

COOSA



RIVERKEEPER®

Spring 2013

Issue 4

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Coosa Riverkeeper patrol dog Youk
cools off in Hatchet Creek, a
beautiful tributary of Lake Mitchell



WATERKEEPER® ALLIANCE
MEMBER

MEMBER

FIGHTING FOR SWIMMABLE, DRINKABLE, FISHABLE WATER IN THE COOSA VALLEY OF ALABAMA

What We Do

Coosa Riverkeeper is a citizen-based movement working towards our vision of a swimmable, drinkable, fishable Coosa River in Alabama by focusing on Clean Water Act compliance and enforcement. We look after nearly 5,000 square miles of the Coosa Valley which includes all of the streams and lands draining to the Coosa. Our team consists of hundreds of members and volunteers, full and part time staff, a Board of Directors and Advisory Council. The Riverkeeper is the eyes, ears and voice of the Coosa. Part scientist, part activist and part law enforcement, the Riverkeeper works hard to make the Coosa safe for swimming, drinking and fishing.

This 501(c)(3) nonprofit was formed by environmental leaders in the Coosa Valley in response to the Coosa River being listed as the 10th most endangered river in the country in 2010 by American Rivers. We are funded by our membership and foundations. Support our work and your right to a clean river by becoming a member today.

WATERKEEPER ALLIANCE®

Waterkeeper Alliance is an international alliance of 200 independent citizen-based organizations fighting to protect their local waterways. On 6 continents, Riverkeepers, Baykeepers, and Creekkeepers work towards our vision of clean water for all. In Alabama, Coosa Riverkeeper is joined by [Black Warrior Riverkeeper](#), [Cahaba Riverkeeper](#), [Choctawhatchee Riverkeeper](#), [Hurricane Creekkeeper](#), [Little River Waterkeeper](#), [Mobile Baykeeper](#), and [Tennessee Riverkeeper](#). Learn more about Waterkeeper Alliance at waterkeeper.org.

Our Team

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Justinn Overton, *Director of Development*



**WATERKEEPER® ALLIANCE
MEMBER**

ADVISORY COUNCIL SPOTLIGHT



BETH MAYNOR YOUNG is among the greatest nature photographers ever in Alabama. Her books [Headwaters](#) and [Longleaf](#) are a major contribution to Alabama, and her devotion to conservation is immense.



NELSON BROOKE is the Black Warrior Riverkeeper. Nelson's dedication and vast experience as a field-based Riverkeeper makes him a great asset to Waterkeeper Alliance. He specializes in coal mining and burning issues.



MITCHELL STEWART is the owner of [Coosa Outfitters](#) in Gadsden. He is an active paddler and climber. Mitchell has been a supporter of ours since the beginning and sponsors our kayak fishing tournament (pg. 6).

Riverkeeper Journal

REPORT POLLUTION!
(205) 981-6565

Here's some of the more interesting things we've been up to lately:

September 8: Hosted the first [Coosa River Dog Fest](#) with Alabama Siberian Husky Rescue. Met a lot of new folks whose dogs got in the river for the first time. This year's Coosa River Dog Fest is set for September 29th, 2013 at Coosa Outdoor Center. See you there!

September 14: Celebrated the 2nd anniversary of Coosa Riverkeeper!

September 26: Discussed Water Wars issues with fellow Tri-State Conservation Coalition Executive Committee members. Coosa Riverkeeper is the Alabama Representative of this coalition.

October 2: Patrolled Lake Neely Henry in Gadsden to look at stormwater issues at Gadsden Steam Plant near the Gadsden Water Works drinking water intake.

October 6: Hosted the first [Coosa Canoe & Kayak Fishing Tournament](#) in the Jordan Dam tailwaters, which was an amazing time! See Page 6 for details on this year's tournament.

October 24: Inspected an Alabama Department of Transportation project in Anniston with recurring stormwater issues with ALDOT environmental representative Barry Fagan. ALDOT is being required to remediate damage caused to a downstream golf course.

October 25: Toured Weogufka and Hatchet Creeks on our patrol boat with Alabama Graphite Co.'s CEO Dan Spine and geologist Doug Oliver. This was the first time they had seen the creek where their large graphite mine will discharge. They were impressed by the beauty of the creek and have been open to our requests for studies and protections of these creeks. This will be the first graphite mine in America in about 50 years.

November 1: Welcomed 70 guests to [Stone's Throw Bar & Grill](#) in Mt. Laurel which hosted an amazing benefit dinner for us featuring local (and super fresh!) produce and beverages. This event also marked our move to our new office on Yellowleaf Creek down Hwy 280 in Chelsea.

November 7: Met with [Community Foundation of Northeast Alabama](#) to launch our grant work assessing the compliance of Calhoun County polluters. We found 15 of 143 permitted polluters had violated the Clean Water Act within the last few years. Some were quite serious in nature.

November 21: Visited the abandoned and breached Goodwin's Mill Dam on Big Canoe Creek outside of Springville with [The Friends of Big Canoe Creek](#) and [The Nature Conservancy](#). Many partners are coming together to remove the dam because of its detrimental impacts to the creek.

December 3: Attended an EPA-hosted meeting in Vincent regarding the new Super Fund site at the old Alabama Plating facility. See page 7 for more details on this form of Polluter Welfare.

January 13: Enjoyed a Board Meeting deep in Talladega National Forest where we met alongside the headwaters of Talladega Creek.

January 16: Met with the Mayor of Clanton and several leaders of Lake Mitchell Home Owner Boat Owner Association to discuss our desires to improve Walnut Creek which is severely impaired. Long-time Mayor Billy Joe Driver was in support.

March 5: Joined Indian Springs School 8th graders in discussing statewide water management planning issues. These kids get it!



photo © Frank Critwood

Top: A stormwater discharge at Alabama Power's Gadsden Steam Plant has obvious issues.

Middle: Improved sedimentation controls at a road project in Anniston will reduce further damage to a golf course.

Bottom: Taking measurements of an abandoned dam.



photo © Frank Critwood



photo © Doug Morrison

Cheers to the Coosa! Here's to Clean Water, Y'all.

TO DOZENS OF BUSINESSES WHO DEPEND ON CLEAN WATER AND SUPPORT COOSA RIVERKEEPER, "CHEERS TO THE COOSA" IS AN OPPORTUNITY TO RAISE A GLASS TO A GOOD CAUSE.

...

It takes clean water to grow clean food and brew quality beer. As your local water advocacy group for the Coosa Valley, Coosa Riverkeeper's Board of Directors and Staff want to celebrate the correlation between clean water and the small businesses and farms that make Alabama special.

With Alabama's explosion of and emphasis on local food and craft beer, Coosa Riverkeeper launched the first of the Cheers to the Coosa Series at [Stone's Throw Bar & Grill](#) in November 2012. This farm-to-table beer dinner benefited Coosa Riverkeeper and its mission to protect and restore the Coosa River and its tributaries. The meal was prepared by Chef Chris Harrigan of Stone's Throw Bar & Grill in Mt. Laurel and featured local produce donated by Heron Hollow Farm, Mt. Laurel Farm, J3 Organics, Grow Alabama, Snow's Bend Farm, and Jones Valley Teaching Farm. No one left this event hungry!

Four courses featured specially paired beer from [Good People Brewing Company](#), [Cahaba Brewing Company](#), [Back Forty Beer Company](#), and [Avondale Brewing Company](#) or an option of wine donated by [International Wines](#). This event was sponsored by [Interiorscapes](#) and [Blackjack Lands](#) and featured fantastic door prizes such as a rain barrel from [Alabama Environmental Council](#), organic socks from [Zkano](#), and items from [Coosa Riverkeeper's store](#)!

The Coosa Riverkeeper Staff and Board of Directors are excited to take the [Cheers to the Coosa Series](#) to other locations within the Coosa Valley in 2013. We will continue to partner with and support the restaurants, farms, breweries, and local businesses who agree that clean water is a right!

We hope to host similar events to the inaugural Cheers to the Coosa dinner in

Gadsden, Anniston, Springville, and Wetumpka in 2013 to ensure that our members, supporters, and partners have the opportunity to invite and engage their friends and community. We hope to bring this series to a restaurant near you very soon! Please continue to show your appreciation to the many businesses, farms, and breweries that support your right to clean water!

Coosa Riverkeeper is a stronger non-profit organization because of the support that is received from our membership and business partners throughout the Coosa Valley. By participating in our events, like the Cheers to the Coosa Series, we are able to spread the word about our mission in new areas of the watershed, learn about all of the great things going on in our community, and rally around the protection of the mighty Coosa River, while having a darn good time!

This river needs you. Although, Coosa Riverkeeper is the eyes and ears for the river, we consider our membership the heart. Your donations allow us to continue our fieldwork for the Riverkeeper Program, improving Clean Water Act compliance and enforcement. We also depend on our volunteers to help us carry out some of our program work. Please join us in our fight to make the Coosa River swimmable, drinkable, and fishable. You can [become a member at coosariver.org](#) or by filling out and returning the membership form on the back of this newsletter.

Getting your clean-water-loving business involved is easy! For more information, please contact Director of Development, Justinn Overton, at justinn@coosariver.org or (205) 981-6565. Cheers to clean water, y'all!



70 guests packed Stone's Throw Bar & Grill for Cheers to the Coosa in Mt. Laurel on November 1, 2013 and raised about \$3,000 for Coosa Riverkeeper!



Coosa Riverkeeper Director of Development Justinn Overton (left), Avondale Brewing Company bartender (center) and Coosa Riverkeeper member Adam Frye (right) at a February fundraiser.

During "Cheers to the Coosa" we explore the many interesting connections we have with our waterways. At Stone's Throw Bar & Grill in Mt. Laurel, our Riverkeeper announced that the drinking water in our glasses and used to prepare the food came from Lay Lake of the Coosa River. Coincidentally our wastewater at Stone's Throw went to Lay Lake via Yellowleaf Creek, which is the creek that flows right past the Coosa Riverkeeper office. Yellowleaf is also the creek used at the EC Gaston Steam Plant to generate electricity used at the restaurant. As for the Town of Mt. Laurel, it lies in the Shoal Creek tributary of Kelly Creek, which flows to Lay Lake. Many of the participating farms and breweries also use water or power from the Coosa River. These interesting connections to our waterways strengthen our appreciation for clean water.

WHO OWNS THE COOSA RIVER?

STATEWIDE COMPREHENSIVE WATER MANAGEMENT PLANNING COULD HELP CLARIFY WATER RIGHTS WITHIN OUR STATE

...

Who owns the Coosa River? Does she belong to the state of Alabama and all of its people? The answer isn't clear, but one thing is: Alabama Power believes they own the water.

The complications regarding ownership of the Coosa River has been hinted at before in our newsletters (see pg. 6 of Winter 2012), but a deeper analysis has raised even more eyebrows amongst water rights experts.

The Coosa River is impounded by eight Alabama Power dams forming six lakes. Each lake backs up to the dam before, meaning there are essentially no free flowing sections of the river left (although recreational whitewater is available below the last dam in Wetumpka, its flow is controlled by the power company's generation schedule).

Consider this: Alabama Power charges other Coosa River water users to withdraw water from the Coosa. The Coosa Valley Water Supply District, which supplies drinking water to Pell City, Springville, and Odenville, expects to pay \$165,000 to the power company for water this year (on top of their power bill!).

So does that mean Alabama Power company owns the river? Some would say not by arguing that the rivers of this state belong to the state as part of the public trust. While the power company may own the dam and the right to use the water to profit from power generation, the water itself and the lake held behind the dam belong to the public.

The Coosa's six lakes are indeed recognized as public lakes for recreational purposes but water withdrawals from (and even dock construction on) the Coosa are

regulated by Alabama Power, not the state.

Recently, some of the state's agencies have begun work, under the direction of Governor Bentley, to develop a statewide plan for managing our water resources. That group, the Alabama Water Agencies Working Group, will make recommendations for policy and legislative changes to better manage and protect our water resources.

It is speculated that legislative recommendations could include changes to our water laws. Perhaps these changes could clarify the ownership of the Coosa River. The state will likely seek to define the Coosa as belonging to the state, but may find themselves in for a legal battle with the power company.

In May 2012 Governor Bentley signed Senate Joint Resolution 16 which said "That waters of the state... are a natural resource of the state and subject to the state's sovereign power to plan and manage the withdrawal and use of those waters..." However, a few months later, Bentley's agencies reported to him that "this resolution does not resolve the legal issue of water ownership."

In Alabama Power's comments to the agencies working on this plan, Matthew Bowden, VP of Environmental Affairs, wrote "The (group's) report contains a statement implying that Alabama's water resources are owned by the state... we are not aware of any legal support for the

proposition that the state 'owns' surface water as a general rule."

It was a nice way of letting the agency group know that the power company claims ownership of the Coosa River and other waters which they believe they own on the Black Warrior and Tallapoosa Rivers (where they also operate hydro projects).

The Alabama Attorney General also commented to the agency group that they are "ready to take appropriate legal action to protect the State's legal interest in its water resources." The Attorney General did not define specifically what water resources they believe the state owns, but likely the mighty Coosa River is high on their list, especially given ongoing Water Wars conflicts.

The agency group is due to issue a final report to Governor Bentley in December 2013, although there are likely to be many contentious public meetings before and after this deadline regarding many subjects, with water rights being central.

All stakeholders should pay attention to this process as it will likely settle the ownership of the Coosa River for decades to come and could significantly alter water rights in Alabama.



Logan Martin Dam belongs to Alabama Power, but who does the water belong to?

Coosa Canoe & Kayak Fishing Tournament

[Lake Neely Henry Open](#)

March 30th

[Lake Logan Martin Open](#)

June 1st

[Coosa Classic](#)

October 26th & 27th

Catch | Photograph | Release
No Motors. Tons of Prizes. Loads of Fun.



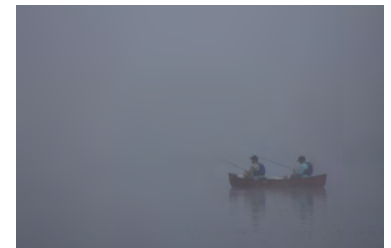
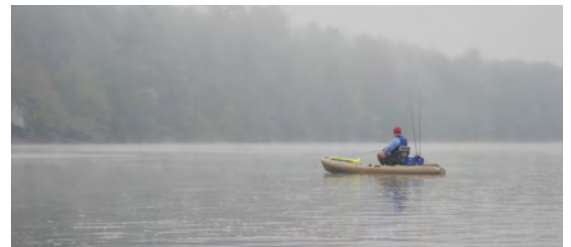
Register at CoosaKayakFishing.com

The Coosa Canoe & Kayak Fishing Tournament is a conservation-focused bass fishing tournament using a Catch, Photograph, Release (CPR) format. Competitors get around only on a motorless canoe or kayak. Instead of keeping their fish in a livewell and bringing them to a boat ramp (which makes for some stressed out, unhappy fish), anglers lay their catches on a fish ruler, photograph the fish, and return it to the water right where it came from. The judges then score the bass based on length as evidenced in the photographs.

The two lake stages will cost \$50 each, while the two-day Coosa Classic will cost \$80. We have arranged for boat rentals at each stage for those who need to rent boats, and also free camp sites. We also have a surplus of fish rulers (the [Hook I Hawg Trough](#) is the official ruler) which can be purchased for \$15 or borrowed for the stage with a deposit (as supplies last). Head on over to the event website (CoosaKayakFishing.com) for more details about how this great tournament works!

This year the tournament includes some great prize and goodie bag items from our awesome sponsors. [YUM and Booyah Lures](#) have donated \$1,000 worth of lures for goodie bags. [BlackJack Lands](#) contributed a Primo Oval Jr ceramic grill (Made in USA!) for the Angler of the Year prize. [Big Wills Outfitters](#) and [Jackson Kayak](#) have contributed a JK Coosa fishing kayak. [Coosa Outfitters](#) threw in a [YETI Roadie Cooler](#), while [Zkano](#) has contributed organic socks for the Best Female prize. [Alabama Outdoors](#) and [Mountain Khakis](#) have also thrown in gift cards for prizes. There's plenty of great goodies for everyone!

Check out some pictures from last year's Coosa Canoe & Kayak Fishing Tournament and the video detailing this year's tournament.



Top Right: Competitor Jason Knight gets an early start in his Jackson Kayak Coosa just below Jordan Dam.

Middle Right: Anglers Coleman Richards (left) and Cameron Givianpour (right) compete together in a canoe, with each competitor scoring their fish individually.

Bottom Right: This fat 19" bass landed by Elizabeth Brooke on a YUM worm was the biggest bass of the tourney and won her a \$200 gift card to Hook I kayak fishing gear.



Ten Steps to #EndPolluterWelfare

POOR ENVIRONMENTAL LAW ENFORCEMENT IN ALABAMA CREATES A TOXIC WELFARE PROGRAM COSTING MILLIONS

by Frank Chitwood, Coosa Riverkeeper

What if I told you that taxpayers are spending billions of dollars nationwide cleaning up someone else's waste? That waste could be making it unsafe for you to have a drinking well on your property, to swim in the river, or to bring home fish from the river for dinner.

Tax dollars are being spent right here, right now to the private benefit of people and companies who have contaminated our community with toxic waste. These polluters externalize their cost of doing business onto the community and onto taxpayers, while internalizing their profits.

It's happening everywhere. In Gadsden, Gulf States Steel will cost taxpayers around \$60 million. Alabama Plating Company in Vincent will cost taxpayers around \$15 million. Up to \$30 million could also be spent at REEF Environmental in Sylacauga. Those sites are all on EPA's Superfund list; there are over 1,300 such sites nationwide. It's just one big polluter subsidy perpetuated by our wasteful government.

Here's a great example. While still in operation, Gulf States Steel estimated that the cost of cleaning up their Gadsden facility would only be \$15,000. Then they went bankrupt. The government reclaimed about \$2 million from the company during bankruptcy. Sadly, the true cleanup cost will be 4,000 times greater. It will cost about \$60 million to clean up, much of which will be felt by taxpayers. That's polluter welfare.

The Alabama Department of Environmental Management is a polluter welfare machine. They blame their problems on a small budget, when the irony is that their lackluster enforcement record is costing taxpayers millions. ADEM will let polluters contaminate our communities and do little along the way to stop it before the violator leaves

town. Just ask anyone in Sylacauga about ADEM's handling of REEF's pollution.

Free market capitalism is what makes America, historically, the greatest place in the world to live and work. But polluters live outside of free market capitalism, and instead operate under crony capitalism.

Crony capitalism is the collusion of the government and a polluter to divert tax dollars towards paying for pollution costs that in a free market would be borne internally by the polluter. Subsidizing private extraction of public resources is also a form of crony capitalism. As Waterkeeper Alliance President Robert F. Kennedy, Jr. says "Show me a polluter, and I'll show you a subsidy."

Polluters are toxic not only to our environment and our tax dollars, but also to our free market ideals. It's unfair to the millions of great businesses in our nation that polluters are allowed to profit off the commons by externalizing their pollution costs and corrupting the government for their own benefit.

How can we end polluter welfare?

1. **Incentivize compliance and enforcement.** There's hardly any incentive to comply with environmental laws. There's *no* incentive to reduce pollution below lax legal requirements. All fines levied should go directly back to ADEM instead of to the state's General Fund as they currently do. This would incentivize ADEM to enforce laws and stop catering to polluters.

2. **Restitution, not fines.** Punishment should be focused on restitution (repairing what was damaged).

3. **Strengthen private property rights and tort laws.** Government oversight of environmental laws is used as a defense to tort claims made by citizens. Given the government's poor enforcement record, it should not be a valid legal defense. A private landowner should be able to obtain compensation from any person that damages their property or environmental rights on public property.

4. **No sovereign immunity** as a defense for governmental non-compliance with environmental laws. The government should be equally liable for their pollution as citizens and companies.

5. **Allow citizen lawsuits to proceed.** ADEM and the Attorney General have a nasty habit of preempting citizen environmental suits by issuing fines. This protects the polluter from having to face a citizen in federal court where the citizen has power and rights.

6. **End corporate cronyism.** Private landowners are better stewards of their lands than those who lease land or resource rights from the government. So why do we lease public land to private companies to profit off our natural resources? To encourage stewardship of resources, sell unused public lands to companies that want to extract natural resources from it. They'll be more likely to treat the land itself as an investment and any cost associated with reclamation will be borne privately and not contribute to polluter welfare.

7. **Educate others about the connection between a healthy environment and a strong economy.** They go hand in hand. Pollution is hurting the strength of our economy by misappropriating public funds for private expenses and creating unfair advantages for polluting industries that distort a free market economy. Pollution abatement services create jobs; environmental law compliance does not kill jobs.

8. **Vote with your dollar.** It's a powerful vote you cast every day. Support local businesses that respect the environment (see pg. 4) and are a boon for the local economy by creating jobs right here.

9. **Change your politician** if they are aiding and abetting crony capitalism by supporting polluting interests with pork-barrel legislation.

10. **Support your local clean water advocates.** Part of protecting a river as a Waterkeeper is fighting crony capitalism. We are not funded by taxpayer dollars so we don't impact the government's budget. Join us today!

Membership Sign-up/Renewal

FASTER AND EASIER!
 Sign up online at www.coosariver.org
 and pay with credit card via PayPal

Select a contribution level for membership that matches your commitment:

- ___ \$10–Coldwater Darter: a vulnerable fish that is endemic to the Coosa
- ___ \$25–Blue Shiner: a threatened fish extirpated from its native Cahaba and now found on the Little River, Choccolocco and Weogufka Creeks of the Coosa
- ___ \$50–Pygmy Sculpin: a threatened bottom-dwelling fish found only at Coldwater Spring near Anniston
- ___ \$100–Lacy Elimia: a threatened snail found only in the Cheaha, Emauhee and Weewoka Creeks of Talladega County
- ___ \$250–Southern Clubshell: an endangered mussel found in the Coosa, Cahaba and Tallapoosa Rivers
- ___ \$500–Green Pitcher Plant: a critically endangered, carnivorous plant found mostly in Alabama near the Coosa

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Make my gift in honor of/in memory of (circle one): _____

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Coosa Riverkeeper is a 501(c)(3) nonprofit and your contribution will be tax deductible to the extent allowed by law. We will mail you a receipt for tax purposes.



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