



WATERSHED NEWS

F O U N D A T I O N
AUGUST 24, 2006

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UPCOMING EVENTS

The date for Secchi Day on Beaver Lake has been rescheduled to Saturday, August 26, 2006. For details, contact Suzanne Langley or Fran Free at slangley@audubon.org or ffree@audubon.org or call the Fayetteville Audubon office at 479-527-0700. Event co-sponsored by Beaver Water District and Audubon Arkansas

WITH YOUR HELP
WE WILL WORK
TOGETHER TO
MAKE BEAVER,
TABLE ROCK,
TANEYCOMO AND
BULL SHOALS
LAKES THE FOUR
CLEANEST
MANMADE LAKES IN
NORTH AMERICA.

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UNIVERSITY OF ARKANSAS TO OPEN RESEARCH CENTER ON WATER QUALITY

Eyewitness News Memphis
Posted on August 24, 2006

URL: http://www.myeeyewitnessnews.com/news/tristate/story.aspx?content_id=1C8B2862-D848-4E28-9C20-7898493ACFFC

A new research center is being proposed for the University of Arkansas at Fayetteville to study the effects of phosphorus on rivers and streams, an environmental issue at the heart of an Oklahoma lawsuit against several poultry companies.

The Watershed Research and Education Center is to be located at the university's Agricultural Research and Extension Center. A natural stream runs through the property and can be used by students and scientists to study the effects of phosphorus on area watersheds.

Phosphorus is a nutrient crucial to plant growth, and farmers routinely use fertilizers containing phosphorus. It also is found in chicken litter.

Oklahoma Attorney General Drew Edmondson filed suit last year against the poultry companies, including Tyson Foods in Springdale. The suit alleges that excess nutrients contained in poultry litter and washed off from fields overloaded the Illinois River watershed.

The excess nutrients led to algae blooms, increased carcinogenics and other ailments for the eastern Oklahoma scenic river.

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RIVERS PANELIST ASKS OKLAHOMA TO DROP LAWSUIT

By ROBERT J. SMITH Arkansas Democrat Gazette
Posted on August 24, 2006
URL: <http://www.nwanews.com/adg/News/164437/>

The chairman of the Oklahoma Scenic Rivers Commission wants his state to drop its lawsuit against poultry companies in Arkansas.

Bill Blackard's proposal asks Oklahoma Attorney General Drew Edmondson to end the federal lawsuit against the eight poultry companies, Blackard said Wednesday. The commission will consider the resolution at its meeting Tuesday.

"My opinion is the attorney general has overstepped his boundaries, even in the negotiations," Blackard said in a telephone interview. "Back in the 1970 s, the legislature created the Scenic Rivers Act, and the main authority of the commission was to protect the Illinois River from pollution.

"I think our track record has been good, and I think we should have been real involved. If we couldn't get the job done, it would be time to say, 'Mr. Attorney General, we need some help.'"

Blackard planned to send the resolution to the commission's office late Wednesday night so it could be put on Tuesday's agenda.

He wouldn't provide a copy of it on Wednesday afternoon.

Edmondson heard Wednesday morning about the possibility of Blackard's resolution.

"The OSRC can do as they please regarding this proposed resolution," Edmondson said in a statement. "But, the commissioners who sign on will look rather foolish when we present our evidence at trial."

Oklahoma Gov. Brad Henry declined to answer questions about a state commission potentially going against the state's attorney general.

"Gov. Henry strongly supports the attorney general and his efforts to protect Oklahoma's water quality," Henry said in the statement read by spokesman Lu Eyerman.

Gerald Hilsher is among the commissioners who support the lawsuit.

"It's awfully unfair to the attorney general to suggest he dismiss the lawsuit without being apprised of the evidence behind it," Hilsher said.

The Illinois River, which starts its 99-mile run to Lake Tenkiller in Oklahoma near Hogege in Washington County, is at the center of the federal lawsuit.

The suit, filed in June 2005, accuses the companies of polluting the river watershed with poultry litter. The defendants are Cargill Inc. of Minneapolis; Cobb-Vantress Inc. of Siloam Springs; George's Inc. of Springdale; Peterson Farms Inc. of Decatur; Simmons Foods of Siloam Springs; Tyson Foods of Springdale; Willow Brook Foods of Springfield, Mo.; and Cal-Maine Foods Inc. of Jackson, Miss.

Ed Fite, the scenic rivers commission director, said he hadn't seen the resolution planned by Blackard, but he knew some of the 11 commissioners had been in disagreement with Edmondson about the lawsuit.

Fite, Blackard and Commissioner Gerald Hilsher traveled to Oklahoma City on July 26 to meet with Edmondson.

Blackard, who's been a commissioner for 22 years, said he was dissatisfied with what Edmondson had to say about the lawsuit.

Blackard acknowledged Wednesday that he's worried about "embarrassing" the attorney general.

"You never win by lawsuits," Blackard said. "You just make enemies. But you can get everything done if you can work as a team."

Blackard met Aug. 17 in Siloam Springs with representatives of the poultry companies.

"He's got a real good shot at getting a resolution passed," Fite said. "I can name six board members that don't support the attorney general and two board members that might vote that way."

"Since the [attorney] general and Bill Blackard met, the waters have not been very calm."

Janet Wilkerson, a spokesman for the poultry companies, said the companies didn't ask for Blackard to propose any resolutions.

"We did not put that in motion," Wilkerson said.

Blackard's proposal is the latest rift between Edmondson and members of the Tahlequahbased Scenic Rivers Commission, which the state established in 1977 to protect the Illinois River and its tributaries.

Commissioner Rick Stubblefield irritated Edmondson last month by suggesting the commission hire its own attorney and stop taking legal advice from the attorney general's office. The commission hasn't met since Stubblefield raised that idea.

Edmondson's office also was displeased last September when the commission voted 7-4 to accept a \$ 1. 1 million gift from poultry companies.

At the time, Assistant Attorney General Ellen Phillips said she had "grave concerns that the gift comes with strings attached."

The money is being used to stabilize stream banks, control erosion and build restrooms near the Oklahoma section of the Illinois River where tourists canoe and camp.

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RAIN CAUSES FLOODING

By KATE WARD Northwest Arkansas Times
Posted on August 24, 2006
URL: <http://www.nwanews.com/nwat/News/44122/>

At about 5: 30 a. m. Wednesday, Jennifer Johnson awoke to the sound of heavy rain pounding against her roof. Thinking nothing of it, she went back to sleep. But just two hours later, Johnson awoke to a different kind of noise — the sound of water pouring into her home.

" My front yard was completely gone and my basement was filled with about 4 feet of water, " she said. " The water was coming out in full force across the street and into my neighbor's yard. "

Johnson was just one of many area residents affected by Wednesday morning's downpour.

Area rescue agencies and city employees were spread thin across town, as more than 3. 5 inches of water accumulated on city streets.

" We had urban and small stream flash-flooding this morning, " said John Luther, director of the Washington County Emergency Management Team. " We had flooded streets and even some cars stuck in water, but fortunately there were no injuries. "

At about 8: 30 a. m., Fayetteville firefighters, Central EMS and Fayetteville police responded to the Cornerstone Apartments, located off Wedington Drive near Porter Road, when two vehicles were swept off a lowwater bridge and carried down Hamestring Creek.

According to Fayetteville Battalion Chief Terry Lawson, the cars were occupied by two women, both of whom escaped without injury.

" Two cars entered the creek at Cornerstone Street and washed down to Megan — about a quarter of a mile, " he said. " There was one woman driver in each car. They escaped, and their cars washed down the creek. "

The names of the drivers were not available at press time.

“ We’re lucky today because no one was seriously injured or killed, ” Lawson said. “ It only takes 8 to 12 inches of rain for a car to be lifted off a low-water bridge. In fact, there was a sign on this bridge that stated, ‘ If this bridge is under water, do not try to cross. ’ Let this be a reminder for us all to heed those warnings. ”

Luther said the incident could have easily been avoided if people would stop driving in moving water.

“ It causes a number of our resources to be used up when they could be responding to real emergencies such as house fires, heart attacks and lightning strikes, ” he said. “ In this case, the National Weather Service did issue warnings. People who need to get somewhere should stop and ask themselves, ‘ Is it really worth risking my life or rescue workers’ lives to get there ?”

Luther said the incident could have also created contamination issues for the creek, which is a tributary of the Illinois River.

“ Right now, contamination isn’t an issue, ” Lawson said. “ The main issues here were making sure that no one was hurt and getting the cars out of the river. ”

Greenland Wrecker Services removed both vehicles from the creek.

Although Wednesday’s flooding did not result in any major injuries, Luther said it did create numerous hazards across town.

“ I know that flooding was a pretty big issue on College, near Trenton, toward the area of Wilson Park, and near the area of Maple and Lafayette, ” said Fayetteville Transportation Manager Terry Gulley. “ The area where Scull Creek Trail is being built was covered in about 2 feet of water. It looked like a raging river. There was also a lot of water near the Cliffs [apartment complex] and police were blocking off the road. They were also blocking off Trenton because of some lowhanging power lines. ”

Gulley said road crews were still cleaning up debris from Monday’s storm when the second storm rolled in.

“ We had everyone out on the streets before 7 a. m., ” he said. “ They went to the areas we normally have issues with when it rains. ”

Johnson, whose house is located on Olive Street, near the lower portion of Mount Sequoyah, said transportation employees assisted her in draining the water from her property.

“ The city cleared the grate by the drainage pipe and that alleviated some of the flow, ” she said. “ But there’s still 4 feet of water in my basement and my front landscaping is still destroyed. I don’t know who’s going to pay for that. ”

Johnson said flooding issues in Fayetteville could be avoided with better planning.

“ It’s a bigger issue than this section of the creek, ” she said. “ The same thing happened to the previous owners seven years ago, but nothing was ever done about it. There’s been no planning on the city’s part for the population growth of Mount Sequoyah and the run-off it creates. ”

Johnson wasn’t the only Fayetteville resident who encountered flooding issues. Employees of the Fayetteville Animal Shelter spent all day Wednesday cleaning up water that had seeped through the shelter’s roof.

“ We have a leaking roof and water was pouring down the walls in our education room. ” said Jill Hatfield, shelter superintendent. “ We had several inches of water on the floor, but fortunately our animals are safe and sound. We’ve been tearing down the ceiling tiles and insulation to find the leak, but we still don’t know how big it is. ”

Hatfield said the animal shelter is scheduled to have a new roof installed this fall.

“ We’re just crossing our fingers until then, ” she said. “ This building was built 15 years ago and the roof has been patched several times. ”

Gulley said most of Wednesday’s flooding was caused by blocked drainage pipes.

“ We’ve cleaned a lot of the culverts and creeks, but mainly drains that were blocked by debris from Monday’s storm, ” he said. “ We were clearing a lot of them while it was still raining — we even had our back hoes out.. ”

Gulley said road crews spent the entire day cleaning up debris.

“ I think we’ve got most everything unstopped, ” he said. “ But if it rains another inch to an inch and a half, we’ll be right back where we were this morning, since the ground is still so saturated. ”

Mark Abbas, a meteorologist with the National Weather Service in Tulsa, Okla., said residents can expect low chances of rain over the next few days.

“ There’s some saturated storms in eastern Oklahoma, so there’s a small chance that you could experience a scattered thunderstorm [this] afternoon, but as of right now, the forecast looks dry, ” he said. “ There will also be some small chances for rain on Friday. ”

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CARS SWEEPED AWAY IN CREEK, DRIVERS ESCAPED

By [Trish Mehaffey](#) The Morning News

Posted on August 23, 2006

URL: <http://www.nwaonline.net/articles/2006/08/24/news/0824fzflooding.txt>

FAYETTEVILLE -- Cyclone Cox had his work cut out for him Wednesday morning. Two cars, one on top of the other, were stuck in a creekbed surrounded by trees and a thicket.

The cars were swept about a quarter-mile down a creek that runs through Cornerstone Apartments on Porter Road in Fayetteville. The drivers attempted to cross a bridge over the creek that flooded during the heavy rain early Wednesday.

Fayetteville had a little more than 3 inches of rainfall in about four or five hours, according to the National Weather Service in Tulsa, Okla.

Fayetteville Battalion Chief Terry Lawson said that the cars, one crossing west and the other going east, were washed away, but the drivers got out safely before helplessly watching the stream carry their cars away.

Fire officials didn't have the names of the drivers, who weren't at the scene after the cars were swept away.

Cox of Greenland Wrecker Service said two other wreckers turned down the job before he arrived on the scene.

The two cars, a Toyota Camry and a Mitsubishi Mirage, were both upside down with the Camry on top, lodged in the creekbed behind a cul-de-sac on Megan Drive.

"The top one's not too bad but the bottom one will be tougher (to remove)," Cox said. "It won't be too bad. I've been doing this for 35 years. I've seen worse. Not today, but in my experience."

The cars had to be lifted out of the water and dragged through a densely wooded area and up a fairly steep hill.

An hour or so later, Cox successfully removed both cars with little trouble.

Lawson said there's a sign posted at the bridge over the creek where the cars were swept away that warns not to drive across when water is present.

"Everyone needs to pay attention to those low-lying areas like that. When we get a heavy thunderstorm like this, there's a lot of runoff in a short period of time. It takes only about 8 to 12 inches of water to wash a car away," Lawson said.

The south side of the city seemed to be hit the hardest with flooded streets, and a few residents had high water around their houses in low areas of town.

Fayetteville Police Lt. Mike Perryman said there were problems "anywhere there is a creekbed or low spot." About 8:30 a.m. Arkansas 265 was flooded for an hour or so in the area outside the Cliffs Apartments. Police and street crews were out sweeping rocks and other debris from the roadway.

"Sixth Street was a mess. Happy Hollow and Huntsville (Avenue) was flooded out, and traffic was backed up," he said. "There were roads closing all over. Cars were stalled."

Jill Hatfield, Fayetteville Animal Shelter superintendent, said the shelter's education room leaked and water came in through an office wall. The building has a "bad roof," which is scheduled to be replaced next month. "We're just trying to get by until then. It leaked over by the washer and dryer over the electrical stuff, but nothing happened. The animals weren't harmed."

John Luther, director of the Washington County Department of Emergency Management, said the county was quiet compared to Fayetteville's problems.

"People just need to be aware they cannot drive in moving water," Luther said. "That one (on Porter Road) this morning was unnecessary. We just need to tell people they can't do it and when they do and (emergency) responders go out on those, they (responders) can't be where a true emergency is."

Infobox - what's up

Rain, Rain Goes Away

The National Weather Service in Tulsa predicted dry conditions today under a partly cloudy sky with a high around 90. The next chance of rain, about 20 percent, will be Friday night. But don't put the umbrellas away. More showers and thunderstorms are predicted for Saturday and Sunday.

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BEAVER LAKE SECCHI DAY IS SATURDAY

The Benton County Daily Record
Posted on August 24, 2006
URL: <http://www.nwanews.com/bcdr/News/38857/>

Organizers of Secchi Day on Beaver Lake, which will be held from 9 a. m. to noon Saturday, urge people to come out to enjoy refreshments and education exhibits while Secchi Day results are recorded from various teams that day.

The headquarters for the event will be the West Use Shelter Pavilion at Prairie Creek.

Final results from measurements will be shared with the public via the Beaver Water District Web site. Volunteer teams will take measurements that morning and post them on a tabulation board at Prairie Creek.

To get to Prairie Creek, go to the intersection of Second and Locust streets in Rogers. Then travel east on Arkansas Highway 12 for four miles and turn left on North Park Road into Prairie Creek Park.

For more information, contact Amy Wilson at 756-3651.

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LAKE-TESTING PROCESS AGAIN ON MINDS OF COMMITTEE MEMBERS

By Belinda Ostrowski The Benton County Daily Record
Posted on August 24, 2006
URL: <http://www.nwanews.com/bcdr/News/38824/>

BELLA VISTA — Chain-of-custody issues that could affect the integrity of E. coli testing in area lakes were again discussed at the Aug. 23 meeting of the Bella Vista Property Owners Association Utilities and Environmental Committee.

Concerns were expressed about the methods currently used by the POA to test the lakes, including the locations where samples are gathered and the temperature at which the samples are maintained before they are delivered to the testing facility.

The amount of time currently taken to gather samples would indicate they are being collected right off the docks, said Roger Norbeck, POA Board member. Those samples may not accurately reflect the lake as a whole because there are more waterfowl near the docks, and concentrations of fecal matter from the birds will distort E. coli readings.

In addition, reports from the testing lab show that the samples are being delivered at temperatures around 82 degrees Fahrenheit, he said, when the temperatures should range from 28 to 35 degrees. This variance could also seriously affect the testing results.

Last month the committee recommended to the board that the testing process be changed so that those who take water samples from Bella Vista lakes are also the ones who analyze the samples for potentially toxic material. A motion was passed by the committee to amend that recommendation to include testing dissolved oxygen levels.

An additional motion was passed to oppose the POA's plan to apply for a permit from the Arkansas Natural Resources Commission to fertilize Bella Vista lakes. Norbeck read portions of a letter the commission sent to POA general manager Tommy Bailey stating the requirements for such an application. Bella Vista would need to submit formalized plans for fertilization, the letter states.

The cost of creating such a plan would be significant without a clear need for the permit, Norbeck said, although he would not specify how much money would be required.

Also at the meeting, Larry Wilms, POA utilities director, presented an update on the west-side water-line project. Just more than half of the water-main footage has now been installed, he said. Easement acquisition continues on the remaining parcels. Executed easements or a consensus on the terms to execute easements for about 33 parcels has been successful.

The next committee meeting will be at 9 a. m. Sept. 27 in the Bella Vista Fire Department training room.

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COUNCIL PONDS FUTURE OF RES SUIT

By Dennis W. Sowers The Carthage Press

Posted on August 24, 2006

URL: <http://www.carthagepress.com/articles/2006/08/23/news/02%20res.txt>

The Carthage City Council went into closed session Tuesday night to decide whether it wanted to continue its lawsuit against Renewable Environmental Solutions.

Bill Bryan of the Missouri Attorney General's Office said he was in Carthage to discuss the future of the petition about RES being a public nuisance. He asked the council to make a decision on whether to "go to trial or do we have a satisfactory situation."

Councilmember Diane Sharits asked if the council decided to not to go to trial if it could start up another suit if the problem started again. She said there have been recent odors from that area.

"If the problem occurs, we'll be back," Bryan said. He said if the city and state did away with this petition, they could still take RES to trial.

Bryan did say that RES made "significant improvements, but there will still be times when a valve will break or there will be a human error."

"What's frustrating to me and I'm sure members of the community is we walk out and there the smell is," said Councilmember Ronnie Wells.

Wells particularly pointed to the weekend and Sunday morning when there is no one to monitor a smell. He said the Department of Natural Resources is not there on weekends and when they do get there (during the week), the smell is gone because of the time difference from the call.

The council member said the city wants to have tourism but it is difficult when a bus arrives in town and the people get out and smell the odor.

Bryan asked council members what their constituents were saying. He also said, "We can't smell your problem in Jefferson City," indicating the city and residents must be responsible enough to make complaints, as timely as possible.

On another item, the council talked about funding the Carthage Chamber of Commerce and Economic Development.

"Before discussing funding, where do we want to keep Economic Development - here at the city or at the chamber," Wells said.

"It's my opinion the Chamber is doing an excellent job," said Councilmember Bill Johnson. "We need to get a full-time person down there."

Former mayor and acting Chamber president Kenneth Johnson said the economic development position was in excess of \$106,000 when it was located in City Hall.

"By sending it down there they saved something like \$50,000 by splitting it with CW&EP," Johnson said. "If anyone comes to town, they do not come here, they go to the Chamber. It was a bad idea to have him here (City Hall)."

Pam Barlet, president of the Chamber's Board of Directors, said they were looking for a strong economic personality to run the chamber. The chamber is expanding its search horizons throughout the four-state area while still intent on considering any qualified local candidates.

Barlet pointed out that the Chamber would probably need \$20,000 to \$26,000 to run the office and pay an intern president up to four months. She said print advertising - which was necessary to reach good candidates - in Kansas City would run as much as \$2,900. Barlet also estimate it would cost \$6,000 to bring in candidates for interviews.

"The search is well on the way," Barlet said. "We have a lot accomplished already."

The search committee has met three times and the Chamber has used the Internet and other less expensive means to advertise to date.

The council voted that the search continue until a qualified candidate was found.

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PROPOSED TAX HIKE IN LIMBO

By Jeff Lehr The Joplin Globe

Posted on August 24, 2006

URL: http://www.joplinglobe.com/local/local_story_236014023

NEOSHO, Mo. - The Newton County Commission has notified the county clerk and the county Health Department that it believes the only way a proposed levy increase for the Health Department can be placed on the ballot in November is by an order of the commission or by a petition of voters.

The trustees for the Newton County Health Department voted Aug. 17 to place a proposed levy increase of 7 cents per \$100 assessed valuation on the Nov. 7 ballot.

The Health Department's current property levy of 5 cents per \$100 assessed valuation provides about 34 percent of annual revenues for a budget of about \$850,000.

The additional revenues - estimated at \$434,000 - would be used to hire four more staff specialists, and to purchase equipment to begin monitoring and testing water samples for health hazards in area creeks.

Presiding Commissioner Jerry Carter said the County Commission sought legal opinions from the Newton County prosecutor and the legal counsel for the Missouri Association of Counties after the health board sent a letter to the county clerk asking that the tax proposal be placed on the ballot.

Carter said Ivan Schrader, legal counsel for the association, informed the commission that the Health Department needs the approval of the commission or a petition of voters to get the measure on the ballot. The petition route would require the signatures of registered voters equal to 10 percent of the number of voters who cast ballots in the county for the most recent governor's race in a general election.

"We have a legal opinion and need to discuss it with the Health Department's board," Carter said.

He said a letter informing the board of the legal opinion was hand-delivered to the health board on Wednesday.

The health board is expected to meet and discuss the matter tonight.

The commission's letter to the county clerk states that the health board failed to cite any statutory authority to support its request to place a tax increase on the ballot.

The letter cites state law on the authority of boards of trustees for county health centers. Such boards are entitled to set annual levy rates not exceeding the rate "authorized by the vote of the people of the county."

The letter states that the maximum levy established for each center is the rate voted on by the voters in creating the center, and is not to exceed 40 cents per \$100 assessed valuation.

The commission's letter reads: "It is our understanding that the maximum rate authorized by the vote of the people of Newton County in creating the center is 5 cents per \$100 assessed valuation."

Commission meeting

The County Commission has scheduled a special meeting for 10 a.m. Friday at the Newton County Courthouse should the health board request that the commissioners consider placing the measure on the ballot.

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FISHING REPORT

Compiled by BRENT FRAZEE The Kansas City Star

Posted on August 24, 2006

URL: <http://www.kansascity.com/mld/kansascity/sports/15345382.htm>

Watershed News Editor's Note: In the interest of space and applicability, this article has been shortened. You may view entire article at:

<http://www.kansascity.com/mld/kansascity/sports/15345382.htm>)

BRENT'S BEST BET

MISSOURI

- **TABLE ROCK:** 87 degrees, clear, 5 feet low. Outlook: Baxter Boat Dock reports: black bass fair to good on jigs, Carolina-rigged plastic worms in 25 to 28 feet of water off main-lake points; catfish good on a variety of baits in 15 to 20 feet of water in main-channel coves.
- **TANEYCOMO:** 49 degrees, clear, four generators are running four to six hours each day. Outlook: Fall Creek Marina reports: trout poor to fair (a few are being caught on jigs).
- **BULL SHOALS:** 86 to 90 degrees, clear, 3 feet low. Outlook: Buck Creek Marina reports: all species poor.

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