

# **TN Clean Water Network and Citizen Group Urge EPA to Veto Reelfoot Lake Spillway**

Comments from EPA deem project not approvable under Clean Water Act

FOR IMMEDIATE RELEASE: October 20, 2006

(Samburg, TN) TN Clean Water Network and the Reelfoot Lake Watch Group discovered the EPA submitted comments to the Army Corp of Engineers, calling the Reelfoot Lake Spillway project not approvable at this time because the project does not comply with the Clean Water Act. The EPA has the authority to veto this project and prevent pollution occurring at Reelfoot where no pollution is allowed by law.

“These comments [from the EPA] confirm the Reelfoot Lake Watch Group’s suspicions and concerns that the spillway project is not safe for humans and wildlife.” Al Hamilton is President of the citizen group and Board Chairman of TCWN.

Reelfoot is known as a national treasure for its hunting, fishing, bird populations, wetlands and major wintering area for migratory waterfowl and winter home to the American Bald Eagle. Reelfoot Lake is the only natural lake in the state of Tennessee. As such it was designated as an Outstanding National Resource Water (ONRW) under the Clean Water Act.

“We are asking the EPA to exercise their authority to veto water pollution permits associated with the Reelfoot Spillway project.” Stated Renée Hoyos, Executive Director of the TN Clean Water Network.

Comments submitted by the EPA determine this project does NOT comply with the Clean Water Act regarding avoidance, minimization, compensatory mitigation and significant degradation. The EPA believes the Army Corp of Engineers Spillway project is not approvable as submitted.

The EPA has the power to veto Army Corp of Engineer permits at any point before the permits are final. These permits are still in their draft phase. TCWN found no record of the Corp responding to EPA comments.

“The Army Corp of Engineers failure to follow the laws that protect Reelfoot Lake jeopardizes pristine wildlife habitat and rare opportunities for hunters, fishermen, and birdwatchers to experience truly untouched wilderness.” Added Hamilton.

Under the Clean Water Act, the Army Corp of Engineers must show that the discharges associated with the project are unavoidable and the least environmentally damaging, practical alternative will be selected. According to the EPA’s comments, the Army Corp of Engineers has not taken these actions.

Hamilton and the Reelfoot Lake Watch Group participated in several public hearings regarding the Reelfoot Spillway Project where they voiced the same concerns the EPA documented in their letter. The group’s comments, too, were met with silence from the Corp.

The proposed project involves widening a portion of State Route 21, closure of the existing Reelfoot Lake Spillway and construction of a new spillway, channel and bridge across the channel.

Approximately 15 acres of wetland and over 4,000 linear feet of stream would be permanently impacted, polluted or destroyed by this project.

This latest threat to the quality of Reelfoot Lake is one in a long list of government inaction to protect Reelfoot as allowed under its Outstanding National Resource Water (ONRW) status. Reelfoot's ONRW status dictates no additional pollution is allowed by law. Other projects that violate Reelfoot's ONRW status include: illegal herbicide spraying permits and illegal dredging.

These projects result in reduced water quality and sedimentation which lead to the Lake experiencing a loss of fisheries, waterfowl and wildlife habitat.

Unfortunately, lack of protection for Reelfoot also resulted in it listed as a damaged and threatened National Landmark by the US Park Service.