

# UPPER CHATTAHOOCHEE RIVERKEEPER® RiverCHAT

Summer 2011

A Quarterly Publication of  
Upper Chattahoochee Riverkeeper (UCR)

## UCR WINS LEGAL BATTLE, JUDGE ORDERS MORE POLLUTION CONTROL

Upper Chattahoochee Riverkeeper scored a major legal victory in June that will help keep high quality waters in the **Chattahoochee River National Recreation Area** clean for swimmers, boaters, and anglers, as well as everyone who drinks water.

UCR successfully challenged a state permit issued to Forsyth County to discharge 6 million gallons per day of inadequately treated sewage into the Chattahoochee River National Recreation Area. (See map for location.)

Judge **Kristin L. Miller** of the Office of State Administrative Hearings agreed with UCR and our water quality and wastewater treatment experts that the permitted discharge, with unnecessarily high limits of fecal coliform bacteria and phosphorous, would unlawfully lower water quality in the Chattahoochee River.

The judge also found that it is technically, and economically feasible for Forsyth County to treat its wastewater to a higher standard. As a result, the judge ordered the Georgia Environmental Protection Division to reissue the permit with discharge limits that will lower the amount of phosphorus discharged by over 70 percent and the amount of fecal coliform by almost 90 percent.

### Protection for high quality waters

Following the judge's ruling, **Tim Perkins**, Forsyth's water and sewer director, stated, "the court is . . . asking the ratepayers of Forsyth County to spend substantial sums of money to solve a problem that does not exist."

Perkins deliberately misstates the point. The state and federal water quality rules that are the basis of UCR's appeal are designed to prevent problems by protecting high quality waters in the first place.

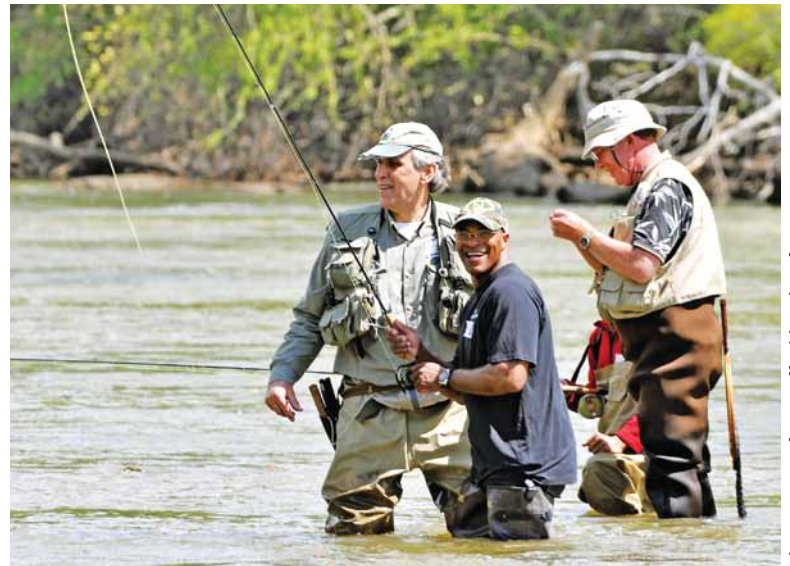
Forsyth County's statements and its proposed actions reveal that it prefers to dump pollution into the Chattahoochee River and let it flow downstream, fouling the water that millions of people in metro Atlanta and downstream depend on for drinking and recreation — while driving up taxpayer-funded treatment costs.

In court, Forsyth County argued that the pollutant limits in the permit issued by EPD were stringent enough, however, contrary to the county's argument, the limits for fecal coliform bacteria and phosphorous in the invalidated permit were up to 100 times less protective of water quality than comparable limits in the permits of other discharges in the Chattahoochee watershed, including those in Gwinnett County, the city of Gainesville and Fulton County.

### Economically feasible limits

Contrary to county officials' post-decision claim that meeting the more stringent pollutant limit for phosphorous would require millions of dollars in facility upgrades, Judge Miller found, based on evidence presented during a nearly week-long hearing, that the county is capable of meeting a lower phosphorous limit through the addition of chemicals alone, which would prevent the need for any investment in additional capital costs.

UCR's appeal also has already resulted in a savings to county taxpayers of \$4.6 million



Military veterans enjoy a day on the Chattahoochee River with Fly-Fishing for Vets, a nonprofit organization working to connect soldiers with nature for physical, emotional and spiritual healing.

Photo courtesy of Ken Griffin/Fly Fishing for Vets

through improved engineering designs of the sewage treatment facilities, a fact that Forsyth County and its attorneys have largely ignored.

### Legal fees or clean water

To date, Forsyth County has paid its lawyers at least \$400,000 in the case and promises to spend even more taxpayer dollars to appeal Judge Miller's order.

UCR will continue to defend the Chattahoochee and Judge Miller's ruling, which has already set a precedent that will help ensure the protection of high quality waters throughout Georgia.

Upper Chattahoochee Riverkeeper needs your help with donations to defend our victory. To send your contribution, click on the "DONATE TODAY" icon on the UCR website, [www.chattahoochee.org](http://www.chattahoochee.org).



Graphic by Monica Sheppard

## Inside This Issue:

UCR supports mercury rule	Page 3
Wild brown trout study	Page 4
Going 'Back to the Chatt'	Page 5
Consultants push reservoirs	Page 6
Tri-state water update	Page 7
River Revival rocks tent	Page 8

## STAFF

Sally Bethea  
*Executive Director and Riverkeeper*

Tammy Bates  
*Events and Outreach Director*

Juliet Cohen  
*General Counsel*

Christina Cooper  
*Office Manager*

Bill Crawford  
*Business Manager*

Laura Hartt  
*Water Policy Director*

Becca Klein  
*Development Director*

Mary Manson  
*Receptionist*

Bonny Putney  
*Headwaters Outreach Manager*

David Lee Simmons  
*Communications Director*

Jill Sestino  
*Regional Outreach Manager*

Jason Ulseth  
*Technical Programs Director*

## BOARD OF DIRECTORS

Denise Donahue

Dionne Delli-Gatti

Gary Gaines

Billy Hall

Hugo Hernandez

Christine Hung

Richard Jacobson

Ben Jordan

Dave Kirkpatrick

Jim McCaffrey

Steve O'Day

Jamie Pryor

David Shaffer

Charles Smith

Catherine Woodling

J. Rutherford Seydel II, Chair

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

### ATLANTA OFFICE

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

### GAINESVILLE OFFICE

615 F Oak Street  
Suite 1000  
Gainesville, GA 30501  
770-531-1064

### LAGRANGE OFFICE

35 Lafayette Square  
LaGrange GA 30240

[www.chattahoochee.org](http://www.chattahoochee.org)  
[www.getthedirtout.org](http://www.getthedirtout.org)

# Reflections

The roar overhead was deafening as we paddled our kayaks up **Long Cane Creek** near its confluence with the Chattahoochee River in middle

Georgia, but I wasn't scared. In fact, I couldn't stop smiling and marveling at the tiny creatures that were creating such a racket.



Billions of red-eyed cicadas — the “Great Southern Brood” of periodical or 13-year cicadas — emerged from their underground homes this past spring to find mates by vibrating membranes in their abdomens as a noisy come-hither. These insects had not seen the light of day since 1998.

After mating, female cicadas lay eggs on tree branches and, within a week or two, most of the adults die or get eaten. Little cicadas hatch, fall to the ground and burrow into the soil. Those born this year will emerge in 2024.

## Cicadas and river time

As we worked our way up the pollen-covered stream that flows from the city of **LaGrange** through **Harris County** to the Chattahoochee, I thought back to the year that these creatures went underground.

1998 was the year that Upper Chattahoochee Riverkeeper settled our lawsuit against the city of Atlanta for polluting the river and tributaries for decades, in violation of the Clean Water Act. Today, the city has completed 95 percent of the massive and expensive sewer system overhaul, stopping hundreds of millions of gallons of sewage from flowing untreated into

neighborhood streams and the hardest-working river in the state.

That year, we also had a victory in the state legislature with the extension of the Metro River Protection Act to cover an additional 34 miles downstream of Atlanta. Passed in 1973 for a 48-mile section of the river from Buford Dam to Atlanta, this law has helped control development impacts within 2,000 feet of the river. Now the law's protections include more than 80 river miles and perhaps, one day, will extend all the way to West Point Lake.

Today, there is a new state park on the river below Atlanta and there are plans for a blueway or paddling trail — thanks to a cleaner, more accessible river downstream of the city. UCR's programs have been expanded in this long-ignored but beautiful section of the Chattahoochee from Atlanta to West Point Lake. And, we're proud to be opening a satellite office on the downtown square in LaGrange this summer to increase our monitoring, patrol and outings programs in Heard, Troup and Harris counties.

## 2024

When this year's crop of cicadas emerges from underground in 2024, will the tri-state water conflict have at last been resolved? Will we have suffered through more droughts without doing everything we can to reduce our water and energy demands on the Chattahoochee and all Georgia rivers?

No one can answer these questions, of course, but I do know this: The 13-year cicadas will be boisterous in their singing in the branches of the trees along Long Cane Creek.

*Sally Bethea*  
Executive Director and Riverkeeper

# Watershed Moment

It was 8 a.m. on a May morning in 2009. I'd fished the Chattahoochee all my life, but only the portion below the dam the past eight years. This was a particularly good day on the Chattahoochee; my wife and I hiked into a secret spot near **McGinnis Ferry Bridge** and caught browns and rainbow trout all day — including seven rainbow trout, all 12 inches or bigger, in an hour! I'll never forget the feel of the day, sliding down the muddy bank with my backpack, rod in hand, stepping into that cold water with my new wading sandals and fishing shorts, and fighting the current to get to my spot. I grew up on the river north of **Lake Lanier** at a spot called Belton Bridge, but the Chattahoochee has been such an important part of my life.

-- David Bowen, Gainesville





# On Patrol

For further details on UCR's investigations and enforcement actions, go to [www.chattahoochee.org/on-patrol](http://www.chattahoochee.org/on-patrol).

## UCR SUPPORTS STRONGER MERCURY RULE AT EPA HEARING

UCR joined dozens of other environmental groups and concerned citizens to speak at a public hearing held by the U. S. Environmental Protection Agency (EPA) in late May on proposed mercury and air toxics rules for the Clean Air Act.

Millions of tons of air toxics including mercury are released into the air annually from sources such as coal-fired power plants and other industrial processes. Mercury contaminates water when rain washes toxins in the air into water bodies on the ground. These contaminants get into fish from the water, suspended sediments, or their food, and there is significant mercury contamination throughout the Chattahoochee River basin, as well as in other river systems in Georgia.

UCR General Counsel Juliet Cohen submitted a persuasive argument during her allotted five-minute segment in support of the proposed safeguards.

"Power plants have largely avoided emission limits on mercury and other air toxic emissions. Power plants, however, are the single largest source of toxic air pollution, and coal-fired power plants are the largest source of mercury pollution in the nation," Cohen said before a panel of EPA officials and others, along with nearly 100 other attendees. "Mercury is a potent neurotoxic which can damage nervous systems as it is consumed through the food chain.

"On behalf of the Upper Chattahoochee, Flint, Ogeechee, Sabine, Yadkin, Upper Watauga, Waccamaw, and Apalachicola riverkeepers," Cohen said in conclusion, "we strongly encourage EPA to adopt these standards to help clean the air around our waterways and protect the public health of our communities from mercury and air toxic pollution."

**ONLINE:** Watch Juliet Cohen's presentation UCR's YouTube channel: [UCRRiverkeeperVideos](#).



Michael Dodge holds a striper caught in Lake Lanier where the state has issued a consumption advisory of one meal per week because of mercury contamination.

### Large strainer removed near Rat Chat Island

A hotline call alerted us recently to a large strainer (tree and other debris in the river) blocking the right side of **Rat Chat Island** in Section 1 of the new Upper Chattahoochee River Blue Trail (see story on page four). The adjacent landowner was concerned that paddlers trying to navigate around the island would be unable to clear the strainer and might be swept under the debris. Bonny Putney, UCR's headwaters outreach manager, visited the site with local paddlers Carl Kirkpatrick (Wildwood Outfitters) and Bill Brooksher to assess the situation. They determined that two large trees blocking the debris needed to be removed. With help from several neighbors, the team was able to accomplish their goal and return flow to the river.

### Metro Water

### Stronger regulations needed for chicken-processing plant

UCR submitted a petition to the Georgia Environmental Protection Division in May requesting that the agency deny **Pilgrim's Pride Corporation** coverage as a permittee under a new general permit to control stormwater runoff from industrial facilities to be issued in July 2011. Because of Pilgrim's chronic poor performance in controlling pollutants at its chicken-processing facility in **Gainesville**, including high levels of fecal coliform bacteria and non-compliance with sampling requirements, we are urging the state to require an individual permit with tighter controls. In July 2009, a large fish kill was reported immediately below Pilgrim's stormwater outfall into Flat Creek, a major tributary to Lake Lanier.

### Airport asks to strip three miles of river, stream buffer

A recent application to the state EPD requests permission to remove nearly *three linear miles* of river and stream buffer near the **Brown Field Airport** in south **Fulton County**. The airport contends that tree and vegetation removal is necessary to provide pilots with a better line of sight to the runway; however, the associated impacts of this removal could spell disaster for the river, wetlands and streams in the area. Streamside buffers prevent riverbank erosion, act as filter strips for stormwater runoff, keep the streams cool by providing shade and provide wildlife habitat. UCR is working with EPD and airport officials to make sure that whatever they do will be protective of the Chattahoochee River and comply with all applicable regulations, including compensatory mitigation.

### Mystery site near Newnan proposes major impacts

**Pope and Land Enterprises** is proposing to develop a massive 1,000-acre tract near I-85 in **Coweta County**. The plan is to pipe and fill more than 9,700 feet of tributaries to the Chattahoochee River; however the developer has refused to divulge who may be moving in. The stream impacts involved are some of the most extensive that UCR has ever reviewed for an industrial development. Numerous local, state, and federal permits are required to allow and then mitigate for the impacts. UCR has submitted detailed comments to the agencies outlining our concerns and emphasizing the difficulty in assessing impacts without knowing the nature of the business. We also have met with the developer to express our concerns and will closely monitor the project as it moves forward.

# River Stewardship

## WILD BROWN TROUT STUDY UNDERWAY

This spring, UCR staff joined an effort being led by the **Georgia Department of Natural Resources** (GA DNR) and **Trout Unlimited** to study brown trout populations in the Chattahoochee River between Buford Dam and Jones Bridge. This stretch of river is a popular trout fishing destination for many anglers throughout the year.

Historically, the Chattahoochee River was not cold enough to sustain trout, but due to the construction of Buford Dam in the 1950s and the deep water release back into the river, the river water is now quite cold (often in the low 40s) and offers great habitat for trout. In the 1960s, GA DNR began stocking the river with rainbow, brown, and brook trout. The river has since been managed as a “put and take” fishery, because it was believed that while the trout could survive in the river, they could not reproduce there.

### **Natural reproduction!**

Evidence began to surface that brown trout were actually reproducing and a wild population was indeed growing in our urban river. Natural reproduction was first documented in 1998, and GA DNR subsequently halted brown trout stocking in 2005 in order to learn more about the extent of the wild brown trout population.



*UCR Technical Programs Director Jason Ulseth works aboard the Georgia Department of Natural Resources' electro-fishing boat, netting brown trout after they were stunned by the electrical current. (The trout are not harmed in this process.)*

Because reproduction was not initially considered in management plans, little information exists on the population dynamics of wild brown trout in the Chattahoochee. In this study, project partners are collecting individual brown trout and are measuring the trout's length and weight and are then tagging and releasing each fish. In order to collect the fish, a minor electrical charge is sent into the water from GA DNR's electro-fishing boat. The fish are temporarily stunned by the charge and are then netted and taken aboard the boat where they are measured, tagged and released.

These fish will be recaptured at a later date, and the new measurements will give GA DNR and other partners valuable information about how these wild brown trout reproduce, grow and migrate in the river. This information will then be used to better manage the fishery in the future.

“With the confirmation of a naturally reproducing brown trout population, we now have a lot of new information to learn about these fish,” says Patrick O'Rourke, a fisheries biologist with GA DNR. “The knowledge we gain from this study will go a long way toward helping us manage this population going forward.”

## MORE OPPORTUNITIES TO PADDLE, CAMP ON THE UPPER HOOCH!

There's a beautiful and exciting section of the Chattahoochee River above Lake Lanier waiting for you to explore — on your own, with UCR or with Wildwood Outfitters, a guiding service that has been in business since 1972. (See [www.wildwoodoutfitters.com](http://www.wildwoodoutfitters.com))

Now that the **Upper Chattahoochee River Blue Trail** is becoming a reality, there are more opportunities available for expert and beginning paddlers to enjoy — from Sautee Creek, which flows through the Nacoochee Valley into the river below Helen, to Clarks Bridge on Lake Lanier, about 40 miles downstream. UCR has produced a new paddle trail map, working with the National Park Service, Wildwood and local advisors, which will be available this summer and online at [www.Chattahoochee.org](http://www.Chattahoochee.org).

### **Partners bring paddle trail to life**

Promoted for years by UCR, Georgia Canoeing Association and others, the developing Upper Chattahoochee River Blue Trail was given a major boost in 2010 when the **Georgia Department of Natural Resources** (DNR) protected three critical river-access areas within the trail boundaries; these properties were acquired by Trust for Public Land and then conveyed to DNR.

Wildwood is continuing to operate its water recreation business at two of the sites and working with DNR to allow paddlers to access the third, as well as other state park land within the trail boundaries for day and overnight use with special permits. An exciting new option includes camping at Buck Shoals State Park only for paddlers; see the Wildwood website (*above*) for details.

Depending on the paddle trail section you chose, you could encounter large granite outcroppings and abundant mountain laurel; the Dead Sea, a long pool that leads to the exciting rapids at Smith Island; deep fishing holes filled with trout; the infamous and paddler-challenging Three Ledges rapids; and the cascading waterfalls on Mossy Creek as it flows into the river.

**Join UCR and friends on Oct. 1, 2011**, to paddle a relatively flat, 12-mile section of the Upper Chattahoochee River Blue Trail from the Hwy. 384 Bridge (Wildwood Outpost) to Belton Bridge, where the river slows down as it enters Lake Lanier.

To register for this trip and many others, see [www.chattahoochee.org/more-paddle-trips.php](http://www.chattahoochee.org/more-paddle-trips.php)



*Paddlers take a break at Buck Shoals State Park on the Chattahoochee in White County.*



# PADDLERS GO 'BACK TO THE CHATTAHOOCHEE' FOR 9TH ANNUAL RIVER RACE AND FESTIVAL

381 paddlers of all skill levels and age ranges joined hundreds of festival goers for the **9th Annual Back to the Chattahoochee River Race & Festival** on June 11 in Roswell's Riverside Park. Organized and presented by UCR in partnership with the **National Park Service, Fulton County**, and the **city of Roswell**, the event is organized to celebrate the Chattahoochee and foster a sense of community around our river.

Paddlers began the race at Garrard Landing and finished eight miles downriver at Riverside Park, with advanced paddlers racing 10 miles. *Complete race results and pictures are available on our website, [www.chattahoochee.org/river-race-festival.php](http://www.chattahoochee.org/river-race-festival.php)*

The free, family-friendly festival inside the park provided live music by the **Donna Hopkins Band** and **Gareth Asher & the Earthlings** as well as food and beverages, face painting, balloon artists, access to the park's "Sprayground," and vendors with an array of environmental exhibits. We also raffled off rain barrels made from Coca-Cola syrup containers, painted by children at the festival.



Decorated kayaks and canoes joined the river race.

"Closing in on 10 years of this event shows how important — and in this instance, how much fun — the Chattahoochee River is in our lives, especially when we take care of it," said UCR Executive Director Sally Bethea. "We'd like to thank everyone, from our co-presenters and sponsors to our staff,

volunteers, paddlers and festival-goers, for making this our signature outdoor event of the season. Next year we'll come 'Back to the Chatt' for the 10th time, and can't wait."

The previous weekend, 25 volunteers helped pull out more than 750 pounds of trash in the annual **Clean the Race Course** paddle cleanup. Highlights included: 10 bags of aluminum cans, 100-plus golf balls, four bags of bottles, dozens of tennis balls, 10 shoes, three basketballs, three chairs, two adult-size bicycles and two car tires.

**ONLINE:** Watch an interview with two volunteers on our YouTube channel: [UCRiverkeeperVideos](https://www.youtube.com/channel/UCRiverkeeperVideos).

## THANK YOU TO OUR 2011 BACK TO THE CHATTAHOOCHEE SPONSORS!

**RIVER BENEFACTOR:** MeadWestvaco

**RIVER DEFENDER:** 97.1 The River | Chevron | Colonial Pipeline

**RIVER ADVOCATE:** Federal Home Loan Bank | MissionSource | Sweetwater Brewing Co. | SignUp4 | Veolia, Water North America

**RIVER CONSERVATOR:** City of Atlanta Department of Watershed Management | Georgia Canoeing Association | Mitigation Management | Republic Services | Tree Sound Studios | Twin Bear Management | Upper Chattahoochee Chapter Trout Unlimited



Singer Gareth Asher serenades young festival-goers.

Photo courtesy of Tom Wilson

## WELCOME SUMMER INTERNS!

UCR is excited to be working with a great group of interns this summer. **Philip Aloisio**, a second-year law student at UGA, and **Sarah Warren**, a second-year law student at Emory University, are working on a variety of legal issues from EPA's proposed mercury rule to the evaluation of discharge permits. **Maggie Baynham**, a rising junior and environmental studies major at Emory, is analyzing samples for our Neighborhood Water Watch program. **Amelia Perry**, a senior at Atlanta International School, is supporting our membership and data needs, as well as field work. **Alex Hoff**, a rising junior majoring in corporate communications at the College of Charleston, is helping with our events and our media database. **Cynthia Deng**, a rising sophomore at Yale (*not pictured*), is working on tri-state and water conservation issues.

To intern with UCR, contact Christina Cooper at [cocooper@ucriverkeeper.org](mailto:cocooper@ucriverkeeper.org).



L to R — Sarah Warren, Philip Aloisio, Maggie Baynham, Alex Hoff, and Amelia Perry.

## River Matters

For information on these and other river-related events, visit [www.chattahoochee.org/calendar](http://www.chattahoochee.org/calendar)

### August 6

#### Paddle Cleanup

Lower Soque River — Cornelia Bridge to Wildwood Outfitters at Duncan Bridge Road

### August 13

#### Upper Chatt Chapter Trout

#### Unlimited trash cleanup

Buford Dam

### August 18

#### End of Summer BBQ

Canoe Restaurant

### August 20

#### Friends of McIntosh Reserve "Walk & Talk" with GA DNR fisheries expert

Carroll County

### August 20

#### River Discovery Series Paddle Trip

Segment 4 (Jones Bridge to Island Ford)

### August 27

#### River Discovery Series Paddle Trip

Segment 5 (Morgan Falls to Paces Mill)

### September 15

#### Patron Appreciation Dinner

The Foundry, Atlanta

### October 1

#### Chattahoochee River Paddle Trip

Wildwood Outfitters to Belton Bridge

### October 8

#### Chestatee River Paddle Trip

Above Lake Lanier from Appalachian Outfitters on Highway 60 to Highway 400

### October 22-23

#### McIntosh Reserve Paddle & Camping Trip

McIntosh Reserve in Carroll County to the U.S. 27 Bridge in Franklin



# THE CONSULTANTS BEHIND THE PUSH FOR NEW RESERVOIRS

Gov. Nathan Deal has announced a plan to invest \$300 million over the next four years to develop new reservoirs to address north Georgia's long-term water supply needs, in the wake of droughts and the continuing conflict with Alabama and Florida, starting with a \$46 million appropriation in the 2012 budget.

The *Atlanta Journal-Constitution* (AJC) took an in-depth look at the people who are promoting, lobbying for, and making millions of dollars from the planning for these water supply projects — whether or not a dam is ever built or water is provided to homes and businesses.

The paper found a small group of highly influential men with a tight grip on the reservoir permitting “industry”: a lawyer from Covington named **Tommy Craig** and two former top officials with the Georgia Department of Natural Resources, **Joe Tanner** and **Harold Reheis**.

## Top dollar from local governments

Tommy Craig and Joe Tanner & Associates have received top dollar for many years from cities and counties looking for solutions for future water supplies. The Tanner firm offers an insider's knowledge of the complicated regulatory system that governs the permitting of these extremely expensive and environmentally damaging projects that are huge investments for local governments.

There has been a great deal of discussion about whether these consultants wield too much influence over the management of Georgia's water resources. There also has been discussion about whether they push

local officials toward new reservoirs instead of less-expensive options that don't require their expertise (such as aggressive water conservation or raising the level of Lake Lanier to secure more storage capacity). This discussion has been going on among government regulators, county commissioners, citizens and some state legislators.



*Bear Creek, a tributary to the Chattahoochee River in south Fulton County, would be dammed for a proposed reservoir promoted by consultant Tommy Craig. A large withdrawal from the river would be required to keep the lake full.*

According to the AJC, three small cities in south Fulton County with a total population of 34,000 have paid Craig \$1.5 million since 2005 to help secure a permit to build the Bear Creek Reservoir; they continue to pay him more than \$25,000 per month, yet no permits for the reservoir have been issued. He also is on a retainer of \$22,500 a month with Hall County to develop the huge Glades reservoir project proposed for a tributary to Lake Lanier. These are just a few examples of the reservoirs in Craig's portfolio.

## Political connections

Joe Tanner's firm has contributed \$350,000 to dozens of political campaigns since 2003, most of them for state and legislative races, according to the AJC; for example, the firm contributed \$12,825 to the governor's campaign last year, and Tanner was named to Deal's transition team. Tanner also contributed to the campaign of Lt. Gov. Casey Cagle.

Lt. Gov. Cagle named Tommy Craig to the board of the Metropolitan North Georgia Water Planning District in 2007, and Craig served on Cagle's re-election steering committee for the 2010 campaign. In its water supply management plan, the District supports six new reservoir projects, and Craig is a consultant on three of them.

“There is nothing wrong with carving out a niche for ourselves in business,” said Reheis in an interview with the AJC. “That's part of the American system.”

But, is it the American system to charge taxpayers millions of dollars for projects that may never be built or that are primarily amenity lakes for a small group of wealthy landowners — not the water supply projects they pretend to be?

The answer, of course, is no. UCR will remain vigilant on these and other efforts to harm the water resources in the Chattahoochee watershed at taxpayer expense.

To read the AJC article by investigative reporter Chris Joyner, see [www.ajc.com/news/georgia-politics-elections/consultants-power-raises-questions-967216.html](http://www.ajc.com/news/georgia-politics-elections/consultants-power-raises-questions-967216.html)

# REMEMBER TO OBSERVE THE RULES OF SAFETY IN THE WATER

While the Chattahoochee River is an excellent source of recreation for millions of Georgians, the warmer weather underscores the need to exercise the highest level of safety precautions while on the water. River levels just below Buford Dam — where fishing is abundant and paddlers frequent — can rise as high as 11 feet after the U.S. Army Corps of Engineers discharges water from the hydropower dam.

It's also important to note that the river stretch below Buford Dam stays extremely cold — about 48 degrees all year long. While this is a great temperature for trout, it can knock the breath out of people if submerged underwater.

*In order to stay safe on the river, remember to observe these five simple rules:*

1. Call ahead to the Buford Dam water-release line: 770-945-1466
2. Wear a life jacket at all times
3. When you hear the warning horns alerting water discharge, leave the river ASAP!
4. Tune in to 1610 AM, which provides water-release schedules and safety info for Buford Dam
5. Observe warning signs posted along the river bank

For more information, visit the Corps' Lake Lanier Water Safety page here: <http://lanier.sam.usace.army.mil/WaterSafety.htm>





# APPEALS COURT REVERSES MAGNUSON, GIVES ATLANTA TEMPORARY REPRIEVE

On June 29, the **Eleventh Circuit Court of Appeals** reversed a 2009 lower court decision that denied metro Atlanta access to Lake Lanier for water supply. The court ruled that water supply is an authorized purpose of Lanier, on par with hydropower, navigation, and flood control.

The appellate panel also vacated the 2012 deadline imposed by district court Judge Paul Magnuson which would have required Georgia to secure approval from Congress to use Lanier for water supply and then reach a water sharing agreement with Alabama and Florida.

The panel has given the **U.S. Army Corps of Engineers** just one year to determine how it will operate Lanier to meet water supply and the other authorized purposes.

To support its decision, the appellate court relied on a report referenced in the 1946 Rivers and Harbors Act which suggests the Corps and Congress recognized the need to operate Lanier to the detriment of hydropower use in order to ensure adequate downstream flows to meet Atlanta's current and future water supply demands.

Dealing a further blow to Alabama and Florida, the court rejected their claims that temporarily increasing water supply allocation to Georgia amounted to a final agency action subject to judicial review. Instead, the



*The Corps has just one year to determine how it will operate Lake Lanier to meet water supply, hydropower, navigation, and flood control needs.*

court noted that prolonged litigation was interfering with the Corps' ability to reach a final decision.

Finally, the court decided that the Corps must reconsider its denial of Georgia's 2000 request for more water from Lanier for water supply.

## ***Fish and Wildlife Service makes flow recommendations***

In a related case, on July 21, 2010 Judge Magnuson upheld the science used by the U.S. Fish and Wildlife Service to validate the Corps' Apalachicola-Chattahoochee-Flint (ACF) operations. Florida has delayed appealing because new

science may support the need to increase flows for endangered mussels in the Apalachicola River.

Recently, the Service drafted flow recommendations to support ecological needs along the length of the Chattahoochee River. UCR supports the Service's efforts and will urge the Corps to fully consider these science-based criteria in their update of the ACF Water Control Manual.

*UCR monitors tri-state issues, as an active member of the **ACF Stakeholders** (<http://acfstakeholders.org/>) and the coordinator for the **Tri-State Conservation Coalition** (<http://www.ucriverkeeper.org/tri-state-conservation-coalition.php>).*

# ENTERING NEW DROUGHT, WATER CONSERVATION REMAINS BEST OPTION

In Georgia, these things are inevitable: death, taxes and drought. Only two years have passed since the end of one of the most severe droughts in recent history. As of June, all of southern Georgia has returned to extreme drought conditions.

Georgia's southern streams are again at record lows. Farmers cannot irrigate and as a result, may face financial ruin. State leaders have responded by requesting federal disaster relief for 22 counties. (While forecasting summer conditions for the north Georgia area is difficult, the area currently is considered "abnormally dry" — not as dire as southern Georgia, but a concern nonetheless.)

Once again, the U.S. Army Corps of Engineers will look to Lake Lanier to help mitigate downstream impacts. And once again, we will need to do our part to help our neighbors — downstream or across state lines.

## ***Georgians adapted***

In 2007, Georgians watched as Lanier — metro Atlanta's primary source of drinking water — dropped nearly 20 feet below full pool level. It took two years of rainfall, including a 100-year flood event (in September 2009), to refill Lanier.

Georgians adapted during those two years, reducing their water use by 15 percent, largely thanks to temporary outdoor watering restrictions.

After a federal judge invalidated metro Atlanta's access to Lake Lanier in 2009, then Gov Sonny Perdue sought the advice of his Water Contingency Task Force. Not surprisingly, they determined that, because no amount of engineering can replace Lanier in a timely and cost-effective manner, the best option for closing the gap is water conservation.

The 2010 Georgia Water Stewardship Act adopted some Task Force



*Gainesville's Enota Multiple Intelligences Academy relies on a rainwater harvesting system to help reduce outdoor watering demand.*

recommendations, including a permanent ban on daytime watering.

This past January, local governments in metro Atlanta committed to doing more, pledging to reduce water loss, expand the toilet rebate program, and penalize water waste.

Water conservation remains our cheapest and quickest option for averting another water crisis and shows our tri-state neighbors that we can live within our means, which will help negotiations on sharing Lanier.

*For a comprehensive look at the region's water conservation efforts and recommendations for further action, see UCR's "Filling the Water Gap: Conservation Successes and Missed Opportunities in Metro Atlanta," available online at <http://www.ucriverkeeper.org/filling-the-water-gap-report.php>.*

Photo courtesy of the Fockele Garden Company

# Get Out

## Head South for West Point Lake's Varied Offerings

West Point Lake has it all — excellent fishing, boating, camping, and miles of hiking and biking trails — in a relaxed atmosphere less than an hour and a half from Atlanta. Constructed in the 1960s, West Point Lake straddles the Georgia-Alabama border where the Chattahoochee River makes its big left-hand turn to head due south to Florida. A U.S. Army Corps of Engineers lake and the first in the southeast to be authorized for recreation among other purposes, the reservoir has a shoreline of more than 500 miles with a deep, forested buffer thanks to a setback restriction on development.

The lake — which is full of bass, catfish, crappie and bream — served as the location for a recent Bassmasters Elite Series Tournament. Amenities include 34 public recreation areas, five campgrounds, and about eight miles of biking trails with beautiful views of the lake and an elevation gain of about 1,300 feet.

*Directions: From Atlanta, take I-85 south and then US 29 to reach West Point Lake. For more information, see <http://westpt.sam.usace.army.mil/>.*



*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



*Printed on paper made with 30% post-consumer waste.*

*Printing Provided by Federal Home Loan Bank of Atlanta.*

*If you prefer to receive RiverCHAT electronically, contact David Lee Simmons at [dsimmons@ucriverkeeper.org](mailto:dsimmons@ucriverkeeper.org).*

## UCR, SWEETWATER BREWERY, PARK TAVERN ROCK THE BIG TENT AT RIVER REVIVAL

**W**e were thrilled to welcome more than 600 friends and supporters to the **15th Annual River Revival** on May 19 at **Park Tavern**. Our annual river celebration featured music by **Ken Block** and **Drew Copeland** of **Sister Hazel** (with bandmate and Atlantan **Ryan Newell** sitting in!), Atlanta's own **Ponderosa**, and Nashville's **The Kicks** closing out the night.

Guests not only feasted on great food and beverages from Park Tavern, but they also got a chance to sample three different brews from

**SweetWater Brewery**. SweetWater, which kicked off its annual **Save the Hooch** campaign, for the first time ever debuted the Waterkeeper Ale, a hefeweizen brew that delighted beer enthusiasts. The Save the Hooch Campaign has raised more than \$250,000 to support UCR's river patrol and water quality monitoring programs.

UCR Executive Director **Sally Bethea** and Co-founder **Rutherford Seydel** capped off the festivities by presenting the annual River Rock Star Award to filmmakers **Rhett Turner** and **Jonathan Wickham** for their documentary *Chattahoochee: From Water War to Water Vision*.

Thanks to our partners, sponsors and our live and silent auction, we were able to net \$40,000 from the event — with proceeds going to help fund our water-monitoring programs.

"Our River Revival is a wonderful reminder of the sense of community we've built over the years, and how much fun we all can have when we get together to celebrate our work," Bethea said of the event.

### THANK YOU TO OUR 2011 RIVER REVIVAL SPONSORS!

**RIVER BENEFACTOR:** 92.9 DaveFM | AJC | Park Tavern

**RIVER DEFENDER:** Chevron | NewFields, Inc. | SweetWater Brewery

**RIVER ADVOCATE:** Abbadabba's Cool Shoes | AGL Resources, Inc. | Cox Conserves | JST Foundation | The Home Depot Foundation | Southwire Company | Signup4 | Turner Broadcasting System

**RIVER CONSERVATOR:** Cauley Creek Water Reclamation | Jacoby Development | Montgomery Watson Harza | Republic Services | Twin Bear Management



Filmmakers Jonathan Wickham (l) and Rhett Turner receive River Rock Star Award from Sally Bethea and UCR Board Chair Rutherford Seydel.