

# Celebrating the Clean Water Act's Impact on GEORGIA'S WATER



## ALMA V. UNITED STATES

### U.S. Environmental Protection Agency Invokes Rarely-Used Veto Power to Stop Lake Proposal in South Georgia's Alma

#### INTRODUCTION

Alma, seat of Bacon County with just 3,433 residents in sparsely populated southeast Georgia, seems a most unlikely place for a proposed multi-million dollar recreational reservoir. But in 1966 when President Lyndon B. Johnson's administration pushed through legislation creating the Model Cities program, a bold experiment aimed at renewing urban areas and ending poverty, Alma was inexplicably named one of 150 cities selected for the experiment. (It's all about who you know: A local resident who had served as a secretary for a Senate committee that Johnson once chaired wrote a letter to the president endorsing Alma's inclusion.) Over the next two decades, the federal government pumped \$36 million into Alma, including \$1.2 million for the design of a 1,400-acre reservoir created by damming Hurricane Creek. Proponents argued the reservoir would enhance nearby public housing projects and provide recreational opportunities for surrounding communities. The saga of "Lake Alma" spanned more than two decades and included legal action by local citizens fighting the proposal; waffling by federal agencies over environmental permits; and full-throated endorsements of the project by state agencies. Finally, in 1988, the U.S. Environmental Protection Agency (EPA) invoked a rarely used portion of the Clean Water Act, allowing the agency to veto the project. In the 50-year history of the Clean Water Act, the federal agency has used its veto power only 13 times.

#### THE WATER BODY

Hurricane Creek, like many blackwater streams coursing through South Georgia, is a labyrinth of water and woodlands that represents an iconic landscape of the region. The creek forms the headwaters of the little-known Alabaha River which flows some 21 miles past the city of Blackshear in Pierce County to join the Satilla River. Though small in size, the Hurricane Creek drainage is home to 106 fish species, 96 species of reptiles and amphibians, 232 species of birds and 48 species of mammals. River otters and beavers, swallow-tailed kites and prothonotary warblers, water moccasins and striped crayfish snakes, Atlantic sturgeon and swamp darters all make their homes in and along Hurricane Creek and the Alabaha River.



In 1988, the U.S. Environmental Protection Agency invoked a rarely used provision within the Clean Water Act to stop a proposed recreational reservoir to be constructed on Hurricane Creek in Alma. The action protected some 1400 acres of bottomland forest common to South Georgia's blackwater streams and rivers.

## THE CASE

It is rare that EPA invokes its veto power under the Clean Water Act. In the 50-year history of the law, the federal agency has used its Section 404 (c) power only 13 times, and only twice in the last 32 years. Its use is limited to projects that would degrade municipal water supplies or result in the “significant loss of or damage to fisheries, shellfishing, wildlife habitat or recreation areas.”



In vetoing Lake Alma, the U.S. Environmental Protection Agency cited the project’s impacts on wildlife. Studies showed that Hurricane Creek and its bottomland forests were home to 106 fish species, 96 species of reptiles and amphibians, 48 species of mammals and 232 varieties of birds, including yellow crowned night herons.

Alma and Bacon County, which reaped the benefits of its Model City status to develop an industrial park, upgrade its water and sewer facilities, expand its airport, modernize its hospital and build hundreds of low-cost housing units, found its community divided over the reservoir, and the war stories from one of South Georgia’s first “environmental battles” are legendary.

Among the reservoir’s earliest and staunchest opponents was Delano Deen, who passed away earlier this year. A professor of chemistry at South Georgia College for 30 years and owner of property along Hurricane Creek, he said the fight became personal when his father, agitated over the condemnation of his land, suffered a heart attack and died the day before he was scheduled to deliver an address opposing the reservoir on a local radio broadcast.

After a federal court upheld EPA’s veto in 1990, the younger Deen told the *Atlanta Constitution*, “A lot of people are still seeing Lake Alma as this beautiful blue body of water that would have been the answer to all our prayers, but they’ll never understand what a disaster it would have been.”

In the case of Lake Alma, it was the above-mentioned critters that carried the day. After more than two decades on the table, in 1988 EPA scrapped the reservoir project, determining that the “vegetated wetland habitat” surrounding Hurricane Creek was “vital” and that the reservoir would have “unacceptable adverse impacts to wildlife.”

The City of Alma appealed EPA’s veto, but in 1990, the veto was upheld in U.S. District Court, thus ending a 34-year effort to build Lake Alma.

The reservoir would have long since been built if not for a small group of local residents who opposed the project. Initially, local citizens took legal action to force the U.S. Department of Housing and Urban Development, the federal agency funding the reservoir, to conduct an Environmental Impact Statement. Then, in 1983, the Hurricane Creek Protective Society and Georgia Wildlife Federation won another legal battle when it sued because federal agencies had failed to issue proper environmental permits for the project.

These actions delayed the project long enough for EPA, which had first approved construction of the dam and reservoir, to rethink its position. Despite the full endorsement of Georgia’s Department of Natural Resources which wanted a lake built for boating and fishing in the area, EPA stood firm.

Today, the 1,400 acres of wetlands and woods that would have been inundated remain untouched.



Hurricane Creek is part of the Satilla River watershed. It feeds the little known Alabama River which then flows into the Satilla River in Pierce County. Known for its blackwater and snow white sandbars, the Satilla is a popular boating and fishing destination.