



August 22nd, 2018

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Mr. DeJarvis Leonard, P.E. Region Engineer
Alabama Department of Transportation – East Central Region
P.O. Box 2745
Birmingham, Alabama 35202-2745
Attn: Mrs. Sandra F.P. Bonner

Regarding: Project Number ACAA59534-ATRIP(015), CR-1396 (Cahaba Beach Road), Extension from CR-346 (Swan Drive) to CR-60 (Sicard Hollow Road) Including a Bridge Over the Little Cahaba River

Dear Mr. Leonard,

Please except this revised letter, which negates our previous letter dated August 20. This version more accurately reflects full information and our concerns. The Cahaba River Society is a 501 (c) 3 non-profit river conservation group located in Birmingham, Alabama. Our mission is to restore and protect the Cahaba River watershed and its rich diversity of life. The diverse lives depending on the Cahaba include the 600,000 people and numerous businesses in the Birmingham Water Board service area relying on the River as a major source of drinking water as well as its internationally significant diversity of freshwater wildlife.

The Cahaba River Society supports the 'No-Build' alternative for this project. We continue to value our relationship with ALDOT, and appreciate the opportunities the agency has created for learning and communication about this project.

The following summary of our comments will be expanded upon below.

- The need for the proposed road has not been demonstrated, and it appears that potential harmful impacts to traffic congestion in surrounding communities are not being studied.
- The risks to the quality and cost of a main drinking water source for most Birmingham area residents far outweigh the potential limited use of the road as a convenience for a few. The significant risks to drinking water most not be underestimated or undervalued.
- ALDOT's focus on the easternmost upstream routes maximizes potential damage to the Little Cahaba River.
- ALDOT intends to reduce potential impacts by denying access to the road for surrounding new development, but ALDOT needs to recognize that the road itself is significant development. The loss of forested land in the footprint of the proposed alternatives significantly diminishes the valuable ecosystem services needed to protect our drinking water supply.

- Routes 5a and 5b would require taking BWWB lands purchased with public ratepayer money to permanently protect the region's drinking water source. These lands should not be developed with a road.
- ALDOT should evaluate the benefits of 'spot improvements' to existing roadways and intersections as an alternative to building this project. Under the current proposal, CRS supports the "No Build" alternative.

The need for the proposed road has not been demonstrated, and it appears that potential harmful impacts to traffic congestion in surrounding communities are not being studied.

In order to compare the environmental risks of a new road through a public drinking water supply with the potential benefits for traffic, project proponents should articulate and demonstrate the specific purpose for that road. ALDOT has indicated that a new Cahaba Beach Road would 'improve connectivity' for the area. However, that phrase could be true for any road through any area. Improved connectivity may be a short-hand for other actual, measurable goals like 'shorter travel times'; in and of itself, 'improved connectivity' is not a sufficient goal for a proposed transportation project, especially one that risks a drinking water source.

If the 'improved connectivity' justification is sufficient, then a road built through Oak Mountain State Park so that people do not have to drive around it would be justifiable. However, there are natural resources that are significant to a region that are respected and protected from road impacts. Our drinking water and the Birmingham Water Works lands purchased specifically to protect our drinking water are resources of that level of significance. 'Improved Connectivity' is an inadequate justification to risk our drinking water.

We hope that ALDOT is open to concluding that there are issues of greater importance for the majority of the region's residents than a convenience road providing "connectivity" for a few. Being open to such a conclusion is essential to undertaking a credible environmental assessment.

A justification given for the project is that the regional traffic model indicates that 8 to 10,000 cars would likely use the alternative roads being proposed. However, many area residents stated to ALDOT at the public meeting that they do not desire to have this route opened because they are concerned it will worsen cut-through traffic and congestion in Liberty Park, Cahaba Heights, on surrounding roads, and at the 280 intersection. As we understand from discussions with ALDOT staff and consultants, the proposed traffic studies are not considering those potential impacts to congestion in this broader impact area. As we recommended a year ago, ALDOT should widen the study area to consider how this project will impact congestion on Sicard Hollow Road, at intersections of that road, on Grants Mill Road, Blue Lake Drive, and through Liberty Park and Cahaba Heights, and at the intersection with Highway 280.

Also, it is our understanding that the traffic study is not evaluating the potential impact of the alternatives on travel times. There is no evidence that travel time reductions would necessarily follow development of this project.

To say that the project is needed to “reopen” a 1-lane dirt road and bridge that has been closed for 25+ years is a pretense. Limited transportation funds would be better used repairing dilapidated roads and bridges that people truly rely on every day.

The road will not relieve congestion on Highway 280, and it has no real economic development value. The full cost to the taxpayers is likely to be much higher than the \$13 million rough project cost estimate and far exceeds the \$4 million in hand. This road is intended to add some convenience for a small number of the region’s residents. When compared to the number of people relying on the Cahaba for drinking water, potential risks and costs far outweigh the potential benefits.

The risks to the quality and cost of a main drinking water source for most Birmingham area residents far outweigh the potential limited use of the road as a convenience for a few. The significant risks to drinking water most not be underestimated and undervalued.

Choosing to significantly increase traffic over the Little Cahaba River will increase the probability that an accidental spill might occur. Given the heavy reliance of the Birmingham Water Works system on water from Lake Purdy and the Cahaba River, the timing of a spill into the Little Cahaba River and thus the Cahaba drinking water pool could cause a major disruption of raw drinking water supply to their customers. While the probability of such an event is small, the consequences would impact hundreds of thousands of Birmingham area citizens.

There are other potential environmental impacts that are less direct, but which are far more likely. Cumulatively, the road and ancillary development in the area would result in increased stormwater runoff rates and pollution and increased stormwater runoff volume; both factors negatively affect the Cahaba River and the cost of providing drinking water to Birmingham Water Works customers.

ALDOT has proposed Alternatives 5a and 5b to be limited access roads. Such a designation probably would limit development potential within the footprint of the designated ‘study area’. However, ALDOT should not assume that limited development within the footprint of the study area means little or no environmental impact over all would result from the proposed project. ALDOT does not appear to have considered the overall potential for indirect impacts that could translate into drinking water quality impacts.

We are concerned the combination of each of these first two points (inadequate justification for the proposal and an insufficient weighing of risks to our drinking water supply) compound one another.

ALDOT’s focus on the easternmost upstream routes maximizes potential damage to the Little Cahaba River.

ALDOT proposes to focus further study on Alternatives 5a and 5b, the routes closest to Lake Purdy at the uppermost reach of the Little Cahaba River below Lake Purdy. Potential impacts of the road construction and post-construction impacts thus have the potential to damage much of the creek down to the drinking water pool.

The Little Cahaba below Lake Purdy is well documented to support a population of Fine-lined Pocketbook, a federally protected freshwater mollusk¹. Other federally protected species may also be present. Such species are especially vulnerable to hazardous materials spills, increased sediment pollution, and habitat impacts due to instream erosion. While ALDOT can design roads to minimize such impacts, they cannot be entirely prevented. Building the proposed road can only increase the probability of eliminating these imperiled populations in the Little Cahaba River.

ALDOT intends to reduce potential impacts by denying access to the road for surrounding new development, but needs to recognize that the road itself is significant development. The loss of forested land in the footprint of the proposed alternatives significantly diminishes the valuable ecosystem services needed to protect our drinking water supply.

ALDOT proposes that the road would have permit-controlled access, with no access to adjacent properties allowed. ALDOT indicates that this would eliminate the potential for direct, indirect and cumulative impacts from development that would occur due to the project.

While we appreciate this step, we ask, how would ALDOT permanently and legally ensure that no access would be granted? Is this a commitment of ALDOT's that could change over the years?

ALDOT needs to recognize that the road itself is a very significant amount of development in this undeveloped forested watershed. The corridor to be cleared and graded appears to be from 100' up to 200' wide, depending on the route. We ask that ALDOT estimate the total area of forested, natural area that would be removed by the project. A rough estimate² indicates that the equivalent areas of approximately 45 to 62 football fields could be cleared of trees and graded. This would be a significant disruption to the hydrology that maintains the health of the Little Cahaba River both for drinking water and biodiversity/habitat.

We recognize and applaud ALDOT for making strides on both construction and post-construction stormwater design. ALDOT can reduce the negative impact of new roads on water resources through commitment to improved design. However, negative impacts caused by a road cannot be eliminated. The construction process and post-construction legacy of runoff will have some level of impact for: construction sediment runoff to the creek; roadway runoff pollutants; increased volume of runoff causing instream erosion, habitat loss, and sediment pollution; loss of groundwater recharge and water supply during drought due to forest loss and impervious surfaces; and increased risk of hazardous spills. These risks to the quality, cost and supply of the region's drinking water must be fully assessed to produce a credible environmental study.

¹ Michael Gangloff, PhD., 2006. A Survey for Threatened and Endangered Mussels in the Little Cahaba River, Shelby County, Alabama. Completed by Michael M. Gangloff, PhD for Alex Jones.

² If we assume 5 and 5a will require 60 acres and 82 acres of right of way, respectively, (from ALDOT's October 17, 2017 'Public Involvement Meeting Presentation'), and further assume all of that right of way area will be cleared, then the equivalent of 45.4 or 62.1 football fields (57,600 ft² area per field) will be cleared, respectively.

We also note that the proposed long, fairly straight stretches of the 5A and 5B routes and the lack of side access will be conducive to speeding, increasing the risk of accidents and hazardous materials spills.

Routes 5a and 5b would require taking BWWB lands purchased with public ratepayer money to permanently protect the region's drinking water source. These lands should not be developed with a road.

ALDOT must necessarily have the authority to condemn property for the general good of Alabama citizens. In some situations, a public road is a 'higher use' of a particular property. However, exercising such authority must be done cautiously. We do not agree that for the Cahaba Beach Road proposal, Alabama citizens in general could benefit. We do not agree that a new road in this area is more important than the quality, availability, and cost of drinking water for approximately 600,000 people.

ALDOT should evaluate the benefits of 'spot improvements' to existing roadways and intersections as an alternative to building this project. Under the current proposal, CRS supports the "No Build" alternative.

Up to this time, ALDOT appears not to have evaluated the potential benefits of spot improvements to existing intersections and roadways. Until such an analysis is undertaken, ALDOT cannot claim to have considered all of the viable alternatives to building a road through the drinking water supply. Evaluation and implementation of spot improvements is the approach that ALDOT recently utilized to improve traffic flow on Highway 280 with considerable success. This approach should be evaluated for reducing travel times in the area around Cahaba Beach Road. In particular, Sicard Hollow Road travel time may benefit significantly from such an analysis. Until such an analysis is undertaken, our only choice is to support the "No Build" alternative.

Conclusion

The extremely limited purpose of this road, the justification for which has not been adequately demonstrated, is far outweighed by the risks to the quality and cost of the region's drinking water, the loss of natural forested lands paid for by the public to protect their drinking water, and potential degradation of one of the healthiest remaining tributaries to the River and its habitat for rare and endangered species.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth K. Stewart", with a stylized flourish at the end.

Beth K. Stewart
Executive Director