

UCR BATTLES UNNECESSARY RESERVOIR PROJECT IN SOUTH FULTON

As the Chattahoochee River struggles to recover from three years of exceptional drought conditions and Georgia, Alabama and Florida continue to argue over water allocations in our river basin, three cities in south Fulton County are proposing a new reservoir that could pump 32 million gallons of water from the river every day.

Yet, two of these municipalities already have an *existing* water supply to support future demands for the next 50 years.

Upper Chattahoochee Riverkeeper is opposed to the construction of this unnecessary reservoir which will destroy a tributary to the Chattahoochee and cost taxpayers tens of millions of dollars, largely to benefit local development at the expense of downstream water users.

Earlier this year, the **South Fulton Municipal Regional Water and Sewer Authority** (Authority), made up of **Fairburn, Palmetto**, and **Union City**, applied for permits to build and operate Bear Creek reservoir. The 440-acre lake would be created by damming Bear Creek, a tributary to the Chattahoochee River, and pumping water from the river to the reservoir. The reservoir's construction would destroy more than 30 acres of wetlands and *five miles* of streams and further reduce flow levels in the Chattahoochee, possibly causing violations in state water quality standards.

An Amenity Reservoir for Development?

The Authority claims that in 2050, its water demand will reach 16.44 mgd, which is only half of the volume of water they are requesting to withdraw from the Chattahoochee—32 mgd. The remaining water would be pumped from the river to maintain water levels in the Bear Creek reservoir, which will apparently serve as an amenity for future development on the property owned entirely by one individual, Carl Bouchaert.

In addition, this attempt to supply water to existing customers of the City of Atlanta is illegal under state law. Over a decade ago, the state legislature enacted the Service Delivery Act (SDA) to avoid duplication of delivery of public services, including drinking water supply, and to avoid competition between local governments. The SDA prohibits state funding and permits for projects that are inconsistent with an existing intergovernmental service delivery agreement.

According to Fulton County's service delivery agreement, the City of Atlanta is responsible for providing drinking water supply to Fairburn and Union City.



Bear Creek as it flows just upstream from the proposed reservoir.

Furthermore, Atlanta's ability to fund critical sewer repair upgrades and other necessary projects is dependent on future revenue received through existing service contracts.

Misleading Testimony to State Legislators

In order to expedite the approval process for the Bear Creek reservoir, the Authority must secure state and federal permits and amend the SDA to nullify Fairburn's and Union City's service contracts. Water service providers around the state have expressed concern over the precedent such an amendment would set; however, if the 2009 legislative session is any indication, the Authority and its lobbyists will go to great lengths to secure legislative approval.

During the 2009 General Assembly, House Bill 406 was introduced to circumvent the SDA's prohibition on state funding and permitting for water supply projects that are not consistent with a state delivery strategy. Lobbied heavily by Joe Tanner & Associates, this bill was

targeted at promoting the Bear Creek reservoir.

Despite misleading testimony from reservoir advocates to a senate committee about the operation of the proposed reservoir and its impact on the Chattahoochee, UCR and others were able to set the record straight, refuting the false testimony, and with the help of Atlanta lobbyists and many others, we defeated this legislation.

In the meantime, a public notice announced that the Authority had applied for permits to construct and operate the Bear Creek reservoir. UCR submitted extensive comments objecting to the project and urged the Corps to hold two public hearings in Atlanta and LaGrange. The U.S. Environmental Protection Agency and U.S. Fish and Wildlife Service also filed comments recommending that the permit be denied.

While this project appears to be facing some opposition in the regulatory arena, we fully expect House Bill 406 to re-emerge in the 2010 legislative session.

Reservoirs may at first glance seem an appropriate response to our water crisis in the Upper Chattahoochee basin, but they are far more costly than efficiency programs and can actually cause more problems than they solve. Such is the case with the proposed Bear Creek reservoir.

UCR will continue to advocate for more aggressive conservation measures and demonstrate that expensive and environmentally harmful reservoirs are the least attractive alternative to meet our current and future water needs.

RAIN BARRELS OFFER SUSTAINABLE OUTDOOR WATERING SOLUTION

The drought may be over, but metro Atlanta is still one of the fastest growing regions in the country, placing increased pressure on our small and finite water supply. Rainwater capturing systems like rain barrels help address outdoor watering needs by making our water go farther. According to Jon Radtke of Coca-Cola North America, "Each person who installs a rain barrel has the potential to save over 2,000 gallons of water a year."

Rain barrels collect rooftop runoff rather than having it rush down the gutter and storm drains, capturing water to replenish the soil and gardens, saving money on water bills, and preventing polluted runoff. Since February, UCR has helped water authorities in Forsyth and Hall Counties promote the use of rain barrels through hands-on workshops.

Coca-Cola Provides Syrup Drums

To help support healthy and sustainable watersheds in metro Atlanta, Coca-Cola's Atlanta Syrup Plant is partnering with UCR to distribute 55-gallon syrup drums for reuse as rain barrels. During workshops, UCR's Bonny Putney demonstrates how to convert the drum into a rain barrel and install it properly. So far, UCR, Coca-Cola, and local water authorities have helped build and distribute nearly 400 rain barrels.

UCR and representatives from county water departments and extension services also educate workshop participants about our long-term water problems and



UCR's Bonny Putney helps Matt Heard convert a syrup drum into a rain barrel.

what they can do to conserve water beyond installing barrels. The workshops encourage people to practice water-saving and efficiency measures at home, with a special emphasis on saving energy as a means of saving water.

You can have a very healthy garden relying on rain barrels for your watering needs. To follow best practices for water conservation, *plant native and drought tolerant plants* in your yard—this will also allow your water to go farther.

Learn about native plants at the Georgia Native Plant Society's website: www.gnps.org, and find more information on rain barrels and water conservation at www.chattahoochee.org/notimetowaste

Get Out!

Whitewater Creek Trail

The **Whitewater Creek Trail** in the Chattahoochee River National Recreation Area is a blue-blazed trail featuring an interesting mix of forest ecosystems, from classic southern river plain with huge Tulip Poplars and River Birches, up to drier Oak/Hickory ridges, and coves with impressive Umbrella Magnolia. Silverbell trees, bearing bold white blossoms in spring, border the river trail along with fragrant spicebush that provides wildlife with brilliant red berries in the fall. With a flat river trail, moderate slopes, and three distance options to complete the loop, the Whitewater Creek Trail offers options from an energy walk to a casual stroll.

For directions, visit: www.nps.gov/chat/planyourvisit/whitewatercreek.htm

Thanks to Kathryn Kolb for this "Get Out!" submission! Do you have a favorite trail or paddle outing to share? Contact Mary O. Harrison at mharrison@ucriverkeeper.org.



Reflections

As she climbed onto our pontoon boat with her dad and sister for a cruise on **Morgan Falls Lake** near Roswell, she looked like any other six-year-old girl with long curly hair and blue eyes. The perky British accent surprised me when she began to speak, but her questions astonished me.

How was the boat fueled, did it pollute the air, and how did the motor work? She already seemed to know and apparently just wanted confirmation. What sort of fish lived in the lake, what did they eat and how were they affected by pollution? Why had the river been dammed, and how did that affect this fish?



Photo Credit: Beiqi Hanaravir/Atlanta Journal Constitution

Then we rounded a bend and saw the five-acre clear-cut of a previously vegetated slope along the lake—a gash on the hillside created by the **City of Sandy Springs** last fall, initially for a dog park, now a people park (since the view is so good without all the trees and vegetation), aptly named Overlook Park.

The little girl stared, and I waited to see what she would say. A simple question: Why did someone do that? Then, she asked... Where did all the animals and birds go?

Local Governments Should be Shining Examples

Sandy Springs desperately needs public parks and has long hoped to create one for its citizens near Morgan Falls Dam, working with the Sandy Springs Conservancy.

The problem is that the city and its consultants decided to completely clear the park site “to see what they had” without getting appropriate permits and approvals—without complying with the same laws that they are responsible for enforcing on private developers. If all of that weren’t enough, they even failed to follow their own engineering plans, which called for phased clearing to minimize erosion.

About 40 miles upstream, the **City of Cumming** took a similarly cavalier attitude toward the laws that protect our waterways when they cleared a large area for an indoor aquatic center. Cumming failed to obtain all appropriate permits, failed to install best practices, and bulldozed a stream running through the site. The result: Sawnee Creek, which flows from this area into Lake Lanier, has bled orange after heavy storms since the clearing took place last September. (See *On Patrol* below)

Far too often the pollution sources that we investigate turn out to have been problems caused by government agencies who should know better—people who do know better—but who choose to forget or ignore the regulations adopted to protect the waters that we all use and share.

It’s time for our cities and counties (and school systems) to serve as shining examples of how to do things the right way, how to plan and implement sustainable, low-impact projects, instead of making blunders that little children, and even some adults, realize are a mess.

Sally Bethea
Executive Director and Riverkeeper

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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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On Patrol

For further details on these and other UCR investigations and actions, go to www.chattahoochee.org/on-patrol



CITY OF CUMMING POLLUTES LAKE WITH DIRTY WATER

While clearing land to make way for a new aquatic center on a site located less than 400 yards from **Lake Lanier**, the City of Cumming violated multiple environmental regulations by failing to properly plan for and install required best management practices to protect **Sawnee Creek** and the lake from muddy storm runoff and failing to secure all necessary permits. Because of the severity of the violations, UCR has threatened to sue the city under the federal Clean Water Act. (See *Reflections* above)

CORPS RESUMES FLOWS TO PROTECT WATER QUALITY, TROUT

In April, UCR submitted extensive comments urging the **Corps of Engineers** to deny requests to continue reduced flows in the Chattahoochee at Peachtree Creek. On May 1, the Corps resumed normal release at Buford Dam, reinstating the 750 cfs flow target requirement. Unlike last year, the state EPD did not ask for an extension of the reduced flow through May, citing concerns over water quality and trout. UCR is continuing to monitor the Chattahoochee downstream of Atlanta to ensure flows are adequate for water quality, fish and recreation.

BRIDGE PROPOSED TO CONNECT SANDY SPRINGS AND HYDE FARM

The **National Park Service** recently held meetings to discuss a proposed bike/pedestrian bridge over the Chattahoochee immediately below Morgan Falls Dam. Long-promoted by the **Sandy Springs Conservancy**, the bridge would connect planned parks in Sandy Springs and Hyde Farm within the Chattahoochee River National Recreation Area on the other side of the river. UCR provided oral and written comments on the proposed environmental assessment, recommending a comprehensive evaluation that reviews all cumulative impacts from the construction of the bridge, bike paths and the city parks.

DOUGLAS COUNTY APPROVES SPECIAL USE PERMIT FOR MEGA-DEVELOPMENT

In May, the Douglas County Board of Commissioners voted unanimously to approve a special use permit for the **Foxhall Resort and Sporting Club** applied for by **Merrill Trust Communities and Resorts**. This proposed 1092-acre mixed use development located off Capps Ferry Road has approximately 1.75 miles of Chattahoochee River frontage. Given its enormous size and proximity to the river, UCR is concerned that the construction will degrade water quality in the Chattahoochee and several tributaries. We are monitoring the permitting process.

UCR SECURES SETTLEMENT AND STREAM RESTORATION SOUTH OF ATLANTA

Two years ago, a Harris County developer destroyed more than 1,600 linear feet of several streams and vegetated buffer to build a dam and a 9-acre amenity lake without any of the necessary local, state, or federal permits. The project by developer **Daniel Hodge** of **DD&M Investments** involved a residential development called Timberland Subdivision near Boyd Branch, a tributary to Upatoi Creek, which flows into the Chattahoochee in Columbus. After learning that the developer had failed to get the required permits, Harris County issued a stop work order; however, the developer continued to work, completing the dam construction.

It soon became clear that the Georgia EPD and the Corps of Engineers, the environmental regulatory agencies charged with protecting buffers and streams, were not going to take any enforcement action. With the help of **Smith, Gambrell & Russell** partner Andy Thompson, UCR sent the developer a 60-day notice of intent to sue in 2008 to force him to remove the dam and restore the impacted streams.

Damage Will Be Undone

After months of negotiations, we reached a settlement agreement that includes the removal of the dam and restoration of the stream, as well as reimbursement of our attorney’s fees and other expenses. Importantly, the developer also agreed to fund two water quality projects proposed by **Middle Chattahoochee River Stewards** based in Harris County and **Chattahoochee Paddling Club** based in Columbus.

This past spring, the settlement agreement was entered by the federal court and restoration work was initiated at the site. We will be closely monitoring this project with the assistance of our environmental consultants, Register Nelson. Restoration of the impacted streams and buffer involves draining the impoundment, removing the dam, re-establishing the natural channel pattern and profile of the stream, streambank stabilization, and re-vegetation of the buffer. After the restoration is complete, Hodge has agreed to monitor the site for five years to ensure its long term success.



The developer has agreed to drain this subdivision lake in Harris County, remove the dam and restore the impacted streams.

HALL COUNTY HONORED FOR WEST FORK LITTLE RIVER RESTORATION

The West Fork Little River drains about 35 square miles of the Chattahoochee watershed in Hall County, five miles north of the city of Gainesville, and feeds directly into Lake Lanier. The landscape is dotted with farms, low density subdivisions and an occasional poultry operation.

Long ago, when farmers first began to cultivate this area, they would often straighten or channelize streams on their property and remove the streamside buffers to maximize the amount of productive land. Although legal—agriculture is exempt from state stream buffer protection regulations—this activity resulted in eroded stream banks and downstream water quality problems. In fact, the West Fork is considered “impaired” by the state and no longer meets its “fishing” designation.

When natural stream meanders are removed and a waterway is channelized, the water flows faster, eroding stream banks. When natural floodplains are damaged, water cannot quickly spread out over the land and then slowly recede; instead it is forced downstream off the property, taking large amounts of soil with it and causing flooding.

Reconnecting a Stream with its Floodplain

With funding from the **U.S. Environmental Protection Agency**, Hall County embarked on a major stream restoration project in 2004 on the West Fork Little River with the assistance of the National Resources Conservation Service, engineering consultant Michael Baker Jr. Inc., UCR and many others.

On one of the most heavily-impacted segments, 1250 linear feet of a tributary to the West Fork was restored by designing a new channel with a stable bed and banks and reconnecting the stream with its floodplain. The engineers used natural materials such as logs, boulders and native vegetation to stabilize the channel and restore natural stream functions. They also installed a fence to keep livestock out of the stream and used native plants to re-establish a 50-foot buffer along the waterway.

Due to the use of innovative natural channel design practices which allowed the tributary to be restored with minimal impacts to the working farm through which the stream flows, the **2009 Georgia Engineering Alliance Honor Award for Engineering Excellence** was presented



Engineers work to recreate a meandering stream by laying out the stream bed and re-sloping the banks.



This recovering stream segment has been restored by creating natural meanders, installing in-stream fish habitat and planting native vegetation in the buffer.

to the project team: Engineering Division of Hall County’s Public Works Department, EPA, NRCS, Michael Baker and Mr. and Mrs. Don Seabolt, the property owners.

As part of the project’s outreach efforts, UCR is helping with the installation of watershed signs that will be placed at strategic bridge crossings and to mark the major roadways at the entrance to the watershed. We are also working with the project team to develop a ten-minute video. For more information, visit www.hallcounty.org/news/full.asp?ID=1045.

CRNRA SUPERINTENDENT DAN BROWN SHARES HIS STORIED PAST

Dan Brown’s lifelong interest in our country’s National Parks began at age six in Colorado. On an excursion to Rocky Mountain National Park from their home in the Denver area, Dan’s family stopped along the road to gather rocks for his mother’s rock garden. As his mother was loading this treasure into the back of the car, a Park Ranger pulled up behind them in his patrol vehicle. Soon the precious rocks were being returned to the ground. Dan thought, “National Parks must be pretty special places if you can’t even take a rock out of them!”

This early experience left an indelible impression and guided Dan’s choice to start working for the National Park Service (NPS) after his junior year of college. He has worked for the NPS ever since, including posts in Death Valley where it took a 360-mile round trip to get groceries, Hawaii Volcanoes National Park, Olympia National Park, and more recently the Chattahoochee River National Recreation Area (CRNRA) in Georgia.

“A river rat from way back,” Dan has served as Superintendent at the CRNRA since September 2007 and says that one of the most important things about our river is how accessible it is to the millions of Atlantans who “desperately need some green space and public land” to enrich their lives. He particularly enjoys sharing this incredible resource with other people, including the CRNRA’s



Dan Brown and paddle partner Roswell Mayor Jere Wood show off their 3rd place finish awards in this year’s Back to the Chattahoochee River Race & Festival.

Photo Credit: Kent Ruby

partners such as local governments and groups like Trout Unlimited and UCR.

Mountains to Climb

Although Dan’s home with his wife Karen and two daughters—Jenny (11) and “hiking buddy” Megan (14)—is in Acworth near the Kennesaw line, he is still drawn to the majesty of western mountain ranges. Dan is a mountain climber who has scaled many 14,000-foot peaks. One

of his most memorable climbs was San Luis Peak in the San Juan Mountains, where he viewed the sunset atop the mountain, camped the night, and then watched the sunrise on the opposite horizon.

Dan still has mountain climbing ambitions, and this summer plans to begin to realize a life-long goal of hiking the Continental Divide. Although he once dreamed of doing this in one long journey, he has decided to chip away at in two weeks stints each summer.

If you meet Dan, ask him about his trip through Red Rocks in Utah while paddling down the San Juan River or about the many sights he’s seen in our National Parks. It’s clear that he’ll be adding to his storied experiences for years to come. For more information about the Chattahoochee River National Recreation Area, see www.nps.gov/chat.

River Matters

For more information about these and many other river-related events, visit www.chattahoochee.org/calendar

July 11

River Discovery Trip, Segment Two
Settles Bridge to Abbotts Bridge

July 25

2nd Annual Chattahoochee River
Summer Splash
Chattahoochee River National Recreation Area

August 1

Upper Chattahoochee Paddle
Santee Creek to Highway 255

August 1

Fishing Dayz -
Upper Chattahoochee Chapter
of Trout Unlimited

August 8

River Discovery Trip, Segment Three
Abbotts Bridge to Jones Bridge

August 8

Kids Fishing Event - Back to School
Chattahoochee River National Recreation Area

August 22

River Discovery Trip, Segment Four
Jones Bridge to Island Ford and Hewlett Lodge

August 23-24

Adopt-A-Stream Workshop
Elachee Nature Science Center

September 12

River Discovery Trip - Segment Five
Morgan Falls Dam to Paces Mill

September 19

Chastatee River Paddle Trip
Appalachian Outfitters on Hwy 60 to Hwy 400

September 23

UCR’s Patron Dinner

October 30-November 1

McIntosh Reserve Camping and Paddling Trip

WELCOME BECCA!

We are thrilled to welcome a new Development Director, **Becca Klein**, to UCR! Becca comes to us with extensive skills and experience in the development, public relations, marketing and media fields. Already well-versed in the Waterkeeper movement, most recently with the Catawba Riverkeeper Foundation in Charlotte, North Carolina, she is ready to hit the ground running! “I am pleased to be staying in the Waterkeeper family and am excited to join the Upper Chattahoochee Riverkeeper team,” says Becca. “The Chattahoochee is a vital natural resource for all of us – her waters enter our homes and businesses every day. It is critical that we work to educate the community on the need for protecting this resource and supporting UCR’s very important mission.”



Becca Klein

Photo Credit: Kent Ruby

13TH ANNUAL RIVER REVIVAL MEETS GOAL, NETS \$60,000

On May 14th, UCR held The River Revival Watershed Sessions at Park Tavern in Atlanta's Piedmont Park. With nearly 600 in attendance, this year's event netted **over \$60,000** for UCR's work to protect our river!

The evening was also the kick-off party for **SweetWater Brewery's Save the Hooch** campaign, which engages beer drinkers, bar patrons, and restaurants throughout metro Atlanta in efforts to raise awareness and funds to support UCR's river patrol and water quality monitoring programs from Memorial Day through July 4th weekend.

Atlanta has always been a hot bed of talented musical artists. The evening's music featured performances from a collection of local musicians - including **Gareth Asher, Christopher Alan Yates, Amy Gerhartz, Emily Kate Boyd, Tony Caporale, Brian Bisky, and Jen Lowe**—now dubbed **The Watershed Project** for the time and talent they regularly donate to UCR's events. The crowd was also treated to music from **Calling All Stars, Kenny Creswell, Breaking Mescalito, and Better than the Beatles**. All the artists performed at no charge to support UCR! **Tree Sound Studios** provided solar-power and the soon-to-be-available recording downloads for River Revival.



Gareth Asher and Christopher Alan Yates performing at the River Revival.

Photo Credit: Kent Ruby

Thanks to all our sponsors, host committee, musical guests, auction donors, volunteers, and party-goers who helped make this night such a huge success for UCR!



Chef Scott of New Orleans Fine Catering and SweetWater's Steve Farace pitch the Live Auction.

Photo Credit: Kent Ruby

River Rock Star Awarded to Riot Atlanta

New this year: UCR's first ever River Rock Star Award was given to local design and broadcast studio **RIOT Atlanta**. While providing in-kind video support valued at more the \$30,000 for UCR, Riot participated in a river cleanup last year and then turned river trash and eco-friendly materials into a 5x10 mural with 100 free-standing sections. Twenty of these sections were auctioned off, with proceeds benefiting UCR. Thanks, Riot Atlanta!

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7TH ANNUAL BACK TO THE CHATTAHOOCHEE RACE & FESTIVAL: ANOTHER SUCCESS!

Hundreds of eager and excited paddlers of all ages and skill levels took to the water at Garrard's Landing Park on June 13th to begin UCR's 7th Annual Back to the Chattahoochee River Race and Festival. Paddlers who wanted a competitive race traversed a ten-mile course, while recreational paddlers completed the eight-mile course. Whether 8 or 10 miles – that's a lot of paddling! Racers were greeted at the end by UCR's *Molly B* Pontoon Boat offering complimentary **SweetWater** beer and **Coca-Cola** products.

Awards were presented in all categories at the conclusion of the race, which including new awards for Best Costume and Best Boat Decoration (see photo). The race also included a Team Challenge Award as a way to build pride, morale and camaraderie among groups such as companies, schools, and clubs. Congratulations to these and all our race winners and competitors! All race results are posted on the UCR website. Special recognition and thanks go to the **Georgia Canoeing Association** for providing the team to time the event.



Peter and William Van Eerten took home the award for Best Boat Decoration at the Back to the Chattahoochee River Race & Festival.

Photo Credit: Tom Wilson

Free Family-Friendly Festival Largest Yet

Spectators, paddlers, and river enthusiasts came out to enjoy the free, family-friendly festival at Riverside Park with live music from **The Watershed Project** (see previous article), **Michael Tolcher**, and **4-Cent Cotton**. Other highlights of the festival included face painting, balloon artists and other family-friendly activities, as well as vendors and an array of environmental exhibits.

The Back to the Chattahoochee River Race and Festival is organized by UCR, **National Park Service, Fulton County** and the **City of Roswell**.

THANK YOU TO OUR SPONSORS!

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Georgia Transmission Corporation
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REI

With the continued threats our river faces, UCR needs your support more than ever! Events are a vital part of our fundraising efforts. If you are interested in sponsoring a UCR event, please contact Tammy Bates at tbates@ucriverkeeper.org or 404-352-9828 x12.