

61 Maxwell Ave.
Saint Simons Island, Ga.

October 20, 2019

Hon. Mark Williams, Director
Georgia Department of Natural Resources
2 Martin Luther King Jr. Drive SE, Suite 1252
Atlanta, Georgia 30334

Dear Director Williams:

Please consider this both a complaint and demand for remedial action in regard to your obligations, as the keeper of the Public Trust Lands (GA Code # 52-1-2 (2015) along what is commonly known as Sea Island, lying just east of Saint Simons Island.

In the interest of brevity, let me quote from a DNR approved (1998)summary by Mr. Terry West (<https://www.georgiapolicy.org/issue/what-are-state-owned-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.”

As you are likely aware, in 2005 the Glynn County Commission abandoned most of the causeway linking Sea Island to Saint Simons, as well as all the roads, alleys and bridges on Sea Island, without apparently consulting with the State of Georgia, because, according to the County resolution, these facilities served no “public purpose” – a decision that has effectively deprived the general public of landward access to our tidal waters.

As you are also likely aware, both the Sea Island Company and its successors, Sea Island Acquisitions and SIA PROPCO I, LLC and SIA PROPCO II, LLC have been granted repeated permission by the Coastal Resources Division, one of your subsidiary agencies, for the construction of navigation impeding groins in the tidal waters, the erection and repair of erosion-promoting revetments, and the annual or biennial mechanical grading and and redistribution of sands. While most of this activity has been minimally supported by recommendations from a landscape “professional,” the application for the most recent “renourishment” of the tidal zone with 1.3 million cubic yards of dredged sand did admit that the destroyed benthic community would require about two years to recover after being mangled and compressed by the mechanical equipment moving the sand around.

In other words, in this instance, your Department's mission “to sustain, enhance, protect and conserve Georgia's natural, historic and cultural resources for present and future generations” is not being met.

Furthermore, while Mr. West pointed out that “All six of Georgia’s coastal county governments gladly accept payment of property taxes by individuals claiming ownership of tidal marshlands. The payment of property taxes does not support a claim of ownership to tidal lands and waters. Individuals may contact the respective county tax office and request removal of any State-owned tidal waters and marshlands from their tax assessment,”

It seems clear that Sea Island Acquisitions, as well as its subsidiary real estate companies, has no interest in tax abatement and, instead, seems intent on validating its bogus ownership claims by re-registering the lands under different corporate names. This is true of both the 56+ acre shorefront (Parcel ID - 05-05941) and the 1574+ acres of marshlands lying between Sea Island and Saint Simons north of the causeway (Parcel ID - 05-00001). More concerning is the fact that in two instances the owners of upland properties have been induced to “purchase” additional lands in the tidewater zone (Parcel ID - 05-00719 and Parcel ID - 05-00712).

If the recent “renourishment” was intended to demonstrate, by building new dunes, that the additional lands are not tidal, that effort seems to have failed since most of the dredged sands have already been washed away by the seasonal high tides.

So, my complaint is basically two-fold: First, Sea Island Acquisitions, through its subsidiary's control of the roads and bridges (Parcel ID - 05-00796), is depriving the public of easy access to the tidal waters and marshlands; second, the living resources within these waters are not being properly protected by your Department.

Which is not to say that relatively easy remedies are not at hand. Indeed, since Bridges and Roads LLC owns all the facilities on the island, including Dune Avenue, and since 100 Dune Avenue, which provided access to the equipment that mangled the beach, has recently been acquired by a new entity, SI TRACT V, LLC, this seems an opportune time for the Department of Natural Resources to condition the issuance of any permits for construction in its jurisdictional area on a guarantee of permanent public access and some dedicated parking spots in the vicinity of Dune Avenue. Also desirable would be a public access at the northern end of the beach where there is already an entrance for emergency vehicles. If parking needs to be rationed then visitors can be issued at the gate a

time-limited pass when they announce their intent to visit the beach. People arriving on foot to fish or swim or look for birds should, of course, not be challenged.

Finally, while Sea Island Acquisition has been granted a long-term permit to mechanically groom the tidally influenced beach and maintain the obstructing groins on condition that the activities of sea turtles, occasional visitors, not be interfered with, the more deleterious and long-term negative impacts on the organisms normally resident in tidal waters have not, IMHO, been sufficiently considered and should prompt a review of the appropriateness of the permitted activities. Certainly, the two-year recovery of the benthic community needs to be assured and all mechanized equipment needs to be banned in the future.

I await your response as to the actions the Department of Natural Resources is prepared to take to fulfill its obligations as the keeper of Public Trust Lands to assure public access to, and the preservation of, our natural resources.

Sincerely,

Monica Smith

P.S. As an abutter to the SIA holdings, I do have a personal interest in the protection of our natural resources, even as I am quite content to pay the county's assessed property tax on ten acres of land I do not actually own, despite what the Glynn County tax card claims.