

A Fight Over Water, and to Save a Way of Life

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APALACHICOLA, Fla. — If these were ordinary times, Leroy Shiver would be scissoring his heavy tongs along the shallows of Apalachicola Bay and hauling up bushels of oysters for hours on end.

Instead, in a task requiring equal doses of patience and hope, Mr. Shiver shoveled piles of dried oyster shells off his boat into the bay. A long line of oystermen and oysterwomen in boats alongside him also joined in the shell dump, a government-sanctioned, last-ditch attempt to revive the decimated oyster industry in Apalachicola. Under the right circumstances, baby oysters should attach to the shells and grow.

“This bay would be filled with boats,” said Mr. Shiver, 36, whose father and grandfather plunged nets, set traps and dipped tongs into the water along this stretch of the Florida Panhandle. “There used to be oysters everywhere in here, and now there is none.”

In a budding ecological crisis, the oyster population has drastically declined in Apalachicola Bay, one of the country’s major estuaries and the cradle of Florida’s prized oyster industry.

The fishery’s collapse, which began last summer and has stretched into this year, is the most blatant sign yet of the bay’s vulnerability in the face of decades of dwindling flow from two rivers originating in Georgia. For 23 years now, Georgia, Alabama and Florida have waged a classic upstream-downstream water war, with Alabama and Florida coming out on the losing end of a long court battle in 2011.

Oyster overharvesting in the bay after the 2010 BP oil spill in the Gulf of Mexico, which largely missed this area, worsened the situation, as did persistent drought.

But researchers found this year that the lack of fresh water had made it nearly impossible for the bay to bounce back as it typically does after stressful events. Last year, the Apalachicola River reached its lowest level and stayed there for nine months, a record.

While the oysters face the most immediate threat, environmentalists and lawmakers said the diminished flow has other far-reaching consequences on Apalachicola's \$6.6 million seafood industry. It could affect some of Florida's most popular catches, including grouper, snapper, blue crab and shrimp, which early on feed and grow in the estuary's perfectly calibrated mixing bowl of salt water and fresh water.

It could also lead to the demise of one of the state's last fishing villages, an undeveloped, picturesque slice of old Florida on the Gulf Coast fortified by generations of fishermen. The working-class men and women in these parts were born into fishing, the way others are born into farming; it is a job, a mind-set, passed down through generations.

Economically, the situation has become so desperate that Gov. Rick Scott, a conservative Republican who is not inclined to ask for federal help, wrote to the United States Commerce Department last year and asked it to declare the oyster harvesting areas a fishing disaster. No designation has been made yet.

"Our message is that this is worth saving," said Chris Millender, 38, a lifelong oysterman here who helped form the Seafood Management Assistance Resource and Recovery Team to help save the bay. "Once it's gone, it's gone."

Since last year, oystermen have scarcely been able to scrape up

several sacks of oysters a day from the bay, a far cry from the 40 they fill in the best of times. The number of adult oysters began to decline in 2007, oystermen said, and has gotten progressively worse. This year, the so-called spat, the larvae of oysters, are struggling to mature.

Under the best circumstances, it would take at least two years for this crop of young oysters to grow large enough for harvest. Typically, the bay here produces 90 percent of Florida's oysters and 10 percent of the country's overall oyster haul.

"The spat is just not where it should be," said Shannon Hartsfield, the president of the [Franklin County Seafood Workers Association](#). "And it all points to the river."

Alarmed, Congressional and state lawmakers from both parties are scrambling to heighten awareness and push for either a legislative solution to control the river flow or a new agreement on water use with Georgia. Considering that the feud between Georgia and Florida has lasted decades, the odds of an agreement are not favorable.

Georgia, where 80 percent of the river basin is, is first in line for the water, and the flow diminishes as the river heads toward Alabama and Florida. Six percent of the basin is in Alabama, and 14 percent is in Florida.

Georgia uses water from Lake Sidney Lanier, a federal reservoir, to quench the thirst and lawns of the residents of ever-expanding metropolitan Atlanta, which sits nearby. Farther south, Georgia farmers use the water to irrigate thousands of acres of agricultural fields. As a result, Georgia has long opposed sending more water downstream to Florida's Apalachicola River.

In 2009, Florida thought it had won the long battle. A senior Federal District Court judge ruled that the Army Corps of Engineers could not draw more water from Lake Lanier. The decision would have freed up more water for Florida.

But in 2011, the United States Court of Appeals for the 11th Circuit, in Atlanta, reversed the ruling. It decided that the corps had the authority to allocate additional water from the reservoir to supply Atlanta. The Supreme Court declined to hear the case.

The appeals court ruling, coupled with the drought, which forced Georgia to draw more water, has starved Apalachicola Bay, scientists and lawmakers said. “These levels are unprecedented,” said Dan Tonsmeire, the executive director of [Apalachicola Riverkeeper](#), an environmental group. “The decline in the entire productivity of the bay is not only an ecological disaster but puts the livelihoods of thousands of fishermen at risk of being lost forever. And it’s not just Apalachicola Bay. It affects the entire Gulf Coast.”

In Congress last month, senators from Alabama and Florida tried to address the flow issue in an amendment to the 2013 Water Resources Development Act. The bill passed the Senate on May 15, but the amendment was blocked by Senator Johnny Isakson, Republican of Georgia, according to Senator Bill Nelson, Democrat of Florida.

“Georgia won’t agree,” Mr. Nelson said. “They want what they want. We say that’s not what Mother Nature intended.”

The House has yet to draft its own legislation. The entire Florida delegation sent a letter last month to Representative Bill Shuster, a Pennsylvania Republican and the chairman of the Transportation and Infrastructure Committee, asking him to take up the issue. Governor Scott sent a separate letter to Mr. Shuster.

Representative Steve Southerland II, Republican of Florida, said Mr. Shuster had assured him that a bill would be drafted this year.

For Florida, help cannot come soon enough. The estuary has endured a lifetime of hurricanes and drought. Its fishermen have

survived commercial fishing restrictions and inexpensive shrimp imports. But the linchpin remains the flow of fresh water, experts said.

“Whether it’s a drought or a hurricane, the river’s resurrection depends on the flow of the water coming down,” said State Senator Bill Montford, a Democrat who grew up on the Apalachicola River and represents the area. “There is not another place on earth where the blessings of nature come together as they do in the basin and the bay. We have something special there. But it’s also a very delicate treasure.”

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