



UPSTREAM DOWNSTREAM



Fall 2012

“Preserving the Nature Coast”

A Watery Report Card: Legacy - F

Inside this issue: page

Fun and Fundraising 2012	2
Tarmac Is Behind Us	3
Endangered by Tallahassee	6
Meeting Announcements	6
Join W.A.R., Inc.!	7
About Us	8

Kudos to the Citrus Chronicle Editorial Board! The Board’s consistent and positive position regarding water resource management as illustrated in the 5-25-12 editorial is a fresh breeze for the Nature Coast! The message is being echoed by a growing number of residents and organizations throughout the state, and a very simple message it is: We have a water crisis on our hands and we expect the legislature and regulatory agencies to fix this before we pass the point of no return.

Water is critically important to our lives in so many ways, yet we take it for granted. It is more than a facilitator of clean dishes, cars and wetted lawns. It is the fundamental foundation of our lives, our economy, our food supply and recreation. According to the Florida Department of Environmental Protection, water contributed over \$600 Billion to the state’s gross product in 2008. It generates tens of millions of dollars to the Citrus County economy annually by virtue of tourism and recreational activity. It is the goose that laid the Golden Egg!

There are certain paradigms about water that are inescapable. Regardless of the supply of water in Florida, it is a finite resource. There are two metrics that sharply influence the benefit of this resource to the people via the many ways it support us. One is quantity and the other is quality.

Florida relies on water from regional aquifers for approximately 90% of its water supply. We pump over 7 Billion gallons per day from the ground and anticipate an increase of that figure to over 9 Billion gallons per day by 2025. In doing so, the level of the aquifer is reduced incrementally. Recharge is wholly dependent on rainfall. As aquifer levels fall, springs throughout the state flow with less vigor. Given circumstances such as high volumes of ground water pumping and prolonged drought, they may cease to flow altogether. Neither circumstance is desirable.

As the aquifer levels decline, lakes and rivers dry up and that is also undesirable

(Continued on page 5)

Our Mission

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

4th Summer Concert - Saturday Sept. 8 7-9 PM
Ellie Schiller Homosassa Wildlife State Park

W.A.R., Inc. General Meeting
and Turkey Dinner Tues. Nov. 13
Yankeetown-Inglis Woman’s Club

Fun and Fundraising 2012

2012 Concert Series

Our 2012 concert series got off to a great start with a night of Pure Florida Music and More by "2PM" (Peter Price, Pete Hennings and Mike Jurgensen) at the Ellie Schiller Homosassa Wildlife Park in the Pepper Creek Terrace Room on Saturday, June 9th.

No momentum was lost as Pamela Jo Hartley and Steele Olmstead n picked up the ball (not to mention the guitar, banjo and ukulele!) in a great show and old fashioned Ice cream social at the Yankeetown-Ingليس Woman's Club on July 14. E.T. Morris's opening set the stage and got everyone in the spirit—for both the ice cream and the main event!



Be sure to join us for our fourth event for the summer will be **Saturday Sept. 8** back at the Ellie Schiller Homosassa Wildlife Park in the Pepper Creek Terrace Room! **See the Concert Flyer elsewhere in this newsletter!**

Thank You to our Sponsors!



PAMELA JO HATLEY, P.A.
ATTORNEY AT LAW

P.O. BOX 47477 • TAMPA, FL 33647-0113
(813) 978-1480 O. • (813) 727-0672 C. • (813) 978-1490 F.
WWW.PAMELAJOHATLEY.COM • PAMELA@PAMELAJOHATLEY.COM

LAND USE • REAL ESTATE • ENVIRONMENTAL LAW

J. STEELE OLMSTEAD, P.A.
ATTORNEYS AT LAW

352.688.3777

J. STEELE OLMSTEAD

TRIAL LAWYER
WWW.JSTEELELAW.COM

ACCIDENTS, INJURIES
AND WRONGFUL DEATH

Box 6466
Spring Hill, FL 34611

Tarmac Is Behind Us

Dan Hilliard

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

Nearly 4 1/2 years later WAR has spent something over \$35,542.75 and untold hours of research, travel to Tallahassee, phone conversations with a myriad of regulators and other parties, not to mention conferences with attorneys on both sides of the fence. Expenditures for this were generated through fund raising events such as the concert series which is organized by Lee and Betsy Paulet. We received \$8858.33 as earmarked donations to the Tarmac Task Force.

You know what the problem is with attorney jokes? Attorneys don't think they're funny and the rest of us don't think they're jokes.

WAR settled contentions with FDEP over issuance of the Bureau of Mining and Mineral Resources ERP to Tarmac through the Administrative Hearing process in the fall of 2010. Among issues in that proceeding WAR argued that the 25 year storm criteria applied by FDEP was inadequate for stormwater management. The argument was that design criteria intended to manage about 8.5" of rain in a 24 hour period was not in the public interest inasmuch as two rain events in the previous 3 years had exceeded that criteria. A permit **precedent** was set thru negotiated settlement which required Tarmac to utilize the 100 year storm criteria for this project. This essentially required Tarmac to increase the height of berms around the mine pits.

You might ask why WAR would agree to something like that when we have consistently stood in opposition to this project. Why not just fight it to the bloody end? The

answer is simple. We faced one of the most prestigious law firms in the state, on their turf, playing by their rules. WAR was ripe for slaughter. The explanation of why Tarmac would accept such a settlement is found not so much by what they knew as what they did not. Legal processes are expensive and we had a good argument even if a simple one. The cost to Tarmac to increase berm height to meet 100 year storm criteria was small and thus it was cheaper for them to settle. Uncertainly about the outcome in trial was resolved. We won a small victory that day, and it has the underpinnings of a more subtle and longer term perspective.

We went to the hearings in Bronson and did not sway the consensus of either the Planning Commission or the Board of County Commissioners. There is absolutely no doubt in my mind the decision by these boards was predetermined before those hearings were held. No, I'm not suggesting furtive meetings in dark smoky rooms, yet it was clear to all attended the Boards did not wish to be confused by facts. Thus began a long, expensive and laborious process through the court system to impress upon the Levy County administrators what latitude they did and did not have. Though confident of the merits of our appeal before the 1st District Court of Appeals we were greatly disappointed by the Court's ruling, and an odd ruling it was. The Court did not comment on the myriad of core objections to the lower court ruling that supported Levy County. In fact the only point addressed in the very brief order was the matter of Levy Comp Plan requirements which stipulate the applicant have ALL state and Federal permits in hand prior to review by the county. In essence, the 1st DCA deferred to the Army Corps of Engineers. .

At the beginning of this fracas the organization of the Tarmac Task Force was in the hands of Mr. Edward Michaels. He engineered focused energy by concerned members increasing our membership numbers about

(Continued on page 4)

Thank You to our Sponsors!



Tarmac is Behind Us (cont.)

(Continued from page 3)

400%. He organized sufficiently that the turnout at the Scoping Hearing, and more importantly the content of that testimony, set a new high for standards the Corps had come to expect. Kudos to Edward for that! In time leadership passed to Mr. Jack Schofield and his commitment to the process cost him countless hours of research and travel to Tallahassee on at least three different occasions. My appreciation for his efforts knows no bounds. Ultimately a career change led Jack to step back from the fray and I endeavored to fill his shoes.

But there is a time when most of the grunt work is done and these affairs always have a conclusion. We turned out for the Draft EIS Hearing hosted by the Corps at the end of May this year, and as you might expect, most of the arguments had been made so there was only a little bit of clean up to do on this project. Our written comments to the Corps reduced to only 21 pages with perhaps a thousand pages of supporting documents. In one case it might appear we were mean. Rainfall data from the Bird Creek rain gauge was provided as received from the water district and I am not responsible for the fact that it was 10 years of data in 15 minute increments. That would be 96 reports per day X 365 days/year X 10 years. Lest I forget, there are the leap years too. Another puzzle they must deal with is the matter of berms and the heights of same. You see, Levy County Code prohibits berms more than 10' above grade and in some areas of the project area proposed by Tarmac the required 19' berm height elevation above sea level will exceed that by 3' or so. Those devilish details.....

The Corps has some issues with the application. One is tropical storms. Another is blasting vibration (imagine that!). A really big one is wetlands destruction and the

proposed 110 year life of the project. Hard to imagine why isn't it? I mean, 110 years ago heavier than air flight was a dream and there were less than 8,000 cars in the U.S. Anyway, these things are why the Corps has created a menu of 8 Alternatives for this project that range from a "no mine" alternative to the full project requested by Tarmac and everything in between. WAR supports the "no mine" alternative and if you will visit www.warinonline.com you can find our reasons for that through the copy of our comments. It is very doubtful that Tarmac will receive a permit to do all that they have applied for.

We have done our job. The future of this project is in the hands of the Corps of Engineers. I want to thank all of those who helped in this long and sometimes painful process. Thanks as well to the members for their courteous manner in presentations to the various boards and Corps of Engineers. You have done this well and honorably and I could ask for nothing more.

Quietly fading into the background of my life is the Tarmac Folder on my computer. It is 4.84 GB is file size. That's a fair sized file. In comparison, the folder for Progress Energy, including their 8,700 page application to the State and NRC, is only 2.8 GB and that is smaller than the several folders which comprise issues related to the River.

With that said, we are not done. Our **full** attention now focuses on the River. And you thought it was all over? No, the story of WAR, Inc makes *Gone With The Wind* look like a quick read and the final chapter has not been written. I doubt it ever will.

Semper Swamp

Thank You to our Sponsors!



Patsy
Company Salon

Patsy Daimler
Owner/Stylist

11986 Rainbow St.
489-1419

REDKEN SALON



THE FLORIDA BAR
BOARD CERTIFIED
Elder Law

CLARDY
LAW FIRM, PA

John S. Clardy III
(352) 795-2946 · Fax: (352) 795-2821
P.O. Box 2410 · Crystal River, FL 34423-2410
243 NE 7th St. · Crystal River, FL 34428
www.ClardyLawFirm.com

A Watery Report Card (cont.)

(Continued from page 1)

because the degraded resource posits diminished economic productivity. These things happen not because the gross supply of ground water is greatly diminished, but because we are using and losing supply from the top of the water mountain that is our aquifer. Such is the storm created by inefficient use and drought.

Concurrent with water quantity is the issue of water quality. While science examines these aspects separately,

they are intrinsically linked. A trite turn of phrase has it that "the solution to pollution is dilution." Lacking quantity, there is no dilution. Lacking dilution we are left with increased concentrations of pollutants which imply degradation of biological productivity and risks to human health. The message that follows is not pretty. It is the federal report card which evaluates how well our laws and resulting management practices work. It is the telling of how effectively the people of Florida are represented by the Florida legislature and water management agencies. It is the tale of what we have done to ourselves.

General water quality findings for Florida as a percentage of assessed miles/acres that are impaired waters:

Type of Waters	Percent Impaired	Percent Assessed
Rivers and streams	80% 8,418.1 of 10,476 miles	20%
Lakes, reservoirs, and ponds	90% 1,013,66.6 of 1,124,398.8 acres	54%
Bays and estuaries	97% 5,176.4 of 5,316.9 square miles	100%
Coastal shoreline	97% 5,824.5 of 6,034.2 miles	Unavailable

Source: "Watershed Assessment, Tracking & Environmental Results" for 2010 as published by the US EPA in administration of the Clean Water Act. http://iaspub.epa.gov/waters10/attains_state.control?p_state=FL#total_assessed_waters

Folks, we are at a crossroads. It is clearly demonstrated that past practices have failed the people of the state badly.

We cannot continue on this course without severe consequences to our health and economic prosperity. We have the power, but not the right, to pass these problems on to the next generation. The cost of recovering degraded water quality and destroyed ecosystems is staggering. The cost of depending on reclaimed or highly treated water for beneficial supply is daunting,

and in some cases may rise to 1000% of ground water costs for treatment and distribution.

Our persistence in abuse of ground water supply is fraught with hazards and promises great expense if we do not find a better way to protect the resource and more efficient ways to use it. There is no other choice.

"You can avoid reality, but you cannot avoid the consequences of avoiding reality." - Ayn Rand (1905-1982)

Our Water Resources – Endangered by Tallahassee

You cannot get the water to clear up until you get the pigs out of the creek."

Simple message, no? Too simple for the legislature and Governor to grasp, from all appearances. The apparent intent of the executive and legislative body in Tallahassee is to dismantle statutes and rules that "obstruct" economic progress. In so doing they are doing away with the positive gains made since the '70s, under the guise of getting the Water Districts back to their core mission.

Funny, but the core mission is defined by Florida Statute already. Is it not enough that the law has been so often side-stepped that our waters continue the slide into oblivion with these laws in place?

What are they trying to do?

The apparent objective is to completely destroy the protection of a resource that only a few years ago contributed over \$600 Billion to Florida's gross economic product, according to FDEP i(2008 Integrated Water Quality Assessment (305b/303d)). A survey compiled by the Orlando Sentinel in 2002 found 74% of Florida residents do not believe the state is properly managing and protecting our water resources. Do you think that number has improved of late? Do you know of a water body in Florida that is as healthy today as it was 30 years ago?

We are having an election in November this year, so please take the time to make your position known to Tallahassee.

Withlacoochee Area Residents

Join Us

General Meeting and Turkey Dinner

with all the fixin's

Tuesday November 13th 6:00PM

5 56th St, Yankeetown
Yankeetown-Inglis Woman's Club

Withlacoochee Area Residents, Inc.
Present Songrafter's Circle
an intimate evening with four of Florida's top songwriters

PURE FLORIDA MUSIC & MUCH MORE



Carly Bak, Frank Thomas, Lee Paulot, Jay Wood

Saturday evening September 8th
7 to 9 pm

Ellie Schiller Homosassa Springs Wildlife State Park
4150 S. Suncoast Blvd. (U.S. 19)
Homosassa, FL

Refreshments will be available.



Come join us for a sweet treat and great music. All to help W.A.R., Inc., with its Initiatives.

Concert will be held in the Pepper Creek Terrace Room (2nd Floor of Visitor Center)

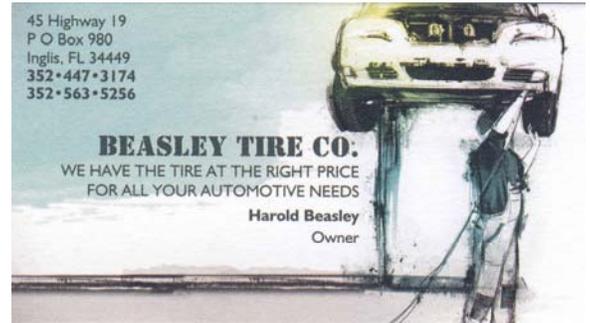
Suggested Tax Deductible Donation \$10.00

Your tax deductible donations are put to work to protect and preserve Environmentally Sensitive Lands that make up Florida's Nature Coast



Web Site: www.warinonline.com
Communications: warinc.directors@gmail.com
 W.A.R., INC., a 501(c)(3) Not-for-Profit Organization

Thank You to our Sponsors!



Withlacoochee Area Residents, Inc.

Preserving The Nature Coast
a 501(c)(3) Non-Profit Organization

Membership Application

NEW MEMBER RENEWAL

Please Print

Name _____

Business _____

Address _____

Telephone _____ FAX _____ E-MAIL _____

YOUR PRIVACY WILL BE PROTECTED, ADDRESSES ARE NEVER SOLD

Indicate Membership Level

Individual	\$20	<input type="checkbox"/>
Family	\$25	<input type="checkbox"/>
Merchant/Group	\$100	<input type="checkbox"/>
Life	\$1000	<input type="checkbox"/>

Additional Contributions

Welcome!
\$ _____

How Can You Help?

Special Events	<input type="checkbox"/>
Fundraising	<input type="checkbox"/>
Publicity	<input type="checkbox"/>
Research	<input type="checkbox"/>

Area of Expertise: _____

Please Make Checks Payable to: Withlacoochee Area Residents, Inc. or W.A.R., Inc.

MailTo: PO Box 350
Inglis, FL 34449-0350

W.A.R., Inc.,
P.O. Box 350
Inglis, FL 34449

Officers
Pres. Steve Edmonds
Vice Pres. John Fuchs
Treas. Jenny McCarthy
Sec. Jean Holbrook

Directors:
Dave Berkley Jack McCarthy
Rodney Walters Gary Moss
Dan Hilliard

Contact Us
warinc.directors@gmail.com

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

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

About the Withlacoochee Area Residents

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

Withlacoochee Area Residents, Inc.
PO Box 350
Inglis, Florida 34449-0350

