



**Everglades**  
Law Center, Inc.

**2022**  
Annual Report



Photo Credit: Credit Patrick Cowan

# Message

from the Executive Director



To our Supporters,

2022 was a groundbreaking year for both the Everglades and Everglades Law Center!

Restoration efforts flew forward in 2022, and ELC launched a new clean water campaign, expanded our partnerships, and went to court to defend the Everglades and the land and water we need to restore it. Our efforts connected us with our government and NGO partners, clients, and supporters as we celebrated Everglades restoration progress.

A strengthened partnership with Miami Waterkeeper led to the release of the first ever “Stormwater Report Card” in Florida to provide critical insight into a lack of compliance with basic stormwater law and regulations in Miami-Dade County. This report launched our “Clean Biscayne” project, a multi-pronged approach to clean up the water flowing into Biscayne Bay.

2022 also saw us in court in multiple forums, challenging the approval of a large industrial complex on land needed for climate resilience and restoration; supporting the legal challenge of a highway through Everglades wetlands; and successfully defending the critically important Everglades Agricultural Area Reservoir from a challenge brought by the sugar industry.

Fifteen years after the last major revision to the plan for how to operate Lake Okeechobee, the Corps reached a major milestone in 2022 by publishing a draft Environmental Impact Statement summarizing the environmental benefits of a new operational plan, the Lake Okeechobee System Operating Manual. ELC was a leader in advocating for a plan that would provide significant benefits to the Everglades and coastal estuaries, including Lake Worth Lagoon.

With federal, state and local governments kicking off unprecedented planning efforts for major resiliency projects focused on climate adaptation, 2022 provided an opportunity to begin to address the myriad impacts of climate change in south Florida. ELC brought its knowledge and expertise to the table in all of these efforts to improve project outcomes for our environment and communities.

ELC’s efforts to restore the Everglades, protect our open lands, and stop the pollution of our waters saw great success in 2022 and we couldn’t have done it without your support! We hope you will join us to provide lawyers for the environment as we continue our efforts in 2023 and beyond.

Sincerely,

*Lisa Interlandi*

Lisa Interlandi  
Executive Director

# Tackling

## the Stormwater Pollution Problem

Did you know that stormwater is one of the leading contributors to water quality problems in our waterways? ELC joined forces in a new partnership with Miami Waterkeeper to research, investigate, and strategically target stormwater pollution in South Florida. We did our homework on every municipality in Miami-Dade County and after a year researching obscure permitting requirements, laws, and public records, we found that not a single municipality was 100% in compliance with its stormwater permit! We published our findings in May in a first-of-its-kind Miami-Dade County Stormwater Report Card. These findings and our strong new partnership with Miami Waterkeeper, the University of Miami School of Law Environmental Justice Clinic, and the P.E.E.R. Group led to the creation of ELC's new Clean Biscayne stormwater campaign. Through this effort we have been targeting municipal noncompliance city by city, strengthening community engagement in the communities most impacted, and investigating industrial polluters. We also engaged in the long-delayed proposal to update Florida's stormwater rules and the beginning of the process to revise and issue new permits to cities in Miami-Dade County. Lessons learned through our Stormwater Report Card became advocacy for better rules and permits to protect both our waters and community health. And we went out into the community as well, supporting the P.E.E.R. Group in hosting a community Town Hall in Opa Locka to hear from residents about the impacts of stormwater flooding and pollution.



*“Local groups give Miami-Dade County stormwater permit compliance an average grade of C-”*

*Miami Waterkeeper Stormwater Press Release*





Photo Credit: Water Alternatives Photo  
[https://www.flickr.com/photos/water\\_alternatives/50453159656](https://www.flickr.com/photos/water_alternatives/50453159656)

# Okeechobee

## Operations

The monumental effort of drafting a new operating plan for how, when, and where water from Lake Okeechobee is distributed throughout South Florida continued in 2022 with the development of the Lake Okeechobee System Operating Manual or “LOSOM”. Governmental, agricultural, urban, and industrial water supply interests were fully represented by professional consultants and legal counsel, and ELC provided a much-needed balance by representing Everglades advocates and partners to protect Everglades restoration efforts, coastal estuaries including the Lake Worth Lagoon, and Florida Bay. We submitted extensive comments seeking to ensure that environmental water needs are—at the very least—treated equally with the needs of private entities. We also asked the federal government to ground truth agricultural water supply demands so that excess water doesn’t continue to wind up unused and dumped in our estuaries.

The plan should be finalized in 2023, and ELC will continue to advocate for operational rules that effectively protect our communities and the natural resources they depend on.



# Restoration

## under Attack

In 2021, three sugar entities challenged the Army Corps of Engineers' approval of the Everglades Agricultural Area (EAA) Reservoir, a key component of Everglades restoration. Their challenge didn't just involve the reservoir however, but instead targeted how all of the water from Everglades restoration would be distributed. Under their skewed interpretation of the law, multi-billion-dollar restoration projects would have to be built and used for the virtually exclusive benefit of farmers, leaving the Everglades high and dry and coastal estuaries bearing the brunt of destructive Lake Okeechobee discharges.

ELC recognized the dire implications of this flawed interpretation early on and in 2022 gathered a group of the most engaged and impacted NGO's to file an Amicus Curiae "Friend of the Court" brief to defend the water needed for restoration. Our brief demonstrated that under the sugar industry's interpretation, the entire EAA reservoir would have to be built and operated for the industry's benefit and it would still only provide about half of the water they said they were entitled to! These numbers don't make sense for restoration, and our brief showed it. Stay tuned for more details. (Spoiler Alert: We won! But the sugar farmers have filed their notice of appeal. To be continued...)

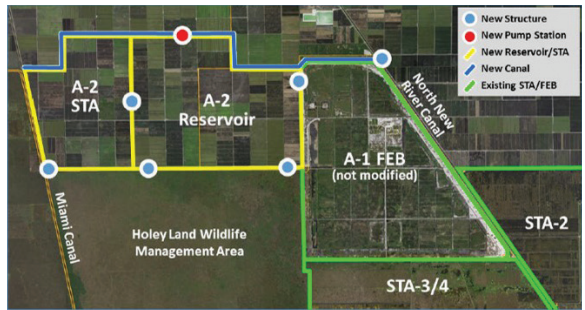
Photo Credit: (Top) <https://www.saj.usace.army.mil/portals/44/CEPP%20EAA%20Reservoir%20aerial%20map.jpg>  
(Bottom) Viadeb- <https://www.flickr.com/photos/28122162@N04/5865335850>

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

OKEELANTA CORPORATION,  
UNITED STATES SUGAR CORPORATION,  
& THE SUGAR CANE GROWERS  
COOPERATIVE OF FLORIDA  
Plaintiffs,  
v.  
UNITED STATES ARMY CORPS  
OF ENGINEERS  
Defendant

Cause No. 9:21-cv-81585-DMD  
8:21-cv-81589-DMD  
8:21-cv-81588-DMD

JOINT AMICUS CURIAE BRIEF OF:  
SANIBEL-CAPTIVA CONSERVATION FOUNDATION, INC.; SANIBEL-CAPTIVA  
ISLAND CHAMBER OF COMMERCE, INC.; FLORIDA KEYS FISHING GUIDES  
ASSOCIATION, INC.; ISLANDORA CHAMBER OF COMMERCE, INC.; CAPTAINS  
FOR CLEAN WATER, INC.; THE EVERGLADES FOUNDATION, INC.; AND FLORIDA  
BAY FOREVER, INC.



# Defending

## against Dangerous Development

A 400-acre industrial complex on farmland needed to restore the Everglades and Biscayne Bay? As Everglades advocates, we said no way! After a dramatic hearing at the Miami-Dade County Commission in November, the majority of the Commission voted yes on this industrial complex over significant public outcry. Missed deadlines, a veto from the Mayor, and a commission override followed. ELC joined forces to represent a long-time South Florida resident to challenge the comprehensive plan amendment that allowed this development. The case puts the project on hold while we defend the land needed for restoration.



Photo Credit: Tropical Audubon

*“This decision flies in the face of the protections that the Urban Development Boundary is intended to ensure and the County’s and State’s own growth management laws. It is a threat to our communities, drinking water, Biscayne Bay, Everglades restoration, and our critical climate resiliency efforts. We cannot allow the precedent that this decision sets to stand.”*

*Elizabeth Fata Carpenter  
Managing Attorney, Everglades Law Center*

# A New Highway

## Through the Everglades?

In April, ELC filed an Amicus Curiae “Friend of the Court” brief in opposition to the development of a 13-mile highway extension of State Road 836 through critical Everglades buffer lands. The highway at issue is slated to be built outside of Miami-Dade County’s Urban Development Boundary (UDB) through important Everglades restoration lands and endangered species habitat. ELC continues to oppose the expansion of roads and the UDB into inappropriate conservation lands that mitigate the impacts of flooding and sea level rise and protect our drinking water, environment, and quality of life in Miami-Dade County.

Photo Credit: Patrick Cowan





# Backing the Bay

Biscayne Bay drew the attention of government officials far and wide after what has become an almost annual fish-kill event and unprecedented localized flooding. At long last, efforts to address these increasing threats are ramping up.

The Biscayne Bay “**Reasonable Assurance Plan**” or “RAP” is the County’s first attempt to develop a comprehensive plan to meet water quality standards in the Bay. ELC advocated for better enforcement and monitoring, the development of specific water quality loads for polluters, and a timeline to reach those targets.

Our Managing Attorney continued to serve on the project planning team for the critical **Biscayne Bay and South Eastern Everglades Restoration Project** or “BBSEER,” the largest Everglades restoration project in South Florida, which will restore historic water flow to Biscayne Bay.

We advocated for the inclusion of nature-based features in the federal government’s **Back Bay Study** aimed at reducing damage from storm surges.

And we worked with local communities in the state and federal governments’ review of flood management infrastructure and operations in the **Central & Southern Florida Project Flooding Restudy**.

The increased focus on resiliency in South Florida was long overdue and ELC was able to bring our long experience related to Everglades restoration as well as our on-the-ground work related to flooding and water quality in Miami-Dade County to the table in all of these discussions.

Photo Credit: Mike Bacon Photography



# Recognitions



## **Ansley Samson**

ELC's Ansley Samson was selected to receive the prestigious Conservationist of the Year Award from the Everglades Coalition, a group of nearly sixty prominent local, state, and national environmental organizations focused on Everglades restoration. The award honors a conservationist who demonstrates passion and ingenuity in their quest to protect and

restore the Everglades. The award was established in 1996 and has been bestowed to an impressive list of advocates who have played critical roles in Everglades restoration. We are thrilled that Ansley's decades of work to support the protection and restoration of Florida's natural resources were recognized and landed her in such auspicious company.

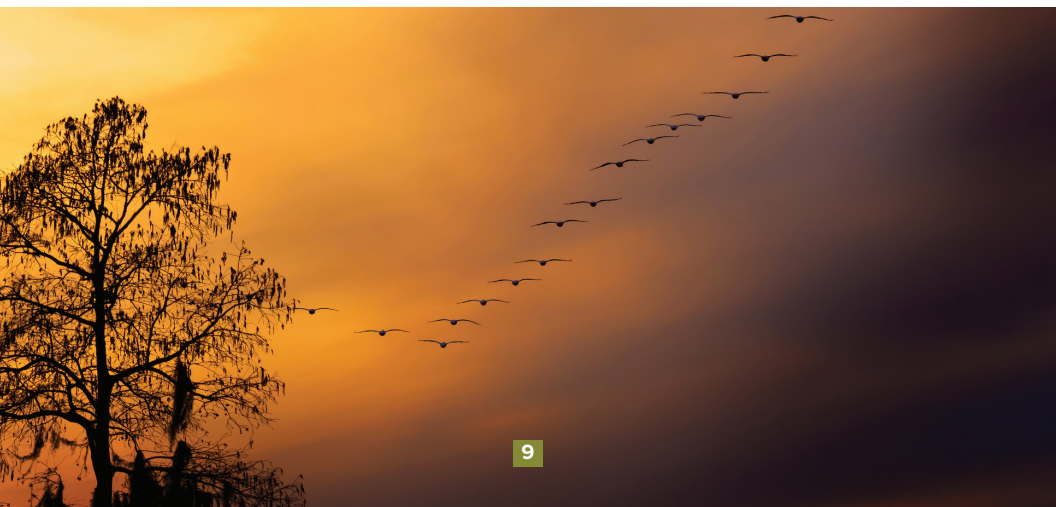


## **Joel Mintz**

In 2022, ELC wished its Board President and longtime Board Member a very happy retirement! Joel Mintz, a professor at Nova Southeastern University College of Law and former attorney for the United States Environmental Protection Agency, joined ELC in the very beginning, way back in 1995 when ELC came into being and hired its first employees. Over the next

27 years Joel was a steady, thoughtful voice, bringing his decades of legal experience and scholarship on environmental law and policy to ELC's legal policy and litigation decision-making. ELC is honored to have had him on our Board for almost three decades and are deeply grateful for his willingness to support our work for so many years. His wisdom will be missed!

Photo Credit: Credit Patrick Cowan



# Clients & Partners

1000 Friends of Florida  
Apalachicola Riverkeeper  
Audubon Florida  
Audubon Society of the Everglades  
Captains for Clean Water  
CLEO Institute  
Conservancy of Southwest Florida  
Everglades Coalition  
Environmental Defense Fund  
Everglades Foundation  
Everglades Trust  
Florida Bay Forever  
Florida Keys Fishing Guides Association  
Florida Oceanographic Society  
Friends of the Everglades  
Indian Riverkeeper  
Islamorada Chamber Of Commerce, Inc.  
Kissimmee Waterkeeper  
Lake Worth Waterkeeper  
Matanzas Waterkeeper  
Miami Waterkeeper  
National Parks Conservation Association  
National Wildlife Federation  
Palm Beach Civic Association  
P.E.E.R. Group  
REEF  
Rivers Coalition  
Sanibel-Captiva Islands Chamber Of Commerce, Inc.  
Sanibel-Captiva Conservation Foundation  
Sierra Club  
St. Johns Riverkeeper  
Surfrider Foundation  
Suncoast Waterkeeper  
Sustainable Palm Beach County  
Tampa Bay Waterkeeper  
Tropical Audubon Society  
University of Miami Environmental Justice Clinic







# Key Supporters

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Susanne Durst  
William Atterbury  
William Riley



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