

Warr's Out at ADEM; Environmental Justice is In

by Adam Snyder

In a stunning turn of events, the Environmental Management Commission fired Jim Warr as director of ADEM in October and established an Environmental Justice Ombudsman position in August.

Warr served as director of the Alabama Department of Environmental Management for eight years, but he has been employed by ADEM and its predecessor agencies since 1968. The failings of ADEM have been well-documented by the media and the ADEM Reform Coalition in the past two years, prompting the members of the commission to cite a

need for leadership change in firing Warr in order to improve environmental protection in the state.

As of press time, Warr's status with the agency was unclear. True to form, Warr defied the commission decision to fire him by relying on a technicality in the law that would allow him to remain acting director. From all indications, the EMC is moving forward quickly to find an interim and/or permanent replacement for Warr.

In August, more than 150 people packed the EMC hearing room to express their concerns about environmental justice issues in the state. Congressman Artur

Davis made a surprise appearance at the meeting and addressed the Commission. As a result, the Commission voted to work with the director to establish an environmental justice ombudsman position.

David Ludder of LEAF and Tanisa Foxworth of Alabama AAEJAN, both representing the ADEM Reform Coalition, gave a presentation on the siting of landfills in the poorest, minority communities in the state. The presentation led to development of a rule-making petition that would require the department to collect census data about people living near new permitted facilities.

Thanks to the leadership of the EMC, and the hard work of the ADEM Reform Coalition, we may one day see a department that is working towards environmental protection for everyone in Alabama.



Ann Smith of the Ashurst Bar/Smith Community in Tallasee speaks before the Environmental Management Commission as Mark Johnston of Camp McDowell in Nauvoo waits to address the commission. Jim Warr sits among the attendees in the first row.
Photo by Margaret Wade.

WHY WORRY ABOUT STORM WATER?

by April Hall

It's hard to believe that something as natural as rain water can cause so much damage to our rivers, streams, and lakes. But in fact, storm water is the leading cause of impairments to Alabama's waterbodies.

Pollution from storm water is most commonly in the form of non-point source runoff. This means that the storm water entering the river is spread out over an area, rather than being discharged through a single point, such as a pipe, gully, or ditch. Storm water pollution can also be from point sources, such as storm sewer systems, industrial facilities, and some construction or mining sites.

Storm water can pick up many pollutants such as nutrients, sediment, pathogens, and metals as it makes its way across land towards a water body or storm drain. These storm water pollutants originate from many different land uses and activities such as agriculture, residences, roads/parking lots, construction, mining, storm sewers, and industry.

In urban areas even the quantity of storm water can be considered a pollutant. Impervious surfaces such as roads, driveways, parking lots, and roof tops, prevent rain water from seeping into the soil. The water is often directed into a storm sewer system and can lead to an increased amount of water in a short amount of time and can result in increased flooding, bank erosion, deposition of sediment, and physical stream alteration.

Each of these storm water pollutants can affect our waterbodies in different ways. Human health, quality of drinking water supply, habitat for wildlife, and property value are all potentially harmed by storm water runoff.

Citizens can play a role in preventing and reducing storm water damage in their local water bodies by becoming a watchdog for land disturbance activities, encouraging local government to reduce urban and suburban storm water impacts,

ARA needs volunteers

ARA is in need of volunteers for a wide range of activities. We need help preparing for our annual conference, and we could use some assistance with filing and organizing our display case. Volunteers to send in newspaper articles related to river issues are also needed. Other volunteer opportunities include specific technical or policy-related projects. Contact the ARA office to volunteer, (205)322-6395.

and participating in Alabama Water Watch's citizen water quality monitoring training. Watershed assessments can also be a great tool for local groups to identify storm water problems.

For more information on storm water runoff, contact April Hall at (205)322-6395 or ahall@alabamarivers.org or visit the Alabama River Alliance web site at www.alabamarivers.org



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ARA Gives Endangered Species a Helping Hand

by Amy Sides

Alabama Rivers Alliance staff recently helped approximately 100 mussels and over 12,000 snails and limpets move out of the way

canoeists and river adventurers as the “Marvel Slab,” on the Cahaba River. ARA staff assisted scientists and technicians, who spent three days transplanting animals out of harms way, just before the destruction of the slab. During the relocation thousands of mollusks were picked by hand from the bottom of the river, counted and classified, and then carried upstream away from the dam removal site.

Built in the late 1960’s or early 1970’s as a bridge to give coal trucks a short cut across the river, this poured slab of concrete was built 6 feet tall, 24 feet wide, and 210 feet long with 46 3-foot diameter culverts, designed to let water pass through.

However, Marvel Slab has acted as a low-head dam, embaying the river for about a half mile upstream, fragmenting habitat, and, at times, creating a hazard to boaters.

“Removal of this dam will

significantly improve the ecological integrity of the Cahaba,” Dr. Randy Haddock, Field Director for the Cahaba River Society, said. “An essential quality of a healthy river is its ‘connectedness’. Marvel Slab leaves shoals inundated and prevents aquatic life from connecting with upstream and downstream populations, movements essential to their life cycle.”

This project is the result of many years of planning and a diverse partnership, including The Nature Conservancy, Cahaba River Society, US Army Corps of Engineers, Alabama Department of Conservation and Natural Resources, Presbytery of Sheppards and Lapsley, Cahaba Sportsmen’s Club, World Wildlife Fund, and the US Fish and Wildlife Service.

“Thousands of abandoned small dams and diversions still exist on waterways across the southeast,” Paul Freeman, Freshwater Ecologist for The Nature Conservancy, said. “The removal of Marvel Slab sets a precedent that will likely be repeated



of progress. Thirty-six percent of these animals are on the federal threatened and endangered species list.

The progress comes in the

form of the removal of a low-head dam, known to many

Photos (left): ARA staffer Amy Sides and Cahaba River Society’s Randy Haddock identify a snail. *Photo by Beth Young.* (bottom): Panoramic view looking upstream at Marvel Slab crossing the Cahaba River. *Photo composite by Paul Freeman.*



OUTDOORS WITH BILL EAST

For those in the Montgomery and Auburn/Opelika area there are a couple of excellent hiking sites. The Tuskegee National Forest has three trails worth noting. Many of you will remember William Bartram, who came through this area documenting the local flora. There is now a trail named after him which runs almost the length of the forest from east to west. Much of this trail is through low-lying, swamp like terrain, with giant beech and bay trees. The western part of the trail also runs along Choctafaula Creek. The closest trail head is located on Highway 186, one mile east off I-85, exit 42, the Wire Road exit. And, yes, Tiger fans, it's the same Wire Road you take to Auburn football games.

There is also the Pleasant Hill Trail which runs from the above mentioned trail head over to Highway 29. Much of this trail is routed along forest service roads through scrub pine forests. Also much of it parallels Highway 29, with the resultant traffic noise. Both these trail are open to bikes, except the portion of the Bartram Trail west of the 186 trailhead. The Bold Destiny Trail is primarily a horse trail, although open to hikers. There are a number of forest service roads in the area, which may be utilized to provide out/in hiking in conjunction with the trails.

Maps of all trails/roads in the area, plus information on the Uchee Shooting Range and Tsinia Wildlife Viewing Area can be found at the Ranger District Office, one mile further east from the trailhead

on Highway 186.

Chewalka State Park has a series of interlocking trails, many of which follow either creeks or the lake. Maps may be picked up at the park entrance, which is located just off exit 51 of I-85.

One of the first outdoor articles written for River Ties concerned winter time hiking. Since winter is almost upon us, excerpts of this column are reprinted below:

“There are a couple of sections of the Pinhoti Trail that are uncommonly scenic this time of year. The trail segment east of Piedmont, running from the trailhead on highway 278 southward to highway 70, is outstanding. The two mile stretch just north of highway 70 is especially inviting, since it runs along Augusta Mine Ridge and provides panoramic views of the valleys around Piedmont to the west and the mountains far over into Georgia to the east. This section is about six miles in length.

“Another great area is

the segment from Porters Gap Trailhead, the current southern terminus of the Pinhoti Trail, over to where the trail crosses Talladega Creek at Chandler Springs. Again panoramic views are plentiful, as the trail runs along the top of talladega mountain, with valleys to the south and west and mountains to the north and east. This section is about 3.5 miles in length.

“Porters gap trailhead is located on highway 77 about 15 miles south of Talladega. Chandler Springs is reached by continuing south on 77 until you see the Chandler Springs sign at highway 209. Take a left, go 1.4 miles to the Chandler Springs Assembly Church, take another left and the trail sign is one half mile on your left. Continue another one hundred yards or so and park just before the railroad and creek”

Questions or comments may be directed to Bill East, WRE32@aol.com or 205-870-4626.

Cahaba River TMDL Available for Public Review

ADEM has issued a draft nutrient TMDL for the Cahaba River. The public has the opportunity to review the TMDL and provide comments to ADEM by November 23, 2004. Comments can be mailed, faxed, emailed, or hand delivered to ADEM. The mailing address for comments is: ADEM, Water Quality Branch, Attn: Chris Johnson, P.O. Box 301463, Montgomery, AL 36130-1463. To fax your comments, send them to Chris Johnson at 334-279-3051. To email your comments, send them to clj@adem.state.al.us. The TMDL is available on ADEM's website at www.adem.state.al.us/PublicNotice/PublicNotice.htm under the heading “Other Types of Public Notices”. The notice is dated October 10. If you want to request a hard copy of the TMDL, you can also contact Chris Johnson at 334-271-7827.



While other kids learn about canoeing, fossil hunting, and seining for fish, this boy uses a dip net to search for aquatic macroinvertebrates which indicate the condition of local water quality. *Photo by Amy Lewis Sides.*

A Day on the River

By Nancy Jackson and Amy Sides

On a beautiful mid-September Saturday, about 50 kids and 50 adults gathered on the Locust Fork to experience the area's unique natural resources. Kids, ages 8 and up, learned paddling skills, gained an appreciation for the local biodiversity, explored water quality, and examined remnants of Alabama's ancient past during the now-annual "Day on the River" put together by the Friends of the Locust Fork River.

The kids had a great time learning new skills on the water. Birmingham Canoe Club volunteers brought their fleet of canoes and kayaks, teaching each kid safe and effective paddling techniques. Rotating in shifts throughout the day, every adventurous kid was able

to test drive a boat.

Opportunities to learn about biodiversity abounded. Ruffner Mountain's Nicole Smith fascinated the crowd with several live reptiles and amphibians, including a large, friendly king snake. She taught both kids and adults that a turtle's plastron is curvy for males and flat for females. The Friends of Locust Fork River's Gene Gonsoulin captured rat snakes, a possum, and other rarely seen critters, including a preying mantis. With dissecting microscopes and fish tanks, the kids spied eye-to-eye with river life they had swept up in seine nets in the river's riffles.

The kids enjoyed other learning experiences, too. Local science teacher Ashley Allen spread

out a fine fossil collection and interested the group in the fossils' stories. Two Friends of the Locust Fork River members presented Alabama Water Watch and groundwater quality issues.

After a delicious lunch of hamburgers and hot dogs cooked up by the Friends of the Locust Fork River's own chefs, the participants and teachers received a special treat. Cindy Lowry brought two rehabilitated red-shouldered hawks from the Alabama Wildlife Center. The crowd watched in awe as they were released and again took to the skies.

Next year, the Friends of the Locust Fork River hope to expand the size and scope, to include even more young people with the beauty, wonder, and importance of the Locust Fork.

Protecting the Environment in Alabama

Sewer Expansion Policy Being Finalized

The Jefferson County Environmental Services Citizens Advisory Committee is completing revisions on a sewer expansion policy. The committee stemmed from the controversy in 2002 over the Cahaba supersewer, and has been working to develop a policy to expand sewers in a sensible, transparent way. The policy calls for public involvement and compliance with land-use studies that are underway in the county.

Upper Cahaba Plan Continues

The Consortium of local elected officials of the Upper Cahaba Watershed Plan will host a meeting to update the public on Phase II of the plan. The public meeting will be held Thursday, November 18, 2004 from 6-8 p.m. at the McWance Center in downtown Birmingham. For more information, visit www.cahabastudy.com.

Friends of the River Continue Efforts

The Wilcox County Friends of the River held their most recent meeting at the Gaines Ridge Restaurant in Camden, near the banks of the Alabama River. The group is working to protect the Alabama River while promoting

economic opportunities around the river. One large concern now for the group is the potential absence of federal funds to operate the lock and dam system on the Alabama River. To find out more about the group, please contact Slaton Crawford at (334) 682-4241.

ARA Featured in "Avenues"

The twice-a-year Birmingham arts and events magazine "Avenues" featured the Alabama Rivers Alliance on its September cover. The magazine included an 8-page section dedicated to rivers in the Birmingham metro area, and the publishers intend to keep this section as a regular feature. You can pick up one of the 35,000 copies of the magazine at shops around Five Points South and at the Visitors and Convention Bureau.

Conference Coming Soon!

Mark your calendars and look for the Alabama Watershed Leadership Conference brochure to be in your mailbox in late January for the March 18-20, 2005 event at Camp McDowell. Don Elder, president of River Network and former executive director of Cahaba River Society, will be our keynote speaker. Come to learn more about environmental policy, watershed health, and how to make your grassroots organizations stronger to save rivers in the state!

Board University a Success

The Institute of Conservation Leadership hosted its Board University workshop in October. More than 20 board

members from seven Alabama and southeastern environmental organizations participated in the day-long event, where board members were trained on financial management issues, strategic planning, board recruitment, and fundraising for organization. If there is the demand, ICL is interested in doing another workshop in a year that will cover other topics of board development for even more grassroots organizations. Visit their website at www.icl.org.

Tristate Files Amicus Brief on ACF

On behalf of the Alabama Rivers Alliance, Upper Chattahoochee Riverkeeper, Chattahoochee Riverkeeper, and the Apalachicola Bay and Riverkeeper, the Southern Environmental Law Center co-counseling with the Turner Environmental Law Clinic at Emory University filed an amicus brief in September in the D.C. Circuit-Court of Appeals. This brief supports the challenge by the States of Alabama and Florida to a settlement agreement allowing metropolitan Atlanta to increase its water withdrawals from Lake Lanier, a reservoir on the Chattahoochee River, north of Atlanta.

The amicus brief focused on the environmental implications of the settlement agreement, arguing that the agreement violates the National Environmental Policy Act (NEPA). The brief states that the Corps was required to do a comprehensive environmental impact statement, studying the impacts of the increased withdrawals on instream beneficial uses and downstream uses before the parties could enter into an agreement reallocating water in

Lake Lanier. Both Florida and Alabama officials were appreciative of the support on NEPA issues in making the case before the Circuit Court of Appeals.

Certification Is Always Good

A certification training for sampling acid mine drainage conducted by the Office of Surface Mining and the Alabama Department of Interior's Abandoned Mine Lands Program was held at the beginning of October for OSM/VISTAs working in watersheds in central Alabama.

The training provided an outline of acid mine drainage classification including discussions of AMD water sampling, field measurements, and analysis methods. In addition, the training illustrated acid mine drainage formation resulting from the oxidation of pyrite materials associated with coal, coal waste, and overburden. The methods of collecting water, testing for pH, dissolved oxygen, turbidity, salinity, and flow were also explored.

Sampling areas affected by acid mine drainage creates the baseline data needed to determine the best sites for future restoration projects.

Watershed Hosts Needed

ARA staffer April Hall is interested in putting together a very informal program that will let watershed groups and individuals share their watershed with other ARA members.- We would like to highlight one or two watersheds per quarter in our newsletter and on our website.-

We hope to visit streams and watersheds and share the positive aspects such as scenery, water quality, parks/recreation, biodiversity, etc. as well as the negative aspects such as any threats to the stream like development or pollution discharges. This will be an excellent way to showcase the natural river resources in your area and reach out to other members who are experiencing similar threats or problems.

All watershed visits will be scheduled for weekends. Volunteers are needed to recommend watersheds and streams and to guide a tour of the area. (Boats are not required.) So, if you have a stream or watershed you would like to share, please contact April at ahall@alabamarivers.org or (205)322-6395 to schedule a visit.

WATERSHED EVENTS

NOVEMBER

- 18th – Friends of Shades Creek monthly meeting. Program: Paddling from the Locust Fork to the Gulf of Mexico in a Kayak. Presented by Sam Howell. Homewood Library, room 101. Call Michelle at (205)879-6866 for info.
- 20th – Anniston Outdoor Association – Picnic, Night Hike, and Astronomy Program in Talladega National Forest. Contact Keith Hudson at (256)231-7675, (256)820-1895, or (205)913-6571. Registration deadline of November 18.
- 21st, 2 p.m. – Friends of Shades Creek – Hike at the Homewood Forest Preserve near Homewood High School. For more info, call (205)871-0666 or (205)414-0064.
- 23rd – Deadline for public comments on draft nutrient TMDL for Cahaba River. For info, contact Chris Johnson at (334)271-7827 or visit the ARA web site www.alabamarivers.org/news.htm.
- 27th, 8 a.m. – Anniston Outdoor Association – Pinhoti Day Hike, moderately rated. Contact Keith Hudson at (256)231-7675, (256)820-1895, or (205)913-6571.
- 30th – Current Issues in Storm Water Regulation in Alabama seminar, Huntsville. For more info, call (888)678-5565 or visit www.lorman.com.
- TBA – Friends of the Locust Fork – Geology Hike. See beautiful rock formations and learn how they were formed. Led by an Alabama Geologist. www.flfr.org

DECEMBER

- 4th – Wolf Bay Holiday Celebration. Everyone is invited. Contact Liz Langston for details (251)441-6637 or lizlang@bellsouth.net.
- 5th and 19th, 2 p.m. – Friends of Shades Creek – Hike at the Homewood Forest Preserve near Homewood High School. For more info, call 871-0666 or 414-0064.
- 7th, 7 p.m. – Birmingham Canoe Club monthly meeting, Homewood Library auditorium. www.birminghamcanoeclub.org
- 9th – Friends of Shades Creek monthly meeting, a potluck supper and Christmas party. Dr. Jim Brown, History and Folk-lore Professor at Samford University will present the program for the night. Call Michelle at (205)879-6866 or Henry at (205)414-0064 to confirm location.

A look ahead...

FEBRUARY

- 5th – Friends of the Locust Fork – Locust Fork Invitational Canoe and Kayak Races at Kings Bend off Hwy 79, north of Cleveland. Volunteers need to help with various aspects of running the races. Visit www.flfr.org or look in the Blount Countian newspaper.
- 12th, 9 a.m. – Friends of Hurricane Creek's 11th Annual Hurricane Creek Cleanup and Chili Cookoff in Tuscaloosa County at County Road 88 (Stroker Point). www.hurricanecreek.org.

MARCH

- 18-20th – Alabama Rivers Alliance's 7th annual Watershed Leadership Conference at Camp McDowell in Nauvoo, Alabama.
- 26th – Friends of the Locust Fork – Locust Fork White Water Classic at Kings Bend off Hwy 79, north of Cleveland. Volunteers needed. www.flfr.org or look in the Blount Countian newspaper.

If you would like your organization's activities listed in River Ties or on the ARA web site, email them to asides@alabamarivers.org

[www.alabamarivers.org/
newsalendar.htm](http://www.alabamarivers.org/newsalendar.htm)

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Donations Needed

The Alabama Rivers Alliance
needs the following items:

- ☐ Canoes, paddles, and life jackets
- ☐ Filling cabinets
- ☐ Small, portable photocopier
- ☐ Coat rack



A bulldozer clears rubble during the removal of Marvel Slab on the Cahaba River. *Photo by Paul Freeman.*

Mark your calendar!

7th Annual
**alabama
watershed
leadership
conference**

March 18-20, 2005

at

Camp McDowell
Nauvoo, AL

Keynote Speaker Don Elder
President, River Network

Bluegrass Band Over the Hillbillies

Registration available online in January!
www.alabamarivers.org