Testimony of
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"Oversight of Army Corps of Engineers Water Management in the Apalachicola-Chattahoochee-Flint River (ACF) and the Alabama-Coosa-Tallapoosa (ACT) River Systems"
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Chairwoman Boxer, Senator Vitter, and Members of the Committee, I am Greg Munson, Deputy Secretary of the Florida Department of Environmental Protection. In this capacity, I am responsible for water policy and ecosystem restoration, including the Apalachicola River and Bay, and oversight of the Apalachicola Bay Aquatic Preserve, for the state of Florida.

Thank you for convening this important hearing about water management for the Apalachicola-Chattahoochee-Flint River (ACF) and Alabama-Coosa-Tallapoosa (ACT) River Systems. Today, I will provide testimony on the Apalachicola River and Bay and the injury to this important economic and environmental region in the state and the country.

INTRODUCTION AND SUMMARY

My testimony is given to provide Florida's perspective on the effect of reduced freshwater inflows into the Apalachicola River and Bay systems in Florida. These fragile systems support a unique and historically vibrant culture reliant primarily on the health of its fisheries, particularly the Eastern oyster. The Apalachicola region and its economy are being damaged by ever increasing consumptive uses in Georgia, that were too readily incorporated into the U.S. Army Corps of Engineers previous water management decisions. We believe Georgia needs to reel in its relentless

consumption, and the Corps should ensure that Georgia engages in meaningful conservation when updating its master control manual for the ACF system.

BACKGROUND ON THE RESOURCE

By way of background, the ACF River Basin covers about 20,000 square miles, most of which is located in Georgia. The Chattahoochee and Flint Rivers, both of which originate in north Georgia, join at the Florida-Georgia line to form the Apalachicola River. The Apalachicola River begins below the Jim Woodruff Lock and Dam, at the confluence of the Chattahoochee and Flint Rivers, and flows unimpeded 106 miles into the Bay. The Apalachicola River's floodplain ecosystem is the largest in Florida and includes over 200 miles of off-channel floodplain, sloughs, and streams. Its nontidal floodplain forest exceeds 82,000 acres and is rated among the top 10 biodiversity "hot spots" in the United States. Hundreds of thousands of acres have been acquired by Federal, State, local, and private entities to protect this unique environment.

Apalachicola Bay is one of the most productive estuarine systems in the northern hemisphere and is an exceptionally important nursery area for the Gulf of Mexico. Because of its uniqueness, several designations have been granted signifying the importance of the system. In 1969, the Florida Governor and Cabinet designated 80,000 acres of sovereignty submerged lands as the Apalachicola Bay Aquatic Preserve, and designated the River as an Outstanding Florida Water in 1983. The Apalachicola Bay is also home to the Apalachicola National Estuarine Research Reserve, which is one of only 27 sites so designated by the National Oceanic and Atmospheric Administration (NOAA). It encompasses more than 193,000 acres of land and water and is the largest of all such reserves in the country. In 1984, the United Nations Education, Scientific, and Cultural

Organization (UNESCO) designated the Reserve a Biosphere Reserve under the International Man and the Biosphere program.

The complex and diverse ecosystem of the Apalachicola River Basin and Bay developed under an unimpaired, natural flow regime provided by inflows from the Chattahoochee and Flint Rivers. This natural flow regime created and sustained river channel habitat, cyclical inundations of the floodplain, inter-connections of floodplain channels, maintenance of an appropriate salinity level in the Bay, and provision of essential nutrients into the Bay.

The City of Apalachicola and broader Franklin County support many commercial seafood harvesters, processors, and dealers whose work contributes substantially to the productivity of the region. The vast majority of local people make a living from the fishing industry directly or indirectly. Oysters and other local seafood are the lynchpin of the region's socio-economic structure. Apalachicola Bay provides approximately 90 percent of Florida's oyster harvest (and 10 percent of the national harvest), supports an active recreational and commercial fishing industry, serves as an important nursery area for many marine species, and provides Florida its third largest shrimp harvest.

The River and Bay ecosystem, and thus, the men and women of this region, are entirely dependent on timely freshwater flows to remain healthy and productive. The Apalachicola River is the main source of freshwater inflow to the Bay. That freshwater inflow regulates salinity in the Bay in a way that maintains the biological integrity of sensitive oyster habitats. Equally important is the fact that the Apalachicola River discharges nutrient-rich water into the Bay, which provides the building blocks of the Bay's food chain. In these ways, the River is the lifeblood of this extraordinarily

productive estuarine system, which sustains oyster harvesting, shrimping, crabbing, and fishing. Therefore, the productivity of the Bay is strongly influenced by the amount, timing, and duration of the freshwater inflow from the Apalachicola River. It is important to restore historic flow patterns. Otherwise, the ecosystem and, indeed, the very way of life for generations of Floridians will be devastated.

ADVERSE IMPACTS

Unfortunately, Florida cannot control the volume of water entering the State. Its destiny is subject to upstream influences that are working to undermine the foundation of the region. The amount of water flowing in the River and ultimately to Apalachicola Bay is a function of Georgia's consumption on the Chattahoochee and Flint Rivers and Corps reservoir operations on the Chattahoochee. Since the 1970s, Georgia consumption has grown substantially on both systems and the Corps implemented its "Draft" Water Control Plan to prioritize municipal and industrial water supply operations elevating them above all other uses in 1989.

As a consequence, Apalachicola River flows have been lower and low flows have occurred more frequently and for longer durations than at any time in recorded history. The problem has been most acute in the last 10 years, and is creating long-lasting impacts to the River and Bay. In 2012, Florida experienced widespread damage to its oyster resource resulting from two years of prolonged low-flow conditions. Indeed, last year set a record for the least amount of water delivered to the Bay since records were started in 1923, although this was not the year with the least rainfall. The corresponding reduction in freshwater inflow elevated salinity levels in the Bay well beyond tolerable thresholds, and the continued lack of inflow precluded any opportunity to mitigate salinity

levels. It is well documented that elevated salinity leads to increased incidence of oyster mortality through disease and predation.

State agencies and local fisherman have documented a severe decline in the oyster harvests. Drastic declines in all age classifications of oysters suggest that a collapse of the fishery has occurred. In the latest state agency reports, the oyster production estimates on commercially important oyster reefs are the lowest estimates in the past 20 years. The data suggests that many of the stocks are not sufficiently abundant to support commercial harvesting, devastating the livelihoods of the men and women who make their living directly harvesting oysters or processing oysters on Florida's Gulf Coast.

As a result, Governor Rick Scott requested the Secretary of the U.S. Department of Commerce declare a commercial fishery failure for Florida's oyster harvesting areas in the Gulf of Mexico pursuant to Section 312 (a) of the Magnuson-Stevens Fishery Management and Conservation Act.

MOVING FORWARD

The Corps operates Buford Dam and Lake Lanier as an integral part of the ACF system. Since the 1970s, the Corps has entered numerous contracts with Georgia water suppliers to permit withdrawals from and below Lake Lanier for municipal and industrial uses. In 1989, pursuant to the Draft Water Control Plan, the Corps began prioritizing operations to support this water supply demand, which has increased dramatically over time. Under the Corps' present operating schedule, each new demand placed on the system upstream is absorbed, not from reservoir storage, but entirely from downstream river flows. In other words, every acre-foot of water Georgia wants is

taken directly from flows that would otherwise reach Alabama and Florida. These practices have deprived downstream interests of basic river flow needs, despite the empirical evidence that such operations are devastating Apalachicola Bay and its oyster population.

It is clear that the Apalachicola River needs more flow to help recover from the devastating oyster mortality in the Bay that occurred in 2012, as well as the previous massive die-offs of endangered mussels, decline in fisheries, and drying of the floodplain forest that has occurred in recent years. The Corps' plan to develop a master manual presents an opportunity to restructure its present priority system as reflected in the existing Draft Water Control Plan and assign greater weight to downstream needs. The Corps can no longer assume that all needs can be met without proactively insisting on upstream conservation. At a minimum, the Corps should mandate that Georgia develop strict conservation measures as a condition to entertaining any further withdrawals from the ACF system.

Thank you for the chance to talk to you today about one of Florida's most precious resources: Apalachicola River and Bay. If you are ever able to come to Apalachicola, Florida, we would love to host you for some southern hospitality and, in my biased opinion, the world's best oysters. I am happy to answer any questions.