



## The Birmingham News

### U.S. Fish and Wildlife Service orders endangered watercress darter pond restored in Birmingham

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Federal officials have issued emergency orders to rebuild the Roebuck Springs pond where more than 1,000 endangered watercress darters were killed Friday when city workers destroyed a dam.

The U.S. Fish and Wildlife Service spent Tuesday studying the remaining mud flats and working with the U.S. Army Corps of Engineers to get an emergency permit issued for the work, said Fish and Wildlife spokesman Tom MacKenzie.

Birmingham city workers were expected to begin early today to carefully place sandbags in the breach, so that the pond will ultimately fill back to its original level, MacKenzie said. Surviving fish were moved Tuesday to deeper water.

Fish and Wildlife has instructed Birmingham not to use any more heavy equipment and to avoid further harm to the fish or the pond, he said.

The city was prepared to go to work immediately, said Don Lupo of the Mayor's Office of Citizens Assistance.

Officials spent Tuesday waiting for Fish and Wildlife to gather information and get emergency permission. Permits are required both for excavating in wetlands and for changing the habitat of endangered animals.

The city did not heed those rules when it tore down the dam last week. Lupo said everyone in the area was aware of the federal protections on the fish, and signs line Roebuck Springs warning against spraying pesticides near the water.

But the park's recreation center director said she was not aware she needed federal permission to drain the pond. She said she issued the work order to destroy a dam because of occasional floods at the adjacent tennis court.

Until then, the park's 50- to 60-foot wide pond was home to the largest population of the federally protected watercress darter, which lives in only four known locations, all in Jefferson County.

When the dam was breached, scientists said it was obvious the water immediately rushed out, leaving the tiny fish hiding in dry grasses or lying on mud flats. More than 1,000, possibly half the Roebuck Springs population, are believed to have died.

The Fish and Wildlife Service Tuesday did not comment on possible disciplinary action. However, it provided a list of similar events and the outcomes.

Although none involved local governments, fines and restitution amounts for aquatic kills ranged from \$25,000 to \$1.5 million when private companies were involved.

Liz Salter with the Alabama Rivers Alliance said she tested water Tuesday and found that the dirt had settled at the Roebuck Springs pond. She said results of other water tests were still irregular, although

results were not final.

The watercress darter is also found in Seven Springs in Powderly and in two Bessemer locations, the Watercress Darter National Wildlife Refuge and Glenn Springs.

The darter is 1 to 2 inches long and brilliantly blue with bright red and orange dots and bands.

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