

UFLAW

Environmental & Land Use Law

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Alyson Flournoy

LETTER FROM THE DIRECTOR

As the academic year ends, there is change — and smoke — in the air. The change is both global and local. The reality of climate destabilization and the need for action by the United States is now widely acknowledged, in the wake of the most recent IPCC panel reports and *Massachusetts v. EPA*. Locally, when the wind shifts to the south, we smell smoke from a wildfire in the Okefenokee swamp over 100 miles away, reminding us of the vulnerability human change brings to our Florida ecosystems.

Here at UF our year has been marked by a new commitment to creating a sustainable future. UF President Bernie Machen has been a national leader among university presidents. As the stories that follow illustrate, the law school faculty and students are building on this momentum.

Summer also heralds a seasonal change — the annual migrations of many faculty and students. Tom Ankersen, Thomas Ruppert, and Joan Flocks travel to Costa Rica to teach in our Summer Environmental Law Study Abroad program. Richard Hamann has left for South Florida to teach a two-week interdisciplinary field course on the law, science, and policy of the Everglades before leaving to teach in Botswana. Mary Jane Angelo and Jeff Wade head to Brazil in June to teach a short course on Environmental Law for Brazilian judges, prosecutors and lawyers. Our students have left for cities throughout the country for summer jobs and externships.

Wherever this season takes you, we hope you enjoy this report on some of the year's activities and wish you a great summer.

Thirteenth Annual Public Interest Environmental Conference Tackles Sustainability

By Adrienne Dessy
Levin College of Law
PIEC Co-Chair

Everyday, stories remind us that polar bears are in danger, open space is disappearing, water supplies are at risk, and the list goes on — is it any wonder that environmentalists are often accused of looking at the world through a doomsday perspective? This year's Public Interest Environmental Conference sought to shift that perception to a more positive one through exploring innovative and encouraging talk, technologies and techniques that could lead to a new "Game Plan for Green." In particular, PIEC 2007 highlighted the need for collaboration and cooperation among groups with a diversity of perspectives, but a shared commitment to sustainability.

Keynote presentations at the conference focused on partnerships between the corporate arena and the environmental arena, a technique that is perhaps not revolutionary, but necessary in order to have a lasting impact.

The conference kicked off with a reception



Student PIEC organizers with Keynote speaker Ray Anderson: left to right Christina Storz (2L) Ryan Baya '07, Anderson, and Adrienne Dessy (3L)

at the UF President's House. It was fitting that UF President Bernie Machen welcomed the conference attendees. Machen's tenure has been marked by environmental initiatives. In

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2004, Machen created the UF Water Institute, which provides a focal point for water-related research, education and public outreach programs. And in 2005, he gave sustainability a higher profile when he announced a series of measures to reduce the university's impact on the environment. UF held its first Sustainability Day in late 2005, and in February 2006 the university named its first director of sustainability.

The keynote speaker at Thursday's reception was Jil Zilligen, vice president of Sustainable Business Practices at Nau, Inc., an outdoor apparel company integrating environmental, social and economic factors, and a unique business strategy built around sustainable business practices, innovative use of technology, and philanthropic partnerships. Zilligen's engaging presentation impressed the audience and provided a model for thoughtful corporate involvement with environmentalism.

Ray Anderson, founder and chairman of Interface, Inc. served as the keynote speaker for the conference banquet. With

Anderson's expertise, Interface, Inc. has become a leader in sustainable industry by redesigning processes and products, pioneering new technologies, and increasing the use of renewable materials. As a leader in the corporate world, Anderson truly has the ability to galvanize similarly-positioned company executives. His inspiring presentation provided an excellent example of his power to persuade others to go green.

In addition, a well-attended and well-presented Saturday morning workshop, organized by the UF Leadership Development Institute, encouraged effective communication with corporate leaders. The interactive session provided environmental professionals, citizen activists, business leaders, and government officials with skills to improve communication and develop relationships to promote sustainability as a corporate goal.

The conference's opening plenary session featured five leading academics, whose presentations focused on creative techniques for engaging market competition as an environmental protection tool, valuing

ecosystem services, reshaping energy policy, promoting green building, and the continued need for litigation in attaining sustainability. All five presentations provided a seamless transition into the panel presentations, which addressed the "Talk, Technology and Techniques" concept in more depth. Panels fell into one of three tracks, Green Design, Green Infrastructure, or Green Institutions, and addressed new sustainable strategies related to a broad range of topics, including green building standards, affordable housing, rural stewardship, ecosystem services, corporate responsibility, the media, and education.

The Saturday grand finale plenary featured a lively discussion of ethics and sustainability, featuring Wal-Mart Vice President for Environmental Compliance Phyllis Harris, and former EPA Regional Administrator for Region IV John Henry Hankinson, who concluded with the rousing song "Testify," written specially for the conference and performed (with harmonica) by Hankinson (with audience assistance on the refrain).

ELULS Grant to Restore Law School Woods

A 3.3-acre wooded area across from the Levin College of Law on Village Drive will be restored thanks to a \$16,300 grant from University of Florida Student Government and UF Physical Plant.

The Environmental and Land Use Law Society (ELULS) developed the proposal to restore the UF Conservation Area west of the law school campus. The Conservation Area is littered, subject to vagrancy and

infested with invasive exotic species that contribute to natural habitat deterioration. The proposal was written and coordinated by third-year law student Ashley Henry (pictured left), who will serve as project manager. She said the first step will be removing invasive exotic plant species. This summer, they'll determine what native plant species to introduce to the area, as well as what facilities to build.

"We're really excited about this," said ELULS President Christine Manning (pictured right), whose group has committed "sweat equity" to the project along with the adjacent Golf View Neighborhood Association. "A lot of our people really like to be hands-on with working and clearing out invasives and other environmental problems."

The project will involve faculty and students from five colleges, providing expertise in botany, archaeology, landscape architecture, geomatics and law.



Faculty Profile

Christine Klein

PROFESSOR OF LAW AND
ASSOCIATE DEAN FOR FACULTY DEVELOPMENT

By Aline Baker

Environmental patriotism will become a well-known phrase in every household, regardless of political affiliation, if Professor Christine Klein has her way.

Klein is researching methods of environmental protection and developing the idea that conservation is a “bipartisan family value.” Simply put, Klein is a passionate believer that conservation is the highest expression of patriotism, and one of the best ways to ensure that the nation’s environmental wealth will be passed on to the next generation.

Long a stalwart supporter of employing the law to protect the environment, Klein began practicing water allocation law in the western United States right out of law school in 1987. She worked at the Colorado Attorney General’s Office, focusing on an innovative state program that acquired western-style water rights to maintain minimum stream flows and lake levels to preserve the natural environment.

Later she moved to Michigan State University, where she taught water law and studied the Great Lakes system. There, she was intrigued by the growing opposition to water “export” out of the Great Lakes to other regions of the country.

Klein joined the UF law faculty in 2003. She has followed with interest the developing debate in Florida over the potential transport of water from water-rich areas such as north Florida to more populated areas of the state.

Drawing from her experiences in Colorado, Michigan and Florida, she argues that “the search for new water sources should not be the default principle of water

management.” Instead, Klein is urging a focus on reducing the demand rather than increasing the supply. Regardless of the region, she feels conservation efforts can significantly whittle down the ever-increasing demand.

“I am trying to find a middle ground to maintain the link between land and water and to preserve the integrity of watersheds,” Klein said.

Her actions are gaining notice. This past year Klein was invited to join the Center for Progressive Reform, a network of 50 progressive scholars from universities across the country. They are committed to protecting public health, safety and the environment through research, analysis, and commentary.

She said she is honored to be affiliated with the Center for Progressive Reform and has joined its effort to structure the next generation of environmental law.

Her work for the Center for Progressive Reform parallels her research. Currently, she is canvassing the water law of all 50 states to identify methods of regulating the export of water from one watershed to another. She is particularly interested in identifying models of sustainability currently in use that may serve as models for other states.

“I am proud to be at a university like UF because there is a campus-wide effort to maintain sustainability,” Klein said, referring to the university’s initiative to become a global leader in sustainability. “Conservation to manage demand — rather than a broad geographic search for new supplies of water, oil, and other natural resources — is the most equitable and cost-effective approach.”





Teaching in the Field

By Jim Hellegaard

A comfortable, air-conditioned classroom may be a wonderful setting to sit back, listen, and take copious notes. But for those law students studying the environment perhaps nothing is more valuable than getting outside—wading through wetlands, stumbling over cypress knees, and slipping on creek banks.

Students in the Environmental & Land Use Law Program have numerous such opportunities. Beginning with the basic environmental law course, field trips are integrated into the coursework to supplement what students are learning in the classroom. In the case of a new course, Wetlands & Watersheds, excursions into the outdoors of North Florida provide the main focus for what Richard Hamann is trying to teach his students.

“They get a much better context for the application of wetlands laws and policies,” says Hamann, research associate and assistant director of the Center for Governmental Responsibility. “They get to see how it’s done. They get to see how the rules are applied. I think they’re much more interested in the topics as a result of being able to get out there and do it.”

UF Law Assistant Professor Mary Jane Angelo often takes her students on field trips so they can see first-hand some of the concepts they hear about in class. From nearby Lake Alice, where they see how scientists make decisions related to wetlands law, to Lake Apopka, the site of a major restoration project, the trips are often a real eye-opener to students, she says.

“Typically, it’s not what they expected,” Angelo says. “They start with an abstract idea. Then they actually see it, and they usually find that the reality differs from their preconceptions. It gives them a feel for how difficult some of the issues are in the real world.”

Students in Hamann’s class were introduced to local wetlands on a trip to Austin Cary Memorial Forest, a typical north Florida pine flatwoods ecosystem spread over 2,040 acres about six miles north of Gainesville, which has served as a teaching laboratory since being purchased by UF in the 1930s. Students explored the forest’s wetlands and traced them all the way down to Newnan’s Lake on the eastern side of Gainesville.

Students returned to the lake on subsequent trips and learned how to determine if a body of water is navigable and to establish the ordinary high water line on that body of water, eventually boarding canoes and paddling down Prairie Creek. Another trip brought the students to the Lochloosa Wildlife Conservation Area southeast of Gainesville.

“We looked at a variety of different wetlands out there and had them practice doing wetlands delineations along the shore of the lake and progressively moved into more difficult areas,” Hamann explains. Other trips included a proposed development site, where students analyzed the possible impact and examined an area proposed for mitigation. On yet another field trip, the class spent a day at the Disney Wilderness Preserve, considered the premier mitigation site in the state.

UF law student Ashley Henry says the Wetlands & Watersheds class was one of her favorite law courses.

“Not only did we study wetland regulations and case law in the classroom, but we also had the opportunity to learn in the field,” Henry says. “Often in environmental law there is a disconnect between science and law. My exposure to wetland delineation, ordinary high water line determination, and wetland impact/mitigation assessment, has given me invaluable insight and will hopefully help

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Environmental & Land Use Law Seminars

ENRICH STUDENTS' KNOWLEDGE

The Levin College of Law's Environmental & Land Use Law program kicked off its Spring 2007 Speaker Series in January with a presentation by the program's director, Professor Alyson Flournoy, and UF Law students Heather Halter and Christina Storz on the National Environmental Legacy Act.

The series featured a selection of nationally known scholars who came to the Levin College of Law campus and presented their research to Environmental and Land Use Law (ELUL) students and faculty. The seminars, which allow students to explore new perspectives and sit in class beside their professors, are part of the Capstone Colloquium for certificate students,

designed to enrich students' knowledge of environmental and land use law. The series includes internationally recognized scholars and practicing attorneys. The speaker series is made possible through the support of the Environmental and Land Use Law Section of The Florida Bar, and the law firms of Hopping Green & Sams, P.A., and Lewis Longman & Walker, P.A.

Spring 2007 speakers included:

- **Bob Irvin**, Senior Vice President for Conservation Programs, Defenders of Wildlife, on "The Politics of Conservation: Critical Habitat and Reauthorization of the Endangered Species Act."
- **J.B. Ruhl**, Matthews and Hawkins Professor of Property, Florida State University, on "Making the Common Law Ecological: Using Ecosystem Services to Make the Common Law a Technique of Conservation."
- **Amy Sinden**, Associate Professor of Law, Temple University Beasley School of Law, on "The Tragedy of the Commons and the Myth of a Private Property Solution."
- **Marc Mihaly**, Acting Associate Dean for the Environmental Program, Acting Director of the Environmental Law Center, and Associate Professor of Law, Vermont Law School, on "Public-Private Development Partnerships."

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me better bridge the gap between law and science in my career."

Hamann has received similar feedback from other students in the course, which included several students from other disciplines, including the School of Natural Resources and the College of Engineering. At the conclusion of the course, his students thanked Hamann for his efforts by presenting him with an album of photos taken during their many trips into the field.

"It's one thing to talk about soil testing for wetland delineation—you sort of get an abstract idea about that," Hamann says. "But to then go out there and actually dig holes and learn how to analyze and look at the soil and how it's different in different areas gives the students, I think, a much better appreciation of what is going on in that kind of a process."



Richard Hamann (back row, second from left) with students in his Wetlands & Watersheds class on a field trip to the Hidden Lake subdivision in Gainesville, where they learned about wetlands impacted by development and mitigation of impacted wetlands.

Conservation Clinic Briefs

Thomas T. Ankensen,
Legal Skills Professor and Director, Conservation Clinic

The Conservation Clinic has had another active year, working on a wide array of projects, including those highlighted below.

Impacts of Coastal Armoring on Sea Turtle Nesting

The UF Law Conservation Clinic was awarded a \$23,600 grant from the State of Florida Sea Turtle Grants Program to take a hard look at current Florida coastal development policy, particularly as it relates to the practice of “coastal armoring” to protect oceanfront structures.

- Clinic students Andrew Miller (2L) and Lori Brinn (Interdisciplinary Ecology Ph.D. student) will conduct empirical research in selected cells of coastline where high densities of turtle nesting coincide with the issuance of coastal construction permits. Students will test the permitting activity in these cells against the permitting standards and public policies expressed in the Florida Beaches and Shores Preservation Act. Students will also examine the extent to which the current law adequately considers climate induced sea level rise and increased coastal storm intensity, and provide conclusions and recommendations for reform, as warranted.

Preserving Recreational and Commercial Waterfronts

The Clinic has continued to work in the land use arena with coastal communities in Florida to address the issue of diminishing public access to state waters. The Clinic prepared a set of model “goals, objectives and policies” for use by local governments in amending their comprehensive plans to comply with the mandates of the 2004 & 2005 Florida Recreational and Commercial Working Waterfronts legislation.

- Using these as her guide, Clinic student and recent graduate Barbara Serokee drafted a public access overlay district being considered by the commercial fishing community of Panacea in Wakulla County, Florida.
- Clinic students Kelly Chase and Melissa Lott continue to assist the city of Punta Gorda, hard hit by Hurricane Charley in 2004, with amendments to the coastal zone element of its comprehensive plan.
- Recent graduate Josh Muller wrote an innovative ordinance for Pasco County regulating docks on narrow canals that provide access to the Gulf of Mexico.
- Melanie King (2L) and Ryan Baya '07 assisted the City of Cedar Key with legal issues associated with local manatee protection and illegal anchoring by vessels in Kings Bay, a manatee protection area.

Low Impact Development

As part of its new initiative to provide legal extension services through the UF Cooperative Extension Service in the area of land use and planning law, (see related article) Chad Capps (3L) has been assisting Clinic staff attorney Thomas Ruppert with the development of legal tools to promote “low impact development” in Florida. Capps has also been assisting a low income housing developer with drafting restrictive covenants to require “Florida Friendly” lawns and common areas.

Land Trust Assistance

Clinic students Ashley Henry (2L) and Christine Garcia (2L) assisted the North Florida Land Trust, a start-up not-for-profit land trust based in St. Augustine with corporate governance and conservation transaction policies designed to conform to guidelines provided by the Land Trust Alliance.

Campus Sustainability

The Clinic continues to support University-wide sustainability efforts. Clinic student Ashley Henry wrote a successful \$16,300 grant to restore the “law school woods,” a neglected university conservation area infested with invasive exotic species. Henry will serve as project manager and the Environmental and Land Use Law Society will donate its “sweat equity” with once a semester workdays. (See related story, p. 2)

Sustainability Legislation

Clinic students Christina Storz and Heather Halter have been preparing a report for the Center for Progressive Reform outlining the case for a proposed National Environmental Legacy Act to operationalize sustainability in U.S. federal agency decision making. The report will become part of an article or book-length project proposing such a statute.

International Activities:

Brazilian Environmental Damages Assessment Method

Brazilian LLM in Comparative Law student Henrique Carvalho developed a simple but novel methodology for calculating “environmental damages” to natural resources in his native Brazil. Aided by his Clinic colleagues, Carvalho merged principles of tort law and examples from U.S. restoration projects with Brazilian law to develop a conceptual formula for calculating damages.

Costa Rica Clinic Projects

The Clinic will once again work in Costa Rica in summer of 2007. Anticipated clinic projects include land tenure issues on islands in the Gulf of Nicoya, dam resettlement “gentrification” in the area around the Lake Arenal reservoir, land use planning, development approval and urban forestry in the Central Valley and public participation in environmental administrative fora. Five fellows from Jamaica, Haiti and Brazil will once again join the Clinic in Costa Rica, thanks to the support of the MacArthur Foundation, the Environmental Law Alliance Worldwide and the University of Florida Working Forests in the Tropics Program.

New Position Supports Conservation Clinic Collaboration

The Conservation Clinic and Environmental and Land Use Law Program welcome former Conservation Law Fellow Thomas Ruppert to a new Conservation Clinic Assistant in Environmental Law position created last fall. Thomas, a 2003 magna cum laude graduate of the Levin College of Law, served on the *Florida Law Review* and participated in a Costa Rica-based project for the Conservation Clinic while a student. He has been an intern with the Land Institute in Salinas, Kansas, and with the St. Johns River Water Management District. He has published several articles, worked on a number of reports, and given numerous presentations at conferences since joining the Clinic as a Conservation Law Fellow in 2004.

The position Thomas fills represents a collaboration between the Conservation Clinic and the UF Institute for Food and

Agricultural Sciences (IFAS), to support projects undertaken jointly with the Program for Resource Efficient Communities and Florida Sea Grant. The position highlights the leadership and vision that IFAS has shown in designing extension services that reflect the changing needs of Florida's local governments and citizens.

As law school Dean Robert Jerry sees it, the collaboration will make it easier to find realistic and equitable legal solutions to a wide range of important growth management issues—especially those that affect agriculture, green space, water resources and energy. Jerry notes that smart growth and sustainability are key issues in Florida, and have long been a focus of the college's environmental and land use law program as well as a number of units in UF's Institute of Food and Agricultural Sciences.

"An interdisciplinary approach is vital to successfully managing these areas, and this partnership with the Extension Service will greatly amplify available intellectual and physical resources," Jerry said. "The students benefit, too, by gaining hands-on, real world experience."

The need for this type of collaboration, building on the UF Extension Service network, is clear, according to Pierce Jones, director of the Extension Service's Program for Resource Efficient Communities. In the next 50 years, more than 11 million new homes—along with millions of square feet of commercial space and thousands of miles of new roadways—will be needed to accommodate the influx of residents. "In order to achieve the kind of resource-efficient growth we need, our community planning efforts require cross disciplinary collaboration with building

professionals, local governments, water management districts and other agencies," Jones said. PREC works with these and other collaborators to promote the adoption of best design, construction and management practices in new residential community developments that measurably reduce energy and water consumption and environmental degradation, he said.

In his new position, Ruppert helps with design, execution and delivery of projects that support enhanced Extension programming in areas such as growth management, land use, and marine and coastal policy. In addition to serving as a mentor to law and graduate students associated with the Conservation Clinic, Thomas assists Clinic Director Tom Ankersen in providing training opportunities for Extension Faculty on legal and policy issues related to environmental and land use law, and in developing projects and proposals that support the development of outreach programs in Latin America and the Caribbean, including the activities of the Conservation Clinic in Costa Rica. Ruppert is also working with local extension agents to provide assistance to waterfront communities, and working with IFAS' Florida Yards and Neighborhoods program to promote adoption of Florida Friendly deed restrictions in new development.

"Demand for clinic legal services has been growing, and much of this has come through requests generated by our expanding relationship with UF's Extension Service, which has offices in every county," Clinic Director Tom Ankersen said. "The Conservation Clinic already has an ongoing relationship with the Florida Sea Grant program to support its coastal and marine education programs. This new partnership will enable us to expand the scope of our efforts."



Thomas Ruppert, Conservation Clinic Assistant in Environmental Law



Low Impact Development a Focus in the Conservation Clinic

By Thomas Ruppert
Conservation Clinic Assistant in Environmental Law

One project that has emerged from collaboration between the Conservation Clinic and the IFAS Program for Resource Efficient Communities focuses on development issues related to stormwater. Experience has demonstrated that the widely-used centralized stormwater systems do not adequately protect water quality or allow sufficient aquifer recharge. Water resource specialists argue that a paradigm shift in stormwater management needs to occur. Changing development practices to improve water quality and aquifer recharge is part of the movement toward “low-impact development” (LID).

At the residential level LID incorporates bio-retention areas—also know as rain gardens—and exfiltration structures. Both collect rainfall and rapidly allow it to infiltrate. They are usually small in scale and close to the source of runoff to serve

their purposes of infiltrating rainfall quickly and near where it falls. This small scale often leads to placing such LID stormwater elements on private residential lots.

Placing elements of a stormwater system in private yards concerns regulatory authorities who fear that homeowners may damage or destroy the stormwater elements. Similarly, regulators worry about how they can ensure that the LID stormwater elements receive proper inspection and maintenance. Traditional centralized stormwater systems in residential developments are typically on common lands owned by a homeowners association that holds the permit. The centralized system makes inspecting a permitted system on the common property of the homeowners association easy and it also creates a single entity responsible for permit compliance.

UF Law and IFAS are working with both Marion County and the St. Johns River Water Management District to address legal concerns associated with the long-term maintenance and operation of LID stormwater systems. Legal work has included research into the ability of local governments to enforce deed restrictions and the use of statutorily-authorized “Community Development Districts” as the applicant for the permitting of LID stormwater permits by the St. Johns River Water Management District.

The ultimate goal is to develop legal strategies that allow implementation of the best stormwater management techniques science has to offer and also provide regulators the tools needed to ensure the environmental benefits of permitted stormwater systems continue in perpetuity.



Professor Dawn Jourdan

UF Welcomes Dawn Jourdan

The Environmental & Land Use Law Program will welcome a new faculty member in January 2008 when Dawn Jourdan joins the University of Florida as a joint appointment with the College of Design, Construction & Planning and the Levin College of Law.

Jourdan currently teaches at Texas A&M University's College of Architecture in the Department of Landscape Architecture and Urban Planning. She earned her bachelor's degree from Bradley University in 1996 and her J.D./M.U.P. from the University of Kansas in 2000. She received her Ph.D. from Florida State University in 2004.

"We're delighted to have Dawn joining us," said Alyson Flournoy, director of the ELULP. "All the environmental and land use faculty are excited to have this joint position filled. With Dawn's background and experience, she will bring invaluable expertise in planning to the law school and serve as a bridge to the urban and regional planning program where many of our law students pursue joint masters degrees."

An assistant professor, Jourdan will teach interdisciplinary classes in growth management law, land use law, and affordable housing at UF.



UF Law Student Wins Roscoe Hogan Essay Contest

An essay written by second-year student Yee Huang has been selected as the winner of the 2007 Roscoe Hogan Environmental Law Essay Contest sponsored by the Roscoe Pound Institute. She will be recognized with a \$5000 prize. Her article is titled "Fifth Amendment Takings & Transitions in Water Law: Compensation (Just) For the Environment." In addition to serving as a research assistant for Professor Klein, Yee is one of the incoming co-chairs for the Public Interest Environmental Conference. She is working with EPA Region III in Philadelphia this summer.

Legal Implications of Golf Course Conversions

EXPLORED AT SYMPOSIUM

The Sixth Annual Richard E. Nelson Symposium, held in early February at the UF Hilton Conference Center, assembled an unprecedented panel of experts to discuss the legal aspects of a growing real estate development phenomenon in Florida and throughout the nation—the conversion of existing golf courses into more intensive land uses.

In many communities that are experiencing intense growth pressures and that contain a shrinking inventory of developable parcels, golf courses are being targeted for residential, commercial, and mixed-use projects. Local government officials often find themselves in the middle of heated battles between neighboring residents, golfers, builders, and environmental and conservation groups.

“It’s a national phenomenon,” said the symposium’s organizer, UF Law Professor Michael Allan Wolf, Richard E. Nelson Chair in Local Government Law. “It raises some very fascinating questions about the role of local government, neighborhood organizations, and the limits of zoning and planning.”

In some areas, such as Myrtle Beach, South Carolina, Wolf explained, the perception is that developers built too many golf courses, and they are being converted to other uses. In high growth areas such as South Florida, golf courses are looked at as prime, undeveloped parcels by real estate developers.

“Private golf course owners often are finding it tough to stay in the golf business. And so they’re willing to sell out to developers.”

Symposium presenters surveyed national trends in golf course conversions; reviewed the pertinent case law; explained the perspectives of, and special challenges facing, attorneys representing

developers, neighbors, and local governments; debated the legitimacy of the use of eminent domain to take a golf course; explored relevant conservation easement and covenant law concepts; discussed environmental aspects of golf course operations and conversions; and examined special Florida law concerns and the potential for linking conversions to the provision of affordable housing, open space, and other public benefits.

More often than not, Wolf said, golf courses are being converted into residential properties. “You have different groups that are potentially opposed to this,” he said. “Often you have neighbors and neighborhood organizations that are unhappy that there’s going to be increased congestion, and with loss of the golf course if they happen to belong to it.”

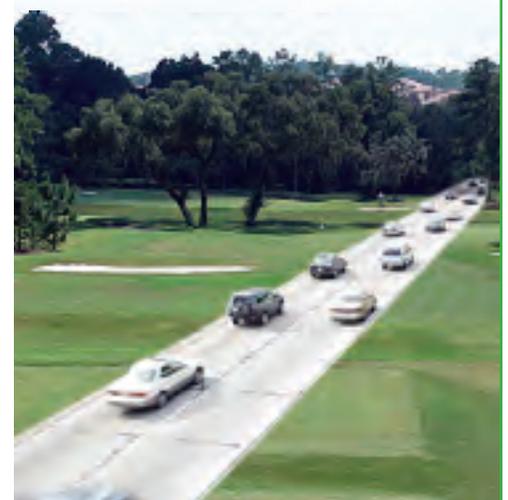
The conversions can create headaches for local government officials who have to make zoning decisions and are caught between residents who want to keep the golf course on the one side and developers who want to build homes on the other. Environmentalists could go either way on an issue like this, Wolf said. While they are often opponents of golf courses because of the practices that they perceive to be bad for the environment, the prospect of bringing in thousands of new residents to an area who are going to be watering and fertilizing their lawns, and increasing traffic doesn’t make them happy either.

To facilitate discussion, Wolf brought in attorneys who have represented all the competing forces on this issue—neighbors, developers, and local governments. In addition, the symposium included local and national experts on zoning who discussed planning considerations. A consultant from

the National Golf Foundation discussed conversions taking place throughout the country, and a national director with the United States Golf Association discussed its program to develop courses in an environmentally friendly way.

Several law professors also participated, including Eric R. Claeys, assistant professor of law at the Saint Louis University School of Law, who debated Wolf on the use of eminent domain by a locality to take a golf course. Nancy A. McLaughlin, professor of law at the University of Utah’s S.J. Quinney College of Law, discussed the use of conservation easements, and UF Law student Steven Wernick discussed some of the court cases related to golf course conversions.

This was the sixth symposium honoring Richard E. Nelson—who served with distinction as Sarasota County attorney for 30 years—and Jane Nelson, two loyal UF alumni who gave more than \$1 million to establish the Richard E. Nelson Chair in Local Government Law, which sponsors the annual event.





The University of Florida Environmental and Land Use Law Program has one of the largest full-time environmental faculties, with 13 full-time professors, including a clinical skills professor and six legal experts from the Center for Governmental Responsibility, all in a partnership with a team of talented adjuncts. The faculty takes pride in its accessibility to students, and faculty members routinely sponsor environmental receptions and dinners at their homes, and accompany students on kayaking, backpacking, and other expeditions and field trips.

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