

September 13, 2005

To: Martin County Board of Commissioners

Re: St. Lucie River Legal Action

The St. Lucie River is now damaged to the point that it is a human health hazard. Fish and wildlife are gone. Recreation on the river has ceased. Our great river is unsafe. Our lives and economy are affected by this ongoing disaster as never before. Legal action is no longer optional, it is necessary to obtain adequate changes in water management operations to enable some short-term recovery while the longer-term plans and projects of CERP, and other programs are constructed.

Over the past 45 days, the Rivers Coalition Legal Task Force has investigated many options for legal action. After much thought and research, we propose the following for approval by the Rivers Coalition 33 member board:

- One or more 501(c)3 corporations, including the St. Lucie River Legal Defense Fund, will file a 60 day notice in both federal and state courts announcing intent to file suit for pollution of the St. Lucie River under the Federal Clean Water Act, the Federal Magnuson Act, and the Endangered Species Act. Defendants will be the South Florida Water Management District and United States Army Corps of Engineers. The St. Lucie River Legal Defense Fund has established standing in prior legal actions. The notice of intent will be broad in scope, and will be filed within 10 days of approval by the Rivers Coalition.

The legal team will include local attorneys and well-known state and national firms with proven track records of winning environmental cases. We are in discussion with several of the best-known national firms at this time. Availability and pertinent background are key issues, but lead counsel will be experienced and known.

Our research indicates multiple plaintiffs are acceptable so long as they agree on the choice of lead counsel. However, our research also indicates that filing multiple independent actions could be counter-productive. For this reason we strongly recommend local governments not “go it alone” with separate legal actions.

- We will form a separate Rivers Coalition non-profit corporation to accept donations to support legal action and directly related river restoration activity. Administrative costs will be borne by volunteers and member organizations as much as possible. Our legal team will be supported by public information and fund raising campaigns.

The legal process may require considerable time and more than \$1 million to reach conclusion. Our desired conclusion is a court finding that the agencies have failed to protect the St. Lucie River according to existing law, and issuing orders to do so on a firm schedule.

We understand the public's frustration and despair. Some of us have worked on river improvement for years, in some cases for decades, only to see it today in the worst health ever.

We are certain that a large number of community leaders, organizations and firms will fully support a major legal war to save our river. Restoring the health of the St. Lucie River is vital for our economic sustainability and essential for our way of life.

It is hoped that you will work with us for a crucial and historic victory.

Thank you.

Sincerely,

Leon Abood, Chairman
Rivers Coalition

Cc: St. Lucie County BOCC, City of Stuart Commission and Town of Sewall's Point Council