

The Northern Everglades Protection Program

continued from cover...

the estuaries, and \$100 million in recurring appropriations for Everglades restoration, the new legislation allows unprecedented opportunities to begin realistically tackling the state's water management and water pollution challenges. The new advances include:

Pollution Sources

Creates and strengthens stormwater regulatory rules for new development, and revises state fertilizer application rates. It prohibits sewage sludge disposal in the watershed by end of 2007--which was the source of 3,000 tons of phosphorus annually. It will also now include annual review of pollution data from wet years that was once excluded.

Water Management

Requires the state to study the loss of surface water storage impacts and the benefits of reclaiming storage capacity. The new law requires examination of the relationship between water drainage in the watershed and Lake levels--and the subsequent high lake water releases to the estuaries. It also encourages water storage on private lands through acquisition or user fees.

Watershed Strategy

Connects state water management and water quality into a single strategy.

Estuaries

Establishes separate Caloosahatchee and St. Lucie Estuary Plans with their own processes, schedules, and budgets for projects and controls.



FOREVER GLADES
Benefit
Friday, February 15th
~ President's Day Weekend 2008



Miami Heat Coach Pat Riley and Chris Riley, along with Everglades Foundation Chairman Paul Tudor Jones, II



Everglades Foundation President Mary Barley and Audubon's national Director of Ecosystem Restoration April Gromnicki



Former Florida Governor Claude Kirk and Everglades Foundation Board Member Nathaniel Reed

Join us on President's Day Weekend 2008 at Mar-a-Lago in Palm Beach for the Third Annual Everglades Foundation FOREVER-GLADES benefit.

The Mar-a-Lago Club sits amid 20 acres of manicured landscapes on the island of Palm Beach and includes vibrant gardens and sweeping Atlantic Ocean-to-Lake Worth vistas.

As a National Historic Landmark, the former Marjorie Merriweather Post estate remains the established tradition of Palm Beach's winter residents.

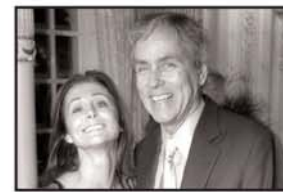
You never know who you might meet...



Donald Trump, owner of Mar-a-Lago, and Dan Pacella of Bernstein Global Wealth Management



Broward County Commissioner Kristen Jacobs and Stuart Jacobs, along with Everglades Foundation Vice President Peg McPherson



Pulitzer Prize-winning author Carl Hiaasen and his wife Fenia

FOR ADDITIONAL INFORMATION & TO MAKE RESERVATIONS
Contact Melissa Ray at 305.251.0001 mray@evergladesfoundation.org

The Everglades Foundation is dedicated to a restored Everglades, creating relevant and creative solutions to complex restoration issues without burdening taxpayers



www.evergladesfoundation.org

THE EVERGLADES FOUNDATION
18001 Old Cutler Road, Suite 625
Palmetto Bay, FL 33157
305.251.0001




The Quarterly Newsletter of the Everglades Foundation
EVERGLADES Action!
DECEMBER 2007

Thank you Congress!

After being stuck without federal funding for seven years since the original authorization of the Comprehensive Everglades Restoration Plan, the Water Resources Development Act (WRDA) is finally the law of the land. On November 8th, Florida Senators Bill Nelson and Mel Martinez joined 77 of their colleagues to hand President Bush his first veto override, enacting a \$23 billion water resources bill that includes critical authorization for restoring the Everglades and other Florida water projects.

With WRDA back in play, we are all hopeful for the reconstruction of the state and federal government agreement now that the federal partner is finally authorized to move forward on key Everglades restoration projects. Besides the Everglades, WRDA will authorize projects throughout the country including Louisiana, but as Governor Charlie Crist proclaimed, "Today is a great day for Florida and the Everglades ecosystem."

Thank You Florida Legislature!

The Foundation and its partner organizations are genuinely hopeful about two new pieces of legislation passed during the 2007 legislative session and signed into law by Governor Crist. Senate Bill 392 revised the Lake Okeechobee Protection Act into what is now called the Northern Everglades Protection Program. And House Bill 197 contains vital authority for new rules to control polluted stormwater runoff from new developments.

Along with \$100 million for the Northern Everglades and

Continued on page 4



During the Audubon Assembly in November, the Director of World Wildlife Fund's South Florida Project, Debbie Harrison, received Audubon of Florida's Conservationist of the Year award for her years of service, energy, and dedication to Florida's environment and

wildlife. Debbie is a member of the Foundation's Environmental Advisory Committee (EAC), and also served as a member of the Governor's Commission for a Sustainable South Florida. This year she was also appointed to Governor Crist's Climate Action Team to develop bold strategies for combating the worst impacts of global warming in Florida. Pictured here is Debbie Harrison, with Bernie Parrish of The Everglades Trust [left], and Foundation General Counsel Thom Rumberger [right].

Everglades Foundation Chief Operating Officer Mark Kraus, Ph.D., met with United States Senator Mel Martinez at Sewall Point in August in support of WRDA.



Foundation Vice President Peg McPherson was one of the presenters at the October Environmental Conference hosted by Florida Senator Burt Saunders in Lee County to celebrate the passage of The Northern Everglades and Estuaries Protection Program--which expands the

Lake Okeechobee Protection Act to include protection and restoration of the Lake Okeechobee watershed and the Caloosahatchee and St. Lucie rivers and estuaries. Pictured here are Senator Saunders, right, and Lee County Commissioner Ray Judah addressing Lee County's role in the new legislation.

THE EVERGLADES FOUNDATION'S ENVIRONMENTAL ADVISORY COUNCIL (EAC) PARTNERS INCLUDE:
1000 FRIENDS OF FLORIDA - AUDUBON OF FLORIDA - BONEFISH & TARPON UNLIMITED
CLEAN WATER ACTION - COLLIER COUNTY AUDUBON SOCIETY - CONSERVANCY OF SOUTHWEST FLORIDA
DEFENDERS OF WILDLIFE - EVERGLADES COALITION - EVERGLADES LAW CENTER - EVERGLADES TRUST
FLORIDA OCEANOGRAPHIC SOCIETY - FLORIDA WILDLIFE FEDERATION
NATIONAL PARKS CONSERVATION ASSOCIATION - NATIONAL WILDLIFE FEDERATION
NATURAL RESOURCES DEFENSE COUNCIL - RIVERS COALITION
SANIBEL-CAPTIVA CONSERVATION FOUNDATION - SIERRA CLUB
TROPICAL AUDUBON SOCIETY - WORLD WILDLIFE FUND

The Everglades Foundation's Litigation Committee had a compelling year managing, advising, and coordinating seven separate legal challenges that will also be active in 2008:



Eagle release from the Audubon's Center for Birds of Prey, spring 2007

ROCK MINING IN SOUTH MIAMI-DADE COUNTY

Everglades Law Center, National Parks Conservation Association and Tropical Audubon Society v. Atlantic Civil, Inc.

In September 2006, the U.S. Army Corps of Engineers granted a second extension of a wetlands fill permit for agricultural purposes on 981 acres [of which 535 acres are wetlands] of property owned by Atlantic Civil, Inc. in south Miami Dade County. At the time, the Corps knew that the property owner also filed a state application to allow Lennar Homes to build a residential and commercial development that will include 5,500 homes on more than 1,400 acres of the property known as Florida City Commons. The Corps failed to consider the direct and cumulative impacts of this development

on the Everglades, endangered species, and surrounding wetlands.

As a result of the lawsuit, Atlantic Civil eventually withdrew its application for a Development of Regional Impact (DRI) in March. Subsequently, Atlantic Civil applied for a modification of the extension, seeking permission to rock mine approximately 500 acres south of SW 360th Street and to allow for continued agricultural filling north of SW 360th Street. In April, the Corps partially reinstated and modified the permit, allowing the developer to fill 40 more acres north of 360th Street for agriculture. The Corps also gave contingent approval for the developer to fill approximately 200 acres south of SW 360th Street if the developer's pending rock mining application should be rejected by the Corps.

Environmental interests contend that mining and development in this area would adversely affect Everglades wetlands; compromise the C-111 Spreader Canal Project and Biscayne Bay Coastal Wetlands Projects; and, that the mining activities will increase water consumption from an already strained system. Also, environmental partners fear that filling these lands would remove them from the jurisdiction of the Corps, making them susceptible to substantial development without Corps review.

SOUTHWEST FLORIDA PERMITTING CHALLENGES

At issue are five, neighboring large-scale developments planned for development within the Cocohatchee Slough in the Western Everglades of Collier County. The three largest developments proposed in the Cocohatchee Slough are **Terafina, Mirasol, and Parklands.**

Collectively, these large-scale developments represent 1,100 wetland acres that will be destroyed or impacted as a result of the planned developments.



Construction is already underway for the South Florida Water Management District's "EAA-A1 Reservoir" Acceler8 project. The construction project is west of US 27, south of Belle Glade.

EVERGLADES AGRICULTURAL AREA STORAGE RESERVOIRS

Natural Resources Defense Council, National Wildlife Federation, and The Sierra Club v. U.S. Army Corps of Engineers

Foundation partner organizations contend that the U.S. Army Corps of Engineers has allowed the construction of a water reservoir project in the Everglades Agricultural Area (EAA) without complying with legal requirements intended to ensure that the project benefits primarily the Everglades--rather than agriculture or urban water utilities. According to the plaintiffs, projects included in CERP are required to have an approved comprehensive design and operational report called a Project Implementation Report (PIR), and a Project Cooperation Agreement (PCA) prior to construction. Although the groups are asking for the legal requirements to be met, the construction of the project has not stopped.

The EAA reservoir project is a critical component of the multi-billion dollar Everglades restoration plan. It is one of the initial projects authorized by Congress in 2000 and is the first CERP project to move into construction. It should provide more water supply for the Everglades, as well as relieve flooding in Lake Okeechobee and the connected estuaries.

Despite the groups' request for a PIR and PCA, the Corps and the South Florida Water Management District have yet to complete these critical documents--nor have they committed to a timeline to complete them. As a result, the District is now constructing the project under the state program called "Acceler8."

The Corps and the District contend that because the reservoir is being constructed under the Acceler8 program, it is not subject to CERP requirements. Plaintiffs argue that a reservoir project specifically authorized by Congress as CERP project, subsequently planned by defendants as a CERP project--in the same location and using the same design as a CERP project which the Corps ultimately plans on making a CERP project--is thus subject to requirements set by Congress for CERP projects--regardless of whether the project is currently called by another name.

The suit was filed in May 2007. Oral argument is expected in early or mid-2008.

RIVERS COALITION DEFENSE FUND

Mildenberger v. United States

Foundation litigation funds are being contributed to the cost of litigating a Complaint for Just Compensation against the U.S. Army Corps of Engineers by twenty-two east coast property owners seeking damages for the destruction of their riparian rights.

As a result of the Lake Okeechobee discharges of polluted water to the St. Lucie estuary by the flood control system built and managed by the U.S. Army Corps of Engineers, the plaintiffs seek \$50 million in property damages which will be used to restore the estuary.

The lawsuit was filed in the U.S. Federal Claims Court in November 2006; and the federal government responded in February 2007. The parties are now working toward the closing date for Fact Discovery in December 2007. The Rivers Coalition Defense Fund will advise the court that a trial is warranted and will begin trial preparation in February 2008.



Mark Perry of the Florida Oceanographic Society and Board Member Karl Wickstrom are both members of the Rivers Coalition Defense Fund.

CONSENT DECREE (Judge Moreno Case)

United States of America v. South Florida Water Management District, et al.

Since the state had not met any of the water quality requirements of the 1992 federal Consent Decree, in June 2005 Judge Moreno ordered Special Master John Barkett to hold a hearing on the status of the state's ability to reduce water pollution--and the lack of significant progress therein.

Special Master Barkett submitted his report to Judge Moreno after hearing weeks of expert testimony on the cause of and solutions to phosphorus level exceedences within the Everglades. He recommended that the federal court find the state in violation of the Consent Decree.

His report was filed with the Court in December 2006, and we are still awaiting a ruling from the Federal Court.

2008 PROGRAM GRANTS

In 2007, the Foundation awarded over \$1.3 million in grants to eleven partner organizations.

In 2008, the Foundation will grant an additional \$1.3 million to thirteen diverse partner organizations.

Everglades Foundation Program Grants are awarded to organizations actively involved in Everglades Restoration. The funds support specific employees and are used in Advocacy, Policy Development, Coalition Building, Outreach and Communication, and Environmental Education.

Organizations receiving Foundation funds coordinate efforts through weekly teleconferences and participate in Foundation-coordinated programming through the Environmental Advisory Council (EAC).

Promoting and developing "The Essentials for Everglades Restoration" will dominate the EAC agenda as it did last year.

1000 Friends of Florida
\$75,000 = Everglades Agricultural Area Awareness Campaign

Audubon of Florida
\$420,000 = Audubon of Florida's Everglades Restoration Program

Clean Water Fund
\$67,000 = South Florida Everglades Organizing Project

Collier County Audubon Society
\$37,500 = Western Everglades Program

Conservancy of Southwest
\$36,000 = Stormwater Regulation Project

Cooperative Invasive Exotics Species Management Area
\$25,000 = Rapid Response Exotics Strike Team

Defenders of Wildlife
\$25,000 = Protecting Habitat for Panthers and Other Wildlife in the Western Everglades

Everglades Law Center
\$175,000 = Everglades-Keys Projects

National Parks Conservation Association
\$133,000 = Everglades and Biscayne Restoration Program

Natural Resources Defense Council
\$10,000 = Everglades Protection Project

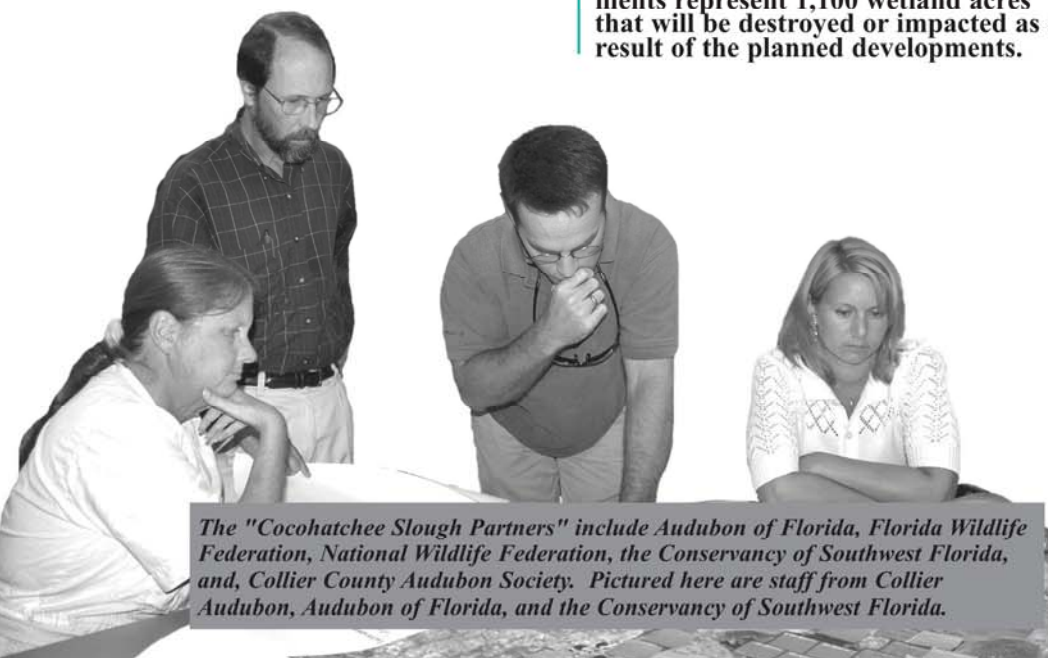
The Sierra Club
\$150,000 = Sierra Club's Everglades Restoration Campaign

Tropical Audubon Society
\$20,000 = Everglades/Biscayne Bay Conservation Program

World Wildlife Fund
\$125,000 = South Florida Project

Everglades Foundation Science staff met with each of the EAC partner organizations in 2007 to discuss "The Essentials of Everglades Restoration."

Pictured here are staff from the Sierra Club's Florida offices.



The "Cocohatchee Slough Partners" include Audubon of Florida, Florida Wildlife Federation, National Wildlife Federation, the Conservancy of Southwest Florida, and, Collier County Audubon Society. Pictured here are staff from Collier Audubon, Audubon of Florida, and the Conservancy of Southwest Florida.