

ORLANDO, FLORIDA

LISTENING SESSION ON

COOPERATIVE CONSERVATION

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Monday, September 25, 2006
Orange County Convention Center
9400 Universal Boulevard
Orlando, Florida 32819

PANEL:

DAVID CASE
D.J. Case & Associates
317 East Jefferson Boulevard
Mishawka, IN 46545

GOVERNOR JEB BUSH
Tallahassee, Florida

DIRK KEMPTHORNE
Secretary, U.S. Department of the Interior

STEVEN JOHNSON
Administrator, Environmental Protection Agency

COURT REPORTER:
Pamela S. Hardy
MJC Reporting, Inc.
1314 East Robinson Street
Orlando, Florida 32801

Orlando, Florida

Monday, September 25, 2006

3:10 p.m.

DAVID CASE: If you could come in and take your seats, please. Welcome to the 21st of 25 Listening Sessions on Cooperative Conservation. My name is Dave Case. I'm the moderator for today's session. I am joined at the podium by Secretary Dirk Kempthorne, U.S. Department of Interior, Administrator Stephen Johnson from the U.S. Environmental Protection Agency, and Governor Jeb Bush, the Governor of Florida. I'm honored to introduce Ivette Rivera who is going to sing our National Anthem.

(National Anthem sung).

DAVID CASE: Thank you, Ivette. Wonderful.

I'd like to introduce, take a few minutes to introduce some of our future conservationists. First, the women that you see here are from Project HOPE. They are Project HOPE honorees from the Citrus Council of the Girl Scouts right here in Orlando. HOPE stands for Happenings on

Planet Earth. This project was developed by the Girl Scouts at the Citrus Council in cooperation with the Seminole Audubon Society back in 2002. The project focuses on providing girls with hands-on activities, conservation activities which benefit wildlife and native plants. I'm going to take a minute and just ask them to wave their hand as I read through the list of the folks that are up here:

Allison Rudy, Jessie White, Jennifer Gembecki, Kelly Widlermuth, Casandra McDonald, Kristen Dattorna, Tanishka Rodriguez, Betsy Smith, Randi Shaller, and Meagan McDaniel.

We practiced those names beforehand and hopefully I got them right.

Next I'd like to introduce Andy Bankert. He's on the end and he's not one of the Girl Scouts. Andy is an exemplary young man and has great passion and dedication to wildlife conservation and has had that from an early age. Andy has participated in the Youth Division of the World Series of Birding. That's an event,

one of the largest bird events in the country where groups of people go out and try and see how many birds they can see in a certain period of time and his group has won that event the past two years.

Not only that, but Andy collected pledges during those two events that totalled about \$11,000, all of which he donated to the Island National Wildlife Refuge Visitors Center and the Merritt Island Wildlife Association along with Space Coast Audubon. Please join me in thanking these youths and wishing them good luck in their conservation efforts.

(Clapping).

DAVID CASE: I would like to start by giving you a quick overview of the process we're going to follow today. I'll first make a few introductions of a few of the people in the audience. Then we'll have some opening comments by folks here at the podium. And then we'll move into the main purpose of why we're here which is to hear your comments on Cooperative Conservation. The process we're going to follow is pretty

straightforward. The first thing would be to ask, if you have your cell phones on, if you would take a minute to turn those off.

Second is after you came in you all should have received a card like this one that has a number on it. We're going to ask, we'll just start with number one through ten and ask you to come up here in the front and sit down and we'll start with number one. We'll ask you to come up to the microphone here, state your name, spell your last name for us so we can be sure to get that correct, if you represent an organization, what that organization is, and where you're from.

Unfortunately, as you can see, there's quite a number of people that would like to comment today and so we're not in a position that we can have a question and answer session. But there are a number of people I would like to introduce that can answer questions after the session is over.

First, I'd like to recognize that we do have a court reporter here, Pam Hardy. She will be recording all the proceedings.

Those proceedings will be available on-line eventually once we get everything put together. So we want to make sure that everything you say is captured, so we ask that you speak at the microphone.

Summer Kleier is the sign interpreter and she will be assisted by Rafael Trevino.

My responsibility is to try to keep things moving as quickly as possible, so we're going to allow everyone two minutes to speak. When you get to your two minutes, I'll try not to hit the microphone, but when you get to two minutes, I'll show you this card. That means you have another 30 seconds. And after that time I'll try and -- I'll probably interrupt you.

I do apologize in advance. I was always taught it was impolite to interrupt people when they were speaking. Little did I know my job would be to interrupt people. So I apologize in advance for interrupting you.

It is a pleasure to introduce a number of people that can answer questions and acknowledge that they are here in the

audience. First, John Miller, if you could stand. John is the field representative, thanks, John, for Rick Keller, the U.S. House of Representatives in District 18.

Rebecca Schultz is here, thank you, Rebecca, representing Congressman Dave Weldon in District 15. There are two folks from the Corps of Engineers that are also here, Marie Burns and Mark Evans. Thank you.

With that, it's my great honor and pleasure to introduce the Secretary of the Interior, Secretary Dirk Kempthorne.

DIRK KEMPTHORNE: Thank you, very much, Dave. Governor Bush, let me thank you for always making us feel so welcome in Florida. To the people of Florida, I know that Mr. Johnson as I are delighted to be here. Steve and I have had the pleasure of attending a number of these listening sessions together and this is very, very beneficial for the country to be able to come out here and just hear from the citizens.

I also want to say, though, I think

that Florida has been extremely well served for the last eight years by Governor Bush. I'm a former governor and so I was able to get to know Jeb Bush in a variety of different settings. But as one of the nation's governors he's one of the great leaders of all the governors. We look to him for innovation, for his technological skills, and also his response when there have been natural disasters. So, again, you can be very proud of this governor and I'm proud to call him a friend.

Let me also just tell you that in my previous background I was a member of the United States Senate. I served as a member of the Armed Services Committee. On one occasion very early in my career when I was a rookie I went to a Senate Arms Services meeting thinking you were supposed to attend your committee hearings. I was the only Republican who was there. Most of the Democrats were. John Glenn gave a presentation which I thought made a great deal of sense. I didn't know at the time, but it turns out he made the same

presentations about three or four years and never have been successful.

So while I was sitting there listening to this, one of the staff members behind me leaned forward and said, Senator, do you realize that you have all the proxy votes for all the Republican Senators? I said, you're kidding. He said oh, no, sir. So John Glenn finished his presentation and then he made a motion for adoption and there was no second. So I seconded the motion. At that point they all looked up. It was no big deal because it was the new senator sitting way down at the other end of the table. They then called the roll and Sam Nunn was the chairman. So it was Senator Nunn, no; Senator Levin, no; Senator Kennedy, no; Senator Lieberman, no; just no. John Glenn voted. And then it was time to call the Republicans up because none of them were there. They knew it would go fast. Senator Thurman, aye by proxy; Senator McCain, aye by proxy. Every time they called a Republican name I voted. John Glenn won that day. And so when I went out

in the hallway, he had gone out a different door but he was standing there waiting. And so as I approached him he just intently looked at me when I got close to him, he said, Who are you? I said, I think I'm your new best friend. But you're probably wondering, who are you? Well, I have the honor of now serving as Secretary of the Interior. President Bush asked me if I would take this responsibility. I do so with a great deal of humility and honor and I'm delighted to be here in Florida, also with a number of members of the federal team that's here.

At the Department of Interior we manage one-fifth of the land in the United States of America. The land and waters we manage is one-third of our domestic energy. We provide water to 31 million Americans. We manage relations with 561 Indian tribes. We help protect citizens from forest fires and natural hazards, and we serve some 470 visitors at the national parks, wildlife refuges and other public lands.

Fortunately, we have many partners at

the state and local level who care deeply about the environment and the land upon which we live. Without the help of these citizen stewards we cannot possibly achieve our conservation goals.

I thought it was very significant that you saw these young ladies and this young man that were here today. It's appropriate that we thank them and hold them up as role models to other young people. A lot of folks deserve a lot of credit throughout this United States.

I don't believe and the President doesn't believe that all answers reside in Washington D.C. We do believe the people living in Orange County or any of the counties of Florida or any of the counties throughout the United States have some tremendous ideas and solutions. This is an opportunity for us to come and to hear them firsthand. You're providing this sort of the example right here in Florida with your collaborative efforts on the Everglades Restoration Program which, again, Steve Johnson and I had the great pleasure of

spending all day in the Everglades yesterday.

The State of Florida local and tribal government leaders, many of the partners have been working with the Interior Department to improve water quality and restore natural flows of water to the Everglades, to restore habitat and to recover endangered species.

We toured the Kissimmee River, saw firsthand the wonderful restoration success that we're capable of achieving on the ground when we work together in the spirit of Cooperative Conservation. So under this banner of Cooperative Conservation, I think we have an outstanding example in Florida.

I'm very encouraged about where we're doing about the restoration of America's Everglades. Again, I thank Governor Bush and Secretary Castille for their exceptional leadership on this issue and the members of your congressional delegation.

President Bush has also shown great leadership on Cooperative Conservation efforts. The President himself, a former

governor, understands the importance of working closely with local partners. In June he said, and I quote, "We believe Cooperative Conservation is the best way to protect the environment. This means we must focus on the needs of states, respect the unique knowledge of local authorities, and welcome the help of private groups and volunteers." The President went on to say, "Through Cooperative Conservation we're moving away from the old environmental debates that pit one group against another and towards a system that brings citizens of every level of government together to get results."

I'm going to conclude my remarks at that point. But just to say that this concept of coming out, members of the cabinet coming out in these settings, listening to the citizens, comes from the President. He believes in this. I've not seen a more dedicated public servant than that man and his passion for the issues of the outdoors, the issues of our natural resources, of being a great steward.

And I've also been very impressed with these sessions throughout the United States. And, Steve, I think you would join me in saying, the respect that groups show for one another, I'm not so sure a few years ago these sessions would have taken place under the atmosphere which they currently do. But where you have people of differing views, differing thoughts but acknowledging that we have achieved cooperation in a number of areas and those are the lessons learned which give us the foundation for future success.

So we would like to hear what does work and what doesn't work. Is the federal government a good partner with the state and local tribal governments, private property owners, the citizens? How are we doing with the Endangered Species Act? Have we put enough emphasis on recovery? Is the emphasis simply listening and in an atmosphere of litigation? What are your thoughts? What can we do? All of this will be combined. We now have 15,000 e-mails as a result of these listening sessions and

discussions.

So I look forward to your comments and again, it's a great pleasure to be in Florida and with the Governor. Thank you.

(Clapping).

DAVID CASE: Thank you, Mr. Secretary. Now it's my honor and pleasure to introduce the Administrator for the Environmental Protection Agency, Administrator Stephen Johnson.

STEPHEN JOHNSON: Thanks, very much, and thank you for that introduction. And let me join Secretary Kempthorne and Governor Bush by welcoming you all as well. Thank you so much for participating in this Cooperative Conservation session. It really is a pleasure to join the Secretary and Governor today.

As Dirk mentioned, we had a great privilege of spending the entire day yesterday in the Everglades. What a magnificent national treasure we have and you have here in the State of Florida. It really is magnificent. And it's no wonder that the Governor has been such a leader and

why we're all interested in restoring and protecting this national treasure. It was a marvelous time and opportunity. Sometime we'll have to ask the Secretary about the snake we encountered there, but that is for another time.

But why are we here? Well, the President, President Bush asked all the federal departments to what can we do better? How can we work together to be more efficient and more effective with each other? And not only as a federal family, but working with our state partners, with our tribal partners, with our local communities, with businesses.

As the Secretary mentioned, these listening sessions really are a follow-up to last year's White House conference on Cooperative Conservation. And during that first ever, the first ever conference more than 1,300, 1,300 local leaders came together to exchange ideas on how we can work together to do better, to enhance, to restore and protect our nation's resources. And today is an important continuation of

that discussion.

As I said, President Bush has directed the EPA and our federal partners to come together. How can we empower our local residents to solve local and environmental challenges? Whether you be a landowner, a community, a private sector, we can all be partners at all levels to make sure that we're moving forward to protect our share in the environment.

As I've noted often and as I've had the pleasure of visiting all the states in our great nation, environmental responsibility is everyone's responsibility. It's not just the responsibility of the federal government. It's not just the responsibility of state government. It's not just the responsibility of tribal governments. It's everyone's responsibilities. And, of course, to see the Girl Scouts and one gentleman who is a leader, that's what it's all about.

How do we in a Cooperative Conservation atmosphere move and accelerate our environmental protection? So we're very

much looking forward to hearing from you today. How can we improve? What are those successes? How can we learn from those successes? It's my experience and certainly the President understands that if we can work collaboratively, we can accelerate the pace of environmental protection. We can accelerate the pace of restoring our national resources, we can accelerate the protection of our natural resources.

Of course, what's really exciting for me, and I know from the Governor as well, and for the Secretary, is to just look around. And as we came in to town today, or last night, actually, saw the Baldwin Park redevelopment. Now, think back with me. At one point in time in the history this was a former naval training center, and so this naval training center was being decommissioned. And so what was going to happen with that? Well, working together before it was abandoned, we came together as the federal government, and as a state government and came together and now it's a booming brownfield redevelopment project.

And in fact, it is an 1,100 acre property that has been turned from a potential eyesore into a tremendous community asset. In fact, I should point out if you didn't know, it's not only a vibrant community of homes and businesses and schools and parks, it is the recent recipient of the 2006 Phoenix Award, which is an award for excellence that's given to the best of the best of brownfield redevelopment. And of course, that's just one example.

These examples continue. And we talked about the Everglades. We heard from our youth here just a little while ago. But what's important is working together to accelerate that pace in environmental protection while maintaining our country or in this case the State of Florida's economic competitiveness.

So President Bush is very interested in us listening, us learning and how can we equip you, our fellow citizens, you, our eager volunteers. You are citizen conservationists with the tools so that you can improve the local environmental

conditions.

I'm very pleased that we are instilling across the nation an ethic of Cooperative Conservation. And we're seeing that more and more, not only here at the local level, but also in Washington.

In fact, just last week Senator Brian of the Public Works Committee just reported out a piece of legislation that will help clean up our watersheds from abandoned hard rock mine sites across the United States. In fact, there are over 500,000 of those. They are abandoned, nobody has responsibility for them, and we have citizen volunteers who want to step up and help, except their fear of litigation and responsible party issues. And so what a great opportunity for us to work together to work cooperatively.

So I know the Secretary and I look forward to hearing from you all today. And so with that, thank you so much, and, Governor, thank you for your stewardship. Thank you, very much.

DAVID CASE: Thank you, Administrator

Johnson. Our final speaker from the podium this afternoon is the Governor of the great State of Florida. Of course, it's my privilege and honor to introduce Governor Jeb Bush.

GOVERNOR BUSH: Thank you, Dave, Dirk and Steve. Thank you for being here in this state and spending the day yesterday seeing the treasure of the Everglades and the Kissimmee River basin and Lake Okeechobee. We live in a beautiful country and I'm sure every governor thinks their state is the prettiest. I just know for a fact ours is.

Steve made reference to Secretary Kempthorne's holding a 70-pound python. How many of you saw the newspaper article, the picture with the python eating the alligator? Yeah. Unfortunately, you know, we talk about the Everglades restoration policy, we don't get as much press about the work that's being done, but one darn python eating an alligator and look what happens. It becomes an international news story. Well, there's efforts, by the way, made to track down these pythons and get rid of

them. I don't know where we will send them, but Secretary Kempthorne was on a mission to do just that and we appreciate your hard work in that regard.

Baldwin Park was mentioned. And I see my good friends out there from Audubon. One of the highlights of my tenure as Governor was releasing a wounded Eagle on the shores of Lake Baldwin. I assume that was the lake, right, Charles?

CHARLES: It was.

GOVERNOR BUSH: And it was a spectacular site. The only part that gave me a little concern was this Eagle, you hold it up here, the Eagle right before lift-off turned back on me, and it was one of the scariest things I ever -- four years later I can readily admit I've never been as scared in my life. But it was a great experience and a great, I think, symbol and an example of an area that is being redeveloped in a thoughtful way. We wish we could have kept the base there and allowed the Eagle to stay on the military base, but this was a win-win for our state and is an example of

cooperation. And I hope, Charles, that Eagle is still flying majestically in Lake Baldwin or in a nearby place. We were concerned that this Eagle, once no longer wounded, was going to go back to where she got wounded in the first place. And I don't know if that happened or not, but I hope not.

This is one of the great joys of being Governor is to deal with these complex issues of how do you create win-wins, how do you protect the natural environment, and allow the state to be prosperous. And we've made good progress in that regard and there's certainly a lot more that could be done.

I wanted to talk about three examples that I think that symbolize what you're trying to enhance and to accelerate in our country here in Florida. The first is the St. Johns River Lights. The St. Johns River is a beautiful river. It flows northward. That makes it a little different than most rivers in North America. But its real treasure is the fact that it's a spectacular

place and it's the life blood of a fast-growing part of our state. And typically in government, you know, we get into little foo fights. The local government is mad at the state. And the Water Management District, no one used to like them at all. About half the people now I think like them. The other half don't. And then the federal government, I won't tell you what people think of them. And then so we get into these big struggles, and in the midst of it you have this beautiful river, that have waters of which head right to the east of here, that was dying perhaps. Not dying like the Ohio River perhaps was. We're not in an industrial state. But in increments not discernible to the naked eye this river was being altered, and the cumulative effect of our efforts as citizens, businesses and governments, were in a generational time, would destroy this river.

Well, in Florida there is a commitment to conservation, I think, and there's been an alliance built for the St. Johns River.

And I think that because of that alliance and because of \$700 million of committed money and good policies at the local and state level now because of heightened concern about citizens that live along this beautiful river from here all the way up past Jacksonville, we have a great chance to protect the St. Johns River for a lifetime.

And the folks that are committed to this are the Mayor of Jacksonville, the Mayor of Orange County, the cities along the way in Palatka, industry that used to -- in fact, we have a very good environmental permit as it relates to the paper mill in Palatka on the St. Johns River. Now the state has policies as it relates to fertilizer for, to eliminate the amount of phosphorous going into this river and other rivers. We're trying to hit this on all points. And were it not for the partnership that was built, it would be very difficult. My guess is we'd be in the courts which is where you always end up defaulting to if you're not committed to a result. It just seems to me what we ought to be doing as a

state is to say what our aspirations are, measure our progress, stay focused on outcomes, not on inputs, stay out of the courts, and invest in your plan. And in the State of Florida we're doing just that.

The second example I want to bring up is what you saw when you flew over the Kissimmee River that leads to Lake Okeechobee that leads to the Everglades with all sorts of complications around it and in between it and alongside of it. This is perhaps the most complicated, it certainly is the largest public works project. We don't aspire to be bigger in dollar volume than the big dig. That is not our goal. But this is a big darn deal. Let's just leave it at that, and this is something we want to get right. And it's really important, it seems to me, that we focus again on outcomes and we focus on funding those outcomes in a science-based way in a totally cooperative way, because if not, we will be in the courts.

And I don't have anything against lawyers, but lawyers aren't going to move

the dirt necessary for us to build the thousands of acres of reservoirs that are necessary that you saw for us to have the water be contained rather than be shipped out to tide or shipped out into one of our beautiful estuaries when we have an overflow of water.

I'm more interested in making sure the dike around Lake Okeechobee is built rather than talking about it in a state or federal court, and it can be done in a way that's realistic and science-based.

It's a marvel to see the restoration of the Kissimmee River. It's unbelievable. I'm so happy y'all got to go by air boat and by helicopter to see the awesome power, the restorative power that God has given nature to be able to do it. If we can just figure how to get it right in the first place incredible things can happen.

So the State of Florida, you know, we're a pretty purple state, guys. We have lots of Democrats, a lot of Republicans, even more Independents, a few Libertarians, and some Socialists probably. We all have

one thing in common. We believe this is important. We may have different approaches to it, but there is a commitment in this state for a cooperative way to deal with these issues. And at the state level we're spending 1.2 billion dollars on water quality issues. We've spent over a billion dollars to date on the restoration projects, and we've committed with indebtedness, bonded indebtedness 1.2 billion dollars more. We have gone way beyond what the commitment was when we launched this just six or seven years ago. And the net result is we'll have a manmade reservoirs that will hold 410,000 acre feet of water, which is the equivalent, just for all the people out there that like factoids, 202,345 olympic-sized swimming pools. That's 10 percent of Lake Okeechobee's water capacity, manmade reservoirs in a place without mountains. I think that shows our commitment more than in a place where there's been rapid escalation of land values, I might add. It shows our commitment to this effort, because without

that, it would be very hard for us to -- we could talk about it a lot, and pound our chest and say we're doing things. But these are, if we're committed to this, then we have to put the resources in place to make it work. And so the 30,000 acres of land that we have committed to purchase were already purchased to build these reservoirs is underway. And we appreciate the partnership in Washington and look forward to continued efforts in that regard.

During the last decade Florida has spent a billion dollars to build manmade wetlands in a one-of-a-kind project that has dramatically reduced the pollutants going into the ecosystem. These green technologies principally from our storm treatment areas that have been developed have prevented 2,500 metric tons of phosphorous from entering the natural system. And another 18,000 acres of STAs are being planned to build. Better to do that, better to have engineers and folks digging, digging holes and moving dirt than talking about it in a federal court in

Miami, Florida. That's my position. I'm sticking with it for the next 99 days as Governor of this state.

The third partnership that I think is one that is perhaps symbolically, maybe the most interesting one, because it combines varied interests, is our relationship with the military in this state. How have we created -- we've worked to create a win-win as it relates to protecting our military bases through giving the growth of our state the encroachment that exists in almost every base, and to protect the natural environment, the critters that surround these bases. Where we've put these bases, whoever decided it, they happened to have put them in most cases in the most beautiful places of our state where there is a need for ongoing efforts to protect, to protect the development to make sure there's less and less development. And we've done that in a way that has protected the bases' missions. The positive press yielded a positive result for our state in that record.

Since 1999 the State of Florida has bought 1.2 million acres of environmentally sensitive land worth more than \$2.4 billion. Now, that doesn't count the Babcock Ranch, which is the largest purchase we made of 72,000 acres, \$300 and something billion and a few other projects like that, and much of it because we put a higher priority on making sure that there's not encroachment in our military bases. Much of it has been around these military bases.

Our expectation is that we will -- we've purchased a half a million acres of land around our military bases, and our expectation over the next few years is that we will purchase another 643,000 acres. So here is a great example of a partnership that yields a good environmental result.

In many of these cases we're also protecting endangered species. Northwest Florida is a place where the biodiversity is the richest in the country in many ways. But it also allows our fighters to train to fight the War on Terror. Now, if you're going to find a win-win, that would be it in

my opinion, to protect the natural environment and also to allow for high wage jobs that are dependent upon these bases and for the young men and women that are being trained on these bases to protect our freedoms.

So those, Mr. Secretary and Mr. Administrator, those are examples of the partnership that I know that you're working hard to develop. We're proud of the commitment that the citizens of the State of Florida have made to conservation. It has been a joy to serve. You know, I like a good political fight. It's just in my nature. I love to advance ideas and I love it when people, you know, have a different point of view that we can discuss in the public square.

This issue, except maybe on the margins, is one that there is not a lot of political debate about. It's actually a core value I think of the State of Florida for which I am really proud and really grateful that the people of this state truly recognize that protecting the natural

environment goes hand in hand, not in contradiction to, but hand in hand in the growth of the state and the creation of high wage jobs. That's the state you're here in and I hope and I know for the next decade of time that will be one of the core values of the state, and I'm really proud of it, and I hope that we can be a model for our states that are trying to create that culture of conservation.

Thank you all for coming.

(Clapping).

DAVID CASE: Thank you, Governor Bush. I do know that you have some previous commitments and are not going to be able to stay very long this afternoon. We do appreciate you being able to take the time out of your schedule to join us here this morning. Thank you.

Okay. We're ready for the reason, the important reason we all came here, which was to hear from you. What we're going to do is I'm going to call the people up by number, ask for you to come to this microphone. If you can state your name, spell your last

name for us so we can get that correct in the record, if you represent an organization, what that organization is, and where you're from. As I mentioned, Pam Hardy is our court reporter, and we will capture everything that people say. And those proceedings will be available on-line.

If you're not comfortable speaking today, as you came in on that card there is a place that you can send things by regular mail, by fax or probably the preferred way is if you go to that website you can submit comments electronically. If as you come up you have a statement that you're going to read, just to give you a little bit of advance notice, about three-quarters of a page is two and a half minutes. So if you get much further than two and a half, about three-quarters of a page, you're going to go going over time.

But you can submit anything you'd like electronically. If you have a copy, if there are comments that you read from a statement that you have, you have a copy of that, leave that up front, that would help

Pam and us to make sure that we get everything, everything correct.

As I said, I'm going to keep everything moving along pretty quickly. We have about 90 cards that were handed out to people that were interested in speaking. Is that our number?

RALPH: About 80.

DAVID CASE: About 80. If we could ask number one to come up. And if you have a number that's two through ten, if you could come up here. What that helps us do is not to wait for you to walk to the back of the room. If your number is one through ten, if you come up to this row and take your seat and if you'd like to make a comment.

PATRICK ROSE: Good Afternoon. I'm Pat Rose. I'm here both to speak for myself as an individual and my history in growing up many years here in Florida, and also as the Executive Director of Save the Manatee Club. We're in our 25th year as an environmental organization, both obviously to save manatees, but there's quite an ecosystem and they are a part of and it's essential in

this state. Also, someone has given me their number two, so I'll be less than -- I won't take the full time to do that.

What I would like to say is thank you for coming. It's a pleasure and a relief that you're here personally to listen to what we have to say. Many of the things that Governor Bush talked about, and I think good successes in Florida, but too many of them have the word "restoration." And what we need to understand is you don't have to restore something if you don't destroy it in the first place, if you don't harm it in the first place.

Federal law is particularly strong presently in regard to requiring under the National Environmental Policy Act, if you look at cumulative effects, hopefully you're also going to be looking at what the carrying capacities of these systems are. And today I'm going to keep my remarks to the aquatic ecosystems because I'm an aquatic biologist, I'm a scuba diver, a photographer, I actually have been a land developer in my past, and I've been

president of a neighborhood association, so I've kind of seen it from all ends. As a diver I can get the experience of what a manatee feels like when a boat is running at you and you don't know which way to go. We don't have as good a hearing under water as they do.

But what I'd like to point out is you often hear about personal property rights and how the Endangered Species Act is infringing on those. But again, let's go to the aquatic ecosystem. Virtually all of the lands that are involved with coastal development in Florida are really going to be impacting public lands held in trust, whether it's federally or state. So you don't have a lot of personal property rights issues. What you do have, however, is that balance, the word that you heard today, I think early on in all of your remarks. Our aquatic ecosystems, our waterways, we have to fit in all of our national organisms, all of our growth, we have more than a million boats in Florida, another 400,000 that are not registered here, but come into the

state. We have a lot of activity going on. I'm a fisherman, a boater, so I want to keep doing that, but we have to balance that. I know the time is short so I'm going to kind of keep it simple.

We can't create new natural water bodies or new ecosystems. We don't want to have to keep restoring our waterways. We don't want to run out of drinking water. So we've really got to look at and assess those cumulative impacts the law requires. In order to do that, you all, the federal government, has got to fund the existing laws the way they need to be funded. You have to direct through policy the implementation of those laws as they are written. If that's not done we run into this problem we get to courts, we have the litigation that nobody wants to have, because we've gone past where we needed to be to get there.

So my final remarks is just to repeat, please implement the laws the way they are written. They are not broken. They really don't have to be fixed. Don't weaken them.

But fund them and enforce them. Thank you.

DAVID CASE: Thank you. Number two?
Number three?

LAURA MACDONALD: Good afternoon. I'm
Laura Macdonald. I'm the Florida Director
for Defenders of Wildlife. I'm also a
wildlife zoologist.

DAVID CASE: Would you spell your name?

LAURA MACDONALD: M A C small D O N A L
D. And I was going to thank the Governor.
He just appointed me to the Florida Panther
Technical Advisory Committee. I see more
movement in recent years towards having
cooperative collegial working groups on a
number of issues, and it's good to see. We
have, as members of Defenders of Wildlife,
made quite a commitment to things like the
farm bill, to the state wildlife grant
program, which we hope will grow over the
years. We see in the State of Florida
working with the Department of Defense, as
the Governor brought up, the private
landowners, conservation groups.

We, as Defenders of Wildlife, on behalf
of U.S. Fish and Wildlife Service, working

with the Natural Park Service and other agencies and other concerns, have submitted a proposal for a wildlife crossing in the Big Cypress area, a four million dollar or more grant proposal. We're doing it on behalf of those sponsors, and we're very, very pleased to have those kind of things happening.

On the other hand, we know from experience that we cannot expect, given the pressure today, that without a foundation of a strong Endangered Species Act and other environmental laws in our nation, we know that a lot of the Cooperative Conservation agreements would not be carried out. People would not have been brought to the table.

We also know that under the Endangered Species Act these kinds of innovative, flexible, creative programs can take place. And so we just urge that while we work for conservation agreements that are voluntary, not mandatory, that we never give up on the realizing the importance that will not substitute ultimately for knowing, for having the guidance, the standards, the

expectations and the law to give us all an equal playing field. The law is so open. It's very important.

The Endangered Species Act is amazing to me and the many times how well it has worked with the underfunding, understaffing that has occurred over the years. But it's something to be very proud of and I hope that you will give it the support that it needs and give your staff the support that they need to carry it out.

Thank you, very much.

DAVID CASE: Thank you. Number four?

LINDA BYSTRAK: My name is Linda Bystrak and I'm a retired environmental science teacher.

DAVID CASE: Could you spell your last name, please?

LINDA BYSTRAK: B Y S T R A K. The National Environmental Policy Act, Endangered Species Act and the Clean Water Act are three of our nation's most important environmental laws. Together they have forced the federal government to use all practical means to administer federal

programs in the most environmentally sound way. They complement each other by forcing the government to consider the effects of its actions on plants and animals that serve as indicator species, which act as barometers of our environment. Like the "canary in the coal mine" they warn us of impending danger.

For over 30 years the Clean Water Act was overlooked and rarely enforced. Lawsuits against government inaction during the 1990s were needed to push our state governments to stop ignoring our polluted waterways. And now, special interest groups want to stop that cleanup process, just as enforcement is about to begin in states like Florida.

Energy companies claim that NEPA is a road block to more nuclear energy and fossil fuel use in America. They want to continue to ignore the need for safer alternative energy sources as they could pose a threat to their bottom line, and would upset the status quo. Since the last energy crisis in the 1970s, these companies have had ample

time to develop those alternative energies but they chose not to. Instead, they want a reward system to be passed by Congress called the Cooperative Conservation legislation to help line their pockets for doing what our existing environmental laws would require them to do if our existing laws were properly enforced. Instead of rewarding those wealthy mega companies with financial incentives, that same money should be used on enforcement. Therefore, I oppose the Cooperative Conservation legislation being considered here today. Thank you.

DAVID CASE: Thank you. Number five?
Number six?

SUZANNA LINDBERG-RANDOLPH: Hello. My name is Suzanna Lindberg-Randolph. It's a really long one. Ready? Lindberg, L I N D B E R G, hyphen Randolph, R A N D O L P H. So we got through that.

All right. I have been authorized by the President of the League of Women Voters for Orange County. I'm here to speak on behalf of two organizations today. The League of Women Voters of Orange County and

also the Clean Water Action.

The League represents voting men and women throughout Orange County and is one of the largest chapters in the state. Firstly, we would like to thank you for taking time to listen to and gather public comments on this very key issue, a very important issue. The League at the state and national levels believe that the government must protect our natural resources for future generations. Orange County and neighboring counties have been going through a visioning process, a widespread visioning process lately and has determined that the number one priority for residents in our county and in the region is the green space and preservation of natural resources including wildlife. We urge extreme caution in making any changes that would interrupt the natural Florida ecosystem.

On behalf of Clean Water Action, and Clean Water Action is 40,000 members statewide, we would like to urge Cooperative Conservation is essential in preventing wildlife from declining, but only in

addition to full funding, fully funding the state wildlife grant programs.

The state wildlife grant programs supports the newly completed state wildlife action plans. The primary purpose of the program is to prevent wildlife from becoming endangered in the first place. For the first time in our nation's history we have wildlife action plans in place providing for Cooperative Conservation between states and federal agencies is complementing the Endangered Species Act. Increased funding is needed to support the implementation of these plans in years ahead.

We have continued to see our nation's strongest conservation laws undermined by a lack of funding and enforcement and we urge you to resubmit to full funding for the nation's conservation programs and laws. Our quality of life in Florida really depends on it. Thank you.

DAVID CASE: Thank you. Number seven?

SARAH FAIN: Good afternoon, Secretary Kempthorne, Administrator Johnson, I'm Sarah Fain, F A I N, and I'm here representing the

National Parks Conservation Association, a leading voice for the protection and enhancement of our national park system for future generations.

Secretary Kempthorne, first I'd like to take the opportunity to thank you, very much for your strong support of management policies for the national park system for parks service. I think this is a great final draft of both protecting the heritage of our national parks as well as being respectful of our local communities. So thank you, very much for that.

I know, Secretary, you've also had an opportunity to hear from a number of my colleagues throughout the nation at other listening sessions from Maine, I think most recently, Alaska, a number of other places about the issues facing our national parks today. I think you understand the crisis in the funding that we're facing especially due to an \$800 million shortfall in our operational budget of the National Parks Service, and how important that is to protect both our cultural and natural

resources for our children.

So, I'd like to take my two and a half minutes and this opportunity to instead invite you to an event that fosters cooperative communication, the 21st Annual Everglades Coalition Conference to be held in January right here in Orlando, the headquarters of the Greater Everglades Ecosystem.

We've had a number of your predecessors come before. In fact, in 2003, Secretary Norton was able to attend, and her presence was warmly received by an entire coalition and her participation was warmly received and greatly valued. So it would be an honor to have both of you attend this coalition conference.

One of the reasons why this is so important is that anytime a member of the cabinet is able to attend, it really is a great morale boost for not just the members of the coalition, but also for our dedicated hard working agency staff, many of whom have dedicated their entire lives, professional careers to seeing the restoration of

America's Everglades. And they do this because they love the system and they understand the importance to our nation. And I think after your visit yesterday to Shark Valley and to Everglades National Park, it seems both of you understand that as well.

The success of Everglades restoration really does depend on us becoming, remaining a high priority to our nation, and your presence there at the Coalition Conference will underscore President Bush's commitment to the restoration of America's Everglades. So I hope you do have the opportunity to attend. I do have a hard copy of the invitation here that I'd be happy to pass on. And thank you, very, very much for this opportunity to speak to you today.

DAVID CASE: Thank you. Number eight?

HOLLY BINNS: Good afternoon. Thank you both for being here and coming down to Central Florida on a pretty hot September afternoon.

My name is Holly Binns and I'm the Field Director with Environment Florida

which is a statewide nonprofit organization that advocates on behalf of our system for clean air, clean water and for open spaces here in Florida.

DAVID CASE: Spell your last name.

HOLLY BINNS: I'm sorry. B I N N S.

Corporate conservation can be an effective tool to protect and conserve both wildlife in our natural areas, but it should work in concert with and not in place of our core environmental protections. The Clean Water Act and the Clean Air Act and the Endangered Species Act have all been remarkable successes. Our air is cleaner, our water is cleaner, and many species have been brought back from the brink of extinction. But there's a lot of work that remains to be done if we're going to fulfill the vision and promise of this landmark legislation. So I think that in order to do that these protections, bottom line, cannot be weakened. We must continue to strengthen them as we make ecological advances and as our situation changes and our country and state grows, the agencies must be fully

funded, and in implementing these laws, must be an absolute priority. I think this is becoming a theme at this hearing. The laws aren't broken, don't weaken them, and let's fully fund them. I know you've heard that, but I hope that underscores to you how important it is to the folks here in Florida that we do just that.

For our Environment Florida members, one of our particular concerns, Secretary Johnson, is the so-called no protection policy where basically a lot of the smaller streams and wetlands and waterways don't get Clean Water Act protections and, you know, that includes about 4,000 acres of wetlands here in Florida. I think that more than a lot of states, Florida is really dependent on our water resources. It's part of our culture and way of life and it's very much a part of who we are here in Florida, and I think it's absolutely critical that all of these places have full clean water protections if we're going to make sure we have drinking water, that we have the waterways that bring people here to Florida

and fuels our economy. And if we're going to protect endangered species, protecting our waterways is also a part of protecting that habitat.

So I would like to strongly urge you on behalf of our members to drop the no protections policy, instead fully enforce the Clean Water Act for all of our waterways here in Florida and across the nation. And thank you all for being here.

DAVID CASE: Number nine.

CHARLES LEE: Mr. Secretary, Administrator, I'm Charles Lee, Director of Advocacy of Audubon Florida. For the record our address is 1101 Audubon Way, Maitland, Florida, 32751.

Mr. Secretary and Mr. Administrator, my colleagues at the National Audubon Society asked me to come here today to deliver you a message a little bit far flung from Florida. They asked me to come because when I get a little bit of time off from my job with Audubon Florida, one of the places my wife and I like to spend the most amount of our time is in Alaska, and in particularly on

the North Slope of Alaska. We've been there about twelve times total. And one of the places that we've been through a number of times on extensive river trips is a place called the National Petroleum Reserve set aside by President Harding in 1923. This area is about the size of the State of Florida in terms of its total surface area. And of that area about 87 percent through the action of Former Secretary of the Interior Babbitt, about 87 percent of the National Petroleum Reserve is open to potential leasing oil exploration.

The part of that area I'm here to talk about this afternoon is a place called Teshekpuk Lake. That area, about 600,000 acres in size, has been reserved away from oil and gas leasing for quite a time now. And as a matter of fact, one of the good decisions that one of your predecessors made a long time ago, back in the 1980s, Secretary James Watt, was to carve out an area about 600,000 acres around this lake and to, as a matter of policy, say there's not going to be any oil and gas activity in

that area. We would urge you to continue that policy.

Now, let me tell you one of the reasons why it's important. One of the reasons why it's important is wherever people go in the Arctic and establish activities such as oil and gas drilling, you have an influx of predators that can destroy the ground nesting birds, particularly the Arctic Fox. If you see them around Prudhoe Bay where we've been probably three times, it's sort of like ferrel cats, a huge population of them. When that happens, induced by man, the only place the birds have to nest up there is on the ground, it results in depredation of native wildlife populations. So we would hope you would keep that policy in place and not allow that exploration.

The final point I'd like to make relates to something Governor Jeb Bush said toward the end of his comments.

DAVID CASE: Thank you. Time is up.

CHARLES LEE: Keep your position in place on the Consent Decree. We need that Consent Decree, Mr. Secretary, in place. I

know that Jeb is going to continue his advocacy for the next 99 days, as he suggested. We hope that you'll continue your position for that and a lot longer because the Consent Decree has been important to the Everglades. Thank you.

DAVID CASE: Number ten? Okay. Number eleven. Or anybody that's in from eleven to twenty, if you could make your way to the front, we would sure appreciate it. Number eleven, number twelve. Number twelve? Number thirteen? Number fourteen?

JERRY ADAMS: Fifteen.

DAVID CASE: We have fifteen.

JERRY ADAMS: My name is Jerry Adams, Chatahoochee Flint River Land Basin. I want to thank y'all for taking the time to come to listen to the suggestions that would promote better conservation of this country's natural resources. My suggestion is applied to the entire country and specifically to the Chatahoochee Flint River Land Basin.

Governor Bush knows the issues on this great river system and has done a terrific

job understanding them and challenging the State of Georgia to be fair in the care of water use. Thus far all parties have taken the easy route which is to call the lawyers. My recommendations are an attempt to alleviate the water problems which will go further to provide more water, protect more natural resources and promote economic growth in the rural areas.

In the Flint River Basin in particular, farmers are using an unbelievable amount of water. Almost all farms are called dry land farms in this area and are using center-pivot irrigation systems which can use up to one million gallons of water each per day. This is an incredible consumption of water with up to 11,000 center-pivot wells in this nation. I've heard a Corps of Engineer official say that the Chatahoochee and Flint Rivers will be the first rivers east of the Mississippi to run dry as does the Colorado River.

My suggestions entail the federal government setting up a program that would involve buying conservation easements that

would allow farmers to either use no irrigation or trip irrigation. Almost all farmers in the Flint River basin are subsidized, federally subsidized. In other words, we're promoting this incredible waste of water and we will be constantly challenged to comply with the WTO agreements. This program would enhance and subsidize small streams of endowments of water that would have federal and state control of water in defined emergencies.

Life in general is complicated now and I'm going to provide you more details on this later. Thank you, very much.

DAVID CASE: Thank you. Number sixteen? Seventeen? Eighteen?

BOB DAY: Good afternoon. I thank y'all for coming. I'm Bob Day, D A Y. You don't know how many times I have to spell that when it's just three letters. I'm Bob Day. I'm with St. John's River Water Management District Indian River Lagoon Program.

As you talked about the Everglades and the collaborative efforts going on there,

the Governor talked about St. Johns River Lights and the efforts that have gone on in that area. I'm here to talk about another program which is somewhat smaller in scale but there are 28 of them nationwide. I'm talking about the National Estuary Program which

Administrator Johnson is quite familiar with. This may be one of the most cooperative collaborative efforts that I think probably will serve as a good model for y'all.

We, as I said, there are 28 of them nationwide. Every one of them has a little different story in how they operate, who they work with, their setup, and it's really quite amazing. In our case, we are very proud to have worked here with the, to have in our basin the Pelican Island National Wildlife Refuge, the nation's first national wildlife refuge. Pelican Island is eroding away and is probably 50 percent of the size it once was. We are very pleased to work with the Fish and Wildlife Service, several folks in the room today, we worked on that

project, and we had a group ranging from state, federal, local, private, nongovernmental organizations that worked on this project to help restore and protect Pelican Island. The job isn't done yet. We're hoping to work further on this project, but that's just one example of many projects we've done in a collaborative cooperative process.

And I urge y'all to look at that. And there are other programs out there, Restore Americas Estuaries, Coastal America is another one, an example of collaborative projects which I urge y'all to look at, and go forward to help us restore the great resources we have in this state and nation. Thank you.

DAVID CASE: Thank you. Number nineteen? Twenty?

SANDRA WALTERS: Hello, gentlemen. Thank you for being here. Sandra Walters. I'm from Enterprise in Volusia County where two years ago 72 percent of our voters approved a system of urban growth boundaries to protect rural lands from urban

encroachment. It ended up not being effective because it was killed by a judge in a lawsuit, but be that as it may, it shows how our voters are thinking, which I believe is in concert with the rest of Florida.

As a land use activist for the last five years, I really wanted to direct my comments mostly to the Governor because I wanted to make some specific suggestions of the state's growth management program. But I will say on a federal level that it's been my experience most land use issues are decided locally or countywide or statewide. However, the American Bald Eagle is an issue that arises with land use upzonings, density increases, as you will, and it's been my experience that even the most profit-motivated developer and the most aggressive annexation city will not stand up in the face of the public to destroy an Eagle nest or harm an active Eagle nest in any way.

There's a strong public feeling about our Eagles and it could be and has been the

tipping point in some places for whether agriculture and forestry land is turned over to urban development if there is an active Eagle nest.

So I think the situation with Eagle protection now may be in flux, but I would like to ask you to do everything you can to institute as much protection as you can and have consistent rules and enforcement. Because I have encountered where often it might be a decision of a wildlife person, depending on what they are asked to do by the developer, how much of a protection zone they would literally leave around a tree, and I don't think it should be implemented that way. I think we need strong protection. We need to know going in that it's there and then it will go a long way to toward helping to stop urbanization inappropriate development of rural lands. Thank you.

DAVID CASE: Thank you. Twenty-one?

BETTY O'LAUGHLIN: Hi. I'm Betty O'Laughlin from Lake Helen, Florida. I'm President of the Environmental Council of

Volusia and Flagler Counties. I won't be able to see you, but I have to take my glasses off to read this.

One of the things that was said is the environment is everyone's responsibility. This is a wonderful idea that y'all have come, but you need to put your money where your mouth is. You need to fund the programs that do need funding. You need to honestly listen to the people and not just give them lip service to pacify them and then go away and do what you want to do. Unfortunately, that does happen.

You can tell I'm a very active environmentalist.

And I would like to know why you're selling off our national forests. Have y'all ever seen Eagles flying where you actually sat in your house and watched two beautiful Eagles fly in and roost on your trees? That happened to me last week. I thought they were turkey vultures and somebody saw their white heads because the wing span was so enormous. They were actually beautiful. Had it not been for our

environmental, our wildlife laws, I wouldn't have seen two Eagles fly into my yard. So please don't do anything to that law. It's worked. Just because species are coming back doesn't mean it's time to throw out the law. It means it's working, and that means other species will be coming back, too.

Jeb Bush said our state is the prettiest. If something isn't done, it's not going to be the prettiest anymore. I fight every day for green space and wildlife protection.

I am very disappointed that Governor Bush's schedule did not allow time to listen to the people and their concerns. One of my issues is gopher tortoises. We have a kill policy for permits where a developer can go in and pay certain amount of money, he can go out on his property he's developing and literally kill the tortoises by covering over their burls and they die by dehydration/suffocation, and that is not a good way for any of our wildlife to go. And specifically I was really hoping that Governor Bush would be here because the

state can do something about it. Yes, they have been raised and threatened, but not until next year, that needs to be shortened very likely. And, yes, the environment is everyone's responsibility. But those of you in high offices, you're the ones that need to give us the support when we're out there working. Thank you.

DAVID CASE: 22?

SHARON RICH: I'm Sharon Rich. I'm here as a conservation chair for the Florida Native Plant Society. I'm also a habitat steward with the National Wildlife Federation. And I do like the idea of Cooperative Conservation, all levels working together. However, my concern is that this scheme is going to be used as replacement for what is being under-funded now and the legislation that we have that's out there that currently protects our natural resources and wildlife areas. I think this is only going to be a good thing if it's used in addition to what we have, legislation that is not just there, but is strictly enforced rather than continue to be

weakened, and also properly funded. Even when we do have our natural areas, there's usually not enough manpower in funding to provide the maintenance necessary whether it's the prescribed burns or taking out the invasive species.

And another problem we have without the enforcement of the legislation like the Endangered Species Act, the Clean Air and Water Acts, what's going on locally in Volusia, we have mandates that are just ignored in favor of the developers. Those that have the money are those that call the shots, no matter what the public wants or had voted for clearly.

I and others have tried to help protect some of these areas, but it's really like constantly trying to tread water and that sinking feeling that you're constantly drowning, and what can I do or even a group of people do in the face of developers with millions of dollars and attorneys in their pockets that know the environmental laws and every loophole available to them, that have been able to persuade local governments to

do as they want. We really need better enforcement and as well as stronger rather than weaker legislation to protect our areas, because right now I see them used increasingly for their commodities, and Florida is definitely not the place. I came in the early '70s, and I'd like to see it stay, you know, as green as it is, not get less.

One of the biggest issues in our area is the conservation corridor, I think including Lake Wales Ridge and other areas, where the developers are just rearing to get in there, and we have tried to get people's groups together to stand up against them and protect that conservation corridor, but it cannot be done with us alone. We need better enforcement and funding.

DAVID CASE: Thank you. 23? 24? 25?
26? 27? 28? 29? 30?

ELEANOR FOERSTE: Bingo. Thank you all for coming. We really appreciate being given the opportunity to provide some input. I'd like to welcome you to Florida. I'm a 3rd generation native Floridian, born here,

probably will die here, by choice.

DAVID CASE: Your name?

ELEANOR FOERSTE: Eleanor Foerste,
E L E A N O R, last name, F O E R S T E.
And I have a business card. I work with the
University of Florida IFAS, Osceola County
Extension Service and an important partner
in the Cooperative Conservation Program I
think is through your own U.S. Department of
Agriculture. We're finding that a critical
issue that has not come up yet is supporting
the economic viability of agriculture as a
major landowner on our national landscape.

These agricultural businesses have been
caretakers of the land for generations and
are working to implement the best management
practices and can provide lots of
opportunities for conservation, water, but
also for wildlife habitat. And so as you're
looking at the Cooperative Conservation
programs, it's really important to make sure
that those partners are considered.

And also we'd love to continue to work
with you through the University Land Rent
System through CRES, so consider us as an

education outreach partner for that.

I hope you have an opportunity to see Bald Eagles in their native habitat here. It turns out that the Osceola and Polk County area are host to the largest nesting population of Bald Eagles in the Continental United States. So like this lady has seen the impact of having them land in her trees, we hope that you'll have a chance to see them in their natural settings while you're here. If not, come back and visit. They are very active here.

One of the things that we've seen that's had major impact on our agricultural community and therefore development is the vast conversion rate as a result of estate tax planning. So as you're considering conservation practices, what we're finding is an impact on our private landowners locally is that they can escape tax planning issues, and the conversion of land in Florida we're finding about a half acre of land is converted from an agricultural development per day, and so you can imagine that has a tremendous impact. A lot of

people like to come here. The Governor may have some new figures, but anywhere from 700 to 1,000 people a day is what it's varied over the past couple years. Those are the net people that stay.

So if you'll consider those issues and support for agricultural and looking at estate tax planning issues as those are impacting land ownership.

DAVID CASE: Thank you. If you're in the 30s, if you can come to the front row.
31. 32.

ALLEN NOE: Good afternoon. My name is Allen Noe, N O E. I represent a national trade organization called CropLife America which is comprised of the manufacturers and distributors of crop protection products, otherwise known as pesticides, used by production agriculture and other specialty applications across the country.

Not many people recognize the contribution that pesticides make in protecting endangered species and restoring wildlife habitat. Two years ago our members in our association entered into a novel

cooperative agreement with one of the nation's leading conservation groups, Ducks Unlimited. We contributed through our members products, herbicides and fungicides, that Ducks Unlimited uses in cooperation with the Fish and Wildlife Service and refuge managers across the nation in restoring wildlife habitat. This has been a very successful program, even though it's two years in the making, and one that we hope to continue at least for the next three years as part of a five-year agreement with DU.

One of the things that I wanted to mention was that this initiative benefits not only wildlife and waterfowl, but also you and I in our endeavors. When you look at the aquaculture, boating, recreation, watersports, hunting and fishing and bird watching, all activities that many of us enjoy, that's made possible by the habitat where the wildlife and waterfowl are, and of course what benefits us, too, from the environment there.

The request that I would make of you

all today from us in the regulated community to you as the national regulators of our industry is that as you consider the Cooperative Conservation legislation, that you take into account the benefits that pesticides play in providing for a safe, abundant and affordable food supply and in contributing to the conservation of our environment. Thank you, very much.

DAVID CASE: Thank you. 33?

DR. JASPER LAMENT: Good afternoon. I'm Dr. Jasper Lament, L A M E N T, a former Floridian, and I currently represent Ducks Unlimited just up the road in Memphis, Tennessee.

Cooperative Conservation is Ducks Unlimited's business model. Private landowners are the key to waterfowl conservation since the vast majority of America's wetlands are privately owned. We simply can't attain our conservation goals without our farmers and ranchers.

CropLife America is our partner in restoring thousands of acres of wildlife habitat across the U.S., and in just two

years the member companies have donated over \$800,000 of their products. This partnership is making a big difference on the northern breeding grounds that send ducks to Florida each fall and winter.

In the Dakotas, CropLife support provides incentives for farmers to grow waterfowl-friendly winter cereals that boost yields of both ducks and wheat. In South Dakota, CropLife also provides DU herbicides to manage noxious weeds on our ranchlands enhancing habitat quality for waterfowl and helps our rancher neighbors.

We've also been using herbicides to control noxious weeds and enhance important wetlands in the Great Lakes Basin. We have also been working with EPA in the Great Lakes region in a collaborative wetlands restoration effort known as the Great Lakes Regional Collaboration and look forward to future success together.

Our CropLife partnership has provided thousands of gallons of free herbicides to America's National Wildlife Refuges. Herbicides are an essential tool for control

of invasive plants in the ecosystem restoration.

The Department of Interior programs like the North American Wetlands Conservation Act provide crucial funding for Cooperative Conservation. We appreciate the EPA's contribution to NAWCA and the National Wildlife Refuge System through the Migratory Bird Conservation Commission.

Here in Florida, a recent NAWCA grant from the Migratory Bird Commission to Ducks Unlimited helped enhance over 1,800 acres of wetlands in the Big Bend Wildlife Management Area in Taylor County. Expanded NAWCA funding is essential to meet the President's goal to restore, improve and protect three million acres of wetlands by 2009.

Thank you, very much.

DAVID CASE: Thank you. 34? 35?

ANDREW WAMSLEY: Thank you. I'm Andrew Wamsley with the Florida Farm Bureau Federation. Wamsley is W A M S L E Y. I'm glad I wore a blue tie today. I'm guess I'm fitting in with the fashion of folks up here.

A couple comments I want to talk about today. I want to put a plug in for the *Sewanee River Partnership*. It's a partnership founded with federal, state, local agencies and organizations in the *Sewanee River Basin* to address nitrate concerns. It's been a very successful program and was honored by the *Cooperative Conservation Council* last August. Through the work of the *Sewanee River Partnership* and the *Florida Farm Bureau CARES Program*, *County Alliance for Responsible Environmental Stewardship*, we had legislation passed in the 2005 legislature to create an *Environmental Stewardship Certification Program* which brings the partnership and organizations together to go statewide to promote environmental awareness of the farms and also to recognize the producers for their hard work contributing to the environment.

One other thing I want to comment today on is the proposed *Bald Eagle delisting*. The *Florida Farm Bureau* supports delisting. Science demonstrates that delisting is

warranted. With that Florida has a wonderful management program that surpassed expectations, and in an estimation of over 1,400 breeding pairs in the state, the program did so well that we've even contributed nesting pairs and also eggs from other states. However, the delisting will have unintended consequences, especially in combination with the national management guidelines and the proposed definitions. The proposed action will create an inflexible framework and will be more restrictive than the ESA and create greater liability for our landowners.

Florida has a positive solution. We urge the Fish and Wildlife Service to allow states like Florida with a successful Bald Eagle program to continue their successful management practices and requirements. We need a program based on performance measures rather than a specific cookie-cutter management plan. Proposed changes need to provide protection to landowners and managers that are currently participating in Bald Eagle conservation efforts.

We just urge that there's open dialog between federal and state, between Service and Commission. And we appreciate this opportunity to come talk to you today. Thank you.

DAVID CASE: 36? 37?

DEBORAH KELLER: My name is Deborah Keller. I'm the Northwest Florida Greenway Project Coordinator with the Nature Conservancy. And I was happy that the Governor spoke about military base buffering because it gives me a few more minutes of my time.

I do work, though, up in the panhandle of Florida. I'm sorry you have not been able to visit our neck of the woods. I'm also very pleased to announce that as part of our military base buffering this week, the Nature Conservancy protected 11,500 acres of land immediately north of Eglin Air Force Base that creates a land bridge to Black Water River State Forest. That's purchased with T and C dollars. We're looking at another acquisition that would be 11,500 acres that would connect Whiting

Naval Air Station to Black Water River State Forest. We're very, very happy to be a partner in this whole activity across the panhandle and throughout the state on military base buffering.

For those of you who are unfamiliar, the Nature Conservancy is a global organization. We work on science-based information to protect species throughout the world. And we had determined that Florida, in a recent study that we've done our blueprint for how we're going to perform over the next fifteen years, has found that Florida is indeed one of the highest biodiversity places in the world; that it is vulnerable, that it does need our protection. And so we're working quite hard here on many different programs which will be transferred throughout the world as models for conservation restoration and partnering.

A couple projects have been mentioned already, so I whittled down my speech to talk specifically about fire, which Mr. Kempthorne, I know is an issue near and

dear to your heart and invasive species and marine conservation. Here in Florida of course you know about Florida Forever. We've got a huge land deposition program. Very, very successful. But those lands do need to be protected even after they have been acquired or put in preservation status.

Close to ten million acres of Florida's uplands are protected by these land acquisition entities. We need to make sure that they are continuously burned. Prescribed burns are put in place to avoid wildfires and to promote biodiversity.

Also, quickly, a program that we're doing on restoring oysters to all of the native beds where they were historically found, we're transferring that information throughout the country.

And one last statement is just on invasive species. We think it's incredibly important for the federal government to take serious action on controlling invasive species that come into the country and also funding the programs that can help us to manage those down the road.

I think I'm out of time. But all of our comments in length are going to be submitted in writing so you will have all of our recommendations on these and many other projects. Thank you.

DAVID CASE: Thank you. 38? 39? If the folks in the 40s, the 40s, not your 40s -- I would not want to make a liar out of anybody -- come to the front row. 40. 41.

CARL LOTSPEICH: Good afternoon. My name is Carl Lotspeich, L O T S P E I C H. I'm a lifelong resident of Florida. I've worked as an environmental consultant throughout the state for almost twenty years. I represent landowners, developers. I work with members of the Home Builders Association, NAOP and et cetera. I currently serve as Chairman of the Development Advisory Board of Orange County. So I've seen quite a diverse set of opinions and comments regarding these regulations. I'm going to try to make a few that are more pointed to the Section 404 program first, and hopefully a little more practical

instead of the more ethereal out here.

Better clarify with guidance from the courts the extent of Section 404 jurisdiction. And then provide all the field offices with consistent and comprehensive clarification of that jurisdiction. Anytime a regulatory interpretation has to go to the Supreme Court and get kicked back down for further study, that program needs a little bit of adjustment.

Recognize the unique wetland types that characterize each state or region, and then develop a wetland definition and delineation methodology that's appropriate for that state or region. Florida is not like Texas and not like North Carolina, and to have one definition that we try to apply across the entire nation just proves difficult and burdensome for everybody involved.

Acknowledging the funding staffing difficulties, especially with the local permitting offices of the Corps of Engineers. And then consider revising or reducing some of the regulatory programs and

requirements especially in states like Florida that already have fairly comprehensive wetland regulatory review programs. The state's Water Management Districts and their environmental resource permit program pretty much gives us a solid level of protection for wetlands, and if you don't have the programs to fund and provide a timely fashion to get to the process, consider delegation or at least revising the program. You might consider a new nationwide program permit that's specific to projects in Florida that have been issued an ERP permit. I think you already know that wetland resource is being protected.

And then also look to incorporate programs for streamlining the permit review process, especially for program permits and projects that continue to participate in some type of an ecosystem management program. Don't fight every little fire if it's going to drag the whole system down. Consolidate those resources regionally.

And then regarding the ESA, provide a little more of a streamline program for

Section 10 consultation. As private landowners, I deal with a lot of single family lot owners and small developments that can take 18 to 24 months or more to get to the consultation process if you don't have a federal agency initiating that consultation, and that becomes incredibly burdensome for projects. And I've seen projects die on the vine only because they get caught in the quagmire of the review process. Thank you, very much.

DAVID CASE: 42?

MARTHA COLLINS: Good afternoon, Administrative Secretary. My name is Martha Collins, C O L L I N S, and I'm here today on behalf of the Conserve Our Ocean Legacy Coalition. I'm also based out of Tampa, Florida, and am a resident myself along with being a diver and fisher person.

As I said before, I'm here today on behalf of the COOL Coalition. The coalition is about 117 strong in Florida. We consist of divers, recreational fishermen, commercial fishermen, environmentalists and people just concerned about ocean policy.

Two full years ago the U.S. Commission on Ocean Policy released a report containing the recommendations addressing all aspects of ocean and coastal policy. The U.S. Commission on Ocean Policy called on the President and Congress to take immediate and decisive action to carry out the recommendations. Two years later we're still here. Congress has not reauthorized the primary law impacting our ocean and coastal policies which is the Magnuson-Stevens Fishery and Conservation Act.

I'm speaking here today to state that the Cooperative Conservation programs, the National Oceanic and Atmospheric Administration reviews addressed some of the problems raised with by the U.S. Commission on Ocean Policy. But by no means should they take the place of strengthening or even enforcing the current Magnuson-Stevens Act that we have. To end overfishing and protect local economies that depend on this fishing industry, it's imperative that we pass a strong Magnuson-Stevens Act.

Currently the House of Representatives is in the process of reauthorizing the Magnuson-Stevens Act, which is why I'm also here today. The reauthorization legislation is pending in both the House and the Senate. The Senate version strengthens fisheries protection and emphasizes the rule of science in determining catch limits which is very important to what our coalition is concerned about, which is ending overfishing. It also includes a ten-year deadline for rebuilding depleted species and mechanisms to enforce these catch limits.

On the House side we're kind of stalling a little bit. Representatives Richard Palmo and Barney Frank have introduced a bill that in essence would weaken current fish stocks for building timelines and threaten the health of these fish stocks which is very important to the Florida economy. The recreational fishing industry is close to a seven billion dollar industry in the state. The figures might be off a little bit, but regardless it's very important.

So, again, to ensure the economic vitality of this for Florida we need to again pass a very strong Magnuson-Stevens Act.

I'm going to quote someone you might know. Quote, "Over fishing is harmful, it's harmful to our country, and it's harmful to the world. To protect our marine ecosystem and the future fishing of all kinds, the Ocean Action Plan calls for Congress to reauthorize the Magnuson-Stevens Fishery Conservation Management Act. We need to get that done." That's President Bush in June. Thank you.

DAVID CASE: Thank you. 43?

FRANK JACKALONE: I'm Frank Jackalone and I'm Senior Regional Representative of the Sierra Club.

DAVID CASE: Could you spell your last name?

FRANK JACKALONE: J A C K A L O N E.
And I'm actually going to do something very unusual. I'm going to cast the criticism aside. Very unusual for the Sierra Club. It's all contained here. That is our joint

press packet that Defenders of Wildlife and Sierra Club and the Endangered Species Coalition prepared. So let's cast that aside.

I think there are two great challenges in Florida that each of you can help with in the next two years. Or if you're appointed by the McCain administration, or longer, you know, beyond that. But let's say over the next two years we have a great opportunity, two great opportunities.

Number one is there was a crisis in Florida over sprawl and habitat destruction. We are losing habitat at a very fast pace. And despite the good work of many good staff working for federal agencies and state agencies in Florida, this battle will be lost if we don't do something about it. So to the Secretary of the Interior, I say your challenge is to bring all stakeholders together in the next two years to deal with this crisis in Florida. How do we protect the great habitat loss that is taking place in this state?

And the second great crisis really goes

to the center of the state in Lake Okeechobee, and that region, which is highly polluted from a lot of runoff from agricultural lands, and that's been spilling over for years to the Everglades, but now because of increased hurricane activity, down to each coast, to the Gulf of Mexico and to the Atlantic coast, helping to fuel all sorts of harmful organisms that are destroying our wildlife, killing manatees, for example. This is a great crisis and one that I think the US EPA can exercise discretion in.

So gentlemen, if over the next two years you took a look at these two problems this would be a tremendous help to the State of Florida. Thank you.

DAVID CASE: Thank you. 44?

REY MALAVE: Good afternoon. Thanks for the opportunity. I'm Rey Malave, M A L A V E. I'm a consultant professional engineer working with developers, home builders and an expert in stormwater, working throughout Florida and specifically here located in Orlando, Florida.

My comments center around the Clean Water Act but specifically against the special program of MPDS stormwater permitting program. EPA in its current regulations provide a complex maze, excessive, costly and oftentimes duplicating by the local efforts of both state and local governments. Home builders and developers, we believe, should be able to believe in stormwater regulations, but they should be to a point where they are reasonable, thought out and fair. They also would be more effective in environmental protection if they would come from simple consistent rules that encourage compliance.

Further, the ideas of Cooperative Conservation there are a number of steps that we can take. First one, of course, is putting in programs that are simplified and eliminate where there's duplication. One way to do this is to work with the states to facilitate the recognition of adopting programs that are qualified. One example is here in the State of Florida, which we have taken on the MPDS Construction Activity

Program and has helped in simplifying that program.

Second, EPA and the state should collaborate in developing consistent policies. The focus should be on environmental protection. Working together with the state we can get and create better atmosphere for a better water quality.

Third, watershed programs partnerships should be created. There should be a development of facilities and a number of incentive programs that provide long-term benefits for both compliance and better water quality.

And finally, a cooperative effort should be together in providing assistance that provides efforts in implementing these programs and providing a widespread awareness program where people can understand the programs, its simplicity at the same time providing compliance.

Clearly, stormwater regulations that are well coordinated and simple are the ones that are going to help compliance.

Thank you again for the opportunity for

comments and wish that we can come up to a program that both helps everybody.

Thank you, very much.

DAVID CASE: Thank you. 45? 46? 47?
48? 49?

WILMA KATZ: Secretary Kempthorne, Mr. Johnson, thank you for coming. I am Wilma Katz, K A T Z. I represent Coastal Wildlife Club, a volunteer conservation group in Englewood in Southwest Florida. We are permitted by the Florida Fish and Wildlife Conservation Commission, the FWC, to monitor sea turtle activity on nesting beaches in our area.

We're part of the large network of individuals and groups, fundamental to Florida's sea turtle protection program and, with more than 90 percent of nesting in this country taking place in our state, fundamental to the federal department as well.

Cooperative Conservation is good. Partnerships, public participation in decision making and economic incentives are excellent voluntary components that enhanced

will greatly further the conservation effort within the framework of the existing laws. I trust you do not intend them to replace existing laws including the Endangered Species Act.

In Florida, local and state codes protecting and, I hope, eventually restoring imperiled sea turtles are founded upon it. While some local codes are more explicit, comprehensive, or punitive than others, all that I have read include basic ESA language. Where there is no local code, this federal law serves as a vital safety net protecting sea turtles, hatchlings, eggs and habitat from direct harm.

Coastal development on fragile shorelines is rampant here, at enormous cost in dollars and in irreplaceable wildlife habitat. The few controls in place are rooted in great part in ESA provisions.

Our FWC voted recently to downlist the manatee. Fortunately, manatees in Florida remain protected by the Endangered Species Act.

This law has been rightly called the

crown jewel of environmental legislation. It is the foundation for species protection and recovery efforts in this country and has provided a model for others. Strengthen it, fine-tune it, but please do not dilute it.

Finally, I imagine other listening sessions around the country are not so different from this one in theme or in frustration. We should not have to struggle to convince our leaders to value and to protect wildlife and the very air and water on which all our lives depend.

Thank you for listening.

DAVID CASE: Thank you. If we could have anybody in the 50s, please come up here. 50, 51.

SONYA MONTGOMERY: Good afternoon. My name is Sonya Montgomery and I'm the executive director of the Florida Defense Alliance. M O N T G O M E R Y.

We appreciate the support of the Department of Defense as partner with the State of Florida under the Readiness and Environmental Protection Initiative. Under REPI, The Department of Defense of the State

of Florida has been able to purchase several conservation lands adjacent to military installations and also low-level testing and training areas that will help protect the military missions for years to come. The FDA manages and disburses these funds. There's a great need for additional funding for these types of land acquisitions and encroachment buffering projects all across the state. The FDA supports that initiative and would ask each of you to support our mission to the State of Florida for contributing to economic development and the mission of our military troops.

So, please, as you go back to Washington D.C. and to your respective places, please continue to support the REPI partnership, Readiness and Environment Protection Initiative here in the State of Florida. Thank you.

DAVID CASE: Thank you. 52? 53? 54?
55? 56?

KARINA VEAUDRY: I have an unusual name, I'm Karina Veaudry. I represent the Florida Native Plant Society, their

executive director.

One of the things I wanted to talk about today is the importance of focusing conservation endeavors on conserving enough of Florida and other states so that the biodiversity of our natural lands are preserved. This is done through, as you mentioned, through scientific measures. A lot of the times we end up with promoting proposed conservation lands that are basically areas that are left over from development. A lot of these times these natural ecosystems are already impacted. They are not pristine. I suggest let's look at the big picture.

And every state, most states, and definitely the State of Florida, has already mapped the critical conservation areas that we need to protect the biodiversity of Florida. It's already there. Let's take a look at that, and then when we, for instance, develop large areas in an innovative way, design new roadways, let's take a look at what's there first and design around it. That way what we're preserving

in the end is pristine and really what we want to preserve and conserve to make sure that we have a good representation of the natural lands.

Just another important factor. To make it feasible for private landowners to put their land under conservation easement without penalties of taxes, and maybe provide some opportunities to sell development rights so that people are not penalized for wanting to put their private lands into conservation.

And also just one final note. If you could please keep and strengthen existing environmental laws. Please do not weaken them. Thank you, very much.

DAVID CASE: Thank you. How many people we have left that would still like to comment? Okay. The Secretary and Administrator need to leave in about fifteen minutes. So I would -- we'll keep going through the numbers and ask that you take one minute. And then after they leave we'll come back if we cut you off too early. But for those who want to make sure they have a

chance to comment, we don't want to cut anybody short on time. But I think we have about eight people. We could get through every one if we have a chance. And then if we want, we'll come back and pick up additional comments. So about a minute, minute thirty.

If everybody who wants to speak please come up here so we'll minimize the time waiting for people to walk up. So if you could please come up here, 56, 57, 58, 59, come up on the front row, please.

REBECCA EAGAN: Rebecca Eagan, E A G A N, and I'm an Orange County citizen and a native Floridian. And I'm also a member of the Florida Fish and Wildlife Conservation Commission, Gopher Tortoise State Steering Committee which is helping draft the management plan for the newly listed threatened gopher tortoise. And basically I share the feeling of others that Cooperative Conservation is highly desirable and definitely a strong component in preserving species as we go forward. But that it cannot act alone as the only tool

because I just can't see that our most severely and impaired animals which have very specific habitat requirements, and some of them have huge ranges like the Florida Panther, the Red-Cockaded woodpecker, I can't imagine that landowner incentives in Cooperative Conservation totally being the answer to these species's survival, but it certainly is an important component. And I agree with others, and I'll cut it very short.

I think there is a three-prong approach which really will be necessary for saving species on both local and federal levels, and that would be enforcing and strengthening the ESA regulations as they exist. I think the Endangered Species Act pretty well enunciates the public's best interest which is served by avoiding species's extinctions and protecting wildlife. So we have to reinforce the Endangered Species Act regulations, we need the Cooperative Conservation, and we need to prioritize land purchases on both levels to target the most pressured species under the

federal and state levels.

Thank you for allowing me to speak.

DAVID CASE: Thank you. Is everybody who would like to speak up here in the front row? Everybody would like to speak is up here? Okay. So that would be two minutes instead of two minutes 30 seconds. So I know you're trying to adjust your speeches.

SUSAN ASMUS: Good afternoon. My name is Susan Asmus, A S M U S. I'm here on behalf of the National Association of Home Builders. While I would be remiss if I didn't talk about or suggest the importance of Cooperative Conservation for the wetlands and stormwater programs, I'm here today to talk about the Endangered Species Act. The time has come to update and improve the ESA. In fact, improvements are long overdue. As we go through fine-tuning of the ESA, we need to pay special attention to what we can do on private lands because 90 percent of the species are located on private lands. There are a number of steps that we believe can be taken.

First is improving the data and science

upon which decisions are made. At a minimum, all ESA decisions need to comply with the Information Quality Act and all data must be made available to the public.

Second is improving the implementation of the Section 7 consultation requirements. Suggested improvements include defining regulatory terms, adverse modification and jeopardy, and ensuring that all stakeholders can participate in the process.

Third, is developing critical habitat guidance to ensure that an open and consistent process is followed. The process must account for all cumulative impacts, assess the biological value of the habitat, and encourage landowner participation by exempting all private property enrolled in an existing or pending habitat conservation plan from the critical habitat designation.

Finally, is facilitating and increasing opportunities for voluntary conservation efforts through incentives, reducing barriers, and streamlining the development and approval process for HCPs. In short, the outdated laws and regulations must be

updated, barriers removed and incentives provided so that optimal protection can be realized. The nation's home builders look to your leadership, Mr. Secretary, to partner with us to help this important act go forward. Thank you.

DAVID CASE: Thank you.

ED GRIFFITH: Thank you. My name is Ed Griffith. I'm with WCI Communities and I'm a vice president for Corporate Homebuilding. Our company has over 35 communities in the State of Florida. We're the largest community developer and we are a national home builder. I've been with the company for over 18 years, extensively involved in all levels of government and entitlements and in permits. Forgive me, I have to read this because we're in a crunch for time.

So, while our company and industry embrace cooperative conservation efforts, we strongly believe that for our industry to support this initiative, there's several problems within the existing federal entitlement process that require immediate attention. Two of these problems are the

failure of the agencies under Section 7 of the Endangered Species Act to formally and timely initiate consultation and what appears to be a neglect of purpose in the Section 404(q) elevation process.

The first problem is it's written that the Fish and Wildlife Service is required to conclude consultation within 135 days of initiating that process with the federal action agency. However, our experience in Florida is the Service has delayed and caused significant amount of time to formally initiate the start of that 135-day time clock.

Our company and many like us throughout the state engage experienced, expert consultants to accumulate, analyze and provide the information required to initiate consultation to the action agency and the Service, and this is a costly aspect of doing business to following the regulatory rules.

As one example, an ESA consultation for our 500-acre residential community in Collier County took one year, even though

all of the required information was provided up front and there was no disputed issues in the process in that length of time.

We're at a crossroads in Florida in which we are an industry that needs efficiency from the agencies for timely decisions and finality to be able to know the certainty of delivering housing demanded by new and existing Florida residents. Government regulations is a business that transcends and affects everyone and how it is conducted is very important.

The continued delays associated with the ESA consultation process have severe economic consequences to our industry and to home buyers who are burdened and affected by these costs that are a result of the complicated regulatory process. And in fact, this only exacerbates the affordability of housing which is a problem that we have in the State of Florida. So this is a very important process in the federal regulatory process that needs a resolution.

And the second problem is the elevation

under Section 404(q) which allows the EPA to elevate Corps decisions on projects EPA believes will impact Aquatic Resources of Nation Importance, or ARNI. In our experience in Florida, we have yet to see a wetland that EPA staff does not believe is an ARNI --

DAVID CASE: Thank you. Another problem we need to resolve, so I thank you. The Secretary whispered to me, don't go over the 2:30.

ED GRIFFITH: I read as fast as I could.

CAROLEEN DINEEN: I'm Caroleen Dineen, an attorney with Broad & Cassel here in Orlando. Our firm represents landowners throughout the State of Florida engaged in a variety of land use and management activities.

I appreciate the opportunity to comment on Cooperative Conservation and will focus on the proposed Endangered Species Act "delisting" of the Bald Eagle as an example of a federal wildlife protection program in need of immediate reform.

The Bald Eagle's recovery is due in part to effective state Bald Eagle management programs and Cooperative Conservation measures implemented by landowners to address conflicts between nesting eagles and human activity. These measures include implementation of management plans, preservation and management of resources, and provision of funding designed to maintain the recovered status of the species.

In Florida, where these measures have been employed, the state's Bald Eagle population has exceeded recovery goals while contributing to Bald Eagle recovery in other states.

Removing the Bald Eagle from the ESA list and implementing the proposed delisting strategy, will frustrate state management of the species, will eliminate the Cooperative Conservation measures, and result in greater restrictions and fewer assurances for the regulated public.

The proposed delisting strategy's "take" definition will subject public and

private landowners to prosecution under the Bald and Golden Eagle Protection Act for indirect effects to Eagles resulting from otherwise lawful activities, even if those activities were previously authorized under the ESA and could result in Cooperative Conservation measures. This could affect hundreds of authorizations the Service has issued in Florida.

The delisting strategy also creates a broad inflexible regulatory framework that doesn't provide a mechanism to resolve inevitable conflicts between nesting Eagles and human activity and to provide some protection against take prosecution.

In fact, even those activities that are conducted in compliance with the fixed, inflexible buffers and other provisions of the proposed national guidelines will not be immune from take prosecution.

Ironically, under the delisting strategy, landowners will face more restrictive regulations and greater risk of liability for a recovered species than when the species was listed under the ESA.

The delisting strategy also has substantial economic impacts. As an example, the delisting strategy likely would require preservation of 30 to 60 acres where two new Eagle nests were constructed in a fully entitled project at a cost of almost 100 million dollars. That's a multi-million dollar impact.

The delisting strategy should be revised before adoption to avoid its significant adverse consequences on Bald Eagle management and conservation. We would urge you to consider revision of the delisting strategy to address several issues.

First, the "take" definition must be consistent with BGEPA's focus on direct volitional actions that actually injure or kill Eagles.

Second, the delisting strategy needs to give effect to existing federal incidental take authorizations or statements to protect landowners who have relied on them from prosecution under BGEPA or MBTA.

Third, the delisting strategy must

include some form of authorization for incidental take resulting from otherwise lawful activities and provide assurances that landowners who rely on these authorizations, or on approved Bald Eagle management guidelines, will not be subject to take liability.

Fourth, the delisting strategy should recognize and validate activities conducted in compliance with effective state Bald Eagle management plans designed to maintain the recovered status of the species.

Thank you, very much for your consideration.

DAVID CASE: Thank you.

DOUGLAS RILLSTONE: Good afternoon. My name is a Doug Rillstone. I'm an attorney. Thank God the Governor is not here. I'm from the law firm of Broad & Cassel. I have dug a few ditches and built a few things in my life.

I have the pleasure of representing a variety of industry interests throughout the State of Florida. My clients are the folks who build homes. They build public

facilities. They provide food and meals for Florida's economy. They are the true economic engine that allows the state the flexibility to buy the land in the State of Florida.

I have presently and currently and have worked with virtually every Fish and Wildlife Service office in the State of Florida. As other speakers have indicated, we believe landowners can embrace the Cooperative Conservation concept once several fundamental issues associated with the existing regulatory process of the Endangered Species Act are fully resolved. We believe that for real progress in enlisted species conservation recovery to be made, the Service must work with landowners to identify cooperative incentive-based solutions that protect the species while at the same time preserving private property rights.

Unfortunately our recent experience has not led us to this conclusion. Our industry relies on good science and sound policy. We are concerned over what appears to be an

extension of the ESA beyond its limits. We have seen several examples within the state where agencies have extended the regulatory reach beyond those areas where enlisted species are known to occur into areas where only a suspicion would support a conclusion that an area might be occupied by enlisted species at sometime in the future. This establishes a presumption.

We've seen several examples of this where it forces landowners into a Hobson's choice. They can either try to prove a negative and try to overcome the presumption of presence, or they can endure an arduous process in extractions to be able to prove they are there. This presumption has virtually halted the recovery of an entire beachfront community that was devastated several years ago from Hurricane Ivan. The recovery of that community has not moved since that hurricane went through.

In addition, this presumption has exacted millions of dollars from existing entitled developments to address projects in areas where panthers only roamed decades

ago.

We would strongly encourage that there be direction given to staff to follow good science, provide clear direction to avoid the continued use of a presumption of occupancy or requiring the regulated public to prove a negative.

We would encourage the recognition of the limits of the Endangered Species Act and promote voluntary conservation in those areas where the Endangered Species Act is not reached. Thank you.

DAVID CASE: Thank you. Next?

DAVID HART: Hello. My name is David Hart. I'm vice president of government relations with WCI Communities based in Bonita Springs, Florida. We are a company that strives to be a leader in environmentally conscious development. In fact, we built the two greenest homes in Florida under the Florida Green Building Council's guidelines. We also recognize that one of the reasons for the success of our company is Florida's natural beauty.

People in other parts of the country

continue to dream of living in Florida. It is essential for our company to work to protect these natural resources in Florida in order to keep Florida a place worth coming to. But we also need better communication and cooperation between state and federal level agencies to avoid costly duplication and delays.

Our weather, natural beauty, lakes and beaches attract more people here at the rate of 1,000 a day on top of a population of 17 and a half million. The collective weight of this increase in population combined with the often lengthy and duplicative processes, permitting processes, add great cost to the price of a home.

Since 2000 household income in Florida has are risen 12.5 percent. Over that same period housing prices have risen 104 percent. Some of these cost increases are because of things the market controls: land, labor. But some of it is from duplicative regulation.

An average income of a family in Florida can afford a home worth \$178,000,

but unfortunately the median price of a home today in Florida is \$241,000. So more and more people are getting placed out of the market.

I'm a 6th generation Floridian who cherishes our environment. My hope is that my children can somehow raise their families in Florida to be the 7th generation of Floridians to grow up. Thank you.

DAVID CASE: Thank you.

You're the final presentation. Is there anyone else? Okay.

KATHLEEN MOORE: Hello. My name is Kathleen Moore. I am from the Charlotte Harbor National Estuary Program, a member of the Citizen Action Committee, and I'm a volunteer for the Sea Turtle Patrol. I would like to observe the word "conservation" that comes from the root word for the Latin conservatory which means to keep, to save. In our world if it were possible for human kind to keep and to save out of respect and appreciation for other species, there would be no need for anything other than Cooperative Conservation.

Regretly, history has shown us that this is not the case. For that reason, I believe that you need to maintain and strengthen the environmental laws which is the Endangered Species Act. You gentlemen will have to be our conscience. Thank you.

DAVID CASE: Thank you. With that, I'm going to turn it back over for comments to the Secretary and then to the Administrator.

Mr. Secretary?

DIRK KEMPTHORNE: Let me thank all of you. When I was in Maine last week for the same type of setting and session, someone from the presentation said that that night they were very proud to be from Maine. I think y'all ought to be very proud to be from Florida. You've given some outstanding comments. I made a lot notes and I know Steve has.

You combine this with all the e-mails, and I'll tell you that as late as a week ago Friday, sitting with the President in his office, discussing these sessions, I was able to convey some of the comments I've heard thus far. We'll have that opportunity

again. Other members of the cabinet will sit down with the President with members of his staff and we will talk about some of the very phrases that you've used here. We'll talk about some of the concepts. We'll talk about all the different organizations that have been represented.

So, you know, when you think about it, we're a huge country. It's pretty wonderful that we can still have opportunities to spend an afternoon together and just sit and listen and talk to each other. I really appreciate the atmosphere here, the respect which you've shown for one another, and the process.

I don't know what the final outcome is. I think we're stronger for it. And there's a lot of great examples of work, cooperation in the area of conservation, the environment, which are great role models of results that are positive and have been achieved. So I thank you for that.

And I'm sorry, too, but based on flight schedules, that's why we're just, you're going to probably see us in and out of here

pretty quick. So I want Steve to have a few comments. But thank you again and I really appreciate it.

STEPHEN JOHNSON: I'll just say, reiterate and repeat, it's worth repeating what the Secretary just said. Thank you for taking the time out of your busy schedules and taking time, not just for the comments today, but really for your commitment. No matter where you sit, whether you're a home builder, whether you're a private citizen representing organizations, this is very helpful. It's helpful, we know, because as the Secretary said, we will be reporting back to the President on what we've heard. And of course then the next question is what are the next steps. So we're listening now and then we'll be formulating what our next steps are.

Thank you so much for taking the time, and I'm glad somebody was listening when they said a couple times, Environmental responsibility is everyone's responsibility, and I truly believe that both as an individual as well as a member of the

President's cabinet. So thanks so much for taking that responsibility seriously.

Thanks so much.

DIRK KEMPTHORNE: Let me also thank Dave for his role and Rafael and Summer, and Pam. Again, every word is being taken down here.

And, again, all the folks that are working at the federal level, in the partnership and the dedication and passion you have and at the state level and for all the people to who put this on. It's been very, very helpful.

DAVID CASE: Thanks everybody for attending. And thanks also again to the Fish and Wildlife Service, Tyler and Jeff for putting this together. And finally my apologies for interrupting you. (5:18 p.m.)

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