

COLLABORATION BRINGS REFORM TO EROSION CONTROL PROGRAMS MAJOR WATER POLLUTION SOURCE TACKLED



When Georgia streams have "run red" with mud in the past, it has usually meant that somebody upstream was making money by cultivating cotton, clear-cutting forests, building highways, or grading for factories, shopping centers or residential development. Downstream residents and businesses have had to suffer the economic and environmental hardship of dealing with the runoff from uncontrolled construction sites. However, the burden is shifting in Georgia, and those who benefit from the development will now be required to pay for some of these costs with better on-site controls. Their neighbors are not putting up with any more dirty water—it's not good for the environment or the economy.

Silt and sediment (mud) runoff from a construction site chokes the life out of streams and increases the cost of our drinking water. The mud fills up streams, decreasing flood storage capacity and degrading water quality for fish and other aquatic species. It negatively impacts recreation and carries other pollutants, such as bacteria and fertilizers, downstream. The number of construction sites in the metro Atlanta area, combined with the lack of qualified inspectors, insufficient education of personnel, and the lack of priority afforded by some officials, has made erosion and sedimentation control a daunting task for all involved.

Confusing Regulations, Failed Enforcement

According to U.S. EPA, eroded sediments account for 80% of the pollution in the nation's waters. Georgia passed a state law in the mid-1970s, attempting to deal with this



Chattahoochee fisherman avoids muddy water flowing out of nearby tributary.

pollution. Numerous amendments over the years tried vainly to 'fix' the law, which failed miserably in its implementation due to vague regulations, involvement of numerous agencies with ill-defined roles, and lack of funding. In 1987, the Clean Water Act (CWA) was amended to focus federal regulatory attention on curtailing stormwater runoff from construction activities. Unfortunately, the result was a complicated and unworkable dual permitting system by state and federal agencies.

After years of litigation by environmental groups and a damning report from the State Auditor, all interested and affected parties finally determined to work together in *real* collaboration to bring real reform to Georgia's

See Erosion, page 7

"Water Wars" Hits Stalemate—Off the Table, Into Court

A collective sigh of relief resounded through the Apalachicola-Chattahoochee-Flint (ACF) River Basin when water negotiations between Georgia, Florida and Alabama finally broke off at the end of August without a final agreement. "The proposals under discussion would have strangled the Chattahoochee River for the next 30 years," said Skelly Holmbeck-Pelham, coordi-



Had Georgia been successful in getting Florida to agree to its proposed water sharing agreement, enjoying the Hooch by boat might have been a challenge in the summer and fall, due to unprecedented low flows.

Photo by Kent Ruby

nator of the 47-member Tristate Conservation Coalition and UCR's Policy Director.

The stingy flows resulting from proposed water allocation formulas could have lowered water quality in the Chattahoochee, damaged the trout fishery, and limited recreation uses of the River. The public health and environmental implications of the proposed low flows had never been adequately analyzed by the State of Georgia and there was no supporting evidence to demonstrate that the rivers would remain viable.

This relief must not be mistaken, however, for a victory cry. The ACF Basin lost when the negotiations crumbled. First, the states lost an opportunity to consider water management using a basinwide framework. Major decisions about new water withdrawals from the Basin, releases from federal dams, and policies about water management will now be made in a variety of disconnected state and federal

processes. Legal proceedings held in abeyance during the water negotiations can now spring back to life, after the collapse of the water talks. As the states secure funding and attorneys for anticipated litigation, the public must now navigate a maze of legal proceedings to stay informed. No single process like the Tristate talks will consider the effects that the multitude of decisions will have on the ACF Basin, and it will be harder than ever before for citizens to get involved.

The need for a statewide water plan for Georgia intensifies in the wake of the Tristate breakdown. Planning efforts such as those of Metropolitan North Georgia Water Planning District previously looked to the water negotiations to set bottom line standards for the Basin. Now, for better or for worse, those decisions are back in the hands of the State, and its active citizens. *For more information visit www.chattahoochee.org and click on "Tristate".*

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J. Rutherford Seydel II, Chair

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

REFLECTIONS

A Chattahoochee River legend passed away in early September. **Junior Arrington** was on the front porch swing of his modest home on the River in Franklin at the headwaters of West Point Lake, when he suffered a fatal heart attack at the age of 65.

I first met Junior in 1995, just a year after we started Upper Chattahoochee Riverkeeper (UCR). I had driven down to rural Heard County to meet with some folks to talk about the River below Atlanta. Suddenly, a huge man wearing a shirt with sleeves cut off to accommodate his arms appeared in the doorway of our meeting room. Completely filling its frame, he asked loudly, "Where's this Riverkeeper lady?"

Junior said that he'd heard about Riverkeeper and that he wanted to help. He remembered when the water in the Chattahoochee was clean enough to drink straight from the River. No one knew the River in that area better than this big man with a deep laugh, who boasted that he knew every rock and every deep hole in it. With his life-long friend, Gandy Glover of Newnan, Junior fished the Chattahoochee, hunted its forests, and found Indian artifacts in its floodplains.



In an interview for *River Song* by Joe and Monica Cook, Junior talked about life along the River in the 1940s and 1950s. "We sold catfish to cafes in Hogansville and LaGrange and everywhere else for ten cents a pound. And we trapped muskrats, coons, mink, fox. We trapped 'em, skinned 'em and stretched 'em on boards until they dried, and along about a month before Christmas, we'd send 'em to Sears Roebuck and they'd send a check back and that's what we'd have Christmas with. Sometimes we'd get four or five hundreds dollars. We fished up until the River got so polluted you couldn't do nothing with it."

More from *River Song* about Junior's activism: "I was sitting up at the shoals fishing, and there was four people drinking beer bottles, and—bam!—throwing 'em against the rocks. I said, 'Hey, don't y'all do that no more. What if a young'un come up here and jumped out and cut off a leg?.' One of 'em said, 'Ain't no business of yours!' I ran that big ole bass boat as close as I could get, and I just jumped out and waded over to where they's at. I told 'em, 'I'll turn this boat bottom side up! I better not catch y'all up here doing something like that!'"

When we won our lawsuit against the city of Atlanta for its sewage pollution in 1997, one of the first people I called was Junior. To me, he represented all the people downstream who deserved a cleaner Chattahoochee.

I'm just sorry that Junior Arrington won't be around when Atlanta finally completes its billion dollar sewage system overhaul. I would like to be able to tell him that the work he and other downstream people had started was finally finished.

Sally Bethea

MAYOR SHIRLEY FRANKLIN HONORED AS RIVER GUARDIAN

Mayor Shirley Franklin was the star at our 8th Annual Patron Appreciation Dinner held on September 16 at Canoe Restaurant, receiving Upper Chattahoochee Riverkeeper's *River Guardian Award* for her leadership in dealing aggressively with Atlanta's sewage crisis. We also honored **Senator Hugh Gillis** (*Mike Egan Legislator Award*), **Judge Ogden Doremus** (*River Pioneer Award*) and **Dr. Bert Langley and the EPD Emergency Response Team** (*River Responder Award*).

On a beautiful fall evening, 200 guests enjoyed dinner under a tent beside the River, raising a record \$105,000 for our education and advocacy programs. Thank you event sponsors!



Laura Turner Seydel, UCR Co-founder, and Mayor Shirley Franklin

River Guardians

Butler, Wooten, Scherffius, Fryhofer, Daughtery & Sullivan, LLP; Clean Water Atlanta-PMT; The Coca-Cola Company; Colonial Pipeline Company; Cox Enterprises, Inc.; Credit Suisse First Boston; Lucy & Stephen Draper; Shearon & Taylor Glover; Goldman Sachs & Co.; JST Foundation, The Marcus Foundation; Newfields Companies, LLC; Nonami Enterprises, Inc.; Mark & Becky Riley; Turner Broadcasting System, Inc.; The Turner Foundation.

River Sponsors

Chevron; Duke Realty Corporation; Jane Fonda; Georgia Power Company; John Wieland Homes and Neighborhoods, Inc.; Lawson, Davis, Pickren & Seydel, LLP; Lord Bissell & Brook; Larry & Marylou McDaniel; The Seydel Family; Smith, Gambrell & Russell.

Friends of the River

Alston & Bird, LLP; Bank of America; George K. Floyd; Innovative Water Solutions; Lockheed Martin Aeronautical Systems; Stephen H. Macauley; Metro Atlanta Chamber of Commerce; David H. Pope; Post Properties, Inc.; John Sibley; Mary Rose & Mack Taylor; US Infrastructure, Inc.; James Benjamin Voyles.

NEW DEVELOPMENT DIRECTOR ON BOARD

In October, we welcomed our newest staff member, **Page Gleason**, who took the place of Pam Davee, as UCR's Development Director. For the past 7 years,



Page Gleason

Page has worked on the development staff for Georgia State University, most recently serving as the Director of Development for the College of Arts and Sciences. Page is a long-time supporter of environmental and other progressive causes, bringing passion and expertise to her new job.

As our longest-serving, full-time Development Director, Pam used her sales and public policy background over the past three years to bring UCR to a new level in fundraising. Among other notable accomplishments, Pam helped us significantly expand our major donor giving, initiate our first Annual Fund Campaign, and upgrade our donor database. Last spring, the Davee family moved to Nashville where Pam's husband, Bob, started a new job. We miss Pam and the entire family, including Rachel, Max, Charlie and, even Buzz, all of whom pitched in to make the Chattahoochee River watershed a better place to live, work and play.



INDUSTRIES IMPROVE STORMWATER CONTROL AND WATER QUALITY

As part of Upper Chattahoochee Riverkeeper's (UCR) ongoing campaign to control polluted stormwater flowing from industrial sites in the highly urban Proctor and Woodall Creek watersheds in southwest Atlanta, we investigated several concrete manufacturing facilities. Both **Thomas Concrete** and **Allied Ready-Mix** did not appear to have adequate best management practices on their sites to keep rainwater from carrying concrete material and other pollutants into nearby waterways. Also, milky-looking sediment had been observed downstream of these sites. We contacted the companies and asked if we could meet with them. Thomas Concrete had already retained an engineer and re-designed its management plan to improve stormwater control measures, by the time that we met with them. The Allied site presented more problems, due to the proximity of massive piles of eroding concrete material to Woodall Creek with inadequate barriers to keep rain from washing the material into the stream. Allied hired an engineering firm to develop a plan to build a new retaining wall and add vegetation to the slopes of the wall. These improvements, to be completed this fall, should greatly improve water quality.

THE GOOD AND THE BAD IN BUFFER RESTORATION

Last spring, UCR learned about a 700-foot buffer restoration project at **Jones Bridge Park on the River in Gwinnett County**. This Park receives a great deal of use, the riverbank is severely eroded, and access is difficult. By November, the County will finish the armoring of the shoreline, the creation of stone walkways and river access steps, and the replanting of vegetation along the River. Using controlled access to help people enjoy the River and directing the use of the shoreline through pathways is a good concept. But, here's the bad: the County failed to apply for a buffer encroachment variance from the state EPD for this restoration work, as required by law. The County claims that their construction project is only a "minor land disturbance" and does not require a variance. We don't agree and will be meeting soon with the state EPD to discuss problems associated with local interpretation of state regulations. Gwinnett's failure to abide by the state buffer protection law could set a bad precedent for other construction projects adjacent to state waters.

MONITORING THE 'HOCH IN HELEN

On hot summer days, tourists float on bright pink and green tubes down the Chattahoochee River through the city of Helen above Lake Lanier. Further downstream, anglers are trying their luck fly fishing. The water is clear, cool and seems inviting, but is it safe for recreation?

When the Chattahoochee River was monitored by the state Environmental Protection Division (EPD) in 2000, an eight-mile segment below Helen was listed as "impaired". Testing showed that bacteria levels exceeded the 200 colonies of fecal coliform bacteria (per 100 milliliters) deemed safe for public health.

Earlier this year, the U.S. EPA provided grant funding to UCR and the Georgia Mountains Regional Development Center to collect additional data during the recreation season at 10 sites—two above Helen, one in the impaired section, and seven within the city limits. To help pinpoint the source of the pollution, some samples are being taken directly from the River, while others are collected on tributary streams. Samples will also be taken during rainfall events to determine if there is a relationship between increased bacteria levels and runoff from parking lots, pastures, or residential areas.

Initial data seem to indicate that the pollution may be

On Patrol

TUNNEL CONSTRUCTION GROUNDWATER FINDS WAY TO PEACHTREE CREEK

During a routine River patrol trip in mid-July, UCR staff discovered a 12" PVC pipe discharging chalky-looking water down an embankment into Peachtree Creek near its confluence with the Chattahoochee. After several calls to the **City of Atlanta**, the mysterious discharge was identified—groundwater pumped from the Nancy Creek sewage tunnel construction. This process water is pumped to a settling pond and then, as much as 3 million gallons per day, is released into Peachtree Creek. Miscommunication between the City's consultants and the state EPD is believed to be the reason this discharge did not receive a proper permit. We met on-site to discuss the issue with the City, its consultants, and EPD representatives. Due to serious erosion problems, destruction of vegetation, and concerns about water quality, the City re-routed the process water into nearby RM Clayton plant for treatment in late September. We will continue to work with all parties to restore this site.

GWINNETT SEWAGE PERMIT CASE TO BE DECIDED BY YEAR END

More than two years ago, UCR and others challenged the state's decision to issue a permit allowing Gwinnett County to discharge 40 million gallons per day (MGD) of treated wastewater into **Lake Lanier**. Dissatisfied with the decision of the administrative judge, who upheld the state's permit, UCR and partners appealed to Hall County Superior Court. The earlier ruling was reversed by a decision that focused on the EPD's failure to provide meaningful public involvement in the permit decision and its failure to appropriately apply the "anti-degradation" provisions of the Clean Water Act, which say that high quality waters cannot be degraded unless it is shown to be "necessary". Both the state EPD and Gwinnett County have appealed this decision to the Georgia Court of Appeals where the case will be heard by a panel of three judges. This panel will make its decision solely on briefs filed by all attorneys, since the hearing requested by all parties was denied. A decision is expected by the end of the year.

OOPS! In the Summer *RiverCHAT* article on trash dumpsters and water quality, we failed to acknowledge the **Cobb County Water Protection Division** and its stream monitoring team in locating and resolving the problem of the substance draining into the creek from the dumpster on Poplar Creek. Thanks, Cobb County!



coming from tributary streams, rather than from sources along the River or the recreational users themselves. One such tributary is Horton Creek which runs along Alternate 75 and Ridge Road and then enters the Chattahoochee River about halfway down Escowee Drive. Data collected at this site show bacteria counts exceeding the acceptable level on a fairly consistent basis.

The sites will continue to be monitored until November. Once the data has been collected and analyzed, the findings will be shared with local officials and citizens as part of a public education program. If high bacteria levels occur during dry weather, we will look for sources such as illicit discharges, sewer leaks, animal access to the River, failing septic tanks, etc. If we find that bacteria levels correspond with increased stormwater runoff, we may consider a public advisory program similar to the BacteriAlert Program in operation downstream within the Chattahoochee River National Recreation Area. For more information, contact Darcie Boden at 770-531-1064 or dboden@ucriverkeeper.org.



Visitors in Helen enjoy tubing down the Chattahoochee River.

Photo by Scott Rogers of the Gainesville Times

CHATTAHOOCHEE NATIONAL RECREATION AREA CELEBRATES SILVER ANNIVERSARY

It's one of the most beautiful places in our country, extremely valuable to all those who know it, who live near it, and who appreciate the quiet and seclusion and the beauty of this river to our people. It's a rare occasion when within the city limits of one of our major cities, one can find pure water and trout and free canoeing and rapids and the seclusion of the Earth the way God made it. But the Chattahoochee River is this kind of place. President Jimmy Carter, White House Rose Garden, August 15, 1978.

One of 384 parks in the National Park System, the Chattahoochee River National Recreation Area (CRNRA) is made up of a 48-mile stretch of the River from Buford Dam to Peachtree Creek and 15 park units totally 5,000 acres. To commemorate the 25th anniversary of the CRNRA, a birthday extravaganza was held at the Chattahoochee River Environmental Education Center in August. Exhibits from various organizations involved in river protection were on display from the Chattahoochee Nature Center, Georgia Adopt-A-Stream, Rivers Alive, UCR, and other environmental groups. There were plenty of activities for all ages from canoeing, campfires and



Photo courtesy of the National Park Service

Festival participants enjoy hearing stories from National Park Service volunteers around the campfire while making a yummy treat.

storytelling, live music and book signings by local authors Joe Cook and Charles Seabrook.

For more information about the CRNRA, see www.nps.gov/chat/, or contact Nancy Poe, NPS Chief of Resource Education at 678-538-1241.

GREENSPACE ACREAGE PURCHASED ON UTOY CREEK

Southwest Atlanta resident, **Bruce Morton** (far right) and civic leaders celebrated the purchase of 162 acres of greenspace along Utoy Creek on September 6. This "green jewel", which rivals Piedmont Park in size and history, is now permanently preserved. The \$2.65 million purchase price was paid for with funds set aside to protect streamside areas pursuant to the settlement of UCR's lawsuit against the City in 1998, and a significant grant from the Arthur Blank Foundation.



Photo by: Janowski, Atlanta Journal-Constitution

15TH ANNUAL SHORE SWEEP HELPS CLEAR THE SHORES OF LAKE LANIER



Darcie Boden, UCR's Director of Headwaters Conservation, and volunteer **Rick Marton** (far right), who also captains our pontoon boat for school programs on Lanier, stand beside mountains of Styrofoam removed from islands in the Lake. This year, the Lake Lanier Association hosted two major cleanups as part of their 15th Annual Shore Sweep. Nearly 400 volunteers removed over 25 tons of trash and Styrofoam last May and on September 27 approximately 450 volunteers participated.

ADOPT-A-LAKE WORKSHOP HELD ON THE CHOTA PRINCESS

In August, 16 individuals, including five county adopt-a-stream coordinators, joined UCR, Georgia Adopt-A-Stream and the Georgia Lake Society to participate in an Adopt-A-Lake workshop aboard the *Chota Princess*—our pontoon boat on Lake Lanier. Gainesville College professor, **Mary Mayhew** (see photo), showed the participants how to conduct chlorophyll a and turbidity tests as part of her presentation on lake ecology.



FISHING FOR TROUT? KEEP AN ANGLER DIARY AND HELP THE FISHERY

Because natural reproduction of both brown and rainbow trout has been documented below Buford Dam, collection of data from anglers is important to augment sampling by the Georgia Wildlife Resources Division (WRD). Specifics such as the concentration of wild trout within the River, average size and numbers of trout caught and angler use patterns will be vital in the future management of the River.

Anglers that fish below Morgan Falls Dam can also provide important information in the management of both trout and recently-stocked shoal bass, which are native to the Chattahoochee. Persistent high water temperatures during the summer have made the trout population seasonal in this River section, so data from throughout the year helps WRD with survival information. *To participate in the Angler Diary Program, call 770-918-6418.*

2004 RIVER CALENDAR



Thanks to the generosity of the Chattahoochee River Crew, the 2004 calendar profits benefit UCR. Plus, it is a beautiful full color calendar with a variety of River pictures, four of which come from the Back to the Chattahoochee Race & Festival (courtesy of Kent Ruby). Member price is \$12.00 with free shipping. To order, please call Bill Crawford at 404-352-9828 x 14 or order on line at www.chattahoochee.org Volume prices are available.

SCHOOL HAPPENINGS AROUND THE WATERSHED...

Holy Innocents School Protects Long Island Creek

Over the past year, 43 students at Holy Innocents Episcopal School have been very busy testing the water quality of Long Island Creek at Allen Park in Sandy Springs. At the start of the 2003 school year, all students were trained by **Sharon Cowden**, with Fulton County Water Quality Program, and **Kristi Hastie**, Director of Watershed Education for Upper Chattahoochee Riverkeeper (UCR). Throughout the year, students completed monthly chemical surveys, picked up litter along the creek, and conducted biological surveys of the twin branches of Long Island Creek at the Allen Park location. They compiled data and made monthly comparisons of pH, nitrates, phosphorus, temperature and dissolved oxygen levels over time. By analyzing their water quality data results, the students were able to see the effect of spring-time fertilization and the potentially harmful effects of fertilizer run-off through increased levels of nutrients.

On one monitoring trip, the students collected four small white eggs which they brought back to the classroom. These eggs developed into tiny, nearly transparent, salamanders which were observed in the classroom until the next monthly monitoring trip when the students returned



Photo courtesy of HIES

HIES students participate in a Rivers Alive stream cleanup on Long Island Creek.

the salamanders to the area of the stream where they had originally been found. The study of Long Island Creek inspired the students to write across-the-curriculum for their English classes both short journal entries and poetry. Planning for the 2003-04 school year is already underway with more than 110 students enrolled in Environmental Science. We'll look forward to receiving future updates from the students of Holy Innocents.

"Winning Water", Children's Water Festival in 2004

On March 23, 2004, the Georgia Department of Community Affairs, in partnership with other agencies, will host a day-long water festival on the campus of Columbus State University. The festival will feature hands-on interdisciplinary water activities and lessons focusing on drinking water, water quality, watersheds/surface water, and groundwater. Fourth grade classes from the Apalachicola-Chattahoochee-Flint (ACF) River Basin are invited to attend this inaugural event. The organizing committee is still in need of dynamic presenters to make this festival a huge success.

If you are interested in presenting at the festival contact **Kanika Greenlee** at kgreenle@dca.state.ga.us or 404-679-4922 and for school registration contact **Suki Janssen** at sjanssen@dca.state.ga.us or 404-679-3152.



It's Summer Time Aboard the Chota Princess...

Programs Reach More Students



Sharon Cowden, Fulton County Adopt-A-Stream Coordinator, teaches students how to test the pH of Lake Lanier.

This summer, through generous funding from the Credit Suisse First Boston Corporation, UCR brought inner-city youth development groups aboard the *Chota Princess* to explore lake ecology. Students

from **Carrie Steel Pitts Home**, **Burdette Teen Center** and **Super Kids in Christ** enjoyed a summer time float on the boat, learned how to test the water quality of Lake Lanier and ate lunch by the Lake. We also hosted the Forsyth Senior Center, Boy Scout Troops, Gwinnett 4-H, and Gainesville Boys and Girls Club for *Chota* outings. We will continue to expand our summer programs and reach additional youth development groups next year. For more information on programs aboard the *Chota Princess*, contact **Kristi Hastie** at 404-352-9828 ext. 17 or khastie@ucriverkeeper.org



A student tests the turbidity of Lake Lanier using a secchi disc.

WATERSHED POSTERS NOW AVAILABLE!



The Georgia Rivers Project has created double-sided posters for each of the state's 14 major watersheds. Funded by a public/private partnership between the Pollution Prevention Assistance Division of the Georgia Department of Natural Resources and The Facility Group, posters have been distributed to all media centers in Georgia schools. This fall, the posters will be available to teachers through the Georgia Environmental Education Alliance. For more information on ordering the Chattahoochee Watershed poster, please contact khastie@ucriverkeeper.org. To view all the posters, go to www.cipublishing.com.

By Neill Herring, Environmental Lobbyist

The Board of Natural Resources (BNR) is accustomed to hearing from unhappy citizens and regulated businesses. One group wants more and the other wants less, and Board members feel, naturally, that their job is to find a balance between the two. These protests are almost ritualized. A few individuals, often lawyers, are designated by interested parties to speak to the Board at its monthly meetings. Occasionally an issue of great local impact will prompt a big attendance at a meeting, but the ordinary Board meeting is a pretty dull affair.

The August 2003 meeting was different. It was preceded by a protest rally in front of the State Capitol at which a string of speakers, even a stray Big Chicken, insisted that the BNR "act like public servants, and listen to the public." What prompted this outcry was the strident response of a few Board members to faxed messages they received from members of the Georgia Environmental Alert Network (GEAN)—an electronic messaging system of which Upper Chattahoochee Riverkeeper (UCR) is a member.

The message that offended several BNR members dealt with an issue reviewed in the Summer *RiverCHAT*—regulation of the disposal of chicken litter, particularly in ten Georgia counties with high chicken populations and documented instream nutrient problems. Two of these counties, Hall and Habersham, are in the Chattahoochee basin. Apparently, it wasn't the content of the messages that initially bothered some Board members—it was simply getting too many faxes from the public.

Respectful Attention to Public Concerns Needed

The protest rally was double-barreled. Speakers talked about the need for BNR members to give the public respectful attention. Others observed that the majority of the BNR seemed to pay a lot more attention to the

"regulated community" (i.e., individuals, businesses and government agencies who apply for environmental permits) than the concerns of the citizens of Georgia. A busload of ordinary folks from Tallferro County attended because a local judge is trying to force them to allow a landfill on the nearby Ogeechee River, and they felt that the Department of Natural Resources was doing little to address their concerns and offering no protection to the river. Other speakers described similar problems.

When the rules on chicken waste were proposed in June, now-retired EPD Director Harold Reheis told the BNR that the state did not have sufficient personnel to enforce the new rules, even if they were needed, and that the proposed chicken regulations were designed to "protect EPD". Not surprisingly, these comments provoked a negative response from many observers.

In response to requests for ways in which the public can better engage and inform the BNR, Commissioner Lonice Barrett announced that a new central fax line has been established for the BNR. (see below) Former BNR-

member Jim Langford is also working with Commissioner Barrett on other ways in which the BNR can interact more effectively with the public. The success of these initiatives will be determined by the future actions of the BNR—real communication cannot depend solely on a one-way fax line.



Colleen Kiernan addresses crowd in front of the State Capitol.

About the Georgia Board of Natural Resources:

- See www.dnr.state.ga.us Click on "Board of Natural Resources" for info on members, meeting schedule, events/agenda and minutes
- Correspondence can be faxed to BNR members at 404-656-4729.



Riverkeeper's Boat Captain Harlan Trammell.

CAPTAIN'S CORNER

Eight Years Running the River

I just celebrated my eighth anniversary working here at Upper Chattahoochee Riverkeeper as its full-time boat captain; this is the longest time that I've spent at any one job in my 40 years. I stay because I really feel like I'm doing something that will benefit future generations, like my 5-year old niece, Isabel. I want her and her children to be able to enjoy a River that's clean enough for fishing and maybe even swimming one day.

During this time, I have seen many things and have had many experiences good and bad. What do I do here? I operate and maintain UCR's power vessels on the Chattahoochee River and Lake Lanier. My activities include water quality monitoring, river patrols to look for unusual things, and ferrying passengers that have included state and federal government officials, legislators, national and local news media, and UCR supporters and staff.

If a boat trip for a passenger is 50% of my time, the other 50% is spent on mechanic duties to keep the vessels

dependable and in good running condition. Maintaining and operating a vessel is similar to painting the Golden Gate Bridge—once you get to the other end, it's time go back and start it over again. It just never ends. Troubleshooting, waiting on parts, finding the right tool, etc. are all part of taking care of UCR's two jet boats that we use on the River and the 44-foot pontoon boat (*Chota Princess*) that we use on Lake Lanier.

When I'm out on patrols by myself, I know what to look for and where to look for it. Efficiency is the key and mileage is the door to be opened. Strange smells and water in normally dry areas send up a red flag that something is not as it was. The fact that I am the only one who patrols the remote, virtually inaccessible areas downstream of Atlanta on a regular basis has made a positive difference. I have found and reported many broken sewer lines, dumping and erosion problems that would have never been seen and gone unchecked. See you on the River!

Erosion

Continued from page 1



Silt fence with "STOP WORK": Inspectors have a new "tool"- MANDATORY Stop Works were added to the list of most recent erosion changes.

its requirements now mirror those of the federal permitting process for construction activities under the CWA. One of the most important new requirements is that developers must pay a user fee (\$80/per disturbed acre) to help fund the state EPD and local governments in the administration and enforcement of the erosion programs. This is the *first* user fee required for water-related permits in the state of Georgia. In August 2003, new federal general permits were issued which also reflect the stakeholder agreement.

erosion control programs. This group met for three years to agree to a regulatory program that would be fair, funded and clearly understood. Upper Chattahoochee Riverkeeper (UCR) was represented on this group by long-time staffer and erosion control expert, **Alice Champagne**. Along with our legal counsel, **Michelle Fried Kales** and now **Betsy Nicholas**, she actively participated in helping craft the agreement which represents a "fragile balance" between diverse interests.

Led by Rep. Jim Stokes of Covington, the state law was amended during the 2003 session of the General Assembly (HB 285), so that

Citizens Are Part of the Solution

Complaints about the lack of enforcement of erosion control laws have flooded UCR's Citizen Response HOTLINE for years. People call about the mud in their backyard streams, neighborhood ponds, lakes, and drinking water sources. Alice provides advice to citizens who call with erosion-related problems and, in some instances, UCR becomes involved in enforcement actions. Through UCR's "Soil Watch" workshops, Alice has trained over 1000 citizens to keep an eye on their backyard streams for mud flowing from land disturbing activities. *If you want to learn more about our Soil Watch program, go to www.chattahoochee.org*

All parties to this long-debated issue hope to see real measurable improvements in program administration, leading to cleaner water in Georgia's rivers. This result will depend largely upon continued involvement of all stakeholders and the ability of the state EPD to provide leadership, open communication and, above all, enforcement.

EROSION REFORM PACKAGE INCLUDES:

- **Merger of state and federal erosion control requirements**
- **Criteria for certification, overview, and de-certification of local issuing authorities**
- **Mandatory erosion control training for plan designers, reviewers, and enforcers**
- **User fees (\$80/disturbed acre) to fund enforcement personnel and mandatory education and certification programs**
- **Mandatory stop work orders for violations**
- **Reduction of monitoring required at construction sites**



Rare Fishes Found in Chattahoochee Basin Headwaters

In 2001, UCR began a Chattahoochee Headwaters Aquatic Biodiversity Assessment and Conservation Project with funding provided by the National Fish and Wildlife Foundation. The goal of the project is to establish historical and current distributions of native fishes and crayfishes throughout the Upper Chattahoochee watershed, an area where knowledge of such aquatic diversity is severely lacking. We will then prioritize sub-watersheds for conservation strategies.

The first phase of the project involved the examination of historical records and archived reports for the drainage area above Buford Dam on Lake Lanier. Although one collection was dated as early as 1876, most ranged from 1929 to 1998, with the majority collected from 1957-1959 in



Often confused with the common blackbanded darter, the Halloween darter inhabits the rocky bottom of swiftly flowing streams.

order to correspond with the 1962 Fisheries Survey of Georgia. Findings from this research were entered into a database and mapped with GIS software. Of the 104 sites mapped, only 24 sites had collections made after 1990 and two sub-watersheds, Wahoo Creek and Hazel Creek, had never been sampled at all. The large gaps in the data reinforced the need to conduct sampling efforts across the entire Upper Chattahoochee watershed to document how rapid land use changes are effecting the native fish populations and their distributions.

The second phase of the project included site selection, sampling and data analysis. Ten species were chosen for the study based on whether they are native or rare to the Chattahoochee or Upper Chattahoochee basin, and have limited distribution or are listed species. Originally, a list

of 23 possible sampling sites was formulated, however, due to various factors such as lack of access and extremely high water levels, the actual number of sites surveyed for the study was 11—concentrated in Lumpkin and White Counties. Sampling efforts began late in 2002, but were hindered by excessive rainfall and high water levels throughout the first half of this year. The final collections of fish and crayfish were made in early August 2003.

Early Results Show Greater Diversity than Expected

Two rare fishes, previously thought to be extirpated (locally extinct) from the Chattahoochee Basin have been discovered in its headwaters. These little fish, which provide many a meal for larger fish such as Bass, go by the common names of the Coosa Shiner and the Tennessee Shiner. "The discovery of these shiners indicates that the biodiversity in the Chattahoochee watershed is greater than we thought," said the University of Georgia's Dr. Bud Freeman, lead researcher of this sampling project. "We had historical records that these fishes had been found previously in the Chattahoochee Basin," said Freeman, "but this is the first contemporary record of their existence in the watershed." Additionally, the Halloween darter was collected for the first time in White County's Sautee Creek.

Along with the good news comes the need to act. Sampling results point to the connection between high quality waters and biodiversity. "We found these fish in the most pristine streams in the watershed," Freeman noted. The shiners, notably absent from headwaters streams that are degraded by poorly managed development, thrive in healthy streams. The final project report is expected to be completed and available for distribution in late 2003.

UGA scientists, including Dr. Judy Meyer, recently unveiled a report entitled "Where Rivers Are Born". This document is a call for action to protect headwaters streams, which "exert critical influence on the character and quality of downstream waters." *For more information on UCR's Biodiversity Project, contact dboden@ucriverkeeper.org. For a PDF version of "Where Rivers Are Born" link to our website at <http://www.ucriverkeeper.org/TriState/background.shtml#sa>*

ACTION ALERT

GEORGIA NEEDS PERMIT FEES TO SUPPORT UNDER-FUNDED WATER PROGRAMS

Perennially underfunded, Georgia's water monitoring and pollution control programs are unable to adequately protect our rivers, streams, and lakes. Among other reasons, is the fact that officials at the state Environmental Protection Division (EPD) did not aggressively seek needed funding over the past several decades. Three years ago, former EPD Director Harold Reheis finally proposed a fee system on water permits to generate revenue, stating, "EPD is understaffed to protect Georgia's environment and fulfill our statutory responsibilities".

The result: at the August 2000 meeting of the state Board of Natural Resources (BNR), a resolution passed unanimously which called upon the Governor, Lt. Governor and members of the General Assembly to "provide, at a minimum, authority to impose permit/user fees and funding to staff the state EPD." Unfortunately, politics prevailed in that election year, and state officials were not willing to impose any new fees.

Tight State Budget Demands Creative Solutions

At its September 2003 meeting, the BNR again passed a resolution, acknowledging an even tighter state budget and the implications for Georgia's water programs and asking Governor Perdue to work with the Board to secure support to pass legislation in 2004 that requires permit/user fees. Pursuant to the federal Clean Water Act, all municipalities, industries and others may discharge treated wastewater into waterways after receiving a



permit to do so from the state EPD. Georgia and Mississippi are the only two states in the Southeast which do not currently charge potential permit holders *any* fee.

While other states have generated millions from their permit fees, such as Tennessee which raised over \$4 million last year for its water programs, the proposal put forth by the BNR would focus solely on the issuance, modification and renewal of NPDES permits. Under the fee structure suggested by the EPD, it is estimated that approximately \$700,000 could be generated annually. This is a great first step and should be strongly supported by the Governor and state legislators during the 2004 session.

MAKE YOUR VOICE HEARD:

Gov. Sonny Perdue
404-657-7332 FAX
203 State Capitol
Atlanta, GA 30334

Sen. Jack Hill, Chair, Appropriations
jhill@legis.state.ga.us
234 State Capitol
Atlanta, GA 30334

Rep. Tom Buck, Chair, Appropriations
404-656-5902 FAX
338 State Capitol
Atlanta, GA 30334

ANNUAL MEMBERSHIP MEETING AT OUR NEW OFFICE!

On Thursday, **November 13**, UCR will host our Annual Membership Meeting at our new offices: 3 Puritan Mill, 916 Joseph Lowery Blvd., Atlanta, Georgia, 30318 (around the corner from King Plow Art Center). It's more than just a meeting. It's an Open House, an opportunity to meet our staff and a chance to help us honor our 2003 volunteers!

Open House from 7-9 pm with Volunteer Appreciation Program at 8 pm. Door prizes at 8:30 pm.

For directions, visit www.puritanmill.com or go to the end of Tenth Street, turn left onto Brady Avenue, then a hard right onto West Marietta Street at the light, then left on Joseph Lowery Blvd. at the next light. Turn right into

916 Joseph Lowery and park in the rear of Puritan Mill near the big green UCR suburban and follow signs to Suite 3.



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Holiday Gift Suggestions from Riverkeeper:

2004 Chattahoochee Calendar,
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River Song, A Journey Down the Chattahoochee
& Apalachicola Rivers \$35

Visit our store at www.chattahoochee.org or call Bill Crawford at 404-352-9828, ext. 14.



River Matters

Outdoor Classroom Symposium November 7

at Rock Eagle 4-H Center,
Eatonton, GA
Contact Richard Osorio at
706-542-8905 for more information.

Big Trees Forest Preserve Hike November 8

call Birgit Bolton at
404-352-9828 ext. 24 or
bbolton@ucriverkeeper.org

Annual Membership Meeting November 13

Open House and
Volunteer Appreciation at
UCR Office 7-9 pm
call Bill Crawford at
404-352-9828 ext. 14 or
bcrawford@ucriverkeeper.org

XMAS Party December 5

At The Tabernacle in
downtown Atlanta. This
popular holiday event is a
fundraiser for children and the
environment. This year's party
features musical entertainment
by Morris Day & The Time.
Call Erin Duffy at
404-352-9828 ext. 12 or
eduffy@ucriverkeeper.org or
visit www.xmasparty.org

2004 Legislature Convenes at the Georgia State Capitol January 12

For information visit
www.sos.state.ga.us/misc/districts.htm

Winning Water Children's Festival March 23

See story on page 5.

National River Rally May 21-24

In Wintergreen, VA
For information visit
www.rivernetwork.org



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