

THE RIVER RUNS

News from the Cowpasture River Preservation Association



Inside This Issue:

- | | |
|---|------------------------------------|
| 2 From the President | 11 Walton Tract Clean-Up |
| 3 Executive Assistant's Corner | 12 Riparian Buffer Zone Field Trip |
| 4 Summer Picnic Highlights | 13 Members' Corner |
| 5 Special Report: Water Quality At Risk | 14 THANK YOU to Members & Donors |
| 10 Collaboration Update | 16 Join or Renew Your Membership |

This photo of the Cowpasture River was taken during the CRPA Summer Picnic from the beautiful river property of Dick and Glovie Lynn. **(Photo taken by Kathy Farmer.)**

Please send us your best photos of the Cowpasture River and the wildlife that accompanies it.

Board of Directors (2017-2018)

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Stewart Hobbs, Treasurer

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Caryl Cowden

Monroe Farmer

Marshall Higgins

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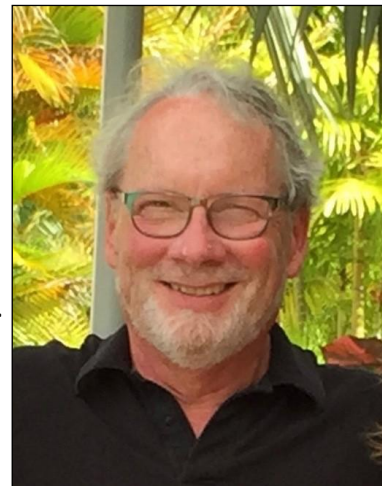
*Lynne Griffith,
Executive Assistant*

Editor: Lynne Griffith

Photographer: Kathy Farmer

From the President

Summer is coming to an end. The days are shorter and nightfall comes earlier. But with more than six inches of rain so far in August, the Alleghany Highlands and our watershed are unexpectedly green and lush. The Cowpasture River has not receded to its usual August low. Instead, it looks more like June here than the month that schools open.



This issue of *The River Runs* focuses on assessing risk to our water quality. The current threat is from the proposed construction and operation of the Atlantic Coast Pipeline, but it's likely that we'll face other significant projects that jeopardize what we hold dear about this watershed. The information covered here applies to more than just the ACP. We want Virginia state officials to hold firm on the safeguards and regulations currently in place, and we want them to require the same standard of approval for any and every project that threatens our watershed.

As usual, the CRPA annual picnic was one of the summer's major highlights. We had a wonderful and well-attended event at the lovely home of Dick and Glovie Lynn. If you were able to attend, thanks for coming. If you missed it—well, there's always next year. Kathy Farmer took excellent photos, which you'll see on page 4.

We encourage members to share their river experiences, so we hope you enjoy this short piece from Paige Pistell Witte. Otters may not be a fisherman's best friend, but they certainly are cute, as you'll see in Paige's photos on page 13.

Finally, take a moment to look over the membership information on pages 14 and 15. (If we don't have your info listed correctly, please let us know.) It's time to renew, so use the form on page 16 to mail us a check or go to www.cowpastureriver.org to make your payment online. Remember, all donations to the CRPA are tax deductible.

This is a great organization, and I'm proud to part of it. If there's anything you'd like to see in this newsletter or if there's anything you'd like to say, just let me know.

— Richard Brooks, CRPA President



Executive Assistant's Corner

It has been a great three months for me in this new role of Executive Assistant at the CRPA. I have had such a wonderful and welcoming experience.

My first day on the job, back on May 20th, was spent meeting everyone at the Annual Meeting and Dinner at Camp Mont Shenandoah. It was a whirlwind of new faces and names for me. Now that several weeks have passed, those faces and names are becoming much more familiar and are brightening up my life every day.

Michael Hayslett, the former CRPA Executive Director, has done a great job of helping me to transition into my new role, and he still allows me to hound him with my various questions that inevitably come up. Many thanks to him.

I had the pleasure of attending my first Board Meeting on June 4th. Nelson Hoy, last year's president, presided over the meeting, and his service as president was recognized and much appreciated. Dick Brooks was then voted in as the new CRPA president, and two new board members also came onboard – Kim Manion and Jeremy White.

I spend most workdays speaking at least once to Dick Brooks. Dick stays highly involved in keeping tabs on the issues concerning the CRPA, and he has provided me with valuable insight and direction as how to best proceed in my new position. He is strongly committed to this association, and it has been a true pleasure to work with him.

I have also had a very gratifying experience working with Ellen Ford, a long-time CRPA member who has faithfully managed our mail and banking needs for several years. She has done much to assist me, as well as this organization, and her steadfast consistency is much appreciated.

Perhaps one of the best highlights for me, thus far, has been working with Dick and Glovie Lynn. These kind-hearted human beings offered up their beautiful river home and property for our annual summer picnic. They put in so much hard work to make that event a success, and they did it with a sense of humor and fun. Collaborating with them will always be a wonderful memory for me.

And finally, getting to meet several of you at the summer picnic was truly a delight. We had 86 people in attendance for what started out to be a rainy day, but by the time the picnic started, the sun came out and the weather could not have been better! Several folks participated in the guided river float beforehand; we also had an influx of new members who joined the organization that day.

I continue to hear from so many of you as to why the Cowpasture River is so significant in your lives. Your devotion to preserving this river is truly admirable, and it is an honor to help you towards that end. Thank you for your warm welcome. Please do not hesitate to contact me if I can assist you in any way.

Also, I'll be continually updating our Facebook page and website with new updates. Don't forget to check them out!

— Lynne Griffith, CRPA Executive Assistant



Summer Picnic Highlights



Hanging out at the river house, bonfire and bar!



Dining under the big tent! **Photos by Kathy Farmer**



Bucky Wells, Puggy Farmer and Jim Bayliss.



Great conversations were had by all!



Several folks participated in the guided river float!



Parked kayaks after the river float.

Special thanks to Dick & Glovie Lynn for hosting our 2017 picnic at their lovely home on the Cowpasture River.

SPECIAL REPORT: WATER QUALITY AT RISK

CAN WE TRUST VIRGINIA'S STATE OFFICIALS TO PROTECT OUR WATERSHED?

by Richard Brooks, CRPA President

Introduction

Water quality protection and the Cowpasture River Preservation Association have been synonymous for more than 45 years. As one of the oldest river advocacy organizations, the CRPA has broadened its mission to include watershed education, water quality monitoring, outreach and collaboration—all in the interest of the unspoiled Cowpasture River watershed. Today, the largest threat to the future of the Cowpasture is the proposed construction and operation of the Atlantic Coast Pipeline (ACP). The information below describes one of our last, best hopes to stop this project altogether or, if it must be built, to cause the least damage possible. (As always, our members can help. Details are at the end of this piece.)

Water Quality Regulations

Virginia, like all of the states in the US, protects water resources under the broad guidelines of the Clean Water Act (CWA) of 1972. Begun under President Nixon, the CWA “establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters.” Each state was advised to set minimum water quality standards and to certify compliance by establishing a process for applicants to receive an authorization known as a 401 permit or 401 certification. Virginia regulates this with its Virginia Water Protection Permit Program (VWP) available at <http://www.deq.virginia.gov/Portals/0/DEQ/Water/WetlandsStreams/9VAC25210%208-2-16.pdf>

These standards have been modified and updated for utilities in the Virginia Water Protection General Permit for Facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities. It can be found at <http://www.deq.virginia.gov/Portals/0/DEQ/Water/WetlandsStreams/9VAC25670%208-2-16.pdf>

Virginia has an additional governing body, the State Water Control Board (SWCB) that “... is responsible for administering the Virginia Water Control Law. The Board adopts regulations and considers special orders resolving violations of its regulations and permits that have had a related public hearing. Day-to-day administration of the Board's programs is delegated to the Department of Environmental Quality.” This seven-member board holds public hearings as needed and meets quarterly to carry out the duties above. Importantly, they grant 401 certification permits to any organization that seeks to affect Virginia waters. Usually, this is done via a recommendation of the Virginia Department of Environmental Quality and in some complicated or significant cases may include public comment.

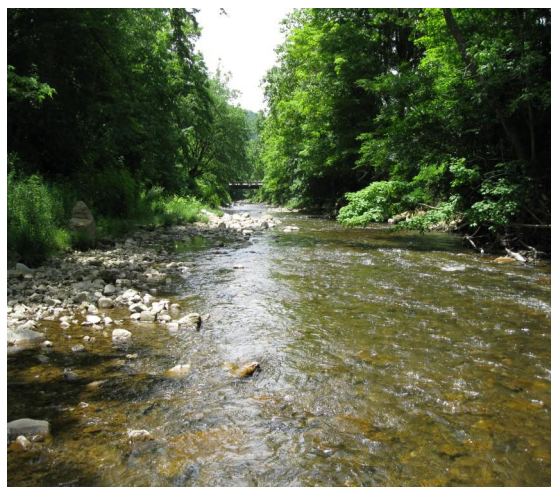
401 Permitting and the ACP

The State Water Control Board has advised the public and the DEQ that they intend to hold five public hearings pursuant to issuing the 401 permits for the ACP and the Mountain Valley Pipeline (MVP). Three of these will be for the former and two for the latter. All take place during the month of August at locations around

the state. Regular public hearings rules are in effect, and once completed, the SWCB must take at least 30 days to process what they have learned prior to issuing a permit or a request for additional information. Their guidance is spelled out in Virginia law:

The board shall deny application for coverage under this VWP general permit to any applicant conducting activities that cause, may reasonably be expected to cause, or may be contributing to a violation of water quality standards, including discharges or discharge-related activities that are likely to significantly affect aquatic life, or for activities that together with other existing or proposed impacts to wetlands will cause or contribute to a significant impairment of state waters or fish and wildlife resources.

Likely this will be taken up at their next quarterly meeting, which has not been scheduled as of late August. Two of the board members' terms have expired, effective in June of this year, and neither has yet been replaced by Governor McAuliffe.



THE WEIGHT OF EXPERT OPINION ON 401 WATER QUALITY CERTIFICATION

— Rick Webb, Dominion Pipeline Monitoring Coalition's Coordinator

FAILURE TO MEET MINIMUM STANDARDS OF SCIENTIFIC PROOF

A group of thirteen expert scientists and engineers submitted reports to the Virginia Department of Environmental Quality (DEQ) on August 22, 2017, finding that DEQ has failed in its duty to properly analyze and protect against the water quality damages the Mountain Valley Pipeline and Atlantic Coast Pipeline would cause to Virginia's waters. In the reports, one issued for each of the pipelines, the authors wrote that they had reviewed the information DEQ claimed to rely upon in its draft Water Quality Certifications (WQCs) and made their own independent assessments. The experts' conclusion in each case:

DEQ's draft WQC, which asserts that there is a "reasonable assurance" that Water Quality Standards (WQS) will be met with the conditions contained in that draft, cannot be supported by the evidence in the record and pertinent scientific authorities and knowledge. Such a finding in the Department's recommendation to the State Water Control Board (SWCB) would be professionally incompetent and would fail to meet minimum standards of scientific proof.

The authors of the expert report have a vast depth of experience and training (nearly 400 years in professional and academic posts overall) in the entire range of scientific and technical fields pertinent to DEQ's decisions on the pipelines. They include the incoming President of the American

Fisheries Society, a member of the Virginia Cave Board, and former senior engineers and scientists at the Virginia DEQ, the Virginia Department of Transportation, and the Maryland Department of the Environment. The group includes licensed professional engineers and geologists, professors from Virginia Tech and Washington and Lee University, authors of hundreds of peer-reviewed academic papers, and those who've served as expert witnesses in court for DEQ and other state and federal agencies. A complete list of the authors is included below.

"The authors of this report used strong language in our criticism of the proposed findings DEQ has made in its draft Certifications for the pipelines, because we are frankly dismayed to see an agency that's supposed to base regulatory decisions on science and law ignore the facts and betray the public," said David Sligh, Conservation Director of Wild Virginia and a Regulatory Systems Investigator for the Dominion Pipeline Monitoring Coalition (DPMC). The two groups included the expert reports as part of extensive submittals to DEQ during the comment periods that ended yesterday.

Rick Webb, DPMC's Coordinator said, "We are not criticizing the dedicated technical employees at DEQ and the other state agencies who've studied the potential impacts from the hugely disruptive projects. In fact, we cited the recommendations agency staff made in previous comments in which they explained why much more data and analyses were needed before protection of state waters could be assured, as the law requires; that permanent damages to our waterbodies could result and residents' wells and springs ruined without additional information and protective measures."

"What we are criticizing is the McAuliffe administration's regulatory proposals, which ignore the concerns and devalue the expertise of their own technical staff," stated Sligh. "DEQ must not proceed with flawed and scientifically unsupported recommendations to the State Water Control Board to approve Certifications for either project. If Director Paylor, Secretary of Natural Resources Ward, and the Governor mandate such an approach, then the members of the Water Control Board must play their roles as protectors of the public and reject those recommendations."

The experts behind these reports:

Dr. Paul L. Angermeier

Ralph Bolgiano

Malcolm Cameron

David Collins, P.E.

Ari Daniels

Dr. Pam Dodds, P.G.

Dr. David Harbor

Robert K. Johnson

Rick Lambert

William Limpert

Dr. Brian Murphy

David Sligh

Rick Webb

401 Permitting and the CRPA

CRPA members and friends can lend their voices to this process. Some of our concerns include:

1. Do DEQ and SWCB anticipate that it will have a complete 401 WQC application and that it will make the application available for public review prior to the hearings scheduled for August?
2. Will DEQ and SWCB require that Dominion provide detailed site-specific erosion and sediment control, stormwater management, and steep-slope stabilization plans as part of its WQC application?
3. Will DEQ and SWCB require that the plans provided by Dominion as part of its WQC application include site-specific plan view and cross-section diagrams of corridor and access road construction, showing the extent of excavation, the disposition of spoil, and the locations and specifications for erosion and runoff control and slope stabilization structures?
4. DEQ's 4/6/17 comments to FERC on the Draft EIS stated DEQ's concern that proposed temporary impacts to streams and wetlands could result in permanent alteration of impacted systems. DEQ recommended that Dominion conduct pre-impact characterizations to include sufficient evidence that these systems will maintain their original functions indefinitely after restoration. What does DEQ consider to be "sufficient evidence," and will DEQ and SWCB require this evidence as part of Dominion's WQC application?
5. DEQ's 4/6/17 comments to FERC on the Draft EIS recommended that Dominion perform dye-tracing studies to delineate subterranean flow in karst. However, DEQ stated that dye-tracing studies should occur after route approval and should not affect routing of the pipeline. Does this mean that DEQ and SWCB have determined that pipeline construction does not present a significant risk to karst groundwater systems? And information on karst groundwater recharge areas will not be required as part of Dominion's WQC application?
6. Will the DEQ and SWCB require Dominion to prepare Stormwater Management Plans and provide these plans as part of its WQC application?
7. Will the DEQ and SWCB require that Dominion's WQC application include a listing of the specific streams where instream blasting will be required? If so, can we also have available maps and supporting documentation for each?
8. Virginia imposes time-of-year restrictions for instream construction activity in trout streams and other streams with sensitive species. Dominion has indicated that it will adhere to these restrictions where "practicable," but that it may request waivers on a case-by-case basis. Dominion's plan for wintertime construction implies that waivers to time-of-year restrictions will be needed. Will DEQ and SWCB require identification of streams where waivers will be needed as part of Dominion's WQC application?



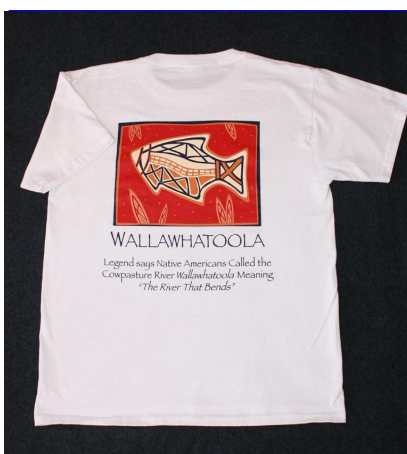
How Members Can Help

These questions are excerpted from the document that CRPA and the Jackson River Preservation Association (JRPA) submitted to the DEQ and the US Army Corp of Engineers after we hosted them in Bath and Highland counties in June. They are still not answered.

If you want to support our efforts to make Virginia's Department of Environmental Quality and the State Water Control Board do their jobs and enforce their rules and regulations for water quality, please write to the following state officials. Tell them you want answers. Tell them you want clean water. Tell them you want to protect our beloved Cowpasture River Watershed.

Member	Address	Term Expires
Robert Dunn, <i>Chair</i>	c/o Office of Regulatory Affairs Department of Environmental Quality P.O. Box 1105 Richmond, VA 23218	6/30/2018
Roberta A. Kellam	P.O. Box 205 Franktown, Virginia 23354	6/30/2018
G. Nissa Dean	c/o Office of Regulatory Affairs Department of Environmental Quality P.O. Box 1105 Richmond, Virginia 23218	6/30/2019
Heather Wood	c/o Office of Regulatory Affairs Department of Environmental Quality P.O. Box 1105 Richmond, Virginia 23218	6/30/2019
Robert H. Wayland, III	c/o Office of Regulatory Affairs Department of Environmental Quality P.O. Box 1105 Richmond, Virginia 23218	6/30/2020
(Note: Two additional members to be nominated by Governor McAuliffe.)		

All links used in this article are available at our website — www.cowpastureriver.org.



MERCHANDISE UPDATE!

There has been a big demand for more of the Wallawhatoola t-shirts. We are restocking our supply in both the red and green colors, as well as adding more styles (long sleeve, V-neck, etc.). The price will be \$15.

Our caps are back in stock for \$15 each. Check out our new poppy color!

We are in the process of adding new designs and items, so keep checking out our website and Facebook page for updates.

COLLABORATION UPDATE

by Dick Brooks, CRPA President

The Cowpasture River Preservation Association is stronger and better able to carry out our mission with the help and support of other organizations. We've long collaborated informally with like-minded groups, but more recently have added some formality to this. Begun under Nelson Hoy (see Spring 2017 River Runs), we now regularly participate and communicate with organizations as varied as the United States Forest Service; the public schools in Bath, Allegheny and Highland counties; and the Dominion Pipeline Monitoring Coalition. Here are some recent highlights. (For electronic copy readers, you can click through to visit their sites. Hard copy readers will have to enter the web address.)

Allegheny/Blue Ridge Alliance

abralliance.org/

ABRA continues its mission of, "Protecting the heritage, resources and economy of the Allegheny-Blue Ridge region" with 51 member associations including CRPA. We participate in their hosted functions and distribute their weekly updates to interested members and friends.

Dominion Pipeline Monitoring Coalition

pipelineupdate.org/

We have joined DPMC to support our common interest of preserving our watershed. DPMC does some of the best research available with their staff of attorneys, scientists and former public sector employees. Their series of story maps illustrate the many substantial risks posed by the proposed Atlantic Coast Pipeline project. Rick Webb and his team can always be counted on for accurate, first-class analysis.

James River Association

jrava.org/

CRPA has recently joined the JRA and looks forward to building on our shared water source.

Friends of Shenandoah Mountain

friendsofshenandoahmountain.org/

CRPA is a member of FSW and has endorsed the proposed Shenandoah Mountain National Scenic Area to receive permanent Federal protection. This 90,000-acre section of the George Washington National Forest includes part of the headwaters of the Cowpasture River.

Jackson River Preservation Association

JRPA and CRPA cohosted a daylong site visit to Bath and Highland counties for Steve Gibson, project director of the ACP for the United States Army Corps of Engineers, and David Paylor, director of the Virginia Department of Environmental Quality. Included were media, scientists and politicians to see firsthand the proposed construction and operation of the ACP. We visited and discussed river crossings, karst and springs, steep slopes and potential mountaintop leveling. Among the day's speakers were Bill Wilson of JRPA, discussing stormwater and flood conditions, and Bill Jones, who spoke on water quality, dye tracing of the aquifers, runoff and sedimentation and sensitive and threatened species.

MARK YOUR CALENDARS!

Fall River Clean-Up at Walton Tract – Saturday, October 21st

Volunteers will meet at the lower public access point (“rope swing”) at 1:00 p.m. for two teams to organize and collect litter along the river at our adopted site in the national forest.

Dress for outdoor litter collection. We provide the gear. Please contact Lynne at directorcrpa@gmail.com, or call 540-620-7795, if you plan on attending.



Twice annual clean-up along the Cowpasture at the USFS Walton Tract is a traditional community service of the CRPA. Please come out and help us if you can. It's more fun than it looks!

JOIN US FOR THE UPCOMING FIELD TRIP AT FORT LEWIS LODGE

Explore Riparian Buffer Areas

Friday, October 13th from 10:00 a.m.—12:00 noon

Fort Lewis Lodge

603 Old Plantation Way, Millboro, VA 24460



Riparian buffer areas are one of the best practical measures for protecting ground water resources. Fort Lewis Lodge has designed, installed and maintained some of the most conservation-minded riparian buffers in the Cowpasture River Valley.

Join John Cowden, the owner of Fort Lewis Lodge, and John Wright, Area Forester from the Virginia Department of Forestry, as you tour sections of the Fort Lewis Lodge property where these conservation practices have been put into place as part of the Conservation Reserve Enhancement Program (CREP). You will visit both a 10-year-old tree planting site as well as a one-year-old site that is in the process of being prepared for a fall planting. Reasons why certain species were recommended for planting will be discussed. Details of CREP requirements and benefits will also be explained. In addition, you will learn how Fort Lewis Lodge has excluded cattle from all of their waterways via this government program.

RSVP to Lynne Griffith at directorcrpa@gmail.com, or call 540-620-7795. We have room for 20 attendees. Anyone who RSVPs after that will be put on a waiting list in the event of a cancellation.

We will meet at the front of Fort Lewis Lodge and then caravan to two separate areas on the property grounds. Lemonade, tea and cookies will be provided.

Members' Corner — Let Us Hear From You on a Regular Basis!

Please email your thoughts and feedback to directorcrpa@gmail.com.

In response to Michael Hayslett's article in the Summer Newsletter regarding the North American River Otter, CRPA Member Paige Pistell Witte wrote the following:

I loved your article on the Northern American River Otter. We spotted some at Winding River Farm swimming in the Cowpasture River in August 2012. I have attached a few photos. Too bad I am not a better nature photographer! I have been visiting Winding River Farm every summer for 42 years and this is the first time I have seen them. I was with my three children (ages 8, 5, and 2 at the time). The otters weren't afraid of us at all. They just continued about their business playing in the water as we watched. My children really enjoyed that! Unfortunately we haven't seen them since but hopefully one day they will surprise us again.



Thank You To Our Loyal Watershed Members

Includes dues and gifts received since Nov. 1, 2016. Thanks for your continued support and welcome to our new members. **Total donations for current campaign = ~\$27,548.72.** **Bold names** = Gifts received since the summer issue.

(Note: Some donors ask that their names not be published.)

Bedrock Patrons

Christopher and Jeanne Carter

Kent and Ellen Ford

Penny and Garrett Gooch

Laura Loe and Will Loving — Nimrod Hall
(New Members)

Tim and Lynn Pistell

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Cathy and H. Bruce Thomson III

Ross Waller and Ann Huebner

Ann Warner and Camp Mont Shenandoah

Michael Wildasin

Wallawhatoola Society

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David Brooks

John and Caryl Cowden

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Larry and Nora Denius

LCdr. John P.DeVenny, Jr.

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Richard and Rosemary Sutton

Elizabeth Van Lear

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Robert Watts III

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Camille and William Marshall Wheeler

Jeremy and Laura White

Mac and Jane Williams (New Members)

Paige Witte

River Guardian

Phillip C. Agee

Mark Arnold

Sally Bingley

Caroline and Charles Bott

Ann Caldwell

John Chambers

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Howard and Nancy Dobbs

William and Michelle Fairley

Robert and Whitney Farmer

Carol and Allan Garby

Bean Garby (New Member)

Eddie and Karenna Glover (New Members)

Channing Hall

Bill and Christine Hardbarger

Michael Jamison

Lois and Gary Johnson

William Jones and Lee Elliott

Talfourd and Christine Kemper

Continued

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(Note: Some donors ask that their names not be published.)

Anne and Stephan Larrick
(New Members)

Jonathan and Elizabeth Lasley

William Lipscomb

Jean Ann and John Manner, Jr.

Stephen T. McLean (New Member)

Edward Metzger

Dick and Jean Miller

Alice D. Murray (New Member)

Joseph Murray and Anne S. Bryan
(New Members)

Robert Pasco

Christopher Peters

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Jim and Sarah Redington

Richard and Martha Ruggles

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Eleanor and Bill Washburn, Jr.

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Kathleen Gordon

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Michael and Dorothy Hayslett

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George Lipscomb (New Member)

Alex Lunsford (New Member)

Will and Bonnie Mahone (New Members)

Daniel B. Miles

H. Amanda Owen

Edgar Rhodes

James Slough, Jr. (New Member)

Rebecca and Stuart Smith

Cheryl Thompson (New Member)

Quintin Van Lear (New Member)

Deborah Voldrich (New Member)

Ten Eyck and Eleanor Wellford

Richard Williams (New Member)

David Wilson (New Member)

George D. Wood (New Member)

Elizabeth J. Young (New Member)

Junior Members

Katherine Dupoise

Bailee Leitch (New Member)

Barron Leitch (New Member)

Bryan Leitch (New Member)

In Memory of:

Mary Durham

by Garrett and Penny Gooch

William Hammond

by Garrett and Penny Gooch

Mrs. Fred (Peggy) Paxton

by Jean Manner

Martha Harris Rule

*by Covington Honda Nissan (Berry
Mullins, Mgr.)*

by William and Stephanie Cornett

by William A. Rule

Rosemary M. Sutton

*by Gary and Kathy Childs and Michael
Jamison*

Donna Thomson

by Garrett and Penny Gooch

by Don Thomson

The CRPA's annual campaign runs from
Nov. 1, 2017—Oct. 31, 2018.

Our current campaign is nearly
through its cycle. Dues and gifts
received during this campaign are
essential to the CRPA being able to
carry on its mission of stewarding the
Cowpasture River. Your support
makes the difference! **Please renew
for 2018.**

If we overlooked anyone or made an error, please let us know. We would like to correct any errors in the next newsletter. Please contact Lynne at directorcrpa@gmail.com.



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☐ \$50 River Guardian *Donation*

☐ \$100 Headwaters Circle *Donation*

☐ \$250 Watershed Steward *Donation*

☐ \$500 Wallawhatoola Society *Donation*

☐ \$1,000 Bedrock Patron *Donation*

☐ Memorial *Donation* \$ _____

in memory of _____

☐ \$12 Junior Membership Dues

☐ I am a NEW member!

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☐ Please send my newsletter by email version only.

☐ I am interested in becoming a volunteer and/or river monitoring.

