

Center for a Sustainable Coast

“Advocating responsible decisions that sustain coastal Georgia’s environment and quality of life.”

Coastal Georgia Update

January 2016

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See more on these and other relevant topics at <https://www.facebook.com/Center-for-a-Sustainable-Coast-141003446180/timeline/>

Sea Island Project Approved – Join Center in Opposing this Unjustified Permit!

Despite overwhelming opposition – including objections from the U.S. Fish and Wildlife Service and the Non-Game Wildlife Resources Division of Georgia’s Department of Natural Resources – a permit for a shorefront project, consisting of a 350-foot granite sand-trapping structure (groin), was issued on December 11.

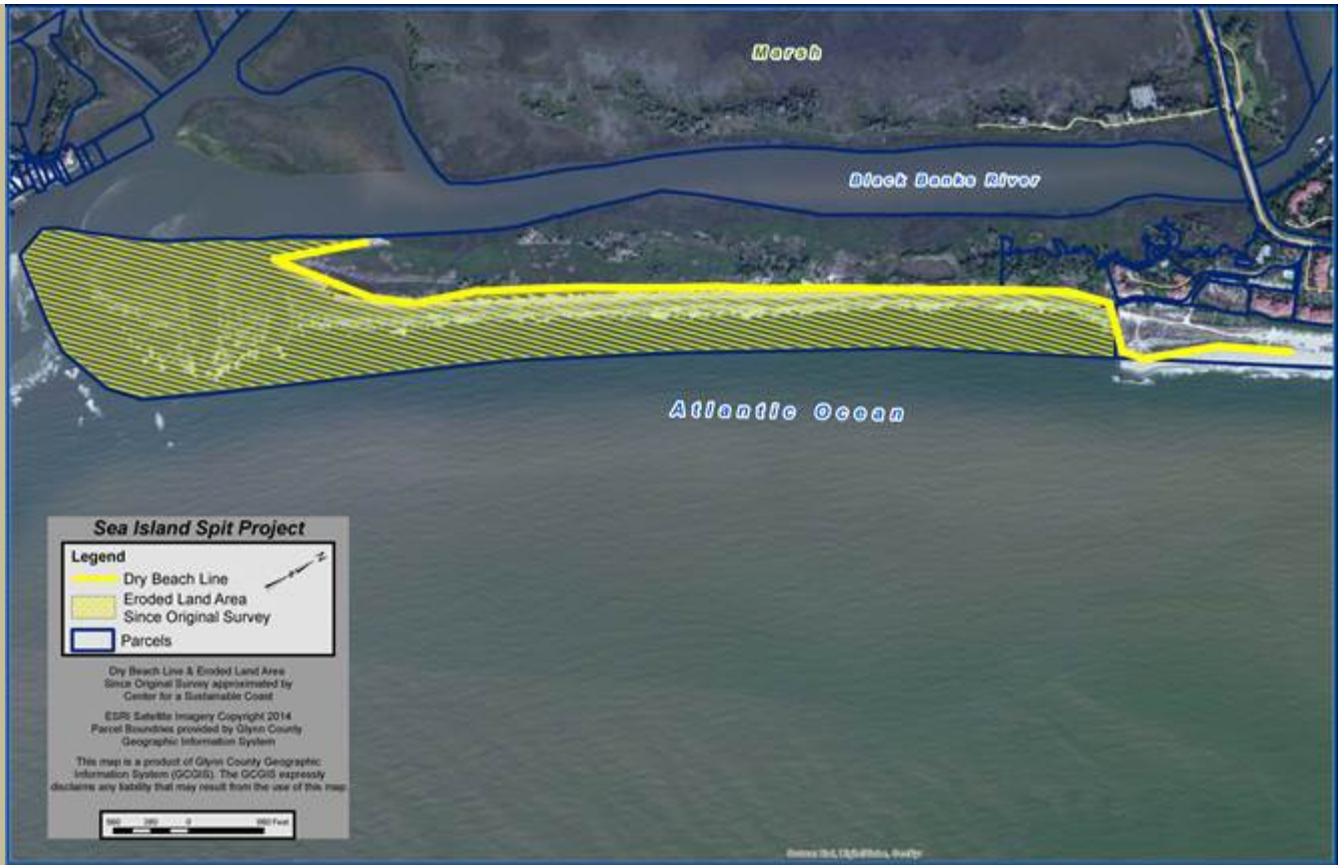
The project is intended to protect eight building lots of Sea Island Acquisition (SIA) on a fast-eroding strand of land known as the Sea Island Spit. A previous groin on the north-east end of these lots, built more than 15 years ago, has already caused erosion evident in the photo below. [See eroded area depicted in the aerial photo below. Note the lot-lines for the proposed home-sites outlined in blue on the right end of the photo.]

The votes of just two people of the five who serve on the Shore Protection Committee were enough to make the decision, because one member was absent and the chair of the committee, DNR Commissioner Mark Williams, only votes in the event of a tie.

As many people testified at the December 11 DNR hearing, the project endangers wildlife and its habitat, including migratory birds and sea turtles, while also disrupting the ‘sand-sharing system’ that nourishes surrounding beaches and near-shore sandbars which help protect existing oceanfront homes against storm damage. More than a hundred comments were made in writing, but only three people submitted statements in favor of the proposal.

However, the project also requires a federal permit from the Corps of Engineers. **We urge our friends and members to send comments to the Corps of Engineers voicing your opposition to this project by the end of this week (January 15).** Please see our letter to the Corps at the bottom of this report and use it in preparing your written comments, while using your own words to state objections to the project.

Two local state legislators, Alex Atwood and Jeff Jones, have recently made public statements opposing the project, urging DNR and the Shore Protection Committee to reconsider the decision. There is no precedent for such an action of reconsideration and no explicit provision for it in the Shore Protection Act, under which the permit was issued.



Offshore Leasing, Oil Exploration, and Drilling

Two troubling and related steps toward offshore oil development are still being considered by the Bureau of Ocean Energy Management (BOEM), the federal agency responsible for leasing ocean bottoms and regulating related oil development offshore: (1) offshore leasing and (2) oil exploration. The latter is itself being a dangerously destructive activity that could lead to drilling if sufficient reserves are discovered, which seems improbable.

NOTE: The oil industry claims that oil extracted from the Atlantic leasing area along Georgia's coast would bring \$30 billion in benefits to American taxpayers. **HOWEVER, every year**, the oil industry receives nearly \$40 billion in government subsidies. In one year alone, the industry would receive greater financial advantage than the alleged total public benefits over the entire life of the project. As we said in the Savannah rally on November 28, "They make billions and we pay the price!" Also note that Congress recently eliminated the longstanding ban on exporting crude oil. The oil industry will be pushing for more production and export to profit from foreign markets, which is not helping U.S. energy independence.

Offshore oil drilling in the Atlantic imposes serious risks caused by the imminent potential for leaks, spills, and other environmentally contaminating disasters along Georgia's coast. Additionally, seismic testing seriously threatens important marine species, including whales, dolphins, and sea turtles. These threats are so alarming that four coastal Georgia cities have passed resolution opposing them – Brunswick, Tybee Island, St. Marys, and Savannah.

BOEM has to decide what must be considered in determining if, how, and under what conditions leasing will occur, and if leasing proceeds, how exploration activities will be regulated and conducted. The so-called 'federal scoping process' for offshore leasing under federal law was explained at an open-house hosted by BOEM staff, held in Savannah last March. At that session, it seemed that BOEM staff were assuming that offshore leasing and oil-exploration were 'done-deals' – which could be because many of them are reportedly former employees of oil and gas companies. We objected on the basis of (1) oil export being contrary to public interest and (2) increased greenhouse gases, worsening climate change. [See "Climate-Change Complications" in blue type below.]

We urge you to voice opposition to offshore drilling by filing comments at <https://www.whitehouse.gov/contact> .

Liquefied Natural Gas (LNG) Export Facility at Elba Island (near Savannah) Poses Unjustified Risks

Next month the Federal Energy Regulatory Commission (FERC) is expected to release an “Environmental Assessment” (EA) evaluating the impacts of a proposed major facility for processing and exporting natural gas in liquid form. Not only does the facility impose major public safety hazards to a vast area of marsh, wildlife habitat, and residential development in northeast Chatham County, but it is also linked to the release of dangerous levels of methane, a heat-trapping greenhouse gas that worsens global climate disruption.

We have been working closely with the coastal group of Sierra Club (Georgia Chapter) in urging a complete and unbiased evaluation by FERC. Concerned coastal Georgia residents are encouraged to go online and post comments on the FERC website. In your comments, **please specifically ask FERC to find that the project definitely has a “significant impact” that justifies a complete Environmental Impact Statement (EIS).**

We also suggest that you insist that FERC must consider the climate-change consequences of the proposed project, including the leakage of methane throughout the production, distribution, and use of natural gas, from wells to pipelines, processing and export facilities, and on to the end users who burn the fuel. (See blue insert below.)

Go to www.ferc.gov and search for Elba Island LNG – or enter docket number CP14-103.

Climate-Change Complications

An interesting set of legal viewpoints on these issues was voiced on behalf of the Sabin Center for Climate Change Law, an affiliate of the Columbia University School of Law, in a letter sent to BOEM at the end of March 2015. In that letter, Michael Burger, Sabin Center director, made a compelling case that under current federal law as now interpreted, all related carbon-producing activities must tabulate the ‘social cost of carbon’ in evaluating the proposed project’s costs and benefits. This assertion reinforces our objections to offshore drilling.

Unless such an assessment is done, Burger asserts, the required environmental review will not meet federal legal standards under the National Environmental Policy Act (NEPA). Furthermore, analysis of any stage of activity must predict and account for the greenhouse-gas burdens of the ultimate outcome produced by subsequently ensuing activities. For instance, in searching for oil, the combustion of any predicted oil found must be estimated as part of the mandatory environmental analysis, according to Burger.

If this holistic approach to carbon-accountability is legally enforced, the approval of offshore oil drilling in the Atlantic, as well as other oil-related facilities, is surely less probable. When Center staff recently spoke with Mr. Burger about his legal analysis, he said it is likely that one or more fossil-fuel-related projects around the nation will be tested in court on the basis of these principles. Whatever the outcome, Burger advised, the case would probably be appealed to the Supreme Court.

Proposed Spaceport Project a Fiasco in the Making *(taken directly from the Center’s Facebook page)*

- Whatever Camden County’s goals for enhancing employment opportunities and the tax base, such aspirations must be pursued prudently, with realistic and responsible assessment of options and consequences. Unfortunately, comments made at the December 2 FAA hearing were far more aimed at boosting the project instead of realistically assessing its consequences.

- The reason why collateral damage to property and lives from U.S. space flights has been so limited thus far is because of the careful selection of sites for launching them. When comparing Cape Canaveral with the proposed Camden County site, a conspicuous difference stands out: At the Cape there is no development between the launch area and the open ocean, whereas in Camden various developed and occupied areas are in harm’s way, whatever the flight path.

- A failed launch could produce disastrous outcomes simply because of this exposed risk, which makes the site unsuitable for a spaceport. Considering the recent number of launch failures in the nation, this risk is significant and irrefutable. Such risk is made worse by the use of liquid rocket fuels, which would become widely dispersed toxic chemicals in the event of a crash, contaminating marshes, wildlife and fisheries

habitat, waterways, prized tourism and recreational destinations, as well as residential areas and other private property.

- Furthermore, the Kings Bay Nuclear Submarine Base, where extremely hazardous nuclear materials are stored, is only 6 miles away from the proposed site. A worst-case scenario of a failed launch could generate extremely dangerous radioactive contamination.

- Likewise, profound questions about existing chemical contaminants on the Camden site remain unanswered and potentially hazardous, complicating if not prohibiting the use of the area as proposed.

- These fundamental obstacles make the Camden County site ill-suited for a spaceport, and in my unconditional opinion the project would directly conflict with public interest. If permitted at this location, I believe that the spaceport would prove to be an expensive fiasco if not a tragedy.

- All involved need to carefully distinguish between pragmatic economic development strategies and wishful thinking. Aside from public safety, risky financial burdens on tax-payers also raise serious problems with the proposal.

DNR procedures raising conflicts on Jekyll Island

Again Jekyll Island State Park has become the scenic battleground over controversies having broader implications for coastal Georgia's environment. In this case it's DNR's dubious practice of issuing 'letters of permission' (LOPs) in lieu of permits under Georgia's Shore Protection Act (SPA).

Two years ago, after the Center took DNR's Coastal Resources Division (CRD) to court for using unauthorized LOPs under the SPA, the state quickly responded by making the practice legal by adopting a bill in the 2013 General Assembly session. Although the LOP requirements now call for any activity to be temporary and minor in nature, there is reason to believe that the one-year LOP could be renewed – perpetually, indefinitely – if deemed to be environmentally insignificant by DNR staff.

The problem is that the prospect of renewed LOPs circumvents the public-review aspects of the permitting process, yet the activities allowed are, in effect, not temporary. Whereas a permit requires public notice, public-comment provisions, response to public comment, credible evaluation of reasonable alternatives by the applicant, and a hearing where a decision is made by the Shore Protection Committee established by the SPA, the LOP process requires none of these.

The most recently debated example of LOP abuses entails corroboration on a beach-equipment rental operation among the Jekyll Island Authority, CRD, and the owners of the Jekyll Westin hotel – the largest, highest, and most luxurious of the beachfront hotels at the state park and sited within a stone's throw of sea-turtle nesting areas. [Note: In fact, at five stories, the Jekyll Westin is the highest beachfront hotel in Georgia – ironic at a state park with a conservation tradition and purpose.]

The controversial LOP allows beach chairs and umbrellas to be delivered and collected daily by a mechanized vehicle driven travelling nearly a half-mile along the state park's most popular beach. Not only does the approved method impose risk to humans and wildlife using the beach – especially at high tide when there is little dry beach available – but it fails to explain why (1) owners of the island's biggest hotel are unable (or unwilling) to find space for storing the equipment on site, where land is leased from the JIA, and (2) despite being extremely close to the beach, equipment cannot be delivered by hand-cart using an adjacent low-sloping dune cross-over.

Others have justifiably complained that the beach-equipment rental operation effectively 'stakes-out' public beach in front of the hotel by setting up chairs and umbrellas – suggesting to beach-users that the only way they can occupy the area is by renting a chair at \$15 each. Moreover, by occupying Jekyll's natural beach with what is a blatantly commercial operation, the arrangement corrupts the traditional use and low-key ambience for which the park is cherished.

Also in question is the degree to which CRD's assessment of the operation will be complete, accurate, and objective when considering a renewal of the LOP next year. Given past events, it appears that DNR is prone to decisions that are determined by political influence instead of environmental analysis and public interest.

Further doubt is cast by the fact that the use of LOPs has become the dominant form of approval for beachfront activities – with 30 issued by CRD over the past year, compared with only 13 SPA permits. While some may view the use of LOPs a matter of regulatory expedience, we believe it has become – at least in some instances – a breach of the intended protection of public interest under Georgia's Shore Protection Act.

Fossil Fuels, Climate-Change, and Georgia's Coast

1. Federal policies are severely conflicted about the extraction and export of fossil fuels. Policy-makers must decide – as soon as possible, ideally – which 'national interest' concerns shall prevail. Either climate-change must be reined in by significantly reducing greenhouse gases, or foreign policy will be given priority, allowing manipulation of oil export markets regardless of climate impacts.

Considering the unpredictable nature of foreign policy and energy markets, it seems unlikely that the latter interests would predominate. Yet, as we know all too well, the rational legitimacy of any given proposed policy often has little to do with achieving majority political support for it.

2. Existing environmental review laws in the U.S. as now interpreted in federal court may result in rejection of various projects aimed at producing, processing, and/or distributing fossil fuels. Even if this view is supported in court and upheld, it is possible, perhaps likely, that - in reaction - legislation would be adopted to revise policy to reduce restrictions on the use of fossil fuels.

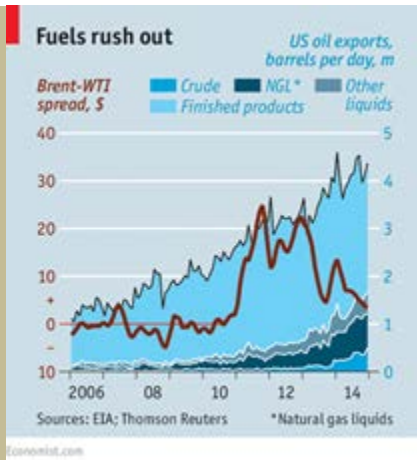
3. Until the climate-change impacts of burning fossil fuels are realistically tabulated, the true costs of related projects cannot be determined. Unless such a legitimate determination is made available, to protect public interest no such projects should be approved by regulatory agencies – but if they are, such approvals should be challenged in federal court.

4. Georgia's coast will suffer from two types of risks brought by oil-related projects. First, the marshes, rivers, coastlines and wildlife of our region will be exposed to the destructive impacts of oil spills, most vividly depicted by the 2010 BP catastrophe.

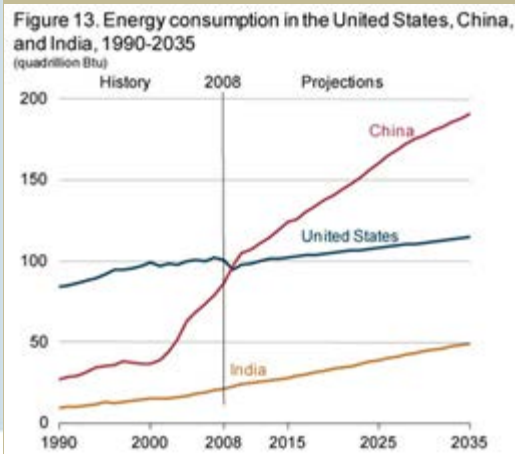
Secondly, we will face increasing shoreline erosion, storm-surge property damage, and greater flooding hazards as sea-level rise accelerates. As these adversities take their toll, it is likely that the cost of federally subsidized flood insurance will rapidly escalate, making it increasingly expensive to inhabit high-risk coastal areas.

Even with greater attention given to building 'resilient, adaptive' communities (the focus of DNR and UGA), ever-increasing coastal damage will be incurred unless significant steps are taken to reduce human-caused global climate overheating. The timing and intensity of these hazards are difficult to predict, although the intensification of such threats is expected for at least the rest of the century.

Due to the lag-time in climate response to reducing the emission of greenhouse gases, short-term impacts are likely to be little-changed, but undoubtedly the longer term consequences of doing nothing will be increasingly severe. ***The more delay in taking action needed to reduce greenhouse-gas emissions, the more extreme and costly the consequences will be, especially in coastal areas.***



Source: The Economist, March 2015



Source: MIT Technology Review

Export of U.S. oil products as depicted in the graph (above left) indicates a major shift in U.S. energy prospects. Over the past decade, American dependence on foreign oil has radically plummeted, and “energy independence” is no longer justification for the unfettered pursuit of fossil fuels. A fundamental question now is whether to continue producing – and exporting – the surplus. This will depend in part on world-market supplies and price fluctuations, but the U.S. must also come to terms with the dire consequences of further disrupting global climate by burning these fuels. The second graph (above right) shows slow growth in U.S. energy demand compared with other nations. It is imperative that U.S. policies are carefully reevaluated in light of these trends and their global implications.

Keep it in the Ground!

A global movement to reduce the use of fossil fuels is well underway, which uses the slogan, “Keep it in the Ground!” The force of the call-to-action is boosted by demonstrations at major universities, where student-activists are demanding that their administrations divest endowments of ownership in the stock of fossil-fuel corporations. One objective is reducing the release of greenhouse gases by creating a stigma on the ownership of oil, coal, and natural-gas investments. Another justification is that national interest is better served by keeping fossil fuels on hand as reserve supplies for future use.

To learn more about this worldwide movement, please follow this link:

www.theguardian.com/environment/series/keep-it-in-the-ground .

The Significance of the Paris Climate Agreement

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.

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.

Center Letter to the Corps re Sea Island Groin Project

Corps of Engineers
100 W. Oglethorpe Avenue
Savannah, Georgia 31401

January 12, 2016

Dear Ms. Allen, Meredith.A.Allen@usace.army.mil

We appreciate the opportunity to comment on Sea Island Acquisition's application for a permit to build a new groin on the south end of Sea Island. On behalf of the Center for a Sustainable Coast, including our board, advisors, and members, I am writing to urge the U.S. Army Corps of Engineers to deny this request for a permit, based on the following rationale.

The Corps has adopted advisory guidelines discouraging the use of groins, and we cite Corps general findings in relation to our objections to the current proposal being made by Sea Island Acquisition (SIA). Consistent with existing Corps guidance, we are advised by consulting geologists that the project proposed will worsen shoreline erosion problems on the downdrift (south) side of the groin for which a permit is being requested. In doing so, the groin would rob the sand-sharing system by holding back sand on the updrift (north) side of the groin.

Disruption in the sand-sharing system will adversely affect habitat in the conservation area south of the groin, which has already been rapidly eroding in recent years. According to our records, based on tax-mapping from Glynn County, since the mid-1970s about half of the elongated tax parcel on the south end of the Sea Island Spit has been submerged due to erosion, and some 100 acres now lie below the ocean (see attached map). It appears that the rate of erosion has been accelerating, likely to be at least in part a result of the existing Sea Island groin to the north of the project area, not far from the project site.

Exacerbating the loss of sand along this already diminishing peninsula will harm nesting areas and habitat for sea birds and turtles. Moreover, such disruption could reduce natural deposits that serve to stabilize and renourish the beachfront along East Beach, where existing oceanfront residences are at risk from storm surge and other natural causes of erosion.

Another aspect to this proposal that deserves your attention is the applicant's claim that adding 120,000 cubic yards of sand to the beach on the project site makes the project a 'hybrid' by combining a conventional groin with a renourishment effort, thus negating adverse effects. However, the volume of material being proposed is a fraction of what would be retained and held back by the groin as described in the permit application. Accordingly, the proposal is either ill-designed or misleadingly portrayed, and in either case would produce adverse disruption in the natural movement and deposition of sand in the vicinity of the project, which will cause impacts that conflict with the public interest.

Such impacts are significant, harmful, and unreasonable. We have reached this conclusion based not only on our own observations and experience, but also on the advice of highly qualified experts, including coastal geologistsgo and wildlife resource biologists.

We fully agree with the Corps' current advice that groins cause undesired erosion and sand-movement disruptions along coastal areas.

We urge you to deny this permit request and reject the application in support of a consistent, well-justified regulatory position that discourages the use of such structures along Georgia's coast.

Please carefully consider my above rationale and respond with any questions or other relevant follow-up.

Thank you.

David C. Kyler, Executive Director
Center for a Sustainable Coast

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