

Guest Editorial: What the Paris climate agreement means for Georgia

By David Kyler

Regardless of the technical details and absence of sanctioned enforcement controls, the recently concluded Paris talks on global climate mark a noteworthy achievement - an historic milestone that deserves being understood, avidly supported, and celebrated.

First, according to all attending, the session gained unprecedented legitimacy among national representatives who agreed that the climate is a major problem and humanity must give high priority to getting it under control. The agreement for reducing greenhouse gases (GHGs) was signed by nations producing over 99 percent of those heat-trapping emissions.

Second, the negotiations established a global framework for tracking and re-calibrating the GHG reductions at intervals of no more than 5 years through mid-century. If targeted increments of reduction are missed, renewed negotiations will be conducted as needed. Moreover, essential subsidies for speeding the transformation to clean energy technologies were adopted, boosting the already healthy pace of private-sector investment.

Perhaps most importantly, there was unanimous agreement that the era of fossil fuels must be ended, ideally by 2050. This realization will help restrict or prevent irresponsible

investments and dangerous expansion of carbon-and-methane emitting activities that must be curtailed to prevent the worst impacts of global overheating: rising sea-level, massive extinctions, flooding, drought, crop-losses, wildfires, and the destruction of marine ecosystems that are vital to human food supplies.

Recognition of the need to curb fossil fuel use has special significance in coastal Georgia, which is presently jeopardized by three major proposals that must be reevaluated in light of the pivotal rationale underlying the climate talks: the Palmetto Pipeline, the Elba Island Liquefied Natural Gas (LNG) facility, and offshore drilling in the Atlantic Ocean.

Each of these projects would contribute to the release of heat-trapping GHGs in one way or another – and thus would worsen the destructive consequences of climate disturbance. And it's worth noting that evidence strongly suggest that these projects will predominantly serve foreign markets, not meeting needs here in the U.S. Moreover, fossil fuel projects impose a direct threat to our environment and quality of life here in coastal Georgia, where marshes, fisheries, wildlife, and waterways support a vibrant tourism economy, sustaining some 40,000 jobs, about a fifth of our regional economy.

The UN-sponsored Paris climate talks, known as COP21, will produce lasting benefits for responsible use and conservation of the earth, while

revitalizing our shared sense of responsibility as consumers, workers, and voters. Naysayers and politically cynical opportunists cannot suppress or subvert the vision and resolve that are the legacy of COP21.

We urge our members, supporters, and fellow Georgians to join in celebrating this achievement as we resolve to do our part by working diligently to implement and enhance the framework for progress that's been set forth. There's much to be done in the next 35 years and no time to waste.

One of the top priorities must be preventing the spread of polluting fossil-fuel projects here in coastal Georgia. Instead of accommodating the bottom-line of polluting oil and gas exporters, we must lead the way to a clean-energy future.

David Kyler is the director of the Center for a Sustainable Coast on Saint Simons Island, Georgia

Saturday, February 27, 2016

Carter wrong to pursue offshore oil

It's unfortunate that coastal Georgia's congressman, Buddy Carter, continues to dogmatically support dirty energy while remaining poorly informed about environmental science.

It seems likely that his uninformed position advocating offshore drilling is influenced by the oil industry's interests, which are politically dominant, subverting the responsible concerns of coastal residents.

Past geological exploration confirmed that deposits off the South Atlantic U.S. coastline are too small to be economically justifiable. Moreover, by the time any reserves discovered could be brought to the market, there would be significantly reduced demand for oil, both here in America and throughout the rest of the world, while supplies continue to expand.

In recent years the U.S. has exported increasing amounts of oil. By the fall of 2015, about half of the amount produced in our country was being

exported, and from 2012 to 2014 the U.S. exported more oil and more natural gas than any nation on earth.

We no longer need more petroleum here in America to be energy independent. We just need to reduce fossil-fuel exports.

Surely we cannot afford to jeopardize coastal Georgia's fisheries, recreational areas and marshlands solely for the benefit of oil company executives and stockholders.

The combustion of oil and other fossil fuels worsens serious problems caused by our overheating climate — including rising sea-level, damage to vital food supplies and severe droughts counterpointed by flooding.

Such costly consequences, combined with the reality of burgeoning oil supplies and diminishing demand, make it sheer lunacy to persist in the pursuit of offshore oil.

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Like the Dew

[Sustainable](#) Coast

Government agencies and advisory groups need to “do” their diligence

by [David Kyler](#)

Feb 27, 2016

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Despite obvious reasons for shifting away from fossil fuels, Georgia’s coast is under assault from three major fossil-fuel related proposals, which if built would severely jeopardize private property, coastal quality of life, and environmental features that are vital to our economy.

The Palmetto petroleum pipeline, offshore drilling, and the export of liquefied natural gas (LNG) are woefully unjustified and risky ventures, yet they remain on the table as if serving the public rather than threatening us. Moreover, these projects are increasingly

obsolete, working against the nation’s urgently needed conversion to clean energy.

Conspicuously absent from the discussion of these issues, which – in their latest iterations – after more than 18 months being debated, are two groups that are allegedly supposed to be advising the public and decision-makers about Georgia’s coastal development and the responsible conservation of our natural resources.

The Coastal Regional Commission (CRC), one of Georgia's various regional planning agencies established under state law, is intended to provide informed guidance to coastal communities regarding options that will ensure responsible development of the region, based on discerning distinctions between desirable and unworthy business prospects. Instead, the CRC has had nothing to say about offshore drilling, the Palmetto pipeline, or the Elba Island LNG export facility.

Similarly, the Coastal Advisory Council, established to enhance DNR's implementation of Georgia's Coastal Management Program, has remained disturbingly silent about these three major fossil-fuel ventures. Although, belatedly, CAC members have begun discussions about offshore drilling, formal recommendations haven't been made, and at least some members appear reluctant to take any stand.

Georgians have long been the unwitting victims of agencies and advisory groups that are either "missing in action" or dominated by ill-advised political objectives that lack the principled commitment essential to making responsible decisions. Thus, these groups serve a deceptive diversionary function by creating the illusion of public participation and corresponding unbiased support of outcomes.

Due to a growing tradition of uninformed go-ahead for any development proposal, no matter what its consequences or prospects, prevailing politics subvert responsible, deliberative processes through intimidation, or else override them by enthusiastically endorsing speculative ventures merely because they generate quick, often profitable, promotional buzz.



What such development proposals have in common, and nearly always overlooked, is the opportunistic exploitation and depletion of public resources – including tax dollars, infrastructure, water, and recreational areas – that disproportionately benefit special interests. And the politicians, as 'gate-keepers,' often gain

crucial support from influential and deep-pocketed project proponents.

Upon reflection, surely others share my sense of indignation that profoundly important development proposals often remain well-hidden from the public forum, with the significant exception of media outlets.

As long as government agencies and advisory groups that are allegedly responsible for keeping the public well-informed dodge their obligations by passively accommodating development speculators and their influential political backers, the citizens and tax-payers will suffer.

The harsh consequences of this malfeasance abound. Development projects have resulted in thousands of acres of land being clear-cut, the destruction of wildlife habitat, and flood-controlling wetlands being filled wastefully, because the market feasibility of approved, highly speculative projects was never properly evaluated. Such ravaged landscapes, sometimes partly developed, remain fallow for years, adding to Georgia's serious problem of polluted waterways, as stormwater flushes eroded soil and toxic chemicals into rivers, creeks, and marshes.

Chambers of commerce, in their blind-faith boosterism, commonly host guest speakers who get unconditional support for projects based on little more than a handshake and an empty promise. Under such conditions, there is rarely hesitation to endorse just about anything that's proposed – assuming that as long as money is changing hands, all is good.

When built, such projects are seldom evaluated to compare results with claims originally made to win approval. As a result, taxpayers and property-owners are often left with costly flooding problems, grid-lock, and increased fees levied to pay for infrastructure (water, sewer, roads, etc.) that wasn't provided by the now-long-gone developers. And those who sanctioned such fiascos aren't held accountable.

Compounding such exasperating experiences, we now face unprecedented fossil-fuel development on Georgia's coast that – if approved – could radically alter the character and appeal of the entire region. The disturbing vision of offshore oil-spills and pipeline-leaks requires little imagination to conjure damages to beaches, marshes, fishing areas, and tourism businesses. Prolonged damage to groundwater and highly productive fisheries habitat such as tidal marshes could devastate Georgia's coastal economy as well.

The public must insist, in the voting booth and the media, that government agencies and advisory groups fulfill their vitally important obligations

Southeast Green

[Protecting Georgia's Coast – Moral Imperative, Political Nightmare](#)

Written by David Kyler, Center for a Sustainable Coast

Category: [Georgia](#)

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In recent years there has been a conspicuous weakening in the use of law to protect Georgia's coastal environment. Although motives can be debated, the evidence is irrefutable, manifested in the state's courts as well as the General Assembly and permitting agencies.

- A Georgia Supreme Court ruling early in 2014 determined that state agencies cannot be [held](#) legally accountable for deficient enforcement of environmental regulations – only individual agency staff-members involved can be sued for enforcement failures, and even then it would have to be proven that they had “malicious intent” to harm those affected. Collateral damage to marshes, shorelines, or wildlife caused by erroneous state permitting actions can no longer be used as the basis for legal action.
- The above decision came as a result of Georgia regulators using ‘letters of permission’ (LOPs) to allow disturbance and use of public resources by private parties, even though then-existing laws required public hearings, review assessments, and permits for such activities, which the LOPs circumvented. While our challenge of LOPs was being considered in court, the General Assembly adopted rules making legitimate what had been illegal. Since then, use of LOPs has outpaced permits, and individuals receiving LOPs can [get approval](#) for continuing their so-called ‘temporary’ activities indefinitely.
- Around the same time, the Georgia Court of Appeals severely limited the right of ‘third parties’ to challenge actions taken by state regulators under ‘consent orders’ – agreements between environmental violators and state agencies that have the authority to police such violations. Consent orders have been used to allow violations – such as seawalls built in the marsh buffer – to remain in place in exchange for an arbitrary cash penalty. In effect, this allows individuals to buy their way out of legal restrictions, yet the public cannot challenge such decisions.
- On Earth Day 2014 the director of DNR's Environmental Protection Division (EPD) declared that Georgia's buffer law no longer

applied to tidal marshes and other areas lacking ‘wrested vegetation’ – where shore-side plants are torn from the banks by flowing water. This finding was made despite the law’s clear intent to protect all



waters of the state.

- A bill was drafted to reinstate the buffer along tidal marshes, but by the time that proposal was adopted by the General Assembly in March 2015 it was weakened by exemptions and revised wording that reduce protection intended. To make matters worse, the rules for implementing that marsh-buffer bill are extremely vague and therefore vulnerable to biased interpretation by regulators who are politically influenced. Those trying to prevent more rigorous buffer protections have asserted that we should not be telling regulators “how to do their job,” even though providing such guidance is a prime reason why regulatory rules exist.
- The latest act of malfeasance came in December, when DNR’s Shore Protection Committee voted [2 – 1] to approve a sand-trapping rock ‘groin’ extending over 350 feet into the ocean from the beach on the south end of Sea Island. The project was proposed by Sea Island Acquisition in attempting to market eight high-priced oceanfront lots on a narrow, rapidly eroding strand of land known as the Sea Island Spit. More than a hundred people and various organizations commented on the proposal, but only three supported it. Among the [opposition](#) were both the U.S.

Fish and Wildlife Service and the Non-Game Wildlife Resources Division of Georgia’s DNR. At risk is nesting habitat for endangered sea turtles and various migratory birds and sea-birds. Furthermore, well-qualified coastal geologists advised that the groin would worsen erosion and disrupt the ‘sand-sharing’ system that renourishes both beaches and near-shore sandbars that protect surrounding shorefront homes from storm surge, because the project will hold back sand along the project [area](#) and deflect it from natural patterns of movement. Despite these significant, well-reasoned objections, the project was approved. The permit is being appealed, and a federal permit (Corps of Engineers) is still under review.

Coastal Georgia has long enjoyed a reputation for having a well-protected, healthy natural environment. Our marshes, beaches, wildlife, and waterways deserve to be safeguarded because they sustain our quality of life as well as thousands of local [jobs](#). When surveyed, coastal Georgians overwhelmingly reaffirm their concern for environmental quality.

Conversely, as evident from the above, political leadership in Georgia has other priorities that seriously threaten our coast’s future. It’s time for Georgians to demand better coastal protection in the voting booth and through the power of the media. Moreover, we must insist that development decisions are better informed and fairly balanced instead of favoring opportunistic, politically influential speculators.

David Kyler has been evaluating coastal Georgia environmental conditions and trends for nearly four decades. Twenty years before organizing the Center for a Sustainable Coast in 1997, David began his career as a regional planning analyst for the Coastal Area Planning and Development Commission, now the Coastal Regional Commission. He has written scores of positions papers, published editorials, and other analytical works about important coastal issues. The Center is a non-profit group that advocates responsible decisions that sustain coastal Georgia’s environment and quality of life. The organization depends on tax-deductible donations to provide well-reasoned defense of the public interest.”

Opinion

Tribune & Georgian Thursday, March 10, 2016

Make your voice heard on issues

Despite a national priority to shift away from fossil fuels, Georgia's coast is under assault from three major fossil-fuel related proposals, which if built would severely jeopardize private property, coastal quality of life and environmental features that are vital to our economy.

The Palmetto petroleum pipeline, offshore drilling and the export of liquefied natural gas (LNG) are woefully unjustified, risky ventures, yet they remain on the table as if serving the public rather than threatening us.

Moreover, these projects are increasingly obsolete, exacerbating future emission of heat-trapping greenhouse gases.

Conspicuously absent from the discussion of these issues, after more than 18 months of being openly debated, are two groups created to advise the public and decision-makers about Georgia's coastal development and the responsible conservation of our natural resources.

The Coastal Regional Commission (CRC), one of Georgia's various regional planning agencies established under state law to coordinate and guide development, has had nothing to say about offshore drilling, the Palmetto pipeline or the Elba Island LNG export facility.

Similarly, the Coastal Advisory Council, established to enhance the Georgia Department of Natural Resource's implementation of the

coastal management program, has remained peculiarly silent about these three major ventures.

Georgians have long been the unwitting victims of agencies and advisory groups that are either "missing in action" or coerced into passivity by covert political objectives that lack the principled commitment essential to making responsible decisions that serve the public interest.

Thus, such groups become a deceptive diversion, creating the illusion of reliable involvement in outcomes.

Due to a growing tradition of uninformed go-ahead for any development proposal, no matter what its consequences or prospects, prevailing Georgia politics subvert responsible, deliberative processes through intimidation or else override them by enthusiastically endorsing speculative ventures merely because they generate quick, often profitable, promotional buzz.

What such development proposals have in common, and nearly always overlooked, is the opportunistic exploitation and depletion of public resources — including tax dollars, infrastructure, water and recreational areas — that disproportionately benefit special interests.

Meanwhile, as gate-keepers, politicians often gain support from influential, deep-pocketed project proponents.

The harsh consequences of this malfeasance abound. Development projects have resulted in thousands of

acres of land being clear-cut, destruction of wildlife habitat, and flood-preventing wetlands being recklessly filled, because the market feasibility of approved, highly speculative projects was never honestly evaluated.

Such ravaged landscapes, sometimes partly developed, remain fallow for years, adding to Georgia's chronically polluted waterways, as stormwater flushes destabilized soil and toxic chemicals into rivers, creeks, and marshes.

Compounding such havoc, we now face unprecedented fossil-fuel development on Georgia's coast that — if approved — would radically alter the character and appeal of the entire region.

Disturbing visions of offshore oil spills, pipeline leaks and methane explosions require little imagination to conjure damages to beaches, marshes, fishing areas and tourism businesses. Prolonged damage to groundwater and highly productive fisheries habitat such as tidal marshes could devastate Georgia's coastal economy too.

The public must insist, in the voting booth and the media, that government agencies and advisory groups fulfill their vitally important obligations.

*David Kyler,
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Southeast green

[Coastal Georgia Group co-signs petition to President Obama Seeking Declaration of National Climate Emergency and End to Crude Oil Export](#)

Thursday, 14 April 2016



Emergency Energy Measures Proposed by National Group, "FOOD & WATER WATCH"

A National Climate Emergency and End to Oil Exports Are Called For

Today the Center for a Sustainable Coast, based on Saint Simons Island, joined dozens of other groups around the country in calling for emergency measures needed to curtail rising global temperatures and get control over the heat-trapping greenhouse gases that cause sea-level rise, coastal flooding, and severe damage to marine life – including food sources vital to humanity.

“The Center has been vigilant in opposing offshore drilling, the Palmetto pipeline, and export of liquefied natural gas (LNG) at Elba Island – in part because of the effects these projects would have on worsening the consequences of our overheating climate,” said

Center executive director David Kyler. As he explained, the Center’s concerns about these issues as they threaten Georgia’s coast are fully consistent with actions being called for by a petition originated by Food and Water Watch – a national group dedicated to protecting human food and water supplies.

“Coastal Georgia properties valued in the billions of dollars, a tourism industry generating \$2 billion annually, some 40,000 jobs, and the quality of life of Georgia’s coastal citizens are jeopardized by the continued use of fossil fuels,” vouched Center board president Steve Willis of Savannah

In its objections to offshore drilling and the Palmetto pipeline, Center representatives have repeatedly protested the large portion of U.S. oil and gas being exported. According to federal data they cited, as of last fall, the U.S. was exporting over 4 million barrels of oil products a day, or nearly 1.5 billion barrels a year. The Center asserts that such exports are harming global climate and they conflict with America's energy independence.

A recent study by Harvard University is also cited by the Center, indicating a dangerous level of methane being released in the U.S., which will further intensify growing climate-disruption and its destructive impacts.

Read the petition signed by the Center, posted at <http://goo.gl/forms/8jVe6TPgRU> .

On the Center's Facebook page, recent reports posted show the tremendous growth in low-cost renewable energy, which must replace fossil fuels quickly to prevent climate catastrophe. According to the Center's findings, in some other states these renewables are already driving down the cost of energy, giving consumers and tax-payers a much better deal while improving protection of public health and the environment. Promoters of oil and gas projects, who still benefit from billions in U.S. tax subsidies, are impeding progress and actually hurting our citizens, the Center concludes.

Jesup Press-Sentinel

Why Coal Ash Threats to Coastal Georgia Must be Stopped

June 15, 2016

For decades, coal has been burned as a primary source of electrical power generation throughout the country. Within the last ten years, the use of coal has diminished, as coal-burning power-plants have been mothballed, replaced by natural-gas and, to a growing extent, solar power.

The EPA estimates that 140 million tons of coal ash are generated annually in the U.S. That makes coal ash the second largest industrial waste stream in the United States, second only to mine wastes. Hundreds of millions of tons of the stuff has been accumulated.

The era of coal combustion has left a lethal legacy of toxic contamination in the form of coal ash, now stored mostly in ponds, where it has become a threat to rivers, wetlands, and groundwater. EPA is encouraging the removal of ash from these ponds for disposal in landfills.

This proposition imposes serious risks of its own, as lined landfills are notorious for leaking. At the Broadhurst landfill in Wayne County, citizens are justifiably concerned about the potential for leakage into surround wetlands, creeks, and groundwater. [Opposition to a permit needed to allow coal ash to be railed into Broadhurst is so resolute that we helped create a "Coal Ash Legal Fund." See

<http://savannahnow.com/blog/mary-landers/2016-05-26/fund-set-block-coal-ash-jesup>]

At Broadhurst, the nearby Penholloway Creek flows into the Altamaha River, Georgia's largest waterway, which is the lifeblood of a major portion of our coastal estuaries, tidal marshes, and the highly valued commercial and recreational fisheries that they sustain.

Coastal Georgia fisheries are valued in the range of \$500 million annually, supporting thousands of jobs, and they're jeopardized by potential coal-ash contamination at the Wayne county landfill site.

Under current state and federal law, coal ash can be deposited in lined landfill sites that were devised to hold municipal waste, commonly known as "garbage." Although municipal waste contains a varying amount of toxic materials, for example discarded batteries, paint, and household chemicals, coal ash has consistently high levels of well-known carcinogens.

According to Physicians for Social Responsibility, "Depending on where the coal was mined, coal ash typically contains heavy metals including arsenic, lead, mercury, cadmium, chromium and selenium, as well as aluminum, antimony, barium, beryllium, boron, chlorine, cobalt, manganese, molybdenum, nickel, thallium, vanadium, and zinc."

The Environmental Protection Agency (EPA) has found that living next to a coal ash disposal site can increase your risk of cancer and other diseases. Arsenic is one of the most common, and most dangerous, pollutants from coal ash.

As a result of these crucial, interrelated threats to public health, the coastal economy, and our environment, the Center for a Sustainable Coast is proposing that Georgia's General Assembly adopt more protective requirements for the disposal of coal ash. Above all, these enhanced safeguards must prohibit the disposal of coal ash in areas having a high water table, nearby wetlands, creeks, or rivers, and where groundwater could be contaminated.

Please help protect coastal Georgia's environment, economy, and quality of life by joining us in demanding better legal safeguards against coal ash toxins. Tell state officials about your concerns.

David Kyler, Center for a Sustainable Coast
Saint Simons Island, Georgia

Guest Editorial

David Kyler: Pipelines must be strictly regulated

August 13, 2016

In 2015 the Georgia Department of Transportation exercised its authority under state law by denying “certification” for the proposed Palmetto Pipeline, a 210-mile project crossing Georgia, from South Carolina to Florida. According to the project application submitted to DOT, the Palmetto pipeline was intended to convey liquid petroleum products from a pipeline in South Carolina to Jacksonville. There had never been any supply shortages in coastal Georgia, nor were any expected.

The DOT certification would have empowered the pipeline builder, Kinder Morgan (KM), to cross private land, compensating property owners at market value for the land taken. DOT’s denial was based on the conclusion that KM had failed to demonstrate “public convenience and necessity” required to justify crossing private land.

Later last year, DOT’s decision was upheld in state court when KM challenged it. Hundreds of individuals and organizations opposing the environmentally risky pipeline were gratified by both DOT’s denial and the supportive court decision. All recognized that the project could still be built by only using public land – including dangerously vulnerable state river bottoms and wetlands.

Then the 2016 General Assembly enacted a one-year moratorium on petroleum pipelines in Georgia, establishing a study committee to reconsider requirements for regulating such projects. The study committee is expected to meet for the first time within 60 days.

Given the serious threats of a pipeline leak to sensitive and vitally important resources, including the Floridan aquifer, at the Center for a Sustainable Coast, we firmly believe that state standards for justifying such risks must be uniformly high and extremely well enforced.

As evidenced by thousands of pipeline ‘accidents’ in the past decade, oil pipelines are notorious for leaking, and though they often feature emergency shut-off valves to limit the damage, a slow leak may go undetected, allowing hundreds of thousands of gallons of oil to seep into the surrounding landscape before being discovered.

Just such an event occurred in South Carolina in 2015, resulting in the contamination of hundreds of acres of wetlands that may remain impaired for decades, as well as risking untold damage to underlying groundwater supplies.

Accordingly, we can see no reason to have differing standards for crossing public and private lands. Protecting coastal resources is surely of equal value regardless of the ownership status of areas suffering exposure to damage.

Justification for such projects is made even more doubtful by the ongoing glut of global oil supplies as well as the little known fact that the U.S. – in spite of claims of needing to secure “energy independence” – has become one of the world’s largest oil exporters.

How can we justify putting our coastal rivers, wetlands, fisheries, and water supplies at risk to indulge the profit motives of oil exporters? Equally perplexing, how can we possibly allow more lenient standards for such pipelines when proposing to cross public lands than applied when they transect privately owned areas?

We urge all concerned citizens to tell study committee legislators that the strictest possible requirements must apply when considering pipeline projects in Georgia. Our region deserves reliable safeguards that will uniformly protect our natural resources and quality of life.

Federal Elba LNG-project review dodges legal requirements

Published in *Connect Savannah*

For more than a year, the Federal Energy Regulatory Commission (FERC) has received well-justified comments reinforcing federal requirements for FERC review of the controversial liquefied natural gas (LNG) export facility at Elba Island near the mouth of the Savannah River.

Yet FERC has continued to rationalize its failure to properly address key issues raised, which are part of that legal obligation under the National Environmental Policy Act (NEPA). The latest evidence of FERC's willful negligence came in a "Finding of No Significant Impact" that brushed aside their responsibility to assess the "greenhouse gas" consequences of the project.

Citing two presidential executive orders, guidance from the national Council of Environmental Quality, and several federal court cases, attorneys on staff at Columbia University's School of Law have conclusively documented the reasons why FERC and other federal agencies must consider the climate-changing impacts of projects they review.

Yet FERC dismisses this mandate by simply saying that there is no "standardized method" for making such evaluations.

In November 2015, the Center for a Sustainable Coast hosted a Savannah lecture given by the Assistant Director of Columbia's Sabin Center for Climate Change Law, Jessica Wentz, a professor of law specializing in federal review requirements. Ms. Wentz made it very clear that FERC and other federal review agencies MUST evaluate all such impacts.

In a paper she co-authored with Sabin Center director, Michael Burger, in March of this year, "Downstream and Upstream Greenhouse Gas Emissions: The Proper Scope of NEPA Review" the legal requirements for FERC review are laid bare.

The fact is that gas to be processed through the proposed LNG export facility at Elba is directly linked to methods of extraction and distribution that cause enormous harm to the climate by releasing excessive amounts of methane into the atmosphere. A recent Harvard University study found that methane releases by the oil and gas industry were at least 50% greater than previously estimated by EPA.

As a greenhouse gas (GHG), methane has about thirty times the heat-trapping effects of an equivalent amount of carbon-dioxide, the gas most commonly associated with global warming. Thus, all natural gas projects now carry the legal burden of having to account for the costly consequences of worsening the impacts of an overheating climate, since they are tied to such GHG releases.

There is no waiver of this mandated assessment stated or implied in federal law simply because there is no "standardized method" for doing so. Any new regulatory requirement will often necessitate innovative methods for meeting it, and there's no exception for evaluating fossil-fuel projects.

Consider the effects of adding millions of tons of GHGs into our atmosphere: accelerating sea-level rise (now predicted by NOAA to be as much as *nine feet* by mid-century unless GHGs are radically cut), destruction of ocean resources – including fisheries essential to human food supplies – and the intensification of storms that are especially damaging to coastal areas.

To help protect the public from destructive, costly climate trends, FERC must comply with legal obligations.

For more, go to http://web.law.columbia.edu/sites/default/files/microsites/climate-change/downstream_and_upstream_ghg_emissions_-_proper_scope_of_nepa_review.pdf]

Like the Dew

Time running out

Climate-change damage growing in Georgia, predicted to get much worse

by [David Kyler, Center for a Sustainable Coast](#)

Dec 12, 2016



Highway 80 from Savannah to Tybee Island
[Craig Davidenko \(DroneMedia.com\)](#)

Recurring floods on Route 80 from Savannah to Tybee Island provides evidence that sea-level rise is already taking its toll. As the climate continues to overheat, primarily due to the emission of greenhouse gases [GHGs] in burning and producing fossil fuels, sea-level rise and other impacts of climate change will get much worse.

A recent article in [Science](#) predicts that rising seas in the coming decades will flood more than 444,000 square miles globally, inhabited by some 375 million people. Many coastal Georgians live within low-lying communities that will be inundated.

So-called ‘nuisance flooding’ – which happens without any storms causing abnormal conditions such as storm surge – is occurring with increasing frequency. An example is the “King

Tide” flooding Route 80, but such flooding has become common at normal high tide. According to [NOAA](#), the rate of such flooding in the past decade has quadrupled since the late 1950’s.

Yet even when government officials recognize this added risk from rising sea-level, they rarely do more than react by elevating roads and other infrastructure, armoring shorelines, and taking similar steps to reduce flood damage – as if climate change was an unstoppable “act of God.” These efforts of climate-change “adaptation” are necessary, at least temporarily, but they alone are far from sufficient.

Seldom are public officials in Georgia willing to acknowledge, much less address, the causes of rising sea level by calling for policies that will reduce greenhouse gases. Yet, energy engineers have clearly demonstrated that by using current technology, we could reduce GHG emissions quickly [while creating well-paid jobs] if only there was enough political resolve to demand such transformational policies.

Moreover, scientists predict that unless such rapid emission-reduction steps are taken soon, humanity will suffer greatly – not only from rising seas and flooding, but from drought, damage to both marine areas and tidal wetlands, escalating wildfires, and severe threats to public health.

It must be noted that the [U.S. Department of Defense](#) has declared that climate change is an urgent priority as a threat to national security. Due to climate change, mass displacement of native populations and growing global conflicts over scarce resources are predicted.

Despite this, state and federal policies continue to favor continued use of fossil fuels. Federal subsidies for oil and gas producers are in the range of \$50 billion annually, some six times the level of government support for clean energy [primarily solar and wind] that emit no GHGs.

Furthermore, recent studies by NOAA indicate that climate-change induced problems are accelerating and likely to continue doing so in

the decades ahead. Accordingly, projected impacts frequently cited, such as sea-level rise, will be much worse than previously predicted.

Three responsible policies are initially needed:

- Subsidies for fossil fuels must be eliminated, including export incentives.
- Substantial government support for clean energy must be given top priority.
- Approval of federally funded and/or regulated projects must include reduced GHG impacts.

The time available for preventing the worst consequences of climate change is rapidly dwindling. Our communities must support urgently needed transitional policies.

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Image: Flooding on Highway 80 from Savannah to Tybee Island by Craig Davidenko of DroneMedia.com.

Climate Action a Moral Imperative

Published in *Connect Savannah* and *Like the Dew*

December 2016

According to a 2016 poll by Yale and George Mason University, 3 out of 4 registered voters think the climate is overheating and more than half believe it's caused by human activities.

Meanwhile, politicians who are paid millions in campaign contributions by the fossil fuel industry block much-needed action to curtail the worst impacts of continuing emission of greenhouse gases. Due to such corrupt denial of facts, millions of Americans including many Georgians, face increasing risks to property and income caused by rising sea-level, wildfires, flooding, and drought.

Insurance costs rise, even as properties jeopardized can lose significant net value. Moreover, to the extent related damages are compensated by government programs, taxpayers shoulder the burden of this willful, counterproductive political negligence.



Instead of being the lackeys of polluting, increasingly reckless fossil-fuel industries, our elected officials must be held accountable to serving vital voter interests.

By accepting this responsibility, officials will also score well with the electorate by creating thousands of lasting jobs in clean energy, protecting global climate. Solar and wind power supports far more workers per dollar invested than oil, gas, and coal.

The Center for a Sustainable Coast is committed to supporting the moral imperative of this pivotal transformation.

David Kyler, Center for a Sustainable Coast

LETTERS

The Brunswick News

October 2016

I was encouraged to learn that the coal ash disposal issue is being discussed by our colleagues and local officials.

However, it's important that more details are added to any recommended actions if our water resources are to be adequately protected against toxic contamination caused by coal ash disposal.

On behalf of the Center for a Sustainable Coast, earlier this year I urged EPD to adopt five specific provisions that would help protect our water resources and public health against the threat of coal ash pollution. Several of these are outlined below.

- Require that any proposal to dispose coal ash must demonstrate that the disposal location is the closest legally eligible site to the source of the coal ash. That will reduce contamination caused in transporting toxic ash.
- Improve requirements for siting landfills where toxic materials can be disposed. As evident by the landfills in question in Wayne and Charlton counties, current standards are deficient by allowing landfills too close to water supplies and wetlands. Landfill linings are notorious for leaking, and leaks are much riskier when water sources and wetlands are nearby.
- Monitoring wells to check for leaks should include horizontal drilling to enable testing beneath landfill sites, not just around them.

It should also be noted that my organization co-founded and administers a **Coal Ash Legal Fund** which is being used to oppose the dangerous disposal of ash at the Broadhurst landfill near Jesup. Tax deductible donations for protecting our coast can be made at www.noashatall.org

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