

## **Brief Bios on the Speakers –** **(all have credits that could go for pages)**

**Greg Braun** is an ecologist with over 25 years experience working in marine, estuarine, freshwater wetlands and upland habitats in Florida, the southeastern U.S., the Bahamas and the Caribbean. His environmental consultancy, Sustainable Ecosystems International, specializes in helping clients improve ecological conditions on their properties. Mr. Braun's experience includes working on behalf of clients who wish to design, construct and manage facilities with a focus on the protection of threatened and endangered species and natural resources. Greg's current projects include pre-purchase due diligence property investigations, bird surveys for one of the Everglades restoration projects and analysis of ecological impacts that could occur if the All Aboard Florida train project gets approved.

**Virginia P. Sherlock** is a partner in the Stuart law firm of Littman, Sherlock and Heims, where she started as a legal assistant in early 1985. She took a leave to attend the Florida State University College of Law and has been an attorney since 1991. Ginny has an active civil trial practice in land use and environmental law as well as real estate, probate, contract, corporate law and civil appeals. She represented citizens in litigation involving the Publix market on Hutchinson Island, the Pinecrest Lakes case, Pitchford's Landing and the Pitchford's developers' SLAPP suit against residents of Jensen Beach. She has represented the St. Lucie County Conservation Alliance, the Martin County Conservation Alliance, the Indian Riverkeeper, 1000 Friends of Florida and the Guardians of Martin County. She and her partner, Howard Heims, currently represent Maggy Hurchalla in the Lake Point SLAPP suit. Ginny has received numerous awards for her fine work.

**Mark Perry** is Executive Director of Florida Oceanographic Society since 1978 and a well-lauded leader for protecting the Lagoon, the waters. Mark has received multiple awards for his river work. Mark is the Vice-Chair, a member, a main-stay and a fount of information to The River Coalition. He is one of the drivers of the "Buy The Land" push. Mark Co-Chaired the Everglades Coalition (a coalition created to ensure CERP implementation) for several years, an advocate for the Everglades Restoration including the Indian River Lagoon Restoration Plan. Mark has college degrees in Marine Science and Applied Oceanography. He has testified before a U.S. Senate Committee on the impacts of sugar cane on the Everglades, the Lake and our estuaries. Mark is a member of committees like the Water Resource Advisory Commission (WRAC) and has authored and coauthored scientific information on the water issues. He is a frequent speaker to groups, school and civic organizations. And works with oyster bed renourishment and protecting seagrass habitat restoration.

**Maggy Hurchalla** is a court-recognized expert on the Martin County Comprehensive Growth Management Plan and two-time national award winner for her work on CERP and the Lagoon Restoration Plan. Everglades Coalition inducted her into their Hall of Fame for her Everglades work in 2014. She received multiple other state and local awards for her work on growth management and wetlands. Maggy served as a Martin County Commissioner 1974-1994 and is considered by many as a primary author of the Comp Plan protections that are the key to our Martin County Quality of Life. She was appointed by multiple Governors and by a Florida Speaker on Committees for Florida planning, water and environment. Maggy graduated Phi Beta Kappa from Swathmore College.

**Charles Pattison** is Policy Director at 1000 Friends of Florida. He previously served as its Executive Director and President from 1998 to 2014. Prior to this, he was the Director for the Division of Resource Planning and Management at the Department of Community Affairs (DCA). From 1989 to 1992, he worked for The Nature Conservancy, opened the DCA Florida Keys Field Office in Key West, served as the Monroe County Planning, Building and Zoning Director, and was the first executive director of the Monroe County Land Authority. Charles previously served as a planning director in coastal North Carolina. A North Carolina native, he received an undergraduate degree from N.C. State and a Masters in Regional Planning from the University of North Carolina. Both a Fellow and member of the American Institute of Certified Planners, he has served on the Council for

Sustainable Florida, the Apalachee Land Conservancy, and the East Central Florida Corridor Task Force and currently is serving on FDOT's 2015 FTP/SIS steering committee. He is a registered lobbyist for 1000 Friends of Florida and is qualified to give expert witness testimony on growth management and comprehensive planning.

## DEFINITIONS AND ACRONYMS

Comp Plan – Martin County Comprehensive Growth Management Plan is our local Constitution - containing legal protections including 4-Story, low density, urban boundary, wetlands and river protections. Enforcement sometimes requires a legal challenge by residents.

Comp Plan Restoration –The new pro-resident Commission Majority has been working to restore protections removed in 2009 by Future Group and the Pro-Growth commission majority. A super-majority requirement protection of key Comp Plan pillars is added: 4-story river, wetlands and water supply protections, urban boundary protections.

DOAH Challenges – DOAH is Dept of Administrative Hearings, the forum for Comp Plan Amendment challenges.

Martin County Difference/Our Quality of Life – What we love here. Drive north, drive south and we see the difference. Check the debt and taxes and school, economics, unemployment, roads.

Concurrency & Financially Feasible Plan – Since 2011, concurrency has become optional for counties and the requirement for a Plan being fiscally feasible was removed. Concurrency meant: development could not occur unless the infrastructure (roads, water/sewer, stormwater, schools, etc) were planned and funded to be in place before the development was completed.

Big Sugar – U.S. Sugar, Florida Crystals (Fanjuls), Sugar Cane Growers Cooperative of Florida. Big Sugar has enormous lobbying influence in Tallahassee and D.C. for favorable laws tied to the Lake Okeechobee enormous harmful dumps to our estuary. Our Lost Summer of 2013 was based more on lobbying than on science.

AAF or All Aboard Florida -- Use of the FEC tracks along the east coast is proposed to go from 14 freight train trips per day to 26 freight train trips and 36 passenger train trips at high speeds without changing the bridges. The Chamber of Commerce and big growth advocates like Toby Overdorf and John Gonzales support AAF.

CERP and IRL Plan and Moving Water South - Comprehensive Everglades Restoration Plan was adopted by Congress to save the Everglades. The IRL Plan was our part of CERP and received early approval for projects like the natural wetlands storage (Allapattah is part of that) and the C-44 reservoir. Moving Water South is key to the Everglades restoration and saving out lagoon/estuary.

BUY THE LAND: The State has an option for more than 46,000 acres of EAA U.S. Sugar land that Big Sugar no longer wants to sell and are influencing the state decision. [EAA = Everglades Agricultural Area – about 700,000 acres of big sugar land south of lake.]

Learning from South Florida history – Martin County has benefited from ground-truthing proposals as to the urban boundary and environment by looking what the consequences were around us.

Urban boundary or Urban Service District – Martin County restricts urban growth to inside the urban boundary (roughly I-95 in south County and the Turnpike in the north count) and ag for outside. South Florida history proves the high cost of urban sprawl despite claims of “tax base” and “jobs.”

AGENCIES -- DEP – Fla Department of Environmental Protection; SFWMD – South Florida Water Management District (the state is divided into 5 districts to manage water for the state and its residents); DEO – Dept of Economic Opportunity that now is responsible for the minimal Comp Plan review the state now does; CERP – Comprehensive Everglades Restoration Plan; IRSL – Indian River Lagoon restoration plan.

# Buy the Land – Excerpts from UF report

<http://www.flsenate.gov/UserContent/Topics/WLC/UF-WaterInstituteFinalReportMarch2015.pdf>

## **Options to Reduce High Volume Freshwater Flows to the St. Lucie and Caloosahatchee Estuaries and Move More Water from Lake Okeechobee to the Southern Everglades An Independent Technical Review by the University of Florida Water Institute**

Page 102: **Currently, the state of Florida has an option to purchase approximately 46,000 acres in the EAA (Figure V-8). The option is set to expire in October 2015. Thus, the state has a limited window of opportunity to purchase this land at market prices. Given the limited opportunity and the uncertainty of any future similar opportunities to purchase large acreages of lands in the EAA, the state should consider this time-limited option. The particular 46,000 acres at issue may be useful for additional storage and treatment or may serve as lands that the state could trade with other agricultural interests in the area if land in different locations are needed.**

Pages 89-90: Additional Storage, Treatment and Conveyance South of Lake Okeechobee  
In addition to the north of lake storage discussed above, the green asterisks on Figure V-1 indicate that provision of between 132,000 and 507,000 acre-ft of additional storage, treatment and conveyance south of the lake (i.e. in the EAA) will improve achievement of restoration goals for both the St Lucie and Caloosahatchee estuaries and the Everglades considerably. Storage areas within the EAA have the advantage of being able to store excess water from within the EAA basin and upstream sources (i.e. Lake Okeechobee and its inflow sources). Because of the existing canal system in the EAA, storage located between the Miami River and North New

Page 101 Although an expansive passive wet flow-way throughout the EAA may not be the best solution, the River of Grass planning process demonstrated that there are several possible options involving combinations of deep and shallow storage, and wet- and dry- flow-ways, coupled with STAs and enhanced conveyance to provide significant benefit for both the estuaries and the Everglades, beyond CEPP (Figure V-1 and Table V-1). Figure V-1 indicates that if between 300,000 to 750,000 acre-ft of storage can be provided north of the lake, between 132,000 to 507,000 acre-ft of additional storage south of the lake will be sufficient to provide 90% reduction in lake-triggered high flows to the estuaries and achieve 90% of the dry season target. If this required storage were to be provided strictly through deep 12-ft reservoirs, new land area between approximately 11,000 and 43,000 acres would be required south of Lake Okeechobee. If the required storage were provided strictly through shallow 4-ft impoundments, the land area requirement triples to approximately 33,000 to 129,000 acres.

To provide the required land area for additional storage, conveyance and treatment south of the Lake there are a number of options that should be considered: 1) purchase of private land in the EAA (including the current U.S. Sugar land purchase option or land from other willing sellers) to use or trade for deep and/or shallow storage and treatment opportunities, 2) develop a costsharing program for on-farm or sub-regional multi-farm shallow storage and treatment opportunities, and 3) use existing state owned wildlife management areas such as Holey Land and Rotenberger for storage and treatment opportunities. There is some evidence to indicate that creating new storage and conveyance along the western boundary of the EAA, where Lake Okeechobee water is cleaner and excess treatment capacity exists in STA 5/6, may be a

promising option.

# Special interest influence taints Florida legislation

By John Cassani, Chair, Southwest Florida Watershed Council Feb 2015

Florida Agriculture Commissioner Adam Putnam and Rep. Matt Caldwell of North Fort Myers are at it again. Their latest political spin poorly camouflages their intent to give a free pass to corporate agriculture with respect to requirements for water pollution cleanup. This is yet another attempt to shift the responsibility for pollution from private enterprise to the public taxpayer by externalizing the cost of regulatory noncompliance.

Ironically, Putnam skillfully claims "We're all in this together" and it's "an opportunity to think big and act boldly." This version of thinking big and acting boldly is a consistent theme with Putnam where he has worked to defer or delay meaningful and verifiable compliance with regulations on corporate agriculture guaranteeing his popularity with the politically powerful agriculture lobby. Unfortunately these actions have contributed to widespread degradation of Florida's public waters.

**This time Rep. Caldwell is sponsoring a Bill (House Bill 7003) that proposed to take away enforceable DEP and Water Management District permit requirements for pollution from agricultural operations in the Lake Okeechobee Watershed and replace it with so called Best Management Practices overseen by the Florida Department of Agriculture that may be legally unenforceable. Timelines for verification or compliance with agricultural BMP's are vague or missing altogether. A recent amendment to the bill returns some oversight authority to DEP but the net effect still represents little to no reform or additional burden for agriculture to comply with.**

Every year for decades Lake Okeechobee receives four to five times more phosphorus pollution than it can assimilate and the Caloosahatchee estuary is sometimes the unfortunate recipient of this additional upstream source of pollution. With water quality impairment now widespread in Florida many legislators have indicated that it is their No. 1 issue for this year's legislative session yet the influence of the agriculture lobby on some Florida politicians is so overwhelming that they boldly offer such deceptive and counterproductive legislation as a solution to the problem.

The stakes are now higher than ever as Florida's population skyrockets and thinking big and acting boldly is indeed what is needed but not in politically expedient ways that got us into the problem to begin with. Fair and equitable enforcement of existing Florida rules and statutes is a better start.

John Cassani is chairman of the Southwest Florida Watershed Council and a resident of Alva.

P.S. Our Representatives Magar and Harrell both voted for this yesterday (March 5, 2015) with Rep Harrell saying the Senate would fix it.

## WHY THE FORUM?

### Martin County Educated Residents Are Critical for Preserving Our Martin County Difference -

**A/K/A Why Forums like these are so important for our County Growth Management!**

In 2011, the Florida legislature substantially rewrote the state planning act diminishing the role and impact of state and regional review – leaving residents as key. The “implementation of what remains of the integrated growth management system is hamstrung” by the reorganized and reduced Department of Community Affairs which was demoted to a division within the new Department of Economic Opportunity.

The information below is excerpted from Nancy Stroud\*’s **“A History and New Turns in Florida’s Growth Management Reform”** citing to the 2011 Fla. Laws. Ch. 2011-139. --

“The administrative rule that had governed the substance of plans (Comp Plans) was repealed, with some of the provisions incorporated into the (2011) statute. .. **Plans are no longer required to be financially feasible**, nor based on an anticipated need for development; instead, the plan **must provide for a minimum amount of land required to accommodate the state’s medium-level population protection.**

“Transportation, schools, parks, and recreation **concurrency were made voluntary** (previously mandatory), and a local government decision to eliminate concurrency is not subject to state review. If the local government retains transportation concurrency, it must allow the development to ‘pay and go’ according to a fee formula that forgives the development from any existing road deficiencies...

“The Act ... **in the vast majority of instances relies upon third parties such as citizen activists to enforce compliance with the state statute.** ..

“...**Much will depend on the activism of third parties to hold decision makers accountable to the laws, and on the continued support of the judiciary to uphold the intent of the laws...**”

“...**The current retreat from meaningful state or regional authority to address those impacts is particularly worrisome, as Florida most certainly will continue to grow in the future.**

\*Nancy Stroud is an attorney (a partner in Lewis, Stroud & Deutsch, PL, in Boca Raton) who focuses her law practice on growth management and local government law. Nancy has both law and master of regional planning degrees from the University of North Carolina. She was mentored by John DeGrove and Fred Bosselman in the early days of Florida’s Quiet Revolution.

## What’s the focus of handouts?

Focus 1 – Information re Local Attacks: Litigation by various developers; proposed (urban) commercial outside USB in ag land along SR76 and SR714 that would bust our urban boundary; attacks on residents by SLAPP suits and PR name-calling like “extremists” when residents supporting the Comp Plan have kept us different from the rest of South Florida.

Focus 2 – Information on Outside attacks: (1) Lagoon/Waters: Lake Okeechobee dumps because Lake O has to be held too high because of Big Sugar and southern towns possible drought needs; Big Sugar blocks of state buying critical land for sending water south to Everglades that needs it and away from estuaries/lagoon that does NOT need it; (2) AAF (name change coming) wanting to steamroll over all the communities that will be devastated by almost doubling daily freight train traffic and adding 36 high-speed passenger trains despite the fiscal feasibility problems; (3) related to the water issue is the Coral Reef plight. And Finally – (4) The 800 Pound Gorilla in the Room: Tallahassee – the legislature is in session.