

Flint RIVERKEEPER®

Points



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SUMMER 2013

Flint Riverkeeper Celebrates 5-Year Anniversary

This past June marked Flint Riverkeeper's 5-year anniversary. The organization was founded by a dedicated group of west and southwest Georgia conservationists. Five years. For sure, it has flown by.

The list of accomplishments . . . your accomplishments, by your organization, always in cooperation with citizens and frequently supported by Georgia's statewide conservation movement is impressive: the resurrection of main-stem dam projects on the upper Flint stopped in its tracks -- development of two coal-fired plants blocked -- a landfill on a mountainside in Upson county stopped -- a polluter of the creeks and streams of Thomaston put in jail -- legislation passed keep ATVs out of Georgia waters, protecting public and private property and preserving ATV use by responsible riders on private property -- the mining of old growth (rafted timber from our riverbed blocked (twice!) -- you grew the organization to over 600 family and business memberships representing over 2,000 people -- legislation passed to put the 'trust' put back in environmental trust funds, over strong opposition from the governor's office -- release of exotic fishes into our river blocked -- over 1,000 folks introduced to paddling the Flint for the first time -- water withdrawal rights protected, and a strong effort to hold state government accountable to manage the Flint in a reasonable, sustainable way launched.

Now, it's time to keep up the work, push the agenda forward for the Flint. You will read in this newsletter about our work, in concert with many others, to bring reasonable management to the entire Flint, while combating exploitive schemes to profit some at the expense of most. This fight in the Georgia legislature and through the executive branch to protect our system of riparian water use rights, the integrity of our aquifer systems, and reasonable, sustainable water management, is not only key for the Flint, but is precedential for the entire state. Fundamental property rights, private and public, statewide, are at stake. That's the way we see it.

Your support of Flint Riverkeeper is what keeps this machine running. We are strong. We are effective. And, it is because of you and your love for the Flint. The next five years is upon us, and will be past us before we can blink. Keep up the strong support for your river.

Sincerely, for the Flint,

Flint Riverkeeper & Executive Director

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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.



Senate Bill 213 and the Aquifer Storage and Recovery Project at Elmodel

Many of you will recall the fight in the legislature over SB 213, revising the Flint River Drought Protection Act. The bill contains a section that empowers the Director of GA Environmental Protection Division (GA EPD) to suspend the withdrawal rights of anyone downstream of a 'flow augmentation' project, temporarily altering their permit, and altering their rights of appeal. The appeal officer would be . . . the same person who altered their permit, the Director of GA EPD.

This is clearly an unacceptable situation, establishing a property interest rather than a trust interest in the water on the part of the state, creating special classes of limited permit holders (unequal treatment before the law) and attacking due process. These are fundamental changes to Georgia water law.

This legislation is revealed to be much worse when we consider the 'why' of it, a 'why' that some proponents of the bill state is simply not true, dismissing it as a 'conspiracy theory'. You decide.

Last year, a project to perform an experimental aquifer storage and recovery (ASR) project in southwest Georgia was submitted by the Southwest Georgia Regional Commission (SWGA RC) to the Georgia Environmental Finance Authority (GEFA), as part of the governor's water supply program. ASR is a suite of technologies that involve taking water from one source and pumping it into an aquifer, generally during times of 'plenty', then retrieving it at a later date for a specific use or uses. The technologies carry great risk, having been successfully deployed only in some highly specific and limited scenarios, and failing in many, many others. Risks include not only the economic risk of a failed project, but also contamination of the 'storage' aquifer, and hydraulic fracturing. The project was crafted by Joe Tanner and Associates, a consulting and lobbying firm with close ties to the governor's office,

for the SWGA RC. The project received a very low score in the vetting process (a zero), yet was funded at approximately \$5 million, less than the \$13 million originally requested. The project is presently slated to be conducted at Elmodel WMA in Baker County, using water from the upper level of the Floridan Aquifer as the source, and the deeper Claiborne and Clayton aquifers as experimental storage areas.

The proponents of the project at Elmodel and SB 213 assert publicly that the two efforts are wholly unrelated. They further state that whoever says they are related is not telling the truth. The proponents of the two efforts are the same people. And, the proponents of both efforts claim that each is necessary to protect farmers from having irrigation shut down by the federal government due to concerns involving endangered species . . . both efforts are purported to support pumping water into the creeks and the river, with SB 213 restricting withdrawals of that added water to keep it there, to "keep endangered species alive". Interestingly, Flint Riverkeeper's (and others') connecting of these dots is what is being called 'a conspiracy theory', while the notion of the federal government shutting down irrigation is held out as a 'real possibility'. Which one of these two scenarios sounds more like a 'conspiracy theory'?

Meanwhile, the facts in Georgia are available for the reading. Read on.

Clearly present in the SWGA RC proposal, written by Tanner and Associates, and approved for \$5 million in taxpayer funding by GEFA, is the basis for doing the experiment in the first place. The original project documents proposed to GEFA pitched the ASR experiment as a necessary first step to establishing a 150-well ASR well field. This ASR well field is proposed to generate 250 million gallons per day (375 cubic feet per

SB213 and ASR Project cont'd:

feet per second) to deliver across the state line, to Florida, at an estimated installation cost of between \$900 million and \$1.3 billion. That's what their documents say. Expert advisors consulted by Flint Riverkeeper further estimate operating costs associated with injection and retrieval at \$1 million per day when in production. And, here's the kicker: the project documents clearly state that the proposed volumes of water are to supplant 250 mgd of increased use in Metropolitan North Georgia, from the Chattahoochee. This is why the proponents are hollering "Conspiracy Theory!". They certainly know how such a scheme will play in most of Georgia, particularly in the southwest.

That's right: using risky, expensive technology and water from southwest Georgia to support increased Metro North Georgia growth. What an ingenious way to pipe water to North Georgia from SWGA-- without a pipe. In order for this to function, the State of Georgia would have to change our traditional basic water law, creating special classes of restricted permittees, and limiting due process.

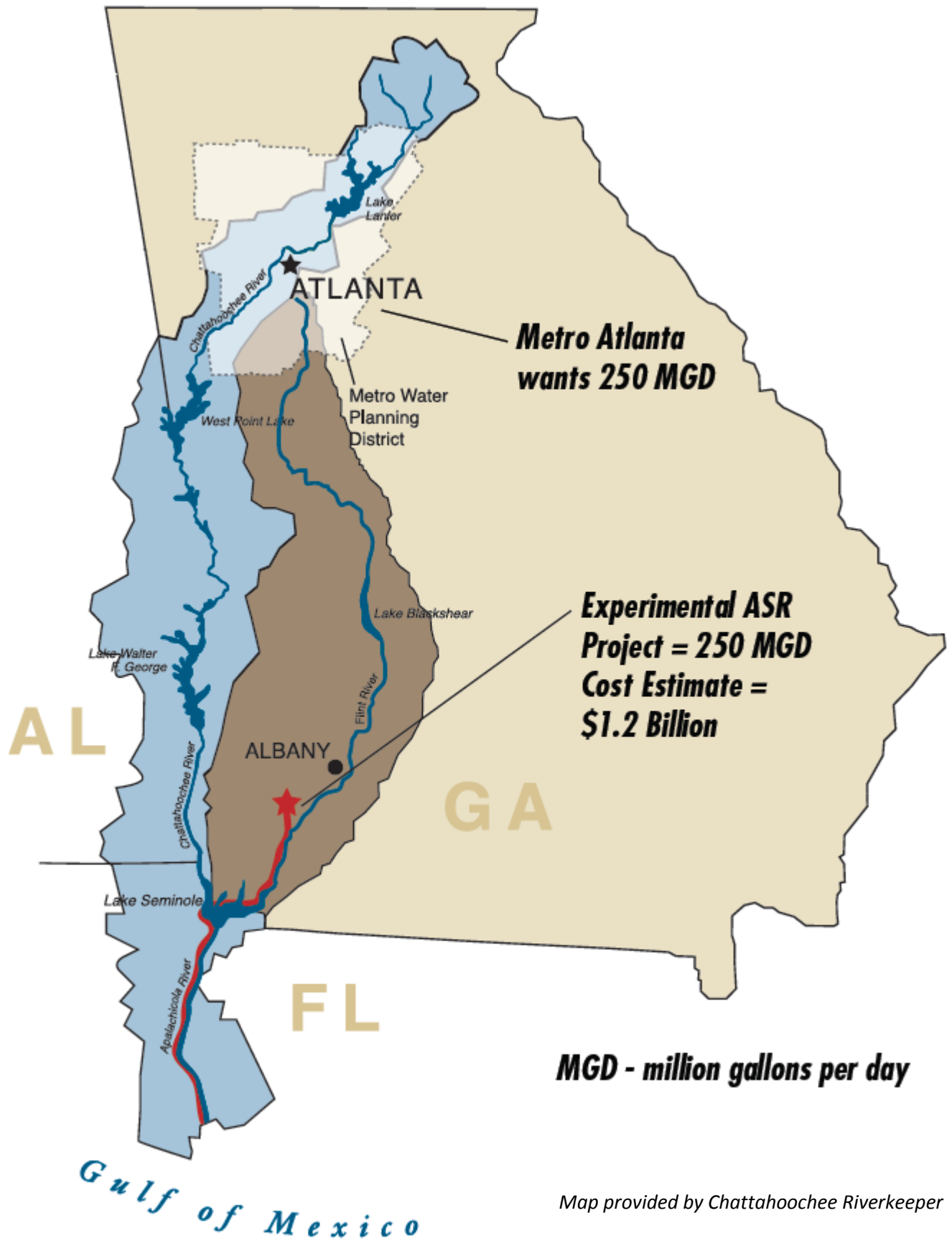
All is not gloom, however. Recall that the proponents of all of this never could muster enough votes in the House during the 2013 legislative session, due to the strong work of the Georgia Water Coalition, Georgia Conservatives in Action, the Atlanta Tea Party, and Flint Riverkeeper.

Recall also that the Senate passed a version of the bill that would have banned ASR drawn from surface waters, statewide, indicating a strong aversion in our legislature toward such dangerous technology.

Recently, the SWGA Regional Council has pulled out of the ASR project, stating that the project has importance beyond southwest Georgia. Indeed it does! There are lots of losers in this scenario: SWGA permit holders and other citizens, dried-out folks on the upper Flint, for whom no relief is proposed, taxpayers and ratepayers, and people downstream of Atlanta on the Chattahoochee, who stand to see much less water flowing past them. There would only be a handful of "winners": developers in Metro Atlanta, plus the investors, consultants, contractors, and vendors in the ASR project. Such "winning" assumes this scheme works, and there are no successful liability judgments against its perpetrators.

Further, Tanner and Associates pulled out of the ASR project. Their president, Allen Barnes, a former Georgia EPD Director, is under a \$5,000 per month contract as a lead negotiator in the so-called "Tri-State Water Wars", putting the firm squarely in a conflicted position, which a spokesperson characterized as the 'appearance' of a conflict . . . negotiating solutions, and benefiting from contracted 'solutions' in the Apalachicola-Chattahoochee-Flint conflict. Mr. Barnes' former employer, the state of Georgia, is a common one among Tanner and Associates members: Joe Tanner is a former Commissioner of Georgia DNR, and both David Word and Harold Reheis are former high-ranking Georgia EPD officials.

ASR project management has now fallen to GEFA itself. GEFA, an administrative and funding agency that is not technically qualified for engineering work, has qualified (*cont'd*)



SB213 and ASR Project cont'd:

several new bidders, and will now re-bid the project. Proponents of the project now characterize the pullout of the Tanner group as 'proof' that the Metro use connection is "no longer in play," while also citing the SWGA RC pullout as indicating statewide importance, beyond southwest Georgia! The unwinding of the actual conspiracy has proved to be messy for the conspirators.

Unfortunately for the proponents of SB 213 and the ASR project we need not be too confused by such muddy spinning of the message because the GEFA proposal in its original form laid out the entire concept.

Meanwhile, the United States Fish and Wildlife Service (USFWS), the federal agency responsible for managing freshwater endangered species, has invested heavily in keeping freshwater mussels alive using non-ASR pumping from the Floridan Aquifer. USFWS recently completed a successful experiment in Spring Creek at Colquitt, involving only about two cubic feet per second of pumped water, in cooperation with many local and state agencies, including GA DNR (the parent agency of GA EPD, co-equal beneath the governor's office). USFWS has also made it clear in public correspondence, and via nearly a decade of LACK of heavy-handed action, that shutting down irrigation is NOT part of their contemplated management plans. The USFWS project has proved that neither ASR, nor SB 213 are necessary to keep endangered species alive during drought or other low-flow periods. And, there is no evidence that the USFWS or any other federal agency intends to foreclose irrigation in southwest Georgia.

Again, readers should decide which 'conspiracy' is real.

Flint Riverkeeper's goal is to either remove the dangerous, anti-property rights language from SB 213, or defeat it. A longer-term goal is to craft revisions to the Flint River Drought Protection Act that will balance management measures with uses among agricultural, municipal, industrial, and residential users, throughout the entire Flint River basin. It is completely unfair and inequitable, before the law, and otherwise, to focus management on only one use sector, such as agriculture, or on one part of the river, such as only the lower Flint. The Flint should be managed as a watershed. That's how it functions, that's how our Creator made it, and its healthy functioning depends on these natural operations.

With regard to the ASR project at Elmodel in Baker County, we are keeping close tabs on how GEFA, the state agency that is executing the project, and carefully studying our legal and administrative options. Further, the 2014 legislative session presents a very real opportunity to ban this type of risky technology from Georgia.

Stay tuned.

(The facts reported in this article can each be verified in easily obtainable GEFA and legislative documents, from investigative reports in Georgia publications, and from USFWS correspondence, with the exception of the daily O&M figure obtained from advisors to Flint Riverkeeper. Please let us know if you wish to have a complete listing of sources. The opinions, of course, are Flint Riverkeeper's.

All is subject to the reader's interpretation.)

Waterkeeper Alliance Visits Pine Mountain

Chattahoochee Riverkeeper and Flint Riverkeeper welcomed the annual gathering of international and national 'keepers to Callaway Gardens at Pine Mountain for this year's Waterkeeper Alliance conference. Conference registrants attended issue-specific sessions, greeted a host of esteemed keynote speakers and made time for exploring Callaway's natural offerings! We hope everyone enjoyed Georgia's hospitality and special thanks to the Flint

Riverkeeper members Peggi Tolbert and Donald Fowler who volunteered at this event. We also want to thank all the 'keepers who joined us for a paddle on the Flint before the conference kicked off!



WKA Executive Director Marc Yaggi introduces Gordon Rogers. Photo by John Wathen



Riverkeepers from around the world experience the upper Flint in Upson County before the WKA conference.

Sweetwater Brewery partnered with Southeast



Waterkeepers this summer to protect our rivers. Thanks to Sweetwater, United Distributors, Warehouse Package, Harvest Moon and Mel-low Mushroom in Albany for supporting Flint

Riverkeeper's efforts to protect and restore the Flint watershed. And thanks to everyone who 'gave their liver to save the river' by drinking Sweetwater brews this summer!

410.2 acres for sale Near the Flint River Talbot County, Georgia

410.2 acre partially –fenced cattle or horse farm. Great for deer and turkey hunting. The property has rolling pastures, two lakes, creeks surrounded by large hardwoods, and two houses (one is a hunting cabin). For more information, please call Ben Parham (706)884-5866.

<http://www.landwatch.com/Talbot-County-Georgia-Farms-and-Ranches-for-sale/pid/204711382>

Order your Honeypot luminary from Bee Natural with this link:

<http://tinyurl.com/bnflint>

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



The Flint River has lost some its best friends recently, folks who spent countless hours enjoying her beauty, examining her treasures and advocating for others to relish in her splendor. Flint Riverkeeper is honored to maintain memorials for these special friends so that their legacy may live on through the work of Flint Riverkeeper to protect and restore the Flint River and her tributaries.

**B. SCOTT
SHELTON**

**DR. DON
EYLER**

We continue to pray for the families and friends of these fine men.
It is a high honor to help uphold their legacies through these memorials.

Restoring the Health of the Upper Flint River

Sadly, the upper Flint River has been running dry in recent years. This is a problem not just for wildlife that depend on the river, but also for property owners along the Flint, the outfitters who make a living sending paddlers through its scenic reaches along Sprewell Bluff and Yellow Jacket Shoals, fisherfolk, and for the communities that depend on the Flint for water supply. The reasons for the drop in river flows on the Flint are many. They include the urbanization of the landscape at the river's source, wetland loss, changing rainfall patterns with more frequent and intense drought, dams on tributary streams throughout the Flint's headwaters, increasing water withdrawals from the river system, and transfers of water from the Flint to other river basins. As reported in the last edition of *Points*, American Rivers and Flint Riverkeeper have partnered to study the upper Flint system and implement solutions to restore flows. In April '13, a report of the partnership's findings and upper Flint maps showing the "piping" of the upper Flint was released. To view the full report ***Running Dry: Challenges and Opportunities in Restoring Healthy Flows in Georgia's Upper Flint River Basin***, visit: www.americanrivers.org/newsroom/resources/running-dry-restoring-upper-flint-river-basin.html

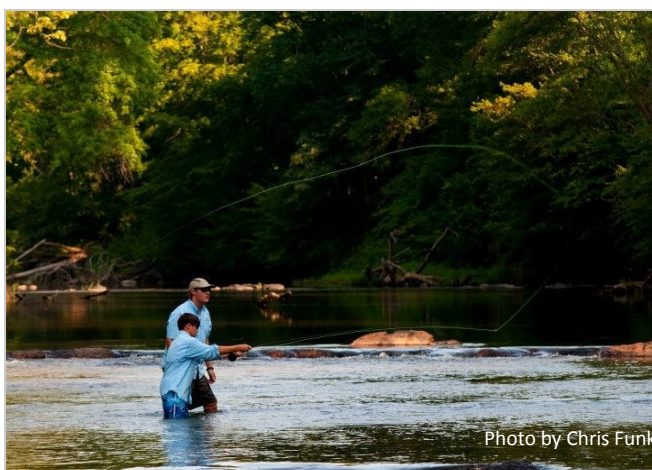


Photo by Chris Funk

Flint River Listed as American Rivers' #2 Most Endangered River for 2013



The Flint River provides water for over one million people, 10,000 farms, unique wild-life, and 300 miles of exceptional fishing and paddling. Despite being in a historically wet area of the country, in recent years many Flint River tributaries are drying up completely and the river's low flows have dropped dramatically.

In the lower Flint basin, the over-permitting and over-pumping of the Floridan Aquifer—and the drying-up of major streams in the Flint watershed as a consequence—presents a difficult water management balancing act that rivals challenges on the Great Plains and in California. The upper Flint presents challenges that more and more communities will face wherever urbanization, drought, and water demand strain limited surface water resources. Throughout the Flint basin, proactive and collaborative work to address these water quantity challenges is critical to ensuring the sustainability of communities and the river ecosystem.

The Georgia Environmental Protection Division must work to develop ecologically-based, enforceable healthy flow requirements for drought and non-drought conditions to protect the economic and ecological vitality of the river system. The State of Georgia must help find solutions that will allow for the reasonable use of water in the Flint basin in a way that improves flows in the river for the benefit of all river functions, users, and future generations.

To read the full report, visit: www.americanrivers.org/endangered-rivers/2013/

Paddle Georgia 2013 Visits the Lower Flint



The 9th Annual Paddle Georgia trip on the lower Flint was a huge success! 387 paddling participants explored 106 miles over a week's time, beginning at the Lake Blackshear dam near Warwick to the Earle May Boat Basin in Bainbridge. Flint Riverkeeper was privileged to be a part of this event and we enjoyed having so many paddlers exploring the richness of the lower Flint's natural beauty, cultural heritage and unmatched hospitality! The trip ended on June 21st in Bainbridge where FRK hosted a huge fish fry with all the fixin's. A delicious dinner organized and cooked by FRK's dedicated (and talented!) board members and their cook teams. For a recap of the 2013 Paddle

Georgia trip and pictures, visit: www.garivers.org/paddle_georgia/

Board member Fred Granitz models a Flint Riverkeeper cook-team apron at the Journey's End Celebration Fish Fry.

SAVE THE DATE



Holiday Dinner Party at Flat Shoals

Friday, December 6, 2013, 5 o'clock in the evening

A special evening at a beautifully-unique place along the Flint River. Located near Gay, in Meriwether County, Flat Shoals is a destination that is sure to astound you. The party will feature a local fare dinner, annual awards as well as a live and silent auction to benefit Flint Riverkeeper's work. Ticket information available soon.

Become a Member to Protect YOUR Flint 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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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 Jayme 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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TASTE the FLINT

-Explore and Understand the Diversity of the Flint River-

Join Flint Riverkeeper for the last paddling event of 2013!

Saturday, October 5th:

Meet at Punk's Landing/ Mitchell County Landing by 8am paddle to Newton Boat Ramp. To register, email jayne@flintriverkeeper.org or for more information, sign-up for email updates at www.flintriverkeeper.org



Keep Decatur County Beautiful

Saturday, October 12th at 8am, meet at Boat Basin Park: walkers and boaters. For more information, contact Suzanne Brandt bdckab@surfsouth.com or call 229-246-3611

Keep Albany-Dougherty Beautiful

10th Annual Clean-up in partnership with MillerCoors & Flint Riverkeeper
Saturday, October 19th at 8:30am
Walkers meet where 3rd Avenue and the river meet; boaters meet at the Georgia Power Dam (shuttle provided at take-out). Limited number of canoes/kayaks available to experienced paddlers. Call 229-430-5257 or email jbowles@dougherty.ga.us to register or reserve a boat.

THANKS FOR VOLUNTEERING!