



Alabama Rivers Alliance
Water Is Life

April 30, 2007

District Engineer
U.S. Army Corps of Engineers, Mobile District
Attn: Regulatory Branch
P.O. Box 2288
Mobile, Alabama 36628-0001

**RE: Public Notice Number SAM-2007-0289-MNS
Proposed Reservoir on Murder Creek, Conecuh County, Alabama**

Dear Sir or Madam:

On behalf of the Alabama Rivers Alliance (Alliance), I submit these comments in response to the above-referenced public notice for the proposed dam on Murder Creek in Evergreen, Conecuh County, Alabama. The Alliance is a 501(c)3 organization dedicated to the protection and restoration of the rivers of Alabama. We represent more than 750 individuals and 70 grassroots groups from across the state.

If permitted, this project will destroy 1,453 acres of wetlands and 19 miles (100,755 feet) of streams. The reservoir is proposed as a source of irrigation water for crops to support the bio-fuel industry and secondarily as recreation. The applicant is proposing non-specific mitigation projects "within the local area" to offset the impacts of this project.

As the environmental impacts of this project are tremendous, **we request that the Corps of Engineers deny issuance of a Section 404 permit** until an Environmental Impact Study is completed, with the required public participation, pursuant to the National Environmental Policy Act. We also request, pursuant to 33 CFR 325.2(a)(2), that the Corps reissue the public notice once an EIS (or EA) and other NEPA-required documents have been prepared for this project.

Lack of Adequate Information

The Alliance has submitted a Freedom of Information Act request to the Corps of Engineers (March 30) and an Alabama Open Records Act request to the Conecuh County Commission (April 9). To date, we have not received any studies or reports that document the impacts of this project to water quality, fish and wildlife, endangered species, downstream water uses, cultural resources, or flooding nor document the study of available alternatives. In addition, the public notice provides no detail regarding the mitigation of the proposed project impacts.

We have obtained a copy of a monthly progress report from September 2005 which stated that this project will do little to decrease downstream flooding. We are aware that a Feasibility Report has been prepared by the Commission for this project, but as of this date we have not received a copy pursuant to our Open Records Act request. Additional information about the proposed project's impacts to the environment is needed.

Without adequate information and studies documenting the impacts of this project, the public cannot make informed comments about this permit and fully utilize their public participation rights under NEPA and the Clean Water Act. Furthermore, the Corps (and cooperating agencies) does not have adequate information to base their decisions.

Project Need

The purpose of this project does not adequately represent the public interest. The Alliance has been following the development of this proposal for several years and understands that the County desires this project for its economic development value. The intended purpose of this reservoir has changed numerous times over the past several years, as it has become obvious that a new water supply is not needed in the area. It is clear that the County hopes this project will increase land values in the vicinity of the proposed reservoir, attract the development of new homes and businesses, and provide reservoir-based recreation opportunities. The assumed economic benefit to the private sector of the county does not justify the massive destruction of environmental resources and the numerous family lands and is therefore not in the public interest.

The practical use of this reservoir for irrigation is not clear. There is very little crop-based agriculture in Conecuh County, as much of the land is used for harvesting timber. The stated purpose of the reservoir as a source of irrigation contradicts current land uses, and could impede on the County's planned development surrounding the reservoir. Our understanding of Alabama riparian water rights laws would require that the agricultural land to be irrigated be located in close proximity to the reservoir and the farmer would have to own property along the reservoir in order to withdraw water. Additionally, it is not clear if the soils in Conecuh County would support crops, such as corn, used in the production of bio-fuels; if land owners are willing to develop such crops; if irrigation is in fact needed to support said crops; and if the proposed reservoir will support the volume of water needed.

* * * * *

We appreciate the opportunity to submit comments on the proposed project. If you have any questions regarding this submittal, please contact me at (205) 322-6395 or ahall@alabamarivers.org. Thank you for your consideration of these comments.

Sincerely,



April Hall, P.E.
Watershed Protection Specialist

cc: Russell Kelly, ADEM