



Credit: Getty Images



Everglades
Law Center, Inc.

2023
Annual Report

Message

from the Executive Director

2023 was an exciting year for the Everglades and Everglades Law Center!

We focused on **climate resiliency** by advocating for the best protection possible for our communities as part of federal, state, and local projects. We also spent countless hours in and out of court zealously defending against **improper development** in lands needed for Everglades restoration and our drinking water. We tackled **stormwater pollution** by pushing for stricter compliance with permit requirements and went to the courts to stop industrial polluters. And, of course, we remained steadfast in our work to **restore our Everglades**, ensuring that private interests do not derail the benefits that Everglades restoration provides for all and zealously advocating for our environment and communities.

We were also thrilled to expand our advocacy capacity in 2023 by adding a new attorney to our team, allowing us to make an even bigger impact on our environment and communities.

Thank you for your dedication to our cause! Polluters and special interests always have lawyers. Everglades Law Center levels the playing field by providing free legal representation to individuals and organizations fighting for clean water, a healthy environment, and a restored Everglades. **With your support, we make it a fair fight!**

Sincerely,

Elizabeth Fata Carpenter

Elizabeth Fata Carpenter
Executive Director



Credit: Getty Images

Restoration Under Attack

A Win for the Everglades and an Appeal by the Sugar Industry

Starting in mid-2022, ELC began representing a group of seven non-profit organizations as Amicus Curiae – “Friends of the Court” – in a legal challenge brought by three sugar industry entities to the federal government’s approval of a key component of the Comprehensive Everglades Restoration Plan. Our brief demonstrated that under the sugar industry’s interpretation, the entire Everglades Agricultural Area (EAA) Reservoir – a critical component of Everglades restoration – would have to be built and operated for the industry’s benefit. The sugar industry representatives advocated for an interpretation of the law that would eviscerate the Comprehensive Everglades Restoration Plan’s potential to restore the Everglades and protect the communities that rely on it. Relying on many of our arguments, the district court ruled against the sugar industry on all its claims in March 2023!

ELC is continuing to represent the public interest in the appeal before the Eleventh Circuit Court of Appeals. In addition to the seven non-profit organizations and Chambers of Commerce we represented in the trial court, four municipalities joined our brief in the appeal – representing communities on the southeast, southwest, and southern coasts of Florida.



2023 Reservoir Groundbreaking
Credit: Bri Sanchez (USACE)

On behalf of this expanded group, ELC emphasized the devastating consequences the sugar industries’ interpretation would have on Everglades restoration and highlighted the extensive and ongoing harm it would create to the Everglades, coastal estuaries, and the communities that depend on those natural resources – harm that restoration projects were designed to redress. We contrasted that significant harm to the appellants’ failure to demonstrate any concrete harm to their sugar crops as a result of the “loss of water” they are seeking to have restored to them by way of the EAA Reservoir. ELC will continue to oppose efforts to derail public Everglades benefits for private interests.



Everglades National Park
Credit: Getty Images

Southeastern Everglades

Fashioning the new Freshwater Flow

The Biscayne Bay Southeastern Everglades Ecosystem Restoration Plan (“BBSEER”) is a compilation of 6 individual Everglades restoration projects that aims to restore the freshwater flows of water in southeast Florida across Miami-Dade County.

Throughout an extensive 2023 planning process, ELC has, among other things, advocated for increased community involvement and accessibility; the inclusion of sensitive lands at risk for development and critical for Everglades restoration as wetland areas; the elimination of damaging water discharges polluting the Biscayne Bay and the Everglades; and the backfilling of a significant drainage canal that has long plagued Florida Bay. We pushed for better project integration among the many resilience projects underway in South Florida and the consideration of flooding impacts in local communities.

ELC was thrilled to see these important directives incorporated into planning in 2023 and will ensure these multifaceted interests are heard in 2024.

Stormwater

Solutions on Multiple Fronts

Following the completion of last year's stormwater report card finding that not a single Miami-Dade municipality was 100% in compliance with its stormwater permit, ELC got to work to fix the problem! In partnership with Miami Waterkeeper, the University of Miami School of Law Environmental Justice Clinic, and the P.E.E.R. Group, we implemented our Clean Biscayne stormwater campaign. We met with as many municipalities and stakeholders as possible, advocated in front of Miami-Dade County for increased oversight, and appealed to the Florida Department of Environmental Protection for better requirements – all with the goal of improving water quantity and quality in our communities and environment. We worked on getting to the source of noncompliance and provided guidance and solutions to some of the most pressing problems municipalities face with stormwater. Our efforts resulted in meaningful information sharing with municipalities throughout the County, significant advocacy on a new County draft stormwater ordinance focused on improving water quality, and detailed recommendations to the State on requirements for new stormwater permits. We even saw action from FDEP on enforcement of stormwater permit noncompliance and the creation of updated management plans for many municipalities.



2023 also saw ELC represent Miami Waterkeeper in efforts to address industrial stormwater pollution in Miami-Dade County. Together, we evaluated permit compliance by industrial companies, identified areas of critical noncompliance, and have begun to work with companies, both in and out of court, to ensure compliance with federal laws. We will continue to work with these companies in 2024 to maximize opportunities to reduce stormwater pollution and improve water quality.

Timing is Everything

Opposing Dangerous Development

ELC has continued our fight to stop the improper development of a 400-acre industrial complex on farmland needed to both restore the Everglades and Biscayne Bay and make Miami-Dade County more resilient to climate change. Ensuring that Miami-Dade County develops and grows in the right places is critical for our long-term ability to live and thrive in South Florida in the face of the challenges posed by climate change.

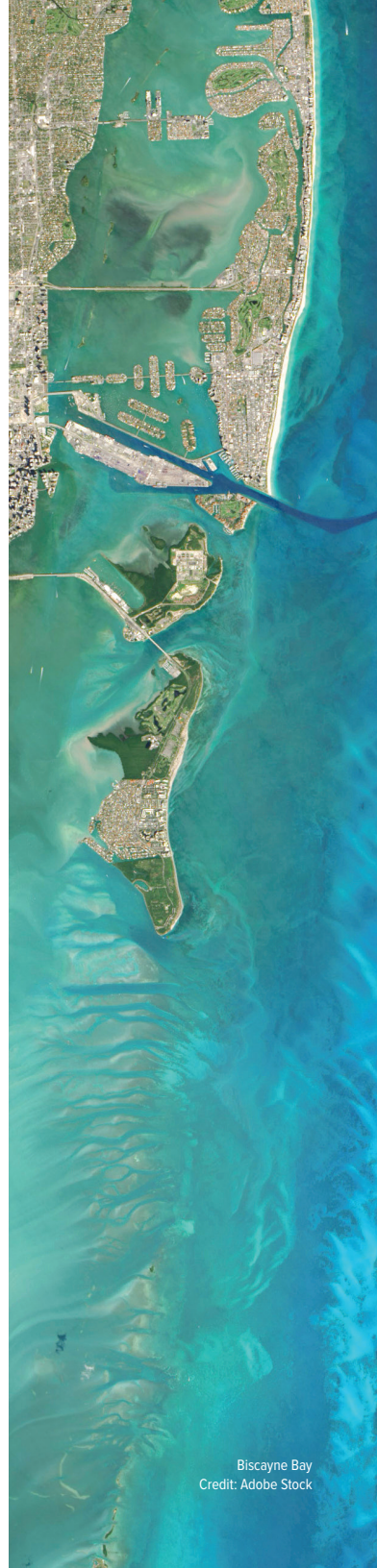
After ELC and our partners in December 2022 challenged Miami-Dade County's approval of the South Dade Logistics and Technology District in administrative court for violating its own development rules, the State of Florida also found that the County failed to approve the development within the timeframe mandated by Florida law. After facing hurdles from ELC, our partners, and the State, Miami-Dade County and the developers sued the State in early 2023. ELC did not hesitate to join the lawsuit in support of the State's position and has been zealously advocating on behalf of our client to ensure that this development is stopped from threatening our communities and environment and complies with established Florida law.



Preparing for Nature-Based Resiliency

ELC spent 2023 representing the public interest in the Back Bay Coastal Storm Risk Management Study, the U.S. Army Corps of Engineers project designed to protect our cities from damaging storm surge. ELC worked with our partners at Miami Waterkeeper, the Everglades Foundation, Tropical Audubon Society, and Environmental Defense Fund, among others, to ensure that, if the project moved forward, it incorporates public input and nature-based solutions that protect our communities from rising sea levels and storm surge through multiple lines of defense. In August 2023, ELC was thrilled that Miami-Dade County and the U.S. Army Corps of Engineers agreed to work together to develop a plan more tailored to these community needs and not centered on only large-scale walls.

The re-visioned Back Bay Study will begin by seeking federal authorization in 2024 to implement resiliency pilot projects throughout Miami-Dade County, with plans for larger future studies underway. We know that using the same “gray” infrastructure of the past, like walls and pumps, will not get the job done on its own. ELC and our partners did not stop speaking up, attending meetings, and drafting comments pushing for the inclusion of innovative nature-based features like coral reefs, dunes, and mangroves, as our best path for a resilient future. ELC will continue to advocate for a layered system of defense incorporating innovative nature-based solutions that will keep our communities safe in the face of climate change!



Biscayne Bay
Credit: Adobe Stock

Victory

in Palm Beach County

In Palm Beach County we secured a victory in October 2023 when the Board of County Commissioners rejected a proposal by GL Homes to build on preserved conservation land in the Agricultural Reserve in exchange for preserving land elsewhere in the County.

While the project would have located more than 1000 homes in close proximity to the Loxahatchee National Wildlife Refuge, the real harm would arise from significantly undermining the long-term preservation of conservation lands County-wide by setting the precedent that preservation is not forever – but only until a more lucrative financial opportunity arises.

Thankfully, Palm Beach County Commissioners voted to deny this harmful proposal and preserve the will of the voters to protect the Agricultural Reserve!



Sunset on the Loxahatchee National Wildlife Refuge
Credit: Captain Kimo

New Attorney Spotlight

Welcoming ELC's new Staff Attorney, Francesca DiJulio

Francesca DiJulio joined ELC as a Miami-based staff attorney in August 2023, with a focus on issues affecting South Florida water quality, greater Everglades restoration, and Biscayne Bay climate resilience. She graduated from the University of Michigan with a Bachelor's degree in land management and environmental policy, with a focus on sustainable land use issues in urban planning, agriculture, and conservation, and from George Washington University Law School, where she received a J.D. with a specialization in Environmental Law.



Prior to joining ELC, Francesca worked with numerous environmental non-profits as a law clerk and legal assistant, including Natural Resources Defense Council, Earthjustice, Center for Biological Diversity, Defenders of Wildlife, and Sierra Club. ELC is thrilled to have Francesca join our team and further our advocacy for South Florida's environment and communities!

Welcome to
ELC

Clients & Partners

1000 Friends of Florida
Audubon Florida
Audubon Society of the Everglades
Captains for Clean Water
City of Lake Worth Beach
City of Sanibel
City of Stuart
Conservancy of Southwest Florida
Dr. Nita Lewis
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.
Islamorada Village of Islands
Lake Worth Waterkeeper
Matanzas Waterkeeper
Miami Waterkeeper
National Parks Conservation Association
National Wildlife Federation
Palm Beach Civic Association
P.E.E.R. Group
Rivers Coalition
Sanibel-Captiva Islands Chamber of Commerce, Inc.
Sanibel-Captiva Conservation Foundation
Surfrider Foundation
Suncoast Waterkeeper
Sustainable Palm Beach County
Tropical Audubon Society
University of Miami Environmental Justice Clinic
Village of El Portal



Kiplinger Nature Preserve
Credit: Captain Kimo



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Everglades Law Center, Inc.

Palm Beach County Office

378 Northlake Blvd. #105
North Palm Beach, FL 33408

Miami-Dade County Office

6815 Biscayne Blvd. Suite 103 #449
Miami, FL 33138

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