SESSION
07
March
2013

REPORT
BY
CLASS XII
NRLI

FLORIDA NATURAL RESOURCES LEADERSHIP INSTITUTE

Apalachicola: Threats To A Productive Estuary

Scenes from Apalachicola

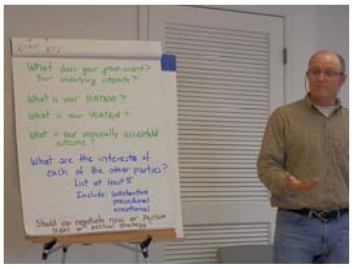
this issue

Bill Mahan, Franklin County CED, talks with Katrina Locke after his presentation in Apalachicola..

The last content session for NRLI Class XII began with lunch at the Buccaneer Inn Conference Room on St. George Island, Florida. After lunch, Paul Monaghan introduced us to Bill Mahan, Extension director for Franklin County. Bill talked about how the community relies heavily on oyster production; about 1,700 oyster -harvester licenses are issued , of which about 300 persons harvest full time.

Confusion over harvesting regulations after the 2010 BP oil spill and severe drought in the Southeast U.S. that caused a crash in the oyster population created conditions that negatively impacted the Franklin County economy. In addition, net ban regulations enacted in Florida in 1994 had previously resulted in fewer opportunities for local commercial fishers to make a living by harvesting a variety of seafood throughout the year.

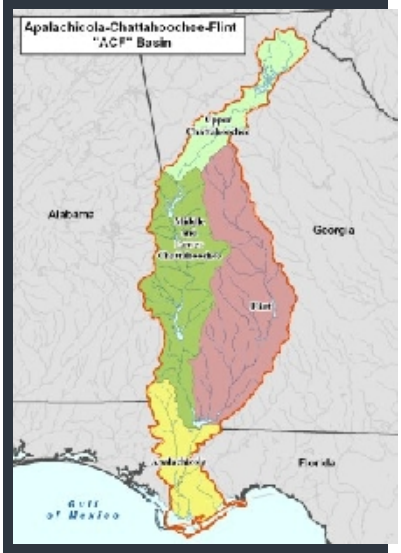
We learned that a significant portion of workers in Franklin County lack high school diplomas because most locals work in fisheries, for which a diploma is not needed. In addition there are several corrections institutions in the county that also provide career paths for residents. In response to the economic downturn after the BP oil spill and currently in response to the unrelated oyster die-off, two local community organizations were established: Franklin's Promise Coalition (FPC) and Bridges to Circles. Both organizations help locals get educated and seek to stop the cycle of poverty. The FPC supports residents while they study for general education diplomas (GEDs), and 15 people earned their degrees during the past month.



Jon Dain summarized our sessions to date during "Looking Forward

Franklin County has a population of about 12,000 and a high poverty rate; many families are led by single moms. It is the only county in the state that the U.S. Department of Agriculture declared as 100-percent qualified for free and reduced lunch.

Following Bill's presentation, Jon Dain summarized our sessions to date during the Looking Forward/Looking Back part of the agenda. He told us what to expect for this session as well.



Photos above from top: Don Tonsmeire; area map of the ACF; Don Tonsmeire summaries major impacts to the Apalachicola Bay,; NRLI Fellows listen intently to presentation n the Impacts to the Apalachicola Bay as it relates to the ACF Water Wars.

THE ACF and the Apalachicola Bay

Apalachicola Riverkeeper Daniel Tonsmeire was our context speaker. Jeff Spraggins, a Riverkeeper volunteer, was also present.

The Riverkeepers protects the river, bay, watershed, and tributaries— including its ecological, economic, and commercial fishing integrity. Riverkeepers are more than just environmental conservation associations; they work with the seafood industry and the folks who use the river.

The Apalachicola, Chattahoochee, and Flint rivers make up the Apalachicola-Chattahoochee-Flint (ACF) Basin, which begins in northern Georgia and flows south to Apalachicola Bay. The basin drains nearly 20,000 square miles and provides water resources for three states: Georgia, Florida, and Alabama.

The ACF Basin has five major federal reservoirs. Lake Lanier has the largest storage capacity and receives the highest recreational use of any U.S. Army Corps of Engineers project in the United States. Lake Lanier provides drinking water for the 11-county metropolitan region of Atlanta, and has economic impact of $5 billion a year. A 22-year court battle over distribution of water from the lake ended in the summer of 2012, with the determination that Army Corps has authority to regulate the water—however, the settlement provided no instructions about how they could use that authority. The one exception is that when the Apalachicola River flows at less than 5,000 cubic feet per second, the Army Corps is obligated to release water from Lake Lanier. In 2011 and 2012, the river experienced the lowest flows on record. The low flow of freshwater into Apalachicola Bay was one of the contributing factors to a severe die-off of oysters, which devastated the commercial oyster trade and related industries in Franklin County. Oystermen had previously harvested 18 to 20 bags of oyster per day, but we were told during our NRLI session that harvest was currently as low as 2 to 3 bags. Other seafood resources also have been affected by the reduced water flows into the Bay.

Water flowing through the ACF Basin provides irrigation for the $2 billion agriculture industry in Georgia. The lakes in the basin are used mostly for recreational purposes, although lake water withdrawal is sometimes used for irrigation and drinking water .

We learned from the context speaker that the Army Corps claims no obligation to maintain freshwater flow into Apalachicola Bay. However, they do have to maintain freshwater flow to protect threatened or endangered species, specifically two mussels species and a sturgeon species.

The Apalachicola River Basin has the largest forested floodplain in Florida (112,000 acres) and contains the highest species diversity of any river system in North America. Of the Apalachicola River species, 85 percent use the floodplain to forage, to spawn, or for shelter during hot seasons. The river has almost every federal and state environmental designation, including Outstanding Florida Water and Outstanding National Water. This includes most of the harvested species which must spend some part of their life cycle inshore in the marsh and seagrass environment.

Apalachicola Bay historically contributed $200 million to the local seafood industry revenue. Harvests from the bay provided 90 percent of Florida oysters and 10 percent of U.S. oysters, in addition to supplying shrimp, crab, and finfish. The river has almost every federal and state environmental designation, including Outstanding Florida Water and Outstanding National Water.

(ACF *continued on next page)*

ACF. *Continued from previous page*

Major threats to the Apalachicola Bay estuaries include the following:

1. Declining river stage; widening of river from dams and dredging
2. Reduced flow woody debris removal
3. Loss of fish habitat and fish
4. Reduction of all aquatic species
5. Drying out of floodplain forest
6. Decrease in forest density, including a loss of four million trees that are not regenerating (e.g., 4 million tupelo trees have been lost; old ones are dying, but new ones are not coming back in)
7. Disconnected sloughs
8. Declining seafood harvest
9. Loss of nutrients and organics
10. Increased salinity, water temperature, and disease
11. Increasing collapse of the food chain; the base of which is the crawfish
12. Above normal nutrient loads (plumes of which can extend 200 to 300 miles into the Gulf of Mexico)

Multiple agencies have roles in the bay's management including the following:

- Florida Department of Agriculture and Consumer Science sets the seasons and bag limits and harvesting per acre.
- Florida Department of Environmental Protection opens and closes the bay due to water quality.

Florida Fish and Wildlife Conservation Commission enforces the regulations.

As it has been said, "Never waste a good crisis." Rather than wait on governments, regulators, and states to solve the problem of freshwater flow and usage, stakeholders in the Apalachicola area have formed an organization called SMARRT: Seafood Management Assistance Resource and Recovery Team. This collaborative effort seeks to create better management practices for the bay and make it resilient.

Negotiation Planning

Following the context speaker, Jon Dain and Paul Monaghan introduced the afternoon activity: Negotiation Planning. We broke into groups and each group was given a different stakeholder role.

Negotiation Scenario: A railroad was slated to have its rails removed. Right-of-way easements purchased by the railroad company were supposed to revert back to the original owners if the rail line was terminated. As the railroad right-of-way cut through a variety of settings and ownerships, multiple stakeholder groups were interested in opportunities (often conflicting) posed by this change in land use.

Each stakeholder group was to lobby for its desired outcome. For example, a statewide nonprofit that purchases rail right-of-ways for bicycle and walking trails; county park administrators; and a small town where the owners wanted the right-of-ways that historically belonged to their properties.

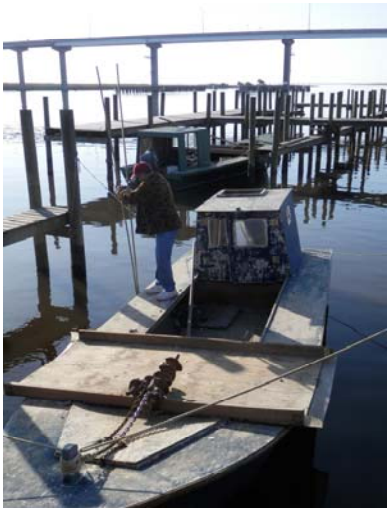
Each group had to develop political (power), legal (rights) and collaborative strategies and to identify both best (BATNA) and worst (WATNA) alternatives to a negotiated agreement (outcomes and time, dollar and relationship costs). Each group reviewed its interests and those of the other stakeholder groups (substantive, psychological, and procedural). Each group also retained the option of the "avoidance strategy" (i.e., do nothing and see what happens). At the end of the exercise the different stakeholders groups presented their BATNAs and WATNAs.

A VISIT TO AN OYSTER PROCESSING OPERATION

Our second day started with a field trip to Leavins Seafood located on Water Street in Apalachicola. Darren Guillote, who manages the oyster operation at Leavins, was our guide.

Grady Milton and Alice Leavins are the owners of the business that opened in 1972. The operation typically shucks 50,000 pounds (about 500 gallons) of oysters a day. The typical rate is $30 bushel; one bag weighs 60 pounds. However, the current die-off has greatly diminished the operation capacity.

When he started in 1985, Darren said there were lots of oyster shuckers available for employment. However, it is hard to get shuckers these days. The company relies heavily on visa workers (legal non-residents who are allowed into the country for specific jobs that American residents will not or cannot do). Twenty of the shuckers at Leavins are on visas and ten are American shuckers. Leavins Seafood tried to get 40 visa workers, but the Office of Immigration only approved 20. It costs Leavins $2,500 per employee, which covers the visas, travel to Apalachicola, and a place to live. Workers pay the rest of their personal expenses. An average worker can shuck 15 gallons a day and is paid $9 per gallon for shucked oysters.



Darren demonstrates how oysters are harvested.

Oysters are best during the cool season: January through April. Beginning in May, harvested oysters must be refrigerated on the boat *or* the boat needs to be back at the dock within four hours so that the oysters can be refrigerated.

This dredge boat cannot be put in public waters and so operates only in the company's leased oyster beds.

The oyster die-off is a controversial issue. Some say that the lack of oysters in Apalachicola Bay is due to the Florida Fish and Wildlife Conservation Commission liberating oyster harvesting to five days per week back when the BP oil spill hit the Gulf of Mexico. Others blame oyster harvesters for taking oysters that were too small. Harvest guidelines may have been interpreted in different ways, but the goals were the same: to allow the oystermen to get the oysters before oil potentially reached the oyster beds. The oil never reached the area, but the drought played a major role in the die-off, as the decreased freshwater flow into Apalachicola Bay made it too saline to support healthy oyster growth. (See a report by the University of Florida Oyster Recovery Team, which was released about two months after the NRLI session: http://news.ufl.edu/2013/04/25/oyster-report/). It may be as long as three to four years before oyster beds recover. Oyster prices are at an all time high as Texas, Louisiana, and Alabama rebuild oyster bars that *were damaged* by oil from the BP spill.

Leavins Seafood flash freezes oysters on the half shell, which are sold to restaurants, and defrosted for customers.

Stakeholder Panel L to R: MJ Carnevale, Moderator; Joe Taylor, Franklin's Promise; Smokey Parrish, Franklin County Commission; Betty Webb, City of Apalachicola; Shannon Hartsfield, Franklin County Seafood Workers Association; Van Johnson Mayor, Apalachicola; and Lee Edmiston, Apalachicola National Estuarine Research Reserve

After lunch, we returned to the Community Service Center for the stakeholder panel discussion, which was moderated by MJ Carnevale and included the following participants:

Smokey Parrish – Franklin County Commission
Joe Taylor – Franklin's Promise
Shannon Hartsfield – President, Franklin County Seafood Workers Association
Van Johnson – Mayor, Apalachicola
Lee Edmiston – Director, Apalachicola National Estuarine Research Reserve
Betty Webb – ACF Stakeholder from the City of Apalachicola

The panel members were asked about the water wars between Georgia, Florida, and Alabama and if they were optimistic about the future. We learned that because the water wars have been waged for 30 years, it is hard to be optimistic, particularly when there is a drought. Although a federal government authorized commission met for ten years, it made zero progress because a unanimous vote was needed to make decisions. Changes in state governors have also affected the progress, often interrupting positive momentum started by a previous governor.

The Army Corps released a report in 1989 recommending the reallocation of water use in the system. Drought conditions in the Apalachicola River Basin were exacerbated by increased demand for water upstream from agriculture and municipalities, most notably Atlanta and farms in the ACF Basin. Currently, Georgia has 6.5 million people and predictions are for the population to increase to 13 million in 10 years. Georgia plans to construct two more reservoirs to retain water.

We learned more about the SMARRT program, which was created with 15 members from representatives of the diverse seafood industry in the area. The organization's goal is to maintain a source of freshwater to keep the bay active and productive. Oysters provide year-round employment, whereas shrimping and crabbing are seasonal endeavors. Maintaining the health of the bay is directly related to the economic health of the community. **Panel** *Cont'd on page 6*

READING DISCUSSION

For our book review session, we met at the Community Service Center in Apalachicola, which historically housed a school and has been refurbished for community services. Jacob Larson led the reading discussion of our readings from *The Mediator's Handbook*. Our discussion included an overview of the mediation process and step-by-step coverage of a mediation session. Jacob opened the discussion using the story of Adam and Eve and the conflict that ensued after both parties ate of the apple from the tree of knowledge. We reviewed situations when mediation was useful as well as situations when it would not be applicable.

Jacob Larson leads the Reading Discussion at the Community Center .

NRLI Fellows participate in the reading discussion and share their thoughts.

The Low County Boil

Dinner for the evening was a low-country boil back at the hotel, catered by Roy Ogles and Lee Edmiston. After dinner, Scott Johns and MJ Carnavale played guitar and we had a sing-along by the hotel pool, which overlooks the Gulf of Mexico.

Above: Fellows enjoy some down time after the final session on Friday evening in Apalachicola.

Panel *Continued from page 5*

The panel noted that the Apalachicola region lacks a Wal-Mart, condos, theme parks, and other businesses typical of urban sprawl. Residents enjoy their small-town atmosphere and are also devoted to protecting the environment and their way of life. For example, there was a plan to move the coastal highway that runs along the bay inland by five miles. Residents fought against it because they wanted to protect the interior environment: the road would have gone through marshes and other sensitive areas.

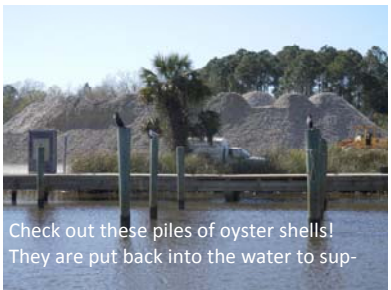
We also learned that Franklin's Promise provides $310-per-week stipends for locals to obtain general education diplomas. This program was initiated to help residents be less dependent on the mercurial seafood industry. Other training includes preparing residents for such skills as obtaining a commercial driving license, welding, and working in the corrections industry. (There are several incarceration facilities in the area.) We observed that the tenacity of the residents in this region breeds optimism!

The seafood industry wasn't always the bread and butter of Apalachicola. Historically, it was cotton, then timber and turpentine. The area will likely transition again, but panelists agreed that they would like to see the seafood industry as a mainstay. Tourism accounts for a third to half of the local economy in Apalachicola. On St. George's Island, tourism *is* the economy.

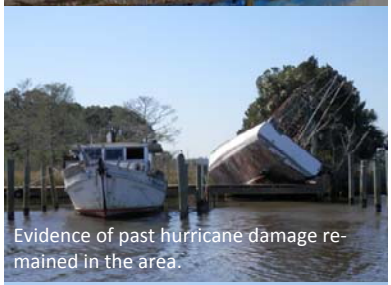
Panelists indicated that they were not worried about climate change and sea level rise because other dangers were more imminent. If the local economy and seafood crisis can't be corrected, then climate change won't matter, they said. Since 2005, Apalachicola has been in "constant crisis interrupted by disasters."

FIELD TRIP—OUT ON THE BAY

Following the stakeholder panel, NRLI Fellows headed to the Maritime Museum on Water Street, located next to Leavins Seafood. From the museum, we launched on a boat tour of the working waterfront.



Check out these piles of oyster shells! They are put back into the water to sup-

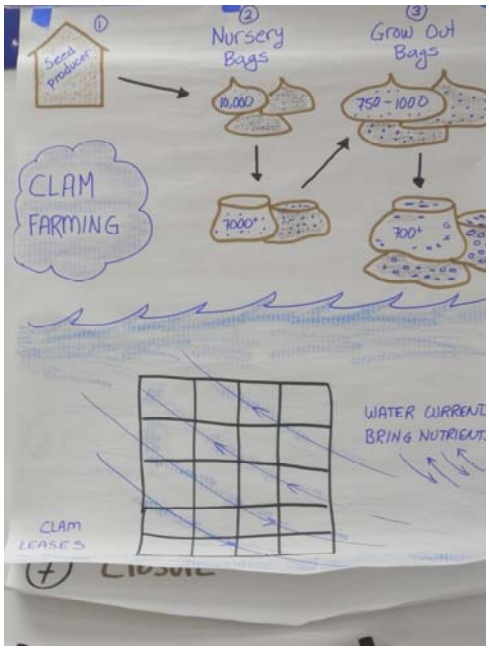


Evidence of past hurricane damage remained in the area.

The highlight of the tour was seeing some common loons!

Here are some other boats and waterfront views.

INTRODUCTION TO MEDIATION



Above: A pictorial rendition of "Clam Disaster in Cedar Key."

Pictured above L to R: Bette Loiselle; Mike Herrin; Ellie Sommer; Bob Progulske and Ramona Madhosingh-Hector work together on the mediation exercise.

On Saturday morning, Jon Dain, Bruce Delaney, and Joy Hazell facilitated a challenging mediation scenario: "Clam Disaster in Cedar Key."

A local family (the Cooks) suffered a total loss of their clam harvest due to a weather event. Luckily, the family had enrolled in the Non-insured Assistance Program (NAP) with the U.S. Department of Agriculture. NAP helps producers by covering the amount of loss greater than 50 percent of the likely market value of a crop. The Cook family had filed the paperwork to receive payment for their losses. They believed they should have been compensated at a higher rate than provided by the NAP settlement. Unfortunately the paperwork filed by the Cooks contained inadequate information; however, NAP staff also provided insufficient customer service to the Cook family. Mediation was required to sort out the issues and determine if the Cooks were due additional funds.

The scenario first required Fellows to consider perspectives of other stakeholders and to work together in subgroups to determine the best approaches to the ensuing negotiation. When we rejoined as one group, representatives played the roles of the parties involved as we worked through the disagreement.

Wrap-up Session

After a break, Joy Hazell reviewed the session; Andy LoSchiavo provided the session debrief; and Libby Carnahan, Whitney Gray, and Stacie Greco led the feedback session and solicited input from the group. Our last NRLI content session of the program concluded after lunch. When we meet again in April, it will be to present our practicums and attend our graduation

Above: Andy LoSchiavo leads the debrief session during the closing morning of session 8.

NRLI Project Team
Jonathan Dain
Bruce Delaney
Joy Hazell
Paul Monaghan
Laila A. Racevskis

Report Contributors
Bob Progulske
Jen Williams

Report Layout
Candace Kaswinkel

NRLI Class XII Fellows
Elizabeth Carnahan
Michael Carnevale
Jack Daugherty
Scot Eubanks
Whitney Gray
Stacie Greco
Alexander Gulde
Mike Herrin
Scott Johns
Jacob Larson
Katrina Locke
Bette Loiselle
Andrew LoSchiavo
Ramona Madhosingh-Hector
Allen Martin
Maria Merrill
Bob Progulske
Eleanor Sommer
Sarah Thompson
Ondine Wells
Jennifer Williams

Mailing Address
P.O. Box 110240,
Gainesville, FL 32611-0240,
342-846-1511
http://nrli.ifas.ufl.edu

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 program and have not been formally peer reviewed.