

Bird Island Rule amendments

- Original Rule –
 - 5 sites, most not used anymore
 - Unclear whether we can close intertidal
 - Newly create dredge spoil islands – built since the rule
- Update
 - Remove 1 site
 - Add 3 sites
 - Officially shift jurisdiction from State to WRD
 - Clarify closure of the intertidal zone

Intertidal Closures - Georgia

§ 52-1-2. Legislative findings and declaration of policy

The General Assembly finds and declares that the State of Georgia became the owner of the beds of all tidewaters within the jurisdiction of the State of Georgia as successor to the Crown of England and by the common law. The State of Georgia continues to hold title to the beds of all tidewaters within the state, except where title in a private party can be traced to a valid Crown or state grant which explicitly conveyed the beds of such tidewaters. The General Assembly further finds that the State of Georgia, as sovereign, is trustee of the rights of the people of the state to use and enjoy all tidewaters which are capable of use for fishing, passage, navigation, commerce, and transportation, pursuant to the common law public trust doctrine. Therefore, the General Assembly declares that the protection of tidewaters for use by the state and its citizens has more than local significance, is of equal importance to all citizens of the state, is of state-wide concern, and, consequently, is properly a matter for regulation under the police powers of the state. The General Assembly further finds and declares that structures located upon tidewaters which are used as places of habitation, dwelling, sojournment, or residence interfere with the state's proprietary interest or the public trust, or both, and must be removed to ensure the rights of the state and the people of the State of Georgia to the use and enjoyment of such tidewaters. It is declared to be a policy of this state and the intent of this article to protect the tidewaters of the state by authorizing the commissioner of natural resources to remove or require removal of certain structures from such tidewaters in accordance with the procedures and within the timetable set forth in this article.

Executive Order - Exhibit

Cumberland Dividings is all the land above mean low water which comprises a 5-acre dredge spoil island in Camden County created by the Army Corp of Engineers in the Summer of 2024. It was constructed during maintenance dredging of the Atlantic Intracoastal Waterway from Cabin Bluff to Kings Bay Submarine Base in Camden County and was designed to provide habitat for beach-nesting and colonial-nesting bird species. It is located adjacent to Cabin Bluff, West of Cumberland Island National Seashore. (Approximate location 30.8868, -81.5111). Cumberland Dividings is illustrated on the attached Map # 1, which is incorporated herein by reference.

Brunswick Bird Island is all the land above mean low water which comprises a 14-acre dredge spoil island created by the Army Corp of Engineers in 2007. It is located in St. Simons Sound, Glynn County, approximately 1 mile west of the Jekyll Island Fishing Pier. It was constructed to provide habitat for beach-nesting and colonial-nesting bird species and has become one of the most important seabird colonies in the southeast, regularly hosting over 10,000 nesting pairs of birds. (Approximate location 31.1141, -81.4351). Brunswick Bird Island is illustrated on the attached Map # 2, which is incorporated herein by reference.



THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

- WHEREAS:** The State of Georgia holds title to and is in possession of certain recently created dredge spoil islands named Brunswick Bird Island and Cumberland Dividings (the “premises”) as described in the attached **EXHIBIT “A,”** incorporated herein by reference, due to their creation from state-owned water bottoms; and
- WHEREAS:** Brunswick Bird Island was created with dredge spoil from the Brunswick Harbor deepening project and Cumberland Dividings was created with dredge spoil from the maintenance dredging of the Atlantic Intracoastal Waterway; and
- WHEREAS:** These premises were created with dredge spoil for the express purpose of providing valuable nesting sites for State-protected beach-nesting and colonial-nesting bird species; and
- WHEREAS:** The Department of Natural Resources has determined that the premises contain some of the best nesting habitats on the Georgia Coast for beach-nesting and colonial-nesting bird species; and