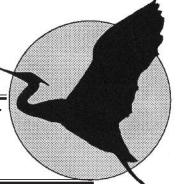
Voice of the Haw

The Haw River Assembly

August 2015



P.O. Box 187 · Bynum, NC 27228 · (919) 542-5790 email: info@hawriver.org · www.hawriver.org



HRA Wins Temporary Injunction on Fracking in NC

The Haw River Assembly, represented by the Southern Environmental Law Center (SELC), filed a lawsuit in January against the **Mining and Energy Commission** (MEC), on the grounds that the commission violates the separation of powers provision of the North Carolina Constitution, because a majority of the commission's members are political appointees by the legislature. In May, while waiting for our case to be heard, we won a temporary injunction that stops *any* fracking permits from being issued in the state. If we prevail in our lawsuit, the NC fracking rules, created by an unconstitutional commission, would be null and void.

Governor McCrory also filed a lawsuit, at about the same time as ours, challenging three other commissions that the NC legislature set up. Wake County Superior Court stayed our constitutional challenge (with our co-plaintiff, Lee County landowner Keely Purvitz) to the MEC pending a decision in the appeal of *McCrory v. Berger*. During the stay, the MEC is enjoined from accepting or processing permit applications for drilling units and from creating any drilling units. This effectively reinstates the moratorium on fracking in North Carolina that had ended in March. "We are very pleased that the court agreed that no fracking permits should be issued while legal challenges are underway," said Elaine Chiosso, Haw Riverkeeper.

On June 30, the State Supreme Court heard the arguments in Governor McCrory's constitutional challenge concerning three state commissions. Our challenge to the Mining and Energy Commission is based on the same issue, concerning the legislature overstepping its powers. It is expected that the State Supreme Court will issue their decision on *McCrory v. Berger* in the later this summer. At that time our lawsuit will be heard. **Until then, the temporary injunction on fracking permits in NC continues.**

 $continued\ on\ page\ 3$

The Haw River Learning Celebration Is Coming -- To The River Near You!

This fall, from September 20 through October 9, river enthusiasts, educators, musicians, naturalists, artists, storytellers, and puppeteers all converge to bring the **Haw River Learning Celebration**

(LC) to life! Please join us and be a part of this truly welcoming community of volunteers!

The LC sprouts up in three counties over a three-week period, beginning in Chatham, moving on to Alamance, and finishing up in Guilford County near the Haw's headwaters. Volunteers guide 4th-graders through the forest and along the river to explore and discover the wonders of their own watershed.

It takes a village to put on this incredible annual river educational program for children! More than ever, our children need the opportunity to experience and connect with nature. Through the LC, with the help of all the incredible volunteers over the past 25 years, we have connected over 40,000 4th-grade students to our beautiful river. *continued on page 4*

Photo by Cynthia Crossen

HRA Board of Directors

Dr. Ruth Lucier, President, Bynum (Bennett College, Greensboro) Anne Cassebaum, Vice-President, Elon Chris Carter, Co-Treasurer, Saxapahaw Jo Sanders, Co-Treasurer, Chatham Tom Patterson, Secretary, Chapel Hill

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HRA Staff

Elaine Chiosso. HAW RIVERKEEPER® and Executive Director Tracy DeVoe, Watershed Education Coordinator Kathy Buck, Office Manager Cynthia Crossen, Newsletter Editor

To join The Haw River Assembly or renew your membership, send a check to:

HRA, P.O. Box 187, Bynum, NC 27228.

Family: \$40 Individual: \$25 Sustaining: \$50; Heron Circle: \$100 & above

Low Income: \$10

The Haw River Assembly is a nonprofit grassroots organization founded in 1982. Our mission is to protect and restore the Haw River, its tributaries, and Jordan Lake; and to build a community that shares this vision. (919) 542-5790 www.hawriver.org

> Jo Sanders, Melvin DuBose, and Elaine Chiosso attend the Z. Smith Reynolds Racial Equity Lab.

Notes from the Haw

This wet and rather hot summer brought beautiful flowers, mushrooms, and new tree seedlings popping up along the Haw River - a good time for life in the riparian buffers! Extra rain this time of year has also meant more water for paddling down the Haw, and we hope you have found time to get out on the river. It's not too late - and our partners at Haw



River Canoe and Kayak Co. and Frog Hollow can take you out on a late summer adventure! (See Events Calendar for websites.)

I took a break from the North Carolina heat and attended the annual Waterkeeper Alliance Conference in Boulder, Colorado in June. There are over 250 Waterkeepers around the world now in North America, Latin America, Asia, Africa, Europe, and Australia. It was both exciting and sobering to hear reports from other Riverkeepers, some struggling to protect waters in war zones or where climate change is having major impacts - including the Colorado River. I took part in a panel on fracking, and copresented a workshop about how we can build more diversity and focus on environmental justice within the Waterkeeper movement.

The team from Haw River Assembly (see photo below) has now taken part in the first two of the Z. Smith Reynolds Racial Equity Labs this year. What an important time in our country to be talking about how underlying and long lasting issues of race and structural racism impact us all. We look forward to bringing what we've learned back to the Board and our membership.

We want to give a BIG thanks for being chosen by Concerts for a Cause in Pittsboro this July. This monthly Sunday concert series is a fund raiser by Lupine Productions for local non-profits. We had a great time and raised some money, thanks to music from Big Fat Gap and Town Mountain. There are still more concerts in August through October - check out the schedule at http://lupineproductionsnc.com.

Enjoy the rest of summer - and we look forward to seeing you at our Annual Membership meeting in November!

> Elaine Chiosso, HAW RIVERKEEPER® *From the river.*



Photo by Ilana Dubester



HAW RIVERKEEPER® Issues in the Watershed

from Elaine Chiosso, HAW RIVERKEEPER®

continued from page 1

Another Lawsuit -- Challenging No Local Control Another lawsuit challenging the MEC was filed by Clean Water for North Carolina in May, along with three North Carolina residents who live in shale basins that could be fracked: Martha Girolami, a Chatham County resident; Anna Baucom, chairwoman of the Anson County Board of Commissioners; and Darryl Moss, mayor of the Granville County City of Creedmoor. The legal challenge contends that the NC General Assembly violated the state constitution in giving the appointed NC Mining and Energy Commission the authority to preempt local ordinances in crafting fracking regulations. A number of local government bodies passed resolutions or ordinances opposing drilling within their counties, but state law-as recommended by the mining commission—holds that no local ordinances would be able to block fracking. The suit names the state, the MEC, and the NC Department of

Environment and Natural Resources (DENR) as defendants. Granville and Anson Counties have passed ordinances to curtail fracking.

Chatham County Holds Public Hearing on Frack Moratorium The Chatham County Board of Commissioners held a public hearing on June 20 for a two-year moratorium for oil and gas development activities in Chatham County (fracking). Nearly all the public who came out to speak were strongly in favor of the county passing a moratorium. At the end of the meeting the Commissioners voted unanimously to instruct the county attorney to draw up language for a moratorium for the Board to vote on.

Chatham County and Duke Energy's \$19 million Coal Ash Agreement; Local Groups File Legal Challenge

The Chatham Co. Board of Commissioners voted 3-2 (Hales and Howard against) to sign an agreement with Duke Energy that includes \$19 million

in payments to the county for the coal ash landfill Duke Energy is building in Brickhaven at the site of an old clay mine. The site is located at the southern end of the Haw River right before it joins the Cape Fear River. The NC legislature has prohibited local governments from outright banning of disposal of coal ash. This agreement includes a cap on total ash (12 million tons) that can be stored at the site. which will include the 6 million tons currently at the former Cape Fear coal plant, less than 2 miles away. The agreement eliminates use of any other Chatham clay pits as future sites for coal ash landfills, and no coal ash can be brought in from out of state. There are provisions for the county to do air, water, and well monitoring, and for safer transport and more transparent records. Duke will pay Chatham \$1.50 per ton, plus almost \$900,000 for lost tax value (on the Cape Fear coal plant) and a contribution for the Moncure Fire Dept. Most importantly, the agreement states that Charah Inc.



Keely Purvitz speaks at the Chatham County public hearing on a fracking moratorium.

(the operator of the coal ash landfill), and Green Meadows (the property owner), are not exempt from a future lawsuit.

We have continued concerns about the impact on the environment of this coal ash landfill, including the eventual liner breakage that will lead to groundwater or surface water pollution, and the impact on public health of coal ash dust during transport and movement. We are also concerned that the leacheate collected from the coal ash landfill will be trucked to the Sanford municipal wastewater plant and that heavy metals and toxins will enter the Cape Fear river through effluent, or will become a constituent of the sludge applied to fields in Chatham County and surrounding continued on page 7



HRA members took part in a rally in Raleigh earlier this summer where Rev. William Barber spoke about the environmental injustice and threats to impacted communities from Duke Energy's coal ash in NC.

Photo by Elaine Chiosso

Watershed Education News:

Helping to Inspire the Steward from Tracy DeVoe, Watershed Education Within US All

Coordinator



Haw River Learning Celebration (continued from page 1) We are thankful and humbled by the constant support, enthusiasm, and love of each person who has dedicated setting time aside in their lives in order to help bring the LC to life each year! Students learn about their "ecological address" and experience activities where they observe, explore, and discover the life of the forest and river, learn how to monitor and prevent water pollution, and use art to observe the natural world around them. For many of these students, this is their first experience ever hiking on a trail or seeing the river. Below are some ways to be part of the fun.

This year's dates are: ❖ Bynum: September 20 – 25

❖ Saxapahaw: September 27 – October 2

❖ Camp Guilrock: October 4 − 9

Volunteer to teach 4th graders ~ Through onsite orientation and training, volunteers learn the skills needed to guide small groups of students, teachers, and chaperones through activities that explore the forest and river, and teach unique local history, all through hands-on learning experiences that weave science and art into a fun day of learning.

Help us with food ~ Donate food or provide a meal for the volunteer crew. Each site may have up to 35 volunteers per day. That breaks down to 630 meals needed per week. That's 1,890 meals in all! We have endless gratitude and appreciation for all our food providers! Please contact Rachel Winters at rwintersnc@gmail.com to sign up today!

Help with site moves and set up ~ Don't have the time to volunteer during the week? We have the perfect opportunity for you to



Maja Kricker teaches Stream Watch at Guilrock's LC.

help! We need your help to move and set up the Learning Celebration equipment this year. If you have a truck, a trailer, or just want to come and help out, please contact Tracy DeVoe at (919)542-5790 or WatershedEducationCoordinator@gmail.com.

Help Crowd Fund the LC ~ We are kicking off our Haw Learning Celebration Crowd Funder with a goal of \$5,000 by October 9, 2015. See the membership insert for how we'll use your donation to make this LC the wonderful event that it is. Or make your donation on-line at www.hawriver.org! Every contribution counts!

For more information and to sign up to volunteer, visit www.hawriver.org or call our office at (919) 542-5790 and ask for "Tracy". You can also contact Tracy via email at: WatershedEducationCoordinator@gmail.com. Thank you!

And special thanks to: * Thank you to our friends at the Haw River Ballroom, Heather and Tom LaGarde! For years, they have provided their beautiful and inspiring space for HRA to hold the Haw River Learning Celebration on rainy days in Saxapahaw so we don't have to cancel the field trip. * Thank you to STARworks Ceramics for helping provide beautiful North Carolina Piedmont clay for all the 4th-graders at this year's Clay Station. Read more about North Carolina's only commercial native clay manufacturer at www.starworksnc.org. * Thank you to Shakori Hills Community Arts Center for providing a beautiful "big top" tent for our Bynum location. Staff from Shakori have brought, and helped set up, a fun rain shelter for the past two years so that the 4th-graders are still be able to come down to the river if it rains on their field trip day! * Thank you to our friends at Haw River Canoe & Kayak Co. for providing us with canoes, life jackets, and paddles for Learning Celebration volunteers to have an opportunity to paddle the river during free time in Saxapahaw.

Watershed Education Work Over the course of three weeks this spring, students from Willow Oak Montessori and Horton Middle School participated in different activities that helped foster discussions on what a watershed is, our ecological address, what pollution is, and how we can participate in protecting the Haw River watershed by adopting stream steward practices. Willow Oak students met up with us in Bynum at the Lower Haw River State Natural Area to test their monitoring skills and perform an actual stream investigation. We are so appreciative and thankful of the support from Millie Brobston and Mrs. Meneca Davis in making this experience possible for the students. A very special thank you to Sharon Garbutt, Jeannie Ambrose, and Maja Kricker for helping to make that an incredible and really fun day for 30 students, 10 chaperones, and 3 teachers down by the river!

Horton Middle School's 8th Grade Science classes walked down to Robeson Creek this May for two days of creek habitat exploration and stream monitoring. Very special thank you to Cynthia Crossen for coming out and sharing her enthusiasm and expertise!

Students had such a great time looking under rocks and identifying macro invertebrates. We even found a beautiful baby water snake, three salamanders, and some pretty big crayfish!

Stream Investigation Programs, free and open to the public Kids and their families love discovering life in and along the river, and learning about water quality. Our mission is to offer guided outdoor watershed experiences for folks who may not be able to afford the costs of summer camp or outdoor programs for their family. I joined with Joy Fields, Outreach Coordinator for Piedmont Triad Regional Council with Stormwater SMART, to provide an afternoon of stream investigation discovery and fun at Burlington City Park in May. And HRA ran Stream Investigation Programs at Great Bend Park in Burlington and



Families learn about stream ecology and stewardship, as they hunt for critters in the Haw River in Saxapahaw.



Horton Middle School 8th grade science teacher Mr. Walgate is as excited as his students, to discover the macroinvertebrates that live in Robeson Creek in Chatham.

on the island in Saxapahaw under the bridge this summer. We had nice turn outs, and my hope is to continue this form of stewardship in summers to come. Special thanks goes out to Brian Baker, Director of Alamance Recreation and Parks, for helping with advertisement and permits, and to Anne Cassebaum for helping with press releases.

Haw River Watch Project News We had a long

line for the River Watch Station at the Haw River Festival this past spring and despite the high water levels, River Watch volunteer experts were able to find different types of critters including fresh water shrimp! Members were saying they haven't seen that many interested folks in years! Thank you to Jeannie Ambrose, Maja Kricker, John Wagner, and Stacie Flood for making it an unforget-table and exciting day! • I was afforded the most wonderful of opportunities getting to paddle the middle section of the Haw River with Lynn and Brenda Featherstone. Lynn gave me the grand tour through every nook and cranny from the "river's perspective". It

Clyde Jones Shirt "Spotted Salamander"

The 2015 Haw River Assembly T-shirt designed by Clyde Jones is here -- a beautiful native spotted salamander on a bluegreen background, printed on a light yellow T-shirt of soft 100% organic cotton by TS Designs in Burlington - with their environmentally friendly non-toxic printing process.

\$ 25 (adult) S, M, L, XL, 2X \$ 25 (ladies style) S, M, L, XL \$ 20 (youth) S, M, L

hoto by Tracy DeVoe

Available at the HRA office in Bynum, and at Townsend Bertram & Co. in Carrboro and the Saxapahaw General Store. The HRA office is located at 199 Bynum Hill in Bynum (a Pittsboro 27312 address). You may wish to call first on weekdays to make sure we are there, at 919-542-5790. You can also call or email us (info@hawriver.org) to order.



was a truly inspiring day where I caught myself daydreaming about the adventure of paddling this big river all the way out to the sea. We stopped on an island half way down that was covered in trout lilies and had a small stream flowing through some big rocks where we sat for a little while and ate a snack... Hmmm, paradise. Thank you Lynn and Brenda, I can't wait to do it again.

Reaching out to folks in the Saxapahaw and Burlington areas this summer doing Stream Investigation programs has afforded me the wonderful opportunity to recruit for our River Watch monitoring program. I can't say it enough, in that our watershed needs folks out there monitoring everywhere. The more sites we have being monitored, the more we know about our watershed's current health. ❖ To learn about volunteering, visit www.hawriver.org or contact Tracy at WatershedEducationCoordinator@gmail.com or by phone at (919) 542-5790.

*Our next river monitoring weekend is scheduled for Saturday, September 19th and Sunday, September 20th.

Photo by Fred Tutman

Thanks to everyone for a great Haw River Festival!



Eric Chetwynd teaches stream stewardship with the Enviroscape.

Thanks to everyone who came out and supported – and enjoyed – our festival on May 2! Once again we kicked off the opening of the Saturdays in Saxapahaw for the summer. Kudos to our great volunteers who made it happen – from raising the big Himalayan tent to selling raffle tickets and showing kids how pollution gets into our streams with the watershed model. For the first time we can remember, the river was flowing too high and fast to be able to give kids guided canoe rides, but lots of families joined in the river monitoring demonstrations happening on the island with our River Watch team. It was a wonderful day with terrific music, a successful silent auction and of course, fun by the river.

Very Special Thanks to the Bands who played as a benefit to us! The Bucket Brothers (see them on Facebook) ⊕ The Magnolia Collective (www.magnoliacollective.com) ⊕ Honey Magpie (www.reverbnation.com/honeymagpie)

T-shirts for sale under the Himalayan tent! by Mac Jordan, Jo Sanders with grandson Anson.

And to the Silent Auction Donors: Jim Hood ᠅ Brenda Featherstone ᠅ Haw River Canoe and Kayak Co. ᠅ Fair Game Beverage Co. ᠅ Clyde Jones, Saxapahaw General Store ᠅ Mark Hewitt Pottery ᠅ Judith Brooks ᠅ Eliza DuBosc ᠅ Ken Moore and Kathy Buck ᠅ Chris Carter ᠅ Haw River Ballroom ᠅ Wanda Sundermann ᠅ Frog Hollow ᠅ Katherine Nunn ᠅ Lea Clayton ᠅ Virgil Johnson ᠅ Emma Skurnick ᠅ The Eddy ᠅ Roy Girolami ᠅ Culture Mill ᠅ Esther Rogers ᠅ LaShauna Austria, and ᠅ Jonathan Davis.

And to: Crystal Honeycutt for the herbal plant walk Paperhand Puppet Theater for the parade Great Outdoors Provision Company for the Kayak we raffled (won by Jason Ackerlay), and Saxapahaw General Store for displaying it!

And to the wonderful folks of Saturdays in Saxapahaw for hosting us!!!



Expert critter catchers John Wagner and Jeannie Ambrose find lots of life in the river to show Festival-goers.



continued from page 3 areas. Grassroots opposition continues and donations are being accepted to fund the legal challenge that local groups have brought against these coal ash landfills in Chatham and Lee counties. Go to the Chatham Citizens Against Coal Ash website to find out more: www.nocoalash.org.

Scientist will discuss presence of 1,4-Dioxane in Haw River with Pittsboro Town Board on August 24

Dr. Detlef Knappe of NC State University will present his research concerning the presence of 1,4-Dioxane, an industrial solvent, in Pittsboro's drinking water, which uses the Haw River as its source. Current treatment methods are not sufficient to remove this contaminant, which could have long-term risk factors. Dr. Knappe will also discuss possible treatment options, and what is known to date about the possible upriver source of this chemical. Adam Pickett, the Pittsboro Water Plant Superintendent will speak as well.

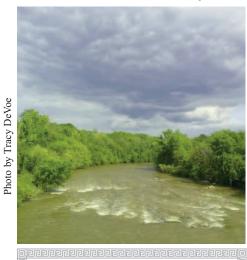
The Pittsboro Town Board Meeting will begin at 7 pm on Monday, August 24, at Town Hall at 635 East St. Pittsboro, 27312.

You can view a National Science Foundation video on Dr. Knappe's research on 1,4-Dioxane in the Haw River at: http://www.nsf.gov/.../science_nation/capefearwatershed.jsp. You can also read a 2014 EPA factsheet about 1,4-Dioxane online at: http://www2.epa.gov/sites/production/files/2014-03/documents/ffrro factsheet contaminant 14-dioxane january2014 final.pdf.

Coming Soon - Waterkeepers Carolina Sludge Report and Mapping Tool

The Haw Riverkeeper and Catawba Riverkeeper (Sam Perkins) are working together on a comprehensive report investigating how contaminants in wastewater sewage sludge are ending up in our streams and rivers. Sewage sludge applied to rural land is not the "no-discharge" system that the EPA and states claim. Accompanying the release of this report will be an interactive mapping tool for river basins in NC showing permitted sludge field site information overlaid on the tributaries, giving citizens an easy tool for the location of sludge application sites. Look for it later this summer on www.hawriver.org, and in an HRA E-newsletter announcement.

Want to keep up with Haw River Issues online? If you are not already a subscriber to our weekly email updates on issues and events, and would like to be, just send us your email address at info@hawriver.org, with the subject line "Subscribe".



HRA Annual Meeting And Board Elections

We're making plans for our 33rd HRA Annual Membership Meeting for early November, with details to be announced soon. An important event at the meeting is election of our Board of Directors. Board members serve for 2 years (and can be re-elected), and provide oversight, fundraising, and creative thinking for HRA. We meet 6 times a year, and strive to have a board that represents the demographic and geographic diversity of the Haw River basin. If you are a member of HRA and interested in placing your name in nomination, please contact Elaine Chiosso at info@hawriver.org or 919-542-5790.



Upcoming 2015 HRA Field Trips and Events

See HRA's website, www.hawriver.org, for details, updates, and info on field trips and events.

Sunday August 16, Bynum Reservoir Paddle Trip, Frog Hollow Outdoors, Haw River Tour Series. See this page.

Monday, August 24, 7 pm, Scientist will discuss presence of 1,4-Dioxane in Haw River at Pittsboro Town Board Meeting, at Town Hall, 635 East St., Pittsboro 27312.

Saturday September 5, Intro to Swift Water Rescue: Important Frog Hollow Outdoors Instructional Clinic on River Safety, Frog Hollow Outdoors. See this page.

Sunday Sept. 6, Chicken Bridge to 15/501 Paddle Trip, Frog Hollow Outdoors, Haw River Tour Series. See this page.



features canoe, kayak, and stand-up paddle-board rentals for stretches of the Haw River flowing through Alamance and Chatham counties from Altamahaw to Bynum. Guided canoe and kayak trips are offered throughout the year, and canoe, kayak and stand-up paddleboard courses, taught by experienced instructors, allow both novice and experienced paddlers to enhance their skills. Call to schedule a trip or get more information at (336) 260-6465, or visit hawrivercanoe.com.

September 20 - October 9, Haw River Learning Celebration for 4th-graders. See page 4. For more info, to register, or to volunteer, contact Tracy: WatershedEducationCoordinator@gmail.com, (919) 542-5790.

September 19-20, Fall Haw River Watch monitoring weekend. For more info contact Tracy: (919) 542-5790, WatershedEducationCoordinator@gmail.com.

Frog Hollow Outdoors provides a resource for canoe & kayak education, the exploration of nature, relaxation, adventure, self-discovery, and a greater overall connection with the outdoors, offering trips, guide services, and instructional programs, with a *discount to Haw River Assembly members*. Please register online for the \$10 off discount at www.froghollowoutdoors.com, or call their outpost at (919) 416-1200. Call HRA at (919) 542-5790 to get your HRA membership discount code and schedule your next Haw River adventure!

Volunteer for the Haw River Learning Plan River Learning 9

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Haw River Learning Celebration Keep it Flowing! This unique program for 4th-graders gets kids outside into nature and inspires them to be the next generation of conservationists. For 26 years, many people have given their hearts, hands, and spirits		
to the continual creation of the Haw River Learning 0 river. Our budget is modest, we keep costs to the sch Can you help us raise the dollars we need to delive year? Here's how your contribution can keep our pr	nools very small, and no child is turned aw er this amazing hands-on river experier	vay for lack of field trip money
\$5 - Every donation counts, and could change a child \$10 - Sends 3 students to the Learning Celebration for \$25 - Provides station materials for one day \$50 - Keeps the puppet show, "A Haw Story", going \$100 - Feeds the entire volunteer crew for one meal \$250 - Sends 2 watershed schools to the Learning Ce \$500 - Covers transportation costs for camp moves	or one day	
As environmental education programs are being slash Learning Celebration is more important than ever! V HRA) to Learning Celebration, PO Box 187, Bynum	isit www.hawriver.org to donate online, or	mail your check (payable to
☐ Enclosed is a special donation of \$	to honor and support 2	6 years of teaching kids to

Please mail to: Haw River Assembly, P.O. Box 187, Bynum NC 27228. All contributions are tax-deductible. *Thank you!*