

POLK GROUP

Issue: 06-08

FLORIDA HOMETOWN DEMOCRACY Sign the New Petition!

The Florida Supreme Court has approved new language for the FHD petitions. If you signed one of the original petitions, you will need to sign the new one which has just been approved. For your convenience, one is enclosed in this newsletter. The intention is to put the proposed amendment on the 2008 ballot; at this time approximately 600,000 signed (and ultimately certified) petitions are needed.

The proposed amendment would require that every change in a local government's comprehensive plan be approved by the voters in a referendum. Under current law, changes in local growth plans can be made by a majority vote of city or county commissioners. Be aware, the new amendment will not totally stop growth because our current comprehensive plans still allow tens of millions more residents but the development stampede should be slowed.

Many conservation organizations (like Sierra) support FHD. The Builders Association, Florida League of Cities, Florida Association of Counties and the Florida School Board Association oppose it. The latter groups fear it will cause more problems than it will solve. Each voter will have to decide if the nebulous new problems might be worse than the road/school/water/sprawl problems Florida is currently facing.

Al Whittle of Florida Bi-Partisans assesses the FHD amendment this way: "I don't believe this is the best way (most efficient way) to do business. But our elected officials at the County and State levels (and their staffs) continue to ignore the citizens of Florida in favor of serving the endless appetites of developers for obscene profits at our expense. We are developing the State at an alarming and unsustainable rate. In doing so, we're losing all of the things that make the quality of life that caused people who grew up here to stay --- and which attracted us immigrants in the first place.

Our taxes are going up (at least in Polk County) but we're continuing to dig the hole that we're standing in deeper as our schools remain overcrowded, our roads ever more congested, our water supply becomes more doubtful, and our quality of life deteriorates. Continuation down this path of unsustainable development in the wrong places can only lead to more of the same. Get ready to write bigger tax checks in the future no matter what pabulum the politi-

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SIERRA
CLUB
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AUGUST 2006 NEWSLETTER

serving DeSoto, Hardee, Highlands and Polk County

PROGRAM FOR AUGUST 10, 2006

The SPCA (Society for the Prevention of Cruelty to Animals) works to provide shelter and find homes for Polk's abandoned pets. Its work, therefore, also benefits our wild animal population. Sarah Meltzer, the SPCA's Outreach Coordinator, will present our program at the home of Al and Margery Greulich in Auburndale (see page 4 for directions).

A MEMORIAL NESTING BOX FOR THE RESTORED KISSIMMEE

Our July presenters from the SFWMD, Fred Davis, Land Stewardship, and Sally Kennedy, Land Acquisition, accept a Coleman Memorial Nesting Box for placement in the Kissimmee River Valley in appreciation for their long anticipated explanation of the most recent restoration land acquisitions and transfers.



Photo by Frances H. Coleman

KISSIMMEE LAND ACQUISITION AND TRANSFER

Polk Sierra did a good thing in July by having representatives from the South Florida Water Management District (West Palm Beach) present their explanation of the recent land acquisitions and transfers done in the name of Kissimmee Restoration. Approximately forty people (conservationists, land owners, sportsmen, and public officials) were provided an opportunity to hear the WMD's rationale for what happened and then ask questions. This rather informal setting allowed for hours of 'venting' and a lot of one-on-one explanations. The four WMD people did an outstanding job - there is no doubt that they are committed conservationists.

The land transfer of primary concern was the Shady Oaks property owned by the Speight family. The WMD had determined it needed to be able to flood the lake's edge of this property up to 54 feet above sea level to make certain there was proper flow to the restored river. The Speights felt that flooding the edge of their property would make their traditional cattle ranching less economically viable; the elevation of the property as a whole being rather low. The Speights, therefore, said 'buy it all.' A satisfactory price of Xmillion was agreed upon. Within months the Speight property was "transferred" to a new entity who in turn "transferred" Lake Okeechobee property it owned (valued at XXmillion) to the WMD. The WMD retained "flowage" rights on the lake's edge of the Speight property which means they can flood it up to 54 feet and not get sued for that action. We were told that the new owners of the Speight property can cross the "flowage" strip with

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GLOBAL WARMING CASE HEADS TO SUPREME COURT

The Supreme Court decided in June to hear the case against EPA's refusal to take action on global warming pollution. The case will have far-reaching impacts on how America decides to fight global warming.

"The Bush Administration has continually tried to say that it's not their job to fight global warming. In fact, they have both the legal and moral responsibility to tackle global warming pollution," said David Bookbinder, Senior Attorney for the Sierra Club.

In 2003, twelve states, several cities, and over a dozen environmental groups, including Sierra Club, joined forces to challenge the unprecedented ruling by the Environmental Protection Agency in that year to summarily disavow the agency's long-standing jurisdiction under the Clean Air Act to regulate global warming emissions. The states, cities and groups challenged the EPA decision in the Court of Appeals for the D.C. Circuit. Last year, a splintered three-judge panel failed to decide the central question of whether EPA may regulate global warming pollution under the Clean Air Act. The case now goes before the Supreme Court.

Background: On August 28, 2003, EPA officials reversed long-standing policy with an administrative ruling denying authority to control heat-trapping emissions like carbon dioxide. The ruling came in response to a 1999 petition by the International Center for Technology Assessment, Greenpeace and other environmental organizations asking EPA to comply with the law, which requires the agency to protect Americans against all harmful pollutants, including emissions that damage the climate. After many delays EPA eventually opened a public comment period on the petition, receiving 50,000 comments -- the vast majority supporting the call for action against global warming. But the Bush Administration has still refused to act.

Under the current administration, EPA claims Congress never intended to have the Clean Air Act used to address climate change. The current EPA position reverses the agency's earlier interpretation of the Clean Air Act and does not hold up under scrutiny:

- The Clean Air Act says an "air pollutant" is any "physical, chemical, biological, [or] radioactive substance or matter which is emitted into or otherwise enters the ambient air."
- The Clean Air Act authorizes EPA to regulate any power plant pollutant that the agency determines to "cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare." The Act specifically defines "welfare" to include adverse effects on "weather" and "climate."

Global warming emissions have already been linked to stronger hurricanes, heat waves, droughts and worsened smog. If left unchecked, global warming will cause rising sea levels, the melting of the polar icecaps, and a host of other environmental impacts that are beginning to seriously affect the lives of virtually every American.

States challenging EPA's decision are California, Connecticut, Illinois, Maine, Massachusetts, New Jersey,

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SIERRA SUCCESSFULLY DEFENDS GREEN SWAMP CONSERVATION LAND

As reported in the May newsletter, Polk Community College had proposed a conservation land exchange so they could build a new campus on a 60 plus acre section of the Osprey Unit of the Hilochee Wildlife Management Area. The property, located in the Green Swamp Area of Critical State Concern, is just south of the intersection of US 27 and I-4 in Haines City. PCC had arranged for a donation of cypress wetlands significantly removed from the Osprey parent tract in an area owned by Rinker Materials.

While state land exchanges are not unheard of, the proposed donation parcel was far less valuable both environmentally and economically and it would be difficult to manage. The long-term environmental value of the donation parcel was also questionable due to impending mining on adjacent tracts.

We were alarmed at the prospect of such a trade and our objections were included in the Division of State Lands' staff analysis of the proposal. Marian Ryan, Green Swamp Issue Chair and Ben Fusaro, Protecting Native Habitats Chair, testified before the Acquisition and Restoration Council (ARC) on June 8th in Tallahassee and we were gratified that ARC unanimously denied the proposal on June 9th. ARC's vote upheld an important standard for state land exchanges: any trade of conservation lands must be a significant net gain for conservation.

....Marian Ryan

SETTLEMENT OF BABCOCK RANCH LAND USE CHALLENGE

Several weeks ago Sierra filed an administrative challenge to the Babcock Ranch deal. Primarily the Club was objecting to the density which the developer was planning for the acres not being purchased by the state. The Club got the developer to agree to concentrate the residential units to the south which means the northern 2000 acres will be somewhat preserved. He also agreed to greener building standards, improved tertiary wastewater treatment, wildlife underpasses on secondary roads, natural buffers, no commercial signage, building a curbside recycling facility, water conserving fixtures in the homes, and more. While the Club did not get every goal for which it strived, the final agreement is definitely an environmental victory.

....Frances H. Coleman

LAND USE PLANNING WORKSHOP OCTOBER 12, 2006

Local land use planning is on the agenda for discussion at the October meeting. John Ryan will attempt to explain, through past cases, how land use decisions are made. He will explain the differences in the various levels of land use planning. You'll get an actual case, review the material and learn the basis for decision making. You will also learn what kind of cases get hearings before the Planning Commission or County Commission.

How would you decide a case? What do you need to know and do to object to a case? Come join the discussion.

....John Ryan

(Continued from page 2) *Global Warming*

New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington. American Samoa, and the District of Columbia are also named in the petition. The cities of Baltimore, and New York also filed a separate petition.

.... *David Willett, National Press Secretary Sierra Club*

SANDHILL RESTORATION PROJECT CIRCLE B BAR RESERVE



In mid-June volunteers from Polk Sierra and the Ridge Rangers planted several native plant species and helped remove dog fennel from the Circle B Bar Reserve. Our Group contributed the funds to purchase the trailer load of plants native to sandhill habitat. The sandhills on the Reserve are in the process of being restored so they may once again support species that currently don't occur there like the gopher tortoise. Many thanks to the volunteers for their efforts at restoring the native beauty of this Polk County property; from left to right they are Cheryl Graffam (Polk Environmental Lands Program), Ridge Ranger volunteers: Doyle Williams, Micheal Seamon, Jerry Burns, Rita Sneddon, Roger Bergere, Jane Ness; Marian Ryan & John Ryan (Polk Sierra) and Tabitha Biehl (Polk Environmental Lands Program).

If you have a green thumb and are interested in growing native plants for environmental enhancement projects on Polk County's conservation lands, please call Marian at 863-293-6961.

....*Marian Ryan*

(Continued from page 1) *Hometown Democracy*

cians shovel at you.

Therefore, while I don't think Florida Hometown Democracy's approach is the way we ought to do things in a perfect world, Polk County and Florida are far from perfect worlds and this seems to be our best chance of regaining control of our neighborhoods from those who would destroy everything that we value to enhance their own profits and power."

For further information visit

<http://www.FloridaHometownDemocracy.com>

or call Gail Bond at 863 298-8134. *Frances H. Coleman*

(Continued from page 1) *Kissimmee Land Acquisition*

anything (boat canal, docks, etc.) that DEP and Polk County will allow. It should be noted that 120 acres at the lake's edge were retained for transfer to Polk County for a boater-friendly park/launch.

The Rub: The Speights and the sportsmen feel they had been assured the property would stay in a conservation classification. Conservationists feel it is an indispensable link in the wildlife corridor that runs from Lake Okechobee to the Upper Kissimmee Chain of Lakes and they fear that development on this property has great potential for leaching pollution into the upper Kissimmee. Because the Speight property was purchased with ad valorem money, the WMD wasn't subject to the same restrictions on disposal of surplus lands that purchasing with bond money requires (using bond money is a more common procedure). There is concern that the Kissimmee was short-changed in favor of Lake Okechobee and South Florida. The consensus among members of the audience was that development on this land must be fought; perhaps, in time, another agency can be persuaded to bring it back into public ownership. Remember Old Florida Plantation? The SWFWMD had an opportunity to buy that land around Lake Hancock for Xmillion. The District frittered away the chance and a developer bought the property; before any houses were built, SWFWMD decided it had to have the land for water quality/Lake Hancock/Peace River and bought it for XXXmillion. Deju Vu All Over Again.

....*Frances H. Coleman*

OUTINGS/ACTIVITIES

If you have suggestions for outings or if you wish to lead an outing, call our Outings Coordinator, Gail Bagley at 683-3334. For more activities/events, please visit our web site at <http://florida.sierraclub.org/polk/>

Aug. 23 Tour the Polk Recycling Facility and Landfill. How do they handle the recyclables you so faithfully take to the curb or collection station? The tour will start at the recycling facility where we will view the sorting bay from an air conditioned viewing station as the trucks unload and the various recyclables are sorted automatically. Then we'll travel by mini-bus around the landfill and get an overview of the new technology that is extending the "life" of Polk's only open Class 1 lined landfill. Participation is limited to 12; call Frances at 863 956 3771 to reserve your spot and receive assembly instructions.

Nov. 10-12 Florida Sierra's Annual Conservation Conference. Join Sierrans from all parts of Florida to participate in workshops on Red Tide - Energy - Growth - Wetlands - Biodiversity - Water Quality - Offshore Drilling - and the Everglades. Beautiful Pine Lake Retreat is conveniently located on Hwy 27 just south of Leesburg. Housing options include chalets, lodges, RV or tent camping. There will be great food in the Retreat's cafeteria and the camp is loaded with activities and sport options. More details and a sign-up sheet will be in the fall Pelican.

In order to participate in one of the Sierra Club's outings, you will need to sign a liability waiver which will be furnished at the beginning of the outing. If you would like to read a copy of the waiver prior to the outing, please see <http://www.sierraclub.org/outings/chapter/forms/> or call 415-977-5528. In the interests of facilitating the logistics of some outings, it is customary that participants make carpooling arrangements. The Sierra Club does not have insurance for carpooling arrangements and assumes no liability for them. Carpooling, ride sharing or anything similar is strictly a private arrangement among the participants. Participants assume the risks associated with this travel. Please note that some of the above listed activities are events that we think you will find interesting and fun, but they are not official outings.



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Members should send **changes of address** to: Sierra Club, P.O. Box 52968, Boulder, CO 80322-2968
 or address.change@sierraclub.org

AUGUST MEETING
Thursday, August 10, 2006

PROGRAM:

The Work of the SPCA
Protecting the Other Inhabitants
of Planet Earth
By
Sarah Meltzer, Outreach Coordinator

Join us for our pot-luck suppers at 6:30 p.m. on the second Thursday of every month. Bring a dish to share, a drink and your utensils. Dress is casual. **The meeting will start around 7:15 p.m.**

This special summer meeting will be held at the home of Al and Margery Greulich on Lake Ariana, 345 Bay Street, Auburndale. From US Hwy 92 turn north at the traffic light onto Main St. Stay on Main through town (there are several sharp turns - follow the I-4 signs). Go around a small lake and Stambaugh Middle School will appear on your right. At almost the end of school property Bay Street will be on the left; 345 is the second house (blue) on the right. Park in the school parking lot and walk across Main St. to the house. 967-6783

General Meeting and Executive Committee Meeting Run Concurrently

Web Site: <http://florida.sierraclub.org/polk/>

Sierra Membership Application

Name _____

Street Address _____

City _____ State _____ Zip _____

Phone (optional): () _____ FRIP No 3311

- Check One* **Individual** **Joint**
- Introductory** \$25
- Regular** \$39 \$47
- Senior** \$24 \$32
- Student** \$24 \$32



Annual dues include subscription to Sierra (\$7.50) and chapter publications (\$1). Dues are not tax-deductible.

Please mail your check and this form to:
Sierra Club, PO Box 52968, Boulder, Colorado, 80322-2968

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