

Last Chance to Demand More from Alabama Power's Hydropower Operations

by April Hall

The Alabama Power Company (APC) is in the process of relicensing seven hydropower dams on the Coosa River and two hydropower dams on the Black Warrior River. The Coosa dams include Weiss, Neely Henry, Logan Martin, Lay, Mitchell, Bouldin, and Jordan. The Black Warrior dams include Smith and Bankhead.

The Federal Energy Regulatory Commission (FERC) issued the original operating licenses for these facilities between 1957 to 1980. The licenses will expire in 2007, and APC must apply to FERC for renewal. Typically, new licenses are issued for 30 to 50 year terms,

so this may be the last opportunity in our lifetimes for most of us to affect change at these projects.

For the past 50 years, APC has been allowed to operate their projects in their best interest. While hydropower offers alternatives to coal-burning power plants, hydropower dams historically cause much damage to the river environment. Typical damage includes property erosion, poor water quality, reduction or extinction of native aquatic species, and unnatural flows that damage the ecosystem. Now it is time for Alabamians to demand that APC consider the interests of the public and modify their operations

What you can do

Read and make comments on the draft Environmental Assessment (EA). To receive a copy of the EA (available this fall), contact Viki Jenkins at vrjenkin@southernco.com or (205)257-2211.

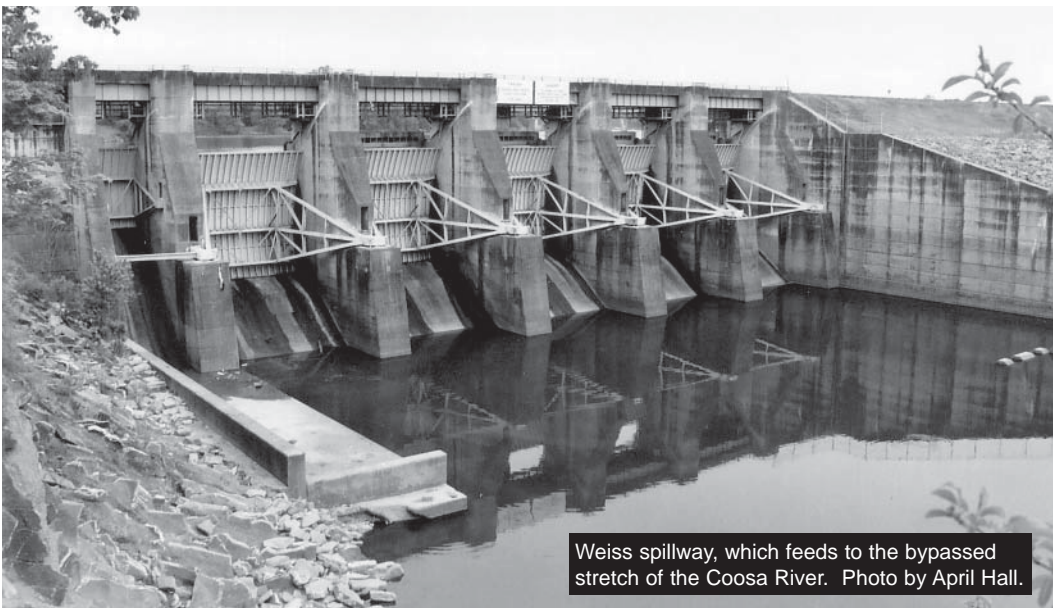
to reverse the extensive damage to the environment caused by the construction and operation of these nine dams.

APC has chosen the alternative licensing process, which will follow a 5-year program of collaborating with interested stakeholders and using their input to develop studies and make recommendations on how to operate the nine hydropower

projects over the next 30 to 50 years. APC's license application must be submitted in July 2005, two years prior to the expiration of the current license.

The proposed schedule for the remainder of the relicensing process includes the release of a draft Environmental Assessment (EA) and draft license application in the fall of 2004. Stakeholders will have 90 days to review the draft documents

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Weiss spillway, which feeds to the bypassed stretch of the Coosa River. Photo by April Hall.

Partner with ARA for Healthy Rivers

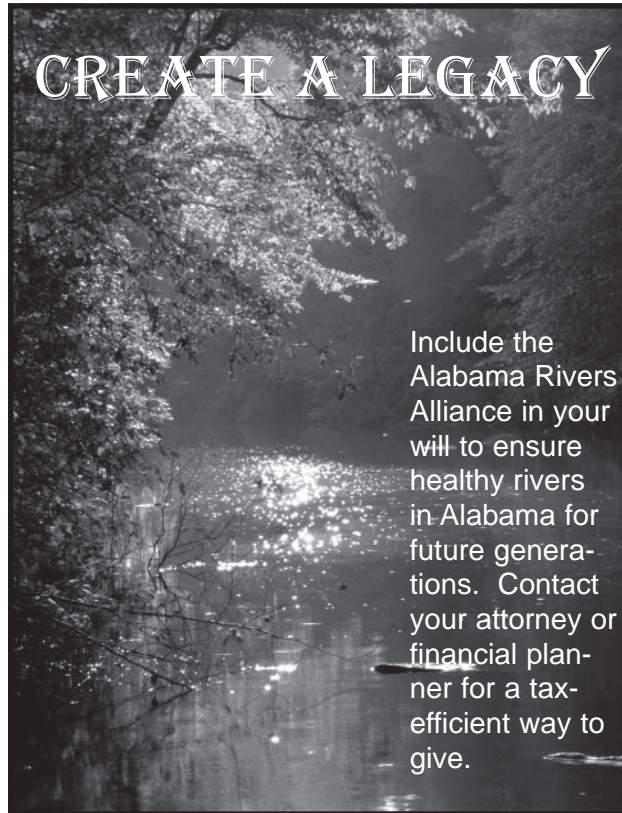
Water is life. Each day, we wash, cook, drink, swim, paddle, and do dozens of other activities that all have the necessary ingredient of water. It can be savored, gulped, and yes, even taken for granted. However, we all know water is necessary for our daily lives, and we care that it is clean and readily available.

While we rush around each day, we realize we don't have the luxury to work full-time to ensure our water is clean and safe, but we also realize we don't have the luxury to take our water resources for granted.

That's why the Alabama Rivers Alliance was established—to provide that statewide “conscience” for water use, water policy, and the fundamental protection of Alabama's rivers. When you join the Alliance, you are contributing to the protection of Alabama's waterways as a partner of our organization.

A definition of partnership is a contract between two or more persons who agree to pool talent and money, and share victories and defeats. We consider our commitment to clean, healthy waters our contract, and our partnership is with the throng of progressive non-profit organizations, grassroots groups, and individual members working in their own unique way, yet all the while working together, to protect our waterways.

We relish the fact that the victories we share with so many others are for the overall improvement of Alabama and our rivers. Our members are the most important partner in these victories, and we want to thank you for your continued support in helping to protect Alabama's rivers.



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WHAT IS ACID MINE DRAINAGE?

by Lauren Fine

Imagine hiking through the woods and coming across a bright orange or yellow stream with nothing living in it. This unsettling picture is in fact a reality for many streams in Alabama and throughout the Eastern Coal Region. These orange and yellow discolorations are caused by acid mine drainage and are a continued threat to the aquatic life, to people who use the water for recreation and to underground drinking water.

Prior to 1977 coal mining companies were not required by law to clean up or reclaim any land that had been destroyed through the process of coal mining. As a result, many abandoned coal mines were left as hazardous areas with open mine portals, highwalls, and, most damagingly, exposed pyrite (also known as Fool's Gold). The components of pyrite (iron and sulfate) ultimately cause acid mine drainage by seeping into streams, carried there by runoff from rain storms, and lowering the pH of the water to a level close to that of lemon juice.

Damaging heavy metals like iron, aluminum, and manganese remain in the water. These metals can harm or kill aquatic life until the pH is neutralized.

Unfortunately, solving the problem of acid mine drainage is an ongoing effort requiring millions of dollars, and streams may take up to hundreds of years to restore.

The Alabama Rivers Alliance has already put in place one method of restoring water contaminated by acid mine drainage in Tuscaloosa County. The method involves neutralizing the water by adding an alkaline material such as limestone or kiln dust to a section of the stream, much like neutralizing battery acid with baking soda. Other methods include settling ponds where the water remains stagnant, which allows heavy metals to settle

Lauren Fine gathers a sample of water from Weldon Creek, a tributary of Hurricane Creek in Tuscaloosa County, to test for metals associated with acid mine drainage. Photo by Amy Lewis Sides



out, and phytoremediation, which uses plants such as duckweed that thrive in waters containing metals. The plants can actually absorb and metabolize the pollutants. Experts are continually designing and experimenting with remediation techniques. Hopefully these attempts can bring back the colors of the streams that nature intended.

ACT Compact Dissolves

After years of last-minute extensions of the water negotiation compact between Alabama and Georgia over the Alabama-Coosa-Tallapoosa (ACT) basin, the two states could not strike a deal before midnight July 31, and the compact dissolved.

Alabama officials refused to bow to Georgia's recent pressure that Alabama relinquish its rights to litigation over water allocations. Alabama is already in court alongside Florida over water allocations in the Chattahoochee-Apalachicola-Flint river basins.

The Tristate Conservation Coalition, made up of 40 environmental and grassroots organizations in Georgia, Florida, and Alabama, is disappointed the compact has failed because it allowed for much more public participation than the courts will allow. Nonetheless, it is the position of the coalition that no deal is better than a bad deal when it comes to the water allocation agreement.

Grassroots spotlight:

Murder Creek Preservation Society

by Adam Snyder

When word got out in the local press that the Conecuh County Commission and the Evergreen City Council wanted to build a dam on Murder Creek in Evergreen, local land owners took action.

They began to talk to their neighbors, their commissioners, and the press about their concerns. They reviewed the plans to see exactly how much land would be engulfed by the proposed "Lake Evergreen". Many were alarmed to find that their family homes, their land, and their way of life would be dramatically altered if this stream, a tributary of the Conecuh River, were impounded.

Some of the concerned citizens called the Alabama Rivers Alliance for assistance. April Hall has been working with the group since January to help them learn more about the dam permitting process. ARA has visited with the group several times this year, providing information about dams, establishing a

group name, and devising an action plan for the next few months.

Now named the Murder Creek Preservation Society, the group is working toward informing the public about a referendum in November that will authorize the city and county to proceed with the development of a water authority. This referendum is seen as the first step in building a dam for the site. The city and county have already authorized funds for the preparation of a feasibility study. The group has an action plan of raising awareness about the proposed dam by writing letters to the editor, distributing educational flyers, and circulating a petition.

The Alliance will continue to work with the Murder Creek Preservation Society to help inform elected officials and the public about the devastating effects of a dam, as well as work to preserve the natural integrity of Murder Creek.

Murder Creek Dam Update

Based on the increase in opposition to the proposed dam on Murder Creek, a referendum vote will be held in Conecuh County in November. The City of Evergreen and Conecuh County plan to proceed with a feasibility study for the proposed dam if the November vote passes.

The Murder Creek Preservation Society, with assistance from ARA, is working to inform local residents about the environmental and social damage that can be caused by dams. We encourage the local municipalities to consider all water supply alternatives prior to proceeding with their plans for a new dam.

American Rivers, in conjunction with International Rivers Network, has recently published a report that summarizes some alternatives to the construction of new dams. The publication is "Beyond Dams: Options and Alternatives" and is available on American Rivers' website at www.americanrivers.org. A hard copy of the report is available for review at the ARA office.

Please contact April (ahall@alabamairivers.org) or 205-322-6395 for more information about the proposed Murder Creek dam.

Members of the Murder Creek Preservation Society pose with ARA staff April Hall and Adam Snyder (far right). Photo by Josh Dewberry/South Alabama News.



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Hydropower Relicensing

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and submit comments to FERC. APC will then consider the comments received and prepare a final license application and EA for submittal to FERC. Stakeholders will then have an additional chance to submit comments to FERC on the final EA and license application.

ARA has been involved in this relicensing process since 2000, when APC began its initial scoping of potential environmental and social issues associated with the dams. Throughout this process, ARA has fought for many issues, such as minimum flows in the bypassed section of the Coosa River near Weiss dam; a better Shoreline Management Plan that includes conservation and restoration information; permanent protection of lands near the reservoirs, especially critical habitat areas; improved water quality; and more responsible safety policies. Several ARA members and friends have also been actively involved in the relicensing process, and include groups such as Trout Unlimited, homeowner associations from eight lakes, American Rivers, and others.

Although we feel that APC has not adequately addressed many of the issues that we and other groups have raised, we are determined to make our voice heard. We will remain involved in this licensing process and will be reviewing the draft and final EA. We encourage all our members to get involved in the remaining months of the relicensing process. This may be the last chance you have to voice your concerns about the environment, safety, recreation, erosion, and other issues, and to demand that APC

remedy these concerns. To learn more or to get involved, please contact April at (205)322-6395 or ahall@alabamarivers.org.

In addition, visit American Rivers' website for some great references on hydropower operations and the licensing process (www.americanrivers.org). Licenses for other dams in Alabama will be expiring in the next 20 years, so now is the best time to research the issues that affect you and the environment. The Martin dam license on the Tallapoosa expires in 2013; the Holt license on the Black Warrior expires in 2015; and the Harris dam license on the Tallapoosa expires in 2023. ARA has many references available in our office for your review so please let us know if we can provide more information.

Thank you, thank you, thank you...

Many thanks go out to former ARA staff and director Beth Wentzel and Brad McLane and American Rivers' Andrew Fahlund for their invaluable assistance during the Alabama Power relicensing process. Although the relicensing process is not complete, the advice and input from these three river lovers have been a crucial component of ARA's relicensing efforts. Thanks Beth, Brad, and Andrew for your continued support and assistance in our continued campaign to improve hydropower operations in Alabama.

OUTDOORS WITH BILL EAST

First, a follow up to last issue's discussion of birding. If you remember, I mentioned the annual banding at Fort Morgan, and what a spectacle it could be. I emphasized that the best time to witness this event was when the birds had been facing a headwind and would be tired upon either reaching landfall in the spring, or before putting out to sea in the fall. I happened to be at the beach in early April while the banding was going on, and realized that just the circumstances I had described were present. There was a strong cold front coming down from the north so the birds would have faced a fierce headwind while over open water.

The results were spectacular as hundreds of birds were caught and tagged the day I was there. And not just any old run-of-the-mill birds, but tropical birds, bright yellow, green, orange, blue, all the colors of the spectrum. Each was weighed, banded, and released. It was one of the most interesting experiences in which I have ever been involved. I had the opportunity to release a little light green bird with a yellow head whose name I have forgotten. I also saw a yellow bellied sap sucker, a bird whose name has always fascinated me. It turns out that it is not a rare bird—I have seen one before—but didn't recognize it as the bird with such an intriguing name.

There were cars there from Pennsylvania, Illinois, Indiana, Vermont, Missouri, and all the Southern states. Birding is, indeed, a popular sport. If you find yourself at the coast in early April or October, don't miss this spectacle.

Protecting the Environment in Alabama

ADEM Gets Earful from Citizens

At the April and June meetings of the Environmental Management Commission, commissioners received extensive information from multiple speakers about the problems at ADEM.

Bryan Burgess, with the Friends of Rural Alabama, spoke in both April and June about ADEM's inadequate protections of streams and residents from pollution stemming from concentrated animal feeding operations (CAFOs). He provided the commissioners with extensive data about the connection between siting of CAFOs, inadequate enforcement and regulations, and poor water quality. The information provided was made possible by a two-year grant from EPA.

David Ludder, with the Legal Environmental Assistance Foundation, and Marsha Duffey, a resident of Marshall County, presented information about Bishop Landfill, as well as problems with the solid waste program overall in Alabama.

Casi Callaway, with Mobile Bay Watch, Inc./Mobile BayKeeper, presented a long list of ADEM failures to the Commission, including problems with the Prichard sewer spill and the Mobile Tank Wash Farm. She was quoted as saying in the Mobile Register: "I think the

biggest environmental problem in the state today is ADEM. They don't do anything to protect the environment."

ARA Receives Grant to Support ADEM Reform

In June, we learned that ARA would be the recipient of a \$75,000 grant from the Mary Reynolds Babcock Foundation to support the efforts of the ADEM Reform Coalition. Staff and board of the foundation were impressed with all the accomplishments of the Coalition thus far, and will be supporting our efforts for the next two years. Much thanks and kudos go to Jayme Hill, executive director of the Alabama Environmental Council and a member of ARA's board, who took the lead in researching and drafting much of the grant application to the foundation.

ADEM Director Establishes Funding Committee

Stemming from conversations during the Strategic Planning Stakeholders Meeting in the fall of 2003, ADEM Director Jim Warr has organized a committee to discuss funding options for ADEM. The committee is looking at possible administrative, legislative, and cost cutting remedies that will provide funding for ADEM's most crucial programs. Of particular concern to many members of the committee is seeing increased funding designated for inspections and enforcement, as well as establishing an environmental justice division.

Another victory against ADEM, thanks to LEAF

In June, the Montgomery Circuit Court agreed with six counts of complaints filed by the Legal Environmental Assistance Foundation, Inc. (LEAF) against the Alabama Department of Environmental Management (ADEM). The complaints are based on ADEM's improper implementation of their water quality antidegradation policy as required in the Clean Water Act.

The purpose of the antidegradation policy is to prevent a decline in water quality in those water bodies with above-standard quality (Tier 2 waterbodies). Discharges to such waters must be deemed important for social and economic development before ADEM can issue a permit, and other feasible alternatives must be considered. LEAF states, however, that ADEM has no defensible policy detailing how they determine "important development". In addition, the judge agreed with LEAF's statement that ADEM's definition of feasible discharge alternatives is arbitrary.

This ruling is a significant victory for the protection of Alabama's waters, as ADEM's use of their antidegradation policy did not offer much protection for high quality waters. The circuit court judge ordered ADEM to cease the issuance of discharge permits until the policy can be revised to comply with the Clean Water Act. However, since ADEM has decided to appeal the court's decision in lieu of improving the policy for the protection of Alabama's waters, they are allowed to continue their permitting process until a decision on the appeal has been reached. A copy of the judge's decision is available on

Upper Cahaba Moves to Phase II

Following an extensive public involvement and fact-finding phase of the Upper Cahaba Watershed Plan, the project is moving into Phase II. During the second phase of the plan, a "greenprint" will be drafted to denote the most sensitive areas of the Upper Cahaba basin. Also, ordinances are being drafted to improve the design and siting of new developments. In addition, plans for restoration of impaired sections of the watershed will be developed. The Phase II of the study is being made possible by a grant from EPA, which ARA had a significant role in drafting.

Cities Adopt Upper Cahaba Resolution

As the Upper Cahaba plan moved from Phase I to II, cities and counties in the watershed were asked to adopt a resolution supporting the findings of Phase I and the continued effort into Phase II. More than half of the two dozen jurisdictions have adopted the resolution and are participating in the second phase.

Supersewer Déjà vu

In response to the public outcry over rising sewer rates and the botched plan for building a trunk sewer under the Cahaba River, the Jefferson County Commission established an advisory committee to look at sewer policy. The committee had been meeting for 18 months, but the Commission decided to move forward with sewer expansion policy without seeking advice from the public. At press time, the committee is trying to get the Commission to listen to public comments before adopting a plan.

McWane Indicted for Pollution

McWane, Inc., a multi-billion company based in Birmingham, has been indicted, along with several company officials, for illegally dumping contaminants into Avondale Creek, a tributary of Village Creek in Jefferson County. Federal charges state the company violated the Clean Water Act and obstructed justice when company officials made false statements to federal investigators regarding oil and grease releases into the already impaired stream from March 2000 to January 2001.

McWane Establishes Community Advisory Committee

In response to federal investigations regarding environmental violations and employee safety problems, McWane, Inc. has established a Community Advisory Committee. The company established a similar committee around a plant in New Jersey following problems at that plant as well. ARA's executive director, Adam Snyder, is serving as a member of the committee. ARA will advocate for efforts to clean up and restore Village Creek.

Let's work together to stop the Duck River Dam

In 2000, the American Canoe Association (ACA), Alabama Rivers Alliance (ARA), Friends of Mulberry Fork, and Wildlaw filed suit against the Army Corps of Engineers upon issuance of a permit for a proposed dam on the Duck River in Cullman County. The dam is proposed for a new source of water supply for the Cullman County area. However, ARA believes that other alternatives

Board University

October 23
Camp McDowell

A day-long workshop for boards of directors that will help them strengthen and focus their work, presented by the Institute for Conservation Leadership. To sign up, contact Corleen Farley at ARA, (205)322-6395 or cfarley@alabamarivers.org.

should be considered before damming the Duck River's.

In 2003, the federal judge in the case agreed that the Corps did not take a hard look at several issues associated with the proposed dam and ordered the permit to be vacated. The Corps, in cooperation with the Cullman water authority and its environmental consulting firm, will be releasing a revised Environmental Assessment (EA) this summer to address the requirements of the court and to continue with the permitting process.

This dam will greatly impact flows in the Duck River as well as in the Mulberry Fork, not to mention water quality and aquatic and terrestrial ecosystems.

ARA is coordinating parties interested in preventing the construction of this dam. There are many tasks that need to be completed prior to the release of the EA, ranging from simple phone calls to more complex tasks such as file reviews. Once the revised EA has been issued, many people will be needed to review the document and submit comments to the Corps.

If you are interested in becoming involved in this project or for more information, please contact April at ahall@alabamarivers.org or (205)322-6395.

Show off your watershed: become a watershed host or hostess!!!!

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 tour your stream and watershed (via canoe, hike, or car) and document it for our newsletter and website.

We want to share the positive aspects of your stream 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.

We hope to schedule one or two visits per quarter and all visits will be scheduled to take place on weekends. Other ARA staff members may join in, but we will limit our participants to four or five. So if you have a stream or watershed you would like to share, please contact April at (205)322-6395 or ahall@alabamarivers.org to schedule a visit.

Help FROGS

The Friends for the Restoration of Green Springs (FROGS) is planning a community work day to help with the first phase of restoration work at Green Springs, located in George Ward Park in Birmingham. Volunteers are needed to help remove invasive and exotic species in the headwaters area of this unique resource. Once the non-native species are removed, plans for the reintroduction of native species will begin.

These activities will not only beautify the headwaters, but will also help restore this area to its natural state. The headwater improvement activities will be held August 28 and 29. You will need to bring your own tools. Please contact Leigh Ann Liddell at lliddell@bhate.com or 205-918-4000, ext 141 if you are interested in participating.

WATERSHED EVENTS

AUGUST

- 21st, 10 a.m. – Birmingham Canoe Club's Kayak Rolling Class.
www.birminghamcanoeclub.org
28th – Friends for the Restoration Of Green Springs Community Work Day.
Info: Leigh Ann Liddell at lliddell@bhate.com or 205-918-4000, ext 141

SEPTEMBER

- 1st, 6-8 p.m. – Birmingham Canoe Club's Learn to Canoe classes, Southside Library. www.birminghamcanoeclub.org
7th, 7 p.m. – Birmingham Canoe Club monthly meeting, Homewood Library auditorium. www.birminghamcanoeclub.org
7-9th – Introduction to Stream Restoration Using Natural Channel Design. www.aces.edu/waterquality/streams/bbg.htm.
8-10th – Alabama Water Resources Conference, Orange Beach. www.auei.org
9th, 7 p.m. – Friends of Shades Creek monthly meeting and informative program, Homewood Library, room 101. Call Michelle at (205)879-6866.
11th – Friends of the Locust Fork and Birmingham Canoe Club's Day on the River. Youth ages 8-18 can learn to canoe and learn about the plants, fish, and other critters in the river. www.flfr.org or www.birminghamcanoeclub.org
18th – Coastal Cleanup. www.alcoastalcleanup.org. To volunteer in the Wolf Bay watershed, contact Liz Langston (251)441-6637 or lizlang@bellsouth.net.
24th – Cahaba River Society's Moonlight Canoe Trip. www.cahabariversociety.org
25th, 8:30 a.m. – Friends of Shades Creek – Shades Creek Cleanup. Call Michelle at (205)879-6866
25th – Birmingham Canoe Club's Mulberry River Cleanup, Gear Swap, and Cook-out. www.birminghamcanoeclub.org.
30th – Erosion & Sediment Control Field Day, Baldwin County/Mobile area. Contact Earl Norton at (334)887-4570 or nortone1@bellsouth.net.

OCTOBER

- 5th, 7 p.m. – Birmingham Canoe Club monthly meeting, Homewood Library auditorium. www.birminghamcanoeclub.org
9-10th – Cahaba River Society's Overnight Canoe Trip. www.cahabariversociety.org
14th, 7 p.m. – Friends of Shades Creek monthly meeting and informative program. Homewood Library, room 101. Call Michelle at (205)879-6866 for information.
14-17th – 1st Annual Alabama Coastal Birdfest. www.mobilebayaudubon.org/birdfest.
15th – Green Living Expo 2004, Fairhope/Daphne Civic Center. www.greenlivingexpo.com.
23rd – ICL Board University at Camp McDowell www.alabamarivers.org
23rd – Friends of the Locust Fork – Covered Bridge Hike. www.flfr.org
27-29th – 2004 Southeast Watershed Roundtable, Nashville, TN. www.southeastwaterforum.org
30th – Wolf Bay Trash & Treasures Sale, Mifflin Community Center. Contact Liz Langston (251)441-6637 or lizlang@bellsouth.net

NOVEMBER

- 2nd, 7 p.m. – Birmingham Canoe Club monthly meeting, Homewood Library auditorium. www.birminghamcanoeclub.org
18th – Friends of Shades Creek monthly meeting and informative program. Homewood Library, room 101. Call Michelle at (205)879-6866 for information.
TBA – Friends of the Locust Fork – Geology Hike. www.flfr.org

www.alabamarivers.org/newscalendar.htm

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The 2004 ARA Directory available

Complete with contact information for grassroots organizations, non-profit support organizations, and state and federal agencies as it relates to Alabama's watersheds, the Directory is updated and ready for use. Please contact Lauren Fine at lfine@alabamarivers.org for a copy. Additionally, the revised version of the directory will be available soon on our website, www.alabamariv-