

# GOLF COURSE NEWS

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## IRS to alter contract labor laws?

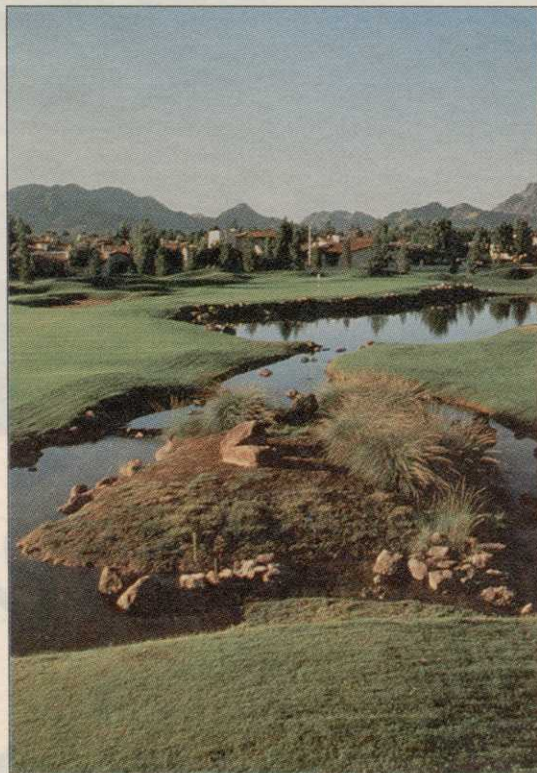
By PETER BLAIS

A proposed bill designed to stop employers from misclassifying independent contractors could affect golf course workers.

"There are a couple East Coast clubs that could be forced to make million-dollar settlements depending how this works out," said Elizabeth Kirby-Hart, vice president of legal and government relations for the National Club Association.

Caddies, golf and tennis pros are the most likely to be affected, although any change could also impact grounds crews and course construction workers, according to representatives from those areas.

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#### B.A. IN RESORT MANAGEMENT?

Stonecreek Golf Club in Scottsdale, Ariz., is one of several courses operated by Phoenix-based Resort Management of America, which specializes in the management of collegiate courses, including Karsten GC at Arizona State and University Ridge at the University of Wisconsin-Madison. For story, see page 55.

## Mitigation banking develops eco-niche

By MARK LESLIE

The battle cry "No net loss" has led to major strides in reclaiming the nation's lost wetlands, and to a new era of "mitigation banking."

While a federal inter-agency task force drafts formal mitigation bank criteria, state and local governments as well as some entrepreneurs and at least one environmental group are forging ahead in this pioneering arena.

In today's world of construction, a developer must follow a set sequence of actions when wetlands exist on their property. The preferred course of action is avoiding wetlands altogether. Minimization fol-

Continued on page 48



The colorful 12th tee on the Bay Course at Kapalua Plantation, on island of Maui. Kapalua's three courses—the Bay, Plantation and Village layouts—are only on aspect of the resort's comprehensive environmental approach.

## Kapalua pioneers resort-wide Audubon Sanctuary program

By MARK LESLIE

MAUI, Hawaii — New York Audubon Society and Kapalua Resort officials are collaborating on a new program that would be an environmental equivalent to Mobil's 5-star designation for hotels.

"We're looking to create a model of international significance for destination resorts ... as well as establish Kapalua as a launching pad for The Audubon Heritage Program," said Ron Dodson, New York Audubon president. "To ultimately reach our environmental goals, we must demonstrate that the environment and economy are interconnected—that good business decisions and good environmental decisions are permanently linked, both locally and globally."

New York Audubon has been expanding its pres-

Continued on page 70



Bruce Florine

## NGF offers membership discounting

By HAL PHILLIPS

JUPITER, Fla. — By entering an agreement with Thor Guard, whereby National Golf Foundation (NGF) members will receive an 10-percent discount on the Miami-based firm's lightning prediction system, the NGF has ushered in a new era of relations with its membership.

"I don't know if it's a departure, to be honest," said Bruce Florine, the NGF's vice president of marketing. "I don't necessarily think it's an endorsement as much as a member privilege. If any firm came to us and offered our members a discount, we'd jump at the chance."

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# Privatization becomes reality in pioneering world of mitigation banks

Continued from page 1

laws, and, finally, compensatory mitigation in which whatever wetlands must be developed are replaced with usually two or more times as much created wetlands.

Authorities are scrutinizing two breeds of banks: creation and acquisition. Creation banks are wetlands a developer actually creates as mitigation for areas they have filled. In the case of acquisition banks, the developer acquires — from an existing bank — pieces of habitat in compensation for land they will destroy.

"Everyone recognizes that in the long run, if you have to mitigate, banks are the wave of the future," said Mike Kelly, vice president of Williamsburg Environmental Group, Inc. in Williamsburg, Va.

"This is an idea whose time has come. Things are absolutely taking off," said Bob Ryan, former controller of the federal Environmental Protection Agency (EPA) who has jumped headlong into this new field as a consultant. "From the perspective of the new era in Washington — the feeling 'Let's get government off our backs and find economic solutions to environmental problems' — the concept of mitigation banking is right at the forefront."

The future of mitigation banking is bound for success "because it takes our socio-economic structure and works within that. It allows someone to make money off conservation," said Mike Horton of the California Department of Fish and Wildlife in Sac-

ramento, who has established a mitigation system for northern California.

In California, in Florida, in North Carolina, in Virginia, evidence supports the notion that wetlands banks will soon dot the nation's landscape, and that customers will be queuing up to buy wetlands "credits" from the banks' "tellers."

"A lot of [potential bank owners] are looking into it," said Herald Jones, chief of the Army Corps of Engineers' Southern Virginia Regulatory Section of the Norfolk District. "In the state of Virginia, there are a number of individual entrepreneurial banks coming on line."

A deluge of parties is seeking permits to construct wetland banks in Florida's Dade County. A Corps of Engineers survey found 44 mitigation banks in the United States in 1992, and discovered 64 in various stages of planning in 1994. But until very recently, all the banks were created and managed by departments of transportation, port authorities and other government agencies, or industries. Individual entrepreneurs are new to the mix.

"Eventually there will be a lot of new

*'A lot of [potential bank owners] are looking into it. In the state of Virginia, there are a number of individual entrepreneurial banks coming on line.'*

— Herald Jones

Army Corps of Engineers

players," Horton said. "The Nature Conservancy has been doing this sort of thing for quite awhile and is looking at formalizing it now."

In Virginia, Jones pointed to the city of Virginia Beach, which in December signed a memorandum of agreement

with the Corps of Engineers that will lead to development and construction of bank sites in a number of designated watersheds within the city. The banks are designed solely to compensate for unavoidable impacts from city projects, Jones said, adding: "Other cities are already taking a look at our document. They think it will work for them, also."

"This all started with 'no net loss' policy. That's why they started creating wetlands," said Horton. Wetland banking "allows you to put the mitigation for a whole bunch of project owners together and gives you an economy of scale — both economic and environmental,

"A bigger area is, in most cases, of greater [ecological] value. You don't have fragmentation problems. You don't have interspersed development, which can lead to water-quality problems. And smaller,

created wetlands too often fail."

Williamsburg Environmental's Kelly echoed the concern with smaller wetlands because "many times they are never monitored and they fail. People are saying, 'Instead of a bunch of little mitigation banks failing, isn't it better to create larger ones?'"

Jones spelled out seven benefits of mitigation banking:

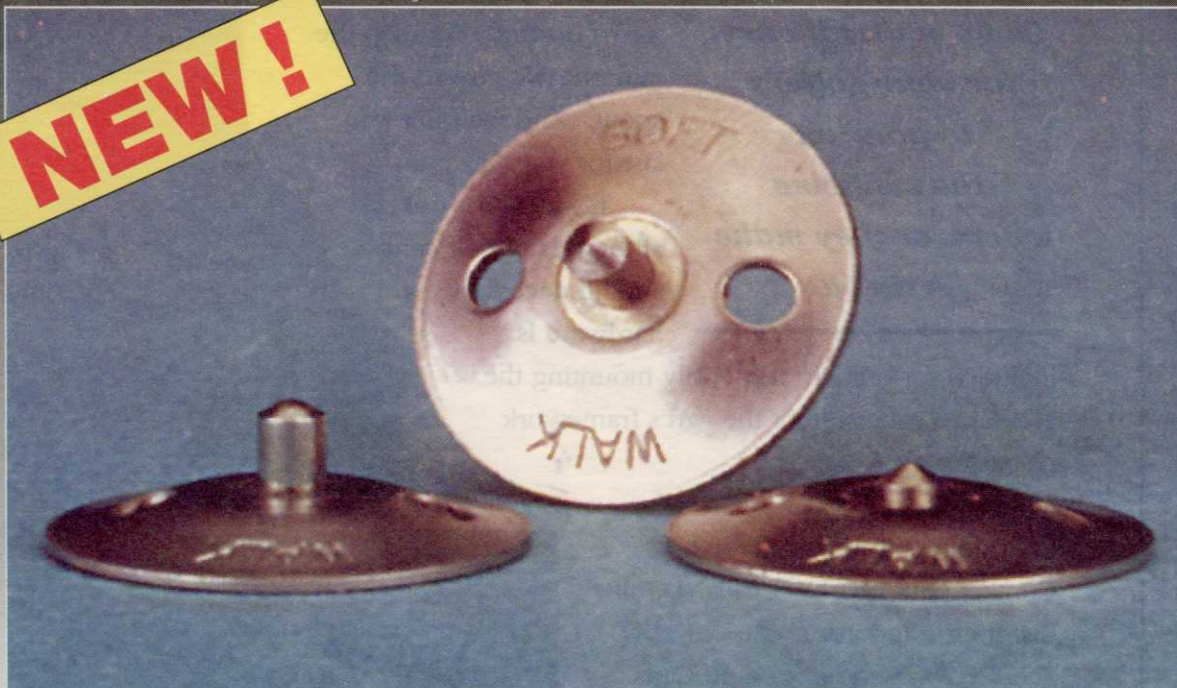
- effective and adequate compensatory mitigation is in place prior to unavoidable project impacts;
- comprehensive, rather than fragmented, mitigation sites are created;
- sites are larger, more easily managed and contain higher-quality wetlands than do numerous small sites;
- inter-agency coordination is improved;
- mitigation-review and permit-processing times are faster;
- successful wetlands compensation is better ensured; and
- overall mitigation costs are reduced.

With individual entrepreneurs lining up to obtain wetlands permits from the Corps of Engineers, there seems to be only one holdup: federal and state regulations. And those regulations are nowhere in sight. "They are not even in draft form yet," Jones said.

As Horton said: "Our biggest problem is, we have a lot of applicants who want to mitigate systems but we have no structure in place."

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