Coastal, state politics a mix of unexpected and more of the same

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At the close of 2018, The News took a comprehensive look at the developments with the Terry Creek site. With another year passing by, Terry Creek and the pollution that remains at the Hercules outfall continues to be of a top concern, putting it in the grouping of 2019’s top five stories in statewide and coastal politics.

1. Terry Creek outfall
With community sentiment decidedly against what Hercules and the federal government wanted to do with the site at Terry Creek — administered under the Superfund program — U.S. Rep. Buddy Carter, R-1, asked Environmental Protection Agency Administrator Andrew Wheeler what his agency did to respond to that criticism.

Wheeler, in a congressional hearing, said, “I believe their concerns have been addressed, and I’ve also been told that consent decree should be finalized in the next month or so, but I’ll go back and make sure that their concerns have been addressed.”

How Wheeler defines “addressed concerns” is up for debate, however, as the EPA, the Department of Justice and Hercules spent the next several months defending their original position. On Nov. 28, U.S. District Judge Stan Baker gave the official OK for the consent decree, which mandates the least-expensive mitigation option. Ultimately, at that point Hercules and the federal government could do what they wanted, despite public displeasure with the plan. Baker said as much in his order.

“It would be improper for the court to review the EPA’s selection de novo or for the court to substitute its judgment for the judgment of the EPA on these technical decisions,” Baker wrote. “The court cannot modify the consent decree or craft a better plan.

“Further, the court’s inquiry is not whether the selected remedy is the best plan or the plan that the court itself would have selected. Rather, the court’s only decision is whether to accept or reject the consent decree. In making that decision, the law requires the court to give substantial deference to the EPA’s judgments and selected remedial action plan as well as the parties’ proposed resolution.”

2. Shore Protection Act amended
The Shore Protection Act reform measure advanced in the General Assembly during the last session was to provide better jurisdictional boundaries than were in the legislation when it first passed in the early 1970s. The idea was to preserve what needs preserving — including allowing for the natural migration of sand along the coast, which is the law’s No. 1 purpose — while narrowing the regulatory burden for coastal property owners.

Then the Sea Island spit development entered the picture. An attorney for Sea Island, former House Majority Leader Jerry Keen and staff with the state Department of Natural Resources’ Coastal Resources Division collaborated in crafting language for the bill that would exempt Sea Island from the regulations that otherwise apply to the rest of the Georgia coast.

The Sea Island carve-out stuck out in the bill as it was written, but legislators appeared OK with allowing this exemption — tailor-made for the Sea Island spit development — until press accounts emerged of how this exemption developed. The bill passed the state House of Representatives easily and awaited action in the Senate Rules Committee when, two days after The News detailed the Sea Island exemption, state Sen. William Ligon, R-White Oak, asked for and had the exemption removed from the bill.

The new SPA law went into effect May 3, providing jurisdictional boundaries at 25 feet landward of the ordinary high-water mark, the crest of a serviceable shoreline stabilization activity, or the landward toe of the most landward sand dune. The jurisdictional line is 100 feet for state-owned property. A number of environmental advocates wanted 100-150 feet as the jurisdictional boundary — they said 25 feet would not prevent significant erosion — and argued against streamlining of "minor activity" permits that could reduce transparency.

3. Offshore drilling opposition

Despite the dynamics of the current hyperpartisan era, coastal state legislators and their inland allies banded together to pass a nonbinding resolution in the state House, essentially announcing to the Trump administration that Georgia does not intend on going along with plans to open up the East Coast to offshore energy exploration.

The bill, H.R. 48, passed the House with a 125-36 vote, showing a unique unanimity among both representatives from coastal counties and counties that are adjacent to coastal counties. The no votes tended to come from those who represent districts around and west of I-75, and around and north of I-16.
State Rep. Ron Stephens, R-Savannah, while introducing the bill to the late House Rules Chairman Jay Powell, R-Camilla, said, “Mr. Chairman, H.R. 48 is the most comprehensive anti-drilling and anti-seismic-testing resolution that we’ve had to date, and we’ve got the coastal delegation — those that are here — to sign that.”

The move by the state House led to a bit of a position change from Carter, whose 1st District covers the entire coast. Following the vote, Carter sent a letter to Interior Secretary David Bernhardt asking him to remove Georgia from the 2019-2024 plan for oil and gas leasing on the Outer Continental Shelf.

Carter wrote that he continues to believe in energy independence, but, “Elected representatives of Georgia have voted, and I believe that the federal government should respect the people of Georgia to make this critical decision for themselves.”

4. Six-week abortion ban

A proposal to severely restrict the ability of women to receive abortions in Georgia wasn’t widely expected going into the session, but it gathered steam and threatened to upend the term as supporters and detractors to to the wells of their respective legislative chambers to make emotional, passionate cases as to why the bill — H.B. 481 — should or shouldn’t pass.

Ligon argued that the state bill of rights in 1861 came into being while failing to recognize the rights of enslaved people.

“Such high and lofty words, whether they appeared in our federal constitution or in our Georgia constitution meant nothing for those under the institution of slavery,” Ligon said, “until after the end of the Civil War and the passage of the 13th and 14th amendments.”

He said today that the unrecognized class is the unborn.

“Now, we have plenty of scientific evidence to guide our discussion today, and it’s not my purpose to go over scientific facts as much as it is to say that as our society gains scientific knowledge, and is more enlightened over time, the appropriate recognition of that knowledge must be reflected in our legal system,” Ligon said.

State Sen. Jen Jordan’s speech, in presenting the minority report, went viral and she became mentioned as a possible statewide candidate for Democrats in 2022. Jordan, D-Atlanta, said the law would ban abortions before a woman or girl would even know she’s pregnant.
“Cruelest of all, to demand that a victim of incest file a police report before being able to terminate a pregnancy at its earliest stages, is horrifying,” Jordan said. “Or that of a victim of rape. Each of you sits here in judgment of a situation you could never comprehend. And dictate what a woman can or cannot do with her body — with her life?”

H.B. 481 goes into effect Jan. 1.

5. Isakson retirement

U.S. Sen. Johnny Isakson’s health concerns led many to believe this term would be his last in the Senate, but instead of going the distance to 2022, Isakson announced 2019 would be his last year in elective office, creating for Gov. Brian Kemp one of the most significant moments in his gubernatorial term.

“I am a bipartisan person,” Isakson said in his farewell address. “I never saw people get things done by not agreeing with each other — you have to come to an agreement. I made a living selling houses. You can’t ever solve a problem if you’ve got two people and they won’t agree to a price and a time to move. You have to find common ground. Same thing with the law. You can’t pass a law, you can’t solve a problem — just period, end of sentence. If you’re one of the people who always says, ‘My way or the highway,’ then we’re all in real trouble.”

Kemp, in somewhat of a surprise move, appointed finance executive and co-owner of the WNBA’s Atlanta Dream, Kelly Loeffler, to succeed Isakson. The Cook Political Report rates the seat as likely Republican for the 2020 election, which is the same rating as the one given for the seat of U.S. Sen. David Perdue, who is running for reelection.

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