

The Pelican

Sierra Club

Florida

THE OFFICIAL PUBLICATION OF SIERRA CLUB

INSIDE: 2018 ENVIRONMENTAL LEGISLATIVE REVIEW



Spring 2018

florida.sierraclub.org

Get all the latest news by
subscribing to our blog:

sierraclubfloridanews.org



Find us on Facebook

facebook.com/sierraclubfl



**SIERRA
CLUB**

Statewide Outcry Against Water Bill Forces Gov Veto

Faced with being tagged as the one who allowed chemically-treated toilet water with toxins and pharmaceuticals to be pumped into drinking water supplies, Gov. Rick Scott vetoed HB 1149 on April 6, three days before declaring his candidacy for U.S. Senate.

As the veto deadline approached, Sierra Club members and allies inundated the Governor's office with calls about the health dangers of the drinking water contamination bill. In his veto message, Scott never acknowledged the health implications, only that it would cause "confusion in the regulatory structure."

Sierra Club Florida feels the veto of HB1149 is a victory for conservation and the environment. Lobbyist Dave Cullen says the law was written for developers. "If you can put millions of gallons of treated wastewater back into the aquifer, developers won't have any problems getting permits for projects in areas where there really isn't enough water for them," said Cullen.

This is the only veto Gov. Scott made on 16 bad environmental bills while Governor over the last eight years. He signed the other 15.

By vetoing this bill, utilities will not be allowed to pump chemically-treated toilet water into drinking water sources –thereby allowing pharmaceuticals and other toxins into the water stream.

On the down side, Sierra Club Florida-backed amendments to the bill banning fracking and providing greater drinking water protections were pulled from consideration after pressure by Republican leadership and top Democrats, despite tens of thousands of calls generated by Sierra Club Florida and its allies.



"Floridians need to hold the Florida Legislature accountable for failing to pass a statewide ban on fracking," said Sierra Club Director Frank Jackalone. "We are convinced that a majority of the Senate would have voted approval for a fracking ban if Senate President Joe Negron and Senate Appropriations Chair Rob Bradley had allowed Senators to vote on the fracking ban bill."

Fracking for gas and oil poses an extreme danger to Florida's drinking water, and it releases harmful methane gas that harms our health and accelerates global warming. Florida's drinking water supply wells are threatened by fracking, climate change and sea level rise. Meanwhile, billions of gallons of fresh water are dumped into the oceans each year while the state fails to enact needed water conservation policies.

Sierra Club Florida vows to continue to push for the fracking ban in the coming year.

FROM THE CHAIR

Help Florida Sierra Fight for State's Environment, Wildlife

By MARK WALTERS

We're facing unprecedented challenges from an anti-environment state government and presidency. We're working hard in Florida, but we need your help to raise the funds to continue our fight in 2018. Once a year, we ask our members to donate to your Florida.

THANK YOU to those who already made a donation this year!

Here's what we are working on:

We're preparing for stronger political engagement and legal action to challenge another fracked-gas fueled electric power plant at Dania Beach

We're working to protect the Florida panther, Florida black bear and North Atlantic right whales. We're fighting to shut down coal plants, advance solar and other clean energy sources. Florida Healthy Air, Stop Sugar Burning, Fight Red Tide/Green Slime and Everglades Restoration Campaigns continue their engagements, with lots of volunteer support.

But we can only fight back because of the power of our members, and that's why we're asking you to please donate now. Send in your check or go to our website at sierraclub.org/florida and click on the PayPal link. Donations payable to Sierra Club Florida are not tax-deductible, but especially powerful for us. However, to qualify your donation for a tax-deduction, write your check payable to the Sierra Club Foundation, with Memo "Florida Chapter". Foundation funds support public education for our critical conservation projects--including litigation. Mail checks to: Sierra Club Florida, 1990 Central Ave., St. Petersburg FL 33712. If you still have the Remittance form included in a March Appeal letter mailed earlier this year, please enclose with your check.

Political Action Committee Donations

If you wish to donate to our Florida PAC (Political Action Committee) we are busy preparing for engagement in 2018 Florida Primaries and November Elections. Donations to our chapter PAC will allow the committee to support financially candidates the groups and chapter endorse. Note that PAC donations need to be accompanied by a brief reference to your employer name or otherwise describe your occupation. Send your non-tax-deductible check to: Sierra Club Florida PAC, c/o Max Goldstein, Treasurer, 220 Lakeview Dr #305, Weston FL 33326



Sick of plastic? Join us!

Florida Sierra Club is relaunching our effort to help guide our state and our neighbors to a sustainable future—how do we reduce our footprint on this blue earth? What public education can we support for change in behavior? We can not sit by and watch as plastic bottles, bags, straws and microscopic bits are polluting our landscape, waterways and oceans.

Join the Florida Chapter in our new Waste Minimization and Recycling Committee. We need help researching, looking at options for realistic solutions, and helping us engage with cities, waste management services and state environmental management agencies to develop better methods of dealing with plastic waste.

Help us advance better policy for our cities and the state. Can we change our consumer packaging culture? Can we enlist business and people to adopt ways of life that do not pollute, that avoid trash and reuse materials?

If you can spare some time and would like to become involved in our new campaign, please contact our Florida Chapter Conservation Co-chair Tom.Larson@Florida.SierraClub.org.



The Pelican, Vol. 51 No. 1

Marcia Biggs, Editor

The Pelican is published by Sierra Club Florida and mailed to Sierra Club Florida members. Annual membership dues include 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

Mark Walters, Miami Group, Chair

Grant Gelhardt, Big Bend Group

Stephen Mahoney, Miami Group

Kristine Cunningham, Volusia-Flagler, Vice-Chair

Rocky Milburn, Tampa Bay Group

Darryl Rutz, Broward Group

Alyssa Cadwalader, Loxahatchee Group, Vice-Treasurer

florida.sierraclub.org

Mining Threats Across State Continue

Phosphate and limerock mining continue to threaten areas across Florida. The well-known Mosaic Corp. in Polk and Manatee counties is seeking permitting for new and expanded phosphate mines. A proposed phosphate mine on more than 10,700 acres in Bradford and Union counties has rallied residents and environmentalists in North Florida.

In Hernando and Pasco counties, Sierra Club members and supporters continue to wage a battle to stop limerock mining and its harmful effects of blasting that threaten the aquifer, the land, the economy and wildlife. The coalition against limerock mining is joined by the Suncoast group's Adventure Coast Committee with DeeVon Quirolo at the helm. The group is working hard on stopping a new CEMEX mine in Hernando, but has faced a setback.

County commissioners ignored their responsibility to uphold the comp plan and ignored the recommendations of two Planning Commissions that recommended denying the new mine, said Quirolo. They voted unanimously to approve the new mine; the decision has been forwarded to the state for review. The commission will seek rezoning the property to allow for mining, which has local residents outraged. The plan would call for destroying 375 acres of habitat.

The coalition opposing the mine has submitted over 250 pages into the record of this application including thousands of signatures from Hernando County residents and businesses who oppose the mine, many resolutions opposing the new mine from local organizations, and numerous relevant, peer-reviewed studies, expert analysis and published findings on the negative impacts of mining in



Lago Verde Limerock Mining Operation in Pasco County

such close proximity to so many incompatible uses. In nearby Pasco County, the expansion of Lago Verde limerock mine with its destructive blasting practices was bitterly contested by local resident groups and Sierra Club, but was approved by the county commission. Now, a new Seven Diamonds limerock mine 4-5 times the size of Lago Verde has also been approved. Both decisions are being challenged in lawsuits against the county filed by a group of area activists led by Tampa Bay Sierra's Excom Member Bob Howell.

Phosphate mining in Florida is a destructive process that can pollute land and water resources, alter watersheds and leave behind mountains of radioactive waste. It puts people, wildlife and our Floridan aquifer at risk. More than 300,000 acres of Florida have already been destroyed by phosphate mining. Polk County is ground zero for phosphate mining, with Mosaic Corp. one of the world's largest suppliers. Sierra Florida's Phosphate Committee is working on these issues.

For information on the Florida Sierra Club Phosphate Committee, contact Beverly Griffiths at bevgriffiths@verizon.net

STAY IN TOUCH

Here are four ways you can connect online with Sierra Club Florida between issues of The Pelican:

- 1) Text SIERRA to 69866 to opt in and receive Sierra Club's mobile alerts.
- 2) Click like to become a Facebook fan of Sierra Club Florida at www.facebook.com/sierraclubfl
- 3) Follow @SierraClubFL on twitter at www.twitter.org/sierraclubfl
- 4) Subscribe to Sierra Club Florida's blog at www.sierraclubfloridanews.org

SAVE A TREE

Help Sierra Club in our efforts to reduce newsprint and mailing costs by opting to receive this newsletter by email. Drop out of the print Pelican by sending an email with NEWSLETTER OPTOUT in the subject line to marcia.biggs@florida.sierraclub.org. Include your current address and the email you wish to receive the newsletter. The Pelican is published three times a year.

2018 LEGISLATIVE REVIEW

Environment, conservation took a back seat in a session filled with strife

By DAVID CULLEN

Florida Chapter Legislative Lobbyist

The 2018 Legislative session started with accusations, allegations, and resignations on sexual misconduct and ethical breaches. It ended with the Parkland FL high school mass murder of 17 that led to two weeks of intense debate and scrutiny of gun rights and gun control. In the end, the ethics package that was designed to address sex abuse failed, and the School Safety Package made the NRA angry enough to sue the state of Florida. In the midst of all that furor, business and industry continued to seek advantages and escape from important environmental regulations.

Despite the challenges the 2018 session presented, your participation made a definite difference. Legislators told me they met with Sierra constituents in their districts. With elections coming up in November, now is the time to redouble our efforts to establish relationships with decision makers – and that includes those who are running for office. Whoever wins on Election Day, it will be important to know them and to have started a conversation on crucial issues.

SESSION PRIORITIES

BANNING FRACKING – SB 462 Advanced Well Stimulation Treatment by Sen. Young passed two of its committees but was bottled up by leadership and was never heard in Sen. Bradley's Appropriations committee. An attempt to amend the fracking ban onto SB 1308/ HB 1149 failed when Sen. Farmer inexplicably

withdrew his amendments to those bills. SB 237, Rep. Peters' companion legislation, was never heard in even its first House committee.

All told, out of 160 legislators, only 13 senators got to vote on the ban, and they all voted Yes. Even though Sen. Bradley voted for the bill in its first committee, he was primarily responsible for not allowing the full Senate to consider it, even though it likely would have passed. Leadership's actions prevent citizens from knowing where their legislators stand on the issue – and that's just fine with Big Oil/Gas.

WATER SUPPLY FOR NATURAL SYSTEMS – The 2018 session was not kind to this issue. DEP has been authorized to seek delegation from the U.S. EPA to take over wetlands protection in much of the state. It is impossible to know what the exact agreement between DEP and the EPA will be because the details will be established in Memoranda of Agreement after the Governor signs the bill into law. In other words, it's a pig in a poke. But we can be sure that DEP, which advocated against EPA's authority over "geographically isolated wetlands" and will soon be responsible for those same wetlands, will find many ways to translate its goal of "greater efficiency."

HB 7043 Ratification of Rules of the St. Johns River Water Management District and its companion SB 670 was adopted by both chambers. Sierra opposed this legislation because it is predicated on a standard that is set too low to protect Silver Springs from further damage let alone restore it to health. The Spring has suffered

significant harm having lost 36% of its flow over the past 30 years, but SJRWMD refigured its MFL (Minimum Flow and Level) so it could issue Consumptive Use Permit for an additional 10 million gallons per day to the Stronach proposed cattle operation. The WMD rule is for a prevention strategy when it clearly should be for a recovery strategy.

Finally, HB 1149 Environmental Regulation and the companion SB 1308 encourage the use of treated waste water for aquifer recharge even though the required treatment is inadequate to protect our springs or to remove hormones, pharmaceuticals, and nano particles of various kinds of plastic. In addition, the bill requires DEP and WMDs to reissue construction phase permits that have been expired for up to three years even if the property has changed hands. And when the expired permits are reissued, the project doesn't have to meet any new standards that were imposed while the permit was expired.

HB 1149 became a "train" and picked up a number of provisions all loosely related to environmental regulation. Some of these provisions include making it easier to repair or replace a dock or pier that doesn't require a permit, an incentive program for wastewater treatment plants to adopt best practices voluntarily, and including private non-profit wastewater utilities as eligible to participate in the Clean Water State Revolving Fund.

On the bright side, A Coral Reefs bill establishes the Southeast Florida Coral Reef Ecosystem Conservation

(Continued on page 5)

2018 LEGISLATIVE REVIEW

(Continued from page 4)

Area and makes certain DEP programs available to it.

REGULATION – A number of pre-emption bills were filed, and most were stopped. At the top of the list were the Tree and Vegetation Trimming and Removal pre-emption bills which did not make it through the House or Senate.

HB 405 Linear Facilities and its companion SB 494 passed. The effect of the bill is to eliminate any chance of a locality controlling how and where electric lines will be situated by giving to the Public Service Commission sole authority to determine whether they will be undergrounded. This interferes with development plans encouraging greater density with multi-story buildings because they can't be located next to high tension lines because of safety regulations.

TRANSITION TO RENEWABLE ENERGY – There was some progress on this front. HB 841 passed with a provision added that prevents Homeowner Associations in Multiple Unit Developments from prohibiting residents from installing electric vehicle charging stations at their own expense. It is encouraging that bills dealing with energy choices and electric vehicles are being offered by members of both parties.

OTHER IMPORTANT LEGISLATION

CONSTITUTIONAL AMENDMENT TO MAKE IT HARDER TO RAISE TAXES (House Joint Resolution) 7001 Supermajority Vote for State Taxes or Fees will be on the

Amendment 1 and Florida Forever

In signing the 2018-2019 budget, Gov. Rick Scott secured the largest allocation for land conservation in a decade. The competing Florida Forever bills from the House and Senate were not merged and died. None of the bills, however, would have prohibited all of the misuse of Amendment 1 dollars that are at the root of the lawsuit against the Legislature.

The end result was that Florida Forever funding was decided in the budget with the program getting \$71.9 million from General Revenue (largely sales tax), and \$13 million from the Land Acquisition Trust Fund (LATF – Amendment 1 money). Expenditures from Florida Forever include \$77 million for the acquisition of environmentally endangered unique lands (which includes \$7 million for WMD land acquisition), \$2 million for the Working Waterfronts program, \$10 million for Florida Communities Trust, and \$6 million for the Florida Recreation Development Assistance Program. Other budgeted environmental items include \$5.8 million for the Rural and Family Lands Protection Program, \$242 million for Everglades Restoration, and for debt service, \$24 million for Save Our Everglades bonds and \$143.2 million for Florida Forever bonds. Also, \$50 million is included for repair of the Herbert Hoover Dike and another \$50 million for springs restoration.

RECENT NEWS: The Sierra Club and a number of other environmental groups are suing the State of Florida, saying state leaders have not complied with the intent of Amendment 1 requiring that 33 percent of tax revenue — more than \$800 million this year — from real estate transactions go toward conservation efforts.

November 2018 ballot. If adopted it will only take 17 senators (out of a total of 160 legislators) to stop any proposed tax or fee increase, or elimination of an existing tax break. This proposal will make it increasingly difficult to get funding for environmental programs and to provide needed services to Florida's growing population.

INVASIVE SPECIES SB 168 Nonnative Animals was substituted for the companion bill HB 145 and passed by both chambers. The final bill provides that the FWC is to set up a pilot program using private contrac-

tors to slow the spread of invasive animals such as pythons, tegu lizards, and lionfish.

ERC VACANCIES – SB 316 and HB 203, which would require the Governor to fill vacancies on the Environmental Regulation Commission within 90 days, both passed unanimously in their early committees but could not get a hearing in the later ones and died there. The bills are getting significant push back because they call for a supermajority for votes dealing with air and water quality. Sierra has supported the bills.



Author and Miami Herald columnist Carl Hiassen and Sierra Club National Board of Directors Vice President Susana Reyes

Everglades Coalition Conference

More than 300 people attended the 33rd Annual Everglades Coalition Conference Jan. 11-14 in Stuart, hosted by the Sierra Club. It was a memorable four days, with Senator Bob Graham, who helped convene the very first Everglades Coalition Conference, speaking about the dangers of deep-well injection, Senator Bill Nelson held the line on offshore oil drilling, and author Carl Hiassen railed against the legislature, Rick Scott and Donald Trump. Also speaking were Reps. Debbie Wasserman Schultz (D-Weston) and Brian Mast (R-Stuart), showing bipartisan support for the River of Grass. Senate President Joe Negron, who won an award for his legislation to build a reservoir in former sugar fields, was also a speaker. But the real showstoppers were activists like Kina Phillips, Betty Osceola, Steve Messam and Antonio Tovar. They are bringing a long-underrepresented voice to the Everglades movement. They are Glades residents, indigenous tribe members, and farmworkers; those who fight air and water pollution daily.



Award winner Betty Osceola with Sierra Club Everglades Organizer Diana Umpierre



Senator Bill Nelson and Sierra Club Beyond Coal Organizer Gonzalo Valdes



Representative Debbie Wasserman Schultz, Steve Messam and Kina Phillips

New Sierra Presence in Pensacola

Attention Sierra members in the Pensacola area. We have created a new entity called “The Emerald Coast Committee.” We are having our official launch on Sunday, May 6, at the Pensacola Main Library, 239 N. Spring St. in downtown Pensacola. Come on out and meet other members and have some refreshments. This is your chance to become more proactive in protecting our environment. Find out what issues we are working on and let us know if you have any special areas of concern.

We have many ways you can become involved such as assisting with general meetings with guest speakers, leading outings and hikes and helping others to discover nature. For more information contact Jo Borlan at joborlan.fl@gmail.com.

Saving Serenova Preserve

The Suncoast Sierra group is opposing a proposed four-lane Ridge Road Extension through the Serenova Preserve, which forms the northern section of the Jay B. Starkey Wilderness Park in Pasco County. Over 30 organizations have joined the Save the Serenova coalition in condemning the road project. The coalition has formally requested the U.S. Army Corps of Engineers reject the permit application. The 6,500-acre Serenova Tract was purchased by the county in the late 1990s as mitigation for construction of the Suncoast Parkway. The Pasco Board of County Commissions has advocated for the extension of Ridge Road through the preserve, ostensibly for an evacuation route from US 41 to the Suncoast Parkway.

Hands Across The Sand May 19

Say NO to drilling off our shores and YES to transitioning to clean energy at the annual Hands Across the Sand event being held on beaches across Florida. Supporters are asked to join hands for a few moments in solidarity. Go to handsacrossthesand.org or check with your local Sierra group to find one near you.

Gov. Scott's Everglades Reservoir Plan: We Demand Better

Over 50% of the historical Everglades have been lost in the last century due to drainage to make way for farms and urban development. Lake Okeechobee is now unnaturally connected to the Caloosahatchee and St Lucie Rivers estuaries. The result: massive algae outbreaks from high-volume discharges from the lake to the estuaries, while Everglades National Park and Florida Bay starve for freshwater.

To address these concerns, back in 2016, Senator Joe Negron pushed for a plan to acquire 60,000 acres of land to build a dynamic southern reservoir which included large swaths of land for water quality treatment, south of Lake Okeechobee in the Everglades Agricultural Area (EAA). In 2017, that idea was severely compromised by sugar interests into what became Senate Bill 10 (SB10) which provided very limited options for acquiring the much needed land and was signed with fanfare by Governor Scott.

The result of the subsequent planning process by the South Florida Water Management District (SFWMD) makes Big Sugar happy: a proposal to spend precious restoration tax dollars on a small 10,500-acre reservoir almost four times deeper than originally envisioned (23 feet deep - deeper than Lake O itself). SFWMD sent its less-than optimal plan for approval to the US Army Corps of Engineers in March; if approved it will be sent to Congress for inclusion in the next Water Resources and Development Act (WRDA).

Several scientists have warned that SFWMD's plan on such a limited footprint will not be able to clean and deliver the large amount of water the Everglades and Florida Bay needs or significantly reduce harmful discharges to the estuaries because it won't be able to meet the 10 parts per billion phosphorus benchmark for water entering Everglades National Park set by a federal court order.

Sierra Club is fully committed to an EAA reservoir project that actually works



for the Everglades, the estuaries, and South Floridians but the proposed reservoir offers far less than what is actually needed to restore sufficient clean water to the south. While we do not oppose the EAA Reservoir, we demand better. We will continue to advocate for improvements to the plan and for more land for true Everglades restoration.

SFWMD refuses to model an optimal footprint, with enough treatment and a reasonable depth reservoir to provide maximum benefit, at minimal cost, with minimal risk of failure. An excessively deep reservoir does not provide all of the ecological benefits we expect from an Everglades restoration project. When the EAA reservoir was first proposed in 2000, it was envisioned as a shallow 6-foot deep reservoir; later in 2006, it was proposed as a 12-foot deep reservoir. These water depths are far more reasonable, safe, and ecologically beneficial than the 23 feet deep industrial-scale reservoir presented by the District. We are also concerned about the increased safety risks it poses to those near and downstream of this proposed super deep reservoir.

Sufficient land must be acquired to maximize benefits to the environment and advance the goals of Everglades restora-

tion. About 18,000 acres of public land, purchased with tax dollars, are not serving the public interest and are not providing ecological services; this land has instead been leased for a very long time to sugar and other agricultural corporations. If sufficient land cannot be acquired via willing sellers, then the state must terminate these leases and provide incentives that attract private landowners to swap lands beneficial to this project. Having enough land is directly tied to meeting water quality standards; sufficient clean water must be delivered to the natural system, including the wildlife management areas, the water conservation areas, tribal lands, Everglades National Park, and Florida Bay.

The big problems are that Scott's sugar-friendly EAA reservoir plan (1) makes no promises on the amount of water for the natural system and (2) falls short of providing the significant reduction of harmful discharges we expected over and above what the Central Everglades Project (CEP) was already scheduled to achieve. Lest we forget, SB 10 was introduced in order to effectively deal with the emergency situation presented by high-volume freshwater discharges to the northern estuaries. Governor Scott's plan does not do enough. Period. We demand better.

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

Moving?

Email new address to
address.changes@sierraclub.org
and include your membership ID
number located on the mailing label.



NON-PROFIT ORG
U.S. POSTAGE PAID
TAMPA FL

Permit No. 2397

SPROG: The Next Generation of Sierrans

The incredible marches and rallies organized by students on March 24 across the country in the March For Our Lives showed the nation that teens and young adults CAN lead the way to make change.

Across Florida and in Washington DC, Sierra Club members joined millions to demand an end to gun violence. Today's youth will be the next generation to work for positive change in our society and the environment, conservation and social justice movements.

Sprog is a one-week Sierra Club Student Coalition leadership training program that teaches tools for environmental and social justice activism to young people across the country. Participants leave Sprog with a deeper understanding of the world around them, and the skills and tactics to lead a campaign in their local area. Sprog builds skills like fundraising, pitching to media, recruiting, etc. Participants generally range from 14 to 28 years



Students in Gainesville participate in the March for Our Lives rally at Bo Diddley Plaza./ Photo by Merrilee Malwitz-Jipson

of age.

Do you know a student or young person who would be a good fit for this program?

To find out more about Sprog and how to apply, go to sierraclub.org/youth.

If you are interested in tuition sponsorship by Florida Sierra Club chapter, contact chair Mark Walters at mark.walters@florida.sierraclub.org

Sessions will be held this summer so register now.