

**Minutes**

**Coastal Committee**

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

**August 23, 2011**

**Attending:**

Committee Members

Phyllis Johnson, Chairman  
Duncan Johnson  
Rob Leebern  
Aaron McWhorter  
Mark Smith  
Loyce Turner  
Philip Wilheit  
Jim Walters  
Earl Barrs, Board Chairman, ex-officio

Board Members

Dennis Billew  
Warren Budd  
Bill Carruth  
Joe Hatfield  
Walter Hudson  
Ray Lambert  
Philip Watt  
Steven Woodruff

Visitors

Dr. Teresa Thompson, Georgia Southern University  
David Word, Joe Tanner & Associates  
Jim Scarbrough, Gwinnett Water  
Earnest Eavin, Cobb Water  
Ronny Just, Georgia Power Corporation  
Daniel Groce, Georgia Agribusiness Council  
Phil Zinsmeister, Sierra Club  
Doug Fulle, Oglethorpe Power Corporation  
Karl Ledford, Georgia Transmission  
Jack Dozier, Georgia Association of Water Professionals  
Lewis Jones, King & Spalding  
Juliet Cohen, Upper Chattahoochee RiverKeeper  
Debbie Phillips, Georgia Industry Environmental Coalition  
Corey Babb, Metro North Georgia Water Planning District

Staff Members

Mark Williams  
Allen Barnes  
Todd Holbrook  
Homer Bryson  
Spud Woodward  
Dave Crass  
Becky Kelley  
Dan Forster  
Emily Hitchcock  
Kyle Pearson  
Brad Gane  
Doug Haymans  
Steve Friedman  
John Bowers  
Jac Capp  
Linda MacGregor  
Jim Ussery  
Doralyn Kirkland  
Lauren Curry  
Connie Buck  
Eddie Henderson  
Candy Henderson  
John Biagi  
Matt Thomas  
Jane Hendricks  
Mary Ann Evans  
Hellen Harris

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Laura Hartt, Upper Chattahoochee RiverKeeper

Katie Kirkpatrick, Metro Atlanta Chamber of Commerce

The August 23, 2011 meeting of the Coastal Committee was called to order by Board Chairman Earl Barrs. Chairman Barrs called on Phyllis Johnson, Chairman of the Coastal Committee.

Chairman Johnson called on Spud Woodward, Director, Coastal Resources Division (CRD), who called on Brad Gane, Chief, Ecological Services for presentation of the proposed amendments to Grant Program Description, Coastal Incentive Grant Program Chapters 391-2-5-.01 through 391-2-5-.18.

Mr. Gane stated that the Georgia Coastal Management Program (CMP) is made possible by a grant from the National Oceanic and Atmospheric Administration (NOAA) through the Coastal Zone Management Act. He further stated that each year, the CMP allocates approximately 50% (\$1,000,000) of its Section 306 funding to the Coastal Incentive Grants (CIG) Program. He added that these grants may be awarded to qualified county and municipal governments, regional commissions, state-affiliated research or educational institutions, or state agencies, with the exception of the Department of Natural Resources (DNR).

Mr. Gane stated that since 1998, the CIG program has funded over \$14,500,000 in 335 projects throughout the coastal zone including multi-year scientific studies on coastal processes, local government plans and ordinance development, and low-cost construction of public access. He further stated that each project leverages at least 100% non-federal match, bringing the total to over \$29,000,000.

Mr. Gane presented several projects that have been funded by these grants, described the Cycle 15 timeline, and requested that the Committee recommend the Board adopt the Resolution to approve the proposed amendments to the Coastal Incentive Grant Program.

A motion was made by Mr. Leebern, seconded by Dr. Turner and carried unanimously that the Committee recommends that the Board adopt the Resolution to approve the proposed amendments to Grant Program Description, Coastal Incentive Grant Program, Chapters 391-2-5-.01 through 391-2-5-.18. (Resolution attached hereto and made a part hereof)

Doug Haymans, Policy Advisor, gave a briefing on the proposed amendments to Rules for Coastal Marshlands Protection, Chapter 391-2-3.

Mr. Haymans stated that in 1992, the Georgia General Assembly passed the Protection of Tidewaters Act (O.C.G.A. 52-1-1 through 10) declaring that structures located upon tidewaters which are used as places of habitation, dwelling, sojournment, or residence are a public nuisance and unlawful. He stated that such structures interfered with the state's proprietary interest, the public trust, or both, and were removed to ensure the rights of the state and the people of the State of Georgia to use and enjoy such tidewaters. He added that the Act clearly states in O.C.G.A. 52-1-3(3) that structures do not include vessels, which are capable of navigation and are moored at marinas.

Mr. Haymans stated that the Coastal Marshlands Protection Act of 1970 (CMPA), as amended in 1992, defines the term "live-aboard" as a floating vessel or other water craft which is moored to a dock, tree, or piling or anchored in the estuarine waters of the state and is utilized as a human or animal abode (O.C.G.A. 12-5-282(8)). He further stated that the Act states that occupying a live-aboard for

more than 30 days during a calendar year is contrary to the public interest and, thus, is prohibited; provided, however that the Commissioner of Natural Resources may extend the allowable period of occupancy of a live-aboard vessel within a calendar year, when requested to do so in writing.

Mr. Haymans stated that in 2010, the Georgia Marine Business Association (GAMBA) requested that staff of CRD investigate the feasibility of removing the 30-day limit for occupancy of live-aboard vessels, as specified in the 1992 amendment of the CMPA. He further stated that several members of GAMBA believe their businesses have suffered adverse economic impacts because many vessel owners, especially transients – those who temporarily or seasonally wish to moor and occupy their vessels in Georgia waters – avoid Georgia because of the aforementioned 30-day limit on live-aboard vessel occupancy.

Mr. Haymans stated that after several meetings with GAMBA, leadership in 2010 and 2011, CRD staff have determined that the appropriate action is to utilize the existing authority to permit live-aboard extensions as granted to the Commissioner of Natural Resources in the CMPA, but to do so by specifying the terms and conditions thereof through Board of Natural Resources Rule making. He further stated that the purpose of the proposed Rule is to create a process whereby boaters desiring to live-aboard their vessels in coastal Georgia waters for more than 30 days may make application to the Commissioner of Natural Resources or his designee. He added that the proposed Rule will allow for live-aboard extensions to be granted to owners of vessels moored in marinas that have sewage pump-out and/or dump facilities as described in this proposed Rule.

Mr. Haymans stated that the primary features of the proposed amendment are as follows:

- Live-aboard extensions will only be considered for vessels moored within an eligible marina.
- An eligible marina must have adequate sewage pump-out facilities as defined by this proposed Rule.
- Conditions of the extension will prohibit sewage discharge and will require the sewage holding tanks of live-aboards to be pumped out. Vessel owners will insure that marine toilets and corresponding Marine Sanitation Devices of vessels seeking extensions are secured in such a way as to not allow sewage to be immediately discharged into surrounding waters.
- Extensions shall be valid for a period not to exceed one calendar year and are renewable.
- An eligible marina shall have sewage pump-out and/or dump facilities with an approved disposal system with a capacity of at least 300 gallons or be connected directly to a private or municipal sewage treatment facility compliant with all relevant local, state, and federal ordinances, regulations, and laws.

Mr. Haymans stated that the proposed amendments would be presented for action at the September meeting of the Board of Natural Resources.

Director Woodward gave a briefing on CoastFest, which is scheduled for October 1, and invited all Board members to attend; commercial food shrimp harvest; CRD staff support for coastal fishing tournaments; and South Atlantic Fisheries Management Council's recent approval of a comprehensive amendment to set annual catch limits.

There being no further business, the meeting was adjourned.