

# Wave Maker's News

Volume VI Issue IV

December 2011

**Inside this issue:**

After Fish Kill, New Protections for Pearl Uncertain **2**

Conservation Dollars Funding Environmental Destruction **2**

Kemper Mine Threatens Healthy Waters **3**

Florida Failing on Nitrogen and Phosphorus Pollution **3**

## *Florida's Nature Coast in Jeopardy*

Pasco County's stretch of the Nature Coast is a truly special place. Home to an amazing coastal ecosystem of seagrass, mangroves, wetlands and emergent marshland, it functions as a nursery for many important species in the Gulf of Mexico, including redfish, dolphins and endangered manatees. Sadly, this vital environment is threatened by a massive development proposal dubbed SunWest Harbourtowne.



*Fillman's Bayou, with a kingfisher perched on the branch in the foreground.*

This development involves dredging a 4.86 mile long, 85 foot wide channel through the heart of Fillman's Bayou, just south of Aripeka, Florida. The size of the channel prompted Florida Department of Agriculture and Consumer Services Director Adam Putnam to ask why this channel needed to be large enough to accommodate an "oil tanker"!

The answer is unclear, but it is clear that this mega-channel will devastate seagrass beds that provide critical shelter, nursery, breeding, and

*Continued on page 4*

## *A Call for Sunshine on the Gulf's Restoration*

A year and a half into the BP oil drilling disaster, restoration seems to come too slow. Even as we see oil uncovered by successive storms, the Coast Guard has declared the Gulf coast "clean," Congress has yet to act to direct BP's fines to the Gulf, and we rely on the laws written after Exxon-Valdez with Alaskans in mind to restore the Gulf of Mexico.

could drag on for years and years. In order to ensure that coastal communities and the environment get some help a little sooner, the NRDA trustees (state and federal officials) and BP entered into a \$1 billion early restoration settlement. This initial agreement will reduce BP's future fines under NRDA.

One of the main tools for restoration under the post-Exxon-Valdez laws is the Natural Resource Damage Assessment (NRDA), a scientific and legal process by which federal and state officials, as well as BP, assess the damage caused by the disaster and decide how much and how BP will pay to restore this damage. As you can probably guess, this is a long and complicated process that

Unfortunately, there are a lot of questions about how this unprecedented early restoration will move forward. Many states are looking towards existing projects and programs; but are these projects being prioritized in a way that ensures rapid restoration of the ecosystems impacted by BP's oil? This agreement allows BP a lot of power over NRDA dollars—how do we know the Gulf

*Continued on page 4*

## After Fish Kill, New Protections for Pearl Uncertain

In August 2011, the Temple-Inland paper company in Bogalusa, LA dumped a massive amount of pollution into the Pearl River, one of the ecological gems of the Gulf Coast. This irresponsible act resulted in the death of hundreds of thousands, if not millions of fish and mussels - not to mention the impacts on millions of the tiny invertebrates that form the base of the aquatic food web.



Treatment pond at the Temple-Inland factory.

State and federal agencies are looking into the impacts of this spill and are assessing damages for which Temple-Inland will be held financially accountable. The first agency to settle is the Louisiana Department of Wildlife and Fisheries, fining Temple-Inland \$760,245.86. However, several other agencies have not finished their civil and criminal investigations, including the U.S. Department of Fish and Wildlife, Mississippi Department of Wildlife, Fisheries, and Parks, and the Louisiana and Mississippi Departments of Environmental Quality.

Collecting these fines is an important step, but, Mississippi, Louisiana, and federal agencies must also ensure that any

finances are dedicated to the restoration and improvement of the Pearl River ecosystem. Also, these agencies must make sure that a disaster like this does not happen again at this paper plant, or in any other waterbody in Louisiana and Mississippi. While we strongly disagreed with the Louisiana Department of Environmental Quality's (LDEQ) decision to allow the Temple-Inland plant to reopen so quickly, LDEQ has recently set several deadlines for improving the plant. We are supportive of the improvements, but it's essential that these improvements are coupled with stricter pollution limits in the plant's waste discharge permits, which are up for renewal. Further, these requirements should be extended to all paper plants in Louisiana and Mississippi.

The goal of the Clean Water Act was to *eliminate* pollution in America's waters by 1985. This is still a dream deferred, but out of this disaster, perhaps we can at least reduce the pollution that is flowing out of the paper plants into the waters of Louisiana, Mississippi and the Gulf. ■

## Conservation Dollars Funding Environmental Destruction

How does one keep a straight face while creating new environmental impacts with money meant to restore or mitigate for old ones? For the answer, you can look to the state of Mississippi, and the city of Pass Christian in particular, where dredging for a harbor expansion began December 15, 2011 on fifteen hundred feet of what was formerly public beach. This project is funded partly by the federal Coastal Impact Assistance Program (CIAP), which is designed to compensate coastal states for the adverse impacts of offshore oil and gas exploration by funding projects that restore and protect coastal natural resources. Dredging this harbor impacts the beach, the shallow water bottoms and fish and wildlife habitat.



Disturbed beach in Pass Christian as construction begins.

The irony and contradiction of using coastal restoration money to pay for any part of a new dredging project was not lost on the Federal Minerals Management Service (MMS) two years ago when they rejected this project, along with a similar project in Long Beach, Mississippi. What happened? Last year after the BP oil drilling disaster, MMS was punished, restructured and renamed. During this time, the applicants moved fast to amend and resubmit their rejected CIAP requests. In the ensuing agency confusion, and with a little congressional arm twisting, the Pass Christian and Long Beach harbor expansions were resurrected and funded. Dredging new harbors under the pretense of restoring the coast means that other CIAP projects that followed the program's purposes and deserved funding were cut. What a shame. ■

## *Kemper Mine Threatens Healthy Waters*

In recent months, Mississippi Power has applied for three different environmental permits for its dirty, expensive and unnecessary Kemper coal plant and mine. One of these permit applications covers wetland loss during pipeline construction. Two others cover mining operations including sedimentation ponds to treat runoff and mine water.



*Okatibbee Reservoir and portions of the future mine site.*

At a public hearing held by the Mississippi Department of Environmental Quality (MDEQ) concerning the two mining permits, GRN and dozens of citizens urged MDEQ to deny the permits and put a stop to this destructive project. As currently designed, the sedimentation ponds will catch the stormwater runoff in the mining area, supposedly settle out the sediment and harmful acidic components, and discharge the “treated” water into two creeks that feed into the Okatibbee Reservoir, five miles downstream. The people who fish and swim in Okatibbee should be very concerned about harmful mining runoff washing into the Reservoir, not to mention impacts on the Pascagoula River drainage beyond.

To add insult to injury, the mining discharges could be completely avoided if Mississippi Power and its partners were willing to invest an extra half million dollars to build larger, no-discharge ponds. With an overall price tag of upwards of \$2.8 billion for the Kemper project, this investment in clean water would represent less than one tenth of one percent of the total project costs!

The MDEQ permit board, composed entirely of executive agency employees and governor’s appointees, granted both permits for the Kemper mine on Tuesday Dec. 13, 2011. In response to comments from GRN and others, a few additional limits were added for toxic compounds in the treatment pond effluent water, and some biological monitoring was required in the streams that receive the water. However, these treatment ponds remain the cheapest ponds that can be built and still satisfy regulations. Mississippi Power could do so much more for the health of the Okatibbee Reservoir and the waters that drain into the Pascagoula River. ■

## *Florida Failing on Nitrogen and Phosphorus Pollution*

Recently, the Florida Fish and Wildlife Conservation Commission voted unanimously to protect tiger and hammerhead sharks in state waters. Commissioner Bran Yablonski stated that “sometimes the appropriate measures of conservation are the problems we avoid, not the problems we have to fix.” That’s a great sentiment. If only the Florida Department of Environmental Quality (FDEP) would follow this advice.



Picture taken off of Sanibel Island, FL. For more pictures of polluted Florida waters, visit <http://goo.gl/N7kVI>.

The FDEP recently released some proposed numeric nitrogen and phosphorus water quality standards that simply will not be adequate to protect Florida’s waters from threats like harmful algae blooms or nasty green slime. As the proposed rules stand, before a waterbody is considered to be “polluted,” it would have to violate the criteria for two years. In other words, a waterbody could be unnaturally covered in potentially toxic algae for a year and would not violate criteria. Additionally, the rule does not do the necessary analysis to determine if these criteria are suitable for boating, swimming, or even for drinking water!

Despite the many problems with Florida’s proposal, Environmental Protection Agency (EPA) has praised the FDEP and very well might approve it, even though it is not as strong as their own criteria, which were adopted last year.

Perhaps more than any other state in the Gulf, Florida’s economy depends on vibrant, clear Gulf waters. Florida’s proposal has not yet been approved by the Florida Legislature or EPA, but if it is, Florida’s waters will simply not be protected from harmful algae blooms, green-tinted springs, and rivers that are covered with green slime. ■



**New Orleans Office**  
338 Baronne St., Ste. 200  
New Orleans, LA 70112  
Phone: 504-525-1528

Email: [Raleigh@healthygulf.org](mailto:Raleigh@healthygulf.org)

[www.healthygulf.org](http://www.healthygulf.org)

#### **GRN Healthy Waters Program Staff**

##### **Florida:**

Cathy Harrelson  
727-415-8805

[cathy@healthygulf.org](mailto:cathy@healthygulf.org)

##### **Mississippi:**

Andrew Whitehurst  
504-525-1528 x 205

[Andrew@healthygulf.org](mailto:Andrew@healthygulf.org)

Raleigh Hoke

504-525-1528 x 204

[raleigh@healthygulf.org](mailto:raleigh@healthygulf.org)

##### **Louisiana:**

Matt Rota

504-525-1528 x 206

[matt@healthygulf.org](mailto:matt@healthygulf.org)

Scott Eustis

504-525-1528 x 212

[scott@healthygulf.org](mailto:scott@healthygulf.org)

## **UNITED FOR A HEALTHY GULF**

### *A Call for Sunshine on the Gulf's Restoration (continued from page 1)*

will not be shorted?

Following the [Gulf Future Action Plan](#), a working group of activists and community leaders from each of the five states has evaluated hundreds of [NRDA projects](#) according to the Gulf Future goals: ensuring Public Health, rebuilding the Environment, developing a sustainable Economy, Monitoring the damage, and Participation in the restoration process.

In November, GRN and other members of this working group released "[Sunshine on the Gulf](#)," a report examining what projects are slated for early NRDA monies and why. As an example to the trustees, the report uses prioritization criteria that highlight the needs of the Gulf's communities and environment.

One purpose of the report is to show how easy it is to be transparent. Second is to show that the trustees can't just check the box for "community participation" by holding a public meeting. Coastal communities demand real input into the process—the only way to ensure the process works for us.

Louisiana has released its project list, focusing on projects within the geography of damage that are "shovel-ready." They largely meet the minimum legal criteria under NRDA. But real restoration demands that environmental projects also build jobs, specifically for those put out of work by BP. The Gulf Future criteria would elevate those projects that address this additional need, because

### *Florida's Nature Coast in Jeopardy (continued from page 1)*

foraging areas for many of Florida's signature game fish species. These seagrasses also provide habitat for other marine life like pinfish and blue crabs, as well as wading and shore birds such as little blue herons and plovers.

While Florida officials have expressed support for SunWest Harbourtowne, a diverse coalition of community members, recreational fishermen, and conservationists have continued to raise major concerns about this project. SunWest Harbourtowne would necessitate a 50-year private use arrangement for almost 2 million square feet of public submerged land with *no fee required* – a half century giveaway of vital, public resources. In return for this giveaway of public land, the developer has promised a county park. This is not a



GRN's Executive Director Cynthia Sarthou speaking at the release of "Sunshine on the Gulf" with, from left to right, Nathalie Walker (Advocates for Environmental Human Rights), Jill Mastrototaro (Sierra Club), and Rev. Tyrone Edwards (Zion Travelers Baptist Church).

the status-quo hiring practices are not enough.

One example of this in Louisiana is the planting project from Restore the Earth Foundation, which scores points by allowing the public to participate in restoration. This progressive project plants salt marsh grasses and mangrove trees with organic compost and oil-degrading microbes in front-line ecosystems hard-hit by both BP's oil and coastal erosion. The plantings have environmental value to offset damage to marshes and birds killed by BP, but also hires local shipping barges and creates wetland advocates from engaged volunteers who plant.

In the wake of BP's disaster, how can the Gulf succeed? The Gulf Future goals are the way we the people of the Gulf define restoration and we hope that the NRDA trustees will listen. ■

fair trade for the health and vitality of the Nature Coast, and the communities and wildlife that rely on it.

The developers have submitted a permit application for the project to the Army Corps of Engineers, and the Corps is currently reviewing it. The National Marine Fisheries Service has weighed in – recommending that the Corps reject the permit application. In addition, GRN recently submitted [a letter](#) to the Corps urging them to deny the permit and requesting that they conduct an Environmental Impact Statement, a more thorough study of environmental impacts required under the law for major projects like this. You can take action now by [clicking here](#) and urging the Corps to reject this destructive boondoggle. ■