

February 15, 2005

Via Facsimile

Ms. Colleen Castille, Secretary
Florida, Department of Environmental Protection
3900 Commonwealth Boulevard
MS—10
Tallahassee, FL 32399-3000

Re: Closure of Key Largo Branch, Florida Park Service

Dear Secretary Castille:

As you are aware, the Florida Park Service has decided to close its Branch Office in Key Largo. This closure is apparently effective March 1, 2005. As a result of this action taken by the administration, petitions were circulated opposing the same. Copies of these petitions are enclosed herewith. Please allow me to elaborate on the circumstances surrounding this issue and the resulting reasons for the opposition of many Floridians to the action that your Department is poised to undertake.

Although this administrative undertaking is being termed as an office “closure” that is being undertaken for cost-saving reasons, the facts appear otherwise. They indicate that the effort is, in reality, little more than retribution resulting from one employee’s negative assessment of a South Florida road widening project commonly known as the “18-Mile Stretch Project.”

Florida PEER submitted a public records request to your office on June 30, 2004, shortly after it was learned that the Key Largo Office was slated for closure. In that request, Florida PEER sought all documents that dealt with the closure issue. Harold Vielhauer (through his Assistant, Yolonda Richardson) responded on your behalf. He produced 31 pages of documents, none of which indicated the specific basis for the office closure, the specific dollars expected to be saved from the closure, or even the name of the state employee who initiated the request to close the office. There is likewise no discussion of how, exactly, the closure of this office and the subsequent transfer of a senior biologist to Hobe Sound, 171 miles away, would in any way facilitate the protection of Florida’s environment. Indeed, the only documents that spoke directly to the issues were authored

by the Key Largo supervisor, Renate Skinner, who strongly cautioned against the closure of this much needed office. In light of the almost total silence on this closure by senior staff, coupled with the overwhelming number of factors that speak against the closure, one is regrettably left to conclude that the effort is being undertaken for no other purpose than retaliation.

The circumstances surrounding this situation are troubling. It is our understanding that the State of Florida owns (or at a very minimum has a long-term lease for) the building out of which the Key Largo Office currently operates. The physical building is not being sold. Indeed, the office assistant has apparently been told that she can continue to work out of the office until the summer. Thus, there are no cost savings from elimination of utilities or phone service. The previous supervisor, Ms. Skinner, retired in December 2004, and was therefore unaffected by the closure. And Ms. Janice Duquesnel was simply transferred to another park not far from her home. The only other employee affected by this "closure" is Mr. David Boyd, a biologist, who is senior to Ms. Duquesnel—yet he was directed to transfer to the Hobe Sound Office, over 170 miles away, and initially told that the Department would not reimburse the moving expenses expected to be incurred by him and his family. The latter position was reversed only after the administration was reminded that FDEP Directive No. 485 specifically provides for the payment of such expenses. In the final analysis, therefore, the "closure" of this office is adversely affecting only one employee, Mr. Boyd.

When Florida PEER first learned of the potential closure of the Key Largo Office we wondered why such a myopic undertaking had been initiated. Given the lack of justification and analysis for the closure found in the public records produced by your office, the legitimacy of the undertaking seemed suspicious. In that regard, there were those who maintained that it was somehow connected to the proposed 18-Mile Stretch Project ("Project")—a project that is strongly supported by the Governor. We therefore requested an opportunity to review the Governor's files on the Project. After more than three months the Governor's office produced the records. Our review of those records indicates that you were involved in many discussions with that office pertaining to the Project prior to your appointment as Secretary of FDEP. You therefore know that the Project has been under consideration for over a decade. Indeed, the records produced by the Governor's office demonstrate the intense involvement that major state agencies such as the FDOT and the DCA have taken in the Project.

The FDEP is the one agency most responsible for protecting Florida's environment. Yet, the FDEP has been conspicuously absent from the many high level meetings held by both Governors Chiles and Bush. It is incredible that the pre-eminent state agency in charge of being a steward over Florida's fragile environment would be so noticeably absent from such high level meetings on a project that can cause such harm to the environment. Particularly when the area threatened is supposed to be one of the most highly protected areas in the continental United States. And what is perhaps more striking is the fact that when the Army Corps of Engineers asked the FDEP to comment upon the efficacy of the road widening project, the Department did not even bother to offer a comment on the same on behalf of the residents of this state. The Department's silence operated as a

waiver of its right to comment, thus creating a presumption that the State of Florida approved of the federal permit application under consideration. As you may be aware, the ACOE subsequently issued the permit to the FDOT, thus allowing them to proceed with the widening. Local residents are now fighting the measure in federal court.

I raise the above issue because the closure of the Key Largo Office was initiated almost immediately after senior management within FDEP learned that one biologist, Mr. Boyd, felt that there were serious environmental problems associated with the 18-Mile Stretch Project. It was Mr. Boyd's job to prepare the Department's formal written comments dealing with the efficacy of the permit application. Once drafted, these comments would be submitted to Mr. Boyd's superiors for their approval and then they would be forwarded by those superiors to the ACOE on behalf of the Department. Yet, it appears that Mr. Boyd's job was threatened because this scientist took a position in his draft comments that defied the wishes of the Governor and senior FDEP administrators. In light of the Department's long-standing failure to insert itself in the many discussions held by two administrations vis-à-vis the Project it is easy to see how negative comments about the Project at this late stage would not be well received.

The future closure of the Key Largo Office was advocated shortly after Mr. Boyd's position was made known to the administration and it was thought that his position was known by others outside of the agency. It simply defies logic to suggest that there is no linkage to his position in that matter and the subsequent "closure" of the Key Largo office—a move that realistically affects only him.

This retaliation against Mr. Boyd will result in long-term disadvantages to the State of Florida and its environment. It is Florida PEER's contention that the closure of this office and the removal of the biologists who would otherwise be on-site to oversee the area will make it more difficult for biologists to do their job. The negative consequences associated with this office closure include:

- Closure will hinder the monitoring of beach and dune erosion in the Keys.
- Closure will make the monitoring of man-made encroachments more difficult.
- Florida will likely lose the services of Mr. Boyd, who currently performs all of the natural resource damage assessments in Pennekamp. These assessments typically result from boat groundings on coral, seagrass or in mangroves and cause very significant impacts to the park resources. Such situations require immediate attention. Due to the distances involved, providing this service from Hobe Sound is impractical. Furthermore, Hobe Sound has no biologist trained to perform these assessments, thus jeopardizing any litigation that would be brought by the State of Florida in order to recover monetary damages associated the violations of state law.
- Closure will work against the Department's mission of effectively monitoring and protecting this most environmentally sensitive area of the state.
- The series of recent hurricanes has underscored the need for marine biologists to be available to track the dramatic effects these massive storms are having on

marine resources. This need will not be addressed in a meaningful way if said biologists are removed to Hobe Sound.

- Moving the base for state biologists further away from the area of greatest need may ultimately cost the state even more money to pay travel costs for overnight stays and extra-long commutes for its staff.
- Closure will strain the Department's ability to undertake ongoing assessments of coral bleaching and other threats to marine life.
- Closure will unnecessarily hinder Keys residents seeking permits for marinas, piers, seawall repairs or other projects that impact upon state parklands, since the biologist reviewing the permits will now have to travel from Hobe Sound to the Keys in order to complete the review—thus delaying permit processing.

If the FDEP is to have any credibility on the issue of protecting Florida's environment it must be perceived that the agency allows its scientists to do their jobs unfettered by political concerns. Yet under the circumstances posed by this case, as well as the recent revelations of Mr. Zebuth regarding the Scripps Project, Floridians unfortunately must question the legitimacy of current and future positions taken by the Department on important issues that affect our environment. This is particularly true when the Department's positions seem to work against the very environment that the Department was created with taxpayer's dollars to protect.

Finally, I enclose petitions totaling 214 names of individuals who oppose the closing of the Key Largo Office. The individuals who signed these petitions did so in the belief that their voices would be heard and that serious consideration would be given to their position in this matter. I trust that their belief is well-founded. Florida PEER joins with them in requesting that you reconsider the action that your Department is about to take and that for the benefit of the residents of the State of Florida you allow the Key Largo Office to remain open and staffed with employees who are allowed to do their jobs without the fear of political reprisals.

Thank you for you attention in this matter.

Sincerely,

Jerry Phillips
Director

Encl.

cc.: Jeb Bush, Governor