



# Black Warrior RIVERKEEPER®



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In *Black Warrior Riverkeeper v. Cherokee Mining, LLC*, the federal Eleventh Circuit Court of Appeals ruled on November 13, 2008 that a Clean Water Act citizen suit is not barred by a state administrative action commenced after a citizen group gives notice of its intent to sue to abate water pollution. Upholding Congress' intent, this ruling certifies that Black Warrior Riverkeeper, citizen groups, and citizens throughout the Southeast's Eleventh Circuit have the right to exercise an active role in water pollution reduction.

The federal ruling occurred during Cherokee Mining's appeal of a decision by United States District Court Judge William M. Acker, Jr. of the Northern District of Alabama. Cherokee Mining attempted to dismiss our case against them regarding water pollution in excess of permit limits leaving their Praco & Pumpkin Center coal mines. At issue was whether enforcement action taken by the Alabama Department of Environmental Management (ADEM) barred our case. Judge Acker ruled that Black Warrior Riverkeeper has the right to enforce the Clean Water Act through a citizen suit.

In its appeal of Judge Acker's ruling, Cherokee Mining argued to the Eleventh Circuit Court of Appeals that the Clean Water Act only allows for citizen suits in the absence of adequate federal administrative enforcement, not state administrative enforcement. Black Warrior Riverkeeper's attorney, Mark Martin, argued that the Clean Water Act allows for citizen suits in the absence of adequate state and federal administrative enforcement.

Southern Environmental Law Center ([SouthernEnvironment.org](http://SouthernEnvironment.org)) supported our position with an oral argument by staff attorney Gil Rogers and by filing an Amicus Curiae (friend of the court) brief on behalf of water protective groups in Alabama, Florida, and Georgia. Black Warrior Riverkeeper greatly appreciates the help of these Amici Curiae: Alabama Rivers Alliance, Apalachicola Riverkeeper, Georgia River Network, Upper Chattahoochee Riverkeeper, and Waterkeeper Alliance.

The Eleventh Circuit Court of Appeals stated in their ruling: "We find Cherokee's interpretation of these provisions to be an extremely cramped and narrow reading of the ordinary and plain meaning of the relevant language." Cherokee Mining's argument that Black Warrior Riverkeeper is barred from taking enforcement action against their mines misinterpreted Congress' intent. The Eleventh Circuit Court included in the ruling the following quotation from a 1985 Senate Report: "[c]itizen suits are a proven enforcement tool. They operate as Congress intended – to both spur and supplement to government enforcement actions."

Citizen enforcement provisions of the Clean Water Act are especially important where state agencies are not adequately enforcing the Clean Water Act, such as in Alabama. ADEM and the Alabama Attorney General have been major impediments to Black Warrior Riverkeeper's many citizen suit actions over the years. They have often initiated enforcement actions only after Black Warrior Riverkeeper gives them notification of intent to sue, which is required by law. ADEM or the Attorney General's enforcement actions then frequently levy "slap on the wrist" fines which do little to deter pollution.

With this ruling, Black Warrior Riverkeeper and other citizen groups in the Eleventh Circuit can continue to be effective enforcers of the Clean Water Act, unimpeded by state administrative actions.

Visit this webpage to read the Eleventh Circuit's decision: [blackwarriorriver.org/library/BWRk\\_CherokeeMining\\_11thCircuitOrder.pdf](http://blackwarriorriver.org/library/BWRk_CherokeeMining_11thCircuitOrder.pdf).



*Swimmers enjoy the Black Warrior River's Locust Fork downstream of the Praco and Pumpkin Center Mines' discharges. Our victory not only allows us to proceed with litigation against the mines but also upholds citizen enforcement of the Clean Water Act.* Photo by Nelson Brooke.

### Did You Know?

On the Black Warrior River's Locust Fork, Alabama Power's Miller Steam Plant emitted more mercury in 2007 than any other coal-fired power plant in the country, according to EPA data compiled by the Environmental Integrity Project. EPA cites coal-fired power plants as the leading source of mercury air emissions. A potent neurotoxin, mercury is especially dangerous to children and developing fetuses.

## Nelson Brooke's Black Warrior RIVERKEEPER® Patrol Log

Here is a chronological summary of just a few of the many activities that Nelson Brooke, our staff Riverkeeper and Executive Director, performed recently as watchdog and spokesman of the Black Warrior River watershed. To report pollution, call (205)458-0095, e-mail: [nbrooke@blackwarriorriver.org](mailto:nbrooke@blackwarriorriver.org), or use the "Report Pollution" feature on our website: [BlackWarriorRiver.org/report-pollution.html](http://BlackWarriorRiver.org/report-pollution.html).

**September 22:** Checked on Roebuck Springs where the city of Birmingham drained crucial habitat for the federally endangered watercress darter on September 19th because of worries about flooding of their tennis courts. As a result of the draining, 11,760 watercress darters were killed. Continued monitoring of the site is warranted until restoration has been accomplished. Hopefully the spring will be put into competent hands so a conservation easement can be established affording the watercress darters proper protection from here on.



Roebuck Springs in Birmingham, endangered watercress darter habitat, from left to right: 1. In its natural state before the springs were drained. 2. Three days after the September 19, 2008 draining incident. 3. On September 30, 2008 after restoration work began. Photos by Nelson Brooke.



**October 2:** Patrolled Seven Springs in southwest Birmingham in response to a tip that a development had begun nearby. Land was being cleared for a housing development. Another important home for the watercress darter, I keep an eye on Seven Springs from time to time.

*The watercress darter, an endangered species found only in the Black Warrior River watershed.* Photo by Patrick O'Neil; Source: *Fishes of Alabama*.

**October 14:** Patrolled Valley Creek in the new patrol canoe to have a look at Birmingham Hide & Tallow's discharge. The creek was quite low and there was an ex-coal miner catching fish at the put-in. Their permitted outfall pipe was discharging a small volume of turbid and oily water. I took photos and water samples for analysis of oil & grease, total suspended solids, total phosphorus, and ortho-phosphate. Lab results showed high levels of O&G, TSS, and ortho-phosphate.

**October 19:** Patrolled the Black Warrior River near Moundville. I stopped by Carthage Branch and found oily water being discharged from Alabama Biodiesel into the unnamed tributary there. I took photos, video, and water samples. Not only was an oily film on the surface, but also there was a good amount of fatty acids and amber-colored oily matter settled out in slackwater pools in the stream.

I reported this finding to ADEM's new pollution hotline: (800) 533-2336, the ADEM Birmingham Field Office, the EPA, and the National Response Center. I also notified the media. ADEM sent out an inspector the following week. I learned this facility is now called Green River Biodiesel. My oil & grease sample showed 4,983 mg/L = 332 times the legal limit! This finding unfortunately shows a violation of the terms in our Consent Decree against this facility, which is also still discharging pollutants without a discharge permit from ADEM.

**November 19:** Visited Green River Biodiesel in Moundville with colleagues to assess plant operations and grounds. Company representative Art Huggard gave us a full tour of the facility after we met with him and his team to discuss their efforts to upgrade the plant and bring it into compliance with the Clean Water Act. The outfall pipe was discharging oily water while we were there. We gave Art some ideas on how to keep the oil from reaching the river and he agreed to look into them.

*Fatty acids and oily matter discharged to an unnamed tributary of Carthage Branch, a tributary of the Black Warrior River in Moundville.*  
Photo by Nelson Brooke.



Another sighting of turbid, oily water coming from Birmingham Hide & Tallow's pipe. Photo by Nelson Brooke.



## Black Warrior RIVERKEEPER® Legal Docket

### Alabama Biodiesel (Tuscaloosa County)

As reported in the Spring 2008 newsletter, Black Warrior Riverkeeper and Alabama Biodiesel reached a settlement on May 28, 2008 to the pollution lawsuit Black Warrior Riverkeeper filed on August 22, 2007 in United States District Court. The settlement requires Alabama Biodiesel to cease illegal discharges of oil and grease, obtain a pollution permit mandated by the Clean Water Act, and pay \$27,500 for a Supplemental Environmental Project (SEP) in the Black Warrior River watershed. The settlement benefits Jefferson County's Tapawingo/Penny Springs, habitat of the federally endangered Vermilion and Watercress Darters and a pristine tributary of Turkey Creek, which in turn is a major tributary of the Black Warrior River's Locust Fork. Riverkeeper chose the Freshwater Land Trust, an Alabama non-profit land conservation organization, to receive Alabama Biodiesel's SEP payment and lead the restoration of Tapawingo/Penny Springs.

Riverkeeper is pleased to report that the Freshwater Land Trust has officially started restoration work at Tapawingo/Penny Springs.

### Birmingham Airport Authority / Dunn Construction (Jefferson County)

Black Warrior Riverkeeper filed suit on April 3, 2007 against the Birmingham Airport Authority and its contractor, Dunn Construction Company, alleging that stormwater runoff from much of the Airport's runway extension project has been inadequately contained or treated. Riverkeeper has reached a settlement of the lawsuit. The settlement agreement with Birmingham Airport Authority and Dunn Construction Company has now been executed by the parties. The settlement includes injunctive relief (a court order requiring steps to curtail pollution) and the payment of \$150,000. The money will pay for litigation expenses as well as a Supplemental Environmental Project (SEP) in the Black Warrior River watershed. Riverkeeper chose the Freshwater Land Trust to receive the SEP payment from the Birmingham Airport Authority and Dunn Construction. Riverkeeper has forwarded the executed settlement document to the Judge, the Justice Department and the EPA for final approval. Please stay tuned for the final SEP details.

### Hanceville Wastewater Treatment Plant (Cullman County)

After receiving numerous complaints from our members in the Hanceville area, Black Warrior Riverkeeper investigated reports of raw sewage and/or partially treated sewage being discharged to Mud Creek, a tributary of the Black Warrior's Mulberry Fork, by the Hanceville Waste Water Treatment Plant (WWTP). Riverkeeper forwarded those complaints to the Alabama Department of Environmental Management (ADEM) and encouraged our Hanceville members to alert ADEM of any future discharges.

As a result of pressure applied to ADEM by Riverkeeper and our Hanceville members, ADEM issued a unilateral order to the Waterworks and Sewer Board of the City of Hanceville, requiring them to pay a civil penalty and cease all discharges in violation of the WWTP's NPDES permit. When the discharges did not stop, ADEM and the Alabama Attorney General filed a lawsuit in Cullman County Circuit Court. In response to the lawsuit, the Waterworks and Sewer Board of the City of Hanceville hired an outside firm to supplement the managers of the WWTP.

According to Riverkeeper member and Hanceville resident Ryan Stephens (pictured), the new management has been effective in drastically reducing violations of the WWTP's permit. Stephens has also reported that wildlife has returned to the portion of Mud Creek near the WWTP's discharge pipe.

While this progress was developing in Hanceville, environmental attorney David Ludder represented Riverkeeper pro-bono in a separate legal action regarding ADEM's dubious penalty payment agreements at the Hanceville WWTP. Ludder's generous and effective action on our behalf ensures greater statewide transparency in ADEM's penalty payment scheduling, as he explained on October 6, 2008:

"It has often been ADEM's practice—after entering into a consent order—to execute separate agreements allowing violators to pay their assessed penalties in installments rather than in one lump sum as required by the consent order. These separate installment agreements were never noticed for public comment and did not constitute modifications of the consent orders. In response to this practice, Black Warrior Riverkeeper served a 60-day notice of intent to sue the Hanceville Waterworks and Sewer Board for its failure to pay the full penalty within 45 days as required by a consent order. However, [Riverkeeper] offered that it would not follow through with the threatened lawsuit if ADEM ceased entering into these separate installment agreements and instead, included any installment schedule in consent orders that would be subject to public comment. ADEM (via John Hagood with Director approval) has agreed that any future schedules to make installment penalty payments will be included in consent orders subject to public comment."

### Metro Recycling, Inc. (Blount County)

See page 5 for the exciting details of our settlement victory in this case.

### Praco and Pumpkin Center Mines (Jefferson and Walker Counties)

See page 1 for the exciting details of our victory in this case, and its positive ramifications for enforcement across the Southeast.



Nelson Brooke (left) and Charles Scribner (right) with Hanceville resident Ryan Stephens, who won the 2008 Black Warrior Waterdog award for his pollution reporting and local organizing. Photo by John Kinney.

## Lewis Communications Donates Black Warrior Brochures and Posters

Rarely has an in-kind supporter provided Black Warrior Riverkeeper the level of help that Lewis Communications ([lewiscommunications.com](http://lewiscommunications.com)) has given us. This full service advertising agency with offices in Birmingham, Mobile and Nashville works with high-level clients including ALFA Insurance and Vanderbilt Medical Center, yet helps market us pro-bono with incredible output. Lewis initially contacted us in early 2008 when SweetWater Brewing Company told them about their “Save the Black Warrior” collaboration with us. While Lewis offered to help market that program, which was still months away, they also were eager to start volunteering immediately! Their first pro-bono work on event posters was excellent, and we started making additional plans.

We told Lewis that we had always wanted to have quality brochures to attract new supporters. Lacking brochures, we have provided potential supporters back issues of newsletters, which are a good update for current members (we hope) but too detailed as an introduction for newcomers. Lewis began working with our staff to gather pictures and text for the new brochures.

The amazing finished product, whose cover is shown next to this article, contains useful and easily understood information about the Black Warrior River watershed, its considerable values, its pollution sources, and our work to protect it. The full-color brochure also includes a list of ways people can support our work, a watershed map, and an amazing poster on the back. Lewis then recruited their friend Bo Stanford at American Printing Company ([americanprintingco.net](http://americanprintingco.net)) to generously print 10,000 copies — on 100% post-consumer recycled paper, using soy inks — at no charge! Several Riverkeeper volunteers are now circulating these excellent fundraising and education tools throughout the watershed. Call Charles Scribner at 205-458-0095 to help.

Lewis then followed up on their marketing pledge toward “Save the Black Warrior” by producing excellent signage, media outreach, and more. They also recruited their friend Charles Coppedge at The Lab to generously print huge vinyl banners for our patrol boat and events at Whole Foods Market. Such assistance led us to name Lewis Communications’ staff our 2008 “Volunteer of the Year” award winners. They collectively donated over 800 hours of service to us!



## “Save the Black Warrior” Partnership with SweetWater: Great First Year



Still available: light blue “Save the Black Warrior” t-shirts in S, M, L, XL, and 2XL. SweetWater logo on left-front and “Save the Black Warrior” logo centered on back. \$12 plus \$3 shipping. Order via 205-458-0095 or [info@blackwarriorriver.org](mailto:info@blackwarriorriver.org).

Throughout October 2008, Black Warrior Riverkeeper launched its first annual “Save the Black Warrior” collaboration with SweetWater Brewing Company. Sponsors included Alabama Small Boats and REI. The campaign raised a total of \$7,100 for Riverkeeper! More importantly, it substantially increased public awareness for the river.

In select Birmingham and Tuscaloosa bars, SweetWater put up a variety of “Save the Black Warrior” displays promoting the river and our work. SweetWater also created special shirts, glassware, and paper fish that these businesses sold to raise money for us. Venues included: 5 Points Grill, Bottletree Café, Cosmo’s, Dave’s Pub, Innisfree, The J. Clyde, Jackson’s Bar and Bistro, Jupiter Bar and Grill, Mellow Mushroom, Metro Bistro, On Tap Sports Café, Wilhagen’s, and Zydeco. The J. Clyde and Mellow Mushroom were the top fundraisers among Birmingham and Tuscaloosa bars, respectively. Whole Foods Market joined the program on October 21 by donating \$2,760, 5% of their sales that day!

Atlanta’s SweetWater Brewing Company ([sweetwaterbrew.com](http://sweetwaterbrew.com)) has run a four year program with Upper Chattahoochee Riverkeeper called “Save the Hooch” and is now teaming up with several Waterkeepers in the Southeast. SweetWater’s Freddy Bensch, Jackie Benzine, Steve Farace, and Dave Guender greatly helped with this collaboration and many other sponsorships. In fact, we named SweetWater our 2008 “Business Partner of the Year” award winner. We look forward to “Save the Black Warrior” in 2009!



Catch ‘em again next year: \$1 or \$5 Paper Fish support Riverkeeper in select bars, restaurants and stores across Birmingham and Tuscaloosa.



Birmingham Beverage, Black & White, and SweetWater sponsored 3 Riverkeeper events at Whole Foods Market in October.

## Black Warrior RIVERKEEPER® Settlement Victory with Metro Recycling



*The Black Warrior River's Locust Fork. Our settlement will fund a study of this free-flowing river's rich biodiversity.* Photo by Nelson Brooke.

Metro Recycling owns and operates a used tire landfill, which was found discharging pollutants into an unnamed tributary of Whites Creek, a tributary of the Locust Fork of the Black Warrior River during Riverkeeper patrols. Laboratory results from Riverkeeper's water samples showed the pollutants illegally discharged by Metro Recycling were: Benzene (known carcinogen), Chloromethane (possible carcinogen), 1,2 Dichloroethane (probable carcinogen), Ethylbenzene, Toluene, Vinyl Chloride (known carcinogen), and Xylenes, o,m,p. Metro Recycling violated the Clean Water Act and provisions of Alabama law by discharging pollutants without a proper permit.

The Locust Fork of the Black Warrior River is a remarkable free-flowing river. Flowing for 159 miles out of Etowah, Marshall, and Blount counties into Jefferson County, this river is an outstanding resource for locals and visitors alike. The SEP will help us better understand the river's aquatic biodiversity, so we can be better stewards in future conservation efforts.

"As Riverkeeper of this large watershed, help from committed locals who serve as my eyes, nose, and ears is crucial," Nelson Brooke, Riverkeeper and Executive Director, explained. "We learned about this problem when concerned locals reported it to us. Working in concert with locals, we are an important voice for citizens when our state and federal agencies fail to adequately enforce environmental laws. Under our watch, polluters will be held accountable."

Visit this webpage for the settlement agreement:

[BlackWarriorRiver.org/releases/2008\\_PressRelease\\_MetroTire\\_ConsentDecree.pdf](http://BlackWarriorRiver.org/releases/2008_PressRelease_MetroTire_ConsentDecree.pdf)

Visit this webpage for the original lawsuit complaint:

[BlackWarriorRiver.org/releases/2008\\_PressRelease\\_MetroTire\\_Complaint.pdf](http://BlackWarriorRiver.org/releases/2008_PressRelease_MetroTire_Complaint.pdf)

Black Warrior Riverkeeper and the Friends of the Locust Fork ([Flfr.org](http://Flfr.org)) have settled their case against Metro Recycling, Inc. regarding operation of a used tire landfill in Blount County. The Honorable United States Judge L. Scott Coogler approved our settlement requiring Metro Recycling to cease illegal discharges, obtain a pollution permit mandated by the Clean Water Act, and pay \$7,500 for a Supplemental Environmental Project (SEP) in the Locust Fork watershed.

The SEP will fund aquatic surveys in the Locust Fork which will be used to determine future conservation goals within the watershed. Riverkeeper chose the Freshwater Land Trust ([FreshwaterLandTrust.org](http://FreshwaterLandTrust.org)), an Alabama non-profit land conservation organization, to receive Metro Recycling's SEP payment and enable the aquatic surveys. Riverkeeper and the Friends of the Locust Fork are pleased that the entire SEP payment benefits the Locust Fork watershed.



*Citizens reported Metro Recycling's tire landfill's pollution to Riverkeeper. Our lab results revealed carcinogens among their illegal discharges.*

Photo by Nelson Brooke.

## Black Warrior RIVERKEEPER® Helps Strengthen Acrolein & Phenol Rules

In June of 2007, Black Warrior Riverkeeper joined a coalition led by the Alabama Rivers Alliance and environmental attorney David Ludder in petitioning the Alabama Environmental Management Commission (EMC) to lower the reference doses used in calculating allowable discharges of acrolein and phenol. Previously, the reference doses used by ADEM were inconsistent with the most recent data provided by the EPA and were in violation of a regulation requiring ADEM to adhere to values established by the EPA's Integrated Risk Information System (IRIS) in determining Alabama's water quality criteria. On October 17<sup>th</sup>, the EMC voted unanimously in favor of the petition, which should reduce allowable discharges of the two toxic chemicals.

According to the Federal Agency for Toxic Substances & Disease Registry (ATSDR), acrolein, which is generally used as biocide to control plants, algae, rodents and other organisms, is toxic through all exposure routes. Historically, acrolein has also been used in military poison gases.

Phenol, primarily used in the production of resins and synthetic fibers is both a manufactured chemical and a naturally occurring substance. In nature, plants such as poison ivy produce phenol as an irritant to discourage animals from eating their leaves. While exposure to high concentrations of phenol can cause serious medical problems and even death, it is often used medically in antiseptics and anesthetics at lower concentrations.

The EMC's vote to lower the reference doses for acrolein and phenol will not only bring ADEM into compliance with its own regulation, but also serves to better protect the health of Alabama citizens who fish, swim, ski, or otherwise come into contact with our state's plentiful surface waters.

*In 1819, William Wyatt Bibb, Alabama's first Governor, chose to highlight the state's rivers in the Alabama Great Seal (right). The EMC's statewide decision helps protect these vital resources from two pollutants.*



## Black Warrior RIVERKEEPER® 2008 Membership Meeting Recap

Black Warrior Riverkeeper's Annual Membership Meeting was generously hosted by **The Altamont School** on December 3, 2008. This annual meeting's purpose is two-fold: relaying year-end reports and other useful information to our members, and electing candidates for our Board of Directors. For members who were unable to attend, we hope the following recap is helpful and that we will see you at next year's meeting! For readers who are not members and would like to join, please see page 7 or call us at 205-458-0095. We appreciate all of our members' monetary and/or volunteer support which guided us to our most productive year yet!

### Team Reports: Individual Recaps of 2008 Programs

**Charles Scribner** (Director of Development)

**John Kinney** (Program Director)

**Mark Martin** (Prosecuting Attorney)

**Nelson Brooke** (Riverkeeper and Executive Director) – "2008 Pictorial Review"

### Board of Directors Election

Attending members unanimously voted for a slate of candidates' re-election to our Board of Directors. The candidates were **Gordon Black**, **Michael J. Cowan**, **M. Clay Ragsdale, IV**, and **J. David Tidwell**. View their biographies and those of our other board members at [blackwarriorriver.org/board.html](http://blackwarriorriver.org/board.html)

### Award Presentations

*Business Partner of the Year:*

**SweetWater Brewing Company** (see page 4 for more information about our partnership).

*Volunteers of the Year:*

**Lewis Communications** (see page 4 for more details on their volunteer support).

*Conservation Group of the Year:*

**Freshwater Land Trust** (see page 5 for a good example of our successful collaborations in 2008).

*Black Warrior Waterdog:*

**Ryan Stephens** (see page 3 for an example of Ryan's support of our work as an effective pollution watchdog, or "waterdog," on the river).

### Keynote Address

**James Lowery**, a member of our Board of Directors, delivered an excellent Keynote Address — *Constructed Wetlands For Wastewater Treatment: A Nontechnical Overview*. Treatment wetlands ("artificial" and natural) are being used throughout the world to treat various types of wastewater including wastewater from municipalities, mining operations, landfills, individual homes, high schools, college and university buildings, industry, commercial establishments, stormwater runoff, and agricultural operations. James presented this eco-friendly alternative to the treatment of wastewater, how wetland plants clean wastewater, and such facilities currently in operation throughout Alabama.



Food Studio B donated an organic, local, and utterly delicious dinner for our Membership Meeting. Learn more at [foodstudiob.com](http://foodstudiob.com) or call them: 205-965-3682.



## Black Warrior RIVERKEEPER® Board Spotlight: M. Clay Ragsdale, IV



M. Clay Ragsdale, IV ("Clay") is a civil litigation attorney in Birmingham, operating as Ragsdale LLC. Ragsdale graduated from the University of Alabama School of Law in 1982 and has practiced law in Alabama for over 24 years. Environmental law is an important part of his practice, as he frequently represents landowners against water and air polluters.

Clay has assisted Black Warrior Riverkeeper's Legal Program immensely since 2006, donating countless pro-bono hours. He has also volunteered a great deal of time toward strategic planning, board administration, and recruiting donors and volunteers. A member of Black Warrior Riverkeeper's Board of Directors since 2006, Clay has served as Board President in 2007 and as Board Treasurer in 2008.

*Clay Ragsdale (right) and his son Lee enjoy fishing and canoeing in Jefferson County on Valley Creek, a major tributary of the Black Warrior River. Photo by Nelson Brooke.*

# About Black Warrior RIVERKEEPER®

Black Warrior Riverkeeper’s mission is to protect and restore the Black Warrior River and its tributaries. We are a citizen based non-profit organization working to improve water quality, habitat, recreation, and public health in our patrol area, the Black Warrior River watershed. This vital river basin is entirely contained in Alabama, America’s leading state for freshwater biodiversity. Monitoring waterways, educating the public, and holding polluters accountable has made us an important proponent of clean water.

Founded in 2001 by David Whiteside, Black Warrior Riverkeeper is governed by a Board of Directors and is a proud member of Waterkeeper Alliance ([Waterkeeper.org](http://Waterkeeper.org)). Our fellow Waterkeepers in Alabama are Cahaba Riverkeeper, Choctawhatchee Riverkeeper, Hurricane Creekkeeper, and Mobile Baykeeper. Black Warrior Riverkeeper’s staff includes Nelson Brooke (Executive Director & Riverkeeper), John Kinney (Program Director), and Charles Scribner (Director of Development). We also benefit from the in-house services of Mark Martin (Prosecuting Attorney). Contact us at 205-458-0095 or [info@blackwarriorriver.org](mailto:info@blackwarriorriver.org) to report pollution or to discuss volunteering, donating, or events. Learn more at [BlackWarriorRiver.org](http://BlackWarriorRiver.org).



Our patrol boat on the Black Warrior River. Photo by Nelson Brooke.



## Membership / Donation Form

Please fill and mail form to:  
Black Warrior Riverkeeper  
712 37th Street South  
Birmingham, AL 35222



Name(s) \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone(s): \_\_\_\_\_ Email(s): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

If you enjoy the Black Warrior River, its tributaries, or its Sipsey, Mulberry, or Locust Forks, please tell us how and where:

\_\_\_\_\_

Payment Method:  Check enclosed /  American Express /  MasterCard /  Visa /  Non-monetary Contribution (Volunteer or In-Kind donations)

Credit Card number and expiration date (mm/yy): \_\_\_\_\_

### Please Mark a Donation Category

- Plicate Rocksnail.....\$25
- Watercress Darter.....\$50
- Vermilion Darter.....\$100
- Flattened Musk Turtle.....\$250
- Black Warrior Waterdog.....\$1,000
- Other Dollar amount.....\$ \_\_\_\_\_

Black Warrior Riverkeeper is a 501(c)(3) tax-exempt charitable organization. Contributions are **tax deductible** to the extent allowed by law. No goods or services of monetary value will be provided in exchange.

**To purchase merchandise** (shirts, stickers, hunting/fishing gear, Dr. Bronner’s Magic Soaps, etc.), visit [BlackWarriorRiver.org/shop.html](http://BlackWarriorRiver.org/shop.html) or contact Charles Scribner: 205-458-0095, [info@blackwarriorriver.org](mailto:info@blackwarriorriver.org).

In-kind donation (List donated goods or professional services): \_\_\_\_\_

Volunteer time (List hours and type of volunteering): \_\_\_\_\_

Stock donation (Please call Charles Scribner at 205-458-0095 for easy instructions).

(Any gift above) In Memory of: \_\_\_\_\_

(Any gift above) In Honor of: \_\_\_\_\_

Name & address to notify of memorial / honorary gift: \_\_\_\_\_

Black Warrior RIVERKEEPER®

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[BlackWarriorRiver.org](http://BlackWarriorRiver.org)

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## Black Warrior RIVERKEEPER® Acknowledgements: Fall 2008

### Black Warrior Riverkeeper Wins National Award from the American Canoe Association

On November 1 in Fredericksburg, VA, Gordon Black, a member of Black Warrior Riverkeeper's Board of Directors and a renowned instructor of canoeing and kayaking, accepted the American Canoe Association's 2008 *Green Paddle Award for Waterway Conservation* on behalf of Black Warrior Riverkeeper at the ACA Annual Banquet. The ACA Green Paddle Award is presented annually to an individual or a group that has made outstanding contributions to paddlesport by protecting America's waterways. Black Warrior Riverkeeper is honored to receive this award from such a respected national organization. For more information about ACA visit: [AmericanCanoe.org](http://AmericanCanoe.org).



### Black Warrior Riverkeeper Wins 4 PayPal Fundraising Contests on MySpace.com

PayPal, *the safer, easier way to pay and get paid online*, ran 4 week-long charity fundraising contests in Fall 2008. The contests took place on MySpace.com, *an online community that lets you meet your friends' friends*. Thanks largely to fundraising efforts by volunteers David and Lauren Whiteside, Black Warrior Riverkeeper won all 4 contests, earning a total prize of \$10,000 from PayPal! (Plus over \$7,000 from our members' online donations that put us in 1st place). Tax-deductible donations are always accepted through our PayPal widget (pictured here) on our MySpace page: [myspace.com/black\\_warrior\\_riverkeeper](http://myspace.com/black_warrior_riverkeeper)



### Eco-Friendly Newsletters Printed on Neenah Paper's 100% Post-Consumer Recycled Paper

Please consider making a special donation to help us cover the rising cost of Neenah Paper's 100% post-consumer recycled (PCR) paper. We used the "Eco Calculator" on [NeenahPaper.com](http://NeenahPaper.com) to project our PCR newsletters' environmental savings over a year (4 quarterly issues):



1048.16 lbs wood ~ 1476.96 gal water ~ 1.52min BTUs energy ~ 316.16 lbs emissions ~ 168.76 lbs solid waste