

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Montford, Chair
Senator Bullard, Vice Chair

MEETING DATE: Monday, November 4, 2013
TIME: 4:00 —6:00 p.m.
PLACE: 301 Senate Office Building

MEMBERS: Senator Montford, Chair; Senator Bullard, Vice Chair; Senators Brandes, Galvano, Garcia, Grimsley, and Sachs

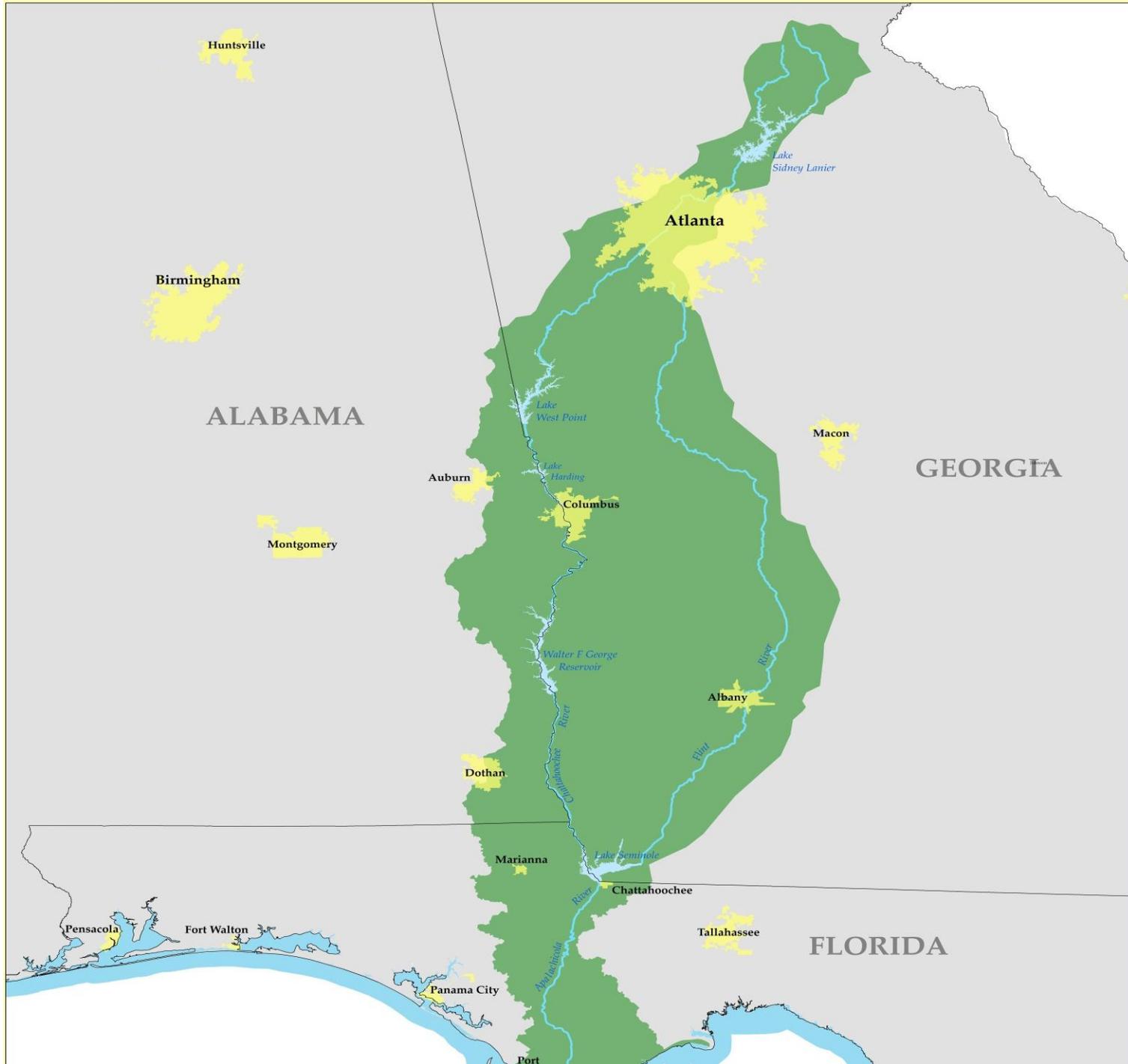
TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation and Discussion on Apalachicola Bay and River Basin		Presented
2	Other Related Meeting Documents		

Northwest Florida Water Management District



**Senate Committee on Agriculture
November 4, 2013**

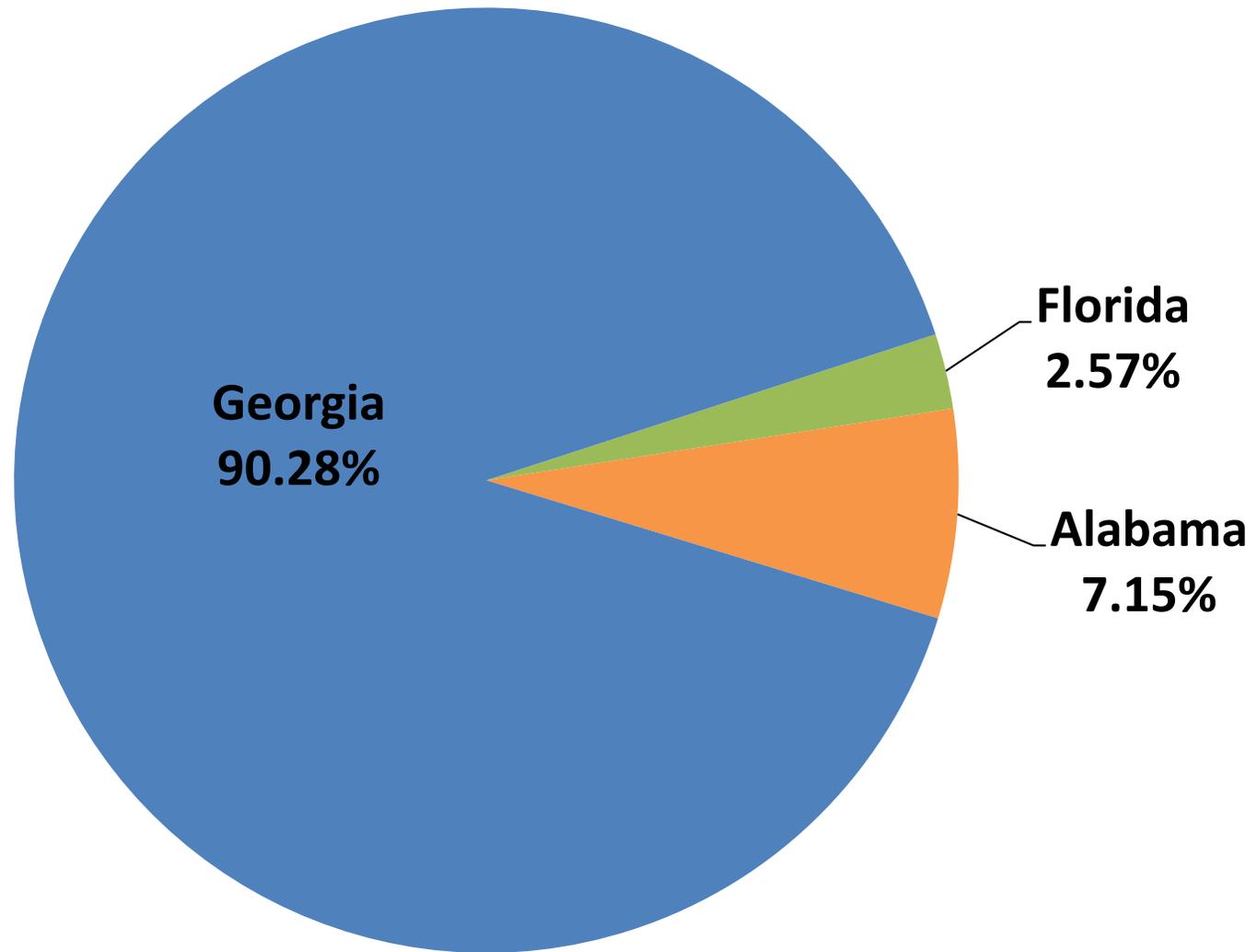
Apalachicola-Chattahoochee-Flint River Basin



Water Use in the ACF Basin

Total Basin Use - 1,202 MGD

Excluding power production¹



Source: Water Withdrawals, Wastewater Discharge, and Water Consumption in the Apalachicola-Chattahoochee-Flint River Basins, 2005, and Water-Use Trends, 1970–2005, U.S. Geological Service

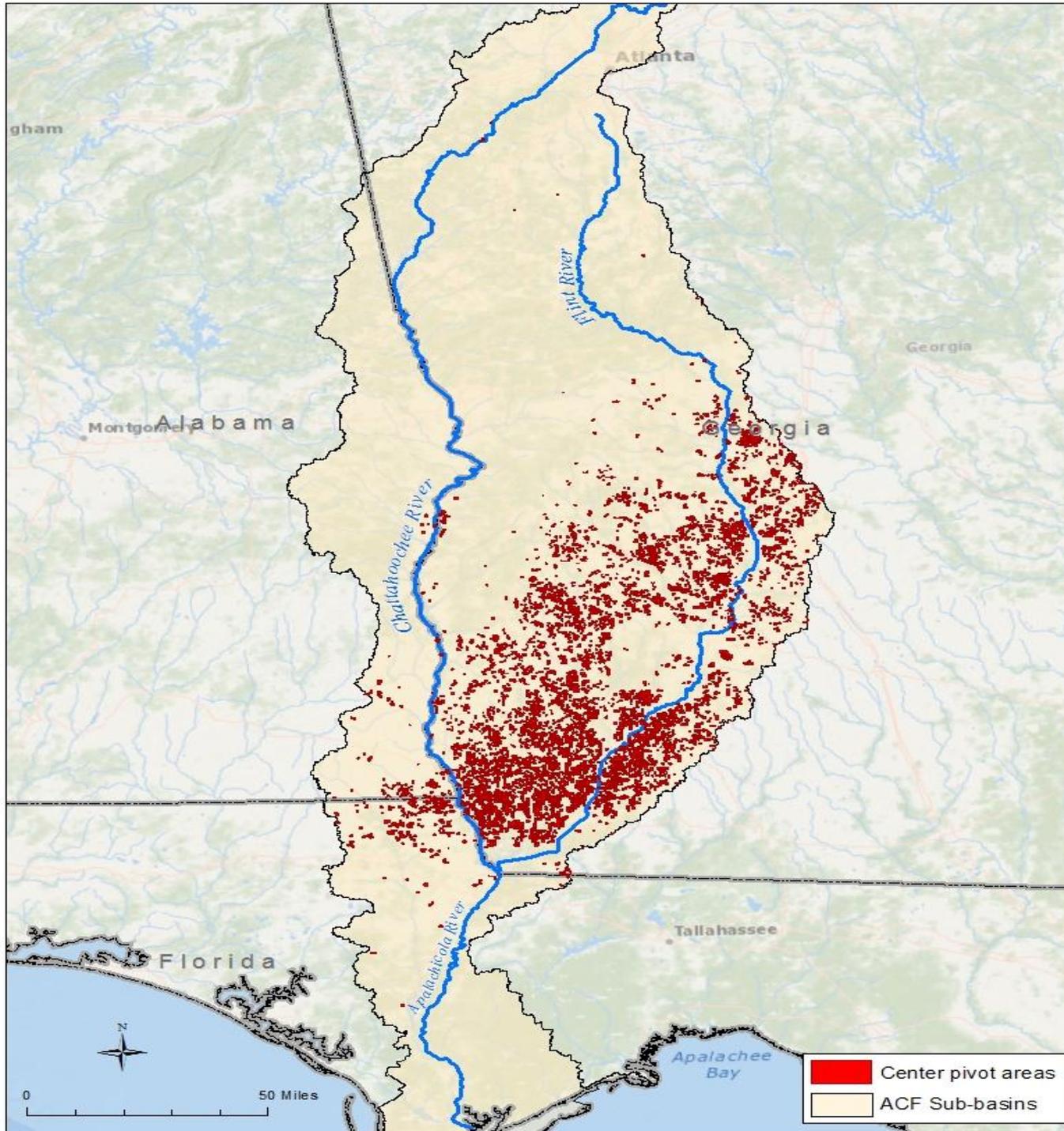
Water Use in the ACF Basin

*Estimated Total Water Use, MGD
Excluding Power Production*

Category	Alabama	Florida	Georgia
Public Supply	32.4	5.67	570.77
Domestic	1.71	4.23	31.31
Commercial-Industrial	32.11	2.41	156.08
Agriculture	19.69	18.52	326.67
Total	85.91	30.83	1,084.83

Source: Water Withdrawals, Wastewater Discharge, and Water Consumption in the Apalachicola-Chattahoochee-Flint River Basins, 2005, and Water-Use Trends, 1970–2005, U.S. Geological Service

Irrigation Systems





Apalachicola Bay Oysters



Senate Agriculture Committee

November 4, 2013

Florida Fish and Wildlife Conservation Commission

FWC Oyster Management

- Issue commercial fishing licenses
- Establish seasons, harvest limits, gear restrictions, and closed areas
- Provide law enforcement
- Collect oyster harvest data
- Work with DACS, DEP, and local community on management strategies



Oyster Fishery Disaster Timeline

- **August 2012** – DACS reports oyster populations are depleted
- **September 2012** – Gov. Scott requests fishery disaster of US Dept. of Commerce
- **September 2012** – Comm. Putnam and Congressional Delegation request fishery disaster declaration



Oyster Fishery Disaster Timeline

- **August 5, 2013 – FWC provides report in support of request**
 - Severe reduction in legal sized oysters
 - Severe decline in revenue and oyster meat
 - Decline due to lack of freshwater flow into rivers and estuaries
- **August 12, 2013 – US Dept. of Commerce declares commercial fishery failure**
 - Increased salinities stressed oysters and allowed persistent occurrence of predators



Oyster Fishery Disaster Timeline

- August 13, 2013 – Senator Nelson and Senator Rubio hold US Senate Commerce Committee hearing in Apalachicola
- US Dept. of Commerce disaster declaration allows Congress to appropriate funds for assistance
- Disaster declaration funding request being developed by
 - Governor's Office
 - Dept. of Agriculture and Consumer Services
 - Dept. of Economic Opportunity
 - Dept. of Environmental Protection
 - Fish and Wildlife Conservation Commission
 - Local community



Florida Department of Agriculture and Consumer Services Statutory Authority

Chapter 597, F.S.

Chapter 500, F.S.

Chapter 379, F.S.

Chapter 253, F.S.

- Regulation of Aquaculture
- Conservation and enhancement of aquatic resources
- Assist and encourage aquaculture development – resulting in creation of new industries, job opportunities, income, and other benefits to the state



Franklin County

- **Food Safety**

- Classification of shellfish harvesting waters
- Sanitary inspection of shellfish processing plant
- Laboratory analysis for harvesting water quality

- **Aquaculture**

- Leasing of state submerged lands
- Aquaculture certification and BMP compliance



Franklin County

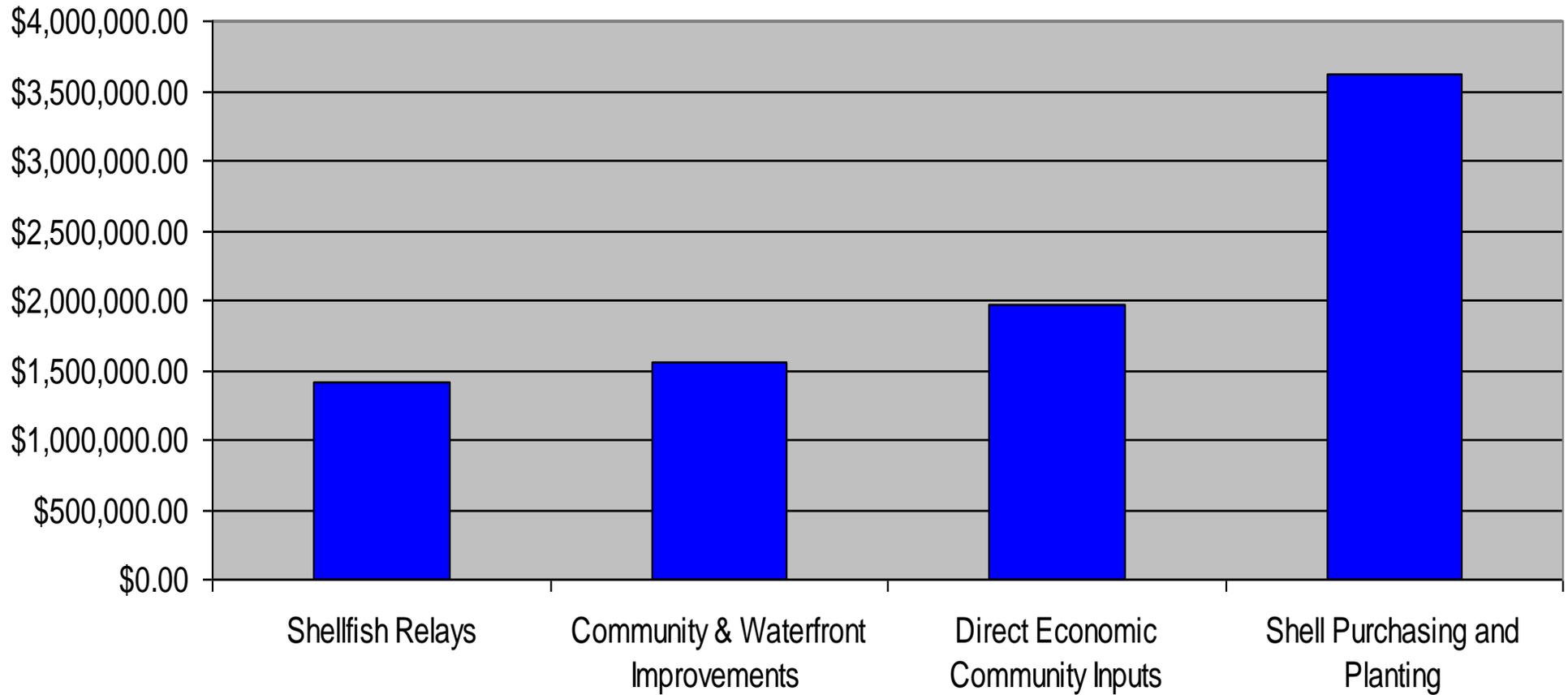
- **Conserve and enhance aquatic resources**
 - Rehabilitation and enhancement of existing reef substrate
 - Relaying live oysters as a coordinated effort with the FWC

- **Encourage and assist with aquaculture development around the state**
 - New industries, job opportunities, income, and other benefits to the state



FDACS Activity in Dollar Value in Franklin County 2000 - 2013

\$8,557,598.35



FDACS Activities Today in Franklin County

- Shellfish harvesting water quality testing
- Shellfish processing plant sanitary inspections per FDA standards
- Contract administration of shell planting activities
- Provide all shell stock for the Work Force Florida replanting work effort



Activities Going Forward

- **Continue working with the community and partner agencies: FWCC, DEP, and the WMD**
 - SMARRT
 - UF Oyster Recovery Team
 - Florida Oceans and Coastal Council
 - Coastal Managers Forum
 - Aquaculture Review Council
- **NRDA/RESTORE**
 - Restoration Projects in Pensacola Bay, St. Andrew's Bay and Apalachicola Bay
- **National Academies of Science**
 - NAS Apalachicola Bay Study





FLORIDA
DEPARTMENT *of*
ECONOMIC
OPPORTUNITY

William B. Killingsworth
Director, Community Development
Department of Economic Opportunity
Apalachicola Bay
November 4, 2013



DEO Efforts

- Immediate Efforts
 - *National Emergency Grant*
 - *SBA Economic Injury Disaster Loan Declaration*

- Long-term Efforts
 - *Franklin County Long-term Economic Diversification Strategy*



Workforce Activities

- In July 2012, FEMA issued a disaster declaration due to the impact of Tropical Storm Debby on several counties, including Franklin County.
- The Department applied for and received a \$3 million National Emergency Grant (NEG) from the USDOL
- The NEG Program provides temporary assistance to communities impacted by a natural disaster to help dislocated workers return to work.



Workforce Activities

- The grant was managed by the Gulf Coast Workforce Development Board.
- Over 200 out of work Oystermen were hired to conduct re-shelling of Apalachicola Bay.
- The grant ends December 31, 2013. Efforts are underway to request additional funding for retraining for those seeking other careers.
- The Department also is working with other partners to secure additional funding to continue re-shelling efforts.



Small Business Administration Economic Injury Disaster Loans

- The U.S. Department of Commerce's May 2013 Fishery Failure Determination for Apalachicola Bay made the area eligible for the Governor to request a SBA Economic Injury Disaster Loan Declaration (EIDL) on October 23, 2013.
- If approved, small businesses impacted by the disaster in Franklin, Gulf, Liberty and Wakulla Counties will be able to make application directly to the SBA for low-interest loans.



Small Business Administration Economic Injury Disaster Loans

Loan Amount and Use

- SBA economic injury loans provide the necessary working capital to help small businesses survive until normal operations resume after a disaster.
- SBA can approve loans up to \$2 million to help small businesses meet their financial obligations and operating expenses.
- SBA loan amounts will be based on the actual economic injury and financial need of each small business approved for assistance.



Small Business Administration Economic Injury Disaster Loans

Eligibility and Terms

- The interest rate will not exceed 4 percent per year.
- The loan term will not exceed 30 years.
- The repayment term will be determined by the business' ability to repay the loan.
- The loan assistance is available only to small businesses when SBA determines they are unable to obtain credit elsewhere.



Small Business Administration Economic Injury Disaster Loans

DEO's Role

- Facilitated the completion of economic injury worksheets and certifications from 12 impacted businesses. The worksheets were submitted with the Governor's Declaration Request to SBA.
- Coordinate assistance to small businesses in completing SBA loan applications as needed.

Additional information on the SBA EIDL Program available at:

<http://www.sba.gov/content/economic-injury-disaster-loans>



FLORIDA DEPARTMENT *of* ECONOMIC OPPORTUNITY



Franklin County Long-term Economic Diversification Strategy

Scope of the Effort

- Response to a request received by the Rural Economic Development Initiative team.
- Countywide Stakeholder Summit on March 11, 2013, followed by meetings and interviews facilitated by DEO Staff.
- Economic and market analysis conducted by contractor with \$55,000 grant from DEO.



Franklin County Long-term Economic Diversification Strategy

Scope of the Effort

- Draft distributed countywide on October 18, 2013.
- Countywide workshop to identify top actions on November 18, 2013.
- DEO will help county and communities identify funding sources and strategies to implement priority actions.



FLORIDA DEPARTMENT *of* ECONOMIC OPPORTUNITY

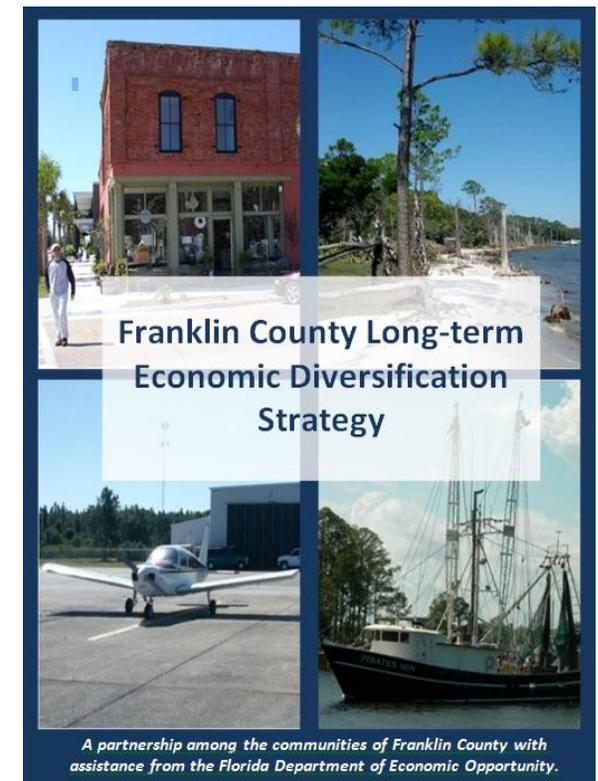


Franklin Countywide Long-term Economic Diversification Strategy

A comprehensive evaluation of Franklin County resources and assets to identify opportunities to expand the local economy beyond its current focus.

Will result in a prioritized list of countywide actions developed by the community to:

- Attract new businesses and industries.
- Increase and develop human capacity to support industries.
- Retain and enhance the tourism industry.
- Retain and enhance the commercial seafood industry.



FLORIDA DEPARTMENT *of* ECONOMIC OPPORTUNITY



THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4NOV13

Meeting Date

Topic Franklin County Efforts Bill Number _____ (if applicable)

Name Bill Killingsworth Amendment Barcode _____ (if applicable)

Job Title Director, Division of Community Development

Address 107 E. Madison St Phone 850-717-8475

Street

Tallahassee FL 32399

City

State

Zip

E-mail Bill.Killingsworth@deo.myfloridac.com

Speaking: For Against Information

Representing Department of Economic Opportunity

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

11-4-13
Date

Bill Number

Barcode

Name Kal Knickerbocker, Director of the
Address Division of Aquaculture, FL DACS
Street
City State Zip

Phone

E-mail

Job Title

Speaking: For Against Information

Appearing at request of Chair

Subject

Representing DACS, Aquaculture

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11-4-2013
Meeting Date

Topic (*Will only speak if needed) Bill Number _____
(if applicable)

Name Betty Webb Amendment Barcode _____
(if applicable)

Job Title City Administrator - Apalachicola

Address 1 Ave E Phone 850-323-0567
Street

Apalachicola FL 32320 E-mail betty.webb@city of
City State Zip apalachicola, com

Speaking: For Against Information

Representing City of Apalachicola / ACFS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
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11/4/13

Meeting Date

Topic _____

Bill Number _____

Name Pinki Jackel

(if applicable)

Job Title COUNTY COMMISSIONER

Amendment Barcode _____

(if applicable)

Address D I FRANKLIN CRY

Phone _____

Street

EASTPOINT 32328

E-mail _____

City

State

Zip

Speaking: For Against Information

Representing Hankl Cry

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/20/11)

THE FLORIDA SENATE
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11-4-13

Meeting Date

Topic _____

Bill Number _____

(if applicable)

Name Shannon Hartstield

Amendment Barcode _____

(if applicable)

Job Title FCSWA

Address 376 State Street

Phone 850-653-5190

Eastpoint FL 32328
City State Zip

E-mail Shannonaber@yahoo.com

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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11-4-13

Meeting Date

Topic OYSTERS - (APALACHICOLA BAY)

Bill Number _____
(if applicable)

Name GRADY LEAVINS

Amendment Barcode _____
(if applicable)

Job Title PRES. - LEAVINS SFD. INC.

Address 101 WATER ST.
Street

Phone 850-653-8823

APALACHICOLA FL 32320
City State Zip

E-mail lsi@fairpoint.net

Speaking: For Against Information

Representing LEAVINS SEAFOOD, INC.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD



Nov 4 2013 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
Meeting Date

Topic APALACHICOLA BAY

Bill Number _____
(if applicable)

Name STEVEN RASH

Amendment Barcode _____
(if applicable)

Job Title OWNER WATER STREET SEAFARM

Address 391 WATER STREET
Street

Phone 850 653-7333 cell

APALACHICOLA FL 32320
City State Zip

E-mail Stevenrash@waterstreetseafarm.com

Speaking: For Against Information

Representing WATER STREET SEAFARM & Southeastern Fisheries

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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11-4-2013

Meeting Date

Topic APACHECOLA BAY / OYSTER RESOURCES Bill Number _____
(if applicable)

Name MARK BERRIGAN Amendment Barcode _____
(if applicable)

Job Title _____

Address 2916 ROYAL OAKS DR Phone 850 264 6806
Street

TALLAHASSEE FL 32309 E-mail APPLIEDAQUACULTURE@GMAIL.COM
City State Zip

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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11/4/13
Meeting Date

Topic Apalachicola River & Bay

Bill Number _____
(if applicable)

Name DAN TONSMETRE

Amendment Barcode _____
(if applicable)

Job Title Apalachicola RIVERKEEPER

Address 232 Water St.
Street

Phone (850) 508-7787

Apalachicola FL 32328
City State Zip

E-mail dan@apalachicola
riverkeeper.org

Speaking: For Against Information

Representing Apalachicola Riverkeeper

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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Meeting Date _____

Topic Capacity Building for Displaced Seasonal Workers Bill Number _____ (if applicable)

Name Joe Taylor Amendment Barcode _____ (if applicable)

Job Title Executive Director Franklin's Promise Coalition

Address 198 14th Street Phone 850-323-0176

Apalachicola FL 32320 E-mail mail@franklinpromisecoalition.org

Speaking: For Against Information

Representing Franklin County Community

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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11-4-13
Meeting Date

Topic ACF

Bill Number _____
(if applicable)

Name Chad Taylor

Amendment Barcode _____
(if applicable)

Job Title Coordinator, Riparian County Stakeholder Coalition

Address P.O. Box 315
Street

Phone 850/526-0176

Greenwood, FL 32443
City State Zip

E-mail CCT@phoNL.com

Speaking: For Against Information

} Jackson, Gradsden
} Calhoun, Liberty
} Gulf, Franklin
} Counties

Representing Riparian County Stakeholder Coalition

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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11/4/13

Meeting Date

Topic ACF

Bill Number _____
(if applicable)

Name NOAH VALENSTEIN

Amendment Barcode _____
(if applicable)

Job Title COORDINATOR

Address 1301 Capitol
Street

Phone 850-251-2116

City State Zip

E-mail noah.valenstein@
usps.state.fl.us

Speaking: For Against Information

Representing GOVERNOR'S OFFICE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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11-4-13
Meeting Date

Topic _____

Bill Number _____
(if applicable)

Name Lee Garner

Amendment Barcode _____
(if applicable)

Job Title City Mgr

Address 115 Lincoln Dr

Phone 6034475

Chatahoochee
City State Zip

E-mail _____

Speaking: For Against Information

Representing Hydropower - Apalachicola Bay

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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11/4/13
Meeting Date

Topic Senate Agriculture

Bill Number _____
(if applicable)

Name Secretary Vinyard

Amendment Barcode _____
(if applicable)

Job Title Secretary

Address 3906 Commonwealth Dr.
Street
Tallahassee
City *State* *Zip*

Phone 245-2092

E-mail _____

Speaking: For Against Information

Representing DEP

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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11/4/2013
Meeting Date

Topic Apalachicola

Bill Number _____
(if applicable)

Name Jon Stevenson

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 81 Water Management Dr.
Street

Phone _____

Midway FL 32333
City State Zip

E-mail _____

Speaking: For Against Information

Representing NNFNMD

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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11/4/13
Meeting Date

Topic Apalachicola

Bill Number _____
(if applicable)

Name Matt Leopold

Amendment Barcode _____
(if applicable)

Job Title General Counsel

Address _____
Street

Phone _____

_____ *City* _____ *State* _____ *Zip*

E-mail _____

Speaking: For Against Information

Representing DEP

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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Nov. 4, 2013
Meeting Date

Topic Apalachicola Bay Oysters Bill Number
(if applicable)

Name Jim Estes Amendment Barcode
(if applicable)

Job Title Deputy Director, FWC Marine Fisheries Management Division

Address 600 S. Meridian Street Phone 850-487-0554

Tallahassee FL 32399 E-mail jim.estes@myfwc.com
City State Zip

Speaking: For Against Information

Representing FWC

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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**Joint Statement for the Record
Florida Senate Committee on Agriculture
U.S. Senator Bill Nelson
U.S. Senator Marco Rubio
November 4, 2014**

We would first like to thank Chairman Montford for providing us the opportunity to submit our remarks here today. We regret that we were unable to personally attend but appreciate the continued attention of the Florida Legislature to this important issue. Each of us, from the local to the state to the Federal level need to work together to do everything we can to permanently and correctly address the water flows into Apalachicola Bay so important to the Florida oyster industry and the way of life in Franklin County. We appreciate this opportunity to provide an update to our activities at the Federal level in support of this cooperative effort.

Since 1990, Florida and Alabama have battled Georgia and the U.S. Army Corps of Engineers (the Corps) over water that flows south from the Chattahoochee River into the Apalachicola River and Bay. And, we offer our statement today because the most recent 11th Circuit Court decision found in Georgia's favor, which literally leaves Florida's oyster industry out to dry.

A little less than a year ago, it was very clear that there was a fishery collapse in Apalachicola Bay. Historically low water levels as a result of Georgia's excessive consumption combined with the extended drought have caused oysters to die because of higher salinity in the Bay and increased disease and predator intrusion.

The state of Florida requested a Commercial Fisheries Failure declaration from the U.S. Department of Commerce on September 6, 2012, a request that we supported. After careful review of the data provided by the state of Florida, the declaration was granted by the Commerce Department on August 12, 2013, just one day prior to a field hearing we jointly held before the United States Senate Committee on Commerce, Science, and Transportation (Commerce Committee) regarding the condition of the Bay. According to the Florida Department of Agriculture and Consumer Services (FDACS), production estimates from the 2012 oyster harvesting season are at the lowest levels in 20 years, and oyster densities have decreased from 430 to 64 oysters per square meter. As a result, over 2,500 jobs have been impacted in the Apalachicola Bay region. The state of Florida projects that with the continued decline in landings, revenue losses are expected to increase and remain lower than the historical average until the oyster population begins to rebound, which could take up to three years.

Federal and State agencies have joined forces to find solutions to alleviate the negative impacts on the fisherman, but the primary cause of the disaster--mismanagement of the ACF system by the Corps--remains.

Since 2006, the Florida delegation has introduced legislation to force the Corps to manage the ACF system to ensure that there are sufficient freshwater flows into the Bay. We've

worked on this approach for several years, but we've had little success due to the filibuster threats from the Georgia delegation. (These legislative attempts were cosponsored by Senator Martinez in the 110th and 111th Congresses.)

In this Congress, as the Environment and Public Works committee drafted its Water Resources Development Act of 2013 (WRDA), the Florida and Alabama delegation joined together to pursue language to amend the Water Supply Act of 1954 (WSA) to provide more specific guidance on the parameters of agency discretion to reallocate water under the WSA. This legislation was in direct response to the June 28, 2011 11th Circuit ruling which sided with Georgia, holding that water supply was an authorized use of the ACF, and thus, under the ruling, the Corps would have the authority to manage the system in a way that benefits water supply above other uses.¹ Our language to clarify management activities of the Corps under the WSA was included in the Committee's legislation but was ultimately removed in the managers' amendment during the floor debate due to strong opposition from the Georgia delegation.

However, we did not give up and jointly filed an amendment with the Alabama delegation to reinstate the language as well as a Nelson amendment that would have required the the Corps to provide the freshwater flows needed to sustain the Apalachicola River and Bay to protect jobs for the people and businesses who rely on that system. Once again, with a threat of filibuster by the Georgia delegation, neither amendment was even debated.

We firmly believe that, if our Congressional colleagues had better first-hand knowledge of the real world impacts that our legislative language would have addressed, they would have welcomed our amendment language. Therefore, to increase awareness on the day-to-day impacts of the low water flows on Apalachicola Bay and its surrounding communities and residents, we held a field hearing in Apalachicola, Florida on August 13, 2013, shortly after the U.S. Senate concluded debate on WRDA. At this time, we were able to detail the Congressional record with real human stories from those around the Bay to aid our next legislative effort to guide the Corps' management of the ACF. We were also able to directly engage with Colonel Jon Chytka, the Mobile District Commander of the Corps charged with drafting the control manual for the ACF that will ultimately dictate the management of the water flows into the Apalachicola Bay.

After the 11th Circuit Court ruling, the Corps began the multi-year process of drafting this control manual. We have been engaged in this process from the beginning. On October 12, 2012, we drafted a joint letter with the Alabama delegation to the Corps asking them to keep us apprised of their progress and reiterating the need for the Corps to remain neutral, not exceed its discretion to reprioritize water projects, and to encourage them to hold a robust public notice and comment process before any changes are made to the operation of the ACF. That same month, we also drafted a letter to the Corps to raise concerns specific to Florida's needs as it relates to the Environmental Impact Statement for the control manual. These letters along with our face-to-face discussion at the field hearing are only our first steps as we continue to oversee the Corps' work towards finalizing their management plan. Absent any legislative fix, we remain committed to doing everything within our power to ensure the control manual accounts for the need of the Apalachicola River and Bay.

¹ *In re Tri-State Water Rights Litig.*, No. 09-14657, 6 (11th Cir. 2011) [link <http://www.ca11.uscourts.gov/opinions/ops/200914657.pdf>]

Finally, we recognize that the needs of those Floridians so dependent on the resources of the Apalachicola River and Bay are at a critical juncture. Ecological and economic damage has already been incurred. We must find a permanent long term solution. However, in the interim, we stand ready to use every Federal tool at our disposal to assist the residents in Franklin County as they adjust to a new, and hopefully temporary, economic reality. As we previously mentioned, we supported the Department of Commerce's Commercial Fishery Disaster designation and are now working to secure Congressional funding for this disaster assistance in the final funding bill for the Federal government for Fiscal Year 2014. And we were pleased by last week's announcement by the Small Business Administration to grant economic injury loans under their disaster assistance program for residents of Franklin County. We are not looking to replace personal incomes with this financial assistance to those in need, but we are looking to assist in any way possible in the short-term as we work to achieve the long-term outcome that will restore the livelihoods that have sustained the Floridians around the Apalachicola River and Bay for generations, and hopefully for generations to come.

Mr. Chairman, this concludes our statement. We have attached the various correspondences we have submitted to date. Again, we appreciate the opportunity to offer our statement today and we can assure you that we remain committed to saving Florida's Apalachicola Bay.

Congress of the United States
Washington, DC 20515

September 12, 2012

The Honorable Rebecca Blank
Acting Secretary
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Secretary Blank:

On behalf of the State of Florida, we respectfully urge you to honor Governor Rick Scott's recent request for a fishery disaster declaration for Florida's oyster harvesting areas in the Gulf of Mexico—particularly those in Apalachicola Bay—based on Section 312(a) of the Magnuson-Stevens Fishery Management and Conservation Act.

Florida's oyster harvesting areas are currently experiencing extremely poor conditions, which have been exacerbated by the recent drought. In addition, the increased salinity in Apalachicola Bay encouraged more oyster predators, and the closure of oyster harvesting in other Gulf States during 2010 contributed to the oyster populations falling into very poor conditions. According to the Florida Department of Agriculture and Consumer Services, production estimates for the 2012-2013 oyster harvesting season in parts of Apalachicola Bay are at the lowest levels reported in the past twenty years. Oyster densities decreased from 430 to 64 oysters per square meter from August 2011 to July 2012, and the quality of the remaining oysters is markedly down.

The Florida Department of Agriculture and Consumer Services recently completed an assessment of the unique economic hardship affecting the oyster fishermen, processors, and their greater communities. This report estimates that 2,500 jobs will be negatively impacted because of current disruptions in the oyster fishing industry.

Disaster relief funds would help to determine the causes of the oyster decline, assess the feasibility of remedial actions, and provide relief to affected communities. We urge swift action from your Department in order to protect the viability of this important domestic industry.

Sincerely,



Senator Marco Rubio



Senator Bill Nelson



Representative Steve Southerland, II



Representative Jeff Miller



Representative Richard Nugent



United States Senate

WASHINGTON, DC 20510-0905

October 12, 2012

The Honorable Jo Ellen Darcy
Assistant Secretary (Civil Works)
Department of the Army
108 Army Pentagon
Washington, DC 20310-0108

Lt. General Thomas P. Bostick
Chief of Engineers
U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000

Dear Secretary Darcy and Lt. General Bostick:

We are writing concerning the Corps announcement that it will restart the process of updating the water control manuals for the Apalachicola-Chattahoochee-Flint (ACF) River Basin.

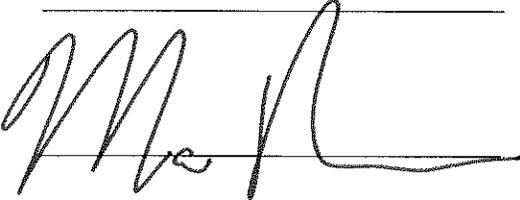
First, we continue to expect the Corps to adhere to its pledge of neutrality during this process. We believe the responsibility for achieving a permanent resolution of the controversy rests with the three governors.

Second, we are concerned that the Corps is increasingly exceeding the limits of its discretion to reprioritize water project purposes without the involvement of Congress. In updating the manual, the Corps must not make material changes to the uses for specific purposes of water resources projects. That is the proper domain of the Congress, not the Corps.

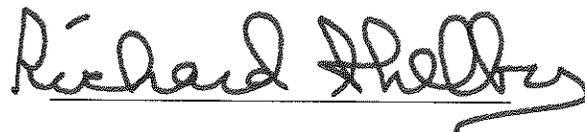
Finally, the Corps noted in June that it has not made a final decision on the operation of the ACF but will do so at the conclusion of this manual update process and after a National Environmental Policy Act (NEPA) analysis is complete. We would strongly encourage the Corps to hold a robust public notice and comment process and to give full and careful consideration to the comments and concerns of our respective States and other stakeholders who depend upon reliable downstream flows. Until the Corps completes this public process, we fully expect there will be no substantive changes to the operation of ACF system.

Please keep us apprised as the process of updating the water control manuals continues.





Sincerely,







United States Senate

WASHINGTON, DC 20510-0905

October 18, 2012

The Honorable Jo-Ellen Darcy
Assistant Secretary (Civil Works)
Department of the Army
108 Army Pentagon
Washington, DC 20310-0108

Lt. General Thomas P. Bostick
Chief of Engineers
U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000

Dear Assistant Secretary Darcy and Lt. General Bostick:

We are writing regarding the health and future of Florida's Apalachicola Bay. Decades of restricted freshwater releases to Apalachicola Bay are taking a heavy toll on the estuary and the economy that depends upon it.

Last month, Governor Scott requested a fishery disaster declaration for Florida's oyster harvesting areas—particularly those in Apalachicola Bay—after assessments found oysters in exceptionally low number and of poor quality. In fact, the current oyster population is the lowest since immediately after Hurricane Elena in 1985. Without a commercial oyster harvest, the fishermen, seafood processors, and their communities do not have work. The oyster industry affects 2,500 jobs in Franklin County, and residents are struggling to pay bills and feed their families.

We understand the Corps restarted its update of the Water Control Manual for the Apalachicola-Chattahoochee-Flint (ACF) River System. It is critical that the needs of downstream communities be appropriately prioritized. We will closely monitor the Corps' development of an Environmental Impact Statement (EIS) and expect the EIS to evaluate the situation as it is now, and not rely on outdated information or assumptions.

We would also remind the Corps and the Department of the Army of their pledge to remain neutral among the three States involved in ACF issues. The Apalachicola Bay is clearly suffering while Georgia restricts the water supply, yet the Corps has not taken action to remedy the situation.

Please keep us informed of your efforts to help Apalachicola Bay.

Sincerely,





United States Senate

WASHINGTON, DC 20510

COMMITTEES:
COMMERCE, SCIENCE, AND
TRANSPORTATION
FOREIGN RELATIONS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND
ENTREPRENEURSHIP

May 15, 2013

The Honorable John D. Rockefeller IV
Chairman
Senate Committee on Commerce, Science
and Transportation
SR-254, Russell Senate Office Building
Washington, DC 20510

The Honorable John Thune
Ranking Member
Senate Committee on Commerce, Science
and Transportation
SR-254, Russell Senate Office Building
Washington, DC 20510

Dear Chairman Rockefeller and Ranking Member John Thune:

I write to respectfully request your consent for the Committee on Commerce, Science and Transportation to hold a field hearing in Apalachicola, Florida as soon as is practicable to examine the impacts of decreased water flows on the Apalachicola Bay and surrounding industries.

As you may know, the Apalachicola Bay is part of the Apalachicola-Chattahoochee-Flint River Basin and the discharge levels of the Apalachicola River into the bay are strongly influenced by rainfall over the entire basin. Unfortunately, the lower part of the basin was classified by the National Integrated Drought Information System as being in an “exceptional drought” during the last three years. Additionally, with current and future withdrawals from Lake Lanier for water supply to the City of Atlanta, an authority of the Army Corps of Engineers that is questioned by both the courts and Congress, water flows into the bay have decreased significantly.

The low river flows and limited local rainfall has created a year of high salinity in water quality measurements in Apalachicola Bay which has directly impacted the Apalachicola oyster industry. According to the Apalachicola Bay Oyster Situation Report, issued by the University of Florida Oyster Recovery team and various stakeholders, a large decline in oyster landings was reported in August 2012 in the bay and the number of reported oyster harvesting trips also dropped off each month during the second half of that year. Additionally, the study found a low abundance of sub-legal oysters in 2012, meaning there is a high likelihood that legal-sized oysters will be in low abundance in 2013 and likely in 2014 as well.

Apalachicola Bay produces 90% of Florida’s oysters, 10% of the nationwide supply, and, when productive, is a \$134 million per year industry. Unfortunately, because of the drought conditions and low water flows, the situation in Apalachicola has become so dire that Governor Scott recently requested a disaster designation from the Secretary of Commerce under the Magnuson-Stevens Act to assist those families negatively impacted by the declining resource, a request I support but is still pending before the Department.

Given the importance of this issue for the people of Florida and the Committee's jurisdiction over disaster designations under the Magnuson-Stevens Act, I am requesting the opportunity for Members of the Committee to see firsthand why this situation can no longer be ignored by conducting a field hearing in Apalachicola, Florida.

Thank you for your consideration of my request. I look forward to your prompt response.

Respectfully,

A handwritten signature in blue ink, appearing to read 'MR', is written over the typed name.

Marco Rubio
U.S. Senator



United States Senate

WASHINGTON, DC 20510-0905

September 4, 2013

The Honorable Barbara Mikulski
Chairwoman
Appropriations Subcommittee on
Commerce, Justice, and Science
and Related Agencies
142 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Richard Shelby
Ranking Member
Appropriations Subcommittee on
Commerce, Justice, Science
and Related Agencies
125 Hart Senate Office Building
Washington, DC 20510

Dear Chairwoman Mikulski and Ranking Member Shelby:

The Department of Commerce recently declared a fishery disaster for the oyster industry Apalachicola Bay, Florida, and we are committed to securing funding for this declaration. We strongly support the Fisheries Disaster Mitigation Fund in the FY 2014 Commerce, Justice, and Science Appropriations bill, and we look forward to assisting your efforts to build support for this fund as the appropriations process continues.

The state of Florida requested a Commercial Fisheries Failure declaration from the U.S. Department of Commerce on September 6, 2012. After careful review of the data provided by the state of Florida, the declaration was granted by the Commerce Department on August 12, 2013. According to the Florida Department of Agriculture and Consumer Services (FDACS), production estimates from the 2012 oyster harvesting season are at the lowest levels in 20 years, and oyster densities have decreased from 430 to 64 oysters per square meter. As a result, over 2,500 jobs have been impacted in the Apalachicola Bay region. The state of Florida projects that with the continued decline in landings, revenue losses are expected to increase and remain lower than the historical average until the oyster population begins to rebound, which could take up to three years.

Your committee's recommendation for \$150 million for the Fisheries Disaster Mitigation Fund included in the reported version of the FY 2014 Commerce, Justice, and Science Appropriations bill is a strong first step to bring relief to the fishing communities that have been affected by natural disasters or fishery failures over the last few years. While the funding needs for the outstanding declared fishery disasters are unclear, ensuring that there is funding through the regular appropriations process will provide more certainty to the affected fishing communities. We commend you for your leadership on this issue.

The accompanying report language for the FY 2014 Commerce, Justice, and Science Appropriations bill states that the \$150 million funding allocation should be prioritized for fishery disasters that were declared in 2012. While the fishery disaster in Apalachicola Bay occurred over the course of 2012, FDACS and the Florida Fish and Wildlife Commission

collected landings data April 2013. Therefore, the Commerce Department was not able to make disaster declaration until early August 2013. To that end, we request that you change this funding prioritization report language to include declarations [and disasters by date of enactment of this legislation]. This change would ensure that the communities in the Apalachicola Bay region would have the same opportunities for disaster funding afforded to other fisherman nationwide.

We understand that several regions have recently experienced fisheries disasters and are also in need of funding for economic losses and ecosystem restoration. We would like to join the coalition of Senators who represent these areas and also support this fishery disaster spending in the appropriations bill.

Once again, we thank you for your work on the FY 2014 FY 2014 Commerce, Justice, and Science Appropriations bill, and we look forward to supporting its passage in the Senate.

Sincerely,

A handwritten signature in blue ink that reads "Bill Nelson" with a long horizontal flourish extending to the right.

Senator Bill Nelson

A handwritten signature in blue ink that reads "Marco Rubio" with a long horizontal flourish extending to the right.

Senator Marco Rubio

CourtSmart Tag Report

Room: SB 301
Caption: Agriculture Committee

Case:
Judge:

Type:

Started: 11/4/2013 4:01:11 PM

Ends: 11/4/2013 5:47:20 PM

Length: 01:46:10

4:01:35 PM The meeting was called to order by Chairman Montford
4:01:53 PM Roll call by Administrative Assistant, Joyce Butler
4:02:08 PM Comments from Chairman Montford regarding thank-you to the committee, President Gaetz, and congratulations to Katherine on her marriage
4:07:57 PM Comments from Secretary Vinyard, DEP Secretary
4:08:09 PM Introduction of Mr. Noah Valenstein by Chairman Montford
4:08:46 PM Speaker - Mr. Noah Valenstein, Environmental Policy Coordinator, Governor's Office of Policy and Budget
4:10:12 PM Speaker, Mr. Jon Steverson, Executive Director of the Northwest Florida Water Management District
4:10:22 PM Additional comments from Chairman Montford
4:10:48 PM Presentation by Mr. Jon Steverson
4:15:23 PM Question from Senator Sachs
4:16:10 PM Response from Chairman Montford
4:16:59 PM Continued presentation and response from Mr. Jon Steverson
4:18:52 PM Comments from Chairman Montford
4:19:54 PM Speaker, Mr. Matt Leopold, General Counsel, DEP
4:25:34 PM Comments from Chairman Montford
4:26:01 PM Comments from Senator Sachs
4:26:07 PM Question from Senator Galvano
4:26:19 PM Response from Mr. Matt Leopold
4:26:32 PM Follow-up question from Senator Galvano
4:26:45 PM Response from Mr. Matt Leopold
4:27:09 PM Additional question from Senator Galvano
4:27:31 PM Response from Mr. Matt Leopold
4:28:11 PM Introduction of Mr. Jim Estes by Chairman Montford
4:29:18 PM Speaker - Mr. Jim Estes, Deputy Director of the Division of Marine Fisheries Management, Fla. Fish and Wildlife Conservation
4:32:16 PM Question from Senator Garcia
4:32:24 PM Response from Mr. Jim Estes
4:32:33 PM Follow-up question from Senator Garcia
4:32:49 PM Response from Mr. Jim Estes
4:33:10 PM Response from Chairman Montford
4:33:42 PM Response from Mr. Noah Valenstein
4:34:00 PM Question from Senator Garcia
4:34:11 PM Response from Mr. Noah Valenstein
4:34:35 PM Continued presentation by Mr. Jim Estes
4:35:30 PM Introduction of Mr. Kal Knickerbocker by Chairman Montford
4:37:17 PM Speaker - Kal Knickerbocker, Director of the Division of Aquaculture, FL DACS
4:40:38 PM Question from Senator Galvano
4:40:59 PM Response from Mr. Kal Knickerbocker
4:42:01 PM Question from Chairman Montford
4:42:12 PM Response from Mr. Kal Knickerbocker
4:43:02 PM Follow-up question from Chairman Montford
4:43:11 PM Response from Mr. Kal Knickerbocker
4:43:43 PM Follow-up from Chairman Montford
4:43:50 PM Response from Mr. Kal Knickerbocker
4:44:10 PM Additional question from Chairman Montford
4:44:21 PM Response from Mr. Kal Knickerbocker
4:44:31 PM Additional question from Chairman Montford
4:44:41 PM Response from Mr. Kal Knickerbocker
4:45:05 PM Introduction of Mr. Bill Killingsworth by Chairman Montford
4:45:46 PM Speaker - Mr. Bill Killingsworth, Director of Community Development, Florida Dept. of Economic

Opportunity

4:48:08 PM Question from Senator Sachs
4:48:29 PM Response from Mr. Bill Killingsworth
4:48:49 PM Additional question from Senator Sachs
4:49:04 PM Response from Mr. Bill Killingsworth
4:49:11 PM Follow-up from Senator Sachs
4:49:26 PM Response from Mr. Bill Killingsworth
4:49:48 PM Question from Senator Bullard
4:49:57 PM Response from Mr. Bill Killingsworth
4:50:05 PM Follow-up question from Senator Bullard
4:50:39 PM Response from Mr. Bill Killingsworth
4:50:56 PM Continued presentation by Mr. Bill Killingsworth
4:54:05 PM Comments from Chairman Montford
4:54:49 PM Comments/question from Senator Garcia
4:55:22 PM Response from Chairman Montford
4:55:58 PM Response from Mr. Noah Valenstein
4:57:02 PM Comments from Chairman Montford
4:58:17 PM Additional response from Mr. Noah Valenstein
4:59:32 PM Question/comments from Senator Sachs
5:01:00 PM Comments from Chairman Montford
5:01:09 PM Comments from Senator Galvano
5:01:45 PM Recognition of County Commissioners from Franklin County by Chairman Montford
5:02:13 PM Comments from Chairman Sanders, Franklin County
5:04:14 PM Comments from Chairman Montford
5:04:21 PM Response from Chairman Sanders
5:05:26 PM Comments from County Commissioner Pinki Jackel
5:05:42 PM Comments from Commissioner Betty Webb
5:06:52 PM Additional comments from Mr. Shannon Hartsfield of FCSWA, Eastpoint, Florida
5:08:26 PM Question from Chairman Montford
5:08:37 PM Response from Mr. Shannon Hartsfield
5:11:07 PM Comments from Mr. Grady Leavins, President, Leavins Seafood, Inc.
5:15:45 PM Comments from Mr. Grady Leavins, President, Leavins Seafood, Inc.
5:15:52 PM Comments from Chairman Montford
5:16:29 PM Comments from Mr. Steven Rash, Water Street Seafood and Southeastern Fisheries
5:19:58 PM Comments from Chairman Montford
5:20:06 PM Response from Mr. Steven Rash
5:21:09 PM Comments from Mark Berrigan, Tallahassee, FL
5:27:31 PM Comments from Dan Tonsmeire, Apalachicola Riverkeeper
5:35:48 PM Question from Chairman Montford
5:35:57 PM Response from Mr. Dan Tonsmeire
5:36:29 PM Comments from Mr. Chad Taylor, Coordinator, Riparian County Stakeholder Coalition
5:42:02 PM Comments from Betty Webb regarding introduction of Stakeholders
5:43:54 PM Comments from Joe Taylor, Executive Director, Franklin Promise Coalition
5:44:23 PM Comments from Chairman Montford
5:45:12 PM Comments from Mr. Lee Garner, City Manager, Hydropower-Apalachicola Bay
5:46:07 PM Comments from Chairman Montford
5:47:12 PM Senator Galvano moves to rise