

EVG 17

Interviewee: Bill Leary

Interviewer: Brian Gridley

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G: This is Brian Gridley interviewing Bill Leary at the Council on Environmental Quality offices in Washington, D.C. The date is May 16, 2002. Mr. Leary, based on your experiences, what do you see as the two or three most important contributing factors that have led to the present problems in the Everglades?

L: The decision [that was] made over a hundred years ago to drain it. The fact that the [Army] Corps of Engineers is very good at doing what it's asked to do, including putting in thousands of miles of canals and levies and altering the natural flow of the ecosystem, which is what the Corps is now being asked to undo. The fact that they were very efficient and good at doing what it is they're being asked to undo. And three, that it took a long time to get all of the various interest groups in South Florida, and ultimately the nation, to focus on the Everglades as an ecosystem that could be saved, should be saved.

G: John DeGrove once characterized the ecological problems in South Florida as being the product of Ainnocent ignorance@. Would you agree with that characterization?

L: Not exactly. I'm not sure that it was innocent, not in one sense of what innocent means. I think he means that the actions that were taken decades ago had unintended consequences, I think he's right. But it was a deliberate decision to control nature, to alter the natural flow of water for the benefit of the humans in the area, in terms of controlling floods. A lot of it came as a result of human life loss after hurricanes in the late 1940s or mid-1940s, that immediately followed drought, both of which people sought to control. The other was the purposeful desire to drain what was perceived to be worthless swamp to make it useable by man and thus created the Everglades Agricultural Area [EAA] and otherwise made it easier to develop the lower east coast and to some extent the lower west coast as well. A lot of the harm was deliberate, but I don't think many people, at the time, foresaw what the harm of their actions would entail. It took decades for people to change their minds about whether it was the right decision to have altered it in the first place.

G: To what extent does the current restoration initiative, embodied in the Comprehensive Plan and related projects, represent a change from earlier management efforts?

L: A lot of what we're doing is the essence of what the term restoration means. When I give talks about it, I talk about there being a third new environmental movement, and I'll go into that more with you later, but it's about restoration. It's

about putting things back. A good bit of what we're attempting to do here is change the management of the system to putting [as] much of it back the way it was as is humanly possible, recognizing that it's always going to have to be a managed system. But it will be managed more directed toward restoring so much of the natural system as remains. That's not to say that it won't continue to be managed for flood control and water supply, but Congress recognized, and we urged in the Water Resources Development Act of 2000, that restoration of the ecosystem, meaning the natural system, would be the predominant purpose. That's a change, because in the past it **[was] managed** primarily for flood control and water supply. We discovered that we were losing an awful lot of water that could be used for restoration and water supply, and still provide flood protection. The essence of the restoration plan is to accomplish all three.

G: To the extent that change has occurred, as reflected in the current South Florida project, are there any specific turning points or watershed events that were critical for promoting this change?

L: The earliest I'm aware of is then Governor [Bob] Graham's [U.S. Senator from Florida, 1987-present; Florida governor, 1979-1987] Save Our Everglades effort that I think was [launched] around 1983. He was the first political leader, at least in the last twenty years, to recognize that the Everglades were important and should be restored. He has since said, and I'm not sure he said it at the get-go, that what he sought and seeks is an Everglades that looks and functions more like it did at the turn of the century than twenty years ago. So, his Save Our Everglades effort was a watershed moment. Earlier than that, watershed moments, in the sense of a significant moment in time, [there are] quite a few. Reaching back, [the] creation of Everglades National Park over fifty years ago [was] a very important event in the history of the saving of the system. The C&SF [Central and Southern Florida] project [1948] and its construction [was] obviously a very important point in time. Since 1983, probably the settlement of the litigation between the sugar industry and the state of Florida and the federal government in the mid-1990s. The Water Resources Development Act in 1996 that directed that the restudy be completed and then the development of the plan in 1999 and its authorization in the Water Resources Development Act of 2000. Those are the big events. And of course the filing of the lawsuit that was settled.

G: What was the impact of Governor Graham's Save Our Everglades program? Why is it a watershed event?

L: Because it was a governor of the state saying that this was going to be a priority for the state. The state of Florida has long had a pretty strong environmental ethic. I think the state of Florida had, for at least a couple of decades before that, recognized the value of tourism to the state and that the environment is the

economy. Senator Graham had the vision to see that we had a system there that we had altered, that was deteriorating, and from an environmental point of view, that was wrong, and potentially for the economic future of the state that was wrong. He believed that the state needed to do a serious commitment toward acquisition of land, protection of land and attempts to save what remained of the Everglades ecosystem. That was the first bold statement by a political leader in the state of Florida, that it should happen and that it could happen.

G: Briefly tell me about your professional background, including education and career positions?

L: I graduated from Florida State University [with] a business degree. I then stayed and went to law school there. I then stayed in Tallahassee and went to work for the Florida legislature. I started working for the Florida legislature upon my graduation in 1974. [I] worked there for fourteen years. I worked in the bill drafting office for a number of years and then moved over to committees. Over a series of two-year periods, I worked for the House of Representatives. When a new Speaker would come in, [I would] move to be the staff director of a committee to deal with that year's crisis. So, for example, one year I was at the Regulated Industries Committee working on the Florida Lottery Law and writing it. Next year we had a medical malpractice crisis, I was staff director of that committee. The next year we had an automobile insurance crisis, I worked on that. After that we had banking reform, I worked on that. I basically moved from committee to committee depending on what the issue of the day was.

I then moved here to Washington D.C. to work for the Senate Banking Committee for Senator Graham. He had been named to chair an investigation of the HUD [Housing and Urban Development] scandals from the previous administration. [I] worked on that for a brief time, went back to Florida, thought I was going to be working on reapportionment, but when I arrived, the new speaker, T. K. Wetherell [1980-1994, Speaker of the Florida House of Representatives, 1991-1992], called me in his office and said that the federal government had just sued the state of Florida regarding the Everglades. He wanted me to be the staff director of the Natural Resources Committee, which would have been in January of 1988. He wanted me to write legislation that would help resolve the issues in that litigation. I hired a water attorney and we wrote the first Everglades legislation, that was enacted that year. I stayed one more year, got to missing D.C., came up here, worked for Karen Thurman [U.S. Representative from Florida, 1993-2002], who had just been elected to the House of Representatives, for a brief time. Senator Graham learned I was in town, he had been named to chair a subcommittee on clean water and endangered species at the Senate Environment and Public Works Committee and asked me if I could come over and staff direct it. I did [and] I worked for him

there for two years, trying to rewrite the Clean Water Act and the Endangered Species Act. I then left there, went to the Department of the Interior in 1992, where I went to work for the assistant secretary for Fish and Wildlife in Parks. I worked there until September of 1999. During the time I was working there, I was asked again to work on Everglades issues. I started working on Everglades issues again in 1995, so it was my fourth tour of duty on Everglades issues, fourth perspective. In September 1999 I came here to CEQ [Council on Environmental Quality], where I continued to work on three Everglades issues and I've remained here since.

G: During your original stint with the Florida legislature, how involved did you get with Everglades-related issues?

L: Just what I mentioned. I had worked on environmental issues during the period that I worked at the bill drafting office before I started going into that series of committees. The most significant, relevant thing that I did, what is turning out to be relevant, is I wrote Florida's Water Law back in the early 1980s. I worked on a variety of environmental issues, but nothing specific to Everglades. There wasn't really anything specific to the Everglades going through the legislature for all that time. It was then back in 1988, when I moved back to Tallahassee and Speaker Wetherell asked me to work on Everglades issues, that I became engaged in them. My first exposure, really, to Everglades issues was in January of 1988.

G: What was your reaction when Dexter Lehtinen [U.S. Attorney, Dade County, 1988-1992] filed the lawsuit in October of 1988?

L: I wasn't aware that he'd done it. I was still here in D.C. and learned of it when I arrived and was asked to go over to the committee and they were explaining to me that the U.S. Attorney's Office had filed suit against the state of Florida for violating its responsibilities under state law and the Clean Water Act to protect federal resources. I just scrambled to understand why the federal government had chosen to do that and what the implications were and whether legislation was an appropriate way of attempting to resolve the issues. Most people at the time thought it wasn't. I didn't know probably for a couple of weeks, the story of his having filed it without necessarily getting all the clearances through the Department of Justice, which was an intriguing anecdote, but I was busy by then trying to do what my boss wanted.

G: Were you involved in any of the early negotiations dealing with that litigation?

L: Only from the legislative point of view. We had a number of meetings where we invited Mr. Lehtinen and the new Secretary of DEP [Department of

Environmental Protection], Carol Browner, [administrator of the Environmental Protection Agency, 1993-2001] and a variety of interests, environmental groups, and others, to come in and talk to us about those issues and how they were going to be resolved. In terms of negotiating a settlement, I was never involved in that.

G: Did you get a sense of how involved the legislative branch in general was in that?

L: They became very involved that year. When we started meeting, most people wanted the legislature to stay out of it. The environmental community, for the most part, seemed satisfied that the federal government had sued the state of Florida, and they wanted to see that play out. It had only been recently filed. Secretary Browner was new on the job and wanted an opportunity to understand it, negotiate it, and deal with it through the judicial branch and the administrative branch. We couldn't find anybody, water users, developers, environmentalists, really anybody, who felt that the issue was right for legislative involvement, except for my boss and he wanted a legislative fix. That was why he sent me there and we continued to plow forward, despite the fact that we didn't have any support.

G: What was the legislative fix that he had in mind?

L: He didn't know. That's what he wanted us to try to determine. Was there anything about the state water law that was in some way interfering with the ability of the state to protect the natural system in the ways being sought through the litigation? I hired a water attorney who had some recent experience with the development of stormwater plans. We decided to take a look at that law and see if there was something there that we could adopt as a mechanism for the development of seeing the whole system not as stormwater, but basically as a flow of water issue, and see if there was some way that we couldn't set in place a planning requirement that would be specifically designed to address the very concerns the federal government had expressed. How we could use the Florida water law and develop a plan that would provide adequate water for the natural system. We held a series of meetings with people, tried to get their advice and basically told everybody that we would have a draft available the next day. We stayed up all night and wrote a bill, [and] handed it out the next day. It was a fairly short bill, and most people who read it said, this isn't as bad as we thought it would be. And, unusual to the Florida legislative process, it became law about sixty days after that, with near unanimous votes in both Houses. It didn't change very much. I've since been told that it didn't solve the problem, but at the time, it was our best shot in a very brief, quick period of time. We started, as I said, in January. The session began in probably March or April. We didn't have a lot of time to work on it, but it was enacted pretty quickly. I then stopped focusing on

Everglades issues and the next year, while I was still at that committee, we focused on completely different issues. It needed time to play out and by the time it started to play out, I had left and returned to D.C.

G: Do you recall the title of the law?

L: I'm trying to remember whether it was that law or the subsequent one that picked up the name the Marjory Stoneman Douglas [Florida environmental activist; author of *The Everglades River of Grass*] Act. I think it might have been that one.

G: You're referencing the 1991 law, the Marjory Stoneman Douglas Everglades Protection Act?

L: Right.

G: Is that the one you were involved in writing?

L: I've had my dates wrong. It would have been 1990, not 1988, when I moved back there. It would have been in January of 1991 when I started at the committee, so that would be that law. The Senate put that title on it, as I recall, and as I learned subsequently, [Douglas] wasn't very happy about that. But the decision was made to give it that name and everybody thought, what a great idea to honor her in this way. As I said, I subsequently found out that law did not do the trick at all in terms of solving the problems. It was two or three years later that the litigation was settled. I wasn't involved in that. The legislature then met again to craft legislation intended to implement the settlement agreement and that became the large, far more detailed Everglades legislation that was enacted and still, for the most part, is law today. I wasn't involved in drafting that either.

G: Governor Lawton Chiles [Florida governor 1991-1998 (died in office); U.S. Senator from Florida, 1971-1989] had asked Dexter Lehtinen, after the Marjory Stoneman Douglas Act passed in 1991, to put a stay to the lawsuit, to give the law a chance to work. Why do you think Mr. Lehtinen was so resistant to giving that law a chance?

L: As I said, there was a lot of resistance to the legislature weighing in on the issue at all that early in the litigation. As I recall, the litigation had been filed just months before that. They were a long way from completing discovery and otherwise honing the legal issues and legal arguments and I think he felt that he had a strong case and probably felt that he ought to be free to pursue his litigation. My guess is, that he found that legislation to be a distraction to what he was attempting to pursue.

G: Do you think that particular law could have been effective in addressing the water quality problem that was really at the heart of the litigation, if given a chance to work?

L: I'm not sure. It was, as I said, hastily put together and hastily enacted. I think it would have taken goodwill on all sides to try to make it work, to help the planning effort that it called for, [to] bring the parties together outside of litigation to develop a shortened and long term plan to address those problems. It probably could have been made to work. My guess is that it would have required some refinement along the way to completely work, and may indeed have required the level of detail that the legislature ultimately enacted several years later. I think, it was seen as just a little bit too general in requiring all sides to stop the litigation and get on about the business of working together. I think too many battle-lines had been drawn at that point and people were seeing opportunities to succeed through litigation that they weren't quite ready to put a stop to until they had explored it a little bit further.

G: Did you have any involvement with the Everglades issues while working on Senator Graham's staff in Washington?

L: Yes. For the most part, my job was handling the committee work for him on the Clean Water Act and endangered species issues. But in addition to that, sort of as a secondary responsibility, I helped handle environmental issues for him and one of the environmental issues I monitored for him was [the] Everglades. My involvement was primarily meeting with people who wanted to get his attention on issues and providing him with memos on issues that might have been occurring, or meetings that I had, and just keeping him up-to-speed. Not necessarily an easy thing to do, because he knew so much about the issue and so much more than I did, that it was rare that I was able to tell him something he didn't already know.

G: Did you get a sense of how involved he was in trying to deal with this litigation? Was he a part of that process?

L: I don't know.

G: How did you become involved with the Department of Interior?

L: I was invited to go to work there by the then-Assistant Secretary for Fish and Wildlife and Parks, George Frampton [chair, Council on Environmental Quality, 1998-2001; Assistant Secretary of the Interior for Fish and Wildlife and Parks,

1993-1997], who I had met earlier at an Everglades meeting. He invited me to come over and work for him.

G: Did you get back involved in the litigation issue process once you joined the Department of Interior?

L: No, for two reasons. One, when I went over there, which would have been in 1994, one of the things I asked him was to not work on Florida issues. I'd been working on Florida issues all of my career and had enjoyed [it]. At the Senate, [I] work[ed] on some national issues and while at the Department of the Interior I told him, it's a big country out there. I'd really like to work on issues other than Florida, and there was somebody working for him who already was working on Florida issues. In addition to that, there were people in the solicitor's office who were working on the settlement of the litigation, so the issue was well staffed by [the Department of] Interior by the time I got there. I wasn't asked to become involved and would have resisted it, in any event.

G: When did you get back involved in the Everglades and how did that happen?

L: Around the fall of 1995, the person who had been handling Everglades issues left our corridor to go be a park superintendent.

G: Who was that?

L: I can't remember her name. I'll remember it, but I just can't now. So, that left that void. Everglades issues had become of increasing interest to George Frampton, and he wanted to make sure that somebody was staffing him on it, so he asked me. He said, "I know that you wanted to work on other things," and I had been enjoying working on other things, but he said, "I'd like for you to insert the Everglades back into the list of things you're doing," which by then I was happy to do. The very first thing I did was meet with Secretary [Bruce] Babbitt [Secretary of the Interior, 1993-2001] who said, "you know, on [the] Everglades we've got the cart before the horse. We're going before Congress all the time asking for money, and we don't have a plan." He said, "I want you to put together a plan." So, a small group of us developed an Everglades restoration plan for Secretary Babbitt in November and December of 1995. It was a fairly short little plan, but it was fairly comprehensive. We gave it to Secretary Babbitt, who then took it to the White House and they liked it so much that in January 1996, a version of it became the administration plan that Vice-President [Al] Gore [unsuccessful Democratic presidential candidate, 2000; U.S. Vice President, 1993-2001] announced in South Florida in mid-January of 1996.

G: Is this the so-called white paper that was prepared on the Everglades?

L: I'm not sure I've ever heard of it referred to as the white paper. It's been referred to, as often as not, as the Gore Plan because he announced it, but it was the administration's restoration plan. It was essentially the same as the Babbitt Plan, but there were a couple of differences. But it called for the development and completion of a restoration plan [and] it called for four years of \$100 million each for land acquisition. It called for seven years of increased federal agency funding. It called for completion of the Modified Water Deliveries in C-111 projects. It called for a multi-species recovery plan. It called for a comprehensive wetlands plan. It called for increased funding for science. Over the course of the following four or five years, it was, for the most part, implemented.

G: Did that proposal eventually become the 1996 Farm Bill?

L: No. That's another story.

G: In early 1996, the [Bill] Clinton [U.S. President, 1993-2001] administration proposed [about] \$600 million for the Everglades and also proposed a penny-per-pound tax on sugar. The plan that you're referencing now, is that the Babbitt Plan that became incorporated as the Gore Plan?

L: I'm trying to remember if it incorporated a penny-per-pound [tax]. I don't think it did.

G: What is your opinion of the Everglades Forever Act? How would you evaluate that law which finally ended that period of protracted litigation?

L: I've never read the whole thing. It's a very unusual law, in my experience of having written quite a few. It's incredibly detailed. It reads like a settlement negotiation more than a statute in the sheer level of detail. It's my understanding that was necessary and was the result of an incredible amount of intense negotiation by all the parties, and the involvement of the Florida legislature. [It] served its purpose of finally bringing an end to the rancor that had been occasioned by the lawsuit in the first place. The fact that it has survived pretty much intact all of these years is a testament to the fact that it did a good job of representing what appears to have been a consensus view. There obviously has been disagreement over the years, particularly over the share of the cost of restoration being paid by the property-owners in the Everglades Agricultural Area. There was some concern expressed about some of the time lines that were in there, and subsequently whether they're being adhered to. But I think it was a very ambitious, very comprehensive approach to actually beginning the process of undoing the harm, particularly from degradation caused in the

Everglades Agricultural Area. It seems to have gone a long ways towards solving that particular problem. [It] remains to be seen, as we get more experience with the stormwater treatment areas, as to whether the vision that it was predicated on is going to play out properly. In that regard, it was a remarkable piece of legislation.

G: I realize you weren't working on Everglades issues at that time, but did you get a sense of what the reaction was within the Department of Interior? How did they view the passage of the Everglades Forever Act?

L: I think they were very pleased with the passage of the Everglades [Forever] Act. They certainly were very involved in negotiating it. The Secretary of the Interior sent one of his best attorneys, a woman by the name of **Glen Key**, to Tallahassee. It's my understanding that she pretty much lived there for a couple of months, helping negotiate and write that bill. At the end of the day, I believe Secretary Babbitt was very pleased with the result.

G: What role, if any, does the Department of Interior have in the implementation of that law?

L: I don't know the answer to that. I'm not familiar enough with that law. As I said, I've never really read it. I'm not familiar with whether it has a role in that law. It's certainly intended to benefit Interior so I suspect there must be a role for it in there somewhere, but for the most part it calls upon the state of Florida to take actions for the benefit of the Department of the Interior. It is the state imposing upon itself a lot of requirements. I think the Interior's continuing ability to make sure the state complies with it has more to do with the fact that it did not replace the settlement agreement, that the settlement agreement remains as a separate document and that the federal court has retained continuing oversight of the issues. Interior is certainly involved in the periodic reporting to the federal judge as to the state of compliance by the state of Florida, not only with the Everglades Forever Act, but with the requirements in the settlement agreement.

G: Is the main importance, or continuing importance, of the settlement agreement mainly to provide judicial oversight? Does the settlement agreement have any practical applications now that you have the Everglades Forever Act?

L: That's an apparent area of disagreement between the state of Florida and federal government. I think the state of Florida has taken the position, over time, that the Everglades Forever Act supplanted the settlement agreement and that to the extent [there is] any conflict, the Everglades Forever Act controls. You'd need to check with the Department of Justice to be sure of this, but it's my understanding that the federal government has always taken a position that the settlement

agreement remains, that they are parallel, but that in no way did the Everglades Forever Act supplant the settlement agreement, and indeed, the federal court chose to retain jurisdiction. It didn't have to, but it chose to retain oversight jurisdiction of the settlement agreement as an ongoing document to be sure that indeed the parties were complying with it. And indeed the Department of Justice and the parties periodically go into court and advise the judge of what's going on or raise issues with him. It remains, from the federal government's point of view, an important document in its own right.

G: Marjory Stoneman Douglas refused to have her name put on that bill. Why do you think many of the environmental groups along with the Miccosukee tribe were opposed to the Everglades Forever Act?

L: You've helped correct my memory because earlier I wasn't certain if the act that I had been involved with had been named for her. I knew that there was some controversy associated with her name being put on a bill. It may very well be that her name wasn't ever associated with the one that I worked on in 1991, but that there was an effort to put her name on a subsequent one and she said no. I'm told she said no and I'm certainly aware that there are a number of environmental groups and others who were dissatisfied with that legislation. As I understand it, one of the principal reasons that some groups were dissatisfied with it is [that] they felt it inadequately required, in particular, the owners of sugar plantations in the Everglades Agricultural Area to contribute to the restoration of the ecosystem. They felt they had received too good a deal.

G: To what extent do you think that negative reaction of the environmental community to this law had a lasting negative impact on the relationship between the Interior Department's Secretary Babbitt, who was involved in negotiating in those negotiations, and the environmental community?

L: It was a sad thing to see for the period that it lasted. There was some animosity by some in the environmental community with Secretary Babbitt. They felt that he had not been strong enough in the negotiation to require more of the sugar industry. They felt that a person they considered their friend had let them down. [End of Tape A: Side 1] I think some in the environmental community felt disappointed in him because they felt that he would go as far as they wanted to go, in terms of requiring a higher level of contribution by the sugar industry. When animosity occurs between friends, sometimes the emotions can be greater than [between] people who might be more natural enemies. In any event, they were disappointed with him. He was disappointed in them for not recognizing what he helped achieve with the settlement and with that legislation, in terms of real restoration getting done, which was always very important to him. He felt that what had occurred was adequate. It took a number of years for that rift to heal.

It finally did. I was there when it did and I was happy to see that when he went to speak to the Everglades Coalition a couple of years ago. I think by the time he left office, those animosities were largely gone.

G: Describe your involvement with the development and evolution of the South Florida Restoration Task Force.

L: That had begun before George Frampton asked me to start being involved in Everglades issues again. I can't remember what year, but Rock Salt [Executive Director of the South Florida Ecosystem Restoration Task Force] had an early conversation with Bruce Babbitt when Babbitt had just been named Secretary. As I understand the story, and Rock can tell it better, someone arranged for Rock, who was then the district engineer for the Corps, to sit next to Babbitt at a dinner, and Rock started getting Babbitt interested in the Everglades issues. Secretary Babbitt and George Frampton recognized that this was an issue that would be a good one for the Department of the Interior to become involved in. They recognized that the Corps of Engineers was obviously a key player to the effort, but that the Corps of Engineers also was an agency that was an action agency, as opposed to a policy agency and certainly a resource agency.

The Corps of Engineers was very good at doing what it is they were asked by either their president or Congress to do, whether that had good or bad environmental consequences. They saw the need for the federal family to work with the Corps at trying to get changes made in the system that would help the Department of the Interior and its resources. They decided to create an interagency task force composed only of federal agencies, chaired by George Frampton, that would meet periodically and discuss issues. [It would] serve not only as an entity that would coordinate federal interagency policy in South Florida, but most importantly, help guide decisions being made by the Corps of Engineers.

G: Can you talk a little about your personal involvement with the Task Force?

L: After I started working on the issue again in the fall of 1996, one of my responsibilities became working with the Task Force and Rock Salt, who was its executive director. Rock and I ended up working very closely together because he was responsible for putting together Task Force agendas and recommending where and when it ought to meet. I would work with Rock on some of the policy issues we needed to bring before the Task Force and help prepare George [Frampton] for those Task Force meetings.

G: Could you talk a little bit about the content of what the Task Force has dealt with?

- L: The Task Force, back in those days, would deal with disputes that would come up between and among agencies in the federal family, primarily between the Corps of Engineers and the Department of the Interior. It would deal with issues associated with budget requests for the agencies for Everglades efforts and try to make sure that they were coordinated. After the administration's plan was announced in January of 1996, it was really after that, that I became most involved with the Task Force. A lot of the Task Force efforts were about seeing that [the] plan was implemented. We would discuss things like increases in each agency's budget with respect to Everglades restoration to make sure that their budget requests came in consistent with the Everglades Plan, how federal dollars would be spent for land acquisition, even to the point of talking about particular property opportunities to acquire, and attempting to resolve disputes that might come up between the agencies that needed Washington-level attention that couldn't be worked out by the working group in Florida.
- G: How effective do you think the Task Force has been as a dispute-resolving mechanism?
- L: It depends on which version you're talking about. The original version was all federal agencies. In that regard, and in part because of its particular membership and the strengths that George Frampton has as an individual, as a policymaker, as a person and as a leader, I think the Task Force did a very good job of resolving issues that came before it. That didn't necessarily always translate well when things went back to Florida and disputes would continue, perhaps in part because of personality differences. But it was pretty effective at formulating and implementing a unified administration policy. That became more difficult when the Task Force membership was expanded to include non-federal agencies, initially informally by inviting the state to participate. Subsequent to that, the Water Resources Development Act of 1996 statutorily created the Task Force and expanded its membership to include representatives of the state of Florida, the two tribes, and local government. That expanded considerably both the volume and opportunities to resolve conflicts and the types of conflicts. The permutations of conflicts that suddenly became ripe for Task Force discussion changed quite a bit.
- G: Where did the idea for expanding the Task Force to include non-federal actors come from?
- L: I think there was a recognition in 1996 that if the Everglades restoration effort was to succeed, it needed a leading entity. It needed some group where important policy decisions could be made and guidance could be given to the two primary partners B the state of Florida and the federal government. It became increasingly evident that so long as the Task Force remained federal only, its

ability to lead a partnership was very limited. It needed to include the state as a full partner in order to succeed. As we began to discuss the idea of expanding it to include the state, very quickly we all realized that of course there were three other important levels of government or types of government. One being the tribes, another being regional government (the Water Management District), and the third being local government. In the negotiation of the Water Resources Development Act of 1996, we eventually negotiated a Task Force membership that was enacted that had roughly equal numbers between the federal interests and other interests.

G: When you say negotiated, who are you negotiating with?

L: Some of us were negotiating on behalf of the administration. We would be negotiating with our counterparts in the governor's office and certainly the tribes and different interest groups would weigh in and then, of course, the members and staff of the congressional committees that were considering the legislation.

G: Was there any consideration given at that time to including non-governmental actors in the Task Force?

L: No. The view was that we needed a Task Force to represent government, but we recognized very well that we needed a non-governmental advisory group as well as a science advisory group. We put into the legislation [something] that basically authorized the Task Force to create or adopt advisory groups, including those two. As I recall, the Governor's Commission for a Sustainable South Florida already existed and I believe we specifically named them. [We did] not necessarily create them as an advisory group, but came as close, legislatively, [to] suggesting that they would be a good group for that purpose as we could. We felt that the membership of that group happened to be pretty good for serving that purpose, and if it hadn't existed, we might very well have created one.

G: How would you compare the leadership styles within the Task Force of George Frampton to Patricia Beneke [chair, South Florida Ecosystem Restoration Task Force; assistant secretary for Water and Science, Department of the Interior]?

L: They're very different people and they're both very talented in their own way and friends of mine. George's style, with respect to Task Force meetings, was to be very, very well prepared. He would usually know exactly where it was he wanted to go before the meeting began and pretty much knew, or would try to know, what everyone's view on a given issue was in advance of the meeting. [He] was very successful, without taking any votes, at moving the Task Force in what he considered to be the right directions at resolving issues. He's extremely talented at that sort of thing. As I've said before, he had the benefit of it being [head of] a

federal Task Force when he was chairing it and that made that issue a lot less complex. Patty Beneke became chair after the Task Force had been created legislatively, with its expanded membership. During her tenure, the Task Force went through an awful lot of growing pains. Patty's personality is very much one of consensus-building, which is very important for that job. Patty was of the belief that with this new Task Force, new membership and new alliances, came new issues that didn't have to be faced before. How does one attempt to have a focused agenda when you have members of the Task Force who might be very much opposed to one another on a given issue or maybe even in litigation with one another on a given issue? She believed that it was important that the Task Force be a forum at which full discussions could occur. She needed to deal, for the first time, with issues that had never come up before, issues like, should there be a vice-chair? Should the Task Force actually take votes, which it had never done before? Things like that suddenly became a management issue for her that her predecessor hadn't needed to deal with. She believed that there should be opportunities for full discussions among the various governments represented, so the Task Force meetings tended to be more of an opportunity for discussion of issues [rather] than necessarily taking actions, or encouraging that a particular party take action. It became less of an action-oriented group and more of a discussion group, which changed the tenor of the Task Force and it was just different. Their leadership styles were different, but the membership changes dictated a different result for the Task Force over that period.

G: How much direct involvement did Secretary Babbitt have with the Task Force?

L: Not much. I believe that he entrusted the running of the Task Force to the two individuals or the three individuals that he chose to run it while he was secretary.

G: How involved was the Task Force in the Corps restudy process?

L: When George Frampton was chairing it and it was a federal-only Task Force, one of the things that [initial] Task Force chose to do early on, and one of the most important things it did early on, was ask the Governor's Commission for a Sustainable South Florida to develop a conceptual plan that the Corps of Engineers might adopt as its base plan upon which to develop its own. That turned out to be a very important decision that the Task Force made. A full year, a little bit more than a year, before the Corps of Engineers began its development of the restudy and the Comprehensive Plan, the Governor's Commission was busy developing a conceptual plan, using the Corps of Engineers and the Water Management District and other agencies' expertise at helping it run models of different alternatives. They developed, under Dick Pettigrew's [chair, Governor's Commission for a Sustainable South Florida; Florida state senator, 1972-1974; speaker of Florida House of Representatives,

1971-1972] good leadership, a consensus plan that proved to be extraordinarily important as the whole restudy unfolded years later. They developed a conceptual plan [and] handed it to the Corps. The Corps did indeed take it and used it as the fundamental basis upon which the restudy was built, refined, and changed, of course, over time, but adhering to the fundamental principles and the general direction that the Governor's Commission's plan adopted.

Years later, as the restudy was unfolding, the Task Force provided opportunities for its members to be briefed on progress on the restudy, encourage funding for it, encourage the Corps to proceed and stay on track [and] encourage agencies to cooperate with the Corps as the restudy unfolded. [It] became a place for issues that might crop up to be aired and discussed among the participants. After the restudy was completed, the Task Force became an important forum, [in] the period that either Patty Beneke or Mary Doyle [chair, South Florida Ecosystem Task Force, 2000-2001] were the chair, where discussions were had about future implementation of the restudy and that continues today.

G: As you look at the Task Force now, are there any shortcomings that you'd identify with the Task Force?

L: I haven't attended a Task Force meeting now in a while, and now of course it has its fourth chair Ann Klee [chair, South Florida Ecosystem Task Force, 2001-present; special assistant and counselor to the Secretary of the Interior] who is very good, very bright, very well organized. As I understand it, the Task Force has been doing very well at taking up a good, strong agenda and being a place where issues are discussed and actions are taken. But I don't know that of first-hand knowledge, it's based on what others have told me, that the Task Force seems to be working well and the participating parties seem to be enjoying the Task Force operating. One of the unfortunate things about the Task Force is that its membership has never been full. The federal agencies include, I believe, the Department of Transportation and I don't believe the Department of Transportation has ever either participated or certainly not fully participated as a member. You have at least one federal slot that is, for the most part, inactive. With respect to the other governments, the two local government representatives have not, since the first year after its creation in 1996, participated, to my knowledge. That's been unfortunate because there was a general view that local governments needed to be full participants in the Task Force in order for their point of view to be expressed and discussed. One of the challenges, obviously, is that if you choose, as was the case here, a small community mayor and a large city mayor, or whatever permutation you choose, it's still difficult for [those] whose job it is to represent their particular community to represent all of local government in the ecosystem. There must be hundreds of cities and towns of

varying size and their ability to represent local government is difficult and probably contributes to their lack of participation.

G: You mentioned the importance of the Governor's Commission and the conceptual plan that they came out with. Why was that such an important action?

L: It was important because, [for] an ecosystem restoration plan to succeed, **[it] has to have good, solid, bottom-up buy-in, and as much as possible consensus**, however defined, of the competing and variety of interests that are out there. It was the opportunity for academics, environmentalists, farmers, developers, local government, regional government, tribal government, federal government, state government representatives, and just plain citizens, community leaders, to come together and discuss, in a meaningful way, what they saw as the future for South Florida in terms of Everglades restoration. It's important to try to restore the natural system. It is also important to make sure that the urban communities continue to be protected from floods and that farmers continue to get enough water for irrigation and be protected from floods, that the urban center have enough clean water for drinking water supply, that a recognition be made, as a plan is developed for thirty years or more, that there is going to be development. Where should that development occur, and how can it be managed in a way that doesn't continue to stress the natural system at the same time that you're trying to restore the natural system? What is the interplay between habitat needs of the sixty-eight listed species and some of the development interests? Is it important to maintain agriculture as a buffer between the natural system and the urban environment and therefore is it important that the agriculture community remain viable as an economic force in the area? Those kinds of discussions that are so important could be had by representatives of those different interests.

The Governor's Commission, if it hadn't existed, I believe we would have needed to create one. But it did [exist] and it just so happened to be under the leadership of a rather remarkable individual who managed, as you can imagine over the year-plus that they undertook this process, to keep the group together, keep the group talking, and keep working with scientists and developing models and principles that they were able to adhere to, that met all of those needs sufficiently. At the end of the time that they studied it, they were able to develop a plan that they all signed on to. That became very important later on because as their conceptual plan was taken, and the federal government did [its] best to adhere to those principles and keep as close as possible to the conceptual plan, as issues arose and as one group or another became unhappy with the direction the plan might be taking, the others were able to remind that interest that they were at the table. When the original plan had been developed and they had signed up to it and to the extent that their position they were now taking was

contrary to that, it became a very important peer pressure to bring [and] keep everybody in the middle, to keep everybody under the tent, and to keep everybody together, realizing that if they didn't stay together, it wasn't going to succeed. It did and we owe an awful lot to the work of the Governor's Commission developing it and developing that consensus that ultimately carried the day.

G: In general, how would you characterize the working relationship between Secretary Babbitt and Governor Chiles as it pertained to Everglades related issues?

L: To my knowledge they had a very solid relationship. I don't know how often they talked. My guess is that they talked more during the period that I wasn't working on the issue associated with the settlement of the lawsuit than after I came onboard. The only times that I was aware, personally, of communications between the two were involved in the Talisman acquisition.

G: Could you tell me a little bit about the process of developing the Babbitt Plan for Everglades restoration in late 1995, early 1996, including some of the key actors involved and the kinds of issues were being discussed and debated?

L: The Babbitt Plan was, for the most part, an internal document that was prepared by a number of us. Obviously, important players were George Frampton, the assistant secretary for Fish and Wildlife and Parks, Bonnie Cohen [undersecretary for management, U.S. State Department, 1997-2001; assistant U.S. secretary of the Interior, 1993-1997; senior vice-president, National Trust for Historic Preservation, 1989-1993], the assistant secretary for Policy and Budget, **Glen Key**, the solicitor who had been a lead negotiator for [the Department of] Interior in the development of the Everglades Forever Act. Myself and one or two others at the Department took a lot of the ideas the Secretary Babbitt expressed to us he was looking for. We talked to others, such as Rock Salt, in attempting to develop the major component parts.

The major component parts for Secretary Babbitt were that you would develop a plan upon which budget decisions would be made, rather than the other way around, that there be an important land acquisition component [and] that there be an important cost-share. That plan was the first proposal of a 50-50 [percent] cost-share, for example, between the federal government and the state of Florida. He also believed that there should be a cost-share on the sugar industry, but he wasn't sure exactly how that should be described, so his plan didn't specify a particular mechanism for it. He believed that there should be a third party to pay eight percent, and the remainder, [the vast majority], would be split 50-50 between the federal government and the state of Florida. Those were the main component parts that he sought, including a multi-species recovery

effort and an enhanced coordination among the federal family. He called for the Task Force being institutionalized. Those were the major components of the plan. As the plan was taken to the rest of the federal family for possible development as an administration plan, we sat down with representatives of the major other federal agencies, NOAA [National Oceanic and Atmospheric Administration] and, EPA [Environmental Protection Agency] and the [Army] Corps [of Engineers] and [Department of] Justice being the primary other players and talked to them about some additional items that could be included in an administration plan. It was at that time that we added a number of other proposals to it and that's what ultimately became the administration plan.

G: How did the White House get involved in this? At what point did that occur?

L: **CEQ** was an important entity as well as OMB [Office of Management and Budget] in the development of that plan because CEQ was performing, as it always does, a coordinating function for the federal family and the development of administration initiatives. It's one of its responsibilities. OMB, of course, became involved because we were going to be recommending significant adjustments in the budgets of a variety of federal agencies, so their involvement in those discussions became very key. Their acquiescence and support for increased funding for all the federal agencies as part of that plan was very key.

G: Did the Vice-President get actively involved in this prior to announcing the plan?

L: I'm sure he must have and I'm sure that he was briefed by White House staff and his own staff. I didn't ever brief him and I don't know exactly who did and when, but I'm sure they must have.

G: What was the reaction from Congress to the administration proposal?

L: I believe that the Florida delegation was very pleased to see the administration make the Everglades such a high priority. We found a great deal of support on [Capitol] Hill for the very budget increases that we were seeking. It was particularly true, with respect to the Interior's budget where most of the funds were being sought, that the Interior appropriations committees were very supportive of the increases being sought by that agency including, particularly, funds for land acquisition.

G: Did the administration's plan actually become enacted into law?

L: No. The administration's plan was more of a statement of action items. It became a checklist for the affected federal agencies to pay attention to, so when it called for four years of \$100 million of funding for each of four years, Interior

included in their budget request that amount of money. When it called for percent increases in agency budgets, those agencies would seek a percent increase in their budget each year for Everglades issues. It was more difficult to follow in some agencies than others. Interior actually had budget line-items associated with Everglades efforts. EPA would see increases in particular programs, but without specific mention of Everglades. For example, in the implementation of the budget numbers that it received for those programs, EPA would make the decision administratively to expend certain funds in the Everglades.

G: Early in 1996, the Clinton administration called for the establishment of a penny-per-pound tax on sugar to raise funds for Everglades land acquisition. What happened to that administration proposal?

L: I don't believe the administration ever did adopt that proposal. I think there was an awful lot of discussion of that proposal. I can't recall, and I may be misremembering, if the administration ever actually adopted it. I can't recall how that issue was handled in the administration plan. It may have been mentioned in the administration plan, but it never proceeded, for a variety of reasons. One was that, for the most part, it was perceived as a state initiative. Insofar as it was seen by a number of people, it would be perhaps a state tax. Therefore, other than providing support, had the state chosen to go in that direction, there was little role for the federal government in its enactment. In the state of Florida, it turned out the support for such a tax was not there, so it didn't move forward. At some point, subsequently, an effort was made to amend the Florida Constitution to impose it and that failed. At the same time, a different initiative passed that imposed some level of responsibility upon polluters to pay, but I don't believe it's ever been implemented and, as I understand it, would require legislation. The bottom-line is when the voters of Florida voted it down, it was a pretty strong signal to a lot of people that perhaps that was an idea that didn't have political support where it was most needed.

G: How involved were you in the development of the 1996 Farm Bill?

L: None. Not in its development.

G: Could you talk about the importance of that bill?

L: The importance of that bill, with respect to the Everglades, is one provision. As I understand it, a decision was made at some point by some members of the Florida delegation to get included in the Farm Bill \$200 million of funds to be used by the Department of the Interior to acquire lands associated with Everglades restoration. There was also a second, lesser-known provision that

was added to that, [which] was an experiment that would create a different fund. That initial \$200 million had a time period, I believe a four-year time period, for it to be spent. It was unusual in a number of ways. One way it was unusual is that it could be spent over a number of years, instead of just one year. The second fund didn't have a time limit on it. It was designed to encourage any funds received by any federal agency for the sale of surplus federal property to be first offered to the Secretary of the Interior for deposit into a separate Everglades restoration fund to be used for Everglades restoration activities. That fund never really realized a great balance. I don't think it ever got more than five to \$10 million because of the difficulties associated with getting federal agencies the surplus property and the fact that often the sale of property would already have the money directed someplace else or that it would be transferred to a university or something like that. In any event, not a lot of money was ever put into that fund. The \$200 million, however, because a very important amount of money. It certainly was helpful to the administration's ability to have adequate funds for land acquisition as it felt it needed. It also was not viewed by the administration or many others as half of the \$400 million that was included in the administration plan for \$100 million over a four-year period; rather many saw it as additive to it. Indeed the administration continued to seek each year approximately \$100 million, even though it had those \$200 million available to it. Those funds became very important, because they provided the Secretary of Interior with a great deal of flexibility in its expenditure and provided the Secretary with a great deal of opportunity to acquire some very important land in South Florida. [End Tape A: Side 2]

- G: In terms of spending money for land acquisition, could you tell me which people in the Department of Interior were responsible for making those choices and how those decisions were made?
- L: I was given a lot of that responsibility, which I kind of enjoyed. I made recommendations, but all decisions about how to expend the funds were made by George Frampton, Bonnie Cohen, and Bruce Babbitt within the Department. I worked with the solicitor's office in the development of any grants that we made with those funds. Secretary Babbitt made a decision early on that he believed that those funds should be matched to maximize their use. One of the first things we did was negotiate. While we were free to provide those funds to anyone, the expectation became that we would work out agreements primarily with the South Florida Water Management District as the local sponsor and the entity in South Florida who had an active land-acquisition program in place. We felt that if we could match up our funds with them, we could do \$400 million worth of good in South Florida. We negotiated, early in September of that year, an **MOA** with the Corps of Engineers, the South Florida Water Management District, the state of Florida and Interior, whereby we agreed on how those funds would be expended,

including that they would be matched on a dollar-for-dollar basis unless waived by the Secretary of the Interior. That became an important phrase because, again, we wanted flexibility to expend the funds, take advantage of opportunities that presented themselves, but we also knew that the South Florida Water Management district had a good land-acquisition program. They had identified quite a few needs for land acquisition, so we worked very closely with them in particular on looking for opportunities to expend the funds in the best way possible. We looked at lands that they considered to be the highest priority and those included lands in the east coast buffer, which was the very narrow north-south strip separating what remained of the Everglades from urban development on the east coast. Those lands were under particular development pressure and we needed to acquire as much of that land as possible for future Corps projects. We were also looking for opportunities to buy land on the west side of the state because there were important needs over there and we wanted to strike as much of a balance as we possibly could in the ecosystem. And then of course, we were always looking for opportunities to buy land in the Everglades Agricultural Area because that was very important, we knew, to meet the storage needs that the Corps restudy was demonstrating needed to be had.

- G: In December 1997, Vice-President Gore announced at the Everglades National Park fiftieth anniversary that they'd reached agreement in purchasing the Talisman landholding. Would you describe your involvement in the process of events that led to the Vice-President's announcement?
- L: The Talisman property was well known, prior to the Farm Bill enactment, as an opportunity. The owner of those properties wanted to sell, wanted to get out of the business in the Everglades Agricultural Area and it was a substantial property. For meeting storage needs, we knew several things. One was, we knew that the Everglades Agricultural Area was a key location for storage, not only because of its strategic location in the ecosystem, being near the top, but because of the interaction between storage opportunities and the stormwater treatment areas that ideally would abut them. We also knew that in order to get the large storage acreage that the restudy and the conceptual plan called for, we would need to get large contiguous blocks and that was difficult to do if you were focusing on small checkerboard pieces. The Talisman property offered everything everyone was seeking, so its acquisition was important and always recognized as important. It was particularly important as well to the environmental community, which wanted to see less land in sugar production. It was always there as an opportunity, and as we expended the funds, we always knew that Talisman was there and that when an opportunity came to acquire it, it would be nice to have enough money to do so. As we expended funds out of the Farm Bill, as we provided the state with \$40 million in one grant or \$20 million in

another or \$10 million in another, we were always mindful of how much money was still in the account.

At some point in time we were approached by representatives of Talisman [who said] they were interested in selling and/or trading land. Secretary Babbitt expressed a great deal of interest in it, talked to me about it, talked to George about it. We agreed that it was going to be a particularly complex transaction and Secretary Babbitt made the decision to ask an old friend and former official at the Department of the Interior who was retired at the time, named **Buff Boland**, if he would come in and be the lead negotiator for it. My role became one of policy coordinator on the acquisition between the various parties, in terms of what we were attempting to get out of it, working with [Capitol] Hill and others in terms of briefings and that sort of thing. But the actual day-to-day negotiation with the owners of the property and, more particularly, the other interests who became involved in the very complex transaction as we started looking for opportunities to swap lands, was led by **Buff Boland**. He was aided by probably one of the most talented Interior solicitors, his name is **Barry Roth**, at the Department.

The transaction was very complex because the Talisman properties consisted of one large L-shaped block of land and a number of satellite properties scattered mostly to the northeast of the big block, which was right smack in the lower middle of the Everglades Agricultural Area. We were seeking a large contiguous block of land for storage, so the satellite properties didn't particularly suit those purposes. It immediately became obvious to us that we needed to try to acquire the Talisman properties, but simultaneously negotiate trades with other property owners in the Everglades Agricultural Area that owned the property we did want, contiguous to the large piece, or immediately south of the large piece, such that we would have the big block of property abutting the stormwater treatment areas that we sought. We needed to engage in some very, very complex negotiations: trading, putting a value on the Talisman property that was acceptable to all parties, putting a value on the satellite properties, and then figuring out how to enter into the land exchanges that we needed in order to get the footprint that we sought at the end of the day.

G: Had you already decided, before the sugar companies started their litigation, that you wanted to engage in a land swap?

L: No. That litigation began back in late 1980s [or] early 1990s.

G: I'm talking specifically about a lawsuit filed by the Florida Crystals Corporation and the Sugar Cane Growers Cooperative to stop the Talisman land sale.

L: I'm sorry. I misunderstood what litigation you were talking about. Yes. We had long since decided that the only means of obtaining the ideal footprint was to engage in these kinds of trades. If we had been unable to do so, not that we would not have acquired the property, because it was an opportunity to get probably the largest block of property located pretty close to where it needed to be that we could obtain, but we would have ended up owning some property that would have, for storage purposes, been of lesser value to us. We might have needed to hang on to it for a period of time until we were able to negotiate some exchanges of property. In our judgment, the ideal situation was to engage in them as one big package and that's ultimately what we succeeded in doing.

G: How important was the involvement of Governor Chiles in reaching a final settlement to the Talisman issue?

L: That is a tragic story. Governor Chiles was very important to us. As we were negotiating with the sugar companies, they were difficult negotiations and we felt that we were on the right path and we were down to negotiating price and value and that sort of thing. We were concerned about how that was going, as was Governor Chiles, who also believed that the acquisition was important. Understand that this wasn't a 100 percent federal purchase, we were cost sharing with the state of Florida on the acquisition. That was where we became very creative and we used that phrase that I referred to, that a 50 percent match would be required except for a waiver by the Secretary [of Interior]. We were able to be creative in the use of state funds, because the state funds, unlike the Farm Bill funds, had restrictions upon how it could be expended and we needed to be mindful of those restrictions. I don't recall them specifically anymore, but it required us to structure the deal in a way that the state funds were applied to certain properties and the federal funds were applied to others. That was just another level of complexity. In any event, the governor became very important. He had a great desire that the acquisition occur on his watch and he was nearing the end of his term of office. He traveled to D.C. the day before he died and met with George Frampton and myself and a couple of others. **Buff** and I briefed him on a new proposal that we had talked to his staff about that we thought was a reasonable offer to make to the landowners. The governor liked it. We proposed to travel to Florida to offer it to the landowners that Sunday, two days later, and we were already referring to it as the Chiles Plan. The next morning we got the call that he had died. It was an extraordinary moment. We were so looking forward to having his leadership in moving that deal forward and his active involvement in making phone calls and meeting with people and trying to bring that deal to closure, and we had lost him. We traveled to Florida anyway on Sunday, made the offer, and ultimately a version of that succeeded.

G: How involved were you in the development of the Water Resources Development Act of 1996, which established the restudy process formally and formally established the Restoration Task Force?

L: A fair amount. For the administration, it was a multi-agency effort. I'd say it was probably led, certainly in its early development, by Michael Davis [associate director for natural resources, Council on Environmental Quality, 1994], who was the Deputy Assistant Secretary for Civil Works. [He] had a great deal of experience with the development of the Water Resources Development Acts and while he was there, he put together the administration's Water Resources Development Act, including the Everglades piece. I worked on it with him along with a couple of other people who worked for different agencies. A team of us negotiated with the state and others [about] the membership of the Task Force and the business of including the reference to the Governor's Commission and the duties of the Task Force. We negotiated with the state at 50-50 cost-share, which was an easier negotiation than it was with [Capitol] Hill because it was unprecedented. We negotiated the date by which the restudy would be completed, which was very ambitious. Not only was it a study of unprecedented scope and complexity, but we probably lopped a year-and-a-half off of what the Corps thought was a reasonable time to complete it. But we all wanted to see it done and we chose the date of July of 1999, and they met it.

G: How would you evaluate the restudy process that led to the development of the Comprehensive Everglades Restoration Plan?

L: In my judgment, [it was] the Corps' finest moment. It was extraordinary. The Corps had the wisdom or the luck of having some its best and brightest in the Jacksonville District. Very, very able, capable men and women working on it with good strong support from their political leadership. It was a process that was open and transparent and [it was] difficult to do an incredible number of model runs and listen to public input, often conflicting public input, always being told [it was] not good enough, try again, under an incredible time pressure and it was remarkable. It was a very impressive piece of work to watch. I didn't attend many of their public sessions, but I certainly heard about them and every time I asked different interest groups if they felt their voice was being heard, they always said that they were impressed by how open the process was to the public. And that was very impressive, given how difficult it was.

G: What were the primary issues that concerned the leadership within the Interior Department during the development of the Comprehensive Plan?

L: That their mission was so very different from the Corps. Y Interior's interests were predominantly those of the Park Service, but very closely followed by the

interests of the Fish and Wildlife Service. From the federal point of view, they were, in essence, the Corps' client. They were the resources, they owned the federal resources that were the natural resources to be protected, roughly half of what remained of the Everglades, the other half [was] owned by the state. You had one of our most endangered parks in the National Park system, the Everglades National Park there, almost one of the most visited. One of the top parks in the system. You had Biscayne National Park, Big Cypress National Preserve, a dozen or so National Wildlife Refuges, and then outside Interior, you had the Marine Sanctuary. [There were] sixty-eight federally listed species that the Fish and Wildlife Service had to be concerned about. Their interests in the success of the restudy was manifest. It was extraordinary and it was why we recommended and Congress enacted a Task Force whose permanent chair was the Secretary of the Interior. It was a recognition that Interior's interests were great in the success and that Interior's mission was more constant. Their responsibility is to protect resources for future generations, so the constancy of that worked well with the permanency of the chairmanship, as an aside. But those interests were not, as you can imagine, necessarily consistent with the interests of the state of Florida, the agriculture community, the environmental community, of anybody else. They were always pushing the Corps to alter the restudy or [do] a model run to maximize benefits to the resources under the management and concern of the Department of the Interior. Sometimes that forced the Corps of Engineers to make choices between addressing those concerns and the concerns of others, and that made for some tension between the two agencies on a number of occasions.

- G: Do you feel like the interests of the Interior Department along with its subagencies were given adequate consideration by the Corps during the restudy process?
- L: Absolutely. I think the Interior Department did a very good job of protecting its interests and advocating its interests throughout the process. It was led by some very able people, both in Florida and in Washington. I think they did a very good job of trying to make sure that their interests were addressed.
- G: When the Corps of Engineers released the initial draft of the restudy plan in October of 1998, the Park Service issued a forty-four page critique that strongly criticized parts of the restudy plan. To what extent did these criticisms from the Park Service also reflect the views of the leadership within the Interior Department?
- L: I think they were very consistent with the desire of the leadership of the Department of the Interior that Interior's interests be protected. I think that report or analysis surprised a lot of people, probably including people within the Interior

Department. I know it surprised me. I thought, by the time the Corps had issued its draft, it had indeed done a pretty good job of protecting and looking out for and addressing Interior's interests. The sentence in that report that stood out for everybody was along the lines of, this is not restoration, or words to that effect, and I think it extremely disappointed the Corps of Engineers and caught me by surprise. I did not anticipate such a strong statement indicating that the draft is not good enough. Many of us inquired as to what they meant. Why not? Where was it deficient? What we learned, or at least what I learned and what stuck in my mind, was that one of the principal goals here was to try to restore the natural flow of water into Everglades National Park. [It should do] as much as could be done to replicate the way it used to be, recognizing that was impossible, that too much land that used to be part of that flow was either being developed or had been cut off artificially or interrupted by infrastructure or that a substantial amount of the Everglades no longer existed. But so far as possible, the goal was to try to restore the type of flow, meaning the sheet-flow versus pulse, and the amount of flow at the times that they would flow in a natural model. You get the timing right, the quality right, the quantity right, and the distribution right. What I was told was that the plan only got about sixty percent of what the natural-systems model predicted and, in their judgment, sixty percent was not restoration. But, they said, if they could just get some more water and an amount of water that they thought could be calculated, they might be able to get that up as high as ninety percent, and that was real restoration. That would rejuvenate the habitat within the park and start making the park look the way it used to look. That led to discussions about what that amount of water [would] be and how you would get it and [whether] it could be had and [whether] you could actually take that number from sixty percent to ninety percent and address that concern. Those discussions took place following that report.

G: Were you part of those discussions?

L: Some of them.

G: Could you describe how the process of those negotiations unfolded?

L: I wasn't involved in posing the question to the Corps, but the question that was posed to the Corps [was], is it possible to determine what amount of additional water would be required to significantly increase that percentage? The Corps came back and briefed a number of us that indeed [about] 400,000 acre-feet of additional water would achieve ninety percent and that over a period of time of looking, [they] found that there was an additional 400,000 acre-feet to be had. Primarily, it involved some urban stormwater runoff near the top of the system, near the top east of the lake. They determined the amount, that it was possible to eke out an additional 400,000 acre-feet, but the issue was how to get it from

where it was to where it needed to be and to get it clean enough to meet the needs. We were up against the deadline of June 1999 to get the final restudy to Congress. We realized that this was going to be very complicated. There were issues of whether the canals had the capacity to move those quantities of water. There were concerns about whether it would cause flooding if you tried to move it and who would be harmed by that. There was concern about cleaning it up B where and how would you do that? There was a recognition that indeed, if all of those concerns could be met, it would be a good thing to add that amount of water, because it would have such a dramatic restorative impact upon the park. After all, meeting the needs of the park had been a feature goal of the whole restoration effort from the get-go, including back in 1983 when Governor Graham called for Save Our Everglades. But we couldn't figure out how to answer all those questions and the Chief's Report reflected that the Corps would endeavor to capture and deliver that amount of water, but there was a recognition that further study was going to be required, associated with it.

G: Why do you think the Chief's Report became so controversial?

L: Because a number of groups saw that and said, wait a minute, this looks like here at the tail end, the Department of the Interior has put their thumb on the scale and obtained acquiescence by the Corps of Engineers in a fundamental change to the plan. We weren't part of those discussions and therefore we're crying foul here, and by the way, if you try to deliver this amount of water, it might cause flooding on the state-owned lands and that could create harm and we sure wouldn't like that. Primarily, the complaint was a process complaint. The whole process of developing the plan had been run very well by the Corps of Engineers, it had been a good transparent process, people felt that they had been participating in it, and here they saw a situation where they felt this wasn't fair to them. The Department of the Interior had complained that it wasn't good enough and here's what they needed and the Corps of Engineers had determined that it might be possible. After further study, they'd know that it might be possible to meet that additional need.

G: Is that a fair criticism?

L: I could argue it both ways. My best argument that the Corps did the right thing in attempting to address Interior's need is twofold. One, is [that] the plan ultimately was the administration's plan that it was presenting to Congress. It was appropriate for the administration to try to work out a plan that met the needs of the administration, including the Department of the Interior and the Corps of Engineers B that's what the effort was, to try to do that. In addition, it was appropriate for the administration to be interested in trying to maximize benefits for Everglades National Park, for all the reasons that I'd stated before,

recognizing that, as a partnership, we needed to be mindful of other needs as well. I believe we were, because in the discussion of whether it was possible to deliver those acres to Interior, we all recognized that it might not be, and it might not be without harming other interests and that would have to be taken into account. Somehow, if it could be done, it would have to be done working through those problems with other parties. But again, a lot of it was the exigencies of the time. From the other point of view, yes, given that so much that had gone into the development of the plan had been a consensus building exercise, I could understand why some felt that this wasn't quite fair.

G: What people were involved in negotiating what became the Chief's Report?

L: It was primarily discussions internal to the Corps of Engineers and the assistant secretary's office, but certainly Interior was seeking a way in which the agreement that had been reached between them and the Corps could be expressed as part of the package that went forward. The mechanism that the Corps of Engineers chose, rather than go in and have to adjust the plan itself, which would have been difficult, given the amount of time we had to get [it] published, was that a chief's report always accompanied a project. The determination was made between the assistant secretary's office and the Corps of Engineers that [it] was an appropriate place to add that feature. It wasn't the only provision that was in the Chief's Report. What's forgotten by people who focus on that one particular paragraph is that it was a very lengthy document that contained an awful lot of additional items like that and commitments made perfecting the plan that apparently were not as controversial and therefore were not focused upon. It became, obviously, an important paragraph in a lengthy Chief's Report.

G: The Chief's Report, of course, was not included in the final legislation passed by Congress. Does the Comprehensive Plan, as enacted, provide adequate water guarantees to the park?

L: I guess you'd have to ask the park that. They may still be of the view that it does not. It may very well be that subsequent model runs and negotiations between the Corps and Interior since I've been paying attention to it B I just don't have the time to pay attention to it so much anymore B have resulted in modifications that, in the park's view, better provide the water levels that they need. Conversely, it may be that they are still hopeful that as the restudy unfolds that there'll be ways of capturing additional water and sending it their way. I don't know the answer to your question, you'd need to ask them that.

G: Would you take me through the step-by-step process of developing what became the Water Resources Development Act of 2000?

L: If there was a point person, it was Michael Davis, working with the Jacksonville District on the development of the legislation intended to authorize the restudy. Because the Everglades was unique, their judgment was that the Everglades provisions needed to contain provisions that were unprecedented in process, documentation, and scope. For example, ordinarily Congress does not authorize a project until certain design-level documents have been prepared that allow Congress to understand the project pretty clearly, what it's going to do and what it's going to cost. For the Everglades in the 1996 WRDA [Water Resources Development Act], we had been able to convince Congress to allow us to try a programmatic approach for a certain dollar level of project to allow them to all be authorized, even though those documents had not yet been completed. In 1996, Congress allowed the Corps to do that for a certain level of small projects. We took that thought and carried it forward into WRDA 2000. The decision was made to try to get Congress to authorize an initial suite of projects without completion of those documents, to authorize a certain type of projects that were of a lesser dollar amount, and adopt a new process to authorize the overall project, then authorize a suite of projects and a process by which projects would be developed and presented to Congress for further specific authorization.

The assistant secretary's office at Civil Works came up with this idea of creating programmatic regulations that would be the umbrella process by which projects would be evaluated and implemented. Then there would be project implementation reports, a new document that had never been created before that was some version of a design document, but not quite at that level, [which] would then be presented to Congress. That would be good enough for Congress to authorize that project, once they completed that report. There would be subsequent reports with greater detail as that unfolded. That was a creative new way of dealing with such a huge project that would provide for accountability to the Corps and to the local sponsor, yet allow this project to move forward. As Senator Graham recognized, the authorization of this project was a lot like open-heart surgery or brain surgery. Once you crack the patient open, you better plan on completing it. That thought helped to carry forward the recognition that we needed to do this a different way, that we were going into major surgery here and we needed an efficient way of keeping the commitment over a long period of time. We negotiated with the state [on] some issues associated with cost-share and some of the more difficult provisions to negotiate. It had to do with assurances, which is a whole other subject, an important subject, and negotiating whether water-quality projects would be subject to the same 50-50 cost-share, and the process by which [End of Tape B: Side 3] projects would be prioritized.

Most importantly, however, came the issue of a statement of the overarching purpose of the restoration effort. That became a very contentious issue because, on the one hand, you had the view that the reason the federal government, most particularly Congress, was signing up to a substantial amount

of money, was that it was out to protect and restore the federal interest, which was predominantly represented by the Department of the Interior. Therefore, for Congress to be persuaded to put that much of the national taxpayers' money into this effort, the predominant reason for doing it ought to be protection of the natural system. The counter view was [that] we're all in this together and the needs of the urban and agricultural community are just as important as the natural system. We ought not to say that one is more important than the other, lest they feared that somehow they might never get their project completed or that somehow taking care of the needs of the park might result in some of their lands being flooded or something like that.

It all came down to this issue of assurances, which goes all the way back to everything I was saying about the Governor's Commission. The Governor's Commission wisely understood that issue early on and made some very clear statements about it. It reminds me of one of the geniuses of **Jim Webb**, which is another story, but they recognized that if all the interests in South Florida could not be assured that they would not be harmed by this project, the ability of moving this project forward was going to be very, very difficult indeed. People wanted different types of assurances. Property-owners who enjoyed a level of flood protection wanted to know that they were going to continue to have that. Farmers who enjoyed a certain amount of water for irrigation wanted to know that they were going to continue to have that, even if the source of it may change. Urban communities wanted to make sure that they were going to have enough drinking water or that their stormwater was going to be taken care of or that they weren't going to be flooded. The advocates for the natural system wanted to be sure of two things. They wanted to be sure that the natural system's needs were indeed going to be addressed and they pointed to a history in South Florida of their needs not being addressed, which was why we were in the mess we were in. They wanted those needs to be paramount, that it was the reason we were doing this. The engine for restoration, the engine by which the urban community was going to get more water, the engine by which agriculture was going to get more water, was that we were selling it as restoration of the natural system and we ought to recognize that and stop fooling around. It was the predominant reason, and there were arguments along those lines as why that view prevailed.

A sub-text of assurances was the federal interest versus the state interest. The sub-text was that what I referred to in negotiations, for simplicity's sake, was [that] what we were really doing in South Florida was, we're going down there and building a big bathtub and it was going to be built half by the state of Florida and half by the federal government. Only one of those had the ability to drain it before it was filled and that was the state. The state, through its water law, which I was familiar with, had the ability, through permitting to let the water out of the bathtub, **to allow the water to go to permeate** rather than the natural system and that indeed they might allow too much water to go away before we captured it and made it available to the natural system, so it wouldn't be there.

That made people nervous. We entered into very delicate negotiations with the state of Florida to try to figure out how we, the federal government, could be assured that they would manage and implement their state law in such a way that, at the time the projects were built over the next twenty or thirty years, the water that was promised by the plan to the natural system would be available when that project was built and ready to go.

How would we be assured of that? The state's response was, well, it will; we have as much an interest in protecting the natural system as you do, the state water law has a provision in there for the reservation of water for the natural system. We will implement the law, we're required to implement the law to protect the natural system and we will. You don't need to put it into law, it's already there. Our response was, yes, the state water law does allow you to reserve water for the natural system, but you've had that law in place for twenty years and you've never done it, so we're not persuaded by that. How are we doing to get there? We argued for a clear statement of assurances and a clear statement that the overarching objective of Everglades restoration was protection of the natural system. We made it very clear that was our strong position and started trying to figure out how we [were] going to enter into some kind of understanding with the state of Florida that they will protect the federal interest. We started kicking around the idea of an agreement and ultimately that became a negotiation with the committees, an agreement between the President of the United States and the Governor of Florida. It was an agreement with an obligation on the Governor to commit that in its implementation of state water law, it would assure that water required to meet the needs of the natural system would be made available in the implementation of the project. There was an awful lot of negotiation and back-and-forth on that language. Some feel it achieved what it was intended to achieve and some people didn't. A lot of people were nervous until we actually wrote the agreement and got it signed, and I think an awful lot of people who were dubious of that agreement were pleased with the outcome of that agreement. Those were among the most difficult provisions to negotiate as we negotiated the Water Resources Development Act. My role was one of the administration's negotiating team.

G: By that time, you were with the Council on Environmental Quality. You mentioned Michael Davis, who were some of the other specific individuals who were involved in those negotiations?

L: Mary Doyle, the chair of the Task Force. Do you want to know who in the administration was involved?

G: All of the different players who were involved, the key players.

L: Gary Guzy, who was the general counsel for EPA [1998-2001]. That foursome was the day-to-day negotiators. I don't mean to imply that we didn't have people to report to, we did, our respective bosses. We were the day-to-day negotiators of language on [Capitol] Hill. Most of the negotiation occurred on the Senate side, the vast majority of the bill was written on the Senate side. Very key to it was [the] staff of Senator Graham, [the] staff of Senator [Connie] Mack [U.S. Senator, 1989-2001; U.S. Representative, 1983-1989], staff of the chairman of the committee that became Senator [Bob] Smith's [U.S. Senator from New Hampshire, 1990-present; chairman, Senate Committee on Environment and Public Works, 1999-2001; U.S. Representative from New Hampshire, 1985-1990] staff, **Tom Gibson, Stephanie Dagle**. I'm drawing a blank right now on the staff members for Graham and Mack, but they were very key. For the state of Florida, Ernie Barnett [director of ecosystem projects, Florida Department of Environmental Protection], and I'm drawing a blank on the woman's name, were the lead negotiators, and Kathy Copeland with the [South Florida] Water Management District. Those were the primary people who represented governments.

At a number of discussions, we would have people representing tribes, the sugar industry and the environmental community come in. These were meetings that were primarily hosted by staff of the Senate Environment and Public Works Committee and they would invite us to it. They would invite whoever they wanted to invite to the meetings and we would negotiate, depending on who was there. Fundamentally, I would brief my boss on where we were, what the issues were. He'd give me guidance and I'd go in and negotiate as hard as we could on behalf of the administration.

G: I believe WRDA [Water Resources Development Act] 2000 was the last legislative act that particular Congress that was passed. Was there any point in the process when you didn't think that you were going to succeed in getting this law passed?

L: I never did. Water Resources Development acts are often and historically one of the last acts passed, so there was nothing unusual about that. Water Resources Development acts were very popular acts on [Capitol] Hill, because they are basically the work plan for the Corps of Engineers, but they provide an awful lot of projects for an awful lot of areas in the country. They're very popular in terms of meeting the needs throughout the country, but they usually need a driver to get through, and this one had the Everglades. There was no question in anybody's mind that the Everglades was the driving force for WRDA 2000. Everybody knew that. But there was a growing sense that Everglades was going to happen. I always believed that it was. It was remarkable, when you think about it, that so many members of Congress who don't represent South Florida would authorize that level of funding and commitment to the state of Florida. Yet

many people, many interests did a really good job, particularly the national environmental community, [who] did a really good job of selling Everglades restoration not as Florida's Everglades, but as America's Everglades. We adopted that theme ourselves. Maybe I was overly optimistic, but you asked me if I ever thought it wasn't going to happen, no. I believed from the moment the bill was introduced that it was going to get enacted that year and did everything I could to help make that happen. We had an awful lot of problems and tough negotiations along the way, but I also ultimately believed that everybody who was negotiating it knew that it was in their interest that it be enacted. I believed, at the end of the day, that everybody would recognize that they needed to compromise in order to achieve that goal. And they did.

G: Are there any specific individuals that you would identify as having played a particularly critical role in getting approval for this plan from Congress?

L: Absolutely. Senator Graham, Senator Mack, Senator Smith, Clay Shaw [U.S. Representative from Florida, 1981-present], a good number of members of the Florida delegation. The key players, more than others, were Bill Young [U.S. Representative from Florida, 1971-present], Porter Goss [U.S. Representative from Florida, 1989-present], Mark Foley [U.S. Representative from Florida, 1995-present], Peter Deutsch [U.S. Representative from Florida, 1993-present]. I don't mean to suggest that the other members of the Florida delegation didn't care, they were all very supportive, I'm sure, in their way and in their conversations with other members, pushed very hard for it. But in terms of the ones I had any contact with and knew were actively engaged in helping it happen, they were the key members. In the Environment and Public Works committee, another Senator who was very important was George Voinovich [U.S. Senator from Ohio, 1998-present]. In the House, Ralph Regula [U.S. Representative from Ohio, 1973-present], who had always been a strong supporter of Everglades restoration, was also very important to helping this get enacted and [other] members of Congress that I am going to forget, but many. There are many heroes on the Hill. Within the administration, the President and the Vice-President were strong supporters of this, made it known that this was important to them. Secretary Babbitt, Carol Browner, Janet Reno [U.S. Attorney General, 1993-2001], it was extraordinary to have in positions that many Floridians and that many people who recognized the importance of the Everglades. [There was] a lot of support at OMB as well. The state of Florida, Governor Chiles and then Governor [Jeb] Bush [Florida governor, 1999-present]. Governor Bush, within sixty days of being elected, attended the Everglades Coalition and showed up. [This] was one of his first events that he went to [as governor]. He said that, just as his predecessors, the Everglades was going to be a priority for him and it was, and he came through with every commitment he made.

The South Florida Water Management District and its leadership were very strong and key players in this. [The] Miccosukee Tribe's Dexter Lehtinen was a very strong advocate for his client's position, but also for Everglades restoration and ultimately he helped with his friends on the Hill, particularly on the House side, to make sure that it got through. Bob Dawson [president, founder, Dawson & Associates consulting firm; associate director, Office of Management and Budget; Assistant Secretary of the Army for Civil Works; Deputy Assistant Secretary of the Army for Civil Works, 1981-1985] was retained by the sugar industry and ended up representing an awful lot of interests beyond them. He was a very effective representative of their interests, not only in the negotiations, but most particularly in getting the bill enacted. The environmental community had many, many heroes. They pulled out all the stops, national and Florida. Mary Barley [environmentalist; chair, Save Our Everglades; chair, Everglades Foundation, 1995-present] and Charles Lee [senior vice president, Audubon of Florida] and **Tom Adams** and the list just goes on and on for environmentalists who made this their national priority, and they delivered their constituencies and they delivered votes. The effort had many heroes. It was extraordinary. It was one of the highlights of my life, I think. Rock Salt and Terry Rice [former Jacksonville District Engineer, U.S. Army Corps of Engineers] and Dick Ring [superintendent of Everglades National Park] and so many others. Seeing that diverse group repeatedly, I made so many trips to Florida and got to know so many of them well and developed so many friendships, to see them all come together, put their disagreements ultimately behind and help make it happen, was wonderful. It was just magical. I've seen an awful lot come and go up on the Hill. It's very, very hard to get substantial legislation enacted in Congress, as it should be. I never doubted it was going to happen.

G: As the implementation of the Comprehensive Plan moves forward, how should we evaluate its success or failure?

L: A lot of that has to do with this issue of interim goals. Ultimately, the Corps and the Water Management District are going to have to deliver on the promises that everybody signed up to in this plan. They've designed a very complex system and everybody recognizes that it is going to take a long time to be implemented. Everybody recognizes, although I'm not sure everybody quite realizes yet, the spikes that are coming, that it's going to cost a lot of money. Right now we're kind of going along at a certain level of funding for the Corps of Engineers, but in about two or three years, that is going to go way up. Is Congress going to be able to authorize several hundred million dollars instead of several tens of millions of dollars for the Corps of Engineers for this one project, when it might ordinarily authorize that amount of funding for the Corps of Engineers nationwide? Will the state of Florida be able to continue to provide a level of funding that it has been providing, particularly faced with the economic

pressures that it's been under? It's finding it increasingly hard to do that. Will it maintain the political will to do it? Can it afford to keep up? Right now it's ahead of us, they're spending more money than we are. But when push comes to shove, will they be able to keep funding it? Will it stay on budget, on time? Cost will go up over time, \$7.8 billion is almost certain to be inadequate. Will the incredible interest in this project that had the development of the plan and the enactment of legislation as its focal point be able to remain when you don't have that? When you're down to implementing particular pieces of it in any given year, it's difficult to have that clear goal that you're trying to achieve in a fixed amount of time. Will it be possible to retain the support and the imagination of the public? What will happen the first time some important constituency is unhappy with the way things are going? [If] it's not happening fast enough, the wrong project is being built first, [if] a project is going to flood the habitat of an endangered species. What are we going to do when B we know it already B to build this one particular project is going to harm a federally-listed species, and we know its going to happen? Whether its Fish and Wildlife Service or an environmental group, are they going to go into federal court and stop that project because it would harm that species, even though we know that we have to build the project in order to restore the whole ecosystem? How are we going to deal with that? If ASR [aquifer storage and recover] fails, what are we going to do? Are we going to have to go out and buy an awful lot more land because we're going to have to store that water somewhere to meet the goals of the system, and if [ASR] doesn't work, we're going to have to buy a lot of land. Where are we going to find it? Where are we going to find the money to buy it? There are a lot of challenges ahead of us. Are we going to be able to satisfy everybody that we're on the right pace to use the Talisman property? Are we going to shut sugar down before we really need to, in order to satisfy some group who thinks we ought to shut them down sooner? Are we going to be able to do this project and do those things that we're going to discover need to be done that are outside the project? For example, where are we going to find the money and the will to restore and protect Lake Okeechobee? It's not part of the project, but it's a huge problem. And some of the other lakes. How are we going to deal with the challenges to that great lake? What are we going to do to work with local government on the west side of the state to try to avoid a repeat of the problems in the east side of the state when they want to encourage further development and a strong economy for that part of the state? Many of us know that if they're not careful, we'll see the exact harm occurring over there that we saw on the east side. How are we going to do that?

G: How confident are you that the answers to the questions are going to be positive? That the money is going to be there, that the commitment is going to be there, that cooperation will continue rather than disputes in the court?

L: I remain confident, I'm fundamentally an optimistic person, but the administration changed a little over a year ago and I am grateful and excited to be working for the new administration. One of things that I briefed people here on was the Everglades, and the new administration put new leaders to be involved in Everglades restoration. President [George W.] Bush [U.S. President, 2001-present; Texas governor, 1995-2001] said Everglades was going to be a priority. Secretary [Gale] Norton [Secretary of the Interior, 2001-present] has made it a priority. The Army Corps of Engineers leadership has made it a priority. It is as much a priority of this administration as it was of the last. That's terrific for the future of the Everglades, that you can have a transition of government and yet protection of this ecosystem remains a constant. We saw a transition in the governor's office and a seamless transition in terms of political leadership and support. Those challenges are great and real and we're going to have to work with the Fish and Wildlife Service in being creative in dealing with the problems of listed species, and I'm working with them to try to get them to take a multi-species approach for two reasons.

One is [that] it has to be done in South Florida or this project will fail. They have to be able to find the flexibility in the act to make those tradeoffs. Even more importantly, on a national level, if we can succeed at finding that flexibility and those tradeoffs in South Florida where we will have the recognition that it needs to occur, and the buy-in by everybody that it needs to occur, if we can do it in South Florida and figure out how to do those kinds of tradeoffs in South Florida and succeed with it, then we can take those lessons and apply them elsewhere in the country where the stresses are even greater. In Southern California, the Pacific Northwest, and elsewhere, we can find those creative ways of accommodating competing interests and competing needs of listed species and implement that act in a more reasonable fashion. I don't know how we'll address the problem of ASR failing. I have to remain optimistic that it won't fail, that we have enough experience at a smaller scale, that we'll be able to figure it out. I have to trust the engineers that are bright enough to figure out how to make it work, and I just have to remain hopeful that it will. If that fails, we've got a serious problem. I think there's been enough buy-in to Everglades restoration that it will sustain, that it will continue to enjoy the support of Congress and the Florida legislature to fund it on a yearly basis. There probably are going to be years where they don't fully fund it, where the spike is just too great or the economy is just too bad and they just can't do it, and the project will take longer to implement than we'd like. It wouldn't surprise me at all if that is the case. Most Corps projects take longer to implement than one expects. But ultimately will we get there? I'm pretty confident that we will.

G: One current controversy that seems to be speaking to some of the concerns that you're echoing here is that of the Eight-and-a-Half-Square-Mile-Area. Why has

that been such a controversial issue and does the fact that it has taken so long to resolve, is that an ominous sign as we move forward?

L: It's a good example of reason to be cautious in my optimism. That's a very complex and sad issue. It has become unfortunately polarized and the government is as responsible for allowing that issue to fester and become difficult as anyone. The Eight-and-a-Half-Square-Mile-Area is the result of some bad government decisions made decades ago, when the decision was made to authorize people to build and make a life for themselves on the west side of the lake in an area that is low. There is disagreement as to how low it is and how frequently it flooded naturally. I'll take the side, for the moment, of the advocates of the residents that its relatively high ground, Florida being what it is, and that they weren't part of the natural flow of the water into the park and therefore should be allowed to stay and the park is being unreasonable in wanting them out. The decision was made to allow them to move there. Many of them were immigrants to the country, many of whom lost their homes where they were and came to America believing and hoping in a brighter future for themselves and a different way that the government treated them. I'm very sympathetic with that. Nonetheless, the park was also of the very strong view that allowing them to stay required the Corps of Engineers to manipulate the water in order to provide them a level of flood protection that was harmful to the park. It [allowed] water that was flowing into the park to seep out of the park and therefore had to be pumped back in at great additional expense. Why should the park support \$4 billion in federal funding when a part of it is an additional expense in order to address an actual harm to the park? From the park's point of view, that just didn't make sense.

The more reasonable thing to do would be to move the people so you didn't have the flood issue. The ones who were closest to being flooded, offer them an appropriate amount of funds, get them to move so that the water could flow more naturally without concern about whether it was going to flood them. This was recognized as a problem decades ago. In the late 1980s, Congress couldn't resolve the issue completely, so it called for the park to be expanded, but to provide a certain level of protection of the residents of the Eight-and-a-Half-Square-Mile-Area. They have always suffered flooding, particularly when a storm comes through. I read newspapers from the 1930s and 1940s that could have been newspaper articles from the 1990s. Same flooding problems, same complaints that somehow the water was being manipulated in a way to flood them. It's a long-standing problem, a very difficult problem, and the Miccosukee tribe saw a synergy between their interests and the interests of the Eight-and-a-Half-Square-Mile-Area and became advocates for many of the residents of the Eight-and-a-Half-Square-Mile-Area. It was complicated by the plight of the Cape Sable seaside sparrow, whose habitat was within the boundaries of the park, immediately to the west of the Eight-and-a-Half-Square-Mile-Area. In the Park

Service's and Fish and Wildlife Service's judgment, in order to adequately protect one of the most endangered birds on the endangered species list, you needed to move water into the area that would cause flooding to the Eight-and-a-Half-Square-Mile-Area and that was another reason to address those concerns. It's an extraordinarily complex problem.

I've met with the residents of the Eight-and-a-Half-Square-Mile-Area. They are some of the greatest people you'd ever meet. I'd rather spend the afternoon with them than any bureaucrat. They're extraordinary people, hard-working people, [I] feel for them. But it's difficult to fully meet their needs and fully meet the needs of the park and the natural system. It's not impossible and that's been the struggle. The worst by-product of the inability of the governments and the citizens to resolve that problem is that it has held up the Modified Water Deliveries Project to an unconscionable pace. It is the heart of the system. One of the things Terry Rice taught me years ago [was] that the Modified Water Deliveries is the most important project down there. It's the very heart of the system, it should have been built years ago, it should have been up and running years ago, and he's absolutely right. But until we fully resolve the Eight-and-a-Half-Square-Mile-Area, the Modified Water Deliveries Project cannot be completed and thus restoration is going to be further delayed. It is [one] reason to question the pace of Everglades restoration. If we can't resolve a very human and very difficult issue like that, how are we going to get there? The answer is that there's been enough focus on it now, by enough people who recognize everything I've just said and who hopefully are more talented at resolving it and recognizing that it is a small but important piece of a much bigger project and it's just going to have to be resolved. It will become, in the future, the example that everybody cites. If they want to be depressing, they'll cite it as, you think that was a problem, wait until you see this one. For those that want to proceed quickly, they'll say, we can't let it become the next Eight-and-a-Half-Square-Mile-Area and I hope that, as it gets resolved, it will be more the latter.

G: At times, the National Park Service and the Fish and Wildlife Service have been in disagreement with one another over restoration goals and which priority should be given; the management of the snail kite is an example. When you were with the Interior, how did Secretary Babbitt, yourself, and other leaders in the Interior Department deal with these intra-agency conflicts?

L: They're sometimes the most interesting, but in some fashion, the most controllable, because they do have a common boss. Ultimately, you have to listen to both sides. You have to believe that there's almost always a compromise to be achieved and there usually is. Sometimes it just takes fresh eyes or a fresh mind to look at the problem. Sometimes the people who are disagreeing, who you think would think alike, a Fish and Wildlife Service biologist and a Park Service hydrologist, whatever the disagreements are, they're either

too close to it or have got too much history and they just can't get there. You bring them in and you sit down and talk to them and find an answer because you get them to believe that you're trying to reach the common goal that your common boss has.

G: In general, how would you characterize the working relationship between the Interior leadership in Washington, people like yourself and Secretary Babbitt, and the field staff in Florida, a person like Superintendent Dick Ring?

L: I consider all of them to be friends and colleagues and very, very talented at their job and their role, but they did have different jobs and different roles. The superintendent of Everglades National Park's primary responsibility was Everglades National Park. He recognized, however, that responsibility extended outside the boundaries of the park in order to adequately protect it. The Secretary of the Department [of Interior] has a much larger responsibility. He needs to see beyond the interests of a particular park and see what a decision on behalf of that park might have on the way he answers a similar question for another park superintendent someplace else. [In] his relationship with his counterpart in another agency like EPA, there might be a disagreement and he has to take a look at a much broader view of a given issue and therefore may see the issue that affects Everglades National Park is important, but not in the same way as important, because of its place in a larger policy. Their relationship was very good and frank and they knew each other and picked up the phone to call one another to a remarkable extent and knew each other's first names. They disagreed, but ultimately, as you might expect, within the Department of the Interior, the will of the Secretary of the Interior generally prevails. [End of Tape B: Side 4]

G: Some critics have suggested that the Park Services and the Fish and Wildlife Service have not always been team players, often putting the interest of Everglades National Park or specific endangered species, respectively, ahead of broader restoration goals. How do you respond to that criticism?

L: From certain points of view, I understand the criticism. But I also understand the view of the Fish and Wildlife Service and the Park Service. It is not the job of a resident of downtown Miami or a farmer or an environmentalist or the Water Management District to manage Everglades National Park. It's not their job to try to protect a federally-listed species from going extinct. It is the job of the superintendent of Everglades National Park to do that. It is the job of the supervisor of the Fish and Wildlife Service office down there and the biologists down there to do that. And that's important to remember. That's what the citizens of this country pay them to do, and they do it well and they should do it well or they shouldn't be there. On the other hand, they shouldn't be blind to the

fact that if they only look at that issue, they are not good neighbors and don't recognize that the world is more complex than that. They need to recognize that if we only look at those interests, we harm others, or we can harm others and we ought not do that.

What you hope you have in those jobs, just as you hope you have in those jobs [at] the State Department or Department of Environmental Protection, mature individuals who can do their job and recognize that there are trade-offs and that they can't always have it their way. No matter what they do, someone is going to believe that they went too far one way or the other, I understand that. I also understand that the people we've had in those job have recognized that they have broader responsibility than that. They participate in these multi-party efforts and sometimes, if they go too far, their bosses are asked to intervene. Those discussions have occurred over time and sometimes compromises have been reached. That sort of criticism doesn't concern me. What would concern me is if we were hearing that there's no one looking out for those interests enough. That would concern me.

G: How active have you continued to be in Everglades issues under the Bush administration?

L: As active as I can be. I've been given a very, very broad portfolio by this administration. Among them are large ecosystem efforts around the country, so I've been working on the Great Lakes and coastal Louisiana and San Francisco Bay, in addition to watershed efforts around the country and river systems and that sort of thing. A month does not go by that somebody calls or comes by on behalf of a resource somewhere and [asks], either because they know I was involved in it or it just happens that [it] is the way the Everglades is being characterized, how do we succeed the way the Everglades succeeded? By that [they] just mean, how do we get that much money ourselves or how do we protect our resource, how do we work together the way [you] seemed to work together, how did you guys pull that off? I spend a fair amount of my time basically taking lessons learned from Everglades and trying to help people see where they may or may not fit, and they often don't. There are vast differences between other areas of the country and the Everglades. Beyond that, I engage on behalf of this administration, as best I can, at key decision points. For example, with respect to the agreement between the President and the Governor's office, I reviewed it. I was one of many in the administration, on behalf of my new boss, who reviewed it and made comments and offered my expertise and memory of what we intended in the last administration and what Congress intended that agreement to be. Similarly, I'm currently reviewing the programmatic regulations for the same reason.

I get calls every so often from one group or another, I've attended one or two Task Force meetings, I told people that I will always be involved in the

Everglades efforts, one way or the other, in one capacity or another, for the rest of my life. I am very, very fortunate that this administration is supportive of the effort and wants me to be involved in it. It's a wonderful opportunity to stay involved in something I care that much about. But I am not at all involved as much as I was before, but I don't need to be. It's in good hands by a new team of people and, by all accounts, it's in excellent hands. I remain optimistic.

G: What do you think are the main lessons that you can take from the Everglades case that can be applied to some of the other ecosystem management initiatives that you're dealing with?

L: You need to have clones of a few people. You need a Dick Pettigrew. The Everglades was lucky in many ways. It's fortunate, compared to other places, that it all occurs in one state. You just don't have inter-jurisdictional conflicts in that way. The system was already manipulated a lot and managed by one entity, primarily the Corps of Engineers, and that entity had the expertise to undo a lot of its stuff. Lessons learned are, [to] build a strong consensus [with] a very inclusive process, by which all of the interests can feel that they were involved at the get-go with the plan, and that they understood the consequences of failure and that they understood the consequences of success. [I] have enjoyed bipartisan leadership. Everglades efforts were remarkably free of politics. It was fortunate to have at the key moment, for example, a Republican senator and a Democratic senator who could go to the leadership of their respective parties. [We] enjoyed success with Democratic governors, Republican governors, and Democratic presidents and Republican presidents. It's important to have an agency in charge, [and] as few agencies as possible actually doing the implementation. Other ecosystems don't have a Corps of Engineers. They have multiple agencies, but no one agency has the authority and the ability to take all of the actions necessary to get the results you want. If you can succeed in narrowing it down like that, and then getting other agencies to advise it, which was the model that the Task Force was started out to be, your chances of success greatly increase. You have to gather the public imagination, and that ultimately was what America's Everglades was about, you have to convince people that this is important. That's not always easy to do.

The Great Lakes has an important slogan called, "restore the greatness." It's a good rallying mechanism, but they have too many different groups trying to lead and there are so many jurisdictions, that it's very, very complex. You need to try to find people who are very good at compromise and keeping people together in key positions. I mentioned Dick Pettigrew a number of times, he was key to that citizen's group coming together. People like Rock Salt are invaluable to an effort like this. The man is extraordinary at taking two different points of view and listening to them and then telling them both what he just heard in a way that has suddenly diffused the animosity between the two, and then help them

understand how there's really a lot more in common that they're talking about than they think, and helping them understanding that. Time and time again, key people like that in key positions who gain trust of divergent groups, you have to have that or you can't succeed. There are others, but I think those are among the significant lessons.

G: You mentioned the programmatic regulations that the Corps of Engineers recently released in draft form. What is your evaluation of the programmatic regulations as they are now, and are they what you envisioned when you were writing the WRDA 2000 legislation?

L: As I mentioned, I'm literally in the process of reviewing them. I haven't yet done it and part of it is that I'm just not as focused as I need to be. I need to focus on those because that's the next important item here. The people I've talked to who have been working with it have made a number of significant changes to the draft that was released in January for public comment that, I'm told, go a long, long way toward addressing the main concerns with them. I'm encouraged by that. I trust those who have told me that, that [it's] true. While undoubtedly this version will not fully meet the needs of those who are the most critical of that draft, I hope they recognize that there have been important changes made in their direction such that it is adequate again to move forward. There is nothing about this entire process that ever has been or ever will be perfect to everyone and [have] people recognize that, as they tend to do. You don't let the perfect be the enemy of the good.

G: Final question; looking toward the future, what should be the most important goals and priorities of the restoration project?

L: It should achieve, for everyone, what we collectively believed in the year 2000 it would achieve, however people choose to interpret that. They'll need to interpret it on into the future and many of us aren't going to be around. I may not be alive when it's fully implemented, and others will have forgotten or moved or stopped caring, but I hope that records, like the one you're keeping, will allow people thirty years from now to have a better understanding of what we wanted it to mean at the time it was conceived, such that they'll be able to judge whether it did it. I hope you get as good and broad a sense of what people wanted as you can get, if for no other reason than hope that somebody will listen to these tapes years from now and say, yeah, you know, they succeeded or boy, were those people naive.

G: End interview.