



CHAPTER FIVE:

POLICIES AND MANAGEMENT AUTHORITY



The ultimate challenge of the exploited ocean is clear. It is political. What is "conquered" by technology must be governed, and in this respect an ocean subjected is no different from a nation subdued. This will be true of the coastal ocean and the high seas.

Wesley Marx
The Frail Ocean



POLICIES AND MANAGEMENT AUTHORITIES

Section I of this chapter describes the policies of the Georgia Coastal Management Program and the underlying statutes that provide their enforceability. **Section II** of this chapter describes other enforceable authorities by which the Georgia Coastal Management Program can implement its responsibilities to provide resource protection while nurturing sustainable development. These other authorities are not necessarily policies of the Program; rather they are procedural mechanisms by which the Program can fulfill its responsibilities. **Section III** provides a table for quick reference to all management authorities cited in the previous two Sections. **Section IV** provides a quick description of various State Programs that are used in the coastal area. **Section V** provides a thumbnail sketch of various State Agencies and Commissions. **Section VI** describes some of the federal authorities by which coastal resources are managed. **Section VII** provides a short list of federal programs that influence coastal resources.

SECTION I: GEORGIA COASTAL MANAGEMENT PROGRAM POLICIES

A. Introduction

The goals of the Georgia Coastal Management Program are attained by enforcement of the policies of the State as codified within the Official Code of Georgia Annotated. "Policy" or "policies" of the Georgia Coastal Management Program means the enforceable provisions of present or future applicable statutes of the State of Georgia or regulations promulgated duly thereunder (O.C.G.A. 12-5-322). The statutes cited as policies of the Program were selected because they reflect the overall Program goals of developing and implementing a balanced program for the protection of the natural resources, as well as promoting sustainable economic development of the coastal area. The inclusion of these authorities is also based on the recommendations provided by citizens from the coastal area who served as members of the Coastal Zone Advisory Committee and associated Task Forces. Each recommendation of the Coastal Zone Advisory Committee was considered during the development of this document, and the corresponding authorities that most closely relate to the Committee's recommendations are cited here as policies of the Georgia Coastal Management Program.

For each of the coastal resource and use areas of concern listed below, a policy statement is provided with a direct citation to Georgia law. The laws are not cited in their entirety; rather, the purpose of the statute, or a pertinent section of the statute, is cited. The Program policies are the enforceable provisions of the laws cited. A policy statement for each law describes the spirit of the law, directly cited from statements set out in the particular law. In each case, the citation for the statement is provided. The particular statements may or may not be enforceable as written, but the laws to which they relate contain enforceable provisions that have been enacted by the Georgia General Assembly to implement the policies as stated. The policies cited here are,

therefore, supported by legally binding laws of the State of Georgia, through which Georgia is able to exert control over impacts to the land and water uses and natural resources in the coastal area. The statutes referenced herein can be found in the Official Code of Georgia Annotated (O.C.G.A.), copies of which are located in headquarters offices of State and local agencies, most public libraries, local courthouses, and numerous other public offices.

A General Description is set out after each cited policy and is provided for the reader to use as a quick reference to the relevant provisions of the law. The General Description is not intended to be, nor should it be interpreted as, law, policy, or restatement of the law. It is merely provided for the convenience of the reader to gain an initial concept as to the content of the related law. The reader is advised to refer to the actual law cited, and not to rely on the General Description as a basis for a legal interpretation of the law on any particular issue.

B. Policy Statements and General Description

-- Aquaculture --

Policy Statement

Georgia Aquaculture Development Act (O.C.G.A. 27-4-251, et seq.)

27-4--254. Duty of commission to develop aquaculture development plan; contents of plan; meetings of commission; staff support.

(a) The commission shall make a thorough study of aquaculture and the potential for development and enhancement of aquaculture in the state. It shall be the duty of the commission to develop, distribute, and, from time to time, amend an aquaculture development plan for the State of Georgia for the purpose of facilitating the establishment and growth of economically viable aquaculture enterprises in Georgia. (Code 1981. § 27-4-254, enacted by Ga. L. 1992, p. 1507, §8.)

General Description

The Georgia Aquaculture Development Act was enacted in 1992 to study aquaculture development in Georgia. A 14-member Aquaculture Development Commission composed of industry representatives, scientists, agency representatives, and others is created. The Department of Natural Resources, with assistance from the Department of Agriculture and the Department of Industry, Trade, and Tourism provides staff support for the Commission.

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-- Air Quality --

Policy Statement

Georgia Air Quality Act (O.C.G.A. 12-9-1, et seq.)

12-9-2. Declaration of public policy.

It is declared to be the public policy of the State of Georgia to preserve, protect, and improve air quality and to control emissions to prevent the significant deterioration of air quality and to attain and maintain ambient air quality standards so as to safeguard the public health, safety, and welfare consistent with providing for maximum employment and full industrial development of the state. (Code 1933, 88-901, enacted by Ga. L. 1967, p. 581, § 1; Ga. L. 1978, p. 275, § 1; Ga. L. 1992, p. 918, § 2; Ga. L. 1992, p. 2886, § 1.)

General Description

The Georgia Air Quality Act provides authority to the Environmental Protection Division to promulgate rules and regulations necessary to abate or to control air pollution for the State as a whole or from area to area, as may be appropriate. Establishment of ambient air quality standards, emission limitations, emission control standards, and other measures are necessary to provide standards that are no less stringent than the federal Clean Air Act are mandated. The Act also requires establishment of a program for prevention and mitigation of accidental releases of hazardous air contaminants or air pollutants, training and educational programs to ensure proper operation of emission control equipment, and standards of construction no less stringent than the federal Act. The Environmental Protection Division administers the Georgia Air Quality Act throughout the State. The Memorandum of Agreement between the Georgia Coastal Resources Division and the Environmental Protection Division ensures cooperation and coordination in the achievement of the policies of the Program.

-- Boating Safety --

Policy Statement

Georgia Boat Safety Act (O.C.G.A. 52-7-1, et seq.)

52-7-2. Declaration of policy.

It is the policy of this state to promote safety for persons and property in and connected with the use, operation, and equipment of vessels and to promote the uniformity of laws relating thereto. (Ga. L. 1973, p. 1427, §2)

General Description

The Georgia Boat Safety Act provides enforceable rules and regulations for safe boating practices on Georgia's lakes, rivers, and coastal waters. This Act establishes boating safety zones for a distance of 1,000 feet from the high-water mark on Jekyll Island, Tybee Island, St. Simons Island, and Sea Island. All motorized craft, including commercial fishing vessels, jet skis, and power boats, are prohibited from these waters, except at certain pier and marina access points. This Act defines "abandoned vessels" as any left unattended for five days and provides for their removal. The Law Enforcement

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Section of the Georgia Department of Natural Resources, Wildlife Resources Division and the Georgia Bureau of Investigation enforces these regulations.

-- Coastal Management --

Policy Statement

Georgia Coastal Management Act (O.C.G.A. 12-5-320, et seq.)

12-5-321. Legislative purpose.

The General Assembly finds and declares that the coastal area of Georgia comprises a vital natural resource system. The General Assembly recognizes that the coastal area of Georgia is the habitat of many species of marine life and wildlife which must have clean waters and suitable habitat to survive. The General Assembly further finds that intensive research has revealed that activities affecting the coastal area may degrade water quality or damage coastal resources if not properly planned and managed. The General Assembly finds that the coastal area provides a natural recreation resource which has become vitally linked to the economy of Georgia's coast and to that of the entire state. The General Assembly further finds that resources within this coastal area are costly, if not impossible, to reconstruct or rehabilitate once adversely affected by human-related activities and it is important to conserve these resources for the present and future use and enjoyment of all citizens and visitors to this state. The General Assembly further finds that the coastal area is a vital area of the state and that it is essential to maintain the health, safety, and welfare of all the citizens of the state. Therefore, the General Assembly declares that the management of the coastal area has more than local significance, is of equal importance of all citizens of the state, is of state-wide concern, and consequently is properly a matter for coordinated regulation under the police power of the state. The General Assembly further finds and declares that activities and structures in the coastal area must be regulated to ensure that the values and functions of coastal waters and natural habitats are not impaired and to fulfill the responsibilities of each generation as public trustees of the coastal waters and habitats for succeeding generations.

General Description

The Coastal Management Act provides enabling authority for the State to prepare and administer a coastal management program. The Act does not establish new regulations or laws; it is designed to establish procedural requirements for the Department of Natural Resources to develop and implement a program for the sustainable development and protection of coastal resources. It establishes the Department of Natural Resources as the State agency to receive and disburse federal grant monies. It establishes the Governor as the approving authority of the program and as the person that must submit the program to the federal government for approval under the federal Coastal Zone Management Act. It requires other State agencies to cooperate with the Coastal Resources Division when exercising their activities within the coastal area.

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-- Coastal Marshlands --

Policy Statement

Coastal Marshlands Protection Act (O.C.G.A. 12-5-280, et seq.)

12-5-281. Legislative findings and declarations.

The General Assembly finds and declares that the coastal marshlands of Georgia comprise a vital natural resource system. It is recognized that the estuarine area of Georgia is the habitat of many species of marine life and wildlife and, without the food supplied by the marshlands, such marine life and wildlife cannot survive. The General Assembly further finds that intensive marine research has revealed that the estuarine marshlands of coastal Georgia are among the richest providers of nutrients in the world. Such marshlands provide a nursery for commercially and recreationally important species of shellfish and other wildlife, provide a great buffer against flooding and erosion, and help control and disseminate pollutants. Also, it is found that the coastal marshlands provide a natural recreation resource which has become vitally linked to the economy of Georgia's coastal zone and to that of the entire state. The General Assembly further finds that this coastal marshlands resource system is costly, if not impossible, to reconstruct or rehabilitate once adversely affected by man related activities and is important to conserve for the present and future use and enjoyment of all citizens and visitors to this state. The General Assembly further finds that the coastal marshlands are a vital area of the state and are essential to maintain the health, safety, and welfare of all the citizens of the state. Therefore, the General Assembly declares that the management of the coastal marshlands has more than local significance, is of equal importance to all citizens of the state, is of state-wide concern, and consequently is properly a matter for regulation under the police power of the state. The General Assembly further finds and declares that activities and structures in the coastal marshlands must be regulated to ensure that the values and functions of the coastal marshlands are not impaired and to fulfill the responsibilities of each generation as public trustees of the coastal marshlands for succeeding generations. (Code 1981, § 12-5-281, enacted by Ga. L. 1992, p. 2294, § 1.)

General Description

The Coastal Marshlands Protection Act provides the Coastal Resources Division with the authority to protect tidal wetlands. The Coastal Marshlands Protection Act limits certain activities and structures in marsh areas and requires permits for other activities and structures. Erecting structures, dredging, or filling marsh areas requires a Marsh Permit administered through the Coastal Management Program. In cases where the proposed activity involves construction on State-owned tidal water bottoms, a Revocable License issued by the Coastal Resources Division may also be required. Marsh Permits and Revocable Licenses are not issued for activities that are inconsistent with the Georgia Coastal Management Program.

The jurisdiction of the Coastal Marshlands Protection Act extends to "coastal marshlands" or "marshlands", which includes marshland, intertidal area, mudflats, tidal water bottoms, and salt marsh area within estuarine area of the state, whether or not the tidewaters reach the littoral areas through natural or artificial watercourses. The estuarine area is defined as all tidally influenced waters, marshes, and marshlands lying within a tide-elevation range from 5.6 feet above mean high-tide level and below. Exemptions

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from the jurisdiction of the Act include: Georgia Department of Transportation activities, generally; agencies of the United States charged with maintaining navigation of rivers and harbors (See Chapter Eight, "Federal Consistency"); railroad activities of public utilities companies; activities of companies regulated by the Public Service Commission; activities incident to water and sewer pipelines; and, construction of private docks that don't obstruct tidal flow.

Any agricultural or silvicultural activity that directly alters lands within the jurisdictional areas of the Coastal Marshlands Protection Act must meet the permit requirements of the Act and must obtain a permit issued by the Coastal Resources Division on behalf of the Coastal Marshlands Protection Committee. Permits for marinas, community docks, boat ramps, recreational docks, and piers within the jurisdiction of the Coastal Marshlands Protection Act are administered by the Coastal Resources Division. To construct a marina, a marina lease is required. Private-use recreational docks are exempt from the Coastal Marshlands Protection Act but must obtain a Revocable License and a State Programmatic General Permit.

-- Dams --

Policy Statement

Georgia Safe Dams Act (O.C.G.A. 12-5-370, et seq.)

12-5-371. Declaration of purpose.

It is the purpose of this part to provide for the inspection and permitting of certain dams in order to protect the health, safety, and welfare of all the citizens of the state by reducing the risk of failure of such dams. The General Assembly finds and declares that the inspection and permitting of certain dams is properly a matter for regulation under the police powers of the state. (Ga. L. 1978, p. 795, § 2)

General Description

The Georgia Safe Dams Act provides for the inspection and permitting of certain dams to protect the health, safety, and welfare of Georgia residents. The Environmental Protection Division of the Georgia Department of Natural Resources is responsible for inspecting and certifying dams.

-- Department of Natural Resources --

Policy Statement

12-2-3. Departmental purposes.

It shall be the objectives of the department:

- (1) To have the powers, duties, and authority formerly vested in the Division of Conservation and the commissioner of conservation;
- (2) By means of investigation, recommendation, and publication, to aid:

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- (A) In the promotion of the conservation and development of the natural resources of the state;
 - (B) In promoting a more profitable use of lands and waters;
 - (C) In promoting the development of commerce and industry; and
 - (D) In coordinating existing scientific investigations with any related work of other agencies for the purpose of formulating and promoting sound policies of conservation and development;
- (3) To collect and classify the facts derived from such investigations and from the work of other agencies of the state as a source of information accessible to the citizens of the state and to the public generally, which facts set forth the natural, economic, industrial, and commercial advantages of the state; and
- (4) To establish and maintain perfect cooperation with any and every agency of the federal government interested in or dealing with the subject matter of the department. (Ga. L. 1937, p. 264, § 4; Ga. L. 1949, p. 1079, § 1; Ga. L. 1992, p. 6, § 12.)

General Description

The authority for the Department of Natural Resources is found at O.C.G.A. 12-2-1, *et seq.* The objectives for the Department are described, including to aid: in promoting the conservation and development of the State's natural resources; in promoting a more profitable use of lands and waters; in promoting the development of commerce and industry; and in coordinating existing scientific investigations with related work of other agencies for the purpose of formulating and promoting sound policies of conservation and development. The Act also requires the Department to "establish and maintain perfect cooperation with any and every agency of the federal government interested in or dealing with the subject matter of the department."

The powers of the Department are established, including: investigations of the natural mining industry and commercial resources of the State and promotion of the conservation and development of such resources; the care of State parks and other recreational areas now owned or to be acquired by the State; examination, survey, and mapping of the geology, mineralogy, and topography of the State, including their industrial and economic utilization; investigation of the water supply and water power of the State with recommendations and plans for promoting their more profitable use and promotion of their development; investigations of existing conditions of trade, commerce, and industry in the State, with particular attention to the causes that may hinder or encourage their growth, and recommendations of plans that promote the development of their interests.

The Department is set up in several Divisions. The **Wildlife Resources Division** is empowered to acquire land areas and to enter into agreements with landowners and the federal government for purposes of managing wildlife species and establishing specific sanctuaries, wildlife management areas, and public fishing areas. The Wildlife Resources Division administers a management plan for each area which establishes short- and long-term uses and guidelines for protection and use of each specific area. These areas owned and/or managed by the Wildlife Resources Division are important resources of the coastal area for conservation of wildlife and also for recreational hunting and fishing

opportunities. Wildlife management areas within the jurisdiction of the Coastal Marshlands Protection Act and/or Shore Protection Act receive the additional protection provided by said legislation. The **Environmental Protection Division** is empowered to manage the State's air and water resources. The **Coastal Resources Division** is charged with management of coastal resources, which includes implementation of the Coastal Marshlands Protection Act and the Shore Protection Act. The Coastal Resources Division responsibilities also include management of marine fisheries resources. The **Pollution Prevention Assistance Division** provides technical assistance and education for reducing pollution throughout Georgia, including development of Best Management Practices for various industries. The **Historic Preservation Division** is charged with cataloging, protecting, and preserving the State's historic sites and areas. The **Parks, Recreation, and Historic Sites Division** has primary responsibility for development and maintenance of the State's parks and historic sites. The **Program Support Division** provides administrative support for the Department.

-- Endangered Wildlife --

Policy Statement

Endangered Wildlife Act (O.C.G.A. 27-3-130, et seq.)

27-3-132. Powers and duties of department and board.

(a) The department shall identify and inventory any species of animal life within this state which it determines from time to time to be rare, unusual, or in danger of extinction; and, upon such determination, such species shall be designated protected species and shall become subject to the protection of this article.

(b) The board shall issue such rules and regulations as it may deem necessary for the protection of protected species and for the enforcement of this article. Such rules and regulations shall not affect rights in private property or in public or private streams, nor shall such rules and regulations impede construction of any nature. Such rules and regulations shall be limited to the regulation of the capture, killing, or selling of protected species and the protection of the habitat of the species on public lands.

General Description

The Endangered Wildlife Act provides for identification, inventory, and protection of animal species that are rare, unusual, or in danger of extinction. Additional species may be added by the Board of Natural Resources at any time. The protection offered to these species is limited to those that are found on public lands of the State. It is a misdemeanor to violate the rules prohibiting capture, killing, or selling of protected species, and protection of protected species habitat on public lands. The rules and regulations are established and administered by the Department of Natural Resources for implementation of this Act.

Projects permitted under the authority of the Coastal Marshlands Protection Act, the Shore Protection Act, and the Revocable License require full compliance with the

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protection of endangered and protected species. Outside the jurisdiction of these laws, for those areas that are not public lands of Georgia, protection of endangered species is provided by the federal Endangered Species Act, which has jurisdiction over both private and public lands.

-- Environmental Policy --

Policy Statement

Georgia Environmental Policy Act (O.C.G.A. 12-16-1, et seq.)

12-16-2. Legislative findings.

The General Assembly finds that:

- (1) The protection and preservation of Georgia's diverse environment is necessary for the maintenance of the public health and welfare and the continued viability of the economy of the state and is a matter of the highest public priority;
- (2) State agencies should conduct their affairs with an awareness that they are stewards of the air, land, water, plants, animals, and environmental, historical, and cultural resources;
- (3) Environmental evaluations should be a part of the decision-making processes of the state; and
- (4) Environmental effects reports can facilitate the fullest practicable provision of timely public information, understanding, and participation in the decision-making processes of the state. (Code 1981, § 12-16-2, enacted by Ga. L. 1991, p. 1728, § 1.)

General Description

The Georgia Environmental Policy Act (GEPA) requires that all State agencies and activities prepare an Environmental Impact Report as part of the decision-making process. This is required for all activities that may have an impact on the environment. Alternatives to the proposed project or activity must be considered as part of the report.

-- Erosion and Sedimentation --

Policy Statement

Georgia Erosion and Sedimentation Act (O.C.G.A. 12-7-1, et seq.)

12-7-2. Legislative findings; policy of state and intent of chapter.

It is found that soil erosion and sediment deposition onto lands and into waters within the watersheds of this state are occurring as a result of widespread failure to apply proper soil erosion and sedimentation control practices in land clearing, soil movement, and construction activities and that such erosion and sediment deposition result in pollution of state waters and damage to domestic, agricultural, recreational, fish and wildlife, and other resource uses. It is therefore declared to be the policy of this state and the intent of this chapter to strengthen and extend the present erosion and sediment control activities and programs of this state and to provide for the establishment and implementation of a state-wide comprehensive soil erosion and sediment control program to conserve and protect the land, water, air, and other resources of this state. (Ga. L. 1975, p. 994, § 2.)

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The Georgia Erosion and Sedimentation Act requires that each county or municipality adopt a comprehensive ordinance establishing procedures governing land-disturbing activities based on the minimum requirements established by the Act. The Erosion and Sedimentation Act is administered by the Environmental Protection Division of the Georgia Department of Natural Resources, and by local governments. Permits are required for specified "land-disturbing activities," including the construction or modification of manufacturing facilities, construction activities, certain activities associated with transportation facilities, activities on marsh hammocks, etc. With certain constraints, permitting authority can be delegated to local governments.

One provision of the Erosion and Sedimentation Act requires that land-disturbing activities shall not be conducted within 25 feet of the banks of any State waters unless a variance is granted (O.C.G.A. 12-7-6-(15)). Construction of single family residences under contract with the owner are exempt from the permit requirement but are still required to meet the standards of the Act (O.C.G.A. 12-7-17-(4)). Large development projects, both residential and commercial, must obtain a permit and meet the requirements of the Act. According to the Georgia Coastal Management Act, any permits or variances issued under the Erosion and Sedimentation Act must be consistent with the Georgia Coastal Management Program. Permits within the jurisdiction of the Coastal Marshlands Protection Act and the Shore Protection Act can include requirements that certain minimum water quality standards be met as a condition of the permit.

There are specific exemptions to the requirements of the Erosion and Sedimentation Act (O.C.G.A. 12-7-17 - Exemptions). The exemptions include: surface mining, granite quarrying, minor land-disturbing activities such as home gardening, construction of single-family homes built or contracted by the homeowner for his own occupancy, agricultural practices, forestry land management practices, dairy operations, livestock and poultry management practices, construction of farm buildings, and any projects carried out under the supervision of the Natural Resource Conservation Service of the U.S. Department of Agriculture. Exemptions from the requirements of the Act also apply to any project involving 1.1 acres or less, provided that the exemption does not apply to any land-disturbing activities within 200 feet of the bank of any State waters. Construction or maintenance projects undertaken or financed by the Georgia Department of Transportation, the Georgia Highway Authority, or the Georgia Tollway Authority, or any road or maintenance project undertaken by any county or municipality, are also exempt from the permit requirements of the Act, provided that such projects conform to the specifications used by the Georgia Department of Transportation for control of soil erosion. Exemptions are also provided to land-disturbing activities by any airport authority, and by any electric membership corporation or municipal electrical system, provided that such activities conform as far as practicable with the minimum standards set

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forth at Code Section 12-7-6 of the Erosion and Sedimentation Act. The Georgia Department of Transportation has developed a "Standard Specifications -- Construction of Roads and Bridges," which describes contractor requirements, including controls for sedimentation and erosion. The specifications describe the requirements for both temporary control measures for use during the construction phase, and permanent erosion and sedimentation control measures that need to be incorporated into the design of the project. Failure to comply with the provisions of the specification will result in cessation of all construction activities by the contractor, and may result in the withholding of monies due to the contractor according to a schedule of non-performance of erosion control, enforced by the Georgia Department of Transportation. Forestry and agricultural land-disturbing activities are subject to the Best Management Practices of the Georgia Forest Commission and the Georgia Soil and Water Conservation Commission, respectively.

-- Game and Fish --

Policy Statement

27-1-3. Ownership and custody of wildlife; privilege to hunt, trap, or fish; general offenses. (Game and Fish Code)

(a) The ownership of, jurisdiction over, and control of all wildlife, as defined in this title, are declared to be in the State of Georgia, in its sovereign capacity, to be controlled, regulated, and disposed of in accordance with this title. All wildlife of the State of Georgia are declared to be within the custody of the department for purposes of management and regulation in accordance with this title. However, the State of Georgia, the department, and the board shall be immune from suit and shall not be liable for any damage to life, person, or property caused directly or indirectly by any wildlife.

(b) To hunt, trap, or fish, as defined in this title, or to possess or transport wildlife is declared to be a privilege to be exercised only in accordance with the laws granting such privilege. Every person exercising this privilege does so subject to the right of the state to regulate hunting, trapping, and fishing; and it shall be unlawful for any person participating in the privileges of hunting, trapping, fishing, possessing, or transporting wildlife to refuse to permit authorized employees of the department to inspect and count such wildlife to ascertain whether the requirements of the wildlife laws and regulations are being faithfully complied with. Any person who hunts, traps, fishes, possesses, or transports wildlife in violation of the wildlife laws and regulations violates the conditions under which this privilege is extended; and any wildlife then on his person or within his immediate possession are deemed to be wildlife possessed in violation of the law and are subject to seizure by the department pursuant to Code Section 27-1-21.

(c) It shall be unlawful to hunt, trap, or fish except during an open season for the taking of wildlife, as such open seasons may be established by law or by rules and regulations promulgated by the board or as otherwise provided by law.

(d) It shall be unlawful to hunt, trap, or fish except in compliance with the bag, creel, size, and possession limits and except in accordance with such legal methods and weapons and except at such times and places as may be established by law or by rules and regulations promulgated by the board.

(e) It shall be unlawful to hunt, trap, or fish for any game species after having obtained the daily or season bag or creel limit for that species.

(f) A person who takes any wildlife in violation of this title commits the offense of theft by taking. A person who hunts, traps, or fishes in violation of this title commits the offense of

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criminal attempt. Any person who violates any provision of this Code section shall be guilty of a misdemeanor.

(g) If any court finds that any criminal violation of the provisions of this title is so egregious as to display a willful and reckless disregard for the wildlife of this state, the court may, in its discretion, suspend the violator's privilege to hunt, fish, trap, possess, or transport wildlife in this state for a period not to exceed five years. Any person who hunts, fishes, traps, possesses, or transports wildlife in this state in violation of such suspension of privileges shall be guilty of a misdemeanor of a high and aggravated nature and upon conviction thereof shall be punished by a fine of not less than \$1,500.00 nor more than \$5,000.00 or imprisonment for a period not exceeding 12 months or both. (Ga. L. 1968, p. 497, § 1; Code 1933, § 45-201, enacted by Ga. L. 1977, p. 396, § 1; Ga. L. 1978, p. 816, §§ 13, 14; Ga. L. 1992, p. 2391, § 1.)

27-1-4. Powers and duties of board generally.

The board shall have the following powers and duties relative to this title:

- (1) Establishment of the general policies to be followed by the department under this title;
- (2) Promulgation of all rules and regulations necessary for the administration of this title including, but not limited to, rules and regulations to regulate the times, places, numbers, species, sizes, manner, methods, ways, means, and devices of killing, taking, capturing, transporting, storing, selling, using, and consuming wildlife and to carry out this title, and rules and regulations requiring daily, season, or annual use permits for the privilege of hunting and fishing in designated streams, lakes, or game management areas; and
- (3) Promulgation of rules and regulations to protect wildlife, the public, and the natural resources of this state in the event of fire, flood, disease, pollution, or other emergency situation without complying with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." Such rules and regulations shall have the force and effect of law upon promulgation by the board. (Ga. L. 1911, p. 137, § 1; Ga. L. 1924, p. 101, §§ 1, 3, 4; Ga. L. 1931, p. 7, § 25; Ga. L. 1937, p. 264, §§ 1, 4, 9; Ga. L. 1943, p. 128, §§ 1, 2, 14; Ga. L. 1955, p. 483, § 3; Ga. L. 1972, p. 1015, § 1527; Ga. L. 1973, p. 344, § 1; Code 1933, § 45-103, enacted by Ga. L. 1977, p. 396, § 1; Ga. L. 1978, p. 816, § 7; Ga. L. 1979, p. 420, § 3; Ga. L. 1987, p. 179, § 1.)

General Description

The Official Code of Georgia Annotated, Title 27, Chapter 1 (known as the Game and Fish Code) provides the ownership of, jurisdiction over, and control of all wildlife to be vested in the State of Georgia. The section declares that custody of all wildlife in the State is vested with the Georgia Department of Natural Resources for management and regulation. The Wildlife Resources Division is the principal State agency vested with statutory authority for the protection, management and conservation of terrestrial wildlife and fresh water wildlife resources, including fish, game, non-game, and endangered species. All licensing of recreational and commercial fish and wildlife activities, excluding shellfish, is performed by the Wildlife Resources Division. The Coastal Resources Division issues shellfish permits, regulates marine fisheries activities including the opening and closing of the commercial shrimp harvesting season, areas of shrimp harvest, regulates marine species size and creel limits, and enforces the National Shellfish Sanitation Program. The Commissioner of the Department of Natural Resources has directed that there will be cooperation and coordination between the Divisions of the Department in the administration of their respective responsibilities.

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-- Georgia Heritage --

Policy Statement

Georgia Heritage Trust Act (O.C.G.A. 12-3-70, et seq.)

12-3-71. Legislative purpose.

The General Assembly finds that certain real property in Georgia, because it exhibits unique natural characteristics, special historical significance, or particular recreational value, constitutes a valuable heritage which should be available to all Georgians, now and in the future. The General Assembly further finds that much of this real property, because of Georgia's rapid progress over the past decade, has been altered, that its value as part of our heritage has been lost, and that such property which remains is in danger of being irreparably altered. The General Assembly declares, therefore, that there is an urgent public need to preserve important and endangered elements of Georgia's heritage, so as to allow present and future citizens to gain an understanding of their origins in nature and their roots in the culture of the past and to ensure a future sufficiency of recreational resources. The General Assembly asserts the public interest in the state's heritage by creating the Heritage Trust Program which shall be the responsibility of the Governor and the Department of Natural Resources and which shall seek to protect this heritage through the acquisition of fee simple title or lesser interests in valuable properties and by utilization of other available methods. (Ga. L. 1975, p. 962, § 2.)

General Description

Georgia's Heritage Trust Act of 1975 seeks to preserve certain real property in Georgia that exhibits unique natural characteristics, special historical significance, or particular recreational value. This Act created the Heritage Trust Commission, composed of 15 members appointed by the Governor who represent a variety of interests and expertise. The Commission served as an advisory body to the Governor and to the Board of the Department of Natural Resources, making recommendations concerning the identification, designation, and acquisition of heritage areas. Although this Act is still in Georgia law, the Commission's term expired and the implementation and administration of many of the goals of the Act has been superseded by the Heritage 2000 Program.

-- Groundwater Use --

Policy Statement

Groundwater Use Act (O.C.G.A. 12-5-90, et seq.)

12-5-91. Declaration of policy.

The general welfare and public interest require that the water resources of the state be put to beneficial use to the fullest extent to which they are capable, subject to reasonable regulation in order to conserve these resources and to provide and maintain conditions which are conducive to the development and use of water resources. (Ga. L. 1972, p. 976, § 2.)

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General Description

The Groundwater Use Act charges the Board of Natural Resources with the responsibility to adopt rules and regulations relating to the conduct, content, and submission of water conservation plans, including water conservation practices, water drilling protocols, and specific rules for withdrawal and utilization of groundwater. The Environmental Protection Division administers these rules and regulations. Groundwater withdrawals of greater than 100,000 gallons per day require a permit from the Environmental Protection Division. Permit applications that request an increase in water usage must also submit a water conservation plan approved by the Director of Environmental Protection Division (O.C.G.A. 12-5-96). The Environmental Protection Division has prepared a comprehensive groundwater management plan for coastal Georgia that addresses water conservation measures, protection from saltwater encroachment, reasonable uses, preservation for future development and economic development issues. The Memorandum of Agreement with the Environmental Protection Division ensures that permits issued under the Groundwater Use Act must be consistent with the Coastal Management Program.

-- Hazardous Waste --

Policy Statement

Georgia Hazardous Waste Management Act (O.C.G.A. 12-8-60, et seq.)

12-8-61. Legislative policy.

It is declared to be the public policy of the State of Georgia, in furtherance of its responsibility to protect the public health, safety, and well-being of its citizens and to protect and enhance the quality of its environment, to institute and maintain a comprehensive state-wide program for the management of hazardous wastes through the regulation of the generation, transportation, storage, treatment, and disposal of hazardous wastes. (Ga. L. 1979, p. 1127, § 2; Ga. L. 1992, p. 2234, § 5.)

General Description

The Georgia Hazardous Waste Management Act describes a comprehensive, State-wide program to manage hazardous wastes through regulating hazardous waste generation, transportation, storage, treatment, and disposal. Hazardous waste is defined by the Board of Natural Resources, and it includes any waste that the Board concludes is capable of posing a substantial present or future hazard to human health or the environment when improperly treated, transported, stored, disposed, or otherwise managed, based on regulations promulgated by the U.S. Environmental Protection Agency. The Hazardous Waste Management Act is administered and implemented by the Environmental Protection Division.

POLICIES AND MANAGEMENT AUTHORITIES

-- Historic Areas --

Policy Statement

Historic Areas (O.C.G.A. 12-3-50, et seq.)

12-3-50.1. Grants for the preservation of "historic properties"; additional powers and duties of department.

(a) It is declared to be the public policy of the State of Georgia, in furtherance of its responsibility to promote and preserve the health, prosperity, and general welfare of the people, to encourage the preservation of historic properties which have historical, cultural, and archeological significance to the state. (Code 1981, § 12-3-50.1, enacted by Ga. L. 1986, p. 399, § 1; Ga. L. 1996, p. 6, § 12.)

General Description

The authority found at O.C.G.A. 12-3-50 provides the Department of Natural Resources with the powers and duties to "promote and increase knowledge and understanding of the history of this State from the earliest times to the present, including the archeological, Indian, Spanish, colonial, and American eras, by adopting and executing general plans, methods, and policies for permanently preserving and marking objects, sites, areas, structures, and ruins of historic or legendary significance, such as trails, post roads, highways, or railroads; inns or taverns; rivers, inlets, millponds, bridges, plantations, harbors, or wharves; mountains, valleys, coves, swamps, forests, or Everglade; churches, missions, campgrounds, and places of worship; schools, colleges, and universities; courthouses and seats of government; places of treaties, councils, assemblies, and conventions; factories, foundries, industries, mills, stores, and banks; cemeteries and burial mounds; and battlefields, fortifications, and arsenals. Such preservation and marking may include the construction of signs, pointers, markers, monuments, temples, and museums, which structures may be accompanied by tablets, inscriptions, pictures, paintings, sculptures, maps, diagrams, leaflets, and publications explaining the significance of the historic or legendary objects, sites, areas, structures, or ruins." The Department is also required to "promote and assist in the publicizing of the historical resources of the State by preparing and furnishing the necessary historical material to agencies charged with such publicity; to promote and assist in making accessible and attractive to travelers, visitors, and tourists the historical features of the State by advising and cooperating with State, federal, and local agencies charged with the construction of roads, highways, and bridges leading to such historical points." The Historical Preservation Division is charged with carrying out these duties, and coordinates its activities in the coastal area with the Coastal Resources Division.

-- Natural Areas --

Policy Statement

Georgia Natural Areas Act (O.C.G.A. 12-3-90, et seq.)

12-3-91. Legislative findings and declaration of purpose.

The General Assembly finds that there is an increasing nation-wide concern over the deterioration of man's natural environment in rural as well as urban areas; that there is a serious need to study the long-term effects of our civilization on our natural environment; that while the State of Georgia is still richly endowed with relatively undisturbed natural areas, these areas are rapidly being drastically modified and even destroyed by human activities; that it is of the utmost importance to preserve examples of such areas in their natural state, not only for scientific and educational purposes but for the general well-being of our society and its people. Therefore, it shall be the purpose and function of the Department of Natural Resources to:

- (1) Identify natural areas in the State of Georgia which are of unusual ecological significance;
- (2) Use its influence and take any steps within its power to secure the preservation of such areas in an undisturbed natural state in order that such areas may:

- (A) Be studied scientifically;
 - (B) Be used for educational purposes;
 - (C) Serve as examples of nature to the general public; and
 - (D) Enrich the quality of our environment for present and future generations; and
- (3) Recommend areas or parts of areas for recreational use. (Ga. L. 1969, p. 750, § 2; Ga. L. 1972, p. 1015, § 1511.)

12-3-92. "Natural areas" defined.

As used in this article, the term "natural areas" means a tract of land in its natural state which may be set aside and permanently protected or managed for the purpose of the preservation of native plant or animal communities, rare or valuable individual members of such communities, or any other natural features of significant scientific, educational, geological, ecological, or scenic value. (Ga. L. 1966, p. 330, § 2; Ga. L. 1969, p. 750, § 3.)

General Description

The Georgia Natural Areas Act authorizes the Department of Natural Resources to identify areas in the State of Georgia which are of unusual ecological significance, and to secure the preservation of such areas in an undisturbed natural state. The purpose for such acquisition is to allow scientific study of the property, to educate, to "serve as examples of nature to the general public," and to "enrich the quality of our environment for present and future generations." Natural areas, as defined by the Act, are tracts of land in their natural state that are to be set aside and permanently protected or managed for the purpose of preserving natural plant or animal communities, rare or valuable members of such communities, or any other natural features of significant scientific, educational, geologic, ecological, or scenic value.

POLICIES AND MANAGEMENT AUTHORITIES

-- Oil and Gas and Deep Drilling --

Policy Statement

Georgia Oil and Gas and Deep Drilling Act (O.C.G.A. 12-4-40, et seq.)

12-4-41. Legislative findings and declaration of policy.

The General Assembly finds and declares that its duty to protect the health, safety, and welfare of the citizens of this state requires that adequate protection of underground fresh water supplies be assured in any drilling operation which may penetrate through any stratum which contains fresh water. This duty further requires that adequate protection be assured in any drilling or the use of such drilled wells in certain other environmentally sensitive areas or in other circumstances where the result of such drilling and use may endanger the health, safety, and welfare of the citizens of this state. It is not the policy of the General Assembly to regulate the drilling of shallow exploration or engineering holes except in such environmentally sensitive areas as defined in this part. The General Assembly further finds and declares that, with the current energy shortage which this state and nation face, it must encourage oil and gas exploration to identify new sources of energy, but not at the expense of our important natural resources such as residential, municipal, and industrial supplies of fresh water. The General Assembly further finds and declares that with an increase in oil exploration, it must provide assurances to persons engaging in such exploration that adequate safeguards regarding results of exploration will remain privileged information for a specified time. The General Assembly further finds and declares that it is in the public interest to obtain, protect, and disseminate all possible geologic information associated with drilling operations in order to further the purposes of future energy related research. (Ga. L. 1975, p. 966, § 1.)

General Description

Georgia's Oil and Gas and Deep Drilling Act regulates oil and gas drilling activities to provide protection of underground freshwater supplies and certain "environmentally sensitive" areas. The Board of Natural Resources has the authority to implement this Act. The Act establishes requirements for drilling, casing, and plugging of wells for oil, gas, or mineral exploration: (1) to alleviate escape of gas or oil from one stratum to another; (2) to prevent the pollution of freshwater by oil, gas, salt water or other contaminants; (3) to prevent drowning of any stratum that might reduce the total ultimate recovery of gas or oil; and, (4) to prevent fires, waste, and spillage of contaminants such as oil.

-- Phosphate Mining --

Policy Statement

Licenses to dig, mine, and remove phosphate deposits; restrictions on license holders.
(O.C.G.A. 12-4-100, et seq.)

12-4-101. Restrictions on license holders.

Whenever any person discovers phosphate rock or phosphatic deposits in the navigable streams or waters of this state or in any public land on their banks or margins and files with the Secretary of State notice of such discovery and a description of the location thereof, he shall be entitled to receive from the Secretary of State a license giving him or his assigns the exclusive right, for ten years from the date of the license, of digging, mining, and removing from such location and from an area for a distance of five miles in any or all directions therefrom the phosphate rock and phosphatic deposits that may be found therein, provided that persons receiving or holding such licenses shall in no way interfere with the free navigation of the streams and waters or the private rights of any citizen residing on or owning the lands upon the banks of such navigable rivers and waters; provided, further, that as long as the license remains in effect, no person, natural or artificial, shall have the privilege of locating a claim within 20 miles of any other claim for which he has received a license. (Ga. L. 1884-85, p. 125, § 1; Civil Code 1895, § 1726; Civil Code 1910, § 1977; Code 1933, § 43-401.)

General Description

The laws found at O.C.G.A. 12-4-100, *et seq.*, describe the State's management of phosphate deposits. There is great interest in phosphate mining in Georgia. In fact, the citizens of Georgia developed the Coastal Marshlands Protection Act in an effort to limit potential adverse environmental impacts from a proposed phosphate mining operation. The Secretary of State is charged with the administration of this statute, and is networked with the Georgia Coastal Management Program.

-- Protection of Tidewaters --

Policy Statement

Protection of Tidewaters Act (O.C.G.A. 52-1-1, et seq.)

52-1-2. Legislative findings and declaration of policy.

The General Assembly finds and declares that the State of Georgia became the owner of the beds of all tidewaters within the jurisdiction of the State of Georgia as successor to the Crown of England and by the common law. The State of Georgia continues to hold title to the beds of all tidewaters within the state, except where title in a private party can be traced to a valid Crown or state grant which explicitly conveyed the beds of such tidewaters. The General Assembly further finds that the State of Georgia, as sovereign, is trustee of the rights of the people of the state to use and enjoy all tidewaters which are capable of use for fishing, passage, navigation, commerce, and transportation, pursuant to the common law public trust doctrine. Therefore, the General Assembly declares that the protection of tidewaters for use by the state and its citizens has more than local significance, is of equal importance to all citizens of the state, is of state-wide concern, and, consequently, is properly a matter for regulation under the police powers of the state. The General Assembly further finds and

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declares that structures located upon tidewaters which are used as places of habitation, dwelling, sojournment, or residence interfere with the state's proprietary interest or the public trust, or both, and must be removed to ensure the rights of the state and the people of the State of Georgia to the use and enjoyment of such tidewaters. It is declared to be a policy of this state and the intent of this article to protect the tidewaters of the state by authorizing the commissioner of natural resources to remove or require removal of certain structures from such tidewaters in accordance with the procedures and within the timetable set forth in this article. (Code 1981, § 52-1-2, enacted by Ga. L. 1992, p. 2317, § 1.)

General Description

The Protection of Tidewaters Act establishes the State of Georgia as the owner of the beds of all tidewaters within the State, except where title by a private party can be traced to a valid British Crown or State land grant. The Act provides the Department of Natural Resources the authority to remove those "structures" that are capable of habitation, or incapable of or not used for transportation. Permits for such structures may not extend past June 30, 1997. The Act provides procedures for removal, sale, or disposition of such structures. (This is similar to the Right of Passage Act, except that it is specific to tidewaters rather than all waters of Georgia.)

-- Recreational Docks --

Policy Statement

50-16-61. General supervision and office assignment. (Under the Administrative Procedures Act, Revocable License Program)

The Governor shall have general supervision over all property of the state with power to make all necessary regulations for the protection thereof, when not otherwise provided for.

General Description

O.C.G.A. 50-16-61 describes the general supervision of State properties as the responsibility of the Governor. Under this authority, the Department of Natural Resources, Coastal Resources Division issues Revocable Licenses for recreational docks on State-owned tidal water bottoms. In 1995, the Georgia Supreme Court found that the State owns fee simple title to the foreshore on navigable tidal waters and, as a result, owns the river's water bottoms up to the high water mark and may regulate the use of these tidelands for the public good. (*Dorroh v. McCarthy* 265 Ga. 750, 462 S.E. 2d 708 (1995)). The opinion of the State Attorney General states: "In managing tidelands, the Department of Natural Resources acts under the authority of this section and the Department's employment of the extension of property lines method of allocating use of State-owned waterbottoms may be generally acceptable, but rigid adherence to such a policy when it denies deep water access to a riparian or littoral owner, may cause inequitable results (1993 Op. Att'y Gen. No. 93-25.) As described in the State Properties Code (O.C.G.A. 50-16-30, *et seq.*), the term "Revocable License" means "the granting, subject to certain terms and conditions contained in a written revocable license or agreement, to a named person or persons (licensee), and to that person or persons only, of a revocable privilege to use a

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certain described parcel or tract of the property to be known as the licensed premises for the named purpose." A Revocable License may be revoked, cancelled, terminated, with or without cause, at any time by the licensor.

-- Right of Passage --

Policy Statement

Right of Passage Act (O.C.G.A. 52-1-30, et seq.)

52-1-31. Legislative findings and declaration of policy.

The General Assembly finds and declares that by the common law the citizens of this state have an inherent right to use as highways all navigable streams and rivers which are capable of transporting boats loaded with freight in the regular course of trade either for the whole or part of the year and that this right of use extends to the entire surface of the stream or river from bank to bank. The General Assembly further finds that the common law regarding such right of use has not been modified by statute nor is it incompatible with the federal or state constitutions. Therefore, the General Assembly declares that ensuring the right of use by all the citizens of this state of navigable streams and rivers which are capable of transporting boats loaded with freight in the regular course of trade either for the whole or part of the year as highways has more than local significance, is of equal importance to all citizens of the state, is of state-wide concern, and, consequently, is properly a matter for regulation under the police powers of the state. The General Assembly further finds and declares that structures located upon navigable streams and rivers which are used as places of habitation, dwelling, sojournment, or residence interfere with the citizens' right to use the entire surface of such streams and rivers which are capable of transporting boats loaded with freight in the regular course of trade either for the whole or part of the year from bank to bank as highways and must be removed to ensure the rights of the citizens of this state to such usage. It is declared to be a policy of this state and the intent of this article to ensure such rights of the citizens of this state by authorizing the commissioner of natural resources to remove or require removal of certain structures from such streams and rivers which are capable of transporting boats loaded with freight in the regular course of trade either for the whole or part of the year in accordance with the procedures and within the timetable set forth in this article. (Code 1981, § 52-1-31, enacted by Ga. L. 1992, p. 2317, § 1.)

General Description

The Right of Passage Act declares the right of use of all navigable waterways of the state by all citizens of Georgia. The Act establishes the mechanism to remove "structures" that are capable of being used as a place of habitation, are not used as or are not capable of use as a means of transportation, and do not have a permit under the Act. Permits shall not be issued for a term ending after June 30, 1997. The Right of Passage Act is implemented by the Department of Natural Resources Law Enforcement Division. (This is similar to the Protection of Tidewaters Act, except that it is specific to all navigable waters rather than tidewaters Georgia.)

-- River Corridors --

Policy Statement

Mountain and River Corridor Protection Act (O.C.G.A. 12-2-1, et seq.)

12-2-8. Promulgation of minimum standards and procedures for protection of natural resources, environment, and vital areas of the state.

(a) The local governments of the State of Georgia are of vital importance to the state and its citizens. The state has an essential public interest in promoting, developing, sustaining, and assisting local governments. The natural resources, environment, and vital areas of the state are also of vital importance to the state and its citizens. The state has an essential public interest in establishing minimum standards for land use in order to protect and preserve its natural resources, environment, and vital areas. The purpose of this Code section shall be liberally construed to achieve its purpose. This Code section is enacted pursuant to the authority granted the General Assembly in the Constitution of the State of Georgia, including, but not limited to, the authority provided in Article III, Section VI, Paragraphs I and II(a)(1) and Article IX, Section II, Paragraphs III and IV.

(b) The department is therefore authorized to develop minimum standards and procedures, in accordance with paragraph (2) of subsection (b) of Code Section 50-8-7.1 and in accordance with the procedures provided in Code Section 50-8-7.2 for the promulgation of minimum standards and procedures, for the protection of natural resources, environment, and vital areas of the state, including, but not limited to, the protection of mountains, the protection of river corridors, the protection of watersheds of streams and reservoirs which are to be used for public water supply, for the protection of the purity of ground water, and for the protection of wetlands, which minimum standards and procedures shall be used by local governments in developing, preparing, and implementing their comprehensive plans as that term is defined in paragraph (3) of subsection (a) of Code Section 50-8-2. (Code 1981, § 12-2 8, enacted by Ga. L. 1989, p. 1317, § 5.1; Ga. L. 1991, p. 1719, § 1; Ga. L. 1992, p. 6. § 12; Ga L. 1993, p. 91, § 12.)

General Description

The statute that is informally known as the Mountain and River Corridor Protection Act (O.C.G.A. 12-2-8) authorizes the Department of Natural Resources to develop minimum standards for the protection of river corridors (and mountains, watersheds, and wetlands) that can be adopted by local governments. The Act is administered by the Environmental Protection Division. All rivers in Georgia with an average annual flow of 400 cubic feet per second are covered by the Act, except those within the jurisdiction of the Coastal Marshlands Protection Act. Some of the major provisions of the Act include: requirements for a 100-foot vegetative buffer on both sides of rivers; consistency with the Georgia Erosion and Sedimentation Act; and local governments must identify river corridors in land-use plans developed under their respective comprehensive planning acts.

Regional Development Centers are instrumental in helping local governments enact the provisions of this Act. The Coastal Georgia Regional Development Center

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prepared a Regional River Corridor Protection Plan for counties within their jurisdiction. The Plan describes the ten local governments and the associated rivers that are affected by the River Corridor Protection Act, and puts forward a regional plan for the protection of river corridors. Regional plans are preferable to having local governments prepare individual plans. The plan provides for construction of road crossings, acceptable uses of river corridors, maintenance of a vegetative buffer along the river for a minimum of 100 feet from the river's edge (residential structures are allowed within the buffer zone), timber production standards, wildlife and fisheries management, recreation, and other uses. The local governments within the Coastal Regional Development Center jurisdiction affected by the River Corridor Protection Act, and their respective rivers are listed below. Eight coastal counties and two coastal cities (Richmond Hill and Woodbine) are affected.

Adoption of language addressing the River Corridor Protection Act is required in local comprehensive plans. The following counties and cities have adopted a Regional River Corridor Protection Plan.

Bryan County	Canoochee River
	Ogeechee River
City of Richmond Hill	Ogeechee River
Camden County	Satilla River
	St. Mary's River
City of Woodbine	Satilla River
Chatham County	Savannah River
Effingham County	Ogeechee River
	Savannah River
Glynn County	Altamaha River
Liberty County	Canoochee River
Long County	Altamaha River
McIntosh County	Altamaha River

The following coastal counties have not yet adopted a River Corridor Protection Plan (as of December 1997).

Charlton County	St. Mary's River
Brantley County	Satilla River
Wayne County ¹	Altamaha River

¹ Wayne County has addressed the provisions of the River Corridor Protection Act in its County Growth Management Plan entitled "Evergreen Tomorrow."

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Jurisdiction of the River Corridor Protection Act extends along the above named rivers from the limit of Coastal Marshlands Protection Act jurisdiction upstream through the coastal counties.

-- Safe Drinking Water --

Policy Statement

Georgia Safe Drinking Water Act (O.C.G.A. 12-5-170, et seq.)

12-5-171. Declaration of policy; legislative intent; Environmental Protection Division to administer part.

As a guide to the interpretation and application of this part, it is declared to be the policy of the State of Georgia that the drinking waters of the state shall be utilized prudently to the maximum benefit of the people and that the quality of such waters shall be considered a major factor in the health and welfare of all people in the State of Georgia. To achieve this end, the government of the state shall assume responsibility for the quality of such waters and the establishment and maintenance of a water-supply program adequate for present needs and designed to care for the future needs of the state.

This requires that an agency of the state be charged with this duty and that it have the authority to require the use of reasonable methods, that is, those methods which are economically and technologically feasible, to ensure adequate water of the highest quality for water-supply systems. Because of substantial and scientifically significant variations in the characteristics, usage, and effect upon public interest of the various surface and underground waters of the state, uniform requirements will not necessarily apply to all waters or segments thereof. It is the intent of this part to confer discretionary administrative authority upon such agency to take the above and related circumstances into consideration in its decisions and actions in determining, under the conditions prevailing in specific cases, those procedures to best protect the public interests.

The Environmental Protection Division of the Department of Natural Resources shall be the state agency to administer the provisions of this part consistent with the above-stated policy. (Code 1933, § 88-2601, enacted by Ga. L. 1964, p.499, § 1; Ga. L. 1977, p.351, § 1.)

General Description

The Georgia Safe Drinking Water Act of 1977 charges the Environmental Protection Division with the responsibility for maintaining the quality of drinking water and for maintaining a water-supply program adequate for present and future needs of the State. The Environmental Protection Division is designated as the agency to establish rules and policies for the proper administration of drinking water management programs.

-- Scenic Rivers --

Policy Statement

Georgia Scenic Rivers Act (O.C.G.A. 12-5-350, et seq.)

12-5-352. Rivers comprising the Georgia Scenic River System.

(a) The Georgia Scenic River System shall be comprised of the following:

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- (1) That portion of the Jacks River contained within the Cohutta National Wilderness Area and located in Fannin and Murray counties, Georgia, which portion extends a length of approximately 16 miles;
 - (2) That portion of the Conasauga River located within the Cohutta National Wilderness Area and located in Fannin, Gilmer, and Murray counties, Georgia, which portion extends a length of approximately 17 miles;
 - (3) That portion of the Chattooga River and its West Fork which are now designated as part of the Chattooga National Wild and Scenic River and located in Rabun County, Georgia, which portion extends a length of approximately 34 miles; and
 - (4) That portion of Ebenezer Creek from Long Bridge on County Road S 393 to the Savannah River and located in Effingham County, Georgia, which portion extends a length of approximately seven miles.
- (b) The Georgia Scenic River System shall also be comprised of any river or section of a river designated as a scenic river by Act or resolution of the General Assembly. (Ga. L. 1969, p. 933, § 3; Ga. L. 1978, p. 2207, § 1; Ga. L. 1981, p. 459, § 1.)

General Description

The Georgia Scenic Rivers Act of 1969 defines "scenic river" to mean certain rivers or section of rivers that have valuable scenic, recreational, or natural characteristics that should be preserved for the benefit and enjoyment of present and future generations. Certain sections of rivers are named in the Act, and the process for designating other sections of Georgia rivers is described. The Georgia Scenic Rivers Act is administered by the Environmental Protection Division.

-- Scenic Trails --

Policy Statement

Georgia Scenic Trails Act (O.C.G.A. 12-3-110, et seq.)

12-3-111. Legislative purpose.

In order to provide for the increasing outdoor recreation needs of an expanding population with an increasing amount of leisure time, in order to promote the enjoyment and appreciation of the outdoor areas of Georgia, and in order to provide for a healthful alternative to motorized travel, trails should be established in urban, suburban, rural, and wilderness areas of Georgia. Therefore, the purpose of this article is to provide for a Georgia Scenic Trails System. (Ga. L. 1972, p. 142, § 2.)

General Description

The Georgia Scenic Trails Act authorizes the Department of Natural Resources to establish a Scenic Trails System in Georgia. The Department is authorized to construct, maintain, and manage trails on lands acquired through purchase, easement, lease or donation. The purpose is to create a balanced system of trails throughout the State, including urban, bicycle, horse, rural hiking, primitive hiking, historical, bikeways, and combination trails. The Georgia Department of Transportation is authorized to construct

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the bicycle trails and bikeways after the Department of Natural Resources has determined their routes.

-- Septic Tanks --

Policy Statement

Title 31 -- Health (O.C.G.A. Title 31 generally) (Septic Tank Law)

31-2-7. Standards for individual sewage management systems.

(b) The Department of Human Resources shall have the authority as it deems necessary and proper to adopt state-wide minimum standards for on-site, individual sewage management systems, including but not limited to standards for the size and construction of septic tanks. The Department is authorized to require that any on-site, individual sewage management system be examined and approved prior to allowing the use of such system in the state. Any on-site, individual sewage management system which has been properly approved shall, by virtue of such approval and by operation of law, be approved for installation in every county of the state; provided, however, that such on-site, individual sewage management system shall be required to meet local regulations authorized by law. Upon written request of three or more health districts, the department is authorized to require the reexamination of any such system or component thereof, provided that documentation is submitted indicating unsatisfactory service of such system or component thereof. Before any such examination or reexamination, the department may require the person, persons, or organization manufacturing or marketing the system to reimburse the department or its agent for the reasonable expenses of such examination. (Code 1981, § 31-2-7, enacted by Ga. L 1992, p. 3308, § 1; Ga. L. 1994, p. 1777, § 1.)

31-3-5.1. Regulations for septic tanks or individual sewage management systems in unincorporated areas; conformity to building permit.

(b) No building permit for the construction of any residence, building, or other facility which is to be served by a septic tank or individual sewage management system shall be issued by or pursuant to the authority of a county governing authority unless the septic tank or individual sewage management system installation permit is in conformity with any state-wide minimum standards for sewage management systems or the rules and regulations of the county board of health adopted pursuant to the authority of subsection (a) of this Code section. No person, firm, corporation, or other entity shall install a septic tank or individual sewage management system in violation of any state-wide minimum standards or the regulations of a county board of health adopted pursuant to the authority of subsection (a) of the Code section. Each county governing authority shall provide by ordinance or resolution for the enforcement of the provisions of this subsection. (Code 1981, § 31-3-5.1, enacted by Ga. L. 1986, p. 227, § 1; Ga. L. 1992, p. 3308, § 2; Ga. L. 1994, p. 1777, § 2.)

General Description

As stated above, the standards and regulations for individual sewage management systems are found at O.C.G.A. 31-2-7 and 31-3-5.1. The Department of Human Resources and the county boards of health are described and established by Title 31. There are other references for managing septic systems throughout the Code, including references within the River Corridor Protection Act (O.C.G.A. 12-2-8), the Georgia Water

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Quality Control Act (O.C.G.A. 12-5-20), and others, which make reference to safe siting of septic systems to ensure that leachate from those systems does not infiltrate the waters of the State. The county board(s) of health are provided the authority and the responsibility of ensuring safe installation and maintenance of septic systems.

-- Shellfish --

Policy Statement

Game and Fish Code (O.C.G.A. 27-1-1, et seq.)

27-4-190. Master collecting and picker's permits; hours for taking shellfish; recreational harvesting.

(a) It shall be unlawful to take or possess shellfish in commercial quantities or for commercial purposes without first having obtained a master collecting permit or without proof of purchase that such shellfish were purchased from a certified shellfish dealer. Master collecting permits shall specify whether the permittee is authorized to take oysters, clams, or other shellfish and shall only be issued to persons certified by the Department of Agriculture to handle shellfish unless permission to take and possess shellfish for mariculture purposes has been granted by the department as described in subsection (d) of Code Section 27-4-197. Such permits shall be provided annually at no cost by the department but shall only be issued to persons with the right to harvest shellfish pursuant to Code Sections 44-8-6 through 44-8-8 or to holders of leases from such persons. A permittee may request authorization from the department for employees or agents, who shall be referred to as pickers, of such permittee to take shellfish from permitted areas. Such request shall be in writing to the department and shall include the name, address, and personal commercial fishing license number of the picker. It shall be unlawful for pickers to take or possess shellfish as authorized under their employer's master collecting permit unless they carry on their person while taking or in possession of shellfish a picker's permit as provided by the department indicating the exact area and circumstances allowed for taking. Such pickers' permits and charts shall be provided annually by the department at no cost and shall be in a form as prescribed by the department. Pickers must possess a valid personal commercial fishing license as provided for in Code Section 27-4-110 and, when a boat is used, a valid commercial fishing boat license as provided in Code Section 27-2-8. Master collecting permits and pickers' permits shall not be issued to persons who have been convicted three times in the two years immediately preceding the filing of an application for a permit of violations of this Code section, subsection (b) of Code Section 27-4-193, subsections (a) and (b) of Code Section 27-4-195, or Code Section 27-4-199. Master collecting permits and pickers' permits issued to master collecting permittees' agents shall be surrendered to the department upon termination of Department of Agriculture certification for handling shellfish, upon termination of right to harvest shellfish, or upon violation of any provision of this title. If a picker is removed from authorization to take shellfish by the master collecting permittee, that picker shall immediately surrender to the department his picker's permit. It shall be unlawful to possess unauthorized pickers' permits or pickers' permits issued to another person.

(b) It shall be unlawful for any person to take or possess shellfish from unauthorized locations and during unauthorized periods of taking. It shall be unlawful to take shellfish except between the hours of one-half hour before sunrise and one-half hour after sunset. (Code 1981, § 27-4-190, enacted by Ga. L. 1991, p. 693, § 6.)

27-4-193. Taking shellfish from unapproved growing areas; operating facility for controlled purification of shellfish.

(a) As used in this Code section, the term "approved growing area" means that area or areas approved by the department for shellfish harvesting and "unapproved growing area" means all other areas.

(b) It shall be unlawful to take or possess shellfish from unapproved growing areas except at such times and places as the department may establish. The department is authorized to close approved growing areas to allow transplanting at any time between January 1 and December 31. It shall be unlawful to engage in transplanting of shellfish from unapproved growing areas without written authorization from the department. Such authorization may condition the transplanting upon compliance with current, sound principles of wildlife research and management. In approving growing areas, the department shall consider such current guidelines as have been established by the National Shellfish Sanitation Program at the time of approval of the growing areas and current, sound principles of wildlife research and management. (Code 1981, § 27-4-193, enacted by Ga. L. 1991, p. 693, § 6; Ga. L. 1992, p. 6, § 27.)

General Description

The provisions of O.C.G.A. Title 27 (Game and Fish Code), Part 4 describe the regulation of shellfish in Georgia. The provisions describe the requirements for a commercial shellfish harvester to have a license, issued by the Department of Natural Resources pursuant to the requirements of the U.S. Department of Agriculture. The Department also is authorized to approve shellfish growing areas for commercial harvest, and must consider the guidelines established by the National Shellfish Sanitation Program (See Section VII of this chapter). The Department conducts water sampling in areas that are approved for shellfish in conjunction with the National Shellfish Sanitation Program.

-- Shore Protection --

Policy Statement

Shore Protection Act (O.C.G.A. 2-5-230 , et seq.)

12-5-231. Legislative findings and declarations.

The General Assembly finds and declares that coastal sand dunes, beaches, sandbars, and shoals comprise a vital natural resource system, known as the sand-sharing system, which acts as a buffer to protect real and personal property and natural resources from the damaging effects of floods, winds, tides, and erosion. It is recognized that the coastal sand dunes are the most inland portion of the sand-sharing system and that because the dunes are the fragile product of shoreline evolution, they are easily disturbed by actions harming their vegetation or inhibiting their natural development. The General Assembly further finds that offshore sandbars and shoals are the system's first line of defense against the potentially destructive energy generated by winds, tides, and storms, and help to protect the onshore segment of the system by acting as reservoirs of sand for the beaches. Removal of sand from these bars and shoals can interrupt natural sand flows and can have unintended, undesirable, and irreparable effects on the entire sand-sharing system, particularly when the historical patterns of sand and water flows are not considered and accommodated. Also, it is found that ocean beaches provide an unparalleled natural recreation resource which has become vitally linked to the economy of Georgia's coastal zone and to that of the entire state.

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The General Assembly further finds that this natural resource system is costly, if not impossible, to reconstruct or rehabilitate once adversely affected by man related activities and is important to conserve for the present and future use and enjoyment of all citizens and visitors to this state and that the sand-sharing system is an integral part of Georgia's barrier islands, providing great protection to the state's marshlands and estuaries. The General Assembly further finds that this sand-sharing system is a vital area of the state and is essential to maintain the health, safety, and welfare of all the citizens of the state. Therefore, the General Assembly declares that the management of the sand-sharing system has more than local significance, is of equal importance to all citizens of the state, is of state-wide concern, and consequently is properly a matter for regulation under the police power of the state. The General Assembly further finds and declares that activities and structures on offshore sandbars and shoals, for all purposes except federal navigational activities, must be regulated to ensure that the values and functions of the sand-sharing system are not impaired. It is declared to be a policy of this state and the intent of this part to protect this vital natural resource system by allowing only activities and alterations of the sand dunes and beaches which are considered to be in the best interest of the state and which do not substantially impair the values and functions of the sand-sharing system and by authorizing the local units of government of the State of Georgia to regulate activities and alterations of the ocean sand dunes and beaches and recognizing that, if the local units of government fail to carry out the policies expressed in this part, it is essential that the department undertake such regulation. (Code 1981, §12-5-231, enacted by Ga. L.1992, p.1362, § 1.)

General Description

The Shore Protection Act is the primary legal authority for protection and management of Georgia's shoreline features including sand dunes, beaches, sandbars, and shoals, collectively known as the sand-sharing system. The value of the sand-sharing system is recognized as vitally important in protecting the coastal marshes and uplands from Atlantic storm activity, as well as providing valuable recreational opportunities.

The Shore Protection Act limits activities in shore areas and requires a permit for certain activities and structures on the beach. Construction activity in sand dunes is limited to temporary structures such as crosswalks, and then only by permit from the Georgia Coastal Resources Division. Structures such as boat basins, docks, marinas, and boat ramps are not allowed in the dunes. Shore Permits, which are administered by the Coastal Resources Division, are not granted for activities that are inconsistent with the Georgia Coastal Management Program. The Shore Protection Act prohibits operation of any motorized vehicle on or over the dynamic dune fields and beaches, except as authorized for emergency vehicles, and governmental vehicles for beach maintenance or research. The Shore Protection Act also prohibits storage or parking of sailboats, catamarans, or other marine craft in the dynamic dune field.

Direct permitting authority regarding any proposed facilities located within the jurisdictional area the Shore Protection Act lies with the Shore Protection Committee. These permits are administered by the Georgia Coastal Resources Division. This authority

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is a very important aspect of the Georgia Coastal Management Program, since recreation at the water's edge is a significant demand. Providing public access and recreational opportunities at or near the beach while protecting the sand sharing system is an important component of the Program.

-- Solid Waste Management --

Policy Statement

Georgia Comprehensive Solid Waste Management Act (O.C.G.A. 12-8-21, et seq.)

12-8-21. Declaration of policy; legislative intent.

(a) It is declared to be the policy of the State of Georgia, in furtherance of its responsibility to protect the public health, safety, and well-being of its citizens and to protect and enhance the quality of its environment, to institute and maintain a comprehensive state-wide program for solid waste management which will assure that solid waste facilities, whether publicly or privately operated, do not adversely affect the health, safety, and well-being of the public and do not degrade the quality of the environment by reason of their location, design, method of operation, or other means and which, to the extent feasible and practical, makes maximum utilization of the resources contained in solid waste.

(b) It is further declared to be the policy of the State of Georgia to educate and encourage generators and handlers of solid waste to reduce and minimize to the greatest extent possible the amount of solid waste which requires collection, treatment, or disposal through source reduction, reuse, composting, recycling, and other methods and to promote markets for and engage in the purchase of goods made from recovered materials and goods which are recyclable. (Code 1981, § 12-8-21, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 3259, § 1; Ga. L. 1993, p. 399, §§ 1, 2.)

General Description

The Georgia Comprehensive Solid Waste Management Act defines the rules regarding solid waste disposal in the State. Solid waste handling facilities must be permitted by the State unless an individual is disposing of waste from his own residence onto land or facilities owned by him and disposal of such waste does not adversely affect human health (O.C.G.A. 12-8-30.10). State law mandates that a county, municipality, or group of counties beginning a process to select a site for municipal waste disposal must first call at least one public meeting.

In addition to the above-named jurisdictions, a regional solid waste management authority must hold at least one meeting within the jurisdiction of each participating authority. Meetings held to make siting decisions for any publicly or privately owned municipal solid waste disposal facility must be publicized before the meeting is held (O.C.G.A. 12-8-26). Each city and county is required to develop a comprehensive solid waste management plan that, at a minimum, provides for the assurance of adequate solid waste handling capability and capacity for at least ten years. This plan must identify those sites that are not suitable for solid waste facilities based upon environmental and land use factors (O.C.G.A. 12-8-31.1); these factors may include historic and archeological sites. Solid waste facilities within 5,708 yards of a national historic site are not permitted

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(O.C.G.A. 12-8-25.1). Solid waste facilities on property owned exclusively by a private solid waste generator are generally exempt from these provisions. Local governments have the authority to zone areas of environmental, historic, or cultural sensitivity and to protect those sites from becoming waste disposal areas regardless of whether they are public or privately owned.

-- Surface Mining --

Policy Statement

Georgia Surface Mining Act (O.C.G.A. 12-4-70, et seq.)

12-4-71. Legislative purpose; duty of Environmental Protection Division to administer part.

- (a) The purposes of this part are:
- (1) To assist in achieving and maintaining an efficient and productive mining industry and to assist in increasing economic and other benefits attributable to mining;
 - (2) To advance the protection of fish and wildlife and the protection and restoration of land, water, and other resources affected by mining;
 - (3) To assist in the reduction, elimination, or counteracting of pollution or deterioration of land, water, and air attributable to mining;
 - (4) To encourage programs which will achieve comparable results in protecting, conserving, and improving the usefulness of natural resources to the end that the most desirable conduct of mining and related operations may be universally facilitated;
 - (5) To assist in efforts to facilitate the use of land and other resources affected by mining so that such use may be consistent with sound land use, public health, and public safety, and to this end to study and recommend, wherever desirable, techniques for the improvement, restoration, or protection of such land and other resources.
- (b) The Environmental Protection Division of the department shall administer this part consistent with the above-stated purposes. (Ga. L. 1968, p. 9, § 2.)

General Description

Georgia's Surface Mining Act regulates all surface mining in Georgia, including the coastal zone. Dredging or ocean mining of materials are not directly regulated by State authority, except that sand and gravel operations are subject to the Shore Protection Act.

-- Underground Storage Tanks --

Policy Statement

Georgia Underground Storage Tank Act (O.C.G.A. 12-13-1, et seq.)

12-13-2. Public policy.

- (a) It is declared to be the public policy of the State of Georgia, in furtherance of its responsibility to protect the public health, safety, and well-being of its citizens and to protect and enhance the quality of its environments, to institute and maintain a comprehensive state-wide program for the management of regulated substances stored in underground tanks.
- (b) It is the intent of the General Assembly that the Environmental Protection Division of the Department of Natural Resources shall be designated as the state agency to administer the

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provisions of this chapter. The director of the Environmental Protection Division of the Department of Natural Resources shall be the official charged with the primary responsibility for the enforcement of this chapter. In exercising any authority or power granted by this chapter and in fulfilling duties under this chapter, the director shall conform to and implement the policies outlined in this chapter.

(c) It is the intent of the General Assembly to create an environmental assurance fund which, in addition to those purposes set forth in subsections (f) and (g) of Code Section 12-13-9, may also be used by owners and operators as an alternate to insurance purchased from insurance companies for purposes of evidencing financial responsibility for taking corrective action and compensation of third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from operating underground storage tanks. (Code 1981, § 12-13-2, enacted by Ga. L. 1988, p. 2072, § 1; Ga. L. 1989, p. 14, § 12.)

General Description

The Underground Storage Tank Law provides the authority for the Environmental Protection Division to define the State criteria for operating, detecting releases, corrective actions, and enforcement of the utilization of underground storage tanks (USTs). The rules, found at Chapter 391-3-15 of the Rules and Regulations of the State of Georgia, establish minimum standards and procedures to protect human health and safety and to protect and maintain the quality of groundwater and surface water resources from environmental contamination that could result from any releases of harmful substances stored in such tanks. These requirements reflect the federal law regulating underground storage tanks as well as the applicable State rules. All facilities with underground storage tanks are subject to these requirements. The Memorandum of Agreement between the Coastal Resources Division and the Environmental Protection Division ensures cooperation and coordination in the implementation of UST standards within the coastal area.

-- Water Quality --

Policy Statement

Georgia Water Quality Control Act (O.C.G.A. 12-5-20)

12-5-21. Declaration of policy; legislative intent.

(a) The people of the State of Georgia are dependent upon the rivers, streams, lakes, and subsurface waters of the state for public and private water supply and for agricultural, industrial, and recreational uses. It is therefore declared to be the policy of the State of Georgia that the water resources of the state shall be utilized prudently for the maximum benefit of the people, in order to restore and maintain a reasonable degree of purity in the waters of the state and an adequate supply of such waters, and to require where necessary reasonable usage of the waters of the state and reasonable treatment of sewage, industrial wastes, and other wastes prior to their discharge into such waters. To achieve this end, the government of the state shall assume responsibility for the quality and quantity of such water resources and the establishment and maintenance of a water quality and water quantity control program adequate for present needs and designed to care for the future needs of the state, provided that nothing contained in this article shall be construed to waive the immunity of the state for any purpose.

(b) The achievement of the purposes described in subsection (a) of this Code section requires that the Environmental Protection Division of the Department of Natural Resources be charged with the duty described in that subsection, and that it have the authority to regulate the withdrawal, diversion, or impoundment of the surface waters of the state, and to require the use of reasonable methods after having considered the technical means available for the reduction of pollution and economic factors involved to prevent and control the pollution of the waters of the state.

(c) Further, it is the intent of this article to establish within the executive branch of the government administrative facilities and procedures for determining improper usage of the surface waters of the state and pollution of the waters of the state, and to confer discretionary administrative authority upon the Environmental Protection Division to take these and related circumstances into consideration in its decisions and actions in determining, under the conditions and specific cases, those procedures which will best protect the public interest. (Ga. L. 1957, p. 629, § 2; Ga. L. 1964, p. 416, § 2; Ga. L. 1977, p. 368, § 1.)

General Description

The Georgia Water Quality Control Act grants the Environmental Protection Division authority to ensure that water uses in the State of Georgia are used prudently, are maintained or restored to a reasonable degree of purity, and are maintained in adequate supply. In the administration of this law, the Environmental Protection Division can revise rules and regulations pertaining to water quality and quantity, set permit conditions and effluent limitations, and set permissible limits of surface water usage for both consumptive and non-consumptive uses through the Board of Natural Resources. Through a Memorandum of Agreement between the Environmental Protection Division and the Coastal Resources Division, the rules and permits of the Environmental Protection Division are administered in a manner consistent with the enforceable policies of the Coastal Management Program.

The authority to regulate the rivers, streams, lakes, and subsurface waters throughout the State for public and private water supply and agricultural, industrial, and recreational uses is provided to the Environmental Protection Division. The Act makes it unlawful for any person to dispose of sewage, industrial wastes, or other wastes, or to withdraw, divert, or impound any surface waters of the State without a permit. Tourism and recreational entities, manufacturing and transportation facilities, and other activities found in the coastal zone covered under the policies of the Georgia Coastal Management Program are responsible for compliance with the regulations implementing the Georgia Water Quality Control Act.

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-- Water Wells --

Policy Statement

Water Wells Standards Act (O.C.G.A. 12-5-120, et seq.)

12-5-121. Legislative intent.

It is the intent of the General Assembly to provide in this part for the application of standards for the siting, construction, operation, maintenance, and abandonment of wells and boreholes so as to protect the public health and the water resources of this state. (Ga. L. 1976, p. 974, § 2; Ga. L. 1985, p. 1192, § 1.)

General Description

The Water Wells Standards Act of 1985 provides standards for siting, constructing, operating, maintaining, and abandoning wells and boreholes. The Act requires that individual and non-public wells must be located as far removed from known or potential sources of pollutants as possible. Licensing requirements for drilling contractors are established by the Act, as well a State Water Well Standards Advisory Council. The Council is authorized to adopt and amend rules and regulations that are reasonable to govern the licensing of well contractors. Compliance with the Water Wells Standards Act is required for all activities that utilize well water. The provisions of the Act are enforceable under Georgia law. The Council may file a petition for an injunction in the appropriate superior court against any person that has violated any provisions of the Act.

-- Wildflower Preservation --

Policy Statement

The Wildflower Preservation Act (O.C.G.A. 12-6-170, et seq.)

12-6-172. Powers and duties of Department and Board of natural Resources as to wildflower preservation.

(a) The Department of Natural Resources shall from time to time designate as a protected species and species of plant life within this state which it may determine to be rare, unusual, or in danger of extinction, and upon such designation such species will become subject to the protection of this article. (Ga. L. 1973, p. 333, § 3; Ga. L. 1982, p. 3, § 12.)

General Description

The Wildflower Preservation Act provides for designation of and protection of plant species that are rare, unusual, or in danger of extinction. Additional species may be added by the Board of Natural Resources at any time. The protection offered to these species is limited to those that are found on public lands of the State. It is a misdemeanor to transport, carry, convey, sell, cut, pull up, dig up, or remove protected species listed by this Act.

**SECTION II:
OTHER MANAGEMENT AUTHORITIES**

The following descriptions are of management authorities that provide the Coastal Resources Division with additional tools and mechanisms to accomplish the goals of the Georgia Coastal Management Program. Although these authorities are not listed as policies of the Program, they are laws of the State. Most of the statutes referenced here are primarily procedural. These laws and programs are not considered enforceable policies of the Georgia Coastal Management Program and thus may not be cited in reviewing federal consistency certifications and determinations from applicants and federal agencies.

Coordinated and Comprehensive Planning by Counties and Municipalities (Informally known as the Georgia Planning Act)

The Georgia Planning Act (O.C.G.A. 45-12-200, *et seq.*) requires each local government to develop a comprehensive plan to guide growth and development as a condition to receive State funding assistance. Under the Georgia Planning Act, minimum planning standards were developed for the preparation, adoption, and implementation of local comprehensive plans. The planning standards constitute a three-step planning process: inventory and assessment; needs and goals; and, implementation and strategy.

The Act establishes Regional Development Centers throughout Georgia. Three of these Centers have jurisdiction within the coastal zone: the Southeast Georgia Regional Development Center includes Brantley and Charlton counties; the Heart of Georgia Regional Development Center includes Wayne County; and the Coastal Georgia Regional Development Center includes the remaining eight counties (Bryan, Camden, Chatham, Effingham, Glynn, Liberty, Long, and McIntosh). The role of the Regional Development Centers is to work with local and county governments individually and on a regional basis to improve services and programs, consistent with local comprehensive plans, to benefit residents of the region. The Coastal Management Program works closely with the Regional Development Centers to implement the policies of the Program. Many of the goals, objectives and policies of the Georgia Coastal Management Program can be achieved by local comprehensive planning processes and implementation through local land-use controls and the public infrastructure.

Georgia Administrative Procedures Act

The Georgia Administrative Procedures Act (O.C.G.A. 50-13-4, *et seq.*) establishes the procedural requirements for adoption, amendment, or repeal of rules and regulations, among other things. New rules require at least 30 days notice of intended action. Similar public comment requirements are required for federal regulatory actions. Public comment and input is important for any regulatory action, both to provide an

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opportunity for presentation of citizens' ideas and concerns and to provide time for implementation by those entities that may be potentially impacted.

Georgia Litter Control Law

The Georgia Litter Control Law (O.C.G.A. 16-7-40, *et seq.*) makes it unlawful for any person or persons, "...to dump, deposit, throw, or leave or to cause or permit the dumping, placing, throwing, or leaving of litter on any public or private property in this state or any waters in this state" unless the situation meets one of three conditions. Litter may be disposed at a site if: (1) The property is designated as a litter disposal site; and/or (2) If litter is placed in a proper receptacle; and/or (3) If it is disposed of by permission of the property owner in a manner consistent with the public welfare.

Georgia Uniform Conservation Easement Act

The Georgia Uniform Conservation Easement Act (O.C.G.A. 44-10-1, *et seq.*) defines "conservation easement" to mean a non-possessory interest in real property, with limitations or affirmative obligations, the purposes of which include retaining or protecting natural property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; maintaining or enhancing air or water quality; or preserving the historical, archeological, or cultural aspects of real property. A landholder may be a government agency or a charitable organization.

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**SECTION III:
TABLE OF MANAGEMENT AUTHORITIES²**

Management Authority (Georgia Code Section) (Year of Enactment)	Major Provisions	Agency	GCMP Policy ?	Comments
Georgia Coastal Management Act (O.C.G.A. 12-5-320, <i>et seq.</i>) (1997)	<ul style="list-style-type: none"> • Enables DNR to develop and implement plan • Provides authority to DNR to accept, spend, and grant funds • Provides authority to DNR to hold public hearings • Provides authority to Governor to review and approve coastal management plan and to submit it to federal government for approval 	DNR/ Coastal Resources Division	Yes	<ul style="list-style-type: none"> • Enabling legislation only: does not require new regulations.
Coastal Marshlands Protection Act (O.C.G.A. 12-5-280, <i>et seq.</i>) (1970)	<ul style="list-style-type: none"> • Protects tidal wetlands • Requires permit for structures, dredging, filling • Establishes Coastal Marshlands Protection Committee 	DNR/ Coastal Resources Division	Yes	<ul style="list-style-type: none"> • Requires permit for structures or activities in coastal marshes
Coordinated Comprehensive Planning By Counties and Municipalities Act (O.C.G.A. 45-12-200, <i>et seq.</i>) (1989)	<ul style="list-style-type: none"> • Requires each local government to develop a comprehensive plan to guide growth and development 	Dept. of Community Affairs	No	<ul style="list-style-type: none"> • Describes role of Regional Development Centers to help with planning

²

For those authorities included as a policy of the Georgia Coastal Management Program (GCMP), the administering agency is included as a networked participant of the Program.

POLICIES AND MANAGEMENT AUTHORITIES

Management Authority (Georgia Code Section) (Year of Enactment)	Major Provisions	Agency	GCMP Policy ?	Comments
Department of Community Affairs Code (O.C.G.A. 50-8-1, <i>et seq.</i>) (1988)	<ul style="list-style-type: none"> Establishes the Department of Community Affairs and the structure of the Regional Development Centers 	Dept. of Community Affairs	No	<ul style="list-style-type: none"> Authorizes the DCA and RDCs to provide planning and technical assistance, to gather and distribute information and studies, and to help with maps, surveys, reports, etc. for municipal and county governments
Department of Natural Resources Authority (O.C.G.A. 12-2-1, <i>et seq.</i>) (1937)	<ul style="list-style-type: none"> Establishes structure, powers and duties of DNR, including EPD Establishes DNR Board 	DNR	Yes	
Endangered Wildlife Act (O.C.G.A. 27-3-130, <i>et seq.</i>) (1973)	<ul style="list-style-type: none"> Purpose is to identify/protect rare, unusual, or other animals in danger of extinction Provides authority to DNR board to issue regulations for protection of protected species 	DNR/ Wildlife Resources Division	Yes	<ul style="list-style-type: none"> Protection of protected species habitat is limited to public lands Private property, private streams, and actions that would impede construction are exempt from wildlife protection regulations Wildlife Resources Division enforces the protection of endangered species
Game and Fish Code (O.C.G.A. 27-1-1, <i>et seq.</i>) (1977)	<ul style="list-style-type: none"> Designates Wildlife Resources Division to operate Wildlife Management Areas, to register aquaculture activities, and to protect wildlife resources Establishes hunting, trapping, and fishing laws Establishes Conservation Rangers 	DNR/ Wildlife Resources Division	Yes	<ul style="list-style-type: none"> Hunting, trapping and fishing license requirements are established

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Management Authority (Georgia Code Section) (Year of Enactment)	Major Provisions	Agency	GCMP Policy ?	Comments
Georgia Administrative Procedures Act (O.C.G.A. 50-13-4, <i>et seq.</i>) (1964)	<ul style="list-style-type: none"> Establishes requirements for adoption, amendment or repeal of rules and regulations Requires minimum of 30 days notice of intended rules change 	All State Agencies	No	
Georgia Aquaculture Development Act (O.C.G.A. 27-4-251, <i>et seq.</i>) (1992)	<ul style="list-style-type: none"> Establishes Commission to study and promote aquaculture development in the State. 	DNR/Dept. of Ag./Dept. of Industry, Trade, & Tourism	Yes	
Georgia Air Quality Act (O.C.G.A. 12-9-2, <i>et seq.</i>) (1964)	<ul style="list-style-type: none"> Establishes ambient air quality standards, emissions limitations, emission control standards, etc. 	DNR/ Environmental Protection Division	Yes	<ul style="list-style-type: none"> Requires permit for air emissions

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Management Authority (Georgia Code Section) (Year of Enactment)	Major Provisions	Agency	GCMP Policy ?	Comments
Historic Area Act (O.C.G.A. 12-3-50, <i>et seq.</i>) (1951)	<ul style="list-style-type: none"> Establishes law for preservation of historic sites in Georgia 	DNR/ Historic Preservation Division	Yes	
Georgia Boat Safety Act (O.C.G.A. 52-7-1, <i>et seq.</i>) (1994)	<ul style="list-style-type: none"> Governs abandoned vessels Sets enforceable rules for safe boating practices Establishes 1000' boating safety zones on Jekyll, Tybee, St. Simons, and Sea Islands. 	DNR/Law Enforcement Division & Georgia Bureau of Investigation	Yes	
Georgia Code of Public Transportation (O.C.G.A. Title 32 generally) (1973)	<ul style="list-style-type: none"> Establishes the Georgia Dept. of Transportation to plan and maintain the State highway system (O.C.G.A. 32-2-1) Provides code of statutes for public roads and other transportation facilities of the State, counties and municipalities of Georgia 	Georgia Dept. of Transportation	No	
Georgia Administrative Procedures Act (Revocable License Program) (O.C.G.A. 50-16-61, <i>et seq.</i>) (1863)	<ul style="list-style-type: none"> Establishes Permit requirements for use of State-owned tidal water bottoms 	DNR/ Coastal Resources Division	Yes	<ul style="list-style-type: none"> Requires Permit from DNR/CRD for tidal water bottoms. Revocable licenses are issued by other agencies throughout State for resource management The Act also establishes requirements for public hearings, etc.

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Management Authority (Georgia Code Section) (Year of Enactment)	Major Provisions	Agency	GCMP Policy ?	Comments
Georgia Comprehensive Solid Waste Management Act (O.C.G.A. 12-8-20, <i>et seq.</i>) (1972)	<ul style="list-style-type: none"> Defines rules regarding solid waste disposal, including permit requirements for facilities 	DNR/ Environmental Protection Division	Yes	<ul style="list-style-type: none"> Requires permit for solid waste facility
Georgia Environmental Policy Act (O.C.G.A. 12-16-1, <i>et seq.</i>) (1991)	<ul style="list-style-type: none"> Requires preparation of an Environmental Effects Report for any governmental action that may significantly adversely affect the quality of the environment 	State Attorney General's Office	Yes	<ul style="list-style-type: none"> Similar to the National Environmental Policy Act (NEPA) that establishes Environmental Impact Statements for federal projects
Georgia Erosion and Sedimentation Act (O.C.G.A. 12-7-1, <i>et seq.</i>) (1975)	<ul style="list-style-type: none"> Establishes minimum standards for land-disturbing activities Requires each local government to establish procedures for land-disturbing activities 	DNR/ Environmental Protection Division	Yes	<ul style="list-style-type: none"> Requires permit Several exemptions to the requirements for an E&S permit exist, including: DOT projects, single family owner-built residences, forestry, etc.
Georgia Forestry Commission (O.C.G.A. 12-6-1, <i>et seq.</i>) (1921)	<ul style="list-style-type: none"> Establishes the Georgia Forestry Commission and the regulation and monitoring of forestry activities 	Georgia Forestry Commission	No	<ul style="list-style-type: none"> Provides for monitoring, management, conservation, and protection of forest lands, education, production of seedlings, sale of forest products from land managed by Commission, etc.
Georgia Fisheries Law Pertaining to Shellfish (O.C.G.A. 27-1-4, <i>et seq.</i>) (1981)	<ul style="list-style-type: none"> Protects public health & safety by setting minimum water quality standards for shellfish waters and seafood 	DNR/ Coastal Resources Division	Yes	

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Management Authority (Georgia Code Section) (Year of Enactment)	Major Provisions	Agency	GCMP Policy ?	Comments
Georgia Hazardous Waste Management Act (O.C.G.A. 12-8-60, <i>et seq.</i>) (1979)	<ul style="list-style-type: none"> Establishes regulations for generation, storage, treatment, and disposal of hazardous wastes 	DNR/ Environmental Protection Division	Yes	<ul style="list-style-type: none"> Requires Permit
Georgia Heritage Trust Act of 1975 (O.C.G.A. 12-3-70, <i>et seq.</i>) (1975)	<ul style="list-style-type: none"> Establishes Heritage Trust Commission Seeks to preserve certain property in Georgia with unique natural characteristics, special historical value, or particular recreational value. 	DNR	Yes	<ul style="list-style-type: none"> The Heritage Trust Commission term has expired and implementation of many of the goals of the Act has been superseded by the Heritage 2000 Program
Georgia Litter Control Law (O.C.G.A. 16-7-48, <i>et seq.</i>) (1970)	<ul style="list-style-type: none"> Makes it unlawful to litter on any public or private property or waters of Georgia 	Georgia Law Enforcement Agencies	No	
Georgia Natural Areas Act (O.C.G.A. 12-3-90, <i>et seq.</i>) (1966)	<ul style="list-style-type: none"> Provides authority to identify and preserve areas of unusual ecological significance in a natural state 	DNR/ Wildlife Resources Division	Yes	
Georgia Oil and Gas and Deep Drilling Act (O.C.G.A. 12-4-40, <i>et seq.</i>) (1975)	<ul style="list-style-type: none"> Provides protection to underground water supplies and environmentally sensitive areas from the effects of oil and gas drilling activities 	DNR/ Environmental Protection Division	Yes	
Georgia Ports Authority Act (O.C.G.A. 52-2-1, <i>et seq.</i>) (1945)	<ul style="list-style-type: none"> Establishes the Georgia Ports Authority Regulates port facilities 	Georgia Ports Authority	No	

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Management Authority (Georgia Code Section) (Year of Enactment)	Major Provisions	Agency	GCMP Policy ?	Comments
Georgia Safe Dams Act (O.C.G.A. 12-5-370, <i>et seq.</i>) (1978)	<ul style="list-style-type: none"> Establishes inspection and permitting requirements for dams 	DNR/ Environmental Protection Division	Yes	
Georgia Safe Drinking Water Act (O.C.G.A. 12-5-170, <i>et seq.</i>) (1977)	<ul style="list-style-type: none"> Establishes regulatory requirements for drinking water management programs 	DNR/ Environmental Protection Division	Yes	
Georgia Scenic Rivers Act of 1969 (O.C.G.A. 12-5-350, <i>et seq.</i>) (1969)	<ul style="list-style-type: none"> Defines scenic rivers Names certain sections of rivers for preservation 	DNR/ Environmental Protection Division	Yes	<ul style="list-style-type: none"> River Care 2000 supplements this program
Georgia Scenic Trails Act (O.C.G.A. 12-3-110, <i>et seq.</i>) (1972)	<ul style="list-style-type: none"> Provides authority to construct, manage and maintain a system of trails in Georgia 	DNR/Parks and Historic Sites Division	Yes	
Georgia Soil and Water Conservation Commission (O.C.G.A. 2-6-23, <i>et seq.</i>) (1937)	<ul style="list-style-type: none"> Establishes Georgia Soil and Water Conservation Commission Sets up five water conservation districts in Georgia 	Georgia Soil and Water Conservation Commission	No	<ul style="list-style-type: none"> Non-regulatory agency -- relies on voluntary cooperation for enforcement of Best Management Practices directed at reducing erosion and water pollution
Georgia Surface Mining Act (O.C.G.A. 12-4-70, <i>et seq.</i>) (1968)	<ul style="list-style-type: none"> Regulates all surface mining in Georgia 	DNR/ Environmental Protection Division	Yes	<ul style="list-style-type: none"> Requires Permit

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Management Authority (Georgia Code Section) (Year of Enactment)	Major Provisions	Agency	GCMP Policy ?	Comments
Georgia Underground Storage Tank Act (O.C.G.A. 12-13-1, <i>et seq.</i>) (1981)	<ul style="list-style-type: none"> Establishes criteria for operating, detecting releases, and utilizing underground storage tanks 	DNR/ Environmental Protection Division	Yes	<ul style="list-style-type: none"> Requires Permit Rules found at 391-3-15 of Rules and Regulations describe requirements for protection of groundwater, etc.
Georgia Uniform Conservation Easement Act (O.C.G.A. 44-10-1, <i>et seq.</i>) (1992)	<ul style="list-style-type: none"> Defines "conservation easement" to be non-possessory interest in real property, with limitations and obligations 	State Attorney General's Office	No	<ul style="list-style-type: none"> Establishes provisions for tax relief for conservation easements
Georgia Water Quality Control Act (O.C.G.A. 12-9-1, <i>et seq.</i>) (1964)	<ul style="list-style-type: none"> Establishes regulatory requirements for water quality and quantity, permits for discharges into surface and subsurface waters, etc. 	DNR/ Environmental Protection Division	Yes	<ul style="list-style-type: none"> Requires permit for discharges into State waters
Groundwater Use Act (O.C.G.A. 12-5-90, <i>et seq.</i>) (1972)	<ul style="list-style-type: none"> Provides authority to establish regulations and permit requirements for withdrawal, drilling protocols, and water conservation plans 	DNR/ Environmental Protection Division	Yes	<ul style="list-style-type: none"> Requires permit for withdrawal of groundwater
Jekyll Island State Park Authority Act (O.C.G.A. 12-3-20, <i>et seq.</i>) (1950)	<ul style="list-style-type: none"> Establishes authority to manage and control uses of Jekyll Island Establishes the Recreational Authorities Overview Committee to oversee management of Jekyll Isl. State Park, and three other sites 	Jekyll Island Authority	No	

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Management Authority (Georgia Code Section) (Year of Enactment)	Major Provisions	Agency	GCMP Policy ?	Comments
Licenses to Dig, Mine, and Remove Phosphate Deposits (O.C.G.A. 12-4-100, <i>et seq.</i>) (1884)	<ul style="list-style-type: none"> • Authorizes the Office of the Secretary of State to regulate phosphate mining 	Office of the Secretary of State	Yes	
Mountain and River Corridor Protection Act (O.C.G.A. 12-2-8, <i>et seq.</i>) (1981)	<ul style="list-style-type: none"> • Requires a 100' vegetative buffer • Requires consistency with Erosion and Sedimentation Act • Requires local governments to identify river corridors in land-use plans 	DNR/ Environmental Protection Division, & local governments	Yes	
Nongame Wildlife Conservation and Habitat Acquisition Fund (O.C.G.A. 12-3-600, <i>et seq.</i>) (1981)	<ul style="list-style-type: none"> • Provides a mechanism to fund nongame wildlife conservation and habitat acquisition 	DNR/Wildlife Resources Division	No	
Public Service Commission (O.C.G.A. 46-2-1, <i>et seq.</i>) (1882)	<ul style="list-style-type: none"> • Sets minimum standards for siting of energy facilities and railroads 	Public Service Commission	No	
Protection of Tidewaters Act (O.C.G.A. 52-1-1, <i>et seq.</i>) (1992)	<ul style="list-style-type: none"> • Requires permit for vessels used for habitation and not transportation within the tidewaters of the State 	DNR/Law Enforcement Section	Yes	<ul style="list-style-type: none"> • Permits are not issued for terms beyond June 30, 1997
Right of Passage Act (O.C.G.A. 52-1-30, <i>et seq.</i>) (1981)	<ul style="list-style-type: none"> • Requires vessel operators to stay to the right (starboard) side of streams and channels for traffic safety 	DNR/Law Enforcement Section	Yes	

POLICIES AND MANAGEMENT AUTHORITIES

Management Authority (Georgia Code Section) (Year of Enactment)	Major Provisions	Agency	GCMP Policy ?	Comments
Section 401 Water Quality Certification (Federal Clean Water Act, 33 U.S.C. 1251, <i>et seq.</i>) (1972)	<ul style="list-style-type: none"> Federal Clean Water Act provision authorizes states to review of federal permits for activities that may result in a discharge to navigable waters 	DNR/ Environmental Protection Division (Atlanta)	No	<ul style="list-style-type: none"> Through a Memorandum of Agreement between CRD and EPD, CRD assists EPD with 401 administration within the eleven-county coastal area
Title 31 - Health (Septic Tank Law) (O.C.G.A. Title 31 generally) (1981)	<ul style="list-style-type: none"> Establishes authority to set state-wide standard for septic tanks 	Dept. of Human Resources & County Health Departments	Yes	<ul style="list-style-type: none"> Requires permit from county
Shore Protection Act (O.C.G.A. 12-5-230, <i>et seq.</i>) (1979)	<ul style="list-style-type: none"> Protects sand dunes, beaches, sandbars, and shoals Limits construction activity to temporary structures by permit only Prohibits motorized vehicles on dunes and beaches Prohibits docks, marinas, boat ramps, storage facilities in dunes Establishes Shore Protection Committee 	DNR/ Coastal Resources Division	Yes	<ul style="list-style-type: none"> Requires Permit from DNR/CRD
State Programmatic General Permit for Recreational Docks (Federal Clean Water Act Sect 404(e)(1)) (1972)	<ul style="list-style-type: none"> General federal permit for construction of recreational docks in coastal waters 	U.S. Army Corps of Engineers	No	<ul style="list-style-type: none"> Requires Permit. Administered by DNR/Coastal Resources Division through an MOA with the Corps Recreational docks usually also require a Marsh Permit or a Shore Permit and a Revocable License.

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Management Authority (Georgia Code Section) (Year of Enactment)	Major Provisions	Agency	GCMP Policy ?	Comments
Water Wells Standards Act (O.C.G.A. 12-5-120, <i>et seq.</i>) (1985)	<ul style="list-style-type: none"> Provides standards for siting, construction, and operation of wells 	Water Well Standards Advisory Council	Yes	<ul style="list-style-type: none"> Requires permit
Wildflower Preservation Act (O.C.G.A. 12-6-170, <i>et seq.</i>) (1973)	<ul style="list-style-type: none"> Provides for designation and preservation of rare, unusual, or endangered plant species 	DNR/ Wildlife Resources Division	Yes	

**SECTION IV:
STATE PROGRAMS**

The following State programs contribute towards effective management of Georgia's coastal resources. As non-regulatory programs, they do not constitute enforceable policies of the Program and may not be used in federal consistency reviews.

Acres for Wildlife Program

The Acres for Wildlife Program is administered by the Nongame and Endangered Wildlife Program of the Georgia Department of Natural Resources to provide technical assistance to private landowners for resource and habitat management. The Program helps to identify wildlife habitat and provides advice to the landowner to help him or her manage the property for the welfare of the wildlife.

Certified Burner Program

The Certified Burner Program is administered by the Georgia Forestry Commission to educate the citizens of Georgia about safe burning techniques. The Georgia General Assembly declared that prescribed burning is a resource protection and land management tool that benefits the safety of the public, Georgia's forest resources, the environment, and the economy of the State (O.C.G.A. 12-6-146).

Community Wildlife Project

The Community Wildlife Project is the only wildlife habitat certification program directed to the community as a whole. It is designed to encourage and improve management of wildlife habitats found in urban, suburban, and semi-rural areas. The program is administered by local garden clubs affiliated with the Garden Clubs of Georgia in concert with the Nongame and Endangered Wildlife Program of the Georgia Department of Natural Resources. The Community Wildlife Project establishes minimum criteria for community-based habitat management projects.

Forest Stewardship Program

The Forest Stewardship Program is administered by the Georgia Forestry Commission in cooperation with the Nongame and Endangered Wildlife Division of the Department of Natural Resources. The Program is designed to provide technical assistance to private landowners for management of forest lands. A concomitant Stewardship Incentive Program provides State funding on a cost-sharing basis to implement certain aspects of the program.

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Heritage 2000

Heritage 2000 is a public-private partnership program designed by Governor Miller to acquire historic property and resources throughout Georgia. The initiative is modeled after Preservation 2000.

Nongame Wildlife Conservation and Habitat Acquisition Fund

Georgia's Nongame Wildlife Conservation and Habitat Fund (O.C.G.A. 12-3-600, *et seq.*) provides the Department of Natural Resources a mechanism to establish nongame wildlife conservation and habitat acquisition, as well as education programs to enhance the protection of nongame flora and fauna. The Department of Natural Resources may solicit voluntary contributions through an income tax return contribution mechanism, by offers to match contributions, or by fund raising or other promotional techniques. Any funds collected are placed into a "Nongame Wildlife Conservation and Wildlife Habitat Acquisition Fund."

Preservation 2000

Preservation 2000 is a three year program implemented by Governor Miller in 1994 to acquire approximately 100,000 acres for the State of Georgia to preserve natural areas, historic sites, parks, wildlife management areas and similar sites. It is funded by a \$65 million bond fund, approximately \$1.45 million in gifts, and small amounts of federal money. Since its inception, over 84,000 acres have been acquired and approximately 33,000 acres are under negotiation. There were over 450 nominations of various parcels throughout the State. Currently, there are four natural areas and two wildlife management areas designated within the coastal area as a result of Preservation 2000. Some of the 33,000 acres under negotiation lies within the coastal area. The areas acquired provide such uses as protection for bald eagles and other endangered species, hunting, fishing, boating, nature observation, primitive camping, scientific study, and protection of water quality for shellfish. A concomitant part of the Preservation 2000 program is the Georgia Greenways Council, a coalition of trail organizations and local, State, and federal agencies involved with trail development. The coalition promotes the protection of linear corridors and coordinates trail development throughout the State. A proposed Coastal Water Trail, the aquatic equivalent of the Appalachian trail, will run along Georgia's coast from the Savannah River to the St. Mary's River. This trail will provide routing for sea kayaks and other small craft, and include access trails, boat launching sites and camping areas.

River Care 2000

River Care 2000 is a public-private partnership program designed by Governor Miller to acquire natural areas and historic property along Georgia's riverbanks. The initiative is modeled after Preservation 2000. River Care 2000 is intended to provide recreation and park land, and to allow better flood management.

**SECTION V:
STATE AGENCIES, AUTHORITIES, AND COMMISSIONS**

Department of Community Affairs

The Georgia Code Section 50-8-1, *et seq.*, describes the purpose and duties of the Department of Community Affairs. The purpose of the Department, in general, is to promote, develop, sustain, and assist local governments. The Department assists local governments by developing, promoting, and establishing standards and procedures for coordinated and comprehensive planning, by assisting local governments to participate in an orderly process for coordinated and comprehensive planning, and by assisting local governments to prepare and implement comprehensive plans to promote the public interests of the State. The Department serves as the principal department in the executive branch of State government for local government affairs. It provides a liaison between local governments and other governments, including the State government and the federal government. The Department acts as the State's principal department for developing, promoting, maintaining, and encouraging coordinated and comprehensive planning. Under the auspices of the Department, Regional Development Centers (RDCs) are established to accomplish the goals of the Department. The Coastal Resource Division coordinates closely with RDCs in an effort to fulfill the goals of the Georgia Coastal Management Program.

Georgia Forestry Commission

The Georgia Forestry Commission was established by the Georgia Legislature (O.C.G.A. 12-6-1, *et seq.*). The laws of this section provide for establishment of the Georgia Forestry Commission, and establish management, conservation measures, and protection of forest lands. The Commission has implemented Best Management Practices (BMPs) for forestry. Since soil characteristics and slope vary greatly within the State, specific BMPs were developed for each of Georgia's four major regions: lower coastal plain, upper coastal plain, piedmont, and mountain. Forestry BMPs are designed to protect water quality from road construction, timber harvesting, site preparation, and other silvicultural practices that may cause non-point source pollution. The BMPs that have been developed for Georgia forestry address streamside management zones, access systems (roads), harvesting of wetland sites, reforestation and regeneration, forest protection (prescribed burns, etc.) and other procedures common to silviculture.

The use of BMPs for forest road construction and maintenance is mandated by federal legislation to qualify for the silvicultural exemption from the permit process provided for in the 1972 Water Pollution Control Act and the Clean Water Amendments of 1977 and 1987. The basic goal of this federal legislation is to protect and enhance the quality of the nation's waters so they are fishable and swimmable. The use of BMPs enables these goals to be met on waters influenced by forest lands. Compliance with

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established BMPs provides silvicultural and agricultural operations exemption from the federal permit process, therefore a Section 404 Permit is not required for wetlands that are already used for silviculture operations. The Coastal Resources Division will cooperate with and support the Georgia Forestry Commission and local Georgia Soil and Water Conservation Districts in encouraging good forest and agricultural management practices on private and public lands in order to maintain a supply of good quality timber and agricultural products into the future, while protecting other natural values.

Outside of the jurisdictional areas of the Coastal Marshlands Protection Act and Shore Protection Act, the Georgia Forestry Commission conducts forestry activities on State-owned forest lands, and offers guidance and technical assistance to private timber operations including fire prevention and control practices. The Georgia Forestry Commission's authority will be administered consistent with the approved Coastal Management Program through the Memorandum of Agreement executed between the Georgia Forestry Commission and the Georgia Department of Natural Resources.

Georgia Ports Authority

The Georgia Ports Authority Act (O.C.G.A. 52-2-1) establishes the Georgia Ports Authority, and describes its powers and authority. The Georgia Ports Authority develops and improves harbors and seaports, fosters and stimulates shipment of freight and commerce through Georgia ports, operates tug boats, locomotives, and other machinery, and generally conducts the business of operating ports.

Both privately-owned and Georgia Ports Authority ports plan, construct, maintain, and operate the State's port system. Cooperative efforts between the Coastal Resources Division and ports management are the preferred means by which to implement sound coastal management policies, not only on project proposals but also on long-range planning and policy development. Many port and navigation projects also require federal permits. Review of those permits are subject to the federal consistency provisions of the Georgia Coastal Management Program.

Georgia Soil and Water Conservation Commission

The Georgia Soil and Water Conservation Commission was established by O.C.G.A. 2-6-23. Among the duties of the Commission and the 40 Soil and Water Conservation Districts in Georgia are the following: implement the federal Watershed Protection and Flood Prevention Act; preserve and improve soil fertility; promote the wise use and conservation of land and water; and, generally, protect lakes, rivers and harbors against the results of soil erosion. The Georgia Soil and Water Conservation Commission is the lead agency in Georgia for protecting water quality from agricultural nonpoint source pollution. The Conservation Commission, in cooperation with various State, local, and federal agencies and institutions has developed a voluntary program using agricultural

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Best Management Practices (BMPs) for protecting water quality in Georgia. The Conservation Commission and the soil and water conservation districts are not regulatory or enforcement agencies, and, therefore, must secure voluntary cooperation of the agricultural community. The Conservation Commission accepts the responsibility to provide education and technical assistance to landowners, users, contractors, and the general public to ensure that the stewardship principles in agricultural BMPs are understood and employed.

Jekyll Island State Park Authority

Jekyll Island is established as a State Park, managed by the Jekyll Island State Park Authority (O.C.G.A. 12-3-20, *et seq.*), which reports to the Commissioner of the Department of Natural Resources. A joint committee of the General Assembly, the Recreational Authorities Overview Committee, is the overview committee of Jekyll Island State Park Authority, the Stone Mountain Memorial Association, the North Georgia Mountains Authority, and the Lake Lanier Islands Development Authority.

Public Service Commission

O.C.G.A. 46-2-20, *et seq.* provides the Georgia Public Service Commission with the following authority: to generally supervise all gas or electric light and power companies; to require all companies under its supervision to establish and maintain public services and facilities in a reasonable and just manner; and to prescribe rules and regulations for the safe installation and safe operation of all natural gas transmission and distribution facilities within Georgia, including but not limited to all natural gas transmission and distribution facilities that are owned and operated by municipalities. The Rules and Regulations of the Georgia Public Service Commission (Chapter 515-4-4 Integrated Resource Planning) require utilities to develop and file for review integrated resource plans for construction or sale of electric plants, long term power purchases, expenditures for demand-side capacity options. The rules and regulations provide for the periodic review of each utility's integrated resource plans and capacity resource construction projects and implementation plans.

**SECTION VI:
FEDERAL AUTHORITIES**

The following federal authorities are referenced in various parts of the Coastal Management Program Document. Although the Program does not rely on these federal authorities as policies of the Program, they provide significant backup authority for many of Georgia's laws, as well as the law in their own right. The federal laws also provide certain requirements for federal agencies within the coastal zone. A brief summary of pertinent federal authorities follows.

Atlantic Coastal Fisheries Cooperative Management Act

The Atlantic Fisheries Cooperative Management Act (16 U.S.C. 5101, *et seq.*), known as the Atlantic Coastal Fisheries Act, was enacted in 1993. It presents a new approach to coordinated management of coastal migratory fisheries along the U.S. Atlantic coast. The cooperative management process established by the law involves the Atlantic States Marine Fisheries Commission (Commission), the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. The Atlantic Coastal Fisheries Act builds upon the success achieved by the Atlantic Striped Bass Conservation Act, which was instrumental in the recovery of the Atlantic striped bass stocks. The Atlantic Coastal Fisheries Act provides a mechanism to ensure Atlantic coastal state compliance with mandated conservation measures in Commission-approved fishery management plans. Prior to the passage of this Act, state implementation of a Commission fishery management plan was voluntary, with the exception of the "Fishery Management Plan for Atlantic Striped Bass." Today, all Atlantic coast states that are included in a Commission fishery management plan must comply with certain conservation provisions of the plan or the Secretary of Commerce may impose a moratorium in that state's waters for harvesting the species in question.

Clean Air Act

The federal Clean Air Act (42 U.S.C. § 7401, *et seq.*) is administered by the Environmental Protection Agency (EPA). It establishes a permit system and regular monitoring of the pollutants discharged from major sources of air pollution. The EPA is required to set emission standards for at least 189 toxic air pollutants.

The federal Clean Air Act provides for regulation of emissions to the atmosphere to protect the nation's air resources. Georgia has been delegated the authority to implement a State regulatory program under the Clean Air Act. The State program requirements are administered by the Georgia Environmental Protection Division. All facilities in the State must meet the requirements of the Clean Air Act and the rules of the Environmental Protection Division. The Memorandum of Agreement between the

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Environmental Protection Division and the Georgia Coastal Resources Division ensures cooperation in the issuance and enforcement of air quality laws and standards.

Clean Water Act and State General Programmatic Permits

The federal Clean Water Act (33 U.S.C. § 1251, *et seq.*), formerly known as the Federal Water Pollution Control Act of 1972, provides a technology-based approach to regulating water pollution, i.e., it requires the use of best available technology for the treatment of pollution before it is discharged into water. Water quality standards and criteria are established by the Clean Water Act.

Section 303 of the Clean Water Act requires states to implement water quality standards and provide listings of impaired waters. These listings must include waters where the effluent limitations or controls on thermal discharges have not proven sufficient to meet applicable standards, or to assure protection and propagation of marine life. The states must establish a priority ranking for such waters, taking into account the severity of the pollution and the uses to be made of such waters.

Section 305(b) of the Clean Water Act requires that each state prepare and submit to the U.S. Environmental Protection Agency (EPA) a report, biennially, that describes water quality conditions of navigable waters across the state. The EPA reviews individual state reports and uses the information to develop a national water quality inventory report which is transmitted to the U.S. Congress. The Georgia Environmental Protection Division is responsible for preparing the Georgia 305(b) report. The information required by Section 303 describing impaired waters is included within Georgia's 305(b) report.

Section 319 of the Clean Water Act requires states to assess water quality impacts that result from nonpoint source pollution and to develop management programs for nonpoint source pollution control. The U.S. Environmental Protection Agency approves all state management programs and provides grants to support program implementation. The Georgia Section 319 Program, administered by the Environmental Protection Division, focuses on education and demonstration projects for agricultural, silvicultural, and metropolitan areas.

Section 402 of the Clean Water Act specifies that point source dischargers must obtain a National Pollution Discharge Elimination System (NPDES) permit before they can discharge pollutants into water. The permit sets limits on how much of each particular pollutant can be discharged. NPDES permits do not eliminate discharges; rather, they regulate how much pollution can be discharged. The permit holder must monitor discharges and report the results to the Environmental Protection Agency and to the Environmental Protection Division of the Georgia Department of Natural Resources. Water quality standards are set by each state for each water body and for each type of pollutant.

The filling of wetlands is also regulated under the Clean Water Act. Under Section 404, the Army Corps of Engineers is authorized to grant permits to applicants that want to fill or dredge wetlands. Section 404(e)(1) provides authority to the U.S. Army Corps of Engineers to issue general permits for any category of activities that are similar in nature and result in no more than minimal adverse effects to waters of the United States, either individually or cumulatively. Some of these permits are known as State Programmatic General Permits, which operate in conjunction with a state or local regulatory program (e.g., the Georgia Water Quality Control Act) that protects the aquatic environment in a manner equivalent to the Clean Water Act. These State Programmatic General Permits reduce unnecessary duplication of effort and allow the Corps to focus its resources on other activities. The Georgia Coastal Resources Division has established a Memorandum of Agreement to administer the State General Programmatic Permit for recreational docks in the coastal area. The review process for this permit is similar to the review process for the Revocable License, thus the delegation of this authority to the Coastal Resources Division has helped to simplify permit processes.

Georgia is provided with review authority under Section 401 of the Clean Water Act. The 401 Water Quality Certification Program authorizes states to review federal licenses and permits that may result in a discharge to the navigable waters of the United States. Wetland areas, in addition to lakes, streams, rivers, and oceans are considered navigable waters. This authority provides a review of any federally-permitted activity that results in a discharge to navigable waters of the U.S. (e.g. National Pollutant Discharge Elimination System permits and 404 Dredge and Fill permits). This certification program is administered by the Georgia Environmental Protection Division in cooperation and coordination with the Coastal Resources Division in the eleven-county coastal area to ensure consistency with the policies of the Georgia Coastal Management Program.

Coastal Barrier Resources Act (1982) and the Coastal Barrier Improvement Act (1990)

The Coastal Barrier Resources Act and the Coastal Barrier Improvement Act prohibit most federal expenditures and financial assistance within undeveloped coastal barriers that are designated units of the Coastal Barrier Resource System. Georgia has Coastal Barrier Resource Units on Little Tybee Island, Wassaw Island, Little St. Simons Island, Sea Island, Little Cumberland Island, and Cumberland Island. The Acts also designate several islands as "Otherwise Protected Areas." Within "Otherwise Protected Areas," the sale of new federal flood insurance for new construction or substantial improvements is prohibited. "Otherwise Protected Areas" in Georgia include Ossabaw, St. Catherines, Blackbeard, Sapelo, Wolf, and Jekyll Islands.

Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) (16 U.S.C. § 1451, *et seq.*) was passed in 1972 to manage and protect the habitats, resources, and scenic and recreational qualities of the areas along the country's coasts. Administered by the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), the CZMA encourages states to set up voluntary programs to manage their coastal zones in a comprehensive manner. NOAA provides federal grants, that are matched by state funds, to develop and implement coastal management programs. Management programs must include defined boundaries, defined land uses, an inventory of areas of particular concern, the legal authorities under state law to carry out the program, the structure of the state agency or agencies that will carry out the program, a planning process for protection of and access to public beaches and other coastal areas, a planning process for energy facilities, and a means of controlling beach erosion. It also requires that states coordinate their program with other states.

The 1990 amendments to the CZMA require that states with approved coastal zone management programs, as well as states that submit such programs for approval, develop programs to manage nonpoint sources of water pollution. NOAA and EPA provide technical assistance to develop these programs. The CZMA also established the National Estuarine Research Reserve System, which consists of representative estuarine ecosystems that are managed for long-term research and public education.

Endangered Species Act

The Endangered Species Preservation Act of 1966 (Pub. L. 89-669, 80 Stat. 926 (1966)) authorizes the Secretary of the Interior to make a list of endangered species and to acquire land to protect those species. The Act was amended by the Endangered Species Conservation Act of 1969 to allow the Secretary to list species that are threatened with extinction and to include listings of animals throughout the world. The Act was subsequently replaced by the Endangered Species Act of 1973, as amended. The Endangered Species Act provides a means of identifying species that need protection, methods to provide for consideration of listed species prior to any federal action that may affect them, and a way to punish those who harm listed species. The majority of the Endangered Species Act is implemented by the Department of the Interior through the U.S. Fish and Wildlife Service. Marine species are handled by the National Marine Fisheries Service.

The Endangered Species Act includes the following major provisions. Section 4 sets requirements and standards for listing species as either threatened or endangered. Section 5 authorizes land acquisition for listed species. Section 6 provides for cooperation in endangered species conservation with the states, including matching federal funding and delegating permitting authority. Section 7 involves interagency cooperation and requires

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federal agencies to insure that their actions do not jeopardize the continued existence of listed species. Section 9 prohibits import, export, or transport of listed wildlife or plants. This section also prohibits take and possession of listed wildlife. Section 10 provides for certain permits for listed species, including Habitat Conservation Plans for private landowners.

Under Section 7, every federal agency, in consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service as appropriate, must ensure that any action it authorizes, funds, or carries out, in the United States or upon the high seas, is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat. The U.S. Fish and Wildlife Service consults with federal agencies in cooperation with the Coastal Resources Division and other state agencies on Section 7 evaluations.

The "Standard Manatee Conditions" are an example of procedures established in Georgia under Section 7 interagency coordination. These conditions were developed to simplify and speed the Section 7 process while still providing for protection of an endangered species. Procedures are currently being developed for sea turtles. The Standard Manatee Conditions describe procedures for construction activities such as: posting notices; educating construction site workers about criminal penalties associated with violation of the Act; installing siltation barriers; and, "no wake/idle speed" policies for boats operating in the known vicinity of manatees. The Conditions also provide telephone numbers to report collisions with manatees and size and posting requirements for manatee warning signs.

Section 10 provides a permitting process for incidental take of endangered and threatened species for scientific purposes and incidental take by nonfederal entities provided that, among other things, a Habitat Conservation Plan is undertaken. If federal permits are required, such as U.S. Army Corps of Engineers permits for marinas, docks, and other water-related activities, Section 7 (interagency coordination) is the mechanism used for dealing with endangered or threatened species.

Recently, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service have developed several initiatives and strategies to administer the Endangered Species Act in a more proactive and effective manner. Among these initiatives are Candidate Conservation Agreements, Safe Harbor Agreements, and Habitat Conservation Plans, all of which assist private landowners with endangered and threatened species on their property.

Intermodal Surface Transportation Efficiency Act of 1991

The Intermodal Surface Transportation Efficiency Act (ISTEA, pronounced "Ice Tea") was enacted in 1991 to provide more flexible funding guidelines to states. Part of the U.S. Department of Transportation laws, it allows state and local agencies to best achieve local, regional, and national transportation needs in a more coordinated, efficient fashion. ISTEA significantly enhanced the role of local governments in the transportation planning process. The Act allows local and state transportation agencies to direct funding into projects they deem important, including: constructing alternative transportation corridors such as bikeways, contributing funds to wetland conservation, mitigation efforts, and wetland mitigation banks.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Act) (16 U.S.C. 1801, *et seq.*) empowers the federal government to regulate fishing from three miles offshore (nine miles off the Florida Gulf Coast and off Texas) out to 200 miles. This area is sometimes referred to as federal waters or the "Exclusive Economic Zone" (EEZ). In addition to conserving fishery resources, one of the main purposes of the Act was to eliminate foreign fishing while developing the U.S. fishing industry.

The Magnuson Act created eight regional fishery management councils that are overseen by the Secretary of Commerce. Each council develops fishery management plans for the stocks in their geographical regions. Georgia is a member of the South Atlantic Fishery Management Council, headquartered in Charleston, South Carolina.

Marine Mammal Protection Act

The Marine Mammal Protection Act (MMPA) (16 U.S.C. § 1361, *et seq.*) was enacted in response to the public's outcry over the deaths and decline of whales, dolphins, baby harp seals, sea otters, and other species of marine mammals. Enforcement authority is split between the Fish and Wildlife Service and the National Marine Fisheries Service. The Marine Mammal Commission provides oversight over both agencies' actions. The MMPA establishes a moratorium on the taking and importing of marine mammals. Activities within Georgia that may be subject to the MMPA include fishing, construction, or other activities that may impact dolphins, manatees, right whales, or other marine mammals.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 U.S.C. § 703-712) establishes treaties with Canada, Mexico, Great Britain, Japan, and the Soviet Union for the protection of migratory birds. The MBTA is implemented by the U.S. Fish and Wildlife Service. The treaties were designed to deal with migratory game birds, but have been amended several times to cover a variety of migratory bird species. The MBTA is used to set hunting seasons for migratory ducks, prohibit the use of lead shot for duck hunting, and establish

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bird deaths from application of pesticides as a crime. Hunting for migratory birds requires a federal Migratory Bird Stamp affixed to a Georgia hunting license.

National Environmental Policy Act

The purpose of the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321, *et seq.*) is to require all federal agencies and federally funded projects to consider the environmental consequences of major federal actions. The Act is directed at federal agencies, not at states or local governments or individuals. NEPA requires the completion of an Environmental Impact Statement (EIS) to describe the potential for environmental impact of the proposed project; it does not, however, require the government to take the most environmentally correct action. NEPA also requires that an Environmental Assessment (EA) be performed on every federal project to determine whether an EIS is necessary. If, as a result of the EA, the agency proposing the project determines that there is no significant environmental impact, the agency can issue a Finding of No Significant Environmental Impact (FONSI) and continue with the project without an EIS.

National Fishing Enhancement Act

The National Fishing Enhancement Act (33 U.S.C. 2103, *et seq.*) recognizes the importance of artificial reefs, and establishes the states as lead regulatory agencies in the development of artificial reefs. The Act also calls for a national artificial reef development plan to provide guidance to the states.

National Flood Insurance Program

The National Flood Insurance Program is administered through the Federal Insurance Administration, which is a division within the Federal Emergency Management Agency (FEMA). The National Flood Insurance Program sets standards for construction in flood prone areas. In such areas, in order to obtain the flood insurance required by most banks and mortgage companies for a property loan, the owner must comply with the building standards of the National Flood Insurance Program. These building practices have been adopted through local building ordinances by most communities throughout the country.

National Food Securities Act

The National Food Securities Act regulates agricultural activities in highly erodible areas and requires approved conservation plans in certain circumstances. The Act also prohibits clearing and draining of wetlands for agricultural purposes. The provisions of the Food Securities Act are administered by the United States Department of Agriculture Natural Resource Conservation Service and Agricultural Stabilization and Conservation Service. The Georgia Coastal Resources Division coordinates with these agencies to ensure compliance with the policies of the Georgia Coastal Management Program.

POLICIES AND MANAGEMENT AUTHORITIES

Animal feedlot operations, animal waste disposal, application of agricultural chemicals, and other agricultural practices are regulated under the Federal Clean Water Act, as amended. Discharges of any agricultural pollutant requires a permit relative to provisions of the National Pollutant Discharge Elimination System (NPDES). The Georgia Environmental Protection Division is authorized by the United States Environmental Protection Agency to carry out the purposes and requirements of the Federal Clean Water Act including the issue of NPDES permits and Section 401 certifications. The Georgia Environmental Protection Division is also the State agency responsible for regulation relative to the Georgia Water Quality Control Act, Groundwater Use Act, and Hazardous Waste Management Act.

In addition to the direct permitting and compliance responsibilities of the Georgia Environmental Protection Division, the Division has entered into a Memorandum of Agreement with the Georgia Soil and Water Conservation Commission and the United States Department of Agriculture, Natural Resource Conservation Service to permit waste disposal systems for animal confinement operations. The Memorandum of Agreement between the Coastal Resources Division and the Environmental Protection Division ensures cooperation and coordination to achieve Coastal Management Program goals for such permits.

National Historic Preservation Act

The 1966 National Historic Preservation Act, as amended, (NHPA) provides the framework for historic preservation in this country. The NHPA provides for the National Register of Historic Places to identify and evaluate significant historic properties; requires the designation of a State Historic Preservation Officer to carry out the historic preservation program in each state; authorizes Certified Local Governments to participate in federal and state programs; provides matching grants-in-aid to states; and, establishes the environmental review process that mandates the consideration of impacts of federally funded or licensed projects on historic properties.

The Historic Preservation Division of the Georgia Department of Natural Resources serves as the State Historical Preservation Office. The Division works with local communities to preserve the historical, architectural, and archeological resources of the State of Georgia.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6972, *et seq.*) is part of the Solid Waste Disposal Act (42 U.S.C. § 6901, *et seq.*). RCRA is designed to regulate hazardous wastes by identifying and tracking them, in what has become known as the "cradle to grave" handling of these materials. Any industry or business that generates, stores, transports, or disposes of hazardous waste, as defined by the Act, is subject to the

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requirements of the Solid Waste Disposal Act and the implementing regulations. RCRA does not reduce hazardous waste, it merely acts to track it.

Rivers and Harbors Act of 1899

The Rivers and Harbors Act of 1899 (33 U.S.C. § 403, *et seq.*) provides laws governing safe navigation of the nation's rivers and harbors. Under Section 10 of the Rivers and Harbors Act, a developer or landowner may need to apply for an Obstruction and Alteration Permit from the U.S. Army Corps of Engineers. This section prohibits the "creation of any obstruction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States..." Generally, the Rivers and Harbors Act requires that a landowner secure a Section permit from the Corps before building any wharf, pier, or other structure in any water of the United States outside established harbor lines.

Construction of docks, piers, wharves, marinas, etc., must comply with these federal requirements. Through the federal consistency provisions of the Georgia Coastal Management Program, permits for marinas, docks, piers, and other structures must comply with the rules and regulations implementing the Shore Protection Act, the Coastal Marshlands Protection Act, the Revocable License Program, and the Section 401 Water Quality Certification.

**SECTION VII:
FEDERAL PROGRAMS**

At the federal level, several programs assist with the protection of Georgia's coastal resources. As non-regulatory programs, they seek to develop state-federal partnerships to achieve their goals.

Federal Aid in Sportfish Restoration Act

Popularly referred to as the Dingell-Johnson Act, this Act (16 U.S.C. 777, *et seq.*) created the Federal Aid in Sportfish Restoration Program. Part of the U.S. Fish and Wildlife Service's Federal Aid program, the program was created to strengthen the ability of the state and territorial fish and wildlife agencies to manage and restore fish and wildlife resources to meet effectively the consumptive and non-consumptive needs of the public for these resources. In 1984, the program was supplemented by the Wallop-Breaux amendments. This program provides an important source of funds for management of coastal fisheries resources in Georgia.

National Shellfish Sanitation Program

The National Shellfish Sanitation Program (NSSP), administered by the U.S. Public Health Service, was established as a result of concern about health risks associated with contaminated shellfish. The NSSP is dependent on the states adopting the recommended requirements and on the cooperative and voluntary efforts of state regulatory agencies and the shellfish industry. The NSSP is implemented in Georgia by the Coastal Resources Division. The regulations governing taking shellfish in Georgia waters are found at O.C.G.A. 27-4-190, *et seq.* Shellfish areas throughout the State are delineated and monitored by the Coastal Resources Division for contamination by sewage effluent and other pollutants. Siting of sewage outfalls must consider the potential impacts to shellfish areas. The NSSP manual sets rules for protecting water quality of shellfish harvesting areas. Through the implementation of these rules, limitations are placed on certain activities in or near shellfish harvest areas. Testing and classification of shellfish waters is conducted by the Coastal Resources Division. Enforcement of statutory provisions is the responsibility of the Law Enforcement Section of the Department of Natural Resources.

Partners for Wildlife Program

The Partners for Wildlife Program is designed to implement sound natural resource management on private lands. It is administered by the U.S. Fish and Wildlife Service in concert with the various state resource management agencies. The Program provides technical assistance to private landowners, assists the U.S. Department of Agriculture in implementing conservation programs, and cooperates with other state and local agencies to protect natural habitats.

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