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VOLUME 11, ISSUE 1

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CONTENTS



Volume 11, Issue 1



40



28



32



36

NEWS & UPDATES

14: DREAM TRUMPS DAMS ON PATAGONIA'S FUTALEUFÚ RIVER

16: OIL TRANSPORT PROPOSALS ARE OFF THE RAILS

17: STOPPING THE MASSIVE FISH KILLS AT POWER PLANTS

24: L.A. WATERKEEPER'S PLEA TO ANGELINOS, "DON'T WASH THAT CAR!"

50: AVOIDING A "WATER-SHED TRAINWRECK" ON THE COLORADO RIVER

FEATURES

28: WITH BELIEF, NEARLY ALL THINGS ARE POSSIBLE

Africa's first Waterkeeper succeeds in Senegal.

32: ARMY CORPS MUST MARCH TO A DIFFERENT DRUMMER

Corps of Engineers settles with Columbia Riverkeeper; Will curb its damn pollution.

36: SAVING BLOUNTS CREEK

Protecting a bountiful North Carolina creek from a deadly limestone mine.

40: THE FIGHT TO SAVE ALASKA'S CHUITNA RIVER

If Big Coal succeeds in destroying one of Alaska's great wild salmon streams, it could mark a critical defeat in the global fight against climate change.



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WHAT STATE ATTORNEYS GENERAL CAN DO ABOUT CLIMATE-CHANGE DENIERS

“ROBERT F. KENNEDY, JR. SHARES THE OPINION THAT CLIMATE DENIAL SHOULD BE CRIMINALIZED.”

So wrote Jonathan Chait in *New York Magazine* last September, echoing *National Review*’s Kevin Williamson, who made that outlandish claim at one of the Heritage Foundation’s annual “Conferences for Kooks.” Of course, I never said such a thing; I support the First Amendment, which provides room for any citizen to spew, even knowingly, far more vile lies without legal consequence. But reactions at right-wing think tanks and their acolytes at *The Washington Times*, in talk radio and the blogosphere, have assumed that I did say it, and have responded apoplectically.

I do, however, believe that corporations that deliberately, purposefully, maliciously and systematically sponsor climate lies should receive the “corporate death penalty,” which could be imposed through an existing legal proceeding known as “charter revocation.” State attorneys general can apply this remedy whenever corporations put their profit making before the “public welfare.”

In 1998, New York State’s Republican attorney general, Dennis Vacco, did just this when he revoked the charters of two non-profit, tax-exempt front groups for the tobacco industry, the Tobacco Institute and the Council for Tobacco Research (CTR). Both were

creatures of a decade-long campaign funded principally by tobacco giant Brown & Williamson to allow an industry that was killing one out of five of its customers to avoid costly health regulations that would diminish its profit margins. Decades earlier, in 1969, a B&W memo that hatched these front groups had notoriously proclaimed, “Doubt is our Product.”

The targeted groups, Vacco complained, were “[feeding] the public a pack of lies in an underhanded effort to promote smoking so as to addict America’s kids.” He seized their assets and distributed them to public institutions.

Laws in every state declare that companies that fail to comply with prescribed standards of corporate behavior may be either dissolved or, in the case of foreign corporations, lose their rights to operate within that state’s borders. These rules can be quite expansive and, in contrast to the U.S. Supreme Court’s recent rulings on campaign finance law, offer companies far less protection than persons. New York, for example, prescribes corporate death whenever a company fails to “serve the common good” and “to cause no harm.”

Just as Big Tobacco funded the Tobacco Institute and CTR to systematically deceive the public about the perils of cigarettes, the carbon cronies, with far larger profits at stake, have funded an army of front groups to persuade the public that global warming is a hoax. For over a decade, petroleum-industry behemoths, led by Koch Industries and ExxonMobil, have waged a successful multi-million-dollar propaganda blitz, using the same techniques honed by the tobacco industry. Both companies are spending massively to compile “junk” science devised to undermine the overwhelming scientific consensus on global warming. Between 1997 and 2013, ExxonMobil pumped nearly \$30 million into a network of more than 75 front groups to manufacture skepticism about the oncoming climate catastrophe.

At the same time, Koch Industries has piped at least \$67 million to over fifty such groups. Big Carbon has employed many of the same corrupt scientists and public-relations firms as Big Tobacco. And, like that reptilian Brown & Williamson memo in 1969, two secret memos laid out the blueprint for the oil industry’s anti-science offensive. The American Petroleum Institute – lobbyist for ExxonMobil, Chevron, BP, Shell and ConocoPhillips – was the spear-tip of a multi-million dollar campaign of media manipulation. On April 3, 1998, API presented its



JUST AS BIG TOBACCO FUNDED THE TOBACCO INSTITUTE AND THE COUNCIL FOR TOBACCO RESEARCH TO DECEIVE THE PUBLIC ABOUT THE PERILS OF CIGARETTES, THE CARBON CRONIES HAVE FUNDED AN ARMY OF FRONT GROUPS TO PERSUADE THE PUBLIC THAT GLOBAL WARMING IS A HOAX.

“Global Climate Science Communications Action Plan” for “tactics and strategies” to sow doubts about legitimate climate science. Its team would create front groups to “educate” editorial boards and corporate CEOs to challenge, “prevailing scientific wisdom.” Under the rubric “recruiting and training,” API outlined a plan for tapping neophyte – read “malleable” – scientists and tamed journalists – “e.g., John Stossel,” the memo suggests – to bamboozle the public. “Victory will be achieved,” API promised, “when average citizens and the media recognize uncertainties in climate science [and] recognition of uncertainties becomes part of the ‘conventional wisdom.’”

Four years later, conservative pollster Frank Luntz sent an influential memo to President George W. Bush and oil-patch lawmakers that applauded the industry for the success of the API campaign. “Voters believe,” he wrote, “that there is no consensus about global warming within the scientific community.” Yet he warned Big Carbon’s indentured servants on Capitol Hill that “the science [is closing against us] but is not yet closed.” He advised, “therefore, you need to continue to make the lack of scientific certainty a primary issue in the debate.”

Over the next dozen years, a string of front groups, funded primarily by ExxonMobil and Koch, conducted the deceptive anti-science campaign outlined by API and Luntz. Among the groups that have received millions are The Cato Institute, The Heritage Foundation, the Cooler Heads Coalition, the Global Climate Coalition, Americans for Prosperity, Heartland Institute, Committee for a Constructive Tomorrow, George C. Marshall Institute, the State Policy Network, the Competitive Enterprise Institute and the American Enterprise Institute (AEI).

Like the Tobacco Institute and the Council for Tobacco Research, these groups are snake pits, run by carbon-industry toadies. They are crowded with propaganda-wizards, slick biostitutes, snake-oil

hucksters, voodoo economists and other so-called “experts” who appear on TV and radio and publish deceptive studies and articles critiquing the “flawed science” predicting climate change. They broadcast zany theories to bolster policies that encourage increased energy consumption; they attack pollution rules, torpedo renewable-energy development and support Big Carbon’s obscene government subsidies.

And they adapt arguments to detour around facts. For example, the Competitive Enterprise Institute (CEI), which describes itself as being “a leader in the fight against the global warming scare,” spent years denying that warming was real, and then, as the tsunami of evidence made that position untenable, pivoted to the more defensible posture that human beings are not causing it. More recently, CEI retreated to the terminal default position that global warming is beneficial because it will “create a milder, greener, more prosperous world.” But the floods, fires, drought, rising oceans, disappearing ice-caps, melting glaciers, drowned cities and resulting human refugees have not exactly been “mild,” and the most noticeable green growth has been the amount of greenbacks dropping into the hands of the Koch Brothers and ExxonMobil, who are enjoying the biggest profits in world history.

“Thank you, Planet Earth!”

The American Enterprise Institute, one of the richest and most influential think tanks in the United States – and the holy of holies of climate denial – offered a \$10,000 bounty in 2006 to any scientist or economist who could produce an article undermining the U.N. Intergovernmental Panel on Climate Change report. The report was the most comprehensive review yet of the topic, representing a consensus among thousands of prestigious climate scientists from over 130 nations.

These duplicitous and dangerous corporate propagandists are formidable foes. But any state attorney general with the will and viscera to stand up to them has authority to annul the charters of each of these mercenary merchants of deceit. A particularly bold attorney general could not just revoke the charters of oil-industry surrogates like AEI and CEI, but could also withdraw state operating-authority from the nationless, soulless oil companies that have sponsored the



DURING THE GILDED AGE, THE ATTORNEYS GENERAL OF NEW YORK, OHIO AND TEXAS DISMANTLED THE STANDARD OIL MONOPOLY AND RESTORED ECONOMIC DEMOCRACY TO AMERICA.

“Big Lie” campaigns, and force them to sell their in-state assets to more responsible competitors.

Koch Industries and ExxonMobil are primary candidates for such corporate elimination. No companies have worked harder or spent more money to impede governments from acting against global warming to safeguard public welfare, nor employed artifice on such a massive scale, nor laid out as many millions of dollars to employ fraudulent junk science. Their mendacious crusade is fueled by a greedy, immoral, anti-social pathology that is even starker given the open acknowledgment since 2007 by the other major oil companies, including Shell, Chevron and BP, that burning oil is causing climate change.

“I’m not a U.S company,” ExxonMobil’s former CEO Lee Raymond once famously told his board, “and I don’t make decisions on what is good for the U.S.” Indeed. Nor for the good of mankind.

The notion that a state attorney general might actually execute one of these villainous entities is not a pipe dream. Throughout history these prosecutors have shown a willingness to stand up to America’s biggest corporate bullies, including Wall Street investors, titans of tobacco and oil, and coal-burning utilities, even in eras like the present, when corporate money has subverted our democracy and softened the spines of most politicians. It was, after all, 46 courageous state attorneys general who brought down the tobacco companies, nine northeastern attorneys general who sued coal-burning utilities for damages to their citizens from airborne pollutants, and long ago, during the Gilded Age, the attorneys general of New York, Ohio and Texas who dismantled the Standard Oil monopoly and restored economic democracy to America. But that malevolent Frankenstein monster has been reassembled as ExxonMobil, and poses an even greater threat today to our historical values and quality of life.

Let us all look for and vote for attorney-general candidates in our states who promise to stand up to carbon’s duplicitous proxies, fight for justice and democracy and bequeath to succeeding generations safe, healthy, communities and a broad prosperity in striking contrast to the corporate oligarchy championed by the Koch Brothers and ExxonMobil.

FLOODS, FIRES, DROUGHT, RISING OCEANS, DISAPPEARING ICE-CAPS, MELTING GLACIERS, DROWNED CITIES AND RESULTING HUMAN REFUGEES HAVE NOT EXACTLY BEEN “MILD,” AND THE MOST NOTICEABLE GREEN GROWTH HAS BEEN THE AMOUNT OF GREENBACKS DROPPING INTO THE HANDS OF THE KOCH BROTHERS AND EXXONMOBIL, WHO ARE ENJOYING THE BIGGEST PROFITS IN WORLD HISTORY.

“THANK YOU, PLANET EARTH!”



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PHOTO TOP RIGHT: ROBERT F. KENNEDY, JR., WATERKEEPER ALLIANCE’S PRESIDENT, SPEAKS ABOUT THE ALLIANCE’S HISTORY AND ITS FUTURE. ABOVE RIGHT: GLENN R. RINK, CHAIR OF THE BOARD OF DIRECTORS, RIGHT, AND TRUSTEE ED HUBENNETTE AT THE LONDON CELEBRATION. ABOVE: LONDON WATERKEEPER THEO THOMAS IN HIS ELEMENT.

LONDON WATERKEEPER IS ALLIANCE’S FIFTEENTH ANNIVERSARY PRESENT

Waterkeeper Alliance celebrated its 15th anniversary by launching the London Waterkeeper at a gala at that city’s historic St. Pancras Renaissance Hotel on November 7th. Hosted by the Alliance’s co-founder and president, Robert F. Kennedy, Jr., those attending the event included Waterkeeper Executive Director Marc Yaggi, actress Cheryl Hines, Alliance Trustee Ed Hubennette, vice-president of Marriott Hotels Great Britain, and Theo Thomas, the new London Waterkeeper.

“The promise of the Waterkeeper movement inspires me every day,” Kennedy told the gathering, “because I know that our growing global network of Waterkeepers is playing an increasingly critical role in saving the world’s waters and, ultimately, the planet itself. We have made great strides in the past 15 years and look forward to a very bright future.”

Kennedy pointed out that London desperately needs its own strong voice to challenge polluters and defend its rivers, 98 percent of which fall below the quality criteria set by the European Union’s Water Framework

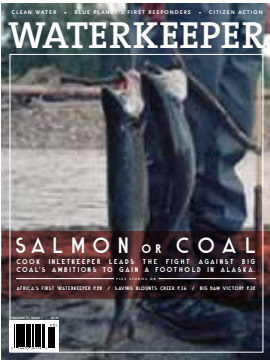
Directive. Raw sewage, toxic waste and oil continue to filthy these waters, and existing laws to protect them are not being enforced.

“As frustrating as this reality is,” said Marc Yaggi, “it is a huge comfort to know that there are people on whom we can depend to fight for our rights – from the foothills of the Himalayas to the banks of the Thames, Waterkeepers are working relentlessly to ensure that our waters are swimmable, drinkable, and fishable. And I am confident that our newly installed London Waterkeeper is up to the challenge.

“This occasion,” he added, “is an opportunity for us to thank the many people who support the cause of clean water, and to lay out our plans to double our size and protect 500 waterways in the coming years.”

The new London Waterkeeper, Theo Thomas, responded that “it is a privilege to bring Waterkeeper Alliance’s approach to defending rivers to the UK. This celebration is the beginning of a movement here that will challenge as never before those polluting our waters.”

“THE PROMISE OF THE WATERKEEPER MOVEMENT INSPIRES ME EVERY DAY, BECAUSE I KNOW THAT OUR GROWING GLOBAL NETWORK OF WATERKEEPERS IS PLAYING AN INCREASINGLY CRITICAL ROLE IN SAVING THE WORLD’S WATERS AND, ULTIMATELY, THE PLANET ITSELF. WE HAVE MADE GREAT STRIDES IN THE PAST 15 YEARS AND LOOK FORWARD TO A VERY BRIGHT FUTURE.”



ON THE COVER:
Article author Sam Weis and Josh Prestin hold silver salmon caught on the Chuitna River.

Design by BoyBurnsBarn/John Turner

Photo by Sara Quinn

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Milwaukee Riverkeeper Cheryl Nenn grew up along the Great Lakes and has always had an affinity for the water. She's been able to transfer this lifelong passion into a career as the voice and guardian of the Milwaukee river basin, which encompasses the Milwaukee, Menomonee and Kinnickinnic Rivers. The basin drains to Lake Michigan, which provides drinking water to over one million residents in southeast Wisconsin. After college, Cheryl joined the Peace Corps and served as a forestry-extension volunteer in Ecuador. Other jobs included consulting on environmental projects for the U.S. Forest Service and managing natural areas for the City of New York's Natural Resources Group. Since becoming the second Milwaukee Riverkeeper in January 2003, Cheryl has made great strides in restoring a 900-square-mile watershed that had been ravaged by industrial pollution, stormwater runoff, sewage contamination, concrete channelization and the devastating impacts of dams on fish habitats. "It always amazes me" says Cheryl, "how quickly a river responds when good things are done to set it right again."

Every day, around the world, polluters are poisoning our waterways and harming people's lives. And everywhere Waterkeepers are fighting to protect everyone's right to swimmable, drinkable, fishable water. We are the world's fastest-growing environmental movement and a powerful force working to protect and defend our most precious resource, water, locally and globally.

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ROBERT F. KENNEDY, JR. / WATERKEEPER ALLIANCE PRESIDENT

PHOTO CREDIT: LONNIE PADELSKY

Ripples

PATAGONIA WITHOUT DAMS NOW IT'S MORE THAN A DREAM

Endesa, a Spanish-based multinational energy company, has decided to cancel plans to build three large dams on the Futaleufú River in Chile. The news, reported in October in Chile's Diario Financiero newspaper, followed acknowledgement by Endesa's parent company, Enersis, of strong opposition to the project by Futaleufú Riverkeeper and a coalition of more than 70 local groups.

After comments in the Chilean press last June by Waterkeeper Alliance President Robert F. Kennedy, Jr., an Enersis director admitted that the proposed dams “have awakened the attention of environmental groups, and any proposed project there would encounter disapproval from members of the community.”

Kennedy has personally been involved for more than a decade in efforts to protect the river, which he called the “mecca for whitewater enthusiasts around the world.” He added that, “Endesa has tremendous political power and they are trying to drive energy policy in Chile, but the dams project makes no sense from a market point of view, and makes no sense in terms of protecting the patrimony of the country and the economy of Patagonia which is increasingly a tourist-based economy.”

A grassroots campaign, Patagonia Sin Represas (Patagonia Without Dams) also pressed Endesa to shelve the project.

But Futaleufú Riverkeeper's executive director, Chilean environmental attorney Robert Currie, remains concerned about the company's intentions, noting that it retains water rights to the Futaleufú and several other Chilean rivers. Mining claims have also been filed in the watershed by speculators, raising concerns that energy demands will continue to be an incentive for hydroelectric development on the river.

Chile's water and energy sectors were privatized during the dictatorship of General Augusto Pinochet. A 1981 law made it possible for corporations to buy and sell water rights, paving the way for major hydroelectric projects. Just prior to Pinochet's departure in 1990, Endesa was handed the exclusive right to

develop the most powerful rivers in Patagonia.

“While it's good news to see Endesa backing down temporarily from their plans to destroy the Futaleufú,” said Currie, “nothing is stopping Endesa from reviving the project in the future or selling the water rights to another company interested in doing so. Until the water rights are out of the hands of private companies, both the watershed and the communities that depend on it will remain in danger.”

Describing the river as an “irreplaceable natural resource,” he called for advocates to “continue to be vigilant in calling upon the Chilean government, citizens, and the international community to permanently protect” it.

While a cause for celebration in the continuing fight to save Chile's wild and scenic rivers, several partner organizations also expressed caution about the good news. Juan Pablo Orrego, president of Chilean non-governmental organization Ecosistemas and a board member of International Rivers, commented that “it would be horrible if [Endesa] were to sell the water rights to AES Gener or Colbun” (other Chilean power companies).

Mr. Orrego pointed out, however, “it does appear they view the Futaleufú as untouchable,” and conceded that Endesa's decision “creates a space for discussion” about water rights in Chile.

Ecosistemas, working with a coalition of organizations known as the Patagonia Defense Council, played a significant role in stopping the HidroAysén project to build five hydroelectric plants on two rivers in the Aysén region in lower Chile.

Following the October announcement, Kennedy pointed to the international nature of the decision and what it means for environmental advocates around the world. “People have a fundamental right to protect their families and their livelihoods,” he said. “The struggle for Patagonia's rivers is the same one everywhere; it's about people fighting corporations that would destroy communities just to make a short-term profit.”



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Image courtesy the artist: Fraser Gallery, Los Angeles; Paul Kasmin Gallery New York.

Babylon Chatta, 2012

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NED SULLIVAN
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GROUPS
PROTEST

Administration (PHMSA) do not comply with federal law. Calling the spike in volume of crude oil being transported down the Hudson River, “the gravest threat to the Hudson in a generation,” Riverkeeper and Scenic Hudson sharply criticize PHMSA’s proposal as lacking strict safety upgrades, and urge the agency to use its emergency-order authority to immediately implement critical changes. The groups specified several loopholes and weak safety proposals, including:

- Despite acknowledging that DOT-111 railcars (the most common railcar used in crude-by-rail transport) “can almost always be expected to breach in the event of a train accident,” and that the cars provide “insufficient puncture resistance” and are “vulnerable to fire and roll-over accidents,” the proposed regulations would very slowly phase out DOT-111s for carrying Bakken crude oil from the Midwestern U. S. and Canada and would allow tens of thousands of these outdated cars to continue shipping heavy Canadian tar-sands crude.
- Regulations fail to require full disclosure of rail traffic information to first responders to accidents, and would allow the industry to keep this information confidential.
- Regulations fail to require the most protective braking improvements and speed-restrictions, or to consider limits on the



PHOTO CREDIT: UPPER JAMES RIVERKEEPER

Hudson Riverkeeper and Scenic Hudson jointly submitted comments in October detailing how and why safety upgrades for shipping explosive crude oil by rail proposed by the Pipeline and Materials Safety

length of trains that could reduce derailments and other accident risks.

- Railroads could continue to operate 120-car trains of Bakken crude oil without the requirement of train specific spill-response plans, such as the Coast Guard requires for oil tankers and barges with equal capacity.

“Put simply, these rules won’t stop the next bomb-train disaster,” says Paul Gallay, Hudson Riverkeeper. “We deserve real protection for communities and the environment—not a rule that defers to the rail and oil industries at every turn.”

Warning that “a crude oil spill into the Hudson River would be catastrophic to the public health and natural resources of our region,” Scenic Hudson President Ned Sullivan insisted “we need these changes immediately.”

The organizations are calling for the most stringent tank-car standards, speed-restrictions and use of electronically controlled pneumatic braking in all trains carrying crude oil, and for closing loopholes that leave transport of Bakken crude in trains carrying fewer than 20 cars and all transport of heavy tar-sands crude completely unaddressed.

Since late 2013, Waterkeepers across the United States and Canada have worked to stop the transport of up to 6.3 billion gallons of crude oil per year on an accident-prone “virtual pipeline” of trains, barges and ships. Alliance Executive Director Marc Yaggi, pointing to “leaks, spills and dozens of accidents just this year that put human health and the environment at unnecessary risk,” has called on PHMSA Administrator Cynthia Quarterman directly to “act immediately” to protect the public against “ever-expanding threats from oil trains barreling through their communities.”

Read more about the campaign to put an end to the “bomb trains”: www.riverkeeper.org/?p=28863.

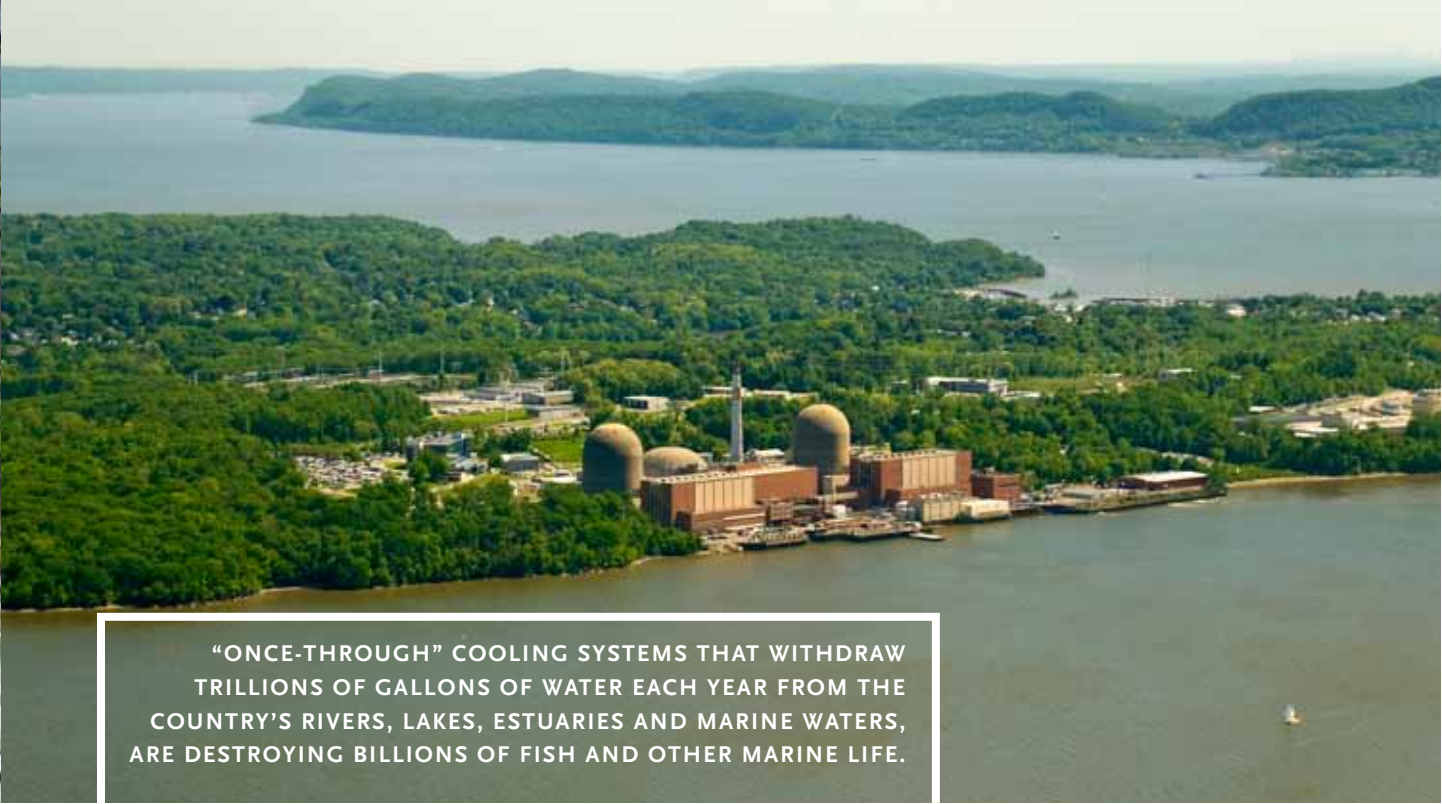


PHOTO CREDIT: GILES ASHFORD

“ONCE-THROUGH” COOLING SYSTEMS THAT WITHDRAW TRILLIONS OF GALLONS OF WATER EACH YEAR FROM THE COUNTRY’S RIVERS, LAKES, ESTUARIES AND MARINE WATERS, ARE DESTROYING BILLIONS OF FISH AND OTHER MARINE LIFE.

INDIAN POINT NUCLEAR POWER PLANT IS SITUATED ALONG THE SHORES OF THE HUDSON RIVER, JUST 28 MILES FROM NEW YORK CITY.

GROUPS SUE EPA, DEMANDING
LESS-DEADLY COOLING-SYSTEMS
AT POWER PLANTS

A coalition of environmental groups that includes Hudson Riverkeeper, NY/NJ Baykeeper, Delaware Riverkeeper, Hackensack Riverkeeper, Casco Baykeeper, Narragansett Baykeeper and Waterkeeper Alliance filed a new lawsuit in federal court in New York seeking to force the U.S. Environmental Protection Agency to establish a clear standard that better protects hundreds of aquatic species near the nation’s 1,065 power plants and other industrial facilities.

More than 500 of America’s oldest and dirtiest power plants, including more than 200 coal plants, still use “once-through” cooling systems that withdraw trillions of gallons of water each year from the country’s rivers, lakes, estuaries and marine waters, destroying billions of fish and other marine life. The toll includes hundreds of endangered species of fish, mammals, and sea turtles, some of which are being pushed to the brink of extinction. Delaware Riverkeeper Maya van Rossum estimates that one facility alone on the Delaware kills over three billion fish a year.

Federal agencies responsible for protecting endangered species found that 266 threatened and endangered species are affected by power plants with once-through cooling, with the effects ranging from direct injury to habitat degradation and destruction of other aquatic species relied on as part of the aquatic food chain. Among the species affected are iconic sea turtles, orcas, Hudson River sturgeon, and Pacific Northwest salmon and trout.

A widely used and proven alternative system, “closed-cycle” cooling, which has been available for decades, withdraws about 95 percent less water and greatly reduces fish kills and habitat disruption. Nonetheless, after decades of legal battles, EPA’s new rule, published on August 15th and issued under Clean Water Act Section 316(b), failed to establish technology requirements that protect aquatic life from destructive industrial-cooling water intakes. Rather than set a clear standard requiring closed-cycle cooling as the “best technology available” for minimizing these severe impacts, the rule leaves it to resource-strapped state agencies to determine what technology is required, on a site-specific basis.

“EPA acknowledges that closed-cycle cooling is the most protective technology, and the agency’s own regulations have long required new plants to use it,” said Reed Super, legal director at Waterkeeper Alliance. “Its recent decision to allow existing plants to continue using antiquated technology that decimates aquatic life violates the Clean Water Act and will not stand up in court.”

Hudson Riverkeeper Paul Gallay described the ruling as “a complete fiasco, and a clear sign that the agency entrusted by law with protecting the environment is instead kowtowing to industry pressure. We are taking EPA back to court to compel the agency to follow the law.”

Hackensack Riverkeeper Bill Sheehan emphasized that Section 316(b) of the act “says the best technology available. It doesn’t say one of the seven best. The best is closed-cycle cooling. Any option that kills more fish than closed-cycle cooling is not the best technology and breaks the law.”

“The time has come to stop putting industry and big business before community interests and healthy ecosystems,” said Debbie Mans, New York/New Jersey Baykeeper. “EPA’s ruling has failed its purpose in reducing significant environmental risks. Instead, billions of fish and other marine life will be killed and the effects, nationwide, may be irreversible. The environmental community certainly isn’t going to stand by and let that happen.”

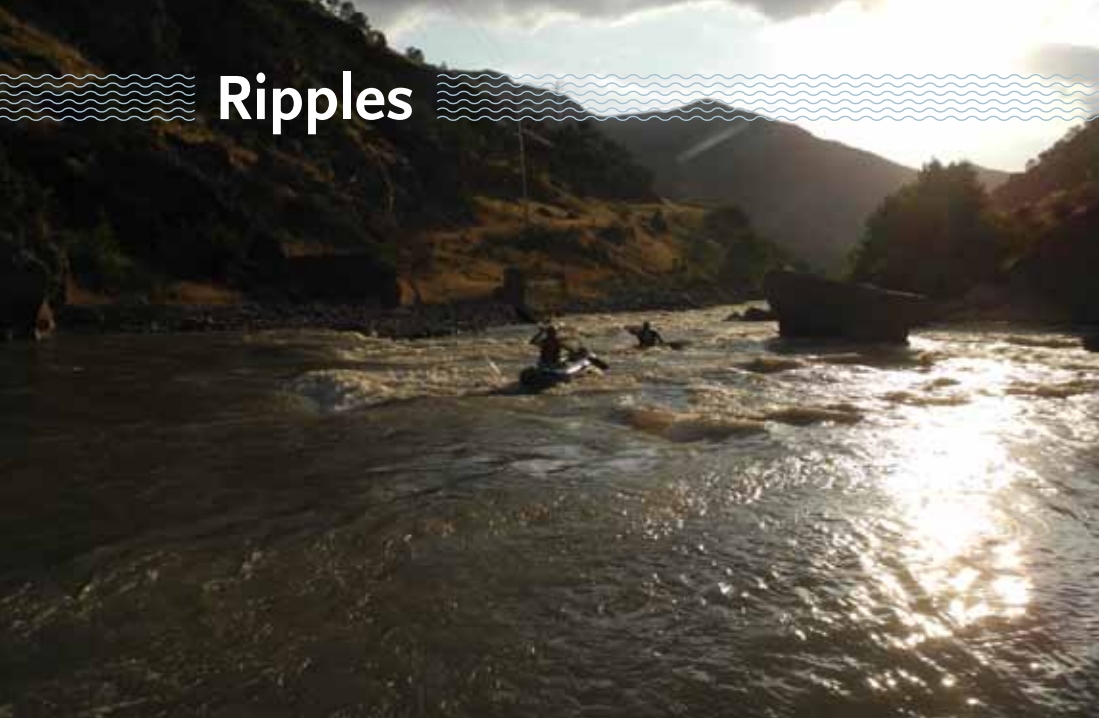


PHOTO CREDIT: DANYAR ABDULLA

IN KURDISTAN, APATHY MAY BE THE GREATEST THREAT TO WATER

Part of the brutal conflict going on in Iraq and Syria concerns water. The terrorist group known as the Islamic State, or ISIS, wants to control the Tigris and Euphrates Rivers by taking over dams and other major water infrastructure within these two river basins. When ISIS fighters seized the Fallujah Dam in April, they opened it, flooding land as far as 100 miles south.

Not far from where these struggles are taking place, but a

world away in terms of relative security, in Iraq's Kurdish territory, is a major tributary of the Tigris, the Greater Zab River. Flowing southward out of Turkey into Iraq, it is joined by another important river, the Choman-Rawanduz, which flows from Iran, passing through deep, dramatic gorges until it joins the Greater Zab just 30 miles north of Erbil, the Kurdish capital. Unlike the wide and often sluggish Tigris, these tributary rivers are fast, steep and cold – containing some of the last wild, white water left in the country, and yet, as rivers almost everywhere in Iraq, they are threatened by major dam-construction and are used in some areas as dumps for sewage and garbage. Yet they remain some of the most pristine waters in the country.

The Iraq Upper Tigris Waterkeeper, the Middle East's first member of the international Waterkeeper Alliance, wanted to bring attention to these threatened rivers. The goal was to lead a first-descent kayak expedition down the Choman-Rawanduz River with a team of professional kayakers and river advocates.

In May of 2014, before most of the latest round

of turmoil and bloodletting in Iraq had erupted, the expedition began with a kick-off event near the site of the proposed Halgurd-Sakran Park, close to the Iranian border. Navigating a substantial section of this challenging, world-class kayaking river was a significant achievement, made more successful by raising the awareness of the local Kurdish people about the value and vulnerability of their river.

Dave Burden, a former Waterkeeper now representing the American Canoe Association, was the team leader for the expedition and described this development very clearly:

... for some of these folks, coming and talking to us on the river's edge while we sat in our kayaks ... it made them look at this river in a new way. It's like meeting an old friend as if for the first time. They've known it's there. They've counted on it. But they didn't really understand what was going on with it. And I hope that this changes the way that people engage with the river and helps them develop a newfound respect for the treasure that they really have.

A short film, "Iraq's Last Wild River," includes discussion of the threats to the river and interviews with local residents and the international kayakers who participated in the expedition. Many of the expedition members are eager to get back on the river again, as much more remains to be discovered and boated for the first time.

At the edges of this vast, mountainous region virtually unknown to outsiders, the Islamic State may be a looming threat, but for these rivers bigger threats by far come from within. The new Kurdish Minister of Agriculture and Water Resources recently boasted about the many wonderful dam projects planned for the region, and oil-development, a heavy user and abuser of water, is proceeding without much thought as to its environmental effects.

Nabil Musa, the Iraq Upper Tigris Waterkeeper, is struggling to address these issues. "This water is your life," he told the Kurdish participants during the expedition. "We have to protect it."

IRAQ'S UPPER TIGRIS WATERKEEPER LED A FIRST-DESCENT KAYAK EXPEDITION DOWN THE FAST AND STEEP CHOMAN-RAWANDUZ RIVER.

"IT'S LIKE MEETING AN OLD FRIEND AS IF FOR THE FIRST TIME. THEY'VE KNOWN IT'S THERE. THEY'VE COUNTED ON IT. BUT THEY DIDN'T REALLY UNDERSTAND WHAT WAS GOING ON WITH IT."

--Anna Bachmann is a program manager for Nature Iraq, the sponsoring organization of the Waterkeeper program in Iraq.

Learn more about the work of Iraq's Waterkeeper program on their website: www.iraqwaterkeeper.org.

A video about the expedition, "Iraq's Last Wild River," is available at www.youtube.com/watch?v=cqhVR-kRY2Q



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Deer Valley Resort signed on 14 years ago as a member of the Sustainable Slopes Environmental Charter. As a ski resort whose existence depends on a pristine mountain environment, we take our responsibility as stewards of the land very seriously. Deer Valley's ongoing environmental efforts include supporting a detailed, resort-wide recycling program, implementing a comprehensive forest management plan, monitoring and testing downstream water discharge, revegetation and reseeding projects and preserving open space within resort boundaries.

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NORTH CAROLINIANS CRY, “LET OUR PEOPLE BREATHE”

North Carolina has more than 2,200 factory hog operations housing more than 10 million hogs, the second most of any state in the country. Located disproportionately in the eastern part of the state, and in close proximity to communities with populations that are predominately African American, Latino, and Native American, these facilities produce 40 million gallons of untreated manure and other waste each day, creating serious public health and environmental consequences.

The tons of liquid and solid waste generated by the hogs can contain toxins such as ammonia, hydrogen sulfide, nitrates and pathogens. The confinement facilities store untreated animal excrement in open-air pits (called lagoons) that can overflow into local waterways or leach into the shallow groundwater of North Carolina’s coastal plain. The liquefied hog waste is then sprayed onto nearby fields close to homes, schools and parks. The sprayfields are typically riddled with ditches that move the waste directly into streams and rivers. Not only are local residents faced with the constant stench and pollution from these facilities, but studies have shown that those who live near these facilities may also suffer from higher rates of respiratory problems, anxiety, depression, and sleep disturbances.

“You can’t imagine what it’s like to live next to one of these hog operations,” says Devon Hall project manager at Rural Empowerment Association for Community Help (REACH). “The flies and the smells make life miserable.”

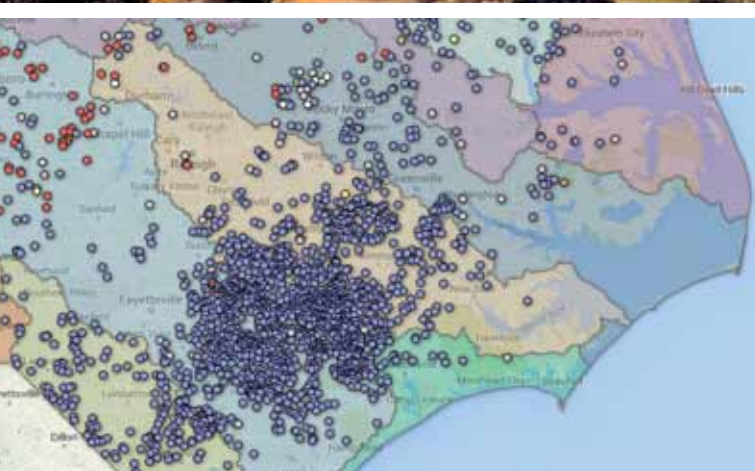
In the first legal action of its kind, the North Carolina Environmental Justice Network, REACH and Waterkeeper Alliance, supported by Earthjustice, have filed a complaint with the Environmental Protection Agency (EPA) Office of Civil Rights, under Title VI of the Civil Rights Act of 1964, alleging that North Carolina’s lax regulation of hog-waste disposal discriminates against communities of color in eastern North

Carolina. The complaint is the latest action in a long struggle to address the community-health effects of the disposal of massive amounts of untreated hog waste. Residents have repeatedly asked the North Carolina Department of Environment and Natural Resources (DENR) for stronger protections, and now, in reaction to its recent renewal of the state’s General Permit allowing thousands of hog facilities to operate without adequate waste-disposal controls, they are turning to the federal government for help.

“These communities have been asking for some relief for more than two decades but nothing has changed,” says Larry Baldwin, Waterkeeper Alliance’s North Carolina CAFO Coordinator. “We continually

get heartbreaking reports from people whose quality of life has been destroyed by air and water pollution from these facilities. People report animal manure being sprayed on them or their property, seeing raw animal waste flowing in streams next to their homes, and even not being able to go to church because their clothing is permeated by the foul stench of hog manure before they can get from their houses to their cars. Backyard barbecues and outdoor family gatherings are out of the question when the smells and fly swarms are present.”

“It’s the state’s job to regulate these operations and make sure that the people and the environment are protected,” adds Naeema Muhammad, Director of North Carolina Environmental Justice Network. “This complaint is about making sure they do that.”



TONS OF LIQUID AND SOLID WASTE GENERATED BY THE HOGS CAN CONTAIN TOXINS SUCH AS AMMONIA, HYDROGEN SULFIDE, NITRATES AND PATHOGENS. THE CONFINEMENT FACILITIES STORE UNTREATED ANIMAL EXCREMENT IN OPEN-AIR PITS (CALLED LAGOONS) THAT CAN OVERFLOW INTO LOCAL WATERWAYS.

TOP, LOWER LEFT, AERIAL VIEW OF STANTONBURG HOG FACILITY WITH MANURE STORED IN OPEN, UNTREATED LAGOON AND CONTENTNEA CREEK IN BACKGROUND.

ABOVE, MAP OF NORTH CAROLINA PERMITTED FACTORY HOG OPERATIONS SHOW THE DENSITY OF FACILITIES IN EASTERN NORTH CAROLINA.

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PHOTO CREDIT: PUGET SOUNDKEEPER CHRIS WILKE



PHOTO CREDIT: MAULE ITATA COASTKEEPER RODRIGO DE LA O GUERRERO

ABOVE LEFT, INSIDE ONE OF COLOMBIA'S LARGEST OPEN PIT COAL MINES IN LA GUAJIRA. COLOMBIA IS NOW THE WORLD'S FIFTH LARGEST EXPORTER OF COAL.
ABOVE RIGHT, DONNA LISEBY, WATERKEEPER ALLIANCE'S CLEAN AND SAFE ENERGY CAMPAIGN MANAGER, AND STAFF ATTORNEY PETE HARRISON AT THE LA GUAJIRA MINE DURING FIELD INVESTIGATIONS.

CONFERENCE CONFRONTS COLOMBIAN COAL

A main purpose of the October international conference "Coal Mining in Colombia: Challenges and Environmental Threats," hosted by Bocas de Ceniza Waterkeeper Liliana Guerrero Ramirez and Waterkeeper Alliance staff, was to spur citizen participation and action. It was a guiding principle of the event that residents deserve to know the truth about the coal industry in their country, and how it wreaks desolation and destruction to benefit a powerful few.

This objective was met and exceeded. The hearts and consciences of those present were touched by the power and mystique of the Waterkeeper movement and they became more aware that only a union of citizens can stop the irresponsible operations of greedy multinational coal companies and change the policies of a government that surrenders the country to their interests.

Presentations at the conference clearly established that the extraction and export of coal is a global problem whose effects are felt from South to North America to Europe and Asia. Guest experts from the United States —Donna Lisenby, Waterkeeper Alliance's Clean and Safe Energy Campaign Manager, Staff Attorney Pete Harrison, and Puget Soundkeeper Chris Wilke — and Maule Itata Coastkeeper Rodrigo de la O Guerrero from Chile, who have worked diligently in the international campaign for clean and safe energy, cited scientific studies and anecdotal experiences to demonstrate the cradle-to-grave impacts of coal extraction, regional transportation, export and combustion at power-plants around the world.

"We Waterkeepers are not radicals or extremists," said Liliana Guerrero Ramirez, "but serious, committed activists who believe in the principles of science and law, and strive to ensure that these are conscientiously and effectively applied, as they should be in democratic states." The conference closed with renewed resolve to strengthen the Waterkeeper model in Colombia, through joint legal action by Bocas de Ceniza Waterkeeper and Waterkeeper Alliance, supported by sound scientific evidence and the growth of a national citizen movement.

THE HEARTS AND CONSCIENCES OF THOSE
PRESENT WERE TOUCHED BY THE POWER AND
MYSTIQUE OF THE WATERKEEPER MOVEMENT.

LOS CORAZONES Y CONCIENCIAS DE
LOS ASISTENTES FUERON CONMOVIDOS
POR EL PODER Y LA MÍSTICA DEL
MOVIMIENTO WATERKEEPER.

CONFERENCIA INTERNACIONAL ENFRENTA EL CARBÓN EN COLOMBIA

El principal propósito de la conferencia Internacional "Minería del Carbón en Colombia: Retos y Amenazas Ambientales," realizada en octubre del 2014, organizada por Liliana Guerrero Ramírez- Bocas de Ceniza Waterkeeper- y el personal de la Alianza Waterkeeper, fue el de estimular la participación y acción ciudadana. El derecho de los ciudadanos a conocer la verdad sobre la industria del carbón en su país y cómo ésta inflige desolación y destrucción, en beneficio de unos pocos poderosos, fue el principio rector que guió todo el evento.

Los objetivos fueron cumplidos, lográndose mucho más. Los corazones y consciencias de los asistentes fueron conmovidos por el poder y la mística del movimiento waterkeeper, haciéndolos conscientes con respecto a que sólo la unión de los ciudadanos puede detener las operaciones irresponsables de las codiciosas multinacionales carboníferas y el cambio de las políticas del actual gobierno, que al igual que su predecesor entregaron el país a sus sucios intereses.

Las presentaciones durante la conferencia, claramente establecieron que la extracción y exportación de carbón es un problema global, cuyos efectos son sentidos desde Sur América, a Norte América, Europa y Asia. Nuestros expertos norteamericanos invitados, Donna Lisenby- Gerente Global de la Campaña Waterkeeper de Energía Limpia y Segura; Peter Harrison — Abogado de la Alianza Waterkeeper-; Chris Wilke — Director Ejecutivo y Puget Soundkeeper, y de Chile, Rodrigo De La O Guerrero — Maule Itata Coastkeeper-, quienes han trabajado arduamente en la campaña internacional sobre energías seguras y limpias, demostraron con estudios científicos y su experiencia los impactos que genera la extracción del carbón, el transporte regional, la exportación y la combustión en plantas generadoras de energía.

Los expositores ratificaron que los Waterkeepers no son radicales o extremistas, sino activistas serios y comprometidos, que creen fielmente en los principios de la ciencia y el derecho y luchan porque éstos sean efectivamente aplicados, tal como debe suceder en los estados democráticos como los nuestros. La conferencia fortaleció la determinación de replicar el modelo Waterkeeper, a través, del ejercicio de acciones legales conjuntas entre Bocas de Ceniza y la Alianza Waterkeeper, apoyados en sólidas investigaciones científicas y el crecimiento de un movimiento ciudadano en Colombia.

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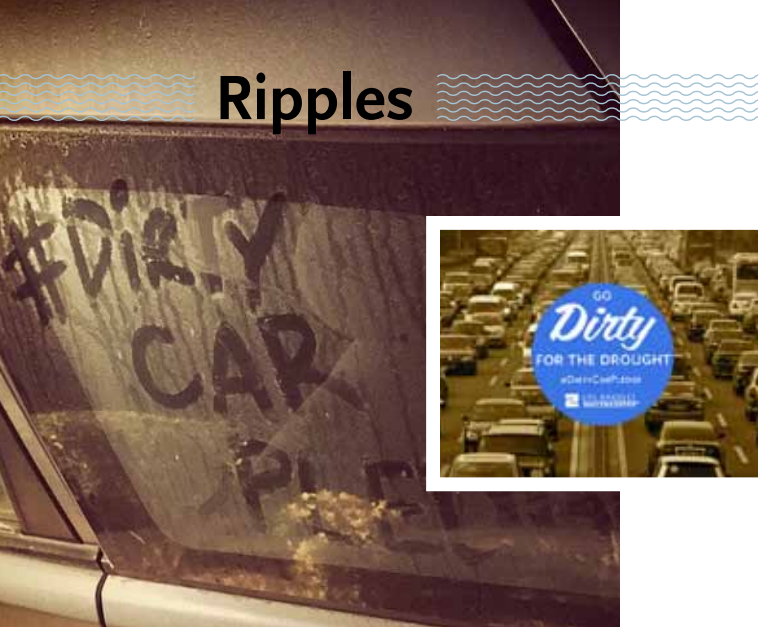


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PHOTO CREDIT: CHRISTOPHER FARRER

REPORT FROM THE PEOPLE'S CLIMATE MARCH: FIGHTING THE FOSSIL-FUEL "ZOMBIES"

"I fight zombies for a living. The zombies I fight are the dam industry and the fossil-fuel industry. These zombies are well over a hundred years old, and they are walking out among us. You think you've finished them off and they pop right back up and into the public-policy sphere. They're walking around the halls of government with wads of money in their hands, and I literally fight zombies for a living."

That's how I started my talk in September at the People's Climate March teach-in, which was held the day before the march in New York City. I was joined on a panel entitled "The Climate Crisis is a Water Crisis" by Waterkeepers from all over the United States and beyond, including Waterkeeper Alliance's International Director Sharon Khan, National Director Pete Nichols, Hudson Riverkeeper Paul Gallay, New York/New Jersey Baykeeper Debbie Mans and Joseph Darville of Waterkeeper Bahamas. We all had plenty of examples of the climate/water crisis in our watersheds to share with the standing-room-only audience. Pete Nichols discussed the Alliance's new climate initiative, and the rest of us offered observations and recommendations on the next steps forward.

Climate change is real, is happening now, and the climate crisis is a water crisis. In my own watershed, of the Cache la Poudre River in northern Colorado, we've seen in the last five years near-record wildfires, rain, drought, flooding and snowpack. In the same 12 months that record rain has occurred in one part of the Colorado River basin, record heat and drought has occurred in another. Tragically, in Colorado and across the region, our public policies are moving in the wrong direction—with the result that drilling, fracking and mining for fossil fuels is happening faster than ever, and they are being burned at record rates. Colorado's frack-happy policies seem to be rivaled only by Utah's deep dive into oil shale and tar-sands mining (fossil fuels so dirty and dangerous that they're referred to as the "carbon bomb"). Our region must stop and head in the opposite direction.

The Southwestern U.S. must be better prepared to mitigate and adapt to climate change, as we face the likelihood of more-extreme weather variability and drought. California's extreme heat and drought, which is going on right now, may become the "new normal."

In my talk I described how most of the political apparatus in the State of Colorado – both Democrat and Republican – has been bought and is now completely under the influence of the fossil-fuel industry. It's as though there is no longer a Colorado democracy, especially as related to fracking for oil and gas. What must be done is exactly what we did in New York City, where 400,000 citizens marched in the streets to rouse the American people and to change the direction of our public policy.

Zombies are real, but so are Waterkeepers!

– Cache la Poudre Waterkeeper Gary Wockner

DON'T WASH THAT CAR! ANGELINOS "GO DIRTY FOR THE DROUGHT"

Thousands of Los Angeles residents are pledging to not wash their cars for 60 days in response to Los Angeles Waterkeeper's campaign "Go Dirty for the Drought," an effort to raise awareness about the worst drought in California's recorded history.

Almost a year after Governor Jerry Brown announced a state of emergency, Angelenos are still using an average of 122-to-129 gallons of water a day – a total that compares poorly to the discipline achieved in severe water-shortages abroad, such as in Australia and Israel, where citizens lowered consumption to 40-to-60 gallons per day.

The average home car wash uses 85 gallons of water and creates runoff into waterways and, ultimately, the ocean. A commercial car wash uses an average of 56 gallons, including facilities that recycle their water. According to Rachel Stich, events and communications director at Los Angeles Waterkeeper, if 10,000 people who normally wash their car every two weeks take the Dirty Car Pledge, Los Angeles will save almost 3 million gallons of water.

"Over 2,000 people took the "Dirty Car Pledge" during the first week of the campaign," Stich reported. "And the pledges keep pouring in from cities throughout California."

She pointed out that, "While saving a few million gallons of water is no small feat, the bigger impact is getting people to think about the drought and do their part to conserve water in their daily lives."

L.A. Waterkeeper sends those who "Go Dirty for the Drought" a static-cling sticker to place inside their car windows, which excuses the dirty condition on the outside of the car and helps spread the message about water-conservation. The organization also hopes that the campaign will encourage state and local agencies to increase conservation, launch new stormwater-capture and recycling programs, and better educate Angelenos about the seriousness of the drought.

"The City of Los Angeles should be at the forefront of making more water-conscious decisions," said Liz Crosson, executive director of Los Angeles Waterkeeper. "Over 80 percent of the city's water is imported from distant ecosystems like the Bay-Delta and the endangered Colorado River. We can no longer rely on our past efforts, and each of us must take individual actions like replacing lawns with drought-tolerant plants, using water-efficient appliances, installing grey-water systems to recycle household wastewater, and not wasting water in daily activities."



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COURTESY SAN FRANCISCO BAYKEEPER

“WE DISCOVERED THAT THE COMPANY WAS STOCKPILING UNCOVERED CARGO MATERIALS ALONG THE SHORELINE OF RICHMOND CHANNEL.”

TOP, EXPOSED PILES OF COAL AT THE LEVIN-RICHMOND SHIPPING TERMINAL.
ABOVE, ANDREA KOPECKY, FORMER BAYKEEPER STAFF ATTORNEY, TAKING WATER SAMPLES AT THE LEVIN-RICHMOND SITE.

In the latest of a series of wins in the struggle against pollution in San Francisco Bay, Baykeeper has secured an agreement with the Levin-Richmond Terminal Corporation to install a strong set of controls to prevent toxic industrial runoff into the bay. Levin-Richmond is a major shipping terminal on the Richmond Channel that handles vast volumes of toxic materials, often stored in large exposed piles along the shoreline. The company had resisted pressure from Baykeeper to clean up the facility's runoff for more than two years before agreeing to the new standards.

“Levin-Richmond Terminal has committed significant resources to immediately make extensive improvements to keep toxic substances out of San Francisco Bay,” said Sejal Choksi-Chugh, Baykeeper program director.

Baykeeper first became concerned about the Levin-Richmond terminal during routine patrols on the Baykeeper boat. “We discovered that the company was stockpiling uncovered cargo materials along the shoreline of Richmond Channel, an inlet of San Francisco Bay,” said Choksi-Chugh. The materials, about one million tons of which are transferred between cargo ships, rail cars and trucks each year, included metallurgical coke, petroleum coke and coal. Levin-Richmond's methods of storing them and loading them onto ships were exposing the materials to wind and rain that were washing and blowing them into the bay.

Under the terms of the agreement, Levin-Richmond will invest approximately \$1.4 million in a broad set of pollution controls. It will install systems to filter pollutants out of rainy-weather runoff leaving the site, seal wooden portions of the site's loading

dock to prevent toxic materials and contaminated water from directly entering the bay, upgrade conveyor-systems to shield toxic materials from wind and rain, and improve its loaders and its loading-and-unloading practices to prevent spills as materials are loaded onto ships. Polluting debris that is tracked offsite will be cleaned up more frequently, and measures will be implemented to prevent the movement of toxic materials outside the facility and around rail lines. Levin-Richmond will also install a wind-monitor and controls to keep toxic dust from blowing into the adjacent Lauritzen Canal. The company has already begun to act on these improvements.

In future rainy seasons, Levin-Richmond will monitor the site's rainy-weather runoff to ensure that controls are effectively reducing pollution, and it will be required to install more-advanced controls if the facility's runoff remains toxic. Furthermore, to help compensate for past environmental harm, Levin will contribute \$50,000 to the Rose Foundation for Communities and the Environment, a non-profit organization that distributes funding to environmental-restoration projects in the Bay Area.

The settlement is the most recent achievement of Baykeeper's Bay-Safe Industry Campaign, which targets the widespread problem of illegal rainy-season runoff from industrial facilities into the bay. “We have now secured 22 legally binding cleanup agreements with polluting companies,” said Choksi-Chugh. In addition to legal action against these facilities, the campaign educates facility employees about pollution prevention and advocates for tighter regulations of industrial stormwater.

AT PENNSYLVANIA COAL MINE, FEDS COME TO RESCUE AFTER STATE FAILS

Four years ago, in a pristine part of southwestern Pennsylvania that draws millions of outdoor enthusiasts annually, the Pennsylvania Department of Environmental Protection approved a strip-mine by Amerikohl Mining. To be located in the wild and remote, heavily forested Youghiogheny River Gorge, the mine would be just a few miles upstream from two drinking-water

intakes. The site, entirely surrounded by public lands, straddles three high-quality watersheds.

In 2011, after receiving its permit to surface-mine 264 acres, heavy logging began to prepare the site for mining. Almost immediately, a large sediment-plume appeared in the river, and Youghiogheny Riverkeeper responded as any Waterkeeper organization would – it filed a complaint with the Pennsylvania Department of Environmental Protection (PADEP)'s Bureau of Mining. The latter answered that, because coal-removal had not begun, the logging should be regulated by PADEP's Waterways and Wetlands Bureau, which, in a classic case of bureaucratic buck-passing, asserted in turn that it had no authority because the logging was mining-related. Meanwhile, irresponsible and improper timbering activities caused sediment-laden water to pour unabated from the site, expanding the plume in the river to nearly half a mile in length.

Youghiogheny Riverkeeper filed a complaint with the federal

SETTLEMENT FREES BLACK WARRIOR RIVER FROM PRISON POLLUTION

Black Warrior Riverkeeper, in Birmingham, Alabama, has reached a successful settlement in its water-pollution case against Alabama Utility Services (AUS), the operator of Donaldson Correctional Facility's sewage treatment plant. The settlement includes injunctive relief (a court order requiring steps to curtail pollution) and a \$100,000 Supplemental Environmental Project (SEP) to benefit Jefferson County's Valley Creek watershed. The parties have filed a proposed settlement decree with the court and are awaiting approval by the U. S. Department of Justice.

The prison's sewage treatment plant has a state permit to discharge treated wastewater into Big Branch, a tributary of Valley Creek that is upstream of Bankhead Lake on the Black Warrior River in west Jefferson County. But the facility has a long history of discharging improperly treated sewage and polluting Bankhead Lake, which is among the most popular sections of the river for fishing, boating and swimming.

In 2004, the Riverkeeper sent the Department of Corrections a notice of its intent to sue for improper sewage treatment at Donaldson, which forced the Alabama Department of Environmental Management (ADEM) to initiate enforcement at the prison after more than a decade of pollution.

“Unfortunately,” said Black Warrior Riverkeeper Nelson Brooke, “ADEM did not pursue a lasting fix, and by 2009, the plant again began discharging improperly treated sewage to Big Branch. We took legal action to halt water pollution upstream of where countless people live, swim, and fish.”

The Riverkeeper filed a citizen suit under the Clean Water Act

Office of Surface Mining (OSM), which stepped in and requested that PADEP correct the problem. PADEP passed. OSM then conducted a site visit and found that, despite extensive logging, not a single hay bale had been installed at the site to control the flow of sediment. So it issued a notice of violation to Amerikohl, requiring it to stabilize the site. As Riverkeeper continued to press its case, OSM conducted a second inspection several weeks later, and found that conditions at the site persisted. It then issued an order that all activities at the location cease immediately.

Amerikohl contacted the U. S. Department of the Interior's Office of Hearings and Appeals, arguing that the logging was a private activity of the landowner. The administrative-law judge handling the appeal ruled that “PADEP's conclusion that Amerikohl was not involved in the timbering company was factually incorrect,” and that, “additionally, because the company was doing many things to facilitate mining operations through its timbering activities, the timbering itself was a surface-mining activity subject to PADEP's regulatory authority.” The judge affirmed the notice of violation and the cessation order.

The decision was an environmental victory for several reasons. Most importantly, it resulted in site-stabilization that ultimately stopped the flow of sediment into the Youghiogheny River. It also put PADEP on notice that the language of the Surface Mining Control and Reclamation Act does indeed require regulation of logging when it occurs on a permitted mine site. Finally, it highlighted the vital role Waterkeepers play as watchdogs of our nation's waterways. Without the Youghiogheny Riverkeeper's continued persistence, erosion and sedimentation would have continued to adversely affect water quality downstream and harm the recreational experience of millions of visitors.

(CWA) in U.S. District Court in February 2012, charging the plant with violations of its CWA pollutant discharge permit. Investigative work by the Riverkeeper's enforcement coordinator, John Kinney, and Brooke produced critical evidence necessary to bring the case.

Riverkeeper Staff Attorney Eva Dillard reported that “Alabama Utility Services will

invest in critical repairs and upgrades at the Donaldson plant, which should ensure that the facility complies with the law now and in the future. The plant will be totally refurbished.”

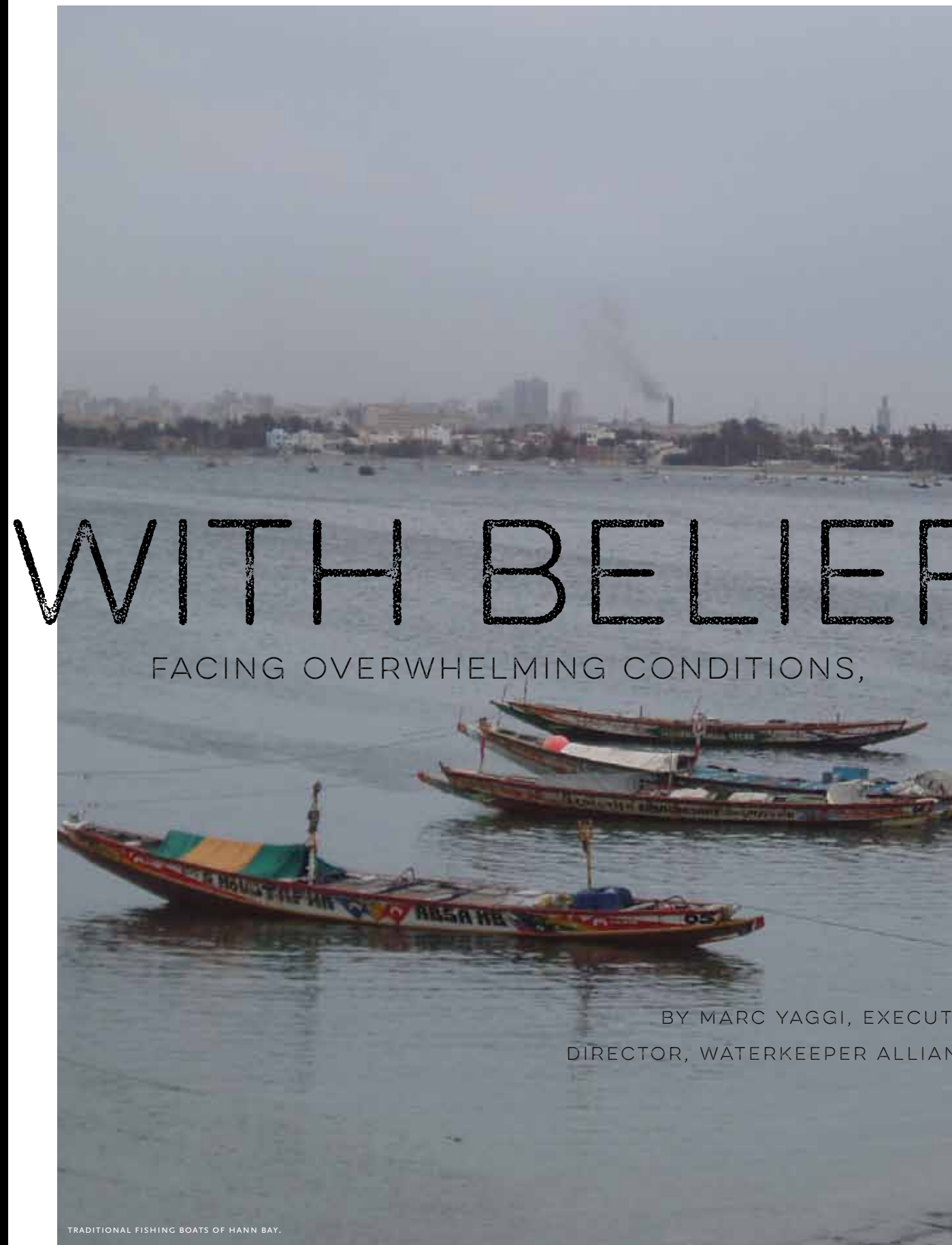
In addition, AUS's \$100,000 payment over ten years will fund conservation work in the Valley Creek watershed. As in other instances in which it has pursued litigation and reached settlement, Black Warrior Riverkeeper chose the Freshwater Land Trust, a widely respected Alabama nonprofit land-conservation organization, to receive the SEP funds.

“Our top priority in all litigation is to fix pollution problems,” explained Charles Scribner, executive director of Black Warrior Riverkeeper. “It is a significant bonus that many of our successful settlements, including this one, generate funds that help the Freshwater Land Trust do great conservation work.”



BLACK WARRIOR RIVERKEEPER NELSON BROOKE COLLECTING POLLUTED WATER SAMPLES DOWNSTREAM OF DONALDSON CORRECTIONAL FACILITY.

PHOTO CREDIT: CHARLES SCRIBNER



WITH BELIEF, NEARLY ALL

FACING OVERWHELMING CONDITIONS, AFRICA'S FIRST WATERKEEPER SUCCEEDS IN SENEGAL.

BY MARC YAGGI, EXECUTIVE
DIRECTOR, WATERKEEPER ALLIANCE

TRADITIONAL FISHING BOATS OF HANN BAY.

PHOTO CREDIT: MARC YAGGI

As I stood on the beach looking out at the water, the smell of raw sewage filling the air, I was completely overwhelmed. This was the most polluted waterway I had ever seen, and it was a hard sight to take in. Hann Bay, which lies along the Atlantic coast of Africa in Senegal south of Dakar, was, not that long ago, a small fishing village, renowned for its beautiful white sand beach and blue sea full of fish. By the beginning of the 21st century, however, there were more than 70 factories discharging industrial waste along its shore. That, along with untreated sewage and agricultural runoff, had given it the nickname “Trash Bay.”

I thought in that moment in early 2006 that it was a waterway in great need of someone to save it, someone with an indomitable sense of optimism and a vision of what might be, someone who believed in and embraced the power of possibility.

I have always been fascinated by how advocacy movements work and, especially, how they can grow from a small spark of an idea into an all-consuming fire. And I have witnessed this process firsthand over the last 15 years as a member of the Waterkeeper movement, which has grown from one organization into a powerful global network of more than 240 groups that support

one another and inspire others to join their cause. Perhaps no story better exemplifies the transformative power of this movement than the story of Hann Bay.

When I first visited the bay, I had just left Hudson Riverkeeper to work for the Alliance. I was accompanied by our then-field coordinator, Thom Byrne. When we arrived in Dakar, Malick Sene, a native of the Hann Bay community, met us. He had become aware of the Waterkeeper movement while living in Canada, where he heard about the work of Petitcodiac Riverkeeper in New Brunswick. He reached out to the Alliance, realizing that it might offer a means to fulfill his dream of restoring Hann Bay to its former glory. The result was this visit to Senegal to meet Malick and see the bay he loved.

Just a few decades ago, Hann Bay was one of the most productive bays in the world. But in the 1980s local residents noticed that it was becoming increasingly polluted from untreated sewage flowing from Dakar and from untreated wastewater generated by nearby industries.

Because of the pollution, local fishermen were being forced to travel farther and farther out into the bay to find their catch, causing them to expend valuable resources and take more time away from their families. The community began to lose its connection to the bay, and it seemed no one, including members of the local government, was prepared to do anything to stop its destruction. By

2006, Hann Village was home to 40,000 people with no sanitation service. Many of them were suffering from illnesses related to the toxicity of the water – skin and respiratory diseases and diarrhea.

At one end of the bay, rather than going to a municipal treatment-plant that was operating under capacity, raw sewage from Dakar wound slowly down an open canal, Canal 6, which passed by villagers’ homes and the local fish market, then dumped straight into Hann Bay. When it rained, Canal 6, which we had come to call “the plague of Hann Bay,” would discharge thousands of tons of garbage, plastics and oily sludge onto the beach and into the bay. At several other locations, industrial waste emptied additional poisons into the waters. A Libyan oil refinery one kilometer away regularly discharged toxic chemicals into the water from a pipe that ran directly under the village chief’s home. A fat-rendering plant and a food-dyeing facility contributed their own filthy liquids, and villagers themselves often dumped buckets of cooking- and cleaning-waste onto the beach.

Our tour of the beach that day was heartbreaking, but as we spent more time in Hann Village, we were constantly surprised by expressions of commitment and enthusiasm. The people’s optimism was contagious. We learned from Malick that Hann Village had always had an active, engaged community, and one of its many “futbol” clubs, ASC Yarakh, would soon become Hann Baykeeper’s founding organization. Known for offering health-and-hygiene education and other services for villagers, the club was a trusted institution. It had already been advocating for the restoration of

Hann Bay, but before Waterkeeper appeared, it had felt that its voice wasn’t being heard.

We talked with Malick for hours about the steps necessary to form Hann Baykeeper, and, while his enthusiasm was inspiring, we were unsure of how effectively we could support such an undertaking. No one at Waterkeeper Alliance spoke the local languages, Wolof and French, and there were no other Waterkeepers in Africa. But I will never forget the surprised look on the faces of Malick and Mbacke Seck, ASC Yarakh’s charismatic leader, when we expressed our concern. Smiles bloomed, as they told us that just our presence in Dakar had strengthened their cause. The mayor had requested to meet with us, along with Senegal’s minister of the environment and other officials and dignitaries. They explained that the Waterkeeper name was internationally known and respected, and that just their association with it brought them greater credibility.

“Waterkeepers” exclaimed the visibly excited Mbacke, “have had success across the globe. We will come to your annual conferences, we will learn from them, and we will bring their tools back to our bay.” From that point on, we had no doubt that Hann Baykeeper would be created, and that it would never stop fighting for the bay that had always been the source of this community’s livelihood. These men and the people they spoke for believed in the power of the Waterkeeper model, and we believed in them. Later that year, Hann Baykeeper was born.

Over the years since then I have seen Malick and Mbacke at our conferences, absorbing all the information they could about



WITH NO SANITATION SERVICE AND THE CONTINUED DECLINE OF HANN BAY, BY 2006 THE VILLAGE'S ONCE-PRISTINE BEACH WAS USED AS A GARBAGE DUMP BY MANY VILLAGERS.

PHOTO CREDIT: MARC YAGGI

THINGS ARE



PHOTO CREDIT: MARC YAGGI



PHOTO CREDIT: HANN BAYKEEPER

ABOVE LEFT, BY THE END OF THEIR FIRST VISIT TO HANN BAY IN 2006, MARC YAGGI, CENTER, AND THOM BYRNE, FAR RIGHT, WERE CONVINCED THAT THE VILLAGE'S LEADERS, INCLUDING THE VILLAGE CHIEF, SECOND FROM RIGHT, AND HANN BAYKEEPER'S FOUNDER, MALICK SENE, SEATED, BELIEVED IN THE POWER OF THE WATERKEEPER MODEL. ABOVE RIGHT, THE DRAMATICALLY IMPROVED BEACH AND WATERS OF HANN BAY IN 2014.

POSSIBLE

HERE WAS A COMMUNITY THAT STOOD UP FOR ITS RIGHT TO CLEAN WATER, BELIEVING THAT THEIR WATERWAY COULD BE RESTORED, AND NEVER BACKED DOWN.

cleanup projects, educational programs and new ways to advocate for enforcement of environmental laws. Now and then I would see photos of the bay looking more and more as I imagined it once did, though still a long way from full recovery. And I always had faith that our hardworking friends would continue fighting for greater improvements.

After the 2010 Waterkeeper Alliance Annual Conference in Baja, Mexico, where Mbacke walked along the beautiful beaches of La Paz, Hann Baykeeper resolved to finally force action by the government, at last, to clean Canal 6. Senegal's National Office of Sanitation did so for the first time ever, spending more than \$250,000 and collecting 2,700 tons of garbage. In late 2013, after a lengthy battle, Baykeeper's advocacy convinced the State of Senegal, the French Development Agency and the European Investment Bank to commit \$68 million to fund a cleanup of Hann Bay. I could not

wait to see the transformation of the bay, and give our friends at Hann Baykeeper a big congratulatory hug.

On an evening in March 2014, I arrived at a hotel in Kathmandu, Nepal, after a rewarding day visiting new partners in the region. As I settled in for the night, I logged into my e-mail and was astonished by a story that brought tears to my eyes: there was Mbacke on BBC, describing the fight for a clean Hann Bay. Accompanying images illustrated the dramatic improvements that had occurred in those waters over less than eight years, as Mbacke excitedly discussed the Baykeeper's five-year plan to further reduce pollution sufficiently so that the people of Hann Village could once again swim and fish in the bay. Here was a community that stood up for its right to clean water, knowing that their waterway could be restored, and never backed down. As I took it all in, and reflected on the journey this group had begun on that hopeful day in Dakar in 2006, I couldn't help but believe, just as Mbacke and Malick always had, in the immense power of possibility. **W**

ARMY CORPS MUST

MARCH TO A DIFFERENT DRUMMER

CORPS OF ENGINEERS SETTLES WITH COLUMBIA RIVERKEEPER; WILL CURB ITS DAM POLLUTION.

BY LAUREN GOLDBERG, STAFF ATTORNEY, COLUMBIA RIVERKEEPER



The U.S. Army Corps of Engineers had never done this before. For the first time since it was established during the Civil War, it will disclose and reduce the amount of pollutants its dams flush into a river. It will have to because of a groundbreaking legal settlement that could affect hundreds of dams nationwide.

On July 31, 2013, Columbia Riverkeeper, based in Hood River, Oregon, filed a lawsuit under the Clean Water Act to hold the Army Corps accountable for its unchecked oil pollution at eight of the largest hydroelectric dams in the nation. Just one year and four days later, the Army Corps, the country's largest owner-operator of dams, agreed to comply with the law.

"For years, the Army Corps allowed harmful oil pollution to flow into the Columbia and Snake Rivers, and now that will stop," said Brett VandenHeuvel, Columbia Riverkeeper's executive director. "We will finally see an end to unchecked toxic discharges that harm our communities."

The settlement drew national and international attention. "Historic," wrote The Wall Street Journal.

It has "national implications," declared The New York Times.

The story of how Columbia Riverkeeper forced the operators of some of the nation's biggest dams to obey the Clean Water Act starts with a spate of phone calls, some of them delivered very early in the morning.

"Because Riverkeeper is on the spill-

“EACH DAM IS ESSENTIALLY A FACTORY SUNK INTO THE RIVER WITH DOZENS OF PIPES DISCHARGING OIL, HOT WATER, AND OTHER POLLUTANTS.”

response notification list, I'd get a phone call every time the dams spilled oil," said VandenHeuvel. "And I was shocked by how often my phone rang reporting spill after spill." Yet, he adds, "We never saw the U.S. Environmental Protection Agency or a state agency issue a single penalty or hold the Army Corps accountable for releasing toxic oil-pollution into the rivers. So we started digging. And then we took action."

The Columbia River Basin, which includes the Snake River, is one of the world's largest hydropower systems, with 450 dams, 14 of them on the main stem of the Columbia. These dams significantly alter the river's flow, water-quality, and salmon runs.

"Each dam is essentially a factory sunk into the river with dozens of pipes discharging oil, hot water, and other pollutants," explained Brian Knutsen, attorney for Smith & Lowney, PLLC, which represented Columbia Riverkeeper. "And the Army Corps was not monitoring—let alone reducing—any of this pollution, as the Clean Water Act requires."

The Columbia and Snake River dams are decades and, in some cases, even more than a century old. They use massive quantities of oil to keep their turbines churning out energy for the power grid. Many of the turbines are hampered by chronic leaks and prone to large failures that release thousands of gallons of oil. In 2012, the Army Corps reported discharging over 1,500 gallons of polychlorinated biphenyl (PCB)-laden transformer-oil at the Ice Harbor Dam on the Snake River. PCBs cause cancer in humans, along with

DAMS IMPACTED BY SETTLEMENT



harming the immune system, reproductive system, nervous system and endocrine system. Oil from the Ice Harbor spill contained PCBs at levels 14 million percent greater than state and federal water-quality standards, yet the Corps did not face any consequences for this or the hundreds of other discharges that polluted the Columbia and Snake Rivers.

Through public-record requests, Columbia Riverkeeper obtained documents detailing dozens of oil releases from hydroelectric dams on the Columbia and Snake Rivers. One record revealed that, in 1998, the EPA directed the Army Corps to apply for a pollution-discharge permit for the Dalles Dam, which straddles the Oregon-Washington border. But the Corps did not file an application until 2004, and the EPA has never issued a permit. So the Corps continued to discharge oil from the dam unchecked.

“Until we sued, the Army Corps took the extreme position that if a dam was not constantly discharging pollution into the river, it did not have to comply with the Clean Water Act,” said VandenHeuvel. “That is absurd.”

On the heels of the Ice Harbor spill, Columbia Riverkeeper brought the most complex Clean Water Act enforcement action in the organization’s history, and succeeded.

Riverkeeper’s case has implications for hydroelectric dams nationwide. The Army Corps’ willingness to settle without dragging the case through protracted litigation sends a strong signal to other dam operators that clean water groups are right on the law: Dams discharging pollution into rivers and other water bodies require pollution discharge permits.

Under Columbia Riverkeeper’s settlement, the Army Corps must apply to the EPA within one year for Clean Water Act

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OF POLYCHLORINATED BIPHENYL (PCB)-LADEN TRANSFORMER-OIL AT THE ICE HARBOR DAM ON THE SNAKE RIVER.

permits for eight of the largest dams on the Columbia and Snake Rivers. Once issued, the permits will limit the amount of oil and other toxic pollution discharged by the dams. The Corps must also switch from using toxic petroleum oil as lubricants to environmentally-friendly biodegradable oils, if feasible. And, for the first time, the Corps must disclose to the public how much oil is discharged by preparing a detailed mass balance report on how much oil is used in each dam and how much oil is removed for recycling.

“The settlement demonstrates the power of citizen groups to hold government agencies accountable when other government regulators—here the U.S Environmental Protection Agency—sit on their hands,” said Reed Super, legal director for Waterkeeper Alliance.

Holding the Army Corps accountable for violating the law is part of Columbia Riverkeeper’s core purpose ensuring that people can eat locally caught fish without fear of contamination. The Columbia River Basin once supported the greatest salmon runs and steelhead runs on earth, but today thirteen stocks of these fish are listed as endangered or threatened under the federal Endangered Species Act. The Columbia’s fish and wildlife have historically sustained rich Native American cultures across the basin, and are still vital to these communities.

Fishermen are exposed to even more toxic pollution when they eat resident fish, such as sturgeon, walleye, and bass, which spend their whole lives near dams and other pollution sources.

Bob Rees, Columbia River fishing guide and executive director of the Association of Northwest Steelheaders, points out that communities along the rivers “rely on toxic-free fish to fuel business.” And, he adds, Columbia Riverkeeper’s success in “forcing the Army Corps to fess up to oil pollution from the dams and do something about it is critical to keeping Northwest rivers clean.”

Columbia Riverkeeper’s lawsuit demonstrates the effectiveness of the Waterkeeper model. “We learned about the problem as the local river watchdog group,” said VandenHeuvel. “Then we used the Freedom of Information Act to chronicle oil pollution from the dams and held a powerful government agency accountable using the Clean Water Act. And we tapped into Waterkeeper Alliance’s national press team to help spread the word.”

VandenHeuvel is confident that in ten years, “we’ll look back on this moment as a turning point for dam pollution, when dams can no longer contaminate our fish without anyone watching.” **W**

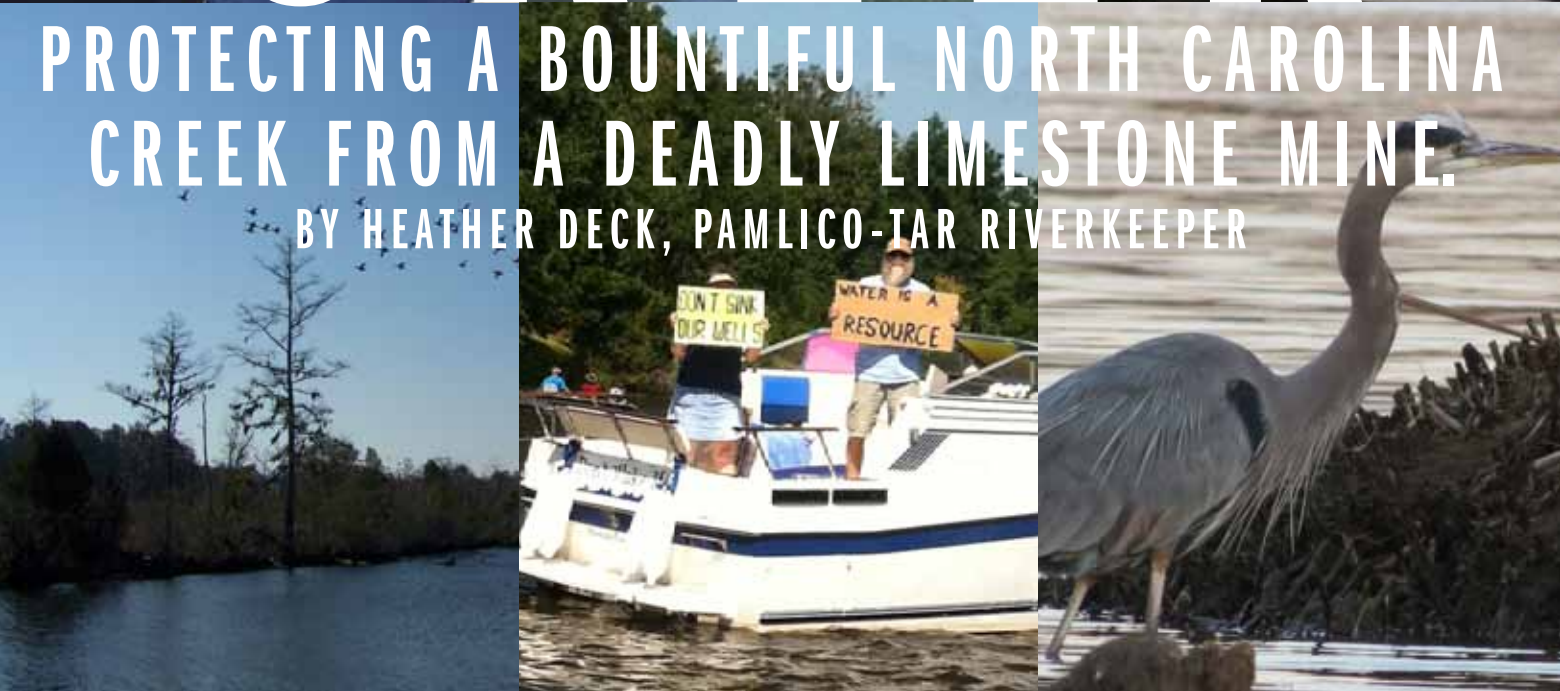
“UNTIL WE SUED, THE ARMY CORPS TOOK THE EXTREME POSITION THAT IF A DAM WAS NOT CONSTANTLY DISCHARGING POLLUTION INTO THE RIVER, IT DID NOT HAVE TO COMPLY WITH THE CLEAN WATER ACT.”



PHOTO CREDIT - BRETT VANDENHEUVEL



SAVING BLOUNTS CREEK



PROTECTING A BOUNTIFUL NORTH CAROLINA
CREEK FROM A DEADLY LIMESTONE MINE.

BY HEATHER DECK, PAMLICO-TAR RIVERKEEPER

T

hose who call the shores of Blounts Creek, in Beaufort County, North Carolina, their home boast of breathtaking sunrises, tranquil evenings, extraordinary wildlife and salt- and fresh-water fishing. Each day residents report seeing bobcats on their docks, eagles, great blue herons and ospreys on the hunt, dolphins swimming near their boats, cownose rays gliding under their kayaks, flounder and striped bass on the ends of their rods.

The Blounts Creek community is a close-knit mix of young families, retirees, natives and “northerners” who care about one another and welcome visitors to their special waterway. Their occupations, education and political affiliations are widely various, but they are tied together by a common thread: their love for this now threatened creek.

Nestled among tree-filled wetlands, Blounts Creek is a 14-mile-long blackwater coastal waterway within the Tar-Pamlico River basin. It begins as a slow-flowing freshwater, acidic stream narrow enough for any kid to jump across. About halfway along its length, the creek begins to turn salty and to reach 40 feet deep or more in some places. Blounts Creek is a fishing hot-spot that draws not only anglers, but also boaters and photographers from across the state and region.

The creek is a highly productive nursery and habitat for numerous fresh and saltwater fish species, including red drum, river herring, striped bass, speckled trout and shad. In 2013 biologists from the state’s Wildlife Resource Commission were excited to find river herring returning to the creek in numbers rarely seen in the

Tar-Pamlico River basin. Historical records indicate that blueback herring and alewife, collectively marketed as river herring, were a major export in colonial times, and once supported large fisheries in North Carolina. For over a century, fishing for river herring seemed an industry with limitless resources and, despite being commercially exploited, stocks remained relatively stable until the 1970s. But their populations have since declined to less than one percent of their once-abundant stocks.

These herring are anadromous – they spend their adult lives in the ocean but return to the waters of their birth to spawn. Along this journey they use migration cues of sight, sound, smell and chemical signals. Their spawning grounds are adjoined by low-flow nursery habitats found in most coastal river-systems, into which, after spawning, eggs and larvae drift downstream. Herring eggs and larvae are extremely vulnerable to being flushed from nursery habitats by high creek-flows. Habitat-degradation and loss, as well as decreased access to spawning habitat, have been causes of their decline in North Carolina. Other factors include pollution and overfishing. After decades of relentless population reduction, finding more herring in the creek is a cause for celebration.

But there is also a serious cause for worry. The Martin Marietta Company, an international supplier of building-materials based in Raleigh, North Carolina, has proposed to develop a 50-year 1,664-acre limestone mine in southern Beaufort County, within the Blounts Creek watershed. In order to extract the limestone to the intended depth of 100 feet, groundwater will have to be pumped from the mine-pit and about 12 million gallons per day of this water, mingled with stormwater, would be discharged into the headwaters of the creek. To put this number into perspective, one of the largest Eastern North Carolina utility companies, Greenville Utilities Commission, supplies the same amount of water on average to 134,000 customers each day.

In December 2011 the Army Corps of Engineers issued a public notice about impacts to the wetlands and waters of Blounts Creek. Technical memos submitted by the company demonstrated that the proposed wastewater-discharge would disrupt the aquatic environment and the species inhabiting it, especially in upper Blounts Creek. The surge of water would transform the swampy headwater habitat into a fast-flowing stream consisting primarily of mine wastewater, permanently altering the creek’s diversity of life and abundant fish habitat. This forecast caught the attention of the state’s two fisheries-management agencies, the Division of Marine Fisheries and the Wildlife Resource Commission. Both agencies wrote letters to

the company voicing their opposition to the plan. They argued that the impacts on the area’s fisheries and nursery habitat would include an expected dramatic rise in pH levels, higher creek-flows, sedimentation and lowering of salinity. Furthermore, they pointed out that the influx of high-iron groundwater into the creek could disrupt anadromous fish-migration cues, possibly eliminating its population of river herring and other species. The agencies requested that Martin Marietta find other methods to dispose of the wastewater.

Jimmy and Pam Daniels have followed developments regarding the proposed mine closely. They own Cotton Patch Landing, an old-time country store much like those depicted in Hollywood films. Hardly an afternoon passes without neighbors arriving

BOB BOULDEN, CAPTAIN OF THE MISS BEA CHARTERS, A SIGHTSEEING VENTURE, WILL END HIS TRIPS ON BLOUNTS CREEK IF THE MINE COMES. HIGHER SALINITY WOULD CHASE AWAY THE DOLPHINS HIS CUSTOMERS LOOK FOR, AND WITH THE ANTICIPATED DECLINE IN THE FISHERY, THERE WOULD BE FEWER BIRDS OF PREY TO VIEW.

there to sit on the store’s front porch, enjoy a cold drink in the summer months, and tell fish stories in all seasons. A healthy Blounts Creek is vital to the store and adjoining marina, to which visitors come from all around to fish, paddle, swim and buy items ranging from bait to ice-cream.

The Danielses are also building a boat-storage facility and are planning to lay out campsites and wetland walkways. They want to expand public access to the creek they love and that provides their livelihood. Their business and their way of life, they worry, could disappear with the proposed mine’s wastewater discharge. Already the organizers of an annual fishing tournament that uses their marina have notified them that they may look elsewhere if the mine begins operations.

Another local resident, Bob Boulden,

PHOTOS COURTESY OF BOB DAW AND PAMLICO-TAR RIVER FOUNDATION



PHOTO CREDIT: PAMLICO-TAR RIVER FOUNDATION

BLOUNTS CREEK RESIDENT BOB DAW, LEFT, SHOWS OFF HIS CATCH OF THE DAY -- A FLOUNDER.

captain of the Miss Bea Charters, a sightseeing venture, will end his trips on Blounts Creek if the mine comes. Higher salinity would chase away the dolphins his customers look for, and with the anticipated decline in the fishery, there would be fewer birds of prey to view.

The Pamlico-Tar Riverkeeper first learned of the proposed mine in early December 2011. The 30-day public-comment period announced by the Corps of Engineers extended through the 2011 Christmas season and ended on New Year's Eve — needless to say, less than prime time to

IN RESPONSE TO THE THREAT TO THE CREEK THAT IS THE HEART OF THE PLACE THEY CALL HOME, THE BLOUNTS CREEK COMMUNITY ORGANIZED AND RALLIED. OVER THE PAST THREE YEARS, THEY RAISED MORE THAN \$10,000 TO FUND OUR COLLECTIVE FIGHT TO SAVE THE CREEK THROUGH EVENTS SUCH AS RACES, BARBECUES AND BOAT RALLIES.

PHOTO CREDIT: BOB DAW

rally public involvement. The Pamlico-Tar River Foundation's first step was to ask for an extension into January. The request was granted, and so began our involvement in the now three-year battle for Blounts Creek. During that time we have written public comments, spoken at public hearings, educated the community via informational meetings and mailings, and made our case to the media. We also began a long-term collection of data on the creek system — a process that the company's consultants never completed.

In response to the threat to the creek that is the heart of the place they call home, the Blounts Creek community organized and rallied. Over the past three years, they raised more than \$10,000 to fund our collective fight to save the creek through events such as races, barbecues and boat rallies. They packed all of the public hearings and

meetings, submitted hundreds of written comments, gathered more than 1,000 signatures on a petition, collected water-quality data, wrote letters to newspapers, and engaged their local politicians. After 269 letters were hand-delivered to North Carolina Governor McCrory in September 2013, the secretary of the Department of Environment and Natural Resources and the director of the Division of Marine Fisheries made a visit to Blounts Creek that was widely reported in the media.

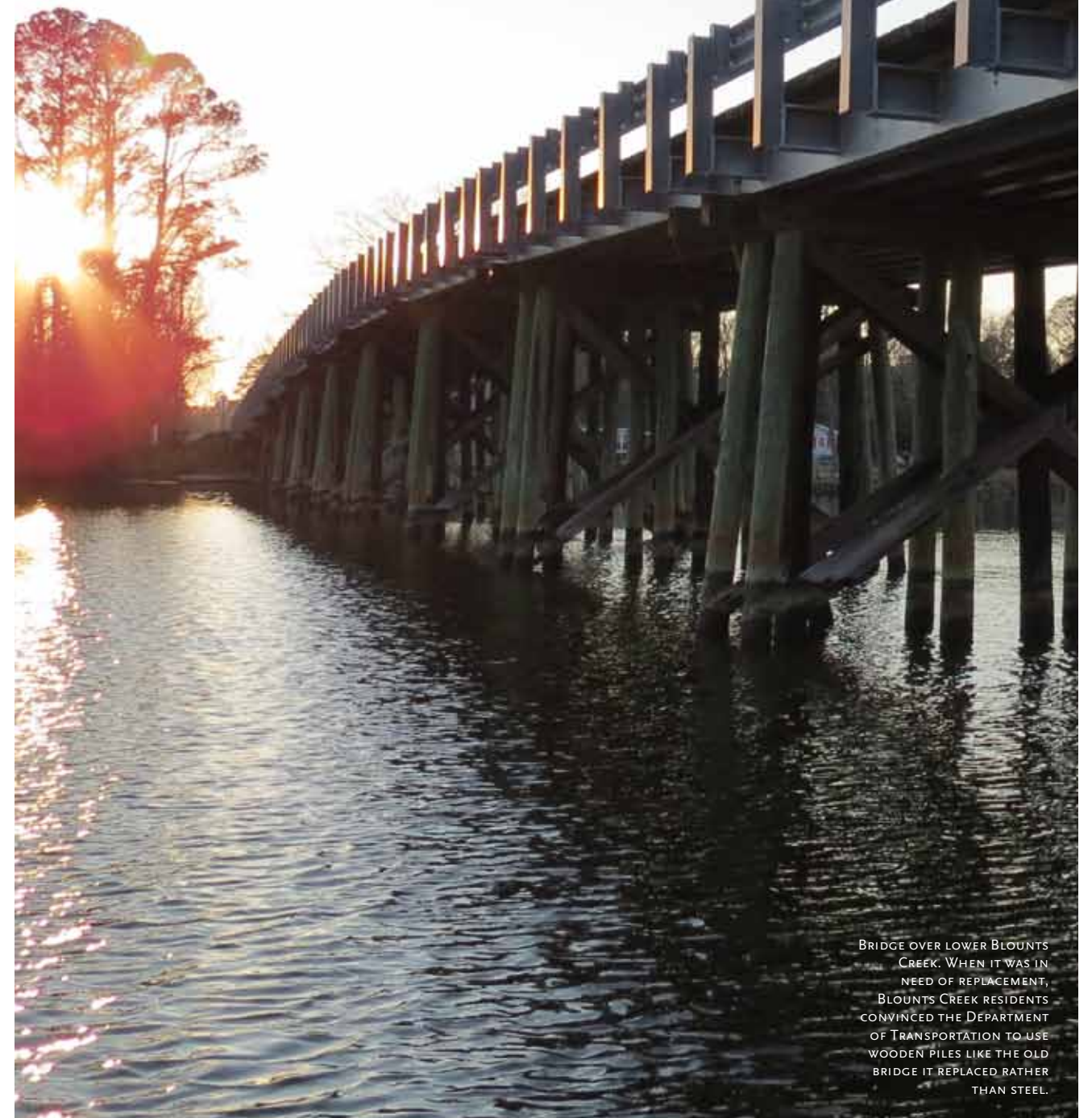
Our stance on this issue is simple: the state cannot issue a permit to allow a discharge that is in direct violation of North Carolina's water-quality standards and the Clean Water Act. Yet, despite overwhelming public and official opposition to the wastewater-discharge, in 2013 the North Carolina Division of Water Resources issued a permit for extraction of the area's groundwater and daily discharge of 12 million gallons of water. It was clear that the new administration of Governor Pat McCrory placed a priority on promoting industry ahead of protecting our natural resources.

The Riverkeeper and the community had no choice but to fight the issuance of the permit in court. In September 2013, staff and members of the Pamlico-Tar River Foundation gathered at Cotton Patch Landing to announce that they had challenged the legality of the wastewater-discharge permit with the help of attorneys from the Southern Environmental Law Center. We now look to the legal system to uphold the Clean Water Act and avoid the pending destruction of our beloved creek.

A local musician and Blounts Creek activist, Bob Daw, wrote a song that evokes memories of what this area was like in the late 1940s and early 1950s, when a series of simple fishing cabins were constructed along the lower creek. The fishing camp, he crooned, was "no country club," and no membership was required. It was a place where family and friends gathered to enjoy each other's company and the beauty and bounty of the creek. Those cabins are gone, but the land on which they stood still belongs to the public and is still a portal to a natural treasure called Blounts Creek. A creek worth fighting for. [W](#)

BLOUNTS CREEK JUST UPSTREAM OF COTTON PATCH LANDING.

A PLACE WHERE FAMILY AND FRIENDS GATHERED TO ENJOY EACH OTHER'S COMPANY AND THE BEAUTY AND BOUNTY OF THE CREEK. THOSE CABINS ARE GONE, BUT THE LAND ON WHICH THEY STOOD STILL BELONGS TO THE PUBLIC AND IS STILL A PORTAL TO A NATURAL TREASURE CALLED BLOUNTS CREEK.



BRIDGE OVER LOWER BLOUNTS CREEK. WHEN IT WAS IN NEED OF REPLACEMENT, BLOUNTS CREEK RESIDENTS CONVINCED THE DEPARTMENT OF TRANSPORTATION TO USE WOODEN PILES LIKE THE OLD BRIDGE IT REPLACED RATHER THAN STEEL.

PHOTO CREDIT: BOB DAW

SALMON

OR

THE FIGHT TO SAVE ALASKA'S CHUITNA RIVER

ONE OF ALASKA'S GREAT
WILD SALMON STREAMS IS
IN BIG COAL'S CROSSHAIRS.

BY SAM WEIS

Standing on the matted grass of brown-bear beds on the shore of Alaska's Chuitna River, it was clear that nature was in control. After more than 12 hours of fishing upriver, we turned back to find that the 30-foot tides of Cook Inlet had flooded the path we had taken under 10 feet of water. With the comforts of our base camp in sight, we had no choice but to wait for the tide to fall, as we watched the setting midnight sun light up Mount Spurr volcano and the Tordrillo Mountains along the west side of the inlet.

Our hungry seven-person team was two days into a ten-day trip last summer, called the "Chuitna Media Expedition," with the purpose of capturing stories, photographs and videos of the endangered Chuitna River, so that people across the United States could gain an appreciation of the irreplaceable beauty of this wild and remote place.

PHOTO CREDIT: DAVE MCCOY

ARTICLE AUTHOR SAM WEIS HOLDS A COHO SALMON CAUGHT DURING THE 2014 CHUITNA MEDIA EXPEDITION.

“THERE WOULD BE SO MUCH VIBRATION FROM TRUCKS AND CRANES THAT THE SALMON WOULD MOVE OUTSIDE, WHICH WOULD PUT US RIGHT OUT OF BUSINESS. I WOULD BE LOOKING AT THE BERLIN WALL RIGHT ON TOP OF MY FISH-SITE.”



FLY FISHERMAN JOSH PRESTIN CASTS A FLY NEAR THE MOUTH OF THE CHUITNA RIVER AT HIGH TIDE.

Just 40 miles across Cook Inlet from Anchorage, the Chuitna (pronounced “Chew-it-na”) is exactly the sort of image that comes to mind when one conjures up the Alaskan wilderness. The region lies completely off the road system, and can be reached only by small bush plane or a long boat ride across the dangerous waters of Cook Inlet. Home to all five species of wild Pacific salmon, its shores are more commonly marked by bear tracks than human ones. But this idyllic Arctic river is in peril.

At the headwaters of this wild river, a couple of Texas billionaires – operating as PacRim Coal LLC. – propose to dig a strip-mine through 25 miles of salmon stream that will yield low-grade coal to be shipped to Asia. The company’s plan calls for digging through the gravel where salmon lay their eggs, to a depth of 300 feet, building an eight-mile-long conveyor-belt through high-quality wetlands, and constructing a two-mile-long trestle out into Cook Inlet near the mouth of the river. The mine would be the first in Alaska to fully eliminate a salmon stream.

“Instead of looking out here on the ocean, we’d see a 400-by-600 foot island right in front of our fish-site,” warns Terry Jorgensen, a commercial salmon-fisherman whose fishing leases lie directly under the proposed site of PacRim Coal’s trestle. “There would be so much vibration from trucks and cranes that the salmon would move outside, which would put us right out of business. I would be looking at the Berlin Wall right on top of my fish-site.”

Alaska contains some of the world’s last remaining strong salmon-runs, which are the foundation of old and distinct ways of life. Tens of thousands of residents make their livings as commercial fisherman or as sport-fishing guides. Alaskan native populations rely on salmon for subsistence, and people across the state fill their freezers every summer with the fish, which feed them through the winter.

Besides obliterating the livelihood of fisherman like Jorgensen, the Chuitna mine would threaten the subsistence rights of the nearby native village of Tyonek and severely disrupt the lives of those who live near the river. And it would set a terrible precedent that would put prized wild salmon streams across the state at risk.

Since 2006, Cook Inletkeeper has led the effort to protect the Chuitna River from coal strip mining, working alongside local residents, businesses, commercial fishermen and Alaskan native communities to mobilize opposition. Now, as important decision-points draw near, Inletkeeper is working with its partners to build national recognition of this endangered river.

THE BIGGEST CLIMATE FIGHT YOU NEVER HEARD OF

The state of Alaska – “The Last Frontier” – holds a little-known secret: as much as one-eighth of all of the coal on earth, an estimated 5.5 trillion tons, lies under its surface. That is about 40 percent more coal than is contained

ocean-acidification and increase the rate of warming in the state’s sensitive salmon streams, jeopardizing Alaska’s fisheries.

Cook Inletkeeper’s research demonstrates that, over the past decade, these streams have routinely failed to meet water-quality standards set under the Clean Water Act to protect spawning, rearing and migrating fish. These warming streams cause stress in cold-water salmon and make them more vulnerable to pollution, disease and predation.

SALMON PROTECTIONS DENIED BY STATE

Mining through salmon streams doesn’t sit well with Alaskans, especially at a time when fishermen, whether for subsistence, commerce or sport, must make sacrifices to protect dwindling king-salmon runs. Over the past eight years, Cook Inletkeeper has mobilized thousands of Alaskans to elicit the

to apply for “instream flow reservations,” a protection that ensures enough water remains in streams to support fish.

In 2010, Inletkeeper and the Chuitna Citizens Coalition applied for an instream flow reservation on Middle Creek, the tributary of the Chuitna River where PacRim Coal proposed to strip mine first.

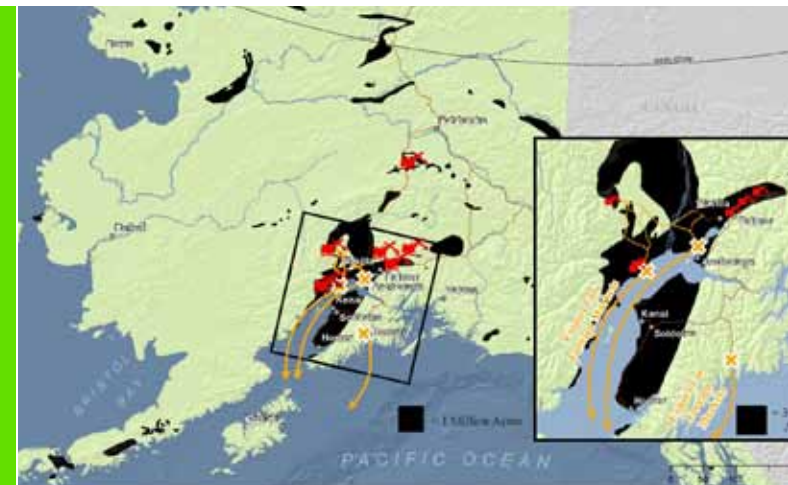
For four years, this application sat unprocessed at the Alaska Department of Natural Resources. Then, in November 2013 the campaign to save the Chuitna River won a significant victory when the Alaska Superior Court ruled that ADNRR had violated citizen’s due-process rights for its failure to process the application. The ruling compelled ADNRR to begin adjudicating the application.

But the celebration over this victory was short lived. In January 2014, legislators introduced House Bill 77, a bill that aimed to strip away the rights of citizens, non-profits and Alaskan native tribes to apply for or hold instream flow reservations. Additionally, the bill sought to eliminate important public-notice and comment periods that provide Alaskans with a voice in the permitting process.

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PACRIM’S PROPOSED MINE WOULD SEND 300 MILLION TONS OF LOW-GRADE COAL TO OVERSEAS MARKETS IN ITS FIRST PHASE ALONE. OVER 25 YEARS, IT WOULD RELEASE 650 MILLION TONS OF CARBON POLLUTION INTO THE ATMOSPHERE. WORSE, THE PROJECT WOULD PROVIDE THE INFRASTRUCTURE NEEDED FOR ACCESS TO THE 33-BILLION-TON SUSITNA-BELUGA COAL FIELD ON THE WEST SIDE OF COOK INLET.

■ PROPOSED/OPERATING COAL STRIP MINES
■ COAL RESOURCES (USGS ESTIMATES)



in the rest of the United States. Yet only one small-scale coal mine is operating in the state. It is hardly surprising, then, that demand from foreign markets is driving a wave of mining-and-export proposals across the state’s wide expanse.

PacRim’s proposed mine would send 300 million tons of low-grade coal to overseas markets in its first phase alone. Over 25 years, it would release 650 million tons of carbon pollution into the atmosphere. Worse, the project would provide the infrastructure needed for access to the 33-billion-ton Susitna-Beluga coal field on the west side of Cook Inlet – a volume that, if burned in its entirety, would release carbon pollution equivalent to ten years of China’s total emissions. Allowing the coal industry to gain a foothold in Alaska would mark a devastating defeat in the global fight against climate change. It would also exacerbate

support of state leaders for actions to protect the Chuitna River. Unfortunately, despite Governor Sean Parnell’s promise to “never trade one resource for another,” the state has continually denied these protections.

In 2013, the Alaska Department of Natural Resources (ADNRR) denied a petition that would have declared salmon streams in the Chuitna watershed as “unsuitable” for coal mining, and the Alaska Department of Fish and Game also rejected two “Title 16” petitions to protect fish habitat, which advocates filed to ban the removal of salmon streams in the Chuitna watershed.

Undeterred by Alaska’s development-at-all-costs political mentality, Inletkeeper and its partners sought other novel avenues to protect the Chuitna’s wild salmon runs. In Alaska, citizens, native tribes, non-profit groups and corporations are all eligible

The introduction of House Bill 77 made it clearer than ever what extreme measures Governor Parnell’s administration and its allies were willing to take to deny protections for the Chuitna River.

COUNTERATTACK

The bill originally was expected to pass the State Senate in the first week of its session. Inletkeeper members and concerned residents around the state, however, began contacting legislators to express their intense opposition, delaying a vote as they demanded that public hearings and forums be held in communities throughout the state. At public meetings around Cook Inlet, more than 350 residents turned out to protest House Bill 77, while only one – a paid lobbyist – testified



12 MILLION TONS A YEAR FOR 25 YEARS
EQUALS 300 MILLION TONS OF COAL, AND
100-200 CONTAINER SHIPS OF COAL EVERY YEAR
FROM ALASKA'S COOK INLET TO ASIA.



VIDEOGRAPHER TRIP JENNINGS ON THE CHUITNA RIVER NEAR SUNSET.

PHOTO CREDIT: SARA QUINN

PHOTO CREDIT: PAUL MOINESTER



SAM WEIS FILETS A CHUITNA SILVER SALMON.

ALLOWING THE COAL INDUSTRY TO GAIN A FOOTHOLD IN ALASKA WOULD MARK A DEVASTATING DEFEAT IN THE GLOBAL FIGHT AGAINST CLIMATE CHANGE. IT WOULD ALSO EXACERBATE OCEAN-ACIDIFICATION AND INCREASE THE RATE OF WARMING IN THE STATE'S SENSITIVE SALMON STREAMS, JEOPARDIZING ALASKA'S FISHERIES.

in support of it. Over 1200 other Alaskans contacted their senators to oppose its passage.

House Bill 77 died in the closing weeks of the session.

"HB77," declared Senator Peter Micciche, the opposition's lead negotiator on the bill, "is the 13th floor of legislation. I mean the number is damned. And people will remember HB77 for a long time."

The defeat of House Bill 77 sent a strong message that Alaskans would not be excluded from decisions about their natural resources. The Alaska Department of Natural Resources must now seriously and honestly consider approving an instream flow reservation for Middle Creek. But, not surprisingly, PacRim Coal has applied for a competing water right there, filing requests to remove the entire stream. This conflict presents regulators, legislators and indeed all Alaskans with a stark and important choice: Do we support healthy wild salmon or coal exports to China?

In the coming months ADNRR is expected to issue a public notice on the instream flow reservation, which will give Alaskans the opportunity to stand up and say no to mining through salmon streams. Cook Inletkeeper and its partners will use this as an opportunity to raise awareness of the Chuitna campaign and to mobilize participants to



comment in favor of protections for the Chuitna River.

MAJOR DECISIONS NEARING

Meanwhile, the Army Corps of Engineers is at work on a Draft Environmental Impact Statement (DEIS) on the Chuitna mine, which it plans to release in 2015. This document will kick off a national public-comment period, which will present the best opportunity yet to focus attention on the urgency of protecting Alaska's climate and wild salmon by defeating this terrible proposal.

Our expedition team last summer finally made it to camp on that second night of the expedition, but only after trudging upriver to find a safe crossing followed by a hair-raising bushwhack through bear country in the waning light. The next eight days were graced by big fish and the heart-warming

stories of Alaskans who rely on the river and are fighting with all their strength and resolve to protect it.

As it awaits the release of the DEIS, Cook Inletkeeper will work to build national awareness of the Chuitna mine by showing across the country the film and photos produced during that trip. It will be exciting, as we present these images, to feel that we are transporting thousands of Americans to the remote and cherished Chuitna River.

There's no need to wait to see the film to help protect the Chuitna River, however. You can help protect this one-of-a-kind place by taking action today at www.chuitna.org and www.inletkeeper.org. **W**

Sam Weis is the associate director of the Alaskans First Campaign and works alongside Cook Inletkeeper to protect the Chuitna River.



New York September 21, 2014 One Billion Footsteps For Mother Earth

Photo Essay
Dr. Joe MacInnis

They came from Asia, Australia, Europe, the Pacific Islands, the Middle East, and North America. They represented health workers, students, indigenous people, elders, and social justice groups. They are passionate voices speaking out for the natural world and the human family

It was New York's first Climate Awareness Day. Four hundred thousand people marched two-and-a-half miles through Manhattan. They marched because they love the earth, the ocean, the sky—and their children.



They marched to share their concerns about climate change. They believe that climate change is the defining issue of our time

They've been fighting this battle for many years. They know it's a long, hard struggle. Their mantra is: we will find a way.

Dr. Joe MacInnis, physician-scientist, explorer, author, is the first person to explore the ocean beneath the North Pole. Among the first to dive to the Titanic, he was the journalist-physician on the recent James Cameron-National Geographic seven-mile dive into the Marianna Trench. "I study leadership in life-threatening environments," he says. "I do this by working on science and engineering projects where there is the risk of injury and death. My work has taken me from the Arctic Ocean to the Western Pacific to Antarctica. I've spent time with Russian scientists on the rusting decks of the Titanic and with army officers in the combat zones of Afghanistan."

Dr. MacInnis has written ten books. His numerous awards include the Order of Canada.



THE DRY BED OF DROUGHT-STRICKEN LAKE POWELL, A RESERVOIR ON THE COLORADO RIVER CREATED BY THE FLOODING OF GLEN CANYON BY THE GLEN CANYON DAM.



COALITION LAUNCHED TO PROTECT COLORADO RIVER HEADWATERS

THE COLORADO RIVER ORIGINATES IN UTAH, COLORADO AND WYOMING, AND PROVIDES DRINKING WATER FOR SUCH MAJOR CITIES AS LAS VEGAS, TUCSON, PHOENIX, LOS ANGELES AND SAN DIEGO. TODAY, IT IS SEVERELY THREATENED BY UNPRECEDENTED DIRTY-ENERGY DEVELOPMENT, VORACIOUS WATER-DIVERSIONS AND CLIMATE CHANGE.

FOR DECADES CLIMATE SCIENTISTS HAVE WARNED THAT THE SOUTHWEST WILL SUFFER MORE THAN MANY AREAS OF THE U.S. AS TEMPERATURES INCREASE AND SNOWPACK DECREASES. IN RECENT YEARS, MOREOVER, THE REGION HAS BEEN GRIPPED BY A SIGNIFICANT DROUGHT. YET MOST RESIDENTS OF CALIFORNIA, NEVADA, ARIZONA AND NEW MEXICO ARE NOT AWARE OF PROPOSED WATER-DIVERSIONS UPSTREAM AND AN INCREASE IN POLLUTION-GENERATING ENERGY DEVELOPMENT FROM TAR-SANDS AND OIL AND GAS DERIVED FROM HYDRAULIC FRACTURING, OR "FRACKING."

IN OCTOBER, COLORADO RIVER CONNECTED, A COALITION OF GROUPS IN THE SOUTHWEST AND WEST, WAS ORGANIZED TO ENGAGE COMMUNITIES ABOUT THREATS CONFRONTING THE COLORADO RIVER AND THEIR WATER SUPPLY. THE COALITION, WHICH INCLUDES COLORADO RIVERKEEPER, WATERKEEPER ALLIANCE, SIERRA CLUB, LOS ANGELES WATERKEEPER, SAN DIEGO COASTKEEPER, UTAH PHYSICIANS FOR A HEALTHY ENVIRONMENT AND SAVE THE COLORADO, HAS UNITED TO PROTECT THE HEADWATERS OF THE COLORADO RIVER SYSTEM FOR THE BENEFIT OF THE 35 MILLION PEOPLE AND THOUSANDS OF NATURAL SPECIES THAT RELY UPON IT.

COLORADO RIVER CONNECTED AIMS TO BRING THE CITIZENS OF THE BASIN TOGETHER TO SPEAK WITH A UNIFIED VOICE FOR COMMUNITIES WHO DEPEND ON COLORADO RIVER WATER, AND TO PUSH BACK AGAINST STATES LIKE UTAH AND COLORADO THAT CONTINUE TO EXPLOIT THE GREAT RIVER FOR POLLUTION-GENERATING DEVELOPMENT.

"SINCE THE DEDICATION OF HOOVER DAM IN 1935, THE COLORADO RIVER HAS BEEN THE LEADING MODEL FOR WATER GOVERNANCE WORLDWIDE," SAID COLORADO RIVERKEEPER JOHN WEISHEIT. "THIS 80-YEAR EXPERIMENT IS ABOUT TO FAIL AND SHORTAGES ARE IMMINENT BECAUSE DEVELOPERS CONTINUE TO PLAN FOR WATER INTENSIVE PROJECTS WITHOUT ANY REGARD FOR THE WATERSHED'S NATURAL HERITAGE, OR FOR THE PUBLIC TRUST. IF CONCERNED CITIZENS DON'T UNITE AND TURN THIS PATTERN OF UNBRIDLED CONSUMPTION AROUND, A WATERSHED TRAIN WRECK WILL INDEED OCCUR."

WWW.COLORADORIVERCONNECTED.ORG



Colorado River Connected
Your Headwaters. Your River. Your Community.



THIS IS MY COAST

Chris Darimont: surfer, father, university professor
Science Director, Raincoast Conservation Foundation

"Working in the Great Bear Rainforest feels like stepping back in time: so few roads, so many salmon and a vibrant and visible indigenous culture. It's a place where 10,000 years of human history can be read in the soils beneath 1,500-year-old cedar trees. A place where black bears can be white, waves break on unspoiled beaches and wolves take to the sea.

As a scientist, I know more than I need to know about how oil spills unravel the food webs that support all coastal life, including our own. That alone motivates my intervention into the foolishness that is the Northern Gateway pipeline project. But it's being a father and a surfer that gives me strength and courage to face the battle."

Chris Darimont, Dan Malloy and Captain Brian Falconer explore the open coast of the Great Bear Rainforest on *Achiever*, Raincoast's 70-foot research sloop. **JEREMY KORESKI**

raincoast.org/groundswell



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