

ADEQ Temporarily Halts Mill Creek Desecration

... open-pit mine proposed alongside tributary of White River

An extraordinary amount of damage has been caused over a mile of Mill Creek, a beautiful free flowing creek in Izard County that empties into Piney Creek approximately 2 miles above the White River, north of Boswell.

These creeks have large springs, clean sand and good fishing, including trout. However, the absence of silt and clay within the soils results in the sand being particularly susceptible to erosion.

With the apparent knowledge and direction of the owners, a bulldozer was used to remove most of the vegetation and trees for approximately a mile along Mill Creek.

Some of the clearing appears to be related to an open-cut mining application by B&H Resources, LLC, but it seems that clearing took place outside this area as well.

The pictures on the Friends website show more details of what happened.

Citizen Group Intervention

A number of people, including landowners and others who love Mill Creek and Piney Creek, have been trying to stop this since January 2008. The group invited Friends Board members (FNFWR) to meet with them.



Mill Creek before bulldozing

On June 14th, 2008, we met with a group of 35 and explained to them how mining and stream protection works... or doesn't work... in Arkansas.

The Friends of Mill Creek and Piney Creek was born, with Tammi and Max Trotter, local landowners, as coordinators. A Petition was written and signed and is still circulating.

ADEQ Intervenes

Working with members of the group, some swift action resulted in ADEQ's issuance of an Emergency Order on June 19. In the Order, B&H was directed to cease and desist clearing activities, and to provide a plan to restore the site by June 23rd.

The White River Current newspaper published excellent coverage of the issue.

We will keep you up to date on our blog as this story unfolds.



Over a mile of Mill Creek was bulldozed.

Extensive bulldozing of Mill Creek caused widespread erosion and silting along a long stretch of the creek, destroying fish and other wildlife habitat.



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RiverReport

Friends' Board Names 2008-2009 Priorities

The last year (2007-2008) was a successful year for Friends. The group was instrumental in a suspension of streambed gravel mining, in ADEQ's successful stoppage of the Overlook Estates development (with a \$175,000 penalty), in Baxter County's passage of an Erosion-control Ordinance, and in numerous compliance issues.

When it was time to consider the upcoming 2008-2009 year, the Board considered various priorities for protecting or improving the Rivers' health, and reached consensus on these targets for this year:

- Protect riparian areas (areas adjacent to our streams) that are being cleared, causing increased runoff and erosion.
- Educate citizens and municipal officials, focusing on watershed protection and its relationship

New Bull Shoals Development Near the White River

The Bluffs at Rivercliff will, if developed, build roads, water and sewer systems to support 21 new homes on very steep terrain adjacent to the Rivercliff Golf Course, on the White River below Bull Shoals Dam.

Its Storm Water Pollution Prevention Plan was submitted to ADEQ by the City of Bull Shoals, for ADEQ's review.

Planning Commission members expressed the strong desire to maintain water quality on White River.

For more information, visit the Friends blogsite.

to our health, happiness and economic prosperity.

- Advocate best management practices, low impact development, and compliance with state and local water law.
- Advocate elimination of stream bed gravel mining in Arkansas, except for limited and appropriate removal by landowners.
- Expand the Stream Team program, and work toward more water quality testing on the North Fork and White Rivers and their tributaries.
- Alert members on water policy opportunities.
- Expand our web site and blog site.
- Ask the hard questions, while maintaining an attitude of personal respect for every person.

Corps Publishes White River Flow Guidelines

The Corps of Engineers has put online their operating guidelines for regulating the water flow through the four dams of the White River system.

The guidelines could provide a peephole for those interested in anticipating White River water releases from system dams. They are seasonal, and pegged to two indicators:

- the White River level at two points downstream (Newport and Georgetown), and
- the flood-control capacity of the four lakes at any point in time.

See the guidelines here.

Baxter County Ordinance Aims to Control Erosion

County Now Has Plan-Review, Permitting and Stop-Work Authority

Baxter County's enactment of its Erosion Control Ordinance allows local enforcement of environmental requirements. Prior to the local ordinance, all enforcement rested with ADEQ, in a complaint-driven system proven inadequate by the Overlook Estates project.

Friends of the Rivers advocated the measure for over six months, with a good turnout at the final February Quorum Court meeting.

Thanks in large part to a great show of public support (including Friends members) during the hearing, the ordinance PASSED UNANIMOUSLY.

Radio Station KTLO reported on the meeting, describing clearly the impact of our Friends turnout and testimony upon the passage of the ordinance.

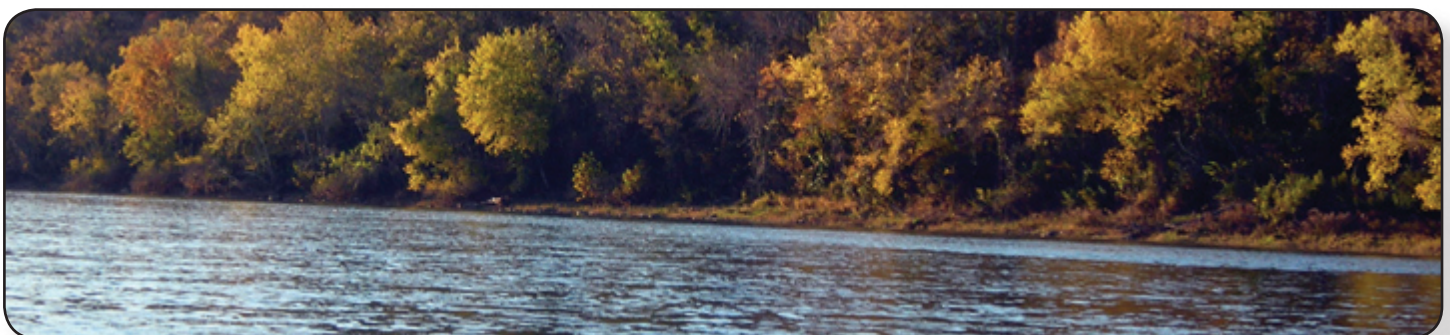
Under the ordinance, anyone who disturbs an acre or more of soil must first submit for the County Planning Board's approval a Sediment Control Plan. The plan must follow EPA's Best Management Practices.

The County must issue a permit before construction can begin.

Exempted from the Plan Review and Permitting requirement are agricultural operations, and individuals whose project would be more than 300 feet from any navigable waterway.

Especially beneficial is the "stop-work" authority granted the County by the ordinance. Should any project not comply with the requirements or its approved construction plan, the County can order work stopped immediately, subject to daily fines.

Click here to read the ordinance itself.



RiverReport

Development and Environmental Protection Are Not Mutually Exclusive Pursuits

...a message from Friends' President

Fellow Members, first I'd like all of you to know that I'm extremely honored to have been elected president of Friends, an organization now recognized as one of the top watershed protection groups in Arkansas. Friends' reputation is a testament to the hard work and dedication of our members and supporters of the organization.

Friends has earned a reputation of long term commitment to protecting the North Fork & White Rivers, their tributaries and their watersheds. Together with several cooperative efforts with other groups and ADEQ, there have been several recent successes that give us additional encouragement to continue our quest of stopping pollution at its source.

My goal is to enhance Friends reputation by continuing our commitments to educating government officials, businesses, industry, developers, and the public on public policies and regulations and proposed changes which will further protect our unique Ozark environment for future generations.

How I got involved...

I joined Friends after being introduced to the environmental disaster on Crooked Creek resulting from years of in-stream gravel mining and the damage being done through the same practices on South Sylamore Creek in Stone County, where my wife and I have now lived for about 15 years.

Like many other residents, some of whom have grown up here, I could not believe that some landowners who live in these beautiful Ozarks continue to mine gravel and sand from within the streams after having been exposed to the damage this practice does to the streams and its surrounding environment.

Local residents speak of swimming holes used for years that are now filled in or are choked with algae much of the year. They say the fish types and populations have changed over

recent history. A local church had to stop baptizing members in the creek because of excessive algae growth.

Landowners with creek frontage report significant erosion of banks and damage to existing riparian zones. Property owners overuse fertilizers that end up in our waterways. Ranchers still feed their stock on gravel bars and allow livestock access to streams where they contribute to stream pollution.

Those of us with septic systems are not diligent in having them checked for proper operation on a regular basis, and some of us still dump garbage and chemical waste on our properties where they can enter the groundwater supply.

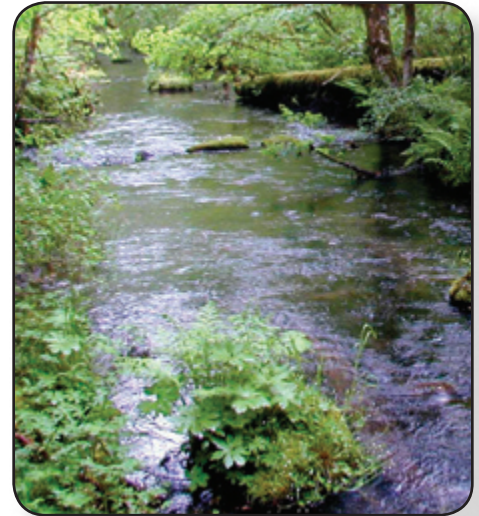
After viewing a video sponsored by the AGFC on the effects of in-stream gravel mining, I was immediately compelled to lend my voice to the many who were protesting another in-stream gravel mining operation application on South Sylamore Creek at that time.

It takes us ALL...

I've also become aware of how WE ALL contribute in one way or another to the damage our environment is suffering by not becoming educated as to the causes of our human impact and/or believing that our individual transgressions do not really count. I now realize that each of us must become active in changing our behaviors to minimize our effects on the environment. The health of our watershed determines the quality of the water we consume -- whether for drinking, food production, industry, cleaning, watering our lawns or recreation. Reducing pollution and stabilizing slopes and stream banks allows natural processes to clean our water, which benefits everyone.

ADEQ needs our assistance ...

Due to my involvement in the in-stream mining application appeals process and the requirements for permits, I also became aware of the limitations placed on ADEQ caused by



It takes us ALL to maintain the kind of clear, pure mountain streams that we have in the Ozarks.

inadequate funding, limits on fines which they can impose, and the lack of adequate personnel to monitor and insure compliance with Arkansas' environmental requirements.

Friends needs to continue its partnership with ADEQ and the public to encourage the legislature to completely reevaluate ADEQ's financial needs, legal authority and the penalty structure, especially with regard to repeat offenders.

The under-funding results in inadequate employee staffing which then limits the organization's ability to visit permitted sites prior, during and after operations and respond to public complaints of suspected environmental regulation violations in a timely manner. Friends and the public already provide the eyes and ears for many violations ADEQ investigates.

The fine which ADEQ can impose on developers/mining operators for failing to apply for the required permits is ridiculously low and I believe is the reason many operators simply ignore applying for their permits.

An effective enforcement agency must have adequate funds to hire and train staff/inspectors, authority
(continued next page)

... *President's Message (continued)*

to stop work when operators are not complying with regulations, and the ability to assess penalties that are commensurate with the violations and for repeat offenders.

Now We Can See the Damage...

The more I have involved myself, the more aware I've become of what is taking place in our "neighborhood". Arkansas and especially the mountain regions are experiencing unprecedented growth, and this mostly uncontrolled/unplanned growth is having an extremely deleterious effect on our environment simply because Arkansans, until the last perhaps 40 years, have never had to consider the effects we all have on our environment since industry and population has been relatively low with respect to the land available.

Now the damage is up front, and we are faced with having to change

many of our old practices and take action to plan for this unprecedented growth.

By addressing our environmental issues now, we will avoid the much higher expenses of repairing the damages and cleaning up our waters.

We ALL Have Work to Do...

I hope you will all join me in taking a proactive position for educating local government officials, developers, industry and the public to take seriously the environmental impacts that are occurring across the Ozark Region caused primarily by ignorance.

County and City governments can play a huge role in protecting the environment while still promoting development.

"We the People" hold the keys to effect change and Friends' role is through community leadership and education.

... *Jerry Weber*

How to File Complaints with ADEQ

One of the most valuable roles that citizens can play in protecting our rivers and watersheds is by filing a complaint with the Arkansas Department of Environmental Quality (ADEQ) when we see an activity that is damaging the environment or our property.

Just as with the litter-prevention program, citizens play a crucial role.

ADEQ is responsible for protecting, enhancing and restoring our environment. The agency welcomes complaints from citizens.

In fact, the enforcement system in Arkansas is basically "complaint driven," partially because of a lack of funding. Practically speaking, however, it would be impossible and unpopular to have the "environmental police" monitoring our entire watershed.

"Anonymous Complaints" are welcomed, and most citizens prefer this method. To remain anonymous, do *not* give your name and personal information. If you do give your name, then ADEQ must release it, if asked -- even to a potential offender.

You need only supply enough information to identify and locate the problem you are reporting. Give as detailed a description as possible of the problem and information about its location (address, driving directions, county, etc.) so the inspector can locate it.

To file online, go to ADEQ's complaints gateway, where there are links to ADEQ Divisions which regulate water, hazardous waste, air, solid waste, spills, dumps, etc.

- For water complaints like erosion from subdivisions or illegal mining click here.
- Alternatively, citizens can write ADEQ Water, 5301 Northshore Drive, North Little Rock, AR 72118-5317.
- If you'd prefer to file a complaint by phone, call (501) 682-0657 or fax (501) 682-0910.



"Stream Team" Finds Fluctuations at Hightower Creek

During three calendar quarters of monitoring Hightower Creek near its confluence with the White River at Cotter, a Friends "stream team" found the overall health of the stream to be good, but changing.

The Stream Team (Jane Darr, Theia Foley, Sara Thorne and Gay Vekovius) recorded fluctuations in the levels of dissolved oxygen, the pH and in aquatic life present.

Each season's water contained sufficient dissolved oxygen to support trout life.

"This kind of testing can be done by anyone with the interest, and who is willing to learn a few techniques," said Darr.

Darr said the monitoring equipment is available for loan.

For more information, visit the Friends website.

Rain on the River

The silent morning fog had its arms around the river as I approached its edge in the dawn's dim light. Looking across, I saw reflected in the glassy water two blue herons sitting motionless on rocks by the opposite bank, waiting patiently for breakfast to swim by.

Shifting my gaze downward, I could clearly make out details of tiny pebbles in front of me, which I knew were below three feet of cold, crystal-clear Ozark Mountain water.

Without a sound or wave, I slipped into the 42-degree stream and very carefully made my way across the channel to the upper tip of an island in the river's center.

Deciding to give a newly-tied fly its first chance, I attached it to 6x tippet, and the fly was ready.

Then the storm hit. Glad for a rain-shell, I flipped its hood up, and zipped it around me, instantly inside a warm, dry - and noisy - cocoon. The raindrops crashed onto the hood next to my ears as the shell instantly brought to zero the raindrops' 88 feet-per-second downward velocity. Water spray exploded outward from the shell, sending shock waves through the air - and creating their own rainstorm around the hood itself.

Next came the lightning. Standing knee-deep in rushing water, I felt more than heard the crashing thunder every five or six seconds. Angry sharp blue flashes of light reflected from the water's exploding surface, declaring the lightning's superiority against any challenger.

I squinted out through the waterfall of spray, and false-cast side-armed to keep the rain from running down my coat-sleeve, working out enough line to reach across and upstream in the 40 foot channel.

The stream here was medium-fast, with one boulder in the middle of the deep shoal, below which it dumped loudly into a long, peaceful run. A person wouldn't get many casts near the boulder before he spooked whatever was in that swirl. Better be careful.

Letting the fly settle 15 feet upstream from the boulder, I mended line and the fly sank during its fast drift toward the swirl. Amid thousands of tiny rain-produced explosions on the river-surface, I saw the indicator edge past the boulder.

BANG!

The rod bent double, and a long football-shaped trout blasted vertically three feet out of the river, before arching back downward into the rush.

The reel screamed and the fly rod strained against what felt like sledgehammer blows, as the fish ripped directly across the river, with the line. He was leaving - and the light tippet wasn't going to hold a fish like this one, not in this fast water.

With no choice but to follow as he raced across the

channel, I slogged knee-deep across the roaring shoal, holding rod high, straining through the dim green light to spot good footing.

Managing to stay upright in the swift clear water, I got to the other side, within 50 feet of him, but he immediately headed upstream faster than I could run. My reel screamed - he was tearing out line again. I splashed upstream behind him, rod high, doing my best to stay upright and close enough to keep him from breaking the line.

A hundred feet later, he let me know he preferred the other side, after all. "Here we go again," I thought. Rod high, reel screaming, I chased back across the swift water, looking alternately up for the fish, then down for boulders. They were harder to see in this deeper, louder water. He reached the other side, and I again chased to within 50 feet.

"He's more tired than I am," I said to myself, half hoping it was true.

I had barely finished the thought when he started downstream again. But now his hammering head-shakes were just heavy thuds. My reel was no longer screaming - just whining.

"Fly, hold just a little longer," I said out loud to nobody but myself.

Rod still bent double, I slogged downstream after him, and leftward into an eddy, trying to turn the fish into it. He grudgingly gave an inch, then another and another, now too tired to fight much more. He was as heavy as an old pair of work boots. He was ready to surrender.

Then I saw him, and involuntarily gasped. "He's an orange bomb," I thought to myself.

When he had jumped at the strike, he had been only a large silhouette. Now his colors showed. His big, thick red-orange body had the cutthroat trout's trademark orange slash just behind his gills, and he had on his best colors for the ladies.

He'd lived here awhile to get this size.

Gradually, he surrendered into the eddy. Reaching under the water, I gently pulled the barbless fly from his mouth and held him upright in the calm clear water, so he could recover his strength.

I watched him gasping for breath, and suddenly realized I was holding my own breath. Soon he recovered, and signaled he was ready to try it on his own; when I slid my hands clear of him, he flipped his tail slightly and swam lazily back toward his crystal-clear home waters.

And I waded toward my own home, thankful for such a wonderful day on the river.

"I could clearly make out details of tiny pebbles in front of me, which I knew were below three feet of cold, crystal-clear Ozark Mountain water."

"When I slid my hands clear of him, he flipped his tail slightly and swam lazily back toward his crystal-clear home waters. And I waded toward my own home, thankful for such a wonderful, rainy day on the river."

RiverReport

Table Rock Expert Addresses Bull Shoals Audience

Says Success With "Alternate Sewage Treatment"

The Executive Director of a Table Rock area non-profit told a north Arkansas audience of over 25 advocates how his group had taken a new approach to making sure their Missouri lake water stays clean.

David Casaletto, Executive Director of Table Rock Lake Clean Water Inc., spoke at the Jim Gaston Visitor Center on June 4th.

Their approach centered around non-traditional wastewater treatment systems. To accomplish this, they needed local health regulation changes, federal funding and an active organization to make it happen.

According to Casaletto, septic systems in the Table Rock Lake watershed can threaten water quality because the soil and rock characteristics in that region are often not suitable for septic systems.

Despite this, he said, these are often used by the largely rural population.

The area around Bull Shoals and Norfolk Lakes have soil and rock characteristics similar to those of the Table Rock region.

Casaletto said aerobic septic systems, combined with a drip system to replace the usual lateral lines, enabled effective waste purification even where there is only a rock surface -- which would often preclude a septic tank.

While these systems require some dirt for cleansing the effluent, the dirt can be 'imported,' since the required depth is only about 18 inches total.

In addition, unlike the usual lateral lines which require a flat area, these drip systems can be put on slopes or placed in oddly-shaped areas.

A similar project here in Arkansas would require approval and cooperation of the Arkansas Department of Health.

You can read more, including their methods and results by clicking here.



Boat trail shows algae-bloom in Table Rock Lake caused by excessive nutrients in water. Photo courtesy of Table Rock Lake Clean Water, Inc.

"The people around Table Rock Lake knew they had a big water quality problem and decided it was their job to fix it."
...Carol Short, Chair of the Bull Shoals Planning Commission.



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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, enhance, and restore these beautiful rivers.

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