Exhibit 1
Declarations & Letters

TABLE OF CONTENTS

CITY OF APALACHICOLA

192 Coach Wagoner Boulevard • Apalachicola, Florida 32320 • 850-653-9319 • Fax 850-653-2205
www.cityofapalachicola.com

December 30, 2020

The Honorable Thomas W. Thrash, Jr.
Chief United States District Judge
2188 Richard B. Russell Federal Building and United States Courthouse
75 Ted Turner Drive, SW
Atlanta, GA 30303-3309

Judge Thrash:

Working people, businesses, the environment, and local culture have all been seriously harmed by the significant reductions of freshwater from the ACF River systems that flow into our bay.

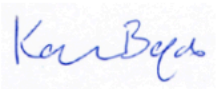
The collapse of our historic oyster fishery has closed businesses, damaged families, and prevented an entire generation from following the careers and traditions that sustained their ancestors for generations.

One formerly successful oyster house owner now struggles to make ends meet by cleaning rooms; restaurants that have proudly served our oysters for decades must now, when asked, tell diners that the shellfish on the menu come from Louisiana or Texas.

Our oyster reefs were cornerstones of both the environment and the economy. We knew there could be good years and bad, but never imagined seeing this once-bountiful resource vanish before our eyes.

Florida and our nation are filled with many wonders, but a self-sustaining, hand-harvested wild oyster fishery was a rare and priceless resource that simply cannot recover without historically fair fresh water flows. We believe the Corps of Engineers must manage the river system to take all of our cultural, economic, and environmental issues into account.

Sincerely,



Mayor Kevin Begos
kbegos@cityofapalachicola.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

IN RE ACF BASIN	:
WATER LITIGATION	: Case No. 1:18-MI-43-TWT
	:

Declaration of Trip Aukeman

I, Trip Aukeman, of the city of Tallahassee, Florida, do solemnly declare and affirm as follows:

1. I am over the age of 18 and have personal knowledge of the following facts.

2. I have been fishing on the Apalachicola River and in the Gulf my entire life. Growing up, my family always had a boat. When I was young I went with my parents and siblings, and now I take my own family. My wife, two sons and I fish most weekends during the summer to catch tripletail fish, red drum, and sea trout.

3. Growing up on the water made me passionate about recreational fishing and protecting Florida's fisheries. In pursuit of that, I joined the Coastal Conservation Association (CCA) in 2000. I applied for an open position with CCA in 2007 was hired by the organization in 2008. I'm currently the Director of Advocacy for Florida's CCA.

4. The CCA has been in Florida since 1985. The CCA started working with habitat protection and restoration projects in Florida in 2010. We work with like-minded individuals and organizations on conservation projects inshore and offshore to make the future better for our children. The CCA became involved with the Apalachicola River because of the lack of water and how that was beginning to hurt the fisheries in North Florida. The CCA wants

more water flow from the River into Apalachicola Bay in order to get more nutrients to the habitats that desperately need it.

5. The last few decades have brought some changes for recreational fishermen, including me and my family. Overall, I've seen some dips in the types of fish I've historically caught, including redfish, seatrout, and grouper.

6. Identifying the cause of fishery changes is complicated, but low flow from the Apalachicola River is part of the problem. The River is a food source for many Gulf fisheries. Back when the River flow was higher, it would carry water from the swamps full of leaves and dirt out into the Bay and all the way to the Gulf of Mexico. This water was full of nutrients that benefitted everything living in the Bay and large parts of the Gulf. Now there's nothing but mud in the swamps, not water, so the River doesn't bring the Bay nearly as much nutrients and, really, fish food, as it used to.

7. Fish like small grouper would grow up in the Bay and off the shallow reefs in the Gulf. Really, everything living in the Bay—from seagrass to oysters and fish—all benefitted from the River.

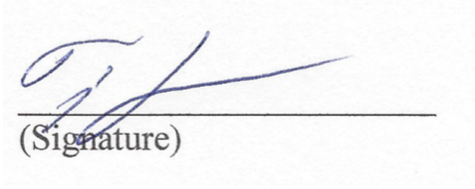
8. One reason for decreases in redfish, sea trout, and grouper numbers around Apalachicola may be habitat loss. All of these species use the seagrass for protection when they're small, and in the last six years, I've seen less seagrass in the Apalachicola Bay.

9. I am very worried if we don't continue the flow of water or at the very least try to increase the flow the economy will continue to falter. Already you've seen impacts to the oystermen and shrimpers. You don't see the shrimpers any more. What worries me is that if there is no solution the economy will fail even more in Apalachicola and the surrounding cities and towns. The people there depend on fishing charters for their livelihood. Their economy depends on the tourists coming to fish.

10. CCA is also worried about the lack of water flow. We have two chapters that utilize the area for fishing on a regular basis and it affects many of our members throughout the region. The River feeds nutrients from Apalachicola all the way to Tampa Bay. If we do not have the water flow we lose the water quality and then the resources that rely on the water and the nutrients in it. We have numerous CCA members that are fishing guides and owners of shops and rentals that depend on the water quality for their livelihood. It is essential that the Apalachicola River receives more water flow to ensure all living things prosper in and around the River.

Pursuant to 28 U.S.C. § 1746, I Trip Aukeman, declare under penalty of perjury that the foregoing is true and correct.

Executed on December 14, 2020.



(Signature)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

IN RE ACF BASIN	:
WATER LITIGATION	: Case No. 1:18-MI-43-TWT
	:

Declaration of Richard Bickel

I, Richard Bickel, of the city of Apalachicola, Florida, do solemnly declare and affirm as follows:

1. I am over the age of 18 and have personal knowledge of the following facts.

2. I am a professional photojournalist and owner of the Richard Bickel Photography gallery in Apalachicola, Florida. (https://www.richardbickelphotography.com) I have worked extensively both in this area as well as in over 80 countries for the U.S. and foreign press.

3. I went to the Apalachicola region for the first time in 1995, when I was sent to do a story about the Florida Panhandle for a magazine called *Travel Holiday*. They assigned me the story because it was a largely unknown stretch of Florida and they felt it would be unique and of great interest to their readers.

4. I drove from Tallahassee to Pensacola looking for material for the magazine piece. When I arrived in Franklin County, I was intrigued: there was almost no development and a very low population. It was a place of wooden boats and hard hand labor. I realized that the story was there, in and around Apalachicola, and especially on the waterfront. I moved to Apalachicola shortly after that assignment with a commitment to document this hidden world, and I have lived and worked here since 1995.

5. During the last 25 years here I have photographed, interviewed and have come to know hundreds of local families. I am intimately familiar with their stories and have worked to communicate those voices to the broader public. Fifteen years ago I opened a storefront gallery in downtown Apalachicola where I display my work and have also published two bestselling books of interviews and photographs of the people of the Bay area. I have also illustrated scores of national and international magazine and newspaper pieces profiling the profoundness of the region including in *The New York Times, The Washington Post* and *Die Zeit* (Germany).

6. Water is the center of everyone's life down here. The Creek Indians held these waters sacred, as do those who reside here today. I've had the pleasure of photographing baptisms with a local Blountstown church called the Prayer Chainer's Mission of God. It was an otherworldly experience to stand in the backwaters of Florida at dawn with the parishioners in ghostly white robes. They hold the water holy; they call it their River Jordan.

7. Asking if oystermen like what they do is like asking if a seal gets tired of water. Local oystermen live for the Bay. After long and extremely difficult days harvesting, they would head back to the water to sport fish on weekends. These waters are in their blood.

8. The self-sufficiency of people in this region was compelling for my camera and pen. Oystermen craft oyster boats in their backyards out of plywood and their shrimp boats from Cyprus wood. They often make them without formal plans. That's emblematic of who they are. Oystermen are extremely hard working, resourceful, fiercely-independent people. After a lifetime of working on the Bay, it's a challenge for many of them to function in a structured environment.

9. The city of Apalachicola is a lovely town with vintage architecture and a historic waterfront. It has been the center of Franklin county, economically and politically. Re-identification of the economy and life here in has happened a of numerous times. The town was built on cotton export. Then the lumber trade drove the economy. The lumber ran out so the community turned to fishing, and that became the identity of what Apalachicola is today. Sadly, that is changing again, and many of the seafood families who've been

here for generations suddenly feel like Apalachicola is a place they no longer know as a tourism economy and gentrification take hold.

10. I will never forget my first view of Eastpoint, the small fishing town seven miles across the Bay from Apalachicola which was the center of the oyster trade. At that time, the Bay was productive. On the Eastpoint wharf, an epic scene with men in boats, engine smoke and hubbub unfolded. A dozen-plus oyster houses, where oysters were weighed and shucked, lined the coast in this small town. The smell was pungent; it was the smell of livelihood for men and women. It was the smell of money. Eastpoint doesn't have a storied history, it's a working town through and through. The oysters were landed there and the shucking houses processed them for export. Eastpoint has no town center, there's just a bay with road beside it and scatterings of doublewides and modest homes.

11. I've visited Eastpoint's wharf frequently over the years. It was but a line of low, cinder block shucking houses perched on the water. In the back of the houses were oyster docks. Oystermen would pull in and then weigh their catch and take a paycheck. It used to be that if I visited at dawn, I'd see 100 Eastpoint oystermen over the 1.5 mile of water front. There were probably 300-500 active oyster licenses then.

12. Oystermen in Eastpoint practiced a very old and traditional form of oyster harvesting called tonging. I tried it once, with very little success. Tongs are basically two ten-foot rakes riveted together and work like salad tongs. They are heavy, up to 40 pounds when laden with oysters. It is brutal work, heaving the tongs hour after hour. Because our estuary is murky and you typically can't see the bottom, oystermen have an uncanny ability to understand what their tongs are touching based on feel alone. It's incredibly difficult work that is passed down through the generations. Yet no matter how brutal their working day was, oystermen never complained about the work.

13. After an oystermen's catch got weighed in and cleaned it would go into a house where there was a line of shuckers. Shuckers are paid by how many gallons they shuck through the day, so they move fast. Shucking houses have square portholes to the outside, every 4-5 feet, where the shuckers

discharge empty shells. When oysters were plentiful, empty shells would pour out of these holes day-long, creating small mountains of the bivalves.

14. When I came here 25 years ago there were ten to fifteen working shucking houses on the Eastpoint waterfront, each with about ten shuckers. Because oyster harvesting requires brute strength, local women historically did most of the shucking. In the last ten years there's been a continual decline in oyster harvest, so many women left the industry for clerking in convenience stores or cleaning tourist rental homes on nearby St. George Island. Because Eastpoint shuckers were so adept, some houses also started shucking oysters from Texas and Louisiana to fill the void. Unfortunately, that just wasn't nearly enough to keep all the shucking houses open. There are but two Eastpoint shucking houses left today and they are only half-operating, shucking non-local oysters.

15. People joke that all you need to live off the land here is an oyster boat and a shotgun, and for a long time it was true. The oyster crash and other harms to the Bay doesn't just impact the oyster industry, it takes away free nutrient rich food sources too. The people of Eastpoint have been through hard times. First the oysters went, then there was a big fire in the fishermen's quarters in 2018, the same year as Hurricane Michael wreaked havoc on the town.

16. We've lost the soul of Apalachicola and Eastpoint with the demise of oystering and shrimping fisheries, and with that, much of the character of the area. People come here for the fishing culture and its heritage. The come to eat oysters. The town wharf still has shrimp boats but not nearly as many as we used to. We're evolving into another soulless Florida waterfront story that's reliant on tourism and not much else. When I arrived 25 years ago you couldn't buy a coffee mug or Apalachicola t-shirt. Now the downtown is lined store-by-store clogged with tourist kitsch. People wander into my gallery asking where to go for Apalachicola oysters and I have to tell them there aren't any. Or if they find some likely they're from Texas. Meanwhile, they gaze at my gallery images of the fishermen and oystermen and see, sadly, a people and land that once was what was.

17. In summary, the Bay afforded a generational livelihood and with that, a dignity that livelihood provided. Regardless if you're an out-of-work

accountant or an oystermen things quickly become depressing when one can't work. With the Bay closed for five years now, there's little hope for our fishers. What are they going to do? Most aren't comfortable working at the dollar store or at any pursuit that requires a time clock. Oystermen are a proud people and suddenly they can't provide for their family through no fault of their own. It is wrong and patently obscene that we as a society have allowed this to happen.

Pursuant to 28 U.S.C. § 1746, I, Richard Bickel, declare under penalty of perjury that the foregoing is true and correct.

Executed on (date). 12 / 19 / 2020

(Signature)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

IN RE ACF BASIN	:
WATER LITIGATION	: Case No. 1:18-MI-43-TWT
	:

Declaration of Albert Bryant

I, Albert Bryant, of the city of Bristol, Florida, do solemnly declare and affirm as follows:

1. I am over the age of 18 and have personal knowledge of the following facts.

2. I am 41 years old and have lived in the Apalachicola Region for my whole life. My early childhood was in the city of Eastpoint and moved up river to Liberty County when I was in elementary school. I've lived in Bristol for about 35 years.

3. My family has lived in this region for at least 70 years, and our work has related to the Apalachicola River one way or another for generations. Back when the Bay was full enough of oysters to actually catch anything, my grandparents both worked in seafood. My grandpa, Albert, owned a seafood business and the Seafood Shack, a little restaurant in Apalachicola. He sold seafood to across the Southeast, including to Publix, for decades. My grandma shucked oysters. My dad, Larry, made his living on the Apalachicola Bay until 20 years ago. He fished, oystered and shrimped. Now the Bay is dead for oysters.

4. I am a beekeeper and have been making Tupelo honey for more than 20 years. The Tupelo honey trade is a local industry that has been around for more than 100 years. I have sold Tupelo honey around the country to many people including Savanah Bee Company in Savanah, Georgia. Now most all the Tupelo we are able to make is sold under the brand Bee Wild Raw Honey.

5. I started bee keeping while I was in high school. I was mentored by one of the old time Tupelo bee keepers, Mr. Warren Johnson. There are maybe 12 old timers who know how to make Tupelo the right way. He mentored me and taught me how to make pure Tupelo the right way.

6. Mr. Warren was huge in the Tupelo industry here. He was the bee consultant on Peter Fonda's movie *Ulee's Gold*, which was shot around here and about a Tupelo honey beekeeper. He just passed from COVID-19.

7. After high school I bought some hives from retired beekeepers and, after some time, established Bryant Apiaries in Bristol, Florida. I currently operate between 1,000-1,500 hives. That was about 20 years ago now. It was a good living for a long time, I was not getting rich but could pay our bills and work for myself.

8. Tupelo honey is a very special kind of honey that's made in the swamps in the Apalachicola area and southern Georgia. It's made when bees feed on nectar from White Tupelo trees. Tupelo honey season is short. In a good year, the White Tupelo blossoms stay on the trees for 10-14 days in late April or early May.

9. White Tupelo live in the swamps around the Apalachicola River. They need water on their roots to germinate, and bees help with that too. During the 2 week Tupelo blooming season, I strip out my hives of all other honey and move my bees down to the swamp in Gulf County, where they can drink from the Tupelo trees and not much else. The bees pollinate the blooms and the trees feed the bees. That's how you get pure Tupelo honey: the bees have to only feed on Tupelo. After the blossoms brown, they fall off and the River disperses them to other places, spreading the seed and making young trees. That used to be really common, we'd have young Tupelo sprouting everywhere. Without water, the seeds can't spread. Once they sprout, young Tupelo trees take 5 or 6 years to bloom.

10. Tupelo honey is very valuable, it's the most expensive honey in America. It's got a unique buttery taste and—because it has less sugar than other honey—it is safe for diabetics and it never crystalizes.

11. The local community used to really benefit from the Tupelo trade: the money we made on honey we put back into the economy. Local Recreational teams and youth sports were even sponsored by and named after beekeeping companies. We are famous for our Tupelo honey, especially in Wewahitchka. For decades we've had a Tupelo Honey Festival in Wewahitchka that would bring in 10-100 thousand people and lots of outside money. I also used to sell to local roadside markets and groceries, it was a very fruitful business.

12. About ten years ago I could make 2/3 of a year's salary in two weeks during Tupelo season. I'd make 150 pounds for each hive in three days and about 100,000 pounds during the whole season. Eight to ten hives would make a whole drum of honey.

13. Tupelo honey production has tanked in the last 8 to 10 years. I can't get more than five pounds per hive in the whole Tupelo honey season, less than a drum. We're lucky to make 20,000 pounds in a season, but some years we just don't make any. We had 400-500 hives on it this year and didn't make a single drum. Some years are still OK, if we get a lot of rain, but most years since about 2010 you can't count on making money off Tupelo. Now I contemplate whether it's even worth going to try to make it, because it's a big expense and a lot of labor to move the bees down to the swamp, which is a pretty big undertaking. For the past several years, it hasn't paid off.

14. The change in honey has a lot to do with the health of the Tupelo. Tupelo need water to survive, and certainly to thrive. The swamp is drying up: the River basically runs dry in the summer. The Apalachicola River used to be maybe 6-12 feet most of the time, so the swamps were always wet. Now you only see those levels when there's a flood, and those don't last long enough to get back into the swamp and sit on the Tupelo steadily.

15. Low flow impacts the Tupelo Trees in two ways that matter for honey. First, the trees that are already there have a much shorter blooming season because it's so dry. If the trees bloom at all, it's only a day or two before the blossoms go brown. Once the blossoms are brown they have no nectar left. With fewer blossoms and shorter blooms, an already short honey season gets

even shorter. The low water also means that the Tupelo seeds don't get spread so we have far fewer young Tupelo than we used to. Now the swamp is just full of old, dry Tupelo.

16. These days, there's just not a steady enough flow to keep the Apalachicola River level at a 6 or 8 foot level for any length of time. The River goes from 2 or 3 ft up to 18 or 20 ft quickly. It's either dry or—when they start getting rain around Atlanta—the Corps just turns it all loose at one time and it floods everything out. Instead of just keeping a gradual flow coming down to try and keep the River at a sustainable level, it's all or nothing. I can't remember the last time the River was deep when there wasn't a flood. We need the Corps to be more consistent with the water and not let the water dry up.

17. You don't see these impacts on Tupelo up in Georgia. Apalachicola Region has so many more Tupelo trees than Georgia does, and we used to make much more Tupelo honey than they did. That's not true anymore: Georgia's doing better than we are.

18. My business model has had to adapt as a result of these changes. Back when we had a good crop of Tupelo and could make honey, we could feed our bees locally year round. Because we can't make any money on Tupelo anymore, now we take our bees to California to pollinate almonds. Everyone in my area who used to produce Tupelo honey ship bees to California now. This is a real stress on my bees. Having to ship them around to keep making money probably contributes to an increased pace of bee loss that we've had over the last several years. Before, we didn't have nearly so many losses because our bees never went more than an hour from the house.

19. In spite of updates to my business, the Tupelo crash has also devasted by bottom line. We used to make about $100,000 worth of tupelo honey every year. Now we are lucky to make $15- $20,000. As a result, I've had to take a second job managing a corporate beekeeping company. Long term, I hope to go back to being fully self-employed at Bryant Apiaries.

20. Because the Tupelo trees don't have what they need to germinate and propagate, the industry is dying. The traditional way we make Tupelo honey

> is dying too. The older generation were purists, so if you bought Tupelo down here it was guaranteed Tupelo. I'm one of the only ones left who was taught by the old timers, and I take pride in the quality and integrity of the Tupelo honey business. Now that the market is collapsing, you have beekeepers who weren't trained in the traditional trade marketing impure honey as Tupelo because it's all they've got.

Pursuant to 28 U.S.C. § 1746, I, Albert Bryant, declare under penalty of perjury that the foregoing is true and correct.

Executed on December 22, 2020.

Signature: 
Albert Bryant
Owner, Bryant Apiaries

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

IN RE ACF BASIN	:
WATER LITIGATION	: Case No. 1:18-MI-43-TWT
	:

Declaration of Shannon Hartsfield

I, Shannon Hartsfield, of the city of Eastpoint, Florida, do solemnly declare and affirm as follows:

1. I am over the age of 18 and have personal knowledge of the following facts.

2. I am an oysterman by trade and have been working on issues related to the Corps' impact on the Apalachicola River and Bay for over a decade.

3. My family have worked on the Apalachicola River for four generations, it's a part of who we are. My great grandma, grandma and mother were oyster shuckers. At various times, my great-grandad, grandad, father and I have worked as oystermen, fishermen and shrimpers. Had the Apalachicola Bay oysters survived, my son would have been the fifth generation of Hartsfield oystermen.

4. I have enjoyed the Apalachicola River with my family all my life. Growing up we took houseboats on the River and hunted in the swamps. I took my kids to camp on the River too, just like I did when I was young.

5. I have made my living off the River for most of my life. I started helping my grandad oyster and shrimp when I was thirteen, he was old by then and needed my help getting the motor started. He and my dad taught me the trade, just like I taught my son. Up until the mid 1990s, I was also a commercial fishermen. From the mid 1990s to 2007, when we had a bad drought, I made about 90% of my income off oysters. It was a good living. At its peak, I was making $3,000 a month.

6. My family has lived around the Apalachicola Bay for generations. The cities of Apalachicola and Eastpoint, are fishing towns on the Bay. There is no other industry to speak of here, and most families rely on the River for income. That's definitely true of the oyster trade.

7. I became the president of the Franklin County Seafood Workers Association in 2010. It's a trade association that represented local seafood workers and worked with government and the community to protect the rights of oystermen and all seafood workers.

8. SMARRT, Seafood Management Assistance Recovery and Restoration Team, was formed in 2012 to represent fishermen and seafood dealers in 2012. Its fifteen person board included me and fourteen others from multi-generational fishing families that are intimately involved with the Bay. Most of them had some oystering background, but we also had shrimpers, crabbers, clammers, dealers and fishermen. SMARRT worked with government agencies to try and understand what was being done to help the Bay after the 2012 crash. We were able to help control the process and bring in some grant money to build synthetic oyster beds and attention from press helped us push for bag limits (catch limits) for struggling species and the eventual closure of the Bay for oystering in 2020. However, without sources of funding or income our board has scattered in recent years.

9. I saw changes in the River and Bay starting in the late 1990s, when the Army Corps of Engineers ("Corps") stopped sending enough water down the River for navigation. For a long time, the River was used by barges and the Corps supported navigation by sending down enough water to support big ships passing through and dredging the Riverbed to make it deeper.

10. After navigation officially ended on most of the Apalachicola River in the late 1990s, the Corps quit looking downstream and only sent enough water to take care of the Endangered Species on the River and in the Bay. While the Corps claim that they're sending enough for mussels, I've seen the mussels really struggle too.

11. We used to have a steady flow of seven to nine feet in much of the River. Even in the heat of the summer you'd still have six feet. When it dips much lower than that, the water can't get back into the swamps.

12. While how much water the Corps sends obviously impacts the Apalachicola River, its swamps and tributaries and the salinity of the Bay, the pace of release also maters. The Corps also controls the health of the Apalachicola ecosystem with the rhythm of its releases. When it fails to release water in a natural pattern, animals downstream suffer. For example, in the past the water would slowly get here and then slowly leave. Now the Corps cuts water off abruptly in March and the shock kills the oysters. When the water is abruptly cut off it also stops natural flow of dirt and sand into the Bay, which clams and other bottom dwelling seafood needs to survive.

13. In the years since navigation on the River ended, the health of the Bay has depended entirely on the weather. In the early 2000s the Bay was still mostly ok, because we had a lot of rain those years. So even though the River was not nearly as deep as it had been, changes in the Bay weren't so noticeable because our wet seasons were wetter than average. All that changed in 2007, when we had a really bad drought. Water levels where the Bay meets the River dropped down to less than a foot that year.

14. When you have a drought, the salinity of the Bay increases because the balance between fresh water coming from the River and salt water coming from the Gulf of Mexico gets thrown off. You know the water's getting saltier because animals that usually don't come into the Bay start showing up. So, in 2007 I saw a huge increase in sea urchins and scallops deep into the Bay, both of which like much saltier water than oysters do.

15. The Apalachicola Bay oyster population really started to suffer in 2007. For example, 2007 was the last year that we had any oysters on two historical oyster beds: Cap Point and Dry Bar. Things have just gotten worse for the oysters since then. We had another drought between 2010-2012 and that's when the oyster crash was officially recognized Florida State government.

16. The Apalachicola Bay oysters still haven't recovered from the 2012 crash. In fact, a lot of the Bay was just closed to oystermen for the next five years to try and help the oyster population rebuild. When I say rebuild, I think that oyster populations about 60% of 2000 levels would be a success: no more is possible without more water from the Corps. A lot of people are upset about that because the last couple years have looked better, but that's only because of the rain. Unless the weather gods keep sending rain, we have to rely on the Corps. Without more water from the Corps, the oysters will crash again the next time we have a dry year.

17. Before the 2012 crash you'd see 400-500 families making a living off oysters. Right before the closure in the summer of 2020 you'd maybe see four boats out there bringing in a few bags a day.

18. Some recovery might be possible without the Corps' help, but oysters won't support Apalachicola and East Point like it used to. Even if weather stays wet, the Bay closure helps the oysters recover and the government controls fishing levels moving forward, without more water from the Corps I can't see more than 150 boats making a living off Bay oysters moving forward.

19. Oysters provide jobs to more than oystermen, and the crash has hit downstream industries really hard too. For example, in 2000 there were about 40 oyster processing plants in East Point. By 2010 there were only 26 and now we only have one. So all the jobs that go along with those plants—truck drivers, dock workers, shuckers—disappeared too.

20. We were never rich but we were comfortable. It wasn't until the oysters started struggling in 2007 that we realized how good we had it: we had good income and ate well. We ate the seafood we caught all the time. Now we can't afford to go to retail market and buy seafood because the mark-ups are ridiculous.

21. I'm away from home a lot more because I have to go where the oysters are. I've gone to Louisiana to fish and other places in Florida too, just to try and make up the income, but I'm not making nearly what I used to and I've had to pick up odd jobs in construction to keep up. I used to make about $1,200 a

week on oysters, now I'm lucky if I bring in $3,000 in a month from all my odd jobs.

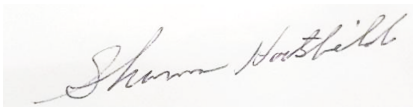
22. Now that the River can't provide much income, my family is struggling with much less money. I'm working in construction as I can find work and my wife is baby-sitting five boys all week, just to make ends meet. Some months we have to choose between food and healthcare.

23. My father, Abraham L. Hartsfield, is 73. Before the oysters crashed in 2012, oystering was all he did. After trying to hold on for a few years after the crash, he finally stopped oystering in 2015. Since he and my mother cannot survive on Social Security alone, he has taken on several part time jobs at the grocery store, as a handyman and painter to get by. He and my mom are struggling.

24. If I could ask the Corps anything, it would be to put us into the equation somewhere. The Corps needs to look south past Lake Seminole to understand that sending so little water down is killing our way of life. It seems that richer people living on Lakes Lanier and Seminole and Atlanta have the Corps' attention, but we deserve it too. It's only fair to take us into consideration and try and find a way to send us a little more.

Pursuant to 28 U.S.C. § 1746, I, Shannon Hartsfield, declare under penalty of perjury that the foregoing is true and correct.

Executed on December 31, 2020.



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

IN RE ACF BASIN	:
WATER LITIGATION	: Case No. 1:18-MI-43-TWT
	:

Declaration of Kevin Martina

I, Kevin Martina, of the city of Apalachicola, Florida, do solemnly declare and affirm as follows:

1. I am over the age of 18 and have personal knowledge of the following facts.

2. I was born and raised in Apalachicola, where my family has lived for three generations. All three generations were Bay shrimpers. My grandad was a shrimper and my father, Bill Martina, is a retired shrimper and crabber. All I've ever done for a living is commercial fishing, too.

3. All we ever did growing up was on the water: we'd fish, go up the Apalachicola River on houseboats and camp. All we have down here is the water, there is no other industry in Franklin County.

4. I graduated from high school in the 1980s and started shrimping right away. In the 1980s and 90s, shrimp was king. I only worked during shrimping season and made enough to sustain me the rest of the year. During that time, I never worked a day from Thanksgiving to the first day of March, then I'd go shrimping until November. Because of changes in the Bay, now I work year round.

5. When I was a young man there was probably more life in the Bay than in town. The Bay supported 200 shrimping boats every year. Now we have a fleet of approximately twelve to fifteen county residents with boats working

in the Bay. That's all that's left. I've seen the Bay has changed tremendously in the last 30 years.

6. In the late 1990s to early 2000s, things started to change. The price of shrimp has been cut in half. We got paid more in the 70s and 80s than we do now. At the same time, gas tripled in cost. I own a 50 foot shrimp boat that I pay $65 dollars a month to keep at the harbor but I haven't been in it for over three years now. It just isn't feasible to go anymore because there's no profit margin.

7. I transitioned to blue crabbing full time about ten years ago. My dad used to crab also. In the 50s and 60s he started out crabbing with a long line, but then we went to traps. We used to fill ten to fifteen crates in a day but now I'm lucky to fill two or three. It's gone from 1,000 pounds in a day to being lucky if I catch 200 pounds.

8. The changes for crabbing and shrimping really started when the Corps shut off the water around 2000, when they started hoarding it for Atlanta and farming in Georgia. After that, the Bay went from a good mixture of salt and fresh water to 100% salt.

9. One way I know that the Bay's gone salty is that we have tons more salt water predators in the Bay than we used to. These animals feed on shrimp, crab and especially oysters. You used to see some of these animals up in the Bay, but the mix of water wasn't good for them so they wouldn't linger. Now that the Bay is so salty most of the time, they've moved in and eaten everything.

10. I've also seen saltwater species swimming up the River. We've had Kemps Ridley sea turtles and Bull Sharks up-river near the flats, where people ski and swim. It's had an impact on recreation: it's one thing to deal with alligators but Bull Sharks are really dangerous.

11. Saltwater fish are also migrating up the River and we're catching them regularly three to four miles up the River. Sheepsheads and Crocker's have been spotted all the way up at Woodruff Dam and flounders are being caught

up in Bristol and Blountstown. That's 40 to 60 miles north of the Bay. Those fish can't live in fresh water.

12. The direction of the Apalachicola River has also changed. When I was young, you could always paddle home south because there was enough water and the River had a natural southernly flow. Now the River mimics ocean tides and it's hard to paddle south when the tide is coming in.

13. Decreased water flow has impacted the shrimp too, Shrimp need the marshes maintained by the fresh water flow to survive. 1994 was the best shrimp season I've ever seen because we had so much rain that year. I've seen a direct link between fresh water flow and shrimp production for years.

14. The amount of water the Corps sends down is not the only problem, the pace of flow is a real problem too: there's no natural flow. The Corps sends too little or too much, so the River swings between flooded and dry and dusty while the Bay is either a flood of fresh or all salt. I'd much rather have a low to medium flow all year.

15. I've been up in Georgia around Lake Blackshear for deer hunting when they took the lake down seven feet for dock maintenance, which of course flooded Apalachicola. That happens every time there's a flood or hurricane up in Georgia too: the Corps just opens up the dams. It seems like they don't want the people up there with their big houses getting flooded, so they flood us.

16. Animals in the Bay suffer from the pace problems too. It's just like us: how long would it be before we'd get pneumonia if we went from 40 degrees to 90 degrees every 30 minutes? A lot of what's in the Bay needs a mix of fresh and salt water to survive.

17. Apalachicola Bay used to have a soupy, mushy bottom made up of dead leaves, roots and grasses that rotted over time and would then naturally flow down from the swamp. That material is full of nutrients that then fills the Bay. It creates a perfect place for fish, shrimp and crab to lay eggs and for these species to live while they're young. Fresh water grasses would also

naturally grow in that rich area of the Bay, and duck hunting was common there.

18. One of the biggest impacts I see from this unnatural water management is that sand is pushed down out of the River whenever the Corps opens up the dams. The Corps dredged the River for years and years, and so there's a lot of loose sand on the River bed and banks. Whenever the River floods, sand pours out of the Apalachicola River and into the Bay, covering the grasses, shrimp, crab and fish habitat near the mouth of the River. The Corps is washing a whole ecosystem away. Now, the bottom of the Bay is just hard as rock: I can get out of my boat and walk around without sinking into the bottom. Now that there's less habitat for shrimp, crab and fish that grow up in the marsh, they lay eggs on the sand and either predators eat them or the tide washes them away.

19. I've seen these problems create a food chain problem for the fish too. Fish eat shrimp, and there's been a decline of some fish since the shrimp dipped. When I was young we could catch 500-700 pounds of fish in a day. Now there are limits for some species of just a handful of fish per person per day.

20. All of these changes for shrimp and crabs impact the downstream employment: the local economy triples when the Bay produces. Processors, packers, icemen all work when the Bay is healthy, it's a trickle-down effect that impacts the economy of the whole county.

21. I was part of the Seafood Management Assistance Recovery and Restoration Team (SMARRT) Committee for a year. It was made up of representatives from the seafood industry. We were going to work with scientists and biologists to help fix the Bay. It was important for local people to have input. We haven't met since late spring 2019 because of COVID-19.

22. Since the shrimp business stopped supporting me year round, I've had to pick up other jobs. Crabbing was good for a while, but not anymore. Now I also crawfish in the spring up towards Wewahitchka and do woodwork on boats. You can never do one thing year round around here.

23. It's a shame about the Bay closing. I never made much off my living from oysters, but I have some friends over in East Point who were still making some money on oysters, maybe $90 dollars a day. It's not much money but if you're trying to keep the power on, it's something. And some of these oystermen have no other options because they aren't educated. You can't even join the army anymore if you don't have a high school degree. So, I hated to see the Bay close because there are still a lot of people depending on it.

Pursuant to 28 U.S.C. § 1746, I, Kevin Martina, declare under penalty of perjury that the foregoing is true and correct.

Executed on December 10, 2020 Kevin Martina

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

IN RE ACF BASIN	:
WATER LITIGATION	: Case No. 1:18-MI-43-TWT
	:

Declaration of Lynn C. Martina

I, Lynn C. Martina, of the city of Eastpoint, Florida, do solemnly declare and affirm as follows:

1. I am over the age of 18 and have personal knowledge of the following facts.

2. My family has lived on the Apalachicola Bay for many generations. I've lived in the city of Eastpoint for 56 years, my whole life.

3. We have made a living off Apalachicola Bay for generations. For the last four generations we've run businesses on the same plot of land in Eastpoint, Florida. My grandparents ran a bait and tackle shop until about 1970, when my parents turned it into an oyster processing plant and started a successful wholesale seafood business. I bought my parents out in the late 1990s and renamed the business Lynn's Quality Oysters. My son joined me in my business a few years later.

4. For a little over a decade, business was good. In the late 1990s and early 2000s, we sold about 10,000 60-pound bags of oysters annually. During that time, we paid about twenty-five dollars for a 60-pound bag of oysters.

5. Apalachicola Bay has been famous for its oysters for generations. When I took the business over from my parents, Apalachicola Bay oysters accounted for about 90% of oysters consumed in Florida's oysters and 10% nationally. During the early 2000s, all the oysters we sold were wild and from

Apalachicola Bay. Most of the harvesters that worked for me worked for my parents also.

6. Apalachicola sits on the west coast of the Apalachicola Bay and East Bay is on the eastern side. Both cities are historical fishing villages, there is no industry here apart from seafood. The Bay means everything to the community in Eastpoint - a lot of people used to take their kids out of school early so they could make good money on the water.

7. In the early 2000s, you'd see easily 300 to 500 boats out in the Bay oystering. During that time, the State (FL. Dept. of Ag.) opened part of the Bay for harvesting during the summer and another part in the winter. Even with that limited space for harvesting, the Bay still supported a lot of families around here. Back then, you could go out in the morning and bring in enough to make $200 by lunch time. The average harvester would bring in around 600-800 pounds of oysters daily.

8. Apalachicola Bay sits between the Apalachicola River and Gulf of Mexico about an hour east of Panama City. The Apalachicola River brings fresh water down to the Bay, and the oysters need a mix of salt and fresh water to thrive. Wet weather helps the mix of water in the Bay, but the oysters need that steady mixture of salt and fresh water all the time. On a good given day, the River should be six to eight feet deep where it meets the Bay. That's what the oysters need for a good mix of salt and fresh water, but that's just not the way it happens anymore. Unfortunately, it is not.

9. The River started getting low fifteen or twenty years ago. Around 2007, the Apalachicola River got really low: it was less than half a foot for years. My understanding of why the River is so low is that the Corps stopped sending fresh water down from Georgia. Now, sometimes we get a lot of water all at once. If Georgia gets flooded out, they open the gates on their dams and we get a monsoon. But that's no good for the oysters, because it's too much fresh water. So, if there's no normal flow we don't get that steady mixture we need for the oysters. My Dad says they need to blow all those dams up and just let the River flow back the way the God intended it to. The River is still so low. My husband and I took a flight over the River in 2018 and we were just amazed at how shallow it is in so many areas.

10. Around 2010, there was a perfect storm in the Bay. We'd had less water from the Corps and a couple of really dry years, so we already had fewer oysters than we were used to. The oyster population was already down probably 50%. Then the BP oil spill happened out in the Gulf. Everyone panicked because they thought the oil was going to hit the Bay. The government opened both sides of the Bay for harvesting and said just go get them because the oil is going to kill them anyway. And people did—they just went out and took all the oysters, even the babies. That really hurt our business.

11. After 2010 we couldn't get enough oysters to fill our trucks. I had to sell some of our trucks and we added a retail side to our business where we sell local fish from wholesalers. But oysters weren't the only thing in the Bay suffering: we had fewer fish, crabs and shrimp by then too. So even with the new business, things were really hard. I thought about giving it up, but my son had the idea for making a raw bar. So, in 2013 we stopped the oyster wholesale business and opened up a raw bar.

12. The raw bar has done pretty well, we have loyal customers and a lot of tourists come here. Even though the raw bar has good customers, I'm never going to get rich in this business. The price of wild oysters skyrocketed after 2010, up to 50 dollars a bag for a 60-pound sack of wild oysters. People have also started farming oysters in the Bay using cages, but they're incredibly expensive: I pay 65 cents per oyster now. Of course, these prices have impacted by bottom line. Other mom and pop businesses have closed, but I'm determined to survive.

13. Now we only sell farmed oysters because the government decided to close the Bay to oystering for five years in summer of 2020. Before the Bay was closed, I'd see maybe ten boats at the most, and each boat was limited to two 60-pound bags of oysters. That's not even enough to cover the cost of gas but people still wanted to do it. Oystering is a way of life down here; there's nothing else to do.

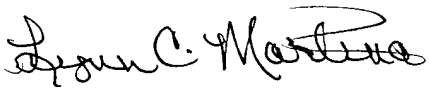
14. The oystermen I used to buy from are doing odd jobs now: selling mullet fish and whatever other seafood they can find and doing yard or construction

work. They are just doing whatever they can do to survive while the Bay is closed for oystering.

15. If I could tell the Corps anything, it would be to be fair to us all. By focusing on what Georgia needs, they don't see what they're doing to the economy down here. They are starving the industry out.

Pursuant to 28 U.S.C. § 1746, I, Lynn Martina, declare under penalty of perjury that the foregoing is true and correct.

Executed on 12-05-2020



Lynn C. Martina
Pres. Lynn's Quality Oysters

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

IN RE ACF BASIN	:
WATER LITIGATION	: Case No. 1:18-MI-43-TWT
	:

Declaration of Carmen McLemore

I, Carmen McLemore, of the city of Wewahitchka, Florida, do solemnly declare and affirm as follows:

1. I am over the age of 18 and have personal knowledge of the following facts.

2. The McLemore family has lived in the Apalachicola Region for generations, it is one of the oldest families in the area. I grew up on the Apalachicola River and still live there today, near Wewahitchka. I'm 69 years old.

3. I worked as a Gulf County Commissioner for 16 years, from 1999-2015, and I am very familiar with how much people in my community rely on the whole river system. Now I own a charter and tour company called Cat Daddy Adventures. We work on the Chipola and Apalachicola Rivers, back on the swamp and down in the Bay.

4. In the old days, you could mark your calendar around September-October, when we'd get high water. You could go all the way through the winter months with high water until May. During that time, you could have up to 15 feet of water in the floodplains. Around the first of May the river would drop out and the swamps would empty out for the summers. They were still wet and muddy, but you could walk through most parts.

5. I grew up hard and was raised hard. We always counted on September 15 for high water and it always came. Back then we were loggers. Swamp logging

was a very popular way to make a living around here and good money. We'd go back into the swamp during summer months and cut rings around Tupelo ("girdle"). Come September, when the floods came, we'd float logs out of the swamp through the sloughs, all the way out to the river. But in the 1970s the swamps started drying up and now people can't do any swamp logging anymore.

6. My family also relied on the river for food, as many in Gulf County do. I'm a big oyster lover. When he was a kid, September 1 was oyster day. They'd open up the day for harvesting and my family would go down and harvest enough for us all to eat. I was one of 8 kids, so we could get a lot of oysters to feed everyone. That was a big deal for me and local families because we couldn't afford to pay 5 dollars a sack for oysters.

7. The Corps' dredging has ruined the river. They've been moving sand around for most of my life to make way for barges and tugboats. The problem is that they put all the sand right on the edge of the river, so it washed into the swamps and makes it impossible for water to get through. I used to be able to easily cut through sloughs to the river, but now you can only get through during a 15 foot flood. When we have lower water, and that's most of the time, the swamp is nothing but sand. Some of the biggest cuts and creeks through the swamps are totally gone and dry. Even if the Corps sent more water, I worry that it would still have a hard time getting to the swamp unless some of that sand is dug out.

8. The oysters in the Bay are hurting. They don't get enough fresh water, they've been overharvested and predators like conchs have moved into the Bay. But there are some left in some parts of the Bay, so I'm fighting the Bay closure. In Gulf county we have what we call Indian Lagoon. It's technically part of Apalachicola Bay, but it lies to the west of the main Bay and farther from the river. A lot of families in my community harvest there because it's so shallow that commercial harvesters can't get in. But the closure of the bay includes Indian Lagoon and recreational harvesting. I'm trying to get them to open Indian Lagoon for recreational fishing so that families like mine aren't cut off from the oysters. We can't afford to buy the farm raised oysters for a dollar a piece.

9. I'd like to see our river made right. I don't think we'll ever get it back to how it was before the Corps took over, but I wish they'd let nature take its course. Why not blow up the dams and let the whole system right itself.

Pursuant to 28 U.S.C. § 1746, I, Carmen McLemore, declare under penalty of perjury that the foregoing is true and correct.

Executed on December 30, 2020

Signature: Carmen McLemore

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

IN RE ACF BASIN	:
WATER LITIGATION	: Case No. 1:18-MI-43-TWT
	:

Daniel Taunton Declaration

I, Daniel Taunton, of the city of Wewahitchka, Florida, do solemnly declare and affirm as follows:

1. I am over the age of 18 and have personal knowledge of the following facts.

2. The Taunton family is one of the oldest and largest in Wewahitchka, Florida. I am the 6th generation of my family to have lived in the Apalachicola river basin since we arrived among the first settlers in the area. Just like the generations before me, who came here by river, the swamps and lowlands of the Apalachicola have always been, and will always be a central part of my life. I grew up working, hunting, fishing, camping, and at times even living in a primitive shelter in the swamp.

3. The swamp was an integral part of my growing up. We supplemented our dinner table with food hunted and caught in the swamp, including crawfish, catfish, bream, turtles, and bullfrogs. I recently attended the 74th annual family camping trip on the river. Due to the pandemic, and bad weather, we had a small turnout of only about 75 this year. Many, like myself, have never missed a year in our entire lives. My late father passed last year the morning we were to leave after a two year battle with diabetes and heart conditions in which he had lost both legs. We had planned to carry him to camp, and in keeping with tradition, had to make the trip without him.

4. Our family has depended on the swamp one way or another for generations. We were arguably the first family to produce and sell Tupelo honey, which can only be produced from the tupelo trees found in the river swamp. We

have also spent generations logging deadhead and standing cypress in the swamps. Our first sawmill was made of wood and used to saw the cypress used to build a dozen or more family dwellings. The swamp around the Apalachicola River is part of who we are.

5. My family is not unusual in its reliance on the swamp, many people I know around here lived on the swamps and looked to the swamps for food and their livelihood. Some of my friends rely entirely on the swamp and live on the water.

6. I owned and operated a small logging company for about 10 years specializing low impact recovery of sinker cypress in environmentally sensitive areas from Wewahitchka to Chattahoochee. I also have expertise in dredging and river management.

7. The Apalachicola River is one of the most diverse and ecologically unique river systems in the country. The highest concentration of reptiles and amphibians anywhere in this hemisphere excepting in the Amazon, along with many indigenous species of plants and animals are found here. With this diversity comes a wealth of resources that people have relied on for their livelihood for generations.

8. Wewahitchka is a traditional a fishing town about 55 miles south Jim Woodruff Dam. The city is famous for Dead Lakes fishing. The "Dead Lakes" Recreation Area is just north of the city. Historically, the lake was made up of about 6,000 acres of flooded cypress swamp close to where the Chipola River connects with the Apalachicola River. The fresh water fishing in the Dead Lakes is a huge tourist draw for the town.

9. The swamp is basically a shallow lake system of sloughs, tributaries that are regularly flooded by the Apalachicola River. The swamp is full of what's called floodplain forests of Cyprus and Tupelo trees that need water on their roots to survive. Growing up it was normal for the water levels in the swamp to go up and down with the seasons, but there was some amount of water in the swamp most of the time.

10. The swamp has undergone a lot of changes since I was a kid. For decades the Army Corps of Engineers ("Corps") operated a dredge on the river to facilitate barge traffic and maintain a 9' deep channel. This practice, along with on site spoilage areas and a practice called mechanical redistribution (they would dredge sand out on low water, and then push it back in on high water) cut many of the tributaries off from the river in periods of low water.

11. In the late 1990s, I saw very little industry on the River, but the Corps was still dredging. It just didn't make sense to spend so much money on the river and damage the whole system when hardly any big boats were using it. My late friend Marilyn Blackwell (aka swamp woman to many) and I created Help Save the Apalachicola River Group to challenge the Corps' dredging practices. Thanks to help from friends and family as well as other organizations, including the Riverkeepers, we finally prevailed and the dredge permit was abandoned. But, when the Corps stopped dredging the River, they also stopped sending the water needed for industrial vessels to pass through it.

12. Unfortunately, all the sand moved around during years of dredging is still blocking a lot of the waters' routes into the swamps around Wewahitchka. Many tributaries and sloughs have filled up with sand. For example, we used to need about 8 feet of water in the River to fill up the swamp near my house. Now you need 10-12 feet to get water back to the swamps because the sand along the Rivers' banks is so high in some places. When the water hits14 feet the banks of the swamp flood.

13. I grew up on the banks of the Chipola River, a tributary of the Apalachicola about a mile from the main channel, in what used to be one of the largest swamps in the area. 20 years ago, the swamps and sloughs around our house were deep enough to dive into, at least 8 feet and full of fish, frogs, and crawfish. It was usually deep enough to run a motor boat from the house to the river year round. Because of sand blocking the River and the small amounts of water coming down from Georgia, the area around my house is just a big sand flat now, unnavigable most of the year and largely devoid of fish and other wildlife.

14. Further compounding the problems caused by dredging is the unnatural way the Corps manages the little water it does send. There seems to be little, if any consideration for managing the water in a way the mimics the natural seasonal cycles of high and low water. Because Woodruff Dam releases water at unnatural times and in unnatural amounts: we go from no water one minute to a flood the next. This unnatural, and many times unseasonal water fluctuation creates problems in many ways. For example, around my house the banks of the swamp flood at about 14 feet. During hurricane season, we sometimes get huge dumps of waters from Georgia, when the lakes up there get too high. When that happens, the sudden push of water floods around my house and the banks of the swamp so fast that the deer, racoons and other animals are trapped in the swamps and drown. The lack of water during fish spawning in spring often blocks access to the tributaries where eggs are safe from larger fish in the channels. Add to that the years that the water suddenly falls at an untimely and unnatural rate leaving eggs on dry land or the entire years hatchery in puddles where predators make short work of them, and it is no surprise that the populations of fish and the many other animals that rely on them for food have declined dramatically over my lifetime.

15. Without a steady amount of water coming down the River, the Tupelo trees have also suffered. The Tupelo is a true swamp tree, they require water over their roots and rely on some amount of water being in the swamp year round. Which is something that we used to almost always have in the swamps. Now the whole swamp is dry much of the time. When we do get water, it's often a flood and then quickly returns to dry swamp again setting up a feast or famine cycle that continues to contribute to the decline in numbers of Tupelo and effects the already delicate flowering cycle necessary to produce honey.

16. Flooding caused by the Corps' water management also hurts the town of Wewahitchka. It's a low lying town, and has been substantially flooded dozens of times in my life

17. The swamps also provide necessary nutrients and organisms vital to marine life in the river and Apalachicola Bay. Normally, in the spring or late winter we'll get a period of high water from the river that flushes out the swamps. As the water levels fall, the water will become really swift inside the

swamps' banks and carry out the organic material from rotting leaves and trees in the swamp and deposit it in the river channel. Those deposits from the swamp feed species that we rely on—like oysters, shrimp and fish—downstream in the Apalachicola Bay. That's the normal cycle. When the Corps sends too little water down to reach the swamps, the leaves and dirt don't ever reach the River. When the Corps floods the swamps, the water just washes over the swamp onto the banks. Because there's no gradual rising and falling of water through the swamp in the spring anymore, the swamp bed doesn't sit covered in water like it used to. Without time to breakdown and loosen up, all that leaf cover just stays put and doesn't feed the Bay.

18. With less water coming through in unnatural rhythms, the swamps also don't feed us the way they used to. My Dad's old house is on a huge piece of swampland near Honeyville. There's nothing but swamp around his house, maybe 2 miles wide and five miles long. A few major tributaries came near the house in the spring, and just filled the whole area with water. When the water goes back down, a few beaver dams near the house block enough to form a big lake. Until about 15 years ago, that lake was full of fish every year. You'd have 100 people fishing in that lake regularly and catching enough to feed their families for months. Now, there's less water and so few fish I seldom see anyone fishing.

19. I've seen a drastic decline in wildlife of all kinds throughout the swamp near Wewahitchka. When I was a kid you could run a hundred hook line and catch twenty in a day. Now many days I catch nothing on a hook line. I'd say that fish populations have declined 90-95% in the swamp over the last 20 years and countless other species of animals that once thrived on their abundance have followed. This change has really hit Wewahitchka hard because the fishing has gone from amazing to nothing. It's become a dead in town in the middle of nowhere, because the world famous Dead lake fishing is gone.

20. The people who live around here rely on the swamps. For fishing, hunting, living, recreation, we all use the swamp for our livelihoods and to enrich our family lives to some extent. The Corps' mismanagement of water down the Apalachicola River is taking away the way of life for all the people who live

> in this area, many of which regard it as a part of who they are in a way I can only describe as spiritual. The swamps are drying out and the fishing is almost gone. The impact oof the Corps and Georgia's water practices in my lifetime alone are in many ways both incalculable and unnecessary, and in every way both inexcusable and unsustainable.

Pursuant to 28 U.S.C. § 1746, I, Daniel Taunton, declare under penalty of perjury that the foregoing is true and correct.

Executed on January 8, 2021. 

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

IN RE ACF BASIN	:
WATER LITIGATION	: Case No. 1:18-MI-43-TWT
	:

Thomas L. Ward Declaration

I, Thomas L. Ward, of the city of Apalachicola, Florida, do solemnly declare and affirm as follows:

1. I am over the age of 18 and have personal knowledge of the following facts.

2. Apart from time away for college, I have lived in Apalachicola my all 59 years of my life. I am a third-generation oyster dealer, but that's not unusual around here: I know fourth and fifth-generation oystermen whose families have been oystering since the Civil War. I've been selling oysters for more than 30 years.

3. My family has lived in and around Apalachicola for more than 80 years and we have relied on Apalachicola Bay oysters as our livelihood for generations. My grandmother shucked oysters and grandfather was a tugboat captain, oysterman and shrimper. My mother's side of the family has owned a local oyster business called 13 Mile Oyster Company since the early 1900s. In 1957, my parents bought it. In the early 1970s my father changed the name to Buddy Ward & Sons Seafood, but it is still commonly known as 13 Mile.

4. We get started in the business young in my family. I started working in the oyster business as a child. Along with my four brothers, I swept the floors, fished, and shucked oysters. After college I moved back home and hauled seafood for my dad. My three children also grew up working in the oyster house, and two of them still work for the business. It makes me proud to see

my kids come back to this community and take pride in this industry and their heritage.

5. Our company is known as 13 Mile because that's how far west it is from Apalachicola, in what used to be a little fishing village full of shot gun houses. Growing up, 40-60 families that lived there and fished and harvested oysters out of the waters around 13 Mile. We were all poor. Those families moved out in the 1970s and 80s. It was a little part of heaven. Unfortunately, the buildings that housed 13 Mile were destroyed by Hurricane Michael in 2018, but we still have our oyster leases and a shrimp house in Apalachicola.

6. We have held 250 acres of oyster leases for about 60 years, which is the largest private lease hold in Apalachicola. No one but oystermen I hire harvest on our leases.

7. We used to employ about 15-20 people, shuckers, drivers and delivery men. We also had about 35 oystermen who harvested on our leases. As the oysters started to die, that number got cut in half, then went down to 4 or 5, then none after the hurricane.

8. I have been involved with the management of our community's oysters for a long time. In addition to running 13 Mile, I used to serve as the President of the Apalachicola Bay Oyster Dealers Association, a local trade association of oyster dealers in and around Franklin County, Florida.

9. Oystering is important to the culture of Apalachicola. We host the yearly Florida Seafood Festival here, which is the oldest maritime event like that in the state. Every year the festival crowns a "King Retsyo," which is oyster spelled backwards. My son T.J. and I have both been nominated, and my daughter Sara was dubbed Miss Florida Seafood in 2008.

10. We used to have the best oysters in the world, and 13 Mile made a good living selling them. Apalachicola oysters are plump and have an exceptional taste, unlike the sweeter, less salty oysters from the Pacific Northwest or anywhere else. I was very proud of that.

11. The oyster population started in decline in 2008 but bottomed out pretty hard in 2013. I attribute the declining oyster population to not enough freshwater coming into the Apalachicola Bay from upstream.

12. I've spent my life on the water in Apalachicola Bay, and I've seen it change over the years. It's obvious just looking at the Bay that it isn't healthy because the water is clear. Oysters like brackish, brown water—that's how you know we're getting enough fresh water from the river. For a long time now, the water's been clear, which means that the Bay's salinity is too high.

13. Salinity either kills the oysters outright or saltwater predators do. What a lot of people don't understand is that when the salinity level went so high in the Bay it was the same as 5 or 10 miles offshore in the Gulf. And then you had predators—Oyster Drills, Southern Conch—annihilate all the oyster beds. I've never seen more conchs in the Bay as we've had for the last ten years or so. They've eaten so many of our oysters that there's nothing left on my leases.

14. Oysters were 99% of 13 Miles' business before the crash, and our oyster business has lost 80-90% of our customer base since then. Before 2013, 70% of our oysters sold outside Franklin county. People would sometimes travel 100 miles for our oysters. From 2013 to 2016 we sold about 10% of our oysters outside the county, but by 2016 we'd stopped selling any outside Apalachicola. There just weren't enough oysters to sell.

15. There were many other oyster dealers like me around the Bay before the 2012 collapse, but most of them have been forced out of business in recent years. There are maybe 10 dealers remaining in all of Franklin county.

16. We still have Buddy Ward & Sons Seafood in Apalachicola; it's just selling shrimp now. In the years since the oysters crashed, I've taken over a shrimp house and 4 shrimp boats in Apalachicola, where we employ about 12 shrimpers and 6 people in the factory. Our shrimp plant is the last large shrimp house left in Franklin County. We've also opened a retail market called 13 Mile Retail, which employs about half a dozen people. My son also has a small oyster farm where we raise oysters in baskets. Even with all

we've done to adapt to the changes in the Bay, I'm not sure Buddy Ward & Sons will survive.

17. We have three types of shrimp in Apalachicola Bay: white, browners and hoppers (pink). The White Shrimp have suffered some declines with low flows from the river because they live and hatch their young in the marshes. In drought years the White Shrimp numbers are really low. Since we don't get much water down from Georgia, the White Shrimp really only do well when we get a lot of rain. Their numbers have been a little better the last 2 years because we've had more rain.

18. Apart from my own business, the community has suffered from the oyster crash. Oystering defines the communities around here and is passed down from generation-to-generation. It's hard work for not a lot of pay, but it's an honest living. Once you've worked on the water, nothing else satisfies. The rest of the local economy has suffered to. When you have 200 oystermen harvesting they buy gas, food, gloves, whatever they need on the water. None of that is happening now.

19. In the years since the crash, the Apalachicola Bay Oyster Dealers Association tried to help. We advocated closings parts of the Bay to oyster harvesting each year so that the oysters could recover.

20. In my opinion, the State should have shut the Bay after the decline really picked up in 2010. Maybe if they'd closed it then it could have recovered. Instead, they left it open. Well, oystermen were desperate for a catch, so every time the Bay would start putting out more oysters they'd get overharvested. I stopped all my community involvement trying to rebuild the oyster population after that.

21. The oysters haven't been able to recover from the 2012 crash, and I'm worried that the industry will be gone for good. Now that the Bay is finally shut, it still needs fresh water to recover. I haven't harvested oysters from my beds in years and have seen no real improvement. If we do not have more freshwater from upstream for the oyster population to recover, we will lose not only our ability to make a living, but we will lose our way of life. Shame what's happened here.

22. All the people from Georgia love to come to Apalachicola and fish and eat oysters. They can't seem to understand why there are no Apalachicola oysters for sale.

23. We need the Corps, Alabama, and Georgia to compromise to save the Bay. We aren't asking for everything, just a compromise somewhere in the middle. If we get a little bit maybe it'll help a whole lot.

24. I've hated to see the Bay fall on my watch. That's a bad thing to pass down to your children.

Pursuant to 28 U.S.C. § 1746, I, Thomas L. Ward, declare under penalty of perjury that the foregoing is true and correct.

Executed on 12-23-20

Signature: _____ (Thomas L. Ward)