

NewsStreams

Because Clean Water Can't Wait

Kentucky  Waterways Alliance
Healthy waterways.
Healthy communities.



EW Brown Appeal

Bijaya Shrestha - Water Policy Director

As you may know, on July 12, 2017, attorneys at Earthjustice filed a lawsuit on behalf of KWA and Sierra Club against Kentucky Utilities ("KU") under the Clean Water Act ("CWA") and the Resource Conservation and Recovery Act ("RCRA"). We asked the court to require KU to comply with the Clean Water Act, stop the coal ash from coming into contact with groundwater and surface water, and mitigate the damage that has been done by the pollution.

On December 28, U.S. District Judge Reeves dismissed our lawsuit. The decision was not on the merits of our suit but rather on court procedure - namely, whether or not the federal court is the appropriate forum to decide on these issues. The court held that the

situation should be addressed by state regulators, rather than the federal court system. For our RCRA claim, the court held that we lack standing because the agreed administrative order between KU and the Kentucky Division of Water ("KDOW") requiring a study plan somehow deprives the court of authority to order KU to do more than what it is already doing. For our CWA claim, the court narrowly interpreted the statute over whether the federal law covers discharges of pollutants that travel through underground channels in the groundwater as opposed to over the surface. The court held that, as a legal matter, discharges that travel through groundwater can never be covered by the CWA. Contrary to Judge Reeves' decision, a

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majority of courts, including in recent coal ash cases in Tennessee, Virginia, and North Carolina, have held that these types of discharges are point source discharges that are required to meet CWA requirements.

Earthjustice filed an appeal to the Sixth Circuit Court of Appeals on January 26th, 2018. Important work like this is only possible because of support from our members. Thank you for allowing us to continue fighting for Kentucky's waterways.



Kentucky's Wild & Scenic River

Laura Gregory - Red River Watershed Coordinator

Signed into law by President Lyndon B. Johnson on October 2, 1968, the Wild and Scenic Rivers Act is one of the federal government's major efforts to protect the natural environment, yet it is relatively unknown compared to other such efforts as the national parks and forests. Currently, the National System protects 12,734 miles of 208 rivers in 40 states and the Commonwealth of Puerto Rico; this is less than 1/4 of 1% of the nation's rivers. By comparison, more than 75,000 large dams across the country have modified at least 600,000 miles, or about 17%, of American rivers.

Over 50 years ago, there was tremendous controversy over the proposed Red River dam construction. Environmentalists raised their voices time and time again, and eventually were heard. Last fall, Sierra Club hosted a 50th anniversary hike in the Red River Gorge to commemorate the hike U.S. Supreme Court Justice William O. Douglas took along the river with the dam protestors. Many people feared the damage and havoc the dam would cause to the landscape, ecosystem, and archaeological sites in the area while others supported the recreational opportunities and flood control downriver. Justice Douglas recognized the importance of keeping the Red River in its natural state and his interest was vital in the protection for which so many people had been fighting.

On December 2, 1993, 19.4 miles of the Red River, between KY 746 and the confluence below Schoolhouse Branch, was designated a Wild and Scenic River, becoming the only nationally protected river in Kentucky and safeguarding the river from future dam construction. The free flowing Red River hosts over 70 species of fish and 16 mussels and Red River Gorge cliff lines are the only place you will find white-haired goldenrod. The river protection also helps preserve historic and prehistoric sites. The Red River corridor's incredible scenery and geology attract thousands of national and international kayakers, canoeists, hikers, rock climbers and backcountry enthusiasts each year.

Red River is Wild and Scenic and that is something to celebrate! In September 2018 we will host, in partnership with the Daniel Boone National Forest and other collaborators, a Wild and Scenic Red River Festival in the Red River Gorge area. The festival will include educational stations, outdoor adventure activities including a paddle with Forest Service interpretation, music, art, prizes and more.

There is still work to do to protect, restore and celebrate the waterway. As most of you know, that is exactly what we are doing by implementing the Red River Watershed Restoration Project. Stay tuned in for more information on the festival and other Red River Watershed happenings on KWA's website and www.facebook.com/RedRiverGorgeWatershed.



New Priority: Nutrient Pollution

Bijaya Shrestha - Water Policy Director

The Mississippi River, flowing 2,350 miles, is the second longest river in North America. It flows through or along the borders of 10 states and its watershed extends into 31 states and two Canadian provinces. Agricultural nutrient pollution contributes significantly to water quality issues in the Mississippi River Basin and has led to a growing dead zone in the Gulf of Mexico.

Nutrient pollution fuels the growth of harmful algal blooms (HABs) which devastate aquatic ecosystems. HABs also create toxins and compounds that are dangerous to human health. Nutrient pollution has diverse and far-reaching effects on the nation's economy - affecting tourism, property values, commercial fishing, recreational businesses and many other sectors that depend on clean water.

Kentucky ranks as the 5th leading source in the Mississippi River Basin for phosphorus and 6th for nitrogen pollution. However, attitudes in Kentucky are changing with growing concern about this pollution problem.

KWA is setting sights on a new endeavour: to tackle Kentucky's contribution to nutrient pollution in the Mississippi River. KWA is striving to develop a "water friendly farm" certification program that encourages farmers to implement agricultural Best Management Practices ("BMPs"). The goals of this program will be to, (a) publicize and promote agricultural BMPs that help improve water quality and reduce nutrient runoff, (b) assist farmers in the implementation of agricultural BMPs and educate them about funding opportunities, and (c) recognize and celebrate farmers who do an outstanding job of managing their farms in an economically and environmentally sound way that protects and improves water resources. This program will get its start in Jefferson and Oldham counties, with hopes to eventually expand statewide.

In order to build this program and for it to succeed, we hope to partner with farmers as well as governmental and non-governmental entities. If you know of farmers who would be interested in participating in this program, please email us at bijaya@kwalliance.org.

AVEDA
EARTHMONTH2018

Kentucky Waterways Alliance is once again the Aveda Earth Month Partner for 2018. All throughout the month of April Aveda salons will be hosting events and helping to raise money for clean water across Kentucky. Talk to your local Aveda Salon and see how you can help and stay tuned for upcoming events in your area!

A Message From The Executive Director

Ward Wilson - Executive Director

KWA was incorporated in 1993, making 2018 our 25th anniversary year. It is also the 10th year of our partnership with the US Fish & Wildlife Service in managing the Kentucky Aquatic Resources Fund (KARF) and the 10th Wild & Scenic Film Festival. Some of you might be impressed and some may be thinking "so what?" Annual milestones are interesting if you want to look back on past accomplishments, but we at KWA are just as interested in looking forward to all we need to do to protect, restore, and celebrate the waterways of Kentucky.

Let's look ahead:

- This year, we are working with the same dam-busting team that removed Lock and Dam 6 from the Green River to remove the next one downstream: Lock and Dam 5.
- KWA is reaching out to our members and potential partners in Eastern Kentucky, building on our successful Red River Watershed Project to build more watershed groups at the local level.
- We are looking for partnerships in Western Kentucky as well to fulfill our Strategic Plan vision to be more effective all across the state.
- We are building our programs in the Beargrass Creek watershed in Louisville and will be taking them to other watersheds, especially the Every Drop program that empowers residential landowners to take action to improve their waterways
- Building a coalition of environmental and conservation groups in the Ohio River basin with the National Wildlife Federation and other state affiliate organizations.
- Advocating for dedicated funding for the federal Wildlife Conservation and Restoration Program to reverse the losses of the wildlife that are essential to Kentucky's heritage.

I am proud of all KWA has accomplished in our 25 years, but I agree with Thomas Jefferson's sentiment "I like the dreams of the future better than the history of the past." Please join us in whatever ways work best for you to realize these dreams - as a member, sustaining donor, volunteer, and fellow celebrant of the wonderful waterways of Kentucky.



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Bob Johnson - Jackson Purchase
John Niland - Licking River
Evan Holladay - Salt River
Marcia Boone - Salt River
Linda Cowan - Salt River



10th Annual Wild & Scenic Film Festival

Jessica Kane - Community Engagement Director

2018 is a significant year for Kentucky Waterways Alliance. Not only does it mark our 25th anniversary and the 50th anniversary of the Wild & Scenic Rivers Act, it also marks our 10th year of bringing the Wild and Scenic Film Festival to Louisville! We have had 10 fantastic years of action inspiring films, loyal members and attendees, and some of the most wonderful partners and sponsors we could ask for and we are so excited to celebrate this year!

Wild & Scenic Film Festival will be held at the Gheens Foundation Lodge in Beckley Creek Park on Saturday, March 10th. We are expanding the festival this year and adding some outdoor activities. Parklands education team will lead a water themed guided hike, Quest Outdoors will be hosting several fly-fishing 101 sessions, Derby City Fly Fishers are leading a fly tying course, the Explore Kentucky Initiative is holding a Smart Phone Photography course and we will have a float on Floyds Fork with Blue Moon Canoe. Outdoor activities will begin at 3:00 pm.

Even if you can't make a day of it, we hope you will join us for the reception from 5:00-6:00 pm. Have some hors d'oeuvres from Wiltshire Pantry and a brew from SweetWater while you check out other non-profits and find ways to get involved in your community! Films will be shown from 6:00-9:00 with a brief intermission. Mark your calendars, grab your friends and join us for our 10th annual Wild & Scenic Film Festival!

A huge thank you to our partner and title sponsors - Parklands, Quest Outdoors, and Wiltshire Pantry. We could not bring you this wonderful festival without their support and yours! This is the perfect time to renew your membership or become a member for the first time! Member tickets are only \$15, non-member tickets are \$25 and include a one year membership to KWA! We hope to see you on March 10th!

Tickets available now at kwalliance.org!



New Faces: Lisa Hale

Lisa Hale - Development Director

I am happy to introduce myself as the newest KWA staffer. My job: to find money to support this organization. It's a big task that will allow me the pleasure of traveling across our state, talking to people about KWA. I look forward to meeting our donors and members. If I meet you, it will help me to know what brought YOU to KWA—what interests you and why do you care?

Why do I care? For me, this is not just a job, but a love for Kentucky and the water that has always been with me--it's a knowing, a feeling of belonging to the land and water. It is a respect for nature and a love for the simple pleasures water, wildlife and Kentucky has to offer—that glorious feeling of mud squishing between my toes, the water sparkling like diamonds in the bright sunshine, and in my ears the echo of woodpeckers and waterfalls.

As a child, Kentucky rivers and lakes were my summers...and even before that, the full, fast stream in my neighborhood that provided hours of wonder and entertainment—jumping on the rocks, catching crawdads, minnows, and tadpoles; and later, proud that I could bait my own hook, fishing with my dad. I've spent more hours that I can count in my 57 years at Kentucky Lake and more years paddling through the creeks. And even more hours sitting on the bank of a river listening to nature. Currently my water-hobby is sailing on the Ohio River. I am also an artist and photographer and enjoy creating water-themed artworks. I'm a Louisville native, and spent a short time in the south—at Mississippi State (photography major) and in Hammond, Louisiana, as the executive director of an arts agency.

I look forward to getting to know you.

Upcoming Events

March 10- W&S Film Festival – Gheens Foundation Lodge (3-9 pm)

March 13- Every Drop talk with Louisville Permaculture – St. Matthews Library (7 pm)

March 19- Beargrass Creek Alliance Meeting (6:30 am) Location TBD

March 24- Upper Green River Watershed Watch Annual Meeting, Location on calendar (1-3 pm)

April 7th- Beargrass Creek Alliance Spring Cleanup (9-11 am)

Evan Holladay's Twitter account describes him as "Real Estate Developer and Builder of beautiful things. Lover of entrepreneurship and sustainability." Isn't that inspiring? He sources new development for workforce affordable housing in major metro areas. The University of Louisville brought Evan here from Fort Thomas, KY. He liked Louisville so well, he decided to stay. If not at work, or assisting KWA, Evan and his girlfriend, Jined Lamata, (another KWA friend) can be found working on their historic rehab home in Butchertown.

Hidden Talent: Throwing Pottery & Painting

As with many people associated with KWA, Evan developed a love of water and natural surroundings early in life and remembers fondly his summers at Lake Lorelei near Cincinnati. "We would always go canoeing into one of the small creeks off the lake with all kinds of trees branches hanging very low. We would always try to meander very carefully through there, and be on the lookout for all the wild creatures that lived in the creek. We called it "Spider Creek" because of the many, many spiders."

Favorite Restaurant: Ciao Ristorante



Evan Holladay
Board Member
Salt River Watershed

Evan has been a KWA member since 2014. He quickly became a volunteer and joined the Board of Directors in 2016. How Evan became familiar with KWA illustrates how he tackles issues and concerns—he jumps right in. When asked "How did you get involved with KWA" Evan replied, "I lived right along Beargrass Creek off Eastern Parkway, and would go for runs frequently along Eastern Parkway sometimes following the creek. On these runs, I would always wonder how our great city of Louisville could take what could be such a beautiful asset to our community and ecosystem, and turn it into a concrete jungle. This really bothered me, especially after seeing other cities that embraced their beautiful waterways and turned them into a major attraction and asset to their city - Denver, Austin and San Antonio.

Favorite Waterway In Kentucky: Beargrass Creek

That's when I did my homework to see what I could do to protect and restore waterways, and came across KWA. I first started with fundraising and helping organize the KWA Gala, as well as helping on clean-ups in Beargrass Creek. And I have loved volunteering for KWA ever since." Perhaps this call to entrepreneurship and sustainability is due to his mother's influence. "She was always there for me and taught me the power of loving others and coming from a place of love and compassion. She also gave me my entrepreneurial drive and ambition. She started many successful companies and non-profits, and did so many creative, beautiful things."

Favorite Waterway In The World: Lake McDonald in Glacier National Park

Evan, thanks for dedication to KWA and for the shout out on your website, evanholladay.com. We are looking forward to the podcast Monumental – Evan tells us that for the podcast, he will be "sitting down with people with big ideas making monumental change."

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- April 15th- Aveda Lip Sync Battle- Play Louisville (times TBD)
 - April 21st- EarthWalk- Iroquois Amphitheater (9am-12pm)
 - May 16th- Beargrass Creek Alliance Trash Mob- Draut Park (6-8 pm)
 - May 26th- Pivot Brewing & KWA float on the Kentucky River
 - June 2nd- Ohio River Sweep
 - June 9th- SweetWater & KWA float on Harrods Creek



Photo Credit: Roderick Saylor

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Healthy communities.
Healthy waterways.
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