

## CHAPTER FOURTEEN

### Searching for Consensus: Sustainability and the Move Towards Everglades Restoration

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As the South Florida Ecosystem Restoration Task Force coordinated federal activities regarding Everglades restoration, the Clinton administration, embracing the principle of sustainable development, made overtures to Florida's powerful sugar industry in order to gain its support of restoration efforts. These endeavors accorded with President Clinton's belief in the necessity of balance to resolve environmental disputes. Just as he demonstrated at his vaunted Forest Summit in Portland, Oregon, in April 1993, Clinton's aim in South Florida was to create common ground by persuading all sides to relinquish a little, end the fighting without declaring winners or losers, and move forward with a new consensus. Much to the discomfort of many environmentalists, this meant bringing Big Sugar into the circle.

President Clinton's environmental team had good reasons for wanting to work constructively with the sugar industry. Beyond the immediate goal of ending the litigation and clearing the way for cleanup to proceed, the Clinton team wanted to secure Big Sugar's philosophical and financial commitment to a long term ecosystem restoration plan. Such promises would ensure that growers made genuine progress in developing Best Management Practices (BMPs) aimed at reducing phosphorus levels in agricultural runoff; no one was in a better position than the industry itself to conduct research and development on the effects of farming on the natural ecosystem. Securing commitments would also ease the burden on federal and state coffers, and would create real, long range business incentives for the adoption of BMPs.<sup>1</sup>

According to Clinton administration officials, sugarcane growers had much to gain by supporting the restoration effort. They could improve their public image, deflect environmentalists' demands that the sugar industry pay a far greater share of the cleanup, and place their business on an environmentally sustainable footing. This latter action was the Clinton administration's overarching goal, for the industry provided a livelihood to thousands of people in South Florida who would have little alternative employment if the industry collapsed. Many of the agricultural workers were underprivileged African Americans, Hispanics, and West Indian migrants who had worked their entire adult lives in the sugarcane fields and sugar mills. Despite frequent charges that the industry mistreated their workers, these rural inhabitants of the EAA were, for the most part, strongly attached to the region and supportive of the industry.<sup>2</sup>

As the Clinton team initiated settlement talks with sugar growers early in 1993, it sought to implement principles of "sustainable development." If ecosystem management was at the center of an intellectual ferment among scientists and resource managers, sustainable development was a concept that excited interest among economists and policy makers. Like ecosystem management, it predated the advent of the Clinton administration by a few years. It had first emerged as a concept for addressing disparities of wealth between developed and developing nations in the context of caring for the global environment. One of the first organizations to develop the idea was the United Nation's World Commission on Environment and Development, or Brundtland Commission, which first met in 1984. The Brundtland Commission defined

sustainable development as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” The thrust of sustainable development, as explained in the Brundtland Commission’s final report to the United Nations, *Our Common Future* (1987), was to meld economic and environmental concerns into a unified program. The environment could not be protected effectively without economic development, nor could economic development be sustained without environmental protection. Principles of sustainable development were outlined further at international conferences in New Delhi in 1990, Dublin in January 1992, and the Earth Summit in Rio de Janeiro in June 1992.<sup>3</sup>

Only after the Rio meeting did political leaders in the United States begin to suggest that sustainable development was a useful concept for domestic issues; President Clinton broadened the idea to include social justice perspectives. In June 1993, he formed the President’s Council on Sustainable Development. This group was composed of 25 members drawn from government, industry, labor, and civil rights organizations. The council’s guiding principle was to recognize the interdependence of economic prosperity, environmental protection, and social equity. Its mission was to explore “bold, new approaches to achieve our economic, environmental, and equity goals.”<sup>4</sup> Sustainable solutions, like a three-legged stool, rested on the points of intersection between what was ecologically viable, what was economically feasible, and what was socially desirable. The council was to innovate ways to achieve “sustainable development” through a *balance* of ecological, economic, and social values.<sup>5</sup> Clinton took a concept that had been steadily gaining ground in the international environmental community and made it central to his administration’s domestic environmental policy. Sustainable development was an idea that would have great force in transforming the C&SF Project into the Comprehensive Everglades Restoration Plan.



A sugar cane field and canal in Moorehaven, Florida. (Source: The Florida Memory Project, State Library and Archives of Florida.)

The first milestone in the Clinton administration's efforts to co-opt Big Sugar was a much-ballyhooed "Statement of Principles," which Secretary of the Interior Bruce Babbitt, Florida Governor Lawton Chiles, and sugar industry leaders jointly announced on 13 July 1993 in a public ceremony held in the grand auditorium at the Department of the Interior in Washington, D.C. Largely orchestrated through the efforts of Gerald Cormick, the "leader of the school of alternative dispute resolution," the Statement of Principles represented give-and-take by the sugar industry, state, and federal agencies.<sup>6</sup> It called for a 90-day stay of Dexter Lehtinen's litigation; it provided an overview of a Technical Plan that was in development and would be finalized during the next 90 days as part of a final settlement agreement; and, most importantly, it spelled out financial commitments by the agricultural industry, the state, and the federal government. Babbitt and Chiles hailed the accord as the closing chapter to a five-year court battle that had been costing valuable time and diverting money away from where it was most needed. "With this action," Babbitt related, "we expect to head off what could have been another decade of litigation and to immediately begin restoration."<sup>7</sup>

Industry representatives sounded the note on sustainable development. Nelson Fairbanks, president of U.S. Sugar Corporation, told the audience that he had "long believed that it was possible to save the Everglades while saving farm-related jobs," and this plan would do just that. "It asks farmers to pay a lot, much more than we wanted to pay," he said. "But it also lets us and our communities survive. That is what we have wanted all along." Robert Buker, senior vice president of U.S. Sugar and one of the chief negotiators for the industry, praised the Clinton administration for its role in the talks and called the breakthrough a "new paradigm" for resolving environmental disputes.<sup>8</sup> Alfonso Fanjul, president of Flo-Sun, said the Clinton administration had stood conventional wisdom on its head. "What's good for the environment can also be good for business," he said.<sup>9</sup>

The Statement of Principles began with a preamble asserting the parties' understanding of the problem. Nearly a century of human manipulation of the Everglades had made an attractive environment in South Florida that was now home to millions of people as well as a flourishing agricultural industry. "But in the last decade we have come to realize the tremendous cost this alteration of natural systems has exacted on the region," the statement read. "We pledge to inaugurate an unprecedented new partnership, joining the Federal and State governments with the agricultural industry of South Florida, to restore natural values to the Everglades while also maintaining agriculture as part of a robust regional economy." The parties further pledged to conduct future scientific research in a spirit of cooperation, and they expressed their hope that ecosystem restoration in South Florida would "become a national and international model for sustaining both the environment and the economy."<sup>10</sup>

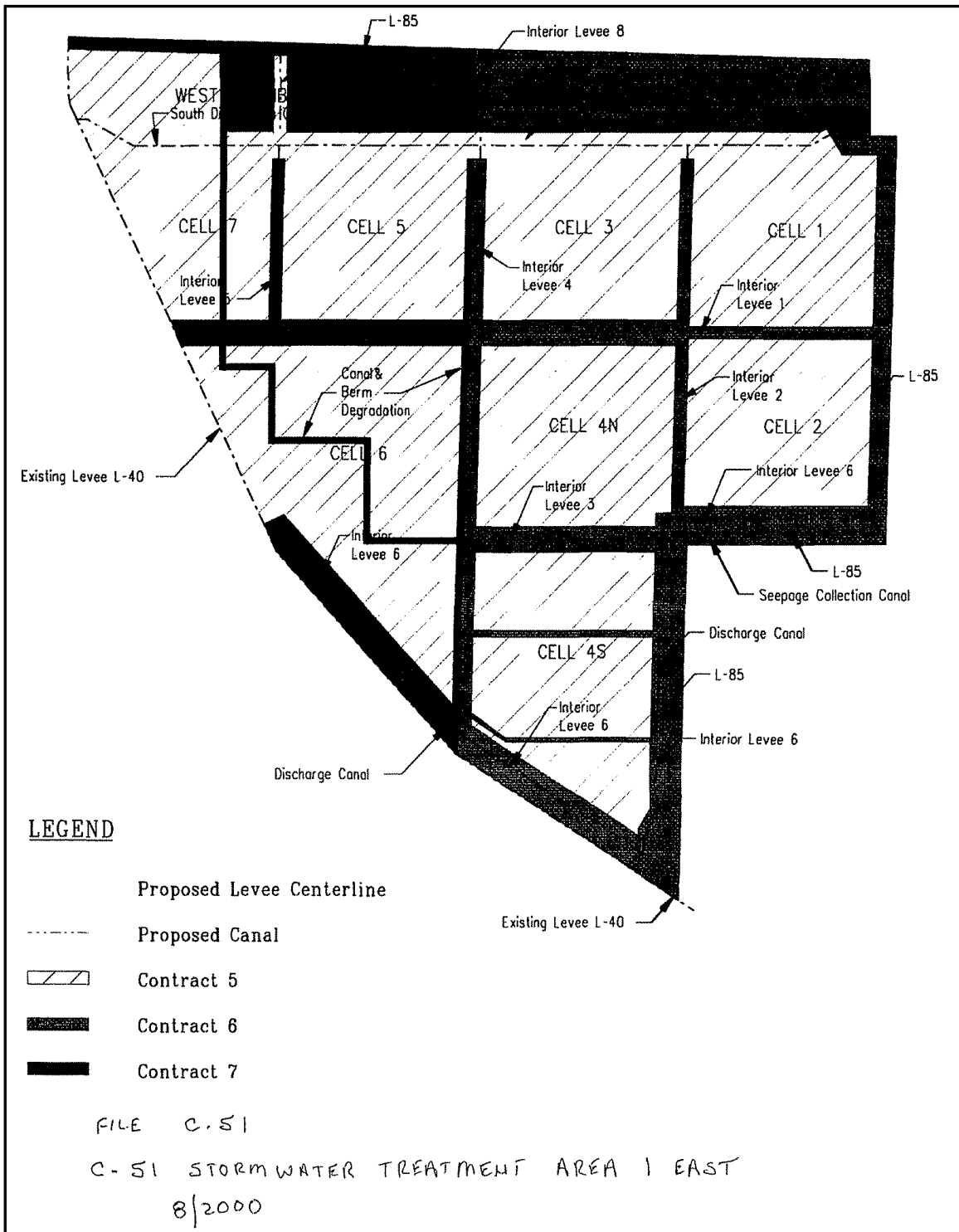
Under the heading "Management Principles," the statement echoed the Settlement Agreement and Consent Decree in calling for the acquisition and establishment of flow-through filtration marshes, known as stormwater treatment areas (STAs), as the major component for cleanup of nutrients in the EAA. Water would pass through these marshes, allowing plants and other matter to cleanse the resource of phosphorous and other nutrients. The statement stipulated that parts of the Holey Land and Rotenberger tracts be used for these STAs, and it provided strong incentives for industry to implement BMPs. Unlike the earlier documents, however, it did not stipulate target levels for phosphorus outputs: these would be developed through subsequent

research and calculations. In the following section on “Financial Principles,” the statement described the respective commitments by the agricultural industry, the state, and the federal government in considerable detail. The agricultural industry agreed to pay up to \$322 million over the next 20 years for construction, research, monitoring, and operation and maintenance of the STAs. This constituted an impressive two-thirds of a \$465 million plan. However, the contribution by Big Sugar was much less than these gross figures suggested. The state and federal governments would outspend the agricultural industry by more than two to one in the early going, and the agricultural industry’s overall share, which would potentially escalate in the latter part of the 20-year period, would be substantially reduced through a credit system if target levels for phosphorus outputs were met according to schedule.<sup>11</sup>

Environmentalists almost unanimously denounced the Statement of Principles as vague, weak, and ingenuous. They did not like the provisions regarding the Rotenberger and Holey Land tracts, which they still wanted to use as buffer zones for the water conservation areas and Everglades National Park. They also wanted hard target levels of parts per billion, as they did not trust federal and state officials and industry representatives to calculate specific limits at a later time.<sup>12</sup> With regard to the financial commitments, environmentalists believed the sugarcane growers had obtained a sweetheart deal from the Clinton administration. They wanted the growers to give up more of their land for filtration marshes and to pay a greater share of the cleanup cost. The Statement of Principles was vague on how the money would be collected, they declared, as well as how the credits would be assessed. In addition, environmentalists pointed out, some large sugarcane growers were not parties to the agreement.<sup>13</sup>

The Statement of Principles opened a fissure between environmentalists and the Clinton administration that would widen over the next three years. Environmentalists felt excluded by the mediation process, and although the Everglades Coalition and other environmental groups were invited to attend the ceremony at the Department of the Interior, the community was not mollified. EC members were quick to condemn the Statement of Principles as a sell-out to Big Sugar, whom they had been vilifying for years. Indeed, the fanfare surrounding its announcement, the photo opportunity for sugar industry moguls to share the podium with Secretary Babbitt and Governor Chiles, even the decision to unveil the Statement of Principles in the opulent auditorium of the Department of the Interior, all seemed calculated to offend in the view of some environmentalists. For Joe Browder, a consultant to the EC, the idea of inviting Big Sugar to proclaim its commitment to ecosystem restoration in the venerable old auditorium at Interior was no less than an act of defilement. “This [was] like pissing in the holy water,” he would later comment.<sup>14</sup>

Browder had harsh words for Secretary Babbitt at the conclusion of the event. As the press conference was drawing to a close, Browder rose from his chair and said angrily, “It’s an absolute betrayal, Bruce, and it won’t stand.” A few minutes later he buttonholed Babbitt on the floor of the auditorium. “This whole plan is bad science. I can’t understand why you would agree to this.” A *Miami Herald* reporter who was standing behind a pillar out of the secretary’s view recorded the exchange. “Well that’s my job, Joe, to find compromise,” was Babbitt’s exasperated reply.<sup>15</sup>



A diagram of STA-1 East. (Source: U.S. Army Corps of Engineers, Jacksonville District.)

## STATEMENT OF PRINCIPLES

The Everglades is a wetland and wildlife resource unique in all the world. It has defined life in South Florida since humankind's introduction to the region. In acting to protect this important resource, we begin to define life for subsequent generations of Americans: what we choose to protect helps define us as a people.

In pursuit of human progress, South Florida has been ditched, diked, and drained for much of this century. By so doing, we have sought to provide a healthy, attractive living environment for millions of people safe from flooding and other natural forces; and to provide a base for a flourishing agricultural industry that provides important products, jobs, and income regionally and nationally.

But in the last decade we have come to realize the tremendous cost this alteration of natural systems has exacted on the region. This agreement will begin the renewal of the Everglades ecosystem, restoring natural flows of clean water. The result will benefit wildlife, urban drinking water supplies, and Florida Bay and other coastal waters and the life they sustain - - waters which are inextricably linked to the health of the Everglades themselves.

The Statement of Principles set out here is the basis on which the parties signing this agreement will seek a stay of pending litigation for 90 days, to reach a detailed settlement agreement resolving disputes that would otherwise continue for many years at enormous cost not just to the parties, but to the Everglades as well - - postponing the initiation of action to address critical threats to the system. Based on these principles, we will seek to include in the settlement discussions all parties to pending litigation who wish to contribute to the process.

We pledge more than a Plan; we pledge to provide the resources necessary for its successful implementation.

Moreover, we pledge to inaugurate an unprecedented new partnership, joining the Federal and State governments with the agricultural industry of South Florida, to restore natural values to the Everglades while also maintaining agriculture as part of a robust regional economy.

In addition, we will jointly conduct future scientific research on the ecological needs of the Everglades system and appropriate means to address those needs.

In so doing, we hope our efforts can become a national and international model for sustaining both the environment and the economy.

### Management Principles

#### **An End to Litigation.**

In light of our commitment to implement these Principles, the parties to this Statement agree to join in motions to stay all Everglades litigation and administrative proceedings, including pending 298 District Administrative Litigation regarding Lake Okeechobee, for a period of 90 days, except for entry and access and the appeals pending before the Eleventh Circuit Court of Appeals.

This is necessary because, while this Statement signals a commitment to a process of mutual implementation of these Principles, it cannot and does not contain all provisions necessary for a comprehensive resolution of Everglades issues. We will use the 90-day period to resolve remaining issues and develop a complete settlement agreement.

#### **A Commitment to Increasing Water Quantity to the Everglades.**

A Technical Plan has been developed in intensive discussions over the past 120 days by experts from all sides. That Technical Plan addresses the improvement of water quality reaching the Everglades. It also commits to important steps in addressing pressing water quantity, sheet flow and other hydro-period restoration needs of the Everglades Ecosystem and of agricultural and other elements of South Florida's economy.

The first page of the Statement of Principles.

Dexter Lehtinen, who had spearheaded the earlier Settlement Agreement in 1991, blistered the federal government for giving away too much in the Statement of Principles. “It’s vague and ambiguous on all the important points,” he said. “It reminds me of Vietnam. You give up, declare victory, and go home.”<sup>16</sup> A group called Clean Water Action immediately condemned the Statement of Principles as a taxpayer bailout of the sugar industry. Clean Water Action, more than any other group, appealed to people’s pocket books. Florida taxpayers, particularly those in the SFWMD, would soon face a substantial hike in property taxes. Sylvia Kule, a member of Clean Water Action, promised to lead a bus load of senior citizens from Delray Beach to West Palm Beach to confront the governing board of the SFWMD when it met to approve the new \$21 million ad valorem tax as called for in the Statement of Principles.<sup>17</sup>

Environmentalists were not the only ones who had problems with the Statement of Principles; the Miccosukee and Seminole Indians vilified the arrangement as well. Because no Miccosukee had participated in the negotiation of the principles, Billy Cypress, chairman of the tribe’s business council, denounced them as sacrificing the Miccosukee’s interests “on the alter [*sic*] of consensus.” The document contained “shocking concessions to the special interests,” Cypress continued, and he charged negotiators with deliberately preventing the Miccosukee and environmentalists from participating in the discussions because of their objections.<sup>18</sup> Lehtinen, speaking on behalf of the Miccosukee, went even further, claiming that the Statement of Principles would become known as “the Munich of the Everglades,” where the federal government purchased “peace in our time with Big Sugar, leaving to others the difficult task of actually saving the Everglades.”<sup>19</sup> The specific problems with the principles, according to Cypress and Lehtinen, who the tribe had hired as their attorney, was that they allowed delays in implementing water quality standards; they provided no “method or mechanism for achieving final [water quality] standards”; and they allowed Big Sugar to “pay less than the full cost of its own pollution.” Instead, Cypress wanted to see the state and federal government adopt a final phosphorous standard of 10 parts per billion, achieved by 2002 in the water conservation areas, Big Cypress National Preserve, and Everglades National Park.<sup>20</sup> The Seminole were less strident in their comments, but still believed that the principles had several problems, including the possibility that they would “change the quantity of water flowing across the Big Cypress Reservation, . . . the timing and distribution of this water, and its quality.”<sup>21</sup>

Although the environmental community and the Miccosukee had some legitimate complaints of the Statement of Principles, in many ways their opposition demonstrated a growing belief that a plan that made any kind of concessions to Big Sugar was wrong, regardless of the benefits it might produce. This belief stemmed from many factors, but the primary dynamic was the mutually beneficial relationship that the sugar industry had with the federal government. The industry profited from federal subsidies and price supports and returned the favors with large donations to politicians that looked out for sugar’s interests. As one article reported, between 1979 and 1994, the sugar industry donated \$12 million to both Democratic and Republican politicians, including more than \$660,000 to sitting members of the House Committee on Agriculture between 1985 and 1990. In return, Florida’s sugar industry alone had received more than \$5 billion in government subsidies since the 1940s. These figures, coupled with the notion that the industry abused its labor force for large profits, made any kind of compromise with Big Sugar hard for many environmentalists to swallow.<sup>22</sup>

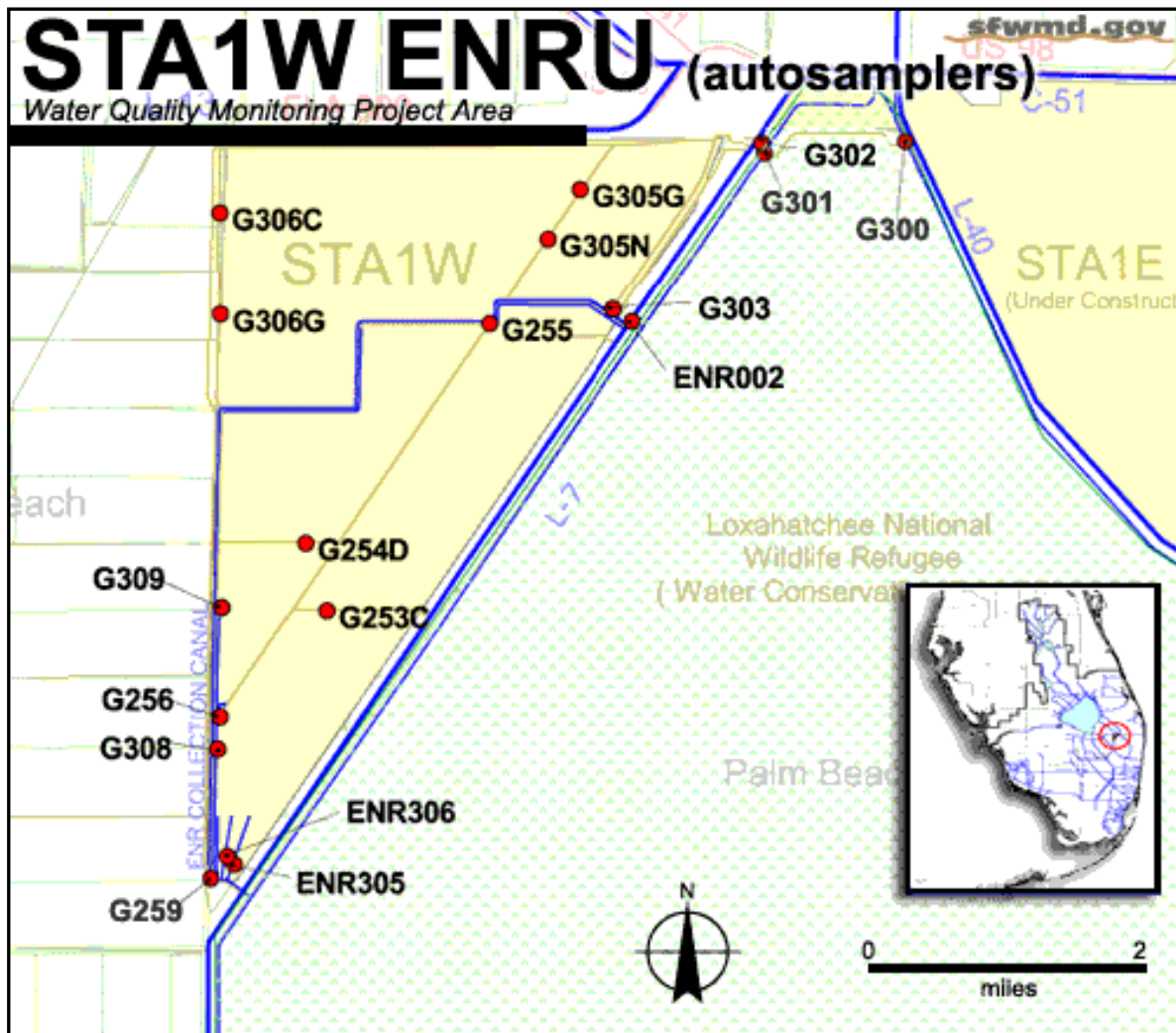
Therefore, it was not surprising that Jim Webb of the Wilderness Society was the only environmentalist who endorsed the Statement of Principles. Having earlier worked with Babbitt and officials in the Corps to get Congress to fund a restudy of the C&SF Project, he now accepted the compromise as a necessary step in moving the ecosystem restoration effort forward. Amid all the criticism from the environmental community, Webb's endorsement was a slender reed on which Babbitt and his team hoped to bring environmentalists back into the fold. But as some Democratic strategists soon observed, most environmentalists in Florida had nowhere else to go, as they would not vote Republican.<sup>23</sup>

Attention now turned to the state's Everglades Nutrient Removal Project, the prototype for the \$465-million system of STAs mandated by the Statement of Principles and prescribed by the Settlement Agreement and Consent Decree prior to that. Begun in August 1991, the construction project was nearing completion. At a cost of \$14 million, the constructed marsh occupied a 3,742-acre delta-shaped area situated on the border of the EAA and the Loxahatchee National Wildlife Refuge. Surrounded on all sides by earthen berms, the marsh was to be fed by a two-mile supply canal that would drain 35,000 acre-feet of water per year from the West Palm Beach Canal and farm seepage. The nutrient-laden water was to flow through a series of cells, each one filled with aquatic plants that would absorb phosphorus and "scrub" the water before it moved to the next cell. The first cell in the sequence, called the "buffer cell," was a 135-acre area dense with cattails and algae that had a high capacity for taking phosphorus out of the water. As the cattails and algae died and decomposed, they would form a bottom layer of peat that would trap phosphorus permanently. From the buffer cell the water flowed through four massive cells, each covering several hundred acres and host to a different type of aquatic vegetation. Scientists hoped to compare the relative effectiveness of each type of aquatic plant for phosphorus removal. In addition, in Cells 1 and 2, separate 7.5-acre research cells would test different combinations of water depth, speed, and quantity. Engineers expected to apply the test results to the design of other, larger facilities that would be built at other locations around the EAA.<sup>24</sup>

Some scientists worried that the restoration effort relied too heavily on this single technological solution. The goal of the Everglades Nutrient Removal Project was to reduce phosphorus concentrations from 200 parts per billion (ppb) to 50. These results had been achieved from constructed wetlands before, but only where the wetlands were far larger in relation to the quantity of water flowing through them. Here the technology was being applied in an intensified form on an unprecedented scale, and it was being put forward as the primary solution to the problem. It remained to be seen whether the STAs could get phosphorus concentrations down to 50 ppb, and it was also unknown how effective the STAs would be on a long-term basis. Some skeptics complained that too much was riding on untried technology, that Babbitt and others were pushing "voodoo science." Other scientists shared these concerns, but emphasized that the Everglades cleanup could not wait for more answers. Richard Harvey of the Florida Department of Environmental Protection was one scientist who believed the gamble to be necessary. "Given a lot of time, waiting would be a valid argument," he told a reporter. "We're not willing to wait two to three years. We don't want the process to be slowed down."<sup>25</sup>

In November 1993, activation of this first experimental STA hit an unexpected snag. Water discharging from the STA into the Loxahatchee National Wildlife Refuge did not meet the 50 ppb standard. The EPA, citing authority under the Clean Water Act, decided that the SFWMD





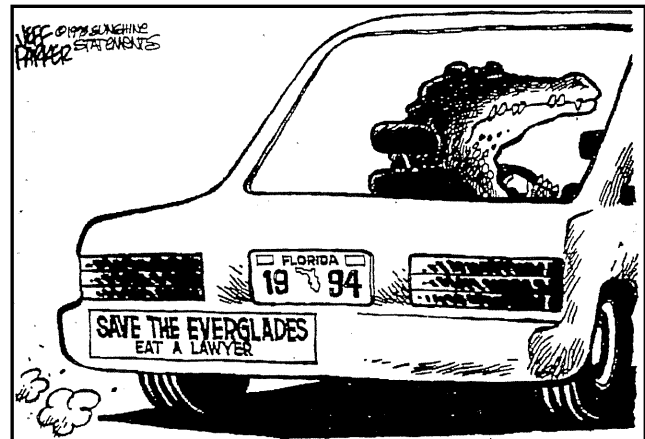
Map of the Everglades Nutrient Removal Project. (Source: South Florida Water Management District.)

must obtain a federal permit to make further releases of this polluted water, a position consistent with the Settlement Agreement and Consent Decree of 1991-1992. It was also in step with plans in Congress to review the Clean Water Act in the upcoming session and extend its reach to farm-polluted water. But the requirement took SFWMD administrators by surprise. With water collecting in the STA and threatening to overtop the berms, the SFWMD resumed discharges into the Loxahatchee National Wildlife Refuge without a federal permit. Despite earlier threats, the EPA declined to levy a fine against the SFWMD. Nevertheless, the confrontation between EPA and the SFWMD alarmed farmers, who complained that they did not want to spend millions of dollars building filtration marshes only to have them commandeered by EPA. Moreover, they were concerned that the federal government would condemn a portion of their sugarcane fields for wetlands restoration without due compensation. In December, even as federal and state officials worked out their differences over the permit issue, agriculturists walked out of mediation talks, with representatives of the U.S. Sugar Corporation and the Sugar Cane Growers

Cooperative of Florida refusing to sign the final version of the 1993 compromise. By early January, the litigation threatened to begin anew, as the administrative law judge set two hearings to schedule more than 150 depositions.<sup>26</sup>

Federal and state officials were stunned by the breakdown of negotiations. Their effort to forge consensus lay in tatters. Six months earlier they had alienated the Everglades Coalition; now at the end of 1993 they had lost the farmers as well. But the Clinton and Chiles administrations remained committed to working together on an Everglades restoration plan; there would be no more division between the federal government and the state. The Settlement Agreement and Consent Decree ensured against that. Moreover, the Clinton administration still had links to Alfonso Fanjul, Jr., president of Flo-Sun and a generous donor to the Florida Democratic Party. When the farmers broke off negotiations, Florida Crystals, Inc., a subsidiary of Flo-Sun (and the largest sugar producer in the EAA) kept the lines of communication open. In February 1994, Florida Crystals and federal negotiators quietly reached a separate agreement, whereby the corporation agreed to pay for nearly half of the construction costs of the STAs in exchange for not having to implement phosphorous standards until 2008. This arrangement infuriated nearly everyone: the Miccosukee Indians, environmentalists, and even Florida Crystals' counterparts, the U.S. Sugar Corporation and the Sugar Cane Growers Cooperative, whose strategy was now in disarray. Environmentalists and the Miccosukee took the issue to court, while Fanjul reaped the benefits: he was invited by Vice President Gore to attend an economic summit at the White House, and he hosted a tour of a waste-to-energy facility on his sugar plantation by the President's Council on Sustainable Development.<sup>27</sup>

If the beginning of 1994 seemed to mark the nadir of the Clinton administration's effort to build consensus around South Florida's water management issues, it also galvanized public opinion for a renewal of that effort. On 3 March 1994, Governor Chiles announced that he was establishing the Governor's Commission for a Sustainable South Florida to solicit points of view and forge consensus in water matters. The commission would include 35 voting members appointed by the governor representing the business community, public interest and environmental organizations, county and city governments, and one representative each from the SFWMD, the South Florida Regional Planning Council, the Treasure Coast Regional Planning Council, the Florida Department of Environmental Protection, the Florida Game and Fresh Water Fish Commission, the Florida Senate, and the Florida House. In addition, it would include four non-voting federal officials representing the Corps, the Department of the Interior, EPA, and NOAA. The commission's primary charge was to "improve coordination among and within the private and public sectors regarding activities impacting the Everglades Ecosystem." Like the



An editorial cartoon showing the disgust that some felt with the continuing litigation over phosphorous cleanup.

President's Council on Sustainable Development, it was to "recommend strategies for ensuring the South Florida economy is based on sustainable economic activities that can coexist with a healthy Everglades Ecosystem."<sup>28</sup>

Governor Chiles asked Estus Whitfield, the longtime advisor to Florida governors on environmental matters, to recommend a chairman for the commission. Whitfield suggested Richard Pettigrew, a former state legislator and speaker of the house. It was a fortunate choice. Pettigrew had the necessary prestige to make the commission visible to the public; he had experience at building consensus in the state legislature; and he had the right personality and temperament to control a large commission: patient, soft-spoken, empathetic, a skilled debater. In 1994, Pettigrew had been retired from state politics for some years and was practicing law in Miami, but he agreed to serve as chairman, holding the position until the commission completed its work in 1999.<sup>29</sup> Everglades hands who worked with the Governor's Commission universally praised his leadership: "a masterful job," "a fantastic job," "a master at bringing the interests together," "absolutely critical to the success."<sup>30</sup>

But this remarkable achievement still lay several years in the future. As the Governor's Commission began its work in the spring of 1994, federal and state legislators were working to enact two pieces of legislation – one federal and one state – that would further define the Everglades restoration process as a joint federal-state undertaking. The first of these, passed by Congress in March 1994, amended the Everglades National Park Protection and Expansion Act of 1989 to allow the secretary of the interior to take funds appropriated for flood control projects in the East Everglades and apply them for land acquisition in that area instead. The authorization paralleled another federal commitment to land acquisition in the Kissimmee River Valley and buttressed the state's ability to purchase land in the EAA. As such, it marked another step in the gradual transformation of the C&SF Project into the Comprehensive Everglades Restoration Plan. In a timely show of bipartisanship, Congressman Clay Shaw of Miami, a Republican, and Congressman Peter Deutsch of Broward County, a Democrat, co-sponsored the bill in the House, while Senator Bob Graham saw it through the Senate.<sup>31</sup>

State legislators, meanwhile, crafted a state law that went even further in solidifying federal support for Everglades restoration. The Everglades Forever Act, which Governor Chiles signed into law on 3 May 1994, codified construction projects and other cleanup efforts embodied in the Settlement Agreement (1991), Consent Decree (1992), and Statement of Principles (1993). The law described a treatment system, funding plan, regulatory program, research program, land use plan (including land acquisition in the East Everglades Area), and restoration schedule. The treatment system, which would be built by the SFWMD and known as the Everglades Construction Project, featured a combination of STAs and BMPs. In addition to the six STAs previously contemplated, the law required the Corps to complete a seventh, STA 1-E as part of its work on a flood control project in the western C-51 basin.<sup>32</sup>

The funding plan called for a contribution of between \$233 and \$322 million by farmers (the same as in the Statement of Principles), and approximately \$400 million by the state (a substantial increase over what had been outlined in the Statement of Principles). These amounts would be accompanied by an \$87 million contribution by the federal government. The Florida Department of Environmental Protection and the EPA would regulate discharges by the STAs, and the SFWMD would supervise discharges by agricultural interests. The law mandated

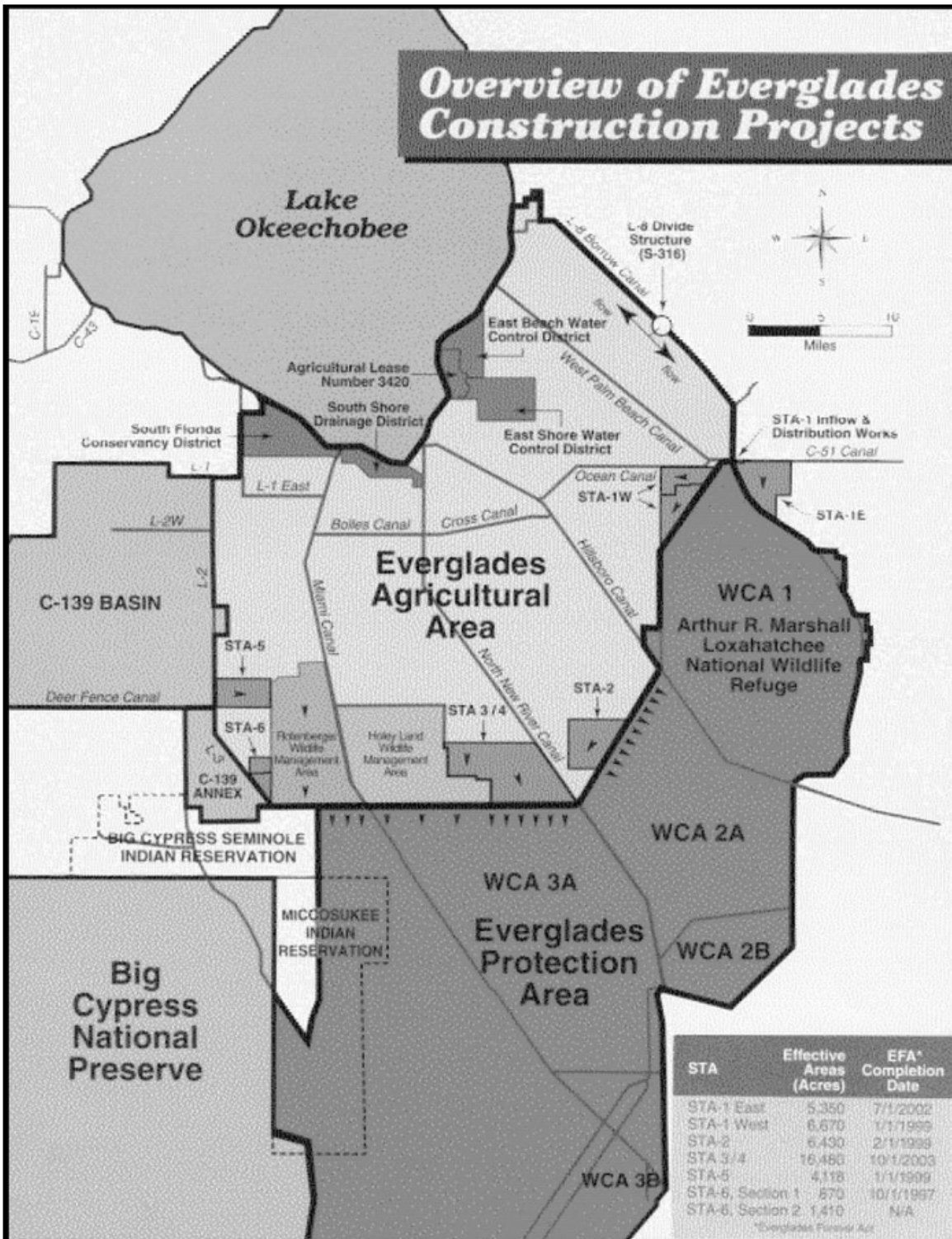
research to establish a scientific, numerically based standard for phosphorus levels and stipulated a default standard of 10 parts per billion if the Department of Environmental Protection did not set a standard by 2003. The restoration schedule called for the various STAs to become operational between 1997 and 2003, and all areas of the Everglades were to meet applicable water quality standards by December 31, 2006.<sup>33</sup>

In the spirit of achieving “balance,” the Everglades Forever Act involved give and take by all sides. Governor Chiles could finally claim some success in bringing an end to the lawsuits and getting a restoration plan in place, while the Clinton administration had achieved its goal of establishing a long-range partnership between the federal government, the state, and the private sector. The sugar industry had held the line on its financial commitment, and it had obtained a reprieve of several years before more stringent guidelines on phosphorus levels would take effect. Environmentalists had won their point that the extensive acreage required for STAs should come out of agricultural lands, not the state-owned Rotenberger and Holey Land tracts.

Still, the environmental community, together with the Miccosukee Indians, believed that Big Sugar was the winner in this law, and that the environment and Florida taxpayers were the losers. The main problem, these groups contended, was that the Everglades Forever Act pushed back deadlines for agriculturists to meet water quality standards, essentially allowing the pollution of the Everglades to continue until 2006. These provisions convinced environmentalists and the Miccosukee that the Clinton and Chiles administrations, as well as state legislators, had sold out to the powerful sugar lobby, which, they said, had flooded the state capital with some 30 to 40 lobbyists.<sup>34</sup> They characterized the law as a disgraceful retreat from the Marjory Stoneman Douglas Everglades Protection Act of 1991. Indeed, the 1994 legislation began as an amendment to the earlier act and was only given a new title after Douglas, the grand dame of Everglades preservation, denounced the effort and demanded that her name be taken off the bill.<sup>35</sup> Although sugar interests contended with the notion that it had unduly influenced state politicians to pass the act, they did not disagree that the industry benefited from the law. According to Barbara Miedema, vice president of communications for the Sugar Cane Growers Cooperative of Florida, the Everglades Forever Act provided “a far better, more comprehensive solution” than the Settlement Agreement or Consent Decree.<sup>36</sup>

The Miccosukee were especially vehement in their denunciations of the Everglades Forever Act, claiming that it merely codified the objectionable parts of the Statement of Principles and that it kowtowed to the sugar industry. In protest, the tribe took several actions. First, it, along with other entities, petitioned the Florida Department of Environmental Protection to implement a 10 ppb phosphorous standard immediately. When the department refused, the tribe filed a case in the federal district court, charging that the act changed Florida’s water quality standards. At the same time, the Miccosukee – under the authority granted it by its water rights compact – began developing its own water quality standards, declaring that any water flowing onto reservation lands that exceeded the 10 ppb phosphorous limit would violate these standards. The tribe officially adopted these standards in December 1997, causing an uproar among the SFWMD and other agencies that would continue for the rest of the 1990s.<sup>37</sup>

Passage of the Everglades Forever Act was not the only setback for environmentalists and the Miccosukee in the spring of 1994. In its January meeting, the Everglades Coalition had made a strategic decision to endorse a petition drive to place a penny-a-pound pollution tax on sugar on



The Everglades Construction Project and STAs. [Source: U.S. Army Corps of Engineers, Jacksonville District, *Central and Southern Florida Project Comprehensive Review Study: Final Integrated Feasibility Report and Programmatic Environmental Impact Statement* (Jacksonville, Fla.: U.S. Army Corps of Engineers, Jacksonville District, 1999).]

the statewide election ballot.<sup>38</sup> The penny-a-pound tax was the brainchild of George Barley, an Orlando developer whom Joe Browder called “the strongest citizen Everglades leader in Florida.”<sup>39</sup> As we have seen, Barley first got the attention of the environmental community for his efforts on behalf of Florida Bay. His success in bringing national attention to the degradation of Florida Bay was soon overshadowed, however, by his bold strategy to confront the Everglades polluters at the ballot box with the initiative for a tax on sugar. Barley’s organization, the Save Our Everglades Committee, argued that Big Sugar was not only the major culprit in the decline of the Everglades, but that it was trying to pass the buck for cleaning up its own waste. This line of argument had broad public appeal, especially among the urban populace of South Florida who paid, according to Barley’s organization, 111 times the amount that Big Sugar provided for water.<sup>40</sup>

The Everglades Coalition decided to get behind the Save Our Everglades campaign, a momentous decision as this was tantamount to the whole environmental community making a frontal attack on Big Sugar.<sup>41</sup> Anticipating a hard fight, coalition members concluded that they needed new leadership. They asked Joe Browder, the irascible critic of the Statement of Principles and no friend of the Clinton administration, to provide that direction. Browder agreed to serve, but wanted a co-chairman. The coalition elected Browder and Tom Martin as co-chairmen, while Theresa Woody of the Sierra Club was appointed grassroots coordinator.<sup>42</sup>

The penny-a-pound campaign soon acquired its own momentum. By the spring of 1994, more than half a million Florida voters had signed the petition, with 104-year-old Marjory Stoneman Douglas heading the list. The sugar industry fought back in the courts, complaining that the language in the petition unfairly passed judgment on the industry. In May, the Florida Supreme Court ruled that the initiative as written read too much like partisan rhetoric and could not go on the November ballot. With so many signatures already gathered, it was too late to reword the petition. The Save Our Everglades Committee, acknowledging that it had lost the battle but not the war, vowed to fight on and pursue a sugar tax by some other means, and the Everglades Coalition closed ranks behind it. The Supreme Court decision came less than three weeks after Governor Chiles signed into law the Everglades Forever Act. Locked in a struggle over the proposed sugar tax, the coalition had no choice but to place itself in opposition to the federal-state-agricultural partnership established under the Everglades Forever Act.<sup>43</sup>

The grassroots campaign to tax sugar – to make the “polluter pay” – had yet to reach full steam. That would happen in the context of presidential election year politics in 1996. In the meantime, environmentalists retreated into a skeptical funk as the state and federal governments moved ahead with the Everglades Construction Project – the name given to the system of STAs and other civil works mandated by the Everglades Forever Act.<sup>44</sup> As construction plans advanced through conceptual and preliminary design stages, the SFWMD acquired lands in portions of the EAA designed for STA 3 and 4. EPA granted a two-year extension of the SFWMD’s operating permit for the Everglades Nutrient Removal Project, or STA 1 W. Sugar growers, playing their new role of public-spirited private enterprise, implemented BMPs, and the governor’s office declared that the BMPs made a total phosphorous reduction of 44 percent compared to the baseline level of the previous decade.<sup>45</sup>

The federal and state governments proceeded as well with their respective efforts to build consensus for a comprehensive ecosystem restoration plan, aided by a workshop held in June

1994 for natural and social scientists funded by the U.S. Department of State's Man and the Biosphere Program. These scholars – both academicians and government personnel – discussed principles of ecosystem restoration and used South Florida as a case study of sustainability, primarily because “the Everglades and South Florida exemplify the complex set of issues that must be addressed to sustain human-dominated ecosystems.” The group decided that federal and state forces needed to consider “urban, agricultural, and ecological systems” as they developed plans to maintain “fresh, flowing water” throughout the Everglades system. Based on a study of different hydrologic restoration scenarios, the group proclaimed the possibility of restoring the Everglades while continuing to meet urban and agricultural needs.<sup>46</sup>

At the same time, issues with Florida Bay continued to percolate. Scientists, including those from the NOAA, the SFWMD, and various universities, studied the issue in order to determine what was causing problems in the bay and how they could be resolved. Different subgroups of the Interagency Working Group and the South Florida Ecosystem Restoration Task Force examined the issues as well; the Interagency Working Group on Florida Bay sponsored efforts to develop an interagency science plan for the bay. In 1994, the plan was completed, representing “the first interagency science plan for any South Florida subregion formulated under the aegis of the South Florida Ecosystem Task Force.” Among other things, the plan called for trying to understand Florida Bay's condition prior to drainage and separating human-caused change from natural evolutions. It recommended the use of computer models to simulate how the bay would respond to change, and it posed a series of questions that needed answering.<sup>47</sup>

Despite these efforts, the end of 1994 saw little real progress, and the Florida Keys National Marine Sanctuary Advisory Council noted that no single issue was more important “to all of us, than getting restoration moving on Florida Bay.” Likewise, George Frampton, assistant



Florida Bay. (Source: South Florida Water Management District.)

secretary of the interior who chaired the task force, emphasized the importance of getting general restoration efforts off the ground. “This is not rescuing an ecosystem at the last minute,” he declared. “This is restoring something that has gone over the edge.”<sup>48</sup>

Meanwhile, the Governor’s Commission for a Sustainable South Florida led the state’s effort to achieve consensus, meeting monthly and reporting to the governor on a quarterly basis. This body provided a crucial forum for representatives of the environmental community and the agricultural industry to go toe to toe and talk through their issues. In the early meetings, Chairman Richard Pettigrew enlisted the Florida Conflict Resolution Consortium to facilitate the process. With myriad issues to tackle, the commission had to decide whether to form committees or work through all the issues in a large group.

At first the members did not trust each other to divide into committees, but this soon changed. The commission met in a new location each month – Clewiston, Fort Myers, the Keys – and on the second day of these two-day meetings there was regularly a no-host event at which members had an opportunity to get to know one another as individual human beings, which built relationships of trust. This was essential to their mission of finding common ground. Gradually, commission members united behind a single vision: to put forward a plan for ecosystem restoration that would benefit all interests, be they agricultural, urban, recreational, or environmental. Indeed, Carol Rist, an environmentalist on the Governor’s Commission, stated that a critical turning point for the commission came when agricultural and urban interests realized that they would not get federal money for reinventing the C&SF Project unless it was part of a program for restoring the Everglades. At that moment, Rist remembers, group members began to look for common ground with each other and with the environmental community.<sup>49</sup>

Meanwhile, the Corps proceeded with the reconnaissance phase of its restudy and, in 1995, presented a six-year plan for a feasibility study. An article in *Science* delineated the ultimate plan for restoration, stating that federal and state agencies wanted to “replumb the entire Florida Everglades ecosystem, including 14,000 square kilometers of wetlands and engineered waterways” at a cost of \$2 billion, one-third of which was supposed to come from the federal government. The efforts would attempt to “take engineered swampland riddled with canals and levees and transform it into natural wetlands that flood and drain in rhythm with rainfall.” Wetlands managers across the world were watching with interest, the article claimed, to see if the Florida plan would succeed, hoping to discover solutions for “their own ravaged regions.” However, since nothing this complicated had ever been attempted, the restoration, which still did not have a “final blueprint,” would have to operate on “a hefty dose of scientific uncertainty.” In addition, politics threatened to capsize the undertaking, especially since it was unclear whether the “broad coalition of interests and money, from federal and state agencies to environmentalists and urban developers” could hold together over the life of the project. “We have the technical knowledge to do the restoration,” John Ogden, a biologist for Everglades National Park stated, “but I worry about sustaining the political will.”<sup>50</sup>

Indeed, despite state and federal efforts, environmentalists and sugarcane growers remained hostile. In January 1995, the EC announced that it would initiate a nationwide campaign against sugar price supports. If the growers refused to pay a fair amount to clean up their own waste, environmentalists reasoned, then the next step was to attack federal subsidies and allow market forces to drive some of the producers out of the EAA. Many now argued that sugarcane did not



belong in the area at all: it was grown in the Caribbean at much less expense and without so much harm to the environment. Environmentalists soon found an unexpected ally in U.S. Senator Richard Lugar, a Republican from Indiana.<sup>51</sup> In the fall of 1995, Lugar was looking for voter support in Florida in his bid for the Republican Party presidential nomination. To court environmental interests, he proposed a federal tax on sugar, suggesting that the revenue be used to buy sugar plantations in the EAA for conversion into wetlands, thereby protecting the Everglades.<sup>52</sup>

Lugar's opponent in the Republican Party primaries, Senator Robert Dole, had a counter proposal. Under Dole's guidance, a section was inserted in the Federal Agricultural Improvement and Reform Act of 1996 appropriating \$200 million (available to the secretary of the interior on 1 July 1996) to acquire property in the Everglades ecosystem for restoration purposes and to "fund resource protection and resource maintenance activities in the Everglades ecosystem." Although this was one of the first federal appropriations specifically for Everglades restoration, it still upset some environmentalists because it did not force the sugar industry to contribute to the cost of these purchases.<sup>53</sup>

Not to be outdone, Vice President Albert Gore announced in February 1996 a comprehensive seven-year plan developed by the Clinton administration to restore the Everglades. This plan included both a slug of federal money to buy sugarcane plantations in the EAA and a penny-a-pound tax on Florida sugar. It proposed to double the federal government's current spending levels on Everglades protection to at least \$500 million.<sup>54</sup> Sugar growers were not pleased; according to one account, Alfonso Fanjul called President Clinton after Gore unveiled the plan and "bitched" the President out. "He'd campaigned for Clinton, delivered a lot of votes," one lobbyist explained, "and here was Gore paying him back with a tax."<sup>55</sup>

In addition, the timing of Gore's announcement, coming on the heels of the two Republican proposals and on the eve of the state primaries in the 1996 presidential election campaign, gave some observers the impression that South Florida's environmental problems had ignited a bidding war. *Newsweek* saw the plan, which could ultimately total \$1.5 billion, as "the high-water mark of reform," trumping Dole's "more modest plan to spend \$200 million of taxpayer funds – not sugar money – to buy some of the sugar cane land for a water-restoration project."<sup>56</sup> *The Economist*, a conservative British magazine, described the administration's restoration plan under the jaundiced title, "The Florida Everglades, River of Money." This writer had no doubt that the federal largesse was aimed at capturing Florida's 25 electoral votes in the coming presidential election. "The federal cash has one source: election year politics," the article intoned.<sup>57</sup>

Election year politics continued to frame the issues. Buoyed by the administration's support for a penny-a-pound tax on sugar, the Save Our Everglades campaign secured enough signatures to get three proposed amendments to the Florida constitution on the November 1996 ballot. One would impose a penny-a-pound tax on sugar grown in the EAA, another would establish the



**Senator Bob Dole. (Source: U.S. Senate.)**

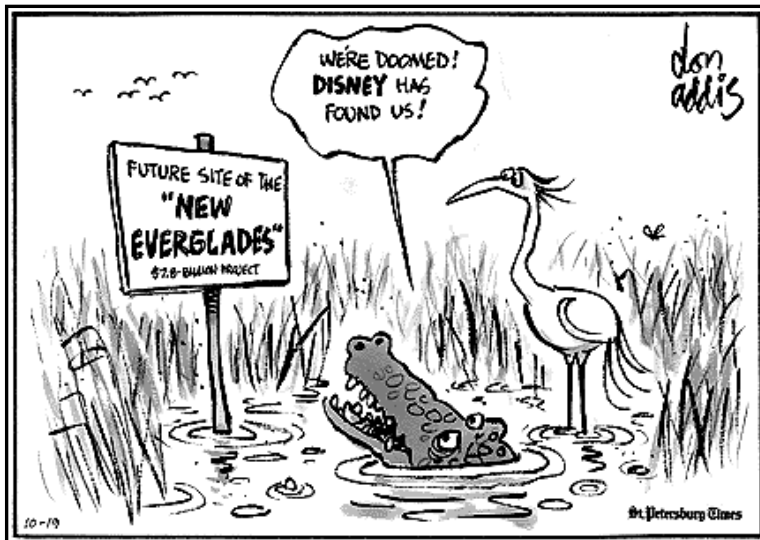
principle that polluters were responsible for cleaning up their own waste, and the third would create a trust fund for Everglades restoration. The amendments were a bold and unusual step in two respects: they took the matter directly to a vote of the people, and they sought to hold one industry chiefly accountable for the pollution of the Everglades. After George Barley died in a 1995 plane crash on the way to an Everglades restoration meeting, his wife Mary headed the penny-a-pound campaign, using the financial backing of Paul Tudor Jones, the founder and chairman of the Tudor Group of Companies (a money management firm in Connecticut). Jones, a friend of the Barleys who had become interested in Florida's environmental health, pledged at George's funeral to pick up the environmental flag. With Jones' bankroll, Mary's citizen effort provoked a massive response by the sugar industry, which filed some 38 lawsuits challenging the amendments and spent around \$35 million on advertising that opposed the penny-a-pound tax; environmental interests were only able to generate approximately \$11 million for advertising. The advertising campaign reached a crescendo on Election Day, when the industry spent more than a million dollars to convince voters that the tax would ruin the industry and eliminate 40,000 jobs. Voters approved two amendments, but they rejected the crucial penny-a-pound tax.<sup>58</sup>

Environmentalists were not only stung by this second defeat of the tax initiative, some were embittered by what they viewed as a second betrayal by the Clinton administration. Once the Save Our Everglades campaign succeeded in getting the amendments on the ballot, the Clinton administration dropped its own proposal for a penny-a-pound tax on sugar. Ostensibly, the administration wanted to defer to Florida voters on this issue, a natural position, but environmentalists saw in this development the nefarious hand of Big Sugar. They were even more doubtful of the administration after it backpedaled from Gore's earlier pledge to take no less than 100,000 acres out of sugarcane production and rededicate the land for pollution abatement. Reportedly, the administration modified its position on this matter after another telephone call to the White House by Alfonso Fanjul.<sup>59</sup>

Embittered environmentalists claimed that the Clinton administration had politicized the planning process initiated by Secretary Babbitt in 1993 in order to win the state of Florida in the election of 1996. They accused Vice President Gore of grandstanding with the "Gore plan" while capitulating to the sugar interests, so that Clinton and Gore could win votes *and* maintain Big Sugar's political support.<sup>60</sup> In fact, Florida did swing narrowly into the Democratic column in President Clinton's re-election. It should be remembered that the Florida vote barely tipped to President George H. W. Bush in 1992, and would be so close in 2000 as to confound the national election until the U.S. Supreme Court decided the matter for President George W. Bush. It is impossible to draw a precise connection between Florida's crucial role in these national elections and the growing willingness by the White House and Congress to invest in Everglades restoration during the 1990s, but the connection cannot be ignored. As EPA administrator Carol Browner observed about the \$200 million for Everglades restoration included in the 1996 farm bill, "suddenly, the political stars aligned."<sup>61</sup> The same thing would be said about CERP four years later.

But even with the Clinton administration's apparent backpedaling, there were glimmers of hope. The U.S. Army Corps of Engineers, for example, had completed the reconnaissance phase of its Restudy of the C&SF Project, declaring in November 1994 that "the fundamental tenet of

South Florida ecosystem restoration is that hydrologic restoration is a necessary starting point for ecological restoration.” Using an environmental evaluation methodology that compared the hydrological effects of different restoration projects, the Corps determined that “the hydrologic function of the historic south Florida ecosystems can be recovered,” and it recommended that it proceed with a feasibility study of the different restoration options that it could pursue.<sup>62</sup> Accordingly, the Clinton administration directed that the Corps complete, in the words of H. Martin Lancaster, Assistant Secretary of the Army (Civil Works), “a study to develop a comprehensive restoration plan for South Florida.” This study, Lancaster explained, would try to “determine the feasibility of structural and/or operational modifications to the Central and Southern Florida Project to restore the Everglades and Florida Bay ecosystems.”<sup>63</sup>



Editorial cartoon from the *St. Petersburg Times* about Everglades restoration. Used by permission of the *St. Petersburg Times*.

Congress authorized the feasibility study in the Water Resources Development Act of 1996 (WRDA-96), drafted largely by Michael Davis, Deputy Assistant Secretary of the Army (Civil Works), directing that the Corps develop “a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the South Florida ecosystem,” including ways to protect water quality and to restore water to the Everglades, before 1 July 1999. The legislation stipulated that the Corps work with the South Florida Ecosystem Restoration Task Force (which it

formally established) in this study, and it gave the Corps the authority to implement any restoration project “expeditiously” if it discovered that such an undertaking would “produce independent, immediate, and substantial restoration, preservation, and protection benefits.”<sup>64</sup> To fund these efforts, the law appropriated \$75 million, a large amount for projects that would normally fall under the umbrella of “continuing authorities.” Such continuing authorities were usually capped at \$5 million in order to preserve congressional control over them, meaning that it required, in the words of Davis, “some heavy lifting” on the part of the Corps before Congress would authorize the \$75 million. The law also stipulated that non-federal interests share 50 percent in the cost of any restoration effort. Because of these features, and because of the relatively short time span for the study, Davis considered it a “watershed event” that “set the bar high” for future restoration endeavors.<sup>65</sup> The South Florida Ecosystem Restoration Task Force agreed, declaring in a 1998 biennial report that WRDA-96 was “an ambitious milestone in the goal of restoring a sustainable South Florida.”<sup>66</sup>

By 1997, then, several pieces had fallen into place, expediting restoration of the Everglades ecosystem. Federal funding had been provided, both in the Federal Agricultural Improvement

and Reform Act of 1996 and in WRDA-96. Congress had stipulated that the Corps complete a restoration study by 1999, and had also authorized it to begin restoration efforts that would have a significant effect on the ecosystem. These gains were achieved, in large part, because of the cooperation of federal, state, and non-government interests, largely through the workings of the South Florida Ecosystem Restoration Task Force and the Governor's Commission for a Sustainable South Florida.

But beneath this veneer of consensus, trouble still brewed, primarily between the sugar industry and environmentalists. Environmentalist criticism of the 1993 Statement of Principles and the Everglades Forever Act, which were supposed to end Dexter Lehtinen's lawsuit, upset sugar magnates who had compromised to get them enacted, and these hard feelings were intensified by the environmental community's efforts to enact the penny-a-pound sugar tax. Sugar forces, meanwhile, enraged environmentalists by filing new suits against water quality controls and by influencing politicians, including President Clinton, to weaken the industry's responsibility for cleanup efforts. Because of these conditions, restoration efforts would proceed with some difficulty, even though they now had a level of unprecedented federal support.

## Chapter Fourteen Endnotes

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<sup>1</sup> G. H. Snyder and J. M. Davidson, "Everglades Agriculture: Past, Present, and Future," in *Everglades: The Ecosystem and Its Restoration*, Steven M. Davis and John C. Ogden, eds. (Delray Beach, Fla.: St. Lucie Press, 1994), 111.

<sup>2</sup> Snyder and Davidson, "Everglades Agriculture: Past, Present, and Future," 111. For more information on field workers (and for criticism of their treatment), see Wilkinson, *Big Sugar*.

<sup>3</sup> Lynn R. Martin and Eugene Z. Stakhiv, *Sustainable Development: Concepts, Goals and Relevance to the Civil Works Program*, IWR Report 99-PS-1 (Alexandria, Va.: Institute for Water Resources, Water Resources Support Center, U.S. Army Corps of Engineers, 1999), 3-5.

<sup>4</sup> "President's Council on Sustainable Development, Overview" <<http://clinton2.nara.gov/PCSD/Overview/index.html>> (1 September 2005).

<sup>5</sup> F. Douglas Muschett, ed., *Principles of Sustainable Development* (Delray Beach, Fla.: St. Lucie Press, 1997): 53-57.

<sup>6</sup> Rodgers, "The Miccosukee Indians and Environmental Law," 10924.

<sup>7</sup> As cited in "Everglades Plan Comes Under Fire," *National Parks Magazine* 67 (September/October 1993): 10.

<sup>8</sup> Department of the Interior News Release, 13 July 1993, File Pro Ever Everglades Restoration History, Box 21213, SFWMDAR; *The Tampa Tribune*, 15 July 1993.

<sup>9</sup> *The Miami Herald*, 14 July 1993.

<sup>10</sup> Statement of Principles, 13 July 1993, File Pro Ever Everglades Restoration History, Box 21213, SFWMDAR.

<sup>11</sup> Statement of Principles.

<sup>12</sup> Environmental groups had practical as well as philosophical reasons to be mistrustful: in their public service role as watchdogs over government regulatory agencies, environmental groups needed hard target levels to help them monitor the government's job performance.

<sup>13</sup> Everglades Coalition to Bruce Babbitt, Secretary of the Interior, 30 July 1993, in House Subcommittee on Oversight and Investigations and House Subcommittee on National Parks, Forests and Public Lands, Committee on Natural Resources, and House Subcommittee on Environment and Natural Resources, Committee on Merchant Marine and Fisheries, *Florida Everglades Ecosystem*, 103rd Cong., 1st sess., 1993, 461-465; *Sun-Sentinel*, 13 July 1993; Mark Derr, "Redeeming the Everglades," *Audubon* 95 (September/October 1993): 130.

<sup>14</sup> Browder interview, 7.

<sup>15</sup> All quotations in *The Miami Herald*, 14 July 1993; see also Browder interview, 7; Grunwald, *The Swamp*, 298.

<sup>16</sup> *Sun-Sentinel*, 13 July 1993.

<sup>17</sup> Browder interview, 7; *The Tampa Tribune*, 15 July 1993.

<sup>18</sup> Billy Cypress, Chairman, Miccosukee Tribe of Indians of Florida, to Honorable Harry Johnston, Member of Congress, 9 July 1993, File Everglades Mediation Miccosukee, Box 19706, SFWMDAR.

<sup>19</sup> As cited in Rodgers, "The Miccosukee Indians and Environmental Law," 10918.

<sup>20</sup> Billy Cypress, Chairman, and Dexter Lehtinen, General Counsel, "Position Statement Regarding Everglades 'Statement of Principles,'" 13 July 1993, File Everglades Mediation Miccosukee, Box 19706, SFWMDAR.

<sup>21</sup> "Seminole Tribe of Florida Comments and Concerns with the Everglades Mediation Technical Plan," 3, File Miccosukee WQ Standards, Box 19706, SFWMDAR.

## Chapter Fourteen Endnotes (continued)

<sup>22</sup> See Gary Barlow, "A Sweet Deal for the Sugar Industry," *In These Times* 20 (14 October 1996): 10. For an explanation of general federal policies towards the sugar industry, see Andrew Schmitz and Douglas Christian, "The Economics and Politics of U.S. Sugar Policy," in *The Economics and Politics of World Sugar Policies*, Stephen V. Marks and Keith E. Maskus, eds. (Ann Arbor: The University of Michigan Press, 1993), 49-78.

<sup>23</sup> Joe Browder, Tom Martin, and Theresa Woody to Everglades Coalition leadership, 7 April 1994, document provided by Joe Browder to author.

<sup>24</sup> David Kohn, "Polishing an Ecological Jewel," *Engineering News-Record* 231 (9 August 1993): 29.

<sup>25</sup> Kohn, "Polishing an Ecological Jewel," 29.

<sup>26</sup> *Sun-Sentinel*, 10 December 1993; *Palm Beach Post*, 10 December 1993; Malcolm Wade, Jr., interview by Julian Pleasants, 3 April 2001, 5, Everglades Interview No. 5, Samuel Proctor Oral History Program, University of Florida, Gainesville, Florida [hereafter referred to as Wade interview]; "Discord Swamps Everglades Talks," *Engineering News-Record* 232 (3 January 1994): 9; "Everglades Case Heads Back to Court," *National Parks Magazine* 68 (March/April 1994): 11-12.

<sup>27</sup> Wade interview, 9; Levin, *Liquid Land*, 211; Joe Browder et al. to Everglades Coalition leadership, 7 April 1994; "Everglades Case Heads Back to Court," 11; Paul Roberts, "The Sweet Hereafter," *Harper's* 299 (November 1999): 62. Fanjul had Clinton's ear as well; it was alleged that he talked to the president in February 1996 about a proposed sugar tax, interrupting Clinton's break-up speech to Monica Lewinsky. Grunwald, *The Swamp*, 309.

<sup>28</sup> State of Florida, Office of the Governor, Executive Order Number 94-54, "Governor's Commission for a Sustainable South Florida," Governor's Commission for a Sustainable South Florida <[http://www.state.fl.us/everglades/gcssf\\_eo.html](http://www.state.fl.us/everglades/gcssf_eo.html)> (8 September 2005).

<sup>29</sup> Whitfield interview, 39.

<sup>30</sup> Bonner interview, 4; Carol and Karsten Rist interview by Theodore Catton, 9 November 2004, 2 [hereafter referred to as Rist interview]; Causey interview, 9; Whitfield interview, 39.

<sup>31</sup> House, *Exchange of Certain Lands in California*, 103d Cong., 1st sess., 1993, H. Rept. 103-362; Act of 9 March 1994 (108 Stat. 98).

<sup>32</sup> Glynn D. Kay, "Outline of Florida Everglades Legislation," 20 April 1994, File PRO Ever Everglades Legislation, Box 21213, SFWMDAR.

<sup>33</sup> Kay, "Outline of Florida Everglades Legislation," 20 April 1994; "Governor's Office: Everglades Bill Summary," 3 May 1994, File PRO Everglades Forever Act 94, Box 15232, SFWMDAR. The full text of the bill with additional commentary is in House Committee on Natural Resources Subcommittee on National Parks, Forests, and Public Lands, *Oversight Hearing on the Land Use Policies of South Florida, With a Focus on Public Lands and What Impact These Policies are Having*, 103d Cong., 2d sess., 1994, 119-221.

<sup>34</sup> Save Our Everglades, "Everglades Forever Act," no date, and Florida Audubon Society, *The President's Letter* 19 (June 1994), File PRO Everglades Forever Act 94, Box 15232, SFWMDAR.

<sup>35</sup> Joe Browder, Tom Martin, Theresa Woody to Everglades Coalition leadership, 7 April 1994.

<sup>36</sup> Wedgworth and Miedema interview, 5.

<sup>37</sup> See Alfred R. Light, "Miccosukee Wars in the Everglades: Settlement, Litigation, and Regulation to Restore an Ecosystem," *St. Thomas Law Review* 13 (Spring 2001): 731-732; Miccosukee Environmental Protection Code, Subtitle B: Water Quality Standards for Surface Waters of the Miccosukee Tribe of Indians of Florida, copy in Miccosukee WQ Standards, Box 19706, SFWMDAR; Sam Poole for Frank Williamson, Jr., to Secretary Murley, Florida State Clearinghouse, 13 October 1997, *ibid.* The Seminole also adopted its own water quality standards, but since it set phosphorous levels at 50 ppb, it was not as controversial as the Miccosukee code. See Seminole Water Commission, Seminole Tribe of Florida, "Proposed Rules, Water Quality Protection and Restoration; Rules to Carry

## Chapter Fourteen Endnotes (continued)

Out the Federal Clean Water Act and the Tribal Water Code including Water Quality Standards for the Big Cypress Reservation, File Indian Affairs,” Seminole Water Quality Standard Research 94-98, Box 22792, SFWMDAR.

<sup>38</sup> The Everglades Coalition, “Past Conferences, 2005” <<http://www.evergladescoalition.org/site/pastconference.html>> (13 September 2005).

<sup>39</sup> Joseph Browder, e-mail communication with author, 17 November 2004.

<sup>40</sup> Save Our Everglades, “Everglades Forever Act,” no date, File PRO Everglades Forever Act 94, Box 15232, SFWMDAR.

<sup>41</sup> The Everglades Coalition, “Past Conferences, 2005” <<http://www.evergladescoalition.org/site/pastconference.html>> (13 September 2005).

<sup>42</sup> Everglades Coalition Meeting Minutes, 13-16 January 1994, document provided by Joseph Browder to author.

<sup>43</sup> Save Our Everglades News Release, 26 May 1994, File PRO Everglades Forever Act ‘94, Box 15232, SFWMDAR, *Tallahassee Democrat*, 31 May 1994; Browder interview, 8.

<sup>44</sup> The Everglades Coalition invited Governor Chiles to deliver the keynote address at the coalition’s annual meeting in January 1995, despite its condemnation of the Everglades Forever Act less than a year earlier.

<sup>45</sup> Office of the Governor, *Save Our Everglades: A Status Report by the Office of Governor Lawton Chiles* (n.p., 1994), 6-7.

<sup>46</sup> As reported in Victoria Myers, “The Everglades: Researchers Take a New Approach to an Old Problem,” *Sea Frontiers* 40 (December 1994): 15. For more information on this study and on its findings, see Mark A. Harwell, “Ecosystem Management of South Florida,” *BioScience* 47 (September 1997): 499-512. Harwell was the chair of the Man and the Biosphere Program Human-Dominated Systems Directorate.

<sup>47</sup> “Interagency Florida Bay Science Plan,” March 1994, Billy Causey’s Task Force Files, FKNMSAR.

<sup>48</sup> As quoted in Elizabeth Culotta, “Bringing Back the Everglades,” *Science* 268 (23 June 1995): 1688.

<sup>49</sup> Rist interview, 2-3.

<sup>50</sup> All quotations in Culotta, “Bringing Back the Everglades,” 1688.

<sup>51</sup> Levin, *Liquid Land*, 212.

<sup>52</sup> “The Florida Everglades, River of Money,” *The Economist* 362 (30 March 1996): 32.

<sup>53</sup> Quotations in Federal Agricultural Improvement and Reform Act of 1996 (110 Stat. 888, 1022-1025); see also Kim O’Connell, “Gore Unveils Everglades Plan,” *National Parks* 70 (May/June 1996): 13-14.

<sup>54</sup> Harvey Wasserman, “Cane Mutiny,” *The Nation* 262 (11 March 1996): 6.

<sup>55</sup> As cited in Paul Roberts, “The Sweet Hereafter,” *Harper’s Magazine* 299 (November 1999): 62.

<sup>56</sup> Peter Katel, “Letting the Water Run into ‘Big Sugar’s’ Bowl,” *Newsweek* (4 March 1996): 56.

<sup>57</sup> “The Florida Everglades, River of Money,” 32.

<sup>58</sup> Gail DeGeorge, “Big Sugar is Bitter over the Everglades,” *Business Week* (4 November 1996): 192; Levin, *Liquid Land*, 216; Grunwald, *The Swamp*, 308-309; Reed interview, 7.

<sup>59</sup> Levin, *Liquid Land*, 214; Michael Grunwald, “When in Doubt, Blame Big Sugar,” *The Washington Post*, 3 November 2004.

<sup>60</sup> Big Sugar’s influence on the White House was not just direct; it also came through Florida politicians whose own re-election chances depended on Big Sugar’s continued campaign funding support.

## Chapter Fourteen Endnotes (continued)

<sup>61</sup> Browner quoted in “The Florida Everglades: River of Money,” 32.

<sup>62</sup> U.S. Army Corps of Engineers, Jacksonville District, *Central and Southern Florida Project, Reconnaissance Report, Comprehensive Review Study* (Jacksonville, Fla.: U.S. Army Corps of Engineers, Jacksonville District, 1994), EX-1 – EX-4, 223-231.

<sup>63</sup> House Committee on Transportation and Infrastructure Subcommittee on Water Resources and Environment, *Water Resources Development Act of 1996: Hearings Before the Subcommittee on Water Resources and Environment, Committee on Transportation and Infrastructure, House of Representatives*, 104th Cong., 2d sess., 1996, copy at <<http://web.lexis-nexis.com.weblib.lib.umt.edu:2048 /congcomp>> (3 January 2006).

<sup>64</sup> Water Resources Development Act of 1996 (110 Stat. 3658, 3767-3768).

<sup>65</sup> Michael Davis interview by Theodore Catton, 21 December 2004, 1-2.

<sup>66</sup> “Maintaining the Momentum: South Florida Ecosystem Restoration Task Force Biennial Report to the U.S. Congress, Florida Legislature, Seminole Tribe of Florida, and Miccosukee Tribe of Indians of Florida,” Draft, December 1998, 1, File Administrative, 1998, FKNMSAR.