



Summer 2015

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SIERRA CLUB

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The Pelican

Sierra Club

Florida

THE OFFICIAL PUBLICATION OF SIERRA CLUB



Hundreds of citizens showed up at SFWMD meetings in West Palm Beach from February through May to urge support for purchasing U.S. Sugar land.

Many Floridians are incredulous that the South Florida Water Management District (SFWMD) voted in early May not to pursue the option to purchase 48,600-acres of U.S. Sugar land that directly impacts the health of the Everglades.

The water management district and the U.S. Army Corps of Engineers are dumping about a half billion gallons of highly polluted fresh water a day into the St. Lucie and Caloosahatchee rivers, polluting critical marine habitats and causing harmful algal blooms and massive marine die-offs in and around Indian River Lagoon.

Supporters of the land purchase point out that district officials are objecting to the costs and terms of a land deal that both the district and U.S. Sugar supported in 2010. According to the University of Florida, the

land purchase must be considered to stop marine life die-offs.

It appears that Gov. Rick Scott is willing to let Big Sugar walk out of a deal and let Everglades restoration evaporate forever. The power of the U.S. Sugar Corp. in determining the health of South Florida's ecosystem, its wildlife and its residents should not be ignored.

All Floridians, businesses, civic clubs and organizations, students, environmental groups and faith communities are invited to Sierra Club's "Big Sugar Summit" on Saturday, June 20, from 9 a.m. to 5 p.m. in West Palm Beach. The Summit will pull the curtain back on the sugar industry, with speakers covering many aspects of Big Sugar in Florida and how it affects us all. Speakers will represent a wide spectrum of political,

BIG SUGAR SUMMIT

WHEN: 9 a.m.-5 p.m.
Saturday, June 20

WHERE: Embassy Suites
West Palm Beach -
Central, 1601 Belvedere
Rd., West Palm Beach

REGISTER: Advance
registration required at
<https://big-sugar-summit.eventbrite.com>,
cost \$10 includes lunch

Limited student scholar-
ships available. Contact
cris.costello@sierraclub.
org or call (941) 966-9508
for more information.

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Sierra Coalition for Clean Energy Is On the Move

The Sierra Club Beyond Coal campaign is fighting for cleaner air and cleaner energy in the Sunshine State. In April, we met with 70 volunteers from across the state to get engaged in the Sunshine State Clean Energy Coalition, a coalition of business, faith, environmental, labor, and community organizations who advocate for Florida's utility companies to invest in clean, local solar energy. The Sunshine State has some of the best potential for solar power in the country, yet we are currently ranked 16th among states for installed solar capacity.

The teams will do everything from signing up clean energy supporters at events from Tampa to Ft. Lauderdale to calling on their elected officials to sign on to our letter to Gov. Rick Scott (ssshh, don't say "climate change").

The coalition has been busy. We were invited to speak at the Interfaith Climate Conference in April in Longwood where nearly 100 faith leaders from all over the state learned more about climate change and what we can do to stop it. Sierra staff met some incredible people of faith who have led the charge in the environmental movement and are now fighting to cut our carbon pollution.

We went to Washington



D.C. where we received a commendation from Rep. Kathy Castor of Tampa Bay, applauding our work on the Clean Power Plan (part of the President's Climate Action Plan). Rep. Castor championed the issue in Washington D.C., grilling Florida Public Service Commission Chair Art Graham for making power more expensive through bad business practices that continue to rely on polluting fossil fuels. We were excited to meet with her between votes to thank her for her service.

The Florida Beyond Coal campaign celebrated Earth Day on April 22 by standing with a group of elected officials outside Duke's Florida headquarters in St. Petersburg and delivering a letter calling on Duke to prioritize clean energy options like solar and energy efficiency. The sign-on letter is a project of the Sunshine State Clean Energy Coalition.

Signed by 25 federal, state, county and local elected officials, the letter ratchets up the pressure on Duke just as

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From the
CHAIR

By Debbie Matthews



Getting outdoors is my favorite activity. Whether I am hiking on a trail, rowing, kayaking, or taking an urban stroll, it does not matter, being outdoors is the key ingredient. Sharing this love of outdoors is what brought me to the Sierra Club.

Building the conservation movement and getting people to connect with nature is so important and a big goal for Sierra Club. Building our capacity is key if we want to make a difference, from electing green governing bodies to changing the way people think about water conservation, and the sustainability of our home, Planet Earth.

I encourage all to share your love of nature with friends, neighbors, family, and co-workers. Get out

there this summer and connect to nature, then talk about it! Being outdoors has been scientifically studied and proven to reduce blood pressure and improve mental state, but we knew that already, right?

The Florida Executive Committee and the Group Advisory Council invites Sierra Club Florida volunteers to attend our quarterly meetings. Meeting other volunteers and sharing is invaluable. You get to be involved in volunteer training, discussions on conservation priorities, find out what our National Staff is doing, and meet state leaders and fellow volunteers.

Check our newly designed website for opportunities to get outside with outings and to get involved at our meetings.

The Pelican, Vol. 48 No.2

Marcia Biggs, Editor

The Pelican is published by Sierra Club Florida and mailed to Sierra Club Florida members. Annual membership dues include \$1 for the Pelican newsletter. Address all inquiries to Sierra Club Florida, 1990 Central Avenue, St. Petersburg, Florida 33712 or e-mail marcia.biggs@florida.sierraclub.org

Sierra Florida Executive Committee

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Kent Bailey, Tampa Bay Group
Bud Long, Turtle Coast Group
Mark Walters, Miami Group
Rocky Milburn, Tampa Bay Group
Darryl Rutz, Broward Group
Deborah Longman-Marien, Turtle Coast Group

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Pumping Ruling, Cattle Threaten Silver Springs

Despite evidence that Florida's iconic Silver Springs would be further degraded from the over-pumping of groundwater and increased nutrient pollution, an administrative law judge has recommended approval of a permit for the massive cattle operation, Sleepy Creek Lands (formerly known as Adena Springs Ranch). The judge's ruling is the result of a legal challenge by Sierra Club, St. Johns Riverkeeper, and two citizens, Jeri Baldwin and Karen Ahlers. Florida Defenders of the Environment also supported this challenge as an Intervener.

Sleepy Creek Lands and its owner, Canadian billionaire Frank Stronach, are seeking a permit to pump 1.46 million gallons a day (mgd) from the already-stressed Floridan Aquifer for the first phase of a multi-phase beef operation located close to Silver Springs and the Ocklawaha River Aquatic Preserve. The proposed project has created uproar from concerned citizens throughout the state.

"The declining health of Silver Springs is emblematic of the significant water quality and water use problems we are facing throughout Florida," says Karen Ahlers. "The Sleepy Creek permit represents everything that is wrong with our regulatory process and the way we allocate the public's water, and is a classic example of the state's ongoing failure to protect our most important water resources."

During the administrative hearing, it was revealed that the 9,500 head of cattle planned for Phase I will produce nearly 158 million pounds of manure and 11 million gallons of urine per year. In addition, 700,000 pounds of nitrogen from fertilizer will be used to grow grass and crops to feed the cattle.

The petitioners presented evidence that the aquifer is critically over-tapped in the Silver Springs springshed, and that the fertilizer and manure will increase nutrient pollution in the Silver and Ocklawaha Rivers.



Crystal clear Silver Springs has attracted tourists for decades with their famous glass bottom boat tours./Photo by Marcia Biggs

In addition, 700,000 pounds of nitrogen from fertilizer will be used to grow grass and crops to feed the cattle.

The flow of Silver Springs has already declined on average by more than 30 percent, and nitrate concentrations have increased 20-fold over healthy background levels. In 2012, the state of Florida introduced a cleanup plan calling for a 79% reduction in nutrient pollution from existing users to protect Silver Springs and the upper Silver River.

The legal challenge was in response to the proposal by St. Johns River Water Management District staff to grant the requested permit to Sleepy Creek Lands despite overwhelming evidence that groundwater in the area is already over-allocated and that existing permitted withdrawals are contributing to the sig-

nificant flow reductions at Silver Springs.

While disappointed, the petitioners say the battle is not over. The parties first have an opportunity to file written exceptions to the Recommended Order, explaining where they think the judge erred in his determinations. The judge's recommendation and these exceptions will then be considered by the St Johns River Water Management District Governing Board when they vote on the permit at a to-be-determined upcoming meeting.

One of the weakest parts of the judge's conclusions is his finding that the proposed withdrawal is "consistent with the public interest."

"The water management district is tasked with protecting the springs, rivers, and groundwater that belong to the citizens of this state," said Sierra Club's Linda Bremer. "We should not have to fight so hard to protect our water resources and hold our regulatory agencies accountable."

Linda Bremer

Mine Defeat a Win for Hernando County

Last year, CEMEX along with five of the most influential property owners in Hernando County, applied for a comprehensive land use plan amendment to allow 20 years of open pit industrial lime rock mining near Brooksville. The site was across from Bayfront Hospital in an area bordering over 200 residents and surrounding the historic African American Spring Hill Cemetery.

The 738-acre parcel of pristine habitat contained hardwood hammock and many protected species bordering a protected canopy road and was located within the protected Peck Sink Watershed.

In July, the Hernando County Planning Commission voted down the proposal 4 to 1. Despite effective grassroots outreach, extensive press coverage and mounting public opposition, the hearing before the County Commission on December 9 resulted in a 4-1 vote to approve transmitting the application to state agencies for review.

A few Sierra Club members from Hernando County organized to launch a volunteer effort they called Neighbors Against Mining to oppose the new mine. Sierra Club's Tampa Bay excom member Robert Howell advised the group and along with the Suncoast group, issued a resolution opposing the new mine. Ralf Brookes, a lawyer recommended by Sierra Club, directed the legal effort.

Undaunted, Neighbors Against Mining continued to press for an economic impact study, did more re-



Photo by Jay Rowden

Hernando County Commissioner Diane Rowden celebrates the denial of the CEMEX mining operation permit after the final vote.

search, gathered more petitions, mobilized concerned citizens, packed the rooms and spoke out at numerous public hearings, contacted experts and prepared for the final vote set for April 28 in Brooksville. Bob Howell was there to present his Commissioner's Notebook of studies produced during years of opposing other mines. This quasi-judicial hearing required a supra-majority and Diane Rowden, the only woman and Democrat on the Hernando County Commission, was the lone opponent.

Just as Neighbors Against Mining's representative DeeVon Quirolo was about to speak, Commissioner Jim Adkins interrupted the meeting to announce that he intended to vote NO. That broke the supra-majority and Diane quickly asked, "Is that a motion?" to which he replied, "Yes." And with that 3-2 vote, the new mine was denied. Chairman Nicholson asked for a five minute recess after which CEMEX withdrew the application.

Sometimes the good guys win.

- By DeeVon Quirolo

THANKS FOR YOUR SUPPORT!

Sierra Club Florida would like to thank all supporters who made a donation during our annual March Appeal Drive. We only solicit once a year to members asking for a special donation to help fund our many campaigns and activities, including this newsletter. Your donation is always welcome by sending a check to the address on Page 8.

Calusa Group Back in Action in SW Florida

Hello, my name is John W. Scott and I'm the new chair for the Sierra Club Calusa Group, which consists of over 1,400 active Sierra Club members and serves four counties in Southwest Florida: Collier, Glades, Hendry and Lee. I am excited to announce that we are reorganizing the group, which has been inactive since 2013. Typically the reorganization process takes about one year, but there has been some difficulty in recruiting and maintaining steady leadership.

My wife Ruth and I were approached late last year about serving on the Calusa Group steering committee, which is the leadership committee responsible for getting things back on track and is essentially what an executive committee would be for a normally functioning group.

We have been Sierra Club member since 2007 and lovers of the environment since I can remember. We are co-founders of Clean Water Initiative of Florida and serve together on the board of Caloosahatchee River Watch. I have lived in Fort Myers since 1979. While



John and Ruth Scott

my background is information technology, I've acquired extensive knowledge about Florida's environmental issues and challenges by working with some of the best and brightest environmental minds in the state.

Ruth and I decided to accept the challenge of getting the Calusa group back on track because we see a reflection of ourselves in the Sierra Club – an uncompromising, proud tradition of fiercely protecting the planet for all its inhabitants to enjoy and explore.

Calusa Group Meetings

When: 6 p.m. the 2nd Wednesday of each month

Where: The Iona House at the Calusa Nature Center, 3450 Ortiz Ave. in Fort Myers, FL

More info:

john.scott@florida.sierraclub.org
www.sierraclub.org/florida/calusa/contact

If you live in Southwest Florida, we invite you to join us! We need volunteers to serve on the conservation, outings and membership committees. If you have been thinking about getting involved and meeting like-minded people who care about protecting and enjoying our special place in Florida, contact me and let's work together.

We meet on the second Wednesday of each month at 6 p.m. at the Iona House at the Calusa Nature Center in Fort Myers.

Hope to see you there!

Big Sugar Summit

(Continued from page 1)

academic, scientific and advocacy realms, covering topics such as:

- History of Big Sugar in the Everglades Agricultural Area (EAA)
- Sugar's impact on the Everglades
- Sugar burning practices and health impacts
- State-level political influence

- The U.S. Sugar Program
- Federal-level political influence
- Local economic impacts in the EAA

Join us on June 20 and get the facts regarding Big Sugar's influence and impact on Florida and its citizens. Online registration is required; cost of attendance is \$10, lunch is included. A social hour will immediately follow the program. A limited number of student scholarships will be available.

Learn about current events, updates on the issues in this newsletter and more Sierra Club information by subscribing to our news blog at www.sierraclubfloridanews.org



St. Pete Drive Electric Day On the Bay

Saturday, September 12 10 am – 4 pm

Spa Beach Park and the St. Pete Pier
Downtown St. Petersburg

Green Expo - Test Ride & Drives

Join Sierra Club in St. Petersburg for National Drive Electric Day!

Calling auto dealers and companies selling electric vehicles (gulf carts, motor bikes, trucks, utility, etc.), EV clubs and hobbyists, clean energy and sustainable businesses & organizations, green products & services

For information on participating, contact Phil Compton, phil.compton@sierraclub.org 727-824-8813, ext. 303
Sponsored by Sierra Club Florida & City of St. Petersburg

2015 FLORIDA LEGISLATIVE REVIEW

By David Cullen

Sierra Club Florida Legislative Lobbyist

By the time you read this, the final chapter of this year's session may be over. The Florida House adjourned early because of severe differences with the Senate on whether to expand Medicaid, with the result that no budget was adopted (the one thing the legislature is mandated to accomplish by the State Constitution) and, from an environmental perspective, many bad bills died. (This publication went to print before the special budget session ended.)

The joint proclamation for the special session does not include any of the bills that died as a result of the early House adjournment, so those bills will remain dead absent a 2/3 vote in both chambers to take them up. However, Amendment 1 funding is still on the table both because it is a budget issue and because it is constitutionally mandated.

The legislature's policy with respect to Amendment 1 so far is disappointing, to say the least. During the regular session, the House proposed to put only \$8 million into Florida Forever and the Senate proposed only \$15 million. Worse, each chamber uses over \$230 million to fund existing agency operating and regulatory expenses from Amendment 1. These dollars are proposed for items like salaries of officers who enforce hunting, boating, and fishing rules, regulating fish farms, and funding salaries in the Division of Cultural Affairs.

The special session gives legislators one more chance to finish the job and renew state spending on water and land conservation and programs like Florida Forever, Everglades Restoration, Florida Communities Trust, and Rural Family Lands.

This article presents an overview of

legislative actions that happened during session with regards to natural resources and environmental issues.

Energy - Clean Power Plan – EPA's Clean Power Plan goal of reducing carbon emissions from power plants by 35% is one of National Sierra Club's main goals. It was also the subject of hostile bills requiring legislative ratification of the State's implementation plan (SIP) to meet the carbon emission goal before submitting it to EPA and, further, that any rules required to meet the goal would also have to be ratified before they could become effective.

Rep. Wood's bill, **HB 849**, passed its first committee by a vote of 8-4, but Sen. Gibson agreed not to pursue a hearing for her bill, **SB 1076**, and it was never heard in committee. Therefore, both bills died. A "Thank You!" is in order for Sen. Gibson.

Fracking - Bills to ban fracking in Florida never heard.

SB 166 and **HB 169** called for a ban on fracking and/or well stimulation in the state. Neither bill was heard in even its first committee. But there was plenty of action on fracking...

Bills 'regulating' fracking and providing secrecy for well operators:

Companion bills purported to impose regulation on the practice of fracking in Florida, **HB 1205** and **SB 1468** (Regulation of Oil and Gas Resources) were introduced. However, both used such a narrow definition of fracking that many instances where toxic chemicals are injected into the ground would not have been regulated.

The House version also preempted local jurisdictions from protecting their residents.

The bills called for well operators to disclose the chemicals they inject into the ground to both the Department of Environmental Protection (DEP) and

the national web site FracFocus, but the linked bills **HB 1209** and **SB 1582** granted a public records exemption to well operators making it incredibly easy to claim the chemicals were secret and prohibiting DEP from releasing information about the chemicals if they were marked 'proprietary business information.' FracFocus does not publish trade secrets or proprietary information. In any event, residents near fracking sites would have no way of knowing what chemicals their families might be exposed to until long after any damage was done.

Rep. Rodrigues' regulation bill **HB 1205** passed the House on a mostly party line vote 82-34 but his public records exemption bill was postponed on final passage and did not pass. The Senate bills sailed through their early committees but ran into stiff opposition from the public. Sierra worked with numerous groups including Re-Think Energy, Physicians for Social Responsibility, Our Santa Fe River, the Environmental Caucus, and many anti-fracking activists - and we'll undoubtedly work with them again.

The Senate bills were on the floor at the same time the House decided to go home early so we'll have to wait for next year to see how it turns out. In the meantime, make sure your legislators know how YOU feel about fracking.

Water Quality - The two chambers took very different approaches for the big water policy bills. The House started with a Proposed Committee bill in the State Affairs Committee which had one committee hearing in Appropriations. It was passed by the House on the third day of session by a vote of 106-9. DEP said they had not even had time to fully review the bill when it was first proposed.

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Group Works to Save Scrub Jay Habitat

The Suwannee/St. Johns (SSJ) group's success story for this issue is the saving of a scrub jay habitat in Marion County.

The Halpata Taskanaki Preserve tract, a prior cow pasture, has been burned to promote the growth of scrub habitat for the nearby families of Florida scrub jays, and oaks are already growing on the property. Scrub jays do not migrate and this restored land will be able to provide habitat for new scrub jay families and food and habitat for those nearby.

The tract, near Dunnellon, was placed on the surplus list and was heading for the auction block when the Tri-



Sierra members discuss the importance of preserving a tract of scrub jay habitat.

county Working Group of the SSJ group (Marion, Citrus, and Levy counties) went into action with telephone calls, e-mails, and a mass visit by our members to the Southwest Florida Water Management District representatives. Armed with solid evidence of the presence of Florida scrub jays (thanks

to the local Audubon chapter), we were obviously able to convince the representatives to remove the Halpata Taskanaki Preserve from the list as the acreage in question. Special thanks to member Nancy Kost for her tenacity in the issue.

Whitey Markle

Legislative Update

(Continued from page 6)

Sierra Club Florida opposed the bill (**HB 7003**) because it weakened the protections for Springs bill, removed deadlines, and relied exclusively on collaborative Basin Management Action Plans (BMAP) and Best Management Practices to accomplish water quality goals instead of enforceable standards. The bill was also a major step backward for the Everglades and the Caloosahatchee and St. Lucie watersheds and estuaries because it eliminated the enforcement leverage provided by permits in favor of a Lake Okeechobee BMAP.

The Senate started with a reworking of last year's Springs bill with a Shared Use Non-Motorized Trails portion grafted onto it. But in the end, the House Water bill was amended onto it and the Springs protections were further weakened.

On the floor of the Senate **HB 7003**

was substituted for **SB 918** and amended to match the Senate version. Since the House had adjourned by then, there was no way for the House to agree to the amendment(s) and the bills died for the session.

Land Application of Septage

Since July 1, 2010, the following has been law in Florida:

381.0065 Florida Statutes

(6) LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective January 1, 2016, the land application of septage from onsite sewage treatment and disposal systems is prohibited.

Septage is the stuff pumped out of septic tanks. For years pumpers have been applying it to the land as a way of getting rid of it despite Florida's water pollution problems with nutrients. Roughly two-thirds of Florida's land application sites are in Springs Protec-

tion Zones in karstic areas of the state where contaminated groundwater can move quickly to springs through conduits and sinkholes.

Instead of using the past five years to prepare to obey the law that will be effective next January, pumpers, wastewater treatment facilities, and the counties they serve have done just about nothing to prepare for the prohibition and have instead focused on trying to repeal the law. That strategy may not have panned out very well for them this year.

HB 687 was amended from a full repeal to pushing back the date by two years to 2018 and passed the full House by a vote of 99-12. The companion bill, **SB 648** only made it through its first committee of reference. So land application will have to stop January 1, 2016.

This article is a condensed version of Dave Cullen's complete review of the 2015 Florida Legislative Session. To see his full article, go to www.sierraclubfloridanews.org

Sierra Club Florida
The Pelican
1990 Central Avenue
St. Petersburg, Florida 33712

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Sierra Club
PO Box 421041
Palm Coast FL 32142-6417

Allow 4-6 weeks for processing or send changes to address.changes@sierraclub.org and include your membership number.



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Clean Energy

(Continued from page 2)

its regulatory body, the Florida Public Service Commission, begins hearings on the future of Florida's energy portfolio.

Florida needs you to fight for clean energy. For cleaner air, for our economy, each and every one of us is responsible for change. We are building the Sunshine State Clean Energy Coalition in Florida to overturn the fossil fuel industry's grip over our politics and policy. We are sending a message to the Governor: We demand cheaper power bills through energy efficiency, we demand clean energy through solar.

Ask your city, county, or state elected official to sign onto the letter to Gov. Scott today. Call Tim Heberlein at 813-532-9846 or email at tim.heberlein@sierraclub.org to get the



letter sent to your elected official. Then call them and ask why they haven't signed the letter supporting clean energy!

Sierra Club Florida leaders (from left) Kent Bailey, Frank Jackalone and Tim Heberlein, met with U.S. Rep. Kathy Castor, center, and Leslie Maloney in Washington D.C. this spring.