



**Everglades**  
**Law Center, Inc.**  
*Defending Florida's Ecosystems  
and Communities*

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## **EVERGLADES LAW CENTER**

### **Annual Report for 2007**

#### **What is the Everglades Law Center**

The ELC is a not-for-profit law firm dedicated to representing the public interest in environmental and land use matters, with five attorneys in offices in Ft. Lauderdale and West Palm Beach. For over a decade, under our previous name – the Environmental and Land Use Law Center, and, since April 2006 as the Everglades Law Center, our work as lawyers and advocates has focused on restoring the Everglades and the Keys and preventing growth from ruining special places like Martin County. Our mission is to advocate, negotiate and, when necessary, litigate, to protect and restore the South Florida ecosystem.

The ELC represents clients either “pro bono” (no charge) or for very reduced fees. Our work is funded through individual contributions, foundation grants, and in some cases through limited client – paid fees. We are governed by a 6 member Board of Directors.

#### **From the Executive Director**

With the support of our board, funders, friends, clients and teammates, in 2007 we settled into our role as a regional law firm with a nationally – recognized mission and the capacity to handle the most critical cases and projects in which our services are sought. The year’s highlights included a major legal victory for habitat protection in the Florida Keys, successful opposition to a proposed coal-fired power plant in Glades County and to a major new city proposed in the Everglades, the protection of sensitive lands in Martin County, intervention into a comprehensive plan amendment challenge impacting the headwaters of the Everglades, and successful efforts to convince the state to object to land use and permitting decisions in Miami-Dade and Palm Beach counties. We have seen great success in our efforts to educate the leadership of the new Crist administration in Tallahassee. We hope that this Annual Report to be an informative summary of our work in 2007.

Richard Grosso  
Executive Director

## **2007 ACTIVITIES OF THE EVERGLADES LAW CENTER**

### **Our Partners and Clients**

In 2007 we continued to represent and work as partners with the organizations who are among the biggest stakeholders and experts in the protection and restoration of the south Florida ecosystem. Among our clients and partners were:

1000 Friends of Florida  
Audubon Society of the Everglades  
Defenders of Wildlife  
Florida Wildlife Federation  
Florida Keys Citizens Coalition  
Florida Keys Chapter of the Izaak Walton League  
Florida Keys Conservation Association  
Indian Riverkeeper  
Last Stand  
Loxahatchee River Coalition  
Martin County Conservation Alliance  
National Parks Conservation Association  
Sanibel Captiva Conservation Association  
Sierra Club  
Tropical Audubon Society

### **PROGRAM ACTIVITIES**

#### **Glades County Coal-Fired Power Plant**

This case was brought in 2007 to challenge the adoption, outside of the legally required process, of amendments to the Glades County Comprehensive Plan that would have allowed the siting of a very large regional electric power plant in this rural county in south Central Florida. After an investigation revealed that amendments had been made to the County's rules (which did not allow such facilities in the subject area) without public notice and proper review by the state, we brought the challenge on behalf of local citizens, in an effort to prevent the approval of an inappropriate intensive land use in an unsuitable location. In the middle of the first day of trial, word came from Tallahassee that the Public Service Commission had denied the "need" certification for the proposed power plant. This effectively ended plans for the project, and our case was abated. Our corollary case – a lawsuit in Leon County Circuit Court to invalidate the state's approval of the 2006 comprehensive plan amendments which had been adopted and approved (we allege and the state admitted) without complying with the proper statutory process – remains pending. It was important to continue to prosecute the case because, while the power plant project at issue appeared to be dead, the comprehensive plan continued to allow power plants in all lands designated Agriculture in the County. Approximately 85% of the land in Glades County is so designated. In late 2007, we were negotiating a settlement agreement under which the County would repeal the illegally adopted comprehensive plan amendments that would have allowed the power plants.

## **Osceola County Comprehensive Plan Amendment Litigation**

This year we identified an ever-increasing need for our services near the headwaters of the Everglades in **Osceola County** - one of the fastest growing counties within the historic Everglades flow. Without adequate planning, development in the region may threaten the health of the Kissimmee River Basin. Moreover, the water quality of Lake Toho, Lake Hatchineha, and others, indirectly affects the water quality of Lake Okeechobee. Without sufficient safeguards, the continued degradation of these waters will adversely affect the water quality of Lake Okeechobee and the lower Everglades ecosystem. We partnered with Audubon of Florida and a local Audubon chapter to respond to these concerns. On behalf of the Kissimmee Valley Audubon Society we intervened into a legal challenge by the state to revisions to the Osceola County its comprehensive plan, and began to insist on more stringent changes than those being sought by the state so as to better protect the environmental resources of the Chain of Lakes region. We have been actively negotiating with the County for a retraction of its urban growth boundary (UGB), stronger conservation policies, and the creation of a multi-agency/stakeholder task force to study the environmental impacts of the proposed Southport connector road south of Lake Toho. In October, the County agreed to retract its UGB to the southern shore of Lake Toho, had created a task force to study the Southport connector's impacts to the environment, and had revised a number of its policies to help ensure the conservation of its natural resources. Following the County's agreement with KVAS, the relevant landowner, a large agricultural landowner south of Lake Toho intervened. In November, Osceola County withdrew its agreement with KVAS and submitted a plan to the Department that was substantially similar to a plan it submitted to the Department prior to KVAS' intervention in the case. At the end of 2007, we were in negotiations with the County to resolve our remaining issues.

## **Miami-Dade County**

As part of the "Hold the Line" Campaign, we were extensively involved with the South Miami-Dade Watershed Study, with very favorable results, as the study made a strong series of recommendations, supported by data and analysis, to maintain the UDB until at least 2025. It is strong evidence against future proposals to change the UDB.

Next, our legal representation and advocacy, along with the efforts of our clients and teammates resulted in the withdrawal of the massive Florida City Commons development proposal on over 1000 acres in the Model City area of the southeastern Coastal Everglades. Throughout the year, we acted as the legal arm of the team opposing development and rock mining on this property in the Model Lands, opposing the proposed *Development of Regional Impact*, and preparing and submitting formal objections (under various federal environmental laws) to the U.S. Corps of Engineers to a proposal for 600 acres of lime rock mining.

As part of this effort, we represented the NPCA and Tropical Audubon Society in a legal challenge to the issuance, by the Corps of Engineers, of a wetland permit extension for the property, which would have allowed an existing agricultural permit to be used to allow the construction of the proposed development.

The ELC is part of a team of organizations that is reviewing Florida Power & Light's plans to expand its Turkey Point plant – to consist of two nuclear reactors adjacent to the existing

plants (including a natural gas plant). FPL owns 17,252 acres in that area - 13,313 of which are a mitigation bank, and the other 3,934 include the existing plant and the planned location of this expansion. In addition to building two additional nuclear reactors, FPL also plans on rock-mining 1,000 acres for materials to build the new plant. FPL has filed an application for an unusual use permit with Miami-Dade County. We have begun to research and analyze a number of legal issues surrounding the proposal, and are working with other groups to monitor and possibly oppose the expansion.

## **Florida Keys**

The protection of the biodiversity of the Florida Keys is among our most important missions. To that end, we engaged in three significant related efforts during 2007.

### The Monroe County “Tier System” For Habitat Protection

The lion’s share of our work in 2007 involved the legal challenge to the regulations implementing the “Tier System” – Monroe County’s new system for a zoning overlay that classifies all lands into one of three categories which will determine the allocation of the limited number of annual permits available in the County. This was a very labor – intensive effort. At the end of June, we won the legal challenge – as to most of the major issues, but not as to all issues. The administrative law judge recommended the invalidation of every specific “tier map” we had challenged, as well as several provisions which set the development standards for lands within each tier and for subsequent requests to re-designate lands from one tier to another. In September 2007 the Florida Department of Community Affairs entered a Final Order upholding and adopting the Recommended Order and our legal victory was complete. As a result of the litigation, major parts of the “Tier Zoning Overlay System” and many individual Tier Maps adopted by the County were invalidated by an administrative law judge who found the criteria used to place lands in the various zoning categories were based on arbitrary size thresholds. The Administrative Law Judge observed, based on testimony in the case, that the criteria were based on what the County Commission “was comfortable with”, and not the science. The Final Order of the Florida Department of Community Affairs in *Florida Keys Citizens Coalition, Inc. v. Department of Community Affairs and Monroe County* and followed findings of fact and conclusions of law rendered by an administrative law judge. The Order invalidated the primary criteria for designating parcels in the “Tier 1” and the “Special Protection Area” tiers, which are the two protective categories where development is discouraged. All other parcels are placed in “Tier 3”, where development is strongly encouraged and given 30 points (SPA lots are given 20 points and Tier 1 lots are given 10 points) in the competitive scoring system which determines which applications for the capped number of annual development approvals will be granted each year. As implemented by the County, the criteria had required that a hammock be at least 4 acres in size in order to qualify for inclusion in Tier 1 and at least 1 acre in size to qualify for an SPA designation. These size thresholds were invalidated as arbitrary in that they were contradicted by the science specific to the habitats in the Keys.

The legal victory provided us with significant leverage to get a final set of maps that goes much further towards implementing the Fla. Keys Carrying Capacity Study. Beginning with the fall of 2007 and through yesterday, our efforts were directed towards just that end.

## Florida Cabinet Review of the Florida Keys Area of Critical State Concern Program

During the fall of 2007, there were two key processes at work which become the focus of our efforts to seize upon our earlier legal victory and secure the adoption of a substantially improved Tier Zoning Overlay System in Monroe County, and corresponding improvements in the municipalities of Marathon and Islamorada, to achieve adequate protection of native habitat.

First, the annual review by Florida's Governor and Cabinet of the progress made by the County and cities in implementing the annual work programs adopted into their Comprehensive Plans was in progress. Next, the state's first determination, under new legislation that by default would "de-designate" the Keys as an Area of Critical State Concern (thereby removing the significant state oversight that we have so successfully used to protect the environment) unless the Governor and Cabinet affirmatively voted to maintain the designation, was approaching. We were the central player for the environmental community in these two processes.

Throughout the summer and fall of 2007, we directed the environmental community's analysis and formal written assessment of the progress made by Monroe County in implementing its Year 10 Work Program Tasks. The annual work program is a set of individual tasks that must be accomplished each year by the County in order to maintain its current rate of permitting. A finding by the state that the County has made insubstantial progress on these tasks is to result in a 20% reduction in the number of building permits to be allocated the following year. We submitted two lengthy and persuasive analyses which demonstrated that the County has not made substantial progress on the Year 10 tasks related to wastewater improvements.

At the same time, we performed the same effort relative to the first annual assessment the state performed of the advisability of retaining the *Area of Critical State Concern* designation for the Keys. This is a comprehensive evaluation of the status of all major planning issues – most notably related to habitat protection, hurricane evacuation and water quality. Again, our lengthy report persuasively demonstrates that the ACSC designation should be maintained because the County is not prepared to adequately protect the Keys without the legal oversight and veto power vested in the state as a result of the designation.

Finally, we directed and organized a comprehensive review of the major issues facing the Keys which we believe the prior state administration had mis-handled and a set of recommendations as to how the current administration should change prior approaches and policies. This was also a labor-intensive effort, but it resulted in several very positive changes in policy by the new Dept. of Community Affairs.

### Keys Evacuation Time and Growth Capacity Calculation

The total and annual "rate of growth" in Monroe County and its municipalities is directly based upon a calculation of how much new development can be allowed while maintaining an evacuation clearance time of 24 hours or less. Three years ago, we lost a legal challenge to an action of the state which had approved continued and increased new development despite the fact that the 24 – hour limit had been exceeded. Our efforts since then have focused on convincing the state to voluntarily re-address this issue given its life and death importance. Those efforts proved successful in late October, as part of the changes required by the Cabinet include a re-

evaluation of actual evacuation clearance times and subsequent changes to the number of allowable permits in all local jurisdictions in the Keys.

Because it had been determined that the Keys evacuation time was at or above 24 hours, in 2006 the County and the Dept. of Community Affairs agreed to assert that, based on a highly questionable formula and set of assumptions, the evacuation time had been reduced down to 18 hours. This was despite that fact that development had increased and no improvements to evacuation capacity had been made. During the latter months of 2006 we aggressively challenged this position before the Governor and Cabinet (sitting as the Administration Commission, which oversees the Fla. Keys Area of Critical State Concern program), with research, letters, and personal advocacy. We were very successful. In December 2006, the Cabinet took the unprecedented action of correcting the minutes of a previous meeting to state that it had not accepted the 18 hour figure as accurate, and earlier this year, the new leadership of the Department of Community Affairs expressly renounced the claims made last year by its staff. This is a significant issue. A paper reduction of 6 hours in the evacuation time could translate into 12,000 additional dwelling units being approved in the Keys.

Throughout 2007, our consistent efforts to get the state to re-evaluate this issue gained traction with the staff of the Department of Community Affairs, as well as with aides to the Governor and Cabinet. We worked extensively with local keys citizens. Our work together convinced the state that it must re-analyze actual and projected levels of development and the current and projected evacuation times in order to ensure that the Keys population could consistently and safely be evacuated during all evacuations – the circumstances of which vary considerably.

### **Everglades Agricultural Area**

During the past year, we drafted a comprehensive policy paper on behalf of the environmental community related to restoration and land use in the EAA, and worked the local and state processes related to the multitude of lime rock mining proposals. The ELC continued to meet with and engage in frequent discussions with Palm Beach County staff and officials regarding the short term and long term impacts of development in this region.

### **Palm Beach County Sector Planning Process**

We, along with 1000 Friends of Florida, are the organizations working on Palm Beach County's Sector Plan, the comprehensive plan covering approximately 57,000 acres in western – central Palm Beach County. We drafted, submitted and advocated for a very specific set of revisions to that plan, designed to ensure the spatial and qualitative needs for water storage and conveyance for the Northern Palm Beach County/ Loxahatchee River restoration project and to prevent significant adverse impacts to the vast natural resources in this area that are connected to the Everglades and the Lox River. We worked closely as allies with several municipalities in the region, who are concerned about density and traffic, and believe our work has been successful, as the Department of Community Affairs adopted a position very close to the one we have been asserting. Ultimately this effort was a success as the County completely repealed the bad Sector Plan amendments.

We also had significant victory in helping convince the County Commission to deny a proposal for a major Development of Regional Impact for the 10,000 – acre Callery Judge Groves in western Palm Beach County.

### **Scripps / Mecca Farms / Vavrus Ranch**

We worked with County staff to agree to a comprehensive repeal/ revision to the set of comprehensive plan changes that had been adopted to allow the Scripps project and others like it. The final adoption of these changes will constitute a complete success in preventing the urbanization of this crucial region of the County. Our state appeal of the comprehensive plan amendment challenge was closed after the Department of Community Affairs rescinded its Final Order of approval. We await final orders from the circuit court closing the challenges to the zoning approvals, which have also been rescinded. Obviously, this has been as complete a legal victory as we have had. The Biotech Campus continues to proceed towards full construction at the FIU/ Briger location which we had advocated from the beginning.

### **Palm Beach County Western Region Land Use Amendments**

We continued to represent environmental interests in a legal challenge to two comprehensive plan changes adopted in western Palm Beach County on the strength of the initial, but ultimately ill – fated, decision to site the Scripps project in that region. The developments approved by the amendments that we challenge are geographically located in rural areas of the County that we have historically expended significant resources to protect from urbanization and sprawl. Despite significant efforts during the year, we were unable to reach an amicable settlement and as 2007 came to a close, we began to prepare for hearing.

### **North Palm Beach County Everglades Restoration Project**

The ELC continues to track, monitor, and advocate on the North Palm Beach County CERP component, which is intended to improve the hydrology of the Loxahatchee Slough and increase flows to the Loxahatchee River. This project remains in the evaluation of alternatives stage.

### **Protecting Martin County’s Agricultural Lands**

In Martin County, we have been fully engaged in opposing a proposed comprehensive plan amendment that would open up the western rural area outside of the Urban Service Boundary to “clustered” suburban development.

The Everglades Law Center prepared detailed analysis and comments concerning the Martin County *Rural Land Patterns Study*, which reviewed alternatives for land use policies in the County’s western, rural and agricultural lands. This study has important implications to the County’s western lands, overall quality of life and the restoration of the Indian River Lagoon area. The ELC recently prepared a detailed position paper and legal and policy analysis of the Study, pointing out several critical problems with its primary recommendations to increased residential density and “clustered” development options in western Martin County. We pointed out that the study failed to analyze, and did not allow one to project, the resulting land use and

environmental impacts over the more than 150,000 acres potentially affected by its recommendations, and that it could result in increases in density or development potential, thus, increasing land values in the western part of the County. We have continued to advocate for a strict approach for maintaining these areas in their current land uses and against moving the County's urban boundaries.

Apparently seeking to implement the *Rural Lands Study*, the Board of County Commissioners adopted an amendment to Martin County Comprehensive Plan - The "Land Protection Incentives" Amendment (CPA #7-20) to increase the residential development options in the County's western lands. The amendment provides each landowner in the approximately 150,000 acres designated Agriculture the opportunity to convert at least half of their existing agricultural land (with a 20 acre lot size requirement) to smaller lot (app. 2 acres) subdivision development. We disseminated an analysis of the issue, met with County Commissioners, provided significant legal and policy advice to the environmental community, and are working to influence regional and state planners to object to the proposal.

### **Protecting St. Lucie County's Wetlands**

In response to a number of inquiries concerning the role of Florida's Growth Management Act in protecting Florida's wetlands, ELC prepared a legal analysis for St. Lucie County that rebutted a number of recent claims that state environmental resource permitting rules preclude Counties from prohibiting impacts to wetlands. As we explained in our legal opinion, which is available on our website, there are fundamental differences between land use planning and environmental resource permitting and state permitting rules do not preempt local governments from prohibiting wetland impacts. The findings of that opinion have been included in a recent article ELC has written which also discusses how local governments can apply the Act to advance the goals of Everglades restoration and other important conservation goals.

### **Martin County Green River Parkway**

The ELC is continuing to work with local conservation groups in opposing an attempt by the County to use several acres of conservation lands, wetlands, and Florida Scrub-Jay habitat to accommodate a proposed extension of the Green River Parkway in Northern Martin County.

### **Protecting Lake Okeechobee**

ELC has also spent considerable time in protecting Lake Okeechobee from the detrimental impacts of poor land use decisions. Last year, Martin County adopted a comprehensive plan amendment which would have allowed the construction of a package sewage treatment plant in Port Mayaca on the outer banks of the Lake and the rim canal. The Florida Department of Community Affairs found the amendment "not in compliance" with the Growth Management Act and commenced an administrative proceeding against the County. ELC intervened in that action on behalf of local and state conservation groups. DEP also expressed tremendous concern about the project, noting that the Lake is already the subject of strict pollution control mandates (i.e. phosphorus) and without reasonable assurances that the plant would be constructed and maintained properly and with the sufficient safeguards, additional phosphorus impacts to the Lake could occur. In October 2007, after months of legal



wrangling, the applicant dropped its plans to construct the facility and the County withdrew its plan amendment.

### **Preserving Haney Creek: Halting the Construction of the Green River Parkway**

The ELC successfully represented the Haney Creek Greenway Group in preventing the City of Stuart and Martin County from building a four lane county road (the “Green River Parkway”) on several acres of state funded conservation land in northern Martin County. The City of Stuart had offered to sell the land to Martin County and refund the proceeds of the sale to Florida Communities Trust in order to construct the Green River Parkway extension. At the FCT Board’s November meeting in Tallahassee, ELC lawyer Jason Totoiu, working with our client, convinced the Board to unanimously deny permission to run the Parkway through these conservation lands, which provide habitat for a number of federal and state listed species and offers numerous water quality benefits to the nearby St. Lucie River. The Board’s rejection of the proposed land sale hopefully marks the end of the proposed Green River Parkway southern extension and enables HCGRP, nearby landowners, local leaders, and the FCT to develop a Greenway linking the Haney Creek conservation area to the nearby Savannas State Preserve. When completed, this greenway will offer a multi-use recreational path and wildlife corridor linking Haney Creek with the State Preserve.

### **Protecting the Indian River Lagoon**

The Indian River Lagoon Restoration Project has been a major focus of our work. In 2005, we filed a Complaint challenging the Federal Highway Administration’s failure to comply with environmental laws before authorizing and funding a \$29.4 million road “armoring” project along thirteen miles of Indian River Drive in St. Lucie County. FHWA violated NEPA by not first preparing an environmental impact statement, or at a minimum an environmental assessment (“EA”), to assess the environmental impacts of this project. Moreover, FHWA violated the APA when it acted arbitrarily and not in accordance with the law in determining that the road project was “categorically excluded” from NEPA documentation. A limited number of repairs were “emergency repairs” eligible for a categorical exclusion and the project has significant impacts on the ecological, recreational, and economic values of the Indian River Lagoon System and Estuary. We brought the litigation to prevent a mis-use of the NEPA exemption and protect the ecological health of the lagoon.

In June 2007 Indian Riverkeeper and the Federal Highway Administration reached a settlement agreement, wherein the Federal Highway Administration has agreed to conduct a comprehensive study of the Indian River Lagoon and the armoring project’s effects on the estuary. Under the settlement, the FHWA will fund a \$400,000 study to determine what environmental impacts may occur or may have occurred as a result of the armoring of the Indian River Drive shoreline. It will include an analysis of the impacts of wave action, nutrient loading, environmental impacts of the shoreline armoring with respect to algae blooms; a comparative analysis of nitrogen and phosphate oxidation on beach and articulated concrete shorelines; an assessment of nutrient loading from the loss of old growth native species; and an assessment of impacts to sea grass beds. The study will also result in a determination as to whether or not the shoreline armoring is failing; an analysis of the environmental safeguards and construction methods, specifically the use of concrete armoring, shoulder reconstruction, and the introduction

of offsite soils on the environment and if so, recommend actions, solutions, alternative and options for restoration of native habitat shoreline stabilization eliminated by the armoring project. We voluntarily dismissed our case and the judge has retained jurisdiction to enforce the terms of the settlement.

### **Regional Water Availability Rulemaking**

Rather than moving forward with reservations for the natural system, the So. Fla. Water Management District focused its efforts on the Regional Water Availability Rulemaking. This effort will establish conditions for the issuance of consumptive use for allocating water from the regional system, including Everglades, Water Conservation Areas, and the Biscayne Aquifer. Recent drafts of this rule basically limit withdrawals from the regional system to April 2006 levels which helps to ensure that water necessary for Everglades restoration is not allocated for consumptive use. The ELC will continue to be involved in this issue, and support the adoption of a rule that precludes a greater level of withdrawal of water from the Everglades.

### **South Seas Plantation Wetland Permit Case**

We successfully challenged the issuance of a state wetland permit to allow the construction of luxury condominium units on Captiva Island, achieving a legal ruling that the applicant had failed to modify to project as much as practicable so as to further avoid wetland loss, and a precedent requiring state agencies to scrutinize developer's claims that they cannot further reduce wetland impacts without compromising the economic viability of the project. This prompted the applicant to further revise the project to reduce wetland impacts.

### **Growth Management and the Everglades**

The ELC coordinated the Everglades community's interaction with the SFWMD and the Fla. Dept. of Community Affairs relative to the District's role in the growth management process. For years, we have advocated for a much stronger role for the District relative to proposed comprehensive plan amendments that create the potential to compromise restoration efforts. It was one of the first issues we raised with the new DCA Secretary when he assumed office earlier this year. This spring we began serious discussions at the DCA Secretary and SFWMD Executive Director – level and this summer those agencies began a series of meetings designed to significantly increase the District's role in tiers of commenting to DCA on proposed comprehensive plan amendments and providing more technical assistance on water supply planning issues. The ELC was asked by the agencies to organize a team of environmental activists to meet with the agencies and provide input on the District's role in the growth management process. During the summer, we organized and held two such discussions in West Palm Beach, and were joined by representatives of the Fla. Wildlife Federation, 1000 Friends of Florida, Audubon of Florida, the Everglades Coalition, National Parks Conservation Assoc., the Nature Conservancy and others. We also took the lead on providing specific recommendations for how SFWMD could best influence the comprehensive planning process. ELC staff traveled to Tallahassee to meet with DCA staff.

### **City of Weston Proposed High School Siting**

We worked with other activists to oppose, in several forums, a City of Weston Proposed High School Siting within an area that is to be a reservoir under the Water Preserve Area restoration project in western Broward County. We worked to successfully secure strong opposition to the proposal by the SFWMD and a formal “not in compliance” finding by the Department of Community Affairs. The school board ultimately abandoned the proposed site.

**Everglades Law Center, Inc.**  
**STATEMENT OF ACTIVITIES**  
**For the Year Ended December 31, 2007**

|   |                  |
|---|------------------|
| <b>Public Support and Revenues</b>                          |                  |
| Billable Expense Income                                     | \$ 24,667        |
| Client Paid & Court Awarded Fees                            | 92,599           |
| Individual Contributions                                    | 48,834           |
| Grants from Foundations                                     | 245,000          |
| Interest Earned   | 9,440            |
| Other Income  | 300              |
|   | <hr/>            |
| <b>Total Public Support and Revenues</b>                    | <b>420,840</b>   |
| <b>Expenses</b>   |                  |
| Accounting  | 7,577            |
| Advertising & Promotion                                     | 20               |
| Bank Charges  | 338              |
| Conference calls  | 1,307            |
| Depreciation  | 695              |
| Dues & Subscriptions-                                       |                  |
| District Court, Fla. Bar, Subscriptions                     | 3,420            |
| Electric  | 1,627            |
| Employee Medical Expenses                                   | 4,759            |
| Internet  | 1,471            |
| Licenses and Permits  | 233              |
| Litigation Costs-   |                  |
| Consultants, Expert Witnesses, Court Reporter & Filing Fees | 17,014           |
| Malpractice & DO Insurance                                  | 2,402            |
| Mileage, Parking, Tolls                                     | 4,225            |
| Office Expense  | 5,853            |
| Payroll Tax Expense   | 21,650           |
| Payroll Processing Fees                                     | 1,148            |
| Postage & Shipping  | 797              |
| Postage Meter Rental  | 256              |
| Printing/Copies   | 4,003            |
| Reimbursements  | 252              |
| Rent  | 17,733           |
| Research Materials  | 6                |
| Salaries and Wages  | 277,108          |
| Seminars, Conference, Education                             | 3,225            |
| State & Government Filing Fees                              | 261              |
| Telephone   | 8,975            |
| Travel- Air Fare, Car Rental, Hotel and Meals               | 14,685           |
|   | <hr/>            |
| <b>Total Expenses</b>                                       | <b>401,040</b>   |
|   | <hr/>            |
| <b>Net Change in Assets</b>                                 | <b>\$ 19,800</b> |
|   | <hr/>            |

## **ACKNOWLEDGMENTS**

We would not exist, and could not produce the work and results described above, if not for the financial support of the foundations and individuals who have honored us by supporting our work. Among our major supporters in 2007 were the Everglades Foundation, the Elizabeth Ordway Dunn Foundation, and the Tsunami Foundation.

## **YOU CAN HELP PROVIDE LAWYERS FOR THE ENVIRONMENT**

The ELC represents clients either “pro bono” (no charge) or for very reduced fees. Our clients cannot afford to hire private attorneys, which is why the “public interest” tends to be outweighed by certain private interests in court. Our goal is to level the playing field, but we largely depend on grants and contributions from organizations and individuals to support our work as lawyers and advocates. We take on the biggest, toughest issues and our accomplishments rival those of much larger law offices. Our administrative and overhead costs are very low - we are a "no frills" law firm. We are a small organization, but we make a big impact, - so even modest contributions go a long way to directly funding legal help for Florida's special places. This is a critical time for Florida's future, and the need for public interest legal representation for the environment has never been greater.

Contributions to the Everglades Law Center are tax deductible, and can be sent to:

**Everglades Law Center, Inc.**  
**c/o Richard Grosso, Executive Director**  
**Shepard Broad Law Center**  
**Nova Southeastern Univ.**  
**3305 College Avenue**  
**Ft. Lauderdale, FL 33314**

For more information about the ELC, visit us at [www.evergladeslaw.org](http://www.evergladeslaw.org)

*A copy of the official registration and financial information may be obtained from the Division of Consumer Services by calling toll-free within the state at 1-800-435-7352. Registration does not imply endorsement, approval, or recommendation by the state.*

## WHO WE ARE

The Board and staff of the ELC are leaders in the field of environmental and land use law, and are active locally, regionally, state-wide and internationally.

### Senior Staff

#### **Richard Grosso, Executive Director And General Counsel**

Richard Grosso is the Executive Director and General Counsel of the Everglades Law Center (ELC), formerly the Environmental and Land Use Law Center, Inc., a public interest law firm which represents citizens in South Florida in cases that defend the public interest in environmental and land use matters concerning the Florida Everglades, Florida Keys and Martin County. Mr. Grosso directs the ELC's public interest litigation practice and clinic at the Shepard Broad Law Center at Nova Southeastern University in Ft. Lauderdale, where he is an Assistant Professor. He specializes in land use, growth management and environmental policy and permitting issues.

Mr. Grosso is a former Legal Director for 1000 Friends of Florida, and is also a former attorney for the Department of Community Affairs and Department of Environmental Regulation. Mr. Grosso has an extensive litigation and appellate practice in the area of growth management and land use law, including property rights law. He has represented many clients in administrative and judicial proceedings involving Florida's Growth Management Act and environmental permitting matters. He frequently appears before local governments and other bodies concerning land use issues.

Mr. Grosso has successfully litigated a number of important and precedent setting cases, including Pinecrest Lakes v. Shidel, where demolition of buildings erected in violation of a local comprehensive plan was ordered by the courts, 1000 Friends of Florida v. Monroe County, the precedent - setting case on the issue of carrying-capacity - based planning, Sierra Club, et al v. Miami-Dade County, which overturned the state approval for a commercial airport at the former Homestead Air Force Base, and Fla. Wildlife Fed. & Sierra Club v. US Army Corp of Engineers, which halted construction of the Scripps Research Institute on the fringe of the Everglades in western Palm Beach County and resulted in the relocation of the project to an urban infill area. He won a major victory for citizen enforcement of the Growth Management Act in Poulos v. Martin County, which guaranteed citizens the right to a de novo trial in plan consistency challenges, and co-authored an influential amicus curie brief in the ground-breaking case of Brevard County v. Snyder. In his prior service to the state of Florida, he successfully argued the inverse condemnation cases of McKay v. DER and Namon v. DER, which strengthened the state's ability to protect wetlands on private property; DCA v. Withlacoochie Regional Planning Council, which upheld the state's authority to require Regional Policy Plans to be consistent with the State Comprehensive Plan; and Homebuilders and Contractors v. Dept. of Community Affairs, which upheld the state's ability to discourage urban sprawl.

Mr. Grosso frequently writes and lectures on growth management and land use issues, including property rights law. His most recent article is *Old McDonald Still Has a Farm: Agricultural Property Rights After the Veto of S.B. 1712*, The Florida Bar Journal, March 2005, at 41.

Mr. Grosso has won major awards for his work on behalf of Florida's environment. In 1995 he was named Individual of the Year by the Key West environmental group Last Stand, in 1997 was presented with the Hal Scott Memorial Award by the Florida Audubon Society for legal advocacy on behalf of the environment, in 1999 was named the Florida Wildlife Federation's Conservationist of the Year, in 2000 was granted the Public Service Award by the Martin County Conservation Alliance and was named as the Environmentalist of the Year by CityLink Newspaper (Broward & Palm Beach Counties), in 2002 was named Conservationist of the Year by the Everglades Coalition and the Audubon Society of the Everglades, in 2005 received the Sierra Club's Florida chapter's *William K. 'Red' Howell Legal Services Award*, and was named the Most Effective Environmental Lawyer in south Florida by the Daily Business Review for 2005.

### **Lisa Interlandi, Regional Counsel**

Lisa Interlandi is the ELC Treasure Coast Regional Counsel and the Project Manager for the ELC's Northern Everglades Project. Operating out of the ELC's West Palm Beach office, Lisa's primary practice areas are environmental and land use law, with a focus on greater Everglades restoration issues, including implementation of the Comprehensive Everglades Restoration Plan, and land use and environmental permitting decisions in Palm Beach and Martin Counties which impact Everglades restoration efforts. Lisa has nine years experience as an environmental lawyer and in 2006, was honored with the Everglades Coalition Conservationist of the Year Award. Prior to joining the ELC, she served as Assistant General Counsel with the Florida Department of Environmental Protection in Tallahassee focusing on state lands and natural resource litigation. Lisa obtained her Bachelor's degree from the University of Florida and graduated from the Florida State University College of Law, Magna cum Laude, in 1998.

### **Robert Hartsell, Trial Counsel**

Robert N. Hartsell is Trial Counsel at Everglades Law Center's West Palm Beach office. Robert's primary practice areas are environmental, growth management, land use and Everglades restoration law including Federal NEPA, Clean Water Act and Endangered Species Act litigation. Prior to joining the ELC, Robert practiced Environmental, Land Use, Administrative and Governmental Law. Robert also has 12 years experience in Environmental consulting and engineering field of hazardous materials remediation. As such, he provided consulting services to a host of government, private, and international entities on environmental permitting, site assessments, contamination assessments, remedial action, risk-based corrective action, quality assurance planning, laboratory management, underground storage tank administration, and government reimbursement programs. Robert received his undergraduate degree from the University of South Florida and his J.D. with honors from Nova Southeastern University, Shepard Broad Law Center. Robert is a member of the Florida Bar and United States District Court Southern District of Florida. Mr. Hartsell is a recent joint recipient of the Conservationist of the Year award from Florida Wildlife Foundation and the Public Interest Lawyer of the year award from the Florida Bar Environmental and Land Use Law Section.

### **Jason Totoiu, Staff Counsel**

Jason Totoiu is ELC's Staff Counsel, with responsibilities for litigation and non – litigation projects from the Keys to Martin County. Jason's expertise is in federal environmental practice and procedure, in particular the NEPA, the Clean Water Act and the Endangered Species Act. Prior to joining ELC in 2006, Jason practiced environmental law in Florida and Alabama where he specialized in endangered species and water quality issues. Jason earned a B.A. from Emory University in 2000 and his J.D. from Tulane Law School in 2004. He is a member of the Florida Bar and United States District Court, Southern District of Florida.

### **Members Of The Board**

#### **Thomas T. Ankersen**

Thomas T. Ankersen is an attorney and Director of the University of Florida College of Law's Conservation Clinic, an interdisciplinary clinical program in applied legal education that operates both domestically and internationally. Ankersen also directs the UF Center for Governmental Responsibility's Conservation Law Program, a program of applied research, policy development and training that lends supports to governmental and non-governmental organizations in Latin America. He recently began a Summer Program in Environmental Law in Costa Rica. He is an affiliate faculty member at the University of Florida's Center for Latin American Studies.

Ankersen holds a J.D. from the University of Florida College of Law where he was a member of the Law Review, served as President of the Environmental Law Society, and received the Dean Maloney environmental law writing award. He holds B.A.'s in English and History and an M.A. in History from the University of South Florida where he specialized in environmental history. Prior to joining the law school, Ankersen served as an attorney in the Denver and Tallahassee offices of the Sierra Club Legal Defense Fund. Prior to that he was senior litigation associate in the law firm of Peeples, Earl and Blank in Miami, Florida, where he specialized in environmental litigation. Prior to law school Ankersen worked as an environmental planner for a design firm in Cocoa Beach, Florida.

Ankersen has published numerous articles and essays in the area of conservation law and policy, as well as in the area of environmental history. He has provided testimony to congressional and legislative bodies in matters related to his expertise and frequently advises governmental and non-governmental institutions in these matters. Ankersen currently serves as President of the Board of Directors of the Environmental and Land Use Law Center, is a member of the Tropical Ecosystems Directorate of the United States Department of State Man and the Biosphere Program, a member of the Board of Directors of the Forest Management Trust and serves on the Board of Advisors of Florida Defenders of the Environment.

#### **Richard Hamann**

B.A., University of Florida 1971

J.D., University of Florida 1976, with honors

Richard Hamann is an attorney, researcher and teacher at the University of Florida Levin College



of Law's Center for Governmental Responsibility. Mr. Hamann has conducted research on a wide variety of environmental, land use and water management issues. Current research interests include the management of large scale ecosystems for ecological sustainability, the protection of natural systems in water management, the development of protected areas systems and basin management in Latin America, and African wildlife management. Mr. Hamann has taught the following courses and seminars in the College of Law: Environmental Law--Water, Wetlands and Wildlife; Water Law; Wetlands Law and Policy; International Environmental Law and Policy; Transboundary Environmental Issues in the Americas (coordinator), Ecosystem Management: the Everglades Case Study, Florida Ecosystems: Ecology, Management and Law and Comparative Environmental Law: U.S., Florida and Costa Rica.

Mr. Hamann is Immediate Past-Chair of the Environmental and Land Use Law Section of The Florida Bar, President of Florida Defenders of the Environment, Vice-President of the Alachua Conservation Trust and on the Board of Directors of the Florida Wildlife Federation.

### **Laurie Macdonald**

Laurie Macdonald, a wildlife zoologist based in St Petersburg, FL, is the Director of Florida Programs for the national nonprofit conservation organization Defenders of Wildlife. Laurie had her own wildlife consulting practice for over 16 years working on endangered species and habitat protection, management, research and education. Combining science and advocacy continues to be of crucial concern to Laurie who is on the national Endangered Species Coalition Board of Directors and served as the national Sierra Club's Endangered Species and Habitats Chair for many years, and has been the Florida Sierra Club's Biodiversity Chair. Currently, Ms. Macdonald's work deals primarily with habitat protection, transportation issues, endangered species issues, conservation of biological diversity through informing and catalyzing citizen action, both lobbying and partnering with governmental agencies, working with public and private land owners and managers, legislative lobbying, providing expert testimony, and other efforts to protect biodiversity. Throughout her career, Ms. Macdonald has worked from the local through the international level. She has represented Defenders of Wildlife and Sierra Club at international conventions on biodiversity.

Ms. Macdonald has a BA is from the University of Oregon, and an MS from the University of South Florida.

### **Professor Joel A. Mintz**

Joel A. Mintz is a tenured Professor of Law at Nova Southeastern University Law Center, where he has taught Environmental Law and related subjects since 1982. He holds a B.A. from Columbia University, a J.D. from N.Y.U. School of Law, and LL.M. and J.S.D. degrees from Columbia Law School. Prior to joining the Nova Southeastern law faculty, Professor Mintz was an attorney and chief attorney with the U.S. Environmental Protection Agency (EPA) in Chicago and Washington, D.C. He participated in a number of significant, precedent-setting environmental lawsuits and he was a recipient of the EPA's Bronze Medal for Commendable Service, as well as the Agency's Special Service Award, for his outstanding legal and supervisory efforts. Mintz has published extensively in the fields of Environmental Law and State and Local Taxation and Finance. He has authored or co-authored four well-received books

in these areas, as well as numerous articles in such prestigious journals and law reviews as the Harvard Environmental Law Review, The Yale Journal of International Law, the Columbia Journal of Environmental Law, the Georgetown International Environmental Law Review, and the A.B.A.-sponsored Environmental Lawyer. Professor Mintz's biography appears in Who's Who In America, Who's Who in American Law, the Directory of American Scholars and Contemporary Authors. He is an elected member of both the International Council of Environmental Law and the Environmental Law Commission of the International Union for the Conservation of Nature, and a past chair of the Association of American Law Schools (AALS) Section on State and Local Government Law (on whose board he has served since 1991). Mintz is also currently the only lawyer or legal academic serving as a member of the National Academy of Sciences/National Research Council's Committee on Source Removal of Contaminants in the Subsurface.

### **David J. White, J.D.**

Mr. White is Director of The Ocean Conservancy's Southeast Atlantic and Gulf of Mexico Regional Office, where he is responsible for regional activities on fish conservation, water quality protection, recovery of endangered marine wildlife, and ecosystem conservation issues. Prior to joining The Ocean Conservancy, Mr. White maintained an environmental law practice representing public interest clients in citizen-suit litigation and environmental advocacy on matters involving wildlife law, endangered species, wetlands, forest management on public lands, environmental permitting, land use, and river restoration. Mr. White also served for nine years as Regional Counsel for the National Wildlife Federation in Atlanta, Georgia, where his practice focused on issues related to the Endangered Species Act, Clean Water Act, National Environmental Policy Act, and National Forest Management Act. He is a member of the Florida and Georgia state bars and numerous federal appellate circuits, and is a frequent lecturer and writer on environmental law issues. Mr. White is a former Chairman of the Board of the Florida Wildlife Federation, and also serves on the board of the Environmental and Land Use Law Center. Mr. White is a Contributing Author and Special Editor for the Treatise of Florida Environmental & Land Use Law. Mr. White received his J.D. with Honors from the University of Florida College of Law, his Master of Science in Wildlife Ecology from the University of Florida School of Forest Resources and Conservation, and a Bachelor of Science degree in Zoology from the University of Florida.

### **Janet Reno**

Janet Reno has had a long standing and unprecedented career in the legal field, as well as a great love for the environment. She grew up in the Everglades and as quoted in her opening statement at her Senate confirmation hearings upon her nomination as Attorney General by President Clinton, "I want to remember the splendid skies of the city I love, and the Everglades and the coral reefs that I've explored all my life, and I want to see that the laws of this country are enforced in every way possible to protect the environment." In 1971, Ms. Reno was named staff director of the Judiciary Committee of the Florida House of Representatives. In 1978, she was appointed State Attorney General of Miami-Dade County and was returned by voters four more times. In 1993 she became the 78<sup>th</sup> Attorney General of the United States and the first woman to hold the position. She served under President Clinton until 2001, the longest serving attorney general since the Civil War. As the Chief Law Enforcement officer, Ms. Reno enforced policies

on civil rights, race relations, corruption, the environment, gun control and immigration. Today she devotes her time to numerous causes including children's issues, domestic violence and preservation of the Everglades and other environmental concerns. Ms. Reno has served on the board of directors of the Everglades Law Center since 2003. Ms. Reno received a Bachelor's degree in Chemistry from Cornell University and an LL.B. from Harvard Law.