

Flint RIVERKEEPER®

Points



VOLUME 3, ISSUE 2

SPRING 2012

From your RIVERKEEPER® - THE GEORGIA GENERAL ASSEMBLY and YOUR RIVER

There is an old saw that I'm sure you are familiar with: when the legislature is in session, no man's (nor woman's, by inference) pocketbook or property is safe. Unfortunately, this is literally true. Fortunately, in Georgia's General Assembly, where bad ideas abound, there are ways and means of persuasion, plus a few heroes among our elected officials that we can count on, including some from our own watershed. The favorite sort of property targeted for taking in our legislature is the public sort, usually clean water and clean air, up for grabs in a tournament egged on by cheers of 'proper balance', 'jobs', 'smaller govern-

ment', and 'decreased regulation'. Never mind the damage to balance, jobs, faith in government, and efficacy of regulation. And, those with bad ideas are not shy about impacting private property values or cleanliness if it suits their or their clients' purposes. (Yes, many, if not most, bills have legislative sponsors because certain legislators have clients, shadowy though they sometimes are.) A smelly dumpsite next door, or a dried out creek or river running through your land is frequently the result of a direct attack on private property in our Generous Assembly. Many such attacks are made, every year, under the guise of 'free en-

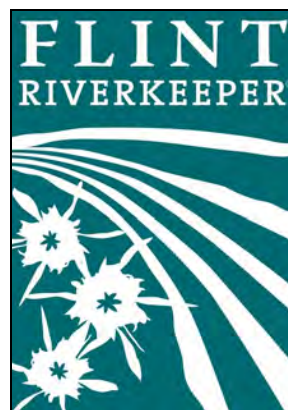
terprise' or 'more jobs'.

When you read between the lines you will frequently see 'less overhead, more profit for my client'. Flint Riverkeeper, **with the energetic support of our membership contacting their elected officials**, and in league with our allies in the Georgia Water Coalition (GWC), works diligently each year to guard against bad ideas, protect private and public property rights and values, and promote good ideas. Our focus is on better stewardship of our water, land, and air, in particular our river, creeks, and wetlands. Here is the run-down of the action during the 2012 session:

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The mission of the Flint Riverkeeper® (FRk) is to restore and preserve the habitat, water quality, and flow of the Flint River for the benefit of current and future generations and dependent wildlife. FRk is a full-licensed member of the Waterkeeper Alliance, an EarthShare of Georgia member group and participates in the Georgia Water Coalition.

EarthShare of GA: Corporate Green Day Challenge

As an EarthShare of Georgia (ESGA) member group, Flint Riverkeeper (FRk) had the opportunity to work with an ESGA corporate sponsor as part of the Corporate Green Day Challenge celebrating Earth Day. With guidance and materials from the Southern Conservation Trust (SCT), FRk worked with a group of 11 Delta employees and family members to correct a parking lot erosion problem and remove spray paint vandalism at Sam's Lake Sanctuary in Fayette County, a SCT property. FRk thoroughly enjoyed the opportunity to participate in the ESGA Challenge with such an energetic and hard-working group of Delta employees. For more information about SCT community preserves, visit www.sctlandtrust.org; and for more information about ESGA, visit www.earthsharega.org



Delta employees after completing Sam's Lake work projects. Photo by Gordon Rogers



A Tribute to Bob Fowler: At the Heart of the Flint River

Contributed by: Karen Snyder,
Editor of *Southwest Georgia Living* magazine

The Bob Fowler Memorial Fund for Flint Riverkeeper honors the well known coach, educator and administrator from a family of distinguished naturalists. Fowler Farms on Mud Creek and Chehaw on the Muckalee, designed by brother Jim, has fascinated and educated generations of children and their parents with its menagerie of exotic animals.

"Bob loved the Flint River," shared O.Vic Miller, who recently wrote his memories of Fowler in "Gentle Giant," an article in the March/April issue of *Southwest Georgia Living* magazine. "He and BB Rhodes fished every nook and hole of the Flint and all its shady tributaries."

Ida English Fowler survives her husband at their home on the banks of Lake Worth (now Lake Chehaw), where the tributary waters of the Kinchafoonee and Muckalee pool to join the Flint in its meander down to the Chattahoochee and the Gulf of Mexico. The Fowler home, weathering alluvial floods, is located at the epicenter of a "Riverhood," a riparian neighborhood of water, accord-

ing to Miller, "where a kid could range a right smart piece without a driver's license."

Any sunny afternoon a covey of grandchildren can be seen from boat or bridge diving off the Fowler dock, splashing and frolicking like otters. "No family in Dixie has sucked more Flint River up their noses, or been a better steward of our precious, threatened river," says Miller, who encourages others to contribute to the fund in memory of Bob Fowler.



**Memorial Contributions to the Bob Fowler Fund
can be made to Flint Riverkeeper and will be
used towards education about the Flint River
and the protection of water quality and
restoration of flows.**

Flint's Flows (Second in a Series)

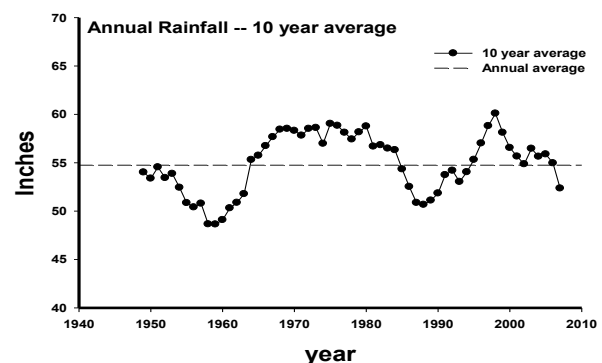
DROUGHTS HAPPEN, BUT SO DOES OTHER STUFF: THE CLIMATOLOGY OF THE FLINT

There is a common quip among hydro-nerds (busted!): there is no such thing as 'average' anything . . . rainfall, flows . . . anything. Frankly, such numbers are mainly useful only to start discussions, branching into median, variance, distribution, deviation, and other measures of the central tendency or the edges (boundaries) of things that happen in nature. An average has virtually no meaning in the natural world, because humans, plants, and animals never experience it, never notice it, and have biologies and economies that are either tuned to or seek to engineer their way out of scarcity and abundance. In our last installment ("Flint Riverkeeper Points, Winter 2011/12") we learned about how the Flint's watershed is laid out: piedmont, Pine Mountain Ridge, upper coastal plain, Dougherty plain. In this issue we will learn a little about the input, the rainfall, how that has varied over time, and the implications of that pattern.

Running Averages (I thought you said they have no meaning!):

So, we will start the discussion with a sort of 'average' statistic that actually can tell us something about rainfall climate, not the extremes, getting into the details of extremes in future installments. One way of looking at the long-term pattern is a calculation called a 10-year running average. It is exactly what it sounds like: each plotted data point is the average of THAT year, and the previous nine, a 10-year average. The dataset then 'runs' forward, shifting one year in time at each plotted point, picking up one new year, dropping one off the end, running along as long as there are data to average and plot. One advantage of a plot like this is that it 'smoothes' out the 'noise' from a single year helping to 'see' a pattern that emerges, if any. A 10-year running average of rainfall in the region that includes the Flint looks like this:

cont'd on page 6



graph provided by: Dr. Steve Golladay, Jones Ecological Research Center at Ichauway; Rainfall data from the National Climate Data Center (NCDC), Drought Series Database, Asheville NC

From your Riverkeeper® cont'd-

PROPER REGULATION OF INTERBASIN TRANSFERS (IBTs): Multiple bills, with the backing of Republicans and Democrats, in the House and Senate, continue to be blocked by the Chairs of the House and Senate Natural Resources committees, Rep. Lynn Smith (R-Newnan) and Sen. Ross Tolleson (R-Perry). Our hero this year was Debbie Buckner (D-Junction City, Flint watershed) with her bill HB 984. This bill and its predecessors would require Georgia EPD to properly analyze new and renewing IBTs from the Flint and other rivers to adjacent basins. The upper Flint suffers from substantial losses due to this practice, and this legislation would provide a remedial framework that would protect public utilities and uses while healing flows. Flint Riverkeeper and the GWC will continue to work on this issue until we succeed.

USING ENVIRONMENTAL FEES FOR THEIR INTENDED PURPOSE: It is very, very difficult to play offense (pass a bill) in Georgia's General Assembly, versus an easier road playing defense (defeat a bill; easy-er, not 'easy', make no mistake). Political turf and vested interests are the reason. Our IBT work is a good example. Another good example broke out in a wildfire this year after over 5 years of work by the GWC and our allies at the Association of County Commissioners of Georgia (ACCG). We were pleased to see introduced and to support an excellent bill authored by Rep. Jay Powell (R-Camilla, Flint watershed) that would require fees collected on tire sales and landfill disposal to be properly spent on their intended purposes: cleaning up old tire dumps and hazardous waste sites. Perennially, governors' budgets and budgets passed by the House and Senate have raided these funds, either spending no funds at all on the intended purposes, or only nominal, often insulting amounts, while massive tire piles and leaching waste sites go untended. HB 811 would have initiated a remedy for this situation, and while one might prefer (certainly I do) a constitutional amendment to dedicate the funds, thus protecting them from budgetary raids, Rep. Powell's bill offered a roadmap to accountability that is both practical and politically tractable. His bill passed the House overwhelmingly (151 to 5), and was then amended in the Senate in a crippling way, tying proper allocation of the collected fees to the size of Georgia's so-called rainy day fund in such a way (at such a high fund balance) that the fees would still never be properly allocated. Interestingly, this ham-stringing was led by Sen. Jack Hill (R-Reidsville) while he simultaneously pushed Georgia EPD to do a better job with their response to the Ogeechee River fish kill. A conference committee among the House and Senate met during the waning hours of the session, with Rep. Powell and his allies offering certain compromises, and the Governor's office supporting those compromises, but the Senators on the conference committee would not budge, yielding an impasse and a failed bill. A near miss. It is difficult to play offense. The good news: Rep. Powell reports to me that he will introduce the bill every year until it passes. We appreciate that. It is the right thing to do. Again, we appreciate the strong, coordinated work of our friends at ACCG and the GWC.

DEREGULATION OF SEPTAGE: This outrageous scheme was introduced by Sen. Lindsey Tippins (R-Marietta) as SB 467, and would have removed the regulation of septage disposal (pumpage from septic tanks and other holding facilities) from Georgia EPD oversight, placing such oversight in the Health Department which has no capacity or expertise in this area of pollution regulation. To be clear, we are talking about dumping such material on the ground, liquids mixed with solids, frequently mixed with materials from other industries. Fortunately, we defeated this (really) bad idea in the Senate's Health and Human Services Committee.

PAY TO PLAY, or POLLUTE: This bill (SB 427) passed, and was the brainchild of Sen. Ross Tolleson (R-Perry). The bill did a few good things, such as providing for online access to permits and permit applications, a capacity sorely needed within Georgia EPD. However, the bill also provides for EPD's Director to set special fees to 'expedite' pollution permit applications for those who are willing to pay. Governor Deal signed this bill in mid-April. We have yet to see how the pay to pollute provision works out.

BUILD YOUR POLLUTION SOURCE, THEN GET YOUR PERMIT: Sen. Rick Jeffares (R-Locust Grove) really went to bat for certain clients when he introduced SB 427. The bill would have allowed municipalities to build sewage treatment plants BEFORE they get a wasteload allocation (pollution calculation) for discharge to a creek or river from Georgia EPD, and before they get the resulting discharge permit. In a Georgia where flows are going down, not up, due to climate change and over permitting of withdrawals, and our creeks and rivers are less and less able to absorb and process wastes, this bill would have teed up serial disasters associated with new plants and plant expansions, not to mention constructing a situation where taxpayer dollars are routinely spent in an inefficient fashion. Even the anything-goes composition of the Senate's Natural Resources Committee recognized the folly contained in this bill, and it never moved past that body, with a lot of attention from the GWC and Flint Riverkeeper.

Continued on next page

From your Riverkeeper® cont'd-

KUDZU OF THE FISH WORLD: As a fisheries biologist and taxpayer, I sometime have to wonder what folks are thinking, chalking many things up to 'well, they probably just don't know'. This was my first reaction to SB 360 introduced by Sen. John Wilkinson (R-Toccoa), a bill that sought to define several species of Tilapia (native to the Nile, other portions of Africa, and the Mideast) as 'domestic', to move their legal use from restrictive aquaculture, to broadcast in ponds, amenity lakes, et cetera. On its face this is a ludicrous idea, with solid science that shows a high probability of establishment of wild populations once broadcast, threatening both private and public assets. It seemed silly that such a bill would be introduced, and even sillier that our fisheries experts at Georgia DNR did not roundly oppose it. We may never know exactly who or what was behind this scheme, but we do know this: the House, Game, Fish, and Parks Committee, under the leadership of Rep. Jon Burns (R-Newington), after long and pointed public testimony, tabled the bill. And, we know that when pressed, GADNR officials testified that, yes, there is a risk of escape and establishment of wild populations. We were happy to see this bill die, but we expect to see it again.

MINING LOGS: Do you really need a summary of this, the ultimate rubber bill? Once again, Sen. Tommie Williams (R-Vidalia) partnering with Sen. John Bulloch (R-Ochlocknee) introduced his favorite bill, legalizing the mining and selling (cheap, mind you) of the public resource known as deadhead logs. This time, he narrowed the focus to just a few rivers, including the Flint, in his bill (SB 362), and vowed to 'work' the House after it easily passed from the Senate. Well, with your help and persistence, and that of river lovers and property owners statewide, the Senator's work was for naught as the bill fell in the House with 93 nays and 67 yeas. Will we see this bill again in 2013, for the fourth time in less than 10 years? Only Senator Williams knows. But we know this: R's and D's, fishers and paddlers, property owners and sometime visitors, all over this state, love Georgia's rivers, are willing to make some noise and do some work to protect them.

POLLUTING WATERS OF THE STATE, WITHDRAWING TOO MUCH WATER? NO PROBLEM: Sen. Rick Jeffares (R-Locust Grove) introduced another slacking of the protections of our waters in the form of SB 269. This bill would have made more common, and mandatory, the practice of Georgia EPD issuing 'consent' orders as enforcement tools to polluters and water grabbers, those violating their permits. Georgia EPD already follows this practice in many of their 'enforcement' actions, the most notable currently in Georgia being against the plant (King America Finishing Company) responsible for killing fish in over 80 miles of the Ogeechee River, and against the plant (Rayonier) responsible for over 40 miles of discolored and smelly water in the Altamaha River. It is bad enough that GA EPD frequently uses this legal dodge to, ostensibly, 'stop' pollution while actually protecting the polluter or water grabber from citizen legal action. It is quite another thing to encourage by law GA EPD to follow this practice in every case. This bill died in the Senate's Natural Resources Committee. We will be watching for its resurrection.

Again, without your help, this work in the legislature cannot be accomplished. YOU have to keep up with your email inbox to watch for our and others' alerts, and YOU have to act to contact your legislator. With your help, Flint Riverkeeper and the GWC can accomplish much. Without your help . . .

Gordon Rogers, Flint Riverkeeper® and Executive Director

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25% of the proceeds from your order are donated to your Flint Riverkeeper!



Get your Flint Riverkeeper decal sticker and proudly display your support of the Flint River!
Yours free with your membership donation or special gift donation to FRK.

Shoal Bass Saturday: Conserving Our Shoal Bass Fishery for Our Children
Saturday, June 16th, 5-8pm

Go Fish Education Center, Perry GA

-Free admission to this meeting-
 Come hear from regional scientists and discuss Shoal bass issues with resource managers. Hosted by GADNR & FRK



SAVE the DATE

June 2nd: *Taste the Flint* Paddle Series, middle Flint near Montezuma.

June 7th: Happy Hour for the Flint, Bonnie Blue House Restaurant in Bainbridge, 4-7pm —sponsored by MillerCoors—

June 14th: Happy Hour for the Flint, Harvest Moon Restaurant in Albany, 4-7pm —sponsored by MillerCoors—

June 16th: Shoal Bass Saturday, educational meeting at the Go Fish Center in Perry, 5-8pm

June 23rd: *Taste the Flint* Paddle Series, lower Flint near Camilla

July 28th: Baker-Mitchell Sheriff's Poker Float

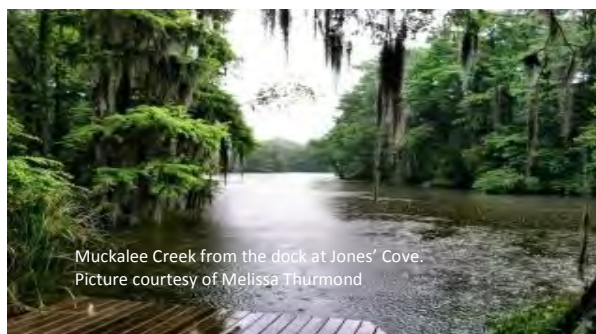
August 3-5th: Georgia Wildlife Federation's Buckarama, Atlanta Expo Center

September 20th: Happy Hour for the Flint, Redneck Gourmet in Newnan, 4-7pm

October 20th: *Taste the Flint* Paddle Series, Leaf Peeper tour near Camilla

Thanks to the Jones Family!

On Saturday, April 21st as part of the ongoing *Taste the Flint* paddle series, FRk members paddled Kinchafoonee Creek and ended the day with dinner at Jones' Cypress Cove on Muckalee Creek. Dinner was catered by Riverfront Barbeque and sponsored by MillerCoors. Although the (badly needed!) rain changed the course of the evening, a great time was had by all in attendance. Huge amounts of gratitude are extended to Ms. Jo E. Jones and her river-loving family for allowing us access to their beautiful piece of the Flint watershed. Thanks to everyone who paddled with us and stuck around for a delicious dinner, great beverages and wonderful company!



Muckalee Creek from the dock at Jones' Cove.
Picture courtesy of Melissa Thurmond

Become a Member to Protect YOUR River!

Can you give a generous tax-deductible donation today, to make certain one of Georgia's most treasured waterways can be saved for current and future generations? To make a donation, visit www.flintriverkeeper.org OR make checks payable to Flint Riverkeeper® and mail this form to 211 N. Jefferson Street, Ste. 8, Albany, GA 31701, or return this form with your credit card information for a secure transaction. Flint Riverkeeper® is a 501c3 charitable organization. THANK YOU for your support!

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Flint RIVERKEEPER®

211 N. Jefferson Street

Suite 8

Albany, GA 31701

Phone: 229.435.2241

Fax: 229.435.2242

www.flintriverkeeper.org

Flint Riverkeeper was established in 2008 to address the various issues that are threatening the Flint River and its tributaries. We are working to restore and protect the quality and flow of this immensely valuable resource.

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Your Flint Riverkeeper *Points* is designed and edited by Jayne Smith, with contributions from Gordon Rogers and guest submissions as noted. If you have an issue, article or pictures to share, please contact jayne@flintriverkeeper.org

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Flint's Flows *cont'd*

You can see a dry period during the 1940s and 50s that turned the corner toward wetter conditions in the late 1950s. Those wetter conditions lasted, with little interruption, until around 1980, headed back toward dry conditions, and so forth. This is important context. Why? For several reasons: (1) the rainfall climate cycles; (2) the cycles are not always exactly the same length, or the same magnitude in their intensity; (3) a lot of growth (residential, agricultural, and industrial developments) occurred in the Flint basin, and wider Georgia, during what was a period of water abundance (roughly 1960 to 1980); (4) the period of scarcity that followed that growth did not last very long, turning a corner back into abundance, which was itself short-lived; and (5) since 2000 we appear to have entered a period of below average rainfall including noteworthy droughts from 1999 – 2001, 2006-2007, and 2010 – present.

Graphs, and the Real World: This view of rainfall climatology, keeping in mind Georgia's developmental history, helps us understand many things, but certainly does not explain everything we need to know. Among the things it helps us understand is why most folks, citizens, taxpayers don't pay much attention to water issues. The trends are on a scale removed from every-day concerns for most people, unless the proverbial tap runs dry which it has done for very few folks (residential, farming or industrial), thus far. The warnings of scientists, certain policy analysts, fishermen, and environmentalists about looming water issues in Georgia have been largely ignored by policy makers, initially because those with knowledge about cycles of water availability were either marginalized (with quips of 'short datasets', 'uncertainty', 'chicken little') or simply ignored in the midst of apparent plenty . . . streams and rivers continued to flow, rain generally fell as needed, droughts were short and did not create crises. Later, with water resources more fully developed in Metro North Georgia and agricultural South Georgia, policy was shaped by established interests, setting not only the tone, but the direction of debates and policy implementation. The short droughts of first the early and then late 80's, then again in the late 90's, while certainly harbingers of what was to come, and certainly felt by downstream folks and wildlife, were not very intense, in addition to being short. Nature's warnings were ignored. Then we turned an important corner, experiencing three intense droughts, in quick succession (2000, 2007, 2010-present), deep ones, the current one rivaling the one of the mid-1950s (not readily apparent in the graph; more on this in future installments). Now, eyebrows are raised, in every human sector.

What the climatology does not tell us is how it manifests as flow, and how it interacts with human-induced changes 'on the ground' (in the creeks and river). Next month, we begin to explore in greater detail the flow patterns of sections of the Flint (upper, middle, lower), beginning with the upper Flint. We will begin to see how the climatology, and our activities (withdrawals, returns, building ponds and reservoirs, paving, ditching, et cetera) affect the tributary and the river flows in ways rarely spoken of when we began development of the Flint's water resources over 50 years ago. In preparation for that, ask yourself (and those older than you) these questions: Why would a tributary of the Flint, or the Flint proper, experience lower flows in recent droughts, including the current one, than in the record drought we experienced during the mid-1950s? What was that 1950s drought really like, what did it 'do' to farming, to other folks, to the river and its tributaries? And, what are other useful ways of looking at the data we have, so we can learn, and improve things?