

An aerial photograph of a coastal marshland. A winding, light blue waterway cuts through the brownish-green marsh vegetation. The waterway has several small, irregular islands and peninsulas. The overall scene is a natural, undisturbed landscape.

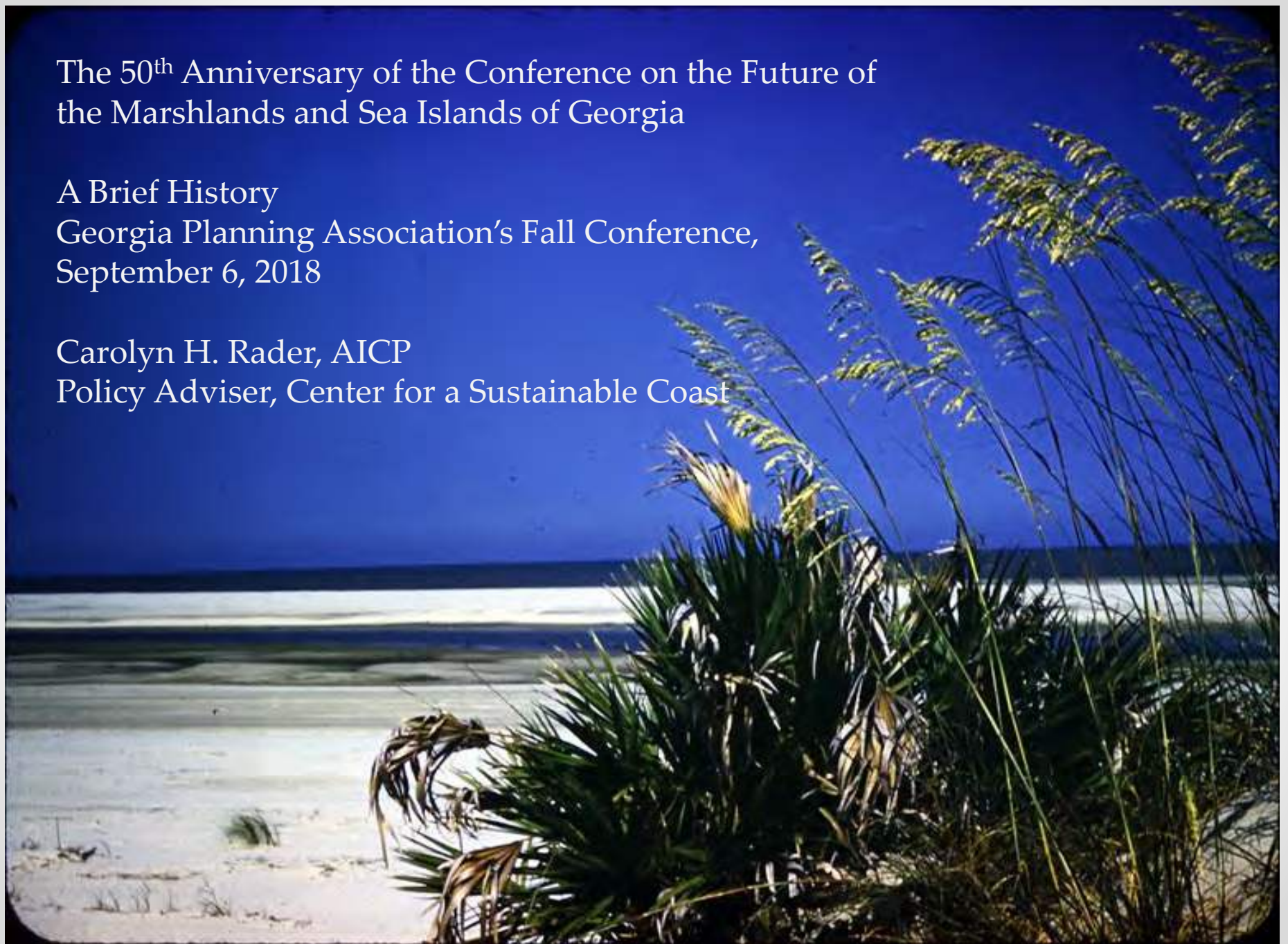
THE FUTURE OF THE MARSHLANDS AND SEA ISLANDS OF GEORGIA: THE NEXT 50 YEARS


Speakers: **Carolyn H. Rader**, AICP
Center for a Sustainable Coast
Karl Burgess, Assistant Director
DNR Coastal Resources Division
Denise R. Grabowski, AICP, LEED AP
Symbioscity
Bill Sapp, Senior Attorney
Southern Environmental Law Center

The 50th Anniversary of the Conference on the Future of the Marshlands and Sea Islands of Georgia

A Brief History
Georgia Planning Association's Fall Conference,
September 6, 2018

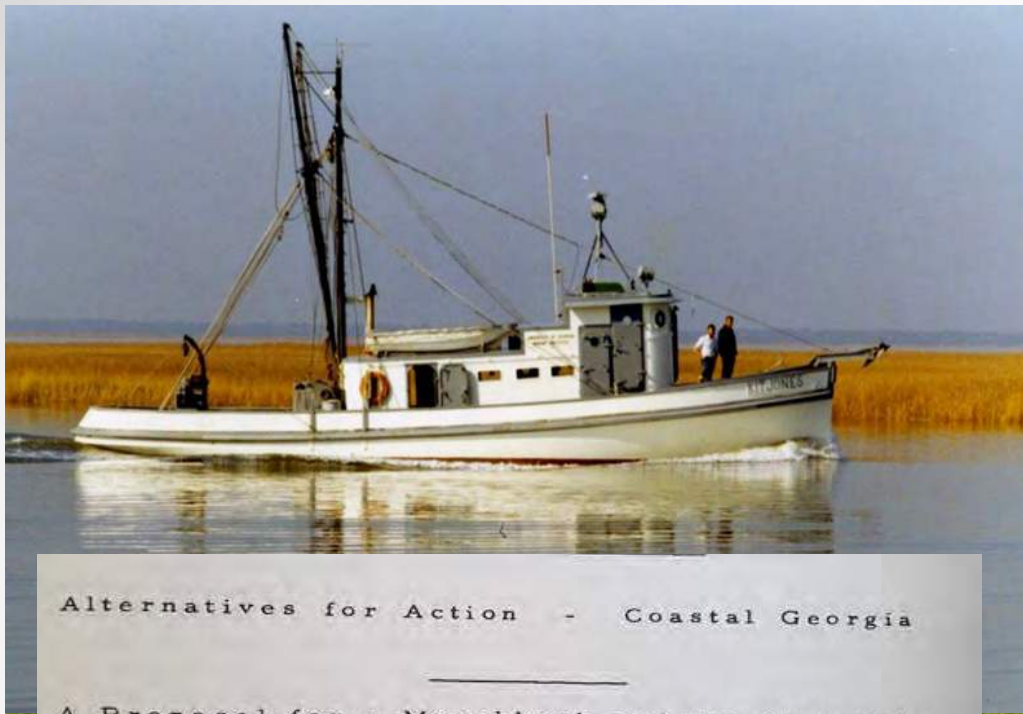
Carolyn H. Rader, AICP
Policy Adviser, Center for a Sustainable Coast





CONFERENCE ON THE FUTURE
OF THE MARSHLANDS
AND SEA ISLANDS OF GEORGIA

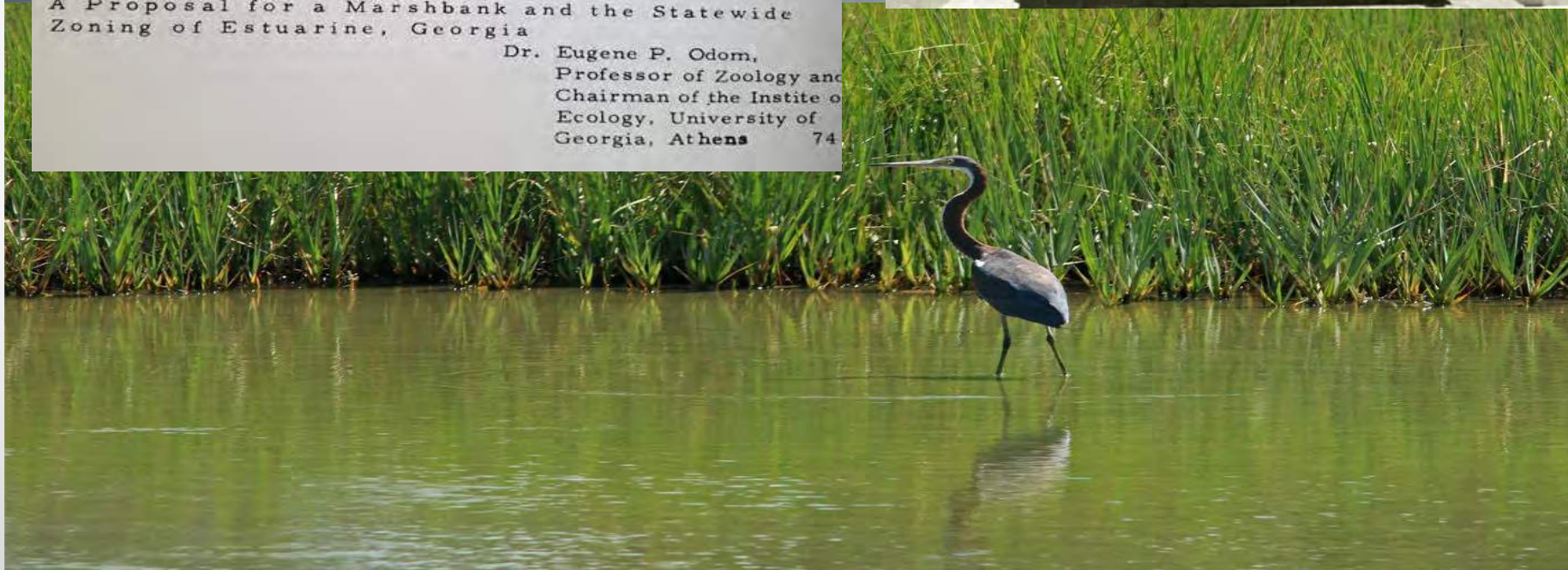
On October 13 and 14, 1968 a Conference was held at the Cloister, Sea Island, Georgia to consider the future of the marshlands and islands of Georgia. The Conference was convened by the Georgia Council for the Preservation of Natural Areas together with the Coastal Area Planning and Development Commission to provide a plan of action for the marshes and sea islands of Georgia.

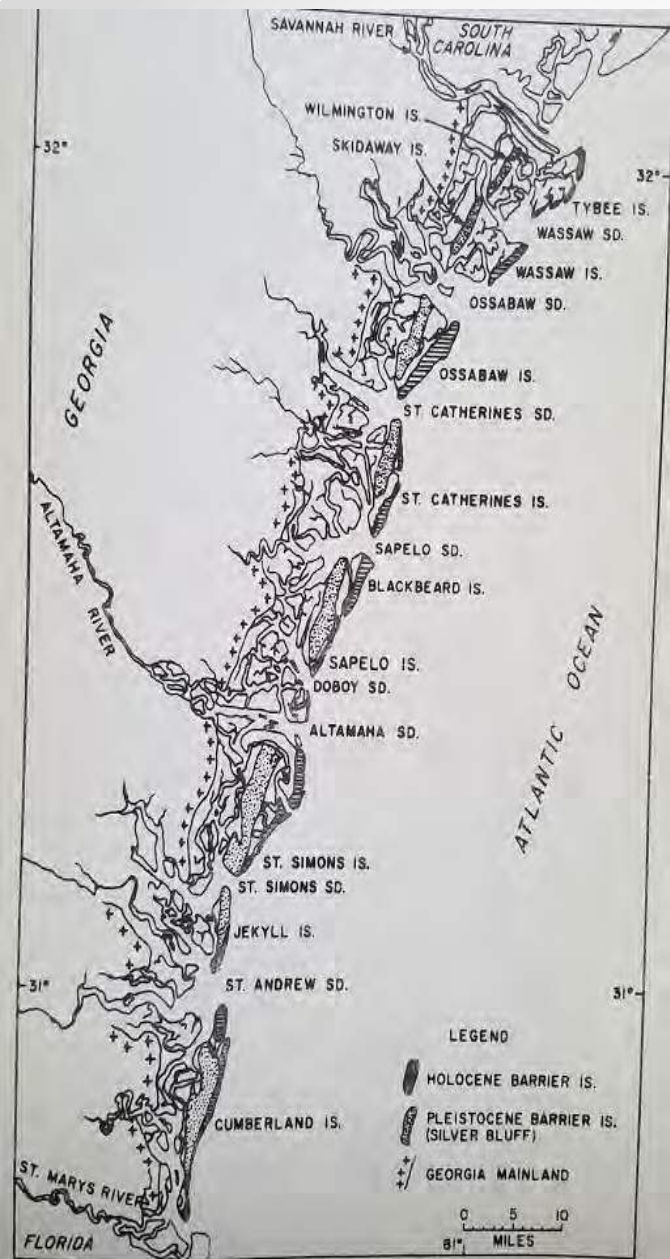


Alternatives for Action - Coastal Georgia

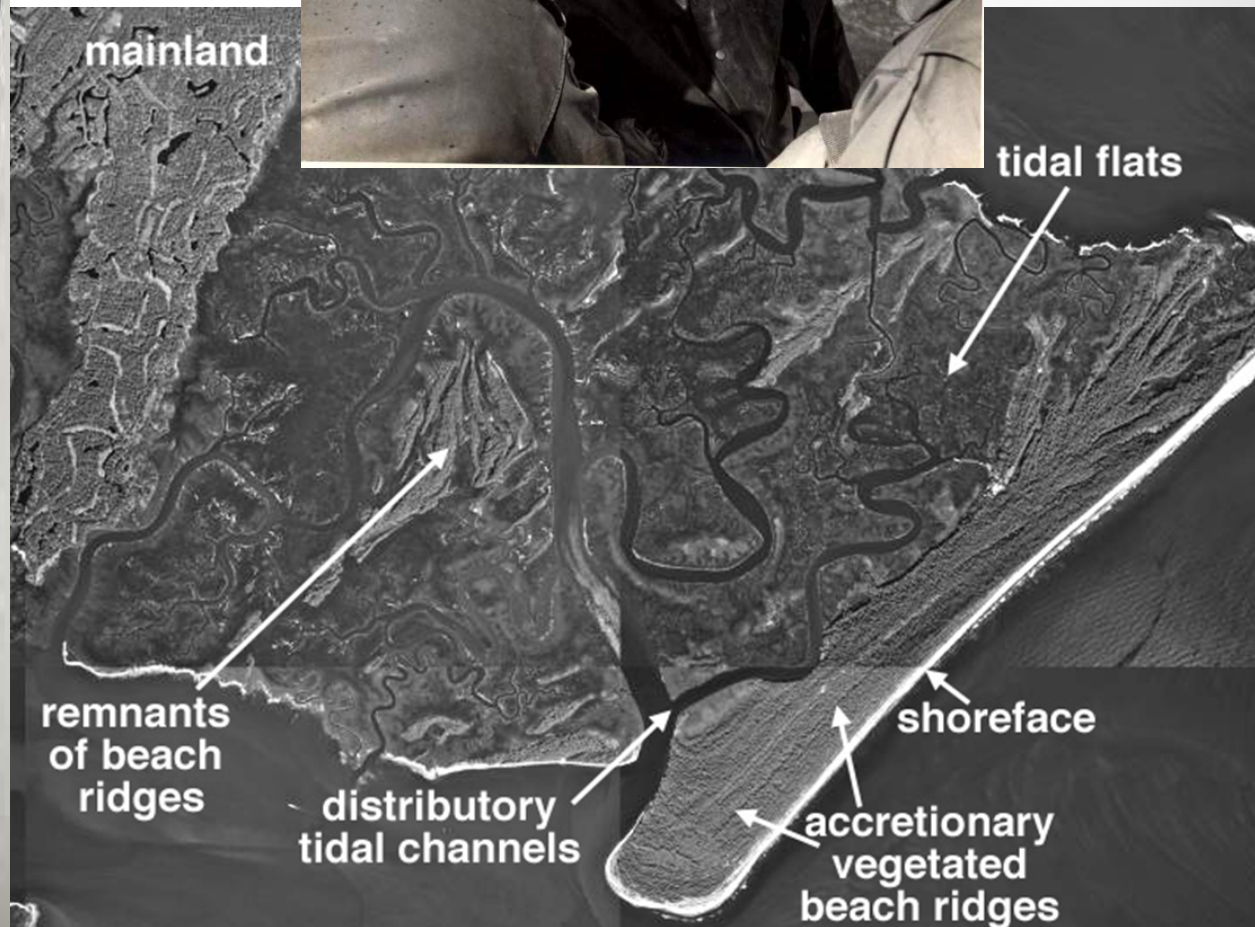
A Proposal for a Marshbank and the Statewide
Zoning of Estuarine, Georgia

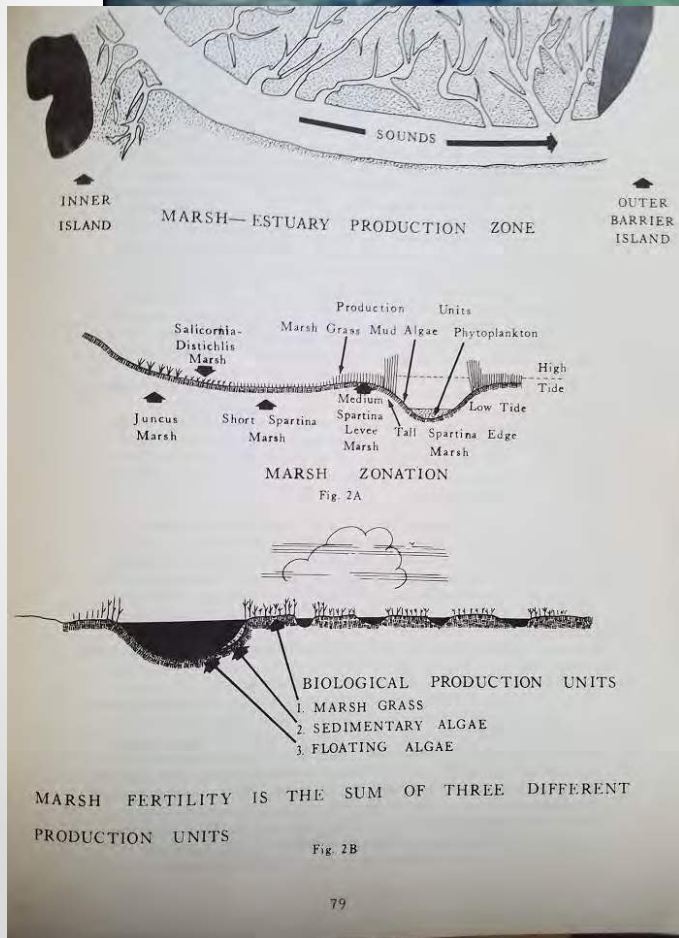
Dr. Eugene P. Odom,
Professor of Zoology and
Chairman of the Institute of
Ecology, University of
Georgia, Athens 74





c 4. Map showing geologic age of the Golden Isles,







PANELIST

THE IMPENDING CRISIS -- PHOSPHATE MINING OFF THE GEORGIA COAST

Dr. Frederick C. Marland, Marine Ecologist
University of Georgia Marine Institute
Sapelo Island

I am interested in salt marsh and estuarine ecology. In the past fifteen years, Sapelo's involvement with the estuaries has had far reaching effects on questions concerning the quality of the environment in the United States. I would like to present a little background about the Marine Institute.



Georgia Marshlands Pure No More

ATLANTA (UPI) — Seated nearly a century ago beneath a big oak tree in coastal Georgia, poet Sidney Lanier wrote that the area's rich marshlands were "pure with a sense of the passing of saints through the wood."

That same oak tree, near the two lanes of four-lane U.S. 17 which funnels tourist traffic from New York to Florida.

But the purity of the marshes exists no more.

A conservation-minded Georgia official, Robert Harris, observed that the Marshes of Glynn, as Lanier titled his poem, just "ain't what they used to be."

Harris, the outspoken director of Georgia's Natural Areas Council, and other conservation-

have been despoiled.

"They feel the spoilage, while 'relatively minute' at present, must be stopped to preserve the breeding and feeding grounds for shrimp, oysters and other wildlife and the natural recreation areas the marshes contain."

The state of Georgia has taken two major preliminary steps designed to slow the spoilage.

The first was passage by the General Assembly this year of legislation creating a seven-member Coastal Marshlands Protection Agency to license and control filling, dredging or other alteration of the marsh areas.

The second was a "position paper" by Attorney General

inexplicable to private exploitation or conservation without regard to the common-law trust purposes to which these lands have been long dedicated."

But these, at the moment, are only on paper. The protection agency has not been organized and does not begin operation until July 1, and the Atlanta opinion has yet to be tested in court.

Harris said "they're not the answer" to the destruction of the marshlands, "absolutely not." The agency, he added, "is a beginning—I wouldn't say it is a good beginning, but it is a beginning."

Harris and other ecologists argue that to do the job right, the entire ecological system of the coast must be cleaned up

the system is composed of 13 major rivers pouring through them out to sea, 17 major offshore islands and "a limitless continental shelf."

The marshlands lying between the high and low tide marks, often called "the nursery of the sea," are rich in plant and animal life. On these the shellfish and other smaller fish feed, and they in turn feed the larger fish on out onto the continental shelf.

But inland pollution poured into the area by the rivers has virtually ended a once thriving oyster industry and threatens shrimp and other commercial and sport fishing.

"You kill the marshes, and you kill the continental shelf; you kill the shrimp and all of the myriad of life there," Harris

said. Harris added that while the marshes historically "have been attacked by the polluters," perhaps a more recent threat has been mining.

In fact it was an attempt by the Oklahoma-based Kerr-McGee Corporation two years ago to lease 25,000 acres of offshore land near Savannah to mine phosphate—and the resulting controversy—that led to the protective steps taken this year.

Conservationists, after learning the firm would have to remove 70 feet of covering to reach the phosphate, forced public hearings on the proposed \$2 million lease, and it finally fell through.

State Rep. Reid Harris, a coastal legislator from Brun-

swick acting at first almost alone and against strong opposition from home, introduced legislation last year to give the state absolute authority over marshlands and many coastal islands.

Harris, who is not seeking reelection this year largely because of his then unpopular stand, lost that fight but persevered.

A legislative study committee was formed and came up with a version of the bill which was enacted this year.

The legislation is not designed to halt completely the commercial and industrial development of the marshes, but calls for it to be "balanced" with protection of the environment.

The agency, once it gets into operation, is instructed in dry-

applications for any marsh-developers going," because they have dredged the intercoastal waterways and dumped the spoil into the marshes. "I guess they've covered up 10,000 acres, and this is prime marshlands," he said.

But Harris believes most of the spoilage has been "by the little guy, filling up one acre for a site for a service station or motel."

"All these are small ways the marsh has been spoiled, but over 20 years time the small ways add up," he added.

Bette Davis' Next HOLLYWOOD (UPI) —Bette Davis will star as a gun-toting grandmother in "Bonny and Clyde," an American International film with a title that changed that the U.S. Corps of Engineers are "the greatest

PAGE 11B THE DAILY ITEM — SUMMER, S.C., THURSDAY, 5

In Georgia

Marsh Mining Controversy Before Court

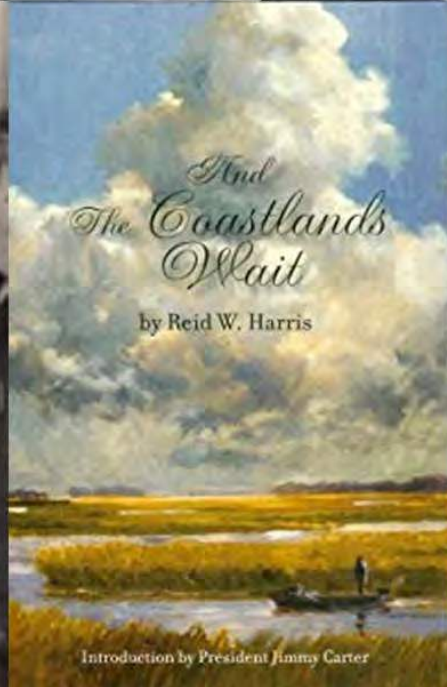
ATLANTA, Ga. (AP) — More than \$8 billion in phosphate lies below Georgia's marshlands, and a pending court decision could clear the way for mining in the fragile environment, some state officials fear.

Mining for minerals on the Georgia coast could increase the risk of salt water encroachment in the pure-water aquifer underlying parts of Georgia, Florida and the Carolinas and endanger water supply to many Eastern Seaboard cities, they warn.



And The Coastlands Wait

by Reid W. Harris



Introduction by President Jimmy Carter

Rising Seas Threaten Georgia's Economically Vital Salt Marshes

Experts say the marshes on Georgia's coast can't grow quickly enough to keep up with the current rate of sea level rise

By Bruce Dorminey, Climate Central
Jul 31, 2011



Georgia coast

Thank You To Our Visionary
Leaders in 1968 and beyond.

Let Us Return the Favor by
Planning Wisely for 2068!





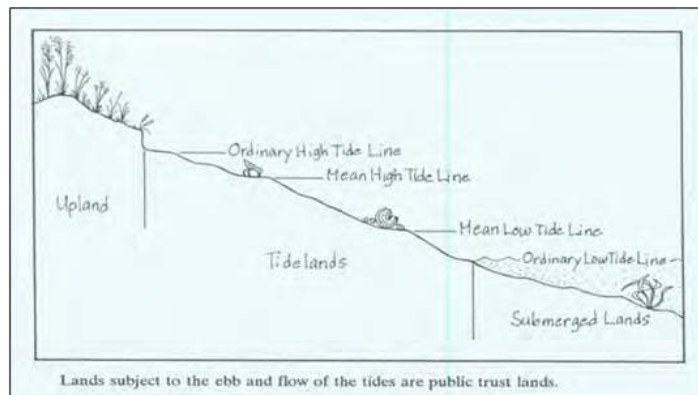
Coastal Marshlands Protection Act

Georgia Planning Association Fall Conference

September 6, 2018

Karl Burgess, Assistant Director

Based on the Public Trust Doctrine of law, the lands beneath the waters subject to the ebb and flow of the tide are owned by the State, and held in trust for the benefit of all people.



The Governor has delegated the responsibility of protecting the public's interest in tidal lands, waters, and living resources to the Department of Natural Resources.



In Georgia, the Governor has general supervision over all property of the State, including tidal lands.



The Public Trust Doctrine

The application of the public trust in Georgia during modern times, began with an Opinion Letter issued on March 16, 1970 – from the State Law Department to the Army Corps of Engineers, declaring the State's ownership of ungranted Coastal Marshlands throughout Georgia in accordance with the Public Trust Doctrine.



A valid Crown Grant from the King of England or a grant from the Georgia General Assembly, are the only exceptions of State ownership of tidal waters and marshlands.

A number of Supreme Court decisions throughout the years have upheld the fact that the tidal waters and marshlands of Coastal Georgia are owned by the State, in trust, for the benefit of all people.



Coastal Marshlands Protection Act

“The General Assembly finds and declares that the coastal marshlands of Georgia comprise a vital natural resource system. The estuarine area of Georgia is the habitat of many species of marine life and wildlife that cannot survive without the food supplied by the marshlands. The estuarine marshlands of coastal Georgia are among the richest providers of nutrients in the world.”



“Also, it is found that the coastal marshlands provide a natural recreation resource which has become vitaly 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.”

(O.C.G.A. 12-5-281, et seq.)

CMPA Jurisdictional Determinations

“Coastal marshlands” or “marshlands” means any marshland intertidal area, mud flat, tidal water bottom, or salt marsh in the State of Georgia within the estuarine area of the state, whether or not the tidewaters reach the littoral areas through natural or artificial watercourses.



Staff conducts marsh delineation, at no cost, using the 14 tidal marshland plants and other indicators as identified in the Coastal Marshland Protection Act (O.C.G.A. 12-5-280, et seq.)

“Estuarine area” means all tidally influenced waters, marshes, and marshlands lying within a tide-elevation range from 5.6 feet above mean tide level and below.



Coastal Marshlands Protection Act Permits



“No person shall remove, fill, dredge, drain, or otherwise alter any marshlands or construct or locate any structure on or over marshlands in this state within the estuarine area thereof without first obtaining a permit from the committee or, in the case of minor alteration of marshlands, the commissioner.”

O.C.G.A. 12-5-286 (a)(1)

Generally, projects may be permitted if they:

- Are water dependent
- Do not have a non-marshland alternative site
- Do not unreasonably harm or alter the natural flow of navigational water
- Do not unreasonably increase erosion, shoaling of channels or create stagnant pools
- Do not unreasonably interfere with conservation of marine life, wildlife or other resources

CMPA Projects

The following items are typically contrary to the public interest:

- Filling of marshlands for residential, commercial, and industrial uses
- Filling of marshlands for private parking lots or private roadways
- Construction of dump sites and depositing any waste materials or dredge spoil
- Dredging of canals or ditches for the purposes of draining coastal marshlands
- Mining
- Construction of lagoons or impoundments for waste treatment, cooling, agriculture, or aquaculture which would occupy or damage coastal marshlands and life forms
- Construction of structures constituting an obstruction of view to adjoining riparian landowners, including signs and enclosures



CMPA- Upland Rules

391-2-3-.02, Regulation of Upland Component of a Project

- Procedure for Determining Project Boundaries
- 50' Marshlands Buffers for Upland Component
- Stormwater Management Standards for the Upland Component
- Impervious Surface (Goal of 15% Effective Impervious Surface)



CMPA- Marina & Dock Standards

391-2-3-.03, Regulation of Marinas, Community Docks, & Commercial Docks

- Tier One Community Crab Dock
- Tier Two Community Dock
- Tier Three Community Dock or Commercial Dock
- Marinas
- Community Dock, Commercial Dock, or Marina Modification



CMPA Permitting Process

In most cases, staff works with applicants/agents prior to an application being filed. These meetings are typically called “pre-application” meetings. It is in these meetings that staff informs applicants/agents the requirements of the CMLPA as well as provide technical assistance and recommendations.



All CMLPA applications are placed on public notice once staff has determined the application to be substantially complete.

In the case of CMLPA proposals qualified as a “Minor Alteration” (impacts less than 1/10 of an acre), the staff emails all CMPC Members a copy of the decision documents and staff’s findings and recommendations.



CMLPA permits granted by the Committee become final upon issuance, but no construction or alteration may commence until the expiration of 30 days following the date of issuance.

Committee Members

- Rick Gardner- An aviation consultant and Bryan County Commissioner (2010-2019)
- Chad Barrow- CEO of a Logistics Company (2018-2021)
- Zach Harris- An attorney from St. Simons Island (2016-2018)
- Bill Hodges- An engineer from St. Simons Island (2017-2020)

The Board of Natural Resources appoints the Committee Members. In 2004, legislation was passed expanding the Committees by 2 members. Three of the five members must be from the coast. The DNR Commissioner is an obligated seat.

Private Recreational Docks



Typically, private recreational docks are exempt from the CMPA

Two types of permitting process for PRD's that are exempt from the CMPA:

1. Programmatic General Permit 0083 (PGP)
2. Individual Permit Process



Permission to Use State Lands

Revocable Licenses

- Letters of Permission (LOP)
- Private Recreational Docks
- Bank Stabilization Projects
 - Bulkheads
 - Riprap
 - Living Shorelines
 - Etc...
- CMPA Projects
- CMPA Exempt Projects
- COE Nationwide Projects

Waterbottoms Leases

- A Waterbottoms Lease is required for a dock facility that has 500 or more linear feet of mooring space
- In 2009, there was an amendment to the CMPA and additional Rules adopted to clarify determining boundaries and annual lease rates

Easements

- GA DNR Board Reviewed
- General Assembly Approved
- Issued by State Properties Commission



Karl Burgess
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Coastal Resources Division

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From Marshes to Mainland

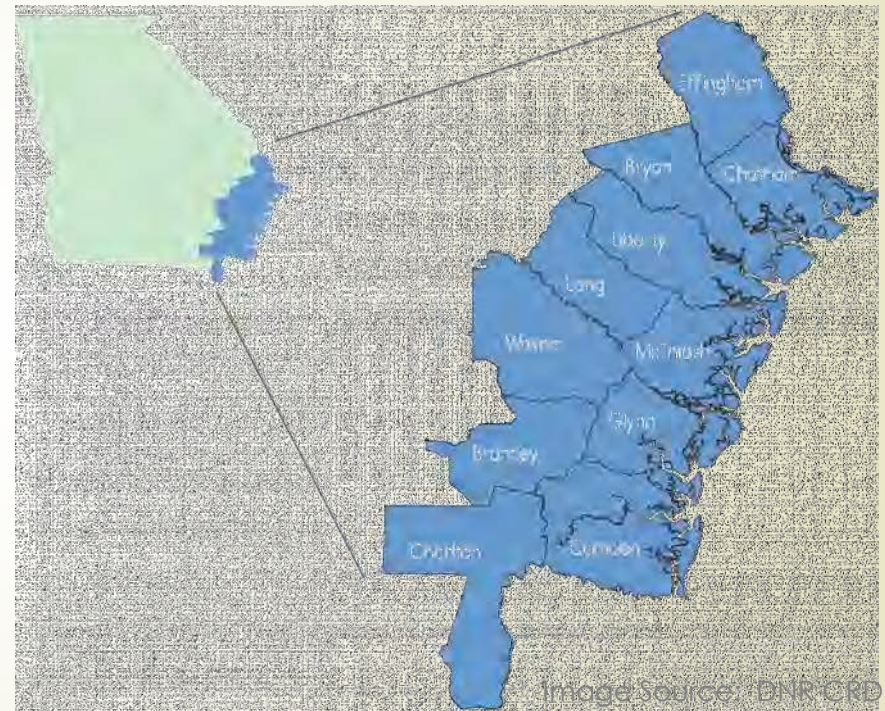
Denise R. Grabowski, AICP, LEED AP

symbioscity

PEOPLE + PLACE + PLANET

Coastal Planning + Management

- ▶ Coastal Advisory Council
- ▶ Task Force Committees
- ▶ Coastal Comprehensive Plan



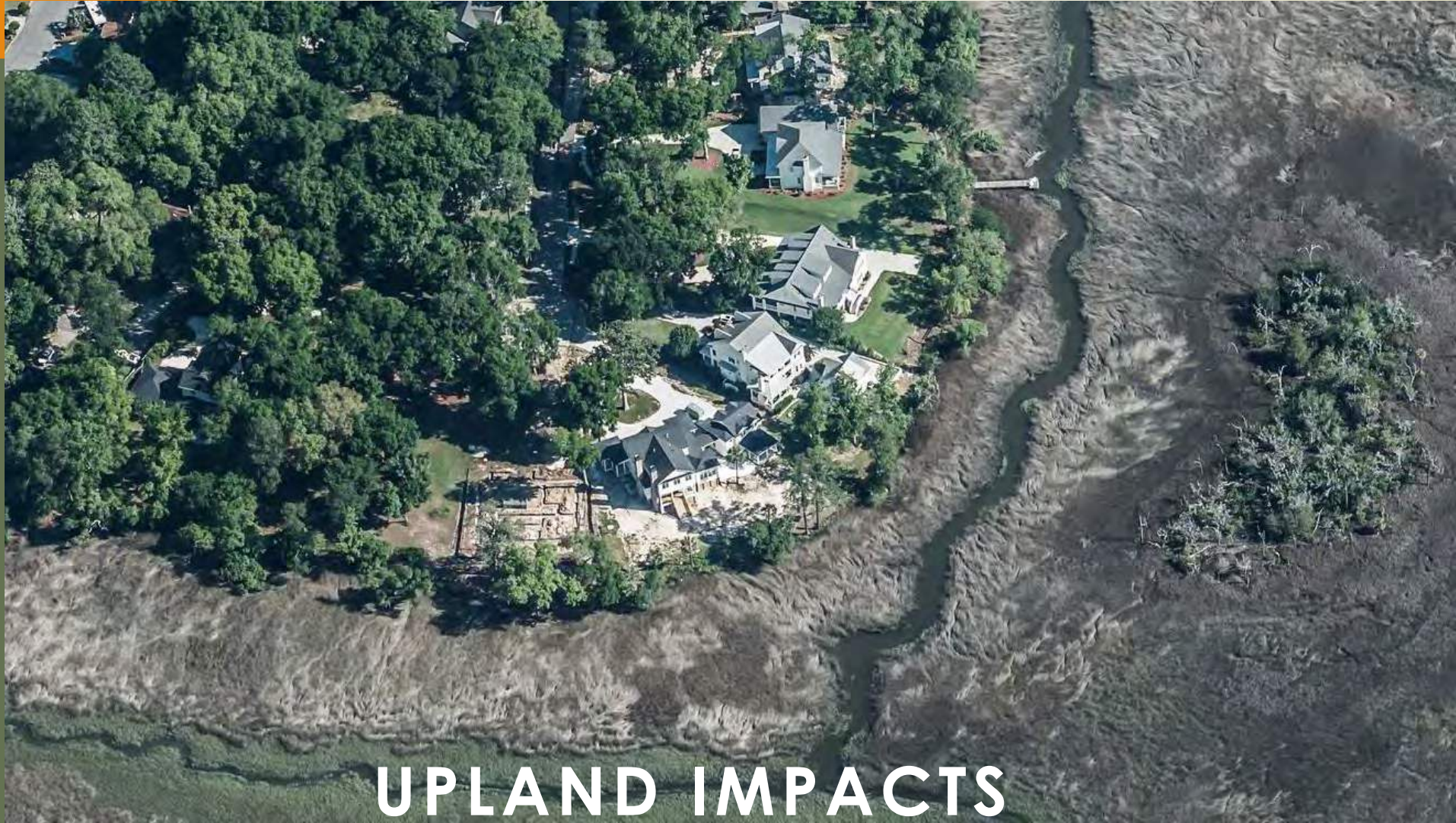
Coastal Advisory Council

- ▶ Coastal Incentive Grant Program
 - ▶ \$20M in 20 years
- ▶ Foster communication between the Coastal Management Program and coastal stakeholders
- ▶ Members represent:
 - ▶ Local Governments
 - ▶ Regional & State Organizations
 - ▶ Environmental Organizations
 - ▶ Research / Academia
 - ▶ Citizens-at-Large





DOCKS AND MARINAS



UPLAND IMPACTS

An aerial photograph of a coastal area. In the center, a small, irregularly shaped island or peninsula is surrounded by dark, shallow water. The island is densely wooded with green trees and contains a large, light-colored house with a dark roof, a swimming pool, and a tennis court. A narrow, straight road or path extends from the top left towards the island. To the left of the path, there is a larger landmass with more trees and some buildings. The water in the background shows some ripples and a winding path.

MARSH HAMMOCKS

Georgia Coastal Comprehensive Plan

- Executive Order – Gov. Purdue (2005)
 - Growth of the region
 - Economic impact of tourism, recreation, and industries
 - Vulnerability of the coastal region
 - Increase stakeholder input
 - “Sustainable economic development without compromising the natural appeal that attracts coastal visitors”
 - Healthy coast



Rethinking Regional Planning

Regional Perspective

- Identification of regional issues
- Identification of regional implementation strategies

Local Perspective

- Local community identity
- Local coordination





CCPAC

- Diverse, regional perspectives – public and private sector representation – 34 members
- Stakeholders from Georgia's six coastal counties: Bryan, Camden, Chatham, Glynn, Liberty and McIntosh
- Four state agencies: DCA, DEcD, DNR, and DOT.
- Chaired by DCA Commissioner Beatty



Public Outreach

- Three rounds of public meetings – held across the region
- CCPAC meetings
- Local Government Technical Advisory Committee
- Special interest advisory committees
- Website
- Other meetings as needed
- Community Choices Survey
- Local government interviews
- Local media outlets



Plan Components

- Quality Growth Audits
- Development Scenario Analysis
- Recommendations and Implementation

Plan Benefits

- A “level playing field” for local governments
- More uniform standards for the development community
- Educated local officials and stakeholders

What's Next....



The Good, the Bad, and the Ugly of the Coastal Marshlands Protection Act

Bill Sapp

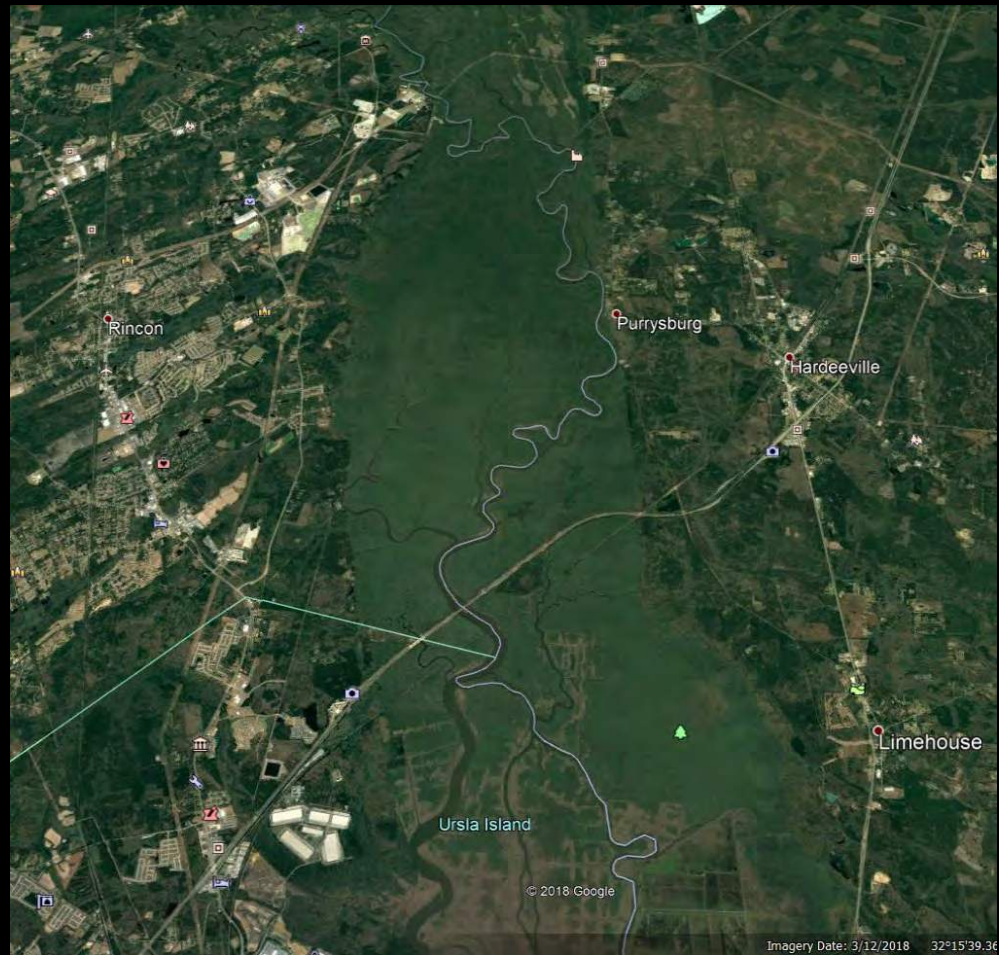
Senior Attorney

Southern Environmental Law Center





UGA/Sea Grant





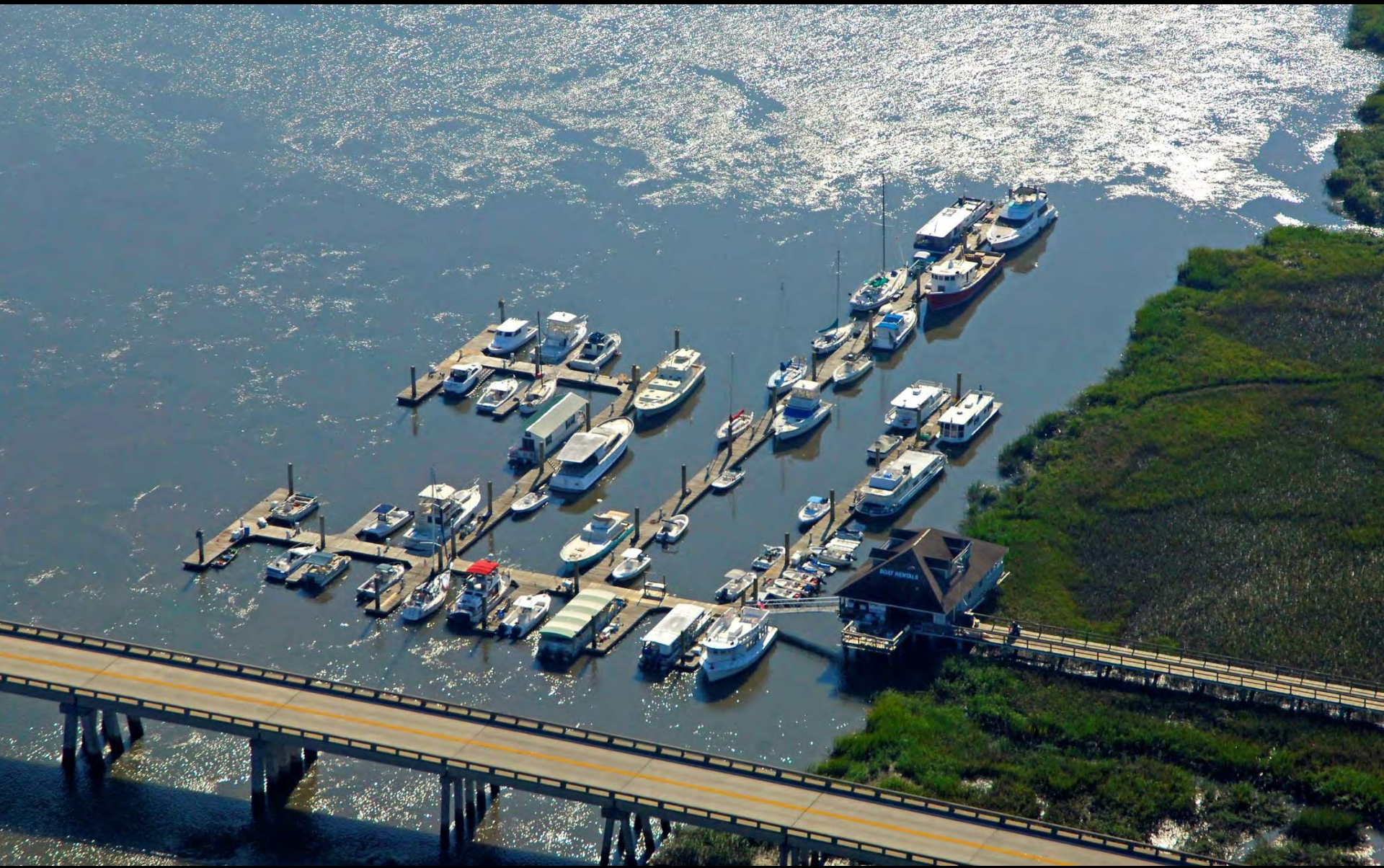
















Georgia's Marsh Hammocks

A biological survey





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Google Earth



Questions?