



October 6, 2015

Mr. Spud Woodward, Director
GA DNR Coastal Resources Division
1 Conservation Way
Brunswick, GA 31520

Dear Director Woodward:

On 23 May 2014, members of the Georgia Coastal Advisory Council (CAC), representing business, non-profit, and governmental interests of the state's eleven coastal counties, recommended the development of new legislation that would help ensure lasting and comprehensive buffer protection for Georgia's coastal marshlands. During the 2015 legislative session, Senate Bill (SB) 101 was adopted by the General Assembly to provide legal protection of a 25 foot buffer along coastal marshlands. As directed by the Assembly, EPD has developed draft rules and regulations that provide for a variance process for certain categories of activities within the buffer based on the size, scope, location and character of the proposed activity within the buffer. This rule making process has included two stakeholder meetings during which public comments have been received. The CAC has elected by majority vote to offer the following comments to the proposed rules currently under review by the Georgia Department of Natural Resources.

GADNR Staff Establishment of the 25' Buffer:

SB101 establishes a 25 foot buffer along coastal marshlands measured horizontally from the coastal marshlands-upland interface as determined in accordance with the Coastal Marshlands Protection Act. Because the GADNR-CRD staff delineates and/or field verifies all coastal marshlands delineations and surveys, the buffer limits will be established in all cases by DNR Staff. This level of staff involvement ensures that the limits of buffer are accurately and consistently defined in the field in accordance with the law.

Variance Review and Processing:

As documented in the proposed rules, variance applications will be reviewed by the Director only where the applicant provides reasonable evidence that impacts to the buffer have been avoided or minimized to the fullest extent practicable and only in specific cases. These specific descriptions of how and documentation of when variances might be granted and the rationale for granting all variances are important as they provide clarity to staff and the public regarding the variance process.

Lastly, the proposed rule requires that when the Division proposes to issue a variance, it will send out a public advisory to all citizens and groups who request to receive the advisories and that the applicant will publish one public notice in the county where the buffer disturbance will occur. This public notice process is important to maintain transparency and

public awareness regarding all projects which require encroachment within the 25 foot marsh buffer.

In March of 2015 and with the unanimous passage of SB101, the State of Georgia maintained its distinguished history of safeguarding its tidal marshes. While implementation of regulations is always challenging, we appreciate EPD's efforts to carry out the goals of the General Assembly when it enacted SB101.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul Wolff". The signature is fluid and cursive, with a large initial "P" and "W".

Paul Wolff, Chair
Coastal Advisory Council
1 Conservation Way
Brunswick, Georgia 31520