"There are no other Everglades in the World. They are, and always have been one of the unique regions of the earth, remote, never wholly known. They are unique also in the simplicity, the diversity, and the related harmony of the forms of life they enclose."

--Marjory Stoneman Douglas, 1947
The Everglades, River of Grass

"The central theme of the [Everglades] lawsuit is how politics change as the problems facing endangered ecosystems are identified and governments respond. The story of the Everglades suggests that as these changes take place, politics moves from the regime of confrontation, federal leadership and regulation, toward a more collaborative, state-centered regime that makes extensive use of non regulatory tools."

--Dewitt John, 1995 Civic Environmentalism:
Alternatives to Regulation in States and Communities,

The struggle over the future of the Everglades ecosystem during the past decade has been bedeviled by water resource conflicts and has presented special difficulties for decision makers and agencies. These difficulties include multiple stakeholders, different, sometimes unconnected or poorly coordinated regulatory and planning frameworks, short and longer term impacts, intergovernmental wrangling, legal, uncertain scientific, engineering and fiscal issues and a brew of challenging policies. These challenges have often rendered traditional judicial, legislative and agency decision making ineffective.

The Ecosystem Context. The freshwater wetlands of the Everglades in the late 19th century extended 130 miles from Lake Okeechobee to Florida Bay and covered about 4,000 square miles. During the last 100 years, governmental policies have moved from a focus on draining the Everglades for agricultural purposes at the turn of the century, to flood control in the
1920's, to urban flood control and maintaining water supply in the 1950s, to the more recent focus on reducing pollutants and maintaining water flow control into Everglades National Park. While significant portions of the Everglades have been placed in public ownership over the past 50 years, including Everglades National Park, nearly half of the original Everglades has been drained for agriculture and development. In addition, a canal system moves water off the land as quickly as possible and discharges substantial fresh water to the Atlantic Ocean. The marsh areas north of the Everglades National Park have been dissected into shallow diked impoundment areas that impede the natural flow.

In 1890 there were about 30,000 people in South Florida but by 1950 this had grown to nearly one million. As a result of devastating floods in the late 1940s, the federal government undertook the Central and South Florida Flood Control Project, the largest public works project in U.S. history up to that time. The drainage and flood control protection afforded by this project opened additional areas in Southeast Florida to development and the regional population soared to over 5.2 million by 1990, representing 40% of Florida's total current population. A conservative demographic projection suggests that the region's population will grow to over 8 million by 2010.

Managing this vast regional resource currently is a myriad of federal, state, regional and local public agencies each involved in decision making and planning for water resource issues in South Florida. This includes 16 county governments, 122 cities, two tribal governments, a regional water management district, numerous special water supply districts, five regional planning councils, five major state environmental planning and regulatory agencies and eleven federal agency managers. These governments and agencies have different missions and mandates and political jurisdictions. In 1995 there were approximately 200 plans addressing the storage, treatment, distribution and conservation of water in South Florida. These plans feature different planning time frames from five to 55 years and they provide minimal formal mechanisms for ensuring consistency and coordination between and among these numerous plans.

The Intergovernmental Challenge. In the 1980s both the state and federal governments tried separately and failed to effectively address intergovernmental coordination. This failure led to the Everglades lawsuit in 1988. Creative intergovernmental problem solving is often painfully borne of litigation and political conflicts.

In the Everglades, the intergovernmental coordination model is a case in point. This model underscores and seeks to address those intergovernmental dynamics which so often prove
problematic:

♦ Jurisdictional ambiguities and functional overlaps
♦ Differences in organizational status and influence
♦ Incompatible objectives
♦ Interdependence of tasks
♦ Competition for scarce resources (time, money, tools, etc)
♦ Differences in personality and professional perspectives; and
♦ Differences in perceptions

The Everglades Lawsuit and Mediation. The federal government filed suit in 1988 claiming the State of Florida had failed to prevent the discharge of nutrient polluted water into Everglades National Park and the Loxahatchee National Wildlife Refuge from agricultural activities in the Everglades Agricultural Area, a 700,000 acre basin between Lake Okeechobee and the Water Conservation Areas north of the Park. By the Spring of 1991, the state and federal governments had spent close to three years and $15 million in legal fees in pursuing and defending the lawsuit. This lawsuit in turn spawned over 36 separate lawsuits, administrative proceedings and related settlement agreements, and state and federal legislation from 1988 to 1993.

In 1991, the newly elected governor of Florida, Lawton Chiles, who had successfully campaigned on settling the lawsuit, decided to go to court himself as a lawyer for the state, to ask the judge for a year's stay of the litigation to continue and conclude the intergovernmental settlement negotiations. In court that day, Governor Chiles made an offer of surrender, "I want to surrender. I've brought my sword. I want to find out who I can give my sword to." Chiles said he would stipulate that the water was dirty, thus conceding a key point the state lawyers had been resisting for nearly three years. The hearing ended with the judge granting a two-month stay for the state and federal negotiators to try to secure a settlement.

An agreement was reached three months later only after the scientists advising both federal and state agencies were able to reached a facilitated accord on the technical details assisted by the Florida Conflict Resolution Consortium, a state sponsored dispute resolution center. However, as the state and federal regulators began to implement this intergovernmental accord,
they were beset by further conflicts, challenges and litigation from both agricultural and environmental stakeholder interests.

The public and private stakeholders turned to Seattle-based mediator Gerald Cormick in 1993 and he succeeded in helping the parties to quickly establish significant consensus on technical issues and on broad policy principles and funding issues. However the mediation foundered when the federal and state policy makers asked their lawyers to produce a detailed legal settlement based on the technical and policy agreements which needed legislation to conclude. The mediation was quickly followed by state legislation passed in 1994 which sought to establish a new policy and legal framework based on the technical and policy consensus hammered out in the mediation and within which the stakeholders could more constructively address their differences.

**The New Intergovernmental Coordination Model Emerges.** In 1993, President Clinton formed the Everglades Ecosystem Restoration Task Force and Working Group, consisting of 11 federal agencies, with a charge to coordinate the multiple federal planning and program efforts directed towards Everglades restoration. Its efforts were initially eclipsed by the mediation. In March of 1994, in the midst of a legislative debate which produced the passage by the Florida legislature of the “Everglades Forever Act of 1994,” based on the concepts developed in the mediation, Governor Chiles created, by executive order, the Commission for a Sustainable South Florida. The Governor appointed Richard Pettigrew, former Speaker of the Florida House of Representatives and an environmental lawyer based in Miami to chair the Commission. The Commission, a nearly 50 member public and private stakeholder group, was charged to seek consensus recommendations that could produce a healthy Everglades ecosystem that would co-exist and be mutually supportive of a sustainable South Florida economy. Its 50 members represented a much wider array of private and public agency stakeholders than had been involved in the previous Everglades litigation and mediation. In addition, all of the federal agencies active on the Everglades Ecosystem Restoration Task Force and Working Group were represented on the Commission.

The Commission's broad charge was to develop a consensus report on actions necessary for Everglades ecosystem restoration, urban redevelopment and for building a strong economy and healthy communities in the region. The Commission retained the Florida Conflict Resolution Consortium to assist in designing and facilitating its deliberations. Over its first 18 months the Commission educated itself and debated issues in plenary and in committees and adopted unanimously its first report which included 110 recommendations. The Chairman noted
in the final report, "The Commission broke new ground in consensus-building as diametrically opposed stakeholders gradually realigned their positions to reach sustainable solutions."

The recommendations covered a wide array of issues including: restoring key ecosystems, preventing and reversing pollution in South Florida's air, land and water, plants and animals, limiting urban sprawl by establishing urban development boundaries to protect environmental resources and encourage urban redevelopment; protecting wildlife and natural areas by providing for sufficient open space; and creating quality communities and jobs by providing life-long education and training to ensure a better educated and higher paid workforce while improving quality of life through better health care, housing, safety and cultural programs. In addition, the Commission agreed to enhance intergovernmental coordination and partnerships through the continuation of the stakeholder Commission and the enhancement of both an Everglades Task Force and Working Group that would involve federal, state, regional, local and tribal governments focused on Everglades restoration.

The Commission has continued to function as a liaison among a variety of stakeholders, including all the public agencies involved with planning and regulation in South Florida. The Commission now provides guidance in the implementation of the report's recommendations as well as input into Congressional mandated restoration programs including efforts to restudy and the entire South and Central Florida water system. In this role it plays a direct partnership role with the Everglades Restoration Task Force. In 1996 the Everglades Restoration Task Force and Working Group added representatives from state and local governments to make it a truly intergovernmental restoration effort.

The Everglades model for effective intergovernmental coordination and stakeholder partnership is still being built. However, several early lessons learned are apparent including:

♦ Intergovernmental coordination efforts need to be linked to specific problems, needs and issues and have adequate resources to design, staff and undertake them.

♦ Direct involvement of top level agency officials and their commitment to collaborate is critical.

♦ Intergovernmental problem solving and coordination must be integrated into the existing decision making and planning contexts.

♦ Links must be made to provide those interests with a stake to actively participate in the intergovernmental dialogue.
♦ Assistance in the collaboration design and neutral facilitation of the process may prove to be a key to success.

It is the combination and choreography of both government and stakeholder problem solving that make this model more effective than past intergovernmental efforts in Everglades restoration. While it was borne of strife in the courtroom and legislature, over the past few years, the effort has eliminated intergovernmental litigation, and with its links to the Commission, it has served to harmonize the many planning efforts and minimize stakeholder litigation over restoration efforts. In the movement from the regime of confrontation to the regime of collaboration,