



Black Warrior RIVERKEEPER®



Fish Kill at Gorgas and Sewer Spill at Northport: Citizens Demand Answers

Two major pollution events in the watershed this summer raise serious concerns for people who fish or swim in public water. The incidents also show how helpful citizens can be in reporting pollution to us, especially when government investigations are ineffective.

June 16, citizens called us about a large fish kill at Alabama Power's Gorgas Steam Plant on the Mulberry Fork's confluence with Baker Creek. We investigated that day, took pictures, created an interactive Google map of the fish kill, and reported our findings to the Alabama Department of Conservation and Natural Resources (DCNR), which led the investigation that morning. The Alabama Department of Environmental Management (ADEM) arrived later that afternoon to begin their own investigation. ADEM set up a fish kill folder on their e-File system (app.adem.alabama.gov/eFile/).

June 27, ADEM indicated that discharge from Gorgas to Baker Creek was the origin of water very low in dissolved oxygen. July 5, ADEM uploaded DCNR documents stating that dead fish were found in the Gorgas discharge canal but not upstream. Dissolved oxygen upstream of the canal was a healthy 9.2 mg/l and water clarity was normal. In the canal, dissolved oxygen was 3.5 mg/l and water was turbid. DCNR said the number of fish they "...were able to enumerate was substantially reduced due to a tug boat coming through the kill area causing many of the dead fish to sink."

ADEM did not collect data for oil and grease or organic chemicals even though their inspector documented a substantial oil sheen on the river. July 14, ADEM updated e-File with a statement by Alabama Power denying responsibility. July 20, ADEM published a final memorandum that does not identify a responsible party. We have asked for more information from both investigating agencies. Stay tuned.

Downstream on July 3, during a long holiday weekend promising lots of swimming on the river and its tributaries, we received Facebook messages from Northport residents informing us of a sewage spill that began the morning of Saturday, July 2. That notification allowed us and Hurricane Creekkeeper John Wathen to investigate the public health threat which Northport had not announced comprehensively even though public notice of raw sewage spills is required by Northport's Clean Water Act permit. We posted the following statement on social media and sent it to all local media contacts, which prompted widespread coverage:

"There is a major sewage overflow going on right now in Northport, contaminating the river and several tributaries.... It is not clear exactly when the spills began, how much sewage has been spilled, if the city or state have done any water quality sampling on the river, if any downstream public health notices or water contact warnings are being issued, or when the problems will be fixed.... We are cautioning people to refrain from swimming downstream of Northport and Tuscaloosa until we get better information from Northport and ADEM...."

As with the fish kill, we created an online map to inform the public where the 5 spills were so folks could make informed decisions about swimming. After days of confusion regarding the spill's size, Northport later estimated that it spilled between 401,000-4,010,000 gallons of sewage in those areas. Weeks after their July 5 investigation, ADEM confirmed they had not taken water samples.

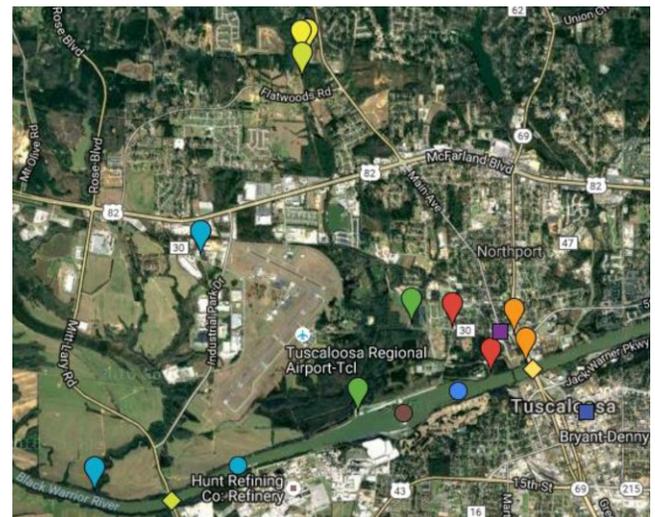
We met with Northport officials on July 13 to discuss the need for proper notification and sewage spill response. We are now talking with Northport about creating a sewage spill response plan that should include adequate public notice, transparency, cleanup, disinfection, and water monitoring.

In both the fish kill and the sewer spill, government did little to inform the public during the incident or in the weeks that followed. We will continue to push for more details on both incidents as well as better responses by ADEM and local entities during future problems. Stay tuned.

On the bright side, we were able to spread the word rapidly and widely both times to the media and public because citizens quickly told us about the problems. To report pollution in the watershed, call (205) 458-0095, email reportpollution@blackwarriorriver.org or visit our interactive pollution webpage, blackwarriorriver.org/report-pollution. You may remain anonymous if you wish.



Screenshot of our interactive Gorgas Steam Plant fish kill map.



Screenshot of our interactive Northport sewer spill map.

Northern Beltline Not Among Alabama's Top 50 Needed Road Projects

A map of Alabama's 50 most needed road improvements, the total cost of which could be completed for half a billion dollars less than the proposed Northern Beltline, highlights a critical need for accountability and transparency in the decision-making process around statewide transportation investments.

On May 12, the Southern Environmental Law Center (SELC) and Black Warrior Riverkeeper released the map, based on an independently published report by nonprofit transportation research group The Road Information Program (TRIP), to emphasize that statewide transportation needs will continue to go unmet as long as the Alabama Department of Transportation (ALDOT) gives funding priority to the Northern Beltline and other politically-motivated projects.

Titled "The Top 50 Highway Projects to Support Economic Growth and Quality of Life in Alabama," the report ranks the 50 statewide highway projects most needed to support Alabama's economic growth and quality of life. The report estimates that the combined cost of these 50 projects would be \$4.6 billion. The \$5.3 billion Northern Beltline is notably absent from the report.

While SELC and Black Warrior Riverkeeper neither endorse nor oppose the projects included in the report, the groups view the list as an eye-opening illustration of how the Northern Beltline siphons funding from critical transportation needs.

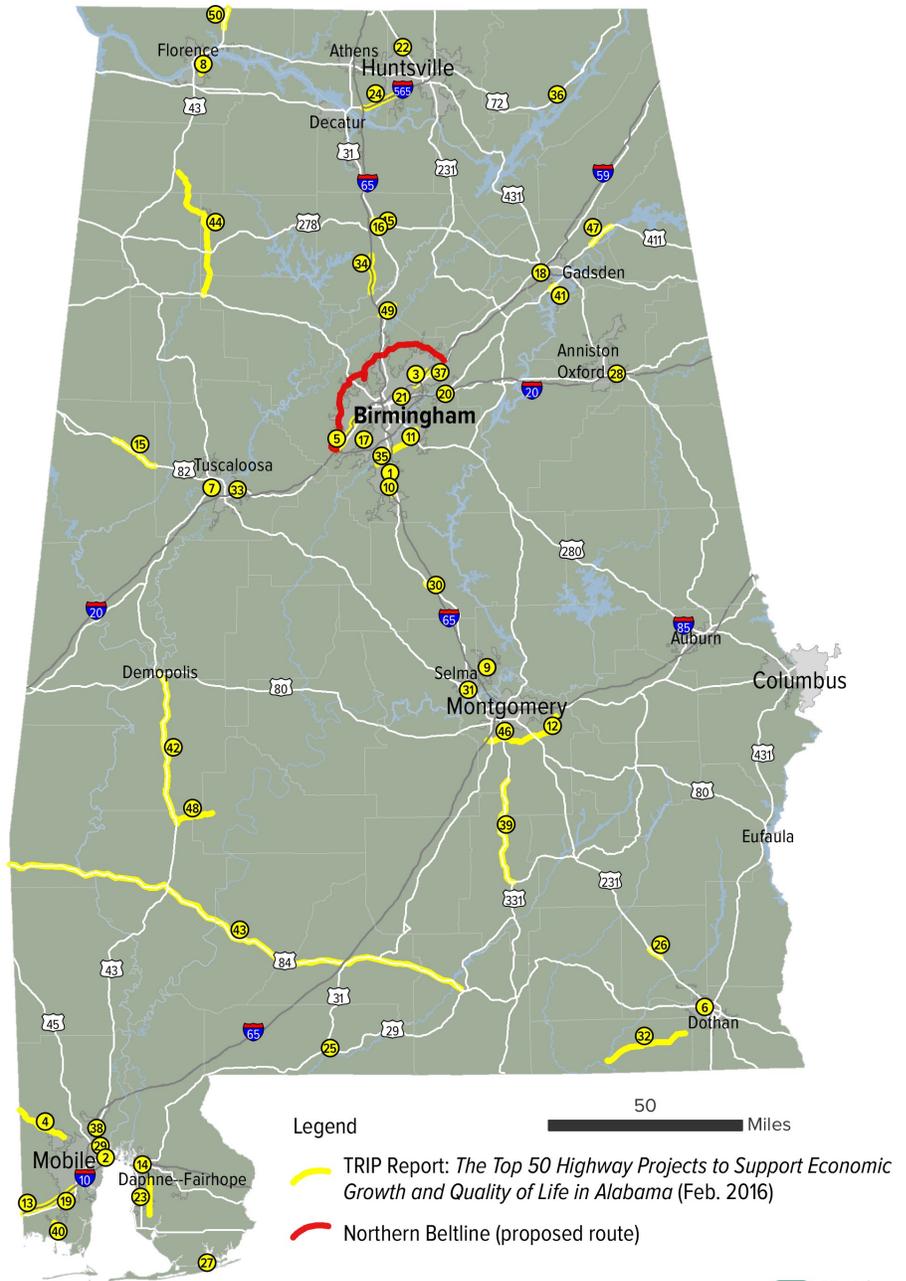
"Even as lawmakers acknowledge that our crumbling infrastructure is failing people across Alabama, this map shows that statewide repercussions will continue as long as wasteful, unnecessary projects like the Northern Beltline are given lopsided priority," said Sarah Stokes of the Southern Environmental Law Center. "Working toward a sustainable solution to our infrastructure problems must involve holding ALDOT to specific accountability terms, including an objective prioritization process to rank and select projects."

SELC and Black Warrior Riverkeeper maintain that limited transportation funding should address safety, maintenance and congestion issues through cost-effective projects that create jobs and cause far fewer aquatic impacts than the Northern Beltline. Although ALDOT has the flexibility to use money for the Northern Beltline on other projects, the agency continues to forge ahead with the most expensive road in Alabama history to the detriment of taxpayers, water resources and more pressing infrastructure needs.

ALDOT has begun work on 1.86 miles of the proposed 52 mile highway but has not secured funding for construction on the rest of the road. Transportation and infrastructure woes were front and center in the 2016 legislative session, as lawmakers tried and failed to pass various bills attempting to carve out funding for roads and bridges.

"We continue to be gravely concerned about the Northern Beltline's negative ramifications for the region's aquatic resources," said Nelson Brooke from Black Warrior Riverkeeper. "The Northern Beltline is a poor investment which will continue to drain funds from priority transportation projects across Alabama."

View TRIP's report at tripnet.org/docs/AL_Economic_Development_TRIP_Report_February_2016.pdf. Learn more about the Northern Beltline at BlackWarriorRiver.org/northern-beltline.



NOTE: SELC expresses no opinion as to the merits of individual transportation projects in the TRIP report. Interstates shown in black, and US highway in white.
Map created by Jovian Sackett (jsackett@selcnc.org) | Last updated: April 13, 2016
Data Sources: Regional Planning Commission of Greater Birmingham; TRIP; USGS; NAVTEQ; and US Census Bureau



Students Paddle from Tuscaloosa to Mobile to Help Two Waterkeepers

Two students from The University of Alabama, Chris Cochrane (Gadsden, Ala.) and Collin Williams (Nashville, Tenn.), recently completed a 340-mile paddling trip from Tuscaloosa to Mobile to raise awareness for river conservation efforts in Alabama, traveling down the Black Warrior River and Tombigbee River for 15 days.

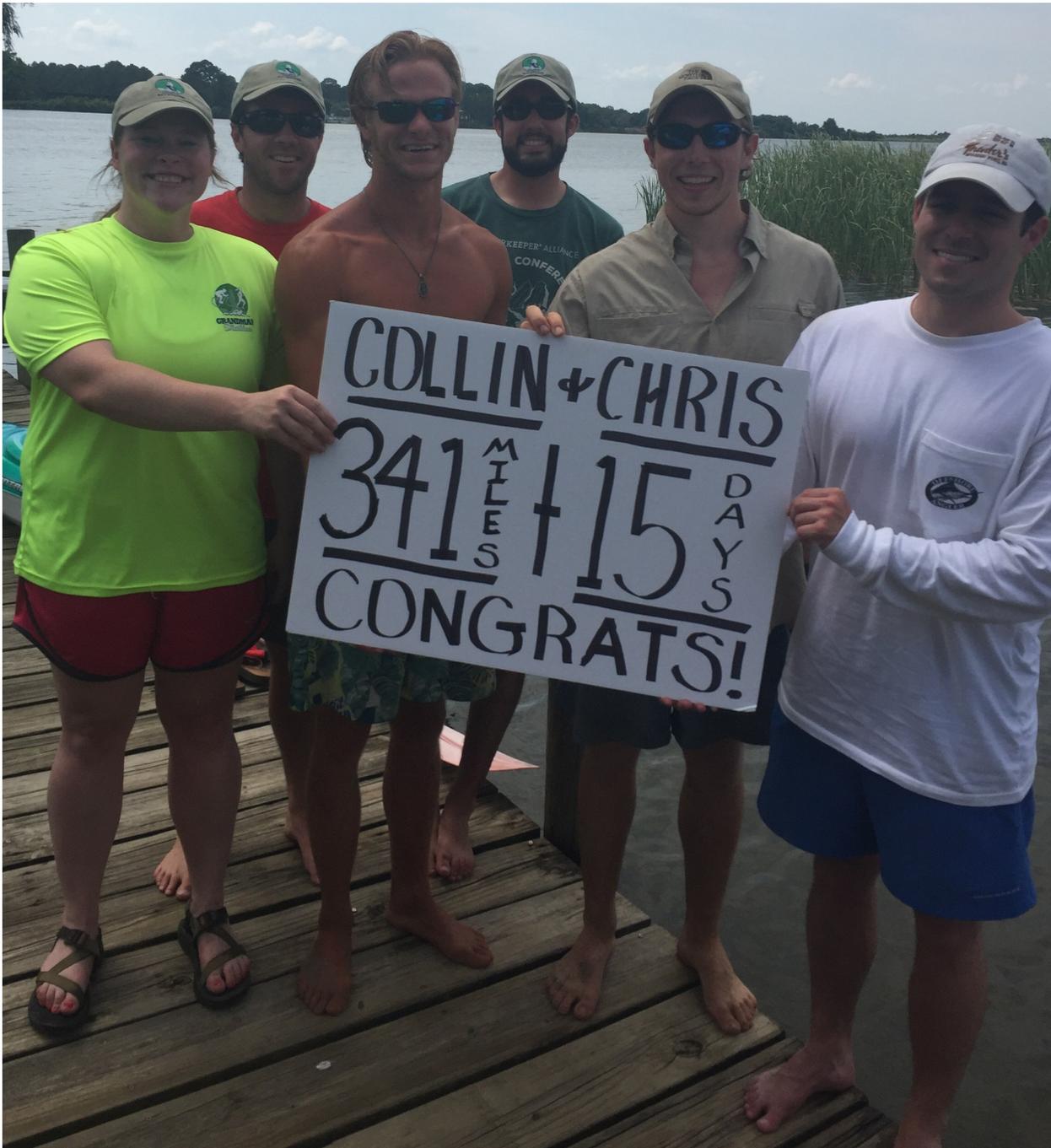
Cochrane, a recent graduate of environmental science, and Williams, a marine science student, wanted to highlight the importance of freshwater conservation to Alabama's ecosystem, which contains 38 percent of North America's fish species and more species of freshwater fish, crayfish, mussels, turtles, and snails than any other state in the U.S.

"People don't usually talk about freshwater conservation until something terrible happens, so we really wanted to expose the citizens of Alabama, and the country as a whole, to this important concept," said Cochrane.

Though both students have a considerable educational background in environmental science, they wanted to take some of the lessons they have learned and apply them outside of the classroom.

"I have always been very passionate about freshwater ecosystems, and about a year ago, I had a dream that inspired me to start planning this long distance kayaking trip," said Williams.

Proceeds raised from the journey, titled "Kayaking for Conservation", are being donated to Black Warrior Riverkeeper and Mobile Baykeeper, two of eight organizations in Alabama affiliated with Waterkeeper Alliance. Charles Scribner, Executive Director of Black Warrior Riverkeeper, believes this is an important way to showcase the linkage between Alabama's rivers.



"Through river exploration, a great American tradition, these students have highlighted the connectivity of Tuscaloosa and Mobile, while also supporting the two Waterkeeper groups who protect that vital nexus," said Scribner.

Mobile Baykeeper staff was fortunate enough to join the students and paddle the last mile of their journey with them, concluding the trip at Scott's Landing on May 27, where they were met by cheering family and friends.

"What these guys did to raise awareness for river conservation in our great state is beyond admirable," said Justine Herlihy, Development Director for Mobile Baykeeper.

"On behalf of Mobile Baykeeper's staff, board of directors, and membership, we extend our deepest gratitude for their wonderful efforts."

"I hope our trip inspires others to get outside and experience everything the streams and rivers of Alabama have to offer," added Williams.

Learn more about "Kayaking for Conservation" and view more pictures at facebook.com/kayaking4conservation.

SweetWater Helps “Save Our Water” in Birmingham and Tuscaloosa

SweetWater Brewing Company’s annual “Save Our Water” program returns to Birmingham and Tuscaloosa in July and August to support Black Warrior Riverkeeper. Sales of signature-ready “fundraising fish” at participating restaurants, bars and stores will raise funds and awareness for local water resources.

The “Save Our Water” program (waterkeeperbrew.org) is called “Save the Black Warrior” in Birmingham and Tuscaloosa. SweetWater’s local distributors, Birmingham Budweiser in Birmingham and Adams Beverages in Tuscaloosa, will help coordinate the program. Mountain High Outfitters will donate prizes to bartenders and servers who raise the most money for Black Warrior Riverkeeper at each participating business.

“Our collaboration with SweetWater has raised over \$71,000 since 2008 for the vital but vulnerable Black Warrior River basin,” said Charles Scribner, Executive Director of Black Warrior Riverkeeper. “The program returns to Birmingham for the first time since 2012 while continuing its 8-year streak in Tuscaloosa.”

Supporting the conservation of some of the nation’s most threatened rivers, streams and coastlines is a cause near and dear to the brewery, as clean water is also vital to the creation of their tasty brews. SweetWater founded the “Save Our Water” program in 2006 with Chattahoochee Riverkeeper in Atlanta, and grew with the brewery’s distribution footprint to include other Waterkeeper Alliance members. Those yearly grassroots efforts have raised over \$600,000.

SweetWater Brewing Company is broadening its annual Save Our Water campaign to “protect our right to clean water and tasty brews” to include five partner organizations: Waterkeeper Alliance, Trout Unlimited, Ducks Unlimited, Surfrider, and Coastal Conservation Association’s National Habitat Program, Building Conservation Trust.

“We’re honored to expand on the Waterkeeper partnership this year, extend our efforts to four more incredible environmental champions, and look forward to the most robust joint fundraising efforts yet,” said SweetWater founder Freddy Bensch. “This will help ensure that we always have great water to make great beer, and that generations to come will continue to share our passion for the outdoors.”

“We’re grateful

for our growing partnership with SweetWater and the work they are doing to conserve our nation’s waterways,” said Marc Yaggi, Executive Director of Waterkeeper Alliance (waterkeeper.org). “Using high quality water in the beer-making process is most reflected in the end product. So protecting clean drinking water resources is also about protecting great beer.”

Birmingham

locations: Basil, Blackwell’s, Hop City, Jack Brown’s, Mellow Mushroom, Neighborhood Hops and Vine, Rojo, Saw’s Juke Joint, Side Bar, Slice, and Spike’s.

Tuscaloosa

locations: Alcove, Buffalo Wild Wings, Buffalo Phil’s, Copper Top, Corks and Tops, Cypress Inn, Downtown Pub, Egan’s, Filling Station, Innisfree, The Levee, Loosa Brews, Mellow Mushroom, Rounders, Southern Ale House, and Wilhagan’s.

SweetWater

Brewery is located at 195 Ottley Drive in Atlanta.

Learn more at

sweetwaterbrew.com.



**PROTECT OUR RIGHT TO
CLEAN WATER
AND TASTY BEER!**



**SAVE THE
BLACK WARRIOR**

Groups Push Drummond to Fix Abandoned Mine Polluting Locust Fork



Aerial view of acid mine drainage and polluted runoff from Maxine Mine entering the Locust Fork of the Black Warrior River (bottom left).

Photo by Nelson Brooke. Flight by SouthWings.org.

Conservation groups filed a notice of intent to sue on June 29 against Drummond Company for violations at its Maxine Mine site, an abandoned underground coal mine located on the banks of the Locust Fork of the Black Warrior River near Praco, Alabama. Though mining at Maxine Mine ceased in the 1980s, acid mine drainage has been illegally discharging from the site into the Locust Fork through surface water runoff and seeps from the underground mine for years.

The Southern Environmental Law Center, Black Warrior Riverkeeper, and Public Justice filed the notice letter regarding continuous and unpermitted polluted discharges of acidic runoff and mine drainage into the Locust Fork and its tributaries. The site also presents a substantial imminent harm to human health and the environment due to the storage of tons of mining waste known as geologic overburden, or “GOB,” on a bluff above the Locust Fork. Besides being a continuous source of acid mine drainage, the GOB has completely filled a tributary of the Locust Fork.

“Leaving this site without cleaning up piles of mining waste and polluted sediment, and without taking appropriate measures to stop the flow of acid mine drainage from the basins and ditches left behind is simply unacceptable,” said Barry Brock, senior attorney at the Southern Environmental Law Center. “Until the ongoing pollution at the Maxine Mine site is adequately addressed, it continues to pose a threat to water quality, and the communities and wildlife in the area that depend on clean water.”

The site currently consists of underground mine works, surface piles of mining waste, and a system of man-made drainage ditches and earthen dams used to create sediment basins for runoff from the waste piles. The basins are continuously leaking polluted water and the dams are holding acidic coal mine drainage and GOB. The main dam by the river is deteriorating and could potentially breach, resulting in a large release of pollutants into the Locust Fork, a primary tributary of the Black Warrior River and a popular area for fishing, boating, and other forms of outdoor recreation.

The Maxine Mine site is one of the worst of hundreds of abandoned mines in the Black Warrior River basin, many of which continue to degrade streams and contaminate groundwater with unpermitted discharges containing high levels of sediment, heavy metals such as iron and aluminum, and other pollutants. To address the ongoing pollution and storage of coal mine waste on the Locust Fork, the groups are seeking removal of the mining waste, excavation and/or remediation of contaminated streams, and any other appropriate measures by Drummond to immediately stop all illegal discharges at the site.

“Polluted water from Maxine Mine’s old underground mine and coal waste piles has been flowing into the Locust Fork of the Black Warrior River for far too long,” said Nelson Brooke of Black Warrior Riverkeeper. “The acidic runoff at this long-ignored site is laden with high concentrations of heavy metals unfit for fish and aquatic wildlife and human health.”

“The Maxine Mine site is a striking reminder of the pervasive and long-lasting impacts of coal mining,” said Richard Webster, Environmental Enforcement Project Attorney with Public Justice. “Acid mine drainage and runoff continue to threaten streams and groundwater in the area. Drummond has a responsibility to clean up the mess unleashed by mining operations at the site, and the notice filed today is an urgent effort to compel the company to take action now.”

As outlined in the notice letter, the groups’ claims include violations of the Clean Water Act through illegal, ongoing discharges of pollutants into the Locust Fork and its tributaries, and illegal stream filling; and violations of the Resource Conservation and Recovery Act for improper management of solid wastes.

Black Warrior RIVERKEEPER® Patrol Log

December 18: Patrolled Valley Creek by canoe with intern Samuel Yang.

January 5: Stopped by Metalplate Galvanizing in North Avondale to look for discharges into a tributary to Village Creek.

January 6: Flew over the Black Warrior watershed with SouthWings volunteer pilot Tom Kahlert to check on polluting facilities after heavy rains. We flew over 3 coal-fired power plants, U.S. Pipe & Foundry, multiple coal mines, several coalbed methane fracking operations, Uniontown's sewage treatment lagoon, and Southeastern Cheese.

January 25: Checked Cottonwood Creek in Uniontown for illegal polluted runoff from Southeastern Cheese.

January 28: Went on a site visit of Metro Recycling Landfill along with John Kinney and Eva Dillard to check on their progress establishing site stabilization and runoff control from their tire landfill in Blount County.

February 2: Patrolled the river's Oliver Pool in Tuscaloosa/Holt with John Kinney to check discharges from the two chemical plants on the river: Merichem and Southern Ionics.

March 3: Checked Sumiton Lagoon's pipe where it discharges into the Mulberry Fork.

March 9: Investigated a complaint about raw sewage being straight-piped into Valley Creek at a mobile home park in Bessemer.

March 30: Patrolled Oliver and Warrior pools in Tuscaloosa to check on industrial discharges to the river with Katrina Ramonell's UA class. They took water samples for analysis in their laboratory.

April 6: Patrolled Oliver Pool in Tuscaloosa with Heidi Staples' UA class.

April 20: Along with John Kinney, met with the operator of the Cullman Wastewater Treatment Plant to discuss the status of their treatment plant upgrades and our interest in permit compliance.

April 21: Checked on East Walker County Wastewater Treatment Plant's lift stations and documented evidence of raw sewage overflows.

April 29: Patrolled the Locust Fork from Birmingham to the Miller Steam Plant with Holy Family Cristo Rey Catholic High School intern Sha'Warren Webster, her mother, and her classmates.

May 4: Our full staff went on a tour of the Alabama Aquatic Biodiversity Center in Marion, guided by Dr. Paul Johnson. We got to see where a number of rare and endangered species of mussels and snails are propagated in preparation for release into the river's tributaries.

May 10: Patrolled Lost Creek and the Mulberry Fork with Charles Scribner, John Kinney, and Eva Dillard. We documented where the creek bank had collapsed into Lost Creek next to a coal strip mine, within its blasting zone.

May 13: Checked on Carthage Branch next to Moundville Archaeological Park to make sure the new Biodiesel plant operators (HERO BX, LLC) were not dumping in the creek.

June 10: Patrolled Gorgas Steam Plant on the Mulberry Fork.

June 16: Patrolled Gorgas Steam Plant on the Mulberry Fork with John Kinney to document a fish kill that originated within Baker Creek, which flows out of the middle of the plant. We found turbid water flowing out of the creek into the river, and a rainbow oil sheen all over the river's surface among dead striped bass, largemouth bass, skipjack herring, and freshwater drum. See this newsletter's cover story for more details.

June 29: Checked Sumiton Lagoon's discharge pipe and East Walker County WWTP's sewage lift stations.

July 19: Patrolled the Oliver and Warrior pools in Northport with Advisory Council member and commercial fisherman Chris Crawford.

July 21: Patrolled the river around Lock 5 to check conditions and respond to a complaint about excessive algae in the river.

July 25: Patrolled the Mulberry Fork from Gorgas Steam Plant to the Birmingham Water Works Board's Mulberry Intake at Shepherd Bend with Julie Price's UAB Sustainability group.

To report pollution anywhere in the Black Warrior River watershed, contact Nelson Brooke at (205) 458-0095 or reportpollution@blackwarriorriver.org or visit blackwarriorriver.org/report-pollution. You may remain anonymous.



Intern Samuel Yang patrols Valley Creek. Photo by Nelson Brooke.



Intern Sha'Warren Webster, her mother, and her friends in our patrol boat observed orange coal mine runoff. Photo by Nelson Brooke.



Staff Attorney Eva Dillard observing a bank collapse into Lost Creek next to Reese's Branch No. 2 Mine. Photo by Nelson Brooke.



A largemouth bass floats in an oil sheen on the Mulberry Fork at Alabama Power's Gorgas Steam Plant. Photo by Nelson Brooke.

Black Warrior RIVERKEEPER® Membership / Donation Form

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

Black Warrior Riverkeeper is a 501(c)(3) tax-exempt charitable organization. Contributions are tax deductible to the extent allowed by law.

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 / Discover / Non-monetary Contribution (Volunteer or In-Kind)

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

Monetary donation: \$ _____ (If you prefer to donate stock, please call Charles Scribner at 205-458-0095 for easy instructions).

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

Volunteer time (List hours and type of volunteering): _____

(Any gift above) In Memory of: _____

(Any gift above) In Honor of: _____

Name & address to notify of memorial or honorarium gift: _____

About Black Warrior RIVERKEEPER®

Our mission is to protect and restore the Black Warrior River and its tributaries. We are a citizen-based nonprofit dedicated to improving water quality, wildlife habitat, recreation, and public health in our patrol area, the Black Warrior River watershed. This basin is contained entirely in Alabama, America's leading state for freshwater biodiversity.

Our staff includes Nelson Brooke (Riverkeeper), Eva Dillard (Staff Attorney), John Kinney (Enforcement Coordinator), and Charles Scribner (Executive Director). Learn more at BlackWarriorRiver.org. Email us at info@blackwarriorriver.org or call (205) 458-0095 to report pollution or to discuss how you can help.

We are members of the Alabama Association of Nonprofits, Alabama Rivers Alliance, GuideStar, River Network, and Waterkeeper Alliance. Our fellow Waterkeepers in Alabama include Cahaba Riverkeeper, Choctawhatchee Riverkeeper, Coosa Riverkeeper, Hurricane Creekkeeper, Little River Waterkeeper, Mobile Baykeeper, and Tennessee Riverkeeper.



The lower Black Warrior River is fed by tributary streams in Coker, Fosters, Moundville, Akron, Eutaw, Greensboro, Forkland, Newbern, Faunsdale, and Uniontown before it flows from lower left through wetlands in the Demopolis Wildlife Management Area into the Tombigbee River at middle, which then flows downstream through Demopolis toward Mobile Bay and the Gulf of Mexico.

Photo by Nelson Brooke. Flight by SouthWings.org.

Black Warrior RIVERKEEPER®

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Birmingham, AL 35222

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Email: info@blackwarriorriver.org

Website: BlackWarriorRiver.org

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Black Warrior RIVERKEEPER® Reaches GuideStar's New Top Level

Black Warrior Riverkeeper is one of the first organizations to receive the Platinum Seal of Transparency from GuideStar, the world's largest source of nonprofit information. GuideStar recently launched the Platinum participation level to help nonprofits celebrate their results for free. By sharing these metrics, we help the sector move beyond simplistic financial ratios to assess nonprofit progress.

We are proud to use GuideStar Platinum to share our full and complete story with the world: guidestar.org/profile/72-1537394. We achieved Platinum by completing GuideStar's preceding participation levels of Bronze, Silver, and Gold. Each provided stakeholders with increasingly detailed organizational information ranging from basic contact information to programmatic information.



Black Warrior RIVERKEEPER® Interns

Christopher Becker is a student at The University of Alabama School of Law and a member of its Environmental Law Society. Among his many research projects, Christopher wrote detailed memos for us about coalbed methane extraction and tar sands regulations.

Marian Mwenja is a student at Jefferson County International Baccalaureate School. Marian helped collect water samples in Bessemer, researched a polluted site in Tuscaloosa, and gathered information from drinking water utilities throughout our 17-county watershed.

Jacqueline Smith is a student at Samford University and a member of its Christian environmental club, Restoring Eden. Jacqueline reviewed polluters' discharge monitoring reports, represented us at events, and wrote a op-ed opposing the Northern Beltline in *The Samford Crimson*.

Sha'Warren Webster is a student at Holy Family Cristo Rey Catholic High School participating in their innovative Corporate Internship Program. Sha'Warren reviewed polluters' discharge monitoring reports while assisting us with fundraising mailers and public events.

We offer a wide range of projects for volunteers of all ages. Contact Charles Scribner to help: 205-458-0095 or info@blackwarriorriver.org.

Birmingham's Brightest Company in 2016: Black Warrior RIVERKEEPER®

For the second time in three years, Black Warrior Riverkeeper is Birmingham's Brightest Company. Organized by Impact America (impactamerica.com), the Brightest Company Charitable Trivia Competition invites companies and nonprofits to sponsor teams of 2-6 to play trivia to benefit Impact America and the winning team's selected charity. Dozens of teams compete for a \$10,000 prize and the coveted "Brightest" title. Our 2016 team was Baird Castleberry, Bry Coburn, Stephen Coburn, Cheyanne Cote-Coburn, Eva Dillard, and John Kinney.