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UNITED STATES

DEPARTMENT OF COMMERCE

FINAL ENVIRONMENTAL IMPACT STATEMENT

COASTAL ZONE
INFORMATION CENTER

PROPOSED

ESTUARINE SANCTUARY GRANT AWARD

FOR

DUPLIN RIVER, MCINTOSH COUNTY, GEORGIA

U.S. N.O.A.A. O.C.Z.M.

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1975

AMERICAN BICENTENNIAL 1776-1976

PREPARED BY:

Office of Coastal Zone
Management
National Oceanic and
Atmospheric Administration
U.S. Department of Commerce
Washington, D. C. 20235

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
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AMERICAN REVOLUTION BICENTENNIAL 1776-1976

Summary

( ) Draft (XX) Final Environmental Impact Statement
Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management
For additional information about this proposed action or this statement, please contact:

Edward T. LaRoe
or
Trevor Q. O'Neill
Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
Washington, D. C. 20235 Phone: 202/634-4241

1. Proposed Estuarine Sanctuary grant award, Duplin River, McIntosh County, Georgia.
   (x) Administrative ( ) Legislative

2. It is proposed that a grant be awarded to the State of Georgia to acquire, develop and operate an estuarine sanctuary in McIntosh County, Georgia pursuant to P.L. 92-583. About 6,150 acres of land and water in the Duplin River and Sapelo Island would be acquired and protected. If implemented, this proposed grant would be awarded in June, 1975.

3. The acquisition and operation of the estuarine sanctuary may restrict land and water uses and prohibit exploitation within the sanctuary boundaries. Timber harvest, controlled burning and predator control activities within the proposed sanctuary would be prohibited or strictly regulated. Removal of the property from private ownership may reduce the tax-generated revenues by about 1.5%.

4. Alternatives considered:

   A. Alternative estuarine sites within the Carolinian region as potential candidates.

   B. Alternative boundaries for the Duplin River proposal.

   C. Alternative management policies for the proposed sanctuary.

   D. Alternative methods of protection for the proposed sanctuary.

   E. Alternative courses of action for the Office of Coastal Zone Management:

1) Award grant in modified form.
2) Delay awarding the grant.
3) No action.

5. List of all Federal, state and local agencies, and other parties from which comments have been requested; responses were received from those marked with an asterisk (*).

Federal Agencies

Department of Agriculture
*Forest Service
*Soil Conservation

Department of Defense
Army Corps of Engineers

*Department of Housing and Urban Development

*Department of the Interior
Bureau of Land Management
Bureau of Outdoor Recreation
*U.S. Fish and Wildlife Service
Geological Survey
National Park Service
Office of Land Use and Water Planning

Department of Transportation
Coast Guard

Environmental Protection Agency
*Regional Administrator, Region 4

U. S. Water Resources Council

State

*Department of Community Development
Georgia Forestry Commission
*Department of Natural Resources
*Department of Human Resources
Office of Planning and Budget
Georgia Ports Authority
Board of Regents, University System of Georgia
Georgia Soil and Water Conservation Committee
Georgia State Clearinghouse
Department of Transportation
Coastal Areas Planning & Development Commission
Brunswick-Glynn County Joint Planning Commission
Chatham County-Savannah Metropolitan Planning Commission

Local

*Mayor of Darien
McIntosh County Commission

Other Parties

Florida State Clearinghouse
South Carolina State Clearinghouse
North Carolina State Clearinghouse
The Nature Conservancy
National Wildlife Federation
National Audubon Society
Sierra Club
National Resources Defense Council, Inc.
Environmental Defense Fund
Izaak Walton League of America
League of Women Voters
Environmental Policy Center
Conservation Foundation
Georgia Chapter, Sierra Club
*Coastal Georgia Audubon Society
Georgia Wildlife Federation
National Coalition for Marine Conservation
Georgia Environmental Council
*SAVE, Atlanta, Georgia

Additional written comments were received from:

Alexis, Douglas, and Young, Inc., Brunswick, Georgia
Mr. Elmer Butler, Decatur, Georgia
Mr. John Bansley, Jr., Atlanta, Georgia
Mr. Arnold Dill, Atlanta, Georgia
The Georgia Conservancy, Inc., Savannah, Georgia
Sapelo Island Research Foundation, Inc., Sapelo Island, Georgia
Ms. Helen Henry, Toccoa, Georgia
Mrs. James McIntyre, Savannah, Georgia
Georgia Ornithological Society, Atlanta, Georgia
Mrs. J. David Bansley, Atlanta, Georgia
Mrs. Patricia H. Orser, Brunswick, Georgia
Ms. Joanne S. Worthington, Jekyll Island, Georgia
Coastal Plains Regional Commission, Washington, D. C.
Mr. William Voigt, Jr., Blackshear, Georgia

6. Draft Statement transmitted to the Council on Environmental Quality on March 28, 1975, and made available to the public on April 4, 1975. Final environmental impact statement transmitted to the Council on Environmental Quality and to the Public on June 13, 1975.

   The Office of Coastal Zone Management has requested a waiver of the 30 day review period from the Council on Environmental Quality, in order that a decision may be reached on this proposal by June 27. Persons wishing to comment on the FEIS should contact the OCZM prior to June 25th.

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1. Coastal Zone Management Act of 1973 (P.L. 92-583)
2. Final Rules for Estuarine Sanctuary Grants (15 CFR 921, published June 4, 1974, Federal Register 39 (108):19922-19927
3. Comments Received by the Office of Coastal Zone Management

I. INTRODUCTION

In response to intense pressures and conflicts within the coastal zone of the United States, Congress enacted the Coastal Zone Management Act of 1972 (P.L. 92-583) (Appendix I). The Act authorized a new Federal program to be administered by the National Oceanic and Atmospheric Administration (NOAA), in the Department of Commerce, to assist and encourage states to develop and administer comprehensive management programs for the resources of the coastal zone. The Act affirms a national interest in the effective management, beneficial use, protection and development of the coastal zone, and provides three grant programs toward these ends.

Two of these grant programs assist the coastal states (defined in the Act to include the Great Lakes States and the territories of Guam, American Samoa, Puerto Rico, and the Virgin Islands, as well as the salt water coastal states) in developing (Section 305) and administering (Section 306) comprehensive coastal zone land and water use management programs. As of June 1, 1975, 29 states and 3 territories have received Section 305 grants, and the first Section 306 grants may be awarded in early Fiscal Year 1976.

A third section of the Coastal Zone Management Act establishes an estuarine sanctuary program (Section 312) to provide grants to states on a matching basis in order to acquire, develop and operate estuarine areas for use as sanctuaries in order that scientists and students may be provided the opportunity to examine over a period of time the ecological relationships within the area. Proposed rules for the implementation of the estuarine sanctuary program were published on March 7, 1974. After public review and comment, the rules were revised and published in final form on June 4, 1974 (15 CFR Part 921, Federal Register 39 (108): 19922-19927 (Appendix II)).

Sanctuaries established under this program have the dual purpose of providing selected undisturbed areas so that examples of a variety of natural coastal ecological types will always remain available for ecological research, and so that natural areas will be available for use as a control against which the impacts of man's activities in other areas can be assessed. These sanctuaries are to be used primarily for long-term scientific and educational purposes, especially to provide some of the information essential to coastal zone management decision-making.

Examples of such uses may include:

- To gain a thorough understanding of the natural ecological relationships within the estuarine environments of the United States.
- To make baseline ecological measurements.
- To serve as a natural control against which changes in other estuaries can be measured, and to facilitate evaluation of the impacts of human activities on estuarine ecosystems.
- To provide a vehicle for increasing public knowledge and awareness of the complex nature of estuarine systems, their values and benefits to man and nature, and the problems which confront them.

In order to ensure that the sanctuary program adequately represents regional and ecological differences, the guidelines for the estuarine sanctuary program establish a biogeographic classification scheme which reflects geographic, hydrographic and biologic characteristics. Eleven different biogeographic categories are established and defined in the guidelines; sub-categories of this basic system will be utilized as appropriate to distinguish major sub-classes of the system. It is anticipated that a minimum of about 18 sanctuaries will be necessary to provide adequate representation of the range of ecological systems.

By revised budget appropriation in November, 1973, $4,000,000 was provided to begin implementation of the estuarine sanctuary program. The first estuarine sanctuary grant, for $823,965, was awarded to the State of Oregon in June, 1974, to establish a sanctuary in the South Slough portion of Coos Bay. Although no new funds were appropriated for Fiscal Year 1975, the original funds remain available until expended. Carryover funds amount to about $3,175,000.

In January of 1975, the State of Georgia submitted to the Office of Coastal Zone Management, NOAA, an application for an estuarine sanctuary to be located in the Duplin River and a portion of Sapelo Island in McIntosh County, Georgia. In keeping with the spirit of the National Environmental Policy Act (NEPA) and the guidelines promulgated by the Council on Environmental Quality (CEQ) (40 CFR Chapter V, Part 1500), which require that Federal agencies assess in detail the potential environmental impact of their actions beginning at the earliest possible point and in all cases prior to agency decision, the Department of Commerce, Office of Coastal Zone Management

(OCZM) prepared a Draft Environmental Impact Statement for review and comment by all interested public, private, State and Federal individuals and agencies.

II. DESCRIPTION OF THE PROPOSED ACTION

The Georgia application requests a grant in the amount of $1,500,000 from OCZM, to be matched by an equal or greater amount from the State of Georgia, for establishment of an estuarine sanctuary surrounding the Duplin River, immediately adjacent to Sapelo Island, Georgia (Figures 1 and 2). The proposed sanctuary would include about 6,150 acres, of which about 1,400 acres are privately owned submerged or tidelands, 1,400 acres are state owned submerged or tidelands, 3,000 acres are privately owned uplands, and an undetermined amount of state owned uplands. The exact boundary between the estuarine sanctuary and the western edge of the R. J. Reynolds Wildlife Refuge (which borders the eastern edge of the proposed sanctuary) will be set through negotiations with the Georgia Department of Natural Resources (DNR), which adminsters the wildlife refuge. This boundary will be drawn to include some of the forested uplands currently within, and managed as a part of, the wildlife refuge. Existing pine plantations within the sanctuary will continue to be managed at a level consistent with protection of life and property, and ultimately harvested. After such harvest, however, these lands will be replanted in oak or other suitable climax species which would require little or no manipulative management. In addition, DNR will be allowed to manage some of the SIRF lands which are not in the Duplin River watershed, as if they were a part of the wildlife refuge. The application provides that the sanctuary lands not already owned by the state may be acquired in fee simple through negotiation with the single landowner, the Sapelo Island Research Foundation (SIRF). The SIRF has expressed interest in negotiating the sale of these lands to the State of Georgia, and it is anticipated that condemnation will not be necessary.

The purpose of the Georgia estuarine sanctuary is to ensure the permanent protection of a representative undisturbed estuarine area for use as a natural field laboratory for the long-term study of natural and human processes in estuarine ecosystems. The primary uses would be to conduct direct ecological investigations and to serve as a long-term control for the assessment of man-introduced stresses in other, similar, estuarine areas. Use of the information

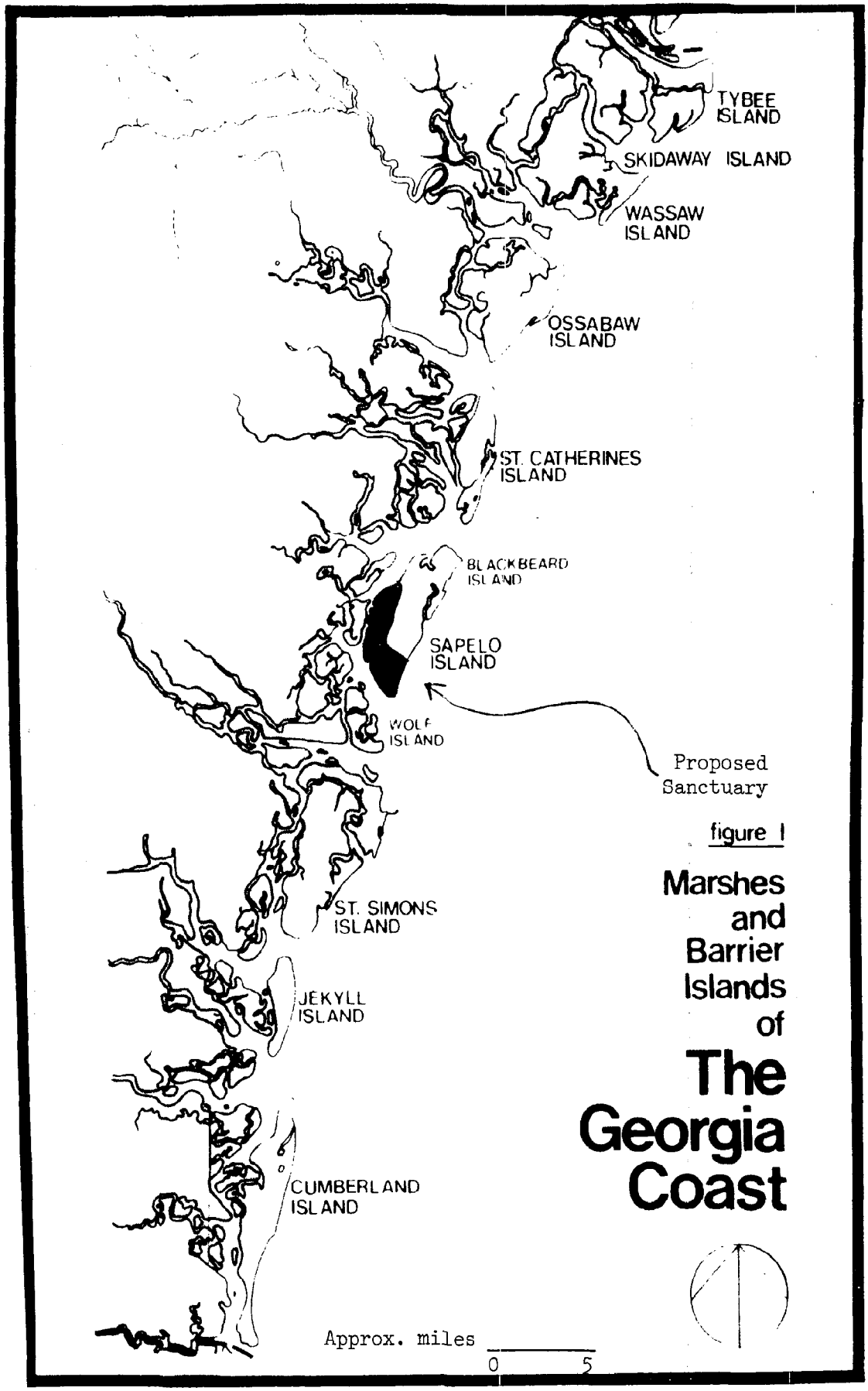


figure 1

Marshes and Barrier Islands of The Georgia Coast

AN ESTUARINE SANCTUARY ON SAPELO ISLAND, MCINTOSH COUNTY, GEORGIA

The State of Georgia is proposing that the Duplin River and the southern part of Sapelo Island be designated as a National Estuarine Sanctuary. Georgia is in competition with North Carolin' South Carolina and Florida for federal funds, available through the Department of Commerce, to purchase and operate a sanctuary along the South Atlantic Coast.

WHAT IS AN ESTUARINE SANCTUARY?

An estuarine sanctuary is a coastal area used for research and education purposes.

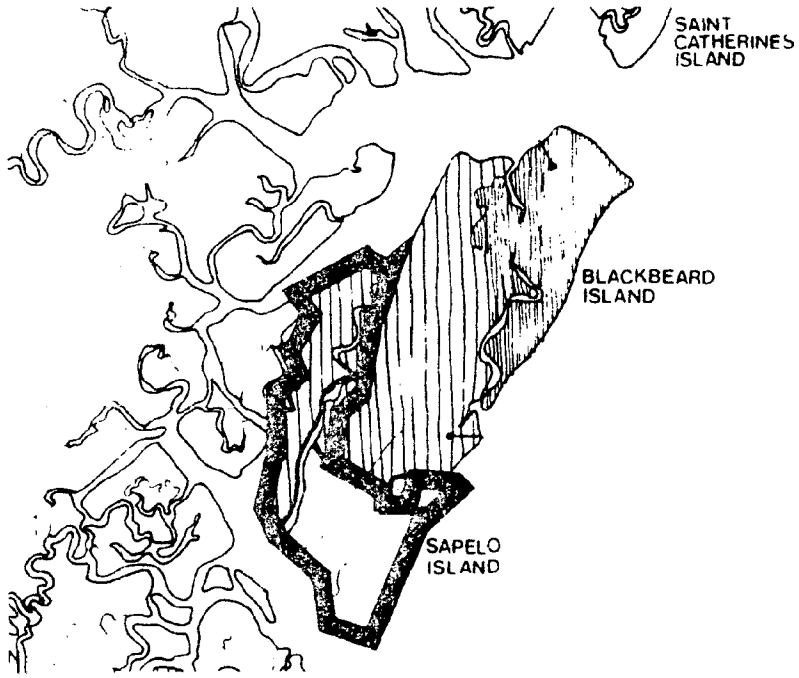
WHAT USES OF THE DUPLIN ESTUARY WILL BE PERMITTED IF AN ESTUARINE SANCTUARY IS ESTABLISHED?

All current uses of the marshes and Duplin River will still be permitted, including:

marsh hen hunting
sport fishing
pleasure boating
bait fishing
crabbing
oyster harvesting
nature study
research and education

In the R. J. Reynolds Wildlife Management Area, limited public hunting, especially for deer, will begin in 1975.

Upland, on the south end, limited recreational activities compatible with research and education may also be considered.



HOW WILL AN ESTUARINE SANCTUARY HELP THE PEOPLE OF MCINTOSH COUNTY?

Additional long range protection will be given to McIntosh's marshes and estuaries, which are vital shrimp and fish nurseries.

The University of Georgia may be able to expand its marine research facilities and operations on Sapelo Island, thus providing more employment to county residents and more money to McIntosh County businesses. (The marine research facility now employs about 30 people, has a payroll of about $367,000, and contributes 2½% of total retail sales in the county).

Although the county will lose about $8,500 in property tax revenue, it is anticipated that continued functioning and expansion of research programs on Sapelo would bring more money into the county, making up for the loss in property tax revenue.

WHAT WILL HAPPEN IF A SANCTUARY IS NOT ESTABLISHED?

Sapelo Island Research Foundation (SIRF) does not have unlimited funds. In the event that the funds being used by SIRF to support research are used up, the land could be sold and research activities stopped.

The University of Georgia is prohibited from expanding marine research facilities on Sapelo Island because the State of Georgia does not own the land.

WHAT ABOUT THE HOG HAMMOCK COMMUNITY?

This area is not included in the estuarine sanctuary.

The land will not be condemned and purchased. The proposed estuarine sanctuary will give no new powers to the Department of Natural Resources to condemn land.

The sanctuary will ensure a continued place of employment on the Island for Hog Hammock residents.

WHO SHOULD YOU CALL FOR MORE INFORMATION?

Rick Cothran, Coastal Representative
Office of Planning and Budget 912/265-3313

Mike Gleaton, Acting Planning Director
Coastal Area Planning and Development Commission 912/264-6960

Joseph B. Waters, Planning Director
Georgia Office of Planning and Budget 404/656-3861

WHAT HAPPENS NEXT?

A public hearing on the Draft Environmental Impact Statement will be held on Thursday, May 8, at 7:30, at the McIntosh County Courthouse in Darien, Georgia. The purpose of this hearing is to listen to what the citizens have to say about the sanctuary.

In about two months, another hearing will be held on the Final Environmental Impact Statement.

If the proposal is accepted for funding by the Department of Commerce, then the State of Georgia has one more year to work out problems, and make the purchase.

gathered in this proposed sanctuary in coastal zone management decision-making would be a primary objective.

The application proposes a management program for the sanctuary which is designed to maintain the area in its present essentially undisturbed state and to protect the natural functions and values of the Duplin River and the portion of Sapelo Island within the sanctuary. The management policies will protect the sanctuary from both internal and external stresses which might alter or affect the integrity of the ecosystem, and will preserve the area for long-term scientific and educational use.

Ownership of the proposed sanctuary would be vested in the Georgia Department of Natural Resources, which has the necessary constitutional and statutory authorities to hold and manage the sanctuary for these purposes. Overall management policy will be set by the Board of Natural Resources, and administered by the Game and Fish Division of the Department of Natural Resources, which also administers the state wildlife refuge on the northern portion of Sapelo Island. Research policy will be set by the Board of Regents of the University of Georgia, and administered by the University of Georgia's Marine Institute on Sapelo Island. The Georgia Office of Planning and Budget (OPB) will coordinate the estuarine sanctuary program with the state's overall CZM program and with the Office of Coastal Zone Management.

A Management Advisory Committee will be established to make available to the Board of Natural Resources and to the Department of Natural Resources the knowledge and experience of qualified and concerned scientists and private citizens. Similarly, a Research Advisory Committee will assist the Board of Regents of the University of Georgia, and as well will enable the appropriate representation of the other states in the Carolinian biogeographic region in the formulation of research policy for the proposed estuarine sanctuary. A Citizens Advisory Committee will be established to provide a forum for mutual information exchange between the managing agencies and the private citizens and affected property owners of Sapelo Island and McIntosh County.

Acquisition and designation of the area as an estuarine sanctuary would result in restrictions being placed on the use and future development of the area. As a general guideline, uses which would alter the natural environment would be prohibited. Because of the current research-oriented use of these private lands, little actual change from current use patterns is contemplated.

While not intended as a recreation area, the sanctuary will be available for use by the general public for low intensity recreation, such as fishing, so long as the level and kind of use does not detract from or otherwise alter the natural environment or the research use of the sanctuary. Current levels of recreational fishing, crabbing, and marsh hen hunting, which are low, would be permitted. Increased levels would be permitted only to the extent that they do not affect the integrity of the ecosystem. Camping would not be prohibited, but no special facilities, such as improved roads or campsites, would be constructed or provided within the sanctuary. The Duplin River, upstream, from Barn Creek, is certified by the State of Georgia as an "Approved Growing Area" for shellfish, but no leases have yet been issued for the area. In the future, oyster leases in the Duplin River may be issued under careful regulation. For example, raft and stake culture will be prohibited, as well as dredge harvesting. The use or discharge of pollutants, including pesticides, herbicides and fertilizers within the sanctuary will normally be prohibited. The hand application of such chemicals by residents on property adjacent to their residences may be permitted. With this possible exception, other uses of these chemicals will not be permitted.

All uses of the proposed sanctuary would be closely monitored on a continuing basis. Based on this monitoring, and the results of any other research and information, the potential impact on and compatibility of each use with the sanctuary objectives will be reassessed periodically. Any uses may be restricted if overuse or misuse threatens the integrity of the sanctuary. The management program will be altered as necessary to maintain the long-term health of the estuarine sanctuary.

The uses of lands, wetlands, and waters outside of the sanctuary but posing potential threats to the integrity of the sanctuary will be controlled as necessary by vigorous enforcement of existing state environmental quality laws and regulations. Specific threats may come from water pollution stemming from commercial or industrial development in the wetlands or tributary rivers of McIntosh County. Such activities are usually subject to the controls provided in the Coastal Marshlands Protection Act. However, the activities of such entities as public utilities, railroads, and highway departments are specifically exempt from the provisions of this Act.

All research within the estuarine sanctuary will be coordinated by the University of Georiga. This does not mean that the University of Georgia can prevent qualified investigators from utilizing the sanctuary, which is open, within limits, to all. However,

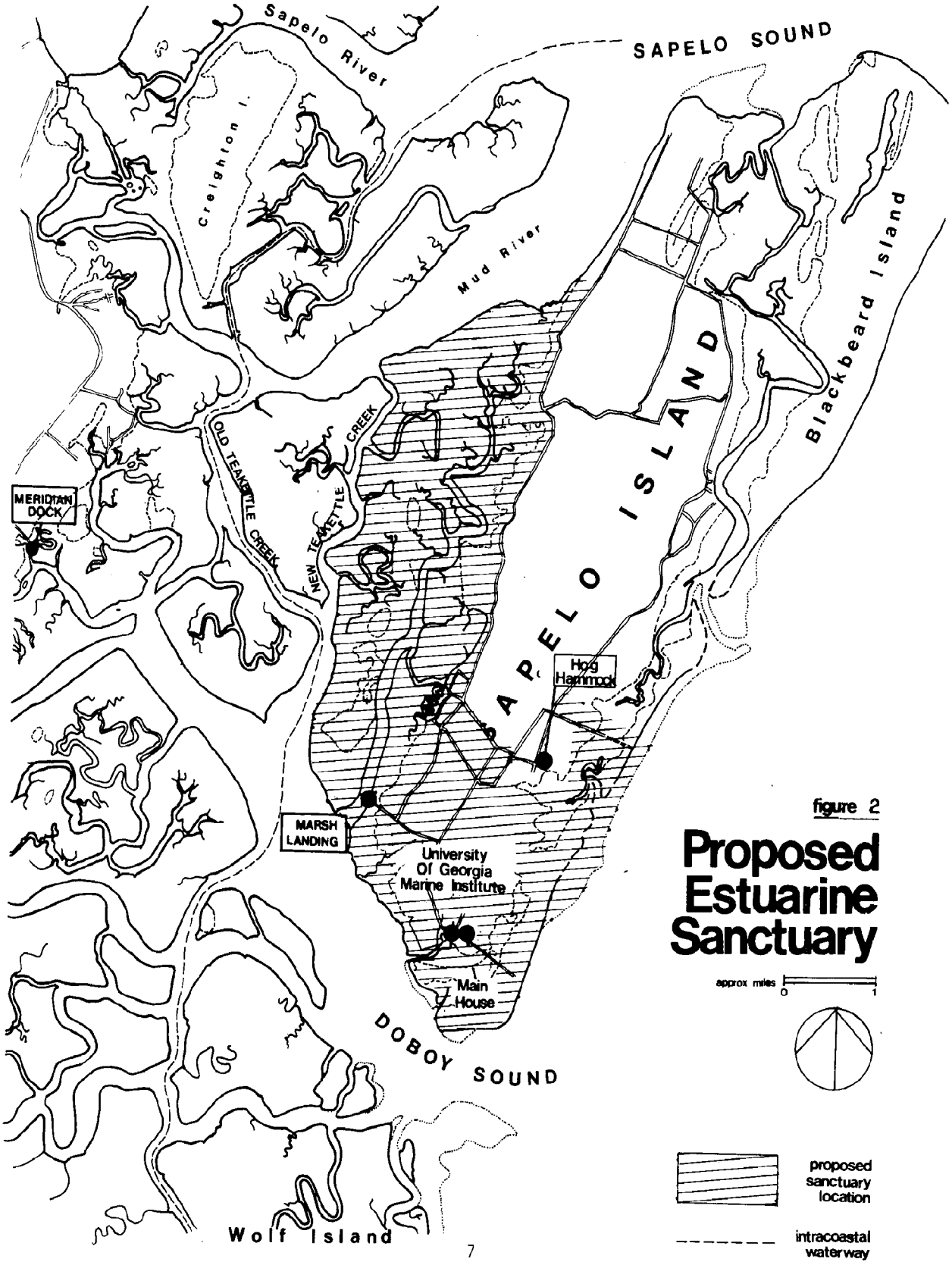


figure 2

Proposed Estuarine Sanctuary

the University of Georgia shall be responsible for ensuring that the kinds and intensities of research or education uses will not themselves degrade or destroy the integrity of the estuarine ecosystem. The University of Georgia maintains a Marine Institute on the southern end of Sapelo Island within the boundaries of the proposed sanctuary, and will probably be a major research user of the sanctuary. The Research Advisory Committee will include a representative of the Sapelo Island Research Foundation and representatives of institutions in the Carolinian biogeographic region with estuarine research interests. The State has identified the following general research areas as appropriate in the sanctuary:

1) Baseline data, including a full description of the natural biophysical characteristics of the estuarine ecosystem.

2) Systems analysis and related studies designed to permit construction of models depicting function and interaction of the components of the ecosystem.

3) Long-term monitoring or surveillance programs to measure the character and extent of natural or man-induced changes in the area.

4) Special resource and management studies designed to assess the impact of management policies and uses of the natural resources of the estuarine systems, including socio-economic impacts, and basic studies in such areas as physiology, microbiology, and biochemistry.

The University of Georgia and the Sapelo Island Research Foundation have collaborated on research projects on and around Sapelo Island for over 20 years. However, SIRF does not appear to have the resources to continue its ongoing programs indefinitely. One of the reasons it is willing to negotiate the sale of the southern end of Sapelo Island is that this would result in both permanent protection for the area as well as additional capital to support the research program. A sizeable data base already exists, which should be of significant value in accomplishing the research purposes of the estuarine sanctuaries program in this proposed sanctuary. Indeed, one pronounced benefit of the proposed sanctuary would be the protection of this existing data base.

Another factor favoring this sanctuary proposal is the low intensity land and water uses within the proposed sanctuary, and thus the low potential for conflict should the site be designated as an estuarine sanctuary. In addition, much of the land and water

adjacent to the site is already controlled for purposes generally compatible with the estuarine sanctuary program.

Through contract conditions in the grant award, the OCZM will retain ultimate responsibility for assuring the continued maintenance of the area consonant with the goals of the estuarine sanctuary program. Individuals or organizations concerned about possible improper uses or restrictions of uses of estuarine sanctuaries may petition the Georgia DNR, the Georgia OPB, or the OCZM directly for review of the management program.

III. DESCRIPTION OF THE ENVIRONMENT AFFECTED

The proposed sanctuary includes the entire Duplin River, adjacent wetlands and much of the contributing uplands. It thus comprises the main features of a natural estuarine ecological system. The Duplin River is a subsystem of the much larger Altamaha River estuarine system, and is a representative of the Carolinian class of estuaries as defined in the final Estuarine Sanctuary Guidelines.

Sapelo Island is one of the sea islands of the Georgia coast which formed as the sea retreated during Pleistocene glaciation, and is now being slowly drowned by the rising ocean. The sea islands serve as a barrier to destructive wave action. In the low energy environment between the sea islands and the mainland, marshes have been formed, fed by silt deposited from mainland rivers. The Duplin River is a component of this extensive salt marsh-estuary-tidal creek system, characterized by low wave energy, turbid water, and a tidal range of about 213 cm. (7.0 ft.). Salinity regimes are dominated by the interaction of fresh water from the Altamaha River and ocean water in Doboy Sound, and range from 5-33 ppt. While some have reported no significant sources of fresh water along the Duplin River (Ragotzkie and Bryson, 1955), Kjertve (1973) found a distinct salinity gradient, which he attributed to contributions from the relatively shallow water table on Sapelo Island.

The climate is subtropical, with winter air temperatures seldom below 0°C, and summer air temperatures seldom above 35°C. Solar radiation varies from 100-450 ly/day, with little long term cloud cover. Annual precipitation in the Georgia coastal region amounts to about 1 meter with the summer months usually receiving the most rain.

Water quality in the Duplin River is excellent, and the entire river is in "fishing classification." The portion of the Duplin River upstream from Barn Creek is certified as an "Approved Growing Area" for shellfish, though at the present time there are no oyster leases in the Duplin River.

Four major aquatic vegetation zones are found within the marshes of the proposed sanctuary: creekhead Spartina alterniflora, short Spartina alterniflora, Salicornia, and Juncus roemarianus. These can be characterized as follows:

Creekhead Spartina alterniflora: at the headwaters the creeks divide into many tiny rivulets. The plants in these areas, though taller than the short S. alterniflora, are shorter and less robust than the creekbank and levy plants, and maximum standing crops average 500 g. dry weight per m^2. As on the creek banks the substrate is soft, and it is difficult to transverse these zones.

Short Spartina alterniflora: plants in the higher elevation S. alterniflora zones are usually less than 0.5 m. in height, have a maximum standing of 300 g. dry weight per m^2, and form a dense root mat. The substrate in these areas is relatively firm because of the 30-40 cm. thick mat of roots which has developed over the softer layers beneath.

Salicornia species: these small succulent plants are associated with relatively high elevation portions of the marsh where tidal inundation is irregular and soil salinity is high. Of the three species reported on the Georgia coast (S. virginica, S. europaea, and S. bigelovii), S. virginica is a perennial and the other two annuals. Stands of these plants may be found on either light or heavy textured soils and generally have low standing crops (about 125 g. dry weight per m^2).

Juncus roemerianus (Saltmarsh Rush): This rush grows in thick stands with maximum standing crops of approximately 900 g. dry weight per m^2. A relatively large amount of dead material is associated with the living plants. Root development is extensive and the soil binding is similar to that of the short S. alterniflora zones. Stands of these plants are often associated with the lower salinity portions of the tidal estuaries or the sandier soils near the uplands.

The uplands in and around the proposed sanctuary are largely in forest cover. The dominant community is live oak, but much of the original live oak forest was cleared for agricultural and other purposes in the past. An extensive southern pine forest has been established which is maintained by controlled burning and other means. There are abundant broad-leafed evergreens, some vines, epiphytes (notably Spanish moss), and relatively few

herbaceous plants. The understory is dominated by saw and cabbage palmetto.

Teal (1962) provides the following description of the marsh community:

> A group of insects lives and feeds directly upon the living Spartina: Orchelium, eating the tissues, and Prokelisia, sucking the plant juices. These and their less important associates support the spiders, wrens, and nesting sparrows. A different group lives at the level of the mud surface and feeds on the detritus formed by bacterial decomposition of Spartina and on algae. These mud dwelling groups function mostly as primary consumers, although the detritus also contains animal remains and numbers of the bacteria that help break the Spartina into small pieces. The carnivores preying on the algae and detritus group are principally mud crabs, raccoons, and rails.
>
> The species of the detritus-algae feeding group that are important in the economy of the marsh are the fiddler crabs, oligochaetes, Littorina, and the nematodes among the deposit feeders, and Modiolus and Manayunkia among the suspension feeders. Thus, the community consists of two (2) parts, one deriving its energy directly from the living Spartina and the other deriving energy from detritus and algae.

Duplin River bottomlands consist of soft clay sediments, which are easily shifted by moving water. Consequently, the Duplin River is turbid, and light penetration is restricted. Thus, there is little primary productivity in the benthic and subtidal zones. Some clams, worms, little crabs and other invertebrates are found in the sub-tidal and benthic zones; oysters and clams abound in the intertidal.

During the warm months, the Duplin River serves as a nursery for shrimp and the juvenile forms of such species as menhaden, spot, croaker and tarpon. Blue crabs are caught commercially with pots and traps, and there is a sport fishery for sea trout and sea bass, with spot and croaker of lesser importance. Porpoises are found in the Duplin River at all times of year.

Sapelo Island was discovered by Portuguese sailors in 1520. In the middle 1700's when land was ceded by treaty to the King of

England for settlement of the Colony of Georgia, the Lower Creek Indian Nation gave Sapelo Island to England's King George II. The Island was bought and sold several times in the ensuing years, and its inhabitants included a group of Frenchmen fleeing the French Revolution.

Richard J. Reynolds acquired the Island in 1936. He practiced dairy farming and initiated timber harvesting. What is now the Sapelo Island Research Foundation was established by Mr. Reynolds in 1949, and the University of Georgia organized its research programs on Sapelo Island during the 1950's. In 1969, the State of Georgia, with assistance from the U. S. Department of the Interior, purchased 12,000 acres on the northern portion of Sapelo Island to establish what is now known as the R. J. Reynolds Wildlife Refuge.

Approximately 300 black people live in the Hog Hammock community on Sapelo Island. The residents of Hog Hammock and their ancestors have owned property, lived and worked on Sapelo Island for more than 200 years. The rich and unique cultural heritage of this community has been documented by such writers as Lydia Parrish, Carroll Hart, Alan Lomax, Bessie Lewis, Margaret Davis Cate, and the Georgia Writer's Project. The Hog Hammock community is adjacent to but outside of the boundary of the proposed sanctuary and would not be part of the lands acquired.

Commercial fishing, a major economic activity in McIntosh County, centers on estuary-dependent species. For example, shrimp and blue crab together accounted for 94.4% by weight of all fish landed in Georgia in 1973. Shad, oysters and king whiting (kingfish) are also part of the fishery, although these species comprise only a small part of the total Georgia catch. McIntosh County, in which the proposed sanctuary is located, is the leading coastal county in Georgia in terms of pounds of shrimp, crabs, and fish landed annually, and also in terms of the ex-vessel value of seafood products. In 1973, the ex-vessel value of shrimp in the county was $3,513,264, and value of crabs and fish was $565,098 and $133,662 respectively. This total sea product value ($4,212,024 in 1973) contributes significantly to the county's economy and has a distinct impact on local life styles.

The primary uses of the Duplin River involve water-oriented recreation activities, such as marsh hen hunting, sport fishing, pleasure boating and nature study. Bait fishing and crabbing also occur, as permitted by commercial fishing regulations of the Department of Natural Resources. For fisheries management purposes,the Duplin River is permanently closed to shrimping. Archeological

research is also conducted on Sapelo Island. Prehistoric aboriginal sites, Spanish Mission Period sites (16th - 17th centuries), 18th century Colonial, and 19th century plantation sites have all been located on the island. Current research is restricted to site location and limited test excavations.

Blackbeard Island National Wildlife Refuge, owned and operated by the U. S. Fish and Wildlife Service, Department of the Interior, is located to the northeast, separated from Sapelo Island by a narrow band of marshes. Wolf Island National Wildlife Refuge is located to the south of Sapelo Island on the southern side of Doboy Sound. The R. J. Reynolds Wildlife Refuge is located on the northern portion of Sapelo Island. The Altamaha State Wildfowl Area, managed by the Georgia Department of Natural Resources as a wildlife refuge, is located at the mouth of the Altamaha River. Surrounding marshlands, as are all coastal marshlands, are managed by the Georgia Department of Natural Resources.

The Intracoastal Waterway passes the southwest corner of the Duplin River south of Old Teakettle Creek. The authorized project depth for the channel is 12 feet. In 1973, commercial traffic volume on the Intracoastal Waterway between Norfolk, Va., and St. John's River, Florida, amounted to an estimated 1,400,000 tons, according to the U. S. Army Corps of Engineers.

IV. RELATIONSHIP OF THE PROPOSED ACTION TO LAND USE PLANS, POLICIES AND CONTROLS FOR THE AREA

At present, there exist no comprehensive land use programs or policies in McIntosh county as a whole. With the exception of subdivision regulations and zoning ordinances in effect in the incorporated town of Darien, no local or county controls on land and water uses within McIntosh County exist at this time.

In December 1972, the Georgia Coastal Area Planning and Development Commission (CAPDC) initiated discussions with officials in Darien, the county seat, regarding development of a comprehensive land use plan for the county. In December of 1973 a HUD 701 grant was obtained, and by July 1974 a county base map and an economic base and population study were completed. With this first step completed, McIntosh County officials have requested that the CAPDC assemble a complete land use plan for their consideration in 1976.

On the state level, the Georgia Coastal Marshlands Protection Act of 1970 established a permit system governing most alterations to coastal marshlands. The purpose of this Act is "to insure

that Georgia's coastal marshlands are used in the public interest for the benefit of all citizens of Georgia." The establishment of an estuarine sanctuary would perpetuate current uses of the Duplin River, primarily involving research and compatible recreational activities , and would also permit continued research and development of a better understanding of marsh-estuarine ecosystems, and would thus help improve the quality and effectiveness of coastal zone management programs.

The Game and Fish Division of the Georgia Department of Natural Resources administers the R. J. Reynolds Wildlife Refuge on the northern portion of Sapelo Island. In view of the important similarities and differences between the two programs, discussions have been held among OCZM, the Fish and Wildlife Service of the Department of the Interior, the Georgia Office of Planning and Budget, and the Georgia Department of Natural Resources. As a result of these discussions, OCZM believes that the two programs will be administered in a mutually compatible and supportive role.

The Hog Hammock community on Sapelo Island will not be threatened by the establishment of this estuarine sanctuary. It is currently believed that Hog Hammock activities do not adversely affect the proposed estuarine sanctuary. If the finding is made that an activity of Hog Hammock residents poses a direct and immediate threat to the integrity of the estuarine ecosystem, that activity may be placed under suitable restrictions. With this potential exception, OCZM believes that establishment of this estuarine sanctuary will be strongly beneficial for the Hog Hammock community, in that it will provide permanent protection for the natural assets of Sapelo Island which are important parts of the unique and rich cultural heritage of the Hog Hammock community, and will prevent encroachment upon or destruction of this unique community by high density development.

When Georgia's state-wide coastal zone management program is in effect, the lands and waters around the sanctuary will be designated as an Area of Particular Concern.

V. PROBABLE IMPACT OF THE PROPOSED ACTION ON THE ENVIRONMENT

The creation of this sanctuary would have a number of both beneficial and adverse impacts. The most direct environmental impact of this action would be the long-term protection of the benefits associated with the assured use of the area and its resources for scientific, educational and other compatible purposes.

By providing a base for education and research, the sanctuary would enrich our understanding of estuarine ecosystems and resourcess

This is of essential but incalculable importance to the development of a rational coastal zone management program at the local, state and regional levels. Without a sound scientific basis, and without controlled long-term monitoring, such management programs could not adequately cope with the issues and conflicts which occur in the nation's coastal zone. The proposed sanctuary, which has been carefully chosen as a representative estuary for the Carolinian region, would provide a control area to use as a basis for measuring the success of coastal land and water management efforts not only in the Duplin River, but in other Carolinian estuaries as well. Furthermore, this sanctuary would provide basic knowledge necessary for more complete understanding of estuarine biological and physical dynamics.

A benefit unique to this site is that establishing an estuarine sanctuary here will protect the data collected over more than 20 years. An excellent baseline exists which would be of sharply diminished value if this area is not protected.

In addition to the scientific benefits, the sanctuary would provide a vehicle for increasing public knowledge and awareness of the complex nature of estuarine systems and the problems which confront them. It would also contribute toward increased public understanding and acceptance of coastal zone management activities. The interest, concern, and cooperation of informed private citizens will be necessary for environmentally sound planning and management programs to be effective.

Another beneficial environmental impact would be associated with the action taken to preserve this relatively undisturbed and ecologically important area. Designation of the sanctuary would prevent damage to the natural environment and provide a refuge for stocks of fish, shellfish, birds and wildlife stressed by loss of habitat, degraded water quality and over-exploitation. Protection of the marshes and wetlands will also serve to protect and maintain water quality. Establishment of the sanctuary would also permit the long-term maintenance of the recreational uses and the aesthetic value which the area now provides, and which would be destroyed by inappropriate development of the area. Such amenities are necessary ingredients in maintaining the quality of life which we know today.

Establishment of this proposed sanctuary would also preserve habitat for the following species, officially classified by the Department of the Interior and the National Oceanic and Atmospheric Administration as endangered species:

Alligator (Alligator mississipiensis)
Brown Pelican (Pelicanus occidentalis)
Bald Eagle (Haliaeetus leucocephalus)
Peregrine Falcon (Falco peregrinus)
Red-Cockaded Woodpecker (Dendrocopos borealis)
Bachman's Warbler (Vermivora bachmanii)
Kirtland's Warbler (Dendroica kirtlandii)
Humpback Whale (Megaptera novaeangliae)
Right Whale (Eubalaena glacialis)
Florida Manatee (Trichechus manatus latirostus)
Atlantic Leatherback Sea Turtle (Dermochelys coriaces)
Ridley Sea Turtle (Lepidochelys kempi)

In addition,the following species found in or around the proposed sanctuary are considered unusual:

Greenish Rat Snake (Elaphe obselata quadrivittata)
White-Tailed Deer (Odocoileus virginianus nigribarbis)

Establishment of an estuarine sanctuary at this location would provide additional protection to the adjacent wildlife refuges (Wolf Island National Wildlife Refuge, Blackbeard Island National Wildlife Refuge, and the R. J. Reynolds State Wildlife Refuge). To the extent that the goals of the estuarine sanctuary program are compatible with the goals of these refuge programs, the assurance of permanent conservation and preservation of the area contained within the boundaries of the proposed esetuarine sanctuary would enhance the long term values and benefits of the wildlife refuges, which would be sharply diminished if the SIRF holdings were sold for development. This action would also have the favorable impact of allowing the continuation of the unique Hog Hammock community, which would be destroyed by inappropriate development on the adjacent SIRF lands.

In addition, potentially beneficial or desirable economic impacts also include: increased field research grants; funding for management of the estuarine sanctuary; increased educational use of the area; and the long-term economic impact of preserving the aesthetic and scientific values of the Duplin River and Sapelo Island. For instance, management funds from OCZM may amount to about $50,000 annually over the lifetime of the Federal Office of Coastal Zone Management.

A positive economic impact of sanctuary designation is the potential for expanded research activities and facilities. At the present time, with the future of the Marine Institute uncertain, expansion is seriously curtailed. The University is unable to

plan for projects extending beyond the twelve remaining years of its contract with the SIRF. In addition, financing for new construction is difficult to obtain because the University does not own the land. It can be anticipated that continuation or expansion of research programs on Sapelo Island would increase, or at least maintain, economic spinoff to the County, thereby offsetting the loss in property tax revenue accompanying the transfer of the land to the State.

The existing marine research facility at Sapelo Island employs about thirty people and has a total payroll of about $367,000, roughly 8.5% of the total insured employment wages earned by residents of McIntosh County. It has been estimated that the Marine Institute payroll enables the expenditure of $280,000 locally, or 2½% of the total retail sales of McIntosh County. These figures suggest the loss the County would suffer if the Marine Institute program on Sapelo Island were discontinued. The present contract between the University of Georgia and the Sapelo Island Research Foundation for the use of the Sapelo Island facilities terminates in 1987, with the likelihood that it will not be renewed unless the lands and facilities are purchased by the State of Georgia.

While existing resources, human uses and benefits of the lands and waters within the proposed sanctuary would be preserved by the establishment of the sanctuary, there may also be adverse socio-economic impacts on the local community. The potential adverse economic impacts include: loss of tax base; loss of mineral extraction potential; loss of single housing construction potential; loss of high density residential/recreation potential; loss of commercial and sport fish potential; and impacts on the Reynolds Wildlife Refuge.

Purchase of Sapelo Island property for the proposed sanctuary would result in the loss of tax revenue paid by the SIRF on its property. In 1974 this amounted to about $8,400 and could be expected to increase in the future. Currently, this amounts to about 1.5% of the property tax assessments in the County. Direct compensatory payments to the County cannot be made without an amendment to the Georgia constitution, and in any event, are not a valid Federal cost. The Department of Natural Resources is actively searching for indirect methods of providing compensation; one course of action under consideration would involve rebate of the estimated $6,000 paid to DNR annually by the County for the transportation of school children.

The potential for commercially recoverable mineral deposits has been reviewed for all potential candidate sites in Georgia. Extensive phosphate deposits have been found in the Skidaway-Wassaw-Ossabaw area, which was one reason these potential sites were rejected. However, no commercially recoverable mineral deposits have been identified within or adjacent to the proposed sanctuary.

If the southern end of Sapelo Island is sold for residential or recreational development, this would increase tax revenues, but would also increase demands for public services such as police and fire protection, etc. The net revenue increase, if any, from such development would accrue at the expense of the presently undisturbed natural system and high water quality. This would in turn adversely affect the value of this area for research, sport fishing and other activities dependent upon an undisturbed estuarine ecosystem.

It is important to point out that some of the potentially negative impacts are mutually exclusive. For example, mineral extraction and commercial shrimping could not occur at the same time, for one use would preclude the other as effectively as sanctuary designation would. For this reason, the negative impacts are not additive. In contrast, the positive impacts are compatible and not mutually exclusive, and would all accrue if the sanctuary were designated.

Fishing within the proposed sanctuary is already regulated by the Department of Natural Resources. For example, commercial shrimping is prohibited within the Duplin River. As a general rule, all activities presently permitted within the sanctuary would be allowed to continue at their present levels within the sanctuary unless and until such activities are demonstrated to be incompatible with the primary objective of the estuarine sanctuary, which is the preservation of this essentially undisturbed area for research and education purposes.

Establishment of this estuarine sanctuary will have minimal adverse impact on the adjacent R. J. Reynolds Wildlife Refuge. Extensive discussions have been held between OCZM and DOI, which provides funds for the operation of the wildlife refuge, and between OCZM and representatives of the Georgia OPB and DNR. An agreement has been reached which would result in enhanced protection for both the sanctuary and the refuge, with negligible adverse impacts on either. Some uplands along the Duplin River within the refuge-perhaps several hundred acres - which are presently managed for game and timber values will be managed in a less intense fashion, in order to be consistent with the estuarine sanctuary program

objective of maintaining an essentially undisturbed estuarine ecosystem. Conversely, some of the forested upland within the SIRF holdings, which do not adjoin the Duplin River or its marshes, and which are not currently managed, may be managed by the Game and Fish Division of the DNR for game and timber values. Any net adverse impacts upon the wildlife refuge as may result from these management alterations would be more than offset by the benefits derived from the permanent protection of the adjacent area in an essentially undisturbed state.

VI. ALTERNATIVES TO THE PROPOSED ACTION

A. Alternatives to the Site Selected

During the development of this proposal, a number of sites were examined by the State of Georgia as potential candidates. In February, 1974, the Georgia Coastal Zone Management Technical Committee, including representatives of seven state agencies, the Board of Regents of the University of Georgia system, one regional planning agency and two local planning agencies recommended that the University system, the Department of Natural Resources and the Office of Planning and Budget coordinate the research for an appropriate candidate site.

Four potential sites were identified: Skidaway-Wassaw-Ossabaw Islands and their associated estuaries; St. Catherine's Island and associated estuaries; Sapelo-Blackbeard-Wolf Islands and associated estuaries; and Cumberland Island and associated estuaries. Some of the factors considered in evaluating alternative sites were: the characteristics of the estuarine areas along the Georgia coast; historical, current and potential uses of the resources of the marine and coastal environment; coastal research and education programs; ownership and availability of potential research areas; potential sources of pollution; and the economic impacts of sanctuary designation on the neighboring community.

The Skidaway-Wassaw-Ossabaw group was rejected because of its proximity to the Savannah metropolitan area, which is undergoing substantial industrial, commercial, and residential development and expansion, and because of the extensive phosphate deposits known to underlie much of the region. St. Catherine's Island is owned by a private foundation, and is managed for preservation of its existing, largely natural, character. In addition, it serves as a research base for cooperating scientists and institutions. The only drawback to this site is that substantial capital outlays would probably be required to expand the presently limited research and education facilities on the island.

The southern end of Sapelo Island is owned by the Sapelo Island Research Foundation (SIRF), and is used under a lease agreement by the University of Georgia Marine Institute. This tract is surrounded by established State and Federal Wildlife Refuges and marshlands protected by state laws. Research and information gathering have been conducted on and around the island for several decades, and substantial research and education facilities already exist. No economically significant mineral deposits have been located within the boundaries of the proposed sanctuary.

Most of Cumberland Island is being acquired by the Interior Department for management as the Cumberland Island National Seashore. Also, the King's Bay Military Ocean Terminal is located adjacent to the island. Although King's Bay is not used intensively by the Department of the Army, the port is dredged and maintained as an emergency standby facility. These activities would conflict with establishment of an estuarine sanctuary on Cumberland Island. Tourist accommodations near the National Seashore and ferry boat service to the Island pose added potential conflicts. As with St. Catherine's Island, there are no research facilities in proximity to the estuarine area.

The Office of Coastal Zone Management also considered the possibility of a Carolinian class sanctuary in the estuaries of either Florida, South Carolina, or North Carolina. Neither Florida nor North Carolina has made application for a sanctuary at this time. A proposal for a site in North Inlet, Georgetown, South Carolina has been received, which is in considerably less advanced state than the Georgia proposal which is the subject of this Final Environmental Impact Statement. Several significant problems were identified in the South Carolina proposal. These involved boundaries, permanent protection for the site, threats to the site's integrity from external industrial and commercial activities, and budgetary considerations. In view of these facts, and because the Georgia proposal is judged to be entirely consistent with the purposes and guidelines of the estuarine sanctuaries program, the OCZM has decided to proceed with the Georgia proposal.

B. Alternative Boundaries

The proposed sanctuary comprises a large portion of a natural ecological unit. To the south, west, and north of the Duplin River, the proposed sanctuary includes adjacent waters, transitional lands and uplands to the extent that these constitute a natural estuarine ecosystem. Most discussion of alternative boundaries has involved the extent to which uplands on Sapelo Island (to the east of the Duplin River) should be included within the sanctuary.

On Sapelo Island north of the SIRF property, the watershed for the Duplin River is entirely within the R. J. Reynolds Wildlife Refuge, administered by the Game and Fish Division of the Georgia Department of Natural Resources. The original eastern sanctuary boundary proposed by the state ran along the marsh-upland border on the western side of Sapelo Island. While administration of the State's Wildlife Refuge is generally a compatible, and even complementary, use of adjacent lands, some concern developed as to whether such game and forest management practices as controlled burning, predator control and timber harvest might adversely affect the uses of the estuarine sanctuary requiring a natural ecosystem. Both boundary and management considerations are inextricably related to the discussion of alternative methods of resolving this potential problem. Therefore, both will be discussed here, although the other management alternatives will be discussed in the following section.

Uses of and activities within the drainage basin of the Duplin River system will be controlled as much by the provisions of the overall management program as by where the boundary of the proposed sanctuary is placed. Leaving aside potential threats from activities outside the sanctuary, the major inadequacy of the boundary as originally proposed (at the marsh-upland border) was that it excluded significant portions of the uplands which contribute to and are an integral component of the Duplin River estuarine ecosystem.

At least three alternative boundaries are available: acceptance of the boundary as originally proposed) i.e., along the upland edge of the marsh); shifting the boundary to the east to include all uplands in the Duplin River watershed; or an intermediate location. As mentioned above, the first alternative (setting the boundary at the upland edge of the marsh) was deemed unacceptable by the OCZM.

Extending the sanctuary boundary to incorporate the entire watershed would satisfy the need to include representative uplands in the sanctuary, but might create additional problems as well. Because there is almost no channelled or overland flow from the uplands into the Duplin River marsh system, and because Sapelo Island has very little topographic relief, it is difficult to locate the watershed crest line exactly. Furthermore, placing the entire watershed within the proposed sanctuary would remove land from the Wildlife Refuge, thereby potentially adversely affecting the purposes and goals of the program under which the Wildlife Refuge was purchased and established.

A compromise boundary will be selected which satisfies the objectives of the estuarine sanctuary program with minimal encroachment upon the wildlife refuge. After extensive discussions among OCZM, OPB, and DNR, it has been agreed that the boundary of the estuarine sanctuary north of the SIRF property will be drawn to include some of the forested uplands currently within, and managed as a part of, the wildlife refuge. This boundary will be drawn by a committee including representatives of OCZM, OPB, DNR, The University of Georgia, as well as a qualified private scientist. In order to minimize adverse impacts on the wildlife refuge, a special management program will be formulated for the pine plantations thereby incorporated in the estuarine sanctuary. This is discussed in greater detail in Section II "Description of the Proposed Action."

Another boundary alternative exists on Sapelo Island south of the Reynolds Wildlife Refuge. The proposed boundary on the southern end of Sapelo Island encompasses about 3,036 acres owned by the Sapelo Island Research Foundation. Some of this land is outside of the drainage basin of the Duplin River. Thus, a boundary could be drawn which includes only that portion of the SIRF property within the watershed of the Duplin River. However, there are several drawbacks to this alternative. First, the SIRF has indicated that it is only willing to negotiate the sale of its entire property. Presumably, acquisition of less than the entire 3,036 acres would involve lengthy and expensive condemnation proceedings. It should be pointed out that the purchase price for the SIRF holdings, in all likelihood, will be significantly lower than the fair market value of the tract. In addition, the existing SIRF facilities which are to be acquired to house the research and administration components of the proposed sanctuary are located outside of this alternative boundary. If this alternative were selected, separate provisions would need to be made for obtaining the use of research facilities.

The array of alternative management policies in the watershed of the Duplin River is similar to that for boundary selection. In order to preserve the essentially undisturbed Duplin River ecosystem, some control over potentially conflicting uses of the uplands in the watershed is required.

One alternative would be for the Game and Fish Division of the DNR, in its role as sanctuary manager, to have ultimate authority over all uses and activities within the watershed of the Duplin River. Strictly in terms of the estuarine sanctuary program, this would be the best alternative. However, this might have a potentially significant adverse impact upon the wildlife refuge programs. While successful management of an estuarine sanctuary

requires some form of control over all uses and activities which could have direct and significant impacts upon the sanctuary, this alternative appears excessive.

Another alternative would be to confine direct control over uses and activities to within the boundary as originally proposed (at the marsh-upland border), and to leave control over activities in the uplands (contained in the Wildlife Refuge) with the wildlife refuge management section of the Game and Fish Division of DNR.

A third management alternative is a compromise between these two extremes, in which the estuarine sanctuary management section of the Game and Fish Division would manage sufficient uplands (presently within and managed as a part of the refuge) to ensure a viable estuarine sanctuary. In exchange for relinquishing control over these lands, the wildlife refuge management section of the Game and Fish Division would be allowed to manage (including controlled burning) a portion of the SIRF property within the estuarine sanctuary but remote from the Duplin River and its associated marshes.

With the exception of the pine plantations within the sanctuary (described in Section II, Description of the Proposed Action) and the portion of the SIRF property described in the preceding paragraph, controlled burning, timber harvest and predator control programs would be prohibited within the sanctuary. Hunting would be permitted on the uplands transferred from the refuge to the sanctuary under similar restrictions as apply to the rest of the refuge. OCZM believes that this alternative would not compromise or unduly hamper the objectives of the refuge, and that it would in fact enhance the refuge programs.

OCZM believes that the two programs can exist adjacent to each other to their mutual benefit. However, there are critical differences between the two programs, both in purpose and in administration/management. Because the Game and Fish Division of the DNR will be administering both programs, the grant award document will carefully describe the rules and guidelines under which the estuarine sanctuary is to be adminstered. This will not take the place of the management policies to be formulated by the Board of Natural Resources, but rather will set the framework within which these policies shall be carried out.

C. Alternative Management Programs

Determination of the management policy, including the selection of compatible uses, the prohibition of conflicting uses and the selection of a conflict resolution mechanism, is another issue involving many alternatives.

The primary objective of this proposed sanctuary is to ensure permanent protection of this undisturbed area for use as a natural field laboratory for scientists and students to provide information of use to coastal zone management decision-making. Other uses which would not alter the nature of the ecosystem, and which are compatible with this primary objective, would be permitted.

Some consideration was given to prohibiting all except scientific and educational uses of the area and resources within the proposed sanctuary. However, both the State of Georgia and the OCZM have a sincere desire for multi-purpose use of the sanctuary area consistent with the primary objective. Restriction of low-intensity recreational uses appears unnecessary to comply with the guidelines and objectives of the estuarine sanctuary program. It is anticipated that low-intensity recreational uses such as boating, fishing, hunting and camping will be permitted, but that, in general, commercial forms of these activities will not.

One reviewer suggested that OCZM adopt a more active posture with respect to increasing recreational opportunities in and around the sanctuary. This might include the construction of trails and other access routes into and within the sanctuary, and more generally, the maintenance of increased recreational opportunities in and around the sanctuary.

It is true that many kinds of recreational activities could occur within the sanctuary without jeopardizing the value of the area for research purposes. The objectives of the estuarine sanctuary program, though, are narrowly constrained; under the Coastal Zone Management Act, estuarine sanctuaries are established to provide for long-term research and educational uses which require natural, essentially undisturbed estuarine areas. However, as the final guidelines indicate:

> While recognizing that it is not always possible to accommodate more than a single use in an environmentally sensitive area, it is not the intention to unnecessarily preclude the uses of sanc-

tuary areas where they are clearly compatible with and do not detract from the long-term protection of the ecosystem for scientific and educational purposes.

Both OCZM and the State of Georgia recognize that public access to and use of Georgia's barrier islands has long been a subject of controversy, and that this concern has become more intense with the recent Federal activities on Cumberland Island and Harris Neck. Therefore, OCZM and the State of Georgia have agreed that closely supervised recreational use of the ocean beach areas acquired as a part of the sanctuary, including the use of boardwalks and other access/transportation systems, will be acceptable. Because the management program will always be somewhat flexible, uses and their impacts will be evaluated on a continuing basis, and controlled, regulated or prohibited as appropriate.

Detailed consideration was given to the potential problems associated with the activities conducted on the adjacent R. J. Reynolds Wildlife Refuge, especially timber harvest and controlled burning practices.The primary objective of the Wildlife Refuge is the enhancement of wildlife values for such species as deer and turkey (the latter introduced to the island in 1969). Controlled burning and limited timber thinning and harvest are two of the methods used to achieve this overall objective. Some of the timber removed for this purpose is sold commercially.

For management purposes, the Refuge has been divided into eight compartments, of which #2, #5, #7 and #8 adjoin the Duplin River marsh. The forest is managed on an 80 year rotation basis. The pine forests on the island are too dense for maximum game habitat purposes. Thus, regulated removal of selected trees in each compartment by commercial contractors is conducted. In addition to reducing timber density, this practice enable the achievement of relatively even-aged stands of timber, which is presumed beneficial for the purposes of the wildlife refuge. The timber marked to be removed each year is dispersed throughout each compartment. In the 80 year rotation, each of the compartments will be worked once every 8 years, with about 10% of each compartment removed in the year that it is worked. Thus, about 1.2% of the 7,123 acres of forest in the Refuge will be removed in any given year.

Controlled burning of pine forest groundcover is another management activity in the Refuge. In addition to reducing or eliminating the chance of wildfires in the Refuge, controlled burning also improves the vegetative cover for game species, and increases the ability of pine seedlings to germinate and regenerate

the pine forest. Approximately 5,000 acres of pine forest in the refuge are suited for controlled burning. The controlled burning is done on a three year rotation basis, with 1,500-2,000 acres burned each year from December to March.

Some concern has developed about the potential impacts of these practices on the proposed sanctuary, especially the impact of the accelerated release of nutrients into the sanctuary from the controlled burning, and of the commercial timber removal on the natural functioning and integrity of the proposed sanctuary, including the upland components of the estuarine ecosystem.

Again, the alternatives perceived by the OCZM range from the prohibition of any forest management activities within the Duplin River watershed, to exerting no control over such activities within the present boundaries of the Refuge. The first option would probably constitute unacceptable restriction on the management of the Refuge, while the latter course might pose unacceptable threats to the integrity oftthe proposed sanctuary. As with the issues discussed earlier, a compromise solution which protects the interests of both programs has been selected.

Within the pine plantations existing within the sanctuary along the Duplin River uplands, the Game and Fish will be permitted to continue its controlled burning program at a minimal level of intensity. When these pine plantations have matured, they will be harvested and the areas replanted in oak, presently believed to be the climax community. This action will have two beneficial impacts: first, the uplands will eventually achieve a relatively undisturbed climax community; second, the replacement of pine by oak will reduce the chances of uncontrolled wildfires on the island, and eliminate the need for controlled burning programs in these areas.

D. Alternative Methods of Acquisition and Protection for the Proposed Sanctuary

FROM DUPLIN RIVER EIS

In the course of developing its application for an estuarine sanctuary, Georgia has examined a variety of possible funding sources. At one time or another, these sources have included:

a) Federal Acquisition
   i. Pittman-Roberts Fund
   ii. Dingell-Johnson Act
   iii. Land and Water Conservation Fund
   iv. Migratory Bird Conservation Act
   v. Endangered Species Act

vi. Estuarine Sanctuary Program
vii. Marine Sanctuary Program

b) State Acquisition

Georgia receives several million dollars annually from the Pittman-Roberts and Dingell-Johnson Funds, and uses these for fish and wildlife habitat acquistion, enhancement and research programs. At present, Georgia state and local authorities have identified far more areas suitable for these programs than can be assisted by Federal funding. Reflecting internal priorities, the Georgia DNR has chosen to commit these funds to such other areas; DNR has not considered the research aspects or benefits of the proposed area to be of sufficient importance to warrant acquisition. Consequently, funds are not available under these programs to assist in the acquisition of the proposed estuarine sanctuary. Similarly, funds available through the Land and Water Conservation Fund are passed through to local governments and are not available to the state to match OCZM funding. As well, the emphasis of the Land and Water Conservation Act on lands for recreational uses raises questions concerning its application here.

The objectives of the Migratory Bird Conservation Fund, which is distributed nationally for the purchase of Federal migratory bird sanctuaries, differ in purpose from the proposed sanctuary. The Endangered Species Act also differs in purpose; in addition, funding under this Act is not yet available.

In contrast, consideration of the funding status and the objectives of the Estuarine Sanctuaries Program of the Coastal Zone Management Act indicated that it would be an appropriate source for this proposal.

Consideration was also given to designating the Duplin River a marine sanctuary under Federal authority, pursuant to Title III of the Marine Protection, Research and Sanctuaries Act of 1972 (PL 92-532), rather than an estuarine sanctuary as proposed. A marine sanctuary could serve the same or broader purposes and objectives for the area and its uses, and could be effected by Federal designation with the concurrence of the Governor; essentially, it would be a Federal action, through the Department of Commerce, rather than a State action.

However, the marine santuary authority is limited to tidal waters, and does not extend landward to include adjacent uplands; nor does it include provisions for funds to acquire land. Therefore, although offering nominal protection to the estuarine water body, it would

not provide the control of land uses necessary to prevent adverse impacts on the estuarine ecosystem.

The Georgia Heritage Trust Program, administered by the Department of Natural Resources, evaluates and purchases sites throughout the State for conservation, recreation, education and research purposes. Georgia's share of the cost of this proposal will come from the Heritage Trust Program. Due to the expected cost of the proposed acquisition, it is unlikely that Heritage Trust funds alone would be sufficient to purchase the property.

E. Alternative Courses of Action for the Office of Coastal Zone Management

Because the estuarine sanctuary program is basically one of Federal response to state initiatives,the alternatives for Federal action are limited. The Office of Coastal Zone Management can accept the application as presented or after modification, awarding a grant in either case; or refuse to accept the application and decline the grant. OCZM has worked closely with the State of Georgia since it first indicated interest in the estuarine sanctuary program, and that Office's input has caused some modification of the proposal. The options remain, however, to award, delay, or refuse the grant.

Delay of the grant would permit other states within the Carolinian classification (southern North Carolina, South Carolina, and northern Florida) to develop estuarine sanctuary proposals for submission to NOAA. However, the states are not necessarily in direct competition for designation of a single sanctuary, and the award of a grant does not preclude other grants in the same region if an appropriate subcategory is identified. Delay of the grant would also permit the potential for further destruction of the estuarine area, the development of incompatible uses and conflicts where no significant ones now exist, and the inflation of land values.

Unless the application lacked merit, the outright refusal to award a grant would serve no purpose. Indeed in view of the widely acknowledged need for such a program (see, for example, the National Estuary Study, 1970 and Ketchum, 1972), such action would be contrary to the public interest. After careful consideration, OCZM determined that the proposed sanctuary is an appropriate representative of the Carolinian class of estuaries, and that the management and research policies reflect the intention of the estuarine sanctuary program.

The State of Georgia has received a CZM program development grant (Section 305) and is moving to develop its management program. The state is expecting to begin implementation of its management program within 24-36 months. Because of this, Georgia is in a position to utilize fully an estuarine sanctuary; the research and education results it may produce would contribute greatly to the timely completion of the State's task.

VII. PROBABLE ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

There are two potentially adverse environmental impacts which may not be avoidable. These are the loss of tax revenue, and restrictions on land and water uses.

Public acquisition of lands for the proposed sanctuary would remove approximately 3,036 acres of land from the county tax rolls. This land contributes about $8,400 annually, or about 1.5% of the property tax revenue of the county.

Some restrictions may also be placed on land and water uses within the sanctuary. In most instances, this will amount to continuation of existing regulations. Additional restrictions may be imposed if future uses, or current uses at increased levels of intensity, are found to pose a threat to the integrity of the sanctuary. Low intensity recreational uses such as now occur would be permitted to continue, but intensified use, such as might occur with a commercial camping ground or park, would be restricted.

VIII. RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

While designation of the proposed estuarine sanctuary would restrict local, short-term uses of the environment, it will provide long-term assurance that the natural resources and benefits of the area will be available for future use and enjoyment. Without sanctuary designation, intense short-term uses and gain, such as provided by intense recreational or residential development, might be realized. However, such uses would probably result in long-term restrictions on use and benefit because of the environmental degradation involved in such development. Without additional control, the traditional conflicts between estuarine users -- residential, commercial, industrial, and wildlife -- could be anticipated.

Over the long term, the information derived from research in the sanctuary will assist in the coastal zone management decision-making process, and will provide a basis for wise use of the estuarine resources. These results, which will apply to areas outside of the Duplin River and Sapelo Island, will help avoid conflicts and mitigate adverse impacts caused by uses of the coastal zone.

By protecting the natural system, the proposed sanctuary would contribute directly to long term maintenance of the environment. By serving as a refuge and stock for living resources, the sanctuary would directly enhance productivity. Long-term low level use could be made of the resources in the sanctuary.

IX. IRREVERSIBLE OR IRRETRIEVABLE COMMITMENTS OF RESOURCES INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED

Inasmuch as the resources within the proposed sanctuary will be protected and preserved, rather than destroyed or removed, there will be no actual irreversible or irretrievable loss or commitment of resources involved in this proposed action. However, as the intention of this action is to provide for the permanent protection of the estuary and adjacent lands, in practice a small amount of timber resources will be removed from direct commercial harvest. In addition, mineral deposits within the sanctuary, should any be discovered, would be removed from direct commercial exploitation.

X. CONSULTATION AND COORDINATION

A. Preparation of the Application

The state of Georgia held a public meeting on the proposal in Darien on Dec. 2, 1974. Major issues discussed at this meeting were: the impact of the proposal on the Hog Hammock community on Sapelo Island; the effect of a sanctuary upon the present uses of the area; the effect of the proposal on the county tax rolls; and game management concerns. At the meeting, the Mayor of Darien and the Chairman of the McIntosh County Commission agreed to help set up a citizen's advisory group to address these and other concerns.

B. Preparation of the Draft Environmental Impact Statement

During preparation of this draft environmental impact statement,

information and comments on particular issues were solicited or received from state and local agencies and individuals familiar with the area or the proposal. These included individuals from the Georgia Office of Planning and Budget, the Department of Natural Resources, the Coastal Area Planning and Development Commission, the University of Georgia, the Nature Conservancy, the Georgia Conservancy, and the U. S. Department of the Interior.

The draft document was also reviewed internally by the Department of Commerce prior to release. Pursuant to an agreement between the Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, Department of the Interior, and the Office of Coastal Zone Management, NOAA, Department of Commerce, notice of the proposed action was transmitted to the Fish and Wildlife Service prior to release of the Draft Environmental Impact Statement.

C. Coordination and Review of the Draft Environmental Impact Statement and Preparation of the Final Impact Statement

After the draft statement was prepared,copies were distributed to interested Federal, state and local governmental agencies and to the public. Information, comments and views on the draft statement as well as the proposed action were solicited from all parties.

A distribution list for the draft statement as distributed by the OCZM is provided in the summary; responses were received from those marked with an asterisk. Other persons or agencies submitting written comments are also listed in the summary. A total of 22 letters of comment were received by June 5, 1975. Copies of all written comments, and where appropriate, their disposition or response, are included as Appendix 3 of this final statement. The originals of this correspondence are on file at the Office of Coastal Zone Management.

In addition, comments and advice on the proposed action, and the adequacy of the draft Environmental Impact Statement were solicited at a public hearing held on May 8, 1975, at the McIntosh County Courthouse, Darien, Georgia. Notice of the public hearing was provided in the draft E.I.S., and was also announced through both formal and informal means. About 175 persons attended the meeting and 5 persons presented statements for the record.

Support was expressed for the proposed sanctuary, particularly in the prepared statements. However, several issues were raised which appear to be of significant local concern. These included the potential adverse impacts of this action on the Hog Hammock community; the loss of county tax revenue resulting from this

proposed action; and the impact of this action on potential access to and use of the Sapelo Island resources by the residents of McIntosh County. Recordings of the hearing are on file in the Office of Coastal Zone Management.

All of the comments received by the Office of Coastal Zone Management, including those submitted at the public hearing, have been considered in the preparation of this Final Environmental Impact Statement. The draft statement has been revised and additional information has been included. The Office of Coastal Zone Management wishes to express its sincere appreciation for the many concerned individuals and agencies who contributed information and comments.

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APPENDIX 1

PUBLIC LAW 92-583

COASTAL ZONE MANAGEMENT

ACT OF 1972

Public Law 92-583
92nd Congress, S. 3507
October 27, 1972

An Act

86 STAT. 1280

To establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203), as amended (33 U.S.C. 1101-1124), is further amended by adding at the end thereof the following new title:

Marine Resources and Engineering Development Act of 1966, amendment.

80 Stat. 998; 84 Stat. 865.

TITLE III—MANAGEMENT OF THE COASTAL ZONE

SHORT TITLE

SEC. 301. This title may be cited as the "Coastal Zone Management Act of 1972".

CONGRESSIONAL FINDINGS

SEC. 302. The Congress finds that—

(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone;

(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

(g) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate; and

(h) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

83-081 O

DECLARATION OF POLICY

SEC. 303. The Congress finds and declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such managament programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

DEFINITIONS

SEC. 304. For the purposes of this title—

(a) "Coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

(b) "Coastal waters" means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

(c) "Coastal state" means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(d) "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(e) "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set

aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

(f) "Secretary" means the Secretary of Commerce.

(g) "Management program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone.

(h) "Water use" means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of section 307(f).

(i) "Land use" means activities which are conducted in or on the shorelands within the coastal zone, subject to the requirements outlined in section 307(g).

MANAGEMENT PROGRAM DEVELOPMENT GRANTS

SEC. 305. (a) The Secretary is authorized to make annual grants to any coastal state for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

(b) Such management program shall include:

(1) an identification of the boundaries of the coastal zone subject to the management program;

(2) a definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact on the coastal waters;

(3) an inventory and designation of areas of particular concern within the coastal zone;

(4) an identification of the means by which the state proposes to exert control over the land and water uses referred to in paragraph (2) of this subsection, including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local, areawide, state, regional, and interstate agencies in the management process.

(c) The grants shall not exceed 66⅔ per centum of the costs of the program in any one year and no state shall be eligible to receive more than three annual grants pursuant to this section. Federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this section, the state must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this title. After making the initial grant to a coastal state, no subsequent grant shall be made under this section unless the Secretary finds that the state is satisfactorily developing such management program. Limitation.

(d) Upon completion of the development of the state's management program, the state shall submit such program to the Secretary for

review and approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such program by the Secretary, the state's eligibility for further grants under this section shall terminate, and the state shall be eligible for grants under section 306 of this title.

Grants, allocation.

(e) Grants under this section shall be allocated to the states based on rules and regulations promulgated by the Secretary: *Provided, however*, That no management program development grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

(f) Grants or portions thereof not obligated by a state during the fiscal year for which they were first authorized to be obligated by the state, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

(g) With the approval of the Secretary, the state may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to a regional agency, or to an interstate agency, a portion of the grant under this section, for the purpose of carrying out the provisions of this section.

80 Stat. 1262; 82 Stat. 208. 42 USC 3334.

Expiration date.

(h) The authority to make grants under this section shall expire on June 30, 1977.

ADMINISTRATIVE GRANTS

Limitation.

SEC. 306. (a) The Secretary is authorized to make annual grants to any coastal state for not more than 66⅔ per centum of the costs of administering the state's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the state's share of costs.

Allocation.

(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however*, That no annual administrative grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

Program requirements.

(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

(2) The state has:

(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration

Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

80 Stat. 1262; 82 Stat. 208. 42 USC 3334.

(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title.

(3) The state has held public hearings in the development of the management program.

(4) The management program and any changes thereto have been reviewed and approved by the Governor.

(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

(8) The management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values.

(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

(1) to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(e) Prior to granting approval, the Secretary shall also find that the program provides:

(1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone;

(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(B) Direct state land and water use planning and regulation; or

(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

(f) With the approval of the Secretary, a state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided*, That such allocation shall not relieve the state of the responsibility for ensuring that any funds so allocated are applied in furtherance of such state's approved management program.

80 Stat. 1262; 82 Stat. 208. 42 USC 3334.

Program modification.

(g) The state shall be authorized to amend the management program. The modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the program must be approved by the Secretary before additional administrative grants are made to the state under the program as amended.

Segmental development.

(h) At the discretion of the state and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs: *Provided*, That the state adequately provides for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

INTERAGENCY COORDINATION AND COOPERATION

SEC. 307. (a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

(b) The Secretary shall not approve the management program submitted by a state pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the state in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

(c)(1) Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

Certification.

(3) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such

certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security. Notification.

(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security. 42 USC 4231.

(e) Nothing in this title shall be construed—

(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

(f) Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal Government or by any state or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this title and shall be the water pollution control and air pollution control requirements applicable to such program. Ante, p. 816. 81 Stat. 485; 84 Stat. 1676. 42 USC 1857 note.

(g) When any state's coastal zone management program, submitted for approval or proposed for modification pursuant to section 306 of this title, includes requirements as to shorelands which also would be subject to any Federally supported national land use program which may be hereafter enacted, the Secretary, prior to approving such pro-

gram, shall obtain the concurrence of the Secretary of the Interior, or such other Federal official as may be designated to administer the national land use program, with respect to that portion of the coastal zone management program affecting such inland areas.

PUBLIC HEARINGS

SEC. 308. All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

REVIEW OF PERFORMANCE

SEC. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal states and of the performance of each state.

Financial assistance, termination.

(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of the proposed termination and withdrawal and given an opportunity to present evidence of adherence or justification for altering its program.

RECORDS

SEC. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

ADVISORY COMMITTEE

Coastal Zone Management Advisory Committee, establishment; membership.

SEC. 311. (a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

Compensation, travel expenses.

(b) Members of the committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding $100 per diem; and while so serving away from their

homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently. 80 Stat. 499; 83 Stat. 190.

ESTUARINE SANCTUARIES

SEC. 312. The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal state grants of up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed $2,000,000. No Federal funds received pursuant to section 305 or section 306 shall be used for the purpose of this section. Grants. Federal share.

ANNUAL REPORT

SEC. 313. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding fiscal year. The report shall include but not be restricted to (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be appropriate.

(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

RULES AND REGULATIONS

SEC. 314. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title. 80 Stat. 383.

AUTHORIZATION OF APPROPRIATIONS

SEC. 315. (a) There are authorized to be appropriated—

(1) the sum of $9,000,000 for the fiscal year ending June 30, 1973, and for each of the fiscal years 1974 through 1977 for grants under section 305, to remain available until expended;

(2) such sums, not to exceed $30,000,000, for the fiscal year ending June 30, 1974, and for each of the fiscal years 1975 through 1977, as may be necessary, for grants under section 306 to remain available until expended; and

(3) such sums, not to exceed $6,000,000 for the fiscal year ending June 30, 1974, as may be necessary, for grants under section 312, to remain available until expended.

(b) There are also authorized to be appropriated such sums, not to exceed $3,000,000, for fiscal year 1973 and for each of the four succeeding fiscal years, as may be necessary for administrative expenses incident to the administration of this title.

Approved October 27, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 92-1049 accompanying H.R. 14146 (Comm. on Merchant Marine and Fisheries) and No. 92-1544 (Comm. of Conference).

SENATE REPORT No. 92-753 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 118 (1972):

Apr. 25, considered and passed Senate.

Aug. 2, considered and passed House, amended, in lieu of H.R. 14146.

Oct. 12, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 8, No. 44:

Oct. 28, Presidential statement.

APPENDIX 2

FINAL RULES FOR ESTUARINE SANCTUARY GRANTS

(15 CFR 921, published June 4, 1974,

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TUESDAY, JUNE 4, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 108

PART IV

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

■

Estuarine Sanctuary Guidelines

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

No. 108—Pt. IV——1

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 921—ESTURAINE SANCTUARY GUIDELINES

The National Oceanic and Atmospheric Administration (NOAA) on March 7, 1974, proposed guidelines (15 CFR Part 921) pursuant to section 312 of the Coastal Zone Management Act of 1972 (Pub. L. 92-583, 86 Stat. 1280), hereinafter referred to as the "Act," for the purpose of establishing the policy and procedures for the nomination, selection and management of estuarine sanctuaries.

Written comments were to be submitted to the Office of Coastal Environment (now the Office of Coastal Zone Management), National Oceanic and Atmospheric Administration, before April 8, 1974, and consideration has been given those comments.

The Act recognizes that the coastal zone is rich in a variety of natural, commercial, recreational, industrial and esthetic resources of immediate and potential value to the present and future well-being of the nation. States are encouraged to develop and implement management programs to achieve wise use of the resources of the coastal zone, and the Act authorizes Federal grants to the States for these purposes (sections 305 and 306).

In addition, under section 312 of the Act, the Secretary of Commerce is authorized to make available to a coastal State grants of up to 50 per centum of the cost of acquisition, development and operation of estuarine sanctuaries. The guidelines contained in this part are for grants under section 312.

In general, section 312 provides that grants may be awarded to States on a matching basis to acquire, develop and operate natural areas as estuarine sanctuaries in order that scientists and students may be provided the opportunity to examine over a period of time ecological relationships within the area. The purpose of these guidelines is to establish the rules and regulations for implementation of this program.

The National Oceanic and Atmospheric Administration is publishing herewith the final regulations describing the procedures for applications to receive grants for estuarine sanctuaries under section 312 of the Act. The final regulations and criteria were revised from the proposed guidelines based on the comments received. A total of fifty (50) States, agencies, organizations and individuals submitted responses to the proposed section 312 guidelines published in the FEDERAL REGISTER on March 7, 1974. Of those responses received, eight (8) offered no comment or were wholly favorable as to the nature and content of the guidelines as originally proposed. Forty-two (42) commentators submitted suggestions concerning the proposed section 312 guidelines.

The following summary analyzes key comments received on various sections of the proposed regulations and presents the rationale for the responses made.

Section 921.2 *Definitions.* Three comments requested that the term "estuary" be defined. Although the term is defined in the Act and also in the regulations dealing with Coastal Zone Management Program Development Grants (Part 920 of this chapter) published November 29, 1973, it has been added to these regulations and broadened slightly to include marine lagoons with restricted freshwater input such as might occur along the south Texas coast.

Two other comments requested that the "primary purpose" referred to in § 921.2(b) be clearly defined. Although elaborated upon in § 921.3(a), for the purpose of clarity this change has been made.

Section 921.3 *Objectives and Implementation.* Several comments suggested that the estuarine sanctuary program objectives were too narrowly defined and specifically that they should be broadened to include the acquisition and preservation of unique or endangered estuaries for wildlife or ecological reasons. Although the Act (section 302) declares it the nation's policy to preserve, protect, develop, and where possible, to restore or enhance coastal resources, this is perceived to be achievable through State actions pursuant to sections 305 and 305. While it is recognized that the creation of an estuarine sanctuary may in fact serve to preserve or protect an area or biological community, the legislative history of section 312 clearly indicates the estuarine sanctuary program was not intended to duplicate existing broad purpose Federal preservation programs, such as might be accommodated by use of the Land and Water Conservation Fund Act. Instead, both in the Act as well as its legislative history, the objective is defined as preserving representative estuarine areas for long-term research and educational uses.

Three other comments suggested the objectives of the program should be enlarged to include the restoration of environmentally degraded areas. This, too, is perceived to be a State requirement separate from section 312. In addition, adequate authority for restoring degraded water areas now exists (for example, Pub. L. 92-500 in addition to sections 302, 305 and 306 of the Act). No significant additional benefit would appear to result from declaring an area an estuarine sanctuary for the purposes of restoration.

A few comments indicated that the examples of sanctuary use were too heavily weighted toward scientific uses to the exclusion of educational uses. Public education concerning the value and benefits of, and the nature of conflict within the coastal zone, will be essential to the success of a coastal zone management program. The section has been changed to reflect an appropriate concern for educational use.

Some commentators suggested changes in or additions to the specific examples of sanctuary uses and purposes. These examples were taken from the Senate and House Committee Reports and are considered sufficient to reflect the kinds of uses intended within an estuarine sanctuary.

Several comments were received pertaining to § 921.3(c) involving the restrictions against overemphasis of destructive or manipulative research. Ten comments indicated that the section was too weak and would not provide sufficient long-term protection for the sanctuary ecosystem. Several commentators specifically recommended deleting the words "would not normally be permitted" and inserting in their place "will not be permitted." In contrast, three respondents indicated that the potential use of estuarine sanctuaries for manipulative or destructive research was too restricted, and that these uses should be generally permitted if not encouraged.

The legislative history of section 312 clearly indicates that the intent of the estuarine sanctuary program should be to preserve representative estuarine areas so that they may provide long-term (virtually permanent) scientific and educational use. The uses perceived are compatible with what has been defined as "research natural areas." In an era of rapidly degrading estuarine environments, the estuarine sanctuary program will ensure that a representative series of natural areas will be available for scientific or educational uses dependent on that natural character, for example, for baseline studies, for use in understanding the functioning of natural ecological systems, for controls against which the impacts of development in other areas might be compared, and as interpretive centers for educational purposes. Any use, research or otherwise, which would destroy or detract from the natural system, would be inappropriate under this program.

In general, the necessity of or benefit from permitting manipulative or destructive research within an estuarine sanctuary is unclear. While there is a legitimate need for such kinds of research, ample opportunity for manipulative or destructive research to assess directly man's impact or stresses on the estuarine environment exists now without the need for creation or use of an estuarine sanctuary for this purpose. In contrast, a clear need exists for natural areas to serve as controls for manipulative research or research on altered systems.

The section on manipulative research has been changed to reflect the concern for continued maintenance of the area as a natural system. However, the modifier "normally" has been retained because, within these limits, it is not felt necessary to preclude all such uses; the occasion may rarely arise when because of a thoroughly demonstrated direct benefit, such research may be permitted.

Several comments suggested that the program should include degraded estuarine systems, rather than be limited to areas which are "relatively undisturbed by human activities." Such areas would permit research efforts designed to restore an estuarine area. As indicated

above, an ample legislative mandate to restore environmentally degraded areas already exists; the benefits to be derived from declaring such areas estuarine sanctuaries would be marginal. Indeed, it would appear that if restoration efforts cannot occur without estuarine sanctuary designation, then, given the limited resources of this program, such efforts would not be feasible.

A few commentators suggested that the phrase (§ 921.3(e)) "if sufficient permanence and control by the State can be assured, the acquisition of a sanctuary may involve less than the acquisition of a fee simple interest" be more clearly defined. Explanatory language has been added to that section.

Section 921.4 *Zoogeographic Classification*. Because the classification scheme utilized plants as well as animals, two commentators suggested that zoogeographic be changed to biogeographic. This change is reflected in the final regulations.

One comment suggested that selection of sanctuaries should depend on the pressures and threats being brought to bear upon the natural areas involved even if this meant selecting several sanctuaries from one classification and none from another.

The legislative history of section 312 clearly shows the intent to select estuarine sanctuaries on a rational basis which would reflect regional differentiation and a variety of ecosystems. The biogeographic classification system, which reflects geographic, hydrographic, and biologic differences, fulfills that intention. A scheme which would abandon that system, or another similar one, and would not fulfill the requirements of providing regional differentiation and a variety of ecosystems, would not be consistent with the intended purpose of the Act.

A few comments received suggested that the biogeographic classification scheme be enlarged by the addition of a new class reflecting an area or State of special concern or interest to the respondent. (No two commentators suggested the same area.) It is felt that adequate national representation is provided by the biogeographic scheme proposed, and that the changes offered were in most cases examples of sub-categories that might be utilized.

One comment suggested a specific change in the definition of the "Great Lakes" category. Portions of that suggestion have been incorporated into the final rules.

Two commentators requested assurance that sub-categories of the biogeographic scheme will in fact be utilized. The final language substitutes "will be developed and utilized" for "may be developed and utilized."

Section 921.5 *Multiple Use*. Several comments were received pertaining to the multiple use concept. Three commentators suggested that the multiple use directive was contrary to or absent from the Act and should be omitted. Ten respondents felt the concept should be more explicitly defined and restricted so that the primary purpose of the sanctuary would be more clearly protected. In contrast, two commentators felt that the definition might prove too restrictive and should be broadened. Several commentators suggested that examples of anticipated multiple use might be appropriate.

While recognizing that it is not always possible to accommodate more than a single use in an environmentally sensitive area, it is not the intention to unnecessarily preclude the uses of sanctuary areas where they are clearly compatible with and do not detract from the long-term protection of the ecosystem for scientific and educational purposes. The language of § 921.5 has been changed accordingly.

Section 921.6 *Relationship to Other Provisions of the Act and to Marine Sanctuaries*. Several comments were received which commended and stressed the need for close coordination between the development of State coastal zone management programs, especially and land and water use controls, and the estuarine sanctuary program.

The relationship between the two programs is emphasized: estuarine sanctuaries should provide benefit—both short-term and long-term—to coastal zone management decision-makers; and State coastal zone management programs must provide necessary protection for estuarine sanctuaries. This necessary coordination is discussed not only in the estuarine sanctuary regulations, but will also be addressed in an appropriate fashion in guidelines and rules for Coastal Zone Management Program Approval Criteria and Administrative Grants.

Three commentators discussed the need for swift action by both State and Federal governments to establish and acquire estuarine sanctuaries. The Office of Coastal Zone Management intends to pursue the program as swiftly as available manpower restraints will permit.

A few comments sought reassurance that the estuarine sanctuaries program will in fact be coordinated with the Marine Sanctuaries Program (Title III, Pub. L. 92-532). The guidelines have been changed to reflect that both programs will be administered by the same office.

SUBPART B—APPLICATION FOR GRANTS

Section 921.10 *General*. One reviewer indicated uncertainty about which State agency may submit applications for grants under section 312. Although individual States may vary in the choice of individual agencies to apply for an estuarine sanctuary, because of the necessity for coordination with the State coastal zone management program the entity within the State which is the certified contact with the Office of Coastal Zone Management, NOAA, responsible for the administration of the coastal zone management program must endorse or approve an estuarine sanctuary application.

Appropriate language has been included to ensure this coordination.

Section 921.11 *Initial Application for Acquisition, Development and Operation Grants*. Two comments requested that the source and nature of acceptable matching funds should be explicitly identified.

OMB Circular A-102 generally defines and identifies legitimate "match" for Federal grant projects. In general, reference should be made to that document. However, the section has been expanded in response to some specific and frequent questions.

Two comments stressed the need for increased availability of research funds to adequately utilize the potential of estuarine sanctuaries. While not an appropriate function of the estuarine sanctuary program, the Office of Coastal Zone Management is discussing the necessity of adequate funding with appropriate agencies.

One comment suggested that the term "legal description" of the sanctuary (§ 921.11(a)) is not appropriate for all categories of information requested. The word "legal" has been omitted.

Three reviewers indicated that the Act provides no basis for consideration of socio-economic impacts (§ 921.11(i)) and that this criterion seemed inappropriate to selecting estuarine sanctuaries. Apparently these reviewers misunderstood the intention of this requirement. The information in this section is necessary for preparation of an environmental impact statement which will be prepared pursuant to NEPA. Although required in the application, such information is not a part of the selection criteria, which are addressed in Subpart C, § 921.20.

One similar comment was received with regard to consideration of existing and potential uses and conflicts (§ 921.11(h)). This item is also discussed under selection criteria (§ 921.20(h)). It is intended that this criterion will only be considered when choosing between two or more sanctuary applications within the same biogeographic category which are of otherwise equal merit.

One comment drew attention to an apparent typographic error in § 921.11 (m) where the term "marine estuaries" seems out of context. This has been corrected.

Two commentators suggested that public hearings should be required in the development of an estuarine sanctuary application. Although such a hearing is deemed desirable by the Office of Coastal Zone Management, it would not always seem to be necessary. The language in § 920.11(1) has been changed to reflect the sincere concern for the adequate involvement of the public, which is also addressed under a new § 920.21.

One respondent suggested that a new section be added requiring the applicant to discuss alternative methods of acquisition or control of the area, including the designation of a marine sanctuary, in place of establishing an estuarine sanctuary. A new section (§ 920.11(n)) has been added for this purpose.

Section 921.12 *Subsequent Application for Development and Operation Grants*. Three commentators expressed concern that the intent of § 921.12 be more clearly expressed. Appropriate changes have been made.

One comment was made that a provision should be included to use existing Federally owned land for the purpose of the estuarine sanctuary program. A section has been added for that purpose.

Section 921.20 *Criteria for Selection.* One comment suggested that the consideration of conflict with existing or potential competing uses should not be included as a selection criterion. As discussed above, this criterion is considered appropriate.

Another reviewer suggested the addition of a new criterion, consideration of "the need to protect a particular estuary from harmful development." As discussed earlier, this criterion is not considered appropriate. Such a basis for determining selection would lead to a reactionary, random series of estuarine sanctuaries, rather than the rationally chosen representative series mandated in the legislative history.

Two reviewers commented that the limitation on the Federal share ($2,000,000 for each sanctuary) was too low and would severely restrict the usefulness of the program. However, this limitation is provided by the Act.

Another commentator suggested that § 921.20(g) was unnecessarily restrictive in that it might prevent selecting an estuarine sanctuary in an area adjacent to existing preserved lands where the conjunction might be mutually beneficial. The language of § 921.20(g) does not preclude such action, but has been changed to specifically permit this possibility.

Two commentators inquired whether the reference to a "draft" environmental impact statement (§ 921.20, last paragraph) indicated an intention to avoid further compliance with NEPA. It is the firm intention of the Office of Coastal Zone Management to fully comply in all respects with NEPA. The word "draft" has been struck.

Three reviewers addressed the problems of providing adequate public participation in the review and selection process. In addition to the change in § 920.11(1), a new section has been added to address this issue.

SUBPART D—OPERATION

Section 921.30 *General.* One commentator suggested that during contract negotiations, there should be a meeting between the applicant agency and proposed sanctuary management team, and representatives of the Office of Coastal Zone Management. The general provisions have been broadened to provide for this suggestion.

Two comments were submitted which urged that some discretion be exercised in the use and access to the sanctuary by scientists and students. Two other comments were received which requested specific protection for use by the general public. The guidelines have been changed to include these suggestions.

One comment was received suggesting language to clarify § 921.30(g). This was incorporated into the guidelines.

Two commentators expressed concern for enforcement capabilities and activities to ensure protection of the estuarine sanctuaries. A new section has been added which addresses this issue.

Finally, one suggestion was received that a vehicle for change in the management policy or research programs should be provided. A new section has been added for that purpose.

Accordingly, having considered the comments received and other relevant information, the Secretary concludes by adopting the final regulations describing the procedure for applications to receive estuarine sanctuary grants under section 312 of the Act, as modified and set forth below.

Effective date: June 3, 1974.

Dated: May 31, 1974.

ROBERT M. WHITE,
Administrator.

Subpart A—General

Sec.
921.1 Policy and objectives.
921.2 Definitions.
921.3 Objectives and implementation of the program.
921.4 Biogeographic classification.
921.5 Multiple use.
921.6 Relationship to other provisions of the Act and to marine sanctuaries.

Subpart B—Application for Grants

921.10 General.
921.11 Application for initial acquisition, development and operation grants.
921.12 Application for subsequent development and operation grants.
921.13 Federally owned lands.

Subpart C—Selection Criteria

921.20 Criteria for selection.
921.21 Public participation.

Subpart D—Operation

921.30 General.
921.31 Changes in the sanctuary boundary, management policy or research program.
921.32 Program review.

AUTHORITY: Sec. 312 of the Coastal Zone Management Act of 1972 (Pub. L. 92-583, 86 Stat. 1280).

Subpart A—General

§ 921.1 Policy and Objectives.

The estuarine sanctuaries program will provide grants to States on a matching basis to acquire, develop and operate natural areas as estuarine sanctuaries in order that scientists and students may be provided the opportunity to examine over a period of time the ecological relationships within the area. The purpose of these guidelines is to establish the rules and regulations for implementation of the program.

§ 921.2 Definitions.

(a) In addition to the definitions found in the Act and in the regulations dealing with Coastal Zone Management Program Development Grants published November 29, 1973 (Part 920 of this chapter) the term "estuarine sanctuary" as defined in the Act, means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

(b) For the purposes of this section, "estuary" means that part of a river or stream or other body of water having unimpared connection with the open sea where the seawater is measurably diluted with freshwater derived from land drainage. The term includes estuary-type areas of the Great Lakes as well as lagoons in more arid coastal regions.

(c) The term "multiple use" as used in this section shall mean the simultaneous utilization of an area or resource for a variety of compatible purposes or to provide more than one benefit. The term implies the long-term, continued uses of such resources in such a fashion that other uses will not interfere with, diminish or prevent the primary purpose, which is the long-term protection of the area for scientific and educational use.

§ 921.3 Objectives and implementation of the program.

(a) General. The purpose of the estuarine sanctuaries program is to create natural field laboratories in which to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. This shall be accomplished by the establishment of a series of estuarine sanctuaries which will be designated so that at least one representative of each type of estuarine ecosystem will endure into the future for scientific and educational purposes. The primary use of estuarine sanctuaries shall be for research and educational purposes, especially to provide some of the information essential to coastal zone management decision-making. Specific examples of such purposes and uses include but are not limited to:

(1) To gain a thorough understanding of the ecological relationships within the estuarine environment.

(2) To make baseline ecological measurements.

(3) To monitor significant or vital changes in the estuarine environment.

(4) To assess the effects of man's stresses on the ecosystem and to forecast and mitigate possible deterioration from human activities.

(5) To provide a vehicle for increasing public knowledge and awareness of the complex nature of estuarine systems, their values and benefits to man and nature, and the problems which confront them.

(b) The emphasis within the program will be on the designation as estuarine sanctuaries of areas which will serve as natural field laboratories for studies and investigations over an extended period. The area chosen as an estuarine sanctuary shall, to the extent feasible, include water and land masses constituting a natural ecological unit.

(c) In order that the estuarine sanctuary will be available for future studies, research involving the destruction of any portion of an estuarine sanctuary which would permanently alter the nature of the ecosystem shall not normally be

permitted. In the unusual circumstances where permitted, manipulative field research shall be carefully controlled. No experiment which involves manipulative research shall be initiated until the termination date is specified and evidence given that the environment will be returned to its condition which existed prior to the experiment.

(d) It is anticipated that most of the areas selected as sanctuaries will be relatively undisturbed by human activities at the time of acquisition. Therefore, most of the areas selected will be areas with a minimum of development, industry or habitation.

(e) If sufficient permanence and control by the State can be assured, the acquisition of a sanctuary may involve less than the acquisition of a fee simple interest. Such interest may be, for example, the acquisition of a conservation easement, "development rights", or other partial interest sufficient to assure the protection of the natural system. Leasing, which would not assure permanent protection of the system, would not be an acceptable alternative.

§ 921.4 Biogeographic classification.

(a) It is intended that estuarine sanctuaries should not be chosen at random, but should reflect regional differentiation and a variety of ecosystems so as to cover all significant variations. To ensure adequate representation of all estuarine types reflecting regional differentiation and a variety of ecosystems, selections will be made by the Secretary from the following biogeographic classifications:

1. *Arcadian*. Northeast Atlantic coast south to Cape Cod, glaciated shoreline subject to winter icing; well developed algal flora; boreal biota.

2. *Virginian*. Middle Atlantic coast from Cape Cod to Cape Hatteras; lowland streams, coastal marshes and muddy bottoms; characteristics transitional between 1 and 3; biota primarily temperate with some boreal representatives.

3. *Carolinian*. South Atlantic coast, from Cape Hatteras to Cape Kennedy; extensive marshes and swamps; waters turbid and productive; biota temperate with seasonal tropical elements.

4. *West Indian*. South Florida coast from Cape Kennedy to Cedar Key; and Caribbean Islands; shoreland low-lying limestone; calcareous sands, marls and coral reefs; coastal marshes and mangroves; tropical biota.

5. *Louisianian*. Northern Gulf of Mexico, from Cedar Key to Mexico; characteristics of 3, with components of 4; strongly influenced by terrigenous factors; biota primarily temperate.

6. *Californian*. South Pacific coast from Mexico to Cape Mendocino; shoreland influenced by coastal mountains; rocky coasts with reduced fresh-water runoff; general absence of marshes and swamps; biota temperate.

7. *Columbian*. North Pacific coast from Cape Mendocino to Canada; mountainous shoreland; rocky coasts; extensive algal communities; biota primarily temperate with some boreal.

8. *Fiords*. South coast Alaska and Aleutians; precipitous mountains; deep estuaries, some with glaciers; shoreline heavily indented and subject to winter icing; biota boreal to sub-Arctic.

9. *Subarctic*. West and north coasts of Alaska; ice stressed coasts; biota Arctic and sub-Arctic.

10. *Insular*. Larger islands, sometimes with precipitous mountains; considerable wave action; frequently with endemic species; larger island groups primarily with tropical biota.

11. *Great Lakes*. Great Lakes of North America; bluff-dune or rocky, glaciated shoreline; limited wetlands; freshwater only; biota a mixture of boreal and temperate species with anadromous species and some marine invaders.

(b) Various sub-categories will be developed and utilized as appropriate.

§ 921.5 Multiple use.

(a) While the primary purpose of estuarine sanctuaries is to provide long-term protection for natural areas so that they may be used for scientific and educational purposes, multiple use of estuarine sanctuaries will be encouraged to the extent that such use is compatible with this primary sanctuary purpose. The capacity of a given sanctuary to accommodate additional uses, and the kinds and intensity of such use, will be determined on a case by case basis. While it is anticipated that compatible uses may generally include activities such as low intensity recreation, fishing, hunting, and wildlife observation, it is recognized that the exclusive use of an area for scientific or educational purposes may provide the optimum benefit to coastal zone management and resource use and may on occasion be necessary.

(b) There shall be no effort to balance or optimize uses of an estuarine sanctuary on economic or other bases. All additional uses of the sanctuary are clearly secondary to the primary purpose and uses, which are long-term maintenance of the ecosystem for scientific and educational uses. Non-compatible uses, including those uses which would cause significant short or long-term ecological change or would otherwise detract from or restrict the use of the sanctuary as a natural field laboratory, will be prohibited.

§ 921.6 Relationship to other provisions of the act and to marine sanctuaries.

(a) The estuarine sanctuary program must interact with the overall coastal zone management program in two ways: (1) the intended research use of the sanctuary should provide relevant data and conclusions of assistance to coastal zone management decision-making, and (2) when developed, the State's coastal zone management program must recognize and be designed to protect the estuarine sanctuary; appropriate land and water use regulations and planning considerations must apply to adjacent lands. Although estuarine sanctuaries should be incorporated into the State coastal zone management program, their designation need not await the development and approval of the management program where operation of the estuarine sanctuary would aid in the development of a program.

(b) The estuarine sanctuaries program will be conducted in close cooperation with the marine sanctuaries program (Title III of the Marine Protection, Research Act of 1972, Pub. L. 92-532, which is also administered by the Office of Coastal Zone Management, NOAA), which recognizes that certain areas of the ocean waters, as far seaward as the outer edge of the Continental Shelf, or other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters, need to be preserved or restored for their conservation, recreational, ecologic or esthetic values. It is anticipated that the Secretary on occasion may establish marine sanctuaries to complement the designation by States of estuarine sanctuaries, where this may be mutually beneficial.

Subpart B—Application for Grants

§ 921.10 General.

Section 312 authorizes Federal grants to coastal States so that the States may establish sanctuaries according to regulations promulgated by the Secretary. Coastal States may file applications for grants with the Director, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland 20852. That agency which has been certified to the Office of Coastal Zone Management as the entity responsible for administration of the State coastal zone management program may either submit an application directly, or must endorse and approve applications submitted by other agencies within the State.

§ 921.11 Application for initial acquisition, development and operation grants.

(a) Grants may be awarded on a matching basis to cover the costs of acquisition, development and operation of estuarine sanctuaries. States may use donations of land or money to satisfy all or part of the matching cost requirements.

(b) In general, lands acquired pursuant to this section, including State owned lands but not State owned submerged lands or bay bottoms, that occur within the proposed sanctuary boundary are legitimate costs and their fair market value may be included as match. However, the value of lands donated to or by the State for inclusion in the sanctuary may only be used to match other costs of land acquisition. In the event that lands already exist in a protected status, their value cannot be used as match for sanctuary development and operation grants, which will require their own matching funds.

(c) Development and operation costs may include the administrative expenses necessary to monitor the sanctuary, to ensure its continued viability and to protect the integrity of the ecosystem. Research will not normally be funded by Section 312 grants. It is anticipated that other sources of Federal, State and

private funds will be available for research in estuarine sanctuaries.

(d) Initial applications should contain the following information:

(1) Description of the proposed sanctuary include location, boundaries, size and cost of acquisition, operation and development. A map should be included, as well as an aerial photograph, if available.

(2) Classification of the proposed sanctuary according to the biogeographic scheme set forth in § 921.4.

(3) Description of the major physical, geographic and biological characteristics and resources of the proposed sanctuary.

(4) Identification of ownership patterns; proportion of land already in the public domain.

(5) Description of intended research uses, potential research organizations or agencies and benefits to the overall coastal zone management program.

(6) Demonstration of necessary authority to acquire or control and manage the sanctuary.

(7) Description of proposed management techniques, including the management agency, principles and proposed budget including both State and Federal shares.

(8) Description of existing and potential uses of and conflicts within the area if it were not declared an estuarine sanctuary; potential use, use restrictions and conflicts if the sanctuary is established.

(i) Assessment of the environmental and socio-economic impacts of declaring the area an estuarine sanctuary, including the economic impact of such a designation on the surrounding community and its tax base.

(9) Description of planned or anticipated land and water use and controls for contiguous lands surrounding the proposed sanctuary (including if appropriate an analysis of the desirability of creating a marine sanctuary in adjacent areas).

(10) List of protected sites, either within the estuarine sanctuaries program or within other Federal, State or private programs, which are located in the same regional or biogeographic classification.

(i) It is essential that the opportunity be provided for public involvement and input in the development of the sanctuary proposal and application. Where the application is controversial or where controversial issues are addressed, the State should provide adequate means to ensure that all interested parties have the opportunity to present their views. This may be in the form of an adequately advertised public hearing.

(ii) During the development of an estuarine sanctuary application, all landowners within the proposed boundaries should be informed in writing of the proposed grant application.

(iii) The application should indicate the manner in which the State solicited the views of all interested parties prior to the actual submission of the application.

(e) In order to develop a truly representative scheme of estuarine sanctuaries, the States should attempt to coordinate their activities. This will help to minimize the possibility of similar estuarine types being proposed for designation in the same region. The application should indicate the extent to which neighboring States were consulted.

(f) Discussion, including cost and feasibility, of alternative methods for acquisition, control and protection of the area to provide similar uses. Use of the Marine Sanctuary authority and funds from the Land and Water Conservation Fund Act should be specifically addressed.

§ 921.12 Application for subsequent development and operation grants.

(a) Although the initial grant application for creation of an estuarine sanctuary should include initial development and operation costs, subsequent applications may be submitted following acquisition and establishment of an estuarine sanctuary for additional development and operation funds. As indicated in § 921.11, these costs may include administrative costs necessary to monitor the sanctuary and to protect the integrity of the ecosystem. Extensive management programs, capital expenses, or research will not normally be funded by section 312 grants.

(b) After the creation of an estuarine sanctuary established under this program, applications for such development and operation grants should include at least the following information:

(1) Identification of the boundary.

(2) Specifications of the management program, including managing agency and techniques.

(3) Detailed budget.

(4) Discussion of recent and projected use of the sanctuary.

(5) Perceived threats to the integrity of the sanctuary.

§ 921.13 Federally owned lands.

(a) Where Federally owned lands are a part of or adjacent to the area proposed for designation as an estuarine sanctuary, or where the control of land and water uses on such lands is necessary to protect the natural system within the sanctuary, the State should contact the Federal agency maintaining control of the land to request cooperation in providing coordinated management policies. Such lands and State request, and the Federal agency response, should be identified and conveyed to the Office of Coastal Zone Management.

(b) Where such proposed use or control of Federally owned lands would not conflict with the Federal use of their lands, such cooperation and coordination is encouraged to the maximum extent feasible.

(c) Section 312 grants may not be awarded to Federal agencies for creation of estuarine sanctuaries in Federally owned lands; however, a similar status may be provided on a voluntary basis for Federally owned lands under the provisions of the Federal Committee on Ecological Preserves program.

Subpart C—Selection Criteria

§ 921.20 Criteria for selection.

Applications for grants to establish estuarine sanctuaries will be reviewed and judged on criteria including:

(a) Benefit to the coastal zone management program. Applications should demonstrate the benefit of the proposal to the development or operations of the overall coastal zone management program, including how well the proposal fits into the national program of representative estuarine types; the national or regional benefits; and the usefulness in research.

(b) The ecological characteristics of the ecosystem, including its biological productivity, diversity and representativeness. Extent of alteration of the natural system, its ability to remain a viable and healthy system in view of the present and possible development of external stresses.

(c) Size and choice of boundaries. To the extent feasible, estuarine sanctuaries should approximate a natural ecological unit. The minimal acceptable size will vary greatly and will depend on the nature of the ecosystem.

(d) Cost. Although the Act limits the Federal share of the cost for each sanctuary to $2,000,000, it is anticipated that in practice the average grant will be substantially less than this.

(e) Enhancement of non-competitive uses.

(f) Proximity and access to existing research facilities.

(g) Availability of suitable alternative sites already protected which might be capable of providing the same use or benefit. Unnecessary duplication of existing activities under other programs should be avoided. However, estuarine sanctuaries might be established adjacent to existing preserved lands where mutual enhancement or benefit of each might occur.

(h) Conflict with existing or potential competing uses.

(i) Compatibility with existing or proposed land and water use in contiguous areas.

If the initial review demonstrates the feasibility of the application, an environmental impact statement will be prepared by the Office of Coastal Zone Management in accordance with the National Environmental Policy Act of 1969 and implementing CEQ guidelines.

§ 921.21 Public participation.

Public participation will be an essential factor in the selection of estuarine sanctuaries. In addition to the participation during the application development process (§ 921.11(e)), public participation will be ensured at the Federal level by the NEPA process and by public hearings where desirable subsequent to NEPA. Such public hearings shall be held by the Office of Coastal Zone Management in the area to be affected by the proposed sanctuary no sooner than 30 days after it issues a draft environmental impact

statement on the sanctuary proposal. It will be the responsibility of the Office of Coastal Zone Management, with the assistance of the applicant State, to issue adequate public notice of its intention to hold a public hearing. Such public notice shall be distributed widely, especially in the area of the proposed sanctuary; affected property owners and those agencies, organizations or individuals with an identified interest in the area or estuarine sanctuary program shall be notified of the public hearing. The public notice shall contain the name, address and phone number of the appropriate Federal and State officials to contact for additional information about the proposal.

Subpart D—Operation

§ 921.30 General.

Management of estuarine sanctuaries shall be the responsibility of the applicant State or its agent. However, the research uses and management program must be in conformance with these guidelines and regulations, and others implemented by the provisions of individual grants. It is suggested that prior to the grant award, representatives of the proposed sanctuary management team and the Office of Coastal Zone Management meet to discuss management policy and standards. It is anticipated that the grant provisions will vary with individual circumstances and will be mutually agreed to by the applicant and the granting agency. As a minimum, the grant document for each sanctuary shall:

(a) Define the intended research purposes of the estuarine sanctuary.

(b) Define permitted, compatible, restricted and prohibited uses of the sanctuary.

(c) Include a provision for monitoring the uses of the sanctuary, to ensure compliance with the intended uses.

(d) Ensure ready access to land use of the sanctuary by scientists, students and the general public as desirable and permissible for coordinated research and education uses, as well as for other compatible purposes.

(e) Ensure public availability and reasonable distribution of research results for timely use in the development of coastal zone management programs.

(f) Provide a basis for annual review of the status of the sanctuary, its value to the coastal zone program.

(g) Specify how the integrity of the system which the sanctuary represents will be maintained.

(h) Provide adequate authority and intent to enforce management policy and use restrictions.

§ 921.31 Changes in the sanctuary boundary, management policy or research program.

(a) The approved sanctuary boundaries; management policy, including permissible and prohibited uses; and research program may only be changed after public notice and the opportunity of public review and participation such as outlined in § 921.21.

(b) Individuals or organizations which are concerned about possible improper use or restriction of use of estuarine sanctuaries may petition the State management agency and the Office of Coastal Zone Management directly for review of the management program.

§ 921.32 Program review.

It is anticipated that reports will be required from the applicant State on a regular basis, no more frequently than annually, on the status of each estuarine sanctuary. The estuarine sanctuary program will be regularly reviewed to ensure that the objectives of the program are being met and that the program itself is scientifically sound. The key to the success of the estuarine sanctuaries program is to assure that the results of the studies and research conducted in these sanctuaries are available in a timely fashion so that the States can develop and administer land and water use programs for the coastal zone. Accordingly, all information and reports, including annual reports, relating to estuarine sanctuaries shall be part of the public record and available at all times for inspection by the public.

[FR Doc.74-12775 Filed 5-31-74;9:57 am]

APPENDIX 3

WRITTEN COMMENTS RECEIVED

BY

THE OFFICE OF COASTAL ZONE MANAGEMENT

Appendix 3.

Comments Received by the Office of Coastal Zone Management Resulting From the Draft Environmental Impact Statement, and Agency Disposition or Comment, Where Appropriate.

The following agencies, organizations and individuals submitted comments:

1. Federal Agencies
   Department of Agriculture
      Forest Service
      Soil Conservation Service
   Department of Housing & Urban Development
   Department of the Interior
      Fish and Wildlife Service
   Environmental Protection Agency, Region IV

2. State of Georgia Agencies
   Department of Community Development
   Department of Human Resources
   Department of Natural Resources

3. Other Governmental Agencies
   City of Darien

4. Other organizations and individuals
   Coastal Georgia Audubon Society, Brunswick, Georgia
   SAVE , Atlanta, Georgia
   Alexis, Douglas, and Young, Inc., Brunswick, Georgia
   Mr. Elmer Butler, Decatur, Georgia
   Mr. John Bansley, Jr., Atlanta, Georgia
   Mr. Arnold Dill, Atlanta, Georgia
   The Georgia Conservancy, Inc., Savannah, Georgia
   Sapelo Island Research Foundation, Inc., Sapelo Island, Georgia
   Ms. Helen Henry, Toccoa, Georgia
   Mrs. James McIntyre, Savannah, Georgia
   Georgia Ornithological Society, Atlanta, Georgia
   Mrs. J. David Bansley, Atlanta, Georgia
   Mrs. Patricia H. Orser, Brunswick, Georgia
   Ms. Joanne S. Worthington, Jekyll Island, Georgia
   Coastal Plains Regional Commission, Washington, D. C.
   Mr. William Voigt, Jr., Blackshear, Georgia

5. List of individuals appearing at the Public Hearing, May 8, 1975.

   a. The following organizations submitted written statements at the Public Hearing at the McIntosh County Courthouse

      Alexis, Douglass and Young, Brunswick,Georgia

Coastal Georgia Audubon Society, Brunswick, Georgia
Sapelo Island Research Foundation, Inc., Sapelo Island, Georgia
The Georgia Conservancy, Inc., Savannah, Georgia
City of Darien, Georgia

These comments, and their disposition where appropriate, are included in this appendix.

b. The following persons presented oral comments at the Public Hearing. A complete recording of their comments is on file at OCZM.

Herb Johnson, Darien, Ga.
George Pitts, Darien, Ga.
Oriel Gault, Sapelo Island, Ga.
Boyd Galt, Darien, Ga.
David Gale, Sr., Darien, Ga.
Will Williams, Darien, Ga.
H. G. Cooper, Darien, Ga.

The persons presenting oral statements were generally opposed to the proposal, and voiced concerns about the impact of this action on the Hog Hammock community, the loss of tax revenue to the County, and the large amount of McIntosh County land already in state or Federal goverment ownership.

MAY 28 1975

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Southeastern Area, State and Private Forestry
1720 Peachtree Road, N.W.
Atlanta, Georgia 30309

May 21, 1975

Mr. Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs
U. S. Department of Commerce
Washington, D. C. 20230

Dear Mr. Galler:

Here are U. S. Forest Service, State and Private Forestry comments on the draft environmental statement covering a proposed Estuarine Sanctuary, Duplin River, McIntosh County, Georgia.

The area proposed appears to be ideally and uniquely suited for an estuarine sanctuary. Consequently, adverse environmental impacts are minimal.

The little to no topographic relief on Sapelo Island limits surface drainage into the adjacent marsh. Therefore, forest management practices like timber harvesting and prescribed burning would need to be restricted on only a very limited portion of the island to protect estuarine values. Generally, there is a change in timber type from pine on the island to hardwood near the marsh edge which forms a natural management and control boundary. This type line is usually further marked by the first permanent woods road inland from the island's edge. We recommend acceptance of such a boundary between the existing Refuge and the proposed Sanctuary with modifications to suit local conditions and needs.

Timber stands on the sanctuary side of the boundary should be maintained for check and study purposes to help mitigate timber and wildlife values lost by placing them in a natural, unmanaged status.

Thank you for the opportunity to review and comment on this draft statement.

Sincerely,

For PAUL E. BUFFAM
Area Environmental Coordinator

5/28/75

Disposition of Comments from the U. S. Department of Agriculture Forest Service

It is true that runoff from the uplands of Sapelo Island into the Duplin River and its marshes is minimal. Thus, to include some uplands simply as a buffer between upland activities and the Duplin River and marshes would probably not be necessary. However, OCZM views the uplands on Sapelo Island as a contributing and integral part of the Duplin River estuarine ecosystem. In order to achieve the objective of preserving an essentially undisturbed estuarine ecosystem, it is necessary to maintain at least a portion of the forested uplands on Sapelo Island in an unmanipulated and essentially undisturbed state. The actual boundary selected was chosen as much as possible to include the oak/mixed hardwoods along the perimeter of the marsh, and to exclude most pine areas. Pine forests within the sanctuary boundaries will be managed so that the lands will ultimately revert to hardwoods, as described on Page 3.

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
P. O. Box 832, Athens, Georgia 30601 Telephone: 404-546-2275

May 20, 1975

Honorable Sidney R. Galler
Deputy Assistant Secretary for
Environmental Affairs
United States Department of Commerce
Washington, D. C. 20230

Dear Mr. Galler:

The draft environmental impact statement for the proposed Estuarine Sanctuary Grant Award for Duplin River, McIntosh County, Georgia, has been referred to the Soil Conservation Service for review and comment.

The following comments are provided for your consideration:

1. Page 4 - We feel that the statement should define what external stresses the sanctuary will be protected from and by what means. Would this protection involve restrictions on agricultural and forestry practices in other parts of McIntosh County?

2. Per Capita income in McIntosh County is extremely low - less than $2,000 per annum. The statement refers to the Duplin River being an approved growing area for shellfish but no leases have been issued. If none are issued what will be the economic impacts to McIntosh County? What per cent of the total approved shellfish area in McIntosh County does this area represent?

3. If any residents will be displaced, the statement should explain how the provisions of Public Law 91-646 will be carried out.

4. Page 15 - The economic impacts resulting from a reduction in timber harvest should be expressed in monetary terms or quantified as to board feet, cords of pulpwood, etc., also number of jobs that may be lost, or underemployment that may result.

Although some of these comments may not appear to be relative to areas of agricultural concern, the Soil Conservation Service is involved in programs of assistance, both on-going and in the planning stage, that are designed to improve the quality of life for McIntosh County citizens. We feel that any federally funded endeavor that has a potential for causing a loss of recreation areas, loss of commercial fishing waters, restrictions on agricultural and forestry practices, and loss of badly needed tax revenues should be carefully considered and every effort made to insure that the social and economic well being of the local citizens is safeguarded by appropriate mitigation measures.

Thank you for the opportunity to review the draft statement. We hope these comments will be useful in preparation of the final environmental impact statement.

Sincerely,

Dwight M. Treadway

Charles W. Bartlett
State Conservationist (Acting)

cc: Kenneth E. Grant, Administrator, SCS, Washington, D.C.
Coordinator of Environmental Activities, USDA, Washington, D.C.
Council on Environmental Quality, Washington, D. C. (5 copies)

Disposition of Comments from the U. S. Department of Agriculture
Soil Conservation Service

Because of the insular nature of the proposed sanctuary, most typical sources of external stress have been obviated. The major sources remaining would be timber management practices in the state wildlife refuge and the potential for intensive development of the Hog Hammock Community.

1. OCZM has worked with the State of Georgia to produce a management program which should be sufficient to achieve the primary purpose of the sanctuary (preservation of an essentially undisturbed estuarine ecosystem for research and education purposes) in light of these actual or potential threats to the viability of the sanctuary. Timber management activities have been closely explored with DNR to minimize impact. Development of the Hog Hammock community is not desired (see statement from Alexis, Douglas and Young),and because of title problems is probably impossible. In addition the state will coordinate the development of its coastal zone management program to minimize the impact of external stresses on the sanctuary. Furthermore, OCZM believes the management program to be flexible enough to deal with future threats to the sanctuary as they are identified. Sections 921.31 and 921.32 of the final estuarine sanctuary guidlines provide the authority to modify the management program in necessary in the future.

OCZM perceives no actual or potential threat to the sanctuary from agricultural or timber practices beyond Sapelo Island. Existing state and Federal environmental and water quality laws and regulation should provide sufficient protection for the sanctuary.

2. Sanctuary designation need not have any bearing on the sale of oyster leases in the Duplin River. The presence of the sanctuary would prohibit artifical oyster culture, and may govern or restrict the method of oyster harvest, but would not preclude granting oyster leases. The point is that no leases have been issued in the past in the Duplin River; if none were to be issued in the future - which is independent of sanctuary status - the impact would be to maintain the status quo. About one-half of the waters in McIntosh County have been tested for oyster harvest capability. Of those waters which have been tested, the Duplin River represents about 5% of the total of approved oyster harvest waters.

3. No residents will be displaced.

4. Most of the sanctuary will be submerged or tidelands. Most of the uplands involved are mixed oak hardwoods, and are not harvested. OCZM and the State of Georgia have agreed to allow the pine plantations within the sanctuary to be managed until harvested. After harvest, these areas, amounting to about 200 acres, will be replanted in oak or natural hardwoods. The loss of the production from this very small area will be insignificant.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
ATLANTA AREA OFFICE
PEACHTREE CENTER BUILDING, 230 PEACHTREE STREET, N.W.
ATLANTA, GEORGIA 30303

REGION IV
Peachtree—Seventh Building
50 Seventh Street, N.E.
Atlanta, Georgia 30323

May 19, 1975

IN REPLY REFER TO:
4.1PC

Mr. Sidney R. Galler
Deputy Assistant Secretary for
Environmental Affairs
U.S. Department of Commerce
Washington, D.C. 20230

Dear Mr. Galler:

Subject: Estuarine Sanctuary Grant Award
Duplin River, McIntosh County, Georgia

We have reviewed your Draft Environmental Impact Statement for the above captioned project and have no objections to the proposed Estuarine Sanctuary as described therein.

Thank you for giving us an opportunity to review your Draft Environmental Impact Statement. We would appreciate receiving a copy of your final statement when it is published.

Sincerely,

W. A. Herrmann
Area Director

ADDRESS ONLY THE DIRECTOR,
FISH AND WILDLIFE SERVICE

United States Department of the Interior

FISH AND WILDLIFE SERVICE
WASHINGTON, D.C. 20240

May 23, 1975

28 MAY 1975

CZM
Informatio

Copy to TRO

Edward T. LaRoe, Ph.D., Coastal Ecologist
Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
U. S. Department of Commerce
Rockville, Maryland 20852

Dear Ted:

Our Regional Office staff has reviewed the draft environmental impact statement for the proposed Duplin River Estuarine Sanctuary, McIntosh County, Georgia. We are strongly in favor of this proposal as it will protect estuarine habitat in the vicinity of our Wolf Island and Blackbeard Island Refuges and the State's R. J. Reynolds Wildlife Refuge, which was acquired with Federal Aid money.

The only concern relates to the cooperative agreement requiring State management of the Reynolds Refuge and the possible need for continued controlled burning. This was discussed in Assistant Secretary Reed's letter to you of March 11.

Sincerely yours,

Walt

Walter R. McAllester
Chief, Division of Realty

CONSERVE AMERICA'S ENERGY

Save Energy and You Serve America!

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUN 4 1975

MAY 28 1975

Dear Mr. Galler:

Thank you for your letter of March 31, 1975, requesting the Department of the Interior's comments on the draft environmental statement for the proposed estuarine sanctuary Grant Duplin River, McIntosh County, Georgia.

GENERAL COMMENTS

Because of the effect which the estuarine sanctuary could have on the objectives of the R. J. Reynolds Refuge managed by Georgia Game and Fish Division, we have reservations to the estuarine sanctuary as presently proposed. Although we see no reason why the purposes of the proposed sanctuary and the R. J. Reynolds Refuge should conflict, our recommendation would be that the management of all lands lying within the R. J. Reynolds State Wildlife Refuge be retained by the Game and Fish Division of the Georgia Department of Natural Resources. We feel that the quality of the visuals and maps could be improved. It is very difficult to locate the boundaries of the State refuge and the National refuges in relation to the proposal.

FISH AND WILDLIFE IMPACTS

Although the statement addresses the fish and wildlife considerations, we find this section inadequate. There is very little description of the wildlife of the area. Such description should include both upland and aquatic birds, mammals, reptiles and amphibians. A species list should be included in the final statement.

The list of endangered species in the statement includes the loggerhead sea turtle which is not included in the official list of endangered species. This publication also lists the Atlantic Ridley sea turtle as an endangered species; the draft EIS recognizes the Ridley only as "unusual." We are enclosing for your information and use a copy of the United States List of Endangered Fauna published by our U.S. Fish and Wildlife Service, May 1974.

CONSERVE AMERICA'S ENERGY

Save Energy and You Serve America!

Mr. Sidney R. Galler, Washington, D.C.

The proposal does not directly involve any National Wildlife Refuge lands although the nearby Blackbeard Island and Wolf Island Refuges will indirectly benefit from the additional protection afforded the total estuarine area by the proposed action.

The boundaries of alternative sites considered are not precisely identified but apparently include portions of three National Wildlife Refuges -- Wassaw Island, Blackbeard Island, and Wolf Island. A portion of Blackbeard and all of Wolf Island have been designated as units of the National Wilderness Preservation System under Public Law 93-632, dated January 3, 1975. The potential conflicts described involving inclusion of Sapelo Island uplands adjacent to the R. J. Reynolds State Wildlife Refuge, would also apply to the alternate sites including portions of Blackbeard Island and Wassaw Island National Wildlife Refuges.

Establishment of the proposed estuarine sanctuary would encroach upon the existing R. J. Reynolds State Wildlife Refuge which was purchased with Federal Aid monies. As presently proposed, the sanctuary would remove control of some lands within the R. J. Reynolds State Wildlife Refuge from the Game and Fish Division. Such loss of control of lands purchased with Federal Aid funds would create a diversion of funds situation for the State of Georgia.

Section 80.5 of the Secretary of the Interior's Rules and Regulations for Federal Aid in Fish and Wildlife Restoration Programs, 50 CFR Part 80, specifically states, "A diversion of license fees occurs when a State fish and game department, through legislative action, or otherwise, loses control of the expenditure of any portion of its hunting license or sport fishing license revenues, or expends such revenues for any purpose other than the administration of the State fish and game department. A diversion of Federal Aid funds occurs whenever they are applied by a State to activities or purposes which are not a part of an approved project, or when real property acquired or constructed with Federal Aid funds under these Acts passes from the control of the State fish and game department or is used for unapproved purposes in a manner or to an extent which interferes with the accomplishment of project purposes as they were approved by the Secretary ..."

CULTURAL RESOURCES

The statement does not adequately identify cultural resources nor does it adequately assess the project's potential environmental impacts on these resources.

Mr. Sidney R. Galler, Washington, D.C.

The final statement should contain information evidencing compliance with the Advisory Council on Historic Preservation's "Procedures for the Protection of Historic and Cultural Properties," 36 CFR Part 800.

Pursuant to authority contained in the Act of August 21, 1935, Stat. 666, 16 U.S.C. 461, the National Park Service, Department of the Interior is administering and implementing a Natural Areas Program, including the National Registry of Natural Landmarks. The Smithsonian Institution Center for Natural Areas, has recently completed for the National Park Service a survey to locate potential natural land marks of ecological value on the Atlantic Coastal Plain between northern Florida and Cape Cod, Massachusetts. This survey has identified approximately 400,000 acres of salt marsh and all of Sapelo Island are eligible for the National Registry of Natural Landmarks.

RECREATION

According to the draft statement, the primary purpose of the requested grant is to establish an estuarine sanctuary to be used as a natural field laboratory for study of estuarine ecosystems. We understand that existing low-intensity recreational activities such as boating, fishing, hunting, and camping will be permitted, but commercial enterprises will not (page 19). These activities will be permitted as long as they do not alter the natural environment or the research use of the area.

We suggest that Section C, Alternative Management Programs, be expanded to further discuss recreation potentials. It would be desirable to increase recreation opportunities which are controllable and compatible with the environment and the purpose of the sanctuary. Access to areas within the perimeter could be limited to low-energy forms of transportation such as hiking and canoeing. A system of low-cost trails accommodating these activities could be designed.

Provision of these facilities would enhance the efforts of a proposed Tri-State Coastal Recreation Transportation System to link significant areas of natural, historic, and recreational interests. This may be accomplished by series of bicycle, hiking, and canoe trails along the coasts of Georgia, South Carolina, and North Carolina.

MINOR COMMENTS

It is stated that the marshes of the proposed sanctuary are representative of four major aquatic vegetation zones, which have been described on

Mr. Sidney R. Galler, Washington, D.C.

pages 8 - 9. Because the sanctuary is intended for scientific and educational study and is intended to represent estuaries occurring along a broad reach of the South Atlantic coast, it would be helpful to mention whether any additional major aquatic vegetation zones present in such estuaries are not represented within the proposed sanctuary.

We hope these comments will be helpful to you in preparing the final environmental statement.

Sincerely yours,

Stanley D. Doremus

Deputy Assistant Secretary of the Interior

Mr. Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs
Department of Commerce
Washington, D.C. 20230

Enclosure

Disposition of comments from the Department of Interior

1) All state refuge lands will be retained by, and will continue to be managed by, the Georgia Game and Fish Division, DNR. Lands newly acquired by the State as a result of this grant will also be retained and managed by the Game and Fish Division (see page 5).

Because the Georgia Game and Fish Division will retain both title and management authorities, the proposed sanctuary would not create a diversion of funds situation. In addition, OCZM has worked closely with the Georgia Game and Fish Division and the Office of Planning and Budget, as well as the U. S. Fish and Wildlife Service, to develop a management program for the sanctuary lands which would accommodate both game and fish (refuge) and research and education (sanctuary) objectives (see pages 14, 21, 22). This management program has been accepted and approved by the Georgia Game and Fish Division and the Georgia Department of Natural Resources.

2) The maps have been modified to provide a clearer understanding of the location of the sanctuary.

3) The OCZM has carefully reviewed the desirability of including a species list in the FEIS, and has concluded that such a list would not be relevant. Lists of fauna and flora are really meaningless in attempting to evaluate impact. A summary or description of the ecosystem (pp. 9-11) has much more relevance in determining the effects of the action. Individual species might be important if they are threatened, of commercial or recreational value, or of other such value, but we feel there is little benefit to a simple, undigested list of species.

The endangered species list has been corrected as indicated. However, it should be pointed out that the loggerhead sea turtle was proposed for addition to the endangered species list in the Federal Register on May 20, 1975 (50 CFR 17).

The cultural resources of the island include the Hog Hammock community (see page 12), the former plantation and estate of R. J. Reynolds (now owned by the Sapelo Island Research Foundation) and Indian middens scattered throughout the island. Some of these middens have been explored archaeologically. Because sanctuary designation would prevent development, it will protect these resources. Archaeological research may continue under sanctuary status.

5) According to the Advisory Council on Historic Preservation, there are no sites within the proposed sanctuary which are on the National Historical Register. The entire area will be proteced in any event, and should any potential sites be found, their designation as historical sites would be compatible with the objectives of the sanctuary.

6) We are pleased that Sapelo Island has been identified as a potential Natural Landmark. Such designation would appear to be compatible with the proposed sanctuary.

7) OCZM recognizes the need to provide beach oriented recreation to the citizens of Georgia's coastal areas and the recurring controversy between Federal land acquisition programs and this need. While such activity is not a discrete objective of the the Estuarine Sanctuary Program, it can be a side benefit, so long as it is carefully controlled so as not to conflict with the research and educational uses, especially those that require a natural ecosystem. OCZM has held extensive discussions with Georgia DNR and OPB to consider appropriate recreational use of the proposed sanctuary. The management and alternative sections of the FEIS have been expanded to reflect these discussions (pp 24 and 25). In general, however, although boardwalks or closely supervised trails might be acceptable, a network of hiking trails would not be permissible in the sanctuary.

8) OCZM believes that this proposed sanctuary is broadly representative of the estuarine ecosystems in existence between Cape Canaveral and Cape Hatteras. Under the Estuarine Sanctuary Program regulations, sub-categories, and thus additional sanctuaries, in the Carolinian biogeographic region may be established if appropriate.

MAY 28 1975

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

1421 PEACHTREE ST., N. E.
ATLANTA, GEORGIA 30309

May 19, 1975

Mr. Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs
U. S. Department of Commerce
The Assistant Secretary for Science
and Technology
Washington, D. C. 20230

Dear Mr. Galler:

We have received the Draft Environmental Impact Statement for the proposed Federal award of a grant to establish an estuarine sanctuary in the Duplin River, Mcintoch County, Georgia. Although comments from our Agency are due back to you by May 19, 1975, we regret that we shall not be able to respond within that time.

This letter is to inform you that our detailed comments will be forthcoming on or before June 3, 1975.

Sincerely,

Doris D. Kirby
for: Frank M. Redmond
Review Section, EIS Branch

Rec'd 5/28/75

Disposition of comments from the U. S. Environmental Protection Agency Region IV

No comments were received by OCZM as of June 10, 1975, at which time this FEIS was sent to the printers.

MAY 20 1975

GEORGIA DEPARTMENT OF COMMUNITY DEVELOPMENT

May 13, 1975

Mr. Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs
U.S. Department of Commerce
Washington, D.C. 20230

Dear Mr. Deputy Assistant Secretary:

The Georgia Department of Community Development is very pleased and appreciative of the opportunity to review and comment on the DRAFT ENVIRONMENTAL IMPACT STATEMENT, PROPOSED ESTUARINE SANCTUARY GRANT AWARD FOR DUPLIN RIVER, McINTOSH COUNTY, GEORGIA. This proposal is most consistent with the State's community development policy to ensure that a significant portion of our unique coastal ecology be preserved.

The Department views the long-term scientific and educational activities afforded by such a sanctuary to be absolutely essential to the effective management, beneficial use, protection and orderly development of the coastal zone. The present knowledge of the sensitive natural systems functioning along the coast is not adequate for the critical management decisions that will be required.

The Georgia Department of Community Development therefore, unequivocally endorses the establishment of the Duplin River Estuarine Sanctuary and is in complete accord with the environmental impact statement as drafted.

With best regards.

Yours sincerely,

Ross E. Young

REY:jm

SIXTH FLOOR • TRINITY WASHINGTON BUILDING • P.O. BOX [illegible] • ATLANTA, GEORGIA [illegible]

RICHARD M. HARDEN/Commissioner
T.M.(JIM) PARHAM/Deputy Commissioner

GEORGIA DEPARTMENT OF HUMAN RESOURCES

47 TRINITY AVE., S.W., ATLANTA, GEORGIA 30334

MAY 21 1975

May 13, 1975

Deputy Assistant Secretary
for Environmental Affairs
U. S. Department of Commerce
Washington, D. C. 20230

Re: Draft Environmental Impact
Statement for Proposed
Estuarine Sanctuary Grant
Aware for Duplin River
McIntosh County, Georgia

Dear Sir:

This office has reviewed the above mentioned Environmental Impact Statement and endorse the proposed project. This should be a most excellent usuage of the area.

Thank you for providing this office an opportunity to review the proposed project.

Sincerely,

Lovett Fletcher

Lovett Fletcher
Environmental Engineer
General Sanitation Unit

LF/lc

cc: Mr. Russell F. Hall

Jimmie George, Mayor

Councilwoman Freida S. Stebbins
Councilman Quincy Vickers
Councilman W. M. Bolin
Councilman Walter Lyons

Dorothy W. Googe, City Clerk

City of Darien

P. O. BOX 452
DARIEN, GEORGIA 31305

TELEPHONES:
437-4626
437-6293

May 5, 1975

Honorable Joe D. Tanner
Commissioner
Georgia Department of Natural Resources
Environmental Protection Division
270 Washington Street, S. W.
Atlanta, Georgia 30334

Dear Commissioner Tanner:

As Mayor of the City of Darien I feel that I must object to the establishment of a National Estuarine Sanctuary in McIntosh County. My objection to the control of our waterways, marshes and high ground at this time is very strong. The letter of intent states undisturbed present use of these waterways. But what guarantee do we have as to future operations? Acquisition of more high prime land in McIntosh County is unheard of and is more strenously opposed.

As this State and nation prepare to celebrate their Bicentennial, it is odd that the citizens of McIntosh County are fighting not only to retain prime lands, but also to try and regain their heritage in recovering the use of such confiscated lands as Harris Neck and Blackbeard Island.

At the present the State of Georgia and the Federal Government own vast tracts of land in McIntosh County in such properties as Harris Neck, Blackbeard Island, Wolf Island, Lewis Island, Butler Island and the Townsend Bombing Range.

Each period of acquisition by the State or Federal Government of prime high ground areas have never resulted in these lands being opened to the public for unlimited recreational purposes, but always under guise of conservation of a wildlife species. Who is going to preserve our natural heritage to use and enjoy these lands? Sporadic use of these areas, token tours, limited opening hours and perhaps an exhibit or two is a far cry from allowing our citizens the use of these lands.

I do recognize that the State of Georgia has the power of condemnation and under many guises may acquire lands of the nature proposed. The people of Georgia also have the power of condemnation and their force, if united, may also make or change many decisions.

Jimmie George, Mayor
Councilwoman Freida S. Stebbins
Councilman Quincy Vickers
Councilman W. M. Bolin
Councilman Walter Lyons
Dorothy W. Googe, City Clerk

City of Darien

P. O. BOX 452
DARIEN, GEORGIA 31305

TELEPHONES:
437-4626
437-6293

The tax paying families of McIntosh County are paying a more proportionate share of the total tax digest due to the token payments received by the Federal Government on their measly assessment of the properties they own and the complete withdrawal of tax items by the State of Georgia.

My decision is supported and reached by the attached composite survey made by the staff at City Hall. No person polled was informed of my opinion because it was not finally formed until the poll was completed. This tally is on file at the City Hall.

It is entirely possible that the citizens of McIntosh County may, in the future, agree on this proposal if backed by lawful guarantee of the rights of the waterways users and written lawful guarantees of the rights of the people located on Sapelo Island (with their consent) and a written guarantee (approved by the citizens of McIntosh County) of the future use and restrictions of the proposed takeover of high grounds on Sapelo Island.

Very truly yours,

Jimmie George

Jimmie George, Mayor
City of Darien

JG/dg

cc: Governor George Busby
Honorable Herman Talmadge, Senator
Honorable Bo Ginn, State Representative
Honorable Donald Frazier, State Representative
Honorable Mel Trayler, State Senator
McIntosh County Commissioners

	Number of People Polled	Do you understand the proposal? Yes	No	Partially	Are you in favor of it? Yes	No	Undecided or Don't Know	Yes +/or No with Reservations	Hadn't Read it at all
Public officials	20	15	—	5	—	13	5	2	
Business People	33	15	—	14	2	16	6	5	4
Citizens	47	41	5	1	1	43	2	1	
School teachers & Principals	35	21	9	5	2	26	7	—	
TOTALS	135	92	14	25	5	98	20	8	4

AN ESTUARINE SANCTUARY ON SAPELO ISLAND, MCINTOSH COUNTY, GEORGIA ?

Disposition of comments from the City of Darien

1. The proposed sanctuary would not be closed to public use. Such public use would, however, be restricted to activities of a nature and intensity which would not affect the sanctuary's use for research purposes. Proposed uses would include deer and turkey hunting, fishing, and limited recreational uses of the beach. The State of Georgia intents to make portions of the ocean beach on Sapelo Island available to the residents of McIntosh County for recreational purposes.

It should be empahsized that these lands are now in private ownership, and do not serve as a public use area at this time. The impact, therefore, of acquisition as a sanctuary would be an increase in recreational use opportunities by the residents of McIntosh County.

Office of the Governor

Atlanta, Georgia 30334

George Busbee
GOVERNOR

April 14, 1975

APR 24 1975

Mr. Sidney R. Galler
Deputy Assistant Secretary for
Environmental Affairs
United States Department of
Commerce
Washington, D. C. 20230

Dear Sidney:

This is to acknowledge receipt of and thank you for the copy of your draft environmental impact statement.

I have asked Commissioner Joe Tanner of our Department of Natural Resources to review this information and submit any comments that would be of interest.

With kindest regards, I am

Sincerely,

George Busbee

George Busbee

GB/tb

cc: Honorable Joe Tanner
Department of Natural Resources
270 Washington Street, S. W.
Atlanta, Georgia 30334

Joe D. Tanner
COMMISSIONER

Jack Crockford
DIVISION DIRECTOR

Department of Natural Resources

GAME AND FISH DIVISION
270 WASHINGTON ST., S.W.
ATLANTA, GEORGIA 30334
(404) 656-3500

April 18, 1975

25 APR 1975

CZM 025-6, due
Action - TL 5/1
Copy JP
TMA
TQO

Mr. Robert W. Knecht, Director
Office of Coastal Zone Management
N.O.A.A.
Department of Commerce
Rockville, Maryland 20852

Dear Mr. Knecht:

I have reviewed the draft Environmental Impact Statement concerning the "Proposed Estuarine Sanctuary Grant Award for Duplin River, McIntosh County Georgia" prepared by your office. The draft Statement included several points, which although they have been discussed at some length, apparently have not been resolved. My purpose in writing is to clarify the on-going responsibilities of the Department of Natural Resources and the management system that we have proposed for the sanctuary.

Page 17 of the draft Environmental Impact Statement notes that the marsh-upland border on the western side of Sapelo Island also marks the western boundary of the R.J. Reynolds Wildlife Refuge. This statement is not correct. As shown on the attached map, the wildlife management boundaries (land and marshlands owned by the State of Georgia) include the majority of the Duplin estuary, well west of the Duplin River, as well as the northern three-quarters of Sapelo Island. This boundary will not be altered by the proposed estuarine sanctuary.

The Department of Natural Resources has responsibilities for protecting coastal waters and marshlands under provisions of the Air Quality Control Act, Water Quality Control Act, Goundwater Use Act and Coastal Marshlands Protection Act, among others. As was described in the sanctuary application, these on-going environmental protection programs protect the sanctuary area and on-going research activities.

As noted in the draft EIS, page 17, the administration of the Wildlife Refuge is generally a compatible and even complementary use of lands adjacent the marshlands in the sanctuary. To our knowledge, there are no present or planned activities in the Wildlife Refuge that have the potential for adversely affecting

the Duplin River ecosystem. Please note the attached March 10, 1975 letter from Dr. L. R. Pomeroy, Department of Zoology, University of Georgia on the subject of the environmental impacts of controlled burning. We strongly encourage continued research regarding the effect of wildlife management practices. However, there appears to be no justification for discontinuing our controlled burning and timber harvesting programs on any area of Sapelo Island. In addition to removing lands from productive use as wildlife habitat, such imprudent management could endanger the entire Island and surrounding marshlands. I think it is important to recognize that this area has a prior program commitment imposed by its purchase with Federal Aid monies, which carries with it the assurance of responsible management in order that its integrity will not be compromised. As pointed out above, such a program is "compatible and even complimentary" to the objectives of the sanctuary program.

Page 18 of the draft EIS references a "sanctuary management group." To my knowledge, there is no mention of such a group in the draft EIS. What is this group and what is their proposed role? As stated in the sanctuary application, administration of the estuarine sanctuary (both marsh and upland areas) should primarily be the responsibility of the Game and Fish Division, Department of Natural Resources. The Office of Planning and Budget will serve as a mediator should problems or conflicts arise. If management programs of the Department of Natural Resources are not consistent with the goals of the estuarine sanctuary program, the Office of Planning and Budget has recourse to the Governor. We propose to manage the estuarine sanctuary through existing environmental protection programs -- it is not expected that a special agency or office will be created to manage the estuarine sanctuary. To give "control" over any marshland or upland area in the R.J. Reynolds Wildlife Refuge to a different agency or organization would be contrary to our existing State laws and funding responsibilities. Additionally, it is clear in the conditions of Federal Aid funding of the original purchase and commitment of programs on the R.J. Reynolds Wildlife Refuge that control of that area must remain in the Department of Natural Resources and the Game and Fish Division in particular. Therefore, many of the alternatives suggested in the draft EIS are not viable from the standpoint of the Department of Natural Resources.

It continues to be my view that the boundaries of the proposed estuarine sanctuary are not the real question. Rather, the questions raised by the draft EIS primarily relate to the uses of the estuarine sanctuary and management responsibilities.

I am hopeful that these concerns can be satisfactorily resolved in order to proceed with this important sanctuary program.

Sincerely,

Jack Crockford
Director

JC:hc

cc Joe D. Tanner
Joe Waters

Disposition of Comments from the Department of Natural Resources

1. The factual error on p. 17 of the D.E.I.S. has been corrected.

2. The reference to a "sanctuary management group" on p. 18 of the D.E.I.S. has been clarified.

3. Extensive discussions have been held between OCZM, Georgia DNR and OPB. Both the sanctuary boundary and management program have been determined,with the concurrence of all three parties (see pages 3, 22). On the basis of these agreements, OCZM believes that the sanctuary will be viable, that the wildlife refuge will remain viable, and that the two programs will co-exist to their mutual benefit.

COASTAL GEORGIA AUDUBON SOCIETY

POST OFFICE BOX 1603 · BRUNSWICK, GEORGIA 31520

May 8, 1975

Subject: Proposal to Establish a National Estuarine Sanctuary on Sapelo Island, McIntosh County, Georgia

---

Members of the Coastal Georgia Audubon Society were privileged to attend the first public hearing held on the above proposal held on December 2nd 1974 at the McIntosh County Courthouse in Darien, Georgia. At that meeting, after considerable preliminary study, we submitted a statement endorsing the proposal.

After the Coastal Georgia Audubon Society had issued its statement endorsing the proposal we were interested in the discussion and took careful note of the questions raised at the initial public hearing. We attempt to keep an open mind and we would reserve the right to arrive at new conclusions in the light of new facts or information.

Now, five months have elapsed since the first public hearing and once again we have the opportunity to state our position on this proposal. The Draft Proposal to Establish a National Estuarine Sanctuary in the State of Georgia has been completed by the Office of Planning and Budget of the State of Georgia in cooperation with the Board of Regents of the University System of Georgia and the Department of Natural Resources. We have studied the many pages of this document giving careful attention to each detail. In our opinion those who researched all the information contained in these pages have compiled and prepared the data in a most logical and understandable form.

It is felt that questions raised at the December 1974 public hearing have been met head-on. They have been answered to our satisfaction.

The Draft Environmental Impact Statement concerning the Estuarine Sanctuary which was proposed by the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Washington, D.C., has received hours of our study. It is detailed, factual, logical .... and scientific. Not always easy reading, but well worth the effort! One could hardly consider himself to be informed on this proposal until he had spent many hours reading and rereading this Draft Environmental Impact Statement. It is felt that all the alternatives have been enumerated and have been evaluated fairly.

Subject: Proposal to Establish a National Estuarine Sanctuary on Sapelo Island, McIntosh County, Georgia

May 8th 1975

As we stated earlier, five months have elapsed since the first public hearing. We have had time to reconsider our position. The Draft Proposal to Establish a National Estuarine Sanctuary in the State of Georgia and the Draft Environmental Impact Statement have been studied thoroughly and, once again, and without reservation the Coastal Georgia Audubon Society endorses the proposal to establish a National Estuarine Sanctuary on Sapelo Island, McIntosh County, Georgia.

S. Thomas Van Dyk

S. Thomas Van Dyk, Chairman
Marshes and Estuaries Committee

MAY 1 6 1975

Mr. Sidney R. Galler
Deputy Assistant Secretary for
Environmental Affairs
United States Dept. of Commerce
Washington, D.C. 20230

Re: Draft Environmental Impact Statement:
Proposed Estuarine Sanctuary Grant Award
for Duplin River, McIntosh County, Georgia.

Dear Mr. Galler:

On behalf of SAVE, I wish to respond to your letter of March 31, 1975 enclosing the Draft Environmental Impact Statement of the United States Department of Commerce with respect to a proposed estuarine sanctuary grant award for Duplin River, McIntosh County, Georgia.

SAVE supports and endorses the proposed estuarine sanctuary grant award and is pleased that the federal government has chosen this important area of Coastal Georgia for such a grant. SAVE is particularly pleased that the Duplin River area has been chosen because it will be complementary to the nearby protected areas of Sapelo Island, Blackbeard Island and Wolf Island. It will be a particularly important area for study by the marine scientists at the University of Georgia Marine Biological Station on Sapelo Island.

SAVE has no basic criticisms of the Draft Statement; however, SAVE would like to point out a couple of matters which might be added to the Statement to strengthen Section IV beginning on page 11 and which relate to Section VII on page 23. The major industry of McIntosh County is commercial fishing, primarily shrimp fishing. Crabs, oysters and fish are important, but their combined dollar volume does not begin to approach the dollar volume of the annual shrimp harvest. Because of the dependence of the County on the fishing industry, the population has a direct interest in maintaining high environmental standards in the marsh areas for the protection of the development of sea life, particularly shrimp. Any protections which lessen the possibility of adverse environmental pollution are, therefore, beneficial to the fishermen and others who are dependent upon the industry for their livelihood. The Duplin River itself has not

been shrimped commercially for many years and it is highly unlikely that it would be opened for commercial shrimp fishing in the future were the sanctuary grant not to be made. Similarly, Doboy Sound into which the Duplin River empties, has rarely been opened for shrimp fishing in the past decade. The prohibition of commercial shrimp fishing within the proposed estuarine sanctuary area would have no adverse impact on commercial shrimp fishing. To the contrary, its effect would probably be beneficial in that it would protect a major breeding area for shrimp. The limited commercial crabbing that goes on in the Duplin area would probably not be disturbed by the proposed grant. Recreational fishing is relatively limited in the area now, and the proposed grant would have little or no adverse effect on it.

The potential loss of tax revenue from the property is minimal in terms of the advantages which would accrue from this particular grant. The minor loss of the real property taxes would be more than made up by the continued presence and expanded activities of the University of Georgia Marine Biological Institute and other research organizations. The persons who work at the Marine Biological Institute contribute significantly to the local economy. Because of the small population of McIntosh County, the addition of a very few persons can have a significant economic impact which would more than override any adverse economic impact resulting from a minor reduction in the property tax base for the County. The potential loss of high density residential recreation potential or a single-family housing potential mentioned on page 14 of the Draft Statement is highly speculative. There is no highway access to Sapelo Island and there is little or no likelihood that there will be any highway access within the foreseeable future. The availability of utilities is extremely limited, and because of the protected status of the entire northern two-thirds of Sapelo and all of Blackbeard, it is unlikely that commercial development of a significant nature would take place on the southern end of Sapelo, or on the small islands to the west of Duplin River.

In short, SAVE envisions virtually no significant adverse impact from the proposed estuarine sanctuary. It is in keeping with the best interests of the major industry of Mc-

Intosh County.

Thank you for bringing this matter to our attention.

Sincerely yours,

Holcombe T. Green, Jr.
President, SAVE

cc: Mr. Edward T. Laroe
U.S. Dept. of Commerce
Office of the Assistant
Secretary for Science
& Technology
Washington, D.C. 20230

Mr. Chairman:

My name is Ronald W. Young of the law firm Alexis, Douglass and Young; and this is my partner, Orion L. Douglass, co-counsel in this matter.

We are here tonight, to voice the concerns of the Hog Hammock Community in response to the proposal and application submitted by the State of Georgia for the establishment of a National Estuarine Sanctuary on Sapelo Island.

The resident taxpayers, of Hog Hammock, have retained our law firm to express their grave concern on the acquiring of additional property by the state. Additionally, we are concerned with the effects this acquisition will have on our continued existence and longevity.

The State of Georgia has submitted its proposal to purchase the southern end of Sapelo Island. Purportedly, this sancturary is to "promote research and education in Coastal estuaries and to examine the ecological relationship within the area." It appears that the proposal has given much consideration to the preference of this location over other areas of the region with equal potential. But, very little has been written about the cultural wealth and heritage abounded and maintained in the people and land of Hog Hammock.

In keeping with the stated purpose of the proposal, it is important that the history and legends of this island be understood and maintained. Our culture is deeply entrenched in the hearts, minds and faces of every man, woman and child presently living and working on Sapelo Island. The ~~houses~~ HOMES

of approximately 350 people are located there. These people represent the only vehicle for Black Americans in this country to discover their history and culture which has for the most part been buried under concrete and steel or pushed aside by the so called progress of contemporary society.

Insignificant as it may seem to the writers of the proposed draft, there are 30 million Black Americans who have a vested interest in the preservation of the culture and life styles of the Hog Hammock Community. Tonight alone there are many land owners from this community who will attest that they represent the fruit of many generations who owned, lived and tilled the soil of Sapelo Island. Indeed, Mr. Chairman, their ancestors are buried there.

History, as important as it is, becomes lost or ~~distored~~ distorted if not properly protected. In a recent article by the Savannah Morning News, there appeared a clipping which referred to all the people of Hog Hammock as being, "persons brought to the Island years ago by the late millionaire, R. J. Reynolds", Mr. Chairman, this serves as an example of the necessity of steps being taken to insure the continued existence of the Hog Hammock Community. Two Hundred years of history was buried by this article. The record must stand corrected or the truth will never be told.

The history and ancestry of today's Black Americans has been one of oppression, endurance, and accomplishments. It has produced significant differences in temperament, artistic expression and culture

These differences are invaluable ingredients of our national life style. Hog Hammock Community displays the richness and uniqueness of its people which serves as a vehicle for 30 Million Americans to understand their existence and contributions to American Society.

Mr. Chairman, the concerns of the residents of Hog Hammock in protecting their property and culture is something that words could never express. Their family ties and ancestry demand that their status and longevity be preserved and prolonged.

After a careful reading of the draft submitted by the State of Georgia, with respect to the future of the Hog Hammock Community; and after consideration of the history and culture of this community, it is our position that this draft is incomplete to the extent that it merely states conclusions and opinions; but no definitive programs of assurance of a positive impact on the longevity and life style of the residents of Sapelo, Island.

Therefore, it is the position of the residents of Hog Hammock Community that this board recommend:

(1) A stay of all further proceedings until such time as their attorneys may have an opportunity to meet in SPECIAL SESSION with representative of:

(A) The Department of Natural Resources

(B) The Board of Regents of the University of Georgia

(C) Sapelo Research Foundation

(2) That their be additional public meetings above and beyond the next scheduled session in July.

(3) That the residents of Sapelo Island be given a position of permanent participation and supervision over the implementation of the Coastal Zone Management grant.

Mr. Chairman, we are, this evening, prepared to submit a proposed agenda to be considered for the requested SPECIAL SESSION.

Items of this agenda include:

(A) Guarantees against further encroachment on the life styles of the residents and further condemnation proceedings by the state.

(B) Consideration of the economic and developmental benefits of the residents with definitive programs and guidelines of implementation.

(C) Discussions and consideration of the extent of ownership by Sapelo Foundation in property of Hog Hammock with a definitive and binding proposal vis a vis Sapelo Foundation's intention for use or exercise of its ownership rights.

(D) Maintenance of Cultural and Historical elements abounded by Sapelo Island.

Mr. Chairman, we would hope this board seriously consider our position and grant this petition. To demonstrate the degree of concern in the proposed project, I would to ask the residents of Hog Hammock to stand to give this board some indication of the depth and brevity of their concern.

Thank you Mr. Chairman and gentlemen of the board for your patience and attention. If there are any questions we would be happy to entertain them at this time.

PROPOSED SPECIAL SESSION AGENDA

(A) Guarantees against further encroachment on the life styles of the residents and future condemnation proceedings by the state.

(B) Consideration of the economic and developmental benefits of the residents with definitive programs and guidelines of implementation.

(C) Discussions and consideration of the extent of ownership by Sapelo Foundation in property of Hog Hammock with a definitive and binding proposal vis a' vis Sapelo Foundation's intention for use or exercise of its ownership rights.

(D) Maintenance of Cultural and Historical elements abounded by Sapelo Island.

ALEXIS, DOUGLASS & YOUNG
Attorneys-at-Law

Ronald W. Young, Esq.

Orion L. Douglass, Esq.

Disposition of comments from Mr. Ronald Young

1. The sections of the environmental impact statement describing the Hog Hammock community have been corrected and expanded (see Pages 12, 14).

2. Officials of the state of Georgia will be meeting with representatives of the Hog Hammock community. It is the belief of the OCZM that this proposed sanctuary will not adversely affect the Hog Hammock community, but will in fact have a positive impact, by preserving much of the land surrounding Hog Hammock in its present state, and assuring that development which would detract from this unique community would not occur.

20 MAY 1975

CZM E-20-8, due
Action TL 6/20
Copy ltr TQO
CS

May 14, 1975

Dr. Edward T. LaRoe
Office of Coastal Zone Management
NOAA
Rockville, Md. 20852

Dear Dr. LaRoe:

Please enter and make this letter part of the record of your hearing on May 8, 1975 in Darien, Georgia. I was unable to attend this meeting in behalf of the establishment of an estuarine sanctuary in McIntosh County, as sponsored by the State of Georgia, which would encompass about 5800 acres of marsh and high ground.

I endorse and support heartily the State of Georgia's application for financial assistance in acquisition of the south end of Sapelo Island and Duplin River estuary west of Sapelo in McIntosh county, for the following reasons:

1. To conduct long term monitoring and surveilance programs.

2. To continue current uses of the area including sport fishing, boating, crabbing, marsh hen hunting, nature study and research education.

Sincerely,

Elmer Butler

Elmer Butler
1440 Diamond Head Circle
Decatur, Georgia 30033

BANSLEY AND BANSLEY
ATTORNEYS AT LAW
2173 PIEDMONT ROAD, N.E., SUITE B
ATLANTA, GEORGIA 30324
JOHN D. BANSLEY, JR.
J. DAVID BANSLEY
404-874-2782

May 16, 1975

20 MAY 1975

CZM Information
Copy TQO
CS

Dr. Edward T. LaRoe,
Office of Coastal Zone Management,
NOAA,
Rockville, Maryland 20852

Re: Georgia's Proposal for the Establishment of an estuarine sanctuary in McIntosh County

Dear Dr. LaRoe:

For myself, my family and a large group of friends who visit Georgia Coastal Islands frequently may we lend our full support to Georgia's Proposal for the Establishment of an estuarine sanctuary in McIntosh County.

We have traveled the coast of the United States on both the Atlantic and Pacific and feel that Georgia has something quite valuable and unique which should be preserved and protected for our children's children for generations to come. This is urgent and the public is not sufficiently aware of what is happening to our beaches and marshes. For instance, in another area and situation consider the proposals for the development on the beaches of St. Simons, Georgia from the King and Prince to the Coast Guard Station and the court decision holding this private property down to the low water mark of the ocean. We have spent a full week on Sapelo Island, have visited the other islands along the Georgia coast and feel that there is nothing like it in the world and some day will be recognized for what they are worth.

We can appreciate the county's concern with the loss of revenue in the immediate future and suggest that the state reimburse the county for some ten to twenty-five years allowing them to adjust their budget in the meantime until the revenue can be overcome by economic benefits which most certainly will flow to it.

Yours truly,

John D. Bansley, Jr.

JDB.Jr/nc/1

Disposition of comments from Mr. Bansley

1. Under existing Georgia law, the State of Georgia is not permitted to make direct compensatory payments to McIntosh County. However, the State is exploring alternative methods of compensation (see page 17).

May 6, 1975

1. TL

Dr. Edward T. LaRoe
Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
Department of Commerce
Rockville, Maryland 20952

Dear Dr. LaRoe:

I strongly support Georgia's proposal for the establishment of an estuarine sanctuary in McIntosh County. Georgia's marshlands are a priceless national asset and must be preserved.

Sincerely,

Arnold Dill

Arnold Dill
1304 Bohler Ct. NW
Atlanta Ga. 30327

Telephone (912) 355-4840

THE GEORGIA CONSERVANCY, INC.

THE COASTAL OFFICE

4405 Paulsen Street

SAVANNAH, GEORGIA 31405

STATEMENT OF WILLIAM HAYNES , ON BEHALF OF THE GEORGIA CONSERVANCY, INC. ON THE PROPOSED ESTUARINE SANCTUARY GRANT AWARD FOR DUPLIN RIVER, McINTOSH CO., GEORGIA

MAY 8, 1975

I am William Haynes, a citizen of McIntosh County, a former president of the Chamber of Commerce, and a spokesman for the Georgia Conservancy, a citizens' group with state-wide membership that actively supports the quality of Georgia's environment. We are concerned about the continued well-being of the economy of McIntosh County as well as the protection of its natural resources. The seafood industry, upon which the people of this county are almost wholly dependant is in turn greatly affected by the condition and quality of the marsh and our understanding of the estuarine area's structure and function. The marsh is where many marine organisms such as the economically important shrimp, crab and oyster must spend a necessary part of their life cycles. Therefore, a proposal to establish a National Estuarine Sanctuary on the Georgia coast would be an important practical step towards guaranteeing the future of our seafood industry.

The Georgia Conservancy would like to go on record as supporting the proposal to designate the Duplin River estuary and the south end of Sapelo Island as a National Estuarine Sanctuary. The Duplin is certainly representative of the Spartina marsh ecosystems in the Carolinian biogeographical zone, and scientists know more about it than probably any other coastal ecosystem in the southeast. Indeed, much of this nation's growing commitment to marshlands protection is based on the findings of scientists associated with the Marine Institute on Sapelo, who have conducted research on the Duplin estuary over the last twenty years.

While we do support the Sanctuary designation, we have some concerns about certain aspects of the proposal. These concerns should in no way be viewed as objections to the overall designation.

We are concerned that the Marine Institute will become only a monument to past achievements in estuarine research. The Marine Institute should continue to function and seek to expand its programs of research and education. The Marine Institute should also serve as a catalytic force for other related programs. We fear that the Board of Regents of the University System of Georgia is not

committed to the continued operation of the Marine Institute. In fact, the University System appears to be backing the Skidaway Institute of Oceanography to the exclusion of the Marine Institute. If research is one of the primary justifications for the Estuarine Sanctuary designation, and we believe that it should be, then there should be a commitment to support that continued research. Without that assurance, the residents of McIntosh County will have little reason to believe that the tax loss associated with the aquisition actually will be more than offset by the operations of the Marine Institute.

We are also concerned that the make-up of the Research Advisory Committee is not sufficiently broad so as to reflect the research opportunities and needs of the coastal and estuarine environments. The Committee should be expanded to include scientists whose primary interests lie in terrestrial and fresh-water ecosystems (for instance, the ecology of the Altamaha River or of Sapelo Island itself). The Committee should also include representatives of the State's Coastal Zone Management program and the Department of Natural Resources. This revised constitution should help broaden the horizons of the Marine Institute and make it more effective in addressing problems related to coastal area management.

A final concern centers on the absence of commitment to reviewing the possibility of providing public access to Sapelo's beach. Solutions to the potential problems associated with public access, such as funding, management and security are too poorly known for any final decision to be made at this juncture. However, we recommend that the State take a serious look at the possibility. We feel that it is better to study the options while they are still open. Otherwise, public pressure could force the Department of Natural Resources to make a decision that might have to be made on limited and hastily-collected information. We realize that raising the possibility of public access is somewhat akin to opening Pandora's Box. But it is far better to cope with the contents under controlled conditions than it is to wait until someone else opens it unexpectedly.

Again, let me emphasize the support of the Georgia Conservancy for the designation of the Duplin River estuary and the south end of Sapelo as a National Estuarine Sanctuary. We feel that such a designation would provide the greatest return to the citizens of McIntosh County and the state. The designation is certainly in the national interest.

Disposition of Comments from the Georgia Conservancy

1. OCZM believes that the University of Georgia's Marine Institute on Sapelo Island will expand its research and education activities, and that it will serve as a focus for coastal and estuarine investigations. Any change in this regard would probably require amendment of the management program, with associated public review and comment.

2. The section describing research activities within the sanctuary has been expanded (pp. 6-8). Through special award conditions and its continuing review of the Duplin River estuarine sanctuary, OCZM will help ensure that the Research Advisory Committee represents all legitimate research users of the sanctuary. As well, OCZM intends to use its authority to make the research and educational activities in the sanctuary responsive to the coastal zone management requirements of the entire Carolinian region.

3. The State of Georgia intends to open up portions of the ocean beach on Sapelo Island for public recreation. While a specific program has not been formulated, the State's intentions in this regard have been made clear to OCZM (see p. 25).

STATEMENT OF POSITION OF THE SAPELO ISLAND RESEARCH FOUNDATION, INC., WITH REFERENCE TO THE ESTABLISHMENT OF AN ESTUARINE SANCTUARY.

The Sapelo Island Research Foundation, Inc., was originally chartered in 1949 under the name of Georgia Agricultural and Forestry Research Foundation, Inc. Subsequently, in 1959 the Foundation's name was changed to The Sapelo Island Research Foundation, Inc. From its very inception its founder, Mr. R. J. Reynolds, wished to accomplish two (2) purposes: (1) to retain and maintain the integrity of Sapelo Island in its natural state and to avoid any compromise through encroachment of development of the Island, and (2) to establish a charitable foundation which would serve as best it could the financial needs of the Marine Institute and provide funds for charitable purposes in the coastal Georgia area. It is this plan and basic concept which has been inherited by the Board of Trustees which presently operate the Foundation.

The Board of Trustees has given serious consideration to the proposal of N.O.A.A. to establish an estuarine sanctuary and feel that the purposes of this project completely fulfill the obligations and responsibilities imposed on the Trustees by the Foundation's charter and by-laws. This project perpetuates the Island in its natural state and reserves it for

the purpose of continued marine research. It is questionable whether the Foundation with its present financial commitments to the University of Georgia can completely fulfill these obligations. The N.O.A.A. project solves this problem.

The Trustees are conscious of the fact that this meeting directs its attention to the environmental impact that the proposed project would have on the area; however, the Trustees felt it appropriate to briefly state the purposes of the Foundation and its operation. It is the understanding of the Trustees that if the estuarine sanctuary is established the natural state of the area will remain the same. The project does not permit recreational development, development of home sites, commercial development or industrial development, any of which would tend to upset the natural state of the ecology of the area. Based on this understanding the Trustees of the Foundation conclude that this program will not only assure environmental stability, but will foreclose any possibility of development of the area which could compromise the present state of the environment.

The Trustees are mindful of certain objections that have been voiced by some of the people of this area. It is not within the province of the Foundation, nor is it its responsibility, to deal with these questions. Some of the objections which have been heard, such as the Hog Hammock properties, the ad valorem tax problem, and the question

of whether or not jobs will be available for residents of the surrounding areas, address themselves to other persons and the Foundation is not in a position nor will it comment on these matters. The Foundation wishes it clearly understood that it is conscious of the fact that problems exist and hope that they are resolved; however, again, the Foundation cannot for obvious reasons which we are sure you will understand enter into these discussions.

In conclusion, the purposes of the Foundation and the protection of the environment can best be served by the establishment of the estuarine sanctuary.

May 8, 1975.

May 15th

Dear Dr. LaRoe:

I hope I'm not too late to put in a plea for the estuarine sanctuary program for Sapelo Island and the Dupline River estuary. After reading Dr. Odum's works on the importance of marsh lands, I can't feel too strongly that we must do everything in our power to protect our coastal areas.

Sincerely,

/s/ Helen Henry

690 Henderson Falls Rd.
Toccoa, Ga. 30577

May 15, 1975

Mrs. James E. McIntire
112 East Taylor Street
Savannah, Georgia 31401

I would like to register my support for the establishment of an estuarine sanctuary area in McIntosh County, Ga. for environmental protection reasons.

/s/ Mrs. J. W. McIntire

GEORGIA ORNITHOLOGICAL SOCIETY

May, 14, 1975

Dr. Edward T. LaRoe
Office of Coastal Zone Management, NOAA
Rockville, Maryland 20852

Dear Dr. LaRoe:

This letter is written in support of the acquisition of the south end of Sapelo Island and Duplin River estuary just west of Sapelo by the State of Georgia under The Coastal Zone Management Act of 1972. While not unique the area forms a significant segment along the Georgia Coast that should remain in it's current ecological status.

The interest of our Society is assuring the maximum tideland habitat for avian use. Along with the other coastal islands, shoreline, saltmarsh and estuarine enviroment this area is located along the Atlantic Flyway. These areas in general with Sapelo included provide a resting place for Spring and Fall migrants as well as a breeding area for many species dependent upon a coastal ecology. In addition a significant wintering population of waterfowl and shore birds are found in the area.

Excessive and uncontrolled use of this area for commercial and/or residential useage will have an adverse affect on the total ecology of the area which in turn will reduce its useage by wildlife in general and birds in particular. The continuation of the functions performed by the Marine Institute will in no way adversely affect the area from an ornithological point of view, and will, through the research carried on in the area, provide a deeper insight into the ecological balance which provides the habitat so necessary for continued use by those species specifically adapted to estuarine areas.

The loss of any area along this coast line will adversely affect the remainder and this area in particular should be set aside for the purposes proposed by the State of Georgia.

20 MAY 1975

CZM
Information

Copy to TQO
CS

Very truly yours,

Wallace D. Dreyfoos

Wallace D. Dreyfoos, Pres.

cc: The Georgia Conservancy, Inc
3376 Peachtree Road, N. E.
Atlanta, Georgia 30342

36 Laurel Drive N. E.
Atlanta, Georgia 30342
May 16, 1975

Dr. Edward T. LaRoe
Office of Coastal Zone Management
NOAA
Rockville, Maryland 20852

Re: Georgia's proposal for the establishment of an estuarine sanctuary in McIntosh County

Dear Dr. LaRoe:

I am very concerned about the long range protection of the coastal marshlands and would like very much to have the south end of Sapelo Island and Duplin River estuary preserved. Please do everything possible to declare this area an Estuarine Sanctuary and assist the State of Georgia in their acquisition of this area. If it is not purchased and protected, the resources of the marshlands may become endangered by the kinds of development that have taken place on Jekyll Island.

Thank you for your consideration.

Sincerely yours,

/s/ Marcia Bansley
(Mrs. J. David Bansley)

May 10, 1975

1. TL
2. TQO

Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
U. S. Department of Commerce
Rockville, Md. 20852

Gentlemen:

I am writing to protest the proposed National Estuarine Sanctuary proposed for Sapelo Island, Georgia.

I have been going back and forth to Sapelo for years having both worked on the island and having relatives who work and live on Sapelo.

Sapelo is one of the few places left in our country that is unspoiled and I feel that if the Federal Government takes a hand in things this will no longer be true.

It is unfair to the people who have lived and handed down their life style to the their children to suddenly yank them up and move them against their will. I say that the United States Government really doesn't do too well by the people they relocate. I cite you the example of the American Indians who are still getting the dirty end of the stick.

I am also against the Federal Government gobbling up any more large tracts of land. This has been done in surrounding counties and altho' we as tax payers support and upkeep these areas we are not allowed to use and enjoy them. To do the same to Sapelo Island would really be a shame and I am not in favor of it.

Yours truly,

Patricia H. Orser

Patricia H. Orser
(Mrs.)

1100 Union Street
Brunswick, Georgia 31520

Disposition of comments from Mrs. Orser

1. The practical effect of this proposed sanctuary would be to preserve the lands and waters along the Duplin River in their presently undisturbed state.

2. No one will be forced - or asked - to move or relocate as a result of this proposal.

15 MAY 1975

CZM Information TC Copy 190

Little Cumberland Island
Jekyll Island P.O., Ga. 31520
May 9, 1975

Dr. Edward T. LaRoe
Office of Coastal Zone Management
NOAA
Rockville, Maryland 20852

Comments for the Record of Hearing held May 8, 1975, McIntosh County Courthouse, Darien, Ga. on Duplin River Estuarine Sanctuary establishment.

Dear Dr. LaRoe:

As a resident of the coast of Georgia, I am vitally concerned that its resources be used wisely.

I strongly support the establishment of an estuarine sanctuary on Sapelo Island, McIntosh County, Georgia. I feel that a permanent base for research and education is a necessity on the coast of Georgia. Many studies have already been conducted in the designated area by the University of Goergia Marine Institute, providing a baseline of data which should be added to and continued into the future. Since the estuarine sanctuary, funded nationally, will be a permanent arrangement, I feel that this is the best way to insure continuity of research and education in Georgia on coastal matters. Sunh studies are also of great value on other coastal islands, and estuaries.

A national sanctuary will have statewide and regional significance, as well as being important to the county. Reduction of the property tax income to the county should be considered insignificant in a national and regional context, though if possible, a compensation arrangement with the county might be investigated. Ecological impacts of the establishment of such a sanctuary should be minimal, and in fact, studies in the sanctuary may contribute to an increased understanding of human impacts on a coastal area.

Sincerely,

Joanne S. Worthington

Joanne S. Worthington

COASTAL PLAINS REGIONAL COMMISSION
2000 L STREET, N.W.
WASHINGTON, D.C. 20036

April 9, 1975

OFFICE OF FEDERAL COCHAIRMAN

AREA CODE 202 967-3753

MEMORANDUM

APR 1 8 1975

23 APR 1975

CZM Information

TO: Dr. Sidney Galler
Deputy Assistant Secretary
for Environmental Affairs

FROM: Ward Miller, Jr.
Federal Programs Planning
and Liaison Officer

SUBJECT: Proposed Estuarine Sanctuary Grant Award
for Duplin River, McIntosh County, Georgia

We are some days late with our comments on the project because of the necessary review by the Commission staff. Nevertheless, we are very pleased with the proposed award, and have no negative comments.

The Commission is working closely with the Georgia Coastal Zone Management Program. We were aware of the application for the proposed award some time ago. In fact, one of our programs, the Coastal Plains Center for Marine Development Services, prepared the map and background material which helped Georgia and is helping the other States in our Commission with their estuarine sanctuary projects.

We are happy to have the opportunity to comment on the final proposal. I trust you will forward our sentiments to Ed LaRoe in the National Oceanic and Atmospheric Administration.

Thank you.

Rockin' Chair Farm
The Voigts

Blackshear, Ga. 31516
Route 3
Phone 912-449-5271

May 20, 1975

22 MAY 1975
CZM
Information
Copy

Mr. Trevor Q. O'Neill
OCZM-NOAA
Washington, D. C., 20235

Dear Mr. O'Neill:

Thank you for sending me a copy of the draft EIS on the proposed estuarine sanctuary grant award for Duplin River, McIntosh County, Georgia.

The DEIS arrived too late for me to have a statement for the May 9 hearing at Darien, Georgia, but I hope this can be included with material being considered prior to preparation of the final EIS on the subject.

I am heartily in favor of the creation of the estuarine sanctuary in the area described in the DEIS. However, I'd quarrel somewhat over certain terminology that to me seems misleading.

On page 5, line 7, the DEIS speaks of the "strict" controls provided by the state's Coastal Marshlands Protection Act. In fact, the law as now on the books is weak. It provides no controls whatever over activities or operations by such entities as public utilities, railroads, the highways people--any of which are free to do what they please to or in our coastal marshlands without even consulting with the Marshlands Protection Committee, which administers the act. The EIS should not gloss over the law's weaknesses.

Lacking state law with teeth in these respects, it is urged that the OCZM apply contract provisions, as referred to at the top of page 7 of the DEIS, that will overcome the state law's weakness, and that such specific protective language be indicated in the final EIS.

The Marshlands Protection Act is referred to again on page 11, and there, in the third paragraph of Section IV, states that the act established a permit system governing <u>any</u> alterations to coastal marshlands. That is not a correct statement, in view of the exceptions and exemptions in the law.

With respect to the prospect referred to in the bottom paragraph on page 11, that the Office of Planning and Budget will <u>probably</u> designate the land and water surrounding the proposed sanctuary as areas of particular concern for their

added protection, it is respectfully suggested that OCZM make this a specific condition of contract, and so state in the final EIS. As one who has been actively involved in natural resources conservation matters since 1938, I have far too often seen the best laid proposals progressively weakened prior to activation, so that when operable they were but faint shadows of their original form and substance. Let's stay with this one and guarantee it is right all the way, to ultimate inauguration and operation.

I hope you have by now caught the factual error in the third paragraph on page 16. Kings Bay Ocean Military Terminal is not on Cumberland Island, but just across Cumberland and Crooked Rivers, on the mainland.

The first full paragraph on page 20, as I read it, leaves the impression that even-aged timber cultural practices are invariably "beneficial for wildlife management purposes." I ask whether this is now commonly accepted by the wildlife scientific community. If it not the language should be modified to comport with the facts.

It will be appreciated if you will inform me well ahead of time so I may have the opportunity of scrutinizing the final EIS and possibly appearing at any scheduled public hearing.

Sincerely,

William Voigt, Jr.

Disposition of comments from William Voigt, Jr.

The sections referred to have been expanded or clarified to note the examptions (see pages 6, 13, 14, 20, 25).

The grant award document is now being prepared. It will not make specific reference to the designation of the sanctuary as an area of particular concern; however, OCZM would not approve the state's coastal zone management program unless this kind of concern and protection is provided.

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