

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

August 25, 2009

Attending:

Committee Members

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

Board Members

David Allen
Earl Barrs
Joe Hatfield
Walter Hudson
Ray Lambert
Jim Tysinger
Philip Watt

Visitors

Emory Brown, Georgia Falconry Association
Joseph Seabolt, Georgia Falconry Association
Karl Ledford, Georgia Transmission Corporation
Steve Hein, Georgia Southern University
Shana Udvardy, Georgia Conservancy
Gordon Rogers, Satilla RiverKeeper
Katie Kirkpatrick, Metro Atlanta Chamber of Commerce
Debbie Phillips, Georgia Industry Environmental Coalition
Nate Hunt, Southern Environmental Law Center

Staff Members

Chris Clark
Carol Couch
Paul Burkhalter
Todd Holbrook
Susan Shipman
Dan Forster
Becky Kelley
Marlin Gottschalk
Ray Luce
Karl Burgess
Mark Whitney
Jim Ozier
Jon Ambrose
Steve Friedman
Jennifer Kaduck
Jac Capp
Mark Smith
Linda MacGregor
Doralyn Kirkland
Jim Ussery
Emily Hitchcock
Lauren Curry
Dave Crass
Pam Earl
William Cook
Dick Swanson
Mike Harris
Terry West
Jan Simmons
Brad Gane
Keith Weaver
Mary Ann Evans
Yolanda Fanning

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Clayton Doherty, Georgia Transmission Corporation

Thomas Farmer, The Nature Conservancy

Tara Vogel, Georgia Power

Steve Ewald, Georgia Power

Robert Gordon, Georgia Falconry Association

Joel Volpi, Georgia Falconry Association

Phil Zinsmeister, Sierra Club

Scott Tanner, Joe Tanner & Associates

Josh Stancil, Georgia Forestry Association

Doug Cloud, Alston & Bird

Shirl Parsons, Georgia Wildlife Federation

Mike Giles, Georgia Poultry Federation

Abit Massey, Georgia Poultry Federation

R. Riley Wilson, Georgia Game Hawkers

William Woodall, Georgia Hunting & Fishing Federation

Bettie Sleeth, Home Builders Association of Georgia

Patricia Barmeyer, King & Spalding

The August 25, 2009 meeting of the Coastal Committee was called to order by Board Chairman, Bill Carruth. Chairman Carruth stated that if there were no objections, the Environmental Protection Committee would meet immediately following the Coastal Committee. Upon hearing no objections, Chairman Carruth thanked the Board.

Chairman Carruth called on Tom Wheeler, Chairman of the Coastal Committee. Mr. Wheeler called on Susan Shipman, Director of Coastal Resources Division (CRD), who introduced Karl Burgess, Habitat Management Program Manager, for presentation of the briefing on 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 the genesis of the Rule was presented to the committee in March, scoping meetings were held in May, another briefing was presented in June and that public hearings were held in July. He added that revisions were made as a result of comments from the public hearings, as well as input from the Law Department, and were being presented today.

Mr. Burgess stated that the proposed Rule establishes a tiered process, a system of review and permit proceedings, timelines for dock projects of different sizes, designs, and scope of service and facility use. He further stated that the Rule enumerates standards and conditions for four categories of docks: Tier I crabbing dock; Tier II community dock, which accommodates boats; Tier III community dock or commercial dock, which may be larger or more complex in scope; and Marinas. He added that in addition, the procedures for dock modification are addressed in the Rule.

Mr. Burgess stated that public hearings were held on July 7 and 8 in Richmond Hill and Brunswick, with eight individuals attending in Richmond Hill and 11 attending in Brunswick. He further stated that written comments were also received, and that a summary of those comments and responses had been mailed to Committee and Board Members.

Mr. Burgess stated that revisions fall into these general areas: the tiered system of review and permit processing timelines for the different dock categories; definitions; upland component of a project; community crab dock length; public notice and permit processing periods; water quality protections; marinas and basin marinas; dredging; permit renewal for phased projects; the Coastal Marshlands Protection Committee's (CMPC) application of marina standards to projects; and modifications to existing docks.

Mr. Burgess stated that CRD would re-notice the proposed amendments with revisions. He further stated that a public hearing would be held in Brunswick on September 10, and that CRD would bring the proposed amendments to the Board for

adoption at the October meeting. (PowerPoint with notes attached hereto and made a part hereof)

Chairman Wheeler called on Gordon Rogers, Satilla RiverKeeper, for comments. Mr. Rogers stated that he was privileged to be one of the stakeholders on the project that resulted in the proposed Rule. He further stated that the stakeholder process was very important to achieve a solution. He added that when you are speaking of public trust issues in regard to harvested animals and fish, it is much less problematic than when the issue is real estate. He added that the stakeholders in this situation were not able to come together on many of the recommendations, including dock length.

Mr. Rogers stated that he would like to see a more balanced stakeholders group formed in the future. He further stated that the Rule is very complex and tries to accomplish a lot. He added that the reason the stakeholders group was not able to come to a number in regard to length is because the longer you can build the dock, the more valuable your real estate becomes, and the more valuable marsh front real estate becomes. He further added that he feels this is part of the sprawl problem in coastal Georgia.

Mr. Rogers stated that he would like to see the Rule amended to allow docks that are 500 – 600 feet in length.

Chairman Wheeler called on Nate Hunt, Southern Environmental Law Center (SELC), for comments. Mr. Hunt stated that he was speaking on behalf of six public interest groups located on the coast, who signed onto the comment letter that was submitted to CRD. (Letter attached hereto and made a part hereof).

Mr. Hunt stated that since the beginning of the rulemaking process, CRD has stated that the purpose of the Rule was to provide a more predictable and consistent permitting process. He further stated that he feels those purposes and objectives are commendable. He added that any Rule that is promulgated under the CMPC Act must have as its primary goal the protection of the marsh. He further added that he believes the Rule as it is written now is questionable whether the tiered system further enhances the protection of the marsh.

Mr. Hunt stated that he feels by streamlining the process, the Rule makes getting a permit easier by shortening the public comment period, shortening the staff review period, and in effect, lessening the scrutiny of permit applications. He further stated that the public expressed overwhelming opposition to the dock lengths in the tiered system. He added that it has yet to be shown how the tiered system could provide incentives to reduce the size of structures in the marsh, and he does not see the need for the current Rule and that that SELC is adamantly opposed to upland marina basins.

Chairman Wheeler called on Patricia Barmeyer, King and Spalding, who stated she is representing herself and Sea Island Company.

Mrs. Barmeyer stated that she would like to thank the staff and the Board for having the persistence and commitment to press forward with these Rules, and that it has been a long and arduous process. She further stated that the process involved tremendous input from the stakeholders group, along with a wide range of individuals.

Mrs. Barmeyer stated the CMPC has done its job for 30 years with no Rules that went to the substance of the permitting of docks and marinas, and that a practice has grown up with people generally knowing what is appropriate, but that it is a very good thing to lay those things out, to have it subjected to public input and scrutiny and to have it reviewed and approved by the Board of Natural Resources.

Mrs. Barmeyer stated that this Rule should speed up the permitting of simple uncomplicated docks, which is a good thing. She further stated that adoption of the Rule as presented would get rid of the disincentive toward the creation of multi-family or community docks. She added that the Rule provides other clarity and guidance to applicants, staff and the CMPC, and that it is a good exercise of the Board's responsibility to provide that kind of rulemaking and policy guidance.

Discussion ensued.

Ms. Shipman stated that the presentation was a briefing and that CRD would put this Rule out for public notice, a hearing would be held on September 10, and the proposed rule would be presented to the Committee and Board for action at the October meeting.

Mrs. Bradley stated that the crux of the document is dock length and that she would hope from the upcoming public meeting to hear more input.

Ms. Shipman showed a graphic of docks that had been permitted under the CMPC, as well as the length of the private docks to present a comparison of dock lengths. She stated that this Rule does not pertain to docks that are permitted for private recreational residences. She further stated that they are exempt from permitting under the Marsh Act and are instead permitted pursuant to standards adopted by the Corps of Engineers. She added that there are 41 private recreational docks that are greater than 1,000 feet. She added that this was from 1996 to 2007, which is when DNR took over issuing permits on behalf of the Corps of Engineers, and that prior to that time, the coastal counties were issuing the permits. She further added that in contrast, eight docks longer than 1,000 feet have been permitted by the CMPC since

passage of the Act in 1970. She further added that more private recreational docks exist that are longer than 1,000 feet that have not been issued permits. (Graphic of docks attached hereto and made a part hereof)

Ms. Shipman stated that the 1,000 foot length was recommended by the CMPC in consideration of the permits that they have issued as well as the practices that they have used. She further stated CRD has researched what other states do in this regard. She added that the 1,000 maximum length was also recommended in the 1990's by the marine facilities task force advising the development of Georgia's Coastal Management Plan.

Mrs. Shipman gave a PowerPoint presentation on the latest sunken subway car deployment that took place on July 22. She stated that the cost of the subway cars was \$2,600 per car, cleaned and delivered. She further stated that a majority of the non-federal cost share was covered by Golden Isles Kingfish Classic monies, which totaled \$30,000.00 and the remainder was covered by Federal Aid for Sportfish Restoration. (PowerPoint attached hereto and made a part hereof)

Ms. Shipman stated that the next load of subway cars is slated to arrive on September 15, and would keep the Board apprised of any change. She further stated that the next CMPC meeting would be held on September 25 and encouraged Board members to attend. She added that CoastFest is October 3, and encouraged Board attendance.

Ms. Shipman stated that shrimping is very slow this year and the number of boats in the fleet is down considerably. She further stated that the trawl surveys indicate abundance is good for shrimp but not for crab.

Ms. Shipman reported on an initiative by the Savannah-Chatham County Metropolitan Police Department (SCMPD) to address sunken and derelict vessels in Chatham County tidewaters, using provisions of the Abandoned Vessel Act available to all law enforcement agencies. She stated that CRD issued letters of permission for SCMPD to remove and dispose of three sunken vessels, and that SCMPD Marine Patrol is also going to begin posting all illegally moored vessels, totaling approximately 25 sail boats and five trawlers. She further stated that after documenting that no one has returned to the vessels for five days, and the expiration of the 30 days and written notifications to the owner, if no response, they will lift the vessels to the upland and dispose of them in an approved landfill.

Mrs. Johnson stated that she would like for the Board to send a note of appreciation to the City of Savannah and Chatham County, and Mrs. Shipman stated that she would be happy to draft a letter for the Chairman's signature, and perhaps she and Vice Chairman Bradley could deliver the letter during a Savannah City Council and/or Chatham County Commission meeting.

There being no further business, the meeting was adjourned.