

Center for a Sustainable Coast

Summary of Accomplishments & Activities in 2010

Legal Actions, Tracking & Commenting on Enforcement of Environmental Regulations

Coastal Marshlands Protection Act & Shore Protection Act

- In May 2010, Center staff investigated a marsh permit related to a residential development called *Waterways Township* adjacent to a waterfront site owned by Bryan County that was proposed for a marina on Red Bird Creek, a tributary to the Ogeechee River, near Fort McAllister south of the City of Richmond Hill. At issue was the extent to which the marina would serve the public and if it would comply with the Georgia Heritage Trust Act designation of the surrounding waterway as a nature preserve. Assisted, advised, and represented by attorneys at Southern Environmental Law Center (SELC), the Center entered into joint negotiations with representatives of Bryan County as well as the developers of Waterways Township. After touring the site, Center staff and SELC representatives met in an extended session with attorneys and staff of both groups to work out a mutually acceptable arrangement for ensuring proportionate public and private access to the proposed marina facilities, including boat storage and mechanically assisted launching. Although to be located on land owned by Bryan County, the facilities will be built with private funds contributed by the project developers.

[Note: The above work resulted from activities initiated in 2009. As reported a year ago: *The Center continued commenting on various marsh permit applications, including the proposed Water Ways Township project near Richmond Hill which raised conflicts with Heritage Trust areas caused by the state issuing a marsh permit. As a result of our review, the Center partnered with Southern Environmental Law Center in filing an appeal, which will be litigated in 2010.*]

- The Center remains enjoined in representing Georgia's coast in a multi-state challenge, filed by SELC, opposing the U.S. Navy's plans to do offshore training using sonar technology in the calving areas of the highly endangered right whale. We are citing the National Environmental Policy Act and the Endangered Species Act as the basis for seeking a remedy for safeguarding these endangered marine mammals and other valued species.
- In November, the Center met with the director of the Coastal Resources Division, Georgia Department of Natural Resources (CRD/DNR) to discuss various concerns about environmental regulatory enforcement and policy implementation under Georgia's Coastal Management Program. By that time, Center staff had begun investigating CRD's use of a "letter of permission" (LOP) allowing temporary but significant disturbance of a beachfront site on Jekyll Island, to alter it for filming a scene in a major commercial motion picture being produced by Twentieth Century Fox. Based on comments by the CRD Director, working with the Initiative to Protect Jekyll Island (IPJI) and SELC, Center staff drafted a well-reasoned opinion column protesting DNR's use of the letter of permission. The Center argued that there is no legal basis for the practice, which circumvents public notice and provides no opportunities for public comment, both of which are required under Georgia's Shore Protection Act. The column was soon published in both *Savannah Morning News* and *Atlanta Journal-Constitution*.
- In December, Center staff participated in a collaborative effort to research DNR files in gathering information on their use of LOPs under the Shore Protection Act. The records compiled are being analyzed by legal staff working for IPJI to determine the appropriate strategy for correcting the problem. Expenses for that work are being paid by the Center, using funds from donations made exclusively for that purpose by a private contributor.
- As a member of the Georgia Environmental Action Network (GEAN) hosted by Georgia Conservation Voters, the Center reviews, edits, and endorses position statements used in advocating collaborative action alerts to strengthen positions on pending rules, regulations, and legislation. This work helps build public and voter awareness to strengthen water resource management, including restrictions on water withdrawal, wastewater discharge, and inter-basin transfer of state waters from one watershed to another. The use of buffers to help protect coastal water quality, marshes, wetlands, and fish habitat is another issue of concern which we continue addressing through GEAN.

Nuclear Reactor Permit Intervention — Savannah River

We continue to be involved with two other groups in a petition with the Nuclear Regulatory Commission opposing a proposal by Southern Company to install two additional nuclear reactors at Plant Vogtle along the Savannah River near Augusta. Beyond the typical apprehensions about risks of radioactive contamination due to reactor design flaws, in addition to the handling and storage of extremely dangerous materials, we remain concerned about how much water will be needed for cooling. It's estimated that about 60 million gallons a day will be converted to water vapor by cooling towers if the two reactors are approved, while an additional 40 million gallons a day that is returned to the Savannah River will cause thermal pollution. These burdens will impose still more environmental stress on an already overloaded river system having limited resources that are the subject of ongoing disputes between Georgia and South Carolina. The health of the lower Savannah River is also compromised by a dangerously low level of dissolved oxygen, which imposes significant risk to essential fish habitat in adjoining estuaries. Finally, we believe that permitting these nuclear plants will pre-empt timely conversion to safe, inexpensive, and renewable energy alternatives (especially offshore wind power) that would make Georgia's use of natural resources far more sustainable – if appropriate public policy would support it. As a result, it is now estimated that, at low-flow drought conditions, the expanded plant would demand about one-sixth of the entire river's flow capacity, just for cooling purposes. We believe that burden is an unacceptable, unjustified and wasteful imposition on the Savannah River, directly conflicting with the public interest.

Development Permit Applications

Through our staff participation in the Coastal Advisory Committee, statements about local and regional planning functions, and in other venues, we have continued commenting on the need to correct faulty decision processes and inadequate monitoring done in administering coastal development. We support the use of locally adopted controls for contaminating stormwater runoff but are skeptical of the ability and commitment of many cities and counties to properly enforce such regulations.

The Center remains concerned that:

- (1) Local governments lack both the political will and the technical expertise to properly enforce critical aspects of local ordinances and certain provisions of state law;
- (2) Lands that were once forested wetlands have been drained and now are routinely approved for development as if these sites are uplands, under the permissive practices of the Corps of Engineers;
- (3) State monitoring of waterways is not designed to determine the specific sources of water quality problems, so that non-point source pollution cannot be properly evaluated and controlled;
- (4) Short-term economic benefits from coastal development dominate decisions about the use and protection of resources, while cumulative, long-term consequences are discounted or ignored; and
- (5) Enforcement of state environmental regulations is weakened by unbalanced legal and regulatory interpretations that favor permit applicants, resulting in destructive exploitation of natural resources.

2. Education, Advocacy and Technical Assistance

Published Articles & Commentary on Center's Position on Critical Coastal Resource Issues

- ***The Water Stewardship Act will not solve Georgia's water problem*** (Atlanta Journal-Constitution, March 16, 2010) explained how the state's major water legislation, although important, is severely lacking due to its negligent silence about water conservation limits on Georgia's two largest water users – power production and agriculture.
- ***Jekyll project dodges public review*** (*Savannah Morning News*, November 19, 2010 and *Atlanta Journal-Constitution*, December 24, 2010) forcefully argued that DNR failed to meet their legal obligations under the Shore Protection Act by approving beachfront disturbance without enabling any public review of a project on Jekyll Island, Georgia's only barrier island state park.
- ***Facing the Realities of Oil*** (Atlanta Journal-Constitution, July 11, 2010) is another in a series of our commentaries published over several years, condemning Georgia's misinformed and futile support of offshore oil development while state leadership remains dismissive about the potential of offshore wind and other promising clean energy sources such as solar, geothermal, and tidal.

Technical Assistance & Advocacy Provided Through Advisory Groups *Coastal Advisory Council (CAC)*

The Center is represented on an advisory council that advises the DNR staff about the Coastal Management Program. In this capacity, during 2010 we commented on policies for protecting coastal resources, how program federal funds should be used, and appointments to the Coastal Marshlands Protection Committee, which reviews and issues permits for marshfront projects. A special working committee of the CAC was formed to explore the opportunities for improving program implementation, which was a direct result of comments made to the council by the Center's executive director. Through this work we hope to strengthen Georgia's Coastal Management Program to advance the protection of the region's natural resources.

Savannah Harbor Deepening Stakeholder Evaluation Group

As evident in a perusal of meeting transcripts* the Center is playing a leadership role in this group by rigorously critiquing environmental and economic analysis being done by the Corps of Engineers. This ongoing work over many years will help support vigorous and comprehensive ongoing review of the draft Environmental Impact Statement (EIS) for the proposed deepening project. We are presently engaged in a collective effort of the staff members of several NGOs in Georgia and South Carolina in coordinating formal comments and a related legal strategy covering a range of issues addressed in the EIS.

[*Online at http://sav-harbor.com/SEG/Meetinginfo/Meeting%20transcripts/SEG_Transcript_December142010.pdf]

Save Georgia's Coast – a collaboration of eleven NGOs working in support of public interest related to coastal Georgia's natural resources

The Center remains an active participant in this collective effort to coordinate and integrate the work of the many non-profit organizations having missions that support the region's environment. We were deeply involved as a partner in the preparation of a collaborative strategy. This strategic plan, adopted by all of the partnering groups, is being implemented through grants from the Dobbs Foundation and others in support of regulatory enforcement activities of eight of those organizations, as well as other sources that are supporting a communications program. The Center was the fiduciary agent for the first three quarters of this year's enforcement project, responsible for managing and allocating the funds, as set forth in the collaborative proposal. We are continuing to actively participate in other aspects of the Save Georgia's Coast strategy, including communications.

Education and Outreach

- Center staff presented an overview of important coastal environmental issues at college seminars during 2010, including undergraduate and graduate students at Savannah State University and Georgia College.
- The executive director spoke at a session of the 2010 conference of Georgia River Network on the topic: *Coastal Georgia Growth – Rates, Patterns, and Impacts*.
- The Center also helped organize and host a forum on energy and environmental issues, entitled *Earth, Fire, Air, Water* held at Richmond Hill in April 2010.
- In May, the Center's executive director spoke at a well-attended Sierra Club media event at Tybee Island in opposing offshore oil development and promoting offshore wind energy.
- In October, the Center co-hosted an initial meeting of Citizens Climate Lobby (CCL) in Savannah to help organize and motivate regional support for federal legislation that will reduce greenhouse gas emissions in the U.S. CCL is a national network of numerous locally and regionally affiliated groups dedicated to adopting effective policies addressing the causes of climate change. The Center will continue to be actively involved in CCL activities and other initiatives advocating urgently needed progress on this critically important issue.