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Coastal Resources Division
Georgia Department of Natural Resources
Brunswick, Georgia 31520

Thank you for your service to our State, particularly your support of Jekyll Island.

I am writing to highlight concerns expressed by several constituents regarding the Westin Jekyll Island's Letter of Permission (LOP) which allows approval of truck-delivered services for lawn chairs, etc. on the beach adjacent to the Westin Hotel. Specifically, citizens have expressed concern regarding the fact that truck delivery is not truly required for the beach services in question, for they could easily be hand-delivered by Westin staff or carried to the beach by hotel customers who are able to carry a beach chair and umbrella. I have been advised that this is how those services are provided by the Jekyll Island Club Hotel's Beach Pavilion, which is owned by the same group as the Westin and has a longer beach crossover than the Westin. If beach services can and have been provided by hand at that site for years, constituents are puzzled as to why these services cannot be delivered the same way at the Westin site.

On a broader perspective, in 2013 House Bill 402 amended the Shore Protection Act (SPA) by defining a Letter of Permission (LOP), which, in essence, may be issued for an activity that is within the jurisdictional area of the SPA and is either within the perimeter of an existing serviceable project or is temporary, meaning less than 6 months in duration. When used properly, LOP's are reasonable for truly temporary projects such as movie productions. The LOP issued to the Westin's owners is supposedly for a "temporary" activity – delivery and rental of beach chairs, umbrellas and tables to the hotel's customers during Jekyll's peak season.

I do not quibble with a "one-time" temporary exemption, if reasonable. I also am not necessarily opposing an ultimate reasonable accommodation regarding the transportation of beach chairs, if the law is properly followed and the Committee so dictates. What is concerning is that the Westin may intend to file for consecutive renewals of this "temporary" LOP so as to rent its beach services year after year, thus making the project permanent and circumventing what is the intent of House Bill 402. House Bill 402 was not suppose to become a way for applicants to get around the SPA permitting process by making a permanent activity appear to be a temporary one. This is for good reason. An LOP doesn't go through the SPA Committee or a public hearing and doesn't have a "no feasible alternative" requirement. Since there is no public comment period or even a public meeting prior to issuing a LOP, and because the applicant does not have to meet the standards that attend the Shore Protection Act permitting process, there is little opportunity for concerned citizens to register an objection or defend the public interest. It is for this reason that LOP's should be used sparingly and only in truly "temporary" circumstances.



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In the Westin's case, it is my hope that ultimately a more formal permit application could be heard by the Shore Protection Committee. If done in a more formal setting, with open public comment and inquiry, then a reasonable and detail analysis could be made as to the Westin's needs in this situation and the best possible solution to address those needs.

I appreciate the good work that has been done by the Westin's owners. This wonderful hotel is a benefit to Jekyll Island and our entire community. However, I also believe that both the rule and spirit of the law should be followed as all concerned parties work together to protect and enjoy Georgia's beautiful jewel that is Jekyll Island.

Thank you for allowing me to address this issue and I look forward to working with you in the future.

Sincerely,

J. Alexander Atwood