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COLUMN: U.S. Sugar deal leaves St. Lucie River advocates searching for a new strategy

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10/03/2010

Scripps Treasure Coast Newspapers

Samples, Eve

Three dozen sets of eyes were fixed on Kevin Powers — some of them angry, many of them disappointed.

Then came the questions:

Why did the South Florida Water Management District approve a deal to buy \$197 million worth of U.S. Sugar's land when it will do nothing for our St. Lucie River Estuary?

Why are strict water-quality standards enforced for the Everglades, but not for the St. Lucie River?

And perhaps the most stinging inquiry:

Why do taxpayers pick up the bill for cleaning water that is dirtied by Big Sugar?

Powers, a Stuart resident and member of the water management district's governing board, did not squirm in his seat as he faced the barrage during Thursday's meeting of the Rivers Coalition at Stuart City Hall.

He is frustrated, too, he told the group, which has been fighting for more than a decade to stop releases of polluted freshwater from Lake Okeechobee into the St. Lucie River.

He gestured toward the nearby hospital where he was born, on the banks of the St. Lucie River. He grew up playing on the water, he said.

Then, with a hint of exasperation in his voice, he gave his answers:

Right now, in this economy, the district can't afford the larger U.S. Sugar deal that offered some hope that Lake O's water could resume its natural southward flow.

The district is facing federal court orders requiring it to better clean Everglades-bound water. The scaled-back U.S. Sugar purchase will allow for storage and treatment to help achieve that, Powers said.

Addressing the question about why taxpayers pay to clean Big Sugar's water, Powers told the group water actually leaves sugar farms cleaner than when it arrived.

That was when Karl Wickstrom spotted a red herring.

Wickstrom, a member of the Rivers Coalition board who has criticized the revised U.S. Sugar deal and the district's role in it, pointed out that the water isn't nearly as clean as it would be if the land were returned to a river of grass. Wickstrom was just getting going when the Rivers Coalition chairman Leon Abood — ever the diplomat — gave him a friendly pat on the back to calm him down.

We can understand why Wickstrom boiled over.

The downsizing of the U.S. Sugar deal put an indefinite hold on what St. Lucie River advocates have been wanting for decades: a natural flow-way south of Lake O. It seemed within reach in 2008, when Gov. Charlie Crist announced a deal to buy more than 180,000 acres from U.S. Sugar.

Then it got pared down. And pared down again — until it was so small it offered little hope. Now, the Rivers Coalition is figuring out how to reposition itself. Its members are talking about joining forces with Caloosahatchee River communities to work together to fight the Lake O releases.

It also is continuing its fight in federal court, where it has a lawsuit on appeal that aims to prove the discharges from Lake O have robbed waterfront property owners of their "riparian" rights. The U.S. Army Corps of Engineers is the main plaintiff. The water management district has sided with the corps in the case.

"The district is on the side of the polluters in this," Wickstrom said.

You have to hand it to Powers for showing up at the meeting at all.

That's more than we can say for Environmental Protection Agency chief Lisa Jackson. Last week, she dodged a Miami federal judge's order to show up in court so she could explain how the EPA will address the "glacial delay" in cleaning up the Everglades, the Miami Herald reported.

If Everglades supporters think their work is moving at a glacial pace, they should take a road trip to Martin County. Visit the St. Lucie Locks, where polluted Lake Okeechobee water flows into the St. Lucie River.

On Tuesday and Wednesday, as tropical weather moved across the state, more than 400 million gallons a day were flowing through the locks.

It's not acceptable to send that kind of nutrient-laden water to the Everglades.

Why does it remain acceptable to send it to the St. Lucie?

Report: 'Glades work going slowly

10/03/2010

Florida Keys Keynoter

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"Tangible but slow" progress on Everglades restoration needs to accelerate in the face of ongoing ecosystem decline, says a report issued last week by the National Research Council.

"Although important scientific advances have been made, continued decline of some aspects of the ecosystem, such as water quality and endangered snail-kite populations, make it critical to accelerate ecological improvements," says the report, issued by the council and the National Academies of Science under a congressional directive.

"Getting enough water to the right places at the right time, and attaining water quality goals throughout the entire ecosystem, is proving to be more difficult and expensive than originally anticipated," said Frank Davis, a University of California scientist who chaired the report committee.

"It will likely take several decades and a continued commitment to systemwide pollution management, storage, and water quality treatment," Davis said.

The report did note that some recent progress has been made, such as the start of work on a one-mile bridge on Tamiami Trail, seen as a big step in improving water flow to Florida Bay.

"However, only sparse natural system restoration benefits have resulted to date from the current construction" in recent projects, the report says.

"It's no secret that Florida's water-quality problems have been choking the life blood out of the Everglades for some time now," said Kirk Fordham, chief executive of the Everglades Foundation, an organization largely launched by Islamorada conservationists George and Mary Barley.

"The National Research Council report highlights the importance of acquiring U.S. Sugar Corp. lands to address water quality, something that Everglades Foundation science research has long supported," Fordham said.

The Everglades need more pollution controls, according to the report, which points out that "the current extent of stormwater treatment areas that remove phosphorus from the water is insufficient to treat existing water flow in the Everglades Protection Area."

In a new development in the Comprehensive Everglades Restoration Plan, the U.S. Army Corps of Engineers this week awarded a \$1.6 million contract to build a new "bio-control rearing facility" in Broward County.

The 2,700-square-foot facility space will be used "for the mass rearing of biological agents -- bugs that harm or kill select plants" that may help control invasive species.

"It's estimated that as many as 25,000 nonnative species have found a home in the region and account for more than one-third of all plants in Florida. Of all these species, four are the most infamous: Melaleuca, Brazilian pepper, Australian pine and Old World climbing fern," says a Corps report. Such invasives are considered a major threat to the Everglades ecosystem.

EPA chief averts order to testify on Everglades

10/01/2010

Miami Herald, The

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Under an appellate ruling, EPA Administrator Lisa Jackson won't have to appear in federal court on Everglades issues despite a Miami judge's order.

BY CURTIS MORGAN

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It appears a Miami federal judge won't get a chance to grill a top federal environmental chief on expanding pollution problems in the Everglades.

An appeals court in Atlanta on Thursday granted a request from the U.S. Environmental Protection Agency to allow the agency to send an aide to testify instead of forcing administrator Lisa Jackson to appear in person before U.S. District County Judge Alan Gold next week.

A three-judge panel of the 11th Circuit Court of Appeals issued a brief decision letting Jackson off the hook, citing the time crunch before the Oct. 7 hearing but retaining jurisdiction to rule on the judge's authority to compel a high-ranking federal executive to appear in court.

Gold had demanded that the EPA chief and the secretary of the Florida Department of Environmental Protection both show up in his courtroom to explain in person how they are going to end the "glacial delay" in cleaning up the Everglades.

The ruling followed up a 48-page order that found state lawmakers and water managers had crafted "incomprehensible" rules and loopholes pushing back a 2006 cleanup deadline by a decade and that the EPA erred in approving watered-down standards.

But last month, EPA attorneys asked to instead send an assistant who worked on Everglades water quality issues, arguing that schedule demands, including travel to Asia as part of an official government delegation beginning Oct. 8, would create a hardship for Jackson to prepare for and attend the hearing.

The judge rejected the request, a decision the EPA appealed.

The judicial panel gave the parties that originally sued the agencies, the Friends of the Everglades and Miccosukee Tribe, until Monday to respond to the decision. It also invited Gold to respond.

Paul Schwiep, an attorney for the environmental group, said he would file a response supporting the judge's authority to get answers directly from Jackson, "given the EPA's history of failing to enforce the Clean Water Act."

Earlier this month, the EPA filed a report requested by Gold calling for a 42,000-acre expansion of the state's existing network of reservoirs and pollution treatment marshes -- projects that could cost taxpayers billions of dollars -- and endorsing Gov. Charlie Crist's controversial land deal with the U.S. Sugar Corp. The proposal would again push back deadlines to meet the standard for levels of phosphorus, a fertilizer ingredient that flows from farms, ranches and yards and can poison native marsh plants.

