

“Stewarding the Public Trust in Georgia”

Jeannie Butler, Coastal Nonpoint Source Coordinator for Georgia

Ms. Butler introduced her agency’s mission and focus, “Managing development on the Georgia coast; to preserve our public trust resources for future generations.” Georgia has some 400,000 acres of tidal marsh and one-third of the salt marsh left on the East Coast. Also: vegetated and non-vegetated bottomland; a 6 to 9-foot tidal range; and 100 linear miles of shoreline. Also, 14 islands; some developed, some part of the state natural heritage program, some federally owned, and some private.

“Together, we own these resources. We are a high water state, using the highest spring tide to demarcate the Public Trust Doctrine line. She also noted that no coastal wetlands are privately held, generally. Boating is therefore very restricted in time/use (as managed by state).

Georgia has incredible wildlife: shorebirds, horseshoe crabs, manatee, etc.

Ms. Butler briefly reviewed state regulatory tools: Coastal Marshlands Protection Act, 1970; and the best wetlands protection tool, the Shore Protection Act of 1979.

The CMPA purview: to ensure the functions and values of marshlands; issue tidal wetlands permits for marinas, docks, boat ramps, etc. (private docks exempted.

1) Facilities within 500 or more linear feet of docking space require leases, as do shellfish harvesters; at fair market value.

2) Permits for water dependent use, when there is no non-marshland alternative, it does not unreasonably harm or alter natural flow of navigable water, it does not increase erosion, shoaling of channels, it does not unreasonably interfere with wildlife, other resources, water quality, even air supply.

Permits are not issued for:

- Fill activities
- Private parking lots or roads, dredging of canals/ditches, mining, aquaculture which would damage, structures constituting obstruction of view to adjoining riparian landowners, including signs/enclosures.

The Shore Protection Act 1979:

- Primary legal authority for protecting shoreline features of state
- Jurisdiction includes: Submerged lands, sand beaches, dynamic dune field

The Act says you can’t interfere with topography, wildlife, access and recreational use of public property.

So, no buildings on the beach; crosswalks, walkovers are okay. Other stipulations: Building must occur landward of sand dunes, occupy the back end of a parcel, 1/3 of the vegetation and natural topography must be retained, structures must be hurricane-resistant and construction must be kept to a minimum.

With regard to how the state manages marsh and beach: Either or both statutes can be applied to give the most protection.

Other voluntary measures in place: Natural heritage inventory, protect isolated wetlands, wildlife corridors/natural area retention, wildlife and marine species education programs, quality/smart growth, limits on impervious cover, retain native understory and canopy, riparian buffer expansion, BMPs with maintenance plan, deed restriction to prevent private docks, speed zones or water zoning to protect wildlife.

She noted that more development is occurring in sensitive areas, and that large tracts of land are changing hands. She referenced 600 upland areas in transition; one is a 1200+ home site/large scale project. Concerns center on their impacts to: wildlife (right whales, manatees, sea turtles), the National Seashore, NPS pollution.

Ms. Butler noted that ditching, draining, and filling land has historically occurred at a very large scale. She noted the importance of education, NPS management programs, and ongoing work between federal and state governing agencies to “build bridges.”

One area of current focus is stormwater management, and she referenced some helpful resources: stormwater management manual by the Center for W/S Protection; Green Growth Guidelines – for developers (model scenarios, economics, etc. a growing document); program for homeowners, subdivision builders, widening buffers – a management strategy document.

Ms. Butler talked about “Green Infrastructure,” which she described as an umbrella for how you want an area to look like at the end. It answers the question of how to handle Public Trust resources.

- Challenge of Growing Communities! How we do it is so important.
- Healthy systems require vital connections
- Science-based strategy. (Maryland uses scientific model to do this.)
- Supports natural resources values and their functions
 - o Get many benefits: trails, cultural sites, historical sites
- Infrastructure implies we have to have it (vs. it’s a nice thing to do)
- Holistic view, guides development, targets mitigation, protect water quality and corridors for wildlife
- Provides predictability and certainty for planning
- See Massachusetts Example, (Natural Resource Benes) in the Charles River Basin:
 - o 8 to 1 return on dollar from: wetlands, tree values, hunting on economy, tourism (\$100 million/year industry)
 - o Helps sell homes and increases their value
 - o Quality of Life – people are willing to pay more
 - o Process: leadership forum, network design, implement