



The Timucuan

May - June - July 2008

Newsletter of the Volusia-Flagler Sierra Club
P. O. Box 929, Daytona Beach, Florida 32115
www.florida.sierraclub.org/Volusia

Our Monthly Meetings take place at 7:00 p.m. on the first Wednesday of every month at the **Holly Hill Club House, 1064 Daytona Avenue, Holly Hill.**

PROGRAM FOR MAY MEETING

WEDNESDAY, MAY 7th, at 7:00 p.m.

Our May meeting will be

Song- and Solar-Powered

The Choir of the Unitarian Universalist Society of Ormond Beach will perform for us and **Gaia and Kurtland Davies** will tell us about the newly installed solar energy panels at the "U.U."

PROGRAM FOR JUNE MEETING

WEDNESDAY, JUNE 4th, at 7:00 p.m.

Beth Libert,

President and Founder of the
Volusia Turtle Patrol,

will bring us up to date on our seashore's ancient visitors.

CALL FOR MARINE MONITORS

The next Marine Debris Surveys will be held **Saturday, May 3rd, May 31st, and June 28th, and July 26th**, at **9 a.m.** We meet at North Peninsula State Recreation Area, north of Ormond Beach on A1A, at the last beach parking lot in Volusia County (Highbridge Road). The survey takes about two hours* and volunteers are welcome! (*The more volunteers, the sooner we're done!) Call **Ann Arnold** at **(386) 409-3742** to volunteer, to verify ***how much we need you***, or for information.

The next business meetings of the Volusia-Flagler Sierra Club's **Executive Committee** will be held on **May 7th, June 4th, and July 2nd** at **5:30 p.m.**, at the **Holly Hill Club House, 1064 Daytona Avenue, Holly Hill.**

Volusia-Flagler Sierra Club Welcomes New Members and Transfers

Port Orange

Edward Rue
Amy Swenson
Jan McCarthy
Nicholas Miles
Robert Donovan
Elizabeth Burns
Karen Berkowitz
Shirley Jensen
John Rue
Harry Ruppenthal
Kimberly Cheezum
Carleen Eberhardt

Edgewater

Robert Joye
Joseph Tantillo
Jackie Rexford
Gloria Blair
Bernice Simington
Mara Whitridge
Karen Krantz

Flagler Beach

Nancy Scarci
Sandra Judy
Suzanne McKay
Kathryn Hansman-Spice
Jack Whitmill
J. Linebaugh
Barbara Bergman

Palm Coast

Sonja Wheeler
Jami Mackell
Nadia Rosenbaum
Ursula Rumph
Philip Chanfrau, Jr.
M. Tofal
Irwin Polivy
Francine Hayes
Elizabeth Muelhausen
June Carlson

New Smyrna Beach

Phil Mastin, Jr.
Ramona Ortiz
Ms. Marianne Mauricio
Cherie Bentley
Virginia Heidenreich
Drusilla Synal
Sara S. Pearce
Gene Appleton
Shannon Trebbe
Ann DeNauro
Linda Hennessy
Cynthia Grout
Bernard Sechen
Patricia Brown
Sol & Gloria Brenner

Deltona

Caroline Turgeon
Norwood & Julia Glover
Kurt Nauss
Lenore R. Mauck
Stephanie McLean
Peter Merenda
Julie Acampora
Gary Daniels
Adolfo Criado
Rev. Louis Luljak
Janet Deyette
Barbara Adney
Nilsa Martinez
Bruce Rutter
Christopher Scott

Holly Hill

B.L. McMillan
Albert Cone
Joy Creel
Rev. Christina Clary

DeBary

Eric Easterling
Alice Beaulieu

Ormond Beach

Anne Steiner
Julianna Peterson
Susan Bayley
Thomas Rushmore
Charles Ohning
Alfred Dangelo
Lisa Olivero
Kate Counts
Donald Palmer
Eugene Masica
Marilyn Long
Tim Grigsby
Carl Krueger
Gail Distefano
Jennifer Campbell
Wilfred Buchanan
E. Chilson
Lindajean Western
Bill & Muffi Chanfrau
Frederick Schultz
Christopher Mahon
Quillian &
Cynthia Spearman
Dale Pettigrew
Gale Luchterhand
Mark Youd
Cathy Hames
Orange City
Jane March
Ernst Matthies
Ana Potts
Jacqueline Atkinson

Clermont

Donald Abel
Jennifer Fine

Cassadaga

Phillip Giorno

Daytona Beach

Annette Parker
Mildred Kinbar
Geo Britton
Helga Markovics
Edith Bogusz

South Daytona

Caryn Regan

San Mateo

Dawn Mott

DeLand

Marion Bigelow
Beryl Hesketh
Suze Peace
Dottie Roth
Robert S. Chauvin
Pat Cinotti
Marti E. Lightbowne
David Smith
Madelon Kimball
Renee Weber
Marc Gutierrez
Robert Swingle
Michael Dennis Joyce
Alison Sylvia
Lu Weesner
Peter Masaitis
Susan Quintana

Lake Helen

Steven Finn

Bunnell

Peter Kennedy

Ponce Inlet

Vladimir Golubey

DeLeon Springs

T. E. Nasbe
R. Breene

Lady Lake

Margaret Faria

Conservation Notes

Timely New Voice in Tallahassee - Legislative Challenges

We are fortunate to have a large enough membership state-wide to support environmental advocates in Tallahassee. After many years of service, **Susie Caplowe** has ended her stint as Florida Sierra lobbyist, and we now welcome **David and Mary Cullen** to this challenge. They now produce our Tallahassee Report, available on-line, with the latest machinations in state government. I quote David below; his grasp of the issues and willingness to explain is impressive.

FLORIDA FOREVER funding tops the list. The successor to Preservation 2000 is set to phase out in 2010. In today's economic meltdown, funding for environmental preservation is hard to find (though land prices fall during the downturn). There was good news in April, that the Florida House leaders had agreed to the Senate's proposal to fund \$300 million for land acquisition, a modest sum for a big state, but a vast improvement over the House's original figure of ZERO. **Everglades Restoration** might get \$100 million (for a multi-billion dollar project).

Sounds like it's time to call on our state representatives, especially those in the House!

And watch out, any funds approved could be earmarked for other things. Cullen warns, "The House version includes a provision to allow Florida Forever money to be used to help mitigate impacts on imperiled species, which sounds fine until you find out that developers who find imperiled species in the way of their projects could use Florida Forever dollars to get them out of the way.

"Another troubling provision is extending the use of one third of the less-than-fee money for purchases of easements to 'working waterfronts.' While working waterfronts are valuable, they certainly don't fit under the original intent of Florida Forever. Chairman Mayfield noted that he and members of the committee thought it should have been included when Florida Forever was first started and that it was their prerogative as elected officials to make exactly this sort of decision." Pause for a sad shake of the head.

Next, **Growth Management**. I had a glimpse at the bill and was unnerved. Hometown Democracy is having an effect, but those devilish details!

PREEMPTION I came across this term and asked David for clarification. "The preemption referred to in the various bills, simply stated means this: The state will set a ceiling for the protection of natural resources that local governments will not be able to exceed."

"The key to understanding this is that the state law would prohibit the local government from exercising control over land within its jurisdiction; it would preempt local decision makers. The word means to seize or to take for oneself before others. In this case it means taking a prerogative of local government away and giving it to the state. Sierra Club's problem is that it would prevent local governments from trying to do the right thing. More importantly, it would keep local people from being able to convince their local governments to do the right thing, because the decision would be out of their hands. If your locality were fighting a lime rock mine that had state approval, you'd be stuck with it, no matter how many of your neighbors were upset. Voting your commissioners out of office would do no good, because they would not be accountable to you."

"Sierra is fighting preemption bills on three fronts: fertilizer ordinances, aggregate mining, stormwater management fees on agricultural lands, and agricultural enclaves. The details differ on each subject, but the basic concept is the same, preemption of local control by state authority. And the state authority is usually an agency that is not accountable to the public, only to the appointing power."

“Finally, the preemption bills usually include in addition to their prohibitions against enacting ordinances, regulations, rules, etc. a provision that prevents them from enforcing existing regs. So if your county had passed a good ordinance on fertilizer application that was more stringent than the bill’s ‘model ordinance’ (which is considered weak by our experts on the subject) the county could no longer enforce it. It would remain on the books, but in reality it would be vacated.”

More trouble - **unintentional urban sprawl**: “There are also provisions for “Agricultural Industrial Centers” that could be extended to industries other than agriculture and thereby receive favored treatment in comp plan amendments and concurrency requirements, and about the establishment of ‘mobility fees’ which are designed to allow for transportation concurrency exemptions in urban areas where widening the roads will not help, and is not possible to begin with. The problem is that the mobility fee language could allow a developer to purchase land in an agricultural area, pay the mobility fee, and promote urban sprawl. Rep. Bucher suggested restricting the use of mobility fees to urban service areas to prevent this, but the original language remains.”

This is just a small sampling of the issues covered by Cullen. Springs protection, fertilizers, ocean outfalls, gambling ship pollution, aggregate mining, energy (no more coal or nukes), methane capture, the list goes on and on. I salute David for all his efforts on the planet’s behalf!

COOL CITIES

Have you heard of Sierra Club’s response to the global heating catastrophe? When the top ignores the problem, you approach the grass roots. Many mayors have signed on and pledged to reduce their greenhouse gas emissions, and it is time to address our own municipalities. I participated in conference calls on how to involve towns in a greenhouse gas inventory, a baseline that becomes a ceiling for emissions reductions.

Local government have the figures, annual expenditures for fuel and utilities. There are computer programs that spreadsheet pollution sources, their carbon equivalencies and annual values. A switch from conventional to compact fluorescent lighting or LED lights in traffic signals all contribute to the planned - hoped for 80% reduction in CO2 levels by 2050.

If you are ready to address this greatest challenge of our time, drop me a line, ross.alex@gmail.com. I can forward you the Tallahassee Reports, if you wish. In fact, if you have the interest and the time, please join us few weekly activists at the board room of City Island library, Daytona at 4 pm on Tuesdays. We never run out of things to say in our weekly 90 minute sessions. We meet under the auspices of **Volusia Flagler Environmental Action Committee** (parent of **Save the Loop**).

Florida Home Town Democracy update: We continue to gather petition signatures and challenge the shut-out of this citizen movement for a say in our future land use changes. It has been a long struggle with astonishing developments and it’s not over yet.

MULCH MADNESS Are you a customer at Lowe’s, Home Depot, Ace...? All these fine stores contribute to the destruction of swamps and wetlands by peddling cypress mulch for your yard. The folks at Healthy Gulf.org ask you to stop buying CYPRESS mulch; pine, eucalyptus, melaleuca are alternatives that do far less harm.

ST. JOHNS RIVER system is under threat of millions of gallons of withdrawal daily. We agree with the Riverkeeper, that the ecosystem must not be raided to accomodate more lush lawns. Slowly the value of native drought-resistant, wild-life friendly plants is being acknowledged. More later...and Happy Earth Day to You!

-- **Alexa Ross**,
Volusia-Flagler Sierra Conservation Chair

Florida Hometown Democracy

The story of Florida Hometown Democracy is the story of a 5-year-long, grassroots effort to get a citizen's initiative to amend the Florida Constitution on the ballot. It will allow voters to approve or reject certain land use changes in their communities by voting on them in a referendum. It is the story of an all-out assault on our First Amendment right as citizens to reign in our unresponsive government.

I was privileged to hear an inspiring speech by Ion Sancho, the outspoken Supervisor of Elections for Leon County last month at Stetson University, in which he reminded us that our right to vote is not directly enshrined in the US Constitution.

Importantly, the citizen's referendum process that we at FHD invoked is a privilege that US citizens enjoy - this right to petition our government for redress of grievances - and is guaranteed by the US and State Constitutions. It is enshrined in the First Amendment to the US Constitution, AND Article I of the Florida Constitution —

The assault against our First Amendment right that our campaign has endured has been led by corporate and political interests who are determined to retain the status quo of their positions of power, and who are opposed to the notion that people have the right to vote on matters affecting their communities and their quality of life.

Starting in 2005, the following roadblocks to ballot access have been thrown up by the Florida legislature:

Λ they passed a law shortening a campaign's timeframe for submitting petitions for a particular ballot by half a year;

Λ They proposed and passed an amendment that increased the approval threshold for constitutional amendments from 51 to 60 percent;

Λ They restricted our access to public areas for purposes of petitioning by equating ownership of malls and shopping centers with "private property" ownership;

Λ They gave the Supervisors of Elections only 30 days from receipt to accept or reject a petition. If the SOE's were unable to do so, the petitions could simply be ignored and denied validation by neglect.

Λ They piggybacked and passed an unprecedented 2007 law that gives petition signers the right to later revoke their signatures from petitions, and made it retroactive 150 days. Then they sandbagged some 500,000 petitions they gathered using professional petitioners and dumped them on the Supervisors 3 weeks from our deadline and a newly scheduled Presidential Primary election, totally gridlocking the counting.

Ion Sancho, quoted in the Orlando *Sentinel*, said the changes made last year create "all kinds of problems" for supervisors, when signature groups can "game the system."

"This really is inappropriate to use the election laws and procedures and change them for one side to get a political advantage," said Sancho.

But using these tools, in less than nine months, the Florida Chamber of Commerce cranked up two organizations to knock out Hometown Democracy. The first, "Floridians for Smarter Growth," raised \$2,988,378.33 from developers, gamed the system, and staged a rival petition drive designed to confuse the issue and trainwreck the counting and validation process. <http://election.dos.state.fl.us/cgi-bin/TreFin.exe>.

Florida Hometown Democracy (continued)

The second group, “Save Our Constitution,” launched a first-ever-in-Florida campaign to revoke FHD signatures. The four largest contributors to Save Our Constitution, as reported at the end of December on the Florida Division of Elections website:

- Florida Transportation Builders: \$50,000
- Florida Association of Realtors: \$50,000
- Floridians for Conservative Values: \$25,000
- Wal-Mart: \$25,000

With the deep pockets of the development industry to dip into, Smarter Growth raised \$2.99 million from May to December, with \$1.75 million coming from the national and state homebuilder associations. Save Our Constitution enjoyed many of the same corporate backers and spent, at last report, an astounding \$41 per signer in its revocation effort.

Bottom line is, our organization submitted 814,000 petitions by the deadline of Feb. 1st 2008—more than the 611,000 needed to qualify for the November ballot deadline. Hundreds of thousands of them were not counted as of the deadline, but were finished by March 1st.

But the greatest difficulty we have faced has been at the 67 supervisor of elections’ offices, which verify and validate our ballot petitions. Suffering a failure rate of 20 percent to 30 percent in some counties, subsequently we found that we were still short of the number needed for ballot placement as of March 1st.

Although State law defines the 5 areas required for validity, since supervisors have almost total discretion in how they review petitions, we are finding that the reasons for rejection varied widely from “the rules”. Observers noted these examples:

- In Martin County, a petition was thrown out because the signer used her middle initial instead of her full middle name, as it appeared on her voter registration.
- In Miami Dade, an untold number were rejected because Hispanic signers inverted the month and date of their birthdates (per Spanish and European custom).
- In Volusia County, hundreds were invalidated because petition addresses didn’t match registration records — even though address changes are permissible on petitions.

Technicalities or fatal flaws, such actions resurrect the “dark goblins” of Florida’s infamous 2000 presidential election. Because each county still exercises great discretion in setting its own validation procedures, confusion continues to reign.

Whatever side one took on the Gore-vs.-Bush debacle, FHD’s experience demonstrates that Florida is still the State that can’t count. Two weeks before the submission deadline, Secretary of State Kurt Browning announced that his computer-based petition tallying system had a “glitch.” Admitting that problems had been known since last spring, he took the system down three weeks before the Feb. 1 submission deadline, leaving petitioners flying blind on their final approach.

The latest glitch is that our positioning ourselves for our backup in 2010 has been totally sidelined by the Secretary of State in making the determination that he will not certify us for ballot position until Feb 2010. Short of a successful court challenge, we don’t expect our complaints to sway the state’s election bureaucracy. The corporate masters and their political poltroons appear to have gotten the outcome they wanted.

But just wait.....!

Florida Hometown Democracy (continued)

Another recent development,..... the latest bitter irony, is that the newly hired spokeswoman for the Secretary of State's office was, until just recently, the main spokeswoman for, guess who, the Florida Chamber of Commerce.

Such errors and omissions cut to the very core of democracy and jeopardize our First Amendment right. Our position is that the Equal protection clause within the 14th amendment applies to ballot initiatives, and apply to ballot access restrictions just as to elections themselves, and there is case law to support it.

We are currently preparing a lawsuit which we expect to file within the next few weeks. We feel confident that the Courts will concur with our position that individually, and in the totality, all of the barriers, set-backs, last minute emergency rulemaking and changes to the rules engaged in by the Secretary of State and his minions at the Division of Elections have violated our right as citizens to have our petitions treated fairly and equally regardless of which county they were submitted in.....instead of the hanging chads in one county, pregnant chads in another, and unlawful disenfranchisement of voters in another. And we are prepared to carry our case all the way to the US Supreme Court if necessary.

It ain't over till it's over.

-- Barbara Herrin

Get involved!

Visit the Florida Hometown Democracy web site at:

<http://www.floridahometowndemocracy.com>

Court victory!!

Read the First First District Court of Appeal's decision finding *unconstitutional* the Legislature's "end run" around Florida Hometown Democracy's petition drive.

<http://opinions.1dca.org/written/opinions2008/04-23-08/07-6024.pdf>

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<h1>May - June - July 2008</h1> <h2>Volusia-Flagler Environmental Events</h2>					Please note: The Volusia-Flagler Environmental Action Committee now meets every TUESDAY (except holidays) at 4:00 P.M.	3 Marine Debris Survey N. PENINSULA STATE RECREATION AREA 9:00 A.M. (386) 409-3742
					4	5
11	12	13 4:00 p.m. Volusia-Flagler Environmental Action Committee City Island Library DAYTONA BEACH	14	15	16	17
18	19 Halifax River Audubon 6:30 p.m. Sica Hall, 1065 Daytona Ave., Holly Hill	20 Native Plant Society Sica Hall 1065 Daytona Ave. Holly Hill 7:00 p.m.	21	22	23	24
25	26	27 4:00 p.m. Volusia-Flagler Environmental Action Committee City Island Library DAYTONA BEACH	28	29	30	31 Marine Debris Survey N. PENINSULA STATE RECREATION AREA 9:00 A.M. (386) 409-3742
JUNE 1	2	3	4 VOLUSIA-FLAGLER SIERRA 7:00 P.M. Holly Hill Clubhouse 1065 Daytona Avenue	5	6	7 Suncoast Sierra: Day hike in the Lake Arbuckle State Forest 727.726.8375 or e-mail: rudy@adventuresworldwide.com

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8	9	10 4:00 p.m. Volusia-Flagler Environmental Action Committee City Island Library DAYTONA BEACH	11	12	13	14
15	16	17 Native Plant Society Sica Hall 1065 Daytona Ave. Holly Hill 7:00 p.m.	18	19	20	21
22	23	24 4:00 p.m. Volusia-Flagler Environmental Action Committee City Island Library DAYTONA BEACH	25	26	27	28 Marine Debris Survey N. PENINSULA STATE RECREATION AREA 9:00 A.M. (386) 409-3742
29	30	JULY 1 4:00 p.m. Volusia-Flagler Environmental Action Committee City Island Library DAYTONA BEACH	2 NO SIERRA CLUB MEETING IN JULY	3	4 HAPPY INDEPENDENCE DAY!	5