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Lake O Back Above 10 Feet

07/09/2008

Palm Beach Post - South Palm Beach County Bureau
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By Eliot Kleinberg | Palm Beach Post

Another sign our recovery might be under way: Lake Okeechobee is back above the 10 foot level.

The lake was reported this morning at 10.02 feet. That still is about three feet below the historical average, but it is the first time the lake has been above the 10 foot benchmark since mid-May.

After hitting an all-time low of 8.82 feet on July 2, 2007, the lake had risen above 10 feet on Feb. 12, in the midst of a very wet dry season. It had been as high as 10.51 feet on April 12.

Then it had dipped back below 10 feet on May 13 and dropped as low as 9.27 feet on June 28.

In the last 30 days, 8.88 inches fell over the lake, according to Susan Sylvester, director of operations for the South Florida Water Management District. That is about average; "what we need is above average," Sylvester said this afternoon.

Water managers would like to see lots of rain over the Kissimmee River basin, which drains into the lake. They have said July traditionally is drier than June but August and September are nice and soggy.

Throw these politicians overboard

07/09/2008

Palm Beach Post
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By Sally Swartz-Palm Beach Post Editorial

Last month, after a bitter, 10-hour public hearing, a majority of Martin County commissioners voted to approve a 40-foot-tall, "Home Depot-sized warehouse" at Hinckley Yachts, a boatyard surrounded by homes in a residential area beside Manatee Pocket in Port Salerno.

The votes of Commissioners Michael DiTerlizzi, Doug Smith and Lee Weberman ended, for now, a six-year struggle between the yacht builder and its neighbors. But for Jay Honan and others in the neighborhood who plan to appeal, it's not over.

"We're not letting this go," he said. "It's way beyond the warehouse. It's a matter of principle now. Officials lied to us in public, and they need to be held accountable."

"Accountable," in Mr. Honan's eyes, includes not returning these three to any public office. Mr. DiTerlizzi is a candidate for Florida House District 81, and the others seek a return to their commission seats.

In 2002, Martin County officials assured Mr. Honan and his neighbors, repeatedly and under oath, they had nothing to worry about in boat builder Hinckley Yachts' plans to expand. The county's 150-foot setback rules, officials said, would prevent a large storage building near their homes. Then the county decided no public meetings on the boat builder's plans were needed.

The neighbors, many of whom had lived harmoniously for years beside the boatyard under previous owner David Lowe, hired an attorney, and the county reversed its decision. "We aren't not-in-my-backyard types," Mr. Honan said. But he felt he shouldn't have had to hire a lawyer to protect his and his neighbors' right to comment on Hinckley's plans.

The boat builder removed a buffer of trees between the boatyard and neighboring property. Then, without permits, he poured three cement pads the size of swimming pools and erected temporary, tentlike, Quonset-hut shelters for workmen. Mr. Honan has photos of workmen in masks and hazardous materials suits, power-sanding while the toxic dust blows over walls into neighboring yards. Other photos show pieces of the shelters, blown apart during the 2004 hurricanes, in neighbors' yards and a pool.

Residents complained to the county frequently about boatyard problems, with no results. Neighbor Jim McCants said he complained many times "and they say they have no record of my complaints." Some county employees who live in the neighborhood also complained and were told by superiors to keep quiet or be fired. In typical, small-town fashion, false rumors were circulated blaming an outspoken boatyard critic's child for a Little League equipment burglary.

Last month, Commissioner Sarah Heard, who voted against the expansion, accompanied a code-enforcement officer to the boatyard, and some things have improved. In a July 2 letter to Code Enforcement's Jerry Mitchell, Hinckley attorney Bob Raynes said the Quonset huts, freight storage units and portions of the concrete slabs that encroach on a 30-foot buffer area will be removed.

But a broken seawall, drainage from the land directly into Manatee Pocket and other problems remain. Commissioner Heard said the county shouldn't have approved the expansion until the boatyard corrects code violations.

Neighbors' complaints to the Department of Environmental Protection and the South Florida Water Management District about the seawalls are pending.

When the commission majority approved the 40,479-square-foot boat storage building June 3, County Attorney Steve Fry said existing commercial marinas are exempt from the 150-foot setback rules other county officials had assured boatyard neighbors would protect them.

It is the kind of situation that has become common under a commission majority that caters to special interest groups. The commission majority doesn't even attempt to address residents' concerns.

"For me," Mr. Honan said, "it's all about standing up and holding these commissioners accountable ... I want (them) out of office."

It's an election year. Relief can begin with the Aug. 26 primary.

South Florida

07/08/2008

Florida Trend

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Florida Trend

The powerful and politically savvy Fanjul family is in the catbird seat when it comes to the multibillion-dollar Everglades restoration plan. That's because its Florida Crystals sugar operation owns roughly 35,000 acres of sugar cane that South Florida water managers need if they are to complete their ambitious plan for a 'flow-way' connecting Lake Okeechobee and the Everglades. Now that the South Florida Water Management District has announced plans to buy 187,000 acres from U.S. Sugar for \$1.75 billion and put that sugar giant out of business, ownership of the Fanjul land becomes the largest challenge to the proposed restoration's success. 'They obviously can't build the flow-way without it because we have 35,000 acres right in the middle of it,' said Gaston Cantens, vice president for corporate relations for Florida Crystals. 'They have not communicated what they want. We don't have the details yet.' [Source: Sun-Sentinel]

7 BILLION PLAN TO RESTORE THE EVERGLADES.

07/08/2008

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Channel 9 News - WFTV

TONIGHT AN ENVIRONMENTAL GROUP IS CRITICIZING GOVERNOR CRIST'S \$1.7 BILLION PLAN TO RESTORE THE EVERGLADES. CRIST BROKERED THE PLAN TO BUY 340,000 ACRES OF FARMLAND. HE WANTED TO TURN THAT LAND INTO MARSHLAND TO INCREASE WATER FLOW BETWEEN LAKE OKEECHOBEE AND THE EVERGLADES. THE GROUP SAYS THAT PLAN WOULD WASTE WATER AND IN THE PROCESS WASTE MONEY.

Glades deal creates a political void

07/08/2008

St. Petersburg Times - Online

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By STEVE BOUSQUET and JENNIFER LIBERTO, St. Petersburg Times

TALLAHASSEE The modern political history of U.S. Sugar traces back to a 1987 pizza and beer night at the company lobbyist's townhouse near the state Capitol.

Robert Coker wasn't home that night, but his job is to build relationships in Tallahassee. So he lent his place to state legislators, who secretly crafted a deal to tax services such as dry cleaning and barbers, scribbling the details on a pizza box. The next day, the tax was passed.

Months later, due to public outrage, the tax was repealed. But Big Sugar's role in Florida politics has continued.

The Clewiston sugar colossus agreed last month to sell its vast land holdings to the state for \$1.75-billion, a deal certain to alter the future of the Everglades. But U.S. Sugar's disappearance will alter the political landscape in Florida as well. 'For the last decade, the 600-pound gorilla has been U.S. Sugar,' said lawyer John French, an election law expert who has worked in the grower's campaigns. 'Having that kind of leadership and resources disappear from the political radar is going to leave a vacuum. I don't think it will be filled by another industry or company.' But state campaign records show that since 1996, U.S. Sugar has spent \$17.5-million in its name to influence the outcome of state elections in Florida.

The company donated untold millions more through political committees, including millions used to kill a constitutional

amendment that would have taxed sugar for Everglades cleanup.

Amendment 4 would have imposed a penny-per-pound tax on sugar. The company flexed its muscle through a political committee called Citizens to Save Jobs and Stop Unfair Taxes.

When it was over, those fighting on both sides had spent a combined \$30-million, most of it from U.S. Sugar and its allies. The campaign still ranks as the most expensive ballot initiative campaign in Florida history.

But money has been just part of the equation. U.S. Sugar is renowned for playing hardball. In 1996 it did it by stoking fears that the sugar tax would lead to unemployment.

In 2003, the company hired nearly three dozen lobbyists a large number even by Tallahassee standards to persuade the Legislature to delay deadlines for Everglades cleanup by seven years. 'That was the most brazen show of political muscle I had experienced in all my years of lobbying,' recalled Eric Draper of Audubon of Florida, though he noted U.S. Sugar did not get as lengthy a delay as it wanted. 'They've always been a major player and been willing to put their money where their mouth is,' said state Rep. Ron Saunders, a Key West Democrat, speaking from personal experience.

In the 2004 Democratic primary, Saunders challenged Sen. Larcenia Bullard, a reliable supporter of the company's agenda.

Saunders, who is white, found himself the target of repeated hard-hitting mailings that attacked his ethics, while other mailings used images of 'colored-only' waiting rooms to warn that an unnamed 'them' wanted to 'take away our voice.' Bullard, who is black, won the election.

The mailings, paid for in part by U.S. Sugar but issued by a committee called 'People for Fairness and Equality,' represented a new trend in legislative races: the launching of attack ads through so-called 527 committees that gave voters no hint as to the source of the attacks.

Under state law, the committees are known as electioneering communication organizations, or ECOs.

U.S. Sugar's last such blast in a statewide election was in the 2006 Democratic primary for governor. The company spent millions on ads that implied that then-U.S. Rep. Jim Davis was a racist for his vote more than a decade earlier opposing restitution for two wrongly convicted black men.

Those ads were intended to help then-state Sen. Rod Smith. But an old nemesis, Save Our Everglades, retaliated, portraying Smith as a pawn of the sugar industry.

After Election Day, when Republican Charlie Crist won the governor's race, the company offered \$50,000 to offset inauguration festivities that Crist later canceled.

Steve Bousquet and Jennifer Liberto can be reached at bousquet@sptimes.com or jliberto@sptimes.com or (850) 224-7263.

SoFla businessman Lease me the Everglades

07/08/2008

Palm Beach Post - Online

Michael C. Bender

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Michael C. Bender-Palm Beach Post

Howard Melamed, CEO of Coral Springs-based CellAntenna, said today that he wants in on Gov. Charlie Crist's Everglades deal. The newly published author issued a press release this afternoon saying he wants to lease some of the 187,000 acres of U.S. Sugar land from the state for between \$120 million and \$150 million over 30 years and use the land to produce ethanol.

There was no immediate response from the state, but officials are in the midst of a 75-day negotiation period with Sugar making it unlikely they'd try to pull off a simultaneous deal with anyone.

Although, Melamed might be on to something.

He points to a USDA report that claims an acre of sugar cane can produce 625 gallons of ethanol. And as Florida Trend reports in its cover story this month, the state mandate for Florida gas pumps to include 10 percent ethanol by 2010 adds up to some 861 million gallons of biofuel every year.

A spokesman for state Agriculture Department Commissioners Charles Bronson, who has developed the state's Farm 2 Fuel program, said there have been no discussions of postponing restoration of the land to develop biofuel. But Bronson, through his spokesman, did say there could be potential for projects with low development impact, such as using blue-green algae for ethanol production. The idea is to restore that land and not have major impact farming on it, Bronson spokesman Terry McElroy said.

U.S. Sugar Buyout May Not Help the Everglades

07/08/2008

YubaNet

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By: Public Employees for Environmental Responsibility (PEER)-
YubaNet

Florida Governor Charlie Crist's plan to purchase 300 square miles of U.S. Sugar land as the 'missing link' to restore the Everglades may be an expensive pipe dream. Ten years ago, the U.S. Army Corps of Engineers conducted a detailed analysis of re-creating a 'flow way' from Lake Okeechobee as envisioned by Gov. Crist and rejected it as unworkable, according to agency documents posted today by Public Employees for Environmental Responsibility (PEER). The Corps analysis and hydrological modeling, which was vetted by both the Governor's Commission for a Sustainable South Florida and the South Florida Ecosystem Restoration Task Force, among others, found that a flow way through what is now the Everglades Agricultural Area (EAA) was technically infeasible, and would not help, and could harm, Everglades restoration, citing: Land Subsidence. By some estimates, intensive agriculture has reduced the elevation of the current land twenty feet below where it was before human intervention. As a result, any released water would pool rather than flow. In the words of the Corps: 'Soil subsidence in the EAA has substantially reduced the hydraulic head that would drive the southward flow of water; hence, velocities and flow rates would be greatly reduced'; Water Loss. The flow way would lose a tremendous amount of water to both seepage and evaporation: 'By spreading the water over shallower areas (as opposed to reservoirs) and because a marsh habitat would have to be kept hydrated, the evapotranspiration loss could easily be doubled'; and * No Steady Supply. 'Perhaps the most crucial element, water flowing from the lake to the WCAs Water Conservation Areas is not present in dry or even normal years! The only years where water could flow for long duration are wet periods?and in those years, the stages in the WCAs are already too high and additional flow from flowways would be damaging, not beneficial.' 'The idea of obliterating all artificial alterations to revive the River of Grass is alluring but will not make non-existent water flow up hill,' stated PEER Executive Director Jeff Ruch. 'Before jumping on yet another Everglades bandwagon, hardheaded study is needed to make sure the wheels actually turn.' Another huge problem is the accumulated pollution in both the soil and the water. Beyond the possibility of mass poisoning of wildlife from releases of highly polluted waters, the Corps is concerned that the native saw grasses would not return: 'Because nutrient-laden soil would be flooded for the flowway, the vegetation most likely to dominate would be cattails and not desirable Everglades habitat.' In addition, there will likely be legal and political barriers as well. Since flow ways were not included in the Comprehensive Everglades Restoration Plan (CERP) authorized by Congress, Gov. Crist's plan would require Congress to endorse it as a condition of federal funding.

Fitch Rates Miami-Dade County, Florida's \$468MM Water & Sewer Revs 'A+'; Outlook Stable

07/09/2008
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NEW YORK--(BUSINESS WIRE)--Fitch Ratings assigns an 'A+' rating to Miami-Dade County (the county), FL's approximately \$68 million water and sewer system revenue bonds, series 2008A and \$400 million water and sewer system revenue refunding bonds, series 2008B. The bonds are scheduled to price July 10, 2008 through negotiated sale. Proceeds from the series 2008A bonds, together with other available funds, will be used to pay a portion of the cost to terminate an interest rate swap agreement while proceeds from the 2008B bonds will refund outstanding series 1994 parity bonds. At this time, Fitch also affirms the 'A+' rating on the county's \$1.4 billion in outstanding parity debt (net of refunding). The Rating Outlook is Stable.

The 'A+' rating reflects the Miami-Dade Water and Sewer Department's (WASD) broad and diverse service area, sound historical financial operations, adequate water supply and treatment capacity, and low rates. Legal provisions are adequate. These strengths are offset by the continued growth in the size and scope of WASD's multi-year capital improvement plan (CIP), due in large part to regulation-driven capital needs typical of mature urban water and sewer systems. Further, recent legislation enacted by the state will require the system to make a considerable future capital investment to significantly reduce nutrient levels contained in all effluent disposed of through ocean outfalls and move to greater reuse of wastewater. The preliminary cost is estimated at \$2 billion- \$3 billion with state imposed deadlines occurring between 2018 and 2025. Fitch will monitor the system's progress in complying with the new state requirements and continue to evaluate the impact on the system's overall credit profile. Fitch believes that an inability to adopt rate increases over the next several years will jeopardize capital funding and pressure the overall financial position of WASD.

The largest water and wastewater utility in the Southeast, the system serves the majority of Miami-Dade's 2.4 million residents on a retail or wholesale basis. The Miami area is a leading trade, tourism, and financial services center and serves as a key U.S. import and export point for Latin American and Caribbean goods and services. Most economic indicators are strong: area job and resident labor force growth has been good, the unemployment rate continues to trend below the state and the national averages, and income levels are showing slight improvement relative to the state and nation.

The county's primary raw water source is the Biscayne Aquifer. Withdrawal is governed by a 20-year water consumptive use permit granted by the South Florida Water Management District (SFWMD) in November 2007. The recent completion of new wells and the implementation of an aquifer storage and recovery program that stores water in the Floridan Aquifer will assist in

meeting immediate water supply needs. To meet longer term needs, WASD is developing a plan to provide ground water replenishment with highly treated reclaimed water as a means to offset an increase in allocation from the Biscayne Aquifer currently being sought, and to draw on brackish water from the Floridan Aquifer. Financing to construct a treatment plant with reverse osmosis capability needed to treat the brackish water is included in the current CIP, as well as funding for ongoing improvements required by the Safe Drinking Water Act. Wastewater treatment plants provide adequate capacity, though significant funding will be needed to continue compliance with consent decrees that require the adequate treatment, transmission, and disposal of peak wastewater flows.

Financial operations have stabilized in recent years, following a period of decline precipitated by a five-year moratorium on rate increases beginning in fiscal 1998. Rates were held constant from 1998-2003 and even experienced a 10% reduction in fiscal 2002 before the county adopted a 6% increase in each of fiscal years 2004 and 2005. While needed rate increases of 4.5% and 4.8% in fiscal years 2007 and 2008, respectively, have bolstered financial results, financial projections indicate that additional yearly rate increases of at least 6% will be required to fund the multi-year CIP and to maintain overall financial flexibility. Although the system's low rates provide significant flexibility, the county's history of rate inaction illustrates a challenge for WASD. Financial operations are sound, generating adequate debt service coverage and good liquidity. The system finished fiscal 2007 with 306 days cash on hand, and net revenues covered annual debt service by 1.3 times (x).

The CIP has grown substantially with the inclusion of additional projects needed to comply with regulatory requirements and the Comprehensive Everglades Restoration Plan (CERP), as well as asset rehabilitation and some expansion-related needs. Anticipated spending for 2009-2014 totals \$2.9 billion, up considerably from the prior \$1.3 billion 2006-2011 multi-year plan and excluding any future costs associated with the recently adopted state legislation. Approximately two-thirds of the plan will be debt-funded with annual revenue bond issuances anticipated through fiscal 2014.

Fitch's rating definitions and the terms of use of such ratings are available on the agency's public site, www.fitchratings.com. Published ratings, criteria and methodologies are available from this site, at all times. Fitch's code of conduct, confidentiality, conflicts of interest, affiliate firewall, compliance and other relevant policies and procedures are also available from the 'Code of Conduct' section of this site.

Cape Coral divided on Matlacha Pass

07/09/2008

News-Press - Cape Coral Bureau

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Group has nine months to find fix for canals, natural habitats

By JACOB OGLES • News-Press.com •

A new ecosystem group has nine months to find a way to preserve natural freshwater habitats in the North Spreader canal system and the salty waters of Matlacha Pass.

If that can't be done, state officials say the recently removed Ceitus boat lift in Cape Coral will have to be replaced. But officials from several state and local agencies acknowledge a new lift won't eliminate problems caused by waters of both ecosystems mixing together.

The spreader system also is a key route for boaters to reach other waterways, like the pass and the Gulf of Mexico.

"This was really never just about the boat lift," said Eli Fleishauer, spokesman for the Department of Environmental Protection. "This is about the entire ecosystem surrounding it. What has happened at the boat lift is really just a symptom of the wider problems."

The North Spreader Canal Ecosystem Management group met Tuesday to discuss crocodile habitats, irrigation water supplies and threats to game-fishing. But there is no sign of consensus on how, or even if, the freshwater in Cape Coral's canals and the saltwater in Matlacha Pass should be separated.

David Scott, a geologist in Cape Coral, said the boat lift has failed to do its good job and should not be replaced. "I don't think the city of Cape Coral, Lee County and the Department of Environmental Protection have hundreds of millions of dollars to spend on that," he said.

A backup of water north of the lift has caused at least 13 breaches in the west wall of the spreader. Those breaches not only were destroying mangroves in the area but also were big enough for boats to bypass the lift.

If a new lift is installed, Scott believes similar breaches will show up.

But some said the canal system demands some sort of lift or dam to hold back freshwater. Pine Island environmentalist Phil Buchanan wants the lift replaced as soon as possible. He believes without a new lift, pollutants, caused by storm water runoff, will flow from the canal into the pass.

"This is the first time in 10,000 years that this water has all been flowing directly into the Matlacha Pass," Buchanan said.

Before the Cape Coral community was first developed in the 1950s by Gulf American, the area west of the Caloosahatchee was covered in creeks that sent much of the freshwater south into the Caloosahatchee River.

But when the canals of Cape Coral were dug, much of the water was redirected westward. County officials are trying to redirect some of the freshwater south again, but all the old waterways cannot be restored without flooding homes, said Roland Ottolini, Lee County director of water resources.

"There has been a lot of haphazard development in the area," he

said.

Members of the ecosystem management group want to figure out how much water can be retained by the canal system without overflow into Matlacha, but acknowledged that could be difficult to ascertain in only a few months.

Other issues also are coming in to play. Cape Coral officials want to ensure they don't lose a water source. The city supplements its irrigation water system with canal water.

"Some of these projects will be beneficial to the wider concerns many people in this room have," Clarke said.

But Jim Beever, a senior planner with the Southwest Florida Regional Planning Council, said the group should focus on preservation.

"I have a basic concern when we start talking about water supply issues," Beever said.

Miami-Dade projects up for federal funding

07/08/2008

US House of Representatives

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US House of Representatives

Two projects in Miami-Dade County are to receive \$10.8 million under legislation passed by the U.S. House Energy and Water Appropriations Subcommittee.

The funding will be brought to the House floor next, and then to the House/Senate Conference.

Of the \$10.8 million, \$10.3 million was allocated for the Miami River Dredging Project, which will allow the Miami-Dade County Department of Environmental Resources Management, along with federal, state and local partners, to complete the restoration of the navigation channel's authorized depth and width.

The project, primarily funded by the U.S. Army Corps of Engineers, with local sponsors led by Miami-Dade County, removes contaminated sediments that have made the federal channel narrower and shallower. No comprehensive maintenance dredging has been performed since the river was improved for navigation in the 1930s. Miami-Dade said the contractor has dredged slightly more than 50 percent of the river, and completion of the project is scheduled for April 2009 at a total estimated cost of \$88 million.

The other \$500,000 is to go to the completion of the Biscayne Bay Water Quality Model. The county said the project represents the second phase of an ongoing partnership with the U.S. Army Corps of Engineers to evaluate the effects of the Central and Southern Florida water canals on Biscayne Bay. Funding will help develop a

series of predictive numerical models designed to assist resource managers by mimicking the hydrodynamics, water quality and ecology in Biscayne Bay in response to proposed changes to land use and freshwater distribution.

U.S. Reps. Ileana Ros-Lehtinen and Mario Diaz-Balart sponsored the legislation.

REPORT SAYS REEFS STABLE, BUT NEED AID

07/08/2008

South Florida Sun-Sentinel

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Robert Nolin - South Florida Sun-Sentinel

When it comes to the health of South Florida's coral reefs, the prognosis is not as gloomy as it could be. But it's not that sunny, either.

Coral reefs stretching from the Keys to Martin County haven't deteriorated over the past five years, government scientists say. But that may be because damage inflicted over decades by storms, pollution, sewage and warmer temperatures has already been done.

"Coral generally has been hanging in there," said Ken Banks, natural resources specialist with the Broward County Environmental Protection and Growth Management Department. "I'm optimistic about some things and pessimistic about others."

The status of the reefs was outlined in a survey released Monday by the National Oceanic and Atmospheric Administration. The 569-page NOAA report, distributed at the International Coral Reef Symposium being held this week at the Broward County Convention Center, is the first reef analysis since 2005.

South Florida's reefs, like half of those under U.S. jurisdiction, are rated fair or poor. The other half are listed as excellent or good.

Off South Florida, the reefs' coral cover is rated fair, for example, while water quality is rated poor. The prevalence of coral disease is low, however, the survey said.

Threats to the reefs, which extend less than two miles offshore, include recreational fishing and damage from vessel groundings off Port Everglades. Low-grade threats are coral bleaching and climate change.

Chantal Collier, coral reef program manager for the Florida Department of Environmental Protection, led the team that analyzed the reefs that stretch more than 100 miles along the South Florida coast. Development along that high-growth area, as well as beach renourishment and dredging, have altered sediment patterns that affect the health of the reefs.

"Coastal development is increasingly rapid," said Collier, who

expressed hope that the survey would help get out the message that reef protection is important.

Gov. Charlie Crist, attending the opening day of the conference, echoed that message.

"Our reefs are one of our greatest natural resources," he said. "As a Floridian, I understand the fact that our economy is inextricably linked to our environment. Making sure we protect our environment only helps our economy."

According to the study, reef-based tourism accounts for \$2.3 billion in revenue in South Florida. But overfishing threatens reefs by damaging habitat or upsetting the ecological balance between fish and reef.

"Evidence is warning us that many of our coral reef ecosystems are imperiled, and we as a community must act now," said Kacky Andrews, director of NOAA's Coral Reef Conservation Program.

Besides overfishing, factors that lead to reef decline are pollution, warmer seawater temperatures and untreated sewage.

Crist aimed to eliminate the last threat by signing into law Monday a bill that would ban all ocean sewage dumping by 2025. Recent damage to South Florida's reef system could have been worse, said Jenny Waddell, the study's lead editor. For example, reef injury from the hurricanes of 2004 and 2005 was offset by the natural churning that took place, allowing nutrients to feed the algae on coral and thus prevent widespread bleaching, which is harmful.

Staff Writer Jon Burstein contributed to this report.

Robert Nolin can be reached at rnolin@sun-sentinel.com or 954-356-4525.

DIVE IN

Get an underwater look at the some of the damage to South Florida's coral reefs at Sun-Sentinel.com/reefs

PHOTO: FINDING CORRELATIONS: A report released at the International Coral Reef Symposium rated South Florida's reefs at fair or poor.

Staff photo/Lou Toman

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Search is on for the elusive scrub jay

07/08/2008

Palm Beach Post - Online

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GRETEL SARMIENTO-Palm Beach Post

BOYNTON BEACH Stella Rossi, 81, spent this morning playing tapes of a bird call song at the Seacrest Scrub Natural Area.

Nobody returned the call.

Name: Scrub jay

Story: Once plentiful throughout Boca Raton, Delray Beach and Boynton Beach, the scrub jay hasn't been seen in those parts since an Audubon sighting in December 2006

Size: 12 inches long

Color: Blue and gray, crestless

Food: Acorns, insects

Habitat: Have very specific requirements and prefer forms of scrub habitat that burn frequently enough to maintain a tree height of 3-10 feet.

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'Usually, if they are around, they'll come to you,' Rossi said. But they didn't on this morning. And they haven't for a while. Scrub jays, the bird she used to spot easily back in the '80s and that once came close to being the official Florida State Bird, are gone.

'Overdevelopment,' Rossi says, drove the now endangered species out of south Palm Beach County.

Scrub jays are attracted to hot, high and dry Florida land, which happens to be also very attractive for development. As the years went by development took over their habitat and the scrub jays, once plentiful in Boca Raton, Delray Beach and Boynton Beach, all but disappeared in the late 1990s.

Today less than 2 percent of scrub habitat remains in the county. Most scrub jays are found in northern areas, around Juno Beach and Jupiter.

Rossi is one of about 20 volunteers from the Audubon Society of the Everglades and the Coalition for Wilderness Islands, who are surveying natural areas in the county hoping to locate the bird. It's all part of The Nature Conservancy 'Jay Watch' program, which is now also in place in the Saint Lucie and Martin counties.

Often confused with blue jays, scrub jays don't have a crest and the black-and-white barring in the wings and tail. Between June 15 and July 15 volunteers will be looking for them.

Those part of the program know to play the tape of the bird's call song and wait, then play it again and wait some more. Too often they end up writing down the same result: silence or zero response.

'We are in a state of shock,' says Cynthia Plockelman, vice

president of the Audubon Society of the Everglades, who's also part of the watch program. 'As far as we know, there are no scrub jays in south county.'

The last time the audubon society reported seeing a scrub jay in south county was in December 2006 said Chuck Weber, a count compiler for the Audubon society.

Plockelman, 70, who lives in West Palm Beach, agrees development is the main reason. But also, the remaining scrub sites weren't being taken care of, she says. Today, Palm Beach County is responsible for maintaining them.

It schedules controlled burns that get rid of exotic vegetation and keep the ecosystem of these areas healthy. But the fires are not very consistent, Plockelman says. And now she fears maintenance of the natural areas might be targeted in county budget cuts.

Optimal fire frequency for scrub-jay management is about once every 5 to 20 years, according to the Florida Fish and Wildlife Conservation Commission.

In a couple of weeks, volunteers surveying south county areas will come back to the same spots for more monitoring. Rossi at least doesn't expect a different outcome anytime soon.

'One never knows,' she says. 'They might come back.'

EPA Enforcement Is Faulted

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Agency Official Cites Narrow Reading of Clean Water Act

By Juliet Eilperin-Washington Post

An official administration guidance document on wetlands policy is undermining enforcement of the Clean Water Act, said a March 4 memo written by the Environmental Protection Agency's chief enforcement officer.

The memo by Granta Y. Nakayama, EPA's assistant administrator for enforcement and compliance assurance, was obtained by the advocacy group Greenpeace and released yesterday by two House Democratic committee chairmen. It highlights the confusion that has afflicted federal wetlands protections since a 2006 Supreme Court decision.

That 5 to 4 decision, known as Rapanos v. United States, held that the Army Corps of Engineers had exceeded its authority when it denied two Michigan developers permits to build on wetlands, but the court split on where the Corps should have drawn the line on what areas deserve protection.

A plurality made of up Chief Justice John G. Roberts Jr. and Justices Antonin Scalia, Clarence Thomas and Samuel A. Alito Jr.

proposed an across-the-board reduction in the Corps' regulatory role, but Justice Anthony M. Kennedy -- who cast the deciding vote -- called for a case-by-case approach in deciding how the government should proceed. That left the ruling open to interpretation.

In his memo to Benjamin Grumbles, EPA's assistant administrator for water, Nakayama wrote that the document the agency issued in June 2007 to guide regulators' decisions under the Rapanos decision is having "a significant impact on enforcement." Nakayama and his staff concluded that between July 2006 and December 2007, EPA's regional offices had decided not to pursue potential Clean Water Act violations in 304 cases "because of jurisdictional uncertainty."

Much of the controversy centers on what sort of waterway and accompanying wetlands should qualify for protection. The administration's guidance instructs federal officials to focus on the "relevant reach" of a tributary, which translates into a single segment of a stream. In the memo, Nakayama argued that this definition "isolates the small tributary" and "ignores longstanding scientific ecosystem and watershed protection principles critical to meeting the goals" of the Clean Water Act.

Chairmen Henry A. Waxman (D-Calif.) of the House Government Oversight and Reform Committee and James L. Oberstar (D-Minn.) of the Transportation and Infrastructure Committee sent a letter yesterday to EPA Administrator Stephen L. Johnson saying they have "grave concerns" about the way the agency is implementing the Clean Water Act.

The two noted that Nakayama concluded that in all, the Supreme Court decision and the subsequent guidance document "negatively affected approximately 500 enforcement cases" in nine months. They also questioned why EPA's Grumbles did not raise the issue when he testified before Oberstar's panel less than three months ago.

"This sudden reduction in enforcement activity will undermine the implementation of the Clean Water Act and adversely affect EPA's responsibility to protect the nation's waters," the congressmen wrote. "Yet instead of sounding the alarm about EPA's enforcement problems, the agency's public statements have minimized the impact of the Rapanos decision."

In response to a question about the congressional inquiry, EPA spokesman Jonathan Shrader said in an e-mail: "We will be reviewing the new request and will work with the chairmen to provide information on our enforcement program."

Eric Schaeffer, who used to head EPA's civil enforcement division and now heads the Environmental Integrity Project, an advocacy group, called Nakayama's memo "very significant. It lays out very clearly why you can't enforce one of the most important parts of the Clean Water Act."

EPA officials are not the only ones growing frustrated with the confusing legal interpretations of the Rapanos decision. Robert B. Propst, a senior judge on the U.S. District Court for the Northern District of Alabama, Southern Division, wrote in a Nov. 7, 2007, decision that he was reassigning a wetlands case "to another judge for trial. At least one of the reasons is that I am so

perplexed by the way the law applicable to this case has developed that it would be inappropriate for me to try it again."

