

CHAPTER TEN

Envelopes of Protection: Land Acquisition Programs in Florida, 1980-1990

At the beginning of the 1980s, many Floridians were concerned with the continuing growth of the state and the ever-increasing encroachment that this produced on South Florida's fragile ecosystem. To solve these problems, Governor Bob Graham, in his Save Our Everglades program, called for increased state and federal involvement in land acquisition efforts. Florida already had an ambitious purchasing program, but Graham and others believed that it needed to be expanded and strengthened, and they instituted new measures accordingly. Especially concerned with the Florida panther and its habitat in the Big Cypress and Fakahatchee Strand, Graham and Florida's congressional delegation proposed that the state – with federal help – acquire lands to add to the Big Cypress National Preserve, and Congress passed this measure in 1988. This was a significant achievement in the 1980s, especially given the negative attitude that the Reagan administration and its Interior Department had about land purchases. However, Governor Robert “Bob” Martinez, who succeeded Graham in 1987, believed that Florida needed to go even further, and he proposed Preservation 2000 in 1990, a massive funding effort for environmental land acquisition. By the early 1990s, Florida had the most impressive land acquisition program of any state, and it had secured vital territory in the Big Cypress area.

In the early 1980s, Florida already had a few ways to purchase environmentally endangered land. In 1963, state legislators amended the state constitution, authorizing officials to issue revenue bonds in order to acquire lands, water areas, or other resources in the interest of recreation or conservation. Income from these bonds was placed in a Land Acquisition Trust Fund.¹ The state empowered itself further in 1972 with the passage of two significant pieces of legislation. As we have already noted, the Florida Environmental Land and Water Management Act allowed the state to designate regions as areas of critical state concern. The state also passed the Land Conservation Act, which established the Environmentally Endangered Lands Bond Issue, whereby the state could issue \$200 million in bonds so that it could purchase, in the words of Graham, “environmentally significant and threatened lands.”² Even though the Land Acquisition Trust Fund enabled the state to buy land for conservation purposes, some Florida officials, including Estus Whitfield, who served as an environmental adviser to Graham, saw Environmentally Endangered Lands as “the first major state land-acquisition program in Florida.”³

The next important piece of legislation came in 1979 when the state legislature created the Conservation and Recreation Lands Program (also known as CARL). The Florida Department of Natural Resources called this plan a “direct successor to the Land Conservation Act.”⁴ It created a priority list for land purchases, administered by a Land Selection Committee. This committee had to follow certain procedures before placing lands on the final priority list, including holding public meetings and comparing and analyzing the selections. Each July, the committee

presented its final priority list to the state cabinet for approval, and the state then worked to purchase the lands on that list.

Despite these measures, enormous growth in South Florida continued to threaten the environmental health of the region, especially the Everglades. Between 1970 and 1980, the population of Florida jumped from 6.8 million to 9.7 million, and it would escalate to 12.9 million by 1990. Demographers estimated that as many as 1,000 new residents came to Florida every day. Much of this growth occurred in South Florida, where areas such as Fort Lauderdale-Hollywood grew by 64.2 percent between 1970 and 1980. In addition, tourism was increasing, as 36 million people visited the state in 1980 alone. The tremendous growth had dire implications for South Florida's environment. "We're going to see enough water for the people," Patricia Dooris of the Southwest Florida Water Management District related, "but we're not going to have enough water to maintain the ecosystem that people expect in Florida."⁵ Meanwhile, the sugar industry continued to expand in the EAA, creating pressure for more agricultural land and increasing the political influence of sugar growers. One 1984 publication noted that growers planted 349,000 acres to cane sugar in the EAA, a value of \$600 million. This made Florida the largest sugar producing state in the United States. Likewise, farmers in Dade County were producing 75 percent of the country's winter vegetables and 95 percent of its limes.⁶ The expanding agricultural industry and the increasing population meant the development of more and more land, leading to growing encroachment on Everglades National Park and Big Cypress National Preserve.

The development especially affected wildlife. By the mid-1980s, some estimated that approximately 90 percent of wading birds in the Everglades had disappeared, dropping the population from more than 2.5 million in the 1930s to 250,000. The alligator was similarly imperiled, as were 13 other endangered species, including the Florida panther (placed on the Interior Department's first endangered species list in 1967), whose traditional habitat north of Big Cypress was jeopardized by citrus growers building orchards in the area. The problem for the panther (*Puma concolor coryi*) was that it needed around 300 square miles of land to hunt, and development intruded on that territory. State Highway 84, also known as Alligator Alley, a 76-mile-long roadway that crossed the Big Cypress National Preserve, the Fakahatchee Strand, and Water Conservation Area No. 3, bisected the panther's habitat as well, and the highway death rate for the animal surpassed its reproduction rate.⁷



Workers harvesting vegetables in the EAA. (Source: South Florida Water Management District.)

In order to protect wildlife, as well as to preserve the quality of water flowing into Everglades National Park, restrictions on development or outright land purchases were

necessary. But, as discussed previously, the Reagan administration did not place a high priority on environmental protection in the 1980s, and it weakened existing regulations and programs through budget cuts. The reduction in funding meant that little federal support was forthcoming for land purchases. As one periodical noted in 1985, the NPS “has not been buying land of late.”⁸

Because of the federal government’s attitude, Governor Graham and the state took even more responsibility to ease Florida’s environmental stress. In 1981, the Florida legislature passed a bill to implement the Save Our Rivers program, which used revenue from a documentary stamp tax to create the Water Management Lands Trust Fund, administered by the Department of Environmental Protection. With this money, the state’s five water management districts could purchase lands necessary for water management, water supply, and water conservation, following five-year plans that each district would develop. Also in 1981, the legislature established the Save Our Coasts program, which expanded the Land Management Trust Fund so that coastal lands could be acquired and preserved.⁹ To coordinate these different programs, the state developed the Florida Statewide Land Acquisition Plan, thereby providing “a long-range strategy for the primary state-level acquisition programs.”¹⁰

When Graham issued his Save Our Everglades program in 1983, land acquisition for environmental preservation was a big part of the program. Two areas especially were highlighted: Big Cypress, and the Holey Land and Rotenberger tracts (which bordered Conservation Area No. 3). Graham proposed that the state use Holey Land and Rotenberger as a wildlife buffer against agriculture and development, but one of the problems was that the Rotenberger Tract was a part of the Seminole Indian’s state reservation and the Seminole were unwilling to agree to the flooding of this land. Negotiations over this area spilled into settlement talks over a lawsuit that the Seminole had introduced against the state in 1974, charging that Florida had never adequately compensated them for the flooding of their land in Conservation Area No. 3. After several years of negotiation, the two sides finally reached an agreement in September 1986. According to this settlement, the state would pay over \$11 million to the Seminole for the Rotenberger Tract, the title and easement to other land flooded by Conservation Area No. 3, and for compensation for past projects conducted in Conservation Area No. 3A. Congress ratified this agreement in December 1987 under the Seminole Indian Land Claims Settlement Act, allowing the state of Florida to use the Rotenberger Tract for its buffer zone.¹¹

Graham and state officials also focused on Big Cypress land acquisition, fearing that growth was adversely affecting both the Florida panther and the Big Cypress ecosystem. In order to obtain more information on these issues, he created the Big Cypress Area Management Task Force, composed of representatives from Collier County, the SFWMD, Florida Department of Environmental Regulation, Florida Game and Fresh Water Fish Commission, Florida Department of Natural Resources, Florida Department of Transportation, the NPS, and the FWS. The governor instructed this committee “to review the known information concerning present and future access and uses in the Big Cypress Area” and to complete a report outlining the “environmentally sensitive areas” and what specific management actions were necessary.¹² In February 1983, the task force issued its conclusions. A “basic conflict” existed between “protection of endangered species and other uses of the area,” it declared, such as hunting and the utilization of off-road vehicles. The task force also noted that plans were in the works to



Fakahatchee Strand. (Source: U.S. Geological Survey.)

make Alligator Alley a part of Interstate 75, and it feared that this upgrade would “heavily impact the Preserve.”¹³

The same effects could be seen in the Fakahatchee Strand, a tract of land located at the western end of Big Cypress Swamp and containing several watercourses and ponds, as well as hammock forests and over 45 species of orchids.¹⁴ The state had designated the strand as a state preserve in 1974, and the Department of Natural Resources had attempted to acquire all of the acreage within the preserve. By 1983, it had purchased approximately 2/3 of the land, but it estimated that over 5,000 landowners still held tracts. According to an official with the Florida Natural Areas Inventory (a project jointly operated by The Nature Conservancy and the Florida Department of Natural Resources to identify land and water areas in need of protection), it was essential to acquire these remaining lands, as well as three other parcels outside of the preserve’s boundaries, in order to manage and protect the area effectively.¹⁵

Fakahatchee was especially important because it was one of the primary habitats of the Florida panther. Therefore, both the FWS and the Florida Game and Fresh Water Fish Commission examined how the panther could best be preserved in the area. Whatever the two agencies decided, it was clear that some action had to be taken, as the Fakahatchee was

threatened with agricultural development and drainage projects. “It would be counterproductive to try and halt all development in the area,” the Florida Natural Areas Inventory reported, but “development must be directed away from the most sensitive areas.”¹⁶

Meanwhile, the NPS studied the question of how to protect more land in Big Cypress. In 1979, the Service had developed a land acquisition plan for the area, but in May 1982, the Interior Department had issued a policy statement that required any purchase programs to be either revised or replaced. Accordingly, in April 1983, the NPS announced that it was beginning a “land protection planning process” for the region. This included deciding what lands needed to be held in public ownership, as well as examining “the means of protection available to achieve the purpose of the Big Cypress as established by Congress.”¹⁷ The NPS noted that although 95 percent of the Big Cypress National Preserve had been purchased, over 550 tracts remained either in private or non-federal ownership. In order to maintain the preserve, the NPS would either have to acquire such lands or develop ways to manage them in accordance with the preserve’s purpose. Robert L. Kelly, president of the Tropical Audubon Society, emphasized how important it was to complete the purchase of Big Cypress Preserve, stating that it was not only “an important area for several endangered species,” but it also “protect[ed] the water supply of the western portion” of Everglades National Park.¹⁸

The importance of Big Cypress to endangered species was emphasized as state and federal officials continued to study the Florida panther problem. In October 1982, Graham and the state cabinet issued a one-year moratorium on oil and gas leasing within the Big Cypress National Preserve so that such practices would not “further compromise the panther’s already tenuous survival” (only between 20 and 30 panthers still existed).¹⁹ In addition, the Florida Game and Fresh Water Fish Commission tracked panther movement and habitat, and it reported in July 1983 that three “elements of public use” in Big Cypress especially threatened the panther: the utilization of access points and mineral roads, new kinds of off-road and all-terrain vehicles, and “a rapid increase” in recreation.²⁰ To combat these problems, the commission, together with the NPS, proposed certain management actions, such as requiring recreational use permits and annual vehicle registration, and supervising deer and hog hunting more closely (since those animals constituted the panther’s main prey). The commission would also continue to study the panther, since any decision or action affecting the management of Big Cypress needed to be “based on sound logic and scientific knowledge.”²¹

But Governor Graham decided that purchasing more land, rather than better management of the preserve, was needed, and he included acquisition of Big Cypress land and related regions as priorities in his Save Our Everglades program, announced in August 1983. Graham explained that development threatened the Florida panther, and he called on the federal government to purchase 70,000 acres of Big Cypress Swamp to provide protection. He also recommended that the state acquire the Fakahatchee Strand in order to forestall development in the panther’s main habitat. The governor related that both Big Cypress and Fakahatchee held “immense ecological value,” as they contained “some of the most diverse plant and animal communities in North America.” At least four endangered animal species lived in the regions – the panther, wood stork, peregrine falcon, and red-cockaded woodpecker – as did 15 threatened plant species. Yet extensive development jeopardized this rich and fragile ecosystem. Therefore, Graham designated the Fakahatchee Strand as a “high priority for acquisition under the CARL program,”

and he lobbied the NPS “to increase its efforts to complete the acquisition of the Big Cypress National Preserve.”²²

Graham also asked President Reagan for federal help, informing the president that one of “the issues which must be resolved” was “completion of the acquisition of the Big Cypress National Preserve.” This could not be done, Graham continued, without the cooperation of the Interior Department. “We pledge to work with you in such efforts,” Graham stated, “with a special emphasis on the protection of Everglades National Park and the Big Cypress National Preserve.”²³

Before the Reagan administration could respond, Graham began formulating a land acquisition plan centered on the transformation of Alligator Alley into part of Interstate 75. Through consultations with federal officials from the Interior and Transportation departments, he reached an agreement that the restructuring of the highway be formulated so that the state could create a buffer zone around Everglades National Park, thereby protecting its resources and creating “permanent habitat for the Florida panther and other rare and endangered species.”²⁴

Under this proposal, the state and the federal government would acquire 165,000 acres in the Big Cypress Swamp and Fakahatchee Strand. The majority of this acreage, approximately 127,738 acres, was located northeast of the existing preserve, adjacent to the Miccosukee Indian Reservation, while the other 37,010 acres consisted of the northern part of Fakahatchee Strand. As a state news release reported, the land contained “wetlands, cypress swamp and hardwood hammock,” as well as “a diversity of rare and endangered plants and animals including the panther, the bald eagle, and native orchids.”²⁵ A large chunk of this acreage – mostly owned by Collier Enterprises and the Barron Collier Company – would be damaged by the highway expansion, necessitating damage payments by the Department of Transportation (90 percent) and the state (10 percent). State officials proposed that this compensation be used to reduce the total cost of acquisition, and that the state (20 percent) and the Interior Department (80 percent) assume the rest of the charges, with the state’s contribution coming from Conservation and Recreation Lands Program funds. In addition, Graham proposed that the Department of Transportation build panther crossings into Alligator Alley, and that it design the reconstruction “to correct hydrologic problems in the Everglades.”²⁶ On 18 April 1984, Graham announced this plan and asked Congress to approve it.

Over the next year, Graham met with Florida’s congressional delegation to develop the necessary legislation, and in January 1986, U.S. Representative Thomas F. Lewis, a Republican from Palm Beach, introduced into Congress H.R. 4090, a bill to authorize additions to the Big Cypress National Preserve. U.S. Senator Lawton M. Chiles, Jr., a lifelong Florida Democrat,



Florida panther. (Source: South Florida Water Management District.)

submitted a companion measure to the Senate (S. 2029), showing that, once again, environmental concerns in Florida were largely bipartisan. The bills proposed that the federal government add approximately 128,000 acres to the Big Cypress National Preserve, to be known as the Big Cypress National Preserve Addition. These lands were necessary, the bills continued, in order to “limit development pressure on lands which are important both in terms of fish and wildlife habitat . . . and of wetlands which are the headwaters of the Big Cypress National Preserve.”²⁷ The bills did not go into great detail about how the lands would be purchased, delineating only that the federal government would not pay more than 80 percent of the total cost (meaning the total acquisition costs minus any charges incurred by the Federal Highway Administration or the Florida Department of Transportation in damage payments).

In May 1986, the House Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs held a hearing on H.R. 4090. Several individuals testified in favor of the acquisition, including Florida’s congressional delegation, James E. Billie, chairman of the Seminole Tribe of Florida, and Graham. As Graham stated, the acquisition would establish “an envelope of protection around Everglades National Park,” preventing more Big Cypress acreage from becoming “citrus groves and subdivisions.”²⁸ The purchase would also help preserve the Florida panther and other endangered animal and plant species.

Representatives from environmental organizations provided their support at the hearing. Paul C. Pritchard of the National Parks and Conservation Association told the committee that the Everglades Coalition had been reconstituted, in part to fight for “the addition of these critical environmental lands to the Big Cypress National Preserve,” and he reported that the Sierra Club, Florida Audubon Society, Friends of the Everglades, and Florida Defenders of the Environment, among others, all backed the acquisition. Almost all of those who testified implored Congress to act quickly while the reconstruction of Alligator Alley was occurring, in order to minimize costs to both the federal government and the state of Florida.²⁹

But not all were in favor of the acquisition. Benjamin G. Parks of the National Inholders Association protested the measure, stating that it left too many questions for property owners in the area. Claiming that approximately 1,000 litigation cases from the original establishment of Big Cypress National Preserve were still pending in court, Parks wondered whether an additional “4,000 small landowners” would be “left to battle in court for years . . . in order to receive a fair price on the property.” Parks admitted that the legislation was “well intended,” but he insisted that this solution to “an alleged wildlife problem” would create “a very real problem to the people – the access to their property and recreational use of the preserve.”³⁰ Many landowners agreed; James Humble, an avocado grower, had earlier related his displeasure with state and federal land acquisition efforts to the *U.S. News & World Report*, saying that “in the fervor for environmentalism, a basic property right is being run over.”³¹

More startling, however, was the opposition expressed by P. Daniel Smith, deputy assistant secretary of the interior for fish, wildlife, and parks, at the hearing, especially since Graham had testified that Florida had worked closely with the Interior Department in the development of the acquisition strategy. According to Smith, the department could not “support the legislation based on current program and budgetary priorities” because it could not spend \$40 million (Smith’s estimate of the costs) for lands that “do not appear to be essential for purposes of the existing Big Cypress National Preserve.” Smith claimed that no one had ever explored “the



Tree islands in the Big Cypress National Preserve. (Source: U.S. Geological Survey.)

majority of the tract” to determine panther occupancy – Game and Fresh Water Fish Commission efforts notwithstanding – and he claimed that no panthers actually lived in the proposed acreage, since their primary habitat was located on the Fakahatchee Strand. The Interior Department was already involved in a process to acquire Fakahatchee Strand, Smith continued, and it was examining less expensive ways, such as exchanges, to acquire more land in South Florida.³²

In some ways, Smith’s testimony was accurate – the Fakahatchee Strand did constitute the main panther habitat, and most of the land to be purchased was not in the strand. However, Smith ignored the fact that panthers used a wide expanse of territory for hunting, and that the acquisition would protect such larger areas.³³ Another problem with Smith’s testimony was that it implied that panther protection was the only reason why the legislation was necessary. While that was certainly an important reason for the measure, and perhaps even the driving force behind it, the preservation of water supply and water quality for South Florida was also a large reason why state officials wanted the land. Big Cypress National Preserve was created in 1974 to secure high quality water for Everglades National Park, and the addition would further that goal. Likewise, as Representative Lewis explained to his supporters, “this legislation is needed to ensure that South Florida’s water supply will keep pace with its population increases,” mainly because “the growing urban population of South Florida” was “dependent” on wetlands such as those in Big Cypress Swamp “as recharge sources for drinking water.”³⁴

Indeed, Representative John F. Seiberling (D-Ohio) believed that Smith was just throwing up a smokescreen to hide the Reagan administration's distaste for land purchases. "I am disappointed in the way the administration tempers its evaluation of things like this by the policy and ideology that is currently in vogue," Seiberling declared, charging that Reagan had his priorities "screwed up." The administration continually displayed an unfavorable reaction to "anything but the military," Seiberling continued, even though the Florida situation constituted "a very serious problem." "We ought to have a more cooperative approach from the Administration," he concluded.³⁵

When the Senate held a hearing on Chiles' bill in September 1986, William P. Horn, who also served as assistant secretary for fish, wildlife, and parks, made the same declarations as Smith. "We are aware that the lands covered by this legislation would be a desirable addition to the Big Cypress National Preserve," he stated, but "a distinction must be drawn between desirable lands and critical lands." The cost of the acquisition was prohibitive as well, Horn said, making it impossible for the Interior Department to support the measure.³⁶

But Horn explained that another possibility existed to acquire at least some of the land: an exchange. According to Horn, the Interior Department proposed to give Collier Enterprises and Barron Collier Corporation federal lands in Phoenix, Arizona, currently housing a Navajo Indian school and worth \$100 million, in exchange for 115,000 acres owned by the Colliers in South Florida and a payment of \$50 million. The lands provided by the Colliers would consist of 70,000 acres to be added to the Big Cypress National Preserve; 16,000 acres to be used in the development of a Florida Panther National Wildlife Refuge; and 20,000 acres to establish the Ten Thousand Islands National Wildlife Refuge. If the exchange worked, Horn continued, the state of Florida would have to acquire only 57,000 acres to equal what it wanted the Interior Department to purchase, and the state already had the money necessary to do this under its Conservation and Recreation Lands Program program. Horn claimed that the land gained through the exchange would "constitute a significant addition to both the Park and Refuge systems . . . at no direct cost to the federal taxpayer," something that the Reagan administration fully supported.³⁷

Nathaniel Reed, who was representing the environmental community, could see no real objections to the Interior Department's plan, other than the difficulty of its execution. The exchange "has got some real politics and . . . some very, very difficult things to overcome in Arizona," he related, but "it is doable, perhaps." Yet Reed also advised Congress to pass the proposed legislation anyway as a sort of "safety" measure in case an exchange could not be effected.³⁸ Steven Whitney, director of the national parks program for The Wilderness Society, agreed, explaining that "the exchange . . . would not be foreclosed by the passage of this legislation."³⁹

Accordingly, the House of Representatives approved Lewis's bill in July 1986, but the Senate took no action before the adjournment of Congress, in part, according to one source, because of "Administration opposition to all discretionary federal land purchases."⁴⁰ Lewis and Chiles planned on reintroducing the measures in the subsequent Congress, believing that "the level of support" for the original bills indicated "a strong possibility" that they could pass.⁴¹ Accordingly, in January 1987, the two submitted S. 90 and H.R. 184, which, for the most part, were no different than the previous measures, except that they now proposed that 136,000 acres

be acquired instead of 128,000. The new bills also specified that the Seminole Indians would maintain their traditional hunting, fishing, and trapping rights in the addition, just as they did in the original preserve.⁴²

In February 1987, the Senate Subcommittee on Public Lands, National Parks and Forests held a hearing on the reintroduced bills. As in the 1986 hearings, many of the same individuals and organizations testified in favor of the legislation. Graham, who by now had become a U.S. Senator for Florida, claimed that not only was the addition necessary to preserve endangered wildlife such as the panther, it was also “crucial to the success of the Save our Everglades initiative, and to the maintenance” of Everglades National Park.⁴³ Florida Governor Bob Martinez declared his support for the addition as well, stating that “timely authorization and funding of federal acquisition” would serve several purposes, such as protection of Everglades National Park and southwest Florida’s water supply, preservation of the Florida panther and other endangered species, and more recreational opportunities.⁴⁴ In addition, environmental groups continued to support the legislation, although some now asked the Senate to amend the bill so that the entire Fakahatchee Strand could be added to the preserve.⁴⁵

The Interior Department, however, maintained its opposition to the measure; Horn testified that unless the bill was “amended to provide for acquisition by exchange,” the department would not support it. “Our fundamental problem with S. 90 has nothing to do with the resources,” Horn



Pine prairie in the Big Cypress National Preserve. (Source: U.S. Geological Survey.)

insisted, but everything to do with fiscal conservatism. He reiterated that the Arizona/Florida land exchange proposal was still the best method to pursue, and he claimed that the department was “in the process of completing negotiation” of such an exchange. Upon further questioning, Horn admitted that the interested parties in Arizona had not agreed to the exchange, but he believed that “the outlook [was] entirely positive.”⁴⁶

Whether because of the Interior Department’s intransigence or not, no federal legislation was forthcoming in the summer of 1987. The major holdup came from the Senate, as the House had passed the legislation in March. In December, the Senate finally considered S. 90, with Chiles and Graham offering several amendments. First, the senators increased the amount of acreage to be acquired to 146,000. Second, they included a new section in the legislation, specifically allowing oil and gas exploration, development, and production in the area under certain terms. Production companies had to obtain a permit from the NPS before conducting any activities in the addition, for example, and the secretary of the interior would have to establish rules for such activity largely in conformance with regulations in “similar habitats or ecosystems within the Big Cypress National Preserve.”⁴⁷ No debate ensued over these amendments, and they readily passed, as did the entire measure.

When the bill went back to the House, Representative Bruce Vento of Minnesota noted that the legislation would not affect the land exchange discussions. However, Vento also explained that the “Arizona-Florida land exchange has proven to be quite complex.” He was not sure whether it would come to fruition, but he encouraged the House to pass the amended bill anyway, stating that the government should not “delay the addition of critical lands to the Big Cypress National Preserve on the basis of a land exchange that may or may not come about.”⁴⁸ The Everglades Coalition agreed, petitioning Congress at the coalition’s third annual conference in January to approve the measure.⁴⁹ Accordingly, the House passed the bill, and President Ronald Reagan signed it into law in April 1988, although he insisted that the land exchange proposal be pursued and executed as a condition of his approval.⁵⁰

Only a few days after Reagan signed the act, Representative Morris Udall of Arizona introduced the Arizona-Florida Land Exchange bill into Congress. This measure, Udall explained, would allow the transfer of 118,000 acres owned by the Collier family in South Florida (valued at \$45.1 million) to the federal government in exchange for 68 acres in downtown Phoenix and a payment of \$34.9 million. That money would be used to establish an Indian education trust fund to compensate the Navajo for the loss of their boarding school, while the Collier’s land would be added to the Big Cypress National Preserve and used to create the Florida Panther National Wildlife Refuge.⁵¹ Governor Martinez of Florida strongly supported this bill, calling it “a unique opportunity to acquire over one-half of the authorized Big Cypress Addition relatively quickly,” and he urged Florida’s congressional delegation to work hard for its passage.⁵²

For the next several months, this measure was debated in both chambers of Congress. Various senators and representatives raised objections over the valuation of the land and the effect that the closure of the Navajo school would have on the Indians – some, such as Representative Sidney R. Yates of Illinois, even characterized the proposal as “a cozy, private, preferential deal” between the secretary of the interior and the Collier interests.⁵³ Many, however, including Lewis, Graham, and Chiles, advocated the measure as a win-win situation for

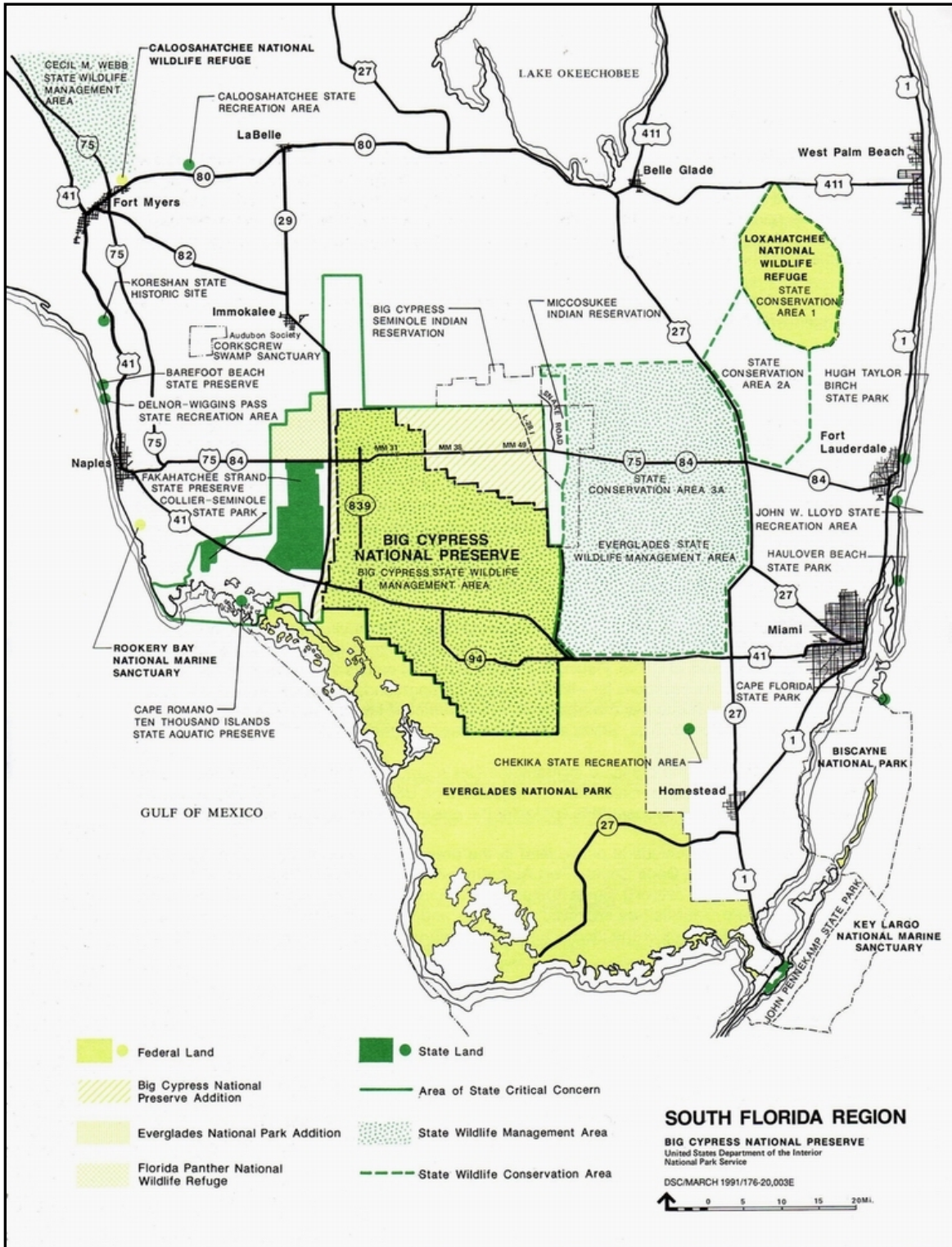
both Florida and Arizona. Likewise, in a hearing held on the bill in July 1988, numerous environmentalists and state officials favored the acquisition. Finally, on 18 November 1988, the measure, known as the Arizona-Florida Land Exchange Act, became law.⁵⁴

Yet the authorization did not prevent problems that developed in the execution of the exchange. For one thing, Collier interests and the city of Phoenix could not reach agreement on the use of the exchanged land. Barron Collier wanted to create 7.7 million square feet of commercial and residential space on the acreage, while the city wanted a 90-acre park. For another, a recession in the first part of the 1990s devalued the land from \$80 million to between \$25 and \$35 million, causing the Collier interests to declare that they were no longer interested in the exchange. By 1991, the agreement was still undecided, and the federal government had made no appropriations for the purchase of the Big Cypress land.⁵⁵ However, in December 1996, the land exchange finally occurred, meaning that by the end of the 1990s, 146,000 acres had been added to the Big Cypress National Preserve, making a total of 700,000 acres under protection.⁵⁶ In addition, 26,400 acres in the northern portion of the Fakahatchee Strand was preserved as the Florida Panther National Wildlife Refuge, administered by the FWS.

Some environmentalists, however, believed that the protection was not adequate. For one thing, hunting and off-road vehicles were still permitted in the Big Cypress National Preserve, even though earlier state studies had noted the threat that they posed to wildlife. For another, original landowners were permitted to maintain their mineral rights in the land, and oil and gas drilling could still occur, albeit under NPS supervision. To many, these concessions, granted at the bequest of Congress due to the pleadings of groups such as the National Rifle Association, meant that Big Cypress National Preserve was a “park service stepchild” and that the NPS could not adequately protect the region’s ecology.⁵⁷

Regardless, the state of Florida had successfully obtained the means to acquire Big Cypress land. Yet state officials were not done. Governor Martinez, who many environmentalists had believed would work against ecological concerns and the Save Our Everglades program, actually accelerated environmental land acquisition efforts during his one term as governor. In the late 1980s, he ensured that Florida’s Conservation and Recreation Lands Program fund had \$43 million for land acquisition, and he proposed that over the next nine years, the state enhance the fund by \$200 million.⁵⁸

As the 1990s approached, Martinez developed a plan to generate even more money for land acquisition, in part because, even with the efforts that the state had already made, much of Florida’s rich ecology still remained in danger. In 1990, a state commission investigating environmental concerns reported that by the year 2020, another three million acres of wetlands and forests would be lost to development. It was also estimated that, according to the Department of Environmental Protection, “about 19 acres per hour of forest wetland and agricultural land was being converted for urban uses.” Many Floridians were concerned with these facts; a November 1989 poll indicated that 88 percent of Florida residents wanted the state to devote more attention to the environment. Aware of these trends, Martinez proposed – and the Florida legislature passed – a huge land acquisition program in 1990 known as Preservation 2000.⁵⁹



Map of the Big Cypress National Preserve and Addition. (Source: National Park Service, *Big Cypress National Preserve, Florida: General Management Plan, Final Environmental Impact Statement, Volume 1, 5.*)

Under Preservation 2000, the state increased the tax on real estate documents to fund an additional \$300 million in bonds every year. With such an arrangement, Florida would have a \$3 billion land preservation fund by the year 2000 – more than the federal government spent on environmental land acquisition efforts. Martinez justified such a huge amount by saying that Floridians had “an important choice to make: We can buy up environmentally sensitive lands that would otherwise be lost to future generations, or we can let a golden opportunity slip by.”⁶⁰ Newspaper editorials called the program “staggering,” “unprecedented,” and “one of the most significant environmental initiatives in the past two decades,” and environmentalists were pleased as well. “This, I think, is going to change the face of Florida more than any single thing I can think of,” Nathaniel Reed noted.⁶¹ Others agreed. Ernest “Ernie” Barnett of the Department of Environmental Protection claimed that Preservation 2000 was the shining environmental jewel in Martinez’s administration, and that it established a program that spent more per year than the federal government and many small countries on land acquisition.⁶²

Yet Preservation 2000 was merely the culmination of land acquisition programs that the state developed in the 1960s and 1970s. Always one of the most ambitious states in terms of environmental land purchases, the state increased its efforts in the 1980s with the establishment of the Conservation and Recreation Lands Program, the Save Our Rivers and Save Our Coasts legislation, and the Save Our Everglades plan. This focus on land acquisition was necessary in the 1980s because of the Reagan administration’s discouragement of federal land purchases. In the words of one NPS officer, “it was administration policy that they didn’t want to be expanding parks that they’d have to pay for.”⁶³ Even though all sides agreed that additional lands in Big Cypress Swamp and in the Fakahatchee Strand were necessary for preservation, their acquisition occurred only after the Interior Department negotiated an exchange – not a purchase – between the Collier interests and the federal government. At the same time that the state fought for Big Cypress acquisition, however, an even bigger battle was occurring over another area in need of protection: the East Everglades. The fight over that land – largely between the NPS, the Corps, and agriculturists, hunters, and others interested in the region – would dwarf the Big Cypress difficulties.

Chapter Ten Endnotes

¹ See Supreme Court of Florida, Opinion No. 76,984, 20 December 1990, Florida Supreme Court Briefs & Opinions, College of Law Library, Florida State University, Tallahassee, Florida <<http://www.law.fsu.edu/library/flsupct>> (15 February 2006). In 1968, a new constitution was adopted in Florida that prohibited the issuance of any of these bonds, but Senate Joint Resolution No. 292 rescinded that prohibition and allowed the Land Acquisition Trust Fund to continue.

² Senator D. Robert Graham, "A Quiet Revolution: Florida's Future on Trial," *The Florida Naturalist* 45 (October 1972): 149.

³ Whitfield interview, 11.

⁴ Florida Department of Natural Resources, "Statewide Land Acquisition Plan and Procedure for Individual Project Design and Acquisition Phasing," 20 November 1984, 2-3, Appendix 4, copy in File Department of Natural Resources Statewide Land Acquisition Plan, 1984-85, Box 02161, SFWMDAR.

⁵ As quoted in "Florida's Growth Straining Fragile Groundwater," *Engineering News Record* 216 (3 January 1985): 26.

⁶ Hansen, "South Florida's Water Dilemma," 17, 20; Land Acquisition Selection Committee for the Board of Trustees of the Internal Improvement Trust Fund, *Florida Statewide Land Acquisition Plan* (Tallahassee, Fla.: Board of Trustees of the Internal Improvement Trust Fund, 1986), 1 [hereafter referred to as *Florida Statewide Land Acquisition Plan*]; Southwest Florida Regional Planning Council, "Demographics" <<http://www.swfrpc.org>> (16 December 2005).

⁷ Moreau, "Everglades Forever?" 72-74; James Carney, "Last Gasp for the Everglades," *Time* 134 (25 September 1989): 26.

⁸ Yates, "Saga of the Glades Continues," 38.

⁹ Florida Department of Natural Resources, "Statewide Land Acquisition Plan and Procedure for Individual Project Design and Acquisition Phasing," 3.

¹⁰ *Florida Statewide Land Acquisition Plan*, 2. It appears that the need for a comprehensive plan was first addressed in 1984. See Florida Department of Natural Resources, "Statewide Land Acquisition Plan and Procedure for Individual Project Design and Acquisition Phasing."

¹¹ Seminole Indian Land Claims Settlement Act of 1987 (101 Stat. 1556); Kersey, "The East Big Cypress Case, 1948-1987," 466-474.

¹² Quotations in Big Cypress Area Management Task Force, "Report to Governor and Members of the Cabinet," 17 February 1983, 3-4, File Big Cypress Area Mgmt Task Force Report, 1983-85, Box 02186, SFWMDAR; see also Rob Magee, State of Florida Department of Community Affairs, Division of Local Resource Management, to Nancy Linnan, 5 July 1983, Folder 30, Box 25, Series II, Marjory Stoneman Douglas Papers, Manuscript Collection 60, Archives and Special Collections, Otto G. Richter Library, University of Miami, Miami, Florida [hereafter cited as Douglas Papers].

¹³ Big Cypress Area Management Task Force, "Report to Governor and Members of the Cabinet," 29-30.

¹⁴ Senate Committee on Energy and Natural Resources Subcommittee on Public Lands, National Parks and Forests, *El Malpais National Monument and Big Cypress National Preserve: Hearing Before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources, United States Senate*, 100th Cong., 1st sess., 1987, 74 [hereafter referred to as *El Malpais National Monument and Big Cypress National Preserve*].

¹⁵ Steve Gatewood, Florida Natural Areas Inventory, to Jim McKinley, FLTNC, 6 June 1983, Folder 36, Box 25, Series II, Douglas Papers.

¹⁶ Gatewood to McKinley, 6 June 1983.

Chapter Ten Endnotes (continued)

¹⁷ “National Park Service Initiates Land Protection Planning for Big Cypress National Preserve,” National Park Service News Release, 25 April 1983, Folder 2, Box 23, Series II, Douglas Papers.

¹⁸ Robert L. Kelley, “The Future of Everglades National Park,” Folder 27, Box 25, Series II, Douglas Papers.

¹⁹ “Panther Preservation in the Big Cypress National Preserve: A Discussion of the Issues,” March 1985, File PRO Everglades Panther, Box 21213, SFWMDAR.

²⁰ “Florida Panther Recovery: A Status Report to The Governor and Cabinet, July 7, 1983,” File PRO Everglades Panther, Box 21213, SFWMDAR.

²¹ “Florida Panther Recovery: A Status Report to The Governor and Cabinet, July 7, 1983.”

²² “Issue Paper: Save Our Everglades,” 9 August 1983, 9-10, copy in Folder 16, Box 2, Marshall Papers. The Save Our Everglades program also called for land acquisition efforts in East Everglades; this will be dealt with in another chapter.

²³ Bob Graham, Governor, to Honorable Ronald Reagan, 8 August 1983, Folder 16, Box 2, Marshall Papers.

²⁴ “Save Our Everglades: Restoring Everglades National Park,” 18 April 1984, 2, Folder 16, Box 2, Marshall Papers.

²⁵ “Save Our Everglades: Restoring Everglades National Park,” 2-5.

²⁶ “Save Our Everglades: Restoring Everglades National Park,” 2-5.

²⁷ Quotations in House Committee on Interior and Insular Affairs Subcommittee on National Parks and Recreation, *Additions to the National Park System in the State of Florida: Hearings Before the Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs, House of Representatives, 99th Cong., 1st and 2d sessions, 1985 and 1986, 105-107* [hereafter cited as *Additions to the National Park System*]; see also Bob [Graham], Governor, to Mrs. Marjory Stoneman Douglas, Friends of the Everglades, 25 February 1985, Folder 85, Box 30, Series II, Douglas Papers.

²⁸ *Additions to the National Park System*, 164.

²⁹ *Additions to the National Park System*, 187-188.

³⁰ *Additions to the National Park System*, 173-174.

³¹ As quoted in Ronald A. Taylor, “Saving a Fountain of Life,” *U.S. News & World Report* 100 (24 February 1986): 64.

³² *Additions to the National Park System*, 151-152.

³³ For a good discussion of panther movements in the Big Cypress area, see Levin, *Liquid Land*, 99-117.

³⁴ “Big Cypress Addition: An Attempt to Preserve Water, Life in ‘Glades,” *Congressman Tom Lewis’ Florida Environment Report*, n.d.

³⁵ *Additions to the National Park System*, 158-159.

³⁶ Senate Committee on Energy and Natural Resources Subcommittee on Public Lands, Reserved Water and Resource Conservation, *Additions to the Big Cypress National Preserve; Establishing the San Pedro Riparian National Conservation Area; Designating the Horsepasture River as a Component of the National Wild and Scenic Rivers System; and Amending FLPMA: Hearing Before the Subcommittee on Public Lands, Reserved Water and Resource Conservation of the Committee on Energy and Natural Resources, United States Senate, 99th Cong., 2d sess., 1986, 99-103* [hereafter referred to as *Additions to the Big Cypress National Preserve*].

³⁷ *Additions to the Big Cypress National Preserve*, 99-103.

³⁸ *Additions to the Big Cypress National Preserve*, 162.

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³⁹ *Additions to the Big Cypress National Preserve*, 162.

⁴⁰ “Big Cypress Expansion Legislation Fact Sheet, January 1987,” File Washington Office Big Cypress, Box 2, S1401, Executive Office of the Governor Subject Files, 1987-1998, FSA.

⁴¹ “Big Cypress Addition: An Attempt to Preserve Water, Life in ‘Glades.’”

⁴² *El Malpais National Monument and Big Cypress National Preserve*, 20-30, 41.

⁴³ *El Malpais National Monument and Big Cypress National Preserve*, 39-42.

⁴⁴ Bob Martinez, Governor, to Senator Dale Bumpers, Chairman, Senate Subcommittee on Public Land, National Parks and Forests, 12 February 1987, in *El Malpais National Monument and Big Cypress National Preserve*, 43-44.

⁴⁵ *El Malpais National Monument and Big Cypress National Preserve*, 356. At a January 1987 meeting of the Everglades Coalition, the organization encouraged the Reagan administration to support the new measures, stating that “all available methods including possible land exchanges, should be considered to bring these critical lands under public ownership.” “Statement of Everglades Coalition Members, Lake Wales, Florida, January 17, 1987,” File 10-1-7a (Kissimmee River-Lake Okeechobee, FL) 12222, Box 25, Accession No. 077-96-0033, RG 77, FRC.

⁴⁶ *El Malpais National Monument and Big Cypress National Preserve*, 67-81.

⁴⁷ *Congressional Record*, 100th Cong., 1st sess., 11 December 1987, 133:17971.

⁴⁸ *Congressional Record*, 100th Cong, 2d sess., 1 March 1988, 134:528.

⁴⁹ “Coalition Outlines Plan to Halt Everglades Decline,” *National Parks Magazine* 62 (March/April 1988): 9.

⁵⁰ Act of 29 April 1988 (102 Stat. 443); Ronald Reagan, “Statement on Signing the Big Cypress National Preserve Addition Act,” 29 April 1988, Ronald Reagan Presidential Library Archives <<http://www.reagan.utexas.edu/archives>> (20 December 2005).

⁵¹ *Congressional Record*, 100th Cong, 2d sess., 3 May 1988, 134:2897.

⁵² Bob Martinez, Governor, to The Honorable Lawton Chiles, United States Senate, 6 July 1988, File Big Cypress Land Swap, Box 88-02, S1331, Executive Office of the Governor, Brian Ballard, Director of Operations, Subject Files, 1988, FSA.

⁵³ *Congressional Record*, 100th Cong, 2d sess., 14 July 1988, 134:5764.

⁵⁴ Act of 18 November 1988 (102 Stat. 4571); see also *Congressional Record*, 100th Cong, 2d sess., 27 July 1988, 134:5895.

⁵⁵ “Everglades Land Swap Imperiled,” *National Parks Magazine* 65 (September/October 1991): 10-11.

⁵⁶ See “Save Our Everglades: A Status Report by the Office of Governor Lawton Chiles,” 30 June 1996, 9, copy provided by SFWMD.

⁵⁷ See, for example, Levin, *Liquid Land*, 101-102.

⁵⁸ “Past Accomplishments,” File Governor’s Environmental Initiatives, Box 1, S1401, Executive Office of the Governor Subject Files, 1987-1988, FSA.

⁵⁹ Florida Department of Environmental Protection, “History of Florida’s Conservation Efforts” <<http://www.dep.state.fl.us/lands/acquisition/P2000/BACKGRND.htm>> (20 December 2005).

⁶⁰ As cited in “Florida’s Preservation 2000,” *St. Petersburg Times*, 25 January 1990.

⁶¹ Reed and editorial quotations in “Florida’s Preservation 2000,” *St. Petersburg Times*, 25 January 1990; see also Florida Department of Environmental Protection, “History of Florida’s Conservation Efforts.”

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⁶² Ernest “Ernie” Barnett interview by Matthew Godfrey, 23 September 2004, Tallahassee, Florida, 3-4.

⁶³ As cited in “Everglades Land Swap Imperiled,” 10.