



EVERGLADES LAW CENTER
Annual Report for 2010

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

P.O. Box 14636
North Palm Beach, FL 33408
561-310-2772

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Jason Totoiu, Esq.

From the Executive Director

The Everglades Law Center spent much of its time this past year in Florida's appellate courts, and successfully re-located a big development project in the wrong place without having to go to trial. As described in this Annual Report, this has been an important year for actions in the Everglades Agricultural Area, Biscayne Bay and the southern Everglades and the ELC has been active on the ground throughout the Everglades region, in the appellate courts and before the Nuclear Regulatory Commission. The end of the year brought transitions in political leadership and for us as well. The coming year poses many challenges and threats to the enforcement, and indeed the very existence of, the environmental and land use laws that we all depend upon to protect the Florida we love. Our work, and your support, will be more important than ever in 2011.

Lisa Interlandi, Esq.
Executive Director

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

Lisa Interlandi, Esq.
Interim Executive Director
Everglades Law Center, Inc.
PO Box 14636
North Palm Beach, FL 33408

For more information about the ELC, visit us at 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.

RICHARD GROSSO BIDS FAREWELL

After fifteen years at the helm of this public interest law firm, I am stepping down to concentrate on my teaching and my family. I hope to continue to contribute to the mission of using the law to sustain our environment as an informal advisor to the environmental community on legal and policy matters, and as a co-counsel on impact litigation. It has been an enormous privilege to work with the talented, dedicated, selfless and courageous Board of Directors and legal staff all these years. Words cannot express my gratitude to them, or to the Foundations and individuals whose support has made possible our many successes. What we do here is so unique and necessary, as the fate of our environment and our lives that depend upon it is in the hands of government agencies, courts, and administrative law judges, where opposing interests are consistently represented by talented, plentiful, and well-paid lawyers. As I leave the ELC in the hands of Interim Executive Director Lisa Interlandi and Interim General Counsel Jason Totoiu, who, along with Senior Counsel Robert Hartsell have been my partners in this mission for many years, I am encouraged for the future.

Richard Grosso

WHO WE ARE

The ELC is a not-for-profit law firm dedicated to representing the public interest in environmental and land use matters, with attorneys located throughout south Florida. Since 1995, 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 is governed by a seven member Board of Directors and represents clients either “pro bono” or for very reduced fees. Our work is funded through individual contributions, foundation grants, and in some cases through limited client – paid fees. Our goal is to level the playing field so that environmental and growth management interests are supported by competent legal counsel and representation. We depend on grants and contributions from organizations and individuals to support our work as lawyers and advocates. Our administrative and overhead costs are very low - we are a "no frills" law firm, yet we regularly take on the biggest, toughest issues and our accomplishments rival those of much larger law offices. We are a small organization, but we make a big impact, - so even modest contributions go a long way in 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.

2010 ACCOMPLISHMENTS OF THE EVERGLADES LAW CENTER

Palm Beach County Inland Port Siting Settlement

We had a major victory in settling the *Inland Port* litigation. The so - called “Inland Port” is a proposed 3,500 acre land - based cargo, warehousing and distribution center that could connect up to five seaports in southeast and southwest Florida. After it was formally announced in 2009 and sited in the middle of the Everglades Agricultural Area, we engaged in significant advocacy efforts to have it re-located so that it would not interference with Everglades restoration. When these efforts were unsuccessful, we represented 1000 Friends of Florida in a legal challenge to the comprehensive plan changes adopted by Palm Beach County to allow the project to be built in the Okeelanta region of the EAA. This year, we successfully settled the case after all parties agreed to re-locate the project to an appropriate site between South Bay and Belle Glade.

Mining in the Everglades Agricultural Area

We are representing several environmental groups in opposing large scale commercial mining in the EAA, which has the potential to cause very serious environmental impacts, including water quality and quantity impacts, and impede the restoration of water flows. This past year, we prepared extensive briefs in two appeals of our legal challenges to two major rock mines approved by Palm Beach County in the EAA. We are currently awaiting rulings from the Fourth District Court of Appeals. We have also been the lead advocates before the County in what has become an extensive process of revising the Comprehensive Plan and Zoning Code to improve siting decisions for mines. We successfully advocated for a moratorium to allow this process to be completed in 2011 and will be focused on this process in the coming year.

Palm Beach County Comprehensive Plan Revisions

We also provided land use expertise and advocacy in the still ongoing Palm Beach County Comprehensive Plan update process with a goal of strengthening plan policies with regard to lands in the EAA and elsewhere that are important for restoration.

Southern Everglades

In the **southern Glades**, we provided legal and policy advice to our partners on wetland permitting within the Biscayne Bay Coastal Wetlands Project footprint, the Tamiami Trail / Modified Water Deliveries Next Steps, and the proposed widening of Krome Avenue. We provided legal counsel and advocacy on issues concerning elevated water levels on farmland in southern and western Miami-Dade County, seeking to get the South Florida Water Management District to limit its annual fall canal drawdowns, and restore sheet flow into the Biscayne Bay Coastal Wetlands, primarily in the context of the proposed Turkey Point power plant expansion and agency planning efforts for the Biscayne Bay Coastal Wetlands and C-111 and Modified Water Deliveries restoration projects.

Miami- Dade County Urban Development Boundary

The central feature of the Miami-Dade County Comprehensive Plan's urban sprawl prevention policy is its Urban Development Boundary (UDB), which is consistently under pressure from builders seeking cheaper land in the County's rural areas. Maintaining that line in the southern Everglades of Miami-Dade County (including Water Conservation Areas, Everglades National Park, Shark River Slough, the Biscayne Bay Coastal Wetlands and other areas) is one of the most important tasks necessary to restore the Everglades, and the primary focus of our work with the *Hold the Line* Coalition of community and environmental organizations. When the County Commission voted to move the UDB for two development projects, over the objections of its own planning staff, Mayor, and the state, we brought and won a legal challenge. Our resulting legal victory against the expansion to allow a Lowes Home Improvement store in remnant Everglades wetlands established favorable interpretations of the Growth Management Act and the Miami-Dade County Comprehensive Plan that will be strong precedent for years to come against proposed Urban Development Boundary expansions. With a number of similar proposals pending before the County, one of them a proposed "new town", the final rulings in these cases will be crucial to the future integrity of the UDB in Miami-Dade County. This year we completed the filing of briefs with the First District Court of Appeal where we are defending our legal victory in the face of an appeal by the County and Lowes, and we recently argued the case before the Court and now await its decision.

Miami-Dade Comprehensive Plan Re-Write

We worked extensively on the review and re-write process (through the Evaluation and Appraisal) for the Miami-Dade County Comprehensive Plan, seeking to increase the Plan's explicit level of protection for the Everglades. This is still a work in progress. We appeared before and met with Miami-Dade County staff and various commissioners and developers, commented in the media, and worked to secure strong objections by regional and state planners relative to several major development projects

Turkey Point Power Plant Expansion

Another major focus of our work has related to the proposed expansion of the Turkey Point Nuclear facility on the shores of Biscayne Bay. We have intervened into the state's Power Plant Siting process, and are raising the legal and policy issues created by the proposal's expected impacts on water quantity, quality and habitat. The project has the great potential to compete with Biscayne Bay restoration for water (the plant's cooling towers would use an enormous amount of water), to create a major saltwater intrusion problem (which would threaten the drinking water supply for all of the keys and several cities in Miami-Dade County), and to compromise wetland restoration efforts and harm wildlife habitat. We were successful in securing the withdrawal by FP&L of a planning amendment request that would have allowed mining in the Biscayne Bay Coastal Wetlands.

This summer, on behalf of several organizations and individuals, we filed a legal challenge to FP&L's application to the Nuclear Regulatory Commission for a Combined Operating License to build and operate the expanded facility, raising similar issues to those we've raised in the state proceeding. The coming year promises significant activity in both the state and federal proceedings.

Florida Keys

We have continued to serve on the Committee in **Monroe County** which met throughout the year and which is recommending changes to the County's habitat – based zoning maps to fully implement the Florida Keys Carrying Capacity Study. This update is required as a result of a lawsuit we won in 2007.

Wetland Permitting Reform

We are working to bring about reform in how the South Florida Water Management District performs its wetland regulation functions. Based on our strongly held view that the District grants wetland permits too liberally and fails to zealously enforce legal requirements to reduce wetland impacts as much as practicable and to require mitigation which truly and fully offsets permitted losses, we have prepared legal analysis and met with staff to advocate for better overall wetland protection.

Martin County Rural Lands

Our focus is on the protection of the western lands necessary to support the Indian River Lagoon Restoration Project and the protection of the St. Lucie Estuary / Loxahatchee River watershed. This year, our legal challenge to the comprehensive plan changes that would open up the western area outside of the Urban Service Boundary to suburban development was ultimately unsuccessful, as the courts interpreted those changes as to not open up these lands for increased density and environmental impacts. Our efforts now shift to ensuring the strictest possible implementation of those changes.

The Everglades Headwaters and Kissimmee Valley

In **Orange, Osceola, and Highlands** counties, we provided legal and strategic advice to local advocates who were opposing large –scale development projects and advocated on their behalf with the Department of Community Affairs.

OUR SUPPORTERS

We gratefully acknowledge and thank our major 2010 supporters:

Foundations

Everglades Foundation	\$175,000
Kirby Family Foundation	\$3,000
Tsunami Foundation	\$30,000

Partner Organizations

Last Stand	\$2,500
Southern Alliance for Clean Energy:	\$20,000

Individuals

\$10,000-\$35,000

Francis W. Hatch
Sally O'Connell

\$5,000-\$9,900

Judith M. Buechner
Tatiana N. Kopp

\$1,000-\$4,999

Charles & Maribeth Causey
George Cooper
The Guardians of Martin County
Nathaniel Pryor Reed
Alicia Putney

\$100-\$999

Robert N. Alfandre
Rosa Durando
Karen Esty
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Key Deer Protection Alliance
Nelson Mead
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Ronald L. Miller
Sherry Phillips
Skip Shattuck
Unitarian Universalist Society, Inc.
Michael Zoob

Everglades Law Center, Inc
STATEMENT OF ACTIVITIES
For the Year Ended December 31, 2010

Income	
Clients	22,500.00
Individual Contributions	71,811.50
Grants	205,000.00
Total Income	\$299,311.50
Expenses	
Staff Salaries, Benefits, Prof. Dues	220,716.00
Accounting & Finance	6,590.00
Professional Services/ Consultant	20,000.00
Litigation & Program Expenses	9,182.72
Office & Organizational Overhead	3,783.38
Total Expenses	\$260,272.10
Net Change in Assets	\$39,039.40

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