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Join Audubon of Florida's Advocacy Center and take action on important issues as they arise. The Center functions as a clearing-house for the very latest information on Florida conservation issues and allows you to easily and effectively communicate with your elected officials.

Audubon of Florida distributes three e-publications through its advocacy center, with news, educational features and opportunities where you can easily take action on behalf of Florida's wildlife and wildlands!

- **Advocate:** a monthly e-newsletter addressing conservation issues from across Florida.
- **Restore:** a monthly e-newsletter addressing issues affecting Everglades restoration.
- **Raptor:** quarterly e-newsletter of the Audubon Center for Birds of Prey in Maitland.

To learn more about and join our Everglades Conservation Network, please visit <http://ga1.org/natureadvocate>.

Join us and make your voice heard!

Don't Miss the Everglades Foundation Gala - February 16

The Second Annual Everglades Foundation Benefit promises to be a party fit for a president. Audubon of Florida will definitely be attending; funding from the Everglades Foundation helps make Audubon's Everglades work possible. Scheduled for February 16, 2007, the gala will be held at the magnificent Mar-a-Lago in Palm Beach, Florida. To reserve a table, contact Chip Roberts at the Foundation, 305-251-0310 or croberts@evergladesfoundation.org.



WINTER 2007

Everglades report

Audubon of Florida's Top Priorities for State and Federal Action in 2007

The New Year brings hope for continued state and renewed federal progress on restoration of the Everglades and Lake Okeechobee. Audubon of Florida's state legislative team will push hard in 2007 for new levels of funding to buy land and build projects to stop the destruction of Lake Okeechobee and the estuaries. At the federal level, Audubon and its allies are hopeful that the 110th Congress will move forward to approve and fund restoration priorities.

New funds and a real restoration plan are essential to avert a collapse of the Lake's ecosystem, which suffers from too much or too little water, and overwhelming amounts of pollution. Too much water at the mouth of the Caloosahatchee and St. Lucie estuaries can be disastrous. Massive releases of lake water kills fish, invertebrates, and seagrasses, and causes algae blooms in the estuaries. When Lake O water levels are too high, the marshes are drowned; too low, and apple snails and the snail kites that consume them are extirpated from the lake.

The Florida Legislature has ordered solutions, but lawmakers can and should set a strict timetable for getting the problems solved. This includes setting clear targets for the solutions, and giving relevant agencies the authority and money to get the job done.

Last year, the Congress failed to pass the Water Resources Development Act (WRDA) and the appropriations bills needed to move Everglades restoration off the books and into the field.

The process will begin anew in early 2007. Hopes are high that the new Congress will pass a WRDA 2007. Audubon welcomes new members to the Florida Congressional Delegation, Kathy Castor (11th District), Tim Mahoney (16th District), and Ron Klein (22nd District). The appointment of Congresswoman Debbie Wasserman Schultz (20th District) to the powerful House Appropriations Committee is good news for the Everglades.

WRDA 2007 is important because it will authorize the first major Comprehensive Everglades Restoration Plan (CERP) projects, Indian River Lagoon and Picayune Strand. These projects will restore more than 160,000 acres of wetlands and significant estuarine habitat and improve water flows to Florida Bay, 10,000 Islands, St. Lucie Estuary, and Lake Okeechobee.

Fiscal year 2008 appropriations are already in the works and the President's proposed budget is due in February. Audubon is proposing budget recommendations totaling \$282 million for the Everglades, a 68 percent increase over FY06 levels. Continued and increased funding and a strong WRDA 2007 are essential to keeping Everglades restoration on track, and the partnership between the state and federal government strong.

Will Governor Charlie Crist Be Good for the Everglades?

Newly-elected Governor Charlie Crist comes with six years of experience on the Florida Cabinet, where he voted in favor of many Everglades land acquisition projects. Before that Crist served in the Florida Senate where he was a dependably pro-environment.

One of Crist's first measurable actions was to appoint Michael Sole to lead the Department of Environmental Protection. In his first public statement, Sole pledged to make the Everglades and Lake Okeechobee priorities. The real test will be the Governor's budget recommendations, due in late January. Stay tuned.

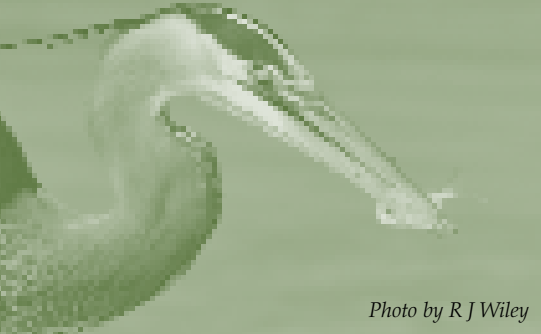


Photo by R J Wiley

The Essentials to Successfully Restore the Everglades

To make significant progress in restoring America's Everglades: What better resolution could new Florida Governor Charlie Crist and the federal Congress have for 2007?

To help achieve this long-standing federal and state goal, members of the Everglades Advisory Council (EAC) met at the end of 2006 and laid out the nine essentials to bring this internationally unique ecosystem back to health. The EAC is comprised of 15 of Florida's most important environmental organizations, including Audubon of Florida.

"The essentials are absolutely critical," said Bill Riley, chair of the Everglades Foundation's Program Committee. "We have a great opportunity with the election of Florida Governor Charlie Crist and the choice of Barbara Boxer, D-CA, to chair the Senate Committee on Environment and Public Works, to really restart Everglades restoration and make real progress."

Nine key components were outlined for advancing the Comprehensive Everglades Restoration Plan (CERP). They are:

1. Restore historic sheet flow in the southern Everglades and to Florida Bay

The Essential: Fill in the lower C-111 canal, construct a spreader canal along the highest feasible topographic grade, while restoring flow through Taylor Slough to Florida Bay, and secure long-term protection and restoration of wetlands necessary to achieve this.

2. Restore historic sheet flow in the core Everglades

The Essential: Initiate the maximum possible removal of artificial barriers to flow and ecological connectivity within the core Everglades. Maximum sheet flow depends on the widest possible flow-way under the Tamiami Trail. Replace the existing grade-level Trail with an elevated roadway that will not impede water flow. This should be financed as a transportation project.

3. Provide adequate water storage for the core Everglades

The Essential: Secure a volume of approximately 1.6 million acre-feet of dedicated storage north of the core Everglades for water supply to the Everglades during droughts and dry seasons.

4. Provide for large wet-year flows from Lake Okeechobee to the core Everglades

The Essential: Create the conveyance capacity to move at least 1.5 million acre-feet of water from Lake Okeechobee to the core Everglades. This will require about 45,000 additional acres of Stormwater Treatment Areas in the southern Everglades Agricultural Area.

5. Provide additional water storage to protect the estuaries and Lake Okeechobee

The Essential: Beyond the storage volume needed for the core Everglades, there is a scientifically-demonstrated need for at least 2.8 million acre-feet of additional storage to avoid harmful discharges to the estuaries.

6. Restore the Kissimmee River

The Essential: Restore and maintain historic flows of the Kissimmee River from its headwaters to Lake Okeechobee.

7. Improve and protect water quality

The Essential: Prevent water pollution north and south of Lake Okeechobee and from outside the core Everglades, and implement all known techniques for keeping pollutants out of the greater Everglades ecosystem. Clean the water entering the lake to meet standards set by the Lake Okeechobee Protection Plan of 2000, and begin reversing decades of neglect.

8. Prevent development that compromises greater Everglades ecosystem protection and restoration

The Essential: Ensure effective growth management and sound permitting decisions, and acquire adequate amounts of land to avoid expensive remediation by future generations.

9. Restore the federal-state partnership

These essentials can only be brought about by renewal of a full working and funding partnership between the federal government and the State of Florida for Everglades restoration. Renewing and restoring that relationship should be one of the highest priorities of the new administration in Tallahassee.

More Everglades Land Acquisition Dollars Needed

One of Audubon of Florida's key focuses for bringing the southern end of the Everglades system back to health is ensuring that the land needed for restoration is acquired. From its coastal campaign in South Florida to its political work in Tallahassee, the Audubon team will support a major drive this year to intensify land acquisition efforts.

Audubon will join the South Florida Water Management District (SFWMD) and, one hopes, Governor Charlie Crist to support doubling the state's annual appropriation for Everglades land purchases. Last year the Legislature put \$165 million into land buys; this year we will push for at least \$200 million. With development pushing against the Biscayne Bay Coastal Wetlands and rising prices everywhere, government needs to secure the land needed for restoration now!

When land owners propose urban development on lands identified-but not yet acquired-within the Comprehensive Everglades Restoration Plan (CERP), that natural area is removed from restoration projects. Thus, if acquisition does not move quickly, the extent of protected and restored wetlands and marshes will continue to shrink. As the local sponsor, the State of Florida is tasked to acquire land for the CERP. Currently, 57 percent of the nearly 400,000 acres identified for Everglades restoration has been acquired at a cost of \$1.4 billion. To secure the remaining lands, Audubon will work in 2007 to:

- Encourage counties with lands identified for CERP within their borders to implement transfer of development rights programs to remove those rights from restoration lands before they are acquired;
- Encourage the Florida Department of Environmental Protection (DEP) to reimburse SFWMD for securing purchase options on lands needed for CERP;
- Approve eminent domain authority for the acquisition of lands needed for CERP in Miami-Dade County by the SFWMD; and
- Secure federal funding to acquire land within CERP project boundaries.

Bay to Bay Initiative

Audubon is also working with the National Parks and Conservation Association, the Everglades Foundation, Tropical Audubon Society, World Wildlife Fund, Clean Water Action, and the South Florida Water Management District to secure a new commitment of public funds to buy land in the area between Everglades National Park and Biscayne Bay National Park. Called Tequesta Coast in honor of the now extinct Native American tribe that once occupied the area, the project will work with the District's Bay to Bay initiative to create a wildlife and recreational area and keep development out of wetlands that can be restored to natural habitat.

Photo by R J Wiley



Solutions Exist *to Heal Lake Okeechobee*



Photo by R J Wiley

Lake Okeechobee has made national headlines the past several years for high-water problems that have drowned vegetation and impaired fish spawning and bird use. The high levels also lead to massive water releases to the St. Lucie and Caloosahatchee estuaries. These pollute the water, spawn intense algae blooms, and kill wildlife that cannot withstand the fresh water.

Enough fresh water has been dumped into the ocean over the past two years to meet a decade's worth of water supply needs. Now, the lake level is so low that water for irrigation is being rationed. These contrasting weather events and subsequent impacts clearly demonstrate that current water management is inadequate. The lake, watershed, and wildlife are exposed to harm during wet periods. Water supply needs are unmet during dry periods.

Many efforts are underway to restore Lake Okeechobee, but even taken together, they will not adequately bring the lake and its watershed back to health. Neither will they significantly contribute to restoring the lake's important function in the greater Everglades ecosystem. The lake suffers from myriad problems and substantially rebuilding south Florida's water management system will be required.

Audubon of Florida has analyzed the water patterns flowing into and out of Lake Okeechobee, and the data show that present plans are significantly inadequate. For example, the Lake Okeechobee component of the Comprehensive Everglades Restoration Plan (CERP) will be able

to capture and treat the equivalent of about eight inches of water upstream of the lake at a time. This is much smaller than the average annual net inflow of the present weather pattern, which is about four feet of water. In 2004 and 2005, about six feet went into the lake, and in 2006 so little water entered the lake that water rationing now is being imposed on farmers. Given climate conditions, these alternating high and low water levels are expected to continue over the long term. As a result, during wet periods, large volumes of inflow will bypass already-filled reservoirs and filter marshes, harming the lake with deep levels and the estuaries with concomitant releases. Further, water that bypasses pollution control features cannot be effectively cleaned, thus pollution problems will persist. And during dry periods, too little water will have been stored to meet human needs.

Audubon estimates that the ability to catch the equivalent of about 2.5 feet of water upstream of the lake would provide enough storage to prevent most in-lake deep-water events and associated problems from occurring. This captured water not only can serve as a buffer against high lake levels and drought shortages, but also can be cleaned in filter marshes or with other technologies, before flowing to the lake, helping to meet the lake's phosphorus standard. In addition to storage facilities upstream of the lake, large increases in storage, conveyance and treatment capacity south of the lake are needed to facilitate sending clean water to the Everglades—where it is most needed—and away from the estuaries where it is causing harm.

Solutions exist. Audubon of Florida recommends **Eight for the Lake and Estuaries 2007**

1. Development permitting - retain 100 percent of natural water storage on-site in new developments, and retrofit old developments to capture more stormwater.

2. Development planning - Keep development compact and require land conservation in exchange for new density.

3. Fertilizer - Eliminate phosphorous fertilizer import to Lake Okeechobee basins.

4. Manure and Sewage Sludge - Stop sludge/septage imports, and export manure.

5. Water levels - Restore historic water level patterns in the Kissimmee Chain of Lakes and maintain Lake Okeechobee water levels between 12-15 feet.

6. Farmland Conservation - Use federal and state farm programs to encourage sustainable, profitable ranching and other agriculture.

7. Fix Okeechobee for Estuary Recovery - Create 1.2 million acre feet of storage capacity in Lake Okeechobee's watershed to avoid destructive water discharges to the estuaries.

8. Fix the Everglades Agricultural Area for Estuary recovery - Increase storage, cleansing marshes, and water conveyance features to allow increased water movement southward.

While these fixes will not all be accomplished overnight, Audubon of Florida is confident and dedicated to working with Floridians, decision-makers, agencies, the private sector, and our environmental partners to make sure these goals are achieved.

Lake Okeechobee Legal Victory Sets Nationwide Clean Water Precedent

Late last year in *The Friends of The Everglades, Inc. v. The South Florida Water Management District*, the U.S. District Court in Miami considered whether the South Florida Water Management District (SFWMD) violated the Clean Water Act in 1999, and issued a ruling in favor of the environment. In 1999, and actually in most years, the SFWMD pumped polluted water from canals running through the Everglades Agricultural Area back into Lake Okeechobee in order to alleviate perceived flooding in sugar cane fields. The SFWMD did so without a National Pollution Discharge Elimination System (NPDES) permit, choosing instead to operate under their own policies that allowed the decision to be made without public comment, even from those whose drinking water comes from the lake.

The court found the SFWMD's actions violated the Clean Water Act. Transferring water from one body to another, in directions it otherwise would not flow, can add harmful pollutants including industrial waste, sewage, invasive species, agricultural waste, and other contaminants to drinking water sources. The case, which was consolidated with cases launched by the Miccosukee Tribe, Earth Justice, and the Florida Wildlife Federation, has national significance for transferring polluted water from one waterway into another. The case was ruled upon by U.S. District Judge Cecilia M. Altonaga who wrote "in the absence of a NPDES permit, the operation of the S-2, S-3, and S-4 pump stations to backpump pollutant-containing waters from the canals in a northerly direction into Lake Okeechobee is in violation of the CWA (Clean Water Act). Water transfers between distinct water bodies that result in the addition of a pollutant to the receiving navigable water body are subject to the NPDES permitting program."

The judge will be considering the plaintiffs' request for injunctive relief against back-pumping and wrote that it "remained unclear exactly what the nature of any prospective relief, if granted to Plaintiffs, and the scope of any obligations imposed upon Defendants, should be."

Oddly, during the trial the U.S. Environmental Protection Agency wrote a proposed opinion and rule change that states such transfers, no matter how polluted, should not be governed by the Clean Water Act. Judge Altonaga also rebuffed this EPA opinion. Audubon is working with other groups to defeat the proposed rule change because it would eliminate critical regulation of water transfers from polluted sources to clean areas. Because many of these receiving areas also deliver drinking water, this rule change would result in health risks not only to the nation's waters but to public health and safety, clearly contrary to the intent of the Clean Water Act.

Testimony from Paul Gray, Ph.D., Audubon of Florida Okeechobee Science Coordinator, was key to the plaintiffs' arguments. Friends of the Everglades President David Reiner acknowledged that the case "would have been a struggle without Audubon graciously lending us Dr. Gray." Audubon commends the plaintiffs and lawyers involved in this historic decision.

Osceola County Growth Threatens Everglades Headwaters

The headwaters of the Everglades is largely comprised of land in Osceola County, with nearly 850,000 acres containing the Kissimmee Chain of Lakes. An urban population explosion is under way in Osceola, with population growth topping 34 percent in the last five years. Central Florida's overall population is predicted to double before 2050, with nearly half of that growth projected to occur in Osceola County.

The crush of development has outstripped the county's ability to cope with or control it. Last year, the state's Department of Community Affairs rejected the county's proposed comprehensive plan for multiple reasons, including the inability to contain sprawl.

Since DCA's rejection of the Osceola Plan, significant attention has been focused on the county's growth problems. A state-sponsored task force was created in late 2005 after Audubon and other environmental groups concerned with Everglades issues asked state officials to intervene concerning five major "Developments of Regional Impact" proposed near the eastern shore of Lake Tohopekaliga. The task force recommended significant changes in the developments and preservation strategies for habitat and water resources associ-

ated with the areas these projects affect. But the number of major DRI projects has surged to seven, and no end seems in sight.

The importance to the Everglades stems from the fact that the flow of the Kissimmee River, being restored under a \$500-million-plus project authorized by Congress in the early 1990s, is controlled by events in the river's headwaters. The headwaters area also influences discharges to, and pollution entering, Lake Okeechobee.

After the DCA rejected the Osceola plan, revisions have attempted to establish an "urban growth boundary." This boundary would theoretically leave about two-thirds of the county in a rural status, and concentrate development around existing urban centers just south of Orlando. However, the plan lacks mechanisms to assure that the boundary will hold up against inevitable attempts to change it later.

One of the mechanisms, a "transferable development rights (TDR)" program, would allocate one unit per acre in transferable development credits to all landowners in the rural area. In theory, those landowners could then



Photo by R J Wiley

extract the value from their land by selling credits to developers who want to build more densely inside the "urban growth boundary." By retiring development rights in this way, the program could insure that a vast majority of land in the Kissimmee headwaters remains undeveloped.

Unfortunately, the version of the county plan nearing approval by the DCA allocates three units per acre of "gratuitous density" to all lands within the "urban growth boundary." That will severely limit the market for TDR credits, because most developers will not need to buy TDRs to proceed with their projects.

Audubon is advocating restrictions on the amount of "gratuitous density" allowed in the "urban growth boundary." Tom Pelham, the new secretary of DCA under Governor Charlie Crist, has been asked to push hard to seek further revisions to the Osceola County Plan to make the TDR system work in the environment's favor.

Audubon Helps Form Osceola Conservation Alliance

Audubon of Florida's Director of Advocacy, Charles Lee, has helped organize a series of meetings with concerned citizens in Osceola County in an effort to develop stronger public interest participation in the county's Growth Management process. Working with Audubon chapter leaders from the Kissimmee Valley Audubon Society and The Nature Conservancy, Lee agreed to chair the first two meetings of the Alliance, and to offer advice and recommendations on its organization. For more information and to support this important work, contact Charles Lee at (407) 644-0190, ext. 108.

Western Everglades: One Good Step Forward, Many More to Go



Photo by R J Wiley

Audubon of Florida, and its Coalition allies, recently won a significant victory in efforts to thwart a group of proposed residential golf projects in the Cocohatchee Slough adjacent to Corkscrew Swamp Sanctuary.

Audubon, Collier County Audubon Society, Florida Wildlife Federation, National Wildlife Federation and the Conservancy of Southwest Florida had filed a complaint in federal district court against the Army Corps of Engineers and the U.S. Fish & Wildlife Service for illegally granting a permit to Ronto, Inc. to destroy more than 200 acres of wetlands and endangered wood stork foraging habitat in order to build the Parklands-Collier residential golf project near Corkscrew. This lawsuit was recently settled with the Corps, Service and Ronto requiring the developer to start federal permitting all over again, with full public and agency reviews of impacts associated with Parklands. While this is a temporary reprieve, it is a major step in the right direction. This developer was recently cited by the South Florida Water Management District for illegally building a road without permits on the Parklands site. It also was investigated for digging an earth mine on conservation lands near Parklands and Corkscrew and calling it restoration.

Meanwhile, our Cocohatchee Slough Coalition has filed a legal challenge to the Mirasol residential golf project's recently-approved state permit, which proposes to destroy over 650 acres of wetlands. The coalition is also actively opposing Mirasol's new federal permit application. Its original permit was denied in December, 2005. Expect court action if the modified permit is granted.

The strength of our opposition to these projects, which would destroy more than 1,150 acres of wetlands in the same slough, is rooted in the research and science coordination of Jason Lauritsen, a wood stork expert at Corkscrew Swamp Sanctuary.

Lauritsen has made numerous presentations to the public and the permitting agencies documenting the very specific peril this loss of foraging habitat will cause the wood stork. It will jeopardize the recovery of the endangered wood stork and threatens to destroy the stork rookery at Corkscrew Swamp, the largest in America. Lauritsen recently secured a large research grant to document and analyze the stork foraging landscape of Southwest Florida in order to improve efforts to recover this imperiled species. That exciting project has begun and, it is hoped, will vitally contribute-along with the Coalition's efforts against these permits-to improved permitting practices by all agencies where wood stork habitat is involved.

One final note on Western Everglades issues is to deplore the recent halt of a big part of Everglades restoration in Southwest Florida-the Southwest Florida Feasibility Study. This \$12 million effort to analyze, model and recommend proactive measures and restoration projects essential in Southwest Florida's ecological landscape has run out of federal money. So the Army Corps of Engineers, the federal partner in the state and federal commitment to restore the Everglades, has stopped working on it. With pressures mounting to convert rural lands (including many areas slated for restoration) to urban uses, growth occurring rapidly, and polluted water from a Lake Okeechobee nightmare, Everglades champions are needed in Washington!