

APALACHICOLA

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TRI-STATE WATER WARS: UPSTREAM USES, DOWNSTREAM EFFORTS



Welcome to St. George Island and Apalachicola

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*This report forms part of a series
written by current NRLI Fellows.*

*Reports represent and are a product
of the experiential learning process
that is a highlight of the NRLI pro-
gram and have not been formally
peer reviewed.*

The Sixth NRLI session was held on beautiful St. George Island, Florida. The mood of the class was upbeat, but tempered by the realization that we were nearing the end of our time in the NRLI program. We stayed at the oceanfront Bucca-
neer Inn, which had a beautiful view of the beach along the Gulf of Mexico. After we finished a delicious lunch prepared by the multi-talented Candy Kaswinkel, Laila Racevskis proceeded with Welcome, Introductions and Review of the Previous Sessions. Fellows have become much more relaxed and now feel more a part of the NRLI family since our first session in Bradenton. She asked us to remember that first session, why we are here and the leadership skills we have acquired and developed. We briefly went over our group norms and thought about how the personal transformation process is a continual process.

Mr. Bill Mahan, the very friendly and personable Franklin County Extension Director, provided us with an informative overview of Franklin County. During his introductory talk he noted some of the unique challenges facing the County. These included reliance on the seafood industry as the primary economic driver; that 45% of adults 25 years and older are functionally illiterate, and that the poverty and teen pregnancy rate is very high relative to other counties in the state. The largest private landowner in Franklin County is the St. Joe Company, which was once of the largest timberland management firm in Florida and has recently begun to divest itself timberlands and moved into the real estate development market. State and federal governments own large tracts of forest land. The remaining 20% of developable land is held by small landowners and is generally found along the coast. The re-



Bill Mahan, Franklin County Extension Director welcomes NRLI Fellows to Franklin County during the first day. (Photo by Candy Kaswinkel)

cent down turn in the housing market has slowed real estate development and led to a loss of local construction jobs. The mandated oyster industry closures, due to problems associated with changes in fresh water flow rates from the river have also resulted in the loss of local work. Together they have had major economic impacts on the community since the local economy has been heavily dependent on these two industries.



NRLI Fellows take a break from class to enjoy the clear skies and sunshine. One of the many benefits of NRLI is being able to get outside and enjoy the great outdoors

Introduction to Mediation—A Core Skill



Above Left: Tom Taylor of the Florida Conflict Resolution Consortium teaches the principles of Mediation. As a member of the NRLI Project Team, Tom joins the staff each year to teach a core skill to the Fellows. Center and Right: NRLI Fellows team up with a Project Team member to do an exercise that helps to reinforce mediation skills. (Photos by Candy Kaswinkel)

An introduction to mediation was taught by Tom Taylor, Assistant Director of the Florida Conflict Resolution Consortium at Florida State University. Fellows were placed into groups of three to participate in a role playing exercise with the objective of learning the importance of a neutral facilitator in managing conflict. Fellows were assigned roles of Urban Director, Neighborhood Representative, or Homeless Task Force representative. A representative of each role was placed into a group and the fun began. Each person in their assigned role had a preferred outcome. By implementing our assigned roles within the group the intricate process of negotiation emerged. Our performance was based on a final score according to a point distribution system designed for this exercise. The exercise illustrated the value of identifying potential trade offs, and their use in reaching a more satisfying agreement. We reviewed the conceptual framework for negotiation and mediation, learning about the three approaches: Soft (seek agreement, treat others as friends, change position easily, etc.), Hard (seek to win, treat others as adversaries, stick rigidly to your position) and Assessment-Idea Generation- Mutual Agreement (seek a wise outcome, agree to be co-problem-solvers, explore interests and be flexible on means to end). Groups entered the Groan Zone, as they struggled to integrate new and different ideas with their own, while recognizing temporary experience of conflict and confusion as an essential element in the creative process. Listening skills were also essential to being successful in this mediation exercise. Fellows attempted to build a cooperative climate, listen to each other to explore options and alternatives, and work towards an agreement (through trade-offs), one issue at a time.

The Apalachicola-Chattahoochee-Flint Basin (ACF)- An Overview



Steve Leitman has worked on environmental management issues in the Apalachicola-Chattahoochee-Flint Basin (ACF) for many years and in different roles. He has worked for the federal government; state government and several non-profit environmental groups, including Gainesville based Florida Defenders of the Environment. In the ACF Compact negotiations he was part of Florida's negotiating team and worked as both their water system modeler and in organizing Florida stakeholder involvement.

Mr. Leitman provided NRLI Fellows a comprehensive and informative overview of the Apalachicola-Chattahoochee-Flint Basin Compact. The compact was the result of efforts to negotiate a basin wide water allocation formula for the states of Alabama, Florida and Georgia. This 20,000 square mile basin lies within the three states and is a primary water supply for many of its residents. Water quantity allocation and the timing of withdrawals have led to conflict between the three states over the use of water from the Apalachicola-Chattahoochee-Flint river system. Upstream urban and agricultural uses and (ACF Continued on Page 6)

A Day on the Bay



Ron Harrison, general manager of Leavins' Seafood, show the Fellows oysters waiting to be processed for shipping.



Stacks of oysters on the half shell ready to be frozen for shipment to restaurants and caterers. (photos by Candy Kaswinkel)



Seth Blitch with ANERR talks to the Fellows about the impacts of upstream uses on the Apalachicola area.

California. Their trucks rack up a combined total of about 8,000 miles per week.

Arriving at Leavins', NRLI Fellows quickly noticed a very clean, neat and well organized business located directly on the water. Orderly piles of empty oyster shells could be seen stacked between buildings and industrial styled structures (some vacant) lined the waterfront adjacent to the seafood company. We were met by the company's general manager, Ron Harrison, who provided a brief history of the company and overview of what Leavins' Seafood products. Mr. Harrison explained the difference between aquaculture and wild harvested oysters, and how the oysters are extracted from the sea by a tool resembling a post hole digger or pair of tongs. The company contains two 55 acre tracts of beds that are privately leased. The company considers itself as sustainable because they actively take clutch material (empty oyster shells) and deposit them on the estuary floor to assist in the settling of natural spat, usually within 13 weeks.

Mr. Harrison explained to NRLI Fellows that the primary regulating authority over the handling and sale of oysters is the Florida Department of Agriculture and Consumer Services. He described the basics of *Vibrio vulnificus* and *Vibrio parahaemolyticus* and how these naturally occurring organisms found in water multiply when the temperature exceeds 71 degrees. To meet the concerns of the companies clients Mr. Harrison described how the Leavins' Company uses a systematic method of harvesting from approved waters, tagging all oysters so that they are traceable to source waters and plant treatment, keeping all oysters in a refrigerated environment (<45 degrees F) and frozen to 0 degrees Fahrenheit before shipping. We reviewed the shucking room with it's two dozen busy work-

ers at various work stations, and visited the Freezing Room- with their nitrogen patented process (carbon dioxide leaves an after taste) on display. The line of production generally follows that oysters are transported to the Freezing Room, rinsed in fresh water, frozen, and then put through another fresh water bath to prevent freezer burn. The finished product of frozen oysters can be in the form of whole shell, half shell or just the oyster meat.

It is interesting to note that China has expressed interest in Leavins' Seafood, Inc. because of China's issues with low water quality and the negative impacts this has had on their seafood industry. NRLI Fellows left the tour with a better understanding of how important it is to maintain the health of the fragile bay and how the bay's health is vital to this working waterfront and the people of this small community. We also learned how a business that has been in existence of over 35 years finds innovative ways, with the cooperation of the University of Florida, to adapt to the challenges facing the seafood industry.

The next stop was the Apalachicola National Estuarine Research Reserve (ANERR). Established in 1979, the Apalachicola National Estuarine Research Reserve (ANERR) is one of 25 sites designated by the National Oceanic and Atmospheric Administration as a Research Reserve. The program is a federal/state partnership with the Florida Department of Environmental Protection and was established to provide opportunities for long-term estuarine research and monitoring, estuarine education and interpretations and resource management. At the ANERR, NRLI fellows viewed diverse and amazing displays of stuffed snakes, foxes and raccoons, touched the giant **Field Trip** (Continued on page 6)

Early the next morning, the NRLI team loaded into the vans and headed over the bridge to the town of Apalachicola. Our first stop in a multi-destination field trip was Apalachicola's largest industry and largest employer in the County: Leavins' Seafood, Inc. This trip put a "face" on the issue of Upstream Uses - Downstream Effects. Leavins' Seafood is wholesale seafood company that started back in 1972. It currently employs 25 fishermen and women, a staff of 75 with drivers delivering wholesale seafood to distributors from Key West to



Apalachicola Stakeholder Panel L-R: Smokey Parrish, Van Johnson, Billy Dalton, Lee Edmiston, Becky Blanchard, and Don Tonsmeire.

The Stakeholder Panel Discussion was used to explore how the ACF conflict was impacting the local community economically, environmentally and socially. The panel consisted of Van Johnson, Mayor of Apalachicola; Smokey Parrish, Franklin County Commission; Lee Edmiston, FL Department of Environmental Protection; Dan Tonsmeire, Apalachicola River Keeper, Billy Dalton, Franklin County Seafood Worker’s Association and Becky Blanchard, graduate student, University of Florida. The moderator was Rob Northrop.

Much of the discourse centered on the need of the community to have open access to a healthy estuary basic to the economic survival of community. Participants indicated that most of the construction jobs that had developed during the past 10 years of the revved up real estate market had disappeared and that many families were once again depending upon the estuary and harvesting oysters to make a living. This change of events has led to severe fishing pressure and prompted concern about the long-term viability of the oyster resource.

Smokey Parrish, Chairman for the Franklin County Commission, had participated in the failed ACF negotiations and today continues to work with local and state representatives to reach an acceptable compact. He expressed concern about not reaching a compact and the effect that it would have on the people of the county. He described the residents as the ‘salt of the earth’, who loved the land that they lived in, struggled with high levels of illiteracy, a small taxable land base, and a primary seafood industry held at risk by the water use of a large and removed urban population.

“Southern Fried Water Rights” A Negotiation Exercise

Building off his presentation, ‘Southern Fried Water Rights’, Mr. Leitman drew us into a negotiation exercise to illustrate the conflicts and possible solutions to finding the common ground needed to reach consensus on the allocation formula needed to activate the ACF compact before the 2012 date set by the 2009 federal ruling. He reiterated some of the complexities of the public policy debate, including the use of positional rather than interest-based negotiation. Break out groups were formed with one facilitator, and three NRLI Fellows who assumed the role of the Governor of Alabama, Florida or Georgia. Each Fellow was given a set of negotiating positions and interests. Each group defined a process that they believed could lead them toward resolution of the allocation model before the 2012 deadline and presented their findings to the NRLI fellows and faculty. The exercise highlighted the need for interest-based negotiation, listening skills and creativity in the design of a process that could lead to the organization of an allocation model that would be acceptable to all three states and their political leaders



Above: Fellows work together on the Negotiation Exercise outside the ANNER facility. Left: Ginger Adair represented her group to present their findings of the exercise as Tom Ostertag looks on.

ACF. (Continued from page 3) withdrawal rates and their downstream effects on the ecological health of Apalachicola Estuary served as the backdrop for this month's session on mediation and negotiation.

Mr. Leitman's presentation, 'Southern Fried Water Rights', drew upon his 30 years of experience in modeling and negotiating for various government agencies involved in ACF basin. His wealth of knowledge and history on the subject made for an informative and entertaining presentation. Mr. Leitman provided background on the ACF Basin negotiations, and the needs and concerns of many of the users within the three states. He introduced the complexities of public policy and management of water flow and uses, reservoirs, and dams. He enumerated the effects of changes in flow regimes on the fragile riverine ecosystem and emphasized the effect on the health and productivity of the Apalachicola estuary and the importance of environmental quality for the seafood industry; an industry that is the chief economic engine for Franklin County. He contrasted the water issues of the ACF basin with the basins in the western United States. The ACF basin has a large watershed with a small amount of storage potential while in the western U.S. large big river systems generally have a large amount of storage potential. NRLI Fellows were told about the latest federal court ruling that Lake Lanier, in Atlanta, was initially approved only for hydroelectric generation, flood control and irrigation, and that upstream withdrawals from Lake Lanier by Georgia are illegal. News of the ruling led to a lively discussion about the role of politics in driving the process to develop a consensus solution to the problem of allocation before the federal ruling takes effect in 2012.

The ACF Compact was the first Interstate Water Compact in the United States since the passage of the major federal environmental laws in the 1970's, and the first ever in the southeastern U.S. It presented a major opportunity to manage the basin as a system. But the allocation formula negotiations resulted in no agreement and led to the termination of the ACF Compact, leaving the three states without a formal agreement.

Lunch, another delicious meal, was served in the Buccaneer Inn Conference room, after which all NRLI Fellows participated in the Practicum Process and Progress Update with NRLI Faculty. The exercise assisted many fellows in working out the final details of their practicum and provided them with an opportunity to discuss ideas and challenges with other fellows, obtaining valuable feedback and suggestions. An interesting result of this exercise was the realization

of how much of a bond has been formed among colleagues. Feedback was very honest and straightforward, and provided alternatives and ideas that may not have otherwise occurred

Field Trip. (Continued from page 4) skeletons of a dolphin's vertebrae and horseshoe crab shells, and felt the fur of about a dozen mammals that live within the area. Before embarking on our boat tour of the lower river, we were provided with a briefing from ANERR director Seth Blicht. Seth was very knowledgeable and friendly, which made for a very enjoyable and informative tour.

As we left the research reserve on foot and headed down towards the dock, we noticed more neatly organized piles of oyster shells being moved around and loaded onto trucks. Once we were all loaded on the boat, outfitted in sunglasses, warm hats, coats and scarves, Captain Jim skillfully maneuvered us out of the dock, along the old waterfront and towards the mouth of the river. Our destination was an old spoil site used during dredging operations on the river.

We traveled up the river for seven or eight miles to the spoil island. On our way there we saw various species of bird, were briefed on the complexities of salinity gradients and their importance to the productivity and diversity of the estuarine ecosystem. Seth explained the importance of the Apalachicola Bay as a marine nursery for the Gulf of Mexico. We arrived at the spoil island on an area along the river bank where huge amounts of dredged river material had been deposited. Seth discussed how the oil island disrupted the flow of water and changed the shoreline ecosystem, reducing plant diversity and changing the habitat for fish and land vertebrates. Animal tracks on the spoil (hog, raccoon and deer) indicated that some local fauna were using the spoil. Seth provided answers to all questions posed to him by NRLI fellows, and even provided insightful feedback on what it is like to live in such a small community that is so dependent on the health of the estuary. It was becoming more apparent that people of this community are intimately tied to this environment. We walked away from this tour armed with some understanding of the interconnectedness of all these systems and how sensitive and fragile the habitat is to changes in upstream uses.

Dealing with Difficult Dynamics



Paul Monaghan, Chris Johns, Ginger Adair and Staci Braswell work on the Dealing with Difficult dynamics exercise.

Jon Dain and Bruce Delaney began the day by teaching a class on Dealing with Difficult Dynamics, with an emphasis on individual characteristics that were particularly disruptive in a group decision making setting. Bruce provided a partial list of disruptive personal characteristics that often encountered in-group settings, they included: the blamer, the

emotional person, the person who provides no input, and so on. We were encouraged to identify with the characteristics on this list. Sometimes we saw these in ourselves, and at other times we recognized these types from our own experiences organizing and facilitating meetings. We worked in small groups of four or more and identified one specific disruptive characteristic that we wanted to work on. We considered why we thought a person might be displaying such a characteristic or difficulty, and then how we might approach resolving the problems posed by this disruptive characteristic in a group setting. Each group provided an overview of their specific disruptive characteristic and the approach they proposed to the difficult dynamic it created.

A Tri-State Stakeholder Process



Senior Policy Director of the Apalachicola River Keeper, David McLain provided a brief presentation on the Apalachicola, Chattahoochee, Flint (ACF) Stakeholder process, and the process they have been following in working together to share a common resource: water. He posited thought provoking questions that stimulated discussion on the organization and management of stakeholder processes. His presentation stressed the importance of: 1. Describing how the stakeholder process came into being; 2. The goals of the organization; and 3. Assessing the organization's overall process of getting water allocation models resolved.

DEBRIEF

Jeff Hill expertly facilitated the Debrief Session. He left the NRLI Faculty out of directly participating in the debriefing and focused on NRLI Fellows to carry out his exercise. NRLI Fellows were asked to think about the three major themes of the session: 1. The river and the allocation controversy; 2. The responses of the people and the stakeholders; and 3. Negotiations and effects of their outcome. Breaking us into groups he asked us to think about the ACF compact and our impressions before the change, and the activities that got us from the beginning to the end. Group Two's response discussed the response of the state and the stakeholders involved while Group Three focused on the tools of negotiations. Group One indicated that Florida had not made any progress between 1997 and 2003.

FEEDBACK PANEL

Joy, Paul and Chris did an excellent and humorous job hitting on some of the highlights of Session Six. They provided feedback on possible changes to the NRLI approach, such as more focus and time spent on actual skill development versus trips to various locations around the state. Their presentation provoked an extended dialogue on potential changes in the future NRLI programming between the fellows and faculty.

