

Pitchford's sea wall permit denied

BY CHARLIE REED
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JENSEN BEACH — Although state officials have denied a sea wall permit for the controversial Pitchford's Landing development, owner Bill Reilly said Tuesday the project will move forward despite this latest setback in more than two years of contentious debate with nearby residents.

"It's adding a tremendous amount of cost to the project," Reilly said. "But it wasn't a surprise."

The sea wall permit initially was recommended for approval by the Florida Department of Environmental Protection last April, but officials overturned that decision Thursday, DEP spokesman Stephen Webster said.

The reversal came after the public hearing phase of the permit process in November, which drew complaints from the Jensen Beach Group — the committee of local residents that has rallied against Pitchford's Landing since it was announced in 2005.

After the hearing, an administra-

tive law judge "found that there may be wetlands behind the proposed sea wall," which prompted DEP to deny the permit, Webster said.

But Reilly said he is confident the issue with the department can be resolved.

"When you've invested every dollar of your family's future, you're not going to walk away," Reilly said.

But the Jensen Beach Group contends a sea wall would "disrupt the natural environment that's always been there," President Mike Cilurso said.

Planting mangroves and other natural vegetation along the shore instead of a sea wall is "the best way to do it," he said.

There also is a concern that a sea wall would "create more buildable space" for the project in the future, Cilurso said.

Reilly denies that claim.

Plans for the 17-acre site include building 39 multifamily "villas" and 45 single-family homes where 158 mobile homes are currently allowed and remodeling Dena's Café on the east side of Indian River Drive, he said.

The project hinges on the Martin County Commission granting a land-use change, which will be decided on April 11.

The latest incarnation of Pitchford's Landing is a scaled back version of Reilly's initial plans, which activists called too dense and too high for the neighborhood.

"The original plan was so far off the mark," Cilurso said. "If (Reilly) would have started where he is now the opposition would have been far less."

Development to pursue government

BY MICHELLE SHELDONE
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STUART — Developers of a Palm City ranchette community plan to pursue their attempt to create a mini-government, even though the Martin County Commission Tuesday voted unanimously to recommend the state deny it.

Martin Arbors, west of Interstate 95 and south of Martin Highway, already is platted and approved for as many as 79 homes on 20-acre lots. Five sites have been sold to buyers who support creating what's known as a community development district, said Martin Arbors spokesman Kenneth Edwards, an attorney.

Through the district, owners of Martin Arbors parcels, which are priced between \$600,000 and \$1 million, would be able to finance about \$10 million in improvements such as roads and landscaping through bonds, rather than have to pay for the infrastructure up front, Edwards said.

Developers typically pay for these needs. "We're being asked to create another layer of government to allow a developer to fund roads they'd have to put in anyway," Commissioner Susan Valliere said.

About a dozen countywide residents spoke against the special district which, if approved, would be run by a governing body of five landowners.

The residents cited concerns about water quality and quantity, and creating a layer of government where county voters don't have a say in who is elected.

"Their powers are very broad," Sewall's Point resident Joan Bausch cautioned. "They're shielded from the voters in Martin County."

Community development districts exist throughout the state, said Peter Pimentel, president of Special District Services Inc., a Palm Beach Gardens company that assists with public-private partnership special districts.

The real advantage to the districts is a sovereign immunity provision that caps district lawsuits at \$100,000 per person or \$200,000 per incident, he said.

A committee, comprised of Florida Gov. Charlie Crist and his cabinet, would have the final say on a special district after a state hearing in about two to three months, Edwards said.

Toddler thanks firefighters for saving his life



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Fire medic Leroy Ehret, kneeling, and Lt. Vince Felicione of Stuart Fire Rescue joke with Keegan Kinsley, 3, Tuesday afternoon outside the Monterey Road fire station. Ehret and Felicione helped save Keegan from choking to death on March 25.

BY MEGAN V. WINSLOW
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STUART — By the time Stuart Police Officer Phil Lagalo Jr. rushed into Toojay's deli, 3½-year-old Keegan Kinsley had turned pale white and several diners were reciting the Lord's Prayer.

"I knew we were in trouble," Lagalo said Tuesday, remembering the scene at the Stuart restaurant.

When Stuart Fire Rescue medics took over three minutes later, Keegan was semi-conscious, his body limp.

About nine minutes after the young Ve-

ro Beach resident began choking on a grape March 25, Stuart Firemedic Leroy Ehret and Lt. Vince Felicione dislodged the fruit from his airway, and he began to breathe again.

On Tuesday, Keegan and his mom, Joni Kinsley, formally thanked the Stuart fire and police departments for their incredible rescue. At the Monterey Road fire station, the group ate cake and officers showered Keegan with toy fire engines. Afterward, Keegan enthusiastically toured the station's real fire engines.

Kinsley, Comcast cable company's West

Palm Beach vice president, said she wanted the public to realize how heroic acts by officers and firefighters truly pay off.

Kinsley adopted Keegan from Russia about 10 months ago, and although the former orphan can be quite shy, she immediately knew what was wrong when he frantically brought his hands up to his mouth during that lunch at the deli.

But no matter how terrifying Keegan's condition became, Kinsley refused to give up hope.

"I was saying, 'No way,'" she said. "God worked so hard to get us together."

GOPHER TORTOISE AT A GLANCE



Appearance: Either dark tan, or gray. Their front legs are broad and flat, almost like a shovel. Their back legs look just like an elephant's legs. The top part of their shell is fairly flat. They can reach a length of 12 inches.

Range and habitat: Can be found throughout the state of Florida and southern areas of Georgia, South Carolina, Mississippi and Alabama. They dig their burrows in dry habitats.

Reproduction: Begins in the spring. They will nest between April and July. Typically, the nests are dug very close to their burrow openings, where 4-7 eggs are laid. After 80 days, the young hatch and will often spend the first winter in their mother's den.

Diet: Grasses and other plants make up the bulk of their diet, although the tortoises will eat an occasional insect or roadkill.

Calusanature.com Staff graphic

Commission looking to upgrade tortoise's status to threatened

BY MICHELLE SHELDONE
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Don't bury the gopher tortoise.

That's been the overwhelming response to a new Florida Fish and Wildlife Commission proposed management plan for the burrowing reptiles, one agency official said.

Some say the gopher tortoise is being buried alive by developers who pay for optional Fish and Wildlife "incidental take" permits to build atop the reptile's habitat rather than relocate the species.

The commission wants to upgrade the reptile's status from a species of special concern to threatened. As part of that, officials have to compile a management plan, which is required to make the status change. The plan is open for public comment through today.

"Our goal is not to come in and plow over gopher tortoises," said Lewis Moscovitch, president of Symphony Builders, which is at work on a project in Fort Pierce.

TO COMMENT

The Florida Fish and Wildlife Commission management plan for gopher tortoises can be viewed at www.myfwc.com and is open for public comment until 5 p.m. April 4.

How to comment: E-mail comments to gt_plan@myFWC.com

Roads and traffic, intensive agriculture and invasive exotic plants also are among the threats, the agency's plan reports.

During the past 80 to 100 years, gopher tortoises have declined at a rate of more than 50 percent because of habitat loss, Fish and Wildlife Research Biologist Joan Berish said.

The agency's management plan includes a proposal to do away with incidental take permits where builders pay fees to build atop tortoise habitat. That money goes toward creating a new home for gopher tortoises, Fish and Wildlife Spokesman Joy Hill said.

Liz Dunleavy, vice president of the St. Lucie Audubon Society, said she agrees with the proposal.

On Sunday, she and Audubon and

Vero Beach Humane Society volunteers relocated "number 19," one of a colony of tortoises that lived on vacant Fort Pierce land where Symphony Builders condominiums are about to rise.

"They're just so cute," Dunleavy said. "They're helpless, and they don't hurt anybody."

The reptiles suffer from a respiratory disease that, until recently, required testing before relocating them with other colonies, Hill said. The effects of the disease on the species population have not been measured, she said.

Berish estimates there are 750,000 to 1 million tortoises throughout the state and a little more than 3.2 million acres of potential habitat to accommodate them.

"There's a big responsibility on county governments, local governments and developers," Hill said. "Biologists right now are working on a cost for this."

Gopher tortoises along the Treasure Coast can be found at places such as the Hobe Sound and Archie Carr National Wildlife Refuges and Jonathan Dickinson State Park.

Officials at the Hobe Sound Refuge and Jonathan Dickinson have been working on removing invasive exotic plants and performing prescribed burns to maintain the reptile's open canopied sand scrub habitat, Hobe Sound Refuge Manager Margo Stahl said.

Archie Carr's 62-acre Coconut Point Sanctuary could provide a relocation site, Refuge Ranger Joanna Taylor said.

"I'm glad to see the state is moving toward changing or modifying their practices," Taylor said. "The public has been crying for this for years."

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