

## STREAM BUFFERS: THE PERENNIAL LEGISLATIVE BATTLE



Photo credit: Adrian Fusinaz

It typically happens every other year. The players are almost always the same: environmentalists, downstream property owners, and some water suppliers on one side—developers, the "growth industry" as they like to call themselves, on the other.

Regulation of land disturbance in the forested green space beside Georgia's rivers, streams, lakes, wetlands and estuaries is always the subject. These natural areas protect property downstream, as well as the quality of the water that we drink, and in which we fish, boat, and swim. As a recent study by the University of Georgia has confirmed (*see below*), these buffers along waterways provide significant benefits for people and wildlife.

### Georgia's Buffer History

The first state-mandated buffer along a river was established in 1973, when the **Metropolitan River Protection Act** (MRPA) was passed by the Georgia Legislature to protect Atlanta's drinking water supply—the Chattahoochee River. A 150-foot setback from the river was a key component of the law. Also included were additional land use protections within 2,000 feet of both sides of the Chattahoochee from Buford Dam to Peachtree Creek.



While environmentalists, developers and legislators battled over stream buffer laws in March, an endangered species (the whooping crane) visited the wetlands and protected buffer lands near the Chattahoochee Nature Center in north Fulton County.

Photo credit: Chris Hughes, National Park Service

This law has been generally successful in minimizing the impact of development within a 48-mile river corridor, although there are many MRPA buffer violations requiring enforcement actions. In 1998, Upper Chattahoochee Riverkeeper (UCR) worked with the Atlanta Regional Commission and others to extend these protections an additional 34 miles downstream of Peachtree Creek in

south Fulton and Douglas Counties.

The perennial legislative fight over stream buffers has its origins in another state law that passed 17 years ago. In 1989, the **Georgia Erosion and Sedimentation Act** was amended to require 25-foot natural buffers along all state waters and 100-foot buffers along north Georgia's trout streams, which are considered higher quality waters needing extra protection.

### An Invisible Law in Early Years

For many years, developers paid little attention to these new regulations, because they were not aware of the laws and/or they were not worried about getting caught if they damaged stream buffers. The agency primarily charged

See **Stream Buffers**, page 7

## DECREASE IN BUFFER WIDTH FOUND TO BE HARMFUL SOON

The 2000 Georgia General Assembly reduced the buffer width on trout streams from 100 to 50 feet (*see article above*). At the same time, legislators provided \$300,000 to the University of Georgia to study the implications of the changes to a law that had, at the time, been in effect for more than a decade.



Eight year-old Carson Brewer with his trout caught from the Hooch in Helen during November 2005.

A team of eight researchers spent three years developing an extensive data set comprised of stream temperatures, satellite-based riparian (streamside) forest cover and field data from 40 streams across north Georgia which included habitat characteristics and physiological measures of more than 500 trout living in those streams. An additional year was then spent analyzing the data using detailed statistical analyses. The conclusion: a decrease in stream buffer width from 100 to 50 feet will significantly harm Georgia's trout populations and water quality.

### Trout Need Cool, Clean Water

Northeast Georgia contains the southern terminus of the Appalachian Mountains, as well as the southernmost extent of the distribution of trout on the east coast. Our state's trout stream network is

comprised of approximately 8,000 stream segments that flow through both public and private lands with varying amounts of natural buffer.

Since trout rely on cool, clean water and rocky stream bottoms to sustain their populations, vegetated buffers in the north Georgia region help shade the streams and maintain cooler water temperatures; they also filter out fine sediments that would otherwise cover the rocky stream bottom required by trout for spawning. As compared with trout waters that have 100-foot buffers, streams with only 50-foot buffers are nearly 3 degrees warmer, have 25% more fine sediment, and exhibit an 80% reduction in the reproductive success of trout.

Although previous studies have shown that trout populations are negatively affected by removal or destruction of stream buffers, this is the first study to quantify the consequences of decreasing stream buffer width from 100 to 50 feet.

For information, see [www.rivercenter.uga.edu](http://www.rivercenter.uga.edu).

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Our mission is to advocate and secure the protection and stewardship of the Chattahoochee River, its tributaries and watershed.

# REFLECTIONS

**Mildred Burdette** is a perfect example of why I like my job so much. Instead of spending all her retirement days gardening, this former school teacher who lives in the small town of Hogansville in Troup County, downstream of Atlanta, is focused on good government and clean streams.



Photo credit: Beig Honorar/  
Atlanta Journal-Constitution

About a year ago, Mildred called our office to report severe erosion problems in her community. She expressed her frustration with city officials who were not enforcing clean water laws (see page 3).

Mildred was particularly worried that mud flowing from development sites would harm the town's drinking water supply—Blue Creek Reservoir. A visit to the town by UCR staff confirmed significant problems with construction projects that were not keeping the Georgia red clay and other contaminants from flowing off-site during storms. Mildred's concerns became Upper Chattahoochee Riverkeeper's concerns.

## Points of View

Our 2005 Annual Report, *Points of View*, highlights a dozen individuals who, like Mildred, have decided to take action to protect their river and the streams that feed it. From **Mayor Shirley Franklin** and her determination to fix Atlanta's sewer system, to **Ben Jordan** whose company (Coca-Cola) needs clean river water to provide the main ingredient in its product, to West Point Lake fishing guide **Dick Timmerberg** - all of these individuals have decided

to get personally and actively involved. Commitment like theirs has significantly enhanced UCR's dedication to the river and to the watershed community and, most certainly, our ability to succeed in taking care of the Chattahoochee.

There's also a story of dedication behind the creation of our new Annual Report. Photographer **Kevin Garrett**, writer **Echo Garrett**, and graphic designer **Hal Smith** wanted so much to protect the river they love that they worked together to produce this beautiful and compelling publication at a *deeply* reduced cost to UCR. Their generosity speaks volumes about their commitment to our wonderful Chattahoochee River. UCR members will soon receive a postcard that explains how to request a copy of the 2005 Annual Report.

## Healing the River

The Chattahoochee River will not be healed until thousands more people like the individuals mentioned here decide to get involved. Multiply these seven people by six hundred and you'll know how many people have joined Upper Chattahoochee Riverkeeper in the past twelve years. Multiply these seven by a thousand and you'll know how many members we need to have by the end of next year to heal and protect our river.

Will you help us? Please ask your business associates, colleagues, friends and family to visit our website at [www.chattahoochee.org](http://www.chattahoochee.org) to join us. It's an easy first step for getting involved.

Sally Bethea



## SWEETWATER BREWERY: 'SAVE THE HOOCH AND STOCK THE STREAM!'

Award-winning **SweetWater Brewery** has a brand-new program to protect the Chattahoochee. A strong supporter of local environmental groups, the 25,000 barrel per year micro-brewery plans to kick off a campaign this fall to raise funds to stock the river with trout and support UCR's clean water programs.

For every case of beer that SweetWater sells this coming August and September, a fish will be added to the river. Also, 100% of funds raised through the sale of 'Save the Hooch' merchandise will be directly donated to UCR.

An extensive marketing and merchandising program is being developed around the campaign. Through on-premise and off-premise promotions, SweetWater will direct its customers to websites of both the brewery and UCR.



Posters, prize drawings, and insert brochures will be utilized to publicize the campaign.

In addition, the brewery will work with UCR to organize a trash cleanup along the river in the fall. The cleanup will be followed by a festival to award prizes to promotional winners and to present the donation check to UCR. Promotional winners will be given a rubber duck to toss in the river at the start of the festival. The owner of the first duck to the finish line will receive a fly fishing expedition for four to Montana!

SweetWater's director of sales Steve Farace: "Amid the fun of this campaign we hope that fans of our beer make the connection that we draw our drinking water from the Hooch. And, a healthy Chattahoochee makes for better beer."



## OLYMPIC GOLD MEDAL KAYAKER JOINS UCR BOARD

All of UCR's board members deserve medals for their commitment and dedication to our work, however, our newest member, **Norm Bellingham**, has a *real* gold medal. He won it as a member of the U.S. Sprint Kayaking team at the 1988 Olympics in Seoul, Korea.

Norm also served as a member of the kayaking team at the 1984 and 1992 games and has been a member of the U.S. Olympic Committee. He led program initiatives for the Atlanta and Salt Lake City Olympic Games and played a key role in managing a reformation of the organization's corporate governance structure.

As senior vice president of strategic planning for **Turner Broadcasting System, Inc.**, Norm oversees the group charged with providing consultation and analysis of potential acquisitions, including programming and technology. He also works closely with the executive leadership of

Time Warner and its divisions on matters of strategic direction.

When Norm and his family moved to Atlanta, he was determined to live within walking distance of the Chattahoochee, so that he could feel more connected to his new "home waters". We are pleased to welcome him to our board.



Norm Bellingham



## NANCY CREEK SEWAGE OVERFLOWS FINALLY ENDING

On New Year's Eve, Atlanta celebrated the completion of a major deadline mandated by the federal consent decree that requires the city to fix its sewer system and stop contaminating the Chattahoochee River and tributaries. For decades, sanitary sewage from north Atlanta and parts of northeast Fulton and DeKalb Counties was transported to the city's R.M. Clayton plant for treatment in large diameter interceptor sewers. These sewers ran parallel to Nancy Creek and routinely overflowed into the stream during and after heavy storms, discharging high levels of fecal coliform bacteria. To stop these overflows, the local governments worked together to construct the Nancy Creek Tunnel which was completed on time at the end of 2005 at a cost of \$150 million. The 16-foot diameter tunnel, which is 8.5 miles long and has an average depth of between 110 and 300 feet, runs from the intersection of Johnson Ferry Road and Nancy Creek in DeKalb County to the Clayton plant. *For more information, see [www.cleanwateratlanta.org/nancycreek/](http://www.cleanwateratlanta.org/nancycreek/).*



## EPD ACKNOWLEDGES WATER QUALITY PROBLEMS AT LANIER

According to EPD's Director of Watershed Protection, Linda McGregor, Lake Lanier has not been meeting water quality standards for chlorophyll *a* and actions must be taken. This announcement was made at the February meeting of the Georgia Board of Natural Resources. As a result, the agency will propose to list the majority of Lake Lanier as an "impaired" water. This decision follows directly from a discovery by UCR staff that monitoring stations in the lake exceeded the chlorophyll *a* standard for four out of the last six years. We met with EPD and EPA officials in January to discuss our concerns about these standard violations. While chlorophyll *a* does not pose a direct threat to human health, the microscopic plant matter does indicate the presence of algae, generally caused by fertilizer and other nutrients washing into the lake. Sewage discharges can also lead to algae blooms and higher chlorophyll *a* levels. Once Lake Lanier is formally listed as impaired, the state will be required to develop a cleanup plan to prevent additional pollution, working with local governments in the watershed.



## TOWN'S DRINKING WATER RESERVOIR THREATENED BY DEVELOPMENT

Proposals for massive bedroom communities and new towns within an hour's drive of Atlanta are proliferating in rural areas where residents are becoming alarmed about potential harm to their quality of life and natural resources.

One such proposal would bring about 2,500 residential units to the small Troup County town of Hogansville, an hour and 15 minutes south of Atlanta. Located just off Interstate-85 on a thousand acres of land upstream of the community's Blue Creek Reservoir, the Waterford development would also include retail and commercial uses.

### Retired School Teacher Sounds Alarm

Concerned about possible impacts to Hogansville's drinking water reservoir from Waterford, local resident and retired school teacher **Mildred Burdette** called UCR for help. Having worked with Mildred on other water-related problems in her area, we knew that she was a reliable source. Our further investigations confirmed the significant nature of the massive development proposal and the threat that it poses to Hogansville's drinking water supply.

In early December, UCR spoke to the Hogansville City Council about our concerns for Blue Creek Reservoir and the streams that flow into it; we emphasized the magnitude of the Waterford development and the town's evident problems with controlling construction runoff. Based on multiple violations at other construction sites in Hogansville, we have had little confidence in the town's ability, or will, to enforce clean water laws.

# On Patrol



## WAL-MART PROPOSES TO FILL STREAMS

Last year, UCR received a hotline call from a member concerned about water quality impacts anticipated from the proposed construction of a Wal-Mart Supercenter in the Dick's Creek watershed of Forsyth County. We discovered that several perennial streams that flow through the site were not marked on the development plans and were slated for filling. Months of opposition to the proposal by Smart Growth Forsyth, UCR and others resulted in some positive revisions to the project, however, as currently designed, the store would still impact more than 300 linear feet of stream and about half an acre of wetlands. UCR has submitted a comment letter opposing the request that Wal-Mart has made to the state EPD for a variance to encroach in the protected buffer along the stream. We hope to work with EPD and the applicant to improve the project through better site planning, a reduction in the footprint of the project and a better mitigation proposal.



## FIGHT CONTINUES AGAINST WOOLY ADELGID INFESTATION

As the Hemlock Woolly Adelgid continues its journey of destruction throughout the hemlock stands of the eastern United States, UCR is working in partnership with other organizations to fight the forest pest here in Georgia. The sap-sucking Japanese natives are moving approximately 20 miles westward each year and heavy infestations can kill individual trees in as little as four years. At this rate, 90% of our north Georgia Hemlocks, many of which grow beside and protect headwater streams, will die off within the next 10 years without aggressive measures. Based on current science, predator beetles are the preferred method for control. Tennessee and South Carolina have already developed special beetle labs and plans for a similar lab at the University of Georgia are beginning to take shape. Monies raised thus far will be used to renovate an existing building on campus, however, we still are a long way from covering all of the lab's start up costs. Recently, the partners met with the Turner Foundation and have begun to put together a matching fund proposal to generate additional support for a lab.



We also met with the Virginia developer, **The Silver Company**, and their project engineers to offer recommendations on low-impact design measures and approaches that could mitigate the natural resource damage that results from the typical cut-and-run development. In addition, we discussed our concerns about the lack of adequate drinking water supply and wastewater capacity for Waterford.

### Decision by Regional Agency Still Pending

UCR, the Georgia EPD and others provided written comments to the Chattahoochee-Flint Regional Development Center (RDC) in January, asking for a delay in its decision regarding the appropriateness of this "development of regional impact" (DRI)—pending the resolution of outstanding infrastructure matters. The RDC's role is as an advisor to the local government which may accept or reject the regional agency's decision.

Facing significant opposition, the city of Hogansville and the developer asked the RDC to delay the decision until its DRI application could be amended. In March, we were advised that the engineering studies were almost complete and that the Silver Company representative would meet with UCR and our engineers to review them.



Hogansville resident Mildred Burdette (left) shows UCR's Alice Champagne a design plan for a proposed subdivision.

## JOIN THE CHATTAHOOCHEE CHALLENGER SERIES

If you've always wanted to try out a section of the Chattahoochee, but were hesitant to do it by yourself, join us for an adventure this year! During the 2006 paddling season, UCR member and volunteer extraordinaire,



Photo credit: David McGregor

Richard Grove

**Richard Grove**, will guide members and guests on a variety of river trips.

Although he had never kayaked until two years ago, Richard made up for lost time and is now a master. "My nephew, he had a kayak that he was never using. So I went to him and told him I wanted to borrow it. I spent 26 days on the

[Chattahoochee] river that trip [2004], and the first time I ever got into a kayak was when I set off."

Richard now has a kayak instructor's certificate and is current with first aid and CPR. The Chattahoochee trips vary in length, location and time. Fees are minimal. *To register, please visit [www.chattahoochee.org](http://www.chattahoochee.org) or call Birgit at 404.352.9828 ext 24.*

### River Challenger Series

May 27	Buford Dam to Medlock Bridge-17 miles
June 3	Medlock Bridge to Roswell Park-14 miles
June 17	Roswell Park to Paces Mill-13.5 miles
July 8	Buford Dam to Roswell Park-31 miles
July 15	Moonlight Cruise, Morgan Falls to Paces Mill
July 29	Medlock Bridge to Paces Mill-27 miles
August 12	24 Hour Paddle Mania, Buford Dam to.....

## COCHRAN SHOALS VOLUNTEER DAY A BIG SUCCESS!

Although the announcement said to arrive at 9AM, volunteers from a variety of organizations including chapters of **Trout Unlimited**, **National Park Service**, **Georgia Women Flyfishers** and Upper Chattahoochee Riverkeeper were all ready to go by 8AM---eager to embark on a major restoration project at the popular Cochran Shoals Unit of the Chattahoochee National Recreation Area in Cobb County. As people polished off pastries and coffee donated by **Caribou**, the event kicked into high gear, with volunteers being sent off in numerous directions.

Organized by **Bruce Rickey** of **Trout Unlimited**, the event involved a number of activities, including stocking the river with trout, removing unwanted trees from a designated habitat for threatened sparrow species, and stabilizing the river bank with rocks and trees. With a warm sun overhead and optimistic attitudes on the ground, the work

went by very quickly.

The work day ended with an exceptional display of barbecue prowess that included barbecued pork, potato salad, and

left over pastry filling up all of the empty bellies. A raffle was held at the end of lunch. Volunteers left the work day with a strong sense of accomplishment, as well as a determination to protect the river they love.



Volunteers work hard to stabilize the eroding bank next to the main stem of the River.



## PADDLE GEORGIA EMBARKS ON THE ETOWAH

This summer, as many as 300 people will discover the beauty of the Coosa River Basin when Georgia River Network hosts *Paddle Georgia 2006*.

The week-long, 120-mile canoe/kayak camping adventure will take place June 24-30 with paddlers floating the Etowah and Coosa Rivers from Dawsonville to Lock and Dam Park in Floyd County. A project of **Georgia River Network**, the event is designed to reconnect citizens with the rivers of Georgia. Last year, *Paddle Georgia* explored the Chattahoochee River.

Registration for thru-paddlers (those paddling all seven days) began in February. Day paddler registration (for those paddling four days or less) began in April. You may register online at [www.garivers.org](http://www.garivers.org). Registration fees range from \$130 to \$185 for thru-paddlers. Day paddler registration is \$50 for the first day and \$30 for each additional day.

### A Paddle Through Time

The trip is being billed as a paddle through time because of the many important historic sites on the route, including the Etowah Indian Mounds, the Euharlee Creek Covered Bridge and the Coosa's Lock and Dam Park. Participants



*Paddle Georgia 2005 participants drift lazily down the Chattahoochee. This year, Paddle Georgia visits the Etowah and Coosa rivers.*

will paddle over Native American fish weirs, past century old riverboat landings, and by antebellum plantations spared by the Union army during the Civil War. Tours of these historic sites and riverside industrial facilities, nightly campsite activities including games, entertainment and educational programs will further enhance the *Paddle Georgia* experience.

Additionally, *Paddle Georgia* participants will assist scientists in chemical, biological and visual assessments of the Etowah and its tributaries that will provide a snapshot of the river's current health. Ten scholarships are available for area teachers who wish to participate in the event and receive Project WET and Georgia Adopt-A-Stream training during the week. Made possible through a grant from **Georgia Power**, these scholarships cover registration fees and the Project WET curriculum. *Interested teachers should contact Joe Cook at 706-235-1170 or at [joe@joe-cook.net](mailto:joe@joe-cook.net).*

An event geared for even novice paddlers, *Paddle Georgia* makes a great family vacation and will show you Georgia as you have never seen it before. Don't miss this opportunity to explore your watershed and have a great time doing it. *To learn more or register, visit [www.garivers.org](http://www.garivers.org)*

## SAVE THE DATE!

On September 21, 2006, UCR will host the 12th Annual Patron Dinner to recognize those who have made special contributions to the protection of our river.

Visit [www.chattahoochee.org](http://www.chattahoochee.org) for details or contact Magnus Christon at: [mchriston@ucriverkeeper.org](mailto:mchriston@ucriverkeeper.org) or 404-352-9828, ext. 12.

## NORTH HALL MIDDLE SCHOOL RECEIVES CLEAN WATER AWARDS

The *Clean Water Campaign* and *Water Use It Wisely Program* ([www.wateruseitwisely.com](http://www.wateruseitwisely.com)) teamed up last fall to encourage children and parents to help clean up our waterways and conserve water in Georgia. Students researched and shared their thoughts on why conserving water and preventing water pollution are important issues for the future of our river, lakes and streams. The main goal of this program is to encourage students to create inventive solutions to water conservation and water quality in metro north Georgia.

### Essay Contest Winner

The overall winner of the essay contest was **Kelley Miller**, a seventh grader from **North Hall Middle School** who has participated in stream cleanups as part of Gainesville/Hall County Adopt-A-Stream program. In her essay, Miller said, "Water pollution affects essentially everyone. This means no water for drinking, recreation, agriculture, or industry." She also said, "If everyone takes the time and a little bit of effort, then we can keep our water clean." Miller was awarded \$100 and a plaque for winning the contest.

More than 1,000 middle school students from sixth, seventh and eighth graders throughout north Georgia participated. Winners were selected from each county and a top winner was selected from the finalists. *To view the winning essays, visit [www.cleanwatercampaign.com](http://www.cleanwatercampaign.com) and click on the essay contest link.*



left-right Kelley Miller (winner), Kelley O'Brien (District), Water District Chairman Kit Dunlap

### Outstanding Outreach and Partnership Award

In conjunction with this year's **Environmental Education Alliance Conference**, the **North Hall Middle School Stream Team** received the Outstanding Outreach and Partnership award for work in the Wahoo Creek watershed in Hall County. Fifty student members of the Stream Team have been certified in chemical and biological



From left to right Eric Lundsford City of Gainesville Environmental Specialist, Allison Hughes - GA AAS, Sally Mason - GA AAS & Brian Wile City of Gainesville Environmental Monitoring Coordinator.

Adopt-A-Stream (AAS) monitoring in the past year. Their accomplishments include monthly chemical monitoring at two sites on Wahoo Creek, the creation of watershed posters and placements for Earth Day, and development of a website, T-shirt, brochure and newsletter.

**Kathy Mellette**, North Hall Middle School science teacher and Stream Team leader, was designated by the Georgia Adopt-A-Stream Program as Volunteer of the Year for creating the school's Stream Team and working in partnership with Gainesville's AAS Program and other groups. The **City of Gainesville** also received an award for providing AAS trainers, coordinating activities of volunteer monitors, creating the superhero "Captain Conservation", hosting cleanups, and generally educating citizens about water pollution. UCR has appreciated the help that Gainesville has provided to enhance our *Partners for Clean Water Project*.



## ADOPT-A-STREAM ANNOUNCES NEW BIOLOGICAL FIELD GUIDE

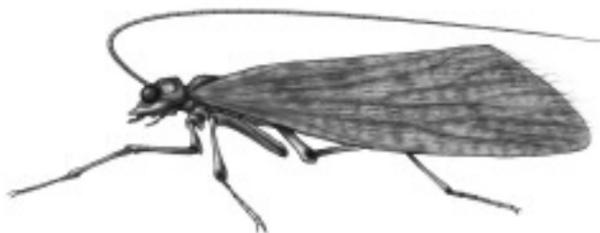
By Allison Hughes,  
Adopt-A-Stream State Coordinator

Over the past six months, the Georgia Adopt-A-Stream Program has been developing a new biological monitoring field guide following the recommendations of a national study and input from several local benthologists (people who know a lot about the small creatures that live in rivers).



Giant Case Caddis Larva

The major change to the guide is in the classification of Caddisflies. Recent studies have found that tolerance to pollution varies in Caddisflies. Research shows that the common net spinning caddisfly (Family Hydropsychidae) is more tolerant to pollutants than other caddisflies in the Order Trichoptera. The new guide divides the caddisflies into two categories, Caddisflies and Common Net Spinning Caddisflies, based on their tolerance to dissolved oxygen levels. Another change to the guide includes combining Dobsonfly/Hellgrammites with Fishflies, both in the order Megaloptera.



Common Net Spinning Caddisfly Adult

The new field ID key will be more durable, constructed from a laminated quad-folded paper that will be water proof and fit into your back pocket. The guide features original illustrations of the macroinvertebrates, including sketches of the adult species. The new format and species descriptions will also make it easier for volunteer monitors to identify the macroinvertebrates in the field.

Expect to see the new field guide in early May. It will be available to all of our Adopt-A-Stream QA/QC certified biological monitors. *To become a QA/QC certified monitor, you must attend a biological workshop and pass the QA/QC test. The guides will also be available for downloading on our website at [www.riversalive.com/aas](http://www.riversalive.com/aas). Groups interested in obtaining a large quantity can contact the State Adopt-A-Stream office at 404-675-6240.*

Artist: Tommy Moorman

**So-this-is-a-River!"**

**"The River," corrected the Rat.**

**"And you really live by the river? What a jolly life!"**

**"By it and with it and on it and in it," said the Rat. "It's brother and sister to me, and aunts, and company, and food and drink, and (naturally) washing. It's my world, and I don't want any other. What it hasn't got is not worth having, and what it doesn't know is not worth knowing."**

**Kenneth Grahame, *The Wind in the Willows***

# YEARS OF NEGOTIATION, LAWSUIT LEAD TO CLEANER WATER

After three years of negotiation, Upper Chattahoochee Riverkeeper has reached a settlement with state and industry groups to better control polluted stormwater flowing to our waterways from thousands of industrial sites in Georgia.

For the first time, industries will be required to routinely monitor the stormwater that runs across their sites for bacteria and other contaminants that can cause human disease and harm wildlife. They must also allow greater public access to information about pollution control efforts, known as best management practices, by poultry operations, landfills, junkyards, manufacturing facilities, chemical plants, and other industries.

## Failure of Stakeholder Process

UCR, **Altamaha Riverkeeper** and **Coosa River Basin Initiative** filed an appeal of the industrial stormwater permit (permit) issued by the Georgia Environmental Protection Division (EPD) one year ago, with counsel from the **Southern Environmental Law Center**. This permit, regulating stormwater control at certain kinds of industrial sites, expired in 2003. Following this expiration, a series of meetings were held by an ad hoc "stakeholder" group composed primarily of industry representatives, but also including UCR's general counsel and EPD representatives.

Although progress was initially made in the stakeholder group, with consensus reached on a number of key issues, EPD did not formalize these agreements in the final permit that it issued in early 2005. Key provisions were changed at the last minute to favor industry positions. Several industry groups involved in the stakeholder process intervened in our appeal to help defend EPD's permit: **Georgia Industry Environmental Coalition** (GIEC) and the **Georgia Poultry Federation**, both represented by the **Troutman Sanders law firm**.

## Public Health Concerns

A major flaw in the state's permit was the exemption from sampling requirements for industrial sites where stormwater flowed into streams already harmed by high levels of fecal coliform—the primary indicator of the presence of bacteria. In 2002, Georgia's list of impaired waters included 248 stream segments that exceeded health standards for fecal coliform, many of them downstream from poultry processing plants. This situation posed an ongoing and unacceptable risk to public health and clean water, and was a principal reason for UCR's challenge of the permit.



Photo credit: Kimberly Smith/Atlanta Journal-Constitution

Chickens travel down a conveyor belt from the chiller and are placed on hooks that weigh them and sort them by weight at a processing plant in Gainesville.

Under the terms of the settlement, industries will be required to monitor their discharges to ensure that they are not the source of the bacteria that is causing water quality problems in our waterways. If confirmed as a source, the industry must take steps to better control stormwater runoff, including the installation of a pre-approved "menu" of best management practices and enhanced monitoring. The Georgia Poultry Federation, one of the defendants in the permit challenge, agreed to fund a study that will lead to a better understanding of the best means to control bacteria runoff from poultry operations.

## Public Access to Information Critical

Another significant problem with EPD's original permit was the failure to require facilities to submit stormwater pollution control plans to the state, which resulted in little, if any, oversight and enforcement against chronic polluters.

Under the settlement, EPD will require industries to make plans available to the public upon request. Facilities will also be required to submit an annual report showing the results of their water quality monitoring and information about the implementation of their pollution-control plans. Other clarifications and revisions, required by the settlement, will strengthen the permit and ultimately reduce industrial pollution in our rivers, lakes and streams.

The state EPD issued a new permit this spring for public review and comment, encompassing the terms of our settlement. A final permit is expected this summer.



UCR's Boat Captain Harlan Trammell.

## CAPTAIN'S CORNER

### SPRING IS THE BEST TIME FOR RIVER PATROLS

With warmer weather approaching, spring is the time for river patrols. We've had a successful patrol program for many years and are already booking trips for warmer weather, including a repeat ride on the river with **Mayor Shirley Franklin**. It is a great time to get out and enjoy the river and also look for problems. The more stable weather allows for long patrols such as the 85-mile one-way trip from Atlanta to West Point Lake and other longer trips that need good weather for a safe, comfortable ride.

The best thing about spring is that it is not too hot and the trees have not fully leafed out, so visibility along the riverbank and surrounding land is good. In the summer it's difficult to see land disturbing activities, unless they are occurring right on the riverbank. Spring also brings higher river volumes that keep navigation less technical.

### What I Look For on the River

Things to look for while on the river are broken pipe lines, land disturbance, unusual trash, and other abnormal sights

or activities. During the spring, I like to run the entire river from Buford Dam to West Point Dam. This is split into several trips: Buford Dam to Morgan Falls and Atlanta to West Point Lake; the West Point trip can only be run in the most stable weather with fewer passengers.

Shorter trips such as the popular Atlanta to Buzzard Roost Island run can be handled efficiently in a few hours aboard our Honda-powered *Sweet Virginia* with up to four passengers. During the patrols, we take photos and collect water quality data for comparison with data collected on previous trips. Since UCR is the only group to patrol the urban and remote areas of the Chattahoochee, many problems that would have gone unchecked have been solved thanks to these routine patrols.

Though we run patrols in all months of the year, spring is one of the nicest and most efficient times to do it. Scheduled short patrols go out several times per month with longer trips taken when weather allows. In order to get good data, you have got to get *on* the water and take real measurements. Spring is the best time to do it.

# STREAM BUFFERS

Continued from page 1

with enforcing these water quality protection measures, the Georgia Environmental Protection Division (EPD), did little to promote compliance through education or enforcement actions.

As desirable sites became scarcer in urban areas, developers changed their focus to properties along streams and in floodplains—areas previously thought too difficult to develop. At the same time, neighbors and watershed groups became more educated about the positive consequences of the buffer laws. UCR held workshops for citizens, developers and local officials to help them all

understand buffers and their function as an effective, low-cost way to keep streams, rivers and lakes clean. Another advantage of the buffer laws: cleaner water means added value to homes and communities.

## Ground Zero at the Capitol

By the late 1990s, the Georgia Legislature had become ground zero for the "buffer wars", which pitted developers who tried to weaken the laws against groups who tried to make them stronger. To accommodate north Georgia developers and bankers, a deal was brokered in 2000 to reduce the trout buffer from 100 to 50 feet. To accommodate citizens, other buffer provisions (e.g. definitions, variance criteria) were strengthened and applied to all waterways in Georgia. The legislature also provided funds to the University of Georgia to conduct a scientific study of the effect of the buffer reduction (see page 1).

The **Council for Quality Growth** led the charge to weaken buffer regulations in 2004, however, the **Georgia Water Coalition** was able to fend off the more egregious provisions by those looking to make a quick development buck at the expense of downstream landowners. Undeterred, how-



This pristine north Georgia trout stream is protected by healthy, natural stream buffers.

ever, the Council successfully attacked buffer laws in another forum, the Georgia Board of Natural Resources, where they were able to reduce protections for small headwater streams.

## Water Supply Watersheds Under Attack

This year's legislative buffer battle has been driven by a state senator from Lumpkin County, which is located in the headwaters of the Chattahoochee River Basin. **Sen. Chip Pearson (R)** and his colleagues initially attacked three different state laws that require buffer protections. Ultimately, however, they proposed roll-backs "only" to the regulations that pro-

tect small drinking water supply watersheds pursuant to the **Georgia Planning Act (1989)**. Despite documented water quality problems upstream of the reservoir on Yahoola Creek in Dahlonega, Pearson has attempted to remove buffer protections to allow development and septic tanks next to streams that flow into the reservoir.

As a leader of the Georgia Water Coalition, UCR organized the fight against any weakening of buffer laws in the 2006 Legislature. On the last day of the session, the Pearson bill (SB 510) was defeated by a landslide vote, 139-30. Four legislators who represent the Chattahoochee Headwaters region voted *in favor* of SB 510—**Amos Amerson, Ben Bridges, Stacy Reese and Carl Rogers**.

UCR's efforts to strengthen and clarify state laws and local ordinances that protect natural buffers have been driven by one simple goal: *to ensure that we and our children have enough clean water to drink and enjoy*. We've lost a few battles along the way, but we have also made significant progress. If necessary, in 2007, we'll be ready to fight again under the Gold Dome to protect Georgia's buffers.



# METRO DISTRICT THROWS OUT KEY WATER CONSERVATION STRATEGY

Regional planners project a *doubling* in metro Atlanta's population by 2030. They also acknowledge that there is not enough water in local waterways to sustain the millions of people who will be calling Atlanta home—just 25 years from now.

In 2003, the North Georgia Metropolitan Water Planning District (District) approved long-term water plans that call for conservation to meet *eleven percent* of the projected water needs, or 136 million gallons per day. After evaluating more than 100 ways to use water more efficiently, District staff chose ten as the most effective methods.

## Plumbing Retrofit on Resale Abandoned

Conservation pricing—higher rates for large water users—was at the top of the District's water conservation list. The region has made progress in this area, although water is still too cheap in most jurisdictions to truly affect demand. Also at the top of the list was a conservation tool known as plumbing retrofit on resale; this measure has been used effectively in some western states to reduce water consumption in homes and businesses.

The District's Water Supply Plan recommended the passage of legislation to require replacement of inefficient plumbing with low-flow fixtures in homes built in the 16-county region prior to 1993. Homes built after 1993 are already required to install low-flow plumbing. Plumbing replacement requires an upfront investment of about \$650, however, the savings in water use pay for the cost of the fixtures in 2-3 years; residents would continue to save water and money from that point on. The District estimated that this initiative could save as much as *42 million gallons of water per day* by 2030.

Working with state legislators, District planners urged the 2004 Legislature to pass a bill requiring plumbing retrofit-on-resale, but significant pressure from the real estate lobby derailed the bill and regional planners backed off the initiative immediately. A defeatist attitude on the part of District staff and some Board members led to the removal of this important conservation strategy from the Water Supply Plan at the District's February Board meeting, although the vote was divided.

In place of retrofit-on-resale, the District shifted its conservation efforts onto

the backs of local water providers who may choose among several alternatives, including incentive programs. Along with this minimal plan comes a *six year* delay in the implementation schedule and no measurable benchmarks for program success.

## Downstream Legislators Take the Lead on Conservation

Tired of the District's weak efforts to control the use of water, state legislators representing communities downstream of Metro Atlanta decided to take action.

**Sen. Seth Harp (R-Columbus)** introduced SB 575, along with a bipartisan group of legislators including **Sen. George Hooks (D-Americus)**, and **Sen. Don Thomas (R-Dalton)**. In an effort to appease the real estate industry, the bill called for more practical, utility-administered ways of requiring plumbing retrofits, such as imposing a surcharge on water users until they had installed the low-flow fixtures. While a version of this bill was voted out of the Senate Natural Resources Committee, it was held up in Senate Rules by **Sen. Eric Johnson (R-Savannah)**, a strange position for a legislator representing a downstream constituency.

Downstream states and communities will take heed of the fact that Metro Atlanta is pursuing little more than voluntary water conservation programs. All of the rivers that flow through the metropolitan region are threatened by this cavalier approach to water management.



Photo credit: Dan Holister

## 4th ANNUAL BACK TO THE CHATTAHOOCHEE RACE & FESTIVAL

# SIGN UP NOW AND COME BACK TO THE RIVER ON JUNE 10! CHECK OUT OUR BOAT AND GEAR SHOP & SWAP

The City of Roswell, the National Park Service and the Upper Chattahoochee Riverkeeper (UCR) are doing it again! We invite you to participate in the 4th Annual River Race & Festival on June 10. It is a scenic, fairly easy 8-mile paddle for "Recreational" racers of all ages and a more challenging 10-mile sprint for the "Open" more competitive participants. The race begins at Garrard Landing Park at Holcomb Bridge and ends at Riverside Park, site of the Festival.



The Environmental Festival begins as the Race ends.

Come enjoy the Festival food and music. The Swallows Restaurant in Roswell is bringing its great BBQ and veggie sandwiches along with Nashville music. Enjoy exhibits presented by those organizations working to protect and preserve Georgia's natural places. High Country Outfitters will again sponsor the boat sale and gear swap. It is a good time to buy quality equipment at great prices.



Photos by Kent Ruby

The 4th Annual Race & Festival is sponsored by **Chevron, The Coca-Cola Company, Harry's Market, High Country Outfitters, Chattahoochee Nature Center and 96Rock** along with support from many exhibitors and racers like yourself. For information see [www.chattahoochee.org](http://www.chattahoochee.org).

Open racers may earn points toward awards in the **Georgia Flatwater Canoe/Kayak Race Series**. Our Race is the final in the series which included the Canoochee River Race and Lula Bridge Trophy Race in April and the Oostanaula Race in early May.



Spectators may view the Race from National Park Service trails at Island Ford, Don White Park (Riverside Drive under GA 400 bridge), and the pedestrian bridge at Riverside Park (Finish Line).

## Back To The Chattahoochee River Race & Festival - Registration Form

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone (H): \_\_\_\_\_ (W): \_\_\_\_\_  
 E-Mail: \_\_\_\_\_  
 T-Shirt Size: YL S M L XL XXL Meal: Meat Veggie  
 Method of Payment: (circle one) Check VISA MC AMEX  
 Card Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_  
 Corporate Team Name: \_\_\_\_\_  
 Doubles Partner Name: \_\_\_\_\_  
 T-Shirt Size: YL S M L XL XXL Meal: Meat Veggie

Circle one in each category:

**Skill:**  
 open recreational  
**Number:**  
 solo tandem  
**Boat:**  
 canoe kayak  
**Gender:**  
 women men co-ed  
**Special:**  
 fledgling master parent-child

Register online at [www.chattahoochee.org](http://www.chattahoochee.org) Fees: Solo \$35, Tandem \$50  
 Or FAX registration form to: 404-352-8676, Attention: Bill Crawford  
 Or mail registration form to: Upper Chattahoochee Riverkeeper, 3 Puritan Mill, 916 Joseph Lowery Blvd., Atlanta, GA 30318  
 Fees include BBQ or Veggie Lunch starting at 11AM and One Year Membership in Upper Chattahoochee Riverkeeper



Keeping Watch Over Our Waters

3 Puritan Mill  
 916 Joseph Lowery Blvd. Atlanta, Georgia 30318  
 404 352-9828

Non-Profit  
 Organization  
 US Postage Paid  
 Permit No. 3363  
 Atlanta, Georgia

Address Service Requested

## River Matters

**Chattahoochee  
 Challenger Series** May through  
 September

See page 4 for all dates. Contact Birgit Bolton at [bbolton@ucriverkeeper.org](mailto:bbolton@ucriverkeeper.org) or 404-352-9828 ext. 24

**Cool Waters**  
 A Water Workshop for  
 Georgia Educators  
 Grade K-12 June 6-8  
 Please visit [www.gawponline.org](http://www.gawponline.org) or call 770-532-7462 for more information.

**4th Annual  
 Back to the River  
 Race & Festival** June 10

Contact Bill Crawford at [bcrawford@ucriverkeeper.org](mailto:bcrawford@ucriverkeeper.org) or 404-352-9828 ext. 14 for race information and Birgit Bolton at [bbolton@ucriverkeeper.org](mailto:bbolton@ucriverkeeper.org) or 404-352-9828 ext. 24 for festival information.

**Paddle Georgia 2006  
 on the Etowah** June 24-30

For questions and more information, visit the Paddle Georgia website at <http://www.garivers.org/paddegeorgia/pghome.html>

**Wonders of  
 Wetlands** July 8 & 9  
 or 14 & 15

Environmental Education training course. For more information please call Jerry Hightower at 678-538-1245.

**12th Annual  
 Patron Dinner** September 21

Contact Magnus Christon at [mchriston@ucriverkeeper.org](mailto:mchriston@ucriverkeeper.org) or 404-352-9828 ext. 12

