temporary impacts associated with the site preparation and construction include the use of heavy equipment to clear, grade and install drainage infrastructure as well as to construct
the swimming pool.

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

Thank you.

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

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

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

Thank you very much.

I'd like to thank Deb for helping me with this. She was a great help. Thank you very much.
COMMISSIONER RABON: Thank you, Mr. Boswell. Deb, have you got special conditions?

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

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

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

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

COMMISSIONER RABON: Thank you, Deb. I don’t believe we have any public
comment. So we don't with that. Are there any
questions or comments from the committee?
Seeing -- yes, ma'am.

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

MS. BARREIRO: I do not believe that
there's vehicular access to the -- to the
seaward portion of the lot.
The property has a parking spot or two
located under the residential structure.

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

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

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

DR. HEPBURN: Right.

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

DR. HEPBURN: But it was sort of
grandfathered, grandparented in?
MS. BARREIRO: This whole lot used to be one lot.

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

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

MR. BOSWELL: I think that's right.

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

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

So if you look at the toe of the dune, it actually follows the face of the garage at this location, so in discussions, it would have
potentially impacted the dune more to actually remove it.

DR. HEPBURN: To move it.

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

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

MS. BARREIRO: Correct.

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

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

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

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

MR. BOSWELL: It's probably 90 years old or so.
MR. HAYMANS: So it may be a historical structure itself.

MS. BARREIRO: Yeah.

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

MR. HAYMANS: That's correct.

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

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

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

DR. HEPBURN: Yeah.

MR. BUCEY: Josh, I don't want -- it may be helpful for Dr. Hepburn to understand how the jurisdictional lines used to be, but probably the entire dwelling and the entire lot was under
jurisdiction before the rule changed and it
collapsed kind of delineated the line.

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

MR. BOSWELL: Almost to the beach
actually.

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

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

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

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

So this was one of the incidents, Dan,
where it worked in reverse because of the
vegetation, which isn't a really common thing. Most people clear for views, and as a result when they cleared for views, they took all the trees, and the old jurisdictional line would go far landward because there was no vegetation here.

MR. NOBLE: Similar to the north, right?

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

DR. HEPBURN: Dunes do accrete.

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

DR. HEPBURN: Yeah.

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

MR. POOLE: Make a motion to approve.

COMMISSIONER RABON: Have a motion to approve. Do I have a second?
MR. BARROW: Second.

COMMISSIONER RABON: Any discussion?

Hearing none, all in favor of the motion say aye.

SPEAKERS: Aye.

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

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

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

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

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

COMMISSIONER RABON: Any questions of
Clayton? No questions? This is an action item so I will need a motion.

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

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

MR. BARROW: Second.


SPEAKERS: Aye.

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

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

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

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

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

STATE OF GEORGIA:
COUNTY OF GLYNN:

I hereby certify that the foregoing transcript was reported as stated in the caption and the questions and answers thereto were reduced to writing by me; that the foregoing 39 pages represent a true, correct, and complete transcript of the proceedings on Friday, April 5, 2024.

I certify that I am not disqualified for a relationship of interest under O.C.G.A. 9-11-28(c); I am a Georgia Certified Court Reporter here as an employee of Gilbert & Jones, Inc. who was contacted by Department of Natural Resources to provide court reporting services for the proceedings; I will not be taking these proceedings under any 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; and by the attached disclosure form I confirm that neither I nor Gilbert & Jones, Inc. are a party to a contract prohibited by O.C.G.A. 15-14-37(a) and (b) or Article 7.C. of the Rules and Regulations of the Board.

This the 14th day of April 2024.

DEBBIE GILBERT, CERTIFIED COURT REPORTER, B-515

GILBERT & JONES
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.

[Signature]

Debbie Gilbert, FIRM REPRESENTATIVE
Gilbert & Jones, Inc.