

TUESDAY, JULY 15, 2008

Compiled by: South Florida Water Management District
(for internal use only)

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South Florida water board member proposes broad changes

07/15/2008

News-Press

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Plan includes building desalination plants
by Ryan Hiraki • News-Press.com

Providing South Floridians with more solar power, drinking water and conservation methods highlight an expensive plan that is being proposed by Southwest Florida's representative to the regional water board.

Charles Dauray, a South Florida Water Management District governing board member, will share his ideas today at a water filtration convention at the Naples Grande Hotel.

He calls it the Dauray Plan. It is sure to cost hundreds of millions of dollars and would need approval from the governing board, which could be deciding in November to buy U.S. Sugar Corp. for \$1.75 billion - \$3.5 billion with interest - to acquire 300 square miles of land for Everglades restoration.

No discussion on Dauray's proposal is scheduled before the board, which oversees water management projects in 16 counties from Orlando to the Florida Keys.

"It's a multifaceted plan on how we can accomplish what we need to do," Dauray said.

Cost and other details have yet to be worked out in the plan.

"I haven't heard about it," district spokesman Randy Smith said.

To achieve one part of his proposal, Dauray wants the state to partner with Florida Power & Light to build desalinization plants, which would process water from Florida's coasts and make it drinkable.

"I'm very bullish on desalinization," Dauray said. "A coast is a coast because it's near the ocean. I think we can do it in the next five years. We should reach (a demand) where it is affordable per 1,000 gallons."

A desalinization plant could help provide water during a drought, which the region is suffering through, although recent rain has relieved parched conditions.

Fort Myers resident Chris Wright, 44, expressed his support for desalinization in February, after he received a \$37 ticket for violating what then was a once-a-week watering restriction. The restrictions are now at two days a week.

Wright was happy to hear about Dauray's plan Monday.

"At least somebody's proposing it, at least getting it up on the

table," Wright said. "Getting it out in the open for discussion is the key."

He realizes, though, desalinization plants are expensive. So does Dauray.

Bonita Springs Utilities has a \$38 million plant that produces 6 million gallons of water per day for the city and about half of Estero. And Dauray mentioned the plant in the Tampa Bay area, a \$100 million-plus project. He declined to be specific about how much money new plants could cost the district, or where on the coast they could be located.

Other parts of the plan include: the expansion of water conservation education in schools; attracting solar power companies to build on part of the 1,500-plus square miles of land the district owns; or offering tax credits for residents who use heating devices to limit the need to run faucet water until it's hot.

Palm Beach County: Stormwater treatment area features hiking-biking trail

07/15/2008

South Florida Sun-Sentinel

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South Florida Sun-Sentinel

Water managers will celebrate the opening of a hiking and biking trail at a stormwater treatment area beside the Arthur R. Marshall Loxahatchee National Wildlife Refuge at 9 a.m. Wednesday.

The 3-mile trail, ideal for bird watching, stretches along the top of the levee surrounding the 6,562-acre man-made filter marsh, which cleans pollutants from stormwater headed to the refuge.

Recreation facilities include a 200-foot boardwalk with a gazebo that reaches over the water. There is a parking lot, restroom and information kiosk that explains how the treatment area works and what wildlife can be found at the former farmland turned to wetlands by the South Florida Water Management District.

The recreation area is at Stormwater Treatment Area 1 West on County Road 880, south of Southern Boulevard.

Rain a pain, but also a gain in Lee County

07/15/2008

News-Press - Bonita Springs Bureau
Morales, Pedro

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Deluges cause problems, but also offset drought
by Pedro Morales • News-Press.com •

Daily heavy rains are producing something uncommon in a drought-stricken area -- pools of water scattered about Lee County with no signs of receding quickly.

The drought has allowed the area's canals to take the brunt of the downpour, and the drainage ditches still have room for more.

But Monday, the rains were catching up to a county where dry has been the norm:

The mosquito population is threatening to explode.

Residents are reporting roads deluged in water. At least one major road project in Estero came to a stop.

The canals can handle the surplus water, but in North Fort Myers a downed tree was reported in Bedman Creek that was removed by county crews.

Some golf courses, for both better and worse, are covered by water.

"I think it's out of the ordinary, but we need it, don't we?" said Lee Stellato, 69, of North Fort Myers.

Boy do we need it.

The level of Lake Okeechobee waters has risen some, but is still below average. Officials with the South Florida Water Management District said they do not plan to lift watering restrictions any time soon.

It's hard to imagine the dire situation when talking with Shelly Redovan, deputy director for Lee County Mosquito Control.

She said the district hasn't seen this much standing water in several years. It's gotten bad enough that they're beginning to see semi-permanent standing water.

The result is lots of freshwater mosquitoes.

"The worst place now is from the Del Tura community in North Fort Myers to the Charlotte County line," Redovan said. "Haven't seen it as bad in the Iona area and Bonita Springs because the water is still moving down there.

"The good news right now is if it continues to rain, you won't see the salt marsh mosquitoes laying eggs, and those mosquitoes are more difficult to get rid of than freshwater mosquitoes," Redovan said.

Kurt Harclerode, Lee County's natural resources operations manager, said people have called with flood concerns. He said the swales and creeks have the needed capacity to handle the water because of the drought.

Potholes are not a problem, but Lee residents are increasingly calling to report drainage issues, said Danielle Scheller, the county's Department of Transportation Request For Action

coordinator.

"It's a little more than normal," Scheller said at noon Monday, when there were already 12 calls.

At least one construction project came to a halt - the Estero bridge over Interstate 75 that connects Treeline Avenue to Three Oaks Parkway.

The East County Water Control District reports it has room in its Lehigh Acres canals for more water, according to field supervisor Ken Waugh.

And golf courses, despite having to close down due to the torrential rains, say their fairways have never looked better.

"We missed a lot of Saturday," said Mike Raber, general manager at Copperhead Golf Club in Lehigh Acres. "The course is as nice as it's ever been in summer."

- Staff reporters Don Ruane, and Ryan Hiraki contributed to this report.

L-28 Weir

07/15/2008

WGCU-FM

Hernandez, Luis

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The Everglades received another push toward restoration this week. It's part of a collaborative effort between the South Florida Water Management District and the Miccosukee Indian Tribe. Luis Hernandez has more on efforts to restore an eight-thousand acre piece of the River of Grass to its once natural beauty.

Click on link to listen:

mms://quartz.fgcu.edu/News/Wetlands071408.wma

Weir to help control flow of Kissimmee

07/15/2008

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Okeechobee News

Construction of a water control weir in the Kissimmee River, the largest single structure ever built by the South Florida Water Management District (SFWMD), is nearing completion. The weir is one of four emergency improvement projects undertaken this year to protect major water control structures when Lake Okeechobee experiences very low water levels.

South Florida's extended, record-breaking water shortage could have resulted in instability at four vital water control structures (S-65E, S-71, S-72 and S-84) when a significant difference occurred between water levels immediately upstream

and downstream of these structures. District experts determined that this would most likely occur if the tailwater (downstream) level at Lake Okeechobee dipped below 10.0 feet, but water levels become high upstream in the Kissimmee River and Lake Istokpoga basin, which feed into the lake.

Work to relieve those pressures continues at the weir construction site, located almost one mile downstream of the S-65E water control structure on the Kissimmee River. The weir will provide stability for both the S-65E and S-84 structures. Improvements protecting the S-71 and S-72 structures have been completed.

"These structures were subjected to unusual conditions during the prolonged water shortage, especially those near Lake Okeechobee and its record low water levels," said George Horne, SFWMD Deputy Executive Director for Operations & Maintenance. "The construction projects have restored stability to four at-risk structures, assuring that our flood control system can operate safely and effectively under even extreme conditions."

The new weir (C-38) is the largest of the improvement projects. Building it required 2.5 million pounds of 70-foot-long steel sheets and 110 million pounds of rip rap stone. On Saturday and Sunday, workers spent 18 hours pouring 2,800 cubic yards of concrete underwater in the center portion of the submerged structure.

When the weir is complete, it will be able to pass up to 30,000 cubic feet of water per second, or enough water to fill 1,000 swimming pools in one minute. The weir will maintain water levels downstream of S-65E, protecting it from extreme water level differences and potential failure during major storm events.

In January, the SFWMD Governing Board gave District staff an emergency authorization to proceed with protective measures at S-65E, S-71, S-72 and S-84 at a cost of up to \$25 million.

Stuart gives initial approval for new Honda dealership

07/15/2008

Scripps Treasure Coast Newspapers

Mayfield, Jim

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Jim Mayfield - Stuart News

STUART — With a unanimous vote Monday, the Stuart City Commission gave its initial approval to a new Honda automobile dealership at the southwest corner of U.S. 1 and Southeast Pomeroy Street in Stuart.

Developers expect to break ground on the vacant 6-acre parcel in August with construction completed and the dealership opened for business sometime near the first of the year, said owner representative Monica Graziani.

The bulk of the dealership will be housed in a four-story, 182,000 square-foot building with showroom, service area and three levels of parking/sales decks in addition a standard parking lot. The structure will have a footprint of 51,000 square feet and incorporate green technology in its overall scheme.

Access to the property will be right turn only on Southeast Pomeroy Street and southbound along U.S. 1, Graziani said. A deceleration lane will be constructed by the developer along U. S. 1.

Graziani told commissioners the facility will not negatively impact nearby residential areas as the nearest residential property lies 100 feet to the south of the dealership with an additional 250 feet of native preserve buffer between property owners and the parking lot.

The site will also contain a retention pond with a fountain and the dealership will not use an outdoor public address system, she said.

Additionally, Graziani told commissioners the project will bring much needed employment opportunities to the area.

"This dealership will bring 80 new, high-paying jobs to the city," Graziani said. "About one-third of those jobs will be in the six figures."

The project is expected to receive final approval at the commission's next meeting on July 28.

In other business Monday, the Stuart City Commission:

Authorized the city's participation in the Martin County Consortium for Life Science Research and Technology Advancement. The consortium is a partnership of local governments, educational, medical and business resources committed to developing and encouraging biomedical and life science enterprises to Martin County.

Passed a resolution supporting efforts of Florida Gov. Charlie Crist and the South Florida Water Management District to acquire some 300 acres land south of Lake Okeechobee from the U.S. Sugar Corp. for the protection of the Everglades and coastal estuaries.

Ratified the Oct. 1, 2007, through Sept. 30, 2010, collective bargaining agreement between the city and the International Union of Operating Engineers, Local 487 of the AFL-CIO.

Gave final approval to a community policing initiative within the city's community redevelopment area, which will allow for a round-the-clock police presence in the redevelopment area. The city's community redevelopment area is comprised generally of old downtown, East Stuart and the adjoining U.S. 1 corridor across the Roosevelt Bridge to Northwest Baker Road.

Massive Government Program Aims to Restore Everglades

07/14/2008

VOA News Review - Voice of America

Steve Mort

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By Steve Mort - VOA News Review - Voice of America

A massive construction project in the southern U.S. state of Florida will try to breathe life back into the state's wetlands called the Everglades. Large parts of Florida's ecosystem have dried up following decades of flood control measures. As Steve Mort reports, the project includes the world's largest above ground, man-made reservoir and the famous Everglades National Park.

Chuck Wilburn

The best way to get around this part of Florida is by boat. The Kissimmee River flood basin is part of a 47,000 square kilometer ecosystem that includes the Everglades, the largest subtropical wilderness in the United States.

Chuck Wilburn leads the U.S. Army Corps of Engineers' effort to restore the basin. He says channels built during the 1960s and early '70s to prevent flooding caused serious damage to the ecology of the Everglades and southern Florida's wetlands.

"What that has done is, it has changed the flood basin. It has taken the flood basin and actually dried it up," Wilburn said.

The channels drained two-thirds of the flood basin. So in 1992, the U.S. Congress approved work, like this dam, to restore more than a hundred square kilometers of flood basin.

"The Kissimmee River basin is supposed to be fully restored by 2012 so there's a lot to do in the next four years," Wilburn explained.

Kissimmee River basin construction

That includes restoring almost 70 kilometers of meandering river.

Further south in Florida's vast sugar cane fields, restoration efforts have been given a boost with a tentative \$1.75 billion agreement between America's largest sugar cane producer and the state of Florida.

Under the deal, which is still being negotiated, U.S. Sugar would halt operations in about six years time and sell nearly 780 square

kilometers of sugar cane fields to make way for a network of reservoirs and marshes to channel water back into the Everglades.

Even before the recent U.S. Sugar announcement, an enormous reservoir was already being built.

Officials say it's too early to tell how a deal with U.S. Sugar might impact plans for the reservoir. It would be used to restore almost a million hectares of Everglades' ecosystem by collecting almost six billion liters of water per day, currently channeled out to sea.

Grey May heads the South Florida Ecosystem Restoration Task Force. It coordinates the work of agencies working in restoration.

"We have got to make sure we've got a place to store the water, that we can clean the water, and that we can ensure that the flood protection that is necessary to protect the seven million people that surround the remaining Everglades is all in place," May said.

The reservoir is part of an \$8 billion comprehensive restoration plan for the Everglades.

But an environmental group has filed a lawsuit, and work on the reservoir has been temporarily halted.

Brad Sewell is an attorney for the Natural Resources Defense Council. The council wants assurances that the reservoir will be used mostly to restore the Everglades, not for development.

"While the title is Everglades restoration, there is a very strong set of interests in Florida that want many of these projects to also be used for water supply," Sewell said. "They're expecting a 30 percent increase in water demand over the next 20 years."

Many experts say recent growth in this part of the United States means it will be impossible to fully restore the Everglades to their former glory. But the program aims to try.

Big Sugar is big spender

07/14/2008

South Florida Sun-Sentinel - Online

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Anthony Man - South Florida Sun-Sentinel

Big Sugar is a big spender on lobbying and campaign contributions.

'The whole industry is a powerful, well-informed, well-connected lobby,' said Rep. Debbie Wasserman Schultz, D-Weston. 'For the foreseeable future, I don't expect their influence to change very much.'

The lobbying and contributions helped persuade Congress this year and in past years to extend the controversial price-support program that virtually guarantees a profit. Critics over the years found themselves out-matched, including former Rep. Clay Shaw, R- Fort Lauderdale.

'We almost got rid of the sugar program one year,' Shaw said. 'I've never seen a situation with more lobbyists sitting in the balcony overlooking the House.'

The sugar cane and sugar beet companies, who join forces on the national level, used their money to reward allies and punish Shaw and other adversaries.

Industry donors gave \$22,750 to Democrat Ron Klein, who ousted Shaw from his Broward-Palm Beach county congressional seat in 2006.

The industry has given Klein another \$33,150 for his re-election campaign this year, according to the Center for Responsive Politics.

Klein voted for extension of price supports in a farm bill passed last month.

More from staff writers William E. Gibson, Linda Kleindienst and Ryan McNeill:

U.S. Sugar Corp.'s plan to sell its land to clear a path for Everglades restoration signals the decline of a major political player that has shaped state and national policy for decades.

U.S. Sugar and its allies in the sugar cane and sugar beet industry have poured millions into political campaigns, boosted or cut short political careers and made their imprint on Congress and the Florida Legislature.

The unfolding land deal does not herald the end of Big Sugar a powerful industry of growers and refiners, much of it based in Florida or its political clout. Observers on all sides of the transaction say it could strengthen the remaining players, notably Florida Crystals and other concerns run by the Fanjul family of Palm Beach County.

Big Sugar's survival was assured by congressional passage last month of price supports that keep the industry alive. Its clout over the next few years may be enhanced by the conversion of sugar cane into ethanol, a potentially profitable enterprise tied to the politically popular cause of developing alternative fuels.

'The land deal just removes a player from the field,' said Eric Eikenberg, chief of staff to Gov. Charlie Crist. 'But there are

multiple interests within the industry that will remain very much a part of the landscape.'

U.S. Sugar's potential demise over the next six years indicates some limits on the company's political clout.

The firm ran into resistance from an independent-minded governor and his appointees to the South Florida Water Management District. A turning point came when Crist and the district's board refused to allow U.S. Sugar to back-pump polluted water into Lake Okeechobee.

'For the first time in the history of U.S. Sugar, its executives looked the governor in the eye and got told no,' said Charles Lee, director of advocacy for Audubon of Florida. 'That was the first time they faced the fact that their political contributions and all their lobbying were not going to get them where they needed to go.'

Instead, Crist offered to buy the company out for \$1.75 billion, a deal that depends on land swaps with Florida Crystals that would create a flow-way between Lake Okeechobee and the Everglades.

'Even though we are exiting the business, we think it's got a bright future,' said Robert Coker, senior vice president for U.S. Sugar Corp.

'I plan on continuing to be active over the next six or seven years,' he said. 'I don't know what will happen after that. But there's a lot of other big players in Florida a whole pile of people involved.'

Florida's sugar empire has three major players: U.S. Sugar, built in the 1930s; Florida Crystals, run by the Fanjul family; and the Sugar Cane Growers Cooperative of Florida, with 54 Florida farmer members.

Since 1994, sugar interests have funneled at least \$33.5 million into state campaigns. More than two-thirds of it was spent to fend off a constitutional amendment in 1996 that called for a penny-a-pound sugar tax to help clean up the Everglades.

In 2002, a group backed by U.S. Sugar torpedoed one of its critics, Mary Barley, when she ran for state agriculture commissioner. Barley was the front-runner for the Democratic nomination until a TV ad campaign, funded by a U.S. Sugar-backed group, accused the former Republican of being a disloyal Democrat. She lost the primary.

In 2006, the same group worked to discredit Democrat Jim Davis in his bid for governor. Ads, targeted at black and Jewish voters, criticized Davis for missing a U.S. House vote on Israel and for voting against compensation for two wrongly convicted black men while he was in the state House.

While sugar companies funded campaigns, its lobbyists held sway in the Legislature. They persuaded members of both parties in 2003 to delay until 2016 tough limits on phosphorous runoff from agricultural fertilizers.

'Some have painted Big Sugar as the devil, evil incarnate,' said former U.S. Sen. Bob Graham, who sometimes worked with and other times against sugar interests during his eight years as

governor and 18 years in Washington. But Graham gave the sugar lobby credit for helping secure congressional approval in 2000 of a state-federal plan to restore the Everglades.

Sugar growers and their allies in Congress say they play the political game to protect a major employer and economic engine in rural Florida that provides a staple product for consumers at a stable price.

'We've always been very active [in politics], and I don't anticipate that changing,' said Gaston Cantens, vice president of Florida Crystals.

U.S. Sugar spent \$50,000 on national lobbying in the first quarter of this year, about on par with the pace last year. The entire industry mostly cane and beet growers nationwide spent \$2.3 million, more than half of what it paid all of last year, according to the Center for Responsive Politics, a watchdog group in Washington. Much of the lobbying related to passage of the Farm Bill in Congress.

The industry also contributed more than \$2.6 million to political parties, candidates and Political Action Committees on the federal level last year and this year.

Dark clouds for Florida's sunshine-state image

07/14/2008

Chicago Tribune - Online

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By James Warren | CHICAGO TRIBUNE REPORTER

If the July 21 Time's got it right, Florida license plates should dispense with 'Sunshine' and go with 'State of Decay.' It argues that Florida is now symbol of water crisis, mortgage fraud, political dysfunction, dirty beaches, declining crops, failing public schools and foreclosures. It may be our nation's yellow flashing light when it comes to an era of limits. 'There's a sense that paradise has been ruined by awful traffic, overcrowded schools, overtapped aquifers and polluted beaches,' writes Michael Grunwald. 'The land of Disney dreams for the middle class is now a high-cost, low-wage state with Mickey Mouse schools and Goofy insurance rates, living beyond its environmental and economic means in harm's way.' For sure, the magazine concedes that apocalyptic analyses are not new; indeed, it declared South Florida 'Paradise Lost' in 1981, given all the drugs and crime. But you just might want to rethink any Southeastern retirement plans, given this tale of a plunging real estate market, horrible and wasteful water management, mountains of algae, lawyers kept busy with burgeoning fraud and foreclosure cases and a tax-averse legislature that keeps cutting budgets and worrying about such inanities as students who wear droopy pants.

\$33 million Pepper Ranch purchase gets panel

07/15/2008

Naples Daily News

SHANNON EPPS

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SHANNON EPPS-Naples Daily News

Conservation Colliers plans to purchase Pepper Ranch in Immokalee for environmental preservation moved forward Monday with unanimous support.

The 2,500-acre tract would be the programs biggest purchase, at \$33.2 million, down from the previously determined cost of \$36.3 million.

The cost of the land exceeds the amount available in Conservation Colliers budget for fiscal 2008. The balance stands at just more than \$19 million and the total cost of tracts remaining on the acquisition list is \$13.3 million, which would leave less than \$6 million in the budget.

Taxes are levied yearly on Collier County property owners to support the preservation fund. Money would be borrowed or bonded to pay for Pepper Ranch.

Collier County commissioners are scheduled to make a final decision on buying Pepper Ranch at their July 22 meeting.

The decline in the property's cost came after appraisers took another look at the land and subtracted stewardship credits from the initial appraised value.

The credits, from a 985-acre portion of the ranch, were awarded to the owners under the county's rural land stewardship program, which aims to help preserve land.

Something has been taken away from that land, which is the ability to develop it, Conservation Collier Coordinator Alexandra Sulecki said. We don't want to develop it, but the fact is that the value is affected by that, so we asked the appraisers to take that into consideration.

The acquisition cost of \$33.2 million was determined by averaging two independent appraisals, one for \$34.2 million and one for \$32 million.

The Conservation Collier Land Acquisition Advisory Council on Monday also changed a portion of the proposal that would have allowed the current owners to retain oil, gas and mineral rights. Those rights are included in the appraised value of the land and will not remain under the control of the current owner after the sale.

Lake Trafford Ranch LLLP, which has owned the ranch since 2005, includes engineering firm Hole Montes President Tom Taylor and Allen Concrete owner Chris Allen. Also included in the partnership are Gene Hearn, grandson of the ranch's namesake, and Hearn's

mother, Joyce.

Under conditions of the sale, the current owners would clear all structures on the property except the lodge, caretaker house and a barn near Lake Trafford.

Owners would be responsible for pumping out, crushing and filling all septic tanks on the property except those needed for the remaining buildings.

They would remediate any soil and groundwater contamination related to an above-ground diesel fuel tank to state-required levels and would hire a consultant to determine the level of contamination from an abandoned cattle dipping vat and pay for the cleanup.

Council member Michael Delate expressed his concern about the cost of maintaining the property after the purchase.

One of the issues we had is the ongoing maintenance of the property, he said, adding that the cost of maintenance would add about 15 percent to the expected \$33.2 million to buy the land.

Sulecki said money for the purchase would be borrowed and that funds are already set aside for maintenance.

The money to purchase it would come from a bond or some other vehicle of borrowing money, and the money to maintain it will come from our current reserves for maintenance, and we do have that, she said.

Purchasing the land would allow the county to preserve an area that is home to a host of wildlife, including panthers, black bears and other threatened species.

You have before you a once-in-a-lifetime opportunity, Amber Crooks of the Conservancy of Southwest Florida said to the council. Its so valuable for so many reasons.

The purchase also affords the possibility that the county could use the property as a mitigation bank to meet state and federal environmental permitting requirements for road and utility projects.

Sulecki said this is just an option and is not necessarily being planned.

Its a potential benefit of Pepper Ranch, Sulecki said. The intent of bringing it out was to explore all the ways that the acquisition of Pepper Ranch could possibly serve the county.

Muck buildup sullyng lagoon

07/15/2008
Florida Today

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J. Waymer-Florida Trend

Rancid, black muck covers one in 10 acres of the Indian River Lagoon, and it's getting thicker. That's despite millions of dollars spent in recent years to dredge and control the noxious stuff, mostly from sod and construction sites, before it flows into the lagoon.

A just-completed \$200,000 study funded by the St. Johns River Water Management District found that the muck is two-thirds thicker than two decades ago. And while still only about 10 percent of the lagoon bottom is covered in muck, the areas where it has been a problem are getting muckier and murkier for clams and fish. 'Bottom line, I was not that surprised about the increase, just disappointed,' said John Trefry, a geochemist at Florida Tech and lead author of the study.

The muck buildup clouds the lagoon and blocks sunlight from seagrass, where fish feed and breed.

The muck also carries heavy metals such as lead, mercury and other pollutants and adds more bacterial rot along the lagoon floor.

All that poses a threat to the \$1 billion annual economic engine that is recreational fishing and boating on the lagoon.

Continued dredging of tributaries could help keep muck from the lagoon, Trefry said. But dredging alone won't solve the problem.

Sod and other soils from building sites and yards need to be kept in place with sediment traps and better stormwater management, officials said.

As part of the study, Florida Tech researchers examined

73 sites from Mosquito Lagoon to Vero Beach.

They gathered muck samples and clams in 2006 and 2007 to compare with the same sites tested in 1989 and 1992.

They test clams because the shellfish stay in place and filter out metals from the sediment and water, making them a good indicator of metal contamination. Clams also are more plentiful in the lagoon than oysters.

The good news is that most metals didn't increase. Levels were above normal but not high enough to be toxic to most marine life. But lead and copper have increased.

The bad news -- beyond more muck -- was that finding clams to test for metals was much tougher than during the earlier study.

The researchers found no clams south of State Road 528, where previously there had been plenty. 'It was a pretty dramatic change in clams in the lagoon, overall,' Trefry said. Local and out-of-state clambers raked up the last of the clams in the late 1980s and early 1990s, the researchers said. The shellfish have yet to return, partially because of all the muck.

The clams they did find had very low levels of metals. A clam lover could eat 200 lagoon clams per day -- don't try this at home

-- without any toxic effects from mercury, lead or other metals, the researchers said.

Among the findings:

Chromium, mercury, nickel, selenium and vanadium were up to 2.2 times higher in clams collected last year from north of Cocoa than in the earlier study. Those five metals may have come from north Brevard's three power plants or other industrial, fossil-fuel burning sources, the research suggests.

Muck contaminated with tin, copper and lead was found in places such as Eau Gallie Harbor, Melbourne Harbor, near the Cocoa boat marina and north of Pineda Causeway. The tin and copper most likely came from anti-fouling paints for boats, Trefry said.

Copper and lead in the muck increased by 50 percent since 1992, but still remains below toxic levels.

The lead is from runoff of gasoline residues, lead paint, batteries and other sources.

Getting thicker

Long-time Brevardians tell tales of the lagoon's crystal clear water and sandy bottom. They're right. There was no muck before 1950, Trefry says. It arrived as more people did.

Dirt, leaves and sod from yards, parking lots and streets have caked the lagoon bottom for decades. In some places, the muck layer exceeds 6 feet.

Trefry and his colleagues found 22 of the 72 sites had more than 39 inches of muck, compared with only one site that had at least that much in 1989. 'All of this is really related to development,' Trefry said. The total muck thickness for the 73 sampling sites during 2006 was about 2 feet per site, 67 percent greater than in 1989.

Our fault

The muck stops here, in Melbourne Harbor, where Trefry claws it up with a steel clam shell-like grab sampler.

Trefry scoops some into a small plastic spoon. 'That little scoop has 1 billion bacteria,' he said, standing on a Florida Tech pontoon boat docked at the harbor.

In late 2006, a \$2.7 million project dredged enough muck to fill about 6,100 dump trucks from an area near the Melbourne sewer plant through the harbor. 'I think it makes the case to continue dredging the creeks,' Trefry said of his recent study.

But more is needed.

Tim Glover, president of Friends of the St. Sebastian River, agrees. Recent dredging of muck from the St. Sebastian appears to have been an overall environmental plus, he said. But the muck keeps oozing along, to the detriment of the river's fish and seagrass. 'I don't think it's ever going to get back to the way it was,' Glover said. Contact Waymer at 242-3663 or jwaymer@floridatoday.com.

Agricultural water pollution on the line

07/14/2008

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Felice Pace - High Country News

The Bush Administration has been trying since 2005 to change Clean Water Act rules so that agricultural interests can dump polluted water into public lakes and streams without obtaining a permit. Each step of the way, Florida environmentalists represented by Earthjustice lawyers have filed lawsuits to block the Environmental Protection Administration (EPA) from implementing the new rules. On June 9th, the Bush EPA tried once again and again environmentalists are going to court to block the proposed rules. Click here to read an article about the legal challenge.

The rule change proposal is the Administrations response to three lawsuits one in South Florida, one in Upstate New York and one in the upper Klamath River Basin. Each lawsuit seeks court action to require those discharging agricultural waste water into a public waterbody through a discrete conveyance (i.e. a pipe or a pump) to obtain a pollution discharge permit. Prior to these cases it was assumed that all agricultural discharges were non point sources and therefore exempted from the Clean Water Acts discharge permit requirements. The Florida case went all the way to the Supreme Court which opened the door to permit requirements if agricultural wastewater is moved from one waterbody to another through a discrete conveyance. The Bush Administration countered with the rule change.

The implications of extending Clean Water Act permit requirements to agricultural discharges are huge in the West where water has been wheeled freely using subsidized power and giant pumps. The pumps in the photo below are owned by the U. S. Bureau of Reclamation and operated by the Tulelake Irrigation District in far Northeast California. They pump agricultural wastewater high in phosphorus, nitrogen and pesticide residues into wetlands on the Tule Lake National Wildlife Refuge. If the Bush Administrations attempt to exempt this type of discharge from Clean Water Act permit requirements fails, these pumps and many others on the Klamath Project and throughout the West will need permits and the water the pumps discharge will need to comply with requirements imposed by state or regional water quality authorities.

In California and Oregon farms and ranches which discharge wastewater have, for the most part, avoided direct regulation by water quality officials. Instead state departments of agriculture and resource conservation districts with farmer and rancher dominated boards have been in charge of developing farm and ranch water quality plans that rely on best management practices to protect water quality. The voluntary compliance approach has

not significantly reduced agricultural water pollution; good actors in agriculture are already using the BMPs and bad actors, who stubbornly resist change, scoff at voluntary plans.

In similar fashion, the TMDL process[1] - which is supposed to clean-up rivers and streams where non-point pollution is significant - has proven to be a paper tiger creating plans that can not or will not be enforced.

Regulation of pollution from factory-style livestock operations and dairies is big news in the West. But considering the implications for western agriculture, westerners appear to be dumbfoundingly unaware of the battle concerning more traditional agricultural operations playing out in Florida courtrooms. You can bet, however, that water quality lawyers and activists are watching closely. The implications of this epic battle for the environment are huge. Over 30 years ago the Clean Water Act promised streams, rivers, bays and near shores that are swimmable and fishable. Where the promise has not been realized a major reason is failure to adequately limit agricultural pollution.

This is likely the Bush Administrations last chance to exempt agricultural discharges from Clean Water Act permit requirements. If this attempt fails, the system of regulation which has dramatically reduces industrial pollution may finally be applied to discrete discharges of polluted water from farms and ranches - at least where those discharges are transferred into a different water body from the one in which they originated.

[1] TMDL stands for Total Maximum Daily Load. Water quality officials develop these plans to provide polluters with pollution allowances that, if obeyed, will result in receiving waters meeting water quality standards.

