

Georgia Department of Natural Resources

2 Martin Luther King, Jr. Drive, S.E., Suite 1152 East Tower, Atlanta, Georgia 30334-9000

Chris Clark, Commissioner

F. Allen Barnes, Director

Environmental Protection Division

404/656-4713

FILE COPY

August 13, 2010

MEMORANDUM

TO: Baldwin County, Greene County, Hancock County, Morgan County and Putnam County
Other Interested Parties

FROM: Linda MacGregor, P.E., Branch Chief *Linda*
Watershed Protection Branch
Environmental Protection Division

RE: Georgia Erosion and Sedimentation Act
Stream Buffer Requirements for Lake Oconee and Lake Sinclair

House Bill 1359 was signed by the Governor on May 27, 2010 and went into effect on July 1, 2010. The language in the bill amends the Georgia Erosion and Sedimentation Act as shown below:

SECTION 1.

Code Section 12-7-6 of the Official Code of Georgia Annotated, relating to best management practices and minimum requirements for rules, regulations, ordinances, or resolutions, is amended by striking the word "or" at the end of division (b)(15)(A)(iv), by striking the period and inserting "; or" at the end of subdivision (b)(15)(A)(v)(IV), and by adding a new division to read as follows:

"(vi) Where shoreline stabilization is installed; provided, however, that this exception shall be limited to the construction of bulkheads and sea walls only to the extent required to prevent the erosion of the shoreline. This exception shall be limited to Lake Oconee and Lake Sinclair and shall be limited to the duration of such construction."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The effect of this bill is to eliminate the State's stream buffer variance requirements for the construction of those bulkheads and sea walls described above. This is only applicable along the shoreline of Lake Oconee and Lake Sinclair.

EPD interprets the "only to the extent required to prevent the erosion of the shoreline" to mean that there is an existing erosion problem, and the bulkhead/sea wall is proposed at the shoreline or in the lake and not in the buffer itself. Any other bulkheads/sea walls will require a buffer variance and will be reviewed in accordance with EPD's "Streambank and Shoreline Stabilization Guidance" document.

If you have any questions about this memo, please contact either Larry Hedges or Jan Sammons in the EPD Watershed Protection Branch, NonPoint Source Program at 404/675-6240.

cc: Todd Bethune
Darrell Crosby
Bert Langley
Don McCarty
Ken Shepard

FAB:jsj

House Bill 1359 (AS PASSED HOUSE AND SENATE)

By: Representative Channell of the 116th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-7-6 of the Official Code of Georgia Annotated, relating to best
2 management practices and minimum requirements for rules, regulations, ordinances, or
3 resolutions, so as to provide an exception for a required buffer along state waters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Code Section 12-7-6 of the Official Code of Georgia Annotated, relating to best management
8 practices and minimum requirements for rules, regulations, ordinances, or resolutions, is
9 amended by striking the word "or" at the end of division (b)(15)(A)(iv), by striking the
10 period and inserting "; or" at the end of subdivision (b)(15)(A)(v)(IV), and by adding a new
11 division to read as follows:

12 "(vi) Where shoreline stabilization is installed; provided, however, that this exception
13 shall be limited to the construction of bulkheads and sea walls only to the extent
14 required to prevent the erosion of the shoreline. This exception shall be limited to
15 Lake Oconee and Lake Sinclair and shall be limited to the duration of such
16 construction."

17 SECTION 2.

18 All laws and parts of laws in conflict with this Act are repealed.