

## REDEFINING PROGRESS USING "THE PRECAUTIONARY PRINCIPLE"

*David Kyler, Executive Director*

What is good, clean tap water worth? How much would you pay to keep traffic from getting worse on your trips to work or shopping? What would you be willing to sacrifice to prevent the leveling of a nearby stand of native oaks, cedars, and magnolias? **Just how valuable is that view across the marsh where those undeveloped hammocks are home to blue herons, woodstorks, and other wildlife?**

These are questions being asked by coastal Georgians with greater regularity as every year passes. Difficult as they may be to answer, we must struggle to find reasonable responses, and sooner rather than later. We know from witnessing the loss of natural beauty in other places that **growth takes its toll and there are limits that shouldn't be violated.** But defining those limits eludes us, even as we know they are being crossed.

The uncertainty brought by growth and the risks to our future may seem insurmountable. Setting standards for our quality of life and adopting the means to prevent them from being violated is unquestionably a major challenge. **The Center is working with other non-profit organizations in Georgia to help meet that challenge.**

An vital part of that work involves an important principle being debated among Georgians embroiled in water resource policy: **water, above ground and below, is a public resource, not a commodity to be bought and sold to the highest bidder.** Yet, some argue

for land, water, and living resources to be cleared, extracted, diverted, shipped, and sold indiscriminately in the name of economic progress.

**The Center strongly believes that it is time to reconsider how we define progress before "progress" ruins what coastal Georgians value most. We simply cannot afford to continue "business as usual" at the expense of our shared natural wealth. And we must direct our efforts to address this urgent question before it is too late.**

Toward that end, **the Center for a Sustainable Coast recently sent a petition to the Board of Natural Resources, endorsed by scores of coastal Georgians, asking state officials to improve the enforcement of existing environmental protection laws.** (Please see page 3.) A memo submitted with this petition set forth specific steps that should be taken in making these



improvements. Further, we suggested general principles that should be used as new decision criteria that would avoid unjustifiable risks to valued resources. **This proposal serves as the groundwork for a more enlightened notion of progress.**

**Without creating any new laws, there is ample opportunity for doing a better job of protecting our individual and community interests in**

**natural resources.** Most regulations provide great discretion in the use of federal, state and local authority in determining how resources may be used and under what controls and circumstances. **Yet decisions made by those authorities continue to threaten the interests of the public by inaccurately evaluating the individual and cumulative effects of permitted actions.**

*See Principle: pg. 2*

### Help Redefine Progress in Coastal Georgia!

Please fill out and mail or fax this form to the Center (see address & fax number below). Additional paper may be used if necessary.

**I am personally concerned about** \_\_\_\_\_  
**(describe issue, location, etc.)** \_\_\_\_\_

**How many other people (neighbors, friends, etc.)** \_\_\_\_\_  
**may be interested in organizing local action on this issue?** \_\_\_\_\_

**What can the Center do to help?**

- ☐ Document the problem ☐ Other (please describe) \_\_\_\_\_
- ☐ Help get authorities to consider the problem \_\_\_\_\_
- ☐ Develop a message and organize action \_\_\_\_\_

Your Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

Phone \_\_\_\_\_

Fax \_\_\_\_\_

E-Mail \_\_\_\_\_

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## Georgia's Marsh Islands called "most endangered"

Scenic America, a national conservation organization, has named Georgia's marsh islands "one of the most endangered scenic places in America" in a nationwide competition.

The marsh islands, more often called hammocks locally, were designated one of America's "Last Chance Landscapes"—

endangered places of beauty or distinctive community character with both a pending threat and a potential solution. Georgia's marsh islands were chosen as one of the 10 most endangered places in the third annual competition.

On the Georgia coast, marsh island development has been the source of much recent head-knocking. With demand for coastal property rising fast, marsh islands thought inaccessible 20 years ago are now being connected to the mainland by bridges and dotted with large homes. Currently, under Georgia's marshlands protection law, the state reviews only the impact of bridges across the marsh, not the

development enabled by the bridges. Development on the islands is reviewed separately, under various laws and by various agencies.

New bridges and development are deeply troubling to conservationists, with impacts far beyond damage to scenery and wildlife. As the islands' natural erosion control function is altered by development, increased stormwater runoff and pollution threatens damage to the marsh. Moreover, the cumulative impacts of this activity could disrupt the integral relationship between the islands and the surrounding marsh, thus fragmenting important habitat and wildlife corridors.

"For Georgia and the entire east coast, unspoiled marsh

*Principle: from page 1*

Officials who are in a position to make tradeoffs between public interest and private gain could do much to reconsider criteria we use to define progress. As long as such decisions are consistent with the intent of applicable laws, they would be defensible and could help set important new standards. **When impacts of proposed actions are uncertain, we can be more resourceful in using current law to better protect our communities and long-term interests by using the Precautionary Principle.**

In the January 2001 issue of Scientific American, **the precautionary principle is justified as an innovative policy to prevent decisions that could cause significant harm in the face of scientific uncertainty.** International treaties apply this approach in trade issues to limit risk of items like bio-engineered products. To quote EPA Director Christie Todd Whitman (prior to her appointment at EPA), as cited in that same article,

hammocks offer a last chance for an important bird and wildlife habitat, for much of our remaining maritime forest, and for sublime views that have long inspired poets and developers alike. By protecting hammocks, the quality of life for both critters and humans will be greatly enhanced," said Patty McIntosh, Coastal Programs Director with the Georgia Conservancy. "What more could you ask?"

McIntosh submitted the nomination on behalf of the Conservancy and Residents United for Planning and Action (RUPA), a Saint Simons Island citizens group.

"We all know we have something unique here. It's encouraging that a national organization with Scenic America's credentials would find the hammocks' beauty and ecological value so compelling that they awarded them this important designation. We hope this added level of awareness helps our efforts to protect them," McIntosh added.

"To call our hammocks and scenic marsh vistas a 'Last Chance Landscape' is no overstatement. For too long we have taken these little islands for granted. We can no longer afford to do so. I hope we can use Scenic America's recognition of the development threats they are facing to focus State attention on the need to save this unique and beautiful landscape before it is too late," said Nancy Thomason, President of RUPA.

The Georgia Department of Natural Resources has appointed an advisory council to recommend ways to mitigate development impacts on the marsh islands and surrounding marsh ecosystem. According to McIntosh, who serves on the council, the most effective remedy would be more rigorous enforcement of Georgia's existing Coastal Marshlands Protection Act, additional provisions specific to island protection, and the prohibition of bridges across public marshlands.

Other measures that would help guarantee protection include coordination of permitting activities, stringent enforcement of buffer requirements, acquisition of conservation easements, and outright purchase of marsh islands under Georgia's Greenspace Program.

"Georgia's marsh islands are among the most cherished and beautiful places in America," said Scenic America president Meg Maguire. "It would be a tragedy to destroy them."

**"... Policymakers need to take a precautionary approach to environmental protection....** We must acknowledge that uncertainty is inherent in managing natural resources, recognize that it is usually easier [and far safer] to prevent environmental damage than to repair it later, and **shift the burden of proof away from those advocating protection toward those proposing an action that may be harmful.**" [Parenthetical comment and bolding added.]

Coastal Georgians should seriously consider these questions and voice their concerns in support of actions that protect our cherished public resources. One of the most important ways you can speak out is to write or call our local, state, and federal elected officials. You can also help resolve these issues by supporting the Center through your membership. **Working together, we can make lasting improvements in Coastal Georgia by embracing a new definition of progress.**



**HAMMOCKS OFFER A LAST CHANCE FOR AN IMPORTANT BIRD AND WILDLIFE HABITAT, FOR MUCH OF OUR REMAINING MARITIME FOREST, AND FOR SUBLINE VIEWS THAT HAVE LONG INSPIRED POETS AND DEVELOPERS ALIKE.**

**Patty McIntosh  
Coastal Programs Director  
The Georgia Conservancy**

# Center Files Water Quality Petition with Georgia Board of Natural Resources

In early October the Center began circulating a petition stating public concern about water quality in Georgia, from a coastal perspective. Toward the end of November, the petition was sent to the Board of Natural Resources with the signatures of more than 130 Georgians, mostly coastal residents. The initiative is intended to get officials to implement **new approaches using existing law to improve protection of the state's impaired but highly valuable water and other natural resources.**

In preparing the submittal to the state, Center staff wrote a memo outlining two specific actions for the Natural Resources Board members to consider adopting. First, **we urged aggressive implementation of improvements in administering and enforcing the Georgia Soil Erosion and Sedimentation Act.** As stated in the memo, "We [point] out that both local government staff and EPD enforcement officials seem to be either ill-informed about the program's requirements or unwilling to correct identified violations."

The second major action recommended was **the use of better information and more scientific expertise in evaluating various types of environmental permits.** The memo explained that this is needed because many permitting situations are too complex for the limited state enforcement staff to sufficiently analyze. Moreover, new permit applications often include hidden risks to both natural resources and existing resource users. To augment state enforcement personnel, the Center proposes the use of highly qualified staff at several research institutions around the state, like the **Skidaway Institute of Oceanography** and the **University of Georgia Marine Extension Service.**

This action could offer other benefits beyond improving the accuracy and objectivity of permitting decisions. A **peer review process would undoubtedly lead to more practical research that could help answer vital questions raised by past permitting proposals.** Equally important, specific requirements adopted as permit conditions could be more effectively monitored and controlled, using research expertise that is not available on the EPD staff. The financing of this new permit review activity remains an open question, but it seems likely that research funds from federal government agencies and foundations could prove to be a major source of support. **The Center also strongly recommends imposing appropriate permit processing fees that would be a justifiable source to help pay for the cost of application review.**

The second page of the memo described three major objectives that should be used as guidelines for implementing improved environmental enforcement measures:

- **Minimize flow disruptions in river systems created by diversions to other watersheds, construction of new reservoirs, etc.**
- **Restore wetland functions and provide adequate buffers to protect water quality.**

## **TO SUBSTANTIATE PUBLIC CONCERN, THE OPENING STATEMENT OF THE PETITION READS:**

**"WE, THE UNDERSIGNED CITIZENS,** are deeply troubled by the condition of our Georgia waters, as highlighted by the following indicators.

- Only about 10% of Georgia's waters are sampled and tested.
- Almost two-thirds of these samples fail to meet Federal standards.
- The amount of toxics entering Georgia waters increased by at least 83% from 1989 to 1998, according to the EPA.
- Blue crab, shrimp, and numerous finfish species are declining in size, health, and numbers.
- Air pollution from power plants, in violation of the Clean Air Act, includes harmful levels of mercury and sources of acid rain that pollute water resources and threaten public health.
- There are nearly 100 fish consumption advisories in Georgia, and half of these are in coastal waters.

**BASED ON THESE FACTORS,** as well as mounting threats from point and non-point source pollution, we strongly urge Georgia officials to improve protection of our water resources. We ask that you support and implement improved methods for monitoring and enforcement of existing laws under your authority and discretion."

- **Consider potential impacts on all downstream users when making permit decisions by applying the precautionary principle.** (See front page commentary.)

The Center is considering other actions as a follow-up to the petition. The petition may be used again to urge appropriate actions by other officials, so **we encourage anyone who is concerned about our water resources to sign on.** If you have any questions, please call the Center at (912) 638-3612.



*Copies of the petition and memo are available from the Center and are also posted on our website, [www.sustainablecoast.org](http://www.sustainablecoast.org).*

# WATER ISSUES ABOUND AT THE CENTER'S ANNUAL MEETING

Jeff Hoffman

Water—"they're not making any more of it." What we had in the past is all we have to use in the future, and, despite growing demands, we seem to be wasting much more of it in the present. Such an important resource needs to be preserved and shared for the common good, not sold as private water rights for profit. This viewpoint was shared by John Sibley, President of The Georgia Conservancy, in his keynote remarks at the annual meeting of the Center for a Sustainable Coast held at Epworth Center on November 10.

Sibley further reminded attendees that, "On the coast we are downstream of everybody. Whether it's runoff from roads and backyards in Atlanta, farm fields in mid-state or effluent from huge paper mills, it ultimately flows into the estuarine waters of the coast. The whole ecosystem (not just people) depends on our watersheds."

The Center for a Sustainable Coast circulated a petition that was to be sent to Georgia officials expressing concern over the troubled condition of Georgia waters. [See article on page 3.]

The petition gained signatures from individual members of several other associations who attended the meeting. These included the Glynn Environmental Coalition, the Coastal Georgia Audubon Society, Residents United for Planning and Action (RUPA), the St. Simons Land Trust, and the Driftwood Nature Center.

If you share concerns about water quality and would like to add your name to the petition, contact David Kyler, the Center's executive director, at our office in the Village at 221 Mallory Street, Suite B, (912) 638-3612.

Another featured speaker, John Schacke, Ph.D., from the Georgia Dolphin Ecology Program, described a new long-term study of the ecology and behavior of Atlantic bottlenose dolphins. Schacke will join Daniel Odell, Ph.D., of Sea World, Inc., and groups of Georgia college students, in studying dolphin populations along the central Georgia coast and the condition of the dolphin habitat.

This region is one of the few remaining undeveloped coastal areas on the Eastern Seaboard. Dolphins, as a top-level predator, may reflect underlying conditions of the environment in which they reside. Research here can provide benchmarks against which to measure the effects of coastal development over time.

The ten-year study will begin with photographic identification to catalog the area's resident dolphins

See Meeting: Pg. 6



*Georgia Conservancy  
President John Sibley  
Addresses Annual Meeting*



**Presented by  
The Georgia  
Conservancy**

## GEORGIA'S GROWING THIRST: CHALLENGES FOR COASTAL GEORGIA

Two nationally recognized experts in water conservation will discuss proven water conservation strategies at this half-day symposium.

Mary Ann Dickinson, executive director of the California Urban Water Conservation Council, will discuss how the council has been able to engage nearly 300 diverse agencies and organizations in a unique approach to water conservation.

Amy Vickers, author of the *Handbook on Water Use and Conservation*, will discuss essentials for successful water conservation planning and cost-effective efficiency measures for demand reduction and drought response. She will also present an analysis of the City of Hinesville's water conservation program.

A panel representing state and local government, industry and the conservation community will discuss how the ideas presented might work in coastal Georgia.

**Date** Friday, February 15, 2002

**Time** 8:15 a.m. – Noon

**Place** Coastal Georgia Center • Savannah, Georgia

**Sponsored by** Sapelo Island National Estuarine Research Reserve and Georgia DNR; Coastal Management Program

**For more information** visit [www.georgiaconservancy.org](http://www.georgiaconservancy.org) or phone 912.447.5910.

*This article was derived from a longer version by Jeff Hoffman, published in **Golden Isles Weekend**, during November 2001. Special thanks to Jeff for attending the Center's Annual Meeting and for taking the time to prepare his thoughtful article. We also owe credit to Helen Alexander who contributed her superb photographic skills for the event.*



## ANNUAL MEETING SNAPSHOTS

*PATTY MCINTOSH, DON STAHLER AND  
CENTER ADVISOR, BECKY SHORTLAND*



*KATIE BUTOWICZ,  
ROGAN AND LINDA WRIGHT.  
SOME PEOPLE ARE MORE  
COMFORTABLE AROUND  
SNAKES THAN OTHERS.*



*BOARD PRESIDENT  
JIM HENRY (R) AND  
CENTER ADVISOR OF THE  
YEAR AWARD WINNER,  
JOHN TRAIN*

## Center Joins in Filing Legal Petition to Review Air Pollution Permits

In November, the Center joined environmental and health advocates from across the state in filing a legal petition with the Georgia Environmental Protection Division (Georgia EPD).

**The petition asks the agency to review permits it issued to three of Georgia's dirtiest coal-fired power plants, including Plant Kraft near Savannah.** Additionally, the petition requests that Georgia EPD hold public hearings in Savannah, Cartersville and Macon within 90 days.

The plants—Kraft, Bowen (Cartersville) and Scherer (Macon)—were sued by the US EPA and the Department of Justice for polluting at levels that violate the Clean Air Act. The three coal plants were “grandfathered,” or exempted from meeting modern air pollution standards, when the Act passed in 1970. However, the federal government determined that the plants have since expanded or significantly modified their facilities, but plant operators have not installed proper pollution control technology, in violation of federal clean air regulations.

According to federal and state law, plants that make major modifications to their facilities in effect *revoke* the pollution exemption for older plants and must clean up to meet the modern standards. The US EPA sued the three Southern Company plants in 1999 to compel them to comply with the law, and to install the pollution controls necessary to meet the more protective standards—which protect public health and our air and water resources.

Also in 1999, Georgia EPD issued these plants their operating permits. The permits do not recognize the US EPA's evidence or determination and do not require the plants to reduce their pollution. The permits should have included “schedules of

compliance,” which are timelines with milestones that the plants would follow to gradually reduce emissions. Officials with Georgia EPD claim that they did not have the resources necessary to review US EPA's evidence or join in the lawsuit at the time of the filing.

**The petition before Georgia EPD requests that the State review the permits for Plants Kraft, Bowen and Scherer in light of the federal evidence to ensure that they were issued properly and comply with state and federal law.** At stake are hundreds of thousands of tons of air pollution known to trigger asthma attacks and contribute to the development of respiratory disease.

Coal-fired power plants account for eighty percent of the state's sulfur dioxide, and almost one-third of the smog-forming nitrogen oxide pollution. Power plants are also the largest industrial source of airborne mercury, which collects in rivers, lakes and streams. Marine life, such as fish and shellfish, becomes contaminated with mercury and when ingested poses a serious health threat, especially for prospective mothers and their offspring.

### Other petitioners joining the Center in the action include:

- African-American Environmental Justice Action Network
- Bellevue Concerned Citizens Community Organization
- CAUTION Macon
- Citizens for Clean Air and Water
- Citizens for Environmental Justice
- Coosa River Basin Initiative
- Friends of the Chattahoochee
- Georgia ForestWatch
- Georgia Public Interest Research Group (Georgia PIRG)
- Macon Environmental Justice Organization
- Sierra Club
- Southern Organizing Committee for Social and Economic Justice

# CENTER HOSTS COASTAL ENVIRONMENTAL FORUM

## Thirteen Groups Gather to Discuss Priorities and Strategies

On September 24th the Center hosted a Coastal Environmental Issues forum, attended by 16 individuals representing 13 environmental groups addressing various aspects of coastal resource issues. The event was planned by the Center in collaboration with the League of Conservation Voters Education Fund, Georgia Conservation Voters, and the Georgia Conservancy.

In addition to the executive director, attending the session were Center board president Jim Henry, and board members Hal Wright and Charlie Belin, as well as Center advisor, John Train. Several of the workshop participants represented more than one group.

We held the half-day session so that representatives of environmental

organizations with coastal interests could exchange ideas about priority issues and their strategies for addressing them. Although participating groups did not reach agreement on priorities or specific strategies, there was much valuable dialogue, raising questions that suggest the need for future collaboration.

Discussion focused on three broad ideas:

1. The need to formulate and communicate an appropriate and compelling message for the public explaining (a) how these issues are relevant to them and (b) how our organization(s) can help resolve them. This entails striking a balance between taking constructive steps (or at least actions that are not perceived as "obstructionist") with the continuing need to take legal action to improve enforcement of existing environmental laws. It also means that we need to make greater effort to explain the relationships between environmental quality and broader social objectives—including long-term economic potential—that are impaired by compromised environmental protection.
2. The need to change the laws, rules, regulations, and other practices that favor the status quo. This includes making better use of scientific information, reducing fragmentation of authority and purview applied in regulation, and improving accountability and follow-through in evaluating the effects of past permit decisions and actions.
3. The need to replace or otherwise transform the existing regulatory culture from one giving priority to accommodating the users of natural resources to one focused on resource protection, where the public replaces the permit applicant as 'customer.'

A copy of the forum summary is available from the Center in either hard copy or electronic file format. We encourage you to review it and to make suggestions for additional sessions where we can continue the dialogue on coastal environmental issues and strategies. Please don't be shy about sharing your ideas and opinions

### Coastal Environmental Forum Participants

- Altamaha Riverkeeper
- Center for a Sustainable Coast
- Citizens for Environmental Justice
- Coastal Georgia Land Trust
- Conservation Research Institute
- Defenders of Wild Cumberland
- Georgians For Clean Energy, Coastal Office
- Georgia Environmental Enforcement Project
- Georgia Conservation Voters
- Georgia Public Interest Research Group
- League of Conservation Voters Education Fund
- The Nature Conservancy, Altamaha River Bioreserve
- The Georgia Conservancy, Coastal Office

### Meeting: From Pg. 5

(as opposed to migrating or transient dolphins). Photos of their dorsal fins serve as accurate identifiers just like those of whale flukes and fins. The pattern of notches, cuts and other markings are almost as unique as human fingerprints.

Genetic sampling of tissues can also be obtained. Numerous water studies are to be included to assemble background information on the local environment, e.g. temperature, salinity, turbidity, subsurface topography, nutrient input, water chemistry, fish stocks, etc.

This information combined with standardized dolphin behaviors (e.g. traveling, feeding, whistling,

calving in nursery areas, etc.) can provide valuable data toward efforts to protect and preserve the unique ecology of the middle Georgia coast.

Recognizing the importance of this scientific activity, the Center for a Sustainable Coast is in the final stages of negotiating local sponsorship for the dolphin ecology program. By becoming a member of the Center, you can help support such worthwhile activities.

Please also visit our web site, [www.sustainablecoast.org](http://www.sustainablecoast.org), which has a "web links" section offering many valuable references on related marine topics. We welcome your opinions and your suggestions for improving our work, including specific issues and proposed actions to address them.

**Congratulations and our profound gratitude are sent to the Georgia Board of Natural Resources** for their wise decision to defer action on a water withdrawal permit in Bryan County. At issue is the proposed use of the lower Floridan aquifer prior to the completion of further studies that are part of the Sound Science Initiative, adopted several years ago. Ironically, this research was recommended by the Georgia EPD, yet that agency is now attempting to circumvent the rational use of science that was intended to avoid risk to our water supplies. Also disturbing is the fact that the proposed use of the lower Floridan aquifer conflicts with the adopted Bryan County Water Supply Plan, required by EPD water resource policy. The Center and other organizations are opposing EPD's proposed action, pending more reliable analysis.

**Energy Task Force Created:  
Moratorium on Power Plant Permits  
Being Proposed—  
Your Support Needed!**

Governor Barnes has created an energy policy task force, Chaired by State Senator Charlie Tanksley of Marietta (District 32). In their first meeting, Rita Kilpatrick (Georgians for Clean Energy) questioned Tanksley about whether the task force could make interim recommendations to address pressing issues, such as the proliferation of merchant power plants. Tanksley responded that the charge of the task force was to formulate a long-term perspective and submit something substantive to the Governor September–December 2002. Thus, their efforts should be kept as divorced as possible from such highly-charged political issues, so that “we don’t discolor our deliberations or confuse the public.” He concluded that the task force was not the vehicle for action on such emergent issues. As a result, a coalition of organizations, including the Center, is campaigning to get the Task Force to recommend a moratorium on new power plants while the group crafts Georgia’s energy policy.



**PLEASE COMPLETE  
THE ENCLOSED CARD AND  
RETURN IT TO THE CENTER  
AS SOON AS POSSIBLE!**

## ANNOUNCEMENT

The Center and several other groups are planning a one-day workshop on how to estimate our environment’s value. A panel of experts will explain techniques used to help make decisions determining resource use and protection.

The event is tentatively scheduled for later this year, but no date has been set. All members of the public, elected officials, and landowners are welcome. Please be sure to call us for details if you are interested in participating.

## NEWS & NOTES

The **Southern Forest Resource Assessment** was recently released for public comment by the U.S. Forest Service (USFS), in collaboration with the Southern Group of State Foresters and the Southeastern Association of Fish and Wildlife Agencies. Along with the USFS, three other federal agencies helped produce the report: the Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service, and the Tennessee Valley Authority.

Among the findings of the assessment are the following:

“Urbanization [development] presents a substantial threat to the extent, condition, and health of forests.” In particular, “in the lower Atlantic coastal plain... coastal flatwoods are forecast to lose large shares of forest to urban development... The flatwoods [are] one of two areas in the South with the highest concentrations of endangered animals and plant[s]...”

The report also lists **important scientific uncertainties** that must be explored to better protect natural resources, including factors related to:

- (1) impacts of human development on forests, wildlife, and natural systems,

- (2) effects of market factors and other values on how land is used and protected, and

- (3) influence of pine plantations (pulpwood forests) on ecosystem functions and wildlife.

The draft assessment report is a result of more than two years of public meetings and staff assessment by 25 scientists and other analysts from the four federal agencies and several universities. Before its release to the public, the publication was carefully reviewed by over 100 environmental professionals in public agencies, private industry, universities, and conservation groups.

Additional information about the draft Southern Forest Resource Assessment can be found at the Forest Service website: [www.srs.fs.fed.us/sustain](http://www.srs.fs.fed.us/sustain).

Before the report and its findings are formalized, there will be one final round of review. The public is encouraged to review the draft document for its accuracy and completeness. Comments are requested to be submitted by February 1, 2002 to:

Southern Forest Resource Assessment  
USDA Forest Service  
1720 Peachtree Road, NW  
Atlanta, GA 30309

## Federal Court Curbs Wetland Protection: So-Called Isolated Wetlands Are Seldom Really Isolated

In January the U.S. Supreme Court ruled that federal officials cannot protect landlocked ponds, wetlands, or mud flats when their only connection to navigable waters is by way of migratory birds. However, in many districts, the Corps of Engineers is allowing the draining and filling of these areas without evaluating other relationships they may have with nearby navigable waters, most notably groundwater.

It is well known that water below ground is a vital supplement to surface water. Especially during droughts, groundwater dispersed from isolated wetlands can help support the wildlife habitat of larger wetland areas that remain under the purview of the Clean Water Act.

If the inaccurate interpretation of this ruling by the Corps continues, we can expect extensive loss of wetlands in our watersheds. To prevent this outcome, the Center recently sent comments to the Corps and to Christi Todd Whitman, Director of the Environmental Protection Agency, asking for strict guidance on this ruling.

“We strongly urge the Environmental Protection Agency and Army Corps of Engineers to issue joint guidance as soon as possible which narrowly interprets the U.S. Supreme Court’s decision in *Solid Waste Agency of Northern Cook County (SWANCC) vs. Army Corps of Engineers*....

*See Wetlands: pg. 8*

**Southeastern Environmental Trends Report Available:** Summarizes the condition of natural resources in nine states (including Georgia). Published by the Southeast Natural Resource Leaders Group, an informal alliance of senior federal executives who have chosen to collaborate in addressing regional environmental challenges. The report also includes resource protection success stories. It is available on-line at [www.rgaatl.er.usgs.gov/srnl.html](http://www.rgaatl.er.usgs.gov/srnl.html) or can be obtained by calling Bob Cooper at 404-562-8261.

**The Southeastern Watershed Forum** produces a newsletter with highlights of local watershed initiatives, recent government and university research, and available training programs on water resource protection. The Forum is a collaborative group of government agencies, industries, and organizations working to achieve better watershed protection and assistance.

More information about the Forum can be obtained by contacting Christine Olsenius at 410-849-2975 or at [cholsenius@aol.com](mailto:cholsenius@aol.com).

Wetlands: from pg. 7

The SWANCC decision was based on the narrow argument that federal agencies could not use the 'migratory bird rule' as the sole basis with which to justify continued Clean Water Act jurisdiction over isolated wetlands and other water bodies. **To lose [important ground-water] functions because of an unjustifiably permissive interpretation of law is unacceptable and irresponsible. This ill-advised policy could jeopardize water resource benefits provided by such wetlands to property owners and the public alike."**

Senator Max Cleland, Senator Zell Miller, and Congressman Jack Kingston were provided copies of the letter. **We urge you to send similar opinions on this issue** to federal agencies and our elected officials as soon as possible.

To get a copy of our comments, please call the Center at 912-638-3612 or check our website.

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