

# The Swamp

## Growing Pains in Southwest Fla.

More Development Pushes Everglades to the Edge

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*Third of four articles*

NAPLES, Fla.

"You can't stop it," said **Al Hoffman**, the most influential developer in a state crowded with influential developers. "There's no power on earth that can stop it!"

Hoffman, the energetic leader of **WCI Communities Inc.**, knows a bit about power. He was **co-chair of George W. Bush's presidential campaign** and the **Republican National Committee's finance chair**. Now he's the top money man for Gov. Jeb Bush -- a former developer himself -- and heads an exclusive council of CEOs who advise the governor on policy. A scribbled note from the president hangs on his office wall: "You are the man!"

The unstoppable force Hoffman was talking about is the runaway development marching from southwest Florida toward the Everglades. The Naples area was the second-fastest-growing in America in the 1990s. The Fort Myers-Cape Coral area is not far behind. And the gated golf course communities that have come to define this subtropical mecca are spreading east. "It's an inevitable tidal wave!" declared Hoffman, 68.

That's good news for Hoffman and WCI, which sold \$1.1 billion worth of homes in Florida last year. But it's a major threat to the ecology of southwest Florida, the last refuge for endangered species ranging from the elusive ghost orchid to the beloved Florida panther. Now federal, state and local officials are asking leaders of the \$7.8 billion Comprehensive Everglades Restoration Plan: Is history repeating itself?

The restoration plan is in many ways an effort to clean up after southeast Florida's unbridled sprawl. But now that the east side of the Everglades is almost built out, the officials warn that similar wetlands drainage and habitat destruction to the west are creating similar problems. Richard Harvey, the Environmental Protection Agency's South Florida director, sounded the alarm in an e-mail to John Hall, the top Army Corps of Engineers regulator in Florida: ". . . we are permitting in SW Florida as fast as we can the same types of development[s] and associated environmental degradation we are spending billions of dollars trying to fix on the SE coast."

"Haven't we learned our lessons? Apparently not!"

This is a deep tension within the restoration plan: It seeks to undo some of South Florida's ecological damage and replenish its water supplies, but it doesn't challenge the development juggernaut that drained its marshes and depleted its aquifers. On the contrary, the plan aims to supply enough subsidized water to make sure the region's population, already growing faster than Bangladesh's or Mexico's, can double again before 2050. The National Academy of Sciences proposed an independent study of these issues, but Stephen Parker, head of the academy's water science board, said the plan's leaders shot it down with "strong resistance."

"We're tearing down the ecosystem a lot faster than we'll ever be able to fix it," said Kim Dryden, a Fish and Wildlife Service biologist. "It's unbelievably hypocritical."

Southwest Florida's problem, Dryden says, is not that nobody *can* stop new highways, driveways and fairways from chewing up 1,000 acres of wetlands every year, but that nobody *will*. She is one of a dozen federal and state officials who outlined a pattern of lax land regulation in Collier and Lee counties in interviews with The Washington Post, saying their own agencies routinely yield to plugged-in local developers. All these agencies work on the Everglades plan -- the Corps and the South Florida Water Management District are leading it -- but there is growing concern that their regulatory capitulations could doom restoration.

"The environmental mission has been thrown aside," said biologist Jim Beaver, a Florida Fish and Wildlife Conservation Commission supervisor. "The regulatory agencies have accepted this crazy notion that southwest Florida should look just like southeast Florida."

One frequent target of the complaints is the Corps, the federal waterworks agency that is also responsible for protecting wetlands under the Clean Water Act. The Post has obtained "white papers" prepared by the southwest Florida offices of two other federal agencies -- the Fish and Wildlife Service and the EPA -- accusing the Corps of rubber-stamping projects that chew up panther habitat, convey polluted stormwater into pristine bays and repeat the mistakes of Miami, Fort Lauderdale and West Palm Beach.

But the Corps is not the only sprawl enabler. Officials at Fish and Wildlife, who oversee the Endangered Species Act, have stymied efforts by their own biologists to block projects harmful to panthers. Florida's governors have preserved more than 1 million acres of green space, but their growth-management efforts have failed for decades, and Jeb Bush's administration has been especially close to real estate interests.

And until recently -- after three Collier County commissioners, the county manager and several developers were arrested in a Naples corruption scandal -- pro-growth politicians suspicious of smart-growth planning have dominated Florida's local boards.

"The big players always get what they want," said Heather Stafford, a Florida Department of Environmental Protection biologist. She manages Estero Bay, a sparkling mangrove estuary that has suffered seagrass die-offs as well as turbidity and red tides because of tainted runoff from development.

Twenty years ago, southwest Florida's interior -- often called the western Everglades, though it's actually more diverse and less degraded than the main River of Grass -- was mostly cypress swamps and pine flatlands, not that far removed from a 1860 survey declaring it "unfit for man or vermin." Then Interstate 75 and a Fort Myers airport linked it to the world. Now it's got the highest concentration of golf holes per capita on earth.

A maze of roads and ditches has blocked and diverted its natural freshwater flows. Wetlands that recharged aquifers and served as kitchens and nurseries for wildlife have been drained and paved. Polluted runoff from asphalt and agriculture has sloshed all the way to the Keys, contributing to Florida Bay's collapse.

"Growth in southwest Florida is out of control," says Billy Causey, superintendent of the Florida Keys National Marine Sanctuary. "It's one of the greatest threats to us down here."

On an 80-degree day in March, it's easy to see why rich people move here: It's nice. That's why Thomas Edison and Henry Ford -- as well as the Boston Celtics' Larry Bird, America Online's Steve Case and Army Secretary Thomas White, late of Enron -- wanted mansions here.

"There is only one Fort Myers and 90 million people are going to find it out," Edison once said. Hoffman contends that as the number of wealthy retirees soars, the intrusion of red-roof villas and lavish estates and dogleg par-5's into inland forests will continue "as sure as the sun is coming up tomorrow."

The market is so hot that some builders start moving dirt without permits because fines cost less than brief delays. WCI had seven pages of ads in a recent issue of the Wall Street Journal, promoting \$5 million estates and \$11 million penthouses. The Bonita Bay Group, long considered the area's most ecologically sensitive developer, recently persuaded Lee County to let it build six golf courses in an area reserved for groundwater recharge.

The good news, Hoffman says, is that developers realize their success depends on keeping southwest Florida nice. Nature preserves have become trendy amenities, the Sub Zero refrigerators of 2002. WCI just launched a Green Building program and hooked up with Audubon International to design eco-friendlier golf courses.

Hoffman, who labored in a meat market as a boy on Chicago's South Side, has a purely utilitarian view of the environment: He believes it exists for man's use.

"We need to protect the environment for our own selfish motives," he said. "If we destroy the environment, it won't serve us anymore." But he also scoffed at regulators as loopy radicals "who think the world will end if they can't protect that little tree."

It's not just regulators who believe growth -- long hailed as Florida's engine of prosperity -- is threatening paradise. In polls, as many as 4 of 5 Floridians say it's a problem. (Of course, they've already made it here.) Florida leads the nation in housing starts, attracting more than 900 new residents every day. In this land of the new, sawgrass plains give way to the Sawgrass Expressway and the Sawgrass Mills Mall, trappers catch thousands of alligators in back yards that used to be swampland, and car accidents are the leading cause of panther deaths.

In 1995, then-Gov. Lawton Chiles's Commission for a Sustainable South Florida -- the eclectic group of antagonists who proposed the restoration project -- warned in a unanimous report that "rapid population growth and sprawling development patterns are leading South Florida down a path toward wall-to-wall suburbanization." Last year, even Jeb Bush's developer-dominated Growth Management Commission -- led by an Orlandopolitician named Mel Martinez, who is now President Bush's housing secretary -- agreed that traffic, crowded classrooms, water shortages, pollution and other sprawl-driven ills are "growing problems in the state."

Southeast Florida's sprawl was ultimately blocked by the eastern Everglades levee. But the western Everglades doesn't have a levee.

"The east is moving west. The west is moving east," Martinez said. "Unless you can contain all that, forget the Everglades."

### **The Keystone Cats**

*Beep. Beep.* Mark Lotz told the pilot to bank left. He had picked up the frequency from the radio collar of one of the last 80 Florida panthers on earth. *Beep. Beep.* "He's in that cypress somewhere," said Lotz, a biologist who tracks the sleek predators for the state. Lotz was peering down at ideal panther habitat: plenty of deer for eating, patches of trees for hiding. Just a few years ago, he could see a lot more of these swamps and uplands from the sky. "The panther's main problem is that its habitat is disappearing," he explained.

And its other problems?

"Uh, basically, that's it."

The panther, a subspecies of the mountain lion, once ranged from Texas to the Carolinas. Now it's hunkered down in southwest Florida. It needs room to roam, as much as 200 square miles for an adult male, and that room is being ripped up for orange groves and rock mines and master-planned communities with names like Wildcat Run and The Habitat.

In the 1990s, inbreeding was so endemic among the tiny panther population that males were being born without testicles. A breeding program with Texas cougars helped mix up the genetic pool and stabilize the panther population, but biologists believe there is not enough open land left to support many more than 80 cats.

Back at the office, Lotz opened a freezer to show off a young male panther with a hole in his head, bitten to death by a territorial rival.

"All this explosive growth is forcing them too close together," said his boss, Darrell Land.

The Florida panther is a classic "charismatic megafauna," a seven-foot cat with searing green eyes and a crooked tail. It's the official state animal, with its own license plate, postage stamp and hockey team. It's a cherished symbol of the Everglades; a panther statue guards the Everglades National Park visitors center. And it's a "keystone species," a canary-in-the-mine indicator of ecological health.

Many of southwest Florida's world-renowned wild orchids, for example, thrive in panther habitat, as do black bears, bald eagles, red-cockaded woodpeckers and many of the cold-blooded critters that made southwest Florida one of Science magazine's "hot spots" for imperiled reptiles and amphibians.

So the recent history of federal efforts to protect panther habitat helps illustrate the overall plight of southwest Florida. It's a crooked tale itself.

In 1993, Fish and Wildlife helped put together a "Habitat Preservation Plan" for the panther, warning that the big cat's stomping grounds had dwindled to "minimum threshold levels necessary to prevent extinction of the species." But over the

last decade, the Corps has awarded permits for developments swallowing another 60,000 acres of panther habitat, an area larger than the District of Columbia. An additional 30,000 acres have been proposed for development.

Not one permit has been denied here. At least seven times, Fish and Wildlife biologists have drafted proposals to block Corps permits they believed would jeopardize the panther's survival, but their bosses rejected their conclusions.

"It's a heinous process, and it's getting worse," said Andy Eller, a Fish and Wildlife biologist who helped draft the 1993 plan. "Southwest Florida can wear a biologist down."

***The classic case was the proposal to build Florida Gulf Coast University on rural land donated by Ben Hill Griffin III, the scion of a prominent Florida agribusiness and real estate family, and the brother of Florida Secretary of State Katherine Harris.***

Eller didn't think Griffin's 760-acre land gift was so altruistic, since Griffin's firm owned 11,000 acres nearby. Eller predicted in a memo that the new university would stimulate "unprecedented" development up to seven miles east, demolishing prime panther habitat. In September 1994, Eller and other biologists drafted a "jeopardy opinion," a formal conclusion that the project would violate the Endangered Species Act.

Then the power politics began.

First Sen. Bob Graham (D-Fla.) forwarded the wildlife service a letter from former water district chairman James Garner, a well-wired lawyer-lobbyist representing Griffin. After meeting with Garner in Atlanta, Fish and Wildlife officials quickly backed down. The revised opinion still said the project "raises serious concerns regarding the future status of the Florida panther," but its jeopardy finding was switched to a no-jeopardy finding.

Then the pressure shifted to the Corps. Then-Sen. Connie Mack (R-Fla.) wrote Col. Terry Rice, then the agency's Florida commander, urging him to approve the permit. Chiles, a Democrat, also wrote Rice to "emphasize the importance of FGCU as a state priority."

"My God, the curses I heard from members of Congress over that university," recalled Rice, who now works on environmental issues for the Miccosukee Indian tribe. "It was just brutal."

***In the end, Rice issued the permit. The new university -- which specializes in environmental education -- is already surrounded by a sports arena, the region's largest mall, Ben Hill Griffin Parkway and several rambling 18-hole subdivisions. Environmentalists call it Florida Golf Course University, and signs on campus warn against feeding the alligators. During a recent driving tour, Audubon Society biologist Michael Bauer described it as "an ecological disaster." A moment later, an errant tee shot nearly hit his windshield.***

The university was supposed to be southwest Florida's turning point. In exchange for the permit, Rice demanded that a regional growth commission be established to devise a plan to protect panthers and the Estero Bay watershed's dwindling wetlands. When Lee County rejected the plan, Rice angrily ordered a sweeping environmental study of the Corps program here. "We were approving projects all over the place; we had no idea what we were doing," he says.

Today, the study still languishes in the Corps bureaucracy.

"The consensus opinion is that it's been a bust and a waste of time," said Kris Thoempke, an environmental management professor who served on the study committee.

The Corps still approves more than 99 percent of requests to develop Florida's wetlands, often sacrificing hundreds of acres of wetlands at once. (In Maryland, by contrast, about two dozen acres are lost each year.) Vic Anderson, a disgruntled Corps regulator in the Keys, described the program like this: "Everything gets issued. Nothing gets enforced."

Hall, who runs the program, once argued against putting a university "in the middle of nowhere," and pushed for a regional growth plan. He even considered a moratorium on new permits, but concluded "we'd be hauled into court so fast our heads would spin" for violating property rights. Hall believes his critics at EPA and Fish and Wildlife simply don't understand his program; all a regulator can do, he said, is follow the law.

"Of course we're concerned about the impact we're having in these watersheds," Hall said. "But our program is a terrible tool to use to control sprawl. That's not our job."

Last February, though, the Fish and Wildlife Service prepared an extraordinary 30-page document accusing Corps regulators of failing to do their job here. Its analysis of 24 recent projects concluded that the Corps was illegally permitting "substantial and unacceptable adverse impacts to aquatic resources of national importance," allowing southwest Florida developers to run the permit process.

The service noted dryly that wetlands losses had soared during the Corps' long-awaited environmental self-analysis. And Dryden said most of the Estero Bay watershed, the hub of the study, has been permitted to developers by now.

"While we fiddle with studies, the environment is being destroyed at an unbelievably rapid rate," said Bill Hammond, an FGCU ecology professor who once served on the water district's board. "The money is too huge and the politics are too intense."

Fish and Wildlife officials play development politics, too.

In 1999, the service's biologists calculated that a highway extension near the Fort Myers airport would lead to the destruction or fragmentation of 1,500 acres of panther habitat. They threatened to write a jeopardy opinion unless Lee County agreed to buy and preserve 250 acres as mitigation. Lee County decided to fight. "Look, we've got tens of thousands of people sitting in traffic," said Lee County Commissioner John Albion, a favorite of many local developers. "That's not good for the environment, either."

So the county hired Dawson & Associates, a Washington firm whose lobbyists include five former leaders of the Corps, three former chairmen of committees that fund the Corps and a slew of former regulators. Its operatives got Mack, Graham and then-Sen. Slade Gorton (R-Wash.), as well as Rep. Porter Goss (R-Fla.), to write to Fish and Wildlife Director Jamie Clark.

They also set up Capitol Hill meetings for county officials, who gave members of Congress cookies commemorating their two-year wait for a road permit. They got Gorton to insert language into a funding bill, directing Fish and Wildlife to "work cooperatively" with the county to make sure the mitigation for the road was "reasonable and conceived properly."

Fish and Wildlife soon reduced its mitigation demand by two-thirds, and the Corps issued the permit.

"The bigger the project, the bigger the politics," said Sam Hamilton, Fish and Wildlife's regional director in Atlanta. "It begs the question: Have we learned from history? Are we willing to make tough choices in southwest Florida? I guess the jury's out on that."

In fact, after lobbing their 30-page grenade at the Corps, Fish and Wildlife officials have scurried back to their bunker. Agency sources say James Slack, director of the service's South Florida office, announced at a staff meeting last spring that he no longer wants to confront the Corps over permits, that working cooperatively on the Everglades restoration plan is now his top priority.

"We need to be like submarines," Slack said, according to members of his staff. "Run silent, run deep."

Slack said he does not recall the submarine simile. But he confirmed that "we're not going to be that vocal on permits anymore." He said he still wishes the Corps would do much more to protect wetlands, but he hopes to persuade the agency in a friendlier way. "Once you bring it to their attention and it doesn't work, you've got to come up with a new way to make your point," he said.

But Dryden and Eller believe their legal duty is to protect the panther, not their relationship with the Corps. "We've sold out the west coast," Dryden said.

## **The Feeding Frenzy**

Al Hoffman is tired of the Florida panther.

His business, after all, is booming. When he took WCI public in March, he predicted 15 to 20 percent annual growth rates. (The Florida House celebrated the occasion with a resolution honoring his "entrepreneurial spirit, unrivaled vision, strong leadership, generous nature and love of Florida.") As far as Hoffman is concerned, it makes a lot more sense to use land to provide shelter for thousands of people than to lock it up to preserve vast swaths of foraging habitat for a single cross-bred cat. He has said as much to Jeb Bush.

"What is the cost of protecting this bastardized species?" Hoffman asked. "How much land is society going to sacrifice?"

Hoffman suspects that the panther is a symbol for many critics, that their larger agenda is to block development in southwest Florida. And he is basically right.

"Development changes everything," said Ed Carlson, who manages the Audubon Society's Corkscrew Swamp east of Naples, the world's largest stand of old-growth bald cypress. "It's killing us here."

Deep in the swamp on a recent afternoon, hundreds of baby wood storks were bleating like sheep on steroids. "Begging to the max," said Carlson, a bear of a man who has managed Corkscrew for 34 years. They're waiting for food. And they're waiting too long.

Adult wood storks are supposed to feed their young about four times a day; they need to gather about 440 pounds of fish to raise two chicks. But these gangly white wading birds with black speckles are particular about where they shop, and their flights to the supermarket are getting longer by the day. That's because the shallow wetlands where they can root around with their beaks and grab lots of fish keep getting drained for more subdivisions: Olde Cypress, Twin Eagles, Ibis Cove. During last year's drought, no wood storks nested here. And the water flows are all wrong.

This is not just the fault of federal regulators. The Corps is right that the Clean Water Act was not designed to be a growth-management tool. Neither was the Endangered Species Act. State and local governments are primarily responsible for growth management in Florida, and historically there's been far more growth than management. "Growth management in Florida has always been a joke," said Wayne Daltry, who ran southwest Florida's regional planning council for the last 27 years.

Until the 1970s, land-use planning was widely derided as socialism in Florida. A 1985 law required every county to draw up a master plan, but if the plans were ever built out, Florida's population would increase 500 percent.

More recently, Jeb Bush's administration scaled back state oversight of local growth and developers have blocked legislation to tighten land-use restrictions. Last month, Bush signed an Everglades funding bill that included language proposed by home builders limiting the rights of some citizen groups to fight development permits.

In Naples alone, builders raised \$100,000 to defeat an ordinance protecting conservation lands from rezoning, and \$200,000 to block a mangrove protection measure. Prosecutors showed that Collier County government in the 1990s was basically a developer-run criminal enterprise, with politicians enjoying free golf, envelopes stuffed with cash and even a free wedding reception while rubber-stamping developments and waiving fees. In 1999, after a Florida Wildlife Federation lawsuit, Jeb Bush's administration declared an unprecedented moratorium on development in the county's rural areas. Nancy Payton, the federation's Naples representative, recalls how commissioners used to talk about "how biodiversity was some kind of United Nations plot."

Recently, there have been signs of change. Collier County has an innovative plan to steer development away from sensitive areas, and is even considering its own moratorium along three sprawl-choked highways. Lee County just hired Daltry as its "smart-growth director." Bruce Boler, the EPA's southwest Florida regulator, said Corps and local officials are finally beginning to listen. "Every now and then, they're complying with the law," Boler said. "It's a unique concept around here."

Chip Merriam, the water district's deputy director, said some major developers are coming around as well, building "flowways" through subdivisions to help connect natural areas. He said even WCI -- dubbed "Why Can't I?" by regulators in honor of the many zoning variances it receives and permit violations it commits -- now considers ecology when designing its projects.

Hoffman denies that he was ever an enemy of ecology. He loves to take his 3-year-old daughter to the Fort Myers marina to watch porpoises sweep for mullet. He said it's easy to attack him for building high-rises in mangrove fringes and gated communities in pine forests, but he's giving people what they want.

"Developers are not the root of all evil," he said. "If you really want to go to the source of the impacts, it's consumers. It's people! There isn't anything that people do that doesn't impact the environment. If you want to blame someone, blame everyone who lives here."

President Bush laid out a challenge last year during a visit with his brother to Everglades National Park: "We must meet the demands of growth, but without harming the very things that give Florida and the Everglades their beauty."

There is no way to establish immigration quotas for southwest Florida. Planners say the trick will be to steer growth toward already degraded urban areas west of I-75, and away from the ephemeral wetlands where wading birds forage and the marshy forests where panthers and woodpeckers and orchids live. Half the Everglades has been lost to farms and development. Environmentalists say it makes no sense to ask leaders of the restoration to paint a masterpiece in the remaining half while letting builders shrink the canvas every day.

In fact, one little-noticed provision of the restoration plan launches a \$12 million study of . . . a future CERP-style restoration project for southwest Florida. Like the study that led to the initial project, it's supposed to identify the region's water-supply, flood-control and environmental needs. In a recent Power Point presentation, the project's leaders explained their reasoning: "Rapid growth in Southwest Florida . . . opportunity to address resource needs now and avoid retrofitting in the future."

"Southwest Florida has to decide if the pain of repeating history is worth it," Merriam said. "Are we going to do another huge restoration here in 20 years? We'll see."

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