

Washington County Partners to Speak at Friends' Annual Meeting

Partners promote citizen involvement in protecting streams

Friends' April 18 Annual Membership Meeting will feature two partners dedicated to educating communities toward protecting our streams.

- **John Pennington** is Agriculture and Water Quality Extension Agent for Washington county.
- **Dr. Sarah Lewis** is Coordinator for the Food, Beverage and Agriculture Sector for the Sustainability Consortium at the University of Arkansas at Fayetteville.

Together, Sarah and John and the organizations they represent have involved the citizens of Washington County in numerous education and demonstration projects. That awareness has brought the development of a Stream Protection Ordinance (see related article below).

Friends Annual General Membership meeting will be **Monday, April 18** at El Chico's restaurant in Mountain Home. A light buffet will be offered for purchase (under \$15.) beginning at 6 p.m. with the program and business meeting to follow.

Nominations Due by April 4th

The Nominations Committee will, at the annual meeting, present a slate of Officers and Board Members for the upcoming year, for membership vote.

Also, Board Member nominations may be made by the membership at large, no later than April 4, by mailing (certified mail, return receipt requested) the nomination "Secretary, Friends" / PO box 61 / Mountain Home, AR 72654.

John Pennington

John received his B.S. in biology from Arkansas Tech University and his M.S. in Science from the University of Arkansas. John has worked in multiple watersheds with numerous watershed organizations and diverse stakeholders.



Dr. Sarah Lewis

Sarah holds a Ph.D. in Environmental Dynamics and a Master of Arts in French from the University of Arkansas.

She received her B.S. in Biology and French Secondary Education from the University of Nebraska at Lincoln.

Sarah is passionate about identifying and working through challenges that affect the connections between humans and the environment. Her work focuses on managing stakeholder relationships, facilitating workshops, and establishing partnerships with other sustainability initiatives.

Sarah is the founder and President of EcoExplique Environmental Education. She is also an active member of her community, and serves as an member of the City Council for Fayetteville, Arkansas.



In This Issue:

- Annual Membership Meeting
- Norfork Hatchery at Risk
- Congressional Delegation Asks President for Hatchery Funding
- Visit to an Old Thing
- NYT Details Hazards of FracDrilling
- Fayetteville Adopts Erosion Ordinance
- ADEQ, Bluebird Settle Dispute
- Friends Drops Opposition to Twin Lakes Sand Mine Project
- AGFC Receives National Award
- Volunteers Plant 600+ Trees

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Suggestions or photos for use in this newsletter would be appreciated. Send to Clay Parton, editor (cparton01@yahoo.com)

Fayetteville City Council passes Stream Protection Ordinance

the first of its kind in the state of Arkansas

After months of staff-level work and hours of debate before the Planning Commission and the City Council, Fayetteville aldermen enacted a streamside protection ordinance — the first of its kind in the state of Arkansas -- by a seven to one vote.

Nutrient Reduction

The ordinance is aimed at reducing the amount of harmful nutrients that flow into local waterways by preserving natural, riparian areas on the banks of those

waterways.

It is the result of a 2006 agreement with the Beaver Water District, the drinking water provider for more than 250,000 residents in Northwest Arkansas. Fayetteville wants to improve the quality of their drinking water by cleaning up streams and creeks across town. The city has worked with the Beaver Water District to reduce harmful nutrients in the water.

With the new ordinance, certain activities are prohibited within 50 feet of

waterways.

In April 2009, a Nutrient Reduction Plan was completed by private consultants as part of an agreement with the Beaver Water District and the City of Fayetteville. The Plan recommended the development of a riparian buffer ordinance in an effort to reduce the amount of nonpoint source phosphorus in the Beaver Lake Watershed, specifically and in all the City's waterways, in general.

Passage of the ordinance is a result of the collaborative effort between the City of Fayetteville, its Environmental Action Committee and the Washington County Extension Service.

The ordinance takes effect in 31 days. Previously granted permits are not affected.

(continued page 5)

RiverReport

Norfolk and Greers Ferry Trout Hatcheries At Risk

Action is needed from everyone to support funding for the Norfolk National Fish Hatchery and the Greers Ferry National Fish Hatchery.

President Obama's proposed budget drastically reduces funding to the U.S. Fish and Wildlife fisheries program, which includes hatcheries.

Trout Can't Reproduce Naturally

These are "tailwater" trout fisheries that cannot sustain natural reproduction and must be stocked with hatchery raised fish.

Both hatcheries were built to mitigate the loss of the native warm water fishery which existed prior to the construction of the dams. Thus, say many, the hatcheries are a federal responsibility.

Severe Economic Impact

Trout produced at these hatcheries are the lifeblood of the \$150 million per year trout fishing industry on the White, North Fork and Little Red Rivers.

Economic studies show that about \$4 is returned to the federal treasury for every \$1 spent on the hatcheries.

Contact Congress

Arkansas' congressional delegation is aware of these cuts. However, their constituent voices, saying that the cuts would have disastrous impacts to our economy and way of life, would carry bigger impact.

Friends urges anyone who wants trout fishing to continue on these rivers to write or call their congressional delegation and urge them to do two things:

- Restore full funding to the hatcheries and
- Establish a permanent source of mitigation funding for these hatcheries.



AGFC receives national award for Dry Run Creek restoration work

(from KTLO radio)

The Arkansas Game and Fish Commission and its partners received national recognition for their restoration work done on Dry Run Creek: the group received the 2010 Outstanding Sport Fish Restoration Habitat Improvement Award for its work on the Dry Run Creek Enhancement Project.

Dry Run Creek, which is located near the Norfolk National Fish Hatchery and Norfolk Dam, is a popular trout fishery and only youths under 16 and mobility impaired anglers may fish it.

The award was made by the U.S. Fish and Wildlife Service, Fisheries Administrator's Section. The section annually recognizes outstanding fisheries conservation projects.

After 20 years use the creek area had suffered from erosion and the habitat was

further degraded by a major flood in April 2008.

Habitat improvements included deep pools to provide refuge, stabilizing the eroding shoreline, reconstructing critical overhead cover destroyed by the flood, and construction of a new boardwalk and observation platforms with benches for the public.

State Game and Fish Commission Chief of Fisheries Mark Oliver said it is a prestigious award, and said partners' work had made Dry Run Creek an outstanding fishing opportunity for the young anglers of Arkansas.

The USFWS Fisheries Section recognized three other agencies: the Georgia Department of Natural Resources, Minnesota Department of Natural Resources and the Pennsylvania Fish and Boat Commission.

Congressional Delegation Asks President to Fund Hatcheries

By: Richard Hestel

Members of the Arkansas congressional delegation have joined the fight to protect funding for the Norfolk and Greers Ferry National Fish Hatcheries. The delegation sent President Barack Obama a letter urging him to consider the positive economic impact of the two hatcheries before cutting over \$6 million in U.S. Fish and Wildlife Service National Fish Hatcheries Operations.

The letter, sent by U.S. Senators Mark Pryor and John Boozman, along with Congressmen Rick Crawford, Tim Griffin, Steve Womack and Mike Ross, asks the president to work with them to provide the "appropriate level of Fish and Wildlife Service funding" to maintain the hatcheries and prevent the unnecessary loss of jobs in Arkansas.

The total annual operations budget for the two hatcheries is approximately \$1.6 million a year. The budget for the Norfolk hatchery is about \$950,000 annually.

They pointed out the two hatcheries account for nearly 2,000 jobs in rural Arkansas communities, generate about \$5.5 million in federal tax revenues, and have an annual local economic impact of well over \$150 million.

RiverReport

Volunteers Plant 600+ Trees

The AGFC call for volunteers was answered nicely on a sunny January day, when over 600 trees were to be planted on the banks of Crooked Creek in Marion County.

The site was the location where a bridge (Kelly's Slab) had to be rebuilt following the flood of 2008. That construction necessitated the streambank restoration.

"There was a terrific turnout at Kelly's Slab on Crooked Creek below the Fred Barry Conservation Education Center," said Jane Darr, President of Friends. "We had youth, adults, Master Gardeners, Master Naturalists, Boy Scouts, Future Farmers of America, North Arkansas Fly Fishers, Friends of the Rivers, Trout Unlimited and many other groups on hand to help with this effort."

Crooked Creek is one of the nation's best smallmouth streams, and runs largely through private property before it empties into the White River.



Crooked Creek restoration near Kelly's Slab (photo bob Waldeck)

New York Times: Frac-Drilling's Health & Environmental Threats

A February 27 *New York Times* article documented environmental risks from so-called "Frac-Drilling." Paramount among those risks were threats to both river water and public drinking water.

As the number of such wells skyrocket, the authors indicated the necessity of adequate state regulations protecting the environment -- and their enforcement. States without adequate protective measures in place -- notably Pennsylvania and Wyoming -- are experiencing threats to drinking water and to their rivers. Because of the skyrocketing growth of this type of drilling, regulators are not keeping pace, they said.

"We're burning the furniture to heat the house," said Pennsylvania's outgoing Director of Conservation and Natural Resources.

According to the Times, even many of the U.S. EPA's own scientists are alarmed.

Arkansas' Fayetteville Shale Play is bringing large numbers of such wells to our state.

The threats

The Times researched internal government documents, as well as industry documents to show:

- Wells can produce over a million gallons each of wastewater, which can be laced with high levels of radioactivity from below, and with benzene, toluene and other known carcinogens;
- The industry itself acknowledges that the wastewater cannot be sufficiently diluted to reduce radioactivity to acceptable levels;
- Water is seldom tested for radioactivity;
- Gas has entered drinking-water supplies in at least five states;
- Air contaminants are causing ozone levels in some areas to be greater than those in the Los Angeles area;
- Radioactivity levels from some wells were over 1,000 times that allowed for drinking water;

ADEQ, Bluebird Settle Litigation

Company Settles with ADEQ for \$125,000 in Consent Decree

In the end, Bluebird Sand, LLC and the Arkansas Department of Environmental Quality came to an agreement: The Consent Judgment Decree was filed Friday, March 11th. Bluebird will pay a civil penalty of \$125,000 and be allowed to continue limited operations at its Izard County facility.

ADEQ filed a lawsuit in Izard County after a discharge from Bluebird's site dumped a large amount of sediment into E. Lafferty Creek, a tributary of the White River, killing various species in the stream.

Although not a party to the lawsuit, FNFWR has been in contact with both parties, and suggested language which was included. The language upgraded their Stormwater Permit from a General Permit to an Individual Permit, which is subject to a more public process.

"We are pleased with this outcome and will continue to work with Bluebird and ADEQ to assure compliance, our principle objective," said Gene Dunaway, Friends board member. "The efforts of local property owners, FNFWR and our members first brought this problem site to the attention of ADEQ in 2009."

"The bigger question is how did this company get so far in the first place," Dunaway added. "Is it prudent to allow companies to operate complex, risky and environmentally destructive plants, when they are unable to identify, secure and comply with minimum permits? How do we prevent this in the future?"

The Bluebird Consent Decree

The full decree can be accessed at Friends' website.

In addition to the fine and upgrading the stormwater permit, Bluebird agrees to:

- File for an NPDES discharge permit on their sediment pond, which they have done. This is the permit they initially filed for, and then withdrew.
- File for a new air permit (done), but they will be allowed to continue to operate the dryer as long as they operate within air permit standards.
- File an "Assessment Report" on the damage caused to E. Lafferty Creek for half a mile and proposed a restoration plan. (Friends has requested a copy.)
- Sample and report water testing and production numbers regularly and give ADEQ wide access to their site.
- Pay certain set financial penalties for future non-compliance.

RiverReport

A Visit to an Old Thing

By Scott Branyan

I crossed Essex Bayou and arrived at the trailhead about 8:30 a.m. Already there were deer standing in the harvested rice fields while hunters were in the woods. I had picked the opening day of muzzleloader season to try to find a champion tree in the White River National Wildlife Refuge. Other factors had determined my timing, but here I was.

Not planning well, I also had failed to bring a coat, as the weather forecast seemed much warmer compared to the frosty fall mornings we had begun to see in the Ozarks. But this morning the thermometer in the truck read forty-one degrees.

One advantage to the chill, I told myself, was that the mosquitoes would not be stirring; and then it struck me—deer season was open. I was about to walk into a deer hunter's paradise and did not have orange to wear.

Reason Prevails

Reason won the debate going on in my head. Backtracking to the store at Ethel, I walked in and asked if they had a hunter's orange vest. "I think we have a couple left," the counter lady said. "Looks like you need a big man's size." "Really big," I said. The place looked like a great diner, but I was not here to eat, even though I had had a lousy breakfast at the motel when I left Stuttgart before dawn. Travelling back down the road and nearing the trailhead, I had lost 30 minutes.

The Smells and Pace of the Forest

As I stood at the truck and put on the orange vest and a few items in a small camera pack, the sun's rays were beginning to filter through the leaves. I started down the 1.2 mile trail, but my pace was not hurried. The woods held a different smell from the oak-hickory forests I was used to. Seeing turning fall leaves, I kept expecting the fragrance of hickory nuts or perhaps the strong smell of mature walnut husks, but the smells were absent. Instead, I caught the unfamiliar aroma of fall in the bottomlands.

I took my time examining the beauty of the Nuttall oaks and southern hackberries. Interpretive signs talked also about neotropical songbird migration and the swallow-tailed kite, which builds its nest high in the trees and lives on insects, snakes, frogs, lizards and small birds,



The state champion bald cypress tree is located in the White River National Wildlife refuge near Ethel. It stands 120 feet high, 43 feet around and nearly 14 feet wide. It is the largest and oldest known tree in Arkansas. Bald cypresses have a peculiar system of buttresses at the base which give a fort-like appearance to the tree. Biologists believe they help keep the tree from toppling. (photo Scott Branyan)

preferring to take its prey in flight.

As fascinating as this all was to me, a first time visitor, I was lured deeper into the swamp—now dry except for the deepest bayous this time of year.

Come This Way...

There was a certain tree I had come to see; and like a siren's song it bid me, "Come, this way."

The fork in the trail told me I was near. To the right, it led to Lower White Lake, an oxbow created from the natural spring flooding of the area by the White River. To the left was where I needed to go. I began gazing upward into the canopy to see if I could catch a first vision of the tree's top. Passing some large hackberry trees, I noticed it. Then I saw a park bench in

front of the massive trunk at the end of the trail.

The Oldest Living Thing

Reverently, my pace to the bench slowed almost to a stumble until, taking a seat, my eye scanned from the odd looking buttresses at the base of the bald cypress skyward to the large canopy of branches and back to the forest floor. There before me—a witness to an unknown number of centuries, floods, and droughts—was the oldest living thing in Arkansas.

Scott Branyan has been a fly-fishing guide on the White River tailwaters since 1996. He is also a Master Naturalist and volunteers at Hobbs State Park - Conservation Area. He lives outside Rogers.

RiverReport

Friends May Drop Objections to Evergreen's Twin Mountain Project

...believes Evergreen's Proposed Changes Resolve Biggest Water Issues

After several meetings with Evergreen to discuss Friends' concerns about the planned Twin Mountain sand mining project, Evergreen has agreed to make significant operational changes. Friends believes the changes may eliminate our largest concerns regarding water.

"Friends is fairly well satisfied that Evergreen has done essentially all that could be expected with respect to protecting Arkansas' waters from damage from their operations," said Jerry Weber, Friends board member. "They have

shown a willingness to work openly with Friends and the public regarding their operations."

Friends has asked that Evergreen go even further and convert their stormwater and quarry permits to individual permits which require additional monitoring and record keeping.

"We've also indicated to ADEQ that Friends would like to see a few additional restrictions added into their NPDES Discharge and Pond Construction permits," Weber added.



Clear, clear Ozarks streams are the lifeblood of our economy and our health. (photo Bob Waldeck)

Fayetteville's Stream Protection Ordinance

(continued from page 1)

Prohibited Activities

Under Fayetteville's stream-protection ordinance, these activities are prohibited within 50 feet of waterways:

- Grading, dredging, dumping, filling, or similar construction activities;
- Landfills, junkyards, salvage yards;
- Clearing of non-invasive woody vegetation;
- Storage of hazardous materials or chemicals unless within waterproof containers and within a structure;
- Parking lots;
- Buildings and accessory structures with a building footprint larger than 150 square feet;
- Parking or storage of motor vehicles;
- Septic systems and/or lateral lines;
- In-ground swimming pools;
- Animal feedlots or kennels;
- Housing, grazing or other maintenance of livestock;

Evergreen's Agreed Protections

- Evergreen has applied for and Friends fully supports their application for a permit from ANRC for use of "surface water" from a nearby spring. This eliminates our concerns for draw-downs on groundwater and the local aquifer.
- Modified the facility design to capture process and stormwater.
- Construct "french drains" to capture and return process water directly to the wet process plant.
- Utilize equipment to separate solids washed from the raw material through a process to the solids suitable for quarry restoration.
- Construct the bermed water collection area to meet ADEQ NPDES requirements for a wastewater discharge pond.
- Install an extensive pre-filtering of pond-water going into the sediment pond; thus sediment removal will be infrequent. ADEQ will have oversight of sediment removal and disposal including repairs or replacement of the liners.
- Utilize a recycle pond to return process water for re-use. The pond will be constructed such that it can contain a 10 year, 24-hour storm event without discharge to the nearby waterways.
- Utilize four additional stormwater collection ponds having a double HDPE liner. The sediment will be used for quarry fill or reclamation.
- Evergreen will not clear cut the property and has stated that removal of existing trees and vegetation will only be to the extent necessary for construction of roads, the processing plant, the quarry itself and the area of the conveyor system used to transport raw material from the quarry to the processing plant. Visually it is not expected that the quarrying will be visible from other than the air.
- It is anticipated that blasting will be limited to removal of the limestone overburden and then only if required.

RiverReport

Sponsor a Friend of the Rivers !

Your paid membership in *Friends* is so important. The larger and more diverse our member base, the more impact we can have on policy-making.

Currently membership dues are our sole financial source for undertaking educational and policy initiatives.

Each membership includes a printed copy of our quarterly newsletter, alerts regarding conservation issues in the state or region and means to partner with other citizens like you who love these streams.

Join either online at our website (friendsoftherivers.org), or use the form below. *We need you!*

A River Never Sleeps...

"I still don't know why I fish or why other men fish, except that we like it and it makes us think and feel. But I do know that if it were not for the strong, quick life of rivers, for their sparkle in the sunshine, for the cold grayness of them under rain and the feel of them about my legs as I set my feet down on rocks or sand or gravel, I should fish less often. A river is never quite silent, it can never, of its very nature, be quite still; it is never quite the same from one day to the next. It has its own life and its own beauty, and the creatures it nourishes are alive and beautiful also. Perhaps fishing is, for me, only an excuse to be near rivers. If so, I'm glad I thought of it."

Roderick L. Haig-Brown, "A River Never Sleeps" 1946.

Join Friends of the North Fork & White Rivers

Name (please print) _____

Address _____

City, State, Zip _____

Home or Cell Phone numbers _____

E-Mail address (for electronic news) _____

Membership Levels - (Membership dues and any donations are tax-deductible)

- Individual Annual Membership - \$25.00
- Family Annual Membership - \$35.00
- Partnership Annual Membership - \$100.00
- Life Membership - \$500.00
- Business/Organizational Membership - \$50.00
- Donation (\$ _____) - *Donations are appreciated!*

Mail to Friends of the North Fork and White Rivers PO Box 61, Mountain Home, AR 72654

Signature/Date: _____



The mist over the Big Spring at Cotter during winter. (photo Rose Maschek)

ADDRESS CORRECTION REQUESTED

Friends of the North Fork and White Rivers, Inc. is an Arkansas non-profit organization -- 501(c)(3) -- devoted to creating an ongoing dialogue where individuals, groups, and government agencies can work together to conserve, restore and enhance these beautiful rivers.

PO Box 61
Mtn. Home, AR 72654

