



# The Birmingham News

## Groups sue to prevent dam on Duck River

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Local river groups filed suit against the U.S. Army Corps of Engineers in Birmingham's federal court Wednesday to stop the agency from allowing a dam on the Duck River near Cullman.

Since the mid-1990s, Cullman County and the city of Cullman have been working to dam the Duck River to use it as a drinking water source.

The Corps issued a permit for the dam in 2000. But a judge voided it three years later, after river groups filed suit and showed that the potential for pollution in the reservoir had not been adequately studied. The Corps reissued the permit late last year, saying the problems in the previous permit had been addressed.

Not so, say the river groups and canoeists who filed suit Wednesday. They argue that the Corps has not sufficiently studied the environmental impacts of the dam. It has not done the most comprehensive of federal environmental studies, called an environmental impact statement, but rather a less rigorous environmental assessment along with a supplement.

Environmental impact statements are required on projects with the most impact. Some states even require them for large housing developments.

At the dam, one of the most serious questions is how to stop pollution from chicken operations upstream from rapidly filling the lake with nutrients, so the water couldn't be used.

A lawyer for the river groups says local governments have agreed they would need to reduce nutrients if the Duck River were no longer a free-flowing stream, but they have not adequately explained how they would do so.

The Corps declined to comment on the lawsuit Wednesday.

The Duck River is one of Alabama's few undammed rivers. Unlike other wild rivers, it is not known to be filled with wildlife. River advocates say that may be because of pollution from chicken operations or because of a lack of scientific surveys of the short river.

The river rises in Cullman County, near the town of Holly Pond, and flows into the Mulberry Fork of the Black Warrior River.

Cindy Lowry, executive director of the Alabama Rivers Alliance, said Cullman should be required to show a major need for the dam. "There needs to be better planning before we dam up and alter another ecosystem forever," she said.

The river groups also argue that the dam is needed less because Cullman has enlarged another one of its water sources. In recent years, some officials have said the project may be too expensive and they may, instead, turn to a pipeline to the Tennessee River.

The groups suing are the Alabama Rivers Alliance, the Black Warrior Riverkeeper, Friends of Mulberry Fork River and Wild South, along with river users Nelson Brooke, James Robertson and Paul Perret.

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