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# Calusa Digest



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Serving Southwest Florida

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Interested in receiving notification of **Emergency Action Alerts**? Send your email address to: **bobbieleeahasty@aol.com**. You will be notified of events that require prompt action such as letters, phone calls, and email. See our web page: **[www.sierraclub.org/chapters/fl/calusa/enviro.htm](http://www.sierraclub.org/chapters/fl/calusa/enviro.htm)**

## Victory!

The Second District Appellate Court ruled on 18 January, and EverGreen and appellants won on all counts and all arguments. The eleven-page decision was well written and unanimous. The Court acknowledged that the trees were gone but that Charlotte County's Development Review Committee (DRC) was subject to the Sunshine Laws and that we were denied due process because we were not allowed to participate.

The justices ruled that we were denied due process by the circuit court judge, Sherra Winesett, because she took testimony and made decisions regarding the final outcome of the case at a hearing that was supposed to just address the bond. In addition, they said the

## Sierra Club Reacts to the Bush/Cheney Energy Plan

"If the Bush Administration really thinks their energy plan includes eleven of twelve Sierra Club solutions, then Arthur Andersen must be checking their math", says Carl Pope, Executive Director of the Sierra Club. Claims made by Vice President Cheney, Mary Matalin, Senator Mitch McConnell, or anyone else in the Bush Administration that the Enron-Cheney Energy Plan includes Sierra Club recommendations are simply not true. But no reporters are calling them on it. A full comparison and analysis of Sierra Club's "12 points" and the Enron energy plan is available at: **<http://www.sierraclub.org/energy/bushplan/12pointsofenergy.PDF>**

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## EXECUTIVE COMMITTEE

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## Fisheating Creek to Open

Fisheating Creek, Florida's premier canoeing site, is the 52-mile long winding waterway that begins at its Highlands County origin and flows to Lake Okeechobee. Miles of pristine cypress swamp give way to a marsh called Cowbone. The Creek completes its journey through wetlands to the big lake. It was paddled by native Floridians trading goods and explored and mapped by the Army Corps of Engineers in the 1820's. It was purchased and preserved by the Lykes family until the 1980's when it became the focus of a number of lawsuits, which started when Lykes closed the Creek to the public, causing the locals to demonstrate.

The cause attracted support from paddlers, campers, fishermen, hunters and many who were concerned that the navigable waters of Florida were in danger of becoming inaccessible. The local Sierra Club, Calusa Group, became involved when some of the members assisted in the formation of the non-profit group named Save Our Creeks.

In 1999, just ten years after the first closing of the Creek, the final lawsuit ended when a Glades County jury found the Creek to be navigable and, therefore, public lands up to the mean high watermark. Finally 18,000 acres of the swamp and marsh were designated as a corridor that would protect the Creek.

The governor and cabinet appointed the Fish and Wildlife Conservation Commission (FWCC) to oversee the land, and the Fisheating Creek

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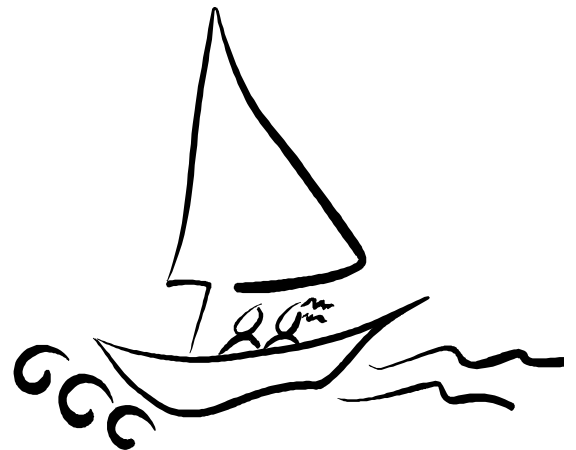
## **Endangered Woodpecker Devalues in Florida**

The red-cockaded woodpecker may be listed under the Endangered Species Act as endangered and in the last two decades its population may have declined by 20%, but the State of Florida, which lists the woodpecker as only "threatened", wants to lower its status even further to a species of special concern. The plan was heavily criticized by scientists, but the state's Fish and Wildlife Conservation Commission still recommended down listing. One zoologist predicted that such a change would undermine the public's respect for the entire de-listing process and the agencies that oversee it.

## **President Bush Rolls Back Wetlands Protection**

The Bush Administration has given the Army Corps of Engineers the go-ahead to "streamline the approval of certain development projects on the Nation's wetlands by issuing general nationwide permits that allow them to avoid levels of scrutiny by the public and federal agencies", says the N.Y. Times. Conservationists "accused the Administration of capitulating to the interests of developers and miners and jeopardizing ecologically sensitive areas." Under the roll back, developers are no longer required to provide "one for one replacement" of wetlands.

Rules on floodplain development and dumping toxic mine waste in perennial streams will also be relaxed. Secretary Norton has stifled criticism by not submitting comments by the US Fish and Wildlife Service after the agency drafted a report denouncing the plan as "ecologically and environmentally unjustified".



## **Clean Marina Program**

The Florida State Department of Environmental Protection now has in place a "Clean Marina Program" in which marinas will be recognized for taking some simple steps:

investing a little time and money. So far we have three marinas in the program: Bonita Bay Marina, Naples Marina and Boating Center, and Barefoot Boat Club in Bonita Springs. A "Clean Marina" educates boaters through kiosks

and seminars on how to save sea grass beds, prevent oil and gas spills, manatee protection and what to do with gray water, etc. About twenty SW Florida marinas pledged to join the program.

## Calusa Group New ExCom Members

Connie Langmann has taken over Publicity duties. She has lived in Fort Myers for over 28 years and been a Volunteer Interpretive Naturalist at Six Mile Cypress Slough and at Manatee Park. She owns GAEA Guides, a Nature Tour Guide company, providing guided tours throughout the waterways of Lee County.

Patrick Nitch has been selected as a student representative. He attends Fort Myers High School, where he is his Class Secretary and is involved in the Math Club, model United Nations, and thespians. In January his school traveled to Tallahassee to participate in Youth in Government out of the state of Florida. He was elected as Speaker of the House for the State. Patrick is Vice President of the environmental group Save What's Left. He hopes to make a real difference to this club and learn how an organized environmental group works.

Kathleen (Sulli) Sullivan is the new Secretary. After getting her MS in Postharvest Physiology from UMass, she

## Estero Bay Buddies Volunteer Workday at Winkler Point

Saturday  
23 February  
9:00 AM – 1:00 PM

Volunteers are needed for chipping woody debris, improving the kiosk area, exotic plant removal, and trail improvements.

**Where:** Winkler Point Public Access to the Estero Bay State Buffer Preserve. It is located at the very southern end of Winkler Road, just south of Summerlin Road. Turn south off of Summerlin Road onto Winkler Road at the intersection with the new Publix. Winkler Road can be found between Bass Road and Gladiolus Drive off of Summerlin Road. Meet at the kiosk to the east of the cul-de-sac at the end of Winkler Road.

relocated here to work at Syngenta Seeds in Naples, where she is the Assistant Squash Breeder.

Wear long pants, work boots, hat and sunscreen, eye and ear protection. Bring work gloves, extra water (some refreshments will be provided), and snacks.

*In case of bad weather the event will be cancelled.*

*Call 463-3240 Monday, 25 February to find out when the workday will be rescheduled.*

Unfortunately this is not an ideal workday for families with small children; dangerous power tools will be in use.

### **RSVP is requested.**

Please contact Kelly at **(941) 463-3240** or email **kelly.victory@dep.state.fl.us**



## Restoring America's Rare Orchids

A new project hopes to "repopulate" Collier County's wild places with some of nature's Florida orchids. The complicated restoration involves not only growing the 40-plus species to reintroduce onto appropriate public lands, but also restoring other interdependent species such as bees and fungi. The orchids have suffered decades of deforestation, poaching, and alteration to life-sustaining water flows, and some will be sold to discourage collectors. Among the experts supplying scientific know-how is the Smithsonian Institute.



## Calusa Group Outing

Sunday, 10 Feb 2002  
Meet at Trailhead at  
8:00 AM  
Type: **Easy Hike**

Join us for a very easy hike on the CREW Marsh Trail System. We will hike five miles through lovely pine flatwoods, hardwood hammocks, and along the 5,000-acre Corkscrew Marsh. According to the CREW website, "The trails are home to deer, raccoon, turkey, bobcats, the endangered Florida panther, and the threatened Florida black bear. Birdwatchers may spot hawks, egrets, swallow-tailed kites, or heron." Wildflowers are abundant and we will draw upon the experience of the group as we explore this diverse ecosystem. This will be a leisurely hike perfect for all ability levels.

**What to bring:** Any type of hiking boots or closed toe athletic shoes (the trail may be wet or muddy in places), sunscreen, bug repellent, sunglasses, water, and a camera (if desired). We will have a group lunch after the hike (bring your own), so you may want to bring a

cooler for the car and a chair.

**Directions:** From I-75, take Exit 19 (Corkscrew Road, County Road 850) and go east approximately 18 miles. The entrance is on your right.

Or: take Exit 23 (State Road 82) and go east about 20 miles. Turn right on County Road 850 (Corkscrew Road), and the entrance is about one and a half miles on your left.

For more information contact Outings Chair Ryan Combs at **(941) 495-7962**.

### OUTINGS

1. Arrive 10 minutes before outing to get signed in. Every effort will be made to start outings on time. Please be prompt!
2. A small fee will be charged for every outing. All outings are rated EASY unless otherwise specified.
3. **IMPORTANT!** Call Leader first to be sure outing is still scheduled.
4. You don't have to be a member to come to an outing. Everyone is welcome!

## Wild Utah: America's Redrock Wilderness

The Calusa Group of Sierra Club is hosting *Wild Utah: America's Redrock Wilderness* on Wednesday, 27 February at the Calusa Nature Center - Iona House, located at 3450 Ortiz Avenue in Fort Meyers. The program begins at 7:00 PM and is **free and open to the public.**

This is a unique multi-media slideshow documenting citizen efforts to designate some public lands as wilderness in southern Utah's spectacular canyon country and deserts. This 20-minute journey through redrock splendor invigorates and motivates viewers to participate in the movement to protect these unique lands. *Wild Utah: America's Redrock Wilderness* was made possible through the generous donation of photos, music and words from concerned citizens who wish to pass this heritage onto future generations. It includes a special reading by Pulitzer Prize winning author Wallace Stegner from his famous Wilderness Letter.

In conjunction with a 30-minute presentation on the status of the Utah wilderness movement by Dave Pacheco, National Outreach Director of the Southern Utah Wilderness Alliance (SUWA), this inspirational and informational event is a must see for citizens wishing to become personally involved in this tremendous American public lands conservation effort. For more information, contact Dave Pacheco of SUWA at **(202) 546-2215**.

### MEMBERSHIP FORM

*Yes, I want to be a member of the Sierra Club*

*Yes, I want to give a gift certificate.*

My Name \_\_\_\_\_

Address \_\_\_\_\_

City/State \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone Number \_\_\_\_\_ E-Mail Address \_\_\_\_\_

I understand that a gift announcement card will be sent for my use. I've entered my name and address above and the recipient's name and address below.

Gift Recipient's Name \_\_\_\_\_

Address \_\_\_\_\_

City/State \_\_\_\_\_ Zip \_\_\_\_\_

(Check One)	Individual	Joint
INTRODUCTORY	<input type="checkbox"/> \$25	
REGULAR	<input type="checkbox"/> \$35	<input type="checkbox"/> \$43
SUPPORTING	<input type="checkbox"/> \$60	<input type="checkbox"/> \$68
CONTRIBUTING	<input type="checkbox"/> \$120	<input type="checkbox"/> \$128
SENIOR	<input type="checkbox"/> \$19	<input type="checkbox"/> \$27
STUDENT	<input type="checkbox"/> \$19	<input type="checkbox"/> \$27
LIFE	<input type="checkbox"/> \$1000	<input type="checkbox"/> \$1250

PAYMENT METHOD:

CHECK     MASTERCARD     VISA

\_\_\_\_\_  
CARDHOLDER SIGNATURE

\_\_\_\_\_  
CARD NUMBER

\_\_\_\_\_  
EXPIRATION DATE

Contributions, gifts, and dues to the Sierra Club are not tax-deductible; they support effective, citizen-based advocacy and lobbying efforts. Your dues include \$7.50 for a subscription to Sierra magazine and \$1.00 for your chapter newsletter.

Enclose payment information and mail to:

**SIERRA CLUB**  
P.O. BOX 52968, BOULDER, CO 80322-2968    F99QV 3303 -1

Residents of Canada may remit in Canadian funds



## FREE Readings and Estero Bay Buddies Annual Meeting and Recognition Ceremony

Thursday, 7 March, 7:00 PM  
*Rain or Shine*  
FGCU University Plaza

### Tentative Schedule of Events

7:00 - 7:15 Introductions  
7:15 - 8:30 Readings by Janisse Ray and Peter Matthiessen  
8:30 – 9:00 Book signing  
9:00 – 9:15 Slideshow about EBB  
9:15 – 9:45 Recognition ceremony for EBB members and volunteers  
9:45 – 10:00 EBB Annual Meeting

This event is hosted by FGCU, sponsored by the Estero Bay Buddies, and cosponsored by the Friends of Charlotte Harbor Aquatic Preserves, Friends of Rookery Bay, ECOSanibel, Sanibel Captiva Conservation Foundation, Sierra Club of Florida, Calusa Group, and the Audubon Society of Southwest Florida, Inc. For more information and to RSVP, contact Kelly at **(941) 463-3240** Or email [kelly.victory@dep.state.fl.us](mailto:kelly.victory@dep.state.fl.us)

**Janisse Ray** is a poet, naturalist, and the author of [Ecology of a Cracker Childhood](#) (memoir and nature writings). Her 1999 memoir tells how a childhood spent in rural isolation was transformed into a passion to save the vanishing longleaf pine ecosystem.

**Peter Matthiessen** is a writer of fiction and non-fiction, and his works include [Far Tortuga](#), [At Play in the Fields of the Lord](#), [The Snow Leopard](#) (which won the National Book Award), and [Killing Mister Watson](#). As a naturalist and explorer, he has been a member of expeditions ranging across five continents from the Amazon to Nepal.

## Estero Bay Buddies Ribbon Cutting

**Who:** Estero Bay Buddies Ribbon Cutting Ceremony for the Boardwalk and Viewing Area

**What:** Ribbon Cutting Ceremony for Charlotte Harbor National Estuary Program (CHNEP) funded boardwalk and viewing area; free guided tour and good time for friends and family

**When:** Saturday, 16 March  
9:00 – 11:00 AM

**Where:** Winkler Point Public Access to the Estero Bay State Buffer Preserve.

It is located at the very southern end of Winkler Road, just south of Summerlin Road. Turn south off of Summerlin Road onto Winkler Road at the intersection with the new Publix. Winkler Road can be found between Bass Road and Gladiolus Drive off of Summerlin Road. Meet at the kiosk to the east of the cul-de-sac at the end of Winkler.

Dress for hiking: long pants and sturdy shoes, wear hat and sunscreen. Bring water and snacks (some refreshments will be provided).

*In case of bad weather the event will be cancelled. Call 463-3240 Monday, 18 March to find out when the celebration will be rescheduled.*

RSVP is requested. Please contact Kelly at **(941) 463-3240** or email [kelly.victory@dep.state.fl.us](mailto:kelly.victory@dep.state.fl.us)

## **Victory!**

*Continued from page 1*

Lower Court acted improperly to find that due process had been afforded based on public participation at previous hearings; the Court should have considered whether people were given a meaningful opportunity to be heard. The justices took the issues very seriously and explained their opinions.

As the County has been trying to eliminate public participation at these hearings to the point that the public cannot even watch, they are going to have to backtrack and find a way to embrace public participation instead.

As far as development decisions being made secretly, this decision says that the DRC individuals "no longer function as staff members, but stand in the shoes of the public officials".

This decision has far-reaching consequences and sets statewide precedent. Though our Murdock trees were lost, this case decision will undoubtedly help save trees elsewhere and may erase the doubt in many communities about the right of citizens to participate in their governments and the planning of their communities.

Thank you to fellow petitioners Budd Pollock and Pauline Cox and the Amicus groups that signed onto our law case: Save Our Creeks, Lemon Bay Conservancy, Peace River Audubon, ELF Civic Association, South Gulf Cove Homeowners' Association and People For Trees; our attorney, David Rynders, for his belief in this case and his perseverance. Also, thank you Sierra Club, Florida and Sierra Club Calusa Group, Lemon Bay Conservancy, and Peace River Audubon, James R.E. Smith and Frank and Wilnor Weck, Ed and Dorothy Dunn, Virginia and the late

Leon Karel, Spence Guerin, Ralf Brooks, Roger Lee, the Social Action Committee of the Unitarian Universalist Fellowship, and the dozens of people who contributed in their own way. We still have a couple thousand dollars outstanding owed in fees, for those who wish to help.

## **Fisheating Creek**

*Continued from page 2*

Committee was appointed in 2001, consisting of two representatives from the Environmental Confederation of Southwest Florida and Save Our Creeks, two from Lykes Brothers, two from Lykes lessees (hunters leasing Lykes' land for private hunts), one environmentalist, and one interested citizen. The Department of Environmental Protection convened the Committee once in 2001 to organize. No further meetings have been scheduled. FWCC was mandated to open The Fisheating Creek Campground within the year after the settlement. Now, three years later, the Campground and Canoe/Kayak Livery will open in January 2002. Ellen Peterson will operate that access point to the Creek. When asked how it all came about, she said, "The persistence of many folks in all of the State of Florida made it happen. Now is the time to come back to the Creek and volunteer to make it all it can be and see that its unimaginable beauty is preserved and protected while making its wonders accessible to the ones who own it." Fisheating Creek Campground in Palmdale, Florida will soon be opened by Fisheating Creek Outfitters. Paddlers will be welcome and **VOLUNTEERS** are needed to help clear the Creek down to Lake Okeechobee. Machetes, saws, and potato rakes will be furnished. For more information, call **(863) 675-7855**

## Energy Plan

*Continued from page 1*

Additionally, when Cheney mentions the Sierra Club in response to questions about his Enron contacts, Americans deserve to know that we never met with the White House or the Cheney Energy Task Force before they released their plan last May; media reports say Cheney met six times with Enron CEO Ken Lay last spring.

For example:

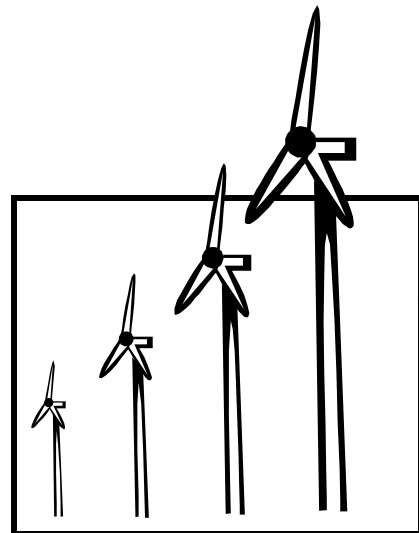
Regarding fuel economy: The Sierra Club fact sheet that Cheney references ("A Balanced Energy Plan", available at [http://www.sierraclub.org/energy/business\\_plan/factsheet.asp](http://www.sierraclub.org/energy/business_plan/factsheet.asp)) calls for an increase in miles per gallon (mpg) standards to 40 mpg for all cars, SUV's, and light trucks. The energy plan released last spring from the Administration suggested "studying" and providing recommendations on fuel economy standards. While this alone is proof that our plans are not the same, the energy bill that actually passed the House (HR 4) rejected two good fuel economy proposals and instead included a fuel economy standard increase of less than 1 mpg. And when the Administration had the power to raise fuel economy standards on their own, it refused to do so, claiming a lack of time. Thus, the Administration did not even follow through on the point upon which they claimed we both agreed.

Regarding renewable energy: The Sierra Club consistently calls for a goal of America producing 20% of its electricity from renewable, non-hydro

sources like wind and solar power by the year 2020. The Bush plan will achieve 2.8% of our electricity from non-hydro renewable energy, a difference of 17.2%.

Regarding responsible new production: The Sierra Club recommends replacing old, dirty power plants with new, high-efficiency, combined-cycle, gas-fired plants, which are twice as efficient as older plants. The Cheney plan proposed building 1300 to 1900 new coal, nuclear and gas-fired plants in the next twenty years. While gas-fired plants are found in both plans, there aren't going to be any calls for coal or nuclear plants coming out of the Sierra Club.

Additionally, the Administration is poised to announce a review of a provision that could gut part of the Clean Air Act pertaining to dirty power plants. For more information, contact David Willett at **(202) 675-6698**.



## General Meeting

Second Thursday of Every Month

Calusa Nature Center Classroom

**14 February 2002**

6:00 – 6:30 PM Socialize and Snack

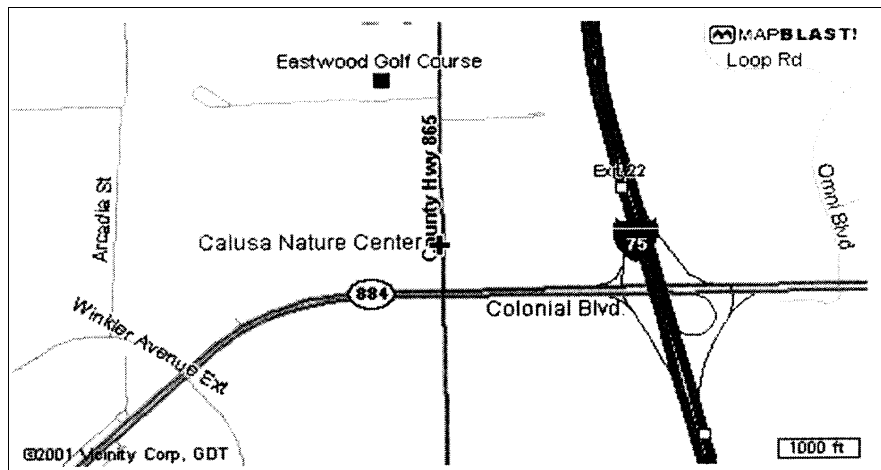
6:30 – 7:30 PM

Wayne Daltry will be speaking on South Florida/Lee County issues including:  
water/roads/greenways/projected population.

This is a must hear!

7:45 – 9:00 PM Executive Committee Meeting for discussion of local issues

Everyone Welcome!



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