

7 February 2006

Commander, US Army Corps of Engineers
Savannah District
Attention: Regulatory Branch
Attention: Jason O'Kane, OP-FS
P.O. Box 889
Savannah, GA 31402-0889

RE: PGP 2 for Salvage Logging, Application No. 200501180

Dear Mr. O'Kane:

I am writing on behalf of Altamaha Riverkeeper to comment on the U.S. Army Corps of Engineers' ("Corps") proposal to issue a Programmatic General Permit ("PGP") for salvage logging within thirteen counties of Georgia, along the Altamaha and Flint Rivers. The proposal states that the decision whether to issue the PGP "will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest." It is Altamaha Riverkeeper's position that issuance of this PGP is not in the public interest, and that a PGP should therefore not be granted.

In October 1998, the Georgia Department of Natural Resources ("DNR") appointed a Submerged Timber Task Force ("STTF") to make a recommendation as to whether salvage logging should be permitted along the Altamaha and Flint Rivers (collectively, the "Rivers"). The STTF analyzed several potential effects of salvage logging on the Rivers, arriving at the conclusion that the negative impacts associated with salvage logging outweigh the potential benefits that would be garnered from this activity. Based on that conclusion, STTF recommended to the DNR that salvage logging not be approved on the Rivers.

Impacts of Salvage Logging

Physical Integrity of the Rivers

Submerged logs have become an integral part of the ecosystem of Georgia's rivers over the past 100 years. In 1994, a study reported that woody debris in a river potentially plays a central role in stabilizing the river channel. (Gordon et.al. 1994) In 1999, another study concluded that removal of woody debris accelerates bank instability. (Ray 1999). The STTF reported that submerged logs potentially maintain flow patterns of rivers, and their removal potentially could alter the Rivers' paths. (STTF 8).

Water Quality

Salvage logs trap massive amounts of silt and sediment, and their removal would lead to a release of those silts and sediments into the surrounding water. This release of sediment would detrimentally affect the water quality of the Rivers, and could potentially smother surrounding habitats. Furthermore, examination of levels of various metals in Altamaha River sediments show levels of Barium and Lead that exceed the primary and secondary drinking water standards. (Redwing 5). Lead can lead to “muscular and neurological degeneration and destruction, growth inhibition, mortality, reproductive problems and paralysis” in fish. (Redwing 4). Once salvage logs are removed, or even merely disturbed, the contaminants in the collected sediments would be released along with the sediments themselves, leading to detrimental effects on the water quality of the Rivers.

Aquatic Habitat

According to the STTF, submerged wooden substrate is the most important habitat for several invertebrates in the Rivers. (STTF 9). Several species of gamefish rely on these invertebrates as food sources, and rely on salvage logs for cover. (STTF 9). Additionally, several threatened or endangered species of mussels reside in the Rivers. In the Flint River specifically, aggregations of mussels are known to use the downstream end of salvage logs for “microhabitats.” (STTF 10). These mussels depend on the sediments trapped behind the logs, and the removal of both the logs and the sediments would detrimentally affect the mussels’ habitat, as well as the habitat for other invertebrates and fish.

Recreational Fishing

The effects to the aquatic habitat listed above that potentially would result from removal of the salvage logs in turn may affect Georgia’s recreational and commercial fishing industries. In Georgia, the economic impact of recreational fishing on the Altamaha River alone in 1996 was estimated at \$43,147,606. (STTF 11). With over a million anglers in the state, recreational fishing is not merely a trivial portion of Georgia’s economy. (STTF 11). The disturbance of the Rivers’ bottoms and banks could potentially lead to interference with gamefish species’ feeding and mating routines. This indirect interference, coupled with the direct effects caused by the physical interruption of recreational and commercial fishing associated with salvage logging, could potentially lead to a “decline in the economic value of these fisheries that would be greater than the revenues generated by [salvage] logging.” (STTF 11).

Salvage Logging is not in the Public Interest

In contrast to the numerous and diverse detrimental effects of salvage logging, the benefits of the practice are few and would accrue to a small number of private citizens. Jaxon Hice, a coastal developer who uses old-growth wood in his business, opposes salvage logging, stating that the submerged logs are “a minor resource that will serve very few people, and the rivers are a major resource that serve practically everyone.” (Stacey Shelton, *State May Permit Dive for Old Logs*, The Atlanta-Journal Constitution, March 22, 2005).

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Even when economic impacts alone were considered, the STTF recommended against approving salvage logging. Weighing the economic benefits garnered from salvage logging against the decrease in economic benefits that could result from the effects on the recreational and commercial fishing industries, the STTF concluded that salvage logging would be more economically detrimental than beneficial. (STTF 11). When considerations of the detrimental effects on the physical integrity and water quality of the Rivers, on the aquatic habitat for invertebrates, particularly endangered and threatened species of mussels, and the corresponding effects on the feeding and mating patterns of fish in the Rivers are all taken into account, there is no doubt that salvage logging is contrary to the public interest. Therefore, the Corps should not issue a PGP authorizing salvage logging on the Rivers.

An Environmental Impact Statement Should be Prepared

Prior to making any decision regarding salvage logging on the Rivers, the Corps should undertake an in depth investigation into the probable effects on the Rivers' ecosystems. This investigation should include a public hearing and preparation of an Environmental Impact Statement ("EIS"), as provided under the National Environmental Policy Act ("NEPA"). Although an Environmental Assessment will be a necessary first step in this process, Altamaha Riverkeeper urges the Corps to prepare an EIS before issuing any permits in this matter due to the likelihood that salvage logging will significantly impact the environment. § 1508.27(b) of the Council on Environmental Quality's ("CEQ") regulations requires the Corps to consider several factors regarding the intensity of an action when determining the significance of the proposed action. Specifically, § 1508.27(b)(5) and (9) are directly relevant to salvage logging on the Rivers.

Under § 1508.27(b)(5), when the "possible effects on the human environment are highly uncertain or involve unique or unknown risks," a proposed action is more likely to be significant, and an EIS should be prepared. Here, there are potentially significant detrimental effects on the physical integrity, water quality, and habitat characteristics of the Rivers, but the extent of damage that will be done by salvage logging is currently unknown. Therefore, an EIS should be prepared to determine what the specific effects of salvage logging actually will be on the Rivers' ecosystems before the Corps proceeds with granting a PGP for this activity.

Furthermore, under § 1508.27(b)(9), the fact that an "action may adversely affect an endangered or threatened species. . ." is a factor leading to the conclusion that a proposed action is significant, and that therefore an EIS should be prepared. Several endangered and threatened species are present in the Rivers, including the Shinyrayed pocketbook, the Gulf moccasinshell, the Oval pigtoe, the Fat threeridge, and the Purple bankclimber mussel in the Flint River, and the Shortnose sturgeon in the Altamaha River. The presence of these endangered and threatened species suggests that there will be many implications of salvage logging on these Rivers, and that therefore an in depth analysis of the potential effects on these species should be performed in connection with an EIS.

Finally, under § 1528.25 of the CEQ regulations, the Corps is required to consider a “no action alternative” as part of its analysis under NEPA. § 1528.25(b)(1). A no action alternative contemplates no action at this time, but rather an evaluation of individual permit applications once they are submitted. This would permit a more thorough NEPA analysis. Each permit proposal would be evaluated based on the information provided by the permit applicant, including the location of the proposed logging, and the equipment and processes the applicant planned to use to salvage the logs, leading to a more informed approval decision.

A Programmatic General Permit is Inappropriate

A PGP is inappropriate for salvage logging on the Rivers. 33 C.F.R. 322.2 authorizes the Corps to issue general permits in part when the permitted “activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts.” 33 C.F.R. 322.2(f)(1). Salvage logging in the Rivers will cause divergent effects to the surrounding ecosystem depending on the segment of the River logged, and is therefore inappropriate for a general permit. Rather, should salvage logging be approved at all, the activity is more appropriately permitted on a case-by-case basis, as contemplated by 33 C.F.R. 322.2(e), where a public interest determination would take place with the review of each permit application. This is due to the divergent environmental effects that would be associated with salvage logging at different sites along the Rivers.

A study performed by Redwing Consulting in September 2005 determined that levels of barium and lead in the Altamaha River exceeded safe drinking water standards, thereby risking contamination of the surrounding water upon removal or disturbance of the salvage logs. (Redwing 5). However, barium only exceeded the standard at one of the five testing sites, and lead exceeded the standard at three out of the five sites tested. (Redwing 5). The effects of salvage logging at these sites would vary depending on the levels of contamination in the sediments. Furthermore, of the two contemplated Rivers, only the Flint River supports many of the endangered and threatened species of mussels, and the Altamaha River alone supports the Shortnosed sturgeon. Therefore, the ramifications of salvage logging would differ significantly depending on which river, and which segment of that river, was logged. These considerations must be weighed in a public interest determination, and due to each segment’s differing environmental concerns, are better analyzed on the case-by-case basis associated with an individual permit proposal.

In addition, salvage logging will cause more than “only minimal individual and cumulative environmental impacts,” and therefore is again inappropriate for a general permit. Although the Corps is permitted to grant general permits when “[t]he general permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, state, or local agency. . .” the Corps must first determine “that the environmental consequences of the action are individually and cumulatively minimal.” 33 C.F.R. 322.2(f)(2). Salvage logging in the Rivers has the potential to significantly impact the Rivers’ ecosystems by disturbing the habitat of endangered and threatened species, upsetting the feeding and mating patterns of economically valuable gamefish, contaminating the surrounding water and changing the flow

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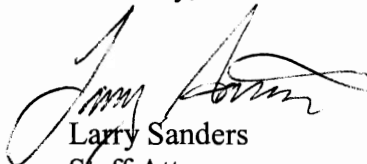
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patterns of the Rivers. These environmental consequences are not minimal, and therefore, salvage logging is inappropriate for a general permit.

In conclusion, Altamaha Riverkeeper is opposed to the approval of salvage logging on the Altamaha and Flint Rivers due to the potential detrimental effects on the physical integrity and water quality of the Rivers, and on the habitat, feeding and mating patterns of various species associated with the Rivers. Altamaha Riverkeeper requests a public hearing on this matter before any decision is made, and urges the Corps to prepare an EIS associated with this likely significant action. Finally, salvage logging is not appropriate for a PGP, but rather should be analyzed on a case-by-case basis, with the requisite public interest determination and NEPA analysis being performed as the Corps receives permit applications.

Sincerely,



Larry Sanders
Staff Attorney



Angela Durbin
Student Attorney

Enclosures: Report of the Submerged Timber Task Force
Redwing Environmental: Altamaha River Sediment Testing Study

cc: Deborah Shepard
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