



Atchafalaya
BASINKEEPER®

ANNUAL REPORT 2010

Overall Status

Thanks to everyone for the incredible support last year. Our supporters and members have helped to make us the most effective group in North America when it comes to protecting wetlands. Our monitoring flights have continued to block all new major logging operations in coastal Louisiana.

Cypress logging in coastal Louisiana briefly restarted in late 2009, but stopped again after Atchafalaya Basinkeeper (ABK) and the Lower Mississippi Riverkeeper (LMRK) filed a lawsuit against an unpermitted logging operation in July 2010.

The only cypress logging in coastal Louisiana that we identified with our flights is an old, ongoing operation on St. Martin Land property south of Butte LaRose and Henderson. We could not find any other major cypress logging in any of the other basins. The big mulch retailers (Wal-Mart, The Home Depot, and Lowe's) are still committed to the moratorium on selling cypress products sourced in coastal Louisiana.

In the Three Rivers Wildlife Management Area and the Red River Wildlife Management Area, the state of Louisiana is logging some of the most pristine forests (bottomland hardwood) in the region—these forests are publicly owned. The state is not violating any laws—this is a policy problem that Atchafalaya Basinkeeper, alone, cannot change. We will try to engage all other environmental groups in Louisiana in an effort to protect those forests.

A wood pellet plant is about to be built in Baton Rouge—the Louisiana Department of Wildlife and Fisheries has already offered to supply it with trees from the forests under its management. The plant will provide wood pellets to feed power plants in Europe and has the potential to devastate forests here in Louisiana. Scientific data shows that wood-for-power produces more carbon-dioxide than fossil fuels. We will continue to ensure that our cypress forests are not logged illegally for pellets or mulch.

The Atchafalaya Basin faces a new threat as the Louisiana Department of Natural Resources (LADNR) moves forward with plans to redirect sediments into wetlands, ignoring strong opposition. Despite full opposition by ABK and the only commercial fishing group in the Basin, the Louisiana Crawfish Producers Association-West (LCPA-West), LADNR's Atchafalaya Basin Program is moving forward with a plan that includes using public funds to divert sediments into isolated wetlands. If nothing is done about this problem, most of the Basin's swamps, bayous and lakes will eventually disappear under layers of sediment. Old oil location and pipeline canals continue to severely affect the hydrology of the Basin, in some places, by stopping water flows, substantially decreasing water quality and in other places, by diverting sediment-rich water from the main river channel into wetlands, effectively destroying them through sedimentation. The Atchafalaya Basin is still being managed by the U.S. Army Corps of Engineers (the Corps) with the general objective of maintaining the river channel, while filling in the remainder with sediment. Resulting in increased sedimentation, the Corps' goal is to divert 65% of the sediment load of the Mississippi River into the Atchafalaya River, which on average receives only about 25% of the Mississippi River's water. ABK's hydrology and sediment management plan, if implemented, will preserve and restore swamps, bayous, and lakes in the Atchafalaya Basin.

The BP Deepwater Horizon Oil spill had serious negative impacts to the eastern end of the Atchafalaya Delta, and only minor negative impacts in Atchafalaya Bay and in the Basin itself.

Summary of Activities in 2010

Monitoring and Enforcement

- We conducted six joint monitoring flights with LMRK and the Louisiana Environmental Action Network (LEAN) and two with the Ouachita Riverkeeper in North Louisiana, for a total of eight monitoring flights in 2010.

- In the aftermath of the BP oil spill we monitored the situation and BP's response by air, land and water. We thank LMRK for their cooperation and help throughout the disaster, especially for testing the waters of the eastern part of the Atchafalaya Delta and for letting ABK borrow their boat "Julia" to monitor in the Gulf. We tested tissue in the Atchafalaya Delta and found higher levels of contamination in the eastern part of the Delta and very low levels in Atchafalaya Bay.
- We have continued to stop all major destructive dredging operations, all new canals, and all development of wetlands in the Basin, as we have since our inception in 2004.
- Together with the Louisiana Crawfish Producers Association-West (LCPA-West) we took legal action against another developer in the Basin and against the Louisiana Department of Environmental Quality. The Corps responded by giving an after-the-fact permit to the developer and conducted an evaluation based on the developer's own data to justify the permit. After complaining to the head of permitting without results, Atchafalaya Basinkeeper, LCPA-West and the LEAN—represented by Tulane Environmental Law Clinic—filed suit against the Corps. This lawsuit challenges the Corps' issuance of the after-the-fact permits for development of Atchafalaya Basin wetlands. By issuing after-the-fact permits, the Corps encourages destructive behavior—sending the message that it is easier to seek forgiveness than permission. Such permits encourage degradation of Atchafalaya Basin wetlands, precious and endangered national resources that are critical to the livelihood and culture of many Louisianans.

The challenged permits purport to validate prior unpermitted activity. Seeking to replace natural Atchafalaya Basin wetlands with a private duck pond, the developers dug a ditch more than two miles long through wetlands, drained the water out of a lake, and installed a dam and metal water control devices to artificially control the flow and levels of water—all without obtaining permits required by the Clean Water Act. These actions alter the hydrology of 600 acres or more of forested

swampland in the Atchafalaya Basin in an area designated as critical habitat for the Louisiana black bear. By granting after-the-fact permits, the Corps dismisses the Clean Water Act and rationalizes the unpermitted actions of the developer.

- We reviewed four U.S. Army Corps of Engineers permits and 296 permit applications for work in and outside the Basin, and sent legal comments on 10 permits, effectively stopping all destructive dredging operations in the Atchafalaya Basin. We commented on the plan for the Atchafalaya National Heritage Area, which we believe is a good, respectful plan. We sent one comment to the state opposing proposed pesticide rules. We have a total of five ongoing lawsuits: one against developers in the Basin, one against the state of Louisiana for being out of compliance with the permit in Bayou Postillion, one against the state of Louisiana for giving a Water Quality Certification Letter to the developers in the Basin, using questionable data and opening the door for the Corps to issue the permit, one against the Corps, and one against an unpermitted logging operation.
- The loss of expert witnesses (scientists) because of corporate money makes it increasingly difficult for Atchafalaya Basinkeeper to take action against illegal developers and corruption within state and federal agencies. Of special concern for the future is the massive amount of money that BP is investing in hiring scientists and other key individuals along the Gulf of Mexico.

Save Our Cypress Campaign

Basinkeeper has continued as a national leader in the campaign to stop unsustainable cypress logging. A huge success in 2010 was our Cypress Summit in Atlanta, Georgia. For years, we have been working with other leaders in the country and our work culminated in this conference, attended by retailers (Wal-Mart, The Home Depot and Lowe's), industry (Soil and Mulch Council), the Corps, the Environmental Protection Agency, the U.S.

Forest Service, the Georgia Department of Forestry, the Southern Environmental Law Center, Gulf Restoration Network, Savannah Riverkeeper, SouthWings, and Atchafalaya Basinkeeper. **We give a very special thanks to Caroline Douglas with SouthWings who took the lead and made the long-time dream of such a meeting a reality.** All participants agreed to continue working together to find ways to create and implement a certification program for cypress products.

We are still the only group working to enforce the major retailers' moratorium on cypress mulch sourced in coastal Louisiana, as well as identifying unpermitted cypress logging operations in wetlands. Our February 7th, 2010 flight revealed a new mulch plant along Hwy 190 west of Port Allen; a follow-up investigation confirmed that the plant is making "Southern Mulch." "Sport Mulch" is also being made at the same facility, but at this time it is not clear whether "Sport Mulch" contains cypress in its products.

Education & Outreach

In 2010, we raised awareness about the importance of the Atchafalaya Basin and its plight, educated about cypress logging facts and wetlands and what is being done to protect the ecosystems within the Basin, reaching approximately 1700 children and adults through our programs, which included fifteen slide lectures, six swamp tours, an all-day music concert, and two paddling trips. As a result of our work to develop our support network, Atchafalaya Basinkeeper's membership has increased by about 45% since January 2010.

In 2010, ABK made five PowerPoint presentations to student groups, including groups of college students from Chatham College in Pennsylvania and the University of Louisiana at Lafayette, as well as middle school students in Catahoula and at the Math, Science and Arts Academy of Iberville Parish in Plaquemine. We educated 326 students about the ecology of the Atchafalaya Basin, its importance, threats to this critical habitat, and what we are

doing to protect those ecosystems. We reached a total of 1373 children and adults through 14 presentations at all-ages events, including two presentations at Pack and Paddle in Lafayette and a workshop at the Annual International Waterkeeper Alliance Conference. At the 2010 Waterkeeper Alliance Conference, Dean and staff attorney Leigh Haynie taught a workshop on using federal environmental regulations to protect wetlands from development and other destructive activities, training fifteen separate Waterkeepers. At a Louisiana Waterkeeper retreat, Dean and Leigh provided training to three other Louisiana-based Waterkeepers in Clean Water Act enforcement and wetland protection. Swamp tours into the Atchafalaya Basin included two for educational purposes and four to provide access to the Basin for reporters and photographers. Notably, one tour was for the radio show, *All Things Considered*.

In February 2010, Atchafalaya Basinkeeper, Dean A. Wilson briefly joined a paddling trip down the Atchafalaya River by the Quapaw Canoe Company, which garnered media coverage to raise awareness about the Basin. Quapaw has dedicated 10% of the proceeds from any of their trips into the Atchafalaya Basin to Basinkeeper. **Thank you, Quapaw, for your sponsorship!**

In November 2010, Bodacious Productions, LLC, coordinated the first annual *LAFestival*, at Parc International in Lafayette, an all-day concert designed to raise awareness about the Atchafalaya Basin and Basinkeeper. **Thank you to Bodacious Productions and Andrew Hunter of Drake Records for making this happen!** (drakerecords.net)

The book, *Atchafalaya Autumn II* (November 2010) by author-photographer and board member Greg Guirard spotlighted Basinkeeper in a two-page spread, including photos and text about Basinkeeper and the life and work of Dean Wilson. Greg's latest book has brought a lot of attention to the plight of the Basin and to our organization, helping us to gain support for our projects and to increase our membership base.

Buy a book at: www.gregguirard.com .

The work of Atchafalaya Basinkeeper was featured in the Jon Bowermaster film, *SoLA: Louisiana Water Stories*, which played at the Annual International Waterkeeper Alliance Conference in June 2010. In September 2010, the Louisiana Environmental Action Network hosted a screening of *SoLA* at Manship Theater in Baton Rouge, which was attended by staff, directors, trustees and members of LEAN, LMRK, and ABK. Jon Bowermaster films are typically bought by “National Geographic Adventures.”

An extra-special thanks goes out to Greg Guirard, a most dedicated board member, who has made numerous slideshow presentations and appeared with and without Basinkeeper staff at many events throughout the year, and who includes a Basinkeeper brochure in each and every book that he sells. He is largely responsible for the unbelievable increase in our membership over the last several years. Thank you, Greg!

Sediment & Water Management

Our hydrology and sediment management plan for the Basin has been seriously set back because of loss of funds to Atchafalaya Basinkeeper and the Louisiana Department of Natural Resources’ intentions to use public funds to accelerate accretion of valuable swamps, bayous and lakes within the Atchafalaya floodway.

Board of Trustees

In 2009, we created the first-ever Basinkeeper Board of Trustees, a group of volunteers dedicated to raising funds and awareness for Basinkeeper through events and outreach. The first meeting was held in February 2010. The Trustees make a huge difference in our ability to raise funds. Thanks to them, about 33% of our funding came from members and donations in 2010, compared with about 3.5% in 2009; the dollar amount in this category of fundraising increased by ten times. **We thank all members of the Board of Trustees and the Board of Directors for their work and contributions to Atchafalaya Basinkeeper!!**

Fundraising Plan

In 2009, with guidance from Diana Toledo with the River Network, we put a lot of time and careful thought into developing Basinkeeper's first-ever formal fundraising plan, which was adopted in February 2010 and is currently being implemented. We will continue to use this plan as a template in 2011 and beyond.

In October 2010, John and Becky Williams of Pack and Paddle organized the first-ever paddling trip dedicated to raising funds for Basinkeeper. The paddle was co-led by trustee Stacey Scarce and Basinkeeper Dean Wilson through the beautiful baldcypress forests at Lake Fausse Pointe State Park, and was followed by a fish-fry, a question-and-answer session by crawfisherman Greg Guirard, and music by Drew Landry. Great Harvest Bread Company of Lafayette donated bread for the event. **Thank you, Pack and Paddle and Stacey Scarce, for making this happen and for your support throughout the year! (www.packpaddle.com)**

The band, *Trees on Fire* dedicated 5% of their newly released album sales to Atchafalaya Basinkeeper and raises awareness about the Atchafalaya Basin and Basinkeeper through their shows, album and website. Their album *Organica* is impressive and meaningful, and each band member possesses integrity and the desire to make a difference in the world. **Thank you, *Trees on Fire*!! Buy an album (or two) and support *Trees on Fire* and Basinkeeper at the same time: www.treesonfire.com**

Musician Drew Landry organized several events to benefit Basinkeeper throughout the year. **Thank you, Drew! (www.dirtycajuns.com)**

Atchafalaya Angel and Super Swamper Awards

The Louisiana Crawfish Producers Association West (LCPA-West) and Atchafalaya Basinkeeper joined together to honor the work of Atchafalaya Basinkeeper staff attorney Leigh Haynie and author-photographer Greg Guirard with an awards banquet at Boutin's in Baton Rouge. Leigh Haynie received the *Atchafalaya Angel Award* and Greg Guirard received the *Super Swamper Award*.

For years, Leigh Haynie has volunteered her time as an attorney, helping to defend the Atchafalaya Basin and other wetlands; her love, hard work and dedication have helped to save thousands of acres of wetlands from destruction. Leigh was hired by Basinkeeper last year as a part-time staff attorney.

Greg Guirard is best known for his books about the Atchafalaya Basin and the Cajun families who make their living hunting and fishing in the Basin. No one, dead or alive, has done more to educate the public about the Atchafalaya and its people than Greg. Today, he is a Basinkeeper board member and works tirelessly to help raise funds for the organization.

Thanks to Lynn Boutin for hosting our awards banquet and graciously providing the delicious Cajun cuisine to go along with our event! (www.boutins.com)

What's in store for 2011?

Staffing

We hired a part-time staff attorney, Leigh Haynie, at the beginning of February 2010. Leigh has been a long-time volunteer for Basinkeeper and has done an incredible job reviewing permits from across Louisiana's coast and sending legal comments against all manner of permit applications for projects potentially destructive to wetlands in the Atchafalaya Basin. Her dedication and skills are responsible for stopping all destructive dredging operations in the Basin for another year. She is also the master-mind behind our legal strategies that, hopefully, will end the lawlessness responsible for the massive degradation of our beloved Atchafalaya Basin. We could not ask for a better attorney! Thank you, Leigh.

Save Our Cypress Campaign

- We continue to push for Region 6 of the Environmental Protection Agency to hire enforcers, which would help to stop violations of section 404 of the Clean Water Act in wetlands.

- In the meantime, we will keep monitoring and pushing for enforcement by our federal agencies.
- ABK filed a lawsuit against an unpermitted logging operation in the Maurepas Basin. This logging operation resulted in the loss of cypress and the further fragmentation of the Maurepas forest. The Clean Water Act protects cypress from unpermitted logging in waters of the United States.
- Our national cypress campaign culminated with the “Cypress Summit” in Atlanta in 2010. We are working to expand the Save Our Cypress Coalition to include groups from all over the country, and we are forming a committee to create a certification program to address illegal and unsustainable cypress logging across the nation.

Monitoring & Enforcement

- Thanks to Leigh being on-board, we are reviewing permits and permit applications for all work done in the Basin.
- Although major logging of cypress-tupelo swamps in coastal Louisiana had stopped as of our October 22, 2008 monitoring flight, Dean Wilson spotted two trucks carrying cypress logs on January 21, 2010. Our work to monitor and protect cypress forests is working, but it requires constant vigilance! We will continue to monitor and hold accountable those who ignore the Clean Water Act.
- We will continue our joint monitoring flights with LMRK and LEAN thanks to the generosity of SouthWings (www.southwings.org).

Louisiana Waterkeeper Collaborative

We will continue to join forces with Louisiana’s four other Waterkeeper programs and Louisiana Environmental Action Network as the Louisiana Waterkeeper Collaborative. This group effort makes us more powerful because we pool resources, knowledge and experience and we have a broader reach to achieve our goals at the regional level, as well as within the Atchafalaya.

Sediment & Water Management

- We will continue to seek funds to hire a GIS expert to create a hydrology and sediment management plan.
- ABK will continue to oppose efforts by the DNR Atchafalaya Basin Program to use public funds to open oil canals or to divert sediments into valuable lakes, bayous and wetlands. We will attempt to work with DNR and the Corps to change their policies, encouraging them to guarantee a healthy future for the remaining bayous, lakes, swamps and marshes for our children and grandchildren.

Education, Outreach and Events

- Paddling trips organized by Pack and Paddle –April 9th and October 2011 (date to be determined)
- LEAN conference (date to be determined)
- ABK will continue to do presentations for school groups and civic groups and to attend events and conferences. We hope the added power of our Board of Trustees will give us a much broader reach.
- Education about wetlands and the Atchafalaya is critical to the future of the Basin. We will continue with our efforts to educate as many people—including students—as possible and to find ways to develop ecotourism in the Basin.

Fundraising

- **Fundraising Goal: \$182,000 annually** will allow us to hire our attorney full-time, a development director, and part-time office staff. We have lost major funding from foundations to the point that it has become a serious threat to the future of Atchafalaya Basinkeeper. Please help our organization increase donations and memberships. Funding from direct donations and memberships makes it more difficult for special interest groups to attack us through our funding.

What can YOU do to help?

- Don't buy cypress mulch!
- Renew your membership, donate, and attend events.
- Tell friends and family what's going on in the Atchafalaya Basin and what Basinkeeper is doing about it.
- Report destructive activities to our hotline: 877-96-BASIN.
- Become a member or a sponsor.
- Encourage others to join ABK in the fight to save the Basin.
- Invite Basinkeeper to do a presentation for your civic or school group.
- Do business with Basinkeeper sponsors.

Atchafalaya Basinkeeper Staff

- Dean A. Wilson, Atchafalaya Basinkeeper & Executive Director
- Leigh Haynie, Staff Attorney
- Cara Leverett, Staff Scientist/ Basinkeeper Assistant

Contact Information ~ Atchafalaya Basinkeeper

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