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## HEAD. Political Science: Everglades Style

On election day, the voters of South Florida's Monroe County were finally given their crack at the levers of power. By a 55% majority, they voted to rescind the 1990 legislation that created the Florida Keys National Marine Sanctuary.

The referendum was non-binding -- Governor Lawton Chiles can accept the result or not -- but the result loosened the screws of a vast environmental apparatus that has been building in the Keys for more than six years.

The Sanctuary status, a park like designation that falls under the wing of the National Oceanographic and Atmospheric Administration (NOAA), had seemed long-overdue in 1990. The islands had been hammered by humanity and its by-products: They were over built, over-touristed, overused. A few early naysayers notwithstanding -- largely commercial fishermen, treasure hunters, and others who saw "protection" as a threat -- most Keys residents felt the Sanctuary promised some measure of relief for their beleaguered slice of the planet.

Between the commercial and sport fishing industries, the annual migration of 4 million tourists, and the service economy that undergirds the whole operation, the Keys economy accounts for some \$3 to \$4 billion dollars a year. They are entirely dependent on their reefs, their fish, their air and water. How could they slap away the protections they had so badly needed?

If you ask Carl Hiassen, the man who brought us *Striptease*, the opposition to the Sanctuary - "this golden magnet for the best kind of tourists" - was the work of frothing paranoids and right-wingers. Or that's what he wrote in the Miami Herald, two days before the paranoids weighed in with 55% of the vote.

"Opponents of the Sanctuary have been waging a scare campaign so bizarre and wild-eyed as to be locally entertaining," he wrote. "According to the conspiracy nuts, the Sanctuary is...actually a diabolical government plot to seize control [of the Keys]. You want wacko? One chowderhead darkly suggested that Disney is secretly involved, with plans to turn the Keys into a giant theme park.... Mail outs gravely predict the NOAA will strip away citizen's "property rights".... Radio ads exhort patriots not to

'surrender.'"

Environmentalist David Holtz sounded a similar theme in a local Keys paper just before the election. He, too, blamed opposition to the Sanctuary on the Wise-Use Movement and the so-called Center for Defense of Free Enterprise, a group that has "an activist right-wing, anti-environmental agenda and close ties to militant groups as well as political organizations linked with the radical philosophy of Reverend Sun Myung Moon."

Holtz goes on to predict that the inevitable target of this right wingerism would be The Nature Conservancy, "the favorite whipping boy of the Wise Use Movement." Holtz predicts that "Wise Use ally Congressman Don Young... will try to use paperwork mistakes and reporting errors by the Nature Conservancy...into a mini scandal they [sic] hope will torpedo the Sanctuary on Election Day."

What began for us as an investigation of bad science, of a flawed hypothesis that seemed to acquire supernatural powers, evolved into an examination of power, money, and big-business environmentalism in South Florida. As environmentalists, it rapidly soured us on the philosophy and tactics that have moved to the forefront of the battle to save our natural treasures. It became a case study in ethical disintegration.

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An ecological disaster has been unfolding in South Florida since the 1970s. Fishermen began reporting blooms of sheetlike macroalgae in western Florida Bay, the crescent of water that lies between the Keys and the southern tip of the mainland. By 1982 those blooms included periodic explosions of suspended phytoplankton that turned the famously "gin-clear" water to a green, sulphurous gazpacho. By 1987, thousands of acres of turtle grass, the dominant seagrass in the bay, had begun to die. The living coral reef track in the Keys -- the only one in the continental U.S. and third largest in the world-- was visibly expiring. By mid-1991, the algae problems were endemic: Thick plumes of green were flowing south and west with the ocean currents, passing between the narrow channels separating the islands, and following the line of the Keys out to the Dry Tortugas and into the Atlantic.

These algae blooms today are as bad as they have ever been. Thick strings of algae drape many coral reefs, a reek of sulphur fills the air. Much of the coral in the Keys has died in the last ten years. An estimated 100,000 acres of seagrass has died while schools of tarpon and other gamefish are washing up onto the beaches, killed by explosive blooms of neuro-toxic "red tide."

The prevailing explanation for these algae blooms emerged formally in 1991, offered up by Dr. Joseph Zieman, a University of Virginia seagrass biologist. Dr. Zieman's understanding was that the reduction of fresh water flow through the Everglades -- much lamented in the context of the Glades themselves -- had also led to a chronic increase in the salinity of Florida Bay. By channelizing and draining the Glades early in this century for agriculture, flood control, and drinking water, we had robbed the bay of its estuarine quality. It was becoming a hot, supersaline tropical lagoon. That "hypersalinity," he suggested, constituted a "stress" that was somehow killing the seagrass beds in the bay. The nutrients released from the decomposing plant tissue are resuspended, where they become available to fuel the uncontrolled algae growth. And with the grasses gone, the silt on the floor of the bay -- also rich in nutrients from aeons of sedimentation -- are easily stirred up, further muddying and enriching the waters, spawning new algae growth cycles. The solution, as Dr. Zieman saw it, was to restore the flow of fresh water into the Bay.

Ever since the cane and tomato farming began in the Everglades Agricultural Area (EAA), there has been an unending supply of available fresh water. The Everglades is a wide, shallow river, after all; growing anything there means draining excess water and putting it somewhere else. Until now, that somewhere else was always problematic. Where ever you shipped it, you got algae blooms. Zieman called for that water to be shipped down the canals operated by the Army Corps of Engineers and sent into Florida Bay.

While the hypersalinity theory was undeniably creative science, it had a few kinks as far as we could see. Never mind that it constituted a personal scientific revolution for Dr. Zieman (he had written in a 1982 paper that *fresh* water was the major stress). It also had the disadvantage of being not only unsupported by data ( to this day, according to the Sanctuary's Final Management Plan, the "mechanism has never been documented"), but contrary to logic as well.

First, turtle grass is well known to flourish in water as saline or more so than that of Florida Bay. Second, the proposition is questionable that the bay's salinity has increased at all. Such historical data as exists show that peak salinity came in 1956; and one of Dr. Zieman's own associates concluded in 1991 that "evidence for long-term changes [in salinity], given the high annual variability, is lacking." Third, the relative infrequency of hurricanes that Dr. Zieman felt contributed to the warming and increasing salinity of Florida Bay is not clearly supported by the historical record. Fourth, fresh water flow from the Everglades

into Florida Bay has been gradually and not-so-gradually-increasing since the late 70s, when the first blooms of algae were being spotted in Florida Bay.

It was this last point that brought us up short. We'd read most if not all of the local and national news reports, and most of the scientific papers, and nowhere was that fact made clear. If Ziemann's hypersalinity theory was premised on a lack of fresh water, these increases in fresh water flow seemed to undermine it completely.

It was Dr. Brian LaPointe, a marine algae specialist with Harbor Branch Oceanographic Institute, who brought that news to our attention. LaPointe told us that, contrary to Dr. Ziemann's hypothesis, there was fresh water entering the bay, and the algae blooms could be explained very simply by looking at the timing and quality of that water. It was, LaPointe said, high in phosphorous where it came down the Gulf Coast-enriched by runoff from the Mississippi, population centers, and the phosphate mines near Tampa. And it was high in nitrogen where it left the Army Corps of Engineers' canal system at Cape Sable, where the Gulf Coast meets the bay itself. Given that nitrogen and phosphorous are the two principal fuels for algae, it was unsurprising that a confluence of a large nitrogen-rich flow and a large phosphorous rich flow would result in a huge increase in algae production.

"Florida Bay is one of the world's largest Petrie dishes," he says, "and you always get your biggest growth response when you add nitrogen and phosphorous together. It's called balanced growth."

Eutrophication, or over-enrichment by nutrients such as nitrogen, phosphorous, and silica, is well-traveled scientific ground. From the Great Barrier Reef to Hawaii's Kaneohe Bay to Discovery Bay in Jamaica to Tampa Bay, nutrients from sewage outfalls, industrial effluent and agricultural runoff have emerged as a major cause of near-shore water quality problems. The inflow of nutrients leads to a boom in the algae population, and that algae gums up the works of the entire system. It is particularly lethal in delicate, low-nutrient environments like Florida Bay. The fact that eutrophication is such a well-documented phenomenon meant that if those two points were indeed true, ignoring LaPointe's theory would be scientifically irresponsible in the extreme.

By the time we met LaPointe last fall, he was enjoying pariah status in the local scientific community. He'd endured years of reduced funding, ostracism, badmouthing and general alienation. He and a small cadre of colleagues were walking around in a constant state of disbelief: The problems in the bay were so clear, they said, why would no one listen? Why had this fragment of scientific Sanskrit -- hypersalinity become the accepted gospel of Florida Bay policy?

Data from the Water Management District are readily available, both by phone and online, although apparently rarely requested and that data quickly confirmed LaPointe's position: By the early 90s, water was entering the bay at three or four times the "historical flow" from the water districts own modeling programs. That is, fresh water flow into the bay was several times higher than it had ever been, and that rate had been at or near that level for more than a decade.

Dr. Ziemann's hypothesis didn't have great legs anyway, and to our mind this fact put him squarely on his back. That the increased inflows coincided so closely with the first widespread reports of algae in the bay was even more damning. All that remained was to find evidence that water was, in fact, rich in nutrients. We didn't have to look far for that either. Even the cane farmers up in the Everglades will tell you that "all the scientists understand that [the Everglades Agricultural Area] is a very rich nitrogen system." And when you churn up that soil, flood it, and drain it to plant cane, the runoff is inevitably nitrogen-rich. According to the Water Management District's data, the nitrogen being delivered to Florida Bay through Shark River alone is on the order of 3,500 metric tons per year. Huge.

All the more puzzling, therefore, that Dr. Ziemann and his colleague, Dr. Ron Jones of Miami's Florida International University, appear repeatedly in the press saying that "no nutrients" are coming into Florida Bay from the Everglades. More than any other, those statements have led people to discount LaPointe's entire hypothesis. Dr. Jones has been testifying to that effect before Congress.

But when we interviewed Dr. Jones at his office, he readily conceded that "amazingly high nitrogen concentrations" were coming out of Shark River Slough. He also admitted that, for years, tremendous amounts of water have been entering the bay through Shark River. He agreed that this inflow of nitrogen could cause massive blooms of algae. But he doesn't believe that to be a problem in Florida Bay.

Why not? Because Dr. Jones contends that the algae growth in the bay depends on the addition of phosphorous, not nitrogen.

This is a difficult position to support. For starters, nitrogen is the rule rather than the exception for algae blooms in salt water. Dr. John Ryther's (of Wood's Hole Oceanographic Institute) work is considered the classic demonstration of that fact, and many others have followed him. According to Ryther, who knows the Florida Bay case well, "if there are huge algae blooms, there's only one cause - nutrients, and nitrogen is usually the limiting factor for the growth of algae in salt water. I don't know how they [Jones and Ziemann] could be that stupid."

Jones is having none of it. "If the bay is nitrogen-limited," he asks, "where's the smoking gun?" Well, last July NOAA's own Gulf of Mexico Estuarine Eutrophication Assessment Workshop confirmed that LaPointe is right, that the western bay is nitrogen-limited. One of Ron Jones's technicians was at the workshop when that conclusion was drawn. Given what's at stake, the question would seem worth investigating.

Not to Jones. "I don't really care what they say," he fumes. "I'm the only person with data. I run the Water Quality Monitoring Network in Florida Bay. Period. They can say whatever they want to, but if they make that statement [that the western bay is nitrogen-limited], they're doing it with my data, and my data doesn't show that."

Five months after its release, Ron Jones says he hasn't read the NOAA report. What's more, moving decisively to the limits of good science, Jones is now explaining the seagrass die-offs by saying that "If you let your lawn grow too high, it will just fall over and die, and that's what happened to the seagrass. They [sic] simply overgrew their ecosystem and collapsed." But then, Jones is the first to admit that he's "not in the business" of interpreting the data he collects.

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Despite the fact that most of Florida Bay lies outside the boundaries of the Florida Keys National Marine Sanctuary, the public outcry about the bay's condition was clearly emanating from the Keys. It makes sense: The Keys are washed by that green water; its reefs are being colonized by lethal overgrowths of algae; the very air overhanging the islands is fetid with hydrogen sulphide released by the phytoplankton. Few locals even bother to go diving there any more.

What we couldn't understand was, that from 1992 to the present day, why the Bay's need for water was continually cast in the future tense, as if none were coming in. There was no recognition-in the press, in official documents, anywhere of the fact that the taps had been on for more than a decade; that the water had been flowing, in fact, since the algae problem began. Gradually we began to realize that no one, or very few, knew about that water at all.

But Ron Jones knew. Joseph Zieman knew. Was it a coincidence that the two scientists who were looking to make a name for themselves via hypersalinity -- as both unquestionably were by the early 90s --- were forgetting to mention a fact that decimated that hypothesis ?

We guessed not. So we began looking into the mechanism by which hypersalinity was elevated from obscurity to become the model driving Florida Bay policy. We found two individuals: George Barley, the chairman of the Sanctuary Advisory Council, and the Nature Conservancy's Keys honcho, Mark Robertson.

George Barley was a smooth- talking, Harvard-educated Floridian who, by the time he died in a 1995 plane crash, had accumulated an estate worth more than \$30 million. Most of that money came from the real estate market, from selling swampland around Orlando.

Barley is universally, and often admiringly, described as "in your face." He has also been called "threatening," "snobbish," "connected," "arrogant," "politically motivated" and "an opportunist." Barley's daughter, Catherine, who calls him a "social climber" reluctantly admits that "Dad would stop at nothing to make a dime."

But Barley is also widely considered to be "a man who died for his beliefs." When he was appointed to the Sanctuary Advisory Council (SAC) in February of 1992, he had already spent five years as Chairman of the Florida Marine Fisheries Commission. He had also served on the National Park System Advisory Board and a couple of Everglades organizations, including Director of the Florida Audubon Society.

It was Barley who brought Dr. Zieman before the Sanctuary Advisory Council (SAC) in July of 1992, and Mark Robertson, Director of the Nature Conservancy's Keys office, who laid out Zieman's theory before the public at large. In a January, 1993, article in a local Keys paper, headlined "Super Salty Water Killing Florida Bay," Robertson wrote, "The obvious solution to this problem is to restore freshwater flows to the Bay."

In the wake of that and similar articles, the press and public seized on hypersalinity. The call went up for more fresh water for Florida Bay; within a few months, there were Keys citizens in the streets, demanding that the floodgates be opened. No one seemed to know that water was already flowing, thick with nitrogen.

As one scientist, now departed from the Keys, says: "I don't think independent science in the way I like to do it is being done there. There's an awful lot of influence peddling and so much defense of turf that I felt rational science was taking it on the nose. People who did not want to build an empire were being forced out by people who were much more aggressive and truculent. You were in or out, part of the club or not. And I wasn't part of the club."

Zieman and Jones, along with several of Zieman's former students, were the club. Jones admits

that he has "an empire here, a nice empire." As for Zieman, who recently received a \$4 million anonymous grant (linked to multi-millionaire friend of George Barley, Paul Tudor Jones) through the University of Virginia for his Florida work, he intends to be "down here for a long, long time."

By 1993, Zieman and Jones were the kingpins of the Sanctuary's Technical Advisory Committee. They were funding their own research with federal dollars, funding initially done without peer reviews, without formal proposals- They were a hot commodity. As Ron Jones says, "When I got myself a product that could be sold, I sold that product." That product was hypersalinity.

While we found it difficult to believe that Zieman and Jones were blind to the holes in their theory; we were equally pressed to explain the fact that Barley and Robertson seemed equally myopic.

Mark Robertson has a Master's Degree in Marine Science. In fact, he studied under Zieman at the University of Virginia. If Robertson knew about the water releases, scientific honesty would require him to make that information public. Painful as it may be for the reputation of his mentor and embarrassing as it may be to anyone who'd publicly backed Dr. Zieman-the information is central to the equation.

We spoke to Mr. Robertson's former boss, Bob Jenkins, who started TNC's Keys office in the late 80s- He has nothing but good things to say about Robertson, but when asked if it would be "irresponsible" to withhold information about the huge quantities of water entering the bay, he agreed that it would be.

Mr. Jenkins was present in the Keys during much of the early debate about hypersalinity and said he'd operated under the assumption that reduced flows through the Everglades were at the root of the problems in the bay. But he had no idea that water was running in at three or four times the historic level. If he had known, he says, a little angrily, "I would have felt like a damn fool for holding that hypothesis in the first place."

There is no doubt that Robertson knew. Tom MacVicar, then second in command at the Water Management District, who is renowned for developing the flow models still used today, told him so several times. The most significant was at an emergency meeting of the Governor's cabinet that had been organized by Barley in late 1993. Robertson, to MacVicar's shock, told the cabinet that the flow of water through the Everglades had been reduced by 90%. MacVicar, who knew that the inflows were at 300% of historical flows, went up to Robertson afterward annoyed, asking where he got such outlandish data. Robertson replied, "from somebody in the Parks Department."

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It is no secret in the Keys that Barley and Robertson suppressed LaPointe and his nutrient theories. Dr. Jim Porter, a Barley ally in the early days, reluctantly agrees. Asked if he thought Barley and others had actively suppressed the eutrophication hypothesis, he responds, "I think that's accurate and I don't think that's stopped." An essentially random sampling of videotaped SAC meetings confirms this. Barley is either seen ignoring public comment about LaPointe and nutrients or screaming at NOAA attorney Ed Lindleloff (who had mentioned nutrients during a meeting): "That's a red herring Ed, why don't we just blame global warming and do nothing about it". A dynamic we saw again and again on the tapes: the nutrient issue being avoided, shoved down, or laughed away. DeeVon Quirolo, director of Reef Relief, a grassroots conservation organization, confirms, "Mark [Robertson] has done everything he can to prevent Brian LaPointe from being heard."

We do know that Brian LaPointe was nominated by several groups to be on the Sanctuary Advisory Council. His nomination was never forwarded. TNC was very active in vetting and vetoing those nominations. And while Mr. Robertson claims he has nothing against LaPointe, Karen DeMaria, a former consultant with TNC, says that isn't so.

She and Robertson had a "verbal agreement," she says. "When I worked at TNC [in 1993], I was not to speak Brian LaPointe's name. And I was not to tell LaPointe about anything I saw in the office "

As Ms. DeMaria puts it, "TNC has been confronted with [the nutrient hypothesis] again and again...The nutrients are definitely coming from the interior of the EAA and the [Gulf] coast, but TNC has basically ignored it."

That statement is certainly borne out by the Sanctuary's Final Management Plan, issued this fall. Sections on Florida Bay water quality are absolutely silent on the possibility of nutrient enrichment from the Everglades Agricultural Area.

One of the Nature Conservancy's water quality gurus, Dr. Rod Fujita, explains this fact by saying that Florida Bay was outside of the Sanctuary's "purview." This seems an odd default, given that the bay has been central to discussion in the Sanctuary Advisory Council for years. Given that one of TNC's biggest projects in the area -- Florida Baywatch -- is a water quality testing program in the bay. And given that the algae from the bay covers the corals and beaches of the Sanctuary itself.

Dr. Fujita and others marshaled by the Nature Conservancy in its own defense quickly distance themselves from Drs. Zieman and Jones, saying their thinking is overly simplistic. Yet we find from internal TNC documents that the nutrient theory was scrubbed from one of Dr. Fujita's papers and replaced with

hypersalinity --a fact that Fujita does not dispute.

But then Dr. Fujita, who lives in California, expressed considerable surprise when we told him that fresh water had been pouring into the bay since the late 70s. He expressed surprise as well on hearing that Ron Jones was on the record saying that the water was thick with nitrogen. This was all news to him.

By now, it was becoming difficult to avoid the conclusion that the Nature Conservancy knew very well what was wrong with Florida Bay. They'd simply chosen to ignore it. The question became one of motive.

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The Florida Department of Environmental Protection was the state's un-official sponsor of the hypersalinity theory. Paul Phillips, an oceanographic engineer, was a wastewater permitter with FDEP back in the early nineties. "I was there when [a new round of water releases] began in 1991. We were having meetings at the Water Management District and their engineers were laughing about it, that they'd pulled one off, come up with a quick solution. They'd gotten off on this kick about salinity. But salinity doesn't cause algae blooms; nitrogen and phosphorous cause algae blooms. Everybody's known all along that the water coming out of the EAA is nitrogen-rich. I've known since 1967. When that very rich phosphorous water comes down the coast of the Gulf of Mexico and mixes with the very high nitrogen water coming off the sugarcane lands out of Shark River, the only thing in this world that any logical person can see happening is a major algae bloom. It's Kindergarten 101". Phillips calls the debacle in Florida Bay the "biggest coverup of anything going."

Herb Zebuth, an Environmental Manager still with FDEP, has had similar difficulty finding an audience: "There was always a taboo against mentioning nitrogen, primarily because the EAA was a major source of nitrogen for Lake Okeechobee. But of course, if you take that water and divert it into another natural area, you'd think you'd have the same problems there, and that's what is happening in Florida Bay."

Like Paul Phillips, Mr. Zebuth traced the lack of political will by regulatory agencies directly to the influence of the cane industry. Both men submitted memos on several occasions to their superiors about the threat nitrogen-rich water posed to the bay. Both had their warnings ignored. Mr. Zebuth, who was explicitly told by his boss not to mention the nitrogen problem, describes how it was systematically "expunged" from technical reports on water quality. Sources at the Water Management District confirm that the same "coverup" is taking place there: "FDEP is a political machine, the Water Management District is a political machine. There's a lot of information being generated internally here that backs up what [LaPointe] is saying, but people don't want it getting out."

It is important to understand that under Florida law, the state can be held liable for pollution flowing through its structures, including dikes, spillways, pumps, etc. It's easy to see why a state government coming out of the throes of an expensive federal pollution lawsuit over phosphorus would be reluctant to publicly discuss an even greater problem with nitrogen. It was that official reluctance that created a leadership vacuum ready to be filled by the largest, most astute non-government player in the state.

That title goes to The Nature Conservancy, the biggest environmental organization in Florida, its power and influence directly derived from its relationship with government and connections with the largest corporations in the state. TNC is doing hundreds of millions of dollars in business with the State of Florida every year. TNC's Preservation 2000 program alone, now in its seventh year, is a state-underwritten bond issue worth \$300 million annually. That money is used to finance the acquisition of land TNC has earmarked for preservation. TNC earmarks that land by virtue of the fact that it also runs the Florida Natural Lands Inventory, a program that assesses property, parcel by parcel, and prioritizes it for purchase and protection by the state's Conservation and Recreational Land Program. TNC also acts as a "wetlands banker", as in a recent deal in which Disney was allowed to purchase and set aside a 10,000-acre parcel, the Walker Ranch, in exchange for the right to literally pave over a wetlands in order to build Celebration, Disney's new fantasyland condo development. (TNC employees now caretake the beautiful Walker Ranch.) And, of course, TNC is the managing partner in the Sanctuary itself, sits on the Sanctuary Advisory Council, and sits in final judgment of virtually all environmental activity in the Keys.

The local TNC family tree is similarly complex: Mark Robertson's wife, for example, is a senior aide to the Keys' U.S. Representative, Peter Deutsch (R-FL), a big Sanctuary cheerleader. Paul Dye, TNC's Director of Marine Conservation, is married to Robin Dye, Monroe County's Director of Marine Resources. The State Attorney in Key West, Kirk Zuelch, served on the TNC board from 1990 until 1993. Eric Draper, TNC's hardball lobbyist in Tallahassee, is widely reported to have been romantically involved with Carol Browner who, until her move to EPA in 1993, ran the state's environmental protection program.

Peggy Matthews, Browner's former number two and the person Paul Phillips says tried to get him fired for talking to Brian LaPointe has since worked as a consultant for TNC's Keys office. Dan Axelrad also promptly moved to TNC on leaving FDEP. Sam Poole, now the head of the Water Management District, is

a member of the Nature Conservancy's board of directors. Natantial Reed, a former aide to President Nixon and a mega-wealthy developer, is a longtime member of the WMD board, and sits on TNC's board as well. It just seems to go on and on. Hardly any wonder Hiasens's chowder heads seemed a bit wild-eyed.

But if the public was easily swayed by all the hypersalinity hype and did not notice a large, non-profit corporation infiltrating their world, it was because most were distracted with other more pressing matters: like maintaining ownership of their real estate. According to Ellen Sugarman, an investigative reporter living on Key West, residents had been living in a Bosnianesque world since 1989. That's when Kurt Zuelch, state prosecutor and TNC Board member formed the supersecret "Environmental Task Force". Composed of Sheriff Allison Defoor, Code Enforcement chief Marty Arnold and a host of local and federal law enforcement officers, the task force met to target a list of environmentally sensitive land. The same lands that were slated for acquisition through the State of Florida's Conservation and Recreational Land Program (CARL) and placed on that list by the local TNC.

The methods employed by this secret task force seemed more akin to the war on drugs than building code violations. Under the direction of Defoor, Florida Marine Patrol Officer Vincente Lopez became the pointman in the field. Lopez employed helicopter flyovers, patrol boat surveillance, night vision equipment, unannounced inspection tours, and "in-the-field" interrogations. Trespassing and breaking into homes and trailers without warrant or probable cause was not uncommon. By late 1990, Zuelch, wearing his State Attorney hat, began signing felony warrants against land owners for environmental crimes like "dredge and fill", alteration of mangroves, and the non-specific charge of "pollution." These charges brought arrest, incarceration, bail bonds in excess of \$10,000 and potential punishment of five years in the state penitentiary.

One of Lopez's many targets was Linda Shearer who had just leveraged her life savings with Lynn Parker to buy the 120 acre Pieces-of Eight Key. Shearer also had the distinction of being the only female law enforcement officer in Florida to win the VFW Award of Appreciation, an honor reserved for the top cops in the nation. Hardly a person you would suspect of heinous environmental crimes. Shearer and Parker had been charged with four counts of dredge and fill, one count of altering mangroves, and felony pollution. The women were cuffed, searched and lead off to jail. The evidence Lopez used to get Zelch to issue the arrest warrants had to do with tire ruts from the old jeep that the women used to traverse their property. According to Lopez's probable cause affidavit, it was a clear cut case of dredge and fill since the women had also used two bags of legally mulched leaves to level a hole in one of the 20 year old dirt roads. Thousands of dollars of legal fees later, Shearer and Parker ran out of money, their property was foreclosed and sold to a ready and waiting buyer, The Nature Conservancy. The same Nature Conservancy that had placed Pieces-of-Eight Key on its list of high priority properties to acquire. The same Nature Conservancy that had been unable to buy the property from Shearer or from its previous owner. According to Zuelch, the fact that he issued the warrants which ultimately resulted in the TNC purchase while he was also on the TNC board did not, at least to him, represent a conflict of interest. Zuelch also saw no conflict that suggesting to enviro-felons that a condition to dismissing charges was an agreement to sell their land to TNC.

Marty Arnold, who often accompanied Lopez on surprise inspections and interrogations, began filing volumes of code violations against Keys property owners for marginal, if not completely legal, activity. In a 1992 flurry, Arnold and Lopez began invading lower Keys properties without permission and began issuing citations against a myriad of homes, fishing shacks and other structures that had long been grand fathered in under county ordinance.

If Arnold's county code book was not enough, he also attempted to wield "administrative rules" from the Federal Emergency Management Agency, claiming that stoves, refrigerators and air conditioners located "at ground level" were violations of FEMA code and could be fined by the county at \$250 per day. Arnold's interpretation of FEMA guidelines was scurrilous at best, with FEMA stating that the items cited were simply "suggestions" and had nothing to do with enforceable building codes. At very least Arnold stimulated the local economy by creating a whole new cash crop for lawyers to fight nonexistent "FEMA violations"

While the tide of violations and arrests grew, so did land acquisition efforts. One special target was Big Pine Key, home of the tiny and unique key deer. In 1986, the U.S. Fish and Wildlife Service and the TNC had announced ambitious plans to save the remaining key deer habitat through land acquisition. According to USF&W and TNC, biologists were claiming that the once robust population of deer had been reduced to less than 300 animals, a sure sign of species collapse and a call to action. John Pescatello headed up TNC's side of the acquisition program partnership and stated that numerous willing sellers flocked to his offers to buy. Idoli Rodriguez, one of those owners on Big Pine, describes her willingness to sell. "They [USF&W] told me, either sell or they would take it."

Whether the deer population had fallen to 300 animals as the signs on Big Pine proclaim to this day is uncertain. Dr. Earl Rich, who studied key deer for the University of Miami, thinks the population

declines are based on nonexistent data and that the deer population is closer to 1200 animals. USF&W adamantly refutes those claims, but they have consistently failed to fund a simple aerial infrared survey to settle the issue. Chamber of Commerce members have since organized \$5,000 fund raising effort for a private survey. To us it sounded like hypersalinity redux.

Land acquisition in the Keys also means big profits for the local TNC. Tracts purchased by TNC and resold to USF&W or CARL a few months later can net thousands of dollars in "administrative fees" to TNC. Dollars which could be plowed back into land acquisition. What was required was a process to induce landowners to willingly sell at a reduced price. In a region of scarce land and high real estate prices, Zeulch and TNC seemed to have found that process.

While Zeulch denies knowledge of any relationship between felony charges and land sold to TNC, oddly enough, close to 100 percent of the properties cited for environmental infractions were on TNC's inventory of lands to be acquired for the state. Oddly enough, they almost invariably belonged to people too poor to hire a lawyer. And most of those people caved in; their properties are now proudly featured on TNC's list of protected lands.

Mike Halpern, a local Keys attorney who has made a career battling this land grab policy said in an interview with ABC's 20/20, "There's no question that the governments of the state and the federal government and even local county government are working together to get these people's property without paying for it. I've seen it over and over again."

The TNC was even robust enough to consider taking on the Water Management District. In a 1993 memo where Flicker and Robertson size up Barley's usefulness and Paul Jones' money, they lay out a plan of attack against SFWMD.

"Need to analyze a campaign plan to raise \$2 billion over some period of time. Three options (may be others): 1. Ballot (or several, or 1 that is bigger) 2. Federal ESA lawsuit against SFWMD, then impose WMD tax, 3. Get sugar to pay for a campaign to convince WMD to raise taxes."

Robertson apparently felt he had dirt on the Water Management District that would be worth \$2 billion in an ESA lawsuit or powerful enough to force the district to levy a new and expectedly unpopular ad valorem tax.

In that same memo, Robertson floats the idea that Paul Tudor Jones might fund a ballot initiative with \$2 million dollars. Two months after this memo was written, George Barley founded Save Our Everglades, Inc., a political action committee. Backed by Paul Tudor Jones, SOE declared war on Big Sugar, the long-reviled polluter of the Everglades. The plan was to levy a penny-per-pound tax on all raw sugar through an amendment to the state constitution. But before the amendment could be placed on the 1994 ballot, Florida's Supreme Court struck it down, saying its language smacked of politics. Barley immediately began work on a revised version, dividing the original amendment into three parts: the tax itself, a general "polluter-pays" resolution, and a measure creating a trust fund for the tax money as it came in from sugar-to "keep it out of the hands of bureaucrats." After Barley was killed his widow carried on, backed by Paul Jones. In the end, SOE spent more than \$8 million of Jones's money. Money Jones says was well spent to preserve the "precious Everglades."

The first measure failed last November; the second and third passed. If the aim was to defeat sugar, the plan may have actually succeeded. Under the new "polluter pays" amendment, sugar can be held "primarily responsible" for the cost of cleaning up any pollution it may be causing. And that "pollution" will be nitrogen. As long as there's agricultural runoff coming out of the Everglades, it will be nitrogen-rich.

Mary Barley announced on election night that her forces were preparing to launch a \$2 billion dollar (coincidentally the same figure proposed by Robertson two years earlier) suit against Big Sugar. Several weeks later, Florida Attorney General Bob Butterworth officially opined that such a lawsuit was feasible under the new law.

[line break]

The upper limits of the local TNC's power becomes evident in a legal memorandum issued by the General Accounting Office to charges that TNC had used federal money to influence the political process. While the dollar amount was small, the effect was not.

Terry Sullivan, TNC's Public Affairs Manager proudly wrote in a September 30, 1993 TNC internal report that he had "[d]eveloped and directed [a] plan to counter opposition's push for a county wide referendum against the establishment of a sanctuary...Plan was successful in blocking referendum (a 3-2 vote)." In that same report Sullivan claims to have "drafted testimony" for several public officials appearing before government committees, including Monroe County mayor, Jack London, who vehemently denies that anyone, including Sullivan, put words in his mouth.

According to the GAO, Sullivan was also guilty of attempting to improperly influence a Florida state

senator to support TNC's land acquisition programs. The GAO came to the same conclusion about TNC contacts with a US Congressional representative and a TNC letter writing campaign. It was further noted that employees of The Nature Conservancy's Florida Keys Initiative were not segregating time spent lobbying "as required by their own Government Relations Handbook." GAO also concluded that NOAA had done a poor job of monitoring TNC, failed to notice that only one quarterly report had been turned in, and took no action to correct delinquencies when they were discovered. The same NOAA who was charged by Congress to oversee the new 2,800 square mile golden magnet. By now, the chowder heads were rabid.

A bit of video tape from a Sanctuary Advisory Council meeting put it all in perspective. A salty, older man rises during public comment to ask Sanctuary Superintendent Billy Causey the following question: "What guarantee do we have that [the Keys] will not be made a park and that we will not be able to live here?" Causey stammers for a moment and responds that, "For anyone to make guarantees about anything that broad would be..." At which point Barley angrily interrupts. "Time out...You want to hear from someone else? Reinforce it for you? Call Mark Robertson."

Well, the Nature Conservancy is in the business of making parks, often parks studded with small islands of private land inhabited by the wealthy. Most people do not realize that, so the irony of Barley's response was largely lost on the audience. But if anyone would like to see the Keys become a federally protected landscape underwritten by corporate sponsors and caretaken by rich catch-and-release bonefishermen like Barley it's TNC. So far, the Keys and the Everglades had been a "cash cow" for TNC and other national groups who needed only to set up a local office and begin soliciting donations. Mantled under sanctuary protection the cash cow was about to grow into a herd. The only hurdle for TNC's public relations was to assure residents that their livelihoods and recreational activity would not be impaired by the implementation of sanctuary regulations.

At the same time that these assurances were being expounded in the local media and at SAC meetings, TNC was training their land managing partners. In an internal memo to TNC staff, Mary Enstrom announced a presentation to Fish and Wildlife Service and NOAA employees on "Assessing the Benefits and Drawbacks of Public Use." Appropriately subtitled, "Do you really want recreational activities on the preserves and bioserves you are managing?"

The fishermen had heard all of this before. When Everglades National Park was created the fishermen there were told not to worry, that they would be able to keep fishing. A few years later the Park Service closed the fishing down. The treasure salvagers were told the same after the Sanctuary was first designated, that it would be business as usual. Several months later, Mel Fisher had his ships seized and the entire treasure industry was wiped out by capricious NOAA fiat.

There is no question that, under the Sanctuary, the Keys were going to become a more difficult place to live for consumptive users of the resource. Less consumption was by definition part of the Sanctuary's mission. It is no accident that the Final Management Plan for the Sanctuary contains no social or economic impact data from after 1990, the year the Sanctuary was created. That simple fact belies all of the talk about the negligible impact the Sanctuary would have on the people who live there.

Internal documents from TNC show faint but unmistakable traces of the brave new look they have in mind for the islands. One is a simple phone message to Paul Dye from Jim Johnson, an advertising representative for Coca Cola. Appended to the message is a note in Dye's handwriting. It reads: "Coca Cola: Talking to all levels. J[jim] J[ohnson] wants CC, the official soft drink of the Florida Keys. Has brought \$10K to fishing umbrella. Wants a joint deal with TNC."

Mark Robertson scoffed at the idea that his office would be going down this road. "That's absolutely ridiculous, a total fabrication." But Jim Johnson, after some hostile evasion about whether these discussions had been taking place, said, "I'm not denying it."

As far as Disney is concerned, it seems unlikely that they would opt out of the bidding if the Sanctuary endorsement were up for sale. As we know from the Walker Ranch deal, TNC is no stranger to Disney. There are three Disney speed dial numbers programmed on TNC's central phone in the Keys; Disney's newest attraction in Orlando is called "Key West." Patricia T. Hardin, a TNC Trustee, lists her occupation as "Manager, Environmental Permitting, Walt Disney World."

Another salvaged memo shows that TNC's Mary Enstrom and Fran Decker were already laying the groundwork with Sea World by November, 1995. The memo begins: "Thank you for your interest in the Florida Keys! Mary Enstrom and I have put together some ideas that would be suitable for both Shamu TV and the Sea World summer camp....Please let us know when your creative session will be and one of us will try to attend. TNC's media spokesperson tosses this off as an "educational program." Harmless enough, and at face value, none of this is criminal. But it is a deception. This negotiating was never on the public radar. No one in the Keys was expecting their Sanctuary to become the geographical equivalent of the Dorito's Halftime Show. The Keys are one of the few places in Florida to have escaped that fate. TNC's creative solution to the ecological problems there seems to have been to sell off the islands best asset,

their unique flavor and independence.

Which does not mean that consumption doesn't need to be cut down, that the Keys aren't drastically overpopulated, that sewage isn't seeping into the sea, that they aren't killing off their own livelihoods. All of those things are true. And most people realize that. Most people, at first, welcomed some protection. It was the unending deceit that turned them.

It is also important to note that the tactics employed by the Florida Keys Initiative of The Nature Conservancy have not been observed on a national level. Jim Fisher, a nationally known and well-respected environmental consultant, related that TNC's main organization has always been a conservative institution with no record of unethical or illegal actions. It became painfully obvious during interviews with national TNC staffers that they had no idea of what was going on with their initiative group in the Florida Keys. In that information vacuum, Flicker and Robertson's people had found free rein, unencumbered by even the most cursory oversight. It is at that nexus of power, money, science and politics that a few zealous players, hiding behind green rhetoric, were able to completely subvert public policy towards the narrowest of agendas. Without recourse, without appropriate checks and balances, and without the glare of media attention. In the process, they were effectively able to suspend the constitutions of the United States and the State of Florida. In the end, they set the real environmental movement back decades.

Official conspiracy or legitimate environmental advocacy debate notwithstanding, the answers to Hiaasen's voter IQ test are about to be released. Sources on the House of Representatives Natural Resources Committee confirmed that "several serious" congressional investigations are about to be launched in South Florida after the new year. Meanwhile Congressional aides from Connie Mack, Peter Deutch, and Bob Graham are swarming in the Keys. Locals relate that they are not smiling and smearing on suntan lotion.

Perhaps someone will suggest to them that the Reverend Moon be approached as the official wacko religion of the Florida Keys. On these islands, stranger things could happen.

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