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Total Clips: 3

Headline	Date	Outlet	Reporter
OP-ED: Water quality: Plan would reduce pollution in Everglades	09/19/2010	Sun Sentinel	Eric Draper
Seminole burial sites delay Everglades restoration project	09/19/2010	Palm Beach Post	Stapleton, Christine
EDITORIAL: Join Oct. 20 forum on Caloosahatchee's future	09/19/2010	News-Press	

OP-ED: Water quality: Plan would reduce pollution in Everglades

[Return to Top](#)

09/19/2010
Sun Sentinel
Eric Draper

The time has arrived for common sense solutions to Everglades water quality challenges.

We know we cannot restore flows of freshwater into the River of Grass until we figure out how to get the water clean enough to put into the pristine Everglades. Federal courts for 20 years have been the enforcers of state requirements to reduce harmful pollution entering the Everglades.

Now a solid solution has been proposed that merits support.

The court appointed Special Master John Barkett, a seasoned attorney and mediator with an uncommon skill to the tough task sorting out complex Everglades water quality issues. He has, after taking testimony from all affected parties, now plotted a clear course forward.

After lengthy hearings in July, Mr. Barkett has cut through the smoke and fog obscuring the way forward and is recommending to U.S. District Court Judge Frederico Moreno some smart solutions..

Two key elements of the Special Master's Recommendation are:

The South Florida Water Management District should be relieved of a purported obligation to utilize 16,000 acres of land to build a questionably located reservoir. Instead, the Special Master agrees with scientists who testified for the Florida Audubon Society, federal agencies, and the South Florida Water Management District that those lands would be better suited to construct more artificial marshes to cleanse sugar farm runoff before it reaches the Everglades.

The 26,800 acre acquisition of land from the U.S. Sugar Corp. that the South Florida Water Management District is executing with cash on hand the agency has available presents an excellent opportunity to improve Everglades water quality. The location of this U.S. Sugar land makes it ideal to expand treatment areas as a remedy to the persistent water quality violations that have hampered Everglades restoration and the resolution of litigation that has been going on for 22 years.

Special Master Barkett's recommendations are clear that the highest priority must be placed on expanding the artificial marshes in the Stormwater Treatment Areas to take more phosphorus out of the water and build a more robust cleanup system capable of handling greater surges of water.

Audubon has, for more than a decade, advocated that the current STAs, designed in the early 1990's, need to be expanded to sufficiently treat polluted runoff.

The Special Master's recommendations also resonate with the most recent findings of the U.S. Environmental Protection Agency, which on Sept. 3, 2010, issued a requirement that the SFWMD and the State of Florida expand stormwater treatment by 70 percent, or 42,000 acres over existing efforts. This EPA order for expansion matches almost exactly the acreage that can be provided by the combination of the U.S. Sugar purchase and the size of the land available at the former reservoir site.

Audubon believes that Special Master Barkett may have said it best when he wrote the following in his recommendation to Judge Moreno, "Everglades or Neverglades? At some point, political and business leaders have to implement their commitment to save this Florida and United States ecological treasure; promises just won't do anymore."

All who care for the Everglades should join together in the hope that Judge Moreno will fully embrace the recommendations of Special Master John Barkett and help assure that Florida and national political leaders swiftly carry out his well reasoned plan.

Eric Draper is executive director of Audubon of Florida

Seminole burial sites delay Everglades restoration project

09/19/2010

Palm Beach Post

Stapleton, Christine

[Return to Top](#)

The fate of 19 bodies exhumed from Seminole burial sites on land to be flooded for Everglades restoration has interrupted construction and will likely cause lengthy delays, require new plans, more construction and additional permits.

Although the South Florida Water Management District often encounters archeological artifacts and Native American remains, water managers say privately they had hoped to keep this case quiet because the remains have already been moved from the site, known as Compartment C.

And the Seminole Tribe wants them put back.

"The excavation and removal of the human remains from Compartment C is a difficult and tragic event," the tribe's attorney, Stephen A. Walker wrote in a July 20 letter to the U.S. Army Corps of Engineers. "However, we have the opportunity to right the wrongs done and build a better and more effective working relationship. We hope you embrace the opportunity as willingly as we have offered it."

Few details and documents about the remains have been released. To prevent looting, the locations of the burial sites are not public.

The sites are located within an 8,800-acre parcel of land south of Lake Okeechobee. Beyond that, water managers have refused to explain or provide public records revealing who knew about and approved moving the remains and why the tribe wants them returned to their original resting place.

"We are going to take a conservative position on that," the district's deputy executive director, Kenneth Ammon said, concerned that releasing such details would anger the tribe.

However, letters and reports made public by the Army Corps of Engineers, which issues construction permits for such projects, reveal that the Corps, district and State Historic Preservation Office began working with both the Miccosukee and Seminole tribes in 2006 to develop a plan to protect the remains. In letters dated February 19, 2008, to the Florida tribes and to Creek and Seminole tribes in Oklahoma and Alabama, the Corps provided reports and surveys about the site where the remains were eventually reinterred.

The documents summarize meetings with the Miccosukee about the remains, but not with the Seminoles. There is only a brief mention of a phone call with the tribe's Historic Preservation Officer. Walker said the Seminoles did not know that the remains would be moved. The district insists "there was contact made with the Seminoles."

"I have no idea what may have prompted them to change their mind in that regard," Ammon said. But returning the remains to their original sites, some nearly two miles apart, could cause serious delays. The district estimates it would cost about \$250,000 per site to return the remains. Protecting them could cost far more.

As part of the effort to restore the Everglades, the district had planned on flooding the site with 18 inches of water. Building a

double-berm around the sites has been suggested. But in a letter to the Corps on July 20, the Tribe insisted that the remains be returned and the sites not be flooded.

However, to do that, the site plans would have to be re-drafted and new permits pulled. The district's staff estimates that it would take one year to complete the archeological work and redesign.

The Corps would need time to review the new design and re-issue the permit. Then construction could begin on the berms or barriers to protect the sites.

Still unknown is how long it will take the agencies and tribe to resolve "the broader issues." The tribe wants assurances that this will never happen again and protocols to ensure it, Walker said.

"We want to deal with how these issues are addressed," Walker said. "There will be a lot more advance coordination."

The permit for the Compartment C stormwater filtration project expires in 2014.

Meanwhile, as concerns about Compartment C were growing, the district began putting together a deal to purchase nearly 18,000 acres of citrus grove from U.S. Sugar for another Everglades restoration project. That land is adjacent to Compartment C.

To assess any possible problems on the Southern Citrus land, the district commissioned a preliminary survey of cultural resources. The survey, released in March, noted several sites of historical importance to the Seminoles, including historic trails used by the military during the Third Seminole War (1855-1858) along with previously recorded archeological sites. Although no human remains were found, that does not mean there are none, according to Janus Research, the company that performed the preliminary survey.

In August the district entered into a contract to purchase the Southern Citrus land and another parcel from U.S. Sugar for \$197 million.

Could the problems on Compartment C affect the district's plans for the neighboring Southern Citrus land?

"To be determined based upon discussions with the tribes, USACE and State Historic Preservation Office," according to the district.

The \$197 million purchase is scheduled to close on October 11. If it falls through, the district must pay U.S. Sugar \$10 million.

EDITORIAL: Join Oct. 20 forum on Caloosahatchee's future

09/19/2010

News-Press

[Return to Top](#)

Public pressure over the last 15 years has helped the Caloosahatchee River gain key allies to start tending to the august water body's health and welfare.

But the 75-mile river, which flows from Lake Okeechobee to the Gulf of Mexico, is still terribly stressed.

More is needed to ensure a full recovery, which water managers, scientists and river watchers believe is possible.

Despite black water that makes parts of the Caloosahatchee appear moribund, despite sewer discharges and fertilizer runoff, and despite too much or too little in freshwater releases from Lake Okeechobee, the Caloosahatchee is very much alive, if struggling.

The Caloosahatchee is a key economic engine as an attractor for tourism, boating and fishing, and it's in all Lee County residents' interests to demand that the money be invested and the public policy be enacted to ensure its recuperation and future prosperity.

This editorial is a call to action following The News-Press "River at Risk" series last week, which documented the efforts to improve the Caloosahatchee's health over the last 15 years.

Experts rate the river highly on its economic impact but give poor marks on such issues as urban and agricultural runoff, species diversity and regulation of the river's health.

Obviously, there's much work to be done.

That's why we invite you to a town hall meeting Wednesday, Oct. 20, at the Alliance for the Arts to strengthen these efforts.

Fifteen years ago, The News-Press first made a call to action to galvanize the public to act on the river's behalf.

The public responded.

"The progress is truly remarkable. Before The News-Press' panel and interest groups, there were probably a lot of us mumbling and grumbling," said Rae Ann Wessel, natural resources policy director for the Sanibel-Captiva Conservation Foundation, in a live video chat with news-press.com last week.

"There was no process to get the money. It has enabled us to focus on understanding and planning for the river," she add.

She adds that the Caloosahatchee has become a regular part of water management conversation.

We also interviewed the venerable environmental educator Bill Hammond and Phil Flood, lower west coast service director for the South Florida Water Management District.

Hammond called for more leadership from legislators.

Progress has been slow, but things have started to look up.

Recently, the governing board of the water management district agreed to "adaptive protocols" to provide more water to the Caloosahatchee from Lake O when it needs it, during the dry season.

Actions in the past few years have included the passage of the Northern Everglades and Estuary Recovery plan by legislators, and the intended purchase of U.S. Sugar lands to create a southern flowway for Lake Okeechobee to help restore the Everglades.

Lee County commissioners and Sanibel City Council members have taken a lead in looking out for the Caloosahatchee. We thank them for their efforts.

But we need constant buy-in from our state and federal officials. And you, the public, can make sure that happens.

