

**FLORIDA EVERGLADES RESTORA-
TION: WHAT ARE THE PRIORITIES?**

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES, WILDLIFE,
OCEANS AND INSULAR AFFAIRS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

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OVERSIGHT HEARING TITLED “FLORIDA EVERGLADES RESTORATION: WHAT ARE THE PRIORITIES?”

Thursday, November 3, 2011

U.S. House of Representatives

Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs

Committee on Natural Resources

Washington, D.C.

The Subcommittee met, pursuant to call, at 10:06 a.m. in Room 1324, Longworth House Office Building, Hon. John Fleming [Chairman of the Subcommittee] presiding.

Present: Representatives Fleming, Wittman, Southerland, Bordallo, and Hanabusa.

Also Present: Representatives Ross and Rivera.

Dr. FLEMING. The Subcommittee will come to order. The Chairman notes the presence of a quorum.

STATEMENT OF HON. JOHN FLEMING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Dr. FLEMING. Good morning. Today the Subcommittee will be holding an oversight hearing on the Florida Everglades restoration and the proposed Everglades Headwaters National Wildlife Refuge and Conservation Area at the request of several Members of the Florida congressional delegation.

Since 2001, the U.S. Army Corps of Engineers and the South Florida Water Management District have dedicated themselves to the Comprehensive Everglades Management Plan. This project, which is the largest in our history, is designed to restore the Florida Everglades by improving water quality, removing phosphorus and other contaminants and getting the water right. Together, the Federal Government and the State of Florida have pledged some \$14 billion to complete 68 projects, the vast majority of which are occurring south of Lake Okeechobee.

It is in this context that earlier this year the Secretary of the Interior announced his intention to establish a 150,000 acre national wildlife refuge and conservation area north of Lake Okeechobee. A fundamental purpose of this hearing is to examine whether this refuge and conservation area will assist in the restoration of the Everglades or is simply an unnecessary side show and diversion of badly needed Federal funds.

Let me say that I remain disappointed that the Service has been unwilling to support the need for a congressional authorization of new national wildlife refuges, something we had a hearing just recently on. The proposed Everglades Headwaters Refuge is a classic example of where an authorization is badly needed and may in fact increase public support for this proposal.

In fact, I now have a better understanding of why the Service wants to act quickly. Despite the fact that this project was not included in either their budget submission or their land acquisition priority list, the Service quickly recognized that falling land prices in Central Florida presented an irresistible opportunity to acquire thousands of new acres of private property in Florida at a fraction of what it would have cost just three years ago.

In addition to the more than \$700 million it will cost our taxpayers to buy these Florida lands and easements, there are additional consequences. For instance, the Service has freely admitted that there are at least 60 major development projects in the Everglades landscape that are either in initial stages or have been approved. When the economy improves, those projects are likely to proceed. What the Service fails to tell the American people is how many thousands of new jobs will be lost by locking up this land to no development in the future.

At the same time, it was distressing to hear that representatives of the Service were telling Florida residents that their lost county tax revenues would be offset through the Refuge Revenue Sharing Program at almost the exact time the Obama Administration was submitting a budget requesting no appropriated funds for this program in Fiscal Year 2012. Let me repeat that. This Administration requested zero dollars for the promise of lost revenues to Florida. I hope the Florida communities heard this.

We will also hear testimony today and I will submit letters from various conservation organizations expressing their concerns that legitimate recreational opportunities will be denied once this refuge is established.

Let us look at the record. There are 28 national wildlife refuges located entirely within the State of Florida, and only seven refuges are open to hunting. This represents less than 30 percent of all refuge acreage in the state. More importantly, the Service has made promises in the past to allow hunting in certain new units like the Florida Panther National Wildlife Refuge, only to find the door slammed in the sportsmen's faces when it was established. It is my hope that the Service will provide us with assurances, if not a guarantee, that wildlife dependent recreation will be permitted within the entire Everglades Headwaters National Wildlife Refuge if it is created.

In the final analysis, I am looking forward to hearing the Service's justification to this proposal, how they intend to compensate locally affected counties, how they intend to treat Florida sportsmen and how they intend to make this project instrumental in the restoration of the Florida Everglades. It really is a question of has the Service overreached and over promised.

I now recognize the gentlelady from Hawaii, Congresswoman Colleen Hanabusa, who is serving as the Ranking Minority Member of the Subcommittee for today's hearing.

[The prepared statement of Dr. Fleming follows:]

**Statement of The Honorable John Fleming, Chairman,
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs**

Good morning, today, the Subcommittee will be holding an oversight hearing on the Florida Everglades Restoration and the proposed Everglades Headwaters Na-

tional Wildlife Refuge and Conservation Area at the request of several members of the Florida Congressional Delegation.

Since 2001, the U. S. Army Corps of Engineers and the South Florida Water Management District have dedicated themselves to the Comprehensive Everglades Management Plan. This project, which is the largest in our history, is designed to restore the Florida Everglades by improving water quality, removing phosphorus and other contaminants and “getting the water right”. Together, the federal government and the State of Florida have pledged some \$14 billion to complete 68 projects the vast majority of which are occurring south of Lake Okeechobee.

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Let me say that I remain disappointed that the Service has been unwilling to support the need for a Congressional authorization of new national wildlife refuges. The proposed Everglades Headwaters refuge is an classic example of where an authorization is badly needed and may, in fact, increase public support for this proposal.

In fact, I now have a better understanding of why the Service wants to act quickly. Despite the fact that this project was not included in either their budget submission or their Land Acquisition Priority List, the Service quickly recognized that falling land prices in Central Florida presented an irresistible opportunity to acquire thousands of new acres of private property in Florida at a fraction of what it would have cost them three years ago.

In addition to the more than \$700 million it will cost our taxpayers to buy these Florida lands and easements, there are additional consequences. For instance, the Service has freely admitted that there are at least sixty major development projects in the Everglades Landscape that are either in initial stages or have been approved. When the economy improves, those projects are likely to proceed. What the Service fails to tell the American people is how many thousands of new jobs will be lost by locking up this land to no development in the future.

At the same time, it was distressing to hear that representatives of the Service were telling Florida residents that their lost county tax revenues would be offset through the Refuge Revenue Sharing Program at almost the exact time the Obama Administration was submitting a budget requesting no appropriated funds for this program in FY’12. Let me repeat that: This Administration requested zero dollars for the promise of lost revenues to Florida. I hope the Florida communities heard this.

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In the final analysis, I am looking forward to hearing the Service’s justification to this proposal; how they intend to compensate locally affected counties; how they intend to treat Florida sportsmen; and how they intend to make this project instrumental in the restoration of the Florida Everglades. It really is a question of has the Service overreached and over promised.

I now recognize the gentle lady from Hawaii, Congresswoman Colleen Hanabusa, who is serving as the Ranking Minority Member of the Subcommittee for today’s hearing.

**STATEMENT OF HON. COLLEEN W. HANABUSA, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII**

Ms. HANABUSA. Thank you, Chairman Fleming. In my home of Hawaii, the livelihoods of farmers and fishermen depend on clean

water. The same is true for Florida where the Everglades ecosystem provides water for cities and farms.

The Everglades have been damaged by drainage and pollution. Recognizing the need to restore this national treasure, Congress committed to a plan in 2000 and have authorized further projects in 2007 with strong bipartisan support. The goal is to restore the ecosystem, which will also ensure that people have clean water and flood protection.

The Everglades have degraded over decades, and as a result it will take decades to restore. On October 27, the South Florida Ecosystem Restoration Task Force announced a fast tracked central Everglades planning process. With congressional authorization, this effort will provide more clean water to people in Central and South Florida. A key piece of the puzzle for restoration is the proposed Everglades Headwaters National Wild Refuge. This refuge will improve water quality and quantity in the upper Everglades watershed, and this will benefit Central and South Floridians. We do not need to choose between creating the refuge and restoring the Everglades. The refuge is important to achieving restoration.

The refuge proposal has been developed in an open, collaborative process with many local partners. Ranchers will be able to make conservation easements protecting the land from development and preserving their way of life. There will be access for hunting, fishing and other recreation. The refuge will ensure flexible training on Avon Park Air Force Range. For the Florida panther and black bear, the refuge will connect habitat and give them freedom to roam.

But pictures speak louder than words, so I wanted to show a short video clip of stakeholder support for this proposed refuge. Let the video run.

[Whereupon, a video was played.]

Ms. HANABUSA. Mr. Chairman, I would like to enter into the record letters of support of the Everglades Headwaters proposal from the Kenneth Kirchman Foundation, the Adams Ranch and Camp Lonesome Ranch in Florida, the Nature Conservancy, and a statement from our colleague, Congressman Alcee Hastings.

I thank the witnesses for testifying today and look forward to learning more about the Everglades.

[The prepared statement of Ms. Hanabusa follows:]

**Statement of The Honorable Colleen Hanabusa, Ranking Member,
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs**

Thank you, Chairman Fleming.

In my home of Hawaii, the livelihoods of farmers and fishermen depend on clean water. The same is true in Florida, where the Everglades ecosystem provides water for cities and farms. The Everglades have been damaged by drainage and pollution. Recognizing the need to restore this national treasure, Congress committed to a plan in 2000, and authorized further projects in 2007 with strong bipartisan support. The goal is to restore the ecosystem, which will also ensure that people have clean water and flood protection.

The Everglades has degraded over decades, and as a result it will take decades to restore. On October 27th, the South Florida Ecosystem Restoration Task Force announced a "fast-tracked" Central Everglades planning process. With Congressional authorization, this effort will provide more clean water to people in central and south Florida.

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But pictures speak louder than words, so I wanted to show a short video clip of stakeholder support for this proposed Refuge.

[2-minute video]

This video demonstrates that we have a limited window to preserve the Everglades Headwaters as a rural working landscape. It is essential that we make legacy investments like this Refuge *now* to ensure that these fish, wildlife, and habitats are protected for the enjoyment and benefit of future generations. The Land and Water Conservation Fund, which is generated by offshore oil and gas drilling revenues and not taxpayers' dollars, provides the Fish and Wildlife Service with resources to acquire lands and conservation easements from *willing* sellers and land owners.

I would like to enter into the record letters in support of the Everglades Headwaters proposal from the Kenneth Kirchman Foundation, the Adams Ranch, and Camp Lonesome Ranch in Florida, The Nature Conservancy, and a statement from our colleague, Congressman Alcee Hastings.

I thank the witnesses for testifying today and look forward to learning more about the Everglades.

Dr. FLEMING. You are submitting letters for the record?

Ms. HANABUSA. Right.

Dr. FLEMING. Okay. I ask unanimous consent. Without objection, so ordered.

[The letters submitted for the record by Ms. Hanabusa can be found starting on page 83.]

Dr. FLEMING. We have also been joined by two of our friends from Florida, Mr. Rivera and Mr. Ross, but as is our tradition we welcome you to join us as this certainly applies to your districts and ask unanimous consent that they be allowed to sit with the Subcommittee and participate in the hearing. Hearing no objection, so ordered. Thank you.

We will now hear from our witnesses. Like all witnesses, your written testimony will appear in full in the hearing record, so I ask that you keep your oral statements to five minutes as outlined in our invitation letter to you and under Committee Rule 4[a]. Our microphones are not automatic, so please press the button when you are ready to begin.

I also want to explain how our timing lights work. It is very simple. You have five minutes. You are under green for four minutes, then for the final minute you are under yellow, and we would like for you to wrap up just before or certainly just after the red light comes on. I would appreciate your being as compliant as possible with that. However, if your statement goes much longer than that you can submit it in writing for the record.

I would now like to welcome today's witnesses. On Panel 1 we have The Honorable Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works at the Department of Defense, and Ms. Rachel Jacobson, the Acting Assistant Secretary for Fish, Wildlife and Parks at the Department of the Interior, who is accompanied by Mr. Mark Masaus, who is the Deputy Regional Director of Region IV for the U.S. Fish and Wildlife Service.

Secretary Darcy, you are now recognized for five minutes.

STATEMENT OF HON. JO-ELLEN DARCY, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, U.S. DEPARTMENT OF DEFENSE

Ms. DARCY. Thank you, Mr. Chairman and members of the Subcommittee. I am Jo-Ellen Darcy, the Assistant Secretary of the Army for Civil Works. I want to thank you for the opportunity today to testify on the Comprehensive Everglades Restoration Plan or, as we call it in shorthand, CERP. We in the Army have acronyms for everything, so it is CERP. It is also being implemented by the Army Corps of Engineers and our non-Federal partners in Florida.

Working in collaboration with partners and many stakeholders at the local, state and Federal level, restoration of the historic Everglades ecosystem is one of the largest and most complex environmental restoration efforts in North America. The overarching goal of CERP is to capture the freshwater that now flows unused to the ocean and the Gulf and redirect it to storage for delivery to natural areas when they need it.

Returning a more historic flow of water to the river of grass will not only revive the native habitat for 68 Federally listed threatened and endangered species; it will also naturally replenish the underground aquifers that supply drinking water to the population of South Florida. Redirecting the flows away from the Atlantic and the Gulf will also protect coral reefs and other coastal ecosystems important to the state's fishing, diving and tourism and other related industries.

The CERP is based on getting the water right by improving water quality, quantity, timing and distribution to the Everglades while also maintaining other water-related levels of service. There are other important projects that predate CERP for Everglades restoration that work hand-in-hand to realize the benefits of the CERP. These important companion projects will restore the Kissimmee River and improve water flows into Everglades National Park.

The state is also working to restore and protect the Northern Everglades by creating water quality treatment marshes for water flowing into Lake Okeechobee, coastal estuaries and the Everglades. Major components of CERP include above ground and underground water storage features, water preserve areas, management of Lake Okeechobee as an ecological resource, improved water deliveries to the St. Lucie and Caloosahatchee estuaries, treatment wetlands, improved water deliveries to the Everglades, removal of barriers to the natural sheet flow of water, reuse of wastewater and improved water conservation.

Sound environmental science is at the heart of this effort, much of it new and pioneering work. Since 2000, much has been learned through rigorous research and extensive monitoring. The CERP planners recognize this natural progression in applied science and included a commitment to adaptive management as an integral part of CERP implementation to support improved decision making and performance over time.

The Corps, in partnership with its partner, the South Florida Water Management District, continues to develop an integrated strategy for CERP implementation. In order for CERP to be implemented successfully, the Corps is continuing to coordinate with the Department of the Interior, tribal governments and other Federal and state partners, all of which have actively participated in the development and the progress of this program.

From Fiscal Year 1999 through Fiscal Year 2011, just over \$750 million has been allocated, which includes funds received through the American Reinvestment and Recovery Act, for planning, design, and construction of CERP projects. Construction is underway on three projects that were authorized in the 2000 legislation. This is the Indian River Lagoon South, the Picayune Strand Restoration and the Site 1 Impoundment.

The Committee on Independent Scientific Review of Everglades Restoration Progress positively acknowledge the value and contributions of the adaptive assessment and monitoring program which has been regularly supported by the Administration and the Congress.

Major construction efforts on authorized projects include construction of the Merritt Pump Station, which is a feature of the Picayune Strand, installing pilot projects for aquifer storage and recovery with ongoing cycle testing and monitoring at the Kissimmee River and Hillsborough Canal sites, completing design to prepare Indian River Lagoon South for construction, initiating construction on the Site 1 project and also initiating construction for the annex facility to support the Melaleuca Eradication Project.

Project implementation reports for three additional major projects are nearly completed, and the fourth is under review. In addition, the Army and the state recently initiated the Central Everglades Study, which is a major step to pursue restoration of habitat in the central portion of the Everglades. This study is part of the Corps' larger nationwide planning modernization program, which is designed to shave years from our project delivery process.

This study will build on recent science with a target for completion in less than two years rather than the five to seven years of past studies. Certain projects are being implemented by the state under their own authorities and using their own resources. These projects or portions of projects are expected to advance the delivery of benefits to the natural and human environments in and around South Florida.

I see that my time is almost up, so I am just going to end by saying I appreciate the opportunity. I also wanted to point out that we have submitted our report to Congress. Under the legislation that authorized the CERP we are required every five years to give a progress report, and our 2010 progress report was delivered to the Congress this week. Thank you.

[The prepared statement of Ms. Darcy follows:]

**Statement of The Honorable Jo-Ellen Darcy,
Assistant Secretary of the Army (Civil Works), U.S. Department of the Army**

Mr. Chairman and distinguished members of the subcommittee, I am Jo-Ellen Darcy, Assistant Secretary of the Army (Civil Works). Thank you for the opportunity to testify on the Comprehensive Everglades Restoration Plan (CERP), approved by Congress in the Water Resources Development Act of 2000 (WRDA 2000)

and being implemented by the U.S. Army Corps of Engineers (Corps) and our non-federal partners in Florida. My testimony focuses on the questions included in your letter of October 24, 2011.

EVERGLADES RESTORATION STATUS UPDATE

Working in collaboration with partners and many stakeholders at the local, state and federal level, restoration of the historic Everglades ecosystem is one of the largest and most complex environmental restoration efforts in North America. The overarching goal is to capture the fresh water that now flows unused to the ocean and the Gulf and redirect it to storage for delivery to natural areas when they need it. Returning a more historic flow of water to the *River of Grass* will not only revive the native habitat for 68 federally listed threatened and endangered species, it will also naturally replenish the underground aquifers that supply drinking water to the population of south Florida. Redirecting flows away from the Atlantic and Gulf will also protect coral reefs and other coastal ecosystems important to the states' fisheries, diving, tourism and related industries.

Due to the continued decline in overall health of the ecosystem and recognizing that a healthy ecosystem is fundamental to a healthy economy, numerous initiatives and construction projects are now under way to revitalize and protect the expansive south Florida ecosystem. A major component of south Florida ecosystem restoration is implementation of the CERP, the framework for large-scale restoration of the Everglades. CERP is a series of modifications to the regional water supply and flood control project (the "Central and Southern Florida Project") that is carried out by the Corps and its non-Federal sponsor, the South Florida Water Management District.

The CERP is based on "getting the water right" by improving water quality, quantity, timing and distribution to the remnant Everglades while also maintaining other water related levels of service. There are other important projects that pre-date CERP (the "Foundation Projects") for Everglades restoration that work hand-in-hand to realize the benefits of the CERP. These important companion Foundation Projects will restore the Kissimmee River and improve water flows into Everglades National Park. The state of Florida is also working to restore and protect the Northern Everglades by creating water quality treatment marshes for water flowing into Lake Okeechobee, coastal estuaries and the Everglades. Other federal agencies, such as the U.S. Department of Agriculture (USDA), have provided conservation easements to protect and conserve private lands in a manner that also benefits improvements in regional water quality and storage.

Major components of CERP include above-ground and underground water storage features, water preserve areas, management of Lake Okeechobee as an ecological resource, improved water deliveries to the St. Lucie and Caloosahatchee estuaries, treatment wetlands, improved water deliveries to the Everglades, removal of barriers to the natural sheetflow of water, reuse of wastewater, and improved water conservation.

Sound environmental science is at the heart of this effort, much of it new and pioneering work. Since 2000, much has been learned through rigorous research, extensive monitoring and the development and refinement of computer models. The CERP planners recognized this natural progression in applied science and included a commitment to adaptive management as an integral part of CERP implementation to support improved decision-making and CERP performance over time. This commitment was reinforced in the WRDA 2000 with specific requirements to improve the plan over time. As restoration and scientific investigations advance, the opportunities to incorporate CERP improvements and changes to better achieve restoration goals and objectives advance as well.

In accordance with WRDA 2000, the 2010 Report to Congress was recently submitted by the Assistant Secretary of the Army (Civil Works) and the Secretary of the Interior in consultation with the United States Environmental Protection Agency, the Department of Commerce and the state of Florida. The Secretary of the Interior, the Administrator of EPA and I each reviewed the progress to date and determined that satisfactory progress is being made towards achieving the benefits for the natural system and the human environment envisioned in the CERP.

The Corps, in partnership with its primary partner, the South Florida Water Management District (SFWMD), continues to develop an integrated strategy for implementation of the Plan. In order for the Plan to be implemented successfully it is imperative to maintain coordination with the Department of the Interior, tribal governments and other federal, and state partners, all of which have actively participated in the development and progress of this program. In the past five years, three projects were authorized for construction in the Water Resources Development Act of 2007: Indian River Lagoon South, Picayune Strand Restoration and Site 1

Impoundment. Construction is underway on all three of these projects and is providing needed momentum toward the restoration of the Everglades. In addition, funding provided through the passage of the American Recovery and Reinvestment Act (ARRA) allowed construction on both CERP and other south Florida Restoration projects to proceed at a quicker pace while providing over 6000 jobs in south Florida.

CERP FUNDING

The allocation from Fiscal Year (FY) 1999 through FY 2011 for CERP is \$753,845,000, which includes funds received through ARRA, as well as regular appropriations. The amount allocated includes funding for Planning, Design and Construction of CERP projects.

The current cost estimate for the CERP is \$13.5 billion at October 2009 price levels. Over two billion dollars in combined contributions from the federal and state partners has been provided in support of CERP and prospective CERP projects over the past five fiscal years (2005-2009). During this time, the federal government expended almost \$259 million, while it is estimated that non-Federal sponsors spent approximately \$270 million on activities not related to land acquisition, which is a major expense. As of December 31, 2010, the state of Florida has spent an estimated \$1.29 billion to purchase approximately 233,000 acres which are anticipated to be made available for CERP project features. Some of this land was acquired by the state using federal grant funds amounting to over \$327 million. Funding over the past five years included resources made available under ARRA which are outside the general FY 2009/FY 2010 budget process. ARRA funds combined with the President's FY 2009 and FY 2010 budgets infused the largest amount of Federal funding received since Congress approved CERP in 2000. This resulted in a "jump-start" of important restoration projects, speeding the recovery of the natural system, and providing jobs and contracts during difficult economic times.

HOW MANY OF THE 68 CERP COMPONENTS HAVE BEEN COMPLETED?

Construction is underway on all three projects authorized in the Water Resources Development Act of 2007 (Indian River Lagoon South, Picayune Strand Restoration and Site 1 Impoundment). In fact, I was pleased to attend the groundbreaking for the Indian River Lagoon South project last Friday, along with Congressman Rooney. The Committee on Independent Scientific Review of Everglades Restoration Progress, which is required by the WRDA 2000, positively acknowledged the value and contributions of the Adaptive Assessment and Monitoring program, which has been regularly supported by the Administration and the Congress. Additional work continues on the Melaleuca Eradication project as well as Aquifer System and Recovery Pilot projects, small projects authorized in CERP. The SFWMD has begun construction on two additional CERP projects, the C-111 Spreader Canal and Biscayne Bay Coastal Wetlands projects.

Following is an outline of the work conducted on authorized CERP projects, with a description of the status of projects that have nearly completed the Project Implementation Report (PIR) process and a description of the SFWMD's construction efforts to date on projects that have not yet been authorized but have a PIR in process and for which a Pre-Project Partnership Agreement has been signed.

Major construction efforts on authorized CERP Projects:

- Initiated construction for the Merritt Pump Station feature of Picayune Strand Restoration, building on the state's work of filling and plugging seven miles of the Prairie Canal; removal of 65 miles of roadways and installation of seventeen culverts. Wading birds, black bears and the endangered Florida panther have already been observed within the 13,000 acres of restored habitat.
- Installed pilot projects for aquifer storage and recovery, with ongoing cycle testing and monitoring at the Kissimmee River and Hillsboro Canal sites.
- Completed designs to prepare Indian River Lagoon-South for construction. Initiated construction on October 28, 2011.
- Awarded the first construction contract for the Site 1 Impoundment, adjacent to the Arthur R. Marshall Loxahatchee National Wildlife Refuge. Initiated construction on the Site 1 project.
- Initiated construction for the Annex facility to support the Melaleuca Eradication project.

PIR's for three additional major projects are nearly complete and a fourth is significantly through the review process:

- The Caloosahatchee (C-43) West Basin Storage Reservoir project has a signed report of the Chief of Engineers.

- The C-111 Spreader Canal Western Project has completed the Civil Works Review Board process as well as state and agency review. The next step is a signed report of the Chief of Engineers.
- The Biscayne Bay Coastal Wetlands (Phase I) has been sent to the Civil Works Review Board. Broward County Water Preserve Areas has been approved by the Civil Works Review Board, is currently being revised by the Jacksonville District to update the document.
- In addition, the Army and the state of Florida recently initiated the Central Everglades study, a major step to pursue restoration of habitat in the central "river of grass" portion of the Everglades. This study is part of the Corps' of Engineers larger nationwide planning modernization program, designed to shave years from the project delivery process. This study will build on recent science with the target for completion in less than two years, rather than the 5-7 years of past studies.

Certain projects are being implemented by the state of Florida under their own authorities and using their own resources. The Corps coordinates closely with the SFWMD during the PIR process for projects where the state wishes to undertake construction. These projects or portions of projects are expected to advance the delivery of benefits to the natural and human environments in and around the Everglades ecosystem. The Corps has also worked closely with the state of Florida to assist in its efforts to expedite these projects with regard to the required federal permitting under Section 404 of the Clean Water Act. The SFWMD has signed Pre-Project Partnership Agreements and is currently implementing construction under its own resources for the C-111 Spreader Canal and Biscayne Bay Coastal Wetlands projects, including the following work:

- Initiated construction of the Deering Estates Flow-way, part of Phase 1 of the proposed CERP Biscayne Bay Coastal Wetlands Project to restore more natural water flows to the Bay and Biscayne National Park, thus helping to restore the estuarine environment and associated plant and animal life.
- Completed construction of L-31E Culverts, part of Phase 1 of the proposed CERP Biscayne Bay Coastal Wetlands Project.
- Initiated construction of the proposed CERP C-111 Spreader Canal Western Project to benefit Florida Bay by restoring freshwater wetlands, tidal wetlands and near-shore habitat.

LAKE OKEECHOBEE

The state of Florida has the primary responsibility for meeting existing water quality standards. Nonetheless, north of Lake Okeechobee there have been two projects that have involved federal participation by the Corps that have had an effect on water quality in this area. As part of the Foundation Projects, the Corps of Engineers and SFWMD are jointly implementing the Kissimmee River Restoration Project which, as it is completed, will help improve the water quality flowing into Lake Okeechobee. The Corps is also constructing the Taylor Creek/Nubbin Slough project, authorized as part of the Critical Projects.

Since 2000, it is my understanding that approximately \$315 million of state funding and SFWMD contributions have been invested to implement activities described in the Florida state law. SFWMD's achievements to date include the use of Best Management Practices (BMP), construction of a phosphorus reduction project, land-owner partnerships to provide water storage on private lands, and pilot projects to test and demonstrate technological innovations. The following specific accomplishments were reported to us by the SFWMD:

- As of December 2010, landowners enrolled approximately 1.3 million acres (76%) of agricultural lands in the state-adopted Best Management Practices program and are applying owner-implemented BMPs focused on reducing phosphorus loads to Lake Okeechobee. Almost two-thirds of the agricultural acreage with owner implemented BMPs (838,780 acres) have also administered cost-share BMPs. Florida's Department of Agriculture and Consumer Services will continue to work cooperatively with the coordinating agencies, stakeholders, and landowners to identify alternative funding sources and other opportunities to accelerate the rate of BMP enrollment and implementation.
- More than 30 phosphorus reduction projects have been constructed with state of Florida funding, including isolated wetland restoration projects, Dairy Best Available Technology projects, former dairy remediation projects, and public-private partnership projects. The potential average annual phosphorus load reduction from these projects is estimated at 26 metric tons.
- Six Hybrid Wetland Treatment Technology (HWT) projects have been implemented under a joint effort between the SFWMD and Florida Department of

Agriculture and Consumer Services in the St. Lucie and Lake Okeechobee watersheds. Another HWTT site in the Lake Okeechobee Watershed is expected to be built by March 2011. Collectively, these projects will provide approximately four metric tons of phosphorus load reduction per year.

- Lakeside Ranch, Stormwater Treatment Area (STA) construction is under way. This STA is expected to reduce the average phosphorus load to the lake by approximately 24 metric tons per year when it is fully operational.
- With funding provided by the state of Florida and South Florida Water Management District, crews removed or sequestered approximately 1.9 million cubic yards of muck from Lake Okeechobee, exposing thousands of acres of natural lake bottom sand and promoting the return of native plant species. In addition, the project removed 142 metric tons of phosphorus from the lake. These efforts were completed during low Lake Okeechobee water levels.

COMMITTEE ON INDEPENDENT SCIENTIFIC REVIEW OF EVERGLADES RESTORATION PROGRESS (CISRERP) REPORT

Much of the rationale for the conclusions reached by the CISRERP relates to the presence of "legacy phosphorus" upstream of the Everglades and the expected lag between the completion of individual restoration construction projects and full ecosystem recovery. Despite CISRERP's outlook that restoration will take several decades, there are encouraging examples of multi-party, multi-pronged approaches to abate water quality issues. Implementation of restoration measures in a dynamic, living ecosystem has always been recognized as having a higher degree of uncertainty than, for example, many of the Corps' more traditional flood control projects. The CERP has always acknowledged that completion of planned work does not mean instant success. Although parts of the south Florida ecosystem have demonstrated remarkable resilience in their recovery following completion of a particular restoration project, the full ecosystem responses lag behind physical completion of construction. More importantly, science is now telling us that chemical changes in the makeup of the system after project features are complete are likely to take significantly longer than originally expected before the ecosystem will be restored.

In view of the complexity and uncertainties of the Everglades ecosystem, we have known from the beginning that difficulties would arise and adjustments to the Plan would be needed along the way. For these reasons, Congress directed us to develop adaptive management strategies. These strategies are embraced and incorporated into the CERP and the Corps remains committed to the use of the best available science and employment of proven adaptive management techniques. These strategies are essential to our success.

CONCLUSION

The Army is committed to continue to work with all of its partners to continue to work in this critical area. This concludes my testimony and I look forward to any questions you or other Members of the subcommittee may have.

Dr. FLEMING. Yes. Thank you, Ms. Darcy, for being prompt with the ending of your statement. Again, it will be submitted in written form to the record.

Let us see. Ms. Jacobson, you are now recognized for five minutes.

STATEMENT OF RACHEL JACOBSON, ACTING ASSISTANT SECRETARY FOR FISH, WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY MARK MASAU, DEPUTY DIRECTOR, SOUTHEAST REGION, U.S. FISH AND WILDLIFE SERVICE

Ms. JACOBSON. Good morning, and thank you, Chairman Fleming and members of the Subcommittee. I am Rachel Jacobson, Acting Assistant Secretary for Fish and Wildlife and Parks at the Department of the Interior. I am accompanied by Mark Masaus, the Deputy Director of the Fish and Wildlife Service Southeast Region.

As Acting Assistant Secretary, I oversee and coordinate policy for the Fish and Wildlife Service and the National Park Service. I ap-

preciate the opportunity to appear before you today to testify about the proposal to establish the Everglades Headwaters National Wildlife Refuge and Conservation Area.

The Everglades Headwaters proposal reflects the vision of more than a dozen partners, including ranchers, the State of Florida, the Departments of Defense and Agriculture, the Nature Conservancy, the National Wildlife Refuge Association and others, all working together through the Greater Everglades Partnership Initiative, to conserve one of eastern North America's last grassland and long leaf pine savannah landscapes while helping to preserve a working rural landscape of ranches and farms, as was nicely demonstrated by the video.

The proposal is based on the best available science. It builds on a long legacy of conservation in Central Florida and will help connect state parks and wildlife management areas, ranches and the Avon Park Air Force Range as a contiguous wildlife corridor. Our proposal is shaped by public input. Last January, the Service launched a three month public scoping effort during which 1,700 citizens attended four public meetings and another 38,500 provided written comments. The Service also held an informal 30 additional meetings with interested stakeholders. We received overwhelming public support for this effort.

The draft land protection plan and environmental assessment that has been put out for public comment reflects this input. These documents were initially published in September, and now at the request of the local hunting conservation organizations the public comment period has been extended to November 25.

Florida's population is expected to double by 2060, increasing the development pressure on the grasslands and savannah of Central Florida. There is a need to act now to conserve the wildlife of this region and its rural landscapes. The Everglades Headwaters proposal takes a new approach to conservation by mixing public lands with easements on private lands. The proposed 150,000 acre refuge and conservation area would protect up to 288 at-risk species found across the valley.

Wildlife dependent recreational opportunities will be a priority for the refuge. Under the proposal, the Service and the Florida Fish and Wildlife Conservation Commission would jointly manage expanding hunting and fishing opportunities on refuge lands. Two-thirds of the area, covering 100,000 acres, would remain in private ownership with conservation easements and stay on the local tax roles. Cattle ranchers in the valley have been extraordinary stewards in the lands, and we want to help them hold onto this way of life. The remaining 50,000 acres would be purchased by the Service from voluntary sellers to create the refuge, which would open new wildlife dependent recreational opportunities previously not available.

The Service understands the significant financial commitment this proposal would entail. If the refuge is established, property interests will be acquired from willing sellers over many years through funds derived primarily from the Land and Water Conservation Fund. In addition, several landowners have already expressed interest in donating land for this project, which would re-

duce the overall cost. We will also seek leveraging opportunities through private contributions and other sources of funding.

We believe the proposal stands on its own as an important addition to the Refuge System. However, it also complements the overall goals of the Everglades restoration. It provides significant opportunities to protect and restore native prairies and freshwater wetlands that naturally store water, the most critical component of the Everglades ecosystem.

It will ensure that the water quality at the top of the Everglades system is maintained, which is important to the long-term success of restoration efforts below the headwaters. As one of the world's most ecologically diverse ecosystems, the Everglades are one of America's last incredible wild places. That is why the ongoing national effort to restore the area known as the "River of Grass" is so important.

Thank you for the opportunity to appear before the Subcommittee to talk with you about this important project. I will look forward to answering any questions you may have.

[The prepared statement of Ms. Jacobson follows:]

Statement of Rachel Jacobson, Acting Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior

Good morning Chairman Fleming and members of the Subcommittee. I am Rachel Jacobson, Acting Assistant Secretary for Fish and Wildlife and Parks at the Department of the Interior. As Acting Assistant Secretary, I oversee and coordinate policy for the U.S. Fish and Wildlife Service (Service) and the National Park Service. I appreciate the opportunity to appear before you today to testify about the Service's proposal to establish the Everglades Headwaters National Wildlife Refuge and Conservation Area to advance the goals of the multi-stakeholder Greater Everglades Partnership Initiative.

The mission of the National Wildlife Refuge System (Refuge System) is to administer a national network of lands and waters for the conservation, management and, where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans. Encompassing more than 150 million acres of land and water, the Refuge System is the world's premier network of public lands devoted to the conservation of fish, wildlife and their habitats.

National wildlife refuges are found in every state. In total, the Refuge System now contains 555 refuges and 38 wetland management districts. The management of each refuge gives priority consideration to appropriate recreational uses of the refuge that are deemed compatible with the primary conservation purposes of the refuge, and the overall purpose of the Refuge System.

Genesis of the Everglades Headwaters Proposal

More than a dozen partners have been working together through the Greater Everglades Partnership Initiative to conserve one of eastern North America's last grassland and longleaf pine savanna landscapes, located in Central Florida.

The proposal was aimed at protecting the headwaters of the Everglades and designed to help protect a working rural landscape of ranches and farms and the habitat of this unique ecosystem.

Our partners in the Everglades Headwaters proposal include ranchers, the State of Florida, the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service, the U.S. Department of Defense, The Nature Conservancy, the National Wildlife Refuge Association, and others. The proposal builds on a long legacy of conservation values established in Central Florida, connecting existing conservation lands within the Kissimmee River Valley (Valley) including state parks, wildlife management areas, and the Avon Park Air Force Range. The Natural Resources Conservation Service recognized the importance of this landscape when Secretary Tom Vilsack recently committed \$100 million in financial assistance to acquire permanent easements from eligible landowners in four counties and assist with wetland restoration on nearly 24,000 acres of agricultural land in the Northern Everglades. This is among the largest commitments of funding Florida has ever received

for projects in the same watershed through the USDA's Wetlands Reserve Program (WRP) in a single year.

Our proposal to establish the 150,000 acre Everglades Headwaters National Wildlife Refuge and Conservation Area is based on the best available science including studies from many of our partners, most notably the Florida Fish and Wildlife Conservation Commission (FWC) and The Nature Conservancy. Two-thirds of the proposed Everglades Headwaters National Wildlife Refuge and Conservation Area, or up to 100,000 acres, would be protected through conservation easements purchased from willing sellers. Private landowners would retain ownership of their land, as well as the right to work the land to raise cattle or crops. The easements would ensure the land could not be developed.

The Service would also purchase up to 50,000 acres outright from willing sellers to create the proposed national wildlife refuge where visitors could hunt, fish, hike and view wildlife. The Service has identified six areas where these refuge lands could potentially be purchased. In some cases, the refuge acquisitions would augment existing conservation lands, such as state parks and wildlife management areas.

It is important to note that this is a voluntary program. The Service will only purchase land or conservation easements from willing sellers. Florida ranchers and other landowners understand that we all have a stake in preserving the health of our land, water, and wildlife. For example, David Durando, a rancher in the proposed project area supports the creation of this refuge. Mr. Durando, who married into a family that includes both a Florida governor and long-time state senator, commented in support of the refuge as follows: "Our grandchildren are ninth generation Floridians. We would like to have the opportunity to entrust our way of life, their heritage, to them and future generations. I see the Everglades Headwaters National Refuge and Conservation Area as an opportunity that would allow us to do this. We would have the opportunity to help our state with its conservation plan and maintain our heritage now and for future generations just as those before us have done. My father-in-law, (State Senator) Doyle E. Carlton, Jr., always said, 'Whatever I have I am not taking with me. The earth is God's and the cattle belong to him.' Our family has a desire to be good stewards, managing and preserving all God has entrusted to us."

Public Involvement

Last January, the Service launched a three-month public scoping effort to seek broader input on shaping the Everglades Headwaters proposal. The Service received comments from more than 1,700 citizens who attended four public meetings. The Service also received more than 38,500 comments in writing during this scoping effort. The overwhelming majority of the public comments supported the concept.

The Service heeded the input received from the public in drafting the Land Protection Plan and Environmental Assessment for the proposed refuge and conservation area. In the proposal, the Service removed from consideration developed areas, areas where communal land ownership reduces development opportunity and areas where landowners said they were not interested in selling their properties. The proposal also includes a provision under which the Service would work with the FWC to manage hunting and fishing on refuge lands acquired. The state already manages outdoor recreation on wildlife management areas in the Valley, and we believe the refuge will provide ways to complement and expand those recreational opportunities.

The proposal, released to the public on September 7, is now in an extended public comment period that is scheduled to end on November 25. The comment period was extended at the request of local hunting conservation organizations. Since the four scoping meetings mentioned above, the Service has since held additional public meetings with 122 citizens attending, and it has received nearly 2,000 comments in this phase of the planning process. In addition, since the scoping process began, the Service has held 30 informational meetings with citizens and representatives from local governments and stakeholder organizations.

Restoring Habitat and Protecting Species

Our primary interest in creating a new national wildlife refuge and conservation area in Central Florida is simple math. Florida's population is expected to double to 36 million by 2060, increasing the development pressure on the grasslands and savannas of Central Florida. Some of the threats to globally significant species like the Florida black bear, the Florida panther, the Florida grasshopper sparrow and the Florida scrub jay, include fragmented habitats and reduced water quality and water quantity.

The proposed 150,000-acre refuge and conservation area would protect these threatened and endangered species by creating wildlife corridors, restoring wetlands and conserving the landscape. It will also protect up to 288 at-risk species found across the Valley. Through this voluntary program, we will be able to increase hunting and fishing opportunities, and provide ranchers a means of preserving their land in its current agricultural state. In addition, if a refuge is established, acquisitions would be made within the approved areas gradually over time, not all at once.

As stated, two-thirds of the proposal—100,000 acres—would remain in private ownership with conservation easements, but importantly, these lands would stay on the local tax rolls. Cattle ranchers in the Valley have been extraordinary stewards of these lands, and we want to help them continue to hold on to this way of life even in difficult economic times. We need them; Florida's cattle industry is one of the oldest and among the 15 largest in the country. Ranching is compatible with our mission to protect the globally unique habitats and species of the Valley, while maintain the area as a working landscape.

The remaining 50,000 acres would be purchased outright by the Fish and Wildlife Service to create a refuge, which would make possible additional wildlife-dependent recreation such as hunting, fishing, and birding. Unlike a traditional refuge, the Everglades Headwaters takes a new approach to conservation, mixing refuge lands with private ownership under conservation easements to fill in gaps across the landscape. The goal is to connect existing conservation lands to create wildlife corridors and healthy habitats; provide more opportunities to hunt, fish, hike and learn about wildlife; and improve the water quality and quantity in the upper Everglades watershed. The plan also provides landowners with different options to protect their properties rather than relying on a one-size-fits-all solution. In the proposal, we identified six target areas totaling 130,000 acres from which we would seek to purchase up to 50,000 acres for the refuge from willing sellers. These lands are included in a larger area, approximately 816,000 acres, that has been identified to place up to 100,000 acres under conservation easements from willing owners.

Quality of habitat and connectivity to existing conserved lands will drive our acquisition priorities. We believe a more connected landscape is needed, one that provides a wide range of quality habitats to support Federal and state-listed species and native wildlife diversity. We also want to improve water quality, quantity and storage capacity in the Upper Everglades watershed and provide additional opportunities for wildlife-dependent recreation. The draft Environmental Assessment for the Land Protection Plan demonstrates that these objectives could be met through the establishment of the proposed Everglades Headwaters National Wildlife Refuge and Conservation Area.

This proposal reflects broad support among private landowners, the ranching community and other partners who share the goal of conserving the region's mosaic of sandhill and scrub habitat, freshwater wetlands, prairies, pine flatwoods and pastures.

For example, one of the land owners in the proposed project area is Mike Adams, a third generation rancher. At the news conference in September to announce the draft proposal, Mr. Adams described the proposal as a, "win-win for families, also a win for the community, also a win for the wildlife. . . Our future generations will appreciate what we do here today."

Lt. Col. Charles "Buck" MacLaughlin agrees. As the commander of the Avon Park Air Force Range, which is located in the middle of the project area, Lt. Col. MacLaughlin said the proposed refuge would help buffer one of the nation's largest aerial and gunnery ranges against encroachment, and at the same time, would serve the dual purpose of protecting Florida's landscape and species that occur nowhere else on the planet.

Funding for the Everglades Headwaters proposal

The public scoping process now underway will help identify ways to develop the refuge to best meet all interests. The Service will begin to work with willing sellers only if this proposal goes forward after scoping and additional planning. Several landowners in the Valley have expressed interest in donating lands for this project, which would reduce the overall cost. Given the fluctuation in land values, it is difficult to say at this time what the appraised values for land acquisition and easements from willing sellers will be at the time we enter into the transactions. Considering those unknowns, the Service may seek annually funds from the Land and Water Conservation Fund (LWCF) and, to a lesser extent, the Migratory Bird Conservation Fund to acquire a combination of lands and conservation easements. We expect it will take several years for the Fish and Wildlife Service and our partners in the Greater Everglades Partnership Initiative to complete this project

If the project proceeds as proposed, the Service projects it will initially need up to \$450,000 annually to operate and maintain the refuge. These operational costs will cover salary for three FTEs, habitat restoration, prescribed fire activities, facility maintenance, inventory and monitoring of habitat and species, and invasive species control. In several years' time, as the refuge becomes more fully operational, this budget would likely increase as noted in the Draft Land Protection Plan.

Assurances for Wildlife-Dependent Recreation

As we noted earlier, we are working with the State of Florida to provide public access on proposed Headwater refuge lands for hunting and fishing opportunities. Indeed, as the project develops, the Service and FWC will put in place a Memorandum of Understanding related to the management of hunting and fishing activities on the proposed refuge. Florida Fish and Wildlife Conservation Commission Commissioner Ron Bergeron stated that his agency is a "willing partner that can provide public hunting access on public lands acquired in fee-simple by the Service, something we find as imperative". . . . Mr. Bergeron went on to say, "We certainly see valuable conservation merits in targeting critical lands that support a rich diversity of natural resources."

In the case of privately owned lands subject to conservation easements, wildlife-dependent recreation and public access would be left to the discretion of individual landowners.

Anticipated Impact on Local Counties Tax Base

Through the National Wildlife Refuge Fund, counties and local governments may be compensated for lost revenues from the 50,000 proposed acres that maybe acquired in fee title by the Service. The Refuge Revenue Sharing Act (16 U.S.C. 715s), as amended, allows us to offset the tax losses by annually paying the county or other local unit of government an amount that often equals or exceeds that which would have been collected from approved compatible economic uses on refuges, including taxes if in private ownership. The source of funds for refuge revenue sharing payments are derived from the net receipts collected from the sale of various products or privileges from all refuge lands such as grazing leases or timber sales, plus additional appropriated funds. The Refuge Revenue Sharing Act provides a formula to share economic use receipts to offset the loss of land within the counties or local governments tax base. Specifically, the law requires that the revenue sharing payments to counties or local government for our purchased land will be based on the greatest of: (a) 3/4 of 1 percent of the market value; (b) 25 percent of the net receipts; or (c) 75 cents per acre. Fair market value is based on appraisals that are to be updated every 5 years. All lands administered by the solely or primarily by the Service—not just refuges—qualify for revenue sharing payments.

The revenue sharing appraisal is based upon current fair market values of the various land types in the county or counties where each refuge is located. This appraisal values the refuge land by comparing it to the same, or similar, sales of land in the local area. As a result, refuge land is valued at its highest economic potential based on the surrounding real estate market. That means refuge land is valued on a variety of potential uses, including commercial property, beachfront development, timberland and farmland. The revenue sharing appraisal compiles all the values found on each refuge to produce an overall per acre value for that refuge.

By way of example, in south central Florida, Lake Wales Ridge National Wildlife Refuge comprises both lakefront and non-lakefront lots that have the potential for residential development and as such are valued at a much higher price than nearby agricultural lands. The refuge contains 1,689 and 172 acres respectively in Highlands and Polk Counties—which are two of the same counties within the four County Everglades Headwaters project area). The total revenue sharing payments made to these counties in 2010 were \$16,406 to Highlands County and \$1,605 to Polk County. This equates to an average Revenue Sharing Payment of \$9.52 per acre.¹ By comparison, the privately owned Hatchineha Ranch in Polk County generated less than \$2 per acre in property taxes in 2010.

In addition to potential gains from revenue sharing agreements, refuges are economic boons for their neighboring communities, generating roughly \$4 for every \$1 of federal investment, according to a Service analysis entitled *Banking on Nature 2006: The Economic Benefits to Local Communities of National Wildlife Refuge Visitation*. That study found that refuge visitors generated \$1.7 billion of annual sales to local economies, of which 87% was spent by travelers from outside the local area.

¹This data is provided by the Service's Finance Center and represents the actual payments made to the individual counties.

The ripple effect from these visitors created over 27,000 jobs and more than \$543 million in employment income.

Supporting the Goal of Everglades Restoration

The proposal to establish the Everglades Headwaters NWR and Conservation Area complements overall efforts to restore the Everglades and directly supports two of the three Everglades restoration goals established by the South Florida Ecosystem Restoration Task Force, comprised of state, federal, tribal and local representatives. Establishment of the proposed conservation partnership area provides significant opportunities to restore habitat and recover key species, and will help to protect and restore native prairies and freshwater wetlands that naturally store water—the most critical component of the Everglades ecosystem. Additionally, wetlands serve an important function of removing pollutants including nitrogen and phosphorus, which both contribute to degraded Everglades water quality.

The Everglades make up one of America's and the world's most incredible wild places. Everglades National Park was accepted as a biosphere reserve in 1976, inscribed on the World Heritage List in 1979, and was designated a Ramsar site (Wetland of International Significance) in 1987. The Everglades is one of the most ecologically diverse ecosystems on the planet, which is why the ongoing national effort to restore the area known as the "River of Grass" is so important.

Thank you for the opportunity to appear before this Subcommittee to talk with you about this important project. I look forward to answering questions you may have.

Dr. FLEMING. Thank you, Ms. Jacobson, and thank you for your promptness. Thank you for your opening statements, testimony.

At this point, we will begin Member questions for the witnesses. To allow all Members to participate and to ensure we can hear from all of our witnesses today, Members are limited to five minutes for their questions. However, if Members have additional questions we can have more than one round of questioning. I now recognize myself for five minutes.

Ms. Jacobson, during public meetings in Florida on the proposed Everglades Headwaters National Wildlife Refuge did a representative of the Fish and Wildlife Service indicate that affected Florida counties would be compensated for lost tax revenues through the National Wildlife Refuge Fund?

Ms. JACOBSON. Mr. Chairman, I don't know if anyone indicated that specifically. However, the environmental assessment does discuss the issue of how counties would be compensated for loss of revenues, and the environmental assessment does mention the Revenue Sharing Act offsets as one means of compensating counties for loss of revenues.

Dr. FLEMING. Well, is it not true that a representative of the Service advised at least at one public meeting in Kissimmee, Florida, that up to 75 percent of the refuge revenue sharing funds are traditionally provided to affected counties?

Ms. JACOBSON. Again, Mr. Chairman, I don't know exactly what was said at the public meeting. The Refuge Sharing Act fund does provide compensation for lost revenues to counties, and the fund itself derives its income through sales, timber sales, oil and gas leasing, grazing and so forth.

Dr. FLEMING. Well, is that 75 percent correct? Is that accurate?

Ms. JACOBSON. I can get back to you with that answer.

Dr. FLEMING. We have from publication that covered one open meeting Lakeside News, and I will read you the quote. It says, "In response to taking private property off the tax rolls to establish a refuge, Pelizza said, the Federal Government..."—do you know who this individual is, Pelizza?

Ms. JACOBSON. Yes, I do.

Dr. FLEMING. Okay. "The Federal Government has a program whereby it annually replaces lost tax revenue to counties and that in some cases this revenue could exceed the tax base.' However, he also said that Congress has never fully funded this program, traditionally providing about 75 percent of the needed funding."

So that really sounds like a pretty strong commitment to the community.

Ms. JACOBSON. Sir, the——

Dr. FLEMING. And let me follow up with that. How much did the Obama Administration ask for in Fiscal Year 2012?

Ms. JACOBSON. Yes. To answer your last question first, the Obama Administration asked for no funding for the program in Fiscal Year 2012 because in this very difficult budget time there is a recognition that the funding can come from these other sources, and that is sales of timber, oil and gas leasing and grazing and other fee generating activities on refuge lands.

In the past, the Refuge Act funds have in some cases, due to the formula which is designed to give the greatest amount of money possible to the counties in some cases, demonstrated cases——

Dr. FLEMING. Well, let me interrupt you there. I hear what you are saying, that we have this amorphous group out there that has it is really private funds, but I am told that that is less than 5 percent of the total.

The point is that we have people representing the Obama Administration promising as much as 75 percent, and yet the President himself is asking for nothing for these people. And so the question is based on that do you feel like that the representative misled the public about the refuge revenue sharing?

Ms. JACOBSON. If I may, Mr. Masaus can help answer that question.

Dr. FLEMING. Okay.

Ms. JACOBSON. Thank you.

Mr. MAS AUS. Mr. Pelizza is the refuge manager at the Archie Carr Refuge and is providing the assistance and oversight as we look at trying to establish this new refuge. He was a key Service representative at several of the public meetings.

I don't know exactly what he said, but I am assuming that what he was trying to explain is that in lieu of the lands coming off the tax base that there is a refuge revenue sharing program that is available. The fund is from receipts that come off of refuge lands, but it usually is never enough to meet the requirement to pay the amount that goes to the counties, so that is why we go to Congress to supplement that. I think what Mr. Pelizza was saying is in the past Congress has funded up to about 75 percent of the request.

Dr. FLEMING. Okay. Well, I hear what you are saying, but again someone listening and certainly being encouraged by this is hearing numbers that even the Administration for whom he works is not even encouraging or accepting or promoting, so there seems to be some duality there.

Hey, this is what typically happens. We would expect you to get perhaps as much as 75 percent. Meanwhile, the Administration is saying we are not even going to ask for anything. We are not even going to participate in that level of reimbursement.

So, let us recap. You propose to obligate nearly \$700 million in land acquisition without seeking congressional authority, and I believe did you say that was from the stimulus bill, the \$700 million?

Ms. JACOBSON. No, sir. It may not be \$700 million. We don't know the number yet. And it would be from the Land and Water Conservation Fund primarily.

Dr. FLEMING. Okay. So you are proposing to spend that money without congressional authority. We had a hearing on that the other day about putting land in refuge without congressional approval. This acquisition isn't even in your own land acquisition priority list, the top 100.

Environmentalists all agree the real need for land acquisition to aid Everglades restoration is to the south of Lake Okeechobee and not to the north as you are proposing, and the land you are taking off the Florida payroll has zero funding by the Administration for compensation. Do I understand that correctly?

Ms. JACOBSON. I think there are many ways of interpreting the proposal.

Dr. FLEMING. Well, we are real straightforward people here.

Ms. JACOBSON. Yes. I understand that.

Dr. FLEMING. Is what I said correct? Is that accurate? Is that an accurate statement?

Ms. JACOBSON. We have the congressional authority to administratively establish refuges. That is clearly contemplated in the National Wildlife Refuge System and Administration Act because Congress has mandated us to continuously grow and improve and strategically add to the Refuge System.

By doing so administratively, we have also the opportunity to fulfill our mission of conserving habitat for wildlife when that opportunity arises, and in this situation two-thirds of the proposed area would be kept on the tax rolls because it would be kept in private ownership, so we are really only talking about one-third of the proposed acquisition that would be in Federal ownership.

Dr. FLEMING. Okay. We will revisit this. We will have a second round. Thank you.

I yield to Ms. Hanabusa.

Ms. HANABUSA. Thank you. Thank you, Mr. Chairman.

Ms. Jacobson, before we move off of this, I just want to be clear. So you are saying that you do have congressional authority to basically establish these areas such as the Everglades Headwater National Wildlife Refuge? That is correct, right?

Ms. JACOBSON. Yes, ma'am.

Ms. HANABUSA. Okay. I just wanted to be clear on that.

Now, as part of the ongoing public process to establish the wildlife refuge, the Service has been working in close coordination with the Florida Fish and Wildlife Conservation Commission on a memorandum of understanding, as I understand it, regarding public access in these areas. Will you provide us with an update of how that is going, the MOU?

Ms. JACOBSON. Certainly, ma'am. The MOU is progressing very well. There have been many meetings and exchanges of the draft of the MOU with the Florida Wildlife Commission. The plan is to manage these refuge areas jointly with Florida Wildlife Commis-

sion and many of them under the state's existing wildlife management areas.

So we have close partnership with the state, that MOU is progressing, and we hope to have it completed well in time to start these co-management activities.

Ms. HANABUSA. Ms. Jacobson, borrowing from Hawaii, one of the things we do have is we have something called the Legacy Lands Fund, which is a percentage of our recorded Bureau of Conveyances. We record land transactions. A percentage of that fund goes into like a legacy land which then assists in the purchasing of easements in fee simple, very similar to what you are talking about here.

Is there such an equivalent fund in the State of Florida that can be called upon in the purchasing of private lands when they want to sell? You made it very clear that it is willing buyers and sellers. Well, you are the willing buyer, but sellers. And, for example, the easements. Is that also available in Florida?

Ms. JACOBSON. I can't speak to what sorts of funding is available in Florida. However, we would fully expect that our funding source, which would primarily be the Land and Water Conservation Fund, that we would complement that with other funding opportunities to protect contiguous land.

So, for example, if an area is protected already or is contemplated for protection through a similar fund maybe that Florida has similar to that of Hawaii, perhaps we would purchase part of that acreage under the Land and Water Conservation Fund and then together meld a contiguous conservation unit. So we fully expect to look for all leveraging opportunities on this acreage.

Ms. HANABUSA. You also mentioned in your testimony that there is a provision that permits for people to donate lands as well.

Ms. JACOBSON. Yes, ma'am.

Ms. HANABUSA. And then you have had people who are interested in doing exactly that, donating land to the refuge?

Ms. JACOBSON. It is my understanding that ranchers have expressed some preliminary interest in exploring that idea.

Ms. HANABUSA. Now, talking about ranchers and hunters and people like that, how is the Service working with the sportsmen community in Florida to ensure new hunting and fishing access opportunities within the existing refuge units in the State of Florida?

Ms. JACOBSON. I am going to turn that over to Mr. Masaus, but I will say just as a general matter that both the Refuge Act itself and the proposals for this particular refuge specifically contemplate hunting as a wildlife dependent recreational use, and in all areas where hunting currently exists on lands that are contemplated for this refuge and conservation area that hunting will be allowed to continue.

I am going to let Mr. Masaus discuss further what discussions we have had with the sportsmen community.

Ms. HANABUSA. Thank you.

Mr. MASAUS. First of all, I will just say that it was mentioned I think there were 28 national wildlife refuges in the state. Many of those refuges are small islands off the coast or they are barrier islands that are either unsuitable for hunting, they would not have

hunnable species on it, so there are several of them in that category where hunting isn't even a possibility.

We do have some other refuges, such as Lake Wales Ridge, that are very small units. They were established to protect very endangered plants, and it would be difficult to provide—we don't have any public access in there, not just hunting.

But that said, we have had several meetings with the hunters that have expressed concerns in the South Florida community. We have met with them recently. The Fish and Wildlife Conservation Commission hosted a meeting for us to listen to suggestions they have on providing additional hunt opportunities elsewhere, and we are exploring that as we speak.

Ms. HANABUSA. Thank you. Thank you, Mr. Chair.

Dr. FLEMING. Okay. Thank you. Next up is Mr. Southerland, the gentleman from Florida. You have five minutes, sir.

Mr. SOUTHERLAND. Thank you, Mr. Chairman. I wanted to follow up on since you were talking about the sportsmen. I happen to be a sportsman from Florida, so this is an area that I am a little familiar with.

I know that you just alluded to Lake Wales. You know, Lake Wales. I just want to make sure that the public understands that Lake Wales is over 2,000 acres, and currently there is no activity for hunting, so certainly it is being preserved. It is not being conserved.

And in the State of Florida we have almost a million acres of wildlife refuges in the State of Florida, and currently only 28 percent of that million acres is open for hunting. So in this particular plan would you be consistent in only allowing 28 percent with the 28 refuges we have in Florida now?

Mr. MAS AUS. No, sir. We would be looking at we have already identified in the plan very clearly that we want to provide wildlife dependent recreation. In particular, we want to provide hunting opportunities.

Mr. SOUTHERLAND. But let me say this. And I want to say this about hunting opportunities. I mean, I am looking at some of the other hunting opportunities that currently exist in Florida, and basically having to be able to hunt with a slingshot is hardly a hunting opportunity as obviously defined by your Department.

And so if we are going to be consistent, okay, with the way that currently the other refuges have opened up hunting, I want you to know as a Florida sportsman and as a family who has been in Florida that predates statehood—we have been there awhile—I am telling you we are very aggravated with the public money, our tax dollars, being used to buy property and then us not have our rights to be able to hunt.

And so I just want to make sure you either are going to be consistent and you are going to do what you have been doing, or if you are going to do something different then that certainly lays the way for you to go back and review the current status, locking Florida citizens out of lands that we are paying for.

Mr. MAS AUS. Yes, sir. We understand that, and we fully intend to provide hunting opportunities in this refuge.

Mr. SOUTHERLAND. Very good. Let me ask you this. I know, Ms. Jacobson, you commented about how your proposal here is shaped

by public input. Unfortunately, it seems to me, that it is not shaped by the brutal reality that we are broke, and the current Administration has not allotted any dollars towards this project.

I am looking at the services that you provide, and I am looking at the Department of the Interior and where these properties would go. If we did not owe \$15 trillion in debt—let us just kind of have a wish list here. If we didn't have to deal with the brutal reality that this debt is probably the greatest risk and threat to America and we had the money, okay, let us just assume a second. Why would this not go in the Department of Ag and USDA?

Ms. JACOBSON. Congressman, the USDA in fact has a conservation program where they also acquire easements under the Natural Resource Conservation Service, and recently the Department of Agriculture has committed some \$100 million to provide conservation easements in the area.

But that is a complementary authority obviously with that of the Fish and Wildlife Service, which by congressional mandate under our Refuge Act is to continuously grow strategically our Refuge System for the conservation of wildlife and recreational opportunities for future generations of Americans. So even though we are in terrible financial times, we must continue to strategically assess opportunities for these conservation mandates.

Mr. SOUTHERLAND. But clearly you understand that if we are broke you don't have those opportunities?

Ms. JACOBSON. The funding here will primarily come from the Land and Water Conservation Fund, and that fund is derived from revenues from offshore oil and gas leasing so it—

Mr. SOUTHERLAND. It is all coming together.

Ms. JACOBSON. It is all coming together, yes.

Mr. SOUTHERLAND. Yes. I am sure.

Ms. JACOBSON. Okay.

Mr. SOUTHERLAND. I want to say this. Commissioner Putnam, who served in this body for five terms, was in my office yesterday and so I don't mind. I know we used him as a position in our little video there.

He is extremely concerned about this project, and he is of the opinion from an ag family and serving as Florida's Department of Agriculture Commissioner that this would in fact be much better suited under the USDA because the ranchers that you have so eloquently noted today already have working relationships with USDA. They are participating in programs through USDA. There is already a relationship there.

And I will say this. The USDA seems to have a much better grasp on conservation, whereas the Department of the Interior seems to embrace preservation. And so therefore that may explain why 28 percent of our lands are able to be hunted on because of a preservation mindset. I know I am over my time. I yield back.

Dr. FLEMING. The gentleman yields back. Next we have the gentlelady from Guam, Ms. Bordallo.

Ms. BORDALLO. Thank you very much, Mr. Chairman. I would like to welcome the witnesses here this morning. In the interest of time, I do have a few questions for you, Ms. Jacobson, and if you would just answer yes or no to each of the questions.

First, is it accurate to state that the Service extended the period for public comment on the proposed refuge until November 25 to allow more time for hunters to provide input?

Ms. JACOBSON. It is accurate, yes.

Ms. BORDALLO. Is it accurate to state that the refuge supports military readiness for troops training at Avon Park Air Force Range?

Ms. JACOBSON. Yes.

Ms. BORDALLO. Is it accurate to state that the Federal Government would make payments to local counties to offset lost tax revenues that resulted from Federal ownership of refuge land?

Ms. JACOBSON. Yes.

Ms. BORDALLO. Is there any circumstance in which eminent domain would be used to acquire property within the proposed refuge?

Ms. JACOBSON. None to my knowledge.

Ms. BORDALLO. Will land within the proposed refuge boundary only be acquired from willing sellers?

Ms. JACOBSON. Yes. Absolutely.

Ms. BORDALLO. Do land acquisition funding sources utilized by the Service tap into taxpayers' dollars?

Ms. JACOBSON. No, because the Land and Water Conservation Fund is from offshore revenues primarily.

Ms. BORDALLO. Thank you. Will funding for land acquisition within the Everglades Headwaters National Wildlife Refuge come mainly from the Land and Water Conservation Fund?

Ms. JACOBSON. Yes, ma'am.

Ms. BORDALLO. And I have a final question here for you, Ms. Jacobson. What are the advantages of conservation easements over fee simple acquisitions?

Have local landowners expressed interest in participating in the proposed Everglades Headwaters National Wildlife Refuge, and how will the Service move forward with working with these landowners in the future to respond to their interest in being a part of this new conservation area?

Ms. JACOBSON. Conservation easements here are the preferred method because they will cover two-thirds of the refuge, 100,000 acres.

The conservation easements will allow landowners to negotiate the very specific terms of how that land will be preserved, so it allows for great flexibility, allows the land to stay in private ownership, in this case allows the land to maintain a working landscape ranching way of life that has been culturally significant.

And obviously conservation easements can apply to this refuge, as well as National Resource Conservation Service easements. This is completely voluntary. We will work closely with landowners to tailor those conservation easements to best meet our mutual needs.

Ms. BORDALLO. Thank you very much. I have one last question here for Assistant Secretary Darcy. How does the Corps work with its partner agencies to set priorities for the Comprehensive Everglades Restoration Plan, and how will the Corps work with the Service to set priorities within the larger landscape to encompass the proposed Everglades Headwaters National Wildlife Refuge?

Ms. DARCY. Congresswoman, the Corps of Engineers has been working with the Department of the Interior, as well as our other state partners, throughout the whole development of the Comprehensive Everglades Restoration Plan beginning back in the late 1990s. We continue to work with them.

We both serve—that is, myself and Ms. Jacobson—as well as other heads of the Federal agencies who are involved in this project are part of the Everglades Restoration Task Force. We just recently had a meeting in Florida, and part of those meetings are to have updates with the other agencies as to what our plans are moving forward.

And that is when we, the Army Corps of Engineers, announced, along with our partner, the South Florida Water Management District, that we are going to go forward with a planning process that is unprecedented not only in Florida, but within the Army Corps of Engineers.

So we are really looking forward to making that happen, and all of the Federal partners will be part of that planning process.

Ms. BORDALLO. So you are all working well together?

Ms. DARCY. Yes, ma'am.

Ms. BORDALLO. Thank you very much, and I yield back, Mr. Chairman.

Dr. FLEMING. The gentlelady yields back. Next, Mr. Wittman from Virginia. Five minutes, sir.

Mr. WITTMAN. Thank you, Mr. Chairman. I would like to thank our panelists for joining us today.

Ms. Darcy, I have a question of you. Your comments concerning the Comprehensive Everglades Protection Plan or Restoration Plan talk about the natural progression of applied science and how restoration activities will take place within that area and the commitment to the use of adaptive management. I am very interested in that application. A bill that went through this Committee recently, H.R. 258, would use adaptive management in restoration activities within the Chesapeake Bay.

I want to get your perspective, first of all, about how do you think adaptive management can be used in the Everglades restoration project, and can you tell me what you have learned or what the Corps has learned from the implementation of adaptive management and how you would see that going forward in the restoration plan for the Everglades and if you see an enhanced opportunity for the use of that particular concept there to improve restoration activities.

Ms. DARCY. Thank you, Congressman. We have been actually using adaptive management throughout the planning process. One thing that we are finding, the initial Everglades Restoration Plan was authorized in 2000, and Congress told the Corps of Engineers, as well as our Federal partners, that we should use adaptive management because the science is always changing.

What we have discovered in one instance is that now what we thought in the initial CERP authorization was that we would need 1.3 billion cubic feet per second or gallons I think, but what we have learned over the last 10 years is that we are going to need more water. We are going to need more than two billion as initially we thought, but we have learned that through science.

And what we have also learned is that some of the storage that we have developed, some is working better than others. I mentioned in my statement that stormwater treatment areas are being used in the Everglades, and that we are learning from them. We are using those to treat water, and as we do that we are learning that we can get many of the nutrients out of the water by using what are called STAs, but they are like constructed wetlands.

We are continuing to monitor those and adapting the plans to recognize that because some of those work better than maybe some of the reservoirs that we had initially thought would be able to treat and store these maybe working better, so that is what we are learning from the science. The adaptive management I think can also be translated in places like the Chesapeake Bay.

Mr. WITTMAN. Thank you, Ms. Darcy. Ms. Jacobson, serving on the Migratory Bird Conservation Commission gives me a unique perspective about addition of lands to the National Wildlife Refuge System. Looking at that, I know that there is a land acquisition priority system list for 2013, and I believe that there are three sites in that priority list there in the State of Florida.

Can you tell me with the proposed addition of the site in question for the Everglades where that stands in the priority list? Is that one of the priorities? And if it is not, then how would it be integrated into that list in relation to those other three properties?

Also, as you know, any addition to the System based on duck stamps dollars purchasing that, a critical part of that is not only consultation, but agreement with the states, the participating states. As you know, I believe the governor of Florida hasn't taken a position yet on this particular piece coming into the Refuge System. Can you give us your perspective about working with the state, both the state officials there and the congressional delegation, as far as their buy-in to any kind of additions to the Refuge System?

Ms. JACOBSON. Yes, sir. Thank you very much, and thank you for your service on the Commission. It is very much appreciated.

Mr. WITTMAN. Thank you.

Ms. JACOBSON. And thank you for your support of Fort Monroe.

Mr. WITTMAN. Yes.

Ms. JACOBSON. On behalf of the Secretary and the entire Department, thank you.

Mr. WITTMAN. Thank you.

Ms. JACOBSON. To answer your question, any proposed projects that are now before the Commission through duck stamp acquisitions that would still be subject to the Commission's approval are not affected by this proposal.

We don't know exactly yet because we haven't even begun our negotiations for any particular parcel of land that would be subject to the headwaters refuge and conservation area, but should any of it be the type of wetland that is compatible with the Commission's goals, certainly we would come before the Commission, as well as the state, to get prior approval before acquisition of those lands.

Our intention here is to be as collaborative and cooperative as possible with local officials, with Congress and with all stakeholders, so we will make sure for every parcel we acquire that all

affected stakeholders are consulted and all authorities are obtained.

Mr. WITTMAN. Very good. Thank you. Mr. Chairman, I yield back.

Dr. FLEMING. The gentleman yields back. Next, Mr. Ross also from Florida. You have five minutes.

Mr. ROSS. Thank you, Mr. Chairman, and, Members, thank you for allowing me to be an ex-officio Member today.

As I look at the maps and hear the testimony, this is my backyard. I am a native of Florida. I have hunted and fished in those areas, and I have a strong sense of making sure that we can serve those lands. You know, we have been known for our citrus, our tomatoes, our strawberries. We are a strong agricultural state, and I know over the last couple years we have grown a lot of houses too, but it is important to me that we continue to maintain the natural pristine beauty that Florida has always offered and hopefully will continue to.

To that end, I agree with conservation easements. I think they are a great way to promote the theory that I have that the greatest stewards of the lands are those ones that make their livelihood from it. That being said, we have 150,000 acres that we are looking here at the upper Everglades restoration. Fifty thousand of those I guess are going to be in fee simple. Is that correct, Ms. Jacobson?

Ms. JACOBSON. Correct. Thank you.

Mr. ROSS. And only on the fee simple ones will we then have the opportunity for recreational purposes? Is that correct also? In other words, not with conservation easements.

Ms. JACOBSON. That would be up to the particular landowner and would be a term of the conservation easement, so it is certainly possible that—

Mr. ROSS. But just to make clear, are you aware of any conservation easements wherein the landowner does offer a public access for recreational purposes?

Ms. JACOBSON. I would have to look at that and get back with you. I am not personally aware. I assume there are certain circumstances where those entities are allowed.

Mr. ROSS. In the 50,000 acres that we are looking at or that is being considered, in what size tracts are they being considered? In other words, if I was a landowner with an eighth of an acre could I participate, or are there minimum size tracts that are being looked at for acquisition?

Ms. JACOBSON. I am going to turn that over to Mr. Masaus, but I can't imagine an eighth of an acre would be eligible. I think we are talking about much larger tracts.

Mr. ROSS. Okay.

Mr. MASAU. That is correct. We don't have necessarily a minimum acreage amount, but we do need to have something that would be worth the investment that we are looking at, something that accomplishes the goals of protecting the resource, providing the connectivity for the wildlife corridor.

Mr. ROSS. You know, because this is in my backyard and I was first approached about this by some of the recreational users down there, a lot of the hunters, airboaters, fishermen who were very

concerned that when the Fish and Wildlife Service came down there that they were going to take away their rights.

The question I have is looking at the 28 wildlife refuges in the State of Florida where only seven are now available for hunting, what guarantees or assurances can I give to my constituency that if this 50,000 acres actually goes through and is purchased for this particular purpose that recreational use will be maintained and access allowed?

Ms. JACOBSON. Congressman, starting from the Refuge Act and then looking at the environmental assessment itself, one of the stated goals and purposes of the establishment of this refuge is to make sure we provide wildlife compatible recreational access and opportunity, including hunting.

As a matter of fact, the 50,000 acres, because they will come from private ownership into public ownership, we expect that will increase hunting and other recreation opportunities.

Mr. ROSS. And that is what I want to make sure about too because the ratio doesn't look good right now when you have seven of 28 open for hunting. There has to be a reason for that, whether it is because of lack of resources to man them or for whatever reason.

My concern is I go back home, and again I believe in the conservation easements. I believe in restoration of the upper Everglades. There is no question about that. But I also want to make sure that we maintain the integrity of the land and allow for those who have for generation upon generation used it for recreational purposes are not foreclosed in that opportunity.

Ms. JACOBSON. That is our intention as well.

Mr. ROSS. So that is what I can go back and say is that it is their intention to make sure we continue to use this?

Ms. JACOBSON. Absolutely.

Mr. ROSS. Because I know especially in the area of the River Ranch area where those individual owners became very alarmed. In fact, a panic set in because they saw people down there in uniform and they thought my gosh, they are taking away our rights. I am dealing with people that don't deal with government every day that want to make sure that they are not losing their rights. That is important to me in my representation of my constituency.

That being said, also I want to make sure about the funding of this. I know we have gone from \$7.5 billion now to \$13 billion. I don't know where it is going to end up. But just to confirm, none of this comes from taxpayer dollars, does it?

Ms. JACOBSON. No, it does not.

Mr. ROSS. And what are the sources for funding of this?

Ms. JACOBSON. Primarily the source would be the Land and Water Conservation Fund, which is derived from primarily offshore oil and gas revenue and other revenues that come to the Federal Government from various extractive activities.

Mr. ROSS. And one last question. Florida has fronted or at least absorbed 79 percent of the \$3.5 billion in the restoration so far. I know they are having a problem. Their budgets are tough to balance, but they have to balance the revenues. What happens if they discontinue their partnership in this?

Ms. JACOBSON. In the refuge or the restoration?

Mr. ROSS. In the restoration. I am sorry. Ms. Darcy?

Ms. DARCY. We are confident that both parties at the table, the State of Florida and the Federal Government, are going to be able to make their commitments of our 50/50 partnership.

We have recently met with the governor, and we have renewed commitments on this important project. We are both in tight budget situations, but we are both committed to this restoration effort.

Mr. ROSS. Thank you. I yield back.

Dr. FLEMING. The gentleman yields back. Next is Mr. Rivera, the other gentleman from Florida.

Mr. RIVERA. Thank you very much, Chairman Fleming, for holding this important hearing. I want to preface my questions with a statement regarding this issue because I am proud and honored to represent the Everglades National Park, along with Big Cypress National Preserve, both of which are in my congressional district.

The Everglades of course goes beyond Everglades National Park. The Everglades is the ecosystem of South Florida, stretching from Shingle Creek south of Orlando to Florida Bay just on the southern tip of the Florida mainland. It is where we draw our drinking water, where we swim, where we fish, where many of my constituents of course call home.

The Florida Everglades is one of our nation's greatest natural treasures. The Everglades' combination of abundant moisture and rich soils and subtropical temperatures support a vast array of species. However, flood control and reclamation efforts of the past have manipulated the Everglades' hydrology, redirecting fresh water destined for the Everglades out to sea. The ecosystem has changed because it now receives less water during the dry season and more during the rainy season.

The projects under the Comprehensive Everglades Restoration Program will capture fresh water, the life blood of the Everglades, destined for the sea and direct it back to the ecosystem to revitalize it and protect threatened and endangered plants and wildlife. In order to do this, however, we must also take steps to ensure that water flowing into Lake Okeechobee is as clean and free from pollutants as possible. Therefore, as part of a larger vision for Everglades restoration and clean water flows I generally support the Everglades headwaters project.

Having said that, I have some concerns about the headwaters refuge as proposed by the U.S. Fish and Wildlife Service. One is procedural, the other substantive. On the procedural concern, I believe that only Congress may authorize a new refuge, and notwithstanding prior comments I want to make sure on the substantive front as well to ensure that state agencies such as the South Florida Water Management District will have access to the refuge for flood mitigation and pollutant control if necessary.

I know there are several of my other colleagues that have raised similar concerns. I believe that many of those concerns stem from past experiences with the Department of the Interior. Promises were made in the past related to access, hunting rights and other issues, and either misunderstandings or just promises not kept from one Administration to the next whatever may have been the cause.

So in order to alleviate some of these concerns, I would like to request that the U.S. Fish and Wildlife Service participate in perhaps the drafting of legislation that can be introduced in Congress either by myself or another Committee member or perhaps one of my Florida colleagues so we can use it as base to modify or codify or address the concerns that have been raised by stakeholders. With an authorization process then, any agreements entered into with hunters, ranchers, airboat operators and others can be set in stone, so to speak.

So I would like to know if I can count on U.S. Fish and Wildlife to work with me in this effort, Madam Secretary.

Ms. JACOBSON. Mr. Congressman, thank you for your support and your representation in a district that holds many of our assets.

Currently the refuge is proposed to be established administratively, but of course if this Congress wishes to propose any specific legislation with respect to this refuge or another specific refuge, because refuges have also been created legislatively, we would certainly be willing to review that and work with you so that we accomplish the goals of creating this refuge.

Mr. RIVERA. I appreciate that very much. And just in the limited time I have left, specifically on the Everglades Headwaters National Wildlife Refuge and Conservation Area, is this being given a prioritization, a higher priority than any of the 68 pending CERP projects?

Ms. JACOBSON. I can tell you it is a different priority. The CERP projects are obviously under the jurisdiction of the Corps in partnership with the South Florida Water Management District, and Ms. Darcy can address those.

It is also a stated goal of this refuge to complement and where possible to aid the Florida Everglades restoration effort by increasing substantially water storage, by allowing a more natural hydrology, by creating close to 27,000 new acres of wetlands, so the proposed management of the headwaters refuge and conservation area is intended to complement and, where possible, aid directly in the restoration of the Everglades overall.

Mr. RIVERA. Secretary Darcy?

Ms. DARCY. The establishment of the refuge is not in competition with the existing 64 CERP projects that we have.

Mr. RIVERA. Okay. Thank you. Thanks, Mr. Chairman.

Dr. FLEMING. Okay. The gentleman yields back. Panel, we would like to have a second round. Are you up for it today?

Ms. DARCY. Sure.

Dr. FLEMING. Okay.

Ms. JACOBSON. Absolutely.

Dr. FLEMING. Great. Thank you. Okay. I will recognize myself for five minutes.

I want to take issue, and maybe this is a distinction without a difference, Ms. Jacobson, with your statement that this is not taxpayer money. It is not coming out of the Treasury. It is not coming out of the General Fund. That is true. But one way or another, the Land and Water Conservation Fund, people who are buying gasoline, people who are using energy are paying a tax for this to happen.

But, more importantly, are you aware that we are down 500 million barrels a day production in offshore and so again we have a situation where the Administration, without congressional authorization, wants to move forward, jump ahead, grab off for these purchases through fee simple, willing buyers, willing sellers, for the purchase to preserve these lands, but again not willing to backfill the tax revenues and is working against us on the oil production.

We are off in the Gulf about 500 million barrels a day, and that is going to be hitting this fund if it hasn't already. You are going to see declining revenues. Again, we have tried to work with the Administration numerous times. We have had numerous hearings again with Mr. Bromwich, Mr. Salazar. They insist on clogging up the permits for offshore drilling. We are losing rigs to Brazil and the Congo and places like that.

So I would love to have your comment on what does this mean for the future of these projects? Remember, this project is not even in your top 100. Pretty soon, at the rate the Administration is going by choking off the revenue you are going to run out of money for this sort of thing.

Ms. JACOBSON. Mr. Chairman, I can't speak specifically to the numbers in terms of leases and offshore production going forward, but what I can say is that the Administration and the Department of the Interior, Secretary Salazar and Director Bromwich have gone forward with additional leasing. We recognize that the Gulf is a primary source of domestic energy development, and we will go forward as such.

The acquisition in any given year of properties through funding from the Land and Water Conservation Fund is a balancing, so we look at the revenues coming in and we look at the needs, and what we are doing right now is simply establishing administratively what boundaries would be eligible for those acquisitions in the future should the funding be available.

Dr. FLEMING. Right. And I understand what you are saying, and we have had these arguments and quibbled back and forth about whether the permits are up to the old levels or not.

The one thing that is undisputable in terms of facts, and that is that the production levels have dropped and they continue down. So I would suggest to you that you are going to find yourself more and more limited and maybe some of your top priority things are not going to get funded at all as we go forward.

My next question is since 2001, what is the level of Federal investment—I am sorry. This is for Madam Secretary. This question is for you. Since 2001, what is the level of Federal investment in the Comprehensive Everglades Restoration Plan, and do we know yet what is likely to be the total Federal expenditures to complete the project?

Ms. DARCY. The initial cost estimates for the project, the entire restoration project, is about \$13.5 billion. That is a 50/50 cost share between the Federal Government and our local sponsor, the State of Florida.

To date, I believe we have spent \$2 billion, again 50/50 cost shared, so part of that has been spent by the state and some by the Federal Government. But the numbers I gave in my testimony, I think it was between 2005 to now we have spent \$735 million.

Dr. FLEMING. Okay. And after reviewing details of the restoration plan, it appears that the vast majority of the work done by the Army Corps of Engineers and the South Florida Water Management District has occurred south of Lake Okeechobee. Is that correct?

Ms. DARCY. Yes, it is.

Dr. FLEMING. Why?

Ms. DARCY. Well, that is where the hydrology needed the most attention immediately. If you look at the lake, you have Lake Okeechobee and what is south of the lake. I mean, the water that comes from the lake traditionally since the 1950s has been going out to tide. With the Caloosahatchee River on one side and St. Lucie estuary on the other, so the water has been going out to tide.

What we are trying to do now is to get the water to flow south. Our initial projects have been mostly on the sides, if you have the map up there. There, south you can see the water conservation areas. That is where we can collect water, store it. Through those stormwater treatment areas the water gets treated and then it is released to flow south.

So that is where we have concentrated our initial efforts. The planning process I alluded to in my testimony is where we are looking next. If you look at this, one of our engineers calls it the wishbone. We have been doing most of our work on either side of the lake, and so what we are going to look at now in this planning process is the middle, is the sheet flow of the central part of the Everglades.

Dr. FLEMING. Okay. And based on your math, you are going to need an additional \$6 billion in Federal money?

Ms. DARCY. Over the course of the project.

Dr. FLEMING. Right. Okay. All right. I yield back, and I recognize Ms. Hanabusa.

Ms. HANABUSA. Thank you. Thank you, Mr. Chairman. Let us follow along that line, Secretary Darcy.

I think for anyone who is listening to us they may be getting confused about what the Army Corps' role is in all of this and what CERP, as you call it, which is the Comprehensive Everglades Restoration Plan, and how does that then fit into what Ms. Jacobson is talking about, which is the Everglades Headwaters National Wildlife Refuge.

So can someone in a short sentence or so tell us how the two fit together, whether they overlap and for anyone listening in that they can get a better idea of what the Army Corps' role is and what Fish and Wildlife's role is?

Ms. DARCY. Certainly. The Army Corps of Engineers builds stuff, and so we are the engineers who try to get the water right.

In talking about the refuge, which would be north of the lake, that will help, as has been discussed, in helping to keep the water north and also to help in the natural treatment of the water. So it is all connected. It is a huge system. It is a huge, complex system. And so what we are trying to do in order to get the water right, both the quality, the quantity, the distribution and the timing of it, is to be working with the Department of the Interior because of the refuges and the endangered species impacts of whatever we do.

So there is a balance between what we do in our construction, whether it is around the lake or south or in constructing a stormwater treatment area. The Corps of Engineers has constructed one stormwater treatment area. The State of Florida has constructed five other ones. Again, they are all south of there, but they are all connected because the water has to eventually go through Loxahatchee, the Big Cypress and all of those wildlife refuges, as well as the preservation areas as well.

Ms. HANABUSA. Ms. Jacobson, so how do you fit in?

Ms. JACOBSON. Thank you. So if the Corps builds stuff, the Fish and Wildlife Service conserves stuff. So with respect to the ongoing CERP project and the establishment of the Everglades Headwaters Refuge, the intent of the refuge area is to stop a stem of development that would otherwise cause perhaps a loss of hydrology, natural hydrology of this water flow.

So by creating a refuge, we, as I said before, will restore up to 26,000 acres of wetlands. Wetlands serve as an important filter for nutrients and other pollutants and will allow a natural hydrologic flow into the floodplain areas, will provide for natural storage areas, which will be much cheaper than constructed storage areas, and all of this is intended to contribute to the overall health of the ecosystem to very much complement and perhaps ultimately maybe in the long run reduce partially the cost of the CERP effort.

Ms. HANABUSA. So you are like nature's way of doing what the CERP project has to do because we haven't done the natural way correctly. Would that be a right way of saying it?

Ms. JACOBSON. That is our intention. Absolutely.

Ms. HANABUSA. Now, both of you are speaking to the funding source of the Land and Water Conservation Fund. Am I hearing you correctly?

Ms. DARCY. The Land and Water Conservation Fund will be used for the establishment of the refuge. The funding for any of the CERP projects comes from appropriations.

Ms. HANABUSA. So let us go back to the funding through the Land and Water Conservation Fund. Though you have already testified that the Administration hasn't specifically requested funds for 2012, I guess the question is are there, notwithstanding that, funds like carrying over or still remaining available to meet the needs that you have for this upcoming fiscal year?

Ms. JACOBSON. We have obviously talked about a lot of different funding pots and funding needs here. So the place where we have not requested funding is the Revenue Sharing Act offset. That is the piece of the funding provided by Congress, as opposed to just derived from refuge revenues, to compensate counties and other local authorities for loss of potential tax revenue.

Separately, the acquisition funding for the fee acquisitions, as well as the easements, we anticipate that would come from the Land and Water Conservation Fund, which is appropriated by Congress through royalties and similar receipts to the general treasury.

Ms. HANABUSA. So when you are out there in the community and you are meeting with landowners, ranchers, whoever they may be, who might be considering either selling an easement or selling in fee simple, you view that a process that will eventually end up with

funding from the Land and Water Conservation Fund, but I assume from what you are saying that you don't believe that that is a necessary funding pot now? Is that correct?

Ms. JACOBSON. As soon as we receive the final authorities through the environmental assessment and the planning documents to establish administratively the boundaries of a refuge, we will then begin the negotiations with willing sellers for the acquisition of those properties.

And through a process that goes on every year, the Department of the Interior will look at the pot of Land and Water Conservation funds available and the various acquisitions, both for parks, refuges and otherwise, plus the Forest Service also taps into the Land and Water Conservation Fund, and make funding decisions appropriately.

Ms. HANABUSA. So it is rather premature now because your EA doesn't appear to even be completed at this point?

Ms. JACOBSON. That is correct. The draft is still out for public comment and of course we will have to go through the final, so it would be a ways off.

Ms. HANABUSA. Thank you. I yield back, Mr. Chair.

Dr. FLEMING. The gentlelady yields back.

I want to thank the panel for your testimony and hard work, Secretary Darcy and Ms. Jacobson, and we ask that should Members have additional questions, they submit them to you in writing and that you respond to these in writing as well. The hearing record will be open for 10 days to receive these responses. Thank you, and we are ready for Panel 2.

Ms. JACOBSON. Thank you.

[Pause.]

Dr. FLEMING. I see that our second panel is seated and we are ready to go. I want to thank you gentlemen for joining us today. We are now ready to introduce the second panel.

It includes The Honorable William P. Horn, former Assistant Secretary of the Interior and a past member of the National Academy of Sciences' Commission on Independent Scientific Review of Everglades Restoration Progress; The Honorable Rick Dantzler, former member of the Florida Legislature and Co-Chairman of the Northern Everglades Alliance; Mr. Eric Draper, Executive Director, Audubon of Florida; Mr. Bishop Wright, Jr., President, Florida Airboat Association; and Mr. Jorge Gutierrez, Jr., President, Everglades Coordinating Council.

Briefly, repeating my earlier instructions, your written testimony will appear in full in the hearing record. I ask that you keep your oral statements to five minutes as outlined in the invitation letter to you and under Committee Rule 4[a]. Our microphones are not automatic, so you will need to push the button. Make sure you are nice and close to the microphone as well.

The timing light is very straightforward. You will be under green light for four minutes, then yellow light for your final minute of testimony, and then when it turns red, if you haven't already, go ahead and wrap up.

Mr. Horn, you are now recognized for five minutes, sir.

**STATEMENT OF HON. WILLIAM P. HORN, PAST MEMBER,
NATIONAL ACADEMY OF SCIENCES' COMMITTEE ON
INDEPENDENT SCIENTIFIC REVIEW OF EVERGLADES
RESTORATION PROGRESS**

Mr. HORN. Thank you, Mr. Chairman. My name is Bill Horn, and I appear today on my own personal behalf and certainly appreciate the opportunity to testify on Everglades restoration priorities.

Based on my experience with these issues over many years, first as Assistant Secretary of the Interior under President Reagan and four recent years on the National Academy's Everglades Restoration Review Committee, I am persuaded that more commitment to water storage and water quality treatment south of Lake Okeechobee and elimination of physical barriers to natural water flows within the Everglades are much higher restoration priorities than diversion of finite dollars to a new Federal refuge north of the lake.

The fundamental objective of CERP, as explained by Secretary Darcy, is to get the water right, to substantially re-establish clean water flows between Okeechobee and Florida Bay. And unless this is changed soon, the National Academy Committee was deeply concerned that adverse ecological changes occurring in the Glades may not be reversible.

Now, to get the water right CERP clearly recognized the need to develop substantial water storage capacity outside of Lake Okeechobee primarily in the form of stormwater treatment areas, the STAs. Presently there are six of these STAs all south of the lake covering about 45,000 acres. Construction and operation of these treatment areas is very pricey.

Notwithstanding these costs, the 2010 committee report from the Academy concluded "increasing water storage and associated water treatment is a major near term priority" for the restoration effort. The report also observed that presently planned STA expansion would still not provide enough water for full-fledged implementation of CERP projects.

The story is much the same for water quality. Water delivered into the Everglades is to have no more than 10 parts per billion of phosphorous as higher levels adversely change the ecosystem. When CERP was authorized, there was general belief that the water cleanup could occur within about a decade, meaning about now. Unfortunately, reality is quite different because of the persistence of legacy phosphorous in Lake Okeechobee and in the Everglades agricultural area south of the lake, and the result is that the phosphorous problem solution is still years in the future.

Because of the persistence of the phosphorous, the Academy Committee concluded that, "The current acreage of STAs as managed is not sufficient to meet existing water flows and phosphorous loads, and necessary additional STAs are likely to cost well in excess of \$1 billion." Given the critical nature of the water quality and quantity issues, I am persuaded that hundreds of millions of dollars of fungible taxpayer and fungible Federal dollars are better off spent on these water quality issues than they are on a refuge unit north of the lake.

There are other higher restoration priorities. Congress authorized Mod Waters in 1989 to help water flows in Everglades Park fundamentally to breach the dam created by the Tamiami Trail.

The project was delayed for 20 years, only got started two years ago when Congress had to enact a NEPA exemption, and because of excessive cost the current scaled down project will provide only a fraction of the benefits originally contemplated.

The Corps and the Department are presently examining a Phase 2 of Mod Waters with a price tag north of \$300 million that would provide the originally envisioned level of benefits. I would personally strongly urge Congress to fund the second phase of Mod Waters and realize the full benefits contemplated from the 1989 authorization before it committed the same fungible Federal revenues to a northern wildlife refuge.

Even though I can foresee some benefits arising from the refuge, I am persuaded that the incremental benefits are not worth the multi hundred million dollar price tag, especially given the state's present conservation efforts north of the lake and the more pressing needs south of the lake.

Let me just wrap up with I think there needs to be some honesty about exactly what the Land and Water Conservation Fund is and how it works. It is a line of credit. The dollars that are ostensibly sent into it are not dedicated and solely limited to land acquisition. Congress for 40 years has routinely redirected the funding from the LWCF to spend it on what Congress thinks it needs to be spent on so that a dollar that goes into this fund, which is not a fund like the Highway Trust Fund, is not dedicated to land acquisition.

The bottom line is a dollar spent on land acquisition in the headwaters refuge is a dollar that is not available to be spent on these more pressing projects south of the lake. Thank you.

[The prepared statement of Mr. Horn follows:]

Statement of William P. Horn

Mr. Chairman: My name is William P. Horn and I am appearing today on my own behalf; my comments are purely my own and I do not purport to speak for or represent any organizations or committees. I appreciate the invitation to testify on Everglades restoration, restoration priorities, and proposals to create a new Everglades Headwaters National Wildlife Refuge (NWR). Based on long experience with Everglades issues, I am persuaded that more commitment to water storage and water quality treatment, south of Lake Okeechobee, and elimination of physical barriers to natural water flows within the Everglades, are much higher priorities for Everglades restoration than diversion of finite resources, dollars and personnel, to a new refuge unit north of the Lake. Moreover, the State of Florida has already enacted programs directed at conservation, including water quality improvement, of the Lake Okeechobee headwaters region. There is no indication that a federally directed conservation effort (i.e., a new refuge) will be superior to the State-directed conservation program. Lastly, as the federal presence in the greater Everglades ecosystem is concentrated south of the Lake (i.e., Loxahatchee NWR; Florida Panther NWR, Ten Thousand Islands NWR, Biscayne Bay National Park, Big Cypress National Preserve, and Everglades National Park), it makes sense to maintain the federal focus there and let the State take the lead role north of Okeechobee.

These conclusions and recommendations arise from long term professional and personal interest in Everglades issues. As Assistant Secretary of the Interior for Fish, Wildlife, and Parks in President Reagan's second term, I was actively engaged in a number of south Florida conservation matters. These included (a) negotiations involving Everglades National Park (ENP), the Army Corps of Engineers (ACE), the South Florida Water Management District (SFWMD), Florida Department of Environmental Protection, and the Governor which led to Congressional approval of the Modified Water Deliveries (Mod Waters) project in 1989 (designed to provide more natural water flows across the Tamiami Trail highway into the Shark River Slough within ENP); (b) work with ENP, SFWMD, and agricultural interests on water management in Canals L-31, C-111 and the "Frog Pond" to provide better water flows into Taylor Slough in ENP; (c) conception and negotiation of the Arizona-Everglades

land exchange, approved by Congress in 1988, in which 85,000 acres were added to the Big Cypress National Preserve, 7500 acres added to complete the Florida Panther NWR, and nearly 20,000 acres acquired to create from scratch the Ten Thousand Islands NWR (without any land acquisition expenditures); and (d) negotiation of the Aerojet-SFWMD exchange, approved by Congress in 1987, which enabled SFWMD to acquire lands along the C-111 Canal (now part of an Everglades restoration project nearing completion) as well as additional federal land acquisition for the Key Deer NWR in the lower Florida Keys. More recently I served for four years (2007–2010), in a voluntary capacity, on the National Academy of Sciences (NAS) Committee on the Independent Scientific Review of Everglades Restoration Progress (CISRERP) and contributed to the Committee's Biennial Reports published in 2008 and 2010 ("NAS Reports," "Biennial Report," "Report"). Lastly, regarding the National Wildlife Refuge System, I was Chairman of the Congressionally-established National Wildlife Refuge System Centennial Commission in 2002–2003 and played an active role in conception and enactment of 1997 Refuge System Improvement Act. These experiences inform this statement.

Everglades Background

Conservation of the Lake Okeechobee headwaters is a valuable and worthy objective. The waters that flow into the Lake from the north mostly flow out on the south to nourish and sustain the Everglades. The 'Glades stretched historically from the Lake south to Florida Bay. In between was the River of Grass—a slow moving "river" that was miles wide and often only inches deep creating a unique subtropical ecosystem of sawgrass plains, tree islands, and sloughs supporting a profusion of fish and wildlife. Where these waters emptied into Florida Bay via the Shark River and Taylor Sloughs (now within Everglades National Park (ENP)), a rich estuarine habitat was established supporting an incredible fishery, more wading and fish eating birds, and species such as the American crocodile.

Between the late 1800's and the 1960's, this water system was damned, diked, diverted, drained and polluted. This effort—supported and funded at all levels of government—helped create modern south Florida but with predictable adverse environmental effects. To offset these effects, and attempt to save and restore a dying ecosystem, Congress in 2000 approved the Comprehensive Everglades Restoration Program (CERP). Building on previously authorized restoration projects such as Mod Waters, CERP is an enormous, costly effort to restore the remaining Everglades to a reasonable measure of health. Befitting such a massive program, it is based on a partnership with the State of Florida and responsibilities, and costs, are shared.

"Get the Water Right"

The fundamental objective of CERP is to "get the water right"—to substantially reestablish natural water flows between Okeechobee and Florida Bay. This entails providing sufficient water quantities, sufficient water quality, and moving the water through the system at the right time. The right quantities are needed so the Everglades are not dried out or starved of needed water. It is plainly evident that substantial reductions of historic water flows over the last 50 years are precipitating ecological changes in the 'Glades that may not be reversible if corrective action does not occur soon. Similarly, sending water of insufficient quality through the 'Glades also causes adverse changes, that if not reversed soon, may also be irreversible. A visit to the Loxahatchee NWR or portions of the State's Water Conservation Area (WCA) 2 reveals that poor quality water with excessive nutrients, primarily phosphorus, changes the natural Everglades habitat into a cattail monoculture.

Historically, over 1.7 million acre/feet of surface water each year flowed into what is now ENP. Today less than 0.9 million acre/feet flow into the Park. Decades of diminished flows have taken their toll on bird populations and fisheries and caused damaging hypersaline conditions in Florida Bay. CERP seeks to increase present flows to get significantly closer to the historic 1.7 million acre/feet level.

Lake Okeechobee (along with rainfall) was the primary source of water feeding the 'Glades. The NAS 2008 Biennial CISRERP report referred to the Lake as the "heart" of the Everglades because it pumped the life giving water into the system. Today, however, the Lake is beset with problems that prevent it from fulfilling its historic role—it suffers from serious "heart disease." Water can no longer be held or stored in the Lake in sufficient quantities because of levee safety issues, flooding of the littoral zones on the western side, inundation of endangered species habitat, flood control requirements, and the risks of excessive water discharges to the St. Lucie River to the east and Caloosahatchee River to the west in the event that a tropical storm or hurricane dumps torrential rains in Okeechobee when it's already full.

To overcome these severe limitations, CERP recognized the need to develop substantial water storage capacity outside of the Lake so that enough water would be available to emulate historic flows into the 'Glades. Two forms of storage were envisioned—Stormwater Treatment Areas (STA's) and Aquifer Storage and Recovery (ASR's). The former are artificially constructed reservoirs in which water is stored and treated to remove phosphorous; the latter remain untested and of questionable utility. Presently there are six STA's covering 45,000 acres storing thousands of acre feet of treated water available to be released to flow south. However, construction and operation of STA's is expensive. Land must be bought, the reservoirs built, pumps installed, and money available to pay for operations and maintenance. Notwithstanding these costs the 2010 NAS report concluded "increasing water storage (and associated water treatment) is a *major near-term priority*" (emphasis added). 2010 Biennial Report at 10. The Report went on to note that even though the agencies are planning another 35,000 acres of STA's, these will not provide enough "water storage to support planned [restoration] projects in the remnant Everglades eco-system." *Id.* at 11; 174. The bottom line is that absent substantial near term increases in out-of-Okeechobee water storage capacity, in the form of new STA's, Everglades restoration cannot occur.

The story is much the same regarding water *quality*. Under the federal Clean Water Act, related State law, and CERP, water delivered into the Everglades is to have no more than 10 parts per billion (ppb) of phosphorus (a nutrient). Water with higher phosphorus levels changes the ecosystem with adverse environmental effects. Problematically, the Lake Okeechobee system is laden with phosphorus—the results of decades of agricultural activities around the Lake. On the north side, cattle operations were the primary contributors. On the south, farming (primarily sugar cane) in the Everglades Agricultural Area (EAA) added tons of phosphorus to the system. When CERP was authorized, it was believed that a variety of actions could provide sufficient quantities of clean water (i.e., < 10 ppb phosphorus) in a decade or less.

The reality is quite different: "Due to legacy phosphorus storage in the Lake Okeechobee watershed, the lake itself, and the Everglades Agricultural Area, current phosphorus loadings into the system could persist for decades." 2010 Report at 11. Because of the persistence of legacy phosphorus, the NAS Committee came to two conclusions: (1) "Attaining water quality goals throughout the system is likely to be very costly and take several decades of continued commitment to a system-wide, integrated planning and design effort that simultaneously addresses source controls, storage, and treatment over a range of timescales", *Id.* at 11–12; and (2) "the current acreage of stormwater treatment areas (STA's), as managed, is not sufficient to treat existing water flows and phosphorus loads into the Everglades Protection Area [south of Lake Okeechobee]." *Id.* at 12. The costs of necessary additional STA's—covering over 54,000 acres—was estimated at \$1.1 billion to construct, \$27 million to operate each year, and another \$1.1 billion to refurbish every 20 to 25 years. *Id.*

Until there is additional storage and water treatment capability south of the Lake, Everglades resource managers—Federal and State—face extremely difficult choices: (i) withhold water that does not satisfy the 10 ppb standard and continue to dry up the Everglades with potential irreversible impacts or (ii) send water south with higher phosphorus content risking other irreversible ecological changes. Given the immensity and critical nature of the water quantity and water quality problems, I am persuaded that hundreds of millions of dollars that would be spent buying land for an Everglades Headwaters NWR are better off being redirected to addressing immediately the crying, pressing need for more STA's. Only with more STA's on line can managers begin to "get the water right" in the Everglades before irreversible damage is done.

Mod Waters

STA's are not the only Everglades restoration projects of higher priority than a new refuge. Congress authorized the Mod Waters project in 1989 to help restore water flows in the Shark River Slough within ENP. Fundamentally the project is to breach, in part, the "dam" created by the Tamiami Trail, U.S. 41 (built across the 'Glades before WW II) to facilitate greater water flows into portions of ENP that have been water-starved for decades. For a variety of reasons that project was stalled for over 20 years and construction began in 2009 only after Congress exempted the project from the National Environmental Policy Act and related litigation. During the intervening years the costs escalated and the project now under construction (a one mile bridge on the Tamiami Trail under which water can flow unimpeded) is a shadow of what was originally contemplated. As the NAS 2010 Committee report observed "the benefits of the 1-mile bridge represent only a *fraction* of those envisioned in earlier Mod Waters plans" (emphasis added). *Id.* at 7.

The National Park Service is presently examining a second phase for Mod Waters that would facilitate passage of more water so that the originally envisioned level of restoration benefits can be realized. I would urge Congress to expand the already authorized (and under construction) Mod Waters project, consistent with the original 1989 vision, before it authorized a new refuge north of Okeechobee or appropriated funding for land acquisition there.

Florida Conservation Programs

Turning attention directly to the Okeechobee headwaters, the Subcommittee should be aware of comprehensive conservation efforts there by the State of Florida. After the 10 ppb phosphorus standard was agreed to, Florida enacted to the Everglades Forever Act in 1994 to implement that standard including actions north of Okeechobee to improve water quality. In 2000, recognizing the special problems afflicting the Lake, the State enacted the Lake Okeechobee Protection Act. It is specifically designed to restrict phosphorus inflows into the Lake from its northern headwaters. A TMDL (total maximum daily load) for phosphorus was set, approved by the federal EPA, and a variety of other actions initiated to deal with the legacy phosphorus problem. In 2007, the State acted again to establish the Northern Everglades and Estuaries Protection Program to deal further with conservation issues north of the Lake including water quality.

The proposed Headwaters refuge overlays the very areas covered by these State programs. That raises issues worthy of scrutiny: what additional benefits, if any, are provided by the establishment of new federal refuge unit in this area already the focus of State conservation programs? Are the incremental benefits that might arise from the refuge worth the expenditure of hundreds of millions of dollars for federal land acquisition? And as spelled out earlier in this statement, are those hundreds of millions better spent on STA's, expanded Mod Waters, or other CERP projects, or on a new refuge?

Conclusion

Even though I can see benefits arising from a Headwaters NWR, I am not persuaded those incremental benefits are worth the multi-hundred million dollar price tag given the present State role and programs north of the Lake and the more pressing Everglades restoration needs to the south. In a world of unlimited budgets, I could be a supporter of a Headwaters unit (if it contained hard statutory guarantees for traditional uses such as fishing and hunting) but that is not the world we live in today.

Thank you.

Dr. FLEMING. Thank you for that every interesting testimony, Mr. Horn.

Let us see. Next, Mr. Dantzler. You are now recognized.

STATEMENT OF HON. RICK DANTZLER, CO-CHAIRMAN, NORTHERN EVERGLADES ALLIANCE

Mr. DANTZLER. Thank you very much. Thank you very much, Mr. Chairman and members of the Committee. It is a pleasure to be here today on behalf of Northern Everglades Alliance, a recently formed and, frankly, loosely organized group of conservationists and landowners and hunters and fishers and those who are trying to do whatever we can to preserve the rural landscapes along the Kissimmee River Basin and really much of the Southwest Florida area that is not yet developed.

With me is LeeAnn Adams. She is from one of the families that is involved in this effort, a ranching family of several generations in Florida, so I appreciate her being here.

But we are committed to trying to preserve some kind of semblance of old Florida. We are trying to prevent this part of Florida from going the way that much of Florida has gone, this ever expanding area of concrete and asphalt. And we believe that this new proposed refuge is absolutely critical to our efforts, and the reason is it provides a toe-hold around which everything else will pivot.

Just like development begets development, conservation begets conservation. And if we can establish this 150,000 acres right in the middle of this part of Florida that we are trying to preserve as some semblance of old Florida where there are rural working ranching landscapes on the horizon, we will go a long way towards achieving our goal.

Now, I have listened carefully this morning, and, frankly, I have a sense of what some of the testimony is going to be that you hear. There are some user groups that are upset with Fish and Wildlife; I understand that. But frankly, I can't for the life of me understand why we are on the different side of this issue because I am one of you. I hunt; I fish. We do all those things together. It breaks my heart when I see these parts of Florida developed.

This wildlife refuge at the very least is going to create 50,000 brand new acres available for hunting, and the 100,000 acres that is going to be encumbered with a conservation easement, perhaps those property owners would allow special opportunity hunts, maybe youth hunts. There are going to be some other opportunities for hunting activities on these 100,000 acres I predict, so at the very least we are going to increase the available hunting by 50,000 acres.

And to oppose the creation of new wildlife refuges because we are upset with Fish and Wildlife, that would be like being upset with the contractor who botched the construction of a sewage treatment facility. You don't oppose the creation of new sewage treatment facilities. You get the contractor to do it correctly. And that is what I think we need to do here. If this refuge satisfies a strategic interest then I think we should do it and make the Fish and Wildlife Conservation Commission do it correctly.

There has been some concern that perhaps this refuge north of the lake is going to take funding away from the south part of the lake. I understand that. If there are projects that have already started south of the lake then I think those should be completed before we move on.

But the fact of the matter is that if you wait until you have done everything you would like to do south of the lake before you do what needs to be done on the north side of the lake, you are never going to do anything on the north side of the lake because there is always going to be something to do on the south side of the lake.

We have an opportunity now to start to stop urban sprawl and to keep this part of Florida from going the way of many of the other parts of our state. I served in the Legislature for nearly 16 years. I chaired the Natural Resources Committee for many years in the Senate. I actually wrote the Everglades Forever Act, and I have represented property owners in my private life who have had to deal with Everglades restoration, so I understand this from many different perspectives. And having watched public policy in this area for decades now, I can tell you that you will never regret tying up land, but if you don't tie up the land you may very well regret that.

I used to ask myself what three or four things could we have either done or not done 50 or 100 years ago that would have saved us a tremendous amount of money and unbelievable environmental damage, and then I would say what three or four things are we

doing now that we could either do or not do and save ourselves money and environmental damage?

Frankly, I think we are at one of those moments. I think that if we take this opportunity to tie up this 150,000 acres that conservation ethos, that conservation ethic, is going to spread like wildlife and you are going to see much of the undeveloped area in Southwest Florida preserve its semblance of the way of life that we have enjoyed for decades.

Thank you very much for this chance to be with you today. I look forward to your questions.

[The prepared statement of Mr. Dantzler follows:]

Statement of Rick Dantzler, Co-Chairman, Northern Everglades Alliance

Dear Mr. Chairman and Members of the Subcommittee:

My name is Rick Dantzler. I have been invited to testify today on behalf of the Northern Everglades Alliance, a newly-formed alliance of concerned citizens committed to protecting the ranching and outdoor heritage of the Northern Everglades. We are property owners, ranchers, anglers, hunters, conservationists, outdoor enthusiasts and businesspeople working together to protect the ranching and agricultural landscapes of this important area. I co-chair the Northern Everglades Alliance with Mike Adams, a rancher from St. Lucie County. The Alliance fully endorses the vision and goals of the proposed Northern Everglades National Wildlife Refuge and Conservation Area.

I was elected to the Florida House of Representatives when I was 26. I served there for eight years and was then elected to the Florida Senate. I served in the Senate for nearly eight years but resigned to run for the office of governor of Florida in 1998, ultimately becoming the Democratic nominee for Lieutenant Governor and joining the ticket of Buddy MacKay. I was involuntarily retired from elected public service after that election and went into private law practice full-time. That's a euphemistic way of saying we lost.

While in the Senate I chaired the Committee on Natural Resources and Conservation for several years and sponsored the Everglades Forever Act, a law that focused primarily on water quality. At the time, the Everglades Forever Act represented the largest restoration effort of its kind in history. It was not an easy bill to pass and it wasn't universally loved, but nearly everyone has grown to embrace it and sees it as a huge step forward in the effort to restore the Everglades.

In my private practice I've represented property owners in the C-139 Basin, a 169,000-acre watershed west and south of Lake Okeechobee. Water leaving the Basin enters the Everglades so I've had to deal with permitting and regulation and taxation aimed at restoring the Everglades on behalf of clients. I've seen restoration of the Everglades from the standpoint of the regulated, and frankly the regulation has seemed a bit overwhelming at times and my clients have grown frustrated. For the most part, though, it has been collaborative with the permitting authorities and we have survived.

I mention this because I want you to know that I've seen the issue of Everglades restoration from the standpoint of an elected official wanting to do the right thing for the resource, completely aware of the limits of public resources and responsibility not to over-tax or over-regulate. I've also seen what it's like for property owners to deal with these good intentions, and how difficult it can be. I had a ranching client who, partly because he had become so concerned about how difficult compliance with Everglades regulation was going to be, sold his 22,000-acre ranch to the state. The point is I have experience in these matters from all relevant viewpoints and don't take positions on restoration lightly or in a vacuum.

You are asking fair questions about spending priorities and Everglades restoration. My opinion, perhaps it is shared by members of this committee, is that government at every level has over-promised, and we are at a point where some of these promises are going to have to be balanced with other needs and scaled back in many situations. That isn't just politics; I believe the American people understand it and are ready for it.

So how should policy makers proceed in the face of this new paradigm, and what does it mean for us today? I have two thoughts, one based on logic and the other based on a personal opinion that gets to the question of what government is supposed to do and who or what should it first help.

Logically, it makes the most sense to spend on those projects that have already received funding but are not finished, and for which the initial investment would be lost if funding is not continued. Don't lose the benefit of a project by not finishing it. However, I also believe we must look at the entire Everglades system and determine what offers the best hope of fixing it and not just treat the symptoms of the problem. If a blockage in one's heart was causing poor circulation in the extremities, the doctor wouldn't treat the problem by massaging the toes and hands but by removing the blockage.

It's the same way with the Everglades, a system that begins in Orlando and ends all the way in Florida Bay. It's important that we get far enough upstream that we aren't just treating the symptoms of an ill system. Frankly, this isn't exactly how we've done it with Everglades restoration although I'm not sure we could have done it any differently, as I'll explain below.

Responding to federal litigation, the state passed the Everglades Forever Act in 1994, the first of several significant state and federal legislative efforts in the 1990s to undo some of the damage that was nearly a century in the making. Had it not been for the litigation, a good argument could be made that it would have been better to start farther north in the Everglades system, acknowledging, of course, that Kissimmee River restoration began decades ago. Perhaps it would have been better to start in Orlando and work our way down instead of first focusing on removing phosphorous from contributors closest to the Everglades proper, as the Everglades Forever Act did.

To fully understand this reasoning it is important to recognize how severely and intentionally the Everglades system has been altered by Man.

Beginning in 1905, Governor Napoleon Bonaparte began building what he called the "Empire of the Everglades," a canal building program in the Everglades to drain the land, creating dry areas for housing and agriculture. After several hurricanes in the 1920s put much of South Florida underwater, the digging began in earnest, and when the federal government jumped in, so much of the Everglades was drained that nearly five million Floridians now live on what used to be the Everglades and 700,000 acres of agriculture lie between Lake Okeechobee and what remains of the Glades.

Why is this relevant? Because water quantity is just as big of an issue as water quality, and anything Congress can do to return altered landscapes to a more natural state and help protect areas not yet altered will assist in satisfying Florida's water supply needs. For generations we've been of the opinion that standing water is bad, yet we now know that the draining of standing water is probably the single most damaging thing ever done to Florida's environment. The northern portion of the Everglades system along the Kissimmee River Basin and the agricultural areas north of Lake Okeechobee provide important water storage areas for the larger Everglades system. Especially in South Florida where the competition for water between people, agriculture and the environment is keen, storing water upstream will increase the water pie and help avoid "water wars."

I wish to address specifically the question of what government should do and who it should first help in the face of diminishing revenues, as posed earlier. These are my viewpoints, not the views of the Northern Everglades Alliance, but they come from decades of being engaged in public policy.

I first look at whom and what can help itself. Government's responsibility is to create equal opportunity, not equal outcome, for everyone. The environment and the flora and fauna within it can't help themselves in the face of Man, and the history of Florida is Man trying to pound the natural systems into submission. Occasionally Nature strikes back in the form of a hurricane or flood, but for the most part the natural systems of Florida have been the losers in this battle.

A redeeming feature of Mankind, though, is our ability to learn and evolve in our thinking. I don't think the same way I did when I was younger, and I'm sure you don't either. In Florida, we know that an economy built on ever-expanding asphalt and concrete is long-term death. Paving over our best farmland and altering our ecosystems to the point where they quit working is folly, yet it continues because that's the way we've always done it.

We need your help in doing it differently in the Northern Everglades.

We need your help in preserving working, agricultural landscapes of sufficient scale that agriculture maintains a critical mass that allows commercial agriculture to be viable. Otherwise farmers and ranchers become hobbyists, and that costs jobs and a way of life.

We need your help in keeping select parcels from being impacted at all. Some areas are so special and critical to the public that the public should own them.

And it is all of these things that the Everglades Headwaters Refuge and Conservation Area project is intended to do. Properly balanced with the ongoing work

in the southern portion of the system, the conservation of the Northern Everglades will ensure long-term benefits for the entire Everglades System at a fraction of the cost.

As indicated earlier, the Northern Everglades Alliance endorses the vision and goals as articulated by the U.S. Fish and Wildlife Service in the Draft Land Protection Plan/Environmental Assessment for the Proposed Establishment of the Everglades Headwaters National Wildlife Refuge and Conservation Area. Let me be clear however. The Northern Everglades Alliance is endorsing only the vision and goals of the Draft LPP/Draft EA, and not every word or concept in it. Through public meetings and comments submitted during the public comment period, we are working with the U.S. Fish and Wildlife Service to further refine the document. However, we are convinced that it offers the best and perhaps last hope of saving what remains of "Old Florida" in this part of our state. In our view, we have no choice but to support it if we wish to protect and preserve a way of life that has sustained our part of Florida for generations.

We have seen other parts of Florida grow and develop in ways that are not sustainable, and in the process lose the specialness of their landscapes. We do not want that to happen in the Kissimmee River Valley. We wish to preserve the heritage of our region, and in the process protect the jobs that go along with commercial agriculture and outdoor pursuits.

We understand that for agriculture to be viable it must have critical mass. We understand that for there to be fish to catch and animals to hunt there must be sufficient water and land to support sustainable populations. We understand that for those engaged in nature study there must be enough undeveloped land for ecosystems to function. And most important, we understand that for our state to flourish there must be water of sufficient quality and quantity. The Everglades Headwaters National Wildlife Refuge and Conservation Area would go a long way towards achieving these necessities.

We are particularly pleased with the emphasis on the purchase of conservation easements. As part of the effort to preserve and protect our heritage, certainly there are parcels that belong in public ownership in fee simple, but conservation easements allow continued farming and ranching, soften the blow to local governments over the loss of ad valorem tax revenue, free the government of land management responsibilities, and protect ecosystems from development.

We also appreciate that only willing property owners may participate in this program, and that no funds will be used to condemn property. This is good because we are also supporters of private property rights.

Finally, we see wisdom in establishing the partnership between the U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission. Surely by co-designating the area as a National Wildlife Refuge and a state Wildlife Management Area it will lead to additional hunting and fishing opportunities for the public.

For these and other reasons, we support the proposal in concept, and look forward to working with the U.S. Fish and Wildlife Service to flesh out the details. For many of us, our families have been here for generations, and we wish to have a Florida that our descendants may enjoy in similar fashion. Frankly, if this effort is successful we would hope that it would be replicated in other parts of our state because it is just a matter of time before we experience growth pressures again. The economic downturn, with all of its heartaches, has given us a chance to catch our breath and develop a plan to protect our heritage.

Dr. FLEMING. Thank you, Mr. Dantzler.
Mr. Draper, you are up for five minutes.

**STATEMENT OF ERIC DRAPER, EXECUTIVE DIRECTOR,
AUDUBON OF FLORIDA**

Mr. DRAPER. Thank you, Mr. Chairman and Ranking Member Hanabusa and members of the Subcommittee. I am Eric Draper. I am the Executive Director of Audubon of Florida, which is a state affiliate of the National Audubon Society. We are glad to be here today.

I am particularly honored to be sitting next to Mr. Dantzler on this panel. As he mentioned, he was the author of the Everglades Forever Act and has been a long-time bridge between the conserva-

tion community and between the land owning community in Florida. Such is the fact that just two weeks ago those two constituencies got together for a dialogue on public lands, and there is no light really between the land owning community in the northern part of the Everglades and the conservation community and particularly on this particular issue.

Audubon has a long history in Florida working on the Everglades. We are not just an advocacy organization. We are actually a landowner in the Northern Everglades. We own the 15,000 acre Corkscrew Swamp Sanctuary, which has close to 100,000 visitors a year. That is part of the economy. We run a million dollar business down there. We also lease 30,000 acres of sanctuary of Lake Okeechobee and have partnered with the State of Florida in other conservation projects.

I just want to tell you thank you so much for paying attention to the Everglades, particularly the Northern Everglades. Florida is a special place, and Congress has been especially helpful in funding and authorizing projects to help us protect many, many different parts of Florida that are so special.

The reason we are having a debate about wildlife refuges today is because we have done such a good job of establishing wildlife refuges in the State of Florida, and the odd thing about those refuges is many of them are in fact postage stamp properties that are protecting very, very unique biological resources of which we have an abundance in Florida.

Florida's Federal lands and especially the refuges and the national parks bring millions of people to Florida. Bring millions of people to Florida. I was in Everglades National Park last year and I heard many other languages other than English, and that is an indication. The English we heard was often times British inflected English. That is an indication that many people are traveling to South Florida to visit these properties. They spend a lot of money.

Of course, there is also a lot of money that comes into Florida from the hunting and fishing community. I will note that many of these refuges are destinations for fishers, and fishing brings much more money to Florida. People come to Florida to fish. They don't come to Florida to hunt. People leave Florida to hunt for the most part.

Florida has a strong commitment to land conservation. Congressmen Ross and Rivera have voted for state budgets up to \$300 million a year for Florida Forever and up to \$200 million for Everglades restoration. This is an indication of the commitment that the State of Florida has.

There has been a partnership, a history of cooperation between the State of Florida and the Federal Government, and that was only renewed recently, as you heard from Secretary Darcy and from Assistant Secretary Jacobson, renewed in the last couple of weeks where as a result of Governor Scott, our governor, reaching out to the Federal partners. They have come together on refocusing on the Central Everglades and on working together to resolve Florida's longstanding problems with water quality. We are very, very encouraged by that.

The Everglades has a problem largely because, as I have to say Congressman Rivera eloquently described what the problems are

with the Everglades, which is a drainage problem, and that drainage problem is not limited to the south part of the system. It exists through the entire part of the system. He talked about what needs to be done to fix it. Frankly, the Federal Government dug those ditches, they dug the canals, and we believe the Federal Government has an obligation to come back in and help to fix the problem.

Now, the link between the north and the south is very, very important. Here is the problem with the southern part of the system. There simply is not enough fresh, clean water moving down into the Everglades. Where does a lot of that water come from? It comes from the Northern Everglades. It flows into Lake Okeechobee. It comes into Lake Okeechobee fairly damaged, fairly polluted with phosphorous, and it has to get cleaned up before it gets moving south. This is a pretty significant technological problem.

By the way, I disagree with my co-panelist, Mr. Horn, that the Federal Government should focus on water quality. That is a state responsibility, not a Federal Government responsibility, in terms of cleaning up Florida's water quality problems, but you can in fact help by securing part of the Northern Everglades landscape, which this wildlife refuge proposal helps to do.

We have made great progress in Florida over the last couple years in creating dispersed water storage projects. We can store water more cheaply and clean it up more cheaply in partnership with landowners on their land rather than building—well, not rather than building projects, but in addition to building storage treatment projects.

So our recommendation to you is move forward with this. Allow this Refuge System to move forward because it is a partnership with the landowners down there. It will provide additional benefits, particularly the water storage, the fresh water we need to move south into the restored part of the Everglades. Thank you very much.

[The prepared statement of Mr. Draper follows:]

Statement of Eric Draper, Executive Director, Audubon of Florida

Chairman Fleming, Ranking Member Hanabusa and Members of the Subcommittee:

Thank you for the opportunity to testify regarding the priorities for Everglades restoration. I am Eric Draper, Executive Director of Audubon of Florida, the State office of the National Audubon Society. With more than 450 chapters across the country including 44 in Florida, and more than one million members, volunteers and supporters, Audubon has a long history of involvement in protecting and restoring the Everglades.

Audubon is supportive of the Everglades Headwaters National Wildlife Refuge and Conservation Area (Everglades Headwaters NWR and CA) proposal because it advances Audubon's goals for restoration and its mission to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity. Protecting the Everglades Headwaters can provide important protection for threatened and endangered species, and in order to more successfully fix the lower end of an aquatic ecosystem, problems that originate in its headwaters must be addressed. The desire of most of the major landowners in the Everglades Headwaters to participate in the refuge and conservation area responds to concerns about the future of the source of water that is the wellspring of the Everglades.

Audubon has worked for over a century to protect and restore America's Everglades. Famous for its abundance of bird life, the Everglades has faced many challenges. From the time of the murder of Audubon Warden Guy Bradley by plume hunters as he fought to protect some of the Everglades' wading birds, to the nearly devastating changes from the 20th century attempts to ditch, dike, and drain the

watershed for development and agriculture, Audubon and our supporters have led an unprecedented ecological intervention. However, we are not just advocates. Audubon is a major landowner in Florida. Our Corkscrew Swamp Sanctuary attracts more than 100,000 paying visitors each year and is considered the premium Everglades experience. Nearly 30,000 acres of Lake Okeechobee marshes are leased to Audubon and we own thousands of acres in Rookery Bay, a federally designated estuary.

In addition to the importance of the Everglades for the wildlife which made it famous, this unique ecological treasure also provides the water supply for one of America's largest urban areas. Without a healthy Everglades, one in three Floridians would have to look elsewhere for their drinking water. Florida will be unable to accommodate its projected population and commercial growth without protecting this resource.

Clean and sufficient freshwater also forms a critical component of Florida's tourism economy. The economic losses of business in Florida due to the mere perception of impacts from the Deepwater Horizon oil spill demonstrate the inextricable connection between a healthy environment and economy in Florida. Results of a study conducted in 2010 by Mather Economics on behalf of the Everglades Foundation, *Measuring the Economic Benefits of Everglades Restoration*,ⁱ demonstrates the potential economic benefits from Everglades restoration:

"Our analysis strongly suggests that restoration of the Everglades as described and planned in CERP will have large economic benefits. **Our best estimate is that restoration will generate an increase in economic welfare of approximately \$46.5 billion in net present value terms that could range up to \$123.9 billion.** The return on investment, as measured by the benefit-cost ratio, assuming a cost of restoration of \$11.5 billion, is also high and significant, 4.04, which means for every one dollar invested in Everglades restoration \$4.04 dollars are generated. Everglades restoration will also have an incremental impact on employment of about 442,000 additional workers over 50 years. In addition, the Corps of Engineers estimates there will be 22,000 jobs created as a result of the actual restoration projects. Throughout our analysis, we have taken a very conservative approach to estimation. Accordingly our best estimates almost surely understate the return on investment of Everglades restoration."

Audubon uses bird populations as the measure of health of the Everglades and success of restoration efforts. Information about threatened or endangered birds provided by Audubon's field science helps to form the basis of understanding how the natural system works and its water quantity and timing needs. Recently, we have drawn specific focus toward the Northern Everglades as an essential part of the preservation and restoration of the Everglades.

Everglades Headwaters NWR and CA Provides Benefits for Water, Wildlife and Florida's Cattle Ranching Economy:

Ranching

According to the University of Florida's Institute for Food and Agricultural Services Florida has a rich history of cattle ranching and is one of the leading states in cattle production. Florida is a cow-calf state, producing quality calves that are shipped to other states. Florida's annual beef cattle sales and sales of breeding stock easily push annual farm gate sales over a half-billion dollars. Cattle ranches contain much of Florida's remaining native habitat, particularly in central and South Florida. Consequently, cattle ranches have an important role in the future of Florida's wildlife. Nonetheless, both the number of ranches and the amount of land in cattle ranches decrease every year. Many ranchers, especially in the Lake Okeechobee watershed or Northern Everglades area are very good stewards of land. Ranchers manage for wildlife habitat in part because hunting leases are part of many ranches' financial base. According to the Florida Cattlemen's Association real estate developers are quickly buying up what is left of Florida's pristine ranch land. In an industry with historically low profit margins, it is hard for a rancher to give up cash bonanza for selling their land. Florida once was a farm rich state, but with continued population growth and development, it is becoming a more urbanized region each year. The Florida Cattlemen's Association works to create a greater understanding among Florida citizens of the problems faced by cattle ranchers.

ⁱ Mather Economics. 2010. *Measuring the Economic Benefits of Everglades Restoration*:

An Economic Evaluation of Ecosystem Services Affiliated with the World's Largest Ecosystem Restoration Project. Mather Economics, 43 Woodstock Street, Roswell, Georgia 30075.

Many ranchers, such as Bud Adams, Cary Lightsey and Charlie Lykes are proud of the way they have managed their land for water and wildlife benefits. This is why Audubon, The Nature Conservancy and other conservation groups have worked over the past decade with Florida's ranchers to develop programs that will keep this important land use part of Florida's landscape. At a recent Dialogue on Conservation Lands there was little difference in viewpoint between ranchers and conservationists.

Wildlife Benefits:

Audubon comes to its support of the Everglades Headwaters NWR and CA through a half-century of collaborative efforts with Kissimmee Valley cattle ranchers. Beginning in 1961, Audubon worked to establish cooperative Eagle Sanctuaries on ranchlands north of Lake Okeechobee. By October 1962, 59 ranch properties encompassing 600,000 acres were enrolled in the Audubon voluntary sanctuary network, protecting what at the time was the last bastion of viable Bald Eagle breeding populations in the lower 48 states. By working with ranchers to protect America's great symbol, we learned about their excellent land ethic and stewardship.

National Audubon Society has had full-time staff working in the Kissimmee Valley since 1936. The first staff were game wardens, paid by National Audubon Society and deputized by state and federal governments. They patrolled Lake Okeechobee and the Kissimmee Prairie region, where Audubon's interest was tied to five endemic (found only in Florida) subspecies of prairie birds: Audubon's Crested Caracara (*Caracara cheriway audubonii*), Florida Burrowing Owl (*Althene cunicularia floridana*), Florida Sandhill Crane (*Grus Canadensis pratensis*), Florida's Mottled Duck (*Anas fulvigula fulvigula*) and one of the most endangered birds in the nation, the Florida Grasshopper Sparrow (*Ammodramus savannarum floridanus*). Wardens also protected wading bird nesting colonies in the region and were instrumental in securing protection of Audubon's 7,300 acre Ordway-Whittell Kissimmee Prairie Sanctuary. This original dry prairie private protection strategy facilitated state protection of the adjacent Kissimmee Prairie Preserve State Park. The Audubon Sanctuary was folded into the state preserve, which is now part of and a focal area for the proposed Everglades Headwaters NWR and CA. Florida's dry prairie ecosystem is acre-for-acre, one of the most diverse plant communities in North America.¹¹

Today, the lands targeted for the Everglades Headwaters NWR and CA, along with the Kissimmee Prairie Preserve State Park, make up the remnants of Florida's endemic Dry Prairie ecosystem. The endangered Florida Grasshopper Sparrow exists only in three distinct populations, one of which is centered on land offered as part of the proposal. Similarly, the Florida population of Audubon's Crested Caracara is listed as threatened under the Endangered Species Act and is isolated from the remainder of the subspecies in the southwestern U.S. and Central America. The Caracara's reliance on the prairie area of the south-central region of Florida makes conservation in this area critical for its survival.

Because Everglades waters flow downstream from the Kissimmee River through Lake Okeechobee, the Everglades Headwaters refuge will deliver major benefits for the habitat of the endangered Everglade Snail Kite *Rostrhamus sociabilis plumbeus*. There are only 700 individual Kites left in Florida, and Audubon has made its survival a top priority. The featured article in the November/December 2011 issue of *Audubon Magazine* is "The Everglades: A Watershed Moment," focused on the plight of the Everglade Snail Kite and how decisions about water management in Lake Okeechobee and its watershed impact the Kite's chance of survival.

Lake Okeechobee and Everglades Hydrology: The Refuge and Conservation Area Could Help Substantially Reduce Harmful Impacts of Over-Drainage:

In the summer of 2004, Florida had four tropical systems cross the Kissimmee Valley (Charley, Francis, Jeanne, Ivan), dumping unexpected amounts of rain. Due to the very efficient drainage system created by the Central and Southern Florida water management system, this water was very quickly shunted down to Lake Okeechobee, causing it rise to 18 feet deep. At this depth, about 75 square miles of plant communities were drowned out and concerns arose for the integrity of the Hoover Dike that encircles the lake and protects communities downstream. In response to this rapid rise in water levels, the U.S. Army Corps of Engineers (Corps) released massive amounts of water to the St. Lucie and Caloosahatchee Estuaries

¹¹ Orzell, S. L. and E. L. Bridges. 2006. Floristic composition of the South-Central Florida dry prairie landscape. Pages 64-99 in *Land of Fire and Water: the Florida dry prairie ecosystem*. Proceedings of the Florida Dry Prairie Conference. R. F. Noss, ed. E. O. Painter Printing Co., DeLeon Springs, FL.

to rapidly lower the lake. These releases killed seagrasses, oysters, and other bottom-dwelling organisms. The lake as well as the downstream St. Lucie and Caloosahatchee Rivers and estuaries took years to recover with a tremendous negative impact on commercial and recreational fisheries.

In 2005, when Hurricane Wilma hit Florida, the lake again rose above 17 feet, and the Hoover Dike was reported in a Corps report as “within hours of failing” due to the hurricane surge. Massive amounts of water were again discharged to tide throughout the spring of 2006. By 2007, South Florida was in a drought, and by the spring of 2007, water supply for farms and cities was severely rationed (45% reduction in water use). These alternating years of drought and storms are a good description of the problems facing the Everglades ecosystem and potential benefits of adding lands to a refuge and conservation area. Florida discharged to tide the equivalent of 6 years of water supply in two years, and then came close to running out of water the year that followed.

This unnatural drainage contributes to excessively high levels during wet periods and excessively low levels during drought. In its natural condition, the Kissimmee Valley would take six to eight months to discharge its wet season loads into Lake Okeechobee. Now this same water drainage takes place within one month, making the lake rise at an unnaturally rapid pace. Conversely, when droughts begin, the six to eight months of base flow that the Kissimmee Valley used to contribute to the lake throughout the dry season no longer replenishes the Lake, allowing the lake drop more rapidly than in the past. Adding to the rapid lowering of the Lake are water supply withdrawals, which can withdraw 20% of the 730 square mile Lake’s water in just one season.

The solution is more water storage capacity upstream and downstream of the lake. If by reversing unnecessary drainage and allowing water to pool during wet periods, less water will flash downstream to the Lake. Then as rainfall decreases and the annual winter drought begins, there will be water upstream that can slowly seep into the Lake to help prevent extreme low levels.

Audubon issued a report in 2007ⁱⁱⁱ that predicted substantially more storage would be needed upstream of the Lake than CERP and other plans anticipated. The agencies in turn, revisited their calculations and concurred, raising the total storage capacity goals from 300,000 acre-feet to a range of 900,000–1.3 million acre-feet.^{iv} The ensuing question was, “how to store that much water?”

A partial answer is termed “Dispersed Water Management” (DWM). It works cooperatively with private landowners to store excess water on private lands. World Wildlife Fund conducted a pilot project with eight ranches in the Lake Okeechobee watershed to test what benefits to hydrology, nutrient movement, and other factors could be gained through this type of process.^v Attractive benefits of this arrangement include relatively low cost, keeping land on the tax rolls and producing food and fiber, preserving a cultural way of life, and being administratively agile—projects can be rapidly implemented in almost any location.

The pilot projects proved successful and Florida is scaling DWM up with a 450,000 acre-foot capacity goal.^{vi} There are many types of DWM possible. One approach allows Payment for Environmental Services, where ranchers are compensated for providing water storage—mostly by simply preventing excess drainage. Other tools are wetland conservation easements and wetland restoration on public lands. Considering that the Everglades Headwaters NWR and CA could be implemented across a total of 150,000 acres of land, these acres could contribute considerable capacity to complement the state’s program and meet the water storage goal.

Water Quality Goals:

For decades, Lake Okeechobee and its tributaries have experienced excessive phosphorus and nitrogen loads. In response to these problems, in 1987, the Florida legislature enacted the Surface Water Improvement and Management (SWIM) Act, which required the state’s water management districts to develop restoration plans for priority water bodies. In 1989, the South Florida Water Management District

ⁱⁱⁱ Audubon of Florida. Lake Okeechobee restoration: watershed, weather, and strategies toward achieving goals. P. N. Gray, C. J. Farrell, T. Romine, eds. Audubon of Florida. Miami. <http://www.audubonofflorida.org/pubs/OkeechobeeReport.html>

^{iv} South Florida Water Management District, Florida Department of Agriculture and Consumer Services, and Florida Department of Environmental Protection. 2008. Lake Okeechobee Watershed Construction Project: Phase II Technical Plan.

^v Lynch, S. and L. Shabman. 2011. Designing a payment for environmental services program for the Northern Everglades. National Wetlands Newsletter 33:12–15.

^{vi} South Florida Water Management District, Florida Department of Agriculture and Consumer Services, and Florida Department of Environmental Protection. 2011. Lake Okeechobee Protection Plan Update. SFWMD, West Palm Beach.

(SFWMD) developed a SWIM Plan to control phosphorus loading to Lake Okeechobee. Despite the plan, no substantial phosphorus reductions were achieved during the 1990s. To further act to restore and protect Lake Okeechobee, the Florida legislature passed the Lake Okeechobee Protection Act (LOPA) (Section 373.4595, Florida Statutes [F.S.]) in 2000 to establish the Lake Okeechobee Protection Plan (LOPP). In 2007, after continuing problems, the legislature amended the LOPA in Chapter 373.4595, F.S., and enacted the Northern Everglades and Estuaries Protection Program (Northern Everglades EPP). The Northern Everglades EPP expanded Lake Okeechobee restoration efforts to include the Caloosahatchee and St. Lucie River watersheds and substantially increased water storage and treatment goals upstream of the Lake.

NEEPP mandates that a total maximum daily load (TMDL) of 140 metric tons (mt) of total phosphorus (TP) per year flowing to the lake be met by January 1, 2015. This TMDL was adopted by the Florida Department of Environmental Protection (FDEP) in 2001 and was established in accordance with Section 403.067, F.S. Northern Everglades EPP promotes a comprehensive and interconnected watershed approach to protection of the Lake Okeechobee, Caloosahatchee River, and St. Lucie River watersheds. State agencies, including the Florida Department of Agriculture and Consumer Services, work cooperatively to address these interconnected issues to rehabilitate the lake and enhance the ecosystem services that it provides while maintaining its contributions to the regional water supply and flood control.

Audubon holds that continued phosphorus loading and the rapid movement of surface water toward Lake Okeechobee is an extremely urgent issue for South Florida. The phosphorus already accumulated within lake sediments is enough to keep the lake phosphorus enriched for decades^{vii} without further additions. Similarly, the phosphorus previously applied by humans to the watershed, termed “legacy load,” appears enough to continue annual loads in the 500 mt range for 20–50 years without further additions.^{viii} Unfortunately, annual additions continue, meaning that without change, in 50 years the legacy load could be twice as great as present.

Both agriculture and urban areas contribute significantly to the on-going imports. Most notably, the largest land use category listed in the LOPP update (improved pasture at 676,991 acres) showed a 15% increase in phosphorus loading, apparently due to dumping human sludge. Urban land uses, while only 12 percent of the watershed, account for 29 percent of the total net phosphorus import.^{ix} Therefore, both Everglades Headwaters NWR and CA goals of reducing additional urban development in the Northern Everglades and returning some acreage of improved pasture to natural conditions will help with the water quality challenges.

Storing water north of the lake is also the first step in slowing flows toward the lake to allow for increased water quality treatment. Conservation easements also provide an opportunity to reduce fertilizer use or sludge dumping. The National Research Council of the National Academy of Sciences’ Committee on Independent Scientific Review of Everglades Restoration Progress (CISRERP) noted in its 2010 biennial report that “an aggressive combination of agricultural and urban BMPs, payment to landowners for ecosystem services beyond basic agricultural BMPs, regional and subregional treatment systems, and intensive chemical treatment of surface-water flows to the lake will be required to improve the water quality enough to meet the established TMDL.” The Everglades Headwater NWR and CA can play a critical role in this multi-faceted effort.

Working Together with Willing Sellers:

Audubon’s support for the Everglades Headwaters proposal also stems from the knowledge that this is a willing seller only program with 100,000 acres targeted for conservation easements, and 50,000 acres targeted for full acquisition. We have worked closely with and listened carefully to the needs and concerns of ranchers in the region. There are tenuous economic prospects for many of these large properties. Ranchers who have worked their land for generations recognize that the opportunity to sell permanent conservation easements through programs such as the Everglades Headwaters NWR and CA can allow their way of life to continue, and those who wish to sell their properties for conservation recognize that this is vital to preventing ranches from ending up on the auction block and becoming the sites for future subdivisions.

^{vii} BBL (Blasland, Bouck and Lee, Inc.) 2002. Draft Evaluation of alternatives, Lake Okeechobee sediment management feasibility study. For SFWMD. Boca Raton, FL.

^{viii} Reddy, K. R., M. Clark, J. Mitchell, E. Dunne, A. Cheesman, and Y. Wang. 2010. Phosphorus management in the Okeechobee basin: Legacy phosphorus—implications to restoration and management. Presentation to Northern Everglades Interagency Committee, June 2, 2010, Okeechobee, FL.

^{ix} Id. At iv.

The Everglades Headwaters proposal got its start in cooperative discussions with ranchers who were genuinely concerned that the marginal economics of ranching would soon put many ranches on the auction block. Enlisting ranchers as partners and compensating them for important environmental services keeps them in business, retains land on the tax rolls, and achieves restoration benefits at far less cost than traditional public works projects. Audubon also took note of the support from the nearby Avon Park Air Force Range, who recognized the importance of maintaining these lands in natural conditions to provide a buffer for their activities. The easements and selective land purchases that will result from the Everglades Headwaters proposal will be key building blocks in reaching those goals.

The U.S. Fish and Wildlife Service has represented that access to the lands enrolled in the Everglades Headwaters NWR and CA will be through partnership with the Florida Fish and Wildlife Conservation Commission and that designation as a state Wildlife Management Area will be sought to allow additional hunting and fishing opportunities for the public. Audubon encourages this approach. As a landowner, we recognize the importance of allowing compatible public access to natural areas for enjoyment and education. For example, on our Corkscrew Swamp Sanctuary property in Naples, we provide a boardwalk for wildlife viewing and swamp buggy rides for visitors. Recently, although we did not agree with all of the specific details of the National Park Service's decisions regarding access in the Big Cypress National Preserve and Addition Lands management plans, we supported the compromise reached to balance access with protecting the resource while allowing traditional uses to continue. In that example, the Big Cypress National Preserve would not have been established without the cooperation of the proponents for recreational use of the property.

All of the facts outlined above demonstrate that the Everglades Headwaters NWR and CA provides a true win-win-win solution to economic, wildlife habitat, water quality and quantity challenges in a public private partnership framework.

The Comprehensive Everglades Restoration Plan (CERP):

As part of the Water Resources Development Act (WRDA) of 2000, the Comprehensive Everglades Restoration Plan (CERP)—the most ambitious ecosystem restoration project undertaken in the World—was passed by a bipartisan vote with only one dissenting vote, and signed into law. Funding for this plan was set up to share the costs 50/50 between the State of Florida and federal government and was expected to take 30–50 years to complete.

One of the hallmarks of CERP was that it would be a science-driven plan. Therefore, adaptive management was used in restoration to allow new scientific information and learning to be incorporated into decisions, in order to improve restoration success. Section 2039 of WRDA 2007 codified this requirement that adaptive management be used when implementing large scale ecosystem restoration projects.

In addition to the updated Northern Everglades storage needs outline above, one such piece of new information involves the amount of water that flowed through the entire historic Everglades in its natural condition. While CERP originally planned for 1.7 million acre/feet of water per year, new scientific consensus demonstrates the need for 2.1 million acre/feet of water per year. The proposed Everglades Headwaters NWR and CA can help store some of this additional water that is needed in an efficient way, working with willing sellers and ranchers looking to maintain their traditional ways of life. Another lesson learned through adaptive management is that taking advantage of natural, low-tech opportunities to store and clean water is often a much more cost-effective way to proceed with Everglades Restoration.

Everglades Restoration Progress:

Unprecedented progress has been made toward implementing CERP in recent years and we are at the critical point where all projects authorized by Congress are under construction.

- In early 2010, construction began on the Picayune Strand restoration project, which will restore 55,000 acres—removing roads and filling in canals built to facilitate a failed subdivision to restore the natural hydrology on these lands without impacting neighboring landowners. Two of four phases of this project are under construction. The first phase will be complete in 2012 with all phases slated for completion in 2016.
- In October 2010, construction on the Site 1 Impoundment project began which will improve water quality and provide storage needed to mitigate for Florida's cycle of drought and flooding risks.
- In October 2011, the Indian River Lagoon project broke ground. In the past several years, after multiple large rain events, sizeable quantities of freshwater from Lake Okeechobee have been released into the Indian River La-

goon and St. Lucie Estuary. These water releases have altered salinity levels and introduced contaminants into both the Lagoon and Estuary. This project will provide storage and water quality treatment to protect these natural resources that are a critical economic engine for Florida's treasure coast. Additional natural storage north of Lake Okeechobee that will be achieved with the Everglades Headwaters NWR and CA will also provide benefits for this region, which is home to more than 4,300 plant and wildlife species that have suffered from water pollution and changes in the delicate balance of fresh and salt water that is necessary for their survival.

Although CERP provided for a 50/50 cost share, the State of Florida advanced construction funds to achieve additional restoration progress while awaiting Congressional authorization and funding. This is in addition to the billions spent by the State of Florida on water quality improvements.

- The State began construction on the C-111 Spreader Canal Part 1 CERP project in 2010 and this project is scheduled for completion before the end of the calendar year. The C-111 SC project will restore flows to Taylor Slough in Florida Bay.
- The Biscayne Bay Coastal Wetlands Deering Estate CERP project is also under construction using funds advanced by the State of Florida and will be completed in early 2012.

In addition to the CERP projects above, great advances have occurred in other Everglades restoration projects.

- Originally authorized in 1989, the Tamiami Trail bridge component of the Modified Water Deliveries Project is under construction and set to be completed in 2013. The construction is a visible indicator to the citizens of South Florida that restoration is underway and creating badly needed construction jobs in South Florida.
- Critical projects authorized in 1996 are under construction.
- Kissimmee River Restoration, authorized in 1992, is nearing its final construction phase and continues to be one of the World's best examples of successful ecosystem restoration.

In addition to this unprecedented progress in ecosystem restoration, this past week the Army Corps of Engineers and the South Florida Water Management District announced the start of the Central Everglades planning process, which will incorporate updated science and maximize use of publicly owned lands to focus the next phase of Everglades Restoration on the Central and Southern Everglades, all while advancing the timeline for restoration planning to 18 months. This program will allow ecological benefits to be realized faster. After a steady stream of project groundbreakings during the past two years, the next two years are set to provide a flow of project ribbon cuttings and projects being operated to benefit Florida's environment and economy.

Conclusion—The Everglades Headwaters NWR and CA Complements CERP and Makes Restoration More Successful:

The investments already made in Everglades restoration will be enhanced by the Everglades Headwaters NWR and CA.

The first effort to focus on the Northern Everglades was Kissimmee River Restoration, authorized by Congress almost 20 years ago in 1992. The Everglades Headwaters NWR and CA proposal helps the Kissimmee River Restoration project succeed by assuring that land surrounding the restored river will be maintained in conservation and provide water storage and cleansing opportunities rather than being sold for development.

Since the understanding of the storage needs North of Lake Okeechobee has increased since CERP was first planned, new solutions have been sought for this storage. Lands made part of the Everglades Headwaters NWR and CA will provide some of this storage by remaining in their natural conditions rather than being drained for development or agricultural production. Holding water in this natural way will also reduce the phosphorus pollution entering Lake Okeechobee and the Everglades. Improving water quality north of Lake Okeechobee as well as south of Lake Okeechobee in the Everglades Agricultural Area is necessary to prevent ecosystem degradation. Since it is clear that existing programs alone will be unable to meet water quality goals, the proposal will provide needed water quality improvements while providing concurrent habitat and recreational benefits and preserving a traditional way of life and economic base of ranching.

Because of the multiple benefits the Everglades Headwater NWR and CA can provide, we support the proposal and look forward to working with the interested landowners, recreational users and the U.S. Fish and Wildlife Service to achieve our common goals that can benefit all Floridians

Florida is an extraordinary place. A land full of unique and special places. The Everglades is a region, really 1/5 of our landscape that is—to use the words of Marjorie Stoneman Douglas—unlike any other. The impact of the dredge and plow on this wonderful system cannot be completely undone. The federal government spent the funds to drain, ditch and dike the system. As much as is possible must be done to repair the damage. Our water, wildlife and way of life depend on it.

Dr. FLEMING. Thank you for your testimony, Mr. Draper.
Next, Mr. Wright?

**STATEMENT OF BISHOP WRIGHT, JR., PRESIDENT,
FLORIDA AIRBOAT ASSOCIATION**

Mr. WRIGHT. Chairman Fleming and the Committee, thank you. It is an honor to be here today and represent 26,000 registered airboaters in the State of Florida. As you can see, there are more airboaters in the State of Florida than the rest of the nation.

With that said, I have lived in West Palm Beach for my entire 46 years, going on 47 years, and today I am going to talk about an area in my backyard that my father and his founding friends enjoyed and recreated in, and I am going to give a comparison to two areas next to it that we did the same.

I want to say that airboaters are unique individuals. For one, we don't really appreciate land being locked up. Maybe some people feel here in the community that we are selfish and there is a reason why we don't want to buy this land. Well, the real truth is out of all the refuges we have they use airboats as a main source or tool to get around in those refuges, but nowhere in those refuges do they allow airboats for public use. That may be acceptable in states like Louisiana, but it is not acceptable in Florida. We won't tolerate it, for one. We fight every day for that. It is unAmerican is how we look at it.

Now I want to get in the history of the conservation areas. There are three of them down there, Conservation Area 1, 3 and 4. With that said, it is 815,705 acres total, and 143,000 acres of it is Conservation Area 1. That is where Arthur Marshall and the Federal Government, the U.S. Fish and Wildlife, has taken in that land and they locked it up, stopped all recreational opportunity to speak of. They do allow a little bit, minor in some parts of it.

With that—I am losing my thought here, and I am sorry. All right. Conservation Area 1 is an area that basically has stopped all recreational opportunity with no access in Loxahatchee. Basically it was leased from the South Florida Water Management District to the U.S. Fish and Wildlife with a 50 year contract. There is a lot of the community that didn't really want to see that renewed, that 50 year lease, because of what they did.

In Conservation Area 2 and 3, the sportsmen basically have been in there. We are the eyes and ears. We will look over this piece of property. We watch over it. We make sure that it doesn't have exotics in it. We make sure that it is managed. We watch over the high waters. We fight for control of the structures and keep the high water from coming out of this land. So we are the eyes and ears, and we kept that area exotic free.

We watched for years in Conservation Area 1. We watched for years that it grew and grew. The U.S. Fish and Wildlife did not put the money in to getting rid of the exotics. When it come

time in 2001 that their 50 year lease was to be renewed by the South Florida Water Management District, we went to the South Florida Water Management District and we asked them not to renew that lease because it was over 70 percent exotic. It was taken over.

They didn't put the money in it because there was nobody in there screaming and hollering. There was nobody in the interior. For 17 years, Burkett Neeley, the refuge manager, kept pretty much everybody out. He made sure that that area was not to be visited. He did a lot of things. He made sure that the boat ramps were almost impossible to use. He run the airboaters out of there. He basically made them go down and get a permit, and if you could airboat in other areas back then you would give up that thought, so you didn't really go into that area.

He ran the bass fishermen out of there. He didn't allow them to have tournaments. He just continued to run everybody out. With that said, he just basically kept us out of there, and that is the reason. I am losing time here, so I am going to go off into some other areas. That is just the backyard.

Some people said that why do people leave Florida to go hunting? Because most of the land in Florida is owned by the Federal Government in the South. That is the reason why the hunters are up in arms that they are going to buy Central Florida, the only place we got left to recreate and do what we like, traditional users basically getting to use the land. That is why we are upset.

Sportsmen are the people who went out and eradicated the trees and the areas they do. They are the eyes and ears, and they have more to lose than any other group. That is the reason why we are so upset that the U.S. Fish and Wildlife is coming in here. That is the reason why we oppose this plan because of the practice that the Fish and Wildlife Commission has.

And I want to say that our founding fathers are upset with the way this happened. That is the reason why they preserved a lot of this land that we have today that is hunted in the State of Florida through Everglades Florida, the coral program. It was hunters who invented all that system to buy land in Florida. You asked earlier, and that is the reason why we cherish the lands we got because we see how they can be managed.

Thank you.

[The prepared statement of Mr. Wright follows:]

**Statement of Bishop M. Wright, Jr., President,
Florida Airboat Association Inc.**

Members of the House Sub-Committee on Fisheries, Wildlife, Oceans and Insular Affairs House Committee on Natural Resources thank you for inviting me to present testimony on behalf of 26,000 registered Airboaters in the state of Florida to you today. My name is Bishop Wright Jr. and I live in West Palm Beach, Florida.

I am here representing the Florida Airboat Association as its President. Thank you for allowing me the opportunity to tell you about the impacts facing my family, and the Sportsmen's community as a result of federal actions. Also, I want to suggest some common sense federal actions that can positively address the deplorable situation. First of all Airboaters are not the type of people who condone "A lock the gate" land management philosophy that doesn't allow Florida citizens to enjoy their public lands and waterways.

The following are examples of why we will never support this type of harmful, unfair and un-American so-called land stewardship.

#1. The history of federal permitting of “recreational activities” on national wildlife refuge in Florida:

Water Conservation Area One, also known as Arthur R. Marshall. The South Florida Water Management District leases Loxahatchee Wildlife Refuge, to the US Fish and Wildlife Services. It is managed entirely differently than Conservation Areas two and three located in the same area. For the last 20 years airboat recreation has been prohibited under the wildlife refuge philosophy of protecting the resources. On conservation area 1, the “lock-em-out” federal land management philosophy of USFWS has resulted in an invasive exotic vegetation infestation of over 70% of the refuge. Yet in the other two Conservation Areas, managed by the Florida Fish and Wildlife Commission, which embraces recreational airboating, hunting and fishing, exotic vegetation has been virtually eradicated. The difference between the USFWS refuge and the commission-managed lands is simple; airboaters and sportsmen serve as the eyes and ears and the whistleblowers for the land. When citizens are allowed to access the land and enjoy an area, they develop a close connection with the land, and become actively involved in its management. They don’t and won’t allow the land to be degraded and become infested with exotic species, which choke out the native species. With No Access areas such as Loxahatchee Arthur R. Marshall Conservation Area the result is: There are no eyes and ears on the land or water, which means no whistleblowers; so the wildlife and its habitat will always suffer when this happens. Despite all of its treasures, the refuge is in serious danger of quickly becoming an exclusive haven for invasive plants. Like the Melaleuca tree; Old World climbing fern (*Lygodium* Vine), and the Brazilian Pepper also known as Florida Holly. These are all rapidly growing non-native species, which are quickly overgrowing the native flora and are not compatible with the native wildlife. In 1951, a license agreement between the South Florida Water Management District and the U.S. Fish and Wildlife Service, under the Migratory Bird Conservation Act, enabled the establishment of the 143,874-acre Loxahatchee National Wildlife Refuge. Hunting and public access to federal land was the mitigation for drainage and development of land in the Everglades. To the south and southwest of the refuge lay Water Conservation Areas 2 and 3, and Everglades National Park the only remaining portions of the Everglades fresh water marsh. Water Conservation Areas 2 and 3 (WCA 2 & 3) are signature Everglades Sawgrass marsh, interspersed with tree islands. Ownership is mixed, with State, South Florida Water Management District and private ownership. The State leases portions of its land to the Micosukee Indian Tribe. The Florida Fish and Wildlife Conservation Commission manages the land to allow traditionally used vehicles like swamp buggy or boats to access to the area; the interior marshes are accessed by airboat, and the levees are also used for bicycle and hiking. With all of its multi-users, there is fishing, foraging and hunts for alligator, waterfowl, deer and small game. There is little to no exotic vegetation on its 671,831 Acres of land. This land is managed for sportsmen to be able to preserve the wildlife and habitat.

The sportsman took the initiative to get certified to apply herbicide we also worked with the State employees to kill or remove these exotic invasive plants. As we hunted and explored the area we have access to we reported to the land managers of the area where these plants were located which allowed them to send their employees to eradicate these plants. Today without the ability to access nearly 80% of the BICY these plants will now go unchecked, unreported and become even a bigger problem for the habitat and Federal Government. Conservation areas two and three are perfect samples of how conservation area one should be managed because they are perfect examples of why human recreational access does not harm the land. Many conservationists are glad that the US Fish and Wildlife Service was only granted a 50 year lease because it was not until they dealt with the lack of land management by USFWS that they saw a situation they could not ignore. If any state agency was managing land this way their lease would’ve been taken back. But because it was federal manage lands, their lease was renewed. However, it was renewed with a lot shorter time frame because of the terrible way the USFWS managed the land during its first 50 years of management. At the hearings, when it became time to renew the lease, there were thousands of people asking the South Florida Water Management District not to renew the lease back to the USFWS because of their mis-management practices. What was everybody so up in arms about other than the fact that the area was being taken over by exotic vegetation? Burkett Neely was the USFWS Land manager. We believe his actions show his apparent goal during the 17 years he was in charge was to keep people out by making things as uninviting as possible. He ignored complaints about the refuge. Thankfully, he retired in 1998. All of the things he took away in a decade and a half have still have not been replaced. The boat ramps at the Hillsboro Recreation Area at the south end of the refuge at Lox Road have been in disrepair for more than a decade;

(1990); there are underwater obstructions that can destroy an outboard motor which are unmarked; and the canals are often choked with weeds. USFWS stopped the Bass clubs from holding tournaments, took away the special use permit that allow airboats to operate by permit only on designated trails within the refuge. The only hunting opportunity available was waterfowl and it was less than half of the area. This area holds a lot more opportunity for hunting than the 10% of available opportunity we are getting. Alligator, Deer and small game hunting opportunities should be available here like the other conservation Areas. USFWS took total ownership of half the levy on the south end, which separates conservation area one from conservation two, with the promises they were going to build a nicer boat ramp in conservation two for Airboaters, provide paved parking and make other changes, we reluctantly said "yes" to this change. After USFWS received ownership of the land the Airboat community got less than a third of what they were promised along with our new boat ramp. 15 years later, we're still waiting for paved parking that was promised in return for the ownership of over 12 miles of levy. At the end of the process, yes USFWS were granted another lease but not for 50 more years. They only got the lease because it was the federal government and no one wanted to step on big brothers toes. And, yes some improvements have been made but the sportsman's community feels there's more room for more improvement to be made which we were promised.

#2. What assurances would the FAA need from USFWS to be convinced that access will be granted on these areas in the future?

So why am I here so unthankful that you want to spend the \$700,000,000 to protect the resource and habitat? FAA's belief is that until substantial changes to the Endangered Species Act are accomplished, the Headwaters Refuge will only provide a gateway for extremist environmental organizations to further abuse the original intent of the law (Provide examples like Panther Refuge which provides no hunting opportunity USFWS lands). FAA contends it is doubtful USFWS will ever have necessary funding in order to do the multiple NEPA planning requirements to open the land to the public. (Provide examples like Lake Wales Ridge of un-opened USFWS lands). It is evident that Congress has kept the purse strings tight regarding USFWS and will continue to do so. FAA knows from decades of experience that few if any promises being made to our delegates by Federal officials will ever be realized. That is because of the gateways provided in Federal law to organizations dedicated to preventing most if not all enjoyment of Federal lands by traditional users/sportsmen. FAA members are for the most part all traditional users of these type lands. This is why we request that any fee simple lands acquired or purchased be managed by the Florida Fish and Wildlife Commission. This is our only hope to see traditional use continue and to provide the eyes and ears necessary to provide the early warning if an area is becoming threatened.. USFWS held four hearings on the attempt to create a 100,000-acre conservation area where they want to pay land-owners to keep their land as it is. Most of it is cattle country. They also want to buy the fee simple lands from the landowners and create a 50,000-acre refuge out of it. Hundreds of people showed up at each meeting where three of the four meetings or standing room only. The majority of speakers in the room collectively opposed this project. These were Florida citizens speaking at the podium. As of right now we have 28 refuges in the state and only 7 allow hunting. Out of those 28 refuges, there is no valid reason at all that we can find for them not to allow hunting on at least 5 more refuges immediately, so this new refuge they are proposing we can only believe will be off limits also. No matter what they promise, Floridian hunters and sportsmen cannot allow the Federal government to lock up any more land.

Where were all of these people after the plan was proposed at the following two meetings? USFWS's intentional scheduling of Hearings to conflict with major fund raising events of opposition organizations (The FAA) caused sportsmen not to be able to attend one of the meetings. The other meeting was held on national hunting and fishing weekend, which was created many years ago for the fourth weekend of September every year. This was the meeting I spoke at. Unfortunately that morning at the boat ramps there were more hunters launching their vessels to go hunting than the total number of people attending the meeting. I joined the majority of speakers in the room collectively opposed this land grab.

What would FAA need from USFWS to be convinced that access will be granted on these areas in the future? We cannot change history or the past. However, the future must go in a different direction if there is ever going to be a future between the Recreational users and USFWS! #3. Establishing a new Wildlife Refuge and Conservation Area on benefits to restore the Everglades.

Because of the ranching practices today how clean are the headwaters and what purpose will conservation easements serve to clean the Headwaters of the Ever-

glades? Because of the Orlando Waters going south into the Kissimmee chain of lakes there is a big risk downstream prior to entering the Everglades that these already degraded waters will be harmful to the Everglades. FAA has tested the waters on the Kissimmee chain of lake where landowners already have conservation easement and even Those landowners would not let their grandchildren swim in the Waters surrounding their properties because of the pollution they have created.

FAA understands the only places you find serious efforts to improve the environment are those with strong economies. If you kill off the sources of private sector of income and wealth you end the chance to improve the environment. So, why is the USFWS clueless?

- Sportsmen support more jobs in Florida than Disney World (85,000 jobs vs. 61,000). With less impact to the environment.
- Annual spending by Florida sportsmen is more than twice the revenues of Miami based Burger King (\$4.8 billion vs. \$2.05 billion). With less impact to the environment.
- Annual spending by Florida anglers is three times greater than the cash receipts from the state's orange crop (\$4.4 billion vs. 1.2 billion). With less impact to the environment
- Florida sportsmen spend \$1.1 billion annually on outboard boats and engines to get them onto the water and around the marshes for fishing and hunting.
- More Florida resident's fish and hunt each year than attend Miami Dolphins, Tampa Bay Buccaneers and Jacksonville Jaguars games (2 million vs. 1.6 million).

FAA believes the only benefit from this plan is to stop urban sprawl; and, create better water quality; more land will hold more water for the future.

FAA believes that if the huge purchase of land was closed to public use, there will not be a watchdog to see all of USFWS abuse or degradation to the land that is going to occur behind the locked gates.

By the way if you're coming to Florida to visit the Everglades. The only way to see it is by Airboat. This way you will be in the middle of it, the heart of it. *But to do so means you won't be visiting any federal land.*

An updated version of an old Japanese saying is appropriate here: "If there's no eye to behold the beauty, what is the good".

Dr. FLEMING. Okay. Thank you, Mr. Wright.
And next and last is Mr. Gutierrez.

**STATEMENT OF JORGE P. GUTIERREZ, JR., PRESIDENT,
EVERGLADES COORDINATING COUNCIL**

Mr. GUTIERREZ. Thank you, Chairman Fleming, members of the Subcommittee. I sincerely thank you for the opportunity to speak to you today, testifying today as the president of the Everglades Coordinating Council, a consortium of South Florida sportsmen and conservation organizations involved in a plethora of issues from the headwaters all the way down to the Florida Keys.

I am a native of South Florida, where I recreated for the past 36 years. I work and live in the area, and this is my playground. Without question, the Everglades Headwaters Refuge will have a huge effect on the current and traditional cultural activities and recreation in this extensive area, which is the heartland of Florida.

The ECC, which is first and foremost a conservation organization, due to the history of the Fish and Wildlife Service it is clear that this refuge would hinder access, create more obstacles to recreational opportunities while creating unnecessary burdens both locally on Floridians, as well as nationally on Americans. Given the rural nature of this area, ECC believes that development is not a short-term possibility. Rather, this is many decades down the road and is not a viable reason at this time to spend \$700 million for Phase 1.

When you look at the LPP, the environmental assessment, a cursory review gives you some facts and figures that make you cringe. \$875 per mile for the posting of boundary signs. \$1.4 million per mile of boardwalk. Those numbers in today's economy are just not reasonable, and they should not be supported.

This kind of money can be better used to fund and operate current areas, clear the \$3.4 million [sic] Federal operations and maintenance backlog on Federal properties or give it to the state. The State of Florida and its Florida Fish and Wildlife Conservation Commission is in a much better position to use it locally without bureaucratic red tape, years of analysis, planning, meetings and so forth.

ECC has always been disheartened when local decisions are left to folks thousands of miles away. You wouldn't come to Florida and ask for advice on recreation in Alaska in the winter, and we would ask that you go to the locals to get the best advice on what is good for South Florida. A few days' fact-finding trip into the Everglades doesn't make you an expert on the Everglades, and the locals are your best resource to see what is best for the resource and those who recreate within it.

In Florida, there have already been ample opportunities to evaluate access for sportsmen and recreationalists within national wildlife refuges. Here in Florida, fish and wildlife is very restricted. I am not going to get into the six of the 28 or seven. Some may say it is a little bit more. The websites may say less. That is pretty well established that when you compare the state wildlife management areas and the state agencies to the feds, it is much more access and much more recreation at the state.

Basically the best example to give is Lake Wales Ridge National Wildlife Refuge, which is in the heart of this refuge. Basically I can't even go and have a picnic there, even though it is 2,000 acres. You can say well, it is small, but you can recreate. You can hunt. You can do it in smaller areas. I harvested my first Osceola turkey on public land in a 2,500 square foot wildlife management area less than 20 minutes away from there, so you can't say it is too small or anything like that. It is a situation that these areas need to be open. They need to be open for recreationalists.

Again, we know from history, and we go back to history because it is the best indicator of what is going to happen in the future. When the Federal Government took over the Picayune Strand, millions of dollars were put into that pot for the purchase of that property. Cultural and traditional activities were taken out of there. The Ten Thousand Islands was established. Traditional uses were eliminated within months of that area being implemented. All of these fall under the Department of the Interior.

In sum, there are no assurances whatsoever that once a refuge is established that recreation will continue. If they get the funding for this refuge, until they go back and they can get funding for operations and so forth that lock will stay on the gate, which it has been in Lake Wales Ridge. Based upon the documents of Fish and Wildlife Service, they have three people managing it in the plan. You can't have a recreational program with just three people operating it.

So, Mr. Chairman, you can have this refuge and you can purchase it if they were able to get the property, but it is quite possible that they are not going to have the funds to operate it and it is going to remain closed. And that is the problem based upon history. By their own admissions, they would have to choose between the enormous maintenance backlogs that are already in existence or spend a lot more money on this.

To address Mr. Draper and the issues of sportsmen, we don't necessarily disagree. We just think there is a better way that is less expensive with more access. I am a conservationist first and foremost, but this is not the best way to protect that land. Department of Agriculture has a great program, which protects the ranchers and the people who recreate there, but from a sportsmen or a recreationist perspective there is a better way and this is not the best way to please everybody.

I thank you for your time. And with that I just want to offer to help in any way possible, and I thank you again for your time.

[The prepared statement of Mr. Gutierrez follows:]

**Statement of Jorge P. Gutierrez, Jr., President,
Everglades Coordinating Council**

Chairman Fleming and members of the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, I sincerely thank you for the opportunity to present written as well as live testimony at your oversight hearing.

I am testifying today as the President of the Everglades Coordinating Council ("ECC"), a consortium of South Florida sportsmen & conservation organizations involved in a plethora of issues related to the Everglades ecosystem, from its headwaters in the Northern Kissimmee Valley of Florida where a new national wildlife refuge has being proposed, all the way south to the reefs in the Florida Keys.

ECC is a non-profit NGO whose sportsmen delegates have for over four decades worked with state, federal, and county governments and other NGOs, to address crucial issues, including: ecosystem restoration (or lack thereof), natural resource policy, commonsense land and water bodies management, non-motorized & motorized access to and enjoyment of federal and state public lands, off-road vehicle access and use, hunting and game management, protected & imperiled species management, transportation planning, exotic species eradication, land acquisition as well as sovereign land issues. We were working on Everglades issues before it was popular and a growth industry for Florida.

I am a native of South Florida where I have lived over the past 36 years. As a civil trial attorney with the law firm of Freedland Russo, P.L. in Weston, Florida, I currently reside and work within a short drive from the Everglades where I recreate year round.

I. Views of the ECC on the Establishment of a Proposed Everglades Headwaters National Wildlife Refuge and Conservation Area

Without question, the proposed Everglades Headwaters Refuge will have a huge effect on the current and future traditional cultural activities and recreation in this extensive area that comprises the heartland of Florida.

While the ECC is first and foremost a conservation organization, due to the history of the U.S. Fish & Wildlife Service ("FWS") in Florida, it's clear to ECC that a Refuge would hinder current access and create more obstacles to recreational opportunities while creating unnecessary burdens both locally on Floridians and nationally on all Americans. Moreover, given the rural nature of this area, ECC believes that development is not a short term possibility and the threat of development many decades down the road is not a viable reason at this time to make a drastic \$700,000,000 sacrifice for phase one of a four phase project given the current economics of our country.

In viewing the Draft Land Protection Plan and Environmental Assessment for the Proposed Establishment of the Everglades Headwaters National Wildlife Refuge and Conservation Area ("LPP"), it is clear that a cursory review makes the conservationist in me wonder about a number of things. First and foremost is the grandiosity of the \$700,000,000 project and the costs with just getting this project off the ground. As reflected on page 33 of the LPP, the estimated one-time operating costs

are jaw dropping including the posting of boundary signs at \$875 per mile and the construction of boardwalks at \$1.4 Million per mile. Those numbers in and of itself make even the non-sportsman & average taxpaying citizen who will never use the area cringe. That kind of money can be better used to fund and operate current areas, clear the 3.4 billion dollar federal operations and maintenance backlog on existing federal properties and create more access in places where there is none or even better yet, provide monetary resources to the State of Florida which is in a much better position to use it locally without bureaucratic red tape and years of analysis, planning and meetings to figure out how to best use Florida rural land.

ECC has always been disheartened when local decisions are left to folks thousands of miles away with little to no real knowledge of traditional uses and recreation. You would not take advice on Alaskan winter recreation from a native Floridian who has never been in the snow, so the same logic should apply to the Everglades. The local sportsmen and state agencies are in a much better position to evaluate uses, access, recreation and protection of the resource. A few days long fact-finding trip into the Glades does not give someone the necessary and adequate experience to dictate policy and use for decades down the road.

II. History of Permitting Wildlife Dependent Recreation in National Wildlife Refuges in Florida

In Florida, there have already been ample opportunities of all kinds to evaluate access for sportsmen on national wildlife refuges. Without question, here in Florida the FWS has been extremely restrictive when compared to the more access-friendly Florida Fish & Wildlife Conservation Commission.

As an example, at Merritt Island National Wildlife Refuge, there are limitations on access in several different ways: 1) time and day restrictions (no afternoon hunting, certain days of the week etc.); 2) elimination of and/or limitations on the use of mechanical conveyances within the refuge (no airboats or certain motors); and 3) only small sections the refuge open to hunting. This example is repeated at all the Florida refuges where duck hunting is allowed including the Arthur Marshall Loxahatchee NWR and Ten Thousand Islands NWR. A great majority do not permit hunting at all.

The problems are not limited to just duck hunting, but other types of hunting and users in general including such things as hiking or picnicking as well. In fact FWS has refused to allow real access on the Florida Panther National Wildlife Refuge just north of Alligator Alley in Collier County although allowed by law. FWS has removed off-road vehicles for hunting in the Picayune Strand State Forest restoration project. In the Everglades, as this committee is fully aware, we have exotic pythons running rampant with a 16-foot snake just this past week being found with a 75-pound deer inside. This too is the result of having no access to large areas of federal land.

History is indeed a greatest indicator of future FWS actions on the Headwaters refuge. Currently only 6 of the 28 national wildlife refuges in Florida provide for any type of hunting (as reflected on the FWS' current websites for their Florida Refuges). One thing is certain. . .of the few that do, access and recreation is heavily limited in the ways you can access it (i.e. limited areas open within the refuge, limited mechanical conveyances, restrictions on days and times of use as well as onerous regulations and restrictions on use which make it difficult if not impossible to really recreate on the area). Access to a small portion of a refuge is not real access.

When looked at as a group, it is startling how restrictive FWS is when compared to state wildlife lands. The following is a list of all Florida National Wildlife Refuges under the control direction or authority of FWS:

- Archie Carr National Wildlife Refuge (No Hunting)
- Arthur Marshall/Loxahatchee Wildlife Refuge (Limited/Restricted Opportunities)
- Caloosahatchee National Wildlife Refuge (No Hunting)
- Cedar Keys National Wildlife Refuge (No Hunting)
- Chassahowitzka National Wildlife Refuge (No Hunting)
- Crocodile Lake National Wildlife Refuge (No Hunting)
- Crystal River National Wildlife Refuge (No Hunting)
- Egmont Key National Wildlife Refuge (No Hunting)
- Florida Panther National Wildlife Refuge (No Hunting)
- Great White Heron National Wildlife Refuge (No Hunting)
- Hobe Sound National Wildlife Refuge (No Hunting)
- Island Bay National Wildlife Refuge (No Hunting)
- J.N. "Ding" Darling National Wildlife Refuge (No Hunting)
- Key West National Wildlife Refuge (No Hunting)
- Lake Wales Ridge National Wildlife Refuge (No Hunting)
- Lake Woodruff National Wildlife Refuge (No Hunting)

Lower Suwannee National Wildlife Refuge (Limited/Restricted Opportunities)
 Matlacha Pass National Wildlife Refuge (No Hunting)
 Merritt Island National Wildlife Refuge (Limited/Restricted Opportunities)
 National Key Deer Refuge (No Hunting)
 Passage Key National Wildlife Refuge (No Hunting)
 Pelican Island National Wildlife Refuge (No Hunting)
 Pine Island National Wildlife Refuge (No Hunting)
 Pinellas National Wildlife Refuge (No Hunting)
 St. Johns National Wildlife Refuge (No Hunting)
 St. Marks National Wildlife Refuge (Limited/Restricted Opportunities)
 St. Vincent National Wildlife Refuge (Limited/Restricted Opportunities)
 Ten Thousand Islands National Wildlife Refuge (Limited/Restricted Opportunities)

These numbers don't lie and basically establish a rate of openness for sportsmen recreation at just over 20%. The fact remains that these are real and current historical figures for Florida where this latest refuge (the 29th) is being proposed. While ECC has been told that this ratio is not the case in other parts of the country, given the fact that this refuge will be in Florida, history is just not on their side. Moreover, as we know local staffs at these refuges are transitory which means that even if flexible and workable access was ever arrived at, the threat of litigation by extreme environmental groups or the installation/appointment of less sportsman-friendly local leadership can take away any gains in access arrived at during their tenure. A long list of gentlemen agreements in Florida (i.e. Picayune Strand etc) where access was initially agreed to which was later taken away through federal intervention or decisions made elsewhere only leaves the ECC with no other option than to support the position of minimal or no federal involvement with very few exceptions. We have been harmed too many times in the past to trust federal agencies again with such a large piece of land in the heart of Florida. Given that history, there should not be a 29th National Wildlife Refuge in Florida until a drastic change occurs here in Florida. Until FWS decides to show goodwill and change its method of operating refuges in Florida, the ECC is against adding yet another refuge to this long list of areas which continue to deprive Floridians with access for traditional recreation.

III. There are few, if any, real assurances from FWS to convince the ECC that Hunting and Public Access will be ensured within the Proposed Everglades Headwaters National Wildlife Refuge & Conservation Area in the future.

Under the 1997 Refuge Improvement Act, existing compatible wildlife dependent recreational uses (i.e. hunting etc) shall continue on an interim basis pending the completion of the comprehensive conservation plan for a new refuge. Thus any lands which become part of the refuge would continue be recreated or used in the same manner upon creation, however it would not *ensure* that it would stay open since that determination gets made in the CCP, subject to NEPA and is also subject to funding limitations. Things such as how the land is used, what practices are used and such simple issues as hunting leases which generate revenue, could be limited, eliminated or affected by such things as NEPA, the Endangered Species Act and other regulation.

As it pertains to this Refuge, its absolutely possible and even more probable that while these lands remain open initially, after a conservation plan is created these areas will be off limits to many individuals not only because of ecological concerns but more likely due to funding. It is well documented that even if the money was found to establish the refuge, monies to operate it would be needed and if no such monies were allocated, a great portion of the property would be closed and locked to everyone. Not even a picnic could occur as such is the case with Lake Wales Ridge National Wildlife Refuge.

Again looking at history, we Floridians know that when FWS took over the Picayune Strand millions of dollars were put into the pot of money use to purchase the property. As a result FWS later forced the Florida Department of Forestry to force the traditional buggies from the area thus eliminating traditional and cultural activities that had taken place there for generations. When the Ten Thousand Islands NWR was established, Federal officials vowed to have traditional uses continue as is, yet within months refuge staff eliminated the most traditional of activities in the area, commercial fishing.

Loxahatchee NWR was yet another property where assurances were made that access would be maintained and opportunities would flourish. Unfortunately, the opposite took place and exotic plants took over 1/2 of the 160,000 acres which later had to be removed using contractors at a high cost to the taxpayer. As was the case

with other refuges, traditional uses such as airboating were immediately eliminated with the stroke of a pen, yet they recently placed a “virtual” airboat ride in the visitor center. Certain areas were closed to any access whatsoever and more restrictions were put in place, i.e. outboard motors only. Just within the past 18 months, myself working with other sportsmen groups have attempted to work with the local administration to improve access and have been vehemently shot down by staff year after year. It is this take it or leave it type of behavior that causes such an opposition to yet another refuge when the local staff has such control to prevent any reasonable accommodation or change. This goes completely against the open and sportsman friendly attitude of the state wildlife agency, Florida Fish & Wildlife Conservation Commission, which is more hands-on and open to hearing from stakeholders when making its decisions. It is not unusual for federal agency decisions to be made outside of the area being affected. Federal staff in Denver, Atlanta, D.C. or elsewhere should not be making decisions on Florida-based areas. The locals always know best.

FWS is a sister agency of the National Park Service and also falls under the umbrella of the Department of the Interior. Assurances only go so far. No better example of that is the Big Cypress National Preserve where I was appointed last year to serve on its ORV advisory committee. We are now in the 4th decade of the Preserve's existence and the addition lands are nowhere closer to being open. Recent litigation by environmental groups only further strengthens the ECC's position that Federal involvement only prolongs the opening of these areas as a result of increasing federal control and oversight and the properties falling under the auspices of NEPA etc. These lands can be enjoyed more quickly and with less governmental red tape when in private hands or in the hands of the state agency which is receptive and more adaptable to changing times or environmental conditions etc without the burdensome federal regulations and associated processes.

In sum, there are no assurances whatsoever that hunting and public access will continue once a refuge is established. The shining example of this is the Lake Wales Ridge NWR in Highlands County, Florida on Highway 98. This refuge right in the middle of this proposed larger and grandiose refuge serves as the best example of what can surely occur if this Headwaters refuge gets any further along...land that was once open is now closed. As the Lake Wales Refuge's very own website¹ indicates, it is closed to public use. In fact the website states “There is no public access”. No hiking, camping, or bird watching etc. A casual drive by the area will show you plenty of FWS signage, high fences and a locked gate. This is a small refuge of a few thousand acres which when compared to the 150,000 acres of proposed refuge is a nullity but yet if the FWS can't even open this small parcel and/or obtain funding for staff at this location, how can the people of Florida reasonably believe that the FWS will be able to adequately manage and operate a bigger and more costly project and have better access than what they have now?

By their own admission, even if the properties were acquired by the FWS, there would have to be additional funding sources for staff and maintenance. In essence, the property could be acquired and placed under Federal Control, but left locked and closed due to lack of funding for staff, equipment and other necessary items. Moreover, we already know there is already an enormous maintenance backlog for existing federal properties nationwide and as a result this would fall at the end of the long list of priorities.

IV. Establishing a National Wildlife Refuge will not further the goal of restoring the Everglades.

The short and succinct answer to this question is that it will not. Currently there are a number of properties being used efficiently to restore the Everglades. The Stormwater Treatment Areas are one of the best examples of combining the restoration of the Everglades while allowing access to user groups for bird watching, hunting and recreation. Other areas such as the District's enormous reservoirs along US 27 in Western Palm Beach County lie dormant due to a combination of reasons, one of which being finances. The South Florida Water Management District is one of the largest entities working on restoration while under great financial constraints due to state of the current economy. There are in fact other federal agencies already involved in conservation easements such as the U.S. Department of Agriculture. Why not improve the mechanisms in place rather than just trying something new that is more costly and may not help matters much.

Based on the FWS' own environmental assessment as reflected on page 261, Headwaters and its \$700,000.00 cost will only provide “small water quality benefits

¹ <http://www.fws.gov/refuges/profiles/index.cfm?id=41577>

by the protection of 50,000 acres of land, and the 100,000-acre conservation easements”.

V. Local Communities and the Services provided to Citizens will be hurt by the Proposed Refuge

Without question, the local counties affected by this proposed refuge will lose tax revenue. Congress will ultimately decide how and if they will be reimbursed. In fact the House Natural Resources Subcommittee on Natural Parks, Forests and Public Lands recently looked at this very issue on October 14, 2011 during an oversight hearing entitled Payments in Lieu of Taxes (PILT).

With the land falling into federal control, there is an absolute loss of tax revenue for these Florida counties and municipalities within the refuge area. This is not speculation or conjecture but rather fact. Vital program such as road construction, schools and law enforcement are affected. When the Picayune Strand and Ten Thousand Islands in South Florida (Adjacent to Big Cypress National Preserve) were taken over by the Federal government, Collier County lost valuable tax revenue. To date, the federal government has not fulfilled its promise to reimburse the county for lost revenue. This was many years ago and is only a small example of what will occur with this much larger endeavor. While this may have fallen by the wayside in earlier years due to the real estate boom and high property tax collections, in today's economic climate this loss hurts and will continue to hurt for years to come.

VI. Florida is a Better Partner

The Florida Fish & Wildlife Conservation Commission (“FWC”) is a much better steward of these lands as they are local and know the areas. In fact, while FWS has gone as far as suggesting to leave the land management and recreation components of the refuge to the state wildlife agency, Federal law as currently written creates too many obstacles and constraints for a workable partnership to take place. Changes to the National Wildlife Refuge Improvement Act would be necessary in order for this to work otherwise federal rules and oversight would counteract any real progress and access created through the work of the state agency and its staff.

FWC already does a great job on more than 34 million acres of Florida public and private land including 5.8 million acres of wildlife management areas. As the agency responsible for one of the largest public-hunting systems in the country, it provides better access, facilities and more recreational opportunities than the FWS could ever dream of or hope to provide, even under the best of circumstances.

Sportsmen and Gladesmen (a traditional culture recognized by a study commissioned by the United States Army Corps of Engineers in association with the Comprehensive Everglades Restoration Plan (CERP)) in South Florida have been partners with FWC for years. It is disheartening that to date FWS has totally disregarded the Gladesmen culture and not even mentioned this community in any of its documents to date.

VII. Sportsmen Should Be Part of the Solution

First and foremost, sportsmen are conservationists and stewards of the land. You cannot lock a gate and prevent access in the name of conservation or preservation. Without access, exotics flourish and problems go unnoticed for decades such as melaleuca did in Loxahatchee NWR before millions of dollars were spent to control/eradicate it and why exotic snakes like Burmese and African Rock Pythons are all over the Everglades.

This committee needs to take strong stance once and for all to eliminate the dysfunction and stop the decades-long management plans, the disregard for congressional mandates and timelines, and the inclusion of Wilderness sustainability assessments in projects whose purpose is clearly stated including uses that would be prohibited under Wilderness. Sportsmen are ready, willing and able to help in this regard and will help craft whatever fixes are needed so things move quickly and areas are opened up for recreational users sooner than later.

Without a doubt, sportsmen as well as other recreational users know and love these areas and are the best individuals to tackle conservation issues head on, but in a responsible way that allows for conservation, access and use by all stakeholders to be symbiotic.

VIII. Conclusion

I thank you again for the invitation to travel to Washington once again to address this committee. The sportsmen of South Florida are the original conservationists who worked to establish Big Cypress National Preserve decades ago. Years later we are still fighting for reasonable access to this national treasure. The proposed refuge at this time is just an extra and possibly unnecessary piece of this large puzzle and the goals of Everglades restoration can be completed without this costly

\$700,000,000 endeavor. The resources of the Federal Government would be better served by concentrating on opening more of the federal lands we already have here in Florida and improving them across the board rather than putting even more lands under Federal control and continuing to limit access. ECC is encouraged by the work of this committee and looks forward to helping each of you in the years to come.

Dr. FLEMING. Well, we thank you all for your testimony. Now we are ready for questions for the witnesses, and I will now recognize myself for five minutes.

Mr. Gutierrez, you made a lot of references to the \$3.4 billion in operations and maintenance backlog within the Refuge System. I think your comment was something along the lines of we buy the land, we meaning the government, but we have to padlock it because we have no money to manage it. We don't have money for personnel or upkeep.

What you may not know is according to the Cooperative Alliance for Refuge Enhancement, there are 184 mission critical projects in Florida that would cost more than \$221 million to complete. Is there any logic to completing these mission critical projects in Florida that would cost more than \$221 million to complete?

Mr. GUTIERREZ. Well, I think there are two ways to answer that. First and foremost, it is less expensive, but, more importantly, you are going to get the work done sooner because this refuge is so far down the road you are not going to see the effects for decades.

Whereas you are already dealing with the issues and you need to finish what you started before you start something else, and it is important to look at it that way, Mr. Chairman.

Dr. FLEMING. Would this be, in your opinion, like not having a lawnmower to mow your lawn and then going and buying your neighbor's lawn as well?

Mr. GUTIERREZ. That or deciding you want to take a bus trip somewhere and then just get off and let us go walk down the block.

Dr. FLEMING. Right. And not have a return ticket?

Mr. GUTIERREZ. Exactly. You know, my grandparents always said finish what you started. Well, let us go ahead and finish what you started before we go and spend another \$700 million on something else.

Dr. FLEMING. Is there any logic to completing these mission critical projects before making a new \$700 million investment?

Mr. GUTIERREZ. I think I have answered that in that we need to finish what we started. We need to take care of the critical issues before we talk about something that based upon their own LPP may not improve water quality.

I think it is page 261 that they say there is going to be very little benefit to water quality, as opposed to spending that money south of Lake Okeechobee with the stormwater treatment areas and the agricultural areas that have more immediate impact.

Dr. FLEMING. Like the rest of the Federal Government, the Fish and Wildlife Service feels there is no maximum limit on the Federal credit card, and now is the time to buy this Florida land before the prices go up.

What do you think about this? This seems like an opportunistic thing. Prices are down. You know, real estate in general is down because of the poor economy, and all of a sudden we are borrowing

money from China in essence to go out and buy more land. What is your thoughts on that?

Mr. GUTIERREZ. I live in South Florida, but I recreate around Lake Okeechobee on the north side with a group of friends. We have a hunting camp close to Lake Okeechobee. I know the area very well.

I can tell you this, Mr. Chairman. I think the threat of development in that area—you know, everybody comes to Florida. They want all the jobs are on the coast and in the south and on the north. People want to be close to WalMarts. They want to be close to Home Depot. This area is not going to get developed, at least not in my lifetime. It is just not going to happen.

Dr. FLEMING. So you don't see a big rush for people to build houses right in the middle of swamps with mosquitos and that sort of thing?

Mr. GUTIERREZ. There are not many jobs that would go well with that sort of lifestyle, Mr. Chairman.

Dr. FLEMING. Okay. Great. Let us see. Mr. Horn, do you agree with the statement that it has taken more than 60 years for the ecosystem to degrade to its current state, and it will likely take a similar timeframe or longer to restore? I think you made some comments in reference to that.

Mr. HORN. Yes. Mr. Chairman, I think that it was pretty evident that it took a long time to get into the problems that afflict the Everglades today. It is going to take a long time to get out of them. It is that sense of what are our priorities that drive my concerns.

Everglades Restoration is the first of its kind. We are now 11-plus years into it. We know that the price tag is going to be very far north of the \$12, \$13 billion originally anticipated, and my simple fear is that because of the delays and the continuing cost escalation, coupled with our nation's debt and funding issues, that the level of national support for Everglades restoration is going to inevitably erode.

People who are from and around Florida are all committed to it, but Congress is a lot of folks outside the Florida delegation. There are 98 Senators who aren't Senators from the fair State of Florida. I am just fundamentally concerned that cost escalation, delays, lack of visible progress like the Mod Waters project, at some point I am just afraid that we are going to start losing the funding to sustain this Everglades Restoration Program.

So I think the priority is let us get with the things that are going to turn it around in the near term, which is to begin to treat that water and store the water outside of Okeechobee, so that we can get that natural sheet flow going back to the heart of the system. And I think unless we do that pretty damn soon, my fear is that if this thing is going to run off the tracks it is going to evaporate and we are not going to be left with very much. Finish what we started.

Dr. FLEMING. All right. So you feel that it makes no sense to ignore all the problems we have and the need for restoration south of the lake and a backlog of \$3.8 billion overall that we have and then to jump below the top 100 projects to begin with to go out and suddenly buy land just because it seems to be cheap right now and

there is no real pressure to develop this land to begin with. Chances are it is going to be there for many decades.

Mr. HORN. I would add, Mr. Chairman, I think there is one other factor that I don't think any of us have addressed at this point. But the state, after passing the Everglades Forever Act, has enacted two separate programs focused on Lake Okeechobee and the northern area. Seventy-five percent of the agricultural lands up there are now subject to best management practices put in place by the state to deal with the legacy phosphorous up there in the Kissimmee drainage.

The state has got a pretty aggressive program. If you look at the map, you will see a wide variety of state parks and state wildlife management areas in that zone. Again, given the funding constraints at the Federal level, where the pressing needs are, I am looking around saying why not let the state take the lead role on the north side of the lake and keep the feds with the lead role, if you will, or this partnership role on the south side of the lake?

I mean, after all, if you look at the south side we have Everglades Park, Biscayne Park, Big Cypress Preserve, Loxahatchee, Florida Panther, Ten Thousand Islands all in the Southern Everglades, if you will, and it makes sense to me to let the feds continue their focus on that part of the system. Let the state deal with the north part as they are doing right now and doing fairly well.

Dr. FLEMING. Okay. I now recognize Ms. Hanabusa.

Ms. HANABUSA. Thank you, Mr. Chair.

Mr. Horn, in your testimony you said that you served within the Department of the Interior as an Undersecretary or something for President Reagan. Was that correct? Did I hear correctly?

Mr. HORN. Yes. I was Assistant Secretary for Fish, Wildlife and Parks.

Ms. HANABUSA. So, Mr. Horn, this tension that we sort of hear between the hunters and the sportsmen with conservation types of policies and how that affects the access. That must be nothing new to you. You must have had those questions back then as well. Am I correct in that?

Mr. HORN. Absolutely. And I would just add that the issue in Florida is of particular personal importance. In the mid 1980s, I negotiated the land trade approved by Congress in 1988 that expanded Big Cypress by 85,000 acres, added and completed or started from scratch the Ten Thousand Islands National Wildlife Refuge and added 7,500 acres to complete the Florida Panther Refuge. As I said, Congress approved that in 1988.

I can assure you that when we were doing those negotiations, I made lots of promises to folks that we were going to try to maintain traditional access and secure hunting; and, unfortunately, those good-faith promises I made have not been kept.

I share some of those concerns. These issues have been around for quite some time, and I would strongly suggest that if there is a decision that a refuge be established in the northern headwaters I think it is contingent upon Congress to pass some statutory guarantees, strong guarantees to protect these traditional rights, because the good faith promises made by characters like me have not been kept in the intervening 20 years.

Ms. HANABUSA. So, Mr. Horn, you said 7,500 acres for the Florida Panthers, for example. Were there promises made about the access for hunting within that area as well?

Mr. HORN. My recollection was yes. We said that we were trying to complete that refuge, and we recognized back in this was the 1986-1987 timeframe that there was a history of traditional rights because it abuts the Big Cypress Preserve, that we would do our best to try to maintain those traditional types of activities, much the same in Big Cypress. Unfortunately, the ability to deliver on those promises, it hasn't occurred.

Ms. HANABUSA. Mr. Horn, you said something very interesting. We do our best. And that seems to be government always says that, right? We will do our best. But that is not necessarily a promise that it will actually be there.

Mr. HORN. Well, let me put it this way. There were a variety of promises made associated with those land expansions that Congress approved in 1988. I think over the years there has been good faith attempts by some folks to comply with those promises. I think then there was insufficient understanding of the opposition from certain activists to maintenance of these traditional activities, and there wasn't the type of strong statutory guarantees.

Part of the problem, for example, in 1997 when this Committee and Congress produced the Wildlife Refuge Improvement Act it added the specific language about hunting and fishing being priority public uses and making findings that these were legitimate activities. That was one of the first steps taken to try to codify in law the type of promises that had previously been made and not been sufficient, given the legal status of issues.

Ms. HANABUSA. Thank you, Mr. Horn.

Mr. Dantzler, you represent a new organization called the Northern Everglades Alliance, and part of your testimony is that you do have hunters and sportsmen and sports activity related people within your organization, and yet you actually are here supporting the preservation area.

So can you tell us how your interests or those that you represent and what Mr. Horn said, how are you going to represent both interests?

Mr. DANTZLER. Well, I don't believe they are mutually exclusive. One needs the other, and I would take issue with the other panelists who say there is no growth pressure in this area. There is development pressure.

If you look at the boundaries of this refuge, you will see gated subdivisions across the street from some of those public properties that we have already acquired. When I was growing up, I was part of a hunting camp called Johnson Island. It is now the gated golf community of Solivita. I was part of a hunting camp called the Huckleberry. It is now Poinciana.

During the decades of the 1970s, 1980s and 1990s, 1,000 people a day moved to Florida. That is 365,000 people a year. Every single year we lost 200,000 acres of ag land to development. Now, I assure you that many of those people that came here located in this area. They weren't just in that 20 mile strip around the coast. They were in the middle part of the state.

And once we emerge from this Great Recession, and I use that capital G and capital R. Once we emerge from this Great Recession, as long as the sun still keeps shining and the sand is still white we are going to have those kinds of explosive population growth rates, and this part of Florida is going to be in the cross-hairs. I assure you of that.

Now, there has been a concern that this refuge is not going to directly benefit Everglades restoration. I respectfully disagree. I will concede that the water quality benefits are marginal, but they do exist. If you are going to have 150,000 acres of land where water can flow over those acres the way it used to be over time, that is going to benefit water quality to some extent, but it is marginal.

And reasonable people can disagree, but as it relates to water quantity there is a tremendous potential for assistance. I mean, just look at what you have to do to build an STA down in the Everglades. You have to buy the land. You then have to hire engineers. You then have to install pumps in many cases to pump water uphill so you can run it through the STAs. The cost is exponentially higher than if you use land that is the way God made it to be your storage area.

So, yes, we have a tremendous need for additional water storage capacity in the Everglades system to do the Everglades restoration effort that we would like, but we can use these properties on the north side to help with water quantity. And I can assure you the most ugly wars that Florida is ever going to have are going to be over water.

And unless we grow the water pie and unless we find a way for there to be more water for the environment, more water for agriculture and more water for people we are going to have some of the ugliest wars you have ever seen, and the environment is going to lose in that regard. People are going to get it first, agriculture is probably going to get it next, and the environment is going to get it third. So, yes, this project can help with Everglades restoration.

Ms. HANABUSA. Thank you, Mr. Dantzler. I know I am out of time, but I just want to tell you that I understand your statement why you try to preserve old Florida. Thank you very much.

Mr. DANTZLER. Thank you.

Ms. HANABUSA. Thank you, Mr. Chair. I yield back.

Dr. FLEMING. The gentlelady yields back. We will have a second round, and hopefully we can let you go for lunch here very soon.

I am curious, Mr. Dantzler and Mr. Draper. We hear, and you have heard it today, over and over again we don't have access within these refuges. Why is that happening?

Mr. DANTZLER. I don't know. It may very well be that Fish and Wildlife needs 39 lashes with a cat o'nine tails. Maybe they have not done what they should have done in some areas.

But we have heard a lot about the Lake Wales Refuge, and let me respond to that. I understand these are fair questions, but you need to understand that the Lake Wales Ridge was the only part of Florida that wasn't underwater. Thousands and thousands of years ago, that was the only part of Florida that wasn't underwater. And so as a result you have plant species that grow there that grow nowhere else in the world, and if you—

Dr. FLEMING. I understand that, but I am talking about across the country and even now we are talking about ocean zoning and lack of access there and lack of activity. So it is not just specific to the Everglades. There just seems to be a massive problem that we are hearing over and over again.

And this really comes back to the original question, which we had hearings on before, is refuge designation as opposed to many other things we do does not require congressional approval. If we put that back into congressional approval we could make it statutory where access would be required.

And also again just to transition to another point, and I will ask this question, is one of the reasons I think that there are access problems is, again, lack of maintenance money. Now, we are talking about 150,000 acres.

I am a physician, and I come from a small business background as well. Everything I do with my patients is to get the best care at the lowest cost possible. As a business owner unrelated to the medical business, I try to get the best product and provide the best product and service for the lowest cost.

Now, we are talking about 150,000 acres here, 50,000 of which is going to cost \$7,000 per acre for a total of \$350 million for fee simple purchase, and then we have another 100,000 acres that would be purchased for easement again for another \$350 million. That \$700 million would take a big piece out of \$3.4 billion in the backlog.

Now, first of all I will ask. This is a two part question, and I would love to hear from anybody on the panel on this. First of all, why not do the entire 150,000 acres as an easement? Why do we have to buy a third of that?

And number two, for instance, we have a letter here from Michael Adams of Adams Ranch that says I am writing you to express our support for the Northern Everglades National Wildlife Refuge. I am hearing more and more about families who have had multigenerational ownership who perhaps upon death or for whatever reason just simply grant the easement for free.

So now we are really paying people in many cases for things that they would do for free without any cost. So the question is why can't we divert these kind of funds towards a restoration and access rather than running out there and stuffing money in people's pockets, which seems to me to be significantly unnecessary?

Mr. Horn makes a point that I absolutely agree with, and that is a government that governs closest governs best. That is, the state and certainly the local governments in the Everglades region can make much better decisions than we can up here in Washington.

Mr. Gutierrez? I will give everybody an opportunity.

Mr. GUTIERREZ. Mr. Chairman, that is a very interesting point that the state—in this case, Florida Fish and Wildlife Conservation Commission has one of the largest public hunting systems in the state. They are close. They are on the ground. They are extremely sportsmen friendly as far as recreational opportunities.

One of the ideas was for instead of FWC to take over and then use FWC and sort of partner up with Federal regulations conflicting with state management plans and MOUs, it creates a mo-

ness in that if you were to do something with the state it creates a problem of timing where the state has two years to set up a management plan and then you give it to the state and they create a plan, and then it has to come back and then 10 years down the road you have to redo the plan based on the Refuge Improvement Act.

It is just simpler to give it to the state. I mean, they know. It is theirs. They have 35 million acres of public and private lands that they oversee and enforce, 5.8 million. I mean, it just makes sense for the state.

As far as the issue of the conservation easements, ECC doesn't take the position of telling people what they should do with their land. I mean, if you were to take one or the other, we would prefer the easement because of the expense and because of the loss of access. I mean, the recreational opportunities when you compare FWC access to Fish and Wildlife, they are on polar opposites as far as access.

I mean, one day of recreation on a wildlife refuge per week is not access. I mean, access is a season of 60 days. We are reasonable individuals. This is not a situation we want 24/7, 365 days a year. Sportsmen in Florida are very, very reasonable individuals, but when you give very, very little that is not being reasonable and that is not access, Mr. Chairman.

Dr. FLEMING. Okay. And we will just go across the panel. Mr. Wright, your response?

Mr. WRIGHT. From what we have seen up in the Kissimmee chain with the conservation easements and the lands around there, for instance, one of our affiliates, the Kissimmee River Valley Sportsmen's Association, tested the waters in Lake Kissimmee, which I personally have a camp on, and the fecal matter in that water, it can't be counted it is so high. The mercury level is sky high in there.

We have gone to some of the ranchers around there that have conservation easements and had a discussion with them about this. You know, it is not necessarily just the cattle practice. Well, it is not necessarily the cattle droppings that are creating this problem. What it is is a practice to put human sludge on those properties as a cheap fertilizer. Well, that sludge runs downhill to the water and the lakes that we airboat in and we recreate in.

So I don't know if we feel that we are getting the bang for the buck on conservation easements. You know, there has to be some better guidelines of what we are going to buy, what lands are we really purchasing for a conservation easement.

Dr. FLEMING. But if we are going to do it anyway for two-thirds, why not do it for the entire?

Mr. WRIGHT. And then we can control everything that happens. And we feel that we get a better bang for the buck for STAs that are really created to do their job and get the phosphorous levels out of there.

And again, we don't get to airboat in those, but we do get recreational opportunity and that is what works, and that is what cleans our water in the Everglades.

Dr. FLEMING. Okay. Mr. Draper?

Mr. DRAPER. Thank you, Mr. Chairman. I am going to speak to both the ownership issue and the access issue, as well as easements.

You mentioned the letter from Mike Adams, who is a friend. Mike is the son of Bud Adams, and Bud is one of the legendary ranchers in Florida and developed some of the unique breeds that are used in Florida to withstand our temperatures.

I didn't get a chance to say before that Florida is one of the largest cattle producing states in the country, and that particular economic activity is so important. It is over half a billion dollars a year in economic activity, so we in the conservation community ironically very much want to keep these cattle producing activities going on for no other reason except they are an excellent way to manage the land.

These ranchers, particularly Bud Adams, have done a tremendous job. The reason that that land, his land, is being nominated for this refuge is because he has done such a good job, and Mike continues that, and Bud's granddaughter, LeeAnn, is right here.

Dr. FLEMING. Well, but does he anticipate selling?

Mr. DRAPER. He does face a problem, and I don't want to speak for him, but we know that because of family generational issues that their ranch is at risk of being broken up because families end up having to divide their land. So when Bud dies, and he is very close—

Dr. FLEMING. We should repeal the estate tax, shouldn't we?

Mr. DRAPER. That would have one effect on their problem, sir, but that would not be the only solution to the fact that often times families grow and they grow in numbers that exceed the ability to manage the accession of their land. I don't want to speak for Bud—

Dr. FLEMING. Well, I would just make the point again to reiterate, and I am running out of time rapidly here, that good folks like the Adams family in many cases out of generosity are quite willing to do it for free.

Mr. DANTZLER. Thank you, Mr. Chairman. The issue of why not do all 150,000 acres with a conservation easement, I don't know the answer to that for sure, but my guess is that by buying 50,000 acres in fee simple you at least guarantee access for 50,000 acres.

If you put a conservation easement over all 150,000 acres, you would be spending a pile of tax money without a guarantee of access. So my guess is internally—

Dr. FLEMING. It doesn't appear that there is very good access. That is the whole problem. It would be different if people were coming in and saying it is wonderful that you are buying this because we know when you buy it we get access, but that is the whole problem. People complain they don't get access.

Mr. DANTZLER. Well, that is right, and that seems fixable to me. It seems to me as though if you could get the right people in the room you could work that out, and if you couldn't then you are going to have the memorandum of understanding with the state wildlife agency that in all likelihood is going to be the managing entity.

The other point I would make is it relates to the procedural question of whether you allow the agency to do this unilaterally or

whether you go through Congress. It would suit the heck out of me for you to do it legislatively. That doesn't give me any heartburn.

When I was in the Senate, the Florida Department of Environmental Protection used to be able to do something similar by creating an outstanding Florida order unilaterally, and that would have an impact on property values and that sort of thing, so I understand where you are coming from, but I would use a scalpel—I wouldn't use a meat-ax with that—because you want an agency to be able to move quickly. You want it to be able to be nimble to respond to an opportunity. But generally speaking, if you wanted to create this refuge legislatively I think that would be fine.

Dr. FLEMING. And I am running out of time, but as we transition to Mr. Horn, a refuge in my own district by my predecessor, Mr. McCrary, was done soup to nuts in six months. So it doesn't have to be a slow process just because it is legislative.

Mr. Horn?

Mr. HORN. Yes. I guess I will just reiterate sort of my theme, which is priorities which is the northern Okeechobee drainage, the whole Kissimmee system, is presently subject to two comprehensive state conservation programs arising from the Lake Okeechobee Protection Plan enacted in 2000 and then the Northern Everglades and Estuaries Protection Program enacted in 2007, which is both pretty comprehensive conservation initiatives up there.

And I am just wondering when you are dealing with finite dollars why not let the state continue to take the lead role up north and rededicate your Federal dollars to the primary restoration goals to the south?

Mr. SOUTHERLAND. [Presiding] Okay. Thank you. Just one moment.

[Pause.]

Mr. SOUTHERLAND. I will yield over to Ms. Hanabusa.

Ms. HANABUSA. Thank you. Mr. Dantzler or Mr. Draper, one of you can answer this.

I am hearing conflicting things here. I am hearing about 150,000 acres, if we put it into complete easements whether you will have access or whether we should buy 50,000 of it in fee simple to ensure to have access. Now, let me just tell you what I understand.

The 150,000 acres now you don't have access, so the 50,000, if you purchase, it really would be determined by probably what 50,000 you purchased that would then determine what kind of access you could have. As to the remaining 100,000, that would be by way of easements because the title is technically still held with the private landowner.

Whatever you are able to negotiate in terms of that easement will then determine the quality or the type of access you will then have. They could give, for example, hunters access, airboaters access if they want, or they could say no if that is part of the easement negotiations and if the Federal Government or the state, whoever may buy that easement, then agrees to that. Am I understanding this discussion correctly?

Mr. DANTZLER. That is correct. The 50,000 acres that would be acquired in fee simple, we have heard all the panelists before us say there would be access for that. Now, what that access would be, what the activities would be, I can't speak for the agency, but

I have been all over those woods and I know what is there, and I think a wide variety of hunting opportunities is going to be made available.

The 100,000 acres that would be where the government would buy a conservation easement, the activities that are allowed on that 100,000 acres is a negotiation between the property owner and the government, and I have seen a pretty wide variety of things go into conservation easements. In all candor, I doubt there would be—in fact I know there would not be—wholesale access allowed on that 100,000 acres. Property owners are just not going to allow that.

But I think that under the right set of controlled circumstances they would. Maybe a youth hunt, maybe a special opportunity hunt, some way that they could limit where those hunters would be, make sure they are going to close gates behind them, all those kind of things that property owners are concerned about. But at least you would have the chance to have hunting on that 100,000 acres, and you would have it on the 50,000 acres, and that is 50,000 more acres than you have now.

So to me it seems like notwithstanding this friction that exists between user groups and Fish and Wildlife, it would seem that the sporting community would be for the refuge because it is going to create at a minimum 50,000 acres for hunting.

Ms. HANABUSA. You know, we can't ignore what former Secretary Horn said, which is that the government has a habit also of saying we will make our best efforts to ensure that things would become available, but then it may not necessarily be available, so I understand their hesitancy. But the main focus here is that if nothing is done and the 150,000 acres remains as it is there is no access.

Mr. DANTZLER. The main point here, Congresswoman, is that if we don't do this we fear that this part of Florida is going to go the way that many other parts of Florida have gone, and there is going to be this ever-expanding territory of asphalt and concrete.

Ms. HANABUSA. I understand that point. I am focusing on the statement and the concern regarding access.

Mr. DANTZLER. Yes.

Ms. HANABUSA. If nothing is done then there is no guarantee of any access, but I do understand your point on basically the old Florida and preserving it.

Mr. DANTZLER. Right. Thank you.

Ms. HANABUSA. Now, Mr. Draper, you are part of the effort, I assume, that was Florida Forever. So how does Florida Forever, and you made a very interesting statement to me which was about the agriculture and how important that is, and then that is also part of this conservation preservation effort. Now, can you educate me a little bit more about that?

Mr. DRAPER. Yes. Thank you for the opportunity to do so. This refuge proposal actually is preceded by an effort in Florida called the Florida Forever, part of which was the Rural and Family Lands Protection Program, which is run through the Florida Department of Agriculture and Consumer Services in cooperation with other agencies. That program uses Florida Forever funds to purchase a type of an easement on ranch and timberlands and has been used very successfully so far.

In that case, the easement—Mr. Dantzler talked about easements being written in different ways. This easement is written in order to promote the continued operation of the land for either timber or cattle production, and that way it takes the development pressure off the land.

It takes the financial pressure in some cases off the landowner to be able to continue to manage that land, and in many cases these easements are targeted towards lands that have specifically, and this is in the state statute—I helped write that statute, so I know it very well. The statute says where there are attributes that are helpful to both water and wildlife.

I want to add a point, if I can, to this. All of that 150,000 acres that would be purchased, most of that land is being hunted right now. It is just being hunted currently through lease arrangements, and it is an income producing activity for many of the landowners.

Ms. HANABUSA. Thank you very much. Mr. Chair, I yield back.

Mr. SOUTHERLAND. Thank you. I yield to myself for just a few moments. Just a few questions.

I noticed that, Mr. Draper, you were alluding in earlier comments to the acreage in the Adams family, and I personally do not know them, but I have heard they have made wonderful contributions to that area.

Of the property that involves this particular family, and I am only using this particular family. There may be other purchases and easements involved. But just their property. Do we know how much of that property will be accessible to the Florida sportsmen? That seems to be the topic today that we have really focused in on.

And maybe this was discussed earlier when I was gone. If so, I apologize. But do we know now, because you also alluded to the fact that these are negotiated arrangements between the government, as well as the recipient of the easement. Do we know of their property, the total, what will be accessible?

Mr. DRAPER. My understanding, Congressman, is that the Adams have two different ranches. The ranch that they have that would probably be in the refuge there, which is almost 30,000 acres, the amount that would be taken into the refuge in fee simple would be in fact open to recreational hunting opportunities and probably all of that.

We do know that the Adamses, and again driven by this economic imperative, are interested in the fee simple sale of their land as part of this program, and so therefore that land would in fact become part of what would become available to hunting. It is not available to public hunting right now. It is hunted, but it is not to public hunting, so therefore it would become a net hunted area.

Mr. SOUTHERLAND. Well, but that was probably the same argument that this body heard in the acquisition or easements of the 28 other refuges that we have around the state, and only 28 percent of those are accessible, so you can understand my concern.

I am sure that was also the argument that we are going to give the opportunity to the Florida sportsmen, and I look at those 28 percent. I look at the refuges that we are allowed to hunt in the State of Florida, and, as I alluded to earlier, they are limited hunts. They are limited areas.

So when you say these opportunities, again they are limited. So to say that we have total access to 28 percent to be able to hunt in the manner in which we wish that is in compliance with allowable hunting methods is really not a true statement.

Mr. DRAPER. If I can answer? In fact, in St. Marks National Wildlife Refuge in your district, as well as St. Vincent, those are areas that do have a limited type of hunting, and I think that the management plans for those are designed in part for what that particular habitat produces, such as waterfowl hunting at the St. Marks National Wildlife Refuge.

There are a number of them. Florida has 25 national wildlife refuges currently, and some of those, such as the Archie Carr National Wildlife Refuge, simply would not be appropriate places to hunt. I would say that that would be the case with a number of things—the Great White Heron or the Key Deer National Wildlife Refuge or the Crocodile. Those are places that were protected for attributes that are different than what you would consider the traditional hunting activity in Florida of deer and turkey and quail.

I don't know how to answer the question any other way. I think it is an excellent question, though.

Mr. SOUTHERLAND. And so you can clearly by your own admission understand our hesitancy in not guaranteeing that we have access, okay, to the citizens there.

I wanted to also make reference earlier as far as—and I apologize. Mr. Horn, you had made reference earlier about the property north of Okeechobee and also some of the property south. It is my understanding there are 150,000 acres of sugar, U.S. sugar acreage.

And if you said this before in my absence I apologize, but wouldn't it make sense that if we were going to purchase 150,000 acres either fee simple or through easements, wouldn't that be a bigger lick for actually establishing a foot forward in restoration?

Mr. HORN. You know, I think I have made it clear that there is absolutely a compelling need to expand stormwater treatment capacity south of Lake Okeechobee, and I know that when Governor Crist and the state began to look at the U.S. sugar acquisition one of the prospective uses of that land was for basically water storage, water treatment capabilities.

I know that project has gone through lots of iterations given the financial circumstances, but yes. There again, just as a function of priorities I think you are going to get more bang for your dollars in terms of near term Everglades restoration benefits sinking money into something like making use of the U.S. sugar land and putting it into an STA type capacity than you will by spending dollars north of the lake right now.

Mr. SOUTHERLAND. Let me ask also, and this will be my last comment. I just wanted to add a quick thought. In conversations I have had with our Agriculture Commissioner about his belief that USDA and all the programs that already the ranchers are working in harmony with the government or through USDA for various programs that they are a part of, and I am sure the Adams family are well plugged in, familiarity. They understand and they seem to have a wonderful relationship with many of the landowners.

Why would this not be better suited if we can just ignore the fact that right now we have a \$15 trillion debt? Why would this not be better suited under USDA? Mr. Horn, why don't you start, and then we will go this way. I am interested in all of your thoughts on that.

Mr. HORN. I think some combination of the USDA, CERP type programs—

Mr. SOUTHERLAND. Right.

Mr. HORN.—wetland reserve programs all are extraordinarily successful. You know, you link those up with what the state is presently doing up there. I think that demonstrates that you can conserve the Northern Everglades and that the incremental benefits of a refuge designation just aren't that substantial.

Mr. DANTZLER. Mr. Chairman, a couple of closing comments. First, Mike Adams, he is a fraternity brother of mine from the University of Florida, married Rachel. We all had to learn that as pledges. They had five children. I said Mike, have you figured out what is causing that? And he said yes, but there is a train that wakes us up about 5:00 every morning, and it is too early to get out of bed, but too late to go back to sleep. So anyway, I can't believe I just said that.

[Laughter.]

Mr. DANTZLER. He didn't really say that. I just kind of made that up. But he did marry Rachel, and they do have five kids.

Anyway, I think the goal needs to be to find the right balance between projects south of the lake and this refuge north of the lake. As I said earlier I think in your absence, Congressman, if you wait until you do everything south of the lake that you would like to do before you turn your attention to the north part of the lake you are never going to do anything on the north part of the lake.

And the state is involved north of the lake. There is no question about that. But their focus is mostly water quality, not water quantity, and water quantity I think is where this refuge can really help the Everglades and help preserve a slice of old Florida and help preserve these working ranching landscapes that we all would like.

I am not familiar enough with the Federal programs to have an opinion, but I can tell you that landowners generally are comfortable with their Commissioner of Agriculture or the Department of Agriculture. There is a little bit of apprehension about Fish and Wildlife nationally certainly. We have heard about that today.

But if you have the right kind of memorandum of understanding in place with the State of Florida Fish and Wildlife Conservation Commission, landowners are comfortable with that agency. So whether it is the Department of Agriculture or the Florida state Florida Fish and Wildlife Conservation Commission, I think you are going to satisfy landowner concerns regardless of how you do it.

Mr. SOUTHERLAND. Mr. Draper?

Mr. DRAPER. I just want to say that environmental leaders are also very comfortable with our Commissioner of Agriculture and the very good programs that he is running to balance environmental and agricultural productivity in the State of Florida.

I think he makes an excellent point about the ability of managing a program like this through Agriculture because in fact his

own agency is running a similar program, as I noted earlier. They also run our Division of Forestry program now called Forest Service in Florida, and they are considered excellent land managers of those lands that are actually in their ownership.

Again, I am not familiar enough with the alternatives within the U.S. Department of Agriculture to say whether or not this program would in fact work there or not, but I can say that the goals of this particular refuge are very much in alignment with the things that Commissioner Putnam has already been implementing and managing in the State of Florida.

Mr. SOUTHERLAND. Mr. Wright?

Mr. WRIGHT. Well, I think there is something that is overlooked here. We bought all the way over to the Honeydeer floodplain, all the way around the Kissimmee Basin. I am not 100 percent sure, but we got at least 90 percent, if not all of that purchased. So we have protected that area as far as buying up the water storage area. We spent a lot of money on restoring the Kissimmee River and getting it back where it will filter some water as it comes downstream.

And the other thing we have overlooked is the sportsmen's community for years have through CARL and other programs bought a lot of wildlife management areas up there. We have a lot of land already preserved up there. Now, I think everybody wants to preserve more land. Nobody wants to preserve it more than the sportsmen, but I think we are concerned with these leases because we have a lot more money to spend down south to preserve and protect all of the Everglades, which is what this is really supposedly all about.

And, for instance, with the agriculture thing I think some of the areas like this gentleman that sent you the letter, Carlos, on the Venture 4. That gentleman there, he is not eligible, from what I understand. Rumor is. Rumor, but I am sure he could be notified. But his is supposedly not eligible for the ag because his land is too pristine. It hasn't been touched as far as farming and some of that.

So I think that is the reason why these ag lands are being bought and purchased for that reason because they are working cattle ranches and they are just basically a farm they are trying to preserve and keep in that culture, in that tradition.

And a lot of landowners have already given up their conservation areas. There are a lot of conservation easements already around there whether they paid money for them or not, but that has already been preserved.

Mr. GUTIERREZ. Congressman, first and foremost, the easiest way is to get the money to the state. You know, Florida Fish and Wildlife Conservation Commission I think is the entity that sportsmen and recreationalists would prefer manage this land if you can't do it that way through Congress or some way.

When you first brought up the issue of the ag easements my ears perked up because what is important is Fish and Wildlife Service have had 28 opportunities to do it right on these 28 refuges. That I am aware of, ECC or otherwise, we don't have any real interaction with Agriculture, so if we were to do it that way we would have the ability to start from scratch with a clean slate and get off

on the right foot and be intimately involved in this process so that access, public access, is preserved.

Because there is a difference in having a hunt lease with 12 guys who pay money to do that, which some people do and are supported, or the opportunity to recreate publicly. And I think the Agriculture is something that needs to be explored either in the state, because it is a better way, like I talked about earlier.

More importantly, when we talked about the STAs versus the northern side of Lake Okeechobee, I recreate on the stormwater treatment areas. It is the best of both worlds because you are helping the Everglades, there is restoration taking place, and you have an incredible recreation plan and recreational opportunities. Not only bird watching through Audubon on one day; you have duck hunts on the following day. You have alligator hunting, the harvesting of alligators. You have all types of recreational opportunity that go hand in hand with Everglades restoration.

You can't do that on a refuge because of the Federal constraints and the regulations, and if you are going to put money towards something you need to get the most access and recreation. I think if you need to choose, you need to choose south of the lake and you need to choose with something like a stormwater treatment area.

Mr. SOUTHERLAND. Very good. Thank you. I appreciate all the witnesses today. Thank you for traveling. It means a lot that you would come up to testify before us.

I want the record to show we have a couple letters that we will certainly add to the record. We have a letter from the Safari Club International, and then we have a letter from Florida Trail Riders, as well as the Miccosukee Tribe of Indians of Florida. So those will be added to the record.

[The letters submitted for the record by Mr. Southerland follow:]

[A letter submitted for the record by Richard Gotshall, SC1 Regional Representative 29, Safari Club International, follows:]

To: Members of the House Sub-Committee on Fisheries, Wildlife, Oceans and Insular Affairs House Committee on Natural Resources.

After rigorous research and discussion about the proposed Everglades Headwaters NWR that the U.S. Fish and Wildlife Service (Service) wants to create in central Florida at this time, all of the Florida Chapters of Safari Club International ("SCI") Chapters do not support this project. The following are the names of the chapters: South Florida Chapter, Miami Chapter, Central Florida Chapter, North Florida Chapter, Tampa Bay Chapter, Tallahassee Chapter, Naples-Ft Myers Chapter and the Palm Beach Chapter. We further encourage all of the other chapters as well as SCI to take the same position and to contact their U.S. Congressional members to ask them not to support funding for the Headwaters NWR.

Once the following issues are resolved in a manner that is favorable to sportsmen, consistent with enabling acts and promises made to sportsman/conservationist then the Florida Chapters of SCI will gladly reconsider their current position.

1. The DOI/NPS/BICY (Department of Interior/National Park Service/Big Cypress National Preserve) are able to opening hunting, fishing, camping and traditional activities on the Big Cypress National Preserve Addition lands.
2. All current environmental litigations are resolved in favor of the sportsman and their allies on the BICY.
3. The Service allows hunting, fishing, camping and public access to the Florida Panther NWR.
4. The Service returns hunting of deer and ducks to all of the Lox NWR.
5. The Service stops using the reduction of hunting, public access and use of all public lands as mitigation for nearby development by private developers and agencies.
6. The Service is able to assure all taxing entities that they can pay their in-lieu of tax money to these governmental agencies.

7. *The Service* develops a state wide MOU or MOA with the Florida Fish, Wildlife and Conservation Commission (FWC) as has been done between the FWC and US Forestry Department for National Forest lands.
8. The Service changes the purpose statement in the current Everglades Headwaters NWR Environmental Assessment (EA) to state that one of the purposes is to provide increased opportunities for public hunting, fishing, camping and other outdoor recreational activities.
9. The Service develops and present *a* more realistic and truthful propose future budget to manage the headwaters NWR.

We look forward to working with those who are currently supporting the headwaters; including but not limited to state and federal agencies and members of Congress on this very important project.

Sincerely,

Richard Gotshall
 SC1 Regional Representative 29
 Safari Club International
 954-410-5622

**Statement of The Honorable Colley Billie, Chairman,
 Miccosukee Tribe of Indians of Florida**

Mr. Chairman, Ranking Member, Subcommittee Members, on behalf of the Miccosukee Tribe of Indians of Florida, thank you for affording me the opportunity to share the views and concerns of the Miccosukee Tribe of Indians of Florida on our homeland, the Everglades. When I was sworn in as Chairman of the Tribe in January 2010, I made several commitments to the Miccosukee People. I committed to good governance, protecting and enhancing our sovereignty, economic development, and environmental stewardship. We need your support to protect and preserve our homeland, the Florida Everglades.

As this Committee knows well, in the past, the Everglades restoration has been tumultuous; and our people have been, literally, stuck in the middle of it all. Billions of dollars have been invested in this project. We've had Presidents, Administration officials, and many Members of Congress visit the Everglades and promise to make things better. And, while some areas have improved, water quality and storage remain a central problem that require resolution. Without first fixing the water quality and storage issues, the projects in the Everglades will be a waste of time and federal money.

The Miccosukee people have always supported a holistic multispecies approach to environmental restoration. We have always supported water quality that protects the entire Everglades (whole water body) with 10 ppb without mixing zones or variances that protect the entire Everglades. We need water quality which provides protection to the entire Everglades, including Tribal lands, the tribally leased lands, water conservation areas and the National Park. This will prevent the Tribe's water conservation areas from being used as *de facto* storm water treatment areas (STAs).

There needs to be STA expansion and improved treatment technologies. Bypassing untreated water is not a viable water management strategy. It is harmful to the Everglades and allows untreated water with high phosphorus concentrations to enter the Everglades Protection Area which directly impacts Tribal lands. What is needed are STAs with improved treatment technologies capable of providing low phosphorus water.

Impacts on the Tribe's Water Quality Standards Must Be Assessed

The Miccosukee Tribe, which is treated as a State by the Environmental Protection Agency ("EPA") under the Clean Water Act, established its own water quality standards for its Federal Reservation in December of 1997. Those standards include a numeric criterion of 10 ppb total phosphorus, which was approved by the Environmental Protection Agency ("EPA") in May 1999, as "protective" of the Everglades and "scientifically defensible." It was not until the Tribe adopted, and the EPA approved, a numeric criterion for phosphorous that the State began its rulemaking process for a numeric criterion.

When the EPA approved of the Tribe's criterion for phosphorous in 1999, it noted that there were over 400 published scientific peer reviewed journals which were specific to the issue of nutrients in the Everglades. In fact, the EPA determined that this was the most studied wetland in the world. The State was ultimately forced to adopt a 10 ppb numeric criterion, due to the precedent set by the Tribe-which

was approved by the EPA in 2004. However, many still claim that the 10 ppb criterion is an unachievable goal.

It appears that the State is attempting to force the U.S. Army Corps to stop the PSTA Project in an attempt to block any scientific proof that 10 ppb TP is achievable. As we have stated to federal regulators many times in the past, decommissioning the PSTA Project could jeopardize the ability of all STAs to achieve 10 ppb, including those that discharge onto tribal lands which are protected by the Miccosukee Tribe's Water Quality Standards. Thus, the Corps should analyze the impact that its decision to decommission this vital research project will have on the ability of permit holders to meet the phosphorous criterion of 10 ppb established in the Tribe's Water Quality Standards,

Water Storage Capacity Needs Improvement

A concerted effort needs to be made to improve water storage in order to mitigate the high flows of Florida's rainy season, which runs annually from May through September. Better water storage is needed to hold water and provide clean water during times of drought. Improved water storage will provide water managers with the flexibility they need for a whole Everglades multispecies approach to management. The ability to store, capture, and prevent the damaging high phosphorus water flows from Lake Okeechobee from entering the water conservation areas untreated water is critical.

Water Quality for a Western Basin Solution

While STAs and management actions have provided some water quality improvements to the eastern parts of the Everglades, the western basins have remained a strong source of pollution which directly impacts the Federal Reservation. The western basins contribute large amounts of phosphorus directly onto the Miccosukee Reservation via the L-28 interceptor canal. Phosphorus in this canal can exceed 100 ppb and it freely flows untreated into the Everglades and into the Federal Reservation.

Impacts on Everglades Restoration Projects Must Be Analyzed

The Committee on Independent Scientific Review of Everglades Restoration ("CISRERP") of the National Academy of Sciences ("NAS") is so concerned about the water quality challenges facing the Comprehensive Everglades Restoration Plan ("CERP") that it held a full day meeting on the issue on May 17, 2011.

At that meeting, the former U.S. Army Corp. Commander for the Jacksonville District, Colonel Terry Rice, explained how not meeting water quality (10 ppb) could stop Everglades Restoration from moving forward and also informed the Committee that the PSTA Project was being stopped. A CISRERP panel member asked why the PSTA Project was being decommissioned when it was showing such promising results. Even the Corps itself stated that the PSTA Project "may be a critical component of the Everglades restoration program" on its CERP web site.

In light of the significant water quality issues that face the implementation of CERP and other restoration projects (i.e. Mod Waters), the Army Corps is shortsighted to discontinue a research project on the only green technology that has shown promise to meet the required 10 ppb phosphorus criterion on a sustainable basis. The Corps should analyze the impact of decommissioning the PSTA Project on CERP and Mod Waters. Especially since Stuart Applebaum of the Corps told the CISRERP that the Corps may not be able to get authorization for the CERP Decentralization Project, because water quality could prevent the Chiefs Report from going to Congress in 2015.

The PSTA project is the only hope for meeting the phosphorus criterion in a consistent manner. Thus, the Corps' NEPA process must assess the impacts that decommissioning the PSTA Project will have on the future of CERP, and the other pre-CERP restoration projects (e.g. Mod Waters).

Everglades Bridging, an Environmental Disaster in the Making

The Miccosukee Tribe and the Miccosukee People have always sought to honor and protect our sacred, religious and traditional stewardship of the land. Our commitment to Everglades Conservation is un-wavering. We do this by supporting sound projects that are designed to protect and save our ancestral home. "We must honor the earth, from where we are made" is not a slogan but a central tenet of the Miccosukee People. When the Everglades hurt, we hurt.

In 2008, the Interior Department and U.S. Army Corps of Engineers decided to build a one mile-long bridge at the eastern end of the Tamiami Trail (U.S. Highway 41), which runs east to west through the Florida Everglades and the Miccosukee Tribe, connecting Miami-Dade County and Collier County. The price tag at the time was \$81 million. The Miccosukee Tribe immediately realized that this project was

fiscally and scientifically unsound. We filed for a declaratory and injunctive action in Federal District Court. The Judge agreed with our arguments, labeling the project an “environmental bridge to nowhere.” On November 13, 2008, the judge issued a temporary injunction against the project and temporarily stopped further construction until all federal laws, rules and procedures, such as the *National Environmental Policy Act*, were complied with. Unfortunately, Congress was misinformed and mistakenly led to intervene the following year.

On March 11, 2009, Congress passed the Omnibus Appropriations Act of 2009. In this Appropriations Act, language was inserted that authorized the expenditures of funds already allocated for this project and to continue construction, “notwithstanding any other provision of law.” By inserting this provision, Congress deliberately overruled the federal injunction and divested the federal courts of subject matter jurisdiction over this important matter. This legislative maneuver was done without any input from the Miccosukee Tribe, its representatives or other advisors in Florida and Washington, D.C. We believe that the “notwithstanding any other provision of law” language used to start this bridge work violates our Constitutional rights and goes against several existing federal laws including the National Environmental Policy Act (“NEPA”); Native American Graves Protection and Repatriation Act (“NAGPRA”); the American Indian Religious Freedom Act (“AIRFA”); and the National Historic Preservation Act (“NHPA”), among others.

The Miccosukee Tribe can find no better example in recent Everglades restoration history of the dangers of misguided federal largesse and counter-productive environmental legislation than this One Mile Bridge. It symbolizes all that is wrong with an arbitrary appropriation maneuver conducted without consultation with the government and people that the legislation will affect. It is emblematic of the what the Government Accountability Office (GAO) said in 2007 about the Comprehensive Everglades Restoration Plan (CERP): there is “little assurance” that the CERP will be effective because the agencies and officials are not using any overarching sequencing criteria for the work, but rather focus on availability of funds. *See South Florida Ecosystem: Restoration Is Moving Forward but Is Facing Significant Delays, Implementation Challenges, and Rising Costs* (GAO-07-520, May 31, 2007).

In this One Mile Bridge project, the National Park Service and the United States Army Corps of Engineers, as on previous occasions, have, instead of working with the Miccosukee as true partners to save the Everglades, largely ignored our ideas and our historically based warnings. The concerns of the Miccosukee People were ignored. Less expensive, safer and scientifically available alternatives supported by the Miccosukee Tribe and the former Commandant of the U.S. Army Corp of Engineers for the region were also ignored. In January 2010, the University of Miami released a study that supports our position that a Culvert Approach will be just as effective as bridging.

Under the Culvert Approach, the focus will be on clearing existing culverts, which are small tunnels or bridges under the Tamiami Trail. Also, adding additional culverts, where necessary, and clearing the large swale areas south of each culvert. This should be accomplished following the Time Sequence Plan detailed in CERP. The Culvert Approach will save millions of dollars of taxpayers’ money and will deliver the same amount of water to the Everglades National Park as the current proposal. In contrast to the elevated skyway bridge approach represented by the One Mile Bridge, or the future planned bridges, the cost of the Culverts Approach will be significantly less and will potentially save the Federal Government close to \$400 million dollars.

We strongly recommend using the Culverts Approach first while simultaneously performing all the normally necessary studies and safeguards. We also believe projects to improve water quality and increase water storage, as called for in the CERP schedule, should be completed first with the priority on saving the Everglades. Clean the water first instead of wasting money constructing bridges over an existing highway.

Thank you for allowing me this opportunity to share the thoughts of the Miccosukee People with you. There is much good work to be done. The Miccosukee People and I look forward to working with you.

[A letter submitted for the record by Jack Terrell, Vice President, Florida Trail Riders, follows:]

November 1, 2011

The Honorable John Fleming, Chairman
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
Natural Resources Committee

U.S. House of Representatives
 1324 Longworth House Office Building
 Washington, DC 20515

Subject: November 3rd Oversight Hearing on Florida Everglades Restoration

Dear Chairman Fleming:

Since I will be unable to be in Washington, DC on November 3rd I would like to submit written comments to be considered by you and your subcommittee members as you conduct your oversight hearing on Florida Everglades Restoration plans.

I submit these comments on behalf of the 2000 member Florida Trail Riders, and also as a long-time resident of Florida, having moved here in 1958.

The Florida Trail riders are opposed to the proposal to expend \$700 million of our taxes to acquire 150,000 acres of land in central Florida, designated as the Everglades Headwaters, as an addition to the National Refuge System. This latest proposal is just one more example of pouring money we cannot afford into a bottomless pit under the banner of "Everglades Restoration." It seems that despite the fact that the involved federal agencies have a two-decade track record of over 60 uncompleted projects, they have an insatiable appetite to acquire more land, and to restrict recreational access to the public.

It seems that whenever a land acquisition or closure action cannot be justified under previous set of rules and regulations, a new "cause of action" must be created, whether that is wildlife corridors, or as is the case with the Headwaters proposal, "landscape management". This cannot be allowed to continue.

This latest proposal will remove private land from the tax rolls, impose unreasonable use restrictions on private landowners through easement requirements, and restrict public recreational access to land in four counties.

Our experience with the US Fish & Wildlife Service here in South Florida has demonstrated their bias against recreational use of lands even where those lands are owned by state and local governments. If you have followed the press coverage of the public hearings held in regard to the Headwaters proposal, you cannot ignore the overwhelming public opinion that this agency cannot be trusted to manage this land, and should not be allowed to acquire it.

At a time when this country is amassing an unmanageable debt, and a Super Committee of this Congress is tasked with a deadline later this month to come up with a solution to this debt problem, how can we justify expending \$700 million on this project?

I hope that this information will assist your subcommittee, the Natural Resources Committee, and the US House of Representatives to deny any appropriations for the Everglades Headwaters Project.

Sincerely,

Jack Terrell
 Vice President
 Florida Trail Riders
 180 Sunrise Hill Lane
 Auburndale, FL 33823

Mr. SOUTHERLAND. Are there any additional questions?

[No response.]

Mr. SOUTHERLAND. No? All right. If not, I would like to thank all of our witnesses again for their valuable testimony and reiterate that this is really a question of priorities and not losing sight of the fundamental goal of restoring the Florida Everglades.

Shortly after becoming Director of the Fish and Wildlife Services, Mr. Dan Ashe commented that: "The Service must work to restore its credibility. A partner may disagree with us in the end, but they trust that we have made the best decision that we can make, given the resources and the information available to us, and they trust that we listen to their views."

Mr. Draper, here is your opportunity to restore that credibility about treating affected counties, Florida sportsmen and the beleaguered taxpayer in a fair way.

Members of the Subcommittee may have additional questions for the witnesses, and we may ask you to respond to those in writing, just to let you know. The hearing record will be open for 10 days to receive these responses.

Again, I want to thank all the Members and the staff for their contributions to this hearing. If there is no further business, without objection the Subcommittee stands adjourned.

[Whereupon, at 12:44 p.m. the Subcommittee was adjourned.]

[Additional material submitted for the record follows:]

**Statement of The Honorable Alcee L. Hastings, a Representative in
Congress from the State of Florida**

Chairman Fleming, Ranking Member Sablan, thank you for holding this hearing. The Everglades make up a large portion of my Congressional district and is also crucial to the health and prosperity of South Florida. I welcome this opportunity to offer my statement concerning this national treasure.

The Everglades used to cover all of South and Central Florida. This marshy foundation on which our communities today are built means that our homes are still subject to the same vulnerabilities and problems as the parts of the Everglades that remain wild. We are so dependent upon their waters, in fact, that the Everglades are the source of clean drinking water for much of the region. Everglades restoration is about keeping our communities healthy and having enough safe water to drink, not to mention the added benefit of creating thousands of badly needed jobs in the process. Restoration is a win-win for everyone.

The Everglades are essentially one massive, slow moving river. The water flows from the top of Lake Okeechobee all the way down and out to the ocean. The water within the boundaries of this proposed wildlife refuge and conservation district is the same water that flows down across the entirety of the Everglades system.

It is wrong to compare the funding for one aspect of Everglades restoration to another. You cannot store and move water if the water is not clean. Pitting one project against the other draws a line that doesn't exist in reality. Despite different names, these projects are all crucial to restoration efforts and an integral part of the same central project. The Headwaters Refuge is a part of that same overall restoration plan. This refuge and conservation area will go a long way toward helping ensure that we have clean water today, tomorrow, and for future generations of Floridians.

Restoration is also necessary because it will have economic benefits on top of those that I have already discussed. It will create thousands of jobs that are desperately needed in the region. Everglades restoration returns fourfold on every dollar invested. Wildlife refuges are likewise economic engines that are well worth the investment. The only way to lose money on this project is to not do it.

Unfortunately, these restoration projects do not address all the problems facing the Everglades. Invasive species pose a real danger to native plants and animals. Just last week, a 15 foot Burmese python was discovered to have eaten a 76 pound deer. This is yet another clear example of why we need to invest in the restoration of the Everglades.

This River of Grass is not just our home, it is our legacy. It is the water we drink, the home for wildlife that exists only in the Everglades, and a place like nowhere else in the world. Furthermore, it is home to many endangered species like the Snail Kite and Roseate Spoonbill, the only habitat in the world where crocodiles and alligators coexist, and the only home on Earth for many other species of animals and plants. To let this special, *unique* place be destroyed would be a tragedy to our environment and the State of Florida.

Restoration efforts have made great progress recently and it is important we build upon that success. For example, construction has already begun on the Tamiami Trail, the Picayune Strand, Site 1 Impoundment, Indian River Lagoon, Biscayne Bay Coastal Wetlands and the C-111 Spreader Canal projects. We have done a lot to secure clean water for the future, but there is still a long way to go.

Restoration efforts will take quite some time and there is no justification on any level to call these efforts into question. After all, the state the Everglades today is the result of decades of damage. It should come as no surprise that there is no quick-fix. We should not be discouraged by the hard work ahead of us. We must be willing to put in the commitment *and* sacrifice to get this right. Tampering with the natural flow of the Everglades has put our communities at risk for flood and drought, while simultaneously threatening the habitats of endangered and unique

species. To simply call it quits because the task may be too daunting is not an option.

Mr. Chairman, there is a reason that the Everglades project is as big as it is, and yet continually receives widespread bi-partisan support. In short, the Everglades is a national treasure that South Florida cannot survive without. Once again, I thank the Committee for this time and urge it to continue supporting Everglades restoration efforts.

[A letter submitted for the record by Lee County Department of Community Development follows:]

LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

November 1, 2011

Hon. John Fleming, Chairman
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

RE: Statement for the Record on CBRS Correction Measure H.R. 2154

Dear Mr. Chairman:

On behalf of Lee County, Florida, we have reviewed the existing boundary of Coastal Barriers Resources System (CBRS) unit FL 70P and determined that it is not coincident with the boundary of the Gasparilla Island Park as intended. Rather the CBRS boundary is drawn to the east of the State Park boundary and erroneously includes approximately 5.2 acres of private land with 23 homes. As unit FL 70P is an Otherwise Protected Area (OPA), these developed private lands are not eligible for inclusion in a CBRS OPA. H.R. 2154, sponsored by Congressman Connie Mack IV, corrects this error and establishes a new FL 70P boundary that follows the State Park line and excludes the ineligible private, developed lands.

We have determined that this change in the CBRS OPA boundary would not adversely affect Lee County or its protected resources. In a letter to the United States fish and Wildlife Service dated December 10, 2010, Lee County supported the revision to Map FL 70P. Lee County, by this letter to your committee, again supports such revision to Map FL 70P.

Lee County therefore does not object to the boundary of the CBRS OPA being corrected to exclude the private property.

Please include this letter in the hearing record on H.R. 2154.

Thank you.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Robert Stewart
Building Official

[A letter submitted for the record by James M. Wohl, Rafter Ranch, follows:]

RAFTER RANCH

House Natural Resources Committee
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
United States House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Fleming, Ranking Member Sablan and members of the Subcommittee:

The Northern Everglades National Wildlife Refuge has great potential to protect and enhance the quality of Florida's environmental resources, the most significant of which is water.

The perpetual preservation of contiguous working cattle ranches will protect natural vegetative communities, wildlife corridors, and provide natural retention and detention of storm water runoff.

The public benefits from these working landscapes under private sector management and will be provided at a fraction of the costs that would otherwise be incurred.

I would be happy to expound in more detail anytime you so desire. Please do not hesitate to contact me.

Sincerely,

JAMES M. WOHL

[The letters submitted for the record by Ms. Hanabusa follow:]

[A letter submitted for the record by The Kenneth Kirchman Foundation follows:]

Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
United States House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Fleming, Ranking Member Sablan and Members of the Subcommittee:

As a landowner in a Conservation Focal Area in the U.S. Fish and Wildlife Service Everglades Headwaters National Wildlife Refuge and Conservation Area, the Kenneth Kirchman Foundation would like to express its strong support for this crucial program. The Kenneth Kirchman Foundation is a charitable organization that owns, manages, preserves, and operates the "Lake X Property" which is comprised of 10,440 acres, almost 1,400 of which are taken up by Lake Conlin in Osceola County, Florida. (For your reference, the Lake X Property is circled on the attached Proposal Map). From the time Kenneth Kirchman purchased the property in 1983, he set a goal atypical of most landowners: to keep Lake X the same as it was 100 years ago, to preserve the beauty and history of this pristine location.

Over the past several years, the area surrounding this property has seen tremendous growth and subsequent development. Neighboring development pressures combined with limited financial resources have caused the Foundation to seek alternative options. The Foundation sees the Everglades Headwaters National Wildlife Refuge and Conservation Area as a way to not only protect the Foundation's mission, but more importantly, as a crucial way to protect and improve water quality, water quantity and wildlife north of Lake Okeechobee.

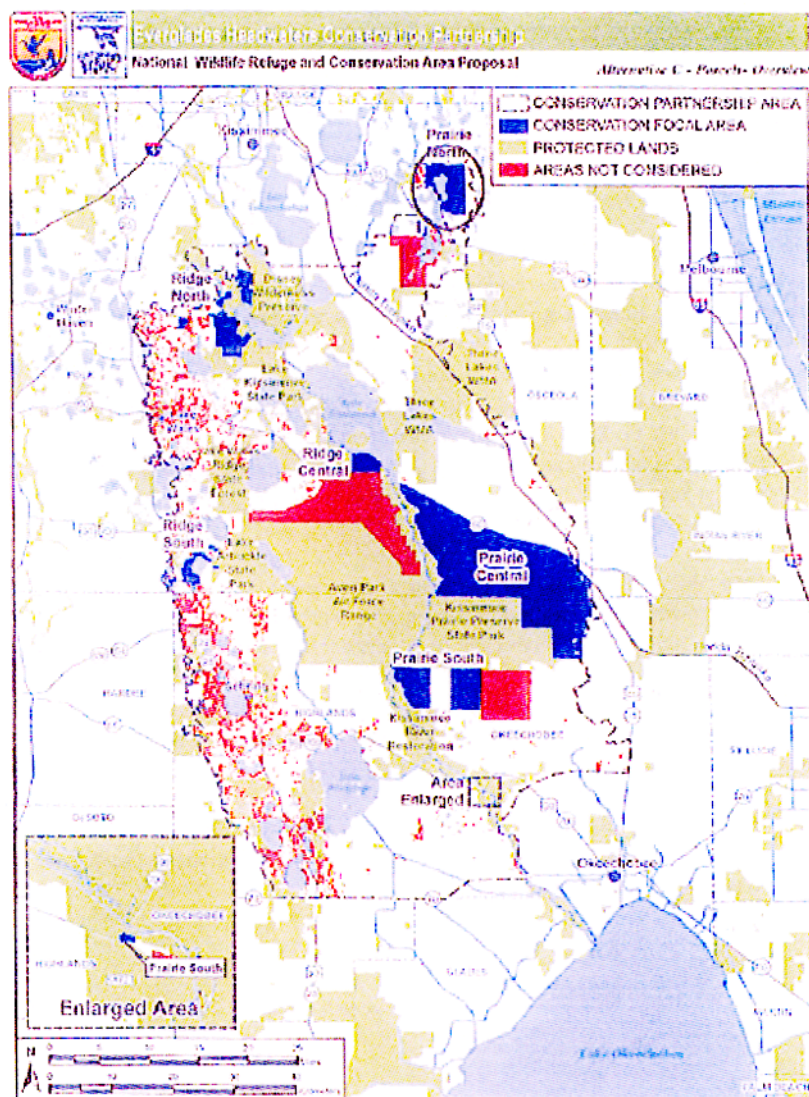
We understand that the economic climate is extremely tough, but we feel strongly that this project can truly make a difference in forever protecting and preserving the natural resources in the Kissimmee River Basin.

Sincerely,

The Kenneth Kirchman Foundation

Attachment

Kenneth Kirchman Foundation



[A letter submitted for the record by Michael L. Adams follows:]

November 1, 2011

House Natural Resources Committee
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
United States House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Fleming, Ranking Member Sablan and members of the Subcommittee:

I am writing you to express our support for the Northern Everglades National Wildlife Refuge.

Adams Ranch is a fourth generation cattle ranch with locations in St. Lucie, Okeechobee and Osceola counties. Our Osceola County ranch falls within the refuge boundaries. We support the Department of Interior's effort to protect and preserve the large working landscapes through conservation easements.

Please let us know if you have any further questions.

Sincerely,

Michael L. Adams

[A letter submitted for the record by Carlos M. Vergara, Managing Member, Venture Four, LLC, follows:]

VENTURE FOUR, LLC
7128 S.E. Rivers Edge Rd.
Jupiter, Florida 33458

November 2, 2011

House Natural Resources Committee
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs

Chairman Fleming, Ranking Member Sablan and members of the Subcommittee:

I am writing this letter in support of the Northern Everglades National Wildlife Refuge.

Camp Lonesome Ranch is a working Cattle Ranch in Osceola County. The Ranch has within its borders the Headwaters of Lonesome Camp Swamp and the Headwaters of Bull Creek. With Florida's growing population, water will become a scarcer resource. Preserving the proposed acreage will provide water resources that would not be there if the land was to be developed.

We fully support the Department of the Interior's proposed plan to protect and preserve through Conservation Easements this large landscape of Working Ranches.

Please let us know if we can be of further assistance.

Carlos M. Vergara
Managing Member

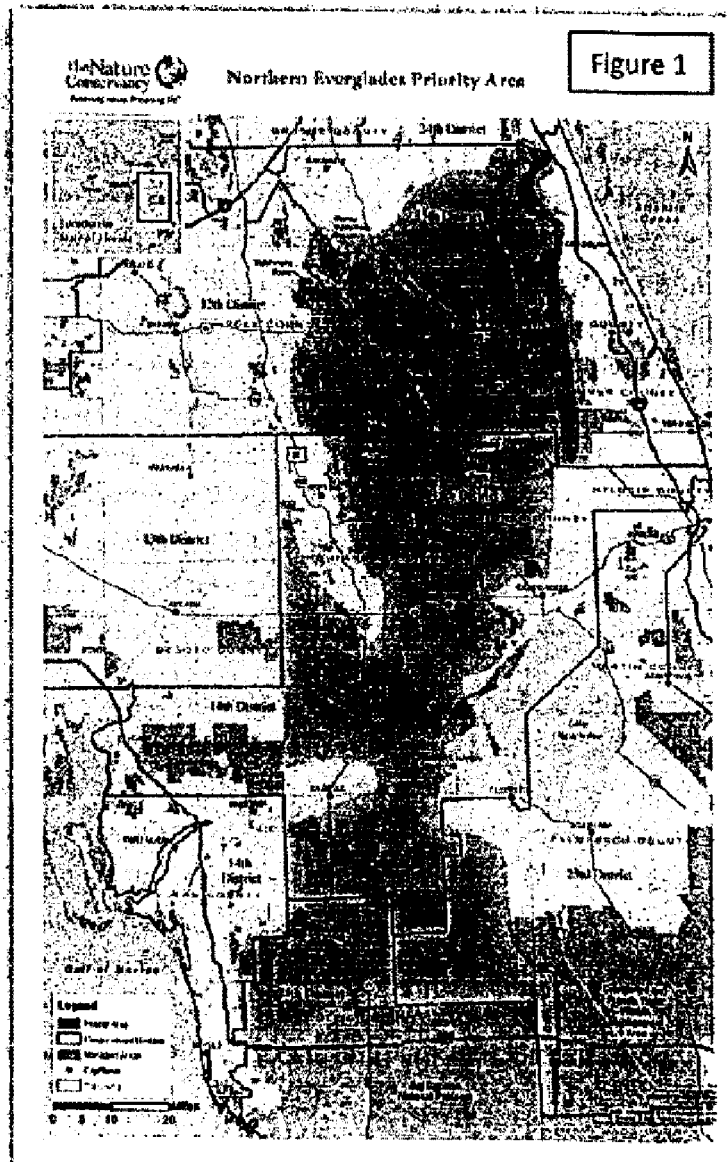
Statement submitted for the record by The Nature Conservancy

The Nature Conservancy wishes to thank the House Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs for the opportunity to submit this testimony for today's hearing record. The Conservancy strongly supports the U.S. Fish and Wildlife Service's (USFWS) proposed Everglades Headwaters National Wildlife Refuge & Conservation Area (EHNWR&CA) and looks forward to working with the Subcommittee and full House Natural Resources Committee on this proposal to conserve working landscapes within the Northern Everglades region and to advance the health and vitality of the entire Florida Everglades System.

The Northern Everglades is one of the last frontiers for large-scale land conservation in peninsular Florida. Through the EHNWR&CA proposal, we now have an unprecedented opportunity to protect and restore large portions of this important landscape and natural system.

Extending some 170 miles from the outskirts of the Orlando metropolitan area, south through the Kissimmee River valley to Lake Okeechobee and southwest to the Big Cypress Preserve, is a vast region of intact habitat and working ranchlands-the

Northern Everglades (Figure 1). The region comprises the headwaters of the Greater Everglades and is one of the great grassland and savanna landscapes of eastern North America. Still largely rural, the Northern Everglades watershed is a four million-acre mosaic of seasonally wet grasslands, longleaf pine savannas and working cattle ranches that sustains one of the most important assemblages of imperiled vertebrate wildlife in the southeastern United States and a large portion of the natural habitat remaining in peninsular Florida, including globally rare habitats.



The region's vast cattle ranches hold great potential for protecting and connecting high quality habitat as well as providing ecosystem services that are critical to the hydrologic and ecological success of Everglades restoration. A well-managed ranch

permanently protected under a conservation easement can provide most, if not all, of the same ecological functions as publically protected areas, and many ranches connect otherwise isolated tracts of public land for the Florida panther and black bear. In addition, the restorable seasonal wetland habitat in the Northern Everglades contributes to the functioning of the larger Everglades ecosystem, yet this type of habitat is largely absent from the Comprehensive Everglades Restoration Plan (CERP). As a result, the Conservancy believes the EHNWR&CA complements the ongoing work of the Army Corps of Engineers, Department of Interior and the State of Florida in implementing the 20-year objectives of the CERP as authorized by the Water Resources Development Act of 2000.

Northern Everglades—Wetlands Restoration and Dispersed Storage

The Conservancy estimates that nearly one million acres of restorable wetlands occur on public and private lands in the Northern Everglades, representing tremendous potential for wetlands restoration and the services they provide. Restoring wetlands at scale provides not only habitat, but also other important ecological services that benefit the larger ecosystem and nearly eight million people who live in the Everglades watershed. Chief among those ecological services is the ability to store and slowly release large amounts of fresh water, thus allowing for a more natural hydrologic regime in the Everglades. Such dispersed storage options are increasingly seen as viable alternatives or complements to expensive engineered options, such as reservoirs and aquifer storage and recovery, and can contribute to storage required for CERP targets and help reduce nutrient concentrations. Wetlands restoration methods, pioneered at places like the Conservancy's Disney Wilderness Preserve, are straightforward, low-tech and relatively inexpensive, typically involving construction or modification of small water control structures, degrading small berms, or filling of ditches.

The health of the Northern Everglades has a profound impact on the overall Everglades ecosystem and on water supply and flood control for the 4.5 million people in South Florida. Originally, vast amounts of water were stored in the lakes and wetlands north of Lake Okeechobee mitigating flooding and holding water in times of drought. But in more recent times, 400,000 acres of wetlands in the Northern Everglades have been ditched and drained for agriculture, and the Kissimmee River has been straightened and excavated to operate as a canal to convey flood waters. There has also been extensive development in the northern end of the system increasing short term runoff in the rainy season. The result is not only loss of valuable wetlands habitat, but disruption of hydrology and declining water quality in the entire basin.

The Nature Conservancy has been working in the Northern Everglades for more than 20 years. The current Northern Everglades conservation project is a cooperative effort among the USFWS, the Natural Resources Conservation Service (MRCS), the South Florida Water Management District, the Department of Defense/Avon Park Air Force Range, the Florida Department of Agriculture and Consumer Services, the Florida Fish and Wildlife Conservation Commission, the National Wildlife Refuge Association and The Nature Conservancy.

EHNWR&CA Concept

The concept for the proposed EHNWR&CA began with a conversation in 2009 between USFWS and Nature Conservancy staff while touring a strategically located preserve owned by the Conservancy between the eastern flank of the Lake Wales Ridge and the southwestern shoreline of Lake Hatchineha. Because the preserve—Hatchineha Ranch—supports several high quality and endemic habitats (cutthroat grass-dominated Flatwoods, longleaf pine-dominated Mesic Flatwoods, Scrub and Sandhill) and numerous imperiled species (Florida scrub-jay, Snail kite, Swallow-tailed kite, Florida panther and many species of rare plants), USFWS staff thought it an ideal property to extend the current Lake Wales Ridge NWR to the east to protect lands and waters encompassing the Kissimmee Chain of Lakes that are part of the headwaters of the Everglades ecosystem. Considering the fact that the State of Florida's premier land protection program, Florida Forever, is now able to provide fewer to no dollars for conservation of water and land resources in the region, the concept of a new refuge that would help to protect the origin of much of the Everglades water supply was initiated.

Upon further study and analysis by the USFWS and partner organizations, it was determined that the protection of the significant natural and hydrological resources of the entire Kissimmee River basin was far from complete as envisioned by many planning efforts for the region and protection of additional lands in the Everglades' watershed was warranted. Not only would the proposed EHNWR&CA complement years of vital conservation efforts in the region by numerous public agencies (e.g.,

Florida Fish and Wildlife Conservation Commission, South Florida Water Management District) and private organizations (The Nature Conservancy's Disney Wilderness Preserve), but it would help to fill in the gaps and connect these already protected areas for wildlife, reduce the overall costs of management and allow water to more easily move across the landscape toward the Kissimmee River and Lake Okeechobee. Efforts directed at getting the water storage and seasonal timing needs of the hydrology north of Lake Okeechobee is seen as a necessary—and cost effective—complement to the years of restoration efforts of the Everglades system that exist south of Lake Okeechobee.

A rigorous scientific analysis of the Kissimmee River basin has been undertaken by the USFWS and various state and federal agencies, as well as an array of private conservation partners. Much of the data utilized for the Preliminary Project Proposal and Draft LPP and EA were provided by the Florida Fish and Wildlife Conservation Commission, the University of Florida's GeoPlan Center and the Florida Natural Areas Inventory (part of Florida State University).

Various remote sensing (e.g., Landsat) data were utilized, followed by the analysis of aerial photographs, coupled with known data and distributions for imperiled species and habitats. Landowner information was also used to determine inclusion of many of the lands identified. More information on the exhaustive methodology can be found in the Draft LPP and EA that can be accessed through the following link: <http://www.fws.gov/southeast/evergladesheadwaters/>.

In contemplating and proposing the establishment of any new National Wildlife Refuge, the USFWS is bound by a series of strict requirements embodied in the National Environmental Policy Act (NEPA) as well as their authorizing and organic statutes including the National Wildlife Refuge Improvement Act, approved by Congress and enacted into law in 1997. The rigid NEPA process for the authorization and establishment of new refuges and conservation areas dictates that a Preliminary Project Proposal (PPP) be prepared and submitted to the general public and other governmental agencies for review. Such a PPP was prepared for the EHNWR&CA in late 2010 and widely disseminated for public comment, including four Public Scoping hearings held in the late winter/early spring of 2011. These hearings were held in towns within the area proposed for the new refuge, including Kissimmee, Sebring, Okeechobee and Vero Beach. Additionally, staff from the USFWS met with numerous private landowners and sportsman's groups throughout the region, Boards of several County Commissions, newspaper editorial boards and others. After the initial public comment period on the PPP, revisions were made—including a substantial reduction in the size of the area under consideration for the proposed refuge and the elimination of three large areas of multiple ownerships where some owners had expressed a desire not to be included in the boundary—and a Draft Land Protection Plan (LPP) and Environmental Assessment (EA) were released in early September of 2011. Two additional public hearings were held on these documents—in Avon Park and Kissimmee, both in the region of the proposed refuge and in facilities large enough to accommodate more than a thousand people each—on September 24, 2011, and on October 1, 2011, respectively. Although the public comment period on the Draft LPP and EA was scheduled to close on October 24, 2011, it was extended for 30 days by the USFWS at the request of various sportsman groups.

The primary source of funding for any new NWR is the federal Land and Water Conservation Fund (LWCF). The LWCF is authorized to receive \$900 million annually, with the vast majority of that funding derived from offshore oil and gas leases (about 90% of that fund is from Outer Continental Shelf oil and gas leases), as well as proceeds from the disposal of surplus federal property. Additionally, some funds for new NWRs are derived from the North American Wetlands Conservation Act, which awards funds to wetlands conservation projects for the benefit of migratory birds and other wildlife, as well as the Migratory Bird "Duck Stamp" program with funding derived from the annual sale of the federal Duck Stamp.

Any lands, or rights therein, that are acquired by the USFWS within the future EHNWR&CA are from strictly willing landowners. It has been emphasized through the entire process of public hearings and in numerous meetings with landowners that any and all participation in the proposed refuge and conservation area is strictly voluntary. Additionally, landowners not participating in the new refuge, but that may have lands adjacent to or contiguous with lands that may become part of the new EHNWR&CA will not be subject to regulation or oversight by the USFWS or any other federal agency as part of this program.

The establishment of the proposed EHNWR&CA has the support of numerous public agencies that are part of the Greater Everglades Partnership Initiative. Chief among those are the Florida Fish and Wildlife Conservation Commission and the Department of Defense. Concerning the latter, Avon Park Air Force Range (APAFR)

sits near the center of the proposed refuge area and is actively supporting its establishment because of the need to buffer the base from incompatible encroachment that may jeopardize its continued mission. Indeed, APAFR supports a vital training mission for many air and ground troops that utilize the facility for gaining realistic training just prior to heading into harm's way overseas. To that end, the Department of Defense is engaged in the partnership including providing Readiness and Environmental Protection Initiative (REPI) funds to protect with a conservation easement lands within the general area of the refuge that will help to buffer the installation.

A special effort has been made by the USFWS—one that grew out of the initial Public Scoping meetings (specifically in Sebring)—to work cooperatively with the Florida Fish and Wildlife Conservation Commission (FFWCC) to identify new opportunities for wildlife-dependent recreation within the EHNWR&CA. As part of these ongoing discussions, the Conservancy is supporting a Memorandum of Understanding between the USFWS and the FFWCC to ensure long-term management by the State of Florida of hunting, fishing and access opportunities on any fee lands acquired for the refuge. To this end, a meeting was held between agencies and sportsman's groups in Okeechobee on October 5, 2011, to discuss these opportunities and to help craft the MOU between the USFWS and the FFWCC that will formalize the arrangement. It is important to note that with this proposal will make available 50,000 new acres to sportsman's groups for hunting and fishing.

Part of the specific—and publically stated—goal of the proposed refuge and conservation area will be to protect the ranching culture and heritage of the private lands in the Kissimmee Valley. Cattle ranches comprise one of the predominate land uses in the region and the USFWS and other partners will work with these landowners to protect sustainable agricultural operations that are important to the State of Florida's economy and overall national security through domestic food production. Fully two thirds of the proposed EHNWR&CA will be protected through less-than-fee (i.e., conservation easements) arrangements with strictly willing landowners.

Since many of the lands in the region encompassed by the EHNWR&CA are active cattle ranches, the greatest opportunity will be to protect these kinds of lands—particularly through conservation easements. It should be clear, however, that many of these ranches not only encompass improved pasture areas (that provide wildlife habitat benefits), but exist as a mosaic of intact, natural habitats with large blocks of native forest and grassland cover that support a large array of imperiled species, several of which are found nowhere else in the world. It has also been suggested that any fee lands acquired as part of the proposed refuge should be the highest quality and most intact lands that do not require expensive restoration of native habitats—although some hydrological restoration will likely be undertaken—and thereby will keep management costs to a minimum (including grazing and public hunting as part of the overall management). Depending upon negotiations with willing sellers on the terms of conservation easements, some hydrological restoration may also occur on these private lands that, taken together, should prove both water storage and water quality benefits for the headwaters of the Everglades ecosystem.

Since fully two thirds of all lands slated for proposed protection under the EHNWR&CA will be through conservation easements, the lands will be available to stay on the tax rolls, and under private management by their current owners. Additionally, any fee lands are likely to be scattered across several counties, so as to reduce the burden to any single governmental entity. It is also of significance that the USFWS makes payments in lieu of taxes (PILT) to counties/municipalities that current payments show more than offset any lost property tax revenue (estimated in some areas by about 6:1), as well as helping counties avoid costly infrastructure for such lands and providing the potential for enhanced tourism and hunting/fishing revenues. The Conservancy is strongly supportive of efforts in this Congress to reauthorize this PILT Program, and has spent a great deal of time working with the sportsmen and outdoor recreation communities in recent years to identify and advocate for large landscape conservation opportunities, the vast majority with significant long-term economic benefits for small, rural communities via new public access and recreation opportunities.

Information gathered from several landowners by The Nature Conservancy also show that many of these agricultural (i.e., green belt exemptions) pay far less in property taxes than various county commissions claim might be lost if these lands are actually taken off the tax rolls. Here is a sample of those data: 1) For a 30,000+ acre ranch in Osceola County, they pay total annual property taxes of about \$75,000 (including house valuations, fire rescue MSBU and personal property tax). This comes to about \$2.40 per acre. Even if 50,000 acres came off the tax roll it would only amount to about \$120,000 per year for that county (but, again, would be more than made up by the PILT); 2) For about a 4,600 acre ranch (includes house and

structures on property) also in Osceola County they pay \$8,572 which equates to \$1.86 per acre. Assuming that all 50,000 acres were in Osceola County, this would translate to a loss of \$93,000. This is very different from an \$800,000 figure being discussed at a recent Osceola County Board of County Commissioners meeting; 3) For an approximately 7,700 acre ranch in Okeechobee County, the total tax paid by the ranch was just under \$35,000 and averaged between \$1.33 and \$1.40 per acre of vacant land (excluding a large house, stables and other infrastructure/facilities).

At the current time, numerous large and well-established landowners, mostly cattle ranchers, in the Northern Everglades area support the EHNWR&CA and are willing to participate in its establishment. The Nature Conservancy has obtained “willing seller” letters from 15 landowners in the region and these have been presented to the USFWS for inclusion in the public record. As well, we know of at least two additional large landowners—who while declining to provide The Nature Conservancy with letters—are willing to participate in the sale or partial sale of rights (i.e., conservation easements) to the USFWS for the proposed refuge and conservation area,

Conclusion

In summary, The Nature Conservancy strongly supports and endorses the proposed EHNWR&CA and is working with a variety of governmental and non-governmental partners (e.g. private landowners) to ensure the establishment and success of the refuge. We also believe the Draft LPP and EA are well crafted and that an excellent case is made within each for the protection of the ecologically significant and diverse natural resources of the Kissimmee River Valley and Chain of Lakes. We therefore strongly support adoption of Alternative C—the Conservation Partnership Approach—as the proposed action as detailed in the Draft EA and put forward in the Draft LPP with the following four primary recommendations:

1. Land protection should focus on highest quality habitats and landscape connectivity between Three Lakes WMA and Kissimmee Prairie Preserve State Park, as well as the western side of the Chain of Lakes and Lake Kissimmee from the Disney Wilderness Preserve to the Avon Park Air Force Range.
2. Land protection, both fee simple and less-than-fee, should focus on intact habitats and working lands with the highest percentage of natural lands that best accomplish the landscape-scale objectives for the refuge and conservation area. Properties that are highly improved or that do not accomplish landscape connectivity goals should be afforded secondary priority.
3. Fee simple acquisition for the refuge lands should focus on the highest quality lands throughout the project area so that the public will be able to enjoy first-class outdoor recreational experiences—including hunting opportunities on lands with abundant game species—on some of the finest natural areas that Central Florida has to offer.
4. The USFWS's identification of public access opportunities within the EHNWR&CA—consistent with the compatible uses of the refuge system and in close coordination with the State of Florida and local communities—is an important objective to ensure the longterm success of this landscape initiative,

We further believe the EHNWR&CA complements the ongoing CERP efforts and the work of the Army Corps of Engineers, Department of Interior and State of Florida to implement the CERP. We believe both efforts and their long-term strategies lead to an enhanced restoration program for the Greater Everglades ecosystem.

Thank you for this opportunity to submit testimony for the hearing record.

