

WALTER RABON  
COMMISSIONER

CHRIS HARPER  
DIRECTOR

January 13, 2026

**MEMORANDUM**

To: Members, Board of Natural Resources

FROM: Chris Harper *CH*

SUBJECT **Action on Proposed Amendments to Bird Island Rule 391-4-7.03**

Enclosed for your review are proposed changes to Rule 391-4-7.03, Shorebird and Seabird Habitat Protection, also known as the Bird Island Rule.

The board was briefed on the proposed changes in October. The proposed rules reflect the need to update the original 1998 rule to protect habitats that are currently important to birds from public access and pets. We propose to remove one site from the original list and add two newly created dredge spoil islands and one naturally accreted island. The proposed rules also clarify that certain nesting islands are completely closed to boat landing during the nesting season, including the intertidal zone.

The proposed rules were publicly announced on the department's website on October 30th, 2025. An in-person public meeting was held on November 12, 2025, at the DNR Coastal Headquarters office and written comments were accepted through November 30th. All comments received supported the proposed amendments, while some encouraged the department to increase protections above and beyond what was proposed. A summary of public comments is available on page A-8; the complete set of comments and outreach efforts used to publicize the rule change and solicit comments are available here: <https://bit.ly/BirdIslandRules>

We plan to make a brief presentation to the Board on January 30, 2026, and will request Board adoption at that time. Please do not hesitate to contact Tim Keyes (Tim.Keyes@dnr.ga.gov) if you have questions or need more information about the proposal in advance of the meeting.

CH/tk

WALTER RABON  
COMMISSIONER

TED WILL  
DIRECTOR

October 14, 2025

**MEMORANDUM**

To: Members, Board of Natural Resources

FROM: Ted Will

SUBJECT **Proposed Rules – Economic Impact**

The Administrative Procedure Act requires that in the formation and adoption of any rules which will have an economic impact on the business in the State, attempts be made to reduce the economic impact of the rule on small businesses. This applies to businesses that are independently owned and operated, are not dominant in the field and employ 100 employees or less. The Wildlife Resources Division has determined that the proposed amendments to Rule 391-4-7.03 are expected to have no negative impact on small businesses.



WALTER RABON  
COMMISSIONER

TED WILL  
DIRECTOR

October 29, 2025

**MEMORANDUM**

To: INTERESTED PERSONS AND ORGANIZATIONS

FROM: Ted Will

SUBJECT **NOTICE AND SYNOPSIS OF PROPOSED RULE MAKING**

Notice is hereby given that, pursuant to authority contained in O.C.G.A. §§ 12-3-74(A)(1), 12-3-90 et seq., 27-1-6(1)(B), and 27-1-33, the Board of Natural Resources proposes to amend its rules governing the protection of coastal islands that provide important bird habitat. The proposed amendments (copy attached hereto) are to Rule 391-4-7-.03. The Board of Natural Resources will consider the proposed amendments and any comments received in the hearing process at its meeting on January 30, 2026, at 9:00 AM, at the A.W. Jones Heritage Center, 610 Beachview Drive, St. Simons Island, GA 31522.

**SYNOPSIS**

The purpose of Rule 391-4-7-.03 is to protect several critical offshore islands and bars that are used by nesting seabirds and shorebirds, many of which are species of high conservation concern. These sites are highly sensitive to human and canine disturbance, and the proposed amendments give the Department of Natural Resources (DNR) the ability to close all or portions of these sites. Offshore bars and islands are also dynamic features that can accrete and erode with storms and tides. One of the sites listed in original Rule has become less important, while other sites, both man-made and natural, have become more important. Without being listed explicitly in the Rule, DNR Law Enforcement cannot effectively enforce seasonal closure efforts.

The proposed amendments will update the sites listed in the original Rule by:

- Removing a natural bar, Pelican Spit, from the Rule. Pelican Spit has migrated and eroded to the point that birds no longer nest there.

- Include a natural bar, Ogeechee Bar, as closed seasonally between March 1st and October 15th. Ogeechee Bar is the most important site in GA for the federally threatened Red Knot and provides significant nesting and feeding habitat for many other shorebirds and seabirds during Spring, Summer, and Fall.
- Updating the name of Williamson Island to Little Tybee Natural Area as this clarifies naming confusion and shifting beach zones within the natural area. Boat landing will be permitted on Little Tybee Natural Area, but people will need to stay away from roped-off nesting areas.
- Include two newly created dredge islands, Brunswick Bird Island and Cumberland Dividings, as seasonally closed between March 15th and August 31st. Since their creation, these two islands were rapidly colonized by birds and are now considered among the most important nesting sites in the southeast for several species.

As stated above, recently created dredge spoil islands, Brunswick Bird Island and Cumberland Dividings, are included in the amended Rule. An August 25, 2025, Executive Order (EO) transferred custody of Brunswick Bird Island and Cumberland Dividings from the State of Georgia to DNR. The EO clarifies that Brunswick Bird Island and Cumberland Dividings were created for the purpose of providing valuable nesting sites for State-protected beach-nesting and colonial-nesting bird species and that DNR must protect these birds from disturbance by people and dogs by supervising and controlling visitor use and access.

Ogeechee Bar, a naturally accreting bar seaward of Raccoon Key, already falls within the Department's jurisdiction as it is part of Ossabaw Island WMA. Ossabaw Island WMA was designated a Heritage Preserve in 1978, providing the highest level of protection for any public lands. According to its Heritage Preserve designation, Ossabaw Island shall only be used for natural, scientific, and cultural study, research and education, and environmentally sound preservation, conservation, and management of the island's ecosystem, under conditions carefully monitored and controlled by DNR.

Sites closed would be clearly marked with in-water signage, either piling based signs or buoy markers. In contemplating closures, DNR is striving to restrict the public as little as possible while ensuring that our conservation priority species can thrive while nesting, resting, or foraging on our coast.

This rule amendment affects a relatively small portion of the accessible beach in the State, as shown in the tables below:



<b>Island Additions</b>	<b>Linear feet access</b>
Ogeechee Bar	1,600
Brunswick Bird Island	1,036
Cumberland Dividings	500
<b>TOTAL IMPACT</b>	<b>3,136</b>

<b>Access type</b>	<b>Linear feet access</b>
Beach access with dogs	112,464
Beach access without dogs	366,960
Boat access with dogs	12,144
Boat access without dogs	249,744
<b>Total accessible Beach</b>	<b>741,312</b>
No boat/dog access	54,384*

\*mostly Federal Wilderness Areas

This synopsis of the proposed rule amendments, together with an exact copy of the amendments, is being mailed to all persons who have requested in writing that they be placed on the mailing list and have tendered the actual cost of such mailing. Copies of all these documents are also available by electronic mail and are available for review on the Division web page (<https://georgiawildlife.com/regulations/meetings>). Please call (912) 262-3128 or email [tim.keyes@dnr.ga.gov](mailto:tim.keyes@dnr.ga.gov) to request a copy.

Members of the general public will have an opportunity to comment on these proposed regulations at a public hearing scheduled at 7:00 PM on November 12, 2025, at the Susan Shipman Environmental Learning Center, DNR Coastal Regional Headquarters Office, One Conservation Way, Brunswick, GA 31520. Any participant at the hearing may present data, make a statement or comment or offer a viewpoint or argument, either orally or in writing. Statements should be concise to permit everyone an opportunity to speak. Participants in the hearing are required to register on arrival and to notify the registering official of their intent to give a statement. Participants may also bring a written copy of their statement.

Those unable to attend the hearing may submit comments on this proposed rule electronically by sending an email to [wcscomments@dnr.ga.gov](mailto:wcscomments@dnr.ga.gov) using the subject line Bird Island Rule, by telephone at (912) 262-3128, or by submitting written statements, which must be received before close of business on November 30, 2025. Written statements should be mailed to the attention of Tim Keyes at:

Georgia Department of Natural Resources  
One Conservation Way  
Brunswick GA, 31520

The Board of Natural Resources will consider the proposed amendments and any comments received at its meeting on Friday, January 30, 2026, at 9:00 AM, at A.W. Jones Heritage Center, 610 Beachview Drive, St. Simons Island, GA 31522.

WALTER RABON  
COMMISSIONER

TED WILL  
DIRECTOR

**Public Participation Plan for  
Proposed Amendments to  
Rule 391-4-7.03**

Amendments to the Bird Island Rule, 391-4-7.03, are being proposed. Public input is an important component of the decision-making process. Prior to briefing the DNR Board on these proposed amendments, WRD held three scoping meetings regarding the amendments in Brunswick, Savannah and St. Marys. Public input was accepted during these meetings and was also received by email and phone. The initial scoping meetings were used to inform the development of the proposed amendments.

The plan for receiving and considering public comment includes publicly posting and distributing the proposed amendments, holding a public hearing, and the acceptance of written, verbal, and electronic comments. Following the public comment process, the Board of Natural Resources will consider the proposed amendments and any comments received Friday, January 30, 2026, at 9:00 AM, at A.W. Jones Heritage Center, 610 Beachview Drive, St. Simons Island, GA 31522.

**Schedule for Public Participation on Proposed Amendments to Rule 392-4-7.03**

Description of Action	Action Date
Present proposed Amendment to DNR Board	10/28/2025
Public Notice distributed and posted on website	10/31/2025
Public Hearing, CRD Headquarters office at 7 PM	11/12/2025
Deadline for submitting comments on proposed amendments	11/30/2025
Final Consideration of the Proposed amendments by the Board of Natural Resources	1/30/2026



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### **Summary of Public Comment**

Two people attended the public meeting on November 12, 2025, and both expressed support for the proposed amendments. We received 62 email comments on the proposed amendments. All 62 emailed comments supported the amendments, while 25 suggested that the Department go further than the proposed protections, or offered advice on announcing and monitoring the impact of the proposed changes.

Additional public suggestions:

- 22 proposed permanent closure of Ogeechee Bar.
- 22 suggested an education campaign to alert public and Law Enforcement about the changes.
- 21 suggested an expedited mechanism to close new sites as they are either created or naturally emerge.
- 23 Suggested monitoring the sites closely to determine the effectiveness of the closures
- 22 Suggested planning to increase resilience of future projects

The complete set of comments and outreach efforts used to publicize the rule change and solicit comments are available here: <https://bit.ly/BirdIslandRules>



SUBJECT	PROPOSED CHANGE	CURRENT REGULATION	CHANGE	JUSTIFICATION
<b>391-4-7-.03. (1) (b) Shorebird and Sea Bird Habitat Protection</b>				
	Seasonally close portions of Little Tybee Natural Area used by shorebirds and seabirds.	Closes portions of Williamson Island (part of Little Tybee Natural Area) designated by signs without respect to season.	No person shall enter the portion of Little Tybee Island Natural Area that is closed to seasonal access as designated by signs.	Protects important shorebird and seabird populations while permitting boaters to land on Little Tybee Natural area. Utilizes updated name for state property to avoid confusion.
<b>391-4-7-.03. (1) (c) Shorebird and Sea Bird Habitat Protection</b>				
	Provides seasonal closure of Brunswick Bird Island and Cumberland Dividings Island, as well as intertidal zone.	Closes portion of Pelican Spit Natural Area designated by signs	No person shall enter any portion of Brunswick Bird Island and Cumberland Dividings Island between March 15 <sup>th</sup> and August 31 <sup>st</sup> . In-water signage will indicate areas subject to seasonal closure, including the intertidal zone.	Protects important shorebird and seabird populations on two artificial islands specifically created to provide bird habitat. Allows recreational use when not seasonally closed. Removes one natural area (Pelican Spit) that is no longer important to shorebird and seabird populations.
<b>391-4-7-.03. 1 (d) Shorebird and Sea Bird Habitat Protection</b>				
	Provides seasonal closure of Ogeechee Bar	Provides an exemption from the rule for properly authorized contractors and associates of the department.	No person shall enter any portion of Ogeechee Bar between March 1 and October 15 <sup>th</sup> . In-water signage will indicate areas subject to seasonal closure, including the intertidal zone. Exemption from rule moved to subsection (e)	Protects important shorebird and seabird populations on a natural bar. Allows recreational use when not seasonally closed.
<b>391-4-7-.03. 1 (e) Shorebird and Sea Bird Habitat Protection</b>				
	Moves exemption from rule to new subsection	None	Restrictions do not apply to the properly authorized actions on behalf of the department when conducting research or monitoring activities or when responding to stranded marine mammals or other emergencies.	Unchanged from original rule. Allows Department to carry out long term monitoring studies on bird populations to ensure that closures continue to protect important habitats. Allows department to respond to other emergencies.
<b>391-4-7-.03. 2 (a) Shorebird and Sea Bird Habitat Protection</b>				

SUBJECT	PROPOSED CHANGE	CURRENT REGULATION	CHANGE	JUSTIFICATION
	Adds prohibition on pets to new islands designated in rule and removes prohibition on pets from one island that will be removed from the rule.	Prohibits pets year round on all bird islands designated in rule.	Removes Pelican Spit Natural Area from prohibitions on pets. Adds Ogeechee Bar, Brunswick Bird Island, and Cumberland Dividings to list of islands where pets are prohibited at any time of year. Changes name from Williamson Island to Little Tybee Natural Area.	Pets may kill or significantly disturb important populations of seabirds and shorebirds.



**ADDITIONS TO THE TEXT ARE UNDERLINED, DELTIONS ARE INDICATED BY  
STRIKETHROUGH  
RULES  
OF  
GEORGIA DEPARTMENT OF NATURAL RESOURCES  
  
CHAPTER 391-4  
WILDLIFE RESOURCES  
  
SUBJECT 391-4-7  
PROTECTED WILDLIFE HABITS**

**391-4-7-.03 Shorebird and Sea Bird Habitat Protection.**

(1) In order to protect habitat for shorebirds and sea birds, except as provided in paragraph (de) of this subsection (1), no person shall:

(a) Enter those natural areas known as Egg Island Bar Natural Area, Satilla River Marsh Island Natural Area, or St. Catherines Island Bar Natural Area at any time.

(b) Enter that portion of ~~Williamson Island~~ Little Tybee Natural Area which has been designated by signs indicating that the area is seasonally closed to human access. ~~This closed area will be approximately 1,000 feet in length and of varying width, depending upon the width of the dry sand beach, and will be located at least 50 feet landward of the mean high tide line. The closed area will not include the northern and southern ends of the island or the ocean facing beach. The location of seasonally closed areas will depend on local island configuration and bird usage but will not interfere with boaters landing on Litte Tybee Natural Area.~~

c) ~~Enter that portion of Pelican Spit Natural Area which has been designated by signs indicating that the area is closed to human access. This closed area will include the interior portion of the island and the southeastern spit. The closed area will not include the southwestern beach, Hampton River Beach, the northeastern spit, or the ocean facing beach. Enter any portion of the dredge spoil islands known as Brunswick Bird Island and Cumberland Dividings Island between March 15 and August 31. In-water signage will indicate areas subject to seasonal closure, including the intertidal zone.~~

d) ~~The restrictions in this chapter do not apply to the properly authorized actions of contractors and associates of the department when conducting research and monitoring activities for birds on these islands, or when responding to stranded marine mammals or other emergencies. Enter any~~

portion of Ogeechee Bar between March 1 and October 15. In-water signage will indicate areas subject to seasonal closure, including the intertidal zone.

(e) The restrictions in this chapter do not apply to the properly authorized actions of contractors and associates of the department when conducting research or monitoring activities for birds on these islands, or when responding to stranded marine mammals or other emergencies.

(2) Pets.

(a) Pets are not permitted at any time of year on Egg Island Bar Natural Area, Pelican Spit Natural Area, Satilla River Marsh Island Natural Area, St. Catherines Island Bar Natural Area, or Williamson Island, Ogeechee Bar, Brunswick Bird Island, Cumberland Dividings, or Little Tybee Natural Area.

Authority: O.C.G.A. §§ 12-3-74(a)(1), 12-3-90 et seq., 27-1-6(1)(B), 27-1-33.

**EXACT COPY VERSION**  
**RULES**  
**OF**  
**GEORGIA DEPARTMENT OF NATURAL RESOURCES**  
  
**CHAPTER 391-4**  
**WILDLIFE RESOURCES**  
  
**SUBJECT 391-4-7**  
**PROTECTED WILDLIFE HABITS**

**391-4-7-.03 Shorebird and Sea Bird Habitat Protection.**

(1) In order to protect habitat for shorebirds and sea birds, except as provided in paragraph (e) of this subsection (1), no person shall:

(a) Enter the natural areas known as Egg Island Bar Natural Area, Satilla River Marsh Island Natural Area, or St. Catherines Island Bar Natural Area at any time.

(b) Enter the portion of Little Tybee Natural Area which has been designated by signs indicating that the area is seasonally closed to human access. The location of seasonally closed areas will depend on local island configuration and bird usage but will not interfere with boaters landing on Little Tybee Natural Area.

(c) Enter any portion of the dredge spoil islands known as Brunswick Bird Island and Cumberland Dividings Island between March 15 and August 31. In-water signage will indicate areas subject to seasonal closure, including the intertidal zone.



d) Enter any portion of Ogeechee Bar between March 1 and October 15. In-water signage will indicate areas subject to seasonal closure, including the intertidal zone.

(e) The restrictions in this chapter do not apply to the properly authorized actions of contractors and associates of the department when conducting research or monitoring activities for birds on these islands, or when responding to stranded marine mammals or other emergencies.

(2) Pets.

(a) Pets are not permitted at any time of year on Egg Island Bar Natural Area, Satilla River Marsh Island Natural Area, St. Catherines Island Bar Natural Area, Ogeechee Bar, Brunswick Bird Island, Cumberland Dividings, or Little Tybee Natural Area.

Authority: O.C.G.A. §§ 12-3-74(a)(1), 12-3-90 *et seq.*, 27-1-6(1)(B), 27-1-33.