Written Statement to the
House Subcommittee on Water Resources and the Environment

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Madame Chair and Committee members, we'd like to thank you all for the opportunity to testify on this issue of great importance to the people, economy, and environment of North Florida. I'm speaking on behalf of the nearly 2000 people who work in the Franklin County seafood industry and for the people who live and work in the six county region bordering the Apalachicola River.

Last May the amount of water coming from Georgia into the Apalachicola River faded to a trickle and stayed that way for nearly six months – the longest recorded period of low flows since record-keeping began in the early 1920s.

As the river water vanished, people and businesses began to suffer. The electric turbines that help supply the cities of Chattahoochee and Quincy fell silent and the electric bills of young and old began to spike. River and swamp levels in the upper Apalachicola ecosystem fell, so the water table did too, and the pumps used to irrigate crops were more costly to operate. The Tupelo trees that help make the world's sweetest honey delivered just half their normal bounty to beekeepers, and people started to catch saltwater fish five, 10 and then 30 miles upriver from Gulf of Mexico.

Then the lush aquatic grasses that normally cover the upper parts of Apalachicola Bay began to die off, leaving only barren sand and mud bottoms. The blue crabs disappeared, and fishermen pulled up pots mostly in vain.

The summer progressed and soon the effects of the low flows could be seen everywhere. The flounder and white shrimp catches crashed to historic lows, and entire oyster bars died off from the combined stress of lack of freshwater and a huge wave of predators that came in from the Gulf of Mexico due to the excessive salinity in the Bay.

Even the color of the water in the Bay changed. The entire ecosystem was impacted and at this time we still don't know the full extent of the damage because the drought isn't over.

Madam Chair, this is not a case of people vs. mussels. It is about finding a way for all the vital needs along the river to be fairly balanced – from cities to farms to seafood producers to the environment.

That principal of fairness in dealing with this nation's great rivers goes back to our first president and to the very foundations of our Constitution. In March of 1785 George Washington invited delegates from Maryland and Virginia to his home at Mount Vernon to resolve disputes over the Potomac River. The country was young and fragile, still without even a Constitution or president. Yet under Washington's guidance the Maryland/Virginia Compact became law and that success helped lay the groundwork for the Constitutional Convention of 1787, and for Congressional oversight of the system of fair and balanced interstate commerce that is the foundation of our economy even today. Congress has a role to play in this issue, and we appreciate that role. The U.S. Department of the Interior and other federal agencies do not have the only authority over water issues.

Madame Chair, the economy of Franklin County's seafood industry and many of our neighbors upstream rely on the Apalachicola River.

The river and its flood plain provide a myriad of recreational hunting and fishing opportunities used by generations of local residents. The river provides nutrients for one of the most productive estuaries in the northern hemisphere, and the Bay is a nursery for species from all over the Gulf of Mexico. Recreational fishermen, commercial fishermen, beekeepers, the timber industry and the tourism industry all benefit from and depend on this natural chain.

The National Oceanic and Atmospheric Administration has designated 246,000 acres of the lower river and Bay as a National Estuarine Research Reserve, and the United Nations has also designated it as an International Biosphere Reserve, which draws visitors from all over the world.

Here are some details of what can happen when the system is disrupted. For generations shrimp fishing has been a cornerstone of our economy, yet in 2007 the white shrimp harvest crashed by almost 90 percent compared to the 2000 to 2004 period, and the brown shrimp harvest declined by 55 percent, according to preliminary figures.

The proud owners of the small shrimp boats who have worked inshore waters for generations suffered mostly in silence, embarrassed that they could no longer provide for their families. Boats fell into disrepair and even sank at the dock, and shrimp houses fell silent, too, depriving many workers of paychecks.

The blue crab catch from the Bay in 2007 declined by about 55 percent from the previous year, and the flounder catch declined by about 40 percent.

I list these different species because these declines suggest how severe the impact of the drought was on the entire ecosystem. Even with different life cycles and feeding habits, all suffered.

Our oyster fishery was hit in two ways. When entire oyster bars died off during late summer and others failed to produce as they had in the past, virtually our whole fleet of

oystermen focused on one area of the bay, threatening to wipe it out. And while the total harvest looked good, in fact the catch per boat declined as the drought progressed.

Though ample rainfall over the last three months has eased the pressure, any Tri-state settlement that fails to take the needs of the entire system into account could doom our river, Bay and way of life by locking in low flows every year.

Oysters play a key role in maintaining our water quality since they are filter feeders. If our oyster beds die off we'll head towards the same situation as Chesapeake Bay, where state and federal authorities have spent vast sums trying to repair the damage done to nature. The roughly 6,000 acres of oyster reef in Apalachicola Bay have an economic and habitat value of just over $21,000 per acre, or $130,680,000 in total. We say it makes moral and economic sense to protect what we have rather than to destroy and rebuild.

Since the late 1960s state, federal and private groups have been purchasing uplands and wetlands in the Apalachicola River and Bay drainage basin to protect this unique and productive system. During this period approximately 261,928 acres have been purchased and put into public ownership and hundreds of millions of dollars have been spent, mostly by the state of Florida. The St. Vincent National Wildlife Refuge, a 12,358 acre barrier island, is located on the southwestern side of Apalachicola Bay and surrounded by some of the most productive oyster bars in the nation.

Madame Chair, here are two closing points. Much has been written and said about the disputes between these three states, but I would like to say that I'm honored to sit here with representatives from Georgia and Alabama.

My mother was born in Georgia and graduated from the University of Georgia. My uncle has spent his entire adult life in Huntsville, Ala., working for NASA. In fact, the people of North Florida have much in common with our neighbors in Georgia and Alabama. There are deep family, economic, cultural, environmental ties. These river systems belong to us all, not to one.

In fact, many people from Georgia and Alabama visit our river and bay and even buy property in the area. So we say to the farmers and people of Atlanta: let's try to work together in a fair and open way to find a balanced solution based on science that meets your needs as well as ours.

Here are some specific recommendations we have to reach that goal:

That the federal government and states move away from closed door negotiations and start a transparent process with all interested parties to:

• Use independent experts and knowledgeable local experts to determine the water flows that the river and the Apalachicola Bay need to maintain their vital productivity;

• Set legal limits on water use within the tri-state basin (i.e. "cap" the water use to ensure that river flow requirements can be met);

• Assess the water conservation potential among all users in the basin — agricultural, municipal and industrial — and determine the most cost-effective investments and who will pay for them; and

• Embody these agreements in a durable tri-state compact with strong enforcement mechanisms.

• Fundamental inequities that currently exist between the states need to be corrected. For example, growth management in Florida requires those seeking building permits be able to demonstrate that sustainable freshwater already exists to support that new usage. Georgia does not require this as part of the new development process.

• The recent ruling in the D.C. Court of Appeals that overturned an award of 750 mgd for Atlanta needs to find immediate implementation in actions by the Corps of Engineers to modify the current Exceptional Drought Operations plan and release the increased amount of water downstream.

• If the State of Georgia seeks to get Municipal and Industrial Water Supply added as a "Congressionally Authorized Use" for the waters in Lake Lanier, then there should be another "Congressionally Authorized Use" added for the "Protection and preservation of the health, ecology, and productivity of the Apalachicola River, Flood plain and Estuary."

• There needs to be close Congressional oversight of the Corps of Engineers development of an updated Water Control Plan (WCP) for the ACF system, including a comprehensive scope for the Environmental Impact Assessment. The number of water contracts between the Corps and M&I water users in the Greater Atlanta area approved since the last approved WCP must be individually justified and shown not to over-allocate the Chattahoochee.

• The current Exceptional Drought Operation plan should be expanded to include consideration of alternative water supply sources for the Greater Atlanta Area other than the Chattahoochee.

• The EPA requirements to handle Atlanta's inadequate and malfunctioning waste treatment systems by fine only must be corrected. EPA should not approve reducing the current flow requirement at the Peachtree Creek.

One final point, Madame Chair. Some have suggested that these water disputes are simply a matter of big vs. small, hinting that those areas with fewer people and less power must lose out.

That would set a disastrous precedent not only for our region, but the entire country. If some say that big must always win, that sets the stage for every minority to lose. That is not the American way. I mentioned our first president before, and I'll close with a nod to the sentiment

about small places that Daniel Webster first expressed to the U.S. Supreme Court in 1818, which is still true today.

The cities of Apalachicola, Wewahitchka, Blountstown and Chattahoochee are small places, yet there are those that love them.

The people and the environment of North Florida deserve to be treated as equals, and we thank you and this Committee for giving us that opportunity.