



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

September 14, 2016

Scott Zucker
Conservation Chair
Audubon Society of the Everglades
P.O. Box 16914
West Palm Beach, FL 33416-6914

Subject: Protection of the Arthur R. Marshall Loxahatchee National Wildlife Refuge

Dear Mr. Zucker:

Thank you for your letter to Chairman O'Keefe and your concern regarding the Arthur R. Marshall Loxahatchee National Wildlife Refuge. The health and future of the Refuge, both as a crucial piece of the Everglades ecosystem and as land owned by the taxpayers of the state of Florida who have the right to enjoy that land in its most pristine state for generations to come, is of utmost importance to our Governing Board.

However, your letter should be addressed to the U.S. Fish and Wildlife Services (USFWS), pleading with them to take the only logical step and ask Congress for the funds necessary to live up to its agreements and save the Refuge from a slow death at the hands of Old World climbing fern.

That is why our Governing Board issued the Notice of Default to the USFWS regarding its continued failure to meet the performance measure it pledged to meet in order to lease the land, particularly the most critical performance measure related to the control of invasive plants. The Governing Board did not make this decision lightly. It was only after repeated appeals made by the District to the USFWS to live up to its obligations, and repeated refusals and failures by the USFWS to obtain the necessary funding to control invasive plants or to even ask for that funding from Congress that this action of last resort was taken.

Let me be clear. The District will never close the Refuge to public access and recreational enjoyment. The Governing Board is trying to preserve it for those uses now and in the future.

If there is any doubt the District's ability to control the spread of Old World climbing fern in natural areas it manages, look at Water Conservation Areas 2 and 3. Old World climbing fern has not spread in those areas that are under District management while it has overtaken the Refuge that is under USFWS management.

The USFWS has maintained the status quo, which is a state of spreading Old World climbing fern, collapsing tree canopies and degrading habitat. This is a status quo of failure that will lead to the eventual collapse of the resource and a threat to other parts of the Everglades.

These other parts of the Everglades were not only purchased by Florida taxpayers as was the Refuge, but also maintained at great expense by Florida taxpayers. To allow not only the Refuge, but also the remainder of the Everglades to be overrun and ruined by this invasive plant because of the failures of the USFWS, is an unacceptable status quo the Governing Board cannot stand by silently and watch happen.

If your members take weekly walks and canoe trips in the Refuge, and the Audubon Society has for 17 years helped to produce the Everglades Day Festival as stated in your letter, how could the Audubon Society advocate for the continuation of that status quo?

The Governing Board is trying to protect and save the Refuge. Why would the Audubon Society not join the Governing Board in this fight to save the Refuge and then the Everglades? It is shocking for you to state that the USFWS can take "great pride" in meeting 12.5 of the 13 required performance measures when you know full well that meeting the Old World climbing fern metric is essential for the Refuge. The USFWS contractually pledged to have 100 percent control of Old World climbing fern in the Refuge by 2017. Instead, during its tenure, the infestation of Old World climbing fern has increased by 600 percent. Audubon should not associate itself with this record of failure.

If the USFWS would not meet this performance measure, why did it agree to lease the land and contractually take on this obligation? Furthermore, how does the USFWS know it cannot mount the effort necessary to meet its obligations alone if it has never even asked Congress for the \$5 million in funding necessary each year to get Old World climbing fern under control? It is nearly unbelievable that the Audubon Society would even entertain, let alone encourage, the idea of renegotiating lowered performance measures. If a private lessee of District-owned land was not meeting the contractually agreed upon performance measures, destroying taxpayer-owned land, would the Audubon Society be encouraging dumping down the standards?

The Governing Board's goal is simple: complete control of Old World climbing fern. Moving the goal posts to help the continued spread of the invasive fern and eventual destruction of the Everglades is simply untenable. The Governing Board would never allow a lessee to do this, nor would we renegotiate lower performance measures to make it easier for a lessee to ruin a resource.

If the Audubon Society really wants to save the Refuge, the District welcomes the help. The best thing the Audubon Society could do is to advocate for the USFWS to ask for the necessary federal funding and the U.S. Congress to allocate the necessary funding.

Sincerely,



Peter Antonacci
Executive Director

PA/rb

Daniel O'Keefe
Governing Board Chair
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

Dear Chairman O'Keefe:

Audubon Society of the Everglades (ASE) is concerned about the recent decision of the South Florida Water Management District Governing Board to issue a notice of default and to begin the process of revoking the lease agreement between the District and the U.S. Fish & Wildlife Service (USFWS) on the Arthur R. Marshall Loxahatchee National Wildlife Refuge (LNWR).

LNWR is the largest National Wildlife Refuge in the State of Florida and an important resource to ASE. Our members spend countless hours walking the boardwalks and levees and canoeing and kayaking in the canals. They go on a weekly, guided bird walk from the end of October through April in search of the 250 species of endemic and migratory birds that call the Refuge "home." For 17 years, ASE has joined the Friends of Arthur R. Marshall Loxahatchee National Wildlife Refuge to produce and support financially the Everglades Day Festival, which draws thousands to experience our national treasure.

We feel that the USFWS can point with pride to the accomplishment of meeting 12 ½ of the 13 performance measures that were part of the 2002 license renewal with the District. There is no doubt that a crisis of Lygodium and other invasive exotics exists on public and private lands, including the LNWR. However, cancelling the lease and shifting responsibility from the USFWS to the District does not solve the crisis. We have learned since the lease agreement of 2002 that the level of effort necessary to control Melaleuca and Old World climbing fern in the Refuge requires a large and concerted approach that cannot be implemented by the USFWS alone. We urge the District to review the target performance goals of the lease and to renegotiate a more realistic containment plan, as outlined in the June 24, 2016 response of Deputy Assistant Secretary for the Interior to Mr. Antonacci's April 15, 2016 letter.

We certainly recognize and appreciate that the state has increased its investment in the treatment of exotic invasive species in recent years. However, we want to call attention to the fact that LNWR has received a proportionally large amount of the funds allocated by the federal government for invasive plant control. In 2016 \$1.65 million went to LNWR to combat exotic plants. This was more than half of the total funds allocated to the Southeast Region and more than 10% of the total funding available nationally for the control of exotic plants.

If the District takes back management of the Refuge, significant long-term costs will be added to its already strained budget. We believe that a continued collaborative

partnership between the state and the federal government can keep us from arriving at the worst-case scenario – the removal of the USFWS from the LNWR while the invasive species issues remain. Audubon of the Everglades is prepared to work with you to advocate for the state and federal funding necessary to meet our common goal of exotic plant containment in the Refuge.

Please let us know how we can partner with you to promote our mutual interest in Everglades preservation and restoration, especially with reference to our beloved Loxahatchee National Wildlife Refuge.

Sincerely,

Scott Zucker
Conservation Chair
Audubon Society of the Everglades