

SAVING FLORIDA

Onerous government regulations make it difficult for farmers and ranchers to survive.

A better approach would be to give them economic incentives to stay on the land. By Mike Cade

It was January of 1995 and the Florida panther, in spite of nearly 30 years on the endangered species list, was still in trouble. The Florida House Subcommittee on Resource Management was meeting to discuss strategies for saving the big cat. High on the list of priorities was the need to preserve habitat. How could Florida, with its burgeoning population and rampant development, save enough habitat to maintain a viable and healthy population of a species that requires about 200 square miles per animal?

"We can't do it all by regulation and we

verted to condominiums. Onerous government regulations make it difficult for farmers and ranchers to survive. A better approach would be to give them economic incentives to stay on the land."

Evans made several proposals that do not fall under the scope of this article. But central to them all was this novel idea: perhaps the government should stop treating landowners like redheaded stepchildren and enlist their help in preserving habitat. To add punch to his point, Evans related a recent conversation with a southwest Florida landowner.

and Kip are the third generation to manage the Half Circle L Ranch, a diversified operation that straddles the Hendry-Collier County line northeast of Immokalee, Fla.

Their grandfather, L.J. Thorp, got his start in the late 1920s working for the Collier Company building the Tamiami Trail.

"Our grandfather was hired to provide meat, and he would hunt wild boar, deer and turkey for the work crews," says Dane. "His affiliation with the Collier Company later allowed him to lease this land that we own today. We had lots of wild cattle in those days running all over South Florida, so he began to trap and brand them and eventually bred them up through the purchase of quality bulls."

In 1952, L.J. asked his son-in-law, Miles Scofield Jr., to take over operation of the ranch. Dane was two at the time and Kip was born four years later.

"Those years were a fun time," says Dane. "We had a generator for electricity, but there was no air conditioning. We turned off the electricity at night and switched to kerosene to keep all the bugs from getting into the house. "We had plenty of game to eat and lots of grass-fed beef. We didn't know any better in those days, so we thought we had a good life."

In 1980, Scofield wanted to diversify and suggested to Dane and Kip that they get degrees in citrus production. They put part of the ranch into an orange grove, which proved to be propitious, as a series of deadly freezes in the mid-'80s destroyed most of the groves in central Florida, forcing the citrus industry to move south. "I enjoyed those years in the mid-'90s when our CPA would come to us in the fourth quarter and say, 'I want you guys to find a way to spend \$300,000,'" says Kip. "That was fun. But we haven't heard from our CPA in about eight years."

The Half Circle L grove was hit by a slow-acting strain of tristeza, a virus that piggy-backed a ride on the brown citrus aphid in the 1970s from the Caribbean to the Florida



Kip Scofield (left) and cattle manager Clint Raulerson check pastures on the Half Circle L Ranch. Kip and his brother Dane are third-generation cowboys. Their dad took over the ranch in 1952 when Dane was two. Kip was born four years later. "We had a generator for electricity, but there was no air conditioning," Dane says. "We turned off the electricity at night and switched to kerosene to keep all the bugs from getting into the house. We had plenty of game to eat and lots of grass-fed beef. We didn't know any better in those days, so we thought we had a good life."

can't buy all the land," said Tom Logan of the Game and Fresh Water Fish Commission. "We have to work with landowners." With that acknowledgement, Craig Evans of the American Farmland Trust was asked to speak.

"Land always goes to the highest economic use," Evans said. "Raw land is converted to agricultural use, and agricultural land is con-

"What would you say if I told you I was going to pay you to grow panthers on your land?" Evans asked the rancher.

"I'd say, 'Here kitty, kitty!'"

HALF CIRCLE L

Like many who depend entirely on agriculture for their livelihood, the Scofield brothers are "land rich and cash poor." Together, Dane

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The Florida panther has been on the endangered species list for decades. Still high on the government's list of priorities is the need to preserve habitat—a tough proposition in fast-developing Florida when one cat requires about 200 square miles of range. Land always goes to highest economic use so one suggestion is for the government to stop treating landowners like redheaded stepchildren and enlist their help in preserving habitat. “What would you say if I told you I was going to pay you to grow panthers on your land?” American Farmland Trust’s Craig Evans asked one rancher, who replied: “I’d say, ‘Here kitty, kitty.’”

Keys, leapfrogged up the islands to Dade County in the '80s and was carried to Collier County by Hurricane Andrew. Tristeza is a variant of the Spanish word *triste*, which means sad.

The Scofields lost a third of their grove over a three- to five-year period. To compound things, there was a downturn in the cattle market. Kip and Dane further diversified, selling timber, sod and hunting leases to make ends meet. More recently, Hurricane Wilma destroyed 75 percent of the orange crop.

“That’s why we like cows,” says Kip. “They’re hurricaneproof, frostproof and

cankerproof. They do all the mowing, and you don’t have to herbicide them.”

When L.J. Thorp established the ranch, South Florida lowlands were classified as swamp or wasteland—there for the taking. Now it’s designated as wetlands or panther habitat, and everybody and his brother wants it. It is indeed impressive country, abounding in wildlife and boasting a mix of hardwood hammocks, grasslands, cypress swamps and wire-grass prairies. Through the western side of the ranch flows the Okaloacoochee Slough, a natural waterway that forms the headwaters of Big Cypress Swamp and the Fakahatchee Strand.

“The state, which already owns two large ranches to the north and east, has long had its eyes on the Half Circle L,” says Dane. Florida Forever, a state program for the purchase of environmentally sensitive lands, has targeted the Okaloacoochee Slough for acquisition. To the southeast, Naples continues growing at a feverish pitch as five-acre ranchettes leapfrog one another on their way out toward Immokalee.

Kip and Dane could solve their financial worries and then some with a single telephone call to a land developer. They’d prefer to stay. That’s why with cautious optimism they’ve decided to participate in the Rural

Lands Stewardship Program (RLSP), the result of a collaboration between ranchers, environmentalists, developers, Collier County and state agencies that purports to save the ranching culture of South Florida, while limiting rural sprawl and preserving habitat for wildlife.

COLLIER COUNTY/WILSONMILLER

“To a lot of folks, environmentalists and developers, it’s kind of like kissing your sister,” says Bruce Johnson, ecological projects manager for WilsonMiller Inc., the Naples-based multidisciplinary firm that designed the complex blueprint for the plan.

It all started in the late ’90s when several environmental groups brought suit against Collier County for failure to implement an existing plan that would have protected the natural resources of eastern Collier, an area of about 200,000 acres where most of the big agriculture is located. A state judge ruled in favor of the environmentalists. In response, the county proposed to “downsize” or rezone the land from one housing unit per five acres to one housing unit per 50 acres, the idea being that this would discourage development and protect the environment.

“What they obviously failed to consider was the perspective of the property owners out there,” says Al Reynolds, CEO for WilsonMiller. Under the Bert Harris Act, if the government does something to decrease the value of a property, the landowner must be compensated.

In response, the landowners organized under the Eastern Collier Property Owners, hired some lawyers, approached WilsonMiller, and asked for help in their litigation.

WilsonMiller convinced all parties, including the state of Florida, to agree to a three-year timeout from litigation while trying to come up with a better solution. A consensus emerged. If the public purpose were to protect natural resources and keep agriculture in Florida, then a new approach to preservation would be needed.

“Existing techniques were inadequate,” says Reynolds. “The government doesn’t have enough money to purchase, fee simple or through conservation easements, all the land that needs protection, and the prescriptive, regulatory approach only spawns litigation and adversarial relationships that don’t help anyone.”

What WilsonMiller proposed instead was a voluntary transfer of development rights program based on stewardship credits and easements that allow a landowner to profit from the development potential of his land while keeping it in agriculture. Collier County liked the program and adopted it. The Florida legislature liked it as well and codified it under state law, so that any county government may implement the program. The program enjoys the support of several environmental organizations, including the Florida Wildlife Federation and the Audubon Society.

“At the beginning, the environmentalists and landowners hated each other,” says Johnson. “By the end of this three-year process they were on the same side.” Under this program, a rancher in a “sending area” who doesn’t want to develop his land can sell his credits to a developer in a “receiving area” who may then use those credits to build more homes on less land. Every acre of land is scored according to several natural-

resource attributes. Environmentally sensitive lands receive higher scores, thus generating more credits. So the incentive is to protect the best land first.

Usually a landowner wants to “keep it a secret if he finds a red-cockaded woodpecker on his property,” says Johnson, whose role was to gather natural-resource data and devise the scoring system for the plan. “With this program you pay people to find as many critters as you can. The more you find, the more credits you get.”

Johnson, who has fond memories of a summer spent in his youth on a large ranch on the Wyoming-Montana border, says: “I tell environmentalists who want to put these pristine lands under federal protection, ‘Who do you think kept it this way for so long?’”

A landowner also can generate credits by relinquishing various layers of use. The top layer, of course, is residential housing. Other uses include earth mining, recreation, intensive agriculture such as row crops, support uses such as processing plants or housing for labor, and less intensive agriculture such as grazing, logging, and hunting. At the bottom is a conservation easement, where all uses are relinquished. The plan allows in some cases for restoration credits where, for example, an abandoned farm field can be reforested to provide corridors for wildlife. So far, all participants have elected to retain existing uses.

“Everybody’s coming to the realization that you can’t stop growth,” says Johnson. “The rural lands program doesn’t stop development. It harnesses the economic driver of development to conserve the land



ABOVE: Bruce Johnson, ecological projects manager, WilsonMiller, Deland, Florida. BELOW: Al Reynolds, CEO, WilsonMiller, Naples, Florida.



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South Florida is impressive country, abounding in wildlife and boasting a mix of hardwood hammocks, grasslands, cypress swamps and wire-grass prairies. Some ranchers diversify their ranch operation by growing citrus, but weather and disease can destroy that crop. "That's why we like cows," says Kip Scofield of the Half Circle L Ranch. "They're hurricaneproof, frostproof and cankerproof. They do all the mowing, and you don't have to herbicide them."

that can be conserved."

The plan will accommodate projected population growth in Collier County for the next 25 years and envisions the creation of three-to-four full-service towns and several villages and hamlets that will occupy one tenth of the land that would have been used under current zoning laws. Johnson stresses that the program is voluntary and gives landowners a lot of flexibility. They don't have to transfer or sell their credits. They can bank them, allow them to appreciate with the value of their real estate, and sell some or all of them at the most opportune time.

"I think they're finally doing something right," says Dane Scofield. "They're rewarding

landowners for good stewardship, which is something we've always asked for."

The Scofields, once their application to participate in the program is approved, may be the first landowners to actually sell credits. "Nobody wants to be the first to sell because the market hasn't been established," says Kip. "We've been offered what we think is a fair price, so we're going to jump in and set the market."

AVE MARIA

Ave Maria, the first of the compact, self-sufficient towns to be constructed under the Rural Lands Stewardship Program, is the fulfillment of a dream for Tom Monaghan, founder of Domino's Pizza. Monaghan was raised mostly

by Catholic nuns and originally took his proposal for the creation of the first Catholic university in 40 years to his hometown of Ann Arbor, Mich. Zoning officials there rejected his request, but he later found a willing partner in Barron Collier Cos. of Immokalee. The university and town, which will be built on 5,000 acres of farmland, will house about 5,000 students and 24,000 full-time residents who will live in a mix of condominiums, low-income housing and luxury estates, all within walking distance of the university, parks, shops, restaurants and other services. To gain approval for construction, which began in February 2006, Barron Collier Cos. transferred stewardship credits from 17,000 acres

of ranch land, which will be protected from development and where grazing of cattle will continue.

Ave Maria is an example of the type of compact community that smart-growth advocates see as a real alternate to rural sprawl. Many previous efforts to control sprawl have been roundly criticized by those who have experienced its unintended consequences. Urban Development Boundaries, for example, have caused the price of real estate in large cities to escalate to such an extent that median-income families can no

and you'll find yet another article about an environmental group that is fighting to stop yet another development involving anywhere from several hundred to tens of thousands of acres. Local governments are struggling with strategies for providing infrastructure and housing for the state's 1,060 new residents who arrive daily, while still retaining some of the state's rural character and economy.

"What's happened in Florida and a lot of other states," says Reynolds, "is that the comprehensive planning process hasn't become an aspirational, 'What do we want to achieve?' but 'How do we keep bad things from happening?'"

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Alto "Bud" Adams runs the Adams family ranching dynasty, which is headquartered near Fort Pierce in St. Lucie County, Florida. He has the 15th largest cowherd in the U.S. His Braford cows share pastures with deer, Osceola turkey and several rare birds. Bud likes the RLSP program.

Florida's minimum-rural-lot size of five acres is an example of that. "There was a misconception that if you could downzone land far enough, you'd stop development," says Reynolds. "The reality is that there will always be a market at some level, even if you take it from one housing unit to five acres to one housing unit to 40 acres." The result is the same, he says. "You break up the landscape to the point where it can't be managed."

longer afford to buy homes. Meanwhile "downsizing"—the practice of requiring large minimum-lot sizes in rural areas—has actually created sprawl, because it takes so much more land to house a given population.

Conservative scholars such as Dr. Ronald Utt, who has written a number of position papers for the Heritage Foundation, argue that there is little need for growth management. "Federal surveys," he points out, "show that less than seven percent of land in the United States is developed, even when rural residential housing is included. So why all the fuss?" he asks. "Both the environment and our people would be better off if the government got out of the land-planning and growth-management business altogether."

While such views may fly well in places like Nebraska, they're a harder sell in states like Florida, where the population has grown from 6,789,296 in 1970 to 17,872,296 in 2005 and is projected to reach 25,898,476 in 2030.

Pick up any daily newspaper in Florida

large lots in rural areas far from their jobs, schools, and shopping only because it's the only alternative available to them, says Reynolds. "I think the next generation is going to demand something much better than what we've been doing."

Reynolds has been pitching the RLSP around the state and believes it's a model that could work well in other high-growth areas, such as the mountain west. So far 12 Florida counties are considering the program, while St. Lucie County has approved a pilot program involving 23,000 acres, with the possibility of adding more land later.

ADAMS RANCH

At 85 years of age, Alto "Bud" Adams is still firmly in control of the Adams family ranching dynasty, which has four ranches in four Florida counties and supports the 15th largest cowherd in the United States. Alto, which in Spanish means tall, is an apt description of his appearance. Wearing Levis and a narrow-brimmed white felt hat, he looks like the dis-

tinguished Florida cattleman that he is. With his piercing eyes and articulate speech he could easily pass for an elder statesman.

Driving through the headquarters ranch, which lies 14 miles west of Fort Pierce in St. Lucie County, it's easy to see where the family's priorities lie. The house that Bud and his wife built after marrying in 1949 is a modest structure. The cowboys, some of whom were born on the ranch and have been with the family for more than 40 years, are well mounted. Each doing the work of two men, they share in the ranch's profits.

The Braford cows, which are the foundation herd for the Braford breed in America, share pastures with deer, Osceola turkey and various rare birds such as the caracara and the Everglades kite. The ranch also is home to ABEEF cattle, a composite breed 14 years in the making, which performs well in Florida's harsh climate while producing quality beef.

The verdant, subirrigated pastures intermingled with cabbage palm hammocks represent the only large tract of land in St. Lucie County that's still close to its original state. It's clear, as Bud gives a tour of the ranch, that he loves the land and wants to pass it on to the next generation. It's equally clear that the next generation, both family and employees, wants to continue the family legacy. For Bud, the RLSP is a no-brainer for everybody involved and may very well represent the salvation of agriculture in St. Lucie County.

What gives urgency to this program is the development of Port St. Lucie, which is "creeping like a cancer across the county," says Bud. "It will continue and there's nothing that can be done about it if something like this is not put in place."

Then there are the rising land values that could make it difficult to pass the ranch on after inheritance taxes, he says. It doesn't take a lot of math to figure out what estate taxes will do to a cattle operation that sits on land valued at \$30,000 per acre and appreciating.

"The thing that appealed to me about this program," Bud says, "is that it makes it possible for us to continue ranch ownership, to keep it in land and cattle through the generations." He claims it's also good for the county government, which is looking for ways to preserve large parts of the county in its natural state, "simply because it eases their burden on roads, schools and garbage."

With a rancher's participation in the program, of course, comes the realization that perpetual easements on the land mean one has a landlord. Today that landlord might be your advocate. Tomorrow he might not be.

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Sorting cattle at the Adams Ranch. Rising land values could make it difficult to pass the ranch on after inheritance taxes. It doesn't take a lot of math to figure out what estate taxes will do to a cattle operation that sits on land valued at \$30,000 per acre and appreciating.

Under the RLSP agreement, the easements are held by the county government and must also be dedicated to one state agency. Landowners may choose which state agency they want named on the easement, says Reynolds. It can be the Department of Agriculture.

The Adams family, though wary of traditional conservation easements because of their restrictive nature, feels there is less potential for mischief with the stewardship easements created under the RLSP. With a conservation easement, the rancher starts at the bottom with no rights and tries to negotiate his way up, says Peter Harrison, Adams Ranch vice president. With the stewardship easement, the rancher starts at the top and spells out in detail what rights he is going to relinquish and what rights he is going to keep.

"It's a lot better to start from the top and

have a piece of paper that says, 'Look, I've only given up my residential rights. I have all my agricultural rights to run my cows as I see fit.'"

The Adams Ranch, after receiving final approval for its plan, will sell the credits generated from roughly half the ranch to a developer who will build a compact self-sufficient community about six miles to the north.

Property-rights groups argue against the sale of perpetual easements, saying that the cash generated temporarily relieves but doesn't cure the underlying ills that threaten agriculture, while the loss of rights is permanent. Congress, of course, could make it easier for agricultural families to stay on the land and lessen the development pressures they face with a few simple free-enterprise solutions, such as repeal of the death tax. But while political movement in that direction proceeds

at a glacial pace, the demographics of Florida are changing rapidly, and ranchers there—many of whom want to preserve their culture and way of life—are beginning to look at the RLSP as a viable alternative.

"If someone can show me something better, I'll jump on their bandwagon," says Johnson. "To date nobody has. This is what I'm putting my money on." ■

Mike Cade has cowboied and ranched for most of his life. He is partial to cow country in Texas, Montana and Florida. Kip Scofield's father-in-law was Mike's journalism professor at the University of Florida, Gainesville, where Mike earned a degree in print journalism. Frank Denninger, Everglades Coordinating Council, contributed to this story. ECC is an umbrella organization devoted to public access to Florida's public lands and natural resources and maintenance of same. 305-836-9281.