

Lake Watch

of Lake Martin

Newsletter No. 21
28 December 1999

Dick Bronson, President
(256) 825-9353

Another year gone by.....I sure hope the next century is as much fun as this one has been! I'll recap some of the major events concerning Lake Watch and touch on future events.

RECAP of 1999

- **Sugar Creek.** The year began when defendants Russell Corporation, Avondale Mills and Alabama Power Company appealed the verdict handed down to plaintiff residents of Lake Martin's Raintree subdivision in November 1998 by a Birmingham jury. That appeal was denied, and the case was appealed to the Alabama Supreme Court where oral arguments are scheduled to be heard on 5 January 2000. In February, another lawsuit was filed by a former resident of Raintree; that case is pending. And there apparently are ongoing discussions about another Raintree resident lawsuit.
- **Alabama Section 303 (d) list.** As mentioned in the May newsletter, Lake Watch testified at an EPA hearing in support of retaining Sugar Creek on the final list of polluted streams because of ample evidence the stream is still impaired. CH2M HILL, on behalf of Alexander City, argued that the stream should not be listed for a variety of reasons, one of which was that the treatment plant is now in compliance with their permit. EPA published their final ruling in November 1999 and **continued to list Sugar Creek** on the list. The language EPA used to support their decision was quite interesting. They strongly rejected CH2M HILL's arguments, and in one section, EPA made it clear the dilution technique used at the plant to meet chronic toxicity tests for permit compliance is not permitted under the federal Clean Water Act.
- **Water quality monitoring.** Our Lake Martin water testing program continues its high level of quality through the dedicated and expert guidance of coordinator Virginia Pietrzykowski. Our volunteer monitors are well qualified, we purchased two additional test kits, we expanded the number of test sites on the lake to twelve, and Lake Watch was recognized once again by Alabama Water Watch for having one of the premier water quality monitoring programs in the state.
- **"Lake Report".** In order to showcase the excellent information collected by Lake Watch volunteer monitors since 1993, we are teaming up with Alabama Water Watch to produce a "Lake Report" brochure. The report will display Lake Watch data and compare it with data from ADEM, Auburn University, and other Alabama lakes. This report will be done within two months by a professional printer and will be a very positive message about the great lake many of us enjoy, with strong emphasis on the enormous economic potential Lake Martin provides for future growth in this part of Alabama. We'll provide courtesy copies of this report to local agencies, businesses, and officials. Copies will be available for members.

• **Educational initiatives.** Lake Watch volunteers continue to expand their positive impact on local youth about the importance of water quality and general environmental matters through programs for Camp ASCCA, Scout groups, and High School classes in Applied Chemistry and Conservation. In June, Lake Watch was awarded a plaque by Michael Mullen, Coordinator for Alabama's Non-Point Source Education program, in recognition of the "*Living Streams*" program presented to more than 200 students at Camp ASCCA the past two years.

• **A budding scientist.** One of our nicer experiences occurred in November when a 6th grade student from Elmore County, **Hope Middleton**, met with the Bronsons to learn about water quality techniques for a school science project. We did a stream walk for macroinvertebrates and took water samples for bacteriological testing. Hope constructed a tri-fold display board with samples of "bugs" and several E coli exhibits from local streams (and some nasty E coli exhibits from the inside door handle of a fast-food restaurant!). A few days ago, Hope sent us a nice letter of thanks along with a photo of her in front of the display board, proudly holding a blue ribbon for first place in school and the county fair.Maybe a future scientist in our midst??? We expect someday to learn this young lady has discovered a cure for some rare disease. Congratulations Hope!

• **Annual meeting.** The annual Lake Watch meeting was held at D.A.R.E. Park on Lake Martin on Saturday 11 September. It was a nice turnout, and we were treated to an excellent program by Dr. Bill Deutsch, Eric Reutebuch and Allison Busby of Alabama Water Watch. The following business items were conducted:

- **by-laws** were amended to change officers' term of office from 2 to 3 years
- **by-laws** were amended to increase the number of Board members from 8 to 11
- **election** results: Dick Bronson (Pres); John Glasier (Vice Pres); Virginia Pietrzykowski (Sec/Treas); continuing board members Ricky Brand, Kathryn Braund, George Chandler, Faye Gould and Bill Stewart; and returning board members John Bishop, Diana French and Mark Kears.

The annual **Woodfin Martin** award to recognize outstanding leadership and excellence in environmental stewardship was presented to Bill Deutsch in recognition for all the good work he's done for Lake Watch since 1992 when he introduced the Alabama Water Watch volunteer monitoring concept to our organization. A lot of water has gone over the dam since that training workshop (no pun intended)!

• **Board meeting.** A meeting of the Board of Directors was held on 16 November 1999. The board approved continued membership in the following organizations: Alexander City Chamber of Commerce, Dadeville Chamber of Commerce, Alabama Water Watch, Alabama Rivers Alliance, Legal Environmental Assistance Foundation (LEAF), and Alabama League of Environmental Action Voters (AlaLEAV).

- **Trip to the Philippines.** In September, I accompanied Bill Deutsch and Allison Busby to the Philippines for an 18-day trip, with most of our time spent on the island of Mindinao. Bill has worked for 7 years with the *Tigbantay Wahig* (translation: Water Watch) villagers who conduct water quality monitoring exactly as we do, using the same LaMotte chemical test kits, biological sampling techniques, and bacteriological test kits. I came back very humbled after seeing the villagers' incredible love for their land and water, and their dedication to doing everything possible to improve their quality of life. I made many friends and vowed, "I shall return!" (sounds like General MacArthur doesn't it?). We have scheduled a presentation about the trip for the Annual Alabama Water Watch Technical Conference at Auburn University on 29 January (see below).

- **"Water Wars"**. As this newsletter goes to print, it appears the governors from Georgia and Alabama will agree to a 120-day extension to the water allocation negotiations. Lake Watch reps have attended every negotiating meeting the past two years, and it has been a real test of patience to observe and participate in the process. For awhile, we were the only ones stressing the important linkage between water quality and water quantity, and we weren't sure we were being heard. That seems to be changing. Lake Watch provided written input to various members of the negotiating teams, including the Federal Commissioner, and that input is now included in Alabama formula proposals.

Unfortunately, there are indications that earlier this month in Atlanta, a not-so-public meeting of key players from Alabama and Georgia resulted in a tentative agreement on some minimum flow numbers that do not appear to be in the best interests of Alabama. This disturbing scenario will likely surface at the next ACT Committee negotiating meeting scheduled for Atlanta on 6 January 2000.

In the meantime, a few citizens, who seem to be **unencumbered with facts**, have criticized Lake Watch in recent articles in the *Alexander City Outlook* and *Lake Martin Living* magazine. In an effort to educate those folks, Lake Watch has suggested that the ACT Committee negotiating meeting scheduled for 24 January be held at Lake Martin (possibly at the Still Waters Conference Center). We hope to then have a follow-on **stakeholders meeting** to discuss the potential impact of water allocation formula proposals, particularly on Lake Martin. >>> This would be an excellent opportunity for Lake Watch members to participate. We'll try to keep members posted on details.

- **Relocation project for Sugar Creek discharge.** For the past several months, I was a member of Alexander City's Citizens Advisory Committee to consider relocating the waste water discharge point from Sugar Creek to the main Tallapoosa River. In the past, I supported such a move, but only if certain conditions were met that would provide maximum protection to Lake Martin. In my opinion, **those conditions were not met**, and I **voted against** the project. However, the project continues to be pursued, and the Mayor recently stated he would hold a **public meeting** soon to inform local citizens of the project details. In anticipation of a meeting, I have prepared an **Information Sheet**

of my concerns about the project. If readers want an advance copy, please call me at 825-9353 and I'll send you one; otherwise, copies will be distributed at the meeting.

FUTURE HAPPENINGS

• **Public meetings.** Readers should watch for announcements about two meetings mentioned above that members may want to attend; one on the "water wars" meeting, and one on the City's relocation project for the Sugar Creek waste water discharge.

• **Water Watch Technical and Public Information Conference.** The fourth annual conference will be held on **Saturday 29 January from 10:00 AM to 3:00 PM** at **Auburn University, Foy Union**. This is a great opportunity to meet other Water Watch groups around the state. Lake Watch has always had a strong attendance at this conference and I hope to see many of you there. >>> Please **mark your calendars** and call me for details.

• **2000 and beyond.** As we look ahead to the next century, I see only a bright future for Lake Watch. We'll continue our lake monitoring program, we'll continue to expand our educational initiatives, we'll continue to be actively involved in the water allocation process between Georgia and Alabama, and we'll continue to be a strong advocate for clean water in Alabama. In other words, more of the same! **HappyNew Year!**

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Lake Watch of Lake Martin  
P. O. Box 72  
Alexander City, AL 35011

# Lake Watch

of Lake Martin

Newsletter No. 22  
15 March 2000

Dick Bronson, President  
(256) 825-9353

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This will be a short newsletter to update members, to remind members that it's renewal time for dues, and to provide each member with a copy of our new *Lake Martin Report*.

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## Water Wars

• The saga continues! Lake Watch members attended a 10 March meeting convened in Atlanta by Federal Commissioner Lindsay Thomas during which several federal agencies made it clear they would recommend "non-concur" with both Georgia's and Alabama's current proposals because of strong concerns over potentially negative impact on water quality. If this sounds familiar, it should. Since the negotiations for the ACT began, Lake Watch has consistently lobbied for linkage between water quantity and water quality; however, neither state paid much attention to water quality issues until recently, and now it may be too late. The meeting ended with no agreement to even meet again until the two governors decide where things go from here.

Commissioner Thomas and other federal agencies strongly urged both states to consider an **interim short-term agreement** of 5-7 years rather than allow the talks to end now. They emphasized the need to consider all available science to study the effects of expected decreased flows/increased pollution loading on the water quality, biodiversity and ecology of the river basin. If I had a vote in the matter, I'd follow the lead of the feds.

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## Sugar Creek

• **Lawsuits.** The defendants' appeal of the Raintree resident lawsuit verdict is still being considered by the Alabama Supreme Court, and no one knows when that decision might be made. In the meantime, it has been confirmed that at least a dozen other lake residents have filed a similar lawsuit. No trial date for the new case has been set.

• **Department of Justice.** In 1999, EPA conducted an investigation of the Sugar Creek matter and concluded there was enough evidence for enforcement action, whereupon the case was referred to the U.S. Department of Justice. DOJ sent notification letters to Alexander City, Russell Corporation and Avondale Mills. The parties are currently in confidential negotiations, with final resolution expected soon.

• **Relocation project for the Sugar Creek discharge.** The City continues its plans to relocate the waste water discharge point from Sugar Creek to the Tallapoosa River downstream from the Highway US 280 bridge, and has announced that pipeline construction may begin this month. However, this may be a bit premature, since there are indications from ADEM and EPA that permit approval may be difficult to obtain.

If the relocation permit is denied, the City likely will look again at the option of piping river water to the treatment plant to augment the flow of Sugar Creek to assist in dilution.

Such a proposal would be problematical, since it would re-open the issue of whether an increased flow in the creek might cause toxic materials that still remain in large deposits in the Sugar Creek embayment to be resuspended into the water column. There will be more to report on this in future newsletters.

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• **Annual Alabama Water Watch Meeting and Fish Fry.** For those who were disappointed that the January Technical Conference was canceled because of icy road conditions, take heart! A few of the presentations have been rescheduled for the morning session of the fish fry in Auburn on Saturday 17 June 2000. We'll begin mid-morning in one of the campus auditoriums and then move to the pavilion on the AU fish pond near Highway 280 for a catfish lunch. Please mark your calendars for **Saturday 17 June 2000** for an event you cannot miss! >>> More details will be provided to you when available.

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#### **Lake Martin Report**

• By now you've seen the report, and I hope you agree that it's a first class document! It's the result of an incredible effort by Dr. Bill Deutsch and the rest of the Water Watch gang. The report really is a **special tribute to our dedicated volunteer monitors** who stayed the course over the years to provide the best and most accurate data of any Water Watch group. **Congratulations to Lake Watch volunteer monitors!**

The report provides an excellent summary of what Lake Watch is all about, and it shows that our volunteer monitoring data compares very favorably with water quality data from ADEM and Auburn University. It has particular value to local decision makers as they make plans that will affect the future of Lake Martin. Please share the report with your friends and neighbors, and call me for additional copies.

Special thanks are due to several organizations who helped with printing costs. The Alabama Water Watch Association provided generous grants from two charitable foundations. Contributions were also provided by the Andrews Foundation and the AU Cooperative Extension System. And of course, those generous dues-paying members of Lake Watch did their fair share. Many thanks to all!

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• **Hank Covington.** We just learned at press time that Hank Covington, a Lake Watch member from the southern end of the lake, died after a long illness. Hank was a retired Army officer.....a good soldier.....and he and Lynda were strong Lake Watch recruiters. Please remember the family in your prayers.

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• **DUES are due in May.** Yes, it's that time of the year again. Our membership continues to grow and our treasury is in good shape despite some significant recent purchases (two additional LaMotte test kits, a new order of Lake Watch brochures, hosting the water wars meeting at Still Waters, and printing costs for the Lake Martin Report). We appreciate your membership.....thanks for your renewal!

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# Lake Watch

of Lake Martin

Newsletter No. 23  
6 September 2000

Dick Bronson, President  
(256) 825-9353

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This newsletter reports on several important happenings of interest to members since the March letter. It also announces the date for the Annual Lake Watch meeting & picnic.

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## Membership Dues

• The response to the dues reminder in the March newsletter was extremely gratifying....a **round of applause** for those who sent in their checks. For those few who have not yet responded, I've penned a note to your newsletter as a reminder.

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## Lake Watch Website

• We're now traveling the "information superhighway" with our new website, thanks to a design by Bruce Pate, a former lake resident who established and runs the Lake Martin website. Although we're just getting started with the project and have posted only a few items (brochure and the *Lake Martin Report*), our intent is to include previous newsletters, lake test results, announcements, and items of interest dealing with water quality issues. If readers have ideas on items to be posted, please give me a call. You can visit our website at [www.lakewatch.org](http://www.lakewatch.org).

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## Sugar Creek Relocation Project

• Members of the Lake Watch Board of Directors met at City Hall on 7 July to hear a presentation and discussion by Alexander City and CH2M HILL concerning the relocation of the waste water discharge from the Sugar Creek waste water treatment plant to the Tallapoosa River. The purpose of the meeting was to allow board members to hear first-hand the reasons why the relocation project is necessary and to ask questions.

The City faces a February 2001 deadline under an ADEM Consent Order to solve the long-standing toxicity problem with the waste water now discharged into Sugar Creek. There currently are provisions to allow for flow augmentation into Sugar Creek using water withdrawn from the river to help dilute the waste water. However, this solution would not provide the necessary assurance of passing toxicity tests on a regular basis. The City's plan is to pipe the waste water to a point in the lake near the old Piney Woods Restaurant to gain the necessary amount of dilution. The City is currently seeking permit approval from ADEM and EPA, while installing a pipeline along Highway 280.

Most of the Board's interest centered on the toxicity issue, and it was determined that the City would not provide additional treatment to the waste water but would simply be moving it from one point on the lake to another. However, it was clear to board members that to continue discharging into tiny Sugar Creek and the Sugar Creek/Elkahatchee Creek basin was unacceptable. After some discussion, it was the Board's unanimous decision to give **conditional support to the City's plan**, provided that a commitment is made to continue attempts to identify toxic agents in the waste water and take necessary steps to

eliminate toxicity completely. A letter stating those conditions was sent to Alexander City, ADEM, and to EPA.

To date, no decision has been received on the City's permit request. However, recent correspondence from EPA to ADEM and to the City indicates that EPA is taking a hard line on the relocation project and has identified some tough requirements to be met. There will be more on this issue in future newsletters.

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### **Marina and Drinking Water Intake**

• Recently, there was considerable public interest in Russell Lands' plan to construct a **marina-storage-showroom** facility near the Highway 280 bridge on the Tallapoosa River **adjacent to the intake pipe** at the city's Adams Filter Plant. Concerns were raised about the possibility that the drinking water supply for the entire county could be threatened by contamination from leaking fuel tanks, spillage from refueling boats, and from gasoline additives that are expelled into the water column from boat exhausts.

According to reports, Russell Lands is in the process of obtaining approval for the marina facility from the Federal Energy Regulatory Commission. Further, the Mayor of Alexander City has stated that the intake pipe will be moved upstream from the marina site to provide a safe off-set distance to protect drinking water from any potential contamination. This appears to be a win-win situation for everyone.

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### **Alabama Supreme Court Decision**

• In early August, the Alabama Supreme Court overturned the \$52 million verdict in the Raintree-Sugar Creek case on a 6 to 3 decision. A careful reading of their decision makes it clear the decision was not based on the merits of the case. Nor did the Court give due consideration to the fact that both sides presented extensive evidence to a well-qualified jury over a 5-week trial, including a plaintiffs' offer in open court to immediately drop their lawsuit if Russell Corporation would agree to pretreat their dye waste water before sending it to the city's treatment plant. That offer was rejected, and the jury went on to give a unanimous verdict in favor of the plaintiffs.

Now comes the Alabama Supreme Court and overturns the entire jury process. It appears the Supreme Court had already made up its mind to disregard the jury's decision and throw out the case, and simply searched for whatever reasons they could find to justify their action. I've already expressed my opinion about this outrageous and politically-based decision in a letter to the editor. Here is an excerpt from that letter:

***"...whether or not you agree about guilt or innocence in the case, the decision should send a chill up your spine about the future for democratic justice in Alabama. But not to worry. We should be proud of our Supreme Court Justices. After all, six of the nine comprise the best Court money can buy."***



Following the decision, some local citizens sought to justify the Court's ruling by pointing to improved conditions in the Sugar Creek and Elkahatchee Creek section of the lake. Certainly, water quality in that area has improved somewhat after the lawsuit was filed (see item below concerning Sugar Creek testing program); however, this argument completely misses the point. The lawsuit was filed over 7 years ago to address severe pollution problems at that time, and virtually everyone I know would agree that conditions in the Elkahatchee Creek basin in 1993 were intolerable. It appears the Supreme Court also 'overlooked' that point. We'll likely be hearing more about this case in coming months, since the plaintiffs' attorneys have filed an appeal for rehearing and reconsideration.

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### Sugar Creek Testing Program

- Following the public release of the February 2000 *Lake Martin Report* by Alabama Water Watch, there was a great deal of interest in the document. It has been much in demand as a model for the way all-volunteer organizations can partner with educational and governmental agencies to produce solid data on water quality. However, there was one criticism of the report that specific water quality data on Sugar Creek was outdated.

In order to correct that situation, Lake Watch has partnered with employees at the Alexander City laboratory to conduct monthly side-by-side testing of four Sugar Creek sites: one immediately upstream from the discharge point into the creek; another a quarter-mile downstream from the discharge point; and two in the receiving waters of the Sugar Creek embayment section of the lake.

After four months of testing, several things are clear. First, the Lake Watch test results using the LaMotte test kit are very consistent with results from the City's test equipment, thus verifying the value and accuracy of citizen monitoring. Second, the City employees involved in the testing program are very cooperative and highly motivated, and they have the personal backing and support from Mayor Don McClellan.

And finally, the early test results show why it is so important to cease discharging waste water into Sugar Creek, particularly when we have current drought conditions that have reduced stream flow to a trickle. The joint tests have verified that there are still valid questions about water quality in Sugar Creek and its receiving waters. For example, we're getting erratic readings at times for dissolved oxygen and pH in the stream and embayment, and both the Sugar Creek and Elkahatchee Creek sections of the lake experienced a major algal bloom this summer, probably due to a combination of high temperatures, low flows, and the large amount of sewage sludge remaining on the lake bottom in that area. It remains obvious that the creek and embayment simply cannot assimilate the municipal and industrial waste water from the treatment plant. We intend to continue the joint testing program indefinitely, and hope to post results on our website for general public use.

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### Study Project of the Tallapoosa River Watershed

- Another bit of fallout from the *Lake Martin Report* was the data that shows a downward trend of water quality indicators in the lake, particularly in the upper portion (see pages 10 & 11 of the report or on our website). The report provides data as reflected by readings of chlorophyll a over a 10-year period from two sources: ADEM and Auburn University (Dr. David Bayne). There are a number of man-made actions in the watershed that probably contribute to the degradation trend, including polluted runoff from streets and parking lots, sewage treatment plants, lawn and farm fertilizers, faulty septic systems, erosion from incorrect forestry and construction practices, and nutrient loading from the poultry industry upstream.

In an effort to investigate the causes of water quality degradation trends in Lake Martin, a **partnership** has been formed **between Auburn University, the City of Alexander City, and Lake Watch** to seek funding for a multi-year scientific study of the watershed from Martin Dam to Harris Dam. A grant request was submitted to the US Department of Agriculture in June, and contact has also been made with Congressman Bob Riley for possible funding. If funding is obtained, it will require a strong commitment from Lake Watch volunteers to conduct side-by-side testing with AU Fisheries Department personnel at a number of test sites from Lake Martin upstream to Harris Reservoir.

Of course, it won't help much to identify the causes of water quality degradation in Lake Martin if there is no mechanism to take corrective action. That's where the **Stakeholder Committee for the Middle Tallapoosa Watershed** comes in. This committee is chaired by Mayor Don McClellan and includes a broad range of civic, governmental, and agency leaders from the counties and communities touched by the middle reach of the Tallapoosa River. The committee has met twice and will soon develop a management plan to address those actions necessary to protect and improve water quality. You'll read more about this important effort in future issues.

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### Water Wars

- Not much appears to be happening, at least publicly, in the on-going battle with Georgia over the allocation of waters of the Alabama-Coosa-Tallapoosa (ACT) River Basin. We're into our 4th extension, with the deadline for agreement now set for the end of 2000. A few months ago there was talk of bringing in a mediator, possibly a retired federal judge or someone who had been involved in water allocation negotiations, but that talk has died down for now. Since the governors of Alabama and Georgia agreed to this extension in July, no further public meetings have been held, nor are any scheduled.

Recent discussions with state officials indicates that some dialogue is still going on between the two states, but it appears that participation by federal agencies is in neutral and the entire process is just coasting along. **This should cause citizens from both states some concern, since it offers too much opportunity for a return to the 'good old days' (?) of deal-making in smoke-filled back rooms.**

### Legislative Report

• The Lake Watch Board of Directors has voted the past two years to provide support to the Alabama League of Environmental Action Voters (AlaLEAV) to lobby for good environmental legislation and to give Lake Watch a 'voice' in Montgomery. Both founder Joe Turnham and new executive director Jeff Martin have done a great job keeping environmental issues at the forefront of the legislature, and their presence in Montgomery is beginning to make its mark. We hope to have a full legislative report at the annual meeting and picnic (see below).

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### Governor's Commission on Environmental Initiatives

• A state commission was recently appointed to look at environmental issues and make recommendations to the Governor for action. One of those appointed to the commission was Dr. Bill Deutsch to represent the many citizens of Alabama Water Watch. The commission held its first organizational meeting in Montgomery on 25 August and agreed to conduct a series of town meetings throughout the state in September to receive public input about concerns from citizens regarding environmental and conservation issues. One of those meetings will be in Auburn; however, the date has not yet been announced. Watch the papers for dates, and please try to attend one of the meetings and give your input. This is a good opportunity to provide ideas for meaningful change to the Governor's commission.

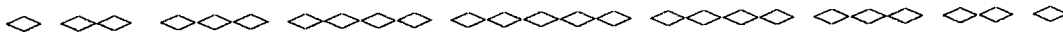
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### Annual Meeting and Picnic

• The Lake Watch annual meeting and picnic will be held on **SATURDAY, 7 OCTOBER 2000** at the **D.A.R.E. Park** on Lake Martin near Dadeville. We'll meet at **11:00 AM** for a short business meeting, then have hotdogs and stuff along with a **program**. We should be finished by **2:00 PM**.

We'll have the park to ourselves and will use one of the pavilions easily visible from the park entrance. Please mark your calendars; call either **825-9353** or **825-6412** to let us know you're coming; and we'll see you on **7 October**.

And for those who are past 39 and forget things, just post the separate reminder to your **refrigerator door**. It includes directions to the park. See you there!



# Lake Watch

of Lake Martin

Newsletter No. 24  
18 December 2000

Dick Bronson, President  
(256) 825-9353

Happy Holidays to readers! Another year gone by.....am I the only one who thinks anniversaries come around more frequently than in earlier times? A clear sign of aging I suppose.....

## RECAP - 2000

• **Sugar Creek lawsuit.** In August 2000, the Alabama Supreme Court ruled for Alabama Power Company, Russell Corporation and Avondale Mills and struck down the large 1998 verdict for Raintree residents who originally filed suit. The Raintree residents filed an appeal for a rehearing, and in a surprising turnaround, the Supreme Court agreed to hear oral arguments. Those arguments were heard in November 2000, and all parties are awaiting the final decision.

• **Sugar Creek Relocation Project.** The City of Alexander City has completed the pipeline along Highway 280 and Piney Woods Road to relocate the City's waste water discharge point and will soon install the high-rate diffuser from near the old Piney Woods Restaurant site out into the lake. As stated in our September 2000 newsletter, the Lake Watch Board of Directors took a position in support of the City's plan, provided that a commitment be made to continue attempts to identify and eliminate toxic agents in the waste stream. The Lake Watch position was similar to that taken by the US Environmental Protection Agency. In a letter to ADEM, EPA stated that the City's anti-degradation analysis "*did not completely address pretreatment of the industrial wastes*", nor did their permit application provide assurance for "*continued evaluation to determine the unknown toxicant*". However, in mid-October, ADEM granted final approval of the permit to relocate the discharge point.

In late October 2000, I asked the Legal Environmental Assistance Foundation (LEAF) to file an appeal of the administrative action by ADEM based on my belief that the permit application was incomplete because it failed to include a proper analysis of pretreatment alternatives. That appeal has been filed and a hearing date is set for late February 2001. Readers should note that I took this action as a private individual and not as an officer or member of Lake Watch. It should also be noted that I have not changed my long-standing belief that the waste water discharge must be moved from Sugar Creek to the main Tallapoosa River. Sugar Creek cannot now, and never could, assimilate the waste discharge; it must be moved elsewhere. However, there must be a continued effort to identify and eliminate the source of toxicity that caused repeated chronic toxicity test failures at the treatment plant for 5 years. I have made it clear to City and ADEM officials that my appeal of ADEM's administrative procedures will not affect the City's work schedule to install the diffuser, nor should it cause the City to come into non-compliance with their Consent Order for completion of the project. More on this in coming months.

• **Water Wars.** In late-breaking news, it appears an agreement between Georgia and Alabama is in the wind. Lake Watch representatives attended an ACT Allocation Committee meeting in Montgomery on 13 December (the first public meeting in 10 months) where a new Alabama water allocation proposal was given a public viewing. The proposal has some excellent features, and both states agreed to recommend it to the full ACT Commission that meets in Atlanta on 18 December. It appears likely that both Governors will approve the proposal and extend the compact deadline for sufficient time to

complete a 60-day public review period and public hearings. Once the public review period ends, the proposal goes to the Federal Commissioner for a 255-day federal review and approval/disapproval.

One major roadblock to final approval of an ACT agreement is the important linkage between our river basin and the Appalachian-Flint-Chatahoochee (ACF) River Basin. Negotiators from Georgia and Alabama acknowledged that agreements must be reached for both river basins before either can be completed. The ACF Water Allocation Committee recently brought in a mediator to assist in their negotiations, and more meetings are scheduled soon. Let's hope for progress.

Although the ACT proposal is light-years ahead of previous ones, there are still some problems with it, particularly as it affects the Tallapoosa River Basin and Lake Martin. **John Glasier** has agreed to prepare an analysis of the proposal for publication in a **special Lake Watch newsletter** right after the new year in order to help members provide comments during the public review period. Stay tuned!

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• **Alabama Commission on Environmental Initiatives**. The Commission, formed in April to address statewide environmental concerns, completed its 12-city "listening tour" and will soon have a report of their recommendations on the Governor's desk. An overwhelming majority of public comments, some from Lake Watch, focused on the need for **ADEM reform**. Unfortunately, it appears that many of the substantial recommendations directed toward restoring public confidence in ADEM were eliminated from the final Commission report because they were vetoed by influential special interest groups during committee deliberations. The trick for the Commission will be to resurrect those controversial issues that were previously eliminated and send them on to the Governor, along with a list that identifies the organizations who opposed them. Unless that is done, the opportunity for the Commission to make meaningful progress toward real environmental protection will have been squandered.

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• **Annual meeting and picnic**. A nice turnout braved some chilly weather at DARE Park on 7 October and watched as a representative of Senator Ted Little presented a **\$750** check to Lake Watch for use in continuing our water quality education program throughout the lake community. Senator Little sent his regrets for missing the event.....something about his getting married or some such thing.....  
> Ted, on behalf of Lake Watch members, our best wishes to you and your bride for many happy years.

During the short program, David Ludder accepted the annual **Woodfin Martin award** for environmental stewardship on behalf of **LEAF** for their many years of service to Lake Watch. Then **Joe Turnham** of the Alabama League of Environmental Action Voters gave an excellent report of legislative progress and some thoughts on future environmental matters expected to come before our legislature. And finally, members were treated to a great hotdog cookout with all the trimmings'. For planning purposes, we'll look at having next year's annual meeting/picnic sometime in September for a bit warmer weather.

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• **Visitors from Ecuador and Guatemala**. In October, Lake Watch hosted two guests from foreign countries who were visiting Auburn University's Department of Fisheries. **Cornelio Orbes**, President of an Indian organization in Ecuador interested in protecting watersheds in the Andes Mountains, and **Sergio Ruiz Cordova**, an AU faculty member from Guatemala, were escorted to Lake Martin by Allison Busby of Alabama Water Watch. The guests participated in a water quality class presented by

Lake Watch to Conservation Course students at BRHS's Career Tech School. Instructor **Jerry Brown's** students enjoyed a bonus presentation about the geography and environmental concerns of Ecuador and Guatemala. Later in the day, the guests toured Wind Creek State Park and Camp ASCCA to observe first-hand how public and private agencies make good use of watershed assets. They also had a close encounter with some pretty good crappie fishing off the Bronson's lakeside dock.

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• **Water quality classes.** As mentioned above, Lake Watch conducted a "*Living Streams*" water quality program to Conservation Course high school students. This was the fifth time the program was presented, and consisted of a 2-day workshop, with the first day in the classroom discussing water quality issues and various methods of testing for water quality. The second day was spent in the waters of Elkahatchee Creek collecting aquatic organisms. As in past events, we were successful in finding a nice variety of macroinvertebrates, and as always, the students got wet and learned a lot.

In late November, Lake Watch presented a water quality class to **Diane Harrelson's** Applied Chemistry class at BRHS. This was the third year we've conducted this program, and it has become a useful demonstration of the LaMotte chemical test kit, in addition to teaching young adults about the practical application of chemistry and about important water quality issues.

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**LOOKING AHEAD - 2001**

• **Watershed Analysis.** As mentioned in the September 2000 newsletter, a partnership between Auburn University, the City of Alexander City, and Lake Watch was formed earlier this year to seek funding from the US Department of Agriculture for a multi-year scientific study of the Lake Martin watershed from Martin Dam to Lake Wedowee Dam. The initial grant request to USDA was not successful, so a similar request was sent to the US Environmental Protection Agency by Dr. Bill Deutsch and Auburn University. We hope to hear something positive about the new request by early next year.

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• **Stakeholder Committee for the Middle Tallapoosa Watershed.** The committee, under the excellent leadership of Alexander City **Mayor Don McClellan**, has held three meetings and is focusing on actions that can be taken by municipal and county governments, local industries, businesses, and citizens to help protect and enhance the Lake Martin watershed. Although this is a long-term process, an early start will be made on improving public awareness of water quality issues. The committee will tap into local media sources, including newspaper, magazines, TV/radio, newsletters, and presentations to civic organizations in an effort to educate citizens about the many ways our waters are degraded. Among the sources of pollution that will be addressed are pesticides and herbicides, storm water runoff, septic tanks, clear cutting without proper buffers, faulty sewage treatment plants, poultry and other animal waste runoff, highway and residential construction site runoff, and many others.

A key element of this committee will be the collection and analysis of various water quality data from several agencies, including Auburn University, Alabama Water Watch, Lake Watch, ADEM, and Alabama Power Company. That's why the grant request to EPA mentioned above is so critical. The Stakeholder Committee offers real promise toward making progress in protecting Lake Martin and the Tallapoosa River above the lake. Lake Watch is fully committed to the project.

• **End-of-year giving.** As you plan for charitable giving this year, please consider making a contribution to the **Legal Environmental Assistance Foundation (LEAF)**. LEAF has always been there for Lake Watch (at no cost), and they'll be there for the long haul. I don't know of another similar organization that accomplishes more with less than LEAF. They are a 501 (c) (3) organization, so your contribution is tax deductible. LEAF's address is: 1114 Thomasville Road, Suite E, Tallahassee, FL 32303-9977. Thanks!

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• **Lake Watch: 1991 - 2001.** As Lake Watch enter its tenth year, the future looks great. Lake Martin is still the cleanest lake in the state and region, and our monthly monitoring program continues to flourish under the hard work of our volunteer coordinator, **Virginia Pietrzykowski** and our dedicated **volunteer monitors**. Our close association with Alabama Water Watch and Auburn University will continually provide new opportunities for involvement in water quality activities. Our water quality programs for schools is increasingly popular and provides great opportunities to educate our youth about important water quality issues. And finally, the **Lake Watch reputation** continues to shine statewide as a strong **advocate for stewardship of our natural resources**. In other words, the years ahead promise to be even better!

*From the Lake Watch Board of Directors, we wish you Happy Holidays!*

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**LAKEWATCH** of Lake Martin  
P. O. Box 72  
Alexander City, AL 35011

# Lake Watch

of Lake Martin

Newsletter No. 25  
16 May 2001

Dick Bronson, President  
(256) 825-9353

It's time for an update on lake happenings and a reminder that annual dues are due in May. Please send in your renewal slips and encourage your friends to join us. Thanks.

**FUTURE DIRECTION.** As the tenth anniversary of Lake Watch passes, with membership over 200 and the treasury in the comfort zone, the Board of Directors met on 26 March to assess how the organization is dealing with current events around the lake and to determine if the original mission and goals set in 1991 are still relevant. This "look into the crystal ball" was the result of several issues that Lake Watch has recently been involved in that address more general quality of life issues than specific water quality issues. The controversy over the **bridge to Ridge Island** was the wake-up call, although other issues such as the **marina-drinking water** matter and Lake Watch's long involvement in the "**water wars**" process contributed to this re-evaluation of the mission.

The question considered by the board was whether or not Lake Watch should focus solely on water quality testing and education, or to broaden into the **public advocacy arena** and deal with other issues that impact the lake. After much discussion, the board reaffirmed unanimously that Lake Watch will always have its special niche as the watchdog for water quality in Lake Martin through its volunteer monitoring program with Alabama Water Watch, and will continue to emphasize the need for public awareness and education about water quality issues. At the same time, the board acknowledged that the organization has a responsibility to its members to take a strong interest in matters that affect life on the lake, and affirmed this broadened mission.

**BRIDGE to RIDGE ISLAND.** As some of you know, the controversial bridge to Ridge Island (aka Chimney Rock or Acapulco Rock) is under construction and there will likely be homes on that scenic site. When the story broke in the Montgomery Advertiser in January, the public outcry was intense. Many people felt they would lose access to "their" landmarks. Others, particularly sail boaters, charged that the bridge would effectively block them from using the back (west) side of the island as an alternate north-south route and they would be forced to risk running the gauntlet of boaters and swimmers who congregate in the narrow east channel to watch people jump from the rocky cliffs.

People felt betrayed by the secrecy of the project and its impact on citizens' use of public waters. What everyone failed to recognize is the inherent right of ownership. Ridge Island has been owned by Russell Lands for many years, and they consider the bridge and 60-lot project on the island to be a part of their ongoing development of The Ridge, an upscale area that includes a large marina. So, the bridge is a done-deal. However, there are a couple of **lessons to be learned** from this episode.

**One**, the system that is supposed to allow public comment on such matters failed. That system includes Alabama Power Company who has general authority to grant the project permit, several state agencies (including the Marine Police) who must look at the permit request, and the Federal Energy Regulatory Commission who gives final approval. None of these agencies appear to have given sufficient thought to on-site issues, particularly

website: [www.lakewatch.org](http://www.lakewatch.org)



with regard to boat traffic and safety. And none deemed it necessary to include the public in the decision process. The public notice system is broken, and Lake Watch representatives are working to get some much needed changes that would allow public input, either through legislation or by rule changes. We'll keep you posted.

**Another lesson** learned is that efforts must be made to preserve islands on the lake in their natural state for public recreational use as was the intent in the original permit to build Martin Dam. John Glasier has done research into the matter of **preservation land trusts** and **conservation easements** and has met with several local island owners to discuss the economic benefits of setting aside islands while getting considerable tax breaks and still retaining ownership. This method of preserving significant pieces of land for posterity has many attractions, and you'll be hearing more about this in the future.

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**MARINA and DRINKING WATER.** Those of you who travel Highway 280 near Alexander City have noticed the large marina nearing completion just north of the Tallapoosa River bridge and its close proximity to the drinking water intake point for the Adams Filter Plant. Concerns over the possible threat to the county's drinking water source were voiced nearly a year ago. Those concerns focused primarily on potential contamination from common gasoline additives such as methyl tertiary butyl ether (MTBE), either in liquid form or from expended fuel. MTBE is classified by EPA as a carcinogen; it is water soluble; and it is easily dispersed into the water via marine engine propeller hub exhausts. MTBE contamination is a problem throughout the country, and several municipal water systems have closed down because of such contamination.

It seemed last Fall that concerns would be addressed when the City committed to moving the intake pipe a safe distance upstream. However, it now appears the pipe will not be relocated until several months after the marina is in full operation, and there will be an interim period when the drinking water system is threatened. Final approval of the project is in the hands of the Federal Energy Regulatory Commission, who announced in April an opportunity for public comment (FERC cut-off date is 20 May 2001).

Lake Watch submitted a letter to FERC pointing out the potential threat to public health, as did other agencies and individuals. The Lake Watch letter **recommended approval of the permit with certain conditions** to cover the interim period before the drinking water intake pipe is moved upstream. **First**, that the relocation project be completed with all due haste. **Second**, that twice-weekly testing for MTBE and other related contaminants be conducted, and the test results posted in local newspapers. And **finally**, that the City and the marina prepare an emergency backup plan in the event any contamination occurs.

The City's commitment to move the intake pipe a safe distance upstream to protect the drinking water supply should satisfy public concerns and, in the process, the City gets another new business. Looks like a win-win situation for everyone.

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**MARTIN DAM REHAB.** Alabama Power Company has applied to the Federal Energy Regulatory Commission (FERC) for a permit to upgrade three of the four turbine-generator units at Martin Dam. Lake Watch recently joined the Alabama Rivers Alliance

and the American Rivers organization in a motion to intervene in the proceedings to encourage the installation of generators with aeration technology that will raise dissolved oxygen concentrations in the discharges from the dam to a minimum of 5 mg/l. Historical records from ADEM and the U.S. Fish & Wildlife Service indicate that dissolved oxygen levels in the Martin Dam discharge have fallen below 4 mg/l at times, and as we know from our Alabama Water Watch training, dissolved oxygen levels below 5 mg/l cause stress to aquatic life downstream.

Alabama Power Company argued against our intervention, and contends they are only required to maintain a dissolved oxygen level of 4 mg/l under their current license. However, the proposed changes to the dam would cause a significant enough increase in the hydraulic capacity of the project to trigger more stringent water quality standards, including a minimum dissolved oxygen level of 5 mg/l. In a recent letter, FERC **granted approval** of the motion for Alabama Rivers Alliance, Lake Watch, and American Rivers **to intervene**. We'll keep you posted on progress.

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**SUGAR CREEK APPEAL.** As announced in an earlier newsletter, the Legal Environmental Assistance Foundation (LEAF), filed an appeal on my behalf against ADEM's approval of the permit to re-locate the City's Sugar Creek Waste Water Treatment Plant discharge into the main Tallapoosa River. The basic contention is that ADEM failed to properly require necessary evidence that all reasonable and technically feasible treatment alternatives were considered that might eliminate or reduce potentially harmful substances in the discharge. Russell Corporation and the City of Alexander City intervened with ADEM. The hearing, originally scheduled for mid-May, has been postponed for 30-45 days.

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**EDUCATION GRANT.** Many thanks to Representative Betty Carol Graham for honoring Lake Watch with a \$1000 education grant. The award, presented at a ceremony at Central Alabama Community College on 12 January 2001, will be used to continue our water quality educational initiatives in the Tallapoosa River basin.

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**CAMP ASCCA.** For the fourth consecutive year, Lake Watch provided a 3-day "Living Streams" program to 100 energetic, smart and well-mannered St James School 5<sup>th</sup> graders at Lake Martin's Camp ASCCA on 4-6 April 2001. Instruction was provided by Kimberly Johnson of Auburn's Water Watch office, John Glasier, John Durr, John Scott, Susan Hudson, and the Bronsons. This event has many rewards for the instructors as well as the kids, and we look forward to a repeat performance next year.

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**NEW PURCHASES.** The Lake Watch board approved the purchase of two pieces of equipment that will be very useful: a **digital camera** so we can post photos of Lake Watch events on our website, and a **YSI digital dissolved oxygen meter**. The meter allows us to conduct DO profiles at various depths in the lake, and for spot checks around the lake where water quality problems are suspected. It will also be handy for quality control checks during monthly monitoring sessions and re-certification workshops.

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**WATER WARS.** The deadline for water allocation agreements for the Alabama-Coosa-Tallapoosa (ACT) and the Apalachicola-Chattahoochee-Flint (ACF) river basins was extended again, this time to **15 June 2001**. For the ACT, it appears that Georgia and Alabama are close to agreement. Once that announcement is made, we enter a 60-day public review-comment period before the governors can actually sign on the dotted line.

That's when the 255-day federal review period begins. Nearly a dozen federal agencies, including the Environmental Protection Agency and the U.S. Fish and Wildlife Service, will conduct the Environmental Impact Statement review and make their recommendations to the Federal Commissioner who has final approval authority.

A close look at the proposed ACT agreement reveals that it clearly favors Georgia over Alabama, since Georgia enjoys the upstream, first-use benefit and can consume water to satisfy their projected demands during low flow periods (summers and droughts), while Alabama's water consumption will be constrained because of withdrawal limitations prescribed in the formula. The good news is that Governor Siegelman's staff has agreed to support **water quality modeling** of the pending ACT agreement to assess impacts in the upper reaches of the Coosa and Tallapoosa river basins. It seems almost a lifetime ago since Lake Watch representatives and others began stressing the important linkage between water quality and water quantity to our state negotiators, and it appears that our voices are being heard. Clearly there is still much more ahead on this matter before we can stop using the term "water wars".

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**MIDDLE TALLAPOOSA STAKEHOLDERS COMMITTEE.** The committee, announced in an earlier newsletter and chaired by Alexander City Mayor Don McClellan, has held several meetings and is headed in the right direction to take a proactive role in protecting the middle stretch of the Tallapoosa River and Lake Martin, and to enhance the vital economic potential of these waters. The Technical Subcommittee is collecting data from a variety of agencies and will soon begin the analysis phase to determine areas of concern. The Education-Outreach Subcommittee has considered a variety of public education initiatives that will be looked at for implementation soon. Lake Watch has representatives on both subcommittees and is committed to their success.

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**CANOE-A-THON.** Join Lake Watch folks and LEAF supporters in our annual canoe trip down the Tallapoosa River on **Saturday 2 June 2001**. We'll launch at **9:00 AM** from the **old covered bridge** site 10-miles north of Dadeville on Highway 49, and take out at **Jaybird Landing**. The trip is an easy 5-mile float and we'll pass the Irwin Shoals area where numerous Cahaba Lilies grow. It will be an excellent opportunity to take photos of the lilies in bloom and to enjoy an outing on a beautiful section of the river.

In conjunction with our float event, LEAF members are conducting a **canoe-a-thon fundraiser** to help continue their efforts in protecting the fragile environment in Alabama. Lake Watch will sponsor the fundraiser and we are seeking pledges of dollar amounts to LEAF for each mile paddled. This is a great way for Lake Watch members to demonstrate just how much we appreciate the great legal advice and assistance from LEAF for the past ten years.

Enclosed is a **pledge card** for the canoe-a-thon that I hope you will use. You can send the card and your check directly to **LEAF at 1114 Thomasville Road, Suite E, Tallahassee FL 32303-6290**, or to me and I will forward it. Remember that we'll paddle for 5 miles, so please make your donation a generous one. Remember also that a donation to LEAF, like your membership in Lake Watch, is tax deductible.....and it's for a heck-of-a good cause! Please join us on the canoe trip. See you at the river at 9:00 AM on 2 June.

**ENVIRONMENTAL FORUM.** The **Dadeville Chamber of Commerce** has formed an Environmental Committee to focus on matters that impact Lake Martin. John Glasier is the committee chairman, and members include Dr. Dobbie Pitman (retired physician), Dave Crosslin (Dadeville businessman), Dave Heinzen (Still Waters Yacht Club), and Dick Bronson (Lake Watch). The committee met several times and is taking a proactive approach toward actions that will enhance the economic value of the lake. One early initiative will be to conduct a series of **Environmental Forums** to give people an opportunity to voice their concerns about issues that affect the lake. A variety of state agencies will be invited to participate in the forums, including the Alabama Department of Environmental Management, the State Department of Health, the Department of Conservation and Natural Resources, and the Office of Water Resources.

Lake Watch and the Dadeville Chamber of Commerce will co-host the first **Environmental Forum** at the **Still Waters Resort Conference Center** on **4 June 2001** at **6:30 PM**. Officials from ADEM's Groundwater Branch will be present to respond to concerns about the proposed underground injection system for handling waste water from the new Long Leaf subdivision planned for the Blue Creek area of the lake. Please make an effort to attend the forum. See you there!

**ALABAMA WATER WATCH ANNUAL MEETING & PICNIC.** The Water Watch annual meeting and fish fry picnic will be held in **Auburn** on **Saturday 16 June 2001**. This is a great way to meet members of other grassroots groups similar to Lake Watch and exchange ideas. Lake Watch has always been well represented at this event, and everyone is encouraged to attend. Registration begins at **9:00 AM** in the **Pharmacy Auditorium** (corner of Thach & Duncan), followed by awards, and a short program. The event then moves to the **AU lakeside pavilion** north of Auburn where we'll be treated to an excellent (and free) catfish lunch. The Alabama Water Watch office needs our **RSVP** by **1 June**, so please call Mary Ann (825-9353) or Virginia (825-6412) quickly.

**LAST MINUTE REMINDER of COMING EVENTS.**

**Canoe trip and LEAF fundraiser Saturday 2 June; depart 9:00 AM**

**Environmental Forum Monday 4 June at Still Waters; 6:30 PM**

**Water Watch annual meeting/picnic 16 June; Auburn University; 9:00 AM**

**MEMBERSHIP RENEWAL TIME.** A reminder that it's membership renewal time. Please send in the enclosed slip with your check. For those members whose renewal month isn't in the May-May cycle, there is a notation on the enclosed membership slip to indicate your renewal month. Thanks for your continued loyal support of Lake Watch!

# Lake Watch

of Lake Martin

Newsletter No. 26  
26 September 2001

Dick Bronson, President  
(256) 825-9353

**Where to begin?** The overwhelming events of 11 September made what seemed to be important issues now pale in comparison. That terrible Tuesday was surreal for all of us, and if you are like me, you remained glued to the TV, all the while not wanting to see. And uppermost in my mind was the knowledge that our lives and those of our children and grandchildren have changed forever. But, as I told one of my children, the sun will still come up tomorrow. And it did, even though folks on the street still have that "thousand-yard stare." Me too.

**Remembrance.** Lake Watch lost a trusted member when Stan Pietrzykowski died on 19 July from complications following by-pass heart surgery. Our neighbors and best friends, Stan and Virginia were among the original people who gathered 11 years ago to express mutual concerns over plans for a municipal landfill next to the lake. Little did we know this would lead to the formation of a grassroots organization called Lake Watch. Stan was always there in the background with his quiet and well-reasoned advice. A Navy veteran of World War II, a talented stained glass artist, a husband and father, Stan is sorely missed by many. Our deepest condolences to Virginia.

**Water Wars.** The deadline for a water allocation agreement between Georgia and Alabama for the Alabama-Coosa-Tallapoosa (ACT) River Basin was extended again, this time to 13 November 2001. The two states seemed close to a deal with their 6 July 2001 draft allocation proposal until a legal analysis was released on 11 September 2001 by George William Sherk, a highly respected water rights lawyer from Alexandria, VA. In his analysis, Sherk cites important legal pitfalls in the proposed agreement, two of which are discussed below.

**Reasonable use.** Although earlier versions of proposed allocation agreements included provisions for caps on water use by Georgia, the two states scrapped those provisions and have now included the doctrine of "reasonable use" consumption limitations in the 6 July 2001 proposal. However, as Sherk points out, this policy has serious flaws, particularly for Alabama. The amount of water that Georgia uses may be reasonable in a normal year but excessive in a dry year. And who determines what is reasonable water use? Sherk states that, "in fact, the 'reasonable use' limitation is not a limitation at all."

**Federalism issues.** Sherk cites numerous specific instances in the current proposal that are in direct conflict with federal laws or regulations, particularly with regard to how federal reservoirs in Georgia are operated.

Sherk's analysis of the 6 July 2001 proposed ACT allocation agreement concludes:

*"In its present form, the draft Allocation Agreement is neither good law nor good policy. Except as a first draft of a subsequent agreement, it does not warrant further consideration."* Hmmm, pretty strong!

With respect to the current proposal, it appears that most of the concerns about the possible negative effects on the Tallapoosa River basin have been addressed, and the

impact on our river and Lake Martin will be minimal. However, the same cannot be said for the Coosa River basin of the ACT. For example, the impact on Weiss Lake and its important fishery could be substantially damaging because of reduced flows and high pollution loadings, particularly during drought years. So, although considerable progress has been made in the negotiations, there is more work to be done before the proposed agreement will pass muster by the federal agencies that have the final say in the matter.

**Canoe-a-thon.** Lake Watch members and friends experienced a wild 'n wet ride down the Tallapoosa River on Saturday 2 June. Twenty canoes and a kayak started out from the old covered bridge site on Highway 49 for a fund-raising event for LEAF (the Legal Environmental Assistance Foundation folks who have been our source of legal advice for 10 years). Along the way on what was supposed to be a leisurely 5-mile trip, we planned to observe the Cahaba Lilies growing among the shoals.

Well guess what? We didn't pay enough attention to the huge amount of rain that fell upstream in the watershed a day or so before. The river was a raging torrent and, as we were about to find out, not very forgiving.

Several canoes capsized, including yours truly with Mary Ann and granddaughter Andrea aboard, and we found out quickly just why we wear lifejackets. Others decided they had had enough fun for one day and walked back to the launch point. The editor and a reporter from the *Alexander City Outlook* decided to go for a swim (a loooooong swim), and were rescued from a fallen tree a couple of miles downstream. The most frustrating part of the day was that those who we predicted would get wet managed to sail right past the rapids all the way to the take-out point. There's no justice!

We did manage to raise nearly \$3000 for LEAF and had fun too. And the crazy part is that all participants vowed to come back next year.....with one key proviso.....that we do a better job of watching the weather patterns. 'Nuf said!

**Grants.** Lake Watch was the beneficiary of several environmental grants the past year for which we are grateful. The Neal Andrews Foundation of Birmingham started us off in January with a \$500 grant, soon followed by a state environmental education grant of \$1000 from Representative Betty Carol Graham. Earlier this month we received another state environmental education grant of \$1500 from Senator Ted Little, and last week we received a \$1000 grant from Brad McLane's Alabama Rivers Alliance for advocacy work in the water allocation process between Georgia and Alabama. Our sincere thanks for those who helped make these grants a reality.

**Treasury and membership.** As you might guess from the grants described above, the Lake Watch treasury is in the comfort zone at just over \$7500. Anticipated expenditures include a digital camera and some additional equipment for our *Living Streams* environmental education program. The treasury now provides Lake Watch the opportunity to assist in partnership funding for water quality monitoring efforts by the Middle Tallapoosa River Basin Stakeholder Committee. That will be the topic of a meeting of the Board of Directors soon.

Lake Watch membership continues to grow at over 200 members, and dues receipts are projected to keep the treasury in good shape. We began our website a year ago, and since then more than 20 new members signed up via the internet. The website has more than paid for itself, and we've barely scratched the surface on ways to put the site to better use. In fact, if any members have ideas for our website, please call or email me at [dbronson@lakemartin.net](mailto:dbronson@lakemartin.net). Reminder: website is at [www.lakewatch.org](http://www.lakewatch.org).

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**Drinking water.** According to the local media, plans by Alexander City to move their drinking water intake pipe upstream a safe distance from possible contamination from an adjacent marina are back on track. It appears that Alabama Power Company has decided not to pursue their previous intent to charge for water as long as the City stays within their 1980 license limit of 24 million gallons per day. The Adams Filter Plant is undergoing extensive capacity upgrade, and it is likely that APC will invoke their authority to charge for water when the City's withdrawal exceeds their current limit.

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**Scout program.** On 10 July, Lake Watch conducted their *Living Streams* environmental education program to a group of Boy Scouts from the Alexander City area at the Elkahatchee Creek bridge site. Several people assisted the kids in the water, including Bill & Linda Stewart, Audra Jones (County Health Department), Shelby Richardson (foreman at the City's Sugar Creek WWTP), and the Bronsons. A bonus surprise was the appearance of a film crew from Alabama Public Television who interviewed several participants and produced a nice segment on Channel 7 that evening. Several of the kids appeared on TV and really did well when interviewed.

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**Rehab of Martin, Yates and Thurlow dams.** As discussed in the 16 May newsletter, Lake Watch has joined the Alabama Rivers Alliance and the American Rivers organization in an appeal to the Federal Energy Regulatory Commission to require that Alabama Power Company use turbine aeration technology that will increase dissolved oxygen levels of the discharge water to a minimum of 5 mg/l from all three dams. The US Department of Interior (on behalf US Fish & Wildlife Service) has recently moved to intervene in order to protect the public interests in this matter. More on this in the future.

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*Annual meeting. The Lake Watch annual meeting will be held at the Elks Lodge in Alexander City on Saturday 20 October 2001. A catered lunch provided courtesy of Lake Watch will begin at 11:30 AM, followed by a short business meeting when we'll elect new board members to existing vacancies. Our guest speaker will be Dr. Bill Deutsch of Auburn University who will discuss how the Alabama Water Watch program is quickly becoming an international program. He will show slides he has taken in many foreign countries to show how others view the critical and spiritual importance of water in their lives. We've also invited Alexander City Mayor Don McClellan to give us a short update on his*

*committee's plans to conduct a long-term monitoring and analysis of the middle Tallapoosa River watershed. Lake Watch is an active participant in this effort.*

*Since this is a catered lunch, we must know how many members will attend.*

*Please call or email Bronsons at (256) 825-9353 | [dbronson@lakemartin.net](mailto:dbronson@lakemartin.net) or Glasiersat at (256) 825-1942 | [jag@webshoppe.net](mailto:jag@webshoppe.net) no later than Wednesday 17 October.*

*>>> Directions: the Elks Lodge entrance is 1/4-mile west of the Tallapoosa River bridge on Highway 280. Turn south on Elks Parkway and go 1-mile to the large parking lot. See you there.*

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Lake Watch of Lake Martin  
P.O. Box 72  
Alexander City, AL 35011



# Lake Watch

of Lake Martin

Newsletter No. 27  
16 March 2002

Dick Bronson, President  
(256) 825-9353

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I've waited awhile since the last newsletter for some important news items. And, of course, to let you know it's time for membership renewal. Here goes.

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**Board meeting:** The Board of Directors met on 1 October 2001. Treasury status was at \$7500 (included generous grants for environmental education programs from Representative Betty Carol Graham and Senator Ted Little, and a nice grant from the Alabama Rivers Alliance for water allocation advocacy. Anticipated expenditures included a digital camera, annual meeting, and water testing equipment. The Board approved awarding a Lake Watch grant of up to \$1000 to the Middle Tallapoosa River Basin Stakeholder Committee (Lake Watch is a member) for monitoring equipment. The grant may be awarded after the committee obtains tax-exempt status.

The Board acknowledged the resignation of board members Ricky Brand and George Chandler who moved out-of-state, and extended best wishes for their outstanding service to Lake Watch. John Durr of Montgomery was nominated to fill one vacancy, and nominations for the other vacancy will be sought at the annual meeting.

The Board discussed and gave strong support to efforts by the Environmental Committee of the Dadeville Chamber of Commerce to determine the feasibility of an extended summer-fall full pool and a higher winter pool regime on Lake Martin. Committee representatives have been in contact with Alabama Power Company, the Lake Martin Resource Association & Russell Lands, state agencies, and other stakeholders to gauge support and to help with a collective effort for action. (see related item on page 4)

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**Annual meeting.** A nice turnout attended our annual meeting at the Elks Lodge on 20 October 2001 for a catered lunch. Special guest was Alexander City Mayor McClellan who gave a short presentation about the work of the Middle Tallapoosa River Basin Stakeholder Committee, which he chairs. This was followed by Dr. Bill Deutsch and an enlightening presentation about how his work with other countries is fast becoming an **International Water Watch** program. During the short business meeting, John Durr and Judy Palfrey were elected as new members to the Board of Directors, while John Glasier, Bill Stewart, and Faye Gould were re-elected to the Board.

The **Woodfin Martin** award was symbolically presented to the many volunteer monitors for their work through the years in the lake monitoring program. Their dedication in collecting highly accurate water quality data has been repeatedly recognized by Alabama Water Watch as the standard for other state groups. Well done, volunteers!

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**Board meeting.** The Board of Directors met on 13 February 2002. Treasury status was reported at \$5555, and the board acknowledged a generous grant from Neal Andrews. A high-quality digital camera has been purchased for use during environmental education programs and to document water quality degradation instances in the watershed. The

Board acknowledged the resignation of Faye Gould due to family obligations, and extended sincere thanks for her dedicated service to Lake Watch.

The status of several actions was discussed by the Board:

- **Appeal vs Federal Energy Regulatory Commission** concerning the rehab of Martin, Yates and Thurlow Dams. Lake Watch has joined the Alabama Rivers Alliance and American Rivers in the appeal to FERC. The US Fish & Wildlife Service has also joined with the environmental side. Case is pending.
- **Appeal vs Alabama Department of Environmental Management** regarding their failure to properly apply federal anti-degradation rules for the Sugar Creek wastewater treatment plant discharge relocation. The Hearing Officer recently ruled against the appeal, and that ruling was appealed to the Environmental Management Commission. The final decision is expected to be determined at an EMC meeting on 9 April 2002. [Note: a recent decision by the Alabama Supreme Court that ADEM's anti-degradation rules adopted in 1997 are invalid and unlawful may have some bearing on this case.]
- **Enforcement action by Department of Justice** concerning water quality violations by the Sugar Creek wastewater treatment plant. This action resulted from a Lake Watch request to the Environmental Protection Agency more than two years ago to investigate past violations. In early March 2002, a settlement agreement was reached between DOJ and defendants Russell Corporation, Avondale Mills and the City of Alexander City to pay a fine of \$30,000 and contribute \$197,000 to a Supplemental Environmental Project. The SEP funds will be used to purchase property in the Lake Martin area through an Open Land Trust to preserve and protect land for present and future generations.

**Petition to the EMC.** David Ludder of the Legal Environmental Assistance Foundation has filed a petition to the Environmental Management Commission on behalf of Lake Watch and a number of other state environmental organizations. The petition requests that the EMC provide an opportunity for public comment during their regular meetings. Currently, the EMC does not allow public comment at their meetings, although they do allow comments from the Director of ADEM and other ADEM officials on public matters. This petition will be addressed at the next EMC meeting on 9 April 2002.

**ACT water allocation negotiations.** As many of you know, the negotiating teams for Georgia and Alabama met in early January to have another try at reaching agreement over allocation of the waters of the Alabama-Coosa-Tallapoosa (ACT) River Basin. The result was another extension of talks, this time for a full year to January 2003. This will allow sufficient time for technical committee meetings and computer modeling of the proposed agreement. An added benefit is that the extension gets the "water wars" issue off the table during the upcoming election year. A good move for sure!

It appears we're on the right track to an ACT agreement. Some problems still remain, particularly with regard to flows in the Coosa portion of the ACT, but things look pretty good for the Tallapoosa portion. An item that hasn't gotten much attention is that Georgia has withdrawn their permit request for the large reservoir on the Tallapoosa and they're

now looking at the possibility of a smaller reservoir on Beech Creek, a tributary to the Tallapoosa River in Georgia.

Lake Watch representatives have participated in and provided input to all ACT meetings since the beginning of negotiations. We'll continue to do so and keep you advised.

**LEAF President to resign.** Many of you know the great work done by the Legal Environmental Assistance Foundation, but probably not many of you know the real driving force behind LEAF. Suzi Ruhl has been President of LEAF since its inception in Birmingham 23 years ago. There aren't enough words to describe the positive impact Suzi and LEAF have had on the lives of people in Alabama, Florida and Georgia as well as many other parts of our world. We in Lake Watch have valued the assistance and advice from Suzi and her staff for over 10 years. Thanks Suzi for your dedicated service, and best wishes in your retirement.

**Camp ASCCA.** Lake Watch volunteers will provide the *Living Streams* program to two groups at Camp ASCCA this spring.

- April 3, 4 & 5: 100 fifth-graders from St James School (Montgomery)
- May 4-5: 60-70 children ages 7-14 yrs from the Wiregrass Hospice

And at press time, we received a request from the Tallapoosa County Extension office to provide a water quality program for over 500 fifth-graders from four county schools in late April and early May. **Wow!** If we ever needed proof that we need more volunteers for our *Living Streams* program, this is it. We have a good cadre of volunteers for our stream-walk program but can certainly use more help. If you're interested in helping, please give me a call. The only requirement is to wear clothes you don't mind getting wet—and wear a big smile for the kids. Call me at (256) 825-9353.

**Legislative report.** The Alabama League of Environmental Action Voters has worked overtime during this legislative session on behalf of state environmental organizations. Here are a few items AlaLEAV helped make happen.

- The Clean Vessel Act finally passed and was signed by the Governor. It lays out some good requirements for state agencies to enforce the law against dumping sewage from boats, and also lays out a grant program to encourage marina owners to install pump-out stations.
- The so-called Family Farm Preservation Act, sponsored and pushed by ALFA, was soundly defeated. A number of statewide newspapers had strong editorials against the bill and correctly identified it as the "pig farm bill". The bill actually had nothing to do with preserving family farms, but everything to do with making it possible for large animal operations to proliferate in the state and operate with impunity. Good riddance--and good work AlaLEAV!
- A bill that would place a one-year prohibition against ADEM from issuing a permit for a rock quarry in Lee County has been introduced by Senator Ted Little and Representative Johnny Ford. The quarry would do irreparable harm to the Saugahatchee Creek watershed and we applaud the two legislators for taking on this issue. AlaLEAV is working hard to gain support for the bill.

**Lake Martin pool regime.** As reported at the October 2001 Board meeting (page 1), representatives of the Dadeville Chamber of Commerce's Environmental Committee had been looking into the huge economic benefits of changing the lake pool regime to maintain a longer summer-fall full pool and a higher winter pool. Similar efforts were made over the past 10 years by the Lake Martin Resource Association and Russell Lands, but timing was never quite right. However, timing appears better now for several reasons:

- 1) Computer modeling as a result of the water allocation talks with Georgia allows a better understanding of water management issues and techniques;
- 2) The relatively new lake upstream (Lake Harris) at Wedowee provides a buffer for better river basin control during flood conditions; and
- 3) Early preparations by Alabama Power Company for federal re-licensing of Martin Dam (still several years off) requires a fresh look at how the lake is managed.

During the past several months, Chamber committee members contacted virtually every major stakeholder and agency about possible changes to the lake pool regime, and the initial response was enthusiastic and unanimous. Everyone recognized the enormous economic benefits to the area and gave strong encouragement. However, last month things changed when LMRA representatives began discouraging interference with the "plan" they had been "working behind the scenes" for years with Alabama Power Company (as stated in the LMRA newsletter and the *Lake Martin Living* magazine). As a result, the Dadeville Chamber Board directed their Environmental Committee to cease work on the project and decided they would only support the work of LMRA on this issue.

This 'about face' by the Chamber Board only increased the resolve of those working on the issue. As a result, a **coalition of organizations and supporters** has been formed by lake resident Dave Heinzen to continue the effort. CALM (Coalition of Associations at Lake Martin) includes a number of organizations, including homeowner groups, fishing associations, boaters, and environmental organizations. The short-term goal of the coalition is to **open up the dialogue to the public** and ensure that **all interested stakeholders have a seat at the table** when lake level issues are discussed. The coalition has written to Alabama Power Company requesting an early meeting to explore the feasibility of changing the lake pool regime.

All of this points to the need for establishing a **comprehensive management plan** for the Tallapoosa River Basin, a mission that clearly falls within the responsibility of the Office of Water Resources (ADECA). Thus, the long-range goal of CALM is to encourage and work with OWR toward this objective. These are, after all, public waters and the public must have a say in determining their most beneficial use. An excellent editorial in this regard entitled, "Lake Martin: Ain't It Supposed To Be Our Lake Too?" appeared in the March 2002 issue of the *Tallapoosa Plain Talker* ([www.plaintalker.com](http://www.plaintalker.com)). In the piece, Editor Tom McElroy asks, "Who speaks for Joe Lunch-Bucket?" Good question, Tom. According to coalition organizers, all stakeholders will have an opportunity to provide input on lake management issues.

Lake Watch is in full support of CALM and their goals, and we'll have more to report on their efforts in future newsletters.

**New T-shirts and hats.** We have a new batch of Lake Watch T-shirts and hats for sale. The shirts have the same *Lake Watch/Lake Martin* logo on the front, and the *Alabama Water Watch* logo on the right sleeve. On the back is a new design—a water scene with the logo, “*We’re all about water*”. Shirts come in sizes S, M, L, XL & XXL; also in 5 colors: white, beige, gray, sand, and sage. Hats have an embroidered *Lake Watch/Lake Martin* logo and come in a variety of color combinations. Prices for T-shirts are \$15 ea or 2 for \$25; hats are \$10 ea. Let us know how many you need—remember, they make nice gifts. And hurry, they’re goin’ fast!

**Membership renewal time.** As spring approaches, so too does the time for renewing your Lake Watch membership. Many of you have been members since we formed in 1991 and we thank you for your continued loyalty. Others have joined after learning of our efforts to protect and improve lake water quality from their friends and neighbors. An increasing number have joined through our website ([www.lakewatch.org](http://www.lakewatch.org)). So, no matter how you became a member, we appreciate your staying with us and helping to support Lake Watch goals.

For those who want to help spread the word about Lake Watch, I have plenty of brochures and the *Alabama Water Watch Lake Martin Report 2000* available. Contact me and I’ll get them to you. Phone (256) 825-9353 or email [dbronson@lakemartin.net](mailto:dbronson@lakemartin.net).

Please tear off the enclosed membership slip below and send in your renewal check. Most members have a May due date, but for those with other months, your renewal date is noted on the form. Thanks again for your support.

tear off and return  
**LAKE WATCH** membership application     renewal     new    **MAY 2002-03**  
name \_\_\_\_\_ telephone \_\_\_\_\_

address \_\_\_\_\_

\$10 for 1 person     \$20 per family     \$25 business/orgn     other \_\_\_\_\_

(Lake Watch is a 501(c)(3) all-volunteer, non-profit organization, so your contribution is tax deductible.)

>>>mail to: Lake Watch of Lake Martin, P.O. Box 72, Alexander City, AL 35011

# Lake Watch

of Lake Martin

Newsletter No. 28  
22 August 2002

Dick Bronson, President  
(256) 825-9353

(new) > dbronson@charter.net

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Summer is nearly over---not sure where the time went---and it's time to update members on several items of interest.

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**Treasury status.** The treasurer's report shows the Lake Watch balance at just over \$7000. This amount includes a generous grant for environmental education purposes from State Representative Betty Carol Graham. This puts us well into the comfort zone for funds and provides us the flexibility to assist other like-organizations and still conduct what has become our major focus---public awareness of water quality issues. (more on that later)

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**Membership.** The number of paid members continues to increase and now stands at 250 (courtesy copies bump our mailing list to 300). We've never done membership drives; instead we've relied on word-of-mouth and our reputation for good works. And it works for us. So does our website which generates more than enough new members to pay for site maintenance costs. Bottom line: we're in good financial shape which is rare in these days of failing businesses and falling stock markets, and we have a comfortable number of members who are interested in water quality. Not bad!

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## **Legal matters.**

- **Appeal vs. Federal Energy Regulatory Commission concerning the rehab of Martin Dam.** Last year, Lake Watch was invited to join with the Alabama Rivers Alliance and American Rivers to appeal FERC's approval of Alabama Power Company's permit to upgrade three of the four turbines in the dam without first requiring water quality certification from ADEM. The appeal is supported by state and federal fisheries agencies to help protect the bio-diversity downstream from the dam. Attorney Generals from 19 states, including Alabama, also joined the appeal on our behalf. The pro bono legal team will present oral arguments in the U.S. Court of Appeals, Washington, D.C. on 21 November 2002.

- **Appeal vs. ADEM concerning pretreatment of the Sugar Creek treatment plant discharge.** The appeal was filed by LEAF attorney David Ludder in an effort to require ADEM to properly apply federal anti-degradation rules, specifically those dealing with full consideration of industrial wastewater pretreatment. The Environmental Management Commission ruled in favor of ADEM, and the decision was appealed to the Montgomery Circuit Court. Oral arguments are expected this fall.

- **Raintree residents vs. Russell Corporation and Avondale Mills.** A second group of Raintree residents filed suit some two years ago because of lower property values due to the discharge of pollutants into the lake from the Sugar Creek wastewater treatment plant. The trial is now scheduled for January 2003 in Birmingham.

- **Enforcement action by Department of Justice.** As reported earlier, a settlement agreement was reached between DOJ and defendants Russell Corporation, Avondale Mills and the City of Alexander City for violations of the Federal Clean Water Act regarding the Sugar Creek wastewater treatment plant. The agreement required a specified fine and a requirement to fund a Supplemental Environmental Project in the local area, and final action on the SEP is pending.

As a follow-up to the settlement agreement, Lake Watch petitioned EPA to conduct a Site Assessment of the Sugar Creek-Elkahatchee Creek basin, citing the 'unfinished business' of determining whether materials deposited on the lake bottom in that area pose a threat to public health. Recently, an official from EPA Region 4 in Atlanta stated that EPA approved the request and has the site assessment scheduled for FY2003. As most Lake Watch members know, a large amount of sewage sludge still remains on the lake bottom, and the question remains whether it contains potentially harmful materials from the plant discharge. It is hoped that these EPA tests will provide final closure to a long and contentious issue.

**Water Wars update.** The Office of Water Resources (ADECA) has scheduled two Town Hall meetings to discuss the current state of a proposed Alabama-Coosa-Tallapoosa (ACT) River Basin water allocation formula. The first meeting will be held in **Alexander City on Tuesday 27 August 2002 at 6:00 PM** in the **CACC auditorium**. A **second meeting** is scheduled in Montgomery for Wednesday 28 August 2002 at 1:00 PM in the Alabama Center for Commerce, 401 Adams Avenue. Another meeting will be scheduled for Mobile sometime in September.

A key point to be discussed at the Alexander City meeting will be the possible impact to the Tallapoosa River and Lake Martin if Georgia proceeds with their plans to build a reservoir on Beech Creek near the Alabama border. Although Georgia has scrapped plans for the original larger reservoir on the Tallapoosa River, the new and smaller Beech Creek reservoir would still withdraw water from that same river and would affect flows into Alabama and Lake Martin.

The presenters will also respond to questions about Lake Martin pool levels. > **Lake Watch members are encouraged to attend the meeting at CACC on 27 August.**

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**Environmental education.** Lake Watch volunteers were busy this spring with *Living Streams* presentations to more than 600 children.

- **Camp ASCCA.** We conducted programs for two groups: 100 fifth-graders from St. James School in April, and 70 children (ages 7-14) who were sponsored by the Wiregrass Hospice in May. A number of volunteers helped: Bill Deutsch, Wendi Hartup & Emily Mills from the Water Watch office, John & Sharon Glasier, Bill & Linda Stewart, David & Diana French, Lynda Covington, Alice Norman, and Dick & Mary Ann Bronson.

- **Classroom in a Forest.** This was a program organized by County Extension Agent Tommy Futral to provide an outdoor educational experience to over 500 fifth-graders in all Tallapoosa County schools. During several days in April & May, the children were bussed to one of two Treasure Forest sites in the county (Danny Baker, Hackneyville and Bob Daniels, Dadeville) where they participated in events at stations set up in the woods. Lake Watch volunteers conducted streamside programs where we searched for macroinvertebrates and discussed land use and possible sources of non-point pollution. The entire program was an unqualified success, and plans are already underway to do it again next year---even bigger and better! Volunteers included the Glasiers and Bronsons.

- **Key point.** By now it's clear that one of the best outlets for Lake Watchers' time and talent is environmental education, particularly regarding water quality. Without question, we produce excellent data in our lake water quality monitoring program as a partner with Alabama Water Watch (more on that later). But teaching young people the importance of good stewardship of our land and water may well be our most important legacy.

- This begs the question---who is involved in the educational programs? We have an excellent cadre of volunteers, some named above, who seem always to be available. But we'll need more volunteers as we go full-bore into the *Classroom in a Forest* program. That's where you come in. Please consider putting your name on a list of possible participants for our programs scheduled for next spring. Give me a call or email and I'll send you a Water Watch booklet that gives a good sketch of what to expect. And I'll give you a guarantee: once you get in a stream and get wet with kids looking for 'bugs', you'll keep on doing it! So give me a call.

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**Water quality monitoring program.** We're into our tenth year of monitoring a dozen sites on the lake, and the accuracy and quality of our data is probably as high as any Water Watch group in the state. Dr. Bill Deutsch (Alabama Water Watch Program Director) reports that his office is nearly ready to place all monitoring data on the AWW website and have links to our Lake Watch website. His staff has worked diligently to provide a number of ways to analyze and use the data. For example, an early peek at ten years of data from just one Lake Martin test site shows an interesting trend in both dissolved oxygen and temperature. It appears that temperature is increasing (hmmm-can you spell global warming?) and so is the lower end of dissolved oxygen, a positive trend. Obviously more

information is needed before any conclusions can be drawn, but the point is, the data has real value and reaffirms the countless hours our volunteers spent collecting the data.

However, if we fast-forward another ten years, we must ask ourselves whether it make sense for Lake Watch volunteers to still be testing a dozen sites every month. Or should we use the ten-year data we already have as a foundation for a more comprehensive monitoring plan? I believe the answer lies in the work being done by the Middle Tallapoosa River Basin Committee that consists of a number of key participants (state Fisheries Department, ADEM, Auburn University, local and county governments, and local interest groups including Lake Watch). The committee is in the final stages of preparing a comprehensive water quality monitoring plan for the river section from Martin Dam upstream to Harris Dam. The plan will identify key test sites for periodic monitoring. Some of the sites will duplicate those already being monitored by ADEM and Lake Watch. Thus, Lake Watch data will still be required, albeit from a reduced number of sites.

The end result will be an even more detailed set of data in the future with several new water quality parameters. These parameters such as nutrients (phosphates, nitrates and chlorophyll a) will be added for each site and will require the use of more sophisticated equipment than available with the LaMotte test kit we currently use. There is still work to be done before the monitoring plan is complete, and Lake Watch representatives are working closely with the committee and the Alabama Water Watch staff toward that end.

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**Lake levels.** As reported in the last newsletter, a new organization called CALM (Coalition of Associations at Lake Martin) is working to establish a more public process to address widespread interest in lengthening the summer full-pool season of Lake Martin, possibly into the October-November timeframe. There is also interest in changing the winter pool regime to a less severe drop in lake levels, a topic likely to be raised at the "water wars" meeting on 27 August mentioned above.

Officials at Alabama Power Company have promised a thorough look at the matter for discussion at a public meeting solely devoted to lake levels. CALM is planning such a meeting in the early fall period, probably at the Stillwaters Resort Conference Center. Stay tuned.

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**Lake cleanup.** LMRA's fall cleanup of Lake Martin will be held **Saturday 2 November 2002**, and Lake Watch members are encouraged to participate. A future issue of *Lake Martin Living* magazine will show the cleanup areas and name/location of each coordination site.

One of the original objectives of the lake cleanup event was to schedule the event in the fall when the lake level is lower and boats can get into remote sloughs where trash and debris collect. All Lake Watch members have a stake in keeping the lake clean, whether from point/non-point source pollution, or from careless or uncaring people who fail to respect the pristine lake we enjoy. So let's crank up the boats on 2 November, take an armload of trash bags, find an island or slough that needs attention, and get with it! (Several Lake Watchers I know will be cleaning up the shores of Woods Island and Campers Island---come on out and join us.)

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**Annual meeting.** At press time, plans for the Lake Watch annual meeting are not complete. We'll have the event either in late September or early October and will notify all members of the details via postcard soon. Please watch for the notice and make every effort to attend.

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**Dues.** Many of you responded to the last newsletter by mailing in your annual renewal check. Many thanks! For those who may have forgotten, we've included a separate mail-back reminder in this newsletter. *[As some of you know, my system crashed a few weeks ago and some of the membership and dues data was lost. I've reconstructed the data as best I can, but may have inadvertently tagged some of you with owing dues. Please let me know if my records are faulty.]* Thanks again.

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It's been far too long since the last newsletter. As some of you know, our daughter Linda died two days after Christmas following a yearlong illness and that's where our priorities were directed. She was 43, left a loving husband and three beautiful children. We're getting back to near normal, at least on Lake Watch matters. Mary Ann & I thank you for your expressions of condolence.

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**Treasury status.** Our funds remain in a comfortable state, due to the many renewals by members and from generous environmental education grants from Senator Ted Little, Representative Betty Carol Graham, and Neal Andrews. We continue to gain members through our website and from personal contacts. Paid members now number nearly 300.

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**Annual meeting.** The Lake Watch annual meeting was held at the Elks Lodge on 28 September 2002 with a nice turnout. During lunch, Dan Gilliland gave a presentation about the new environmental center under construction at Camp ASCCA, and he invited visitors to this beautiful facility overlooking the lake. Drawing prizes and (winners) were: *Lake Martin Sunrise* (Dick Rack), *Cahaba Lilies on the Tallapoosa* (Beverly Duncan), and *Lake Watch T-shirt* (Minnie Bullard). Elections were held, with the following results: Dick Bronson (Pres); Virginia Pietrzykowski (Sec-Treas); board member renewals John Bishop, Kathryn Braund, and Diana French; and new board member Dick Duncan. Others remaining on the board are John Glasier (Vice Pres), Judy Palfry, John Durr and Bill Stewart.

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**Water wars update.** At the last Alabama-Coosa-Tallapoosa (ACT) River Basin commission meeting, the deadline for agreement between Alabama and Georgia on water allocation was extended to the end of July 2003. This extension was necessary for the two new governors to get involved in the process and determine whether either will take a new direction in the negotiations. Georgia Governor Sonny Perdue has promised he will take a personal role in the negotiations, and it remains to be seen how Alabama Governor Bob Riley will be involved. The Tri-State Conservation Coalition has written to both governors requesting meetings to share concerns over the pending negotiations and to ensure that water quality issues are given equal consideration with water quantity issues. Lake Watch is a charter member of the Coalition along with nearly 50 local, state and national conservation organizations.

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It appears that an equitable agreement to allocate water resources between Georgia, Alabama and Florida is still a long way off. This was made all the more apparent recently when the US Department of Justice filed suit to stop the US Army Corps of Engineers from giving metro Atlanta more water from the ACF river system, specifically Lake Lanier and the Chattahoochee River. The State of Alabama filed a similar suit against the Corps in mid-January, and the State of Florida is likely to do the same.

If this scenario sounds familiar, it should. It was in 1990 that Alabama and Florida filed suit against the Corps to stop them from allowing Georgia to construct a large reservoir on the Tallapoosa River to help with Atlanta's water supply. In 1992 the three states signed a truce, eventually leading to the tri-state water compacts and subsequent negotiations beginning in 1997. So, as Yogi Berra is alleged to have said, it's *deja vu* all over again.

The city of Atlanta has long desired to take more water from Lake Lanier and the Chattahoochee River to help sustain their growth. And, although Lanier is not part of the ACT river system that includes the Tallapoosa River and Lake Martin, the entire matter is closely linked to our future. From Atlanta's viewpoint, they must expand their sources of water, and if they can't get it from

Lake Lanier or the ACF system, the nearby waters of the ACT will look more and more attractive to their planners. Lake Watch will remain engaged in the negotiation process. Stay tuned.

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Legal matters (update from last newsletter).

- Appeal vs. Federal Energy Regulatory Commission concerning the rehab of Martin Dam.

As reported, Lake Watch is one of three organizations to appeal FERC's approval of Alabama Power Company's permit to upgrade turbines without first requiring water quality certification from ADEM. Oral arguments were made before the DC Court of Appeals in November. Our attorneys advise that arguments went very well. Result should be available soon.

- Appeal vs. ADEM concerning pretreatment of the Sugar Creek treatment plant discharge. The appeal was filed by LEAF on my behalf but was denied by the Montgomery Circuit Court. No further action is anticipated.

- Raintree residents vs. Russell Corporation and Avondale Mills. The trial is still pending.

- EPA/ADEM testing of sediment. Following an enforcement action when EPA cited the City of Alexander City, Russell Corporation and Avondale Mills for violations of the Federal Clean Water Act, the defendants entered into a Consent Decree. Lake Watch then requested that EPA conduct a Site Assessment of the Sugar Creek and Elkahatchee Creek basins to make a final determination on whether materials deposited on the lake bottom in that area pose a threat to public health. EPA agreed to fund the necessary sampling and analysis, and ADEM is working on a plan to take core samples from the basin. ADEM officials recently toured the area with Lake Watch representatives and determined that at least a dozen core samples are necessary. Plans are ongoing for the assistance of a scientist who specializes in the analysis of sediments, particularly those affected by textile dye chemicals. We'll keep you posted.

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Living Streams programs. One of the most frequently asked questions by Lake Watch members is "how can I help?" Well, there are plenty of opportunities for volunteers to help with programs this spring and summer. The only requirement is to enjoy working with kids, getting wet, and liking bugs (?). Seriously, we need more help when Lake Watch supports several events at Camp ASCCA and at locations around the county. Here is our schedule so far.

- St. James School (Montgomery). For the sixth consecutive year, Lake Watch will conduct its *Living Streams* program at Camp ASCCA for 100 fifth-graders from the school. Dates are **2 April** (Wed PM), **3 April** (all day Thu), and **4 April** (Fri AM). In addition to our regular cadre, we'll need 2 additional people on Wed PM and Fri AM, and 4 additional people for Thursday. Please give me a call if you are interested. We can train you in just a few minutes.

- Camp Fire Girls. Some 60 or so Camp Fire Girls from Alexander City will participate in an environmental weekend at Camp ASCCA and we've been asked to conduct our *Living Streams* program for them. Dates are immediately following the St. James sessions, beginning on Saturday **5 April** and possibly spilling over into Sunday morning on **6 April**. This is a great opportunity to work with local scouts and we really need to support them. Besides that, if we don't get help, the regular cadre will look like prunes after a full five days in the water (2-6 April), and you wouldn't want that would you?

- Classroom in a Forest. This will be the second year the Auburn Extension Service folks in Dadeville have presented this very worthwhile environmental program for **all** fifth-graders in Tallapoosa County (that's over 600 kids!!!). Last year, Lake Watch presented a shortened version of the *Living Streams* program and we've been asked to do so again. No firm dates have yet been established but sessions will be presented over several days in **mid-April** to **mid-May**. Again, we really need help on this.

- Wiregrass Hospice. Last year, Lake Watch conducted its *Living Streams* program for children sponsored by the Wiregrass Hospice. These were kids who had experienced a recent death in their families, and the volunteers who participated will not likely forget the heart-warming experience. They are scheduled for Camp ASCCA on **30 August-1 September**.

If any of you are interested in learning to identify aquatic insects and help with our *Living Streams* programs, even for a half-day, please get in touch with me soonest. Thanks.

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**Alexander City drinking water intake.** Mayor Don McClellan reports that the intake point for the Adams filter plant has been moved 750 ft upstream in the Tallapoosa River to provide necessary separation from possible contamination by an adjacent marina. The new system is operating well and this should close out a contentious issue where everyone comes out a winner.

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**Middle Tallapoosa Stakeholder Committee.** The committee was formed nearly three years ago under the federal Clean Water Partnership program and included Lake Watch and other organizations and agencies in our portion of the Tallapoosa River basin. The objective is to develop a watershed management plan for the area between Martin Dam and Harris Dam at Wedowee. Similar plans are to be completed for the upper and lower portions of the Tallapoosa by other committees. Initially the committee had good representation at meetings, but attendance has dwindled until it is Lake Watch and a few other attendees who remain committed.

Nevertheless, there appears to be some positive news. An extensive monitoring plan is nearly finalized that will include key test stations throughout the lake and watershed. ADEM Field Operations personnel will conduct the sampling and analysis during the critical period May through October and will test many more water quality parameters than currently done with our LaMotte test kits. This program will assess the general health of the lake and watershed, especially the critical factor of *trophic state* (more on this in future issues and in the lake report on our website). The Lake Watch board is considering changes to our current monitoring program to supplement that of ADEM and to 'fill the gaps' during months when ADEM is not monitoring.

A second but separate testing plan agreement is also nearing completion between ADEM and the City of Alexander City to monitor the Sugar Creek wastewater treatment plant discharge into the lake. Since the plant outfall was moved to the main Tallapoosa River two years ago, very little sampling and analysis has been conducted in that specific area of the lake to determine its impact on water quality. One set of samples taken last year by Auburn University revealed some puzzling results that prompted the requirement to more fully investigate. As with the ADEM testing program described above, Lake Watch will be involved in the City's testing of the Sugar Creek outfall.

In order to increase public awareness of important water quality matters, the Clean Water Partnership is developing an extensive **website** that will display an incredible amount of water quality and quantity data from around the state. Of particular interest to Lake Martin dwellers, data from the two test programs described above will be posted concerning the lake and the Tallapoosa River basin. We'll have more on this valuable tool in future issues.

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**Membership renewal.** Since we are approaching the time when most memberships are due for renewal, a separate renewal slip is enclosed with the due date annotated. As always, many thanks for your interest in keeping Lake Watch a viable organization dedicated to keeping Lake Martin the cleanest lake in the state.

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(added----) For those with friends or neighbors who might be interested in joining Lake Watch, please let me know and I'll mail you (or them) a booklet and brochure. Or they can access our website at [www.lakewatch.org](http://www.lakewatch.org) to print a membership application. Also, we have a new batch of attractive Lake Watch T-shirts and hats for sale...call us or Virginia (825-6412) and we'll make arrangements to get you whatever you need.

# Lake Watch

of Lake Martin

Newsletter No. 30  
14 May 2003

Dick Bronson, President  
(256) 825-9353

There are several items and a couple of upcoming event dates to share, so here goes.

**Alabama Water Watch annual meeting and picnic.** AWW will hold their annual catfish fry on **Saturday 7 June 2003** at the Auburn University north campus fishpond & pavilion. Sign-in begins at **9:00 AM** and the program at **10:00**. Lunch (*free*) at **noon**. Lake Watch members are invited and encouraged to attend. Please call the AWW office toll-free at **1-888-844-4785** to reserve lunch. Hope to see you there.

**Federal Appeals Court decision.** The Court of Appeals in Washington DC ruled in **favor** of Lake Watch, the Alabama Rivers Alliance, and American Rivers in an appeal of a decision by the Federal Energy Regulatory Commission to allow Alabama Power Company to upgrade three turbines in Martin Dam without first obtaining water quality certification from ADEM. We joined the suit to protest the continuation of old water quality standards for the dam that date back many years, specifically a minimum dissolved oxygen level of 4.0 mg/l in their discharge water rather than the newer federal standard of 5.0 mg/l. As we know from AU fisheries friends, a dissolved oxygen level consistently near or below 5.0 mg/l causes stress in aquatic life and has a negative effect downstream from the dam. The Court of Appeals agreed with us.

Of interest is the fact that twenty-two other states' Attorneys General, including Alabama, joined us. The Senior Counsel for the State of Washington co-argued the case before the court. We also had strong support from the federal Environmental Protection Agency, the US Fish & Wildlife Service, and our state fisheries office.

It remains to be seen whether FERC or Alabama Power will ask the court for reconsideration or appeal the case to the US Supreme Court. Another option, of course, is for Alabama Power to apply for water quality certification from ADEM. We've requested quick notification from ADEM when such an application is received and have made it clear we want a public hearing on the issue. We'll keep you posted.

**Sugar Creek testing.** A team from ADEM's Super Fund branch took water and core samples from the Sugar Creek and Elkahatchee Creek basins on 6 May to determine whether the sediment on the lake bottom from municipal and textile waste poses a threat to public health. Samples were taken from four sites for analysis by two separate labs.

The tests are the result of a request from Lake Watch to EPA two years ago following their enforcement action against the City of Alexander City, Russell Corporation, and Avondale Mills for violations of the federal Clean Water Act. It was argued that, despite the defendants' signing a Consent Decree, there remained a question about the content of sediment in the lake that could only be answered by independent tests. EPA agreed and provided the necessary funding to ADEM. Analysis results are expected within 8 weeks, whereupon a final determination will be made on possible action. More in future issues.

**Water Wars.** The new governors of Alabama and Georgia seem to have energized the negotiating process for the Alabama-Coosa-Tallapoosa (ACT) river basin. At a meeting in Dothan in April (attended by Lake Watch reps), Governors Riley and Perdue were joined by Governor Bush of Florida to jump-start the negotiations for both ACT and ACF. A draft ACT proposal is now available at [www.actcompact.alabama.gov](http://www.actcompact.alabama.gov) for viewing. The public comment period for the draft ACT proposal ends on 7 July 2003. Work is also progressing on the ACF proposal but will take more time.

At first glance, the Tallapoosa and Lake Martin seem to come out fairly well, although there is no mention of 'top-side protection' that deals with how much water can be siphoned off from both the Coosa and Tallapoosa during normal water flow periods. There are improved minimum flows into Alabama on the Coosa River during low water periods but the Beech Creek reservoir, planned a few miles inside Georgia that will pump water from the Tallapoosa River, remains another unknown.

John Glasier and others are giving the draft ACT proposal a thorough analysis to gauge the impact on our river and lake. It is hoped that a Fact Sheet will be produced for use during public hearings. The first hearing is scheduled for **Tuesday 10 June at 1:00 PM** in the **State Capitol Auditorium**, 600 Dexter Avenue, Montgomery. The Office of Water Resources is also planning town meetings around the state soon, and we hope to have one in the Lake Martin area. Watch the *Outlook* for an announcement.

On a humorous note, while attending the Dothan meeting and listening to some well-phrased and intelligent comments from Governor Jeb Bush, a nearby wag whispered, "he must have been adopted." Hmmm, kind of got me wonderin'.....

**Wet n' wild.** Lake Watch volunteers got some serious water time with kids during the past month. First, we presented our *Living Streams* program to about 80 St. James fifth-graders at Camp ASCCA on 2, 3 & 4 April. We recovered enough to do the same for 70 Campfire Girls the following day (5 April), again at Camp ASCCA. And, as if we hadn't had enough fun, we did the *Living Streams* program for 4 full days over two weeks for 600 Tallapoosa County fifth-graders as part of the AU Extension System's *Classroom in a Forest* program. Wow, those kids sure have more energy than us old-timers!

None of this could have been done without the great help of Lake Watch volunteers and staff from the Alabama Water Watch office. Many thanks to Dick Duncan, Bill & Linda Stewart, David & Diana French, Judy Palfrey, John Glasier, Mary Ann Bronson, and AWW's Wendi & Brooke. During an exhausting day with Dadeville fifth-graders, when Dick Duncan and I were the last two (barely) standing, we recruited an innocent bystander, Kimberly Chambers (who owns the Circle A Catfish restaurant in Dadeville). It took only a couple of times in the water to make her a budding field biologist.

We still have a few more *Living Streams* programs on the schedule this year. A couple of scout groups have called about a session sometime this summer, and we have the **Wiregrass Hospice** kids coming to Camp ASCCA on 30-31 August-1 September. Unfortunately that's Labor Day weekend, but the cause is so important that we agreed to

support it. We'll need help, so if anyone can spare some time for kids who have had a recent death in their immediate families, please call me. We'll get you trained in no time at all, and you'll be thankful you volunteered. So will we.

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**Federal grant request.** Dr. Bill Deutsch (AWW Program Director) and Dr. Len Vining (AU) worked with Lake Watch, Auburn Extension Systems, and several other agencies the past two months on a federal grant request for a water quality project on the Middle Tallapoosa watershed. If we are successful in getting the grant (notification time is late summer), a team from Auburn University and the University of Alabama will use remote satellite systems (Landsat and Terra) along with on-the-water monitoring by ADEM, AU and Lake Watch to assess how land use affects nutrient loading of the river and lake. This ambitious project could become a model for how water quality in other watersheds can be assessed.

Another exciting prospect will be having this data available for environmental education programs at Camp ASCCA's **Oscar P. Dunn Environmental Center** due for completion this fall. A downlink capability will be installed at the center that will become the focal point for water quality data in this part of the state and the site for 'State of the Watershed' conferences. More on this in future issues.

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**Minimum flows from Harris Dam.** For several years, Lake Watch has been interested in getting a better flow regime from the dam at Lake Wedowee (the reservoir upstream from Lake Martin). When the dam was licensed many years ago, the minimum release was set at 40 cfs (26 mgd); however, this flow is measured at the gauge at Wadley some 17 miles downstream rather than immediately below the dam. This 'sweetheart' arrangement allows Alabama Power Company to run the two turbines during peak power demand, thereby causing the Tallapoosa River to virtually go dry below the dam for extended periods. Two small tributary streams normally maintain the flow at the Wadley gauge. Then, when the turbines are turned on, the huge water surge scours the river bottom of any macroinvertebrates that would sustain a healthy fish population in this segment of the river, and the 'wall of water' erodes the riverbanks of landowners downstream. The result is that fish habitat is nearly destroyed and landowners are losing their property at a high rate each year.

A group called the Middle Tallapoosa River Conservation Association formed a few years ago to address the problem. They repeatedly met with reps from Alabama Power without any progress. Their efforts have drawn the support of a variety of agencies, including fisheries scientists from Auburn University and the state, the Alabama Rivers Alliance, the US Fish & Wildlife Service, and Lake Watch. It appears that legal action may be required if progress on the problem is not seen in the next few months.

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**Membership renewals.** Many of you responded to the notated due dates written on renewal slips enclosed in the February 2003 newsletter. Thank you!  
For those with due dates coming up in the next 2-3 months, I'm again including renewal slips. Thanks in advance.

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