

Minutes
Coastal Committee
2 Martin Luther King, Jr. Drive, S. E.
Suite 1252 East Tower
Atlanta, GA 30334

June 23, 2009

Attending:

Committee Members

Tom Wheeler, Chairman
Bill Archer
Jenny Lynn Bradley
Phyllis Johnson
Bob Rutland
Loyce Turner
Jim Walters
Bill Carruth, Board Chairman, ex-officio

Board Members

Earl Barrs
Warren Budd
Joe Hatfield
Walter Hudson
Ray Lambert
Philip Watt

Visitors

Ronny Just, Georgia Power
Aaron Mitchell, Georgia Power
Mike Giles, Georgia Poultry Federation
Phil Zinsmeister, Sierra Club
Bryan Tolar, Georgia Agribusiness Council
Tas Smith, Georgia Farm Bureau
Andrew Schock, The Conservation Fund
Shana Udvardy, Georgia Conservancy
John Eberhart, Georgia Earth Alliance
Jim Stokes, Sustainable Solutions of Georgia
Bettie Sleeth, Home Builders Association of Georgia

Staff Members

Chris Clark
Carol Couch
Paul Burkhalter
Todd Holbrook
Susan Shipman
Dan Forster
Becky Kelley
Ray Luce
Marlin Gottschalk
Karl Burgess
John Bowers
Jim Ozier
Steve Saunders
Dave Crass
Jac Capp
Richard Swanson
Emily Hitchcock
Lauren Curry
Doralyn Kirkland
Lindsey Young
Jim Ussery
Steve Friedman
Mike Harris
Brad Gane
Alexandra Cleary
Richard Strickfaden
Lon Revall
Mary Ann Evans
Hellen Harris

Coastal Committee – Minutes

June 23, 2009

Page 2

Abit Massey, Georgia Poultry Federation

Shirl Parsons, Georgia Wildlife Federation

Nate Hunt, Southern Environmental Law Center

The June 23, 2009 meeting of the Coastal Committee was called to order by Board Chairman Bill Carruth.

Chairman Carruth called on Tom Wheeler, Chairman of the Coastal Committee, who called on Susan Shipman, Director of the Coastal Resources Division (CRD).

Ms. Shipman called on Karl Burgess, Habitat Management Program Manager, to present a briefing on the proposed amendments to the Rules for Coastal Marshlands Protection, Chapter 391-2-3, relating to regulations for marinas, community and commercial docks.

Mr. Burgess stated that the purpose of the proposed Rule is to implement the Board's authority to establish procedures and criteria for permitting projects under the Marsh Act. He further stated that the second paragraph of the proposed Rule incorporates 26 definitions for terms referenced throughout the Rule. He added that a few definitions are already in the Coastal Marshlands Protection Act and are in bold, but the majority are terms used in the proposed standards, identified either through scoping meetings or by staff as needing to be defined.

Mr. Burgess stated that the first group of terms are fundamental to who carries out permitting responsibilities under the Act, when permitting is required, and includes the terms Committee, Department, Project, Minor Alteration, Modification and Serviceability. He further stated that because the Rules are structured around types of dock facilities which must be permitted under the Marsh Act, they have identified what constitutes a commercial dock, a marina, and a community dock. He added that the amount of dock mooring space, the types of vessels using the facility, and the amenities or services provided distinguish commercial docks from community docks and marinas.

Mr. Burgess stated that community docks are further sub-defined according to the structure's size and use. He further stated that a Tier I community crab dock is the smallest and least impacting structure. He added that the subsequent tiers increase in allowable size and use, and that a Tier III community dock is a larger structure that exceeds the parameters for a Tier I or Tier II dock, but does not exceed 500 linear feet of mooring space.

Mr. Burgess stated that the various components of a dock that are referenced throughout the Rule are: (1) fixed dock; (2) fixed terminal platform; and (3) floating dock. He further stated that the liveboard definition tracks the definition in the Marsh Act.

Mr. Burgess stated that the proposed Rule incorporates consideration of water quality classifications and issues when permitting dock facilities. He further stated that related terms include: (1) Section 303(d) listed stream; (2) impaired water; (3) model

ordinance within the guide for molluscan shell fish control; and (4) approved disposal system.

Mr. Burgess stated that effective shading, heritage preserve marshlands, manatee basins for boaters and manatee travel corridors are terms associated with minimizing impacts to marshlands and marine wildlife.

Mr. Burgess stated that paragraph 3 of the proposed Rule establishes standards for a Tier I Community Crab Dock (CCD), which is a single, fixed pile supported walkway with a “L” or “T” shaped terminal end. He further stated that a new standard added regarding uniform material is that no hoists or lifts are allowed.

Mr. Burgess stated that a CCD lacks floats, hoists or lifts, but activities such as fishing, canoeing or kayaking may occur. He further stated that a CCD falls under the minor alteration provision of the Marsh Act and entails the minimum review and processing time, which is generally 36 days unless the project is subjected to broader consideration by a Committee member.

Mr. Burgess stated that paragraph 4 of the proposed Rule established standards for a Tier II Community Dock, which is a larger facility than that of a Tier I and is comprised of a single, fixed, pile-supported walkway with floats and ramps from which water-dependent activities such as fishing and boating may occur. He further stated that the facility must terminate at the closest eligible creek, and that allowable distance into the creek is specified. He added that maximum size of the walkway, terminal platform and floating docks is specified, as are construction requirements; and that facility size must be justified.

Mr. Burgess stated that dockage is provided on a first-come, first-serve basis; and that the restriction on liveaboards as specified in the Marsh Act, is reiterated as a standard. He further stated that there are no water-based services, commercial activity or other services typical of a marina, and no initial dredging at the time of application. He added that Tier II docks may not be located in waterways of certain designations.

Mr. Burgess stated that the water quality provisions have been expanded and that sediment, water, and/or tissue sampling could be required if DNR determines the project is causing environmental impacts. He further stated that manatee protection measures are required and that these two additional standards are routinely required by the Committee as standard conditions for community docks involving boats.

Mr. Burgess stated that because Tier II projects involve more extensive in-water structure, processing would entail a maximum 115-day total review period. He further stated that if a Tier II project receives broader consideration at a Coastal Marshlands Protection Committee (CMPC) meeting, it could add another 30 to 45 days.

Mr. Burgess stated that paragraph 5 enumerates the standards for a Tier III Community Dock and Commercial Dock, which is a larger facility that exceeds the parameters for a Tier I or Tier II dock, but does not exceed 500 linear feet of mooring space. He further added that a maximum walkway size is specified, with the opportunity for the CMPC to provide for exceptions. He added that the Committee would consider the need for size and scope of what is proposed.

Mr. Burgess stated that construction and design standards have been added that are routinely required by the Committee as standard conditions for community docks involving boats. He further stated that the statutory restriction on liveaboards, as well as water quality provisions and manatee protection measures have been added, just as discussed in the Tier II provision.

Mr. Burgess stated that Tier III projects would be subject to greater scrutiny and more stringent review, lengthier public notice, and broader consideration at the CMPC review level.

Mr. Burgess stated that paragraph 6 addresses marinas, which are more complex structures in scope, and many of the proposed standards are already applied by the CMPC as standard conditions for marina permits. He further stated that maximum length standards for the pedestrian access and the launch pier, with a provision that the Committee can approve an exception, have been added.

Mr. Burgess stated that services associated with the marshlands component of the marina project must be for water-dependent purposes. He further stated that construction requirements are specified, and that more extensive protection measures are required for waterways used by Manatees. He added that initial dredging is allowed only for a marina located in a basin.

Mr. Burgess stated that future dredging considerations are included, upland boat storage is preferred when possible, the statutory restriction on liveaboards is specified, facility size must be justified, and that proposed standards also address onshore amenities and disposal of wastewater and solid waste.

Mr. Burgess stated that protective specifications associated with fueling and spills include that: (1) the marina must not contribute to water quality issues, (2) public notice and processing timelines are similar to that for Tier III docks, (3) there is a 30-day public notice requirement; and (4) marinas are subject to more stringent review and a greater likelihood of additional questions at the Marsh Committee review level.

Mr. Burgess stated that two scoping meetings were held in early May to review the proposed dock standards. He further stated that 19 people attended and that

comments were provided predominantly by the environmental non-governmental organizations in attendance and reflected their comments presented and considered by the CMPC prior to forwarding their proposal to the Board.

Mr. Burgess stated that staff conducted the requisite small business impact and concluded the proposed Rule has minimal to no impact in the area of reporting requirements. He further stated that the Rule proposes design and construction standards and review timelines, tailored to the size of the project. He added that timetables that apply to review and decision-making by the Committee will be beneficial by providing a predictable timeframe for construction, assuming a favorable permitting decision.

Mr. Burgess stated that to be effective, the standards must apply to all regulated facilities. He further stated that although there are anticipated economic impacts for a permit applicant, the costs are warranted to preserve coastal marshlands and protect the public interest. He added that he would like to direct the Board to a detailed explanation on Pages A-24 and A-25 in the Board package.

Mr. Burgess stated that public hearings would be held July 7 and 8 and written comments would be accepted through July 15. He added that he is hopeful to present the proposed Rule changes for action at the August meeting.

Discussion ensued.

Ms. Shipman stated that a CMPC meeting is scheduled for July 10 in Richmond Hill and invited Board members to attend. She further stated that the subway cars are slated to be deployed on July 15. She added that the subway cars are used for artificial reefs.

Ms. Shipman updated the Board on the interim closure of Red Snapper fishing in the South Atlantic region and the Shrimp season opening.

There being no further business, the meeting was adjourned.