

RiverCHAT

A Quarterly Publication of Upper Chattahoochee Riverkeeper (UCR)

Fall 2008

COURTS TO CONSIDER THE BIG QUESTION...

HOW MUCH OF LANIER IS AVAILABLE FOR WATER SUPPLY?

After 18 years of comprehensive study, negotiation and litigation, the key question in the tri-state water wars should finally be answered next year by U.S. District Court Judge Paul A. Magnuson: How much of Lake Lanier is available for metro Atlanta water supply?

In an order issued in August, Judge Magnuson said the answer to this question may render other disagreements in the water war litigation “obsolete, or at the very least may invalidate” them. The answer to this question could also determine the region’s ability to control the water it already has (about 13% of the storage in Lake Lanier), as well as any additional supply it would like to have allocated from Lanier—22% of the lake’s storage.

Although the federal lake, built and operated by the U.S. Army Corps of Engineers (Corps), was authorized by Congress in the 1940s to generate hydropower, control floods, and float barges downstream, Georgia has long assumed that it could also use Lanier as the primary water supply for metro Atlanta.

On an average summer day, more than 160 million gallons of water are withdrawn from Lake Lanier and about 350 million gallons from the river downstream of Buford Dam to supply 3.5 million people in metro Atlanta. Yet, only half of that water is returned to the Chattahoochee River for downstream communities—and this does *not* include water consumption associated with the thermoelectric facilities that power metro homes and businesses.

U.S. Supreme Court Petitioned

Earlier this year, in a separate case, the U.S. Court of Appeals for the D.C. Circuit decided that increasing the allocation to 22% of the lake’s storage—at the heart of an agreement the Corps made with Georgia in 2003—would constitute a “major operational change” and require Congressional approval.

IF ATLANTA SIMPLY VANISHED...

Metro Atlanta growth boosters claim that the city’s impact on river flows in Florida is “nearly imperceptible” and that there would be only a few more inches of water in the Apalachicola if Atlanta vanished tomorrow.

What these folks repeatedly fail to acknowledge is that this statement can



Photo Credit: Joe Cook

The Chattahoochee River near the mouth of White Oak Creek in South Fulton County.

be true only by using *annual average* flow data and only by measuring river flow hundreds of miles downstream, after the entire flow of the Flint River has been added to the Chattahoochee-Apalachicola River.

To illustrate the point, if we only considered average annual temperatures in Atlanta to plan for our comfort, we could save a lot of money by getting rid of our furnaces and air conditioners, given the mild low 60 degree annual average temperature. Such a conclusion is just as silly as it is to manage river flows using annual averages that include data from both wet and dry years.



Photo Credit: Tom Wilson

al. The day after Magnuson’s August order, Georgia filed a petition to the U.S. Supreme Court asking it to validate the state’s 2003 agreement which would assure the region’s access to water for decades.

If the Supreme Court decides this fall to hear Georgia’s case, it will rule on the validity of the agreement between Georgia, local leaders, federal officials and federal hydropower customers. Alabama and Florida blame that 2003 agreement for derailing five years of congressionally-mandated negotiations, describing it as a secret side deal.

Georgia wants the Corps to hold enough water in Lanier to guarantee metro Atlanta enough water, even during droughts. Many water users downstream of Atlanta in all three states have long felt the metro region’s growth and water-wasting behavior jeopardized their own future.

see *Water Supply*, page 7

According to the water experts at the U.S. Geological Survey, smart and effective water policy cannot be developed using annual averages for critical water management decisions.

Maintaining River Flows during Drought

How much does Atlanta’s water consumption affect the flow in the Chattahoochee during the *low-flow months* of summer and fall? How does it affect the flow above the confluence with the Flint River in the middle Chattahoochee region and in the stretch *immediately below* Atlanta, upstream of West Point Lake?

How does Atlanta’s water use and consumption and the lake’s evaporative loss affect the level of Lake Lanier during low-flow months? These are the questions that must be answered if we are going to negotiate a fair and equitable sharing of the Apalachicola-Chattahoochee-Flint (ACF) River Basin.

The water wars are about maintaining flows up and down the ACF river system for all communities during droughts— certainly not during floods, and not even during average, “normal” conditions. When the flow in the Apalachicola is as low as it has been in the past year at 5,000 cubic feet per second, metro Atlanta’s consumptive water use is a significant factor in the entire river, and that effect is even more pronounced in the Chattahoochee immediately downstream affecting Newnan, LaGrange, West Point and Columbus.

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

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REFLECTIONS

The infamous water wars between Georgia, Alabama and Florida continue to grind on as they have for close to 19 years without resolution. Two decades may not sound like a long time in the scheme of things, especially when compared to Western water fights that started in the early part of the last century and are still in court. That is, until you start thinking about where you were, and what you were doing, back in 1990.



Photo Credit: Betsy Honarvar/
Atlanta Journal Constitution

I was still in my 30s when the tri-state water wars ignited with litigation between the states and the Corps of Engineers; I was working on water issues for another environmental group and Upper Chattahoochee Riverkeeper wasn't yet even a gleam in the eyes of our co-founders, Rutherford and Laura Seydel. My two sons, now grown, were little boys, ages 4 and 8.

In Georgia, Zell Miller defeated Johnny Isakson for Governor in 1990. In the world, the first Persian Gulf War was still a year away and the World Wide Web was two years from being born.

Yet, despite all the years, the millions of dollars spent, and the droughts that have come and gone—and come back again—three states have not been able, or willing, to agree on how to share the waterway that sustains millions of Americans and wildlife from north Georgia to the Florida Panhandle.

Why Can't We End the Water Wars?

I like to try to get to the roots of problems, so I keep asking myself why we can't resolve this issue that is absolutely critical to so many people. Where are the biggest logjams? How can we identify and satisfy the needs, without the greeds, in all three states?

Shouldn't it just be a matter of (a) studying the river system to understand its capacity, especially during low flows, when the hard decisions must be made, and (b) taking into consideration any legal constraints?

Then, plug in current water usage and add reasonable future demands for various sectors—from municipal and industrial, to agricultural, to thermoelectric power, and instream flows for wildlife and river health.

I know this has largely been done, but what I also know is that the government agencies and the interests involved all insist on using different data sets and units of measurement. I also believe that there are powerful individuals in leadership positions in all three states who simply do not wish to know how much water is actually available for use and consumption.

That acknowledgment might mean there is a definable limit on certain river uses, which of course there is. This fear of admitting that limits are going to require new ways of doing things is uncomfortable to those whose political futures depend on reassuring the powerful that business can continue as usual. But, it is also a fine measure of the merits of those who wish to be real leaders—the guide we want is the one who tells us the truth about our situation and helps us find our way through it.

Sally Bethea

NEW STAFF BRING IMPORTANT TECHNICAL AND LEGAL EXPERTISE

We have several changes in UCR's program staff to report. **Betsy Nicholas**, our general counsel for more than five years, decided to return to Washington, D.C. for a job with the U.S. Department of Justice. While at UCR, Betsy became a stormwater expert—helping lead our *Get the Dirt Out* program, fighting encroachments in stream buffers, and negotiating the regulations that control stormwater runoff from construction and industrial sites. She was also a valiant advocate for Georgia's rivers every winter when the state legislature convened.

We lost our water policy director, **Alex Adams**, when she decided to take time off to recover from back surgery. Alex also plans to move to Washington, D.C. During her almost four years with us, Alex's focus was on water quantity issues. She helped us create our new *Tapped Out* PowerPoint presentation and handled work related to the tri-state water wars, Metro Water District, and instream flow policy work in general. We miss both Betsy and Alex, but know that they are continuing to fight to protect the environment in their new careers and communities.

Now On Board

In July, we were joined by **Laura Hartt** as our new water policy director. Laura is a scientist with undergraduate and graduate degrees in biology and ecology and an environmental law degree from Lewis & Clark Law School.



Laura Hartt with her son, Aidan

Most recently, Laura worked for the National Wildlife Federation as an environmental policy specialist to implement the Florida Panther Recovery Plan. She says, "After several years working at a distance to protect natural resources, I am very excited to be working in my own backyard to protect the Chattahoochee River. I also look forward to spend-

ing more time out on the river with my family, including my four-year old son." Laura, son Aidan and husband, Lock Rogers, an ecology professor at Agnes Scott College, live in Decatur.

Juliet Cohen, our new general counsel, arrived at the end of the summer, bringing a wealth of experience with her. Juliet has a law degree from American University where she graduated in the top of her class, as well as an undergraduate degree in environmental science from the University of Miami. She worked most recently for the U.S. Court of Appeals for the 11th Circuit and interned summers with EPA, Environmental Defense, Center for International Environmental Law and Alston & Bird. She lives with her husband Jeffrey and three children on a tributary to Nancy Creek in Chamblee, and says, "I am thrilled to be part of the daily effort to clean up and protect the Chattahoochee so that my family can enjoy it today and so that my children's families can enjoy it for the future."



Juliet Cohen

Tapped Out: The Drying Up of Atlanta

Tapped Out: The Drying Up of Atlanta is UCR's new PowerPoint presentation that examines the causes of the water crisis in the Chattahoochee River watershed and offers practical solutions for citizens, business people, and policy-makers.

Go to www.chattahoochee.org/tappedout for more information. To schedule a presentation contact Christina Cooper at (404) 352-9828 x17.



COUNTY FAILS TO ENFORCE EROSION LAWS AT LAKE LANIER ISLANDS

Thirty-year old **Lake Lanier Island Resort** is getting a massive makeover by Gwinnett County businessman Virgil Williams and his family. UCR has been monitoring this re-development project monthly during our water quality monitoring trips on the lake. This summer, we noticed that the state-protected buffers at the resort were being cleared in many areas and filed a complaint with **Hall County**. The county refused to take any enforcement action, saying that it did not have regulatory jurisdiction on property owned by the federal government (Corps of Engineers) and leased to the developer. We did not agree. After we contacted the Georgia Environmental Protection Division (EPD), the state decided to send Hall County a letter stating that they do have the authority and the responsibility to enforce erosion control laws on this federally-owned property. Unfortunately, to date, the county has failed to take its responsibility seriously and EPD may need to get involved to ensure compliance.



SEPTIC WASTE DISPOSAL CONTINUES TO RAISE STINK

As previously reported, UCR has received many calls about a 350-acre facility in White County operated by **L.H.R. Farms, Inc.**, which processes and sprays thousands of pounds of commercial and domestic waste onto the land daily. Land application of septic and grease material has occurred at this site since 1996. For more than a decade, local citizens have complained about pools of septage running off the site to neighboring properties and streams, as well as overwhelming odors. Earlier this year, EPD inspected the facility and found continuing violations of a consent order signed by LHR in 2007 for unpermitted activities. These violations include: spraying in the rain, accepting biosolids from a sewage plant, accepting wastewater from a dry cleaner, failing to sample water quality, stockpiling grease and septage, and failing to meet fecal effluent and groundwater nitrate limitations. EPD has since issued a second consent order which should be available for public review and comment this fall. Also at issue is LHR's pending application to the state for waste disposal permits to continue its operations. UCR will provide comments on this application when it is made available.



PRIVATE WELLS RESPONSIBLE FOR DRYING UP STREAMS?

With Georgia having concluded its third consecutive summer of drought, outdoor watering restrictions continue to frustrate some Atlantans who are used to irrigating their beds of colorful annuals and lawns. Unable to use city water for their yards, residents are increasingly drilling their own private irrigation wells, targeting a source of water that is not subject to state regulations. The perception is that by extracting water from underground, residents can clean cars and water lawns without pulling from diminishing surface water sources. Nothing could be further from the truth.

What most people do not realize is that the primary source of stream flow comes from underground water, or base-flow, which travels through the soil to the stream channel. Base-flow is especially important during droughts when very little water is being contributed to streams from rainfall-induced surface runoff. Consequently, at a time when stream flow is most dependent on groundwater stores, these sources are being sucked dry by the numerous irrigation wells being drilled, resulting in the drying up of streams.

Buckhead Stream Impacted

In August, UCR received a Hotline call from a resident reporting that an unnamed tributary to Peachtree Creek that flows through the backyard of her Buckhead property had completely dried-up for the first time in the 17 years she had lived in her home. Upon inspection by city offi-

On Patrol



LULA PROPOSES SEWAGE DISCHARGE TO HAGEN CREEK

More than 100 years ago, the city of Lula was established in Hall County as a sleepy railroad hub between Athens and Atlanta. Today, high-volume developers have plans for the little town and they need water and sewage infrastructure to support their proposals. In July, EPD proposed a new permit to allow Lula to discharge treated sewage into Hagen Creek, a tributary that flows into the headwaters of **Lake Lanier**. UCR submitted comments that focus on the state's failure to evaluate impacts to the lake which has been officially listed as impaired for violations of nutrient standards and is the subject of a new cleanup plan to restore water quality. We are concerned that the proposed Lula permit has a phosphorus limit that is significantly less stringent than the limit in permits for other municipal wastewater plants that discharge into the Lanier watershed. This is unacceptable for a waterbody that is already showing signs of serious problems from excess nutrients.



BACK TO DRAWING BOARD FOR LAGRANGE RETAIL CENTER

A year ago, UCR submitted comments to EPD on a proposed stream buffer variance application for a large retail shopping center in the city of LaGrange called **Mill Creek Station**. The developer requested a variance from state buffer laws to pipe and fill more than 1,600 linear feet of a tributary to Shoal Creek, which flows into West Point Lake, and to drain a small lake. In our comment letter, we expressed concerns about the routing of the piped streams and the fact that they proposed to use these waterways to treat stormwater runoff on-site, a practice that is illegal under Georgia regulations. In August, we received a response from EPD stating that they agreed with our concerns and had advised the developer/applicant that it would need to re-design the project to address our concerns. We will continue to review any future re-designs of this project to ensure compliance with all stormwater and other environmental regulations.

Upper
Chattahoochee
Basin

Helen

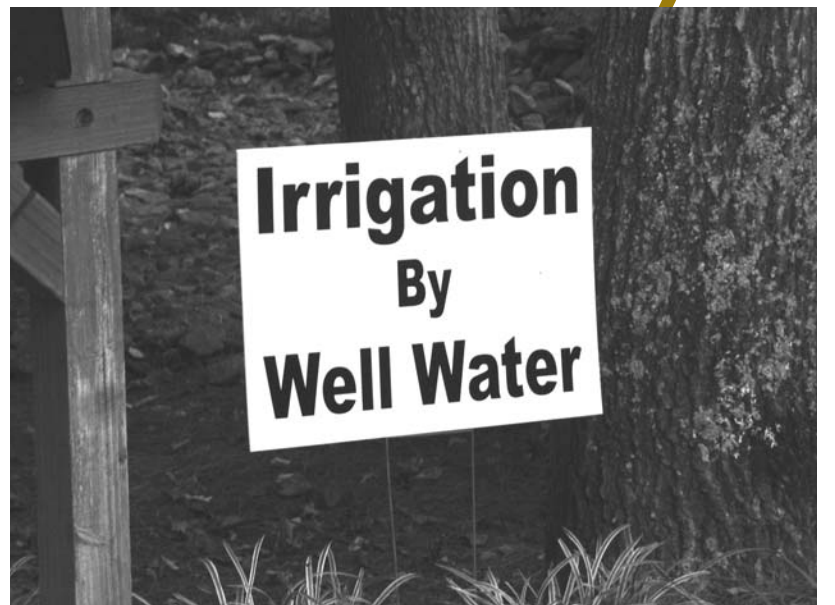
Lake
Lanier

Buford
Dam

Atlanta

West
Point
Lake

West Point Dam



Irrigation by well water, which can reduce the base-flow that feeds our streams, is becoming more and more common.

River Stewardship

RIVER DISCOVERY SERIES CREATES NEW ADVOCATES

When a group of paddlers took to the water on June 21 for the first trip in UCR's new *River Discovery Series*, we hoped these trips would lead to greater awareness and involvement in our watershed. Little did we know the extent to which this program, created in partnership with the National Park Service, would have such a positive impact on brand-new paddlers!

The five consecutive river trips covered a total of 37 miles within the Chattahoochee River National Recreation Area (CRNRA)—from Bowman's Island in Forsyth County to Paces Mill in Cobb County. For each segment, NPS Ranger Jerry Hightower (below) acquainted paddlers with important river features. While any one of the trips could be traveled separately, it became quickly apparent that those who joined the first paddle trip were intent on completing the entire series.

Paddlers Hone Skills While Learning River History

Each journey offered different high points, as the paddlers in colorful kayaks and a few canoes experienced the river's diversity, beauty and history. The dense fog



Morning mist at Settles Bridge in Gwinnett County.

Photo Credit: Allen Kendall



River Discovery Trip Participants

on our first trip, starting at Buford Dam, made navigating the shoals exciting. Our second trip took us past Settles Bridge, the site of a bank robbery escape early in the 20th century. The robbers took part of the bridge with them, so the law could not follow!

As we journeyed from Settles to Abbotts Bridge on our third outing, we saw estate homes along the river; some built too close to the riverbank were likely constructed before state law protected these important buffers. In early August, we enjoyed one of the most scenic sections of the CRNRA, including Island Ford Shoals, but also witnessed an increase in river use and trash.

On August 23, we completed our final trip of the series, starting just below 100-year old Morgan Falls Dam and then paddling through Cochran Shoals, Devil's Race Course Shoals and Thornton Shoals. Ranger Jerry stopped many times to share with us the history of this area, including the importance of Sope Creek to the outcome of the Civil War.

We are very proud of all the paddlers in our inaugural 2008 *River Discovery Series* who are new river advocates, eager to get back out on the Chattahoochee and other rivers. Look for information on the 2009 *Series* next spring!

THE CANOE KNOWS THE WAY: A PROFILE OF JERRY HIGHTOWER

If you see Jerry Hightower out on the river, chances are he will be paddling an old 17-foot Blue Hole Canoe. Other paddlers in short, swift whitewater kayaks can tease Jerry all they like for his old-fashioned craft, but he loves the way it handles and says it's one of the best touring canoes around.

In high school, Jerry was known to skip class from time to time and escape to Sope Creek or the Palisades. His parents figured that if that was the kind of trouble he was going to get into, well, that was all right. In fact, he has spent most of his life enjoying and protecting the Chattahoochee River which, he says, "has given so much to me and has influenced every aspect of my heart, spirit and soul."

The River is the Best Classroom

In addition to 30 years of service as a U.S. National Park Service Ranger, Naturalist, and Environmental Educator at the CRNRA, Jerry has been active in efforts to protect the Chattahoochee since the 1960s. Additionally, he has been an innovative educator who sees the Chattahoochee as "the very best classroom that (he) would ever have." Among other achievements, he began a pilot program to develop campus habitats and certify schools with



Jerry shares river history with paddle trip participants.

Photo Credit: Allen Kendall

the National Wildlife Federation's Backyard Wildlife Habitat Program. Thanks to his efforts and those of the Georgia Wildlife Federation, our state is number one in the nation for schools certified with the National Wildlife Federation.

As Jerry sees it, the river has a positive effect on the mental and physical health of all who come in contact with it, "like a huge medicine chest. It never stops touching

people," according to Jerry. "It changes lives." He thrives on sharing his understanding of the river with others as an educator and a guide. In addition to leading paddle trips for UCR (above) and the Chattahoochee Nature Center, he loves to explore Georgia's wilderness areas to the north and traverse its coastlines, leading trips to other wild places in his "free time".

Jerry Hightower continues to translate his rich knowledge of the Chattahoochee River into journeys of exploration for those following him through shoals and flatwater. And of course, he'll be paddling a long, Blue Hole canoe. "The canoe knows the way," says Jerry, "I just come along for the ride."



Erosion Courses Available for Professionals!

Jason Ulseth is offering a new course, only provided by UCR, for developers, engineers and regulators, entitled 2008 Changes to the Georgia NPDES Construction Stormwater General Permits. This 4-hour re-certification course for all GSWCC-certified Level 1A, Level 1B, and Level II personnel will teach compliance with the new regulations issued in August.

Appointed to serve on EPD's stakeholder advisory group for the new stormwater permits, Jason is well-qualified to lead this GSWCC-approved course. For more information on UCR's certification and re-certification courses, visit www.chattahoochee.org/certification, or call Jason at 404-352-9828 ex. 16.

NEW SCHOLARSHIP PROGRAM WELCOMES INNER CITY YOUTH ON BOARD

UCR's Lake Lanier Aquatic Learning Center, known as our floating classroom, has been teaching metro students about water pollution, lake ecology and conservation since 2000. During this time, we have reached more than 15,000 students, teaching them how to be good water stewards by offering hands-on learning experiences and activities that incorporate science, math and natural history lessons.



A student uses a microscope to examine a water sample from Lake Lanier, while a classmate waits to be called on by the floating classroom instructor.

Photo Credit: Scott Sonnenberg

only did they learn how they and their families can help our ongoing water crisis by conserving water at home, they also had fun experiences. The floating classroom is a joint program of UCR and Elachee Nature Science Center (www.elachee.org).

Inner City Groups Urged to Book Outings Now!

Groups are responsible for getting to and from Aqualand Marina on Lake Lanier; the scholarships cover the per student cost for the boat trip and instruction by trained naturalists on the *Chota Princess II*, our 40-foot catamaran which includes a glass-bottom viewing portal

With the aid of grants from the **Harland Foundation** and the **Hampshire Foundation**, UCR recently introduced a special scholarship program earmarked for inner city and disadvantaged youth—an audience that has been underserved in the past. We are very pleased that these funds have helped us to better serve these young people. To date, we have granted 165 scholarships for CHRIS Kids, Whitehead Boys and Girls Clubs, and Atlanta's Camp Best Friends.

For many of the participants, this was the first time they had ever been on a boat or traveled to Lake Lanier. Not

You can book your trips for spring 2009 now or early next year! Weather-permitting, we usually get back out on the water in March and conclude our trips in early November. School and after-school programs serving inner city youth may schedule a two-hour program on the floating classroom by contacting Lynn Naylor at 404-352-9828, ext 19.

SAVE THE HOOCH CAMPAIGN TAKES CENTER STAGE

On August 17 **SweetWater Brewery**, along with representatives of **Taco Mac** and **Whole Foods Market**, presented a ceremonial check to UCR to represent the more \$63,000 raised by this year's *Save the Hooch* campaign. Also on stage were members of Collective Soul, whose concert that evening provided a special occasion for the check presentation.

According to SweetWater's Steve Farace, "We kicked off this year's campaign with the guys from Collective Soul



Steve Farace, Sally Bethea and CS's Ed Roland on stage at Chastain.

Photo Credit: Spark Sr. Jude/Magic On Film

donating their time and talent to play at a great party at Park Tavern, so we wanted to wrap it all up with them to celebrate the tremendous success of this campaign."

"As an Atlanta native, I grew up rafting and fishing in the Chattahoochee River," said the band's Will Turpin. "It's not only a place close to my heart, but it provides the essential resource of clean drinking water to our community."

Getting Customers in on the Act

Memorial Day through the July 4th weekend, local bars and taverns participating in SweetWater's campaign, such as Taco Mac restaurants across the Atlanta area, held special promotions and sold paper fish and custom *Save the Hooch* t-shirts to their clientele. This year Whole Foods Market came on board and donated five percent of the sales on June 18 at all seven metro Atlanta Whole Foods Market and Harry's Farmers Market Stores, adding \$23,645 to the campaign!

The money raised by the 2008 *Save the Hooch* campaign set new records and will fund UCR's river patrol and water quality monitoring program for an entire year. See www.sweetwaterbrew.com and click on Vibe.

ORGANIZATIONS JOIN FORCES FOR RIVER AND LAND CLEANUP

Georgia Power Company, R!OT Atlanta and UCR came together in mid-August with the same mission—to clean up a two-mile section of the Chattahoochee near Plant McDonough that is always heavily littered with trash tossed from bridges and floated to the river through storm drains in streets.

Georgia Power hosted the event at its McDonough boat ramp and supplied volunteers, equipment, boats and lunch.

We brought our jet-powered river patrol boat, six kayaks and a large "trash barge" canoe for holding loads of trash. R!OT Atlanta, a local creative broadcast boutique, supplied 15 eager volunteers ready to tackle whatever came their way... which was a lot of nasty river and land trash.

The land-based groups cleaned under and around the I-285 Bridge over the Chattahoochee below Peachtree



R!OT Atlanta's Jeff Doud surveys floating river trash.

Creek, while the river-based group focused on strainers, the deadfall trees that collect mounds of floating trash. Both groups cleaned non-stop for three hours and brought the trash back to Georgia Power for disposal.

Together, we removed more than one ton of trash: hundreds of plastic water and soda bottles; tennis, soccer and basket balls; shoes; pool floats; a wooden door, toys, mattresses; car parts; furniture; Styrofoam; and miscellaneous debris, including a plastic Halloween skull and a Herbie Curbie trash receptacle!

Besides getting the trash out of our river, R!OT Atlanta is turning some of the trash collected into art. It's staff is cutting up bottles, cans, strips of plastic, and more to affix to recycled cardboard canvases. The art project is still in progress and will be 200 square inches when complete.

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In Memorium: Petey Giroux



UCR bids a fond farewell to Mary Sue "Petey" Giroux, who passed away on July 30 at age 63. An environmental education coordinator for Georgia EPD's Project WET, Petey taught teachers to bring fun, drama, song and dance to water education. Her invented characters (see "Mama Bess" above) and songs enlivened and inspired others. Among her many accomplishments, Petey helped establish the Chattahoochee River Environmental Education Center and served as the Georgia PTA's first environmental chair. She will be sadly missed.

Georgia's state budget is based on a revenue estimate that the Governor is responsible for providing the legislature each year. When the current budget for Fiscal Year 2009 was being drawn by the 2008 General Assembly, Governor Sonny Perdue estimated that state revenues, already quickening because of increases in population and economic activity, would increase by 6%. On that basis, spending was allowed to grow in most programs and new programs were added.

Tax receipts coming into the State Department of Revenue have not grown at a rate of 6%. Instead, they have actually declined over most months of 2008, so that the budget the Legislature passed is under-funded by even more than the 6% increase approved last spring. This is why the Governor has asked the state's departments to prepare new budgets reducing their programs by amounts ranging from 6% up to 10%. These reductions come on the heels of routine annual reduction budget cuts imposed during previous Administrations, requiring some departments to make major cuts in program activities to meet the reduction goals.

EPD Vacancies May Soften Blow

For Georgia's Department of Natural Resources, which is funded by a tiny percentage of the total \$20 billion state budget, a 10% reduction in spending cannot be sustained without significantly reducing program activity. The Environmental Protection Division (EPD) may be spared the kinds of cuts that are being recommended for other divisions, including the Parks, Historic Sites, and Wildlife Resources Divisions, because of an extraordinarily high number of vacant positions in EPD.

Existing EPD positions created by the General Assembly in various state budgets have not actually been filled for several years because of administrative decisions. In addition, many positions in the EPD offer salaries that are so low compared to similar jobs in the private sector that few applicants have applied for them.



Georgia EPD's Emergency Response Program, shown here in training, could receive major budget cuts.

Photo Courtesy of Georgia EPD

We also expect to see serious cuts in the Georgia's so-called "trust funds", which are used to clean up polluted sites around the state. A more accurate term for these accounts would be "program-based user fees." There are three of them: Hazardous Waste Trust Fund, Solid Waste Trust Fund, and user fees

required for land-disturbance activities—an \$80 per acre fee charged to developers of raw land.

Program-based Funds Need Protection

Because Georgia's Constitution prohibits the "dedication" of any funds from a particular source to a specific program—unless that assignment occurs in the Constitution itself, as in the case of Motor Fuel Tax funds dedicated to the Department of Transportation—these program-based funds have been vulnerable to "raiding" by the Administration and the General Assembly. There is ample reason to expect another "raid" this year, given the current budget crisis. The only way to prevent this kind of activity, in which money is collected for one purpose and then used for one that is unrelated, is a Constitutional Amendment allowing "dedication" of funds to the programs under which they are collected.

Members of the business community have understandably objected to financing environmental programs by means of fees on regulatory services, such as permitting and monitoring costs, when there is no assurance that the funds will be used to pay for the programs for which they were collected. This complaint is plainly valid.

UCR will continue to work with the business community to ensure that funds collected for a specific purpose are used for that purpose. This may include the introduction of a Constitutional Amendment that would allow the legislature to "dedicate" funds collected under specific, legislatively-created activities to the operations of those same programs.



UCR's Boat Captain Harlan Trammell

**CAPTAIN'S CORNER
PROTECTING YOUR BOAT IN A HURRICANE**

If you live on the coast, you've probably developed a system to protect your boat during a hurricane, or else you don't have that boat anymore! If you are inland, there are some things that you may not have thought about regarding hurricanes and your boat.

Hurricanes can do tremendous damage inland, even hundreds of miles away from the ocean. Just look at what Hugo did to Charlotte in 1989. Winds along the Chattahoochee in the Lake Harding to LaGrange area gusted to over 90 mph in 1995 during Hurricane Opal. A chart showing inland wind velocity models can be found at the national hurricane center's website: www.nhc.noaa.gov.

Inland Boaters Off-Guard

A hurricane often catches inland boaters off-guard as they think these storms can only happen near the ocean. The result can be costly damage that includes sinking, blowing over and the two most common forms—loss due to rising water from improper mooring and falling tree damage.

Bring canoes and kayaks out of the wind, if you can. If you tie them outside, fill with water and place them out of

reach of trees or other potentially damaging debris. Make sure that they are away from the water, so that they are not swept away by rising floodwaters. For trailer boats, tie them down away from trees and avoid storing in poorly-built sheds. Filling with water will help prevent damage from a blow-over. Just make sure that you block up the trailer by the frame to avoid undue weight stress on axles, bearings and spring.

For big boats on lakes, move them away from loose docks and trees. Covered floating docks do not fair well during hurricane force winds, and sinking and/or collisions with other boats may result. During potential hurricane conditions, UCR's 40-foot catamaran is moved away from docks and moored at all four corners on a wide beach with large anchors out of reach of trees and rocks.

Hurricanes are a way of life in the Southeast and repairs and insurance claims can be costly. Developing a system of being proactive during hurricanes will ensure that you will have your boat for many more years of enjoyment.

Prepare for the worst, hope for the best.

No Plan "B" for Metro Atlanta

In spite of these recent court rulings suggesting that overreliance on Lake Lanier to solve Atlanta's water crisis is ill-advised, the 15-county Metro North Georgia Water Planning District (District) has failed to plan for contingencies. Currently underway, the 2008 update to the District's Water Supply and Water Conservation Management Plan continues to bank on securing the maximum water supply from Lanier (i.e., 22%) to meet projected water demand, while setting weak conservation goals—which amount to an active water savings of only 7 to 8% by 2035.

Today, Lanier and the Chattahoochee River provide roughly two-thirds of the water supply for metro Atlanta. Unfortunately, our ongoing water crisis is having an impact on our limited water supply, which may be further diminished by future court rulings. If the region is going to avoid being "tapped out" of water, we must use our water more efficiently and grow in a more sustainable way. Upper Chattahoochee Riverkeeper's new Power-Point presentation, *Tapped Out: The Drying Up of Atlanta*, discusses the metro Atlanta water crisis and offers practical solutions for citizens, business people, and policy-makers. To date, more than 1,000 individuals have viewed this presentation, which can be scheduled by contacting Christina Cooper at cocooper@ucriverkeeper.org.

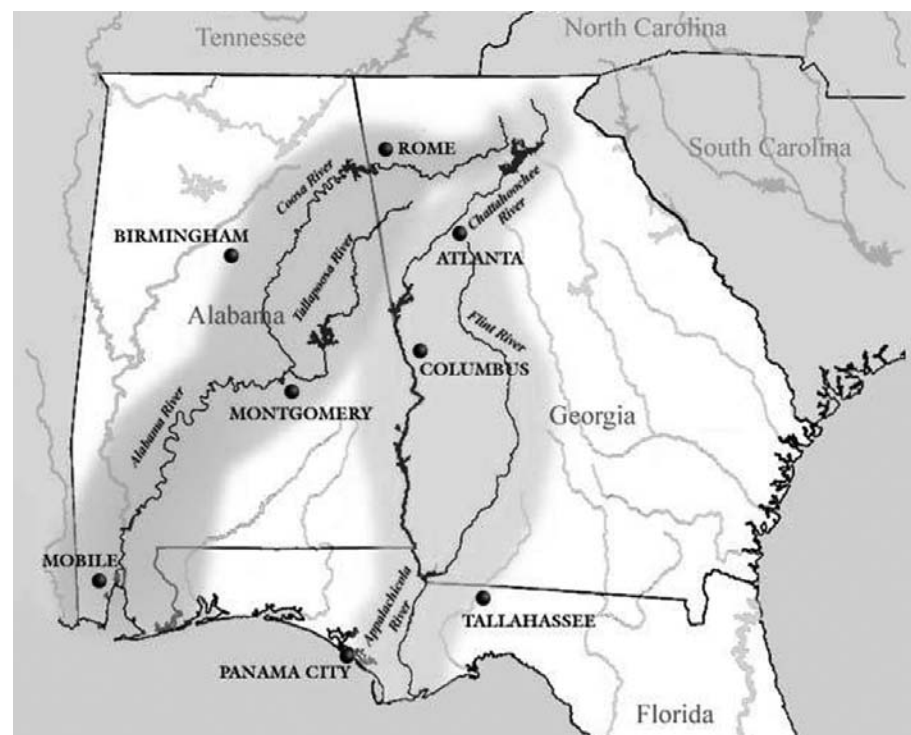
UCR and the Water Wars

In 1999, Upper Chattahoochee Riverkeeper (UCR) spearheaded the creation of the Tristate Conservation Coalition to foster better cooperation and coordination among non-governmental conservation and recreation organizations in the ACF and ACT River Basins*. This regional network of 45 groups is focused on protecting water quality, biodiversity and recreation in the basins with adequate instream flow policies, monitoring programs, water conservation and adaptive management. Our goal is sustainable and equitable water management.

The Southern Environmental Law Center represents UCR on tri-state policy

and legal issues, which has included the filing of several amicus briefs on our behalf. SELC attorney Gil Rogers has said that a defeat for Georgia in the water wars would not be the worst outcome because it would "be a defeat of the current way of growing." We agree. The metro Atlanta region can continue its path of litigation, along with probably futile attempts to grab water from the Tennessee River and build expensive reservoirs, or it can start taking conservation seriously and grow where water is available. There are ways to protect Georgia's interest in water without being in court.

Source: "WATER WAR: Court rulings crucial to state", Stacy Shelton, *Atlanta Journal Constitution*, August 17, 2008.



The shaded areas above show the ACT and ACF River Basins.

*ACF—Apalachicola-Chattahoochee-Flint; ACT—Alabama-Coosa-Tallapoosa



METRO ATLANTA WATER PLANS REMAIN DEEPLY FLAWED

State law requires the 15-county Metro Water Planning District (District) to update its long-term water supply, wastewater and watershed plans every five years. Collectively, these three plans guide state and local management of the rivers and lakes in the Atlanta region; they also may serve as templates for future regional plans to be developed throughout the state.

Upper Chattahoochee Riverkeeper has actively participated in the 2008 update process, working to identify flaws and offer recommendations for improvement. We have had some success, notably in convincing the District to focus its attention on managing water supplies within its own boundaries rather than looking outside the District to West Point Lake and the Flint River for water to fuel metro growth. Yet, the District's draft plan updates remain deeply flawed.

The public will have an opportunity to review and comment on the water plans in November, prior to their adoption by the District Board in March 2009. See www.northgeorgiawater.com for details.

No Progress Reports

All three updated water plans lack information necessary to ensure meaningful progress toward water management goals. No data or other metrics have been provided to identify accomplishments made under the water plans adopted by the District in 2003. Using water conservation as one example, we should know how many system leaks have been detected and repaired; how many toilets have been retrofitted to meet high efficiency standards; how many local governments have adopted conservation pricing; and how many gallons of water each of these and other conservation measures have saved.

We do not know if local governments are actively enforcing watershed protection measures. Importantly, the District cannot tell us if we are making tangible progress toward cleaning up the rivers and lakes in metro Atlanta,



Children playing in Centennial Park's Fountain of Rings.

while using water more efficiently. Such progress reports are needed to verify that local governments have taken the requisite actions and that these actions have been successful in the short-term and, taken as a whole, will achieve long-term water management goals.

Meaningful state oversight is also absent. The Georgia EPD is required to tie local government compliance with the District water plans to the issuance or re-issuance of water permits, yet the agency remains understaffed. With one position left vacant for more than a year, there is only one auditor to handle the District's permitting requests, a daunting task given the 15 counties and nearly 100 cities in the District.

Unacceptable Water Conservation Goal

Water management goals in the District plans have been weakened, actions eliminated, and/or timetables for completion extended. For example, while the 2003 plan set a water savings goal of 20% by 2030, the current update strives for a pathetic 13% by 2035. Other cities in the country have committed to a 20% or greater reduction, including Tampa Bay, Boston, Albuquerque, Denver, and Seattle. Atlanta can and must do better. EPD's Dr. Carol Couch has said we should be able to reduce our water demand by "1/4 to 1/3".

Even some of the most innocuous measures have been removed during the update process, such as those requiring local governments to report their monitoring data to the state, encouraging local governments to preserve green space in new developments, and requiring identification of critical areas within which septic system failure would be of heightened concern.

UCR will continue to actively participate in the District's efforts to meet its stated goal: to protect water quality, public water supplies and recreational values and to minimize potential adverse impacts of development—in and downstream of the region.

UCR CELEBRATES HONOREES AT 14TH PATRON APPRECIATION DINNER

September 24, 2008 marked UCR's 14th Annual Patron Appreciation Dinner where approximately 400 UCR supporters, members, special guests, and sponsor representatives gathered at Park Tavern at Piedmont Park to acknowledge and celebrate those who have made extraordinary contributions to protecting our river. Through sponsorships, live and silent auction purchases, and ticket sales, the event raised more than \$200,000 to support UCR's good works.

The main focus of the evening was the award presentation, during which Jim McCaffrey accepted the prestigious *River Guardian Award* on behalf of **Turner Broadcasting System, Inc. (TBS)**. TBS provided the fundamental creative and technical support for *Tapped Out: The Drying Up of Atlanta*, UCR's new PowerPoint presentation outlining the causes behind and solutions to north Georgia's water crisis.



Jim McCaffrey

Photo Credit: Kent Ruby

The *River Steward Award* went to the **Vasser Woolley Foundation** for its support of UCR's floating classroom on Lake Lanier, which provides hands-on education in water quality and lake ecology to thousands of students each year. **SweetWater Brewing Company** was honored with the *River Awareness Award* for its far-reaching and successful *Save the Hooch* Campaign, which has engaged beer drinkers, bar patrons, and restaurants throughout the metro region in efforts to protect the Chattahoochee. (See page 5)

And finally, the *River Heroes Award* was presented to the six other **Georgia Riverkeepers**, our partners in watershed protection who tenaciously watch over the Altamaha, Coosa, Flint, Ogeechee-Canoochee, Satilla, and Savannah Rivers. (See below)



River Heroes: Georgia Riverkeepers

Photo Credit: Kent Ruby



Guests enjoy regionally grown and produced menu at the Patron Dinner.

Photo Credit: Kent Ruby

Thanks to continued, generous support from Park Tavern, SweetWater Brewing Company and Whole Foods Market for making this event another huge success. Thanks also to all our guests, auction donors, volunteers and, most especially, our 2008 Patron Dinner Sponsors:

River Benefactor:

The Coca-Cola Company
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Janis & Mike Eckert
JST Foundation
Mary Lou & Larry McDaniel
Park Tavern
SweetWater Brewing Company
Turner Broadcasting System, Inc.
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And our other sponsors, including: Allied Waste Industries, Inc., Chevron, C.W. Matthews Contracting Co., Inc., Davis, Pickren & Seydel, LLP, Development Planning & Engineering, Inc., Duke Realty, Jacoby Development, Mason Family Management Company - Wayne H. Mason, MWH//Khafra A Joint Venture, PricewaterhouseCoopers, Smith, Gambrell & Russell, LLP, Southwire Company

River Matters

Hemlockfest November 7-9
Dahlonega, GA
www.lumpkincoalition.org/HemlockFest.htm

Paddle Florida November 8-15
www.paddleflorida.org

Enviro Expo USA November 14-15
America's Mart Building, Atlanta
<http://www.enviroexpousa.org/>

UCR Member Meeting & Party November 15
1:00 pm – 4:00 pm
SweetWater Brewery, Atlanta
www.chattahoochee.org

Owl Prowl November 15
6:30-9:30 pm
Chattahoochee River
National Recreation Area

14th Annual X-mas Party to Save the Planet December 12
The Tabernacle, Atlanta
www.xmasparty.org/

Georgia State Legislative Session Begins January 12

Georgia River Network Annual Conference February 20-21
Athens

Save the Date...

Wild & Scenic Environmental Film Festival March 4-5
Tara Theater
Atlanta, GA

7th Annual Back to the Chattahoochee River Race & Festival June 13



Keeping Watch Over Our Waters

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