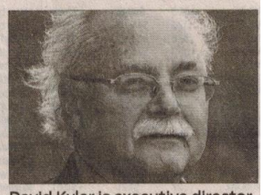
GUEST COLUMN

EPA rule key to quality of life

By David Kyler

JOHN OVERMYER / NEWSART



David Kyler is executive director of the Center for a Sustainable Coast.

Effective enforcement of environmental laws that protect the public depends on clear, well-understood rules. In the absence of coherent standards, legal controversies subvert regulations, and only lawyers benefit.

Over the past decade, enforcement of the 1972 Clean Water Act has suffered from such a lack of coherence. Confusion over two U.S. Supreme Court decisions, along with patchwork "guidance" issued in 2003 and 2008, provoked uncertainty about protection of tributaries and wetlands. Resulting disputes threatened critical water quality, fisheries, wildlife and public health.

Deficient enforcement standards also threatened drinking-water supplies due to unprotected water sources serving some 117 million Americans. They weakened or eradicated protection of 20 million acres of interconnected wetlands that provide important flood protection and essential wildlife habitat, and endangered water quality in more than 60 percent of all waterways sampled in Georgia.

In response, the EPA has proposed a new rule to improve America's water protection. The rule would:

- Restore regulatory protection to most seasonal and rain-dependent streams as well as wetlands.
- Reduce flooding, filter out pollution, provide important wildlife habitat, support hunting and fishing, and protect groundwater recharge areas.
- Improve reliable enforcement of the Clean Water Act by clarifying which resources are protected.

Streams and wetlands are tributaries to rivers and lakes that provide drinking-water sources and recreational areas. So, to ensure public safety, all these interconnected hydrological features must be properly protected. Cumulative damage can cause serious public health risks, including contaminated fish and water supplies.

A year ago, EPA released a "connectivity report" that was used to determine which waters should be regulated. Before its release, the report was reviewed and approved by scientists from public agencies, universities and nonprofits. Facts about the interconnections among streams, wetlands and major waterways were carefully incorporated into the proposed rule.

This new rule will strengthen understanding about resources subject to regulation, consistent with the original Clean Water Act, while reducing costly delays and regulatory conflicts by clarifying how the law is applied.

Even so, farmers, industrialists, developers and others who need water-related EPA permits are raising alarms about the rule, claiming it will hamper activities. Objections to the rule should be carefully examined to expose errors of interpretation and unfounded claims about compliance costs. Experts familiar with the rule say it will actually reduce compliance costs and improve regulatory safeguards.

Opposition to the rule is predictable but unjustified. Contrary to strident protests raised by some who are regulated, the new rule leaves intact existing exemptions for agriculture and forestry. It does not expand regulated waters.

Reliable water protection is essential to our state and nation, increasingly so as growth continues. Because the proposed EPA rule is scientifically based, it strikes a sensible balance by enhancing essential safeguards while reducing regulatory uncertainties.

In coastal Georgia, water quality is imperative to the health of our fisheries and the area's vibrant eco-tourism industry. Combined, they contribute at least $2 billion annually to our economy and support some 40,000 jobs, about one-fifth of the coastal region's total.

As development continues throughout the watersheds of the five major rivers flowing to the Atlantic through our region, environmental safeguards will become even more important. The proposed EPA rule will help sustain the diversity and productivity of both ecosystems – including Georgia's tidal marshes, among the world's most prolific fishery habitats – and the highly valued activities that depend on them, such as hunting, fishing, water recreation, nature photography and bird watching.

Georgia's future depends on reliable water quality, for which cogent, science-based regulations are utterly vital. The underlying logic of the proposed EPA rule is indisputable: All interconnected waters must be uniformly protected.

Readers are urged to learn more about the rule and send comments to EPA at: http://www2.epa.gov/uswaters.

The Atlanta Journal-Constitution

EPA's clean power plan is necessary

Monday, July 28, 2014

Many objections are being raised about the EPA's proposal to cut CO2 emissions by as much as 30 percent by 2030. Such resistance is predictable, reactionary, and completely unjustified.

To the contrary, if comparable restrictions are not adopted and successfully implemented soon, the consequences for Georgians and other Americans will become increasingly dire.

Modest as EPA's "Clean Power Plan" is, it's an important step in the difficult process of reducing serious harms to public health, the economy, and world climate. In fact, the downside ramifications of not embracing such controls are already mounting.

"Risky Business," a report co-sponsored by a team of renowned governmental and business leaders, warns that human-induced climate change will cause substantially worsening crop losses, reduced labor productivity, heat-related illnesses, premature deaths, and property risks, especially in the Southeast.

Although this report provides a long-overdue, compelling appeal to the business sector – an influential player that has fiercely fought climate policy – its implications reach far beyond economic interests.

Further vindicating the crucial need for carbon controls is the most recent National Climate Assessment, which reveals a range of trends that are already producing troubling consequences. Rising land- and ocean-surface temperatures, sea level, and ice melt as well as global glacier mass reduction all point toward an array of profound problems that are accelerating and interactively compounding.

The implications of this and related assessments include:

• Destruction of forests by wildfire – to increase at least 50 percent by mid-century.

• Increased food prices due to crop failures – as alternating drought and flooding curtail harvests.

• Destruction of coastal property from rising sea-level and powerful storm-surges – as much as $100 billion lost by 2050, and possibly five times that much by the end of the century.

• Compromised power-plant capacity and more frequent brownouts.

• Escalating water-supply conflicts.

As Risky Business team-member Tom Steyer says, "The longer we wait to address the growing risks of climate change, the more it will cost us all."

In light of these warnings by leaders from across the political spectrum, taking action to reduce the causes of global warming is both urgent and prudent. Contrary to those who exaggerate the burden of proposed carbon-controls by focusing on a few temporary impacts, objective assessment indicates that EPA's plan will produce at least eight times more benefits than costs.

Benefits include:

• Reduced medical costs — a minimum of $55 billion annually

• Averted property damage — a minimum of $50 billion, likely double that.

• Avoided brown-outs and power-plant shut-downs — at least $100 billion.

• Reduced power costs – an estimated 8 percent cut – equivalent to $10 billion annually.

• Protection of crops, timber, and fisheries — worth at least $110 billion a year.

Unquestionably, EPA's judicious carbon-control plan is an essential beginning, but it should go further. For instance, the carbon footprint of all energy sources must be more carefully examined and regulated accordingly. Based on reliable studies, the 'life-cycle' carbon burden of nuclear power is substantial, yet the plan treats nukes as carbon-neutral.

In the interest of the nation's future, we must actively support timely controls on carbon emissions.

David Kyler is executive director of the Center for a Sustainable Coast on Saint Simons Island.

Note: The same article was published in *The Savannah Morning News* on the same date, July 28, 2014.

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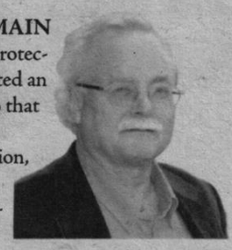
More crimes and misdemeanors

Or just routine incompetence?

BY DAVID KYLER



GEORGIA'S MAIN 'environmental protection' agency created an Earth Day fiasco that was astounding.

On that occasion, EPD issued a "directive" declaring that marsh buffers—a 25-foot-wide no-build strip of upland kept in its natural state—will no longer be honored under Georgia's Soil Erosion and Sedimentation (E&S) Act.

That reversal in policy has far-reaching implications, inferences, and risks—political, environmental, and economic.

Given that this colossally reckless decision was made by EPD during an election year, with Governor Deal's go-ahead if not under his direct command, it seems clear that those in state leadership are utterly clueless about how much Georgians care about protecting our tidal marshes.

A revealing indication of public concern is that last week, within 24 hours after our friends at Georgia Sierra Club issued an action-alert on this issue, nearly a thousand people had signed a letter of complaint sent to the Governor about EPD's ill-considered decision. This level of response is unprecedented.

Georgia's unique coastal landscape is dominated by vast vistas across tidal marshes. Residents and visitors alike cherish them as an essential element of the region's character. And not only are these hundreds of thousands of grass-covered acres strikingly beautiful, they are among the world's most prolific ecosystems.

Renowned UGA ecologist Eugene Odum determined over a half-century ago that tidal marshes, as measured in volume of food and fiber generated, are more productive than the most valued Midwestern farmland.

Some 70 percent of near-shore and off-shore fisheries depend, directly or indirectly, on these marsh-dominated intertidal areas for habitat and food. Updating Odum's 1974 estimate of the value of marsh productivity to current dollars reveals an astounding $15,000 (or more) an acre per year, which yields a total of at least $5 billion a year in services provided by all Georgia's marshes, about a third of those remaining on the East Coast.

In light of these realities, it is stunning that Georgia's leaders have chosen to eliminate the no-build zone that had helped protect our marshes ever since the E&S law was passed in 1978.

Worse yet, Georgia—like other coastal states—faces escalating threats from flooding, storm surge, and related weather extremes as sea level rises at an increasing rate. This means that marsh-front and shore-front areas along our coast are at ever greater risk due to well-documented climate trends, and now made more hazardous by the reckless EPD action discarding a protective buffer that helped offset such risks.

The only explanation for this policy reversal offered by EPD director Judson Turner is that there had been some confusion about administering the buffer along the marsh.

As a long-time coastal environmental advocate in Georgia and a veteran observer of the marsh-buffer program, I think Turner's rationale is a crudely contrived rationalization meant to advance an opportunistic, politically-motivated agenda.

Removal of the buffer will instantly create more developable area on Georgia's coast. For instance, a 10,000 square-foot lot with a marsh boundary of 100 feet would gain 2500 square-feet of buildable area, or an increase of about one-third, depending on local zoning set-back requirements.

Multiply this windfall of buildable land-area across hundreds of parcels along Georgia's marshes, and speculative land-deal profits quickly ensue.

Likewise, pollutants degrading the marsh will mushroom as coastal development intensity increases, while the filtering benefit of the buffer is eradicated.

It doesn't take a conspiracy theorist to connect these dots. Chalk up another crime against the public on the rap-sheet of Georgia's usual suspects who lead our notoriously corrupt state government. CS

David Kyler is Executive Director of the Center for a Sustainable Coast on St. Simons Island. Concerned citizens should sign the petition calling for the buffer-destroying EPD action to be withdrawn. Look for it online or contact 912/506-5088 for more info.

Humans are major cause of climate change

The Brunswick News, March 5, 2014

Brian Blue's letter in the Feb. 28 edition is stark evidence of the decline in standards used in discussion of important public issues.

In denying significant human causes of climate-change, he cites CERN as a source of authoritative opinion on such issues. Yet, a search of the CERN website reveals nothing on the topic. In fact CERN, though science oriented,is devoted to nuclear research.There is nothing in their mission or expertise that suggests involvement in the issue of climate change.

Many have acknowledged the influ-ence of sunspots on world climate, but none of the thousands of well-qualified climate scientists working worldwide through the Intergovernmental Panel on Climate Change suggest that sunspots are a primary factor in climate trends.

Notably, Web-posted IPCC reports explain incontrovertible evidence confirming that human activities are the major cause of rising temperatures and related harms of rapidly changing climate. Equally clear is that such impacts are accelerating in various forms: drought, flooding, wildfires, crop loss, sea-level rise, melting glaciers, species extinctions, and ocean acidification.

Policy improvements adopted to re-duce climate impacts caused by humans would have collateral benefits worth seeking in their own right.

What is the downside of reducing pollution-caused diseases, providing clean, renewable energy sources and creating far more jobs through this needed transformation than in conventional practices?

The only threat of making reforms needed to address climate change is faced by those who profit from polluting, carbon-based energy – businesses unfairly benefiting from various tax policies and other hidden costs.

David Kyler
St. Simons Island

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OPINION

SAVANNAH PORT

Channel deepening is pork-barrel politics

In "Another bend in the river," (Editorial, March 30), con spicuously absent was any me tion of the Army Corps of Eng neers finding that the $652 mi lion project would *not* increas commerce. Contrary to lock-step adherence to the politica dogma that Georgia must dee en Savannah's port, the truth is that it will continue to thriv and the state's economic pros pects will be unaltered withou the project.

In the guise of economic de velopment and competitive-ness, Georgia leaders are per-petuating the counterproduc-tive tradition of pork-barrel po itics, which results in billions of tax dollars being squandere on woefully deficient public in vestments.

And without acknowledg-ing it, they are subverting the national interest in optimizing U.S. transportation infrastruc-ture by diverting scarce funds to parochial beneficiaries in Georgia, which will contribute little to true public interest.

An objective examination of world-class deepwater ports re veals that Savannah's port, 38 miles upriver from the ocean, simply cannot compete with those ports that are on, or ad-jacent to, ocean shipping chan nels - many of which already have a low-maintenance depth greater than the 47 feet that th wasteful project will produce.

DAVID KYLER, CENTER FOR A SUSTAINABL COAST, SAINT SIMONS ISLAND

Wetland distinction needs several factors to qualify

The Brunswick News, September 5, 2014

Recent disputes over a potential solar farm site in Sterling have raised important facts about wetlands that must be clarified. Disruptive confusion has persisted related to vital distinctions between hydric soils and wetlands.

Contrary to repeated statements reported in this paper, hydric soils do not necessarily make a site unsuitable for development, nor are they alone the basis for restricting development.

Areas that are prohibited from development must also have other features — most notably saturated soils. For various reasons, many sites in this area have hydric soils but do not have either wetlands vegetation or saturated soils. Unless wetlands plants and saturated soils also exist at a given location, having hydric soils is not a reason to prohibit development.

It should be noted that not all hydric soils are the same, and some are better for development than others.

In any case, while Glynn County commonly has hydric soils, many individual properties having such soils are not wetlands, and thus they are not prohibited from development. The only way to determine if wetlands are present is to have a legitimate site survey done.

Further counterproductive conflict will be created if the issue is over-simplified by incorrectly representing hydric soils as categorically unsuitable for development.

To effectively secure responsible development in Glynn County, the county commission, the development authority and the chamber of commerce must have a better understanding of such information.

The non-profit Center for a Sustainable Coast will be glad to assist in that effort at no cost.

David Kyler
Center for a Sustainable Coast
St. Simons Island

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Rule reversal hurts Georgia's marshes

BY DAVID KYLER

University of Georgia photo

Georgia's productive tidal marshes, like this stretch along a tidal creek at Harris Neck in McIntosh County, are threatened by new state Environmental Protection Division rule.

Coastal Georgia's unique scenic quality is dominated by beautiful vistas across vast areas of tidal marsh.

These natural areas are so treasured and so vital to our way of life that they've been protected under Georgia Coastal Marshlands Protection Act since 1970. They are also very important to fisheries and migratory birds that contribute a billion dollars or more annually to the region's economy.

In 1978, our marshes gained added protection when Georgia adopted the Erosion and Sedimentation (Control) Act (E&S) that established vegetated buffers along all "waters of the state" including coastal marshes. These buffers filter out pollutants that are carried by rain from upland areas toward the marsh. At the same time buffers help retain the visual quality of the marshfront by keeping homes and other structures at least 25 feet back, while also reducing the risk of flooding when tides are driven landward by wind.

Under to an astoundingly bad ruling by state regulators, these important buffer benefits are being taken away.

On Earth Day, Georgia's Environmental Protection Division Director Judson Turner announced a radical policy change that will eliminate protective buffers along Georgia's tidal marshes. This came as a result of a dubious, convoluted reinterpretation of language in the 1978 Georgia Soil Erosion and Sedimentation (E&S) Act, used to protect waters of the state.

Although the wording in question was the technical excuse for EPD's directive, the consequences of revoking buffer protection along the marsh weren't considered.

The EPD action appears to be a political fix in the guise of far-fetched legal rationale. This decision discounts the end purpose of the E&S law, which is to safeguard Georgia's waters. The marsh cannot be protected with a buffer that is submerged, as it would be under this new EPD policy.

Georgia's highly productive tidal marshes, more than 300,000 acres, are about a third of those remaining on the U.S. east coast and they provide vital protection of upland areas during major storms.

Lost protection of marsh buffers in Georgia threatens disastrous consequences of public concern:

- Areas that were protected along the marsh edge will be built in, exposing new homes and others structures to storm damage and flooding.
- Cost of flood insurance and disaster recovery will rise accordingly.
- More pollution will degrade tidal marshes because critically important filtration benefits of vegetated buffers will be lost.
- Georgia's billion-dollar ecotourism and recreational fishing industries will suffer, as tidal spawning areas and wildlife habitat become impaired.
- Seawalls will be built along marsh edges in futile attempts to protect development in areas previously serving as buffers — causing more damage to marshes due to erosion at the base of those seawalls.

The public interest in protecting Georgia's prized tidal marshes is seriously impaired by this ruling. Reckless coastal development will surely be the end result of this disastrous policy shift and it must not go unchallenged.

I urge concerned members of the public to call, email or write EPD and state legislators to voice their opposition to this remarkably bad decision.

- Gov. Nathan Deal at (404) 656-1776.
- EPD Director Judson Turner at (404) 656-4713, jturner@gaepd.org.

David Kyler is executive director of the Center for a Sustainable Coast, located on St. Simons Island.

THE ISLANDER

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Letter to the Editor:

An article in the Dec. 2, 2013 issue of *The Islander* ("New Advocacy Group") left the misleading impression that there is no other environmental advocacy work being done on Georgia's coast.

Since 1997, Center for a Sustainable Coast has been an active environmental non-profit organization advocating protection of coastal Georgia's natural resources and quality of life. We have been staffed ever since, funded by a combination of foundation grants and private donations.

The Center's office is on Saint Simons Island and our group serves the entire Georgia coast, covering a wide range of issues. We have advocated responsible positions aimed at improving enforcement of environmental laws and adoption of policies protecting coastal fisheries, wildlife, marshes, shorelines and water resources.

Because rivers are so important to the health of coastal resources, the Center helped establish two of the four coastal Riverkeeper groups (Altamaha and Satilla). We frequently collaborate with them and the other Riverkeepers (Ogeechee and Savannah), as well as Glynn Environmental Coalition. The Initiative to Protect Jekyll Island is another effective non-profit organization with whom the Center regularly collaborates.

There is great advantage in these advocacy groups working together. All are doing good work that benefits the residents, businesses, and property-owners of coastal Georgia.

Profound challenges remain in defending Georgia's coast – healthy natural resources are vital to our quality of life and economy, yet many ongoing development decisions remain unaccountable and potentially harmful.

We welcome the assistance of the new group, 100 Miles, which can help further advance the strength of environmental collaboration that serves the interests of all coastal Georgians.

To safeguard our coast, we encourage the public to stay informed and get involved.

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Savannah Morning News.
www.savannahnow.com

ASR: Not just another "tool in the toolbox"

The Savannah Morning News, Guest Column, August 12, 2014

A recent public meeting held on the topic of Aquifer Storage and Recovery (ASR) conspicuously neglected other relevant water-management problems and opportunities. The meeting was hosted on Jekyll Island by a General Assembly Natural Resources 'study committee' chaired by Senator Ross Tolleson.

Repeatedly, both EPD staff as well as committee members referred to ASR as 'just another water management tool in the toolbox.'

Considering the risks involved in using it – including possible irreversible damage to coastal Georgia's pristine and vital drinking water supply, the Floridan aquifer – if ASR is a tool, it is akin to an unwieldy chainsaw. Such a potentially dangerous device is hardly 'just another tool' and it is misleading to describe it as such.

ASR is now being studied because a bill that would have permanently prohibited it, sponsored by coastal Senator William Ligon, Jr. of Brunswick, was tabled in the last session of the Georgia General Assembly. Prior to that, there had been a series of temporary state prohibitions against using ASR in Georgia over the past 15 years.

For a combination of reasons, not only is ASR a chainsaw among water management tools, but its proposed use reveals fundamental failures in Georgia's approach to environmental regulation and resource management. Much less expensive and risky methods for improving water management are available, yet these are not being considered by legislators or regulators.

Georgia has no water-supply problems – rather, the state has water *management* problems. The reason for management deficiencies is that practical alternatives for ensuring responsible use of public resources like water are never fully explored because they are politically dicey.

Consider some examples of safe, pragmatic, and reliable alternatives available for improving water management in Georgia that have much greater public benefit and far lower risks than ASR:

- Georgians actually use more water by burning electricity than by turning on the tap – at home and at work – because conventional forms of power generation (coal, oil and nukes) are so water-dependent, vaporizing hundreds of millions of gallons daily. Therefore, by simply improving tax incentives to reward energy-efficiency upgrades for homes and businesses, millions of gallons of water a day could be saved. And the need for more power for a growing population could be greatly reduced, cutting the costs of both brownouts and meeting future water demand.

- Implement water-cooling requirements for power plants that combine air and water to reduce water needs by hundreds of millions of gallons a day.

- Provide supporting tax credits to fast-track conversion to clean, water-free power sources such as solar and wind. By switching from water-wasting thermoelectric power-plants to water-free power sources, enormous volumes of water could be wisely diverted to other needs supporting future growth.

Until state policies account for connections between power-generation and water use, effective water management will remain elusive. And Georgia's 'toolbox' will be limited to a few risky and impractical devices such as ASR, unguided by accountable, comprehensive policy.

Responsible water management can never be achieved by limiting our options to politically convenient policies that are preferred by special interests. Prudent measures must be established that will improve water management with less cost to tax payers, lower environmental risk, and far greater reliability for water users.

David Kyler, Executive Director
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Saint Simons Island