



TREASURE COAST
ENVIRONMENTAL DEFENSE FUND
PO BOX 1812, JENSEN BEACH, FL. 34958

EYES AND EARS OF THE PUBLIC

KEVIN STINNETTE
INDIAN RIVERKEEPER
(772) 336-7299 CELL -(772) 631-5827

For Immediate Release: Victory for the Indian River Lagoon in Shoreline Armoring Suit

June 5, 2007

Indian Riverkeeper has reached an agreement for a settlement of the Federal suit in the United States District Court. The suit was filed over the Federal Highway Administration's (FHWA's) failure to comply with provisions of the National Environmental Policy Act (NEPA) by failing to complete an Environmental Assessment (EA). Federal law requires an EA as to determine the impacts of shoreline armoring associated with restoration of the Indian River Lagoon shoreline following the hurricanes of 2004.

The Project was undertaken under emergency provisions that required completion within six months. In the 2005 preliminary injunction hearing, Indian Riverkeeper presented over eight hours of expert testimony from the most prestigious experts on the Indian River Lagoon in an attempt to ensure that the project was done in accordance with the law.

This settlement culminates over two years of litigation with the promise of the most extensive study of the St. Lucie County shoreline ever undertaken. Attorney Robert Hartsell of the Everglades Law Center who represents the Indian River Keeper said, "it was understood for the last year that the Federal Highway Authority wanted to do the right thing, we put a lot of time into hammering out the details, and I believe what we have agreed to is one of the most unprecedented comprehensive studies of the Indian River Lagoon ever."

Indian Riverkeeper Kevin Stinnette said of the agreement, "We will ensure that never again will a community in the United States be burdened with such a destructive means of shoreline stabilization without an adequate analysis of the environmental costs." The project included the removal of nearly thirteen miles of shoreline forest and the placement of over 750,000 yards of dirt. Incidents involving the use of inappropriate dirt for the stipulations of the project plan led to regulatory action by the Florida Department of Environmental Protection.

The \$400,000 study will determine what environmental impacts may occur or may have occurred as a result of the armoring of the Indian River Drive shoreline. It will include an analysis of the impacts of wave action, nutrient loading, environmental impacts of the shoreline armoring with respect to algae blooms; a comparative analysis of nitrogen and phosphate oxidation on beach and articulated concrete shorelines; an assessment of nutrient loading from the loss of old growth native species; and an assessment of impacts to sea grass beds. The study will also result in a determination as to whether or not the shoreline armoring is failing; an analysis of the environmental safeguards and construction methods, specifically the use of concrete armoring, shoulder reconstruction, and the introduction of offsite soils on the environment and if so, recommend actions, solutions, alternative and options for restoration of native habitat shoreline stabilization eliminated by the armoring project.

INDIAN RIVERKEEPER



WWW.INDIANRIVERKEEPER.ORG

The FHWA will use means at its disposal to ensure compliance with permit provisions for stormwater drains and to ensure that the promised replanting of the shoreline is done effectively.

Contact Robert Hartsell of the Everglades Law Center Inc. at 561 630-1565
or Kevin Stinnette, Indian Riverkeeper 772 631-5827

INDIAN RIVERKEEPER



WWW.INDIANRIVERKEEPER.ORG