



UPSTREAM DOWNSTREAM



Winter 2012-2013 "Preserving the Nature Coast"

Has Florida No Shame?

By: Dan Hilliard A version of this article originally appeared in the Citrus County Chronicle issue of 9/9/12

It was only yesterday it seems. I perched on the bow of a small plywood skiff, peering down into the clear water of Lake Okeechobee as we scurried to the fish camp ahead of an approaching thunderstorm. I pointed out the fleeing bass and bluegill to my father as we sped along, and even offered commentary, but he probably couldn't hear me over the 10 HP Martin outboard.

It might have been only a few days later that the family was wade-fishing in the shoreline grass of Lake Clinch in Frostproof, Florida. We dunked earthworms on bass beds and caught only those fish small enough that they did not break our cane



Lower Withlacoochee River, May 2001- Courtesy of Bonnie Drake (Continued on page 2)

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Our Mission

To implement civic action and to promote the common good of residents of the community with a focus on public awareness and responsible stewardship of regional water sources, the basis for all the natural systems that define Florida's Nature Coast

New Video!

The Killing of the Lower Withlacoochee

Fun and informative—check it out even if you don't usually do Youtube!

<https://www.youtube.com/watch?v=KOrwS-PQAIO>

Has Florida No Shame? (cont.)

poles. It was a family outing that day, the memory as clear as the lake's water and as clean as the sandy bottom. It was not today's generation that coined the phrase "O-M-G!" for a lot of poles were broken. The bass were plentiful and big. Really big.

There were no restrictions or guidelines about consumption of fish those days, so the bass became guests of honor at the evening meal.

It wasn't all that long ago, really it wasn't. Less than a single lifetime, only 50 or so years ago, and these lakes had existed for centuries or perhaps millennia in that form. These things are the stuff of roots, the things that keep our youth at home for the long haul. Such experiences are the bonds that serve years later to hold families together. The X-Box is no substitute.



Lower Withlacoochee River, July 2008.

Things are different today. All of Florida's estuaries are impaired by pollutants, as are over 80% of our inland waters. Mercury is a common cause, as are nutrients such as nitrates and phosphate. The Big "O" is no longer clear and neither is Lake Clinch. The fish are no longer abundant and those you may catch are likely to cause illness if eaten in large volume. Kids are especially vulnerable to mercury. Current consumption guidelines for the Withlacoochee River suggest one should not eat more than a single bass meal per month.

<http://www.myfloridaeh.com/medicine/fishconsumptionadvisories/2012Brochure.pdf>

The accompanying photos are anomalies. The Withlacoochee is a "black water river", this a label used for tannin stained waters. During droughts the waters turn clear since most of the flow originates from Rainbow Springs. The second image was precipitated by the State

of Florida's Bureau of Invasive Plant Management. From where local residents stand, there is something horribly wrong with this picture. State regulators allowed invasive plants into Florida in the first place and can think of no better solution than scorched earth and herbicide desolation as a solution? This is not the stuff of family bonds, good memories or reasons to stay home. The otters are mostly gone these days, perhaps because the food supply is vanishing. The squeal of kids swimming is a memory. A family dinner with local fish is not so appealing anymore.

On 17 June 2012, Mr. Adam Putnam, the State Agriculture Commissioner, had an Op Ed piece published in the Gainesville Sun entitled "We don't need the EPA." He touted the quality of the State's water regulation and the \$100 Billion annual contribution of agriculture to Florida's economy.

Everyone is entitled to debate the facts, but choosing facts is an elevated art form peculiar to politicians. There is no debate that agriculture is a fundamental component of our lives. Likewise there is no credible argument which denies the Ag industry's use of the lion's share of water in the state or its contributing the majority share of nutrient pollution to our waters. Nutrients are not the sole pollutant resulting from current agriculture practices.

Mr. Putnam, you may be right. We don't need the EPA. We need something akin to the EPA on steroids with a bad attitude and little patience. We certainly do not need to continue the failed policies used by the State. In 2008 the FDEP reported the gross contribution to Florida's economy by coastal and inland waters exceeded \$600 Billion. Pesky fact that.

The people of this state understand the deep tendrils of water's impact on our lives and the deficiencies of state regulation. We understand how political agendas manipulate science to the benefit of special interests.

We are here to tell Tallahassee that we've had enough. Other priorities pale in comparison.

"Always do right- this will gratify some and astonish the rest." - Mark Twain (1835-1910)

Editor's note: See the update on the status of the EPA 11/30/12 decision to approve proposed FDEP rules to protect Florida's waterways from Nutrient Pollution elsewhere in this newsletter.

New Input on Tarmac

New Input to the Corps Decision - December 2012

You may recall that several years ago WAR, Inc. provided limited funding to UGA, Athens for a study on karst topography and fracture trace review. Our investment has paid off in the form of an impressive (and lengthy) scientific study which found previously unreported **irreversible adverse impacts** of excavation and water use for mines and power plants in Levy and Citrus Counties. which has now been submitted to the Army Corps.

The study results, just published in the Journal of Sustainable Development (Vol. 5 No. 12) of the Canadian Center of Science and Education, found in part that,

"Proposed excavations and water use for construction and operation of the power plant and mines would result in irreversible adverse environmental impacts on extensive depressional wetlands beyond the surface-footprint impact of these developments via these preferential flow pathways that were not evaluated during the review process".

Although the Corps was due to release the EIS in November, apparently the new input has been sufficiently significant that we now hear the EIS will now be delayed until sometime in January 2013! The half page abstract and a link to the full study is available at www.ccsenet.org/journal/index.php/jsd/article/view/22628

Overview of the Tarmac Process to Date

In the Fall issue we reported on the status of the Tarmac project. Below is a quick summary of our progress over the years

Beginning in 2008

On the evening of 26 March 2008 the Army Corps of Engineers hosted a Scoping Hearing at the Inglis Community Center for the King Road Mine. It played to a full house and from the onset there was little support countered by much opposition from the community.

Moving on

Nearly 4 1/2 years later WAR had spent something over \$35,542.75 and untold hours of research, travel to Tallahassee, phone conversations with a myriad of regulators and other parties, not to mention conferences with attorneys on both sides of the fence.

FDEP Settlement on Berm Height 2010

WAR settled contentions with FDEP over issuance of the Bureau of Mining and Mineral Resources ERP to Tarmac through the Administrative Hearing process in the fall of

2010. A permit precedent was set thru negotiated settlement which required Tarmac to utilize the 100 year storm criteria for this project.

BOCC Permitting and First District Court Ruling 2012

We went to the BOCC hearings in Bronson in 2011 and did not sway the consensus of either the Planning Commission or the Board of County Commissioners. Thus began a long, expensive and laborious process through the court system. Though confident of the merits of our appeal before the 1st District Court of Appeals we were greatly disappointed by the Court's ruling. The only point addressed in the very brief order was the matter of Levy Comprehensive Plan requirements which stipulate the applicant have ALL state and Federal permits in hand prior to review by the county. In essence, the 1st DCA deferred to the Army Corps of Engineers. .

USACOE Draft EIS Hearing May 2012

We turned out for the Draft EIS Hearing hosted by the Corps at the end of May 2012. Most of the arguments had already been made so there was only a little bit of clean up to do on this project. Our written comments to the Corps reduced to only 21 pages with perhaps a thousand pages of supporting documents.

Decision-Making Rests with the Corps

The Corps has had some issues with the application. One is tropical storms. Another is blasting vibration. A really big one is wetlands destruction and the proposed 110 year life of the project. These things are why the Corps created a menu of 8 Alternatives for this project that range from a "no mine" alternative to the full project requested by Tarmac and everything in between. WAR supported the "no mine" alternative and if you will visit ww.warinonline.com you can find our reasons for that through the copy of our comments. It is very doubtful that Tarmac will receive a permit to do all that they have applied for. We did our job. The future of this project is in the hands of the Corps of Engineers.



EPA Approves Florida's Rules to Protect Waterways from Nutrient Pollution - News Release from EPA Region 4

Release Date: 11/30/2012 Contact Information: Davina Marraccini, 404-562-8293 (direct), 404-562-8400 (main), marraccini.davina@epa.gov

ATLANTA – EPA has approved the Florida Department of Environmental Protection's (FDEP) rules to protect Florida's waterways from excess nitrogen and phosphorus. These pollutants, called "nutrients," cause algal blooms, contaminate drinking water supplies and are among the largest contributors to water quality problems in Florida. FDEP's rules establish numeric limits on the amount of nutrient pollution allowed in statewide springs, lakes, streams and some estuaries. Following a thorough review of the state's adopted rules and supporting documents, EPA determined they are consistent with the requirements of the Clean Water Act and applicable federal regulations for the water bodies they cover.

"Nutrient pollution threatens human health and the environment, hurts businesses, costs jobs, reduces property values and otherwise impacts the quality of life for all Floridians," said EPA Regional Administrator Gwen Keyes Fleming. "Clean water is vital for Florida and EPA commends FDEP for taking this significant step towards protecting and restoring water quality across the state."

EPA determined that FDEP's new method of deriving numeric limits for the amount of nutrient pollution allowed in lakes, springs, streams and estuaries is technically and scientifically sound, and more effective and efficient than the previous narrative approach. The numeric limits for nitrogen and phosphorus in springs, lakes and streams (outside South Florida) are virtually identical to those in EPA's 2010 rule. FDEP also has adopted additional biological and chemical indicators that are used to identify and prevent nutrient pollution in streams and to protect sensitive downstream waters. This combination of numeric limits with biological indicators was used in the Santa Fe River. Although the river met the numeric limits, FDEP was able to use biological information to determine that it was impaired and needed restoration. FDEP's rules are intended to improve water quality and protect public health, aquatic life and the long-term recreational uses of Florida's waters, which are a critical part of the state's economy.

The Clean Water Act (CWA) envisions states being primarily responsible for protecting water quality, and EPA fully supports Florida's efforts to implement its own water quality standards. However, in accordance with a 2009 consent decree with the Florida Wildlife Federation—and because the state's rules do not cover certain waters—EPA is also proposing two federal nutrient rules. One rule proposes numeric limits on the amount of nutrient pollution allowed in Florida's estuaries and coastal waters, as well as streams in South Florida, which were not addressed in Florida's rules. The other clarifies some provisions in the 2010 rule EPA promulgated establishing numeric limits on the amount of nutrient pollution allowed in Florida's inland waters. These provisions were remanded to EPA for further action by the District Court.

EPA welcomes public comment on its proposed rules and will host public information sessions in Tampa on January 17-18, 2013, along with web-based public hearings on January 22-24, 2013, to gather input. While EPA must finalize the remanded portions of Florida's inland waters rule by August 31, 2013 and the coastal waters rule by September 30, 2013, the Agency is prepared to withdraw, or not move forward with its federal rules for any waters that become covered by state law that meets the requirements of the Clean Water Act. Florida recently adopted nutrient rules for Panhandle estuaries, and EPA expects FDEP will soon submit the new rules for EPA's formal review and approval under the Clean Water Act.

More information about EPA's approval of the FDEP rules: <http://www.epa.gov/aboutepa/states/fl.html>

More information about EPA's proposed rules, including information about public information sessions, web-based public hearings and guidelines for submitting written comments, are included in the Federal Register notice and on EPA's website: http://water.epa.gov/lawsregs/rulesregs/florida_index.cfm

Thank You to our Sponsors!



A WATER SOLUTION - If all wells in Florida were metered, a levy of 50¢/1,000 gallons of ground water would generate about \$2.1 billion/year for water projects.

By: Dan Hilliard A version of this article originally appeared in the Citrus County Chronicle issue of 10/14/12

There is almighty debate these days about the future of our water resources, and rightly so. It is critically important that we find a rational balance. Virtually every facet of water regulation in this state is the focus of contentious debate whether the subject is restoration, supply or protection. On these topics politicians commonly ask "How are you going to pay for it?" Good question, so what is the solution?

"The purpose of the Regional Water Supply Plan (RWSP) is to provide the framework for future water management decisions in the District. The RWSP for the Northern Planning Region shows that demand for water through 2030 can be met with fresh groundwater". SWFWMD 2010 Regional Water Supply Plan, Northern Region

Therein is the rub. Suggesting we can do something does not mean it is a good idea. Ground water provides flow volume to our rivers and springs. High flow volume moderates pollution concentrations to some degree and serves as the foundation of healthy estuarine productivity. These systems are powerful economic engines. Skim away the top of the aquifer and such benefit fades away. This is the nexus of contention.

Media polls make it profoundly clear that water is a hot button topic and because water is so critically important to our lives this debate is a good thing, even though it is sometimes very heated. The outcome will define the quality of life in this state forever.

"The era of cheap water is over."

Why would anyone think that? It is simple recognition of the law of supply and demand. As time passes the requirement for use of alternative supplies will rocket upward and those costs are stratospheric due to direct expense of water treatment and installation costs of distribution architecture. We have about 19,000,000 residents in Florida. Our total daily consumption or use of fresh water in the state is about 7 billion gallons/day. 90% of the state's residents are provided potable water supply from underground aquifers.

<http://pubs.usgs.gov/fs/2008/3080/>

Water is the fuel of Florida's economic engine. This engine runs poorly when the fuel is polluted or in short sup-

ply. It is very expensive when the engine stutters.

At some time in the future when all platted development in Florida reaches buildout, it is said we will have over 80 million residents. We do not have the water to support such population even though we have "planned" for it, and this is why "The era of cheap water is over."

If we as a people decide growth is in our best interest we must decide how to provide water supply for such visions. We must also recognize that corrupted water bodies will end these plans in mid stride. High quality water and all it supports is vital to our future prosperity and that of generations to come.

"Re" words are expensive. Reclamation. Restoration. So too are the words "Alternative Water Supply". How do we fund these things? Well, this is the fly in the ointment. We are adept at drawing on the resource and short sighted in long term planning.

The water in this state belongs to the people. Regulation of water is conceptually grounded in Law Of The Commons philosophy. In short form this means the user with the biggest pump has economic advantage over the rest of us. Such users pay a permit fee and that permit stipulates limits of consumption. In most cases there is no meter to determine what quantity is actually used, and there is absolutely no motivation found in this idea which promotes conservation by any user.

I'm willing to compensate The People for water I use. Would the developer, industrial or agricultural user be willing to do so as well? Extrapolate this further to municipalities which pump tens of millions of gallons per day, or industrial uses which push up into the hundreds of millions of gallons in aggregate and you probably see where this is going. If all wells in Florida were metered, a levy of 50¢/1,000 gallons of ground water would generate revenues of about \$2.1 billion/year for water projects.

Need it be spelled out what such funds could accomplish toward funding restoration, reclamation, alternative water supplies, or water and sewer systems? Would the economic imperative for conservation and efficiency of use be a bad thing? Is there a meaningful objection to be found adverse to this idea? If so, accept the challenge and make your case. Debate is beneficial when problem solving and we surely need a solution.

Fun and Fundraising 2012

2012 Concert Series

Our 2012 concert series continued on September 8, 2012 with Pure Florida Music and More at the Ellie Schiller Homosassa Wildlife Park in the Pepper Creek Terrace Room.

We raised over \$500 from donations memberships, food, CD and tee shirt sales. We also sold and 10 CDs and a video for the musicians!

December 12, 2012 Turkey Dinner

About 40 lucky folks attended to partake of good fellowship, juicy fried turkey, baked ham and scrumptious side dishes and desserts. Too bad we will all still be too full to eat over the holidays!

Dan brought us up to date on

Recent Developments on Tarmac: A new study has been submitted to the Army Corps showing previously unreported irreversible adverse impacts of excavation and water use. The Corps has now postponed the expected release of the EIS from November until some-

time in January 2013. See the update on Tarmac elsewhere in this issue.

Lower Withlacoochee: John Fuchs has been working for several years to get attention focused on the death of vegetation and loss of game fish in the Lower River. He has talked with Dr. Robert Knight regarding conducting a study to determine the causes. Dr. Knight is an aquatic and wetland scientist who has conducted research on Florida springs and wetlands for over 30 years and is affiliated with the University of Florida. There was discussion regarding funding of such a study, including grants, and solicitation of contributions.

MFL Process: Dan reported that W.A.R., Inc. is participating with 4 other stakeholder groups in discussions with SWFWMD regarding application of the State Antidegradation Standards to the MFL process and the Triennial Review Process. We hope to have more background on this in a future issue.

Nominations for Officers and Directors: Dan reported that W.A.R., Inc. needs nominations for Officers and Directors.

Thank You to our Sponsors!



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Please visit our web site
www.warinonline.com
for current information on events as well

**Withlacoochee Area Residents Inc.,
a 501 (c) (3) Corporation**

About the Withlacoochee Area Residents

Withlacoochee Area Residents, Inc is a 501(c)(3), not for profit charitable organization incorporated in 1984. Our underlying principal is promoting the social welfare and common good of the residents of our communities. Current focus is on coordinating with other public advocacy groups that share our interests in preserving and restoring the quality of the Withlacoochee River and associated ecosystems. Withlacoochee Area Residents, Inc. is engaged in improving state decision making oversight practices that continue to contribute to degradation and depletion of increasingly scarce potable groundwater that is the foundation for the survival of our communities. Withlacoochee Area Residents, Inc. is responsible for the designation of the Withlacoochee River as an "Outstanding Florida Waterway", and contemplates future actions to provide an umbrella of Federal protection over the river basin and associated estuary.

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